

PLANNING COMMITTEE

DATE	23rd April 2025
REPORT OF	Carolina Borgstrom, Director for Economy, Environment and Infrastructure
SUBJECT	Diversion of part of Public Bridleway 12, Grimsby
STATUS	Open

CONTRIBUTION TO OUR AIM

The maintenance and review of the Definitive Map and Statement is identified as a key action in the Council's Rights of Way Improvement Plan (ROWIP) 2021.

The proposal will contribute to the Council's Stronger Economy objective by recording a path on the Definitive Map and will not be deleted in the future.

The ROWIP is identified as a key policy document within the Council's Local Transport Plan, which seeks to provide an opportunity for healthy lifestyle choices and supports the Council's strategic aims to Improve Health & Wellbeing within the Borough.

EXECUTIVE SUMMARY

This report recommends the making of an Order to divert part of Grimsby Public Bridleway 12 as shown in Appendix 1.

The diversion is in the interests of the landowner and will also benefit users of the bridleway, as the Public Bridleway provides an efficient bridleway design and will be easier for authorised users. The existing Public Bridleway follows the line of an existing access path to the sea wall and crosses a major Anglian Water sewerage main. The Environment Agency are proposing a new maintenance access road to serve the sea wall which follows the existing access path, as part planning application DM/0844/23/FUL. The cover for the sewerage main pipe is too shallow to support 40 tonne construction and future operational vehicles where the existing Public Bridleway runs. Diverting the Public Bridleway will prevent the area having two tracks and the location of the existing bridleway will be grassed making the area more intrinsic to use. The Environment Agency are therefore proposing to provide a new bridleway track up and over the major sewage pipe to the northwest where the pipe cover is deeper. The track will then sweep around and link up to current Public Bridleway.

Under the Highways Act 1980, Public Rights of Way can be diverted if it is necessary in the interests of the landowner if it joins the same highway and is also as commodious as the existing path. The diversion plan is shown in Appendix 1 the current line between both the current and proposed route runs between points A and B. The current Public Bridleway is shown as the solid line, and the diverted route is shown as the dashed line.

RECOMMENDATIONS

That an Order is made for the diversion of part of Public Bridleway 12, which is to be diverted under the Highways Act 1980 section 119.

- a. To approve the making of Order in accordance with Highways Act 1980.
- b. To confirm the diversion Order as made, subject to there being no objections, or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

REASONS FOR DECISION

This diversion application follows the Planning application DM/0929/24/FUL regarding the variation of conditions 2 the approved plan, condition 4 the landscaping plan and condition 6 regarding the Habitat Regulation Assessment which was attached to DM/0844/23/FUL to repair and reinstate rock revetment between New Cut Drain Outfall and Old Fleet Drain Outfall (adjacent to the Humber Estuary) and works to enable permanent access to New Cut Drain Outfall and Old Fleet Drain Outfall with associated landscape improvements and environmental mitigation. The plan for this can be seen in Appendix 2.

The current location of Public Bridleway 12 crosses the major Anglian Water sewerage main; the pipe cover is too shallow to support 40 tonne construction and future operational vehicles, so providing a new track over the mains will benefit the landowner, being the Environment Agency, allowing larger vehicles to use the track for easier maintenance.

The test under the Highways Act 1980 the diversion is expedient if it is undertaken in interests of the owner, occupier or lessee. It must also not be substantially less convenient to the public as a result of the diversion or that the effect of the diversion should not have a negative impact on the public enjoyment of the path as a whole.

Between the diverted points of the current Bridleway is approximately 189 metres, the proposed diversion is approximately 165 metres. The diverted Bridleway would not have a negative enjoyment for the public, the proposed surfacing will be a better standard than it is currently.

It is the opinion of officers that it is appropriate to divert the Public Bridleway.

1. BACKGROUND AND ISSUES

- 1.1 Public Bridleway 12 currently runs in an easterly direct then turning north west and runs along the Humber Sea Wall shown in Appendix 1.
- 1.2 A 28-day pre-order making consultation letter was sent on 7th January 2025 to user groups, Ward Councillors adjacent land owners and service providers. The responses received are as follows:
- 1.3 From Rachel Graham North East Lincolnshire Councils Ecology Manager she said: *"There's no ecological concerns regarding the location of the created bridleway. It will have some benefit to the Humber Estuary SPA (Special Protection Area) designation by moving the path further away from the mudflats and salt marsh used by the SPA birds, potentially reducing visual and acoustic*

disturbance.

As this application is part of the ongoing EA (Environment Agency) flood defence works, I anticipate the bridleway construction activity being covered by the current Habitat Regulations Assessment and work programme and won't require an additional assessment.

Details of the grassland habitat reinstatement will be required, (process, species, timings) which I assume will take place once the EA flood defence works in that area have been completed to avoid damage from vehicles during works”.

- 1.4 Councillor Holland said he did not have any comments.
- 1.5 The representative of the Wanderlust Ramblers said that they had “nothing to object to”.
- 1.6 Due to anti-social behaviour along the Bridleway such as motorbike use, it is proposed to instal a motorbike inhibitor and a horse friendly barrier at the access to the Bridleway from Moody Lane.
- 1.7 Improvements to the surface will be improvement for the users of the Bridleway.
- 1.8 Public Bridleway 12 is on the proposed route of the King Charles III England Coastal Path.

2. RISKS AND OPPORTUNITIES

- 2.1 There is a risk that there could be objections from members of the public or stakeholder groups to the proposed diversion of the path. However, a pre-Order making consultation was undertaken and no objections were raised.

3. OTHER OPTIONS CONSIDERED

- 3.1 The Council could choose to do nothing and not implement the diversion application and leave the Bridleway on a steeper traverse due to the sewer pipe.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 The approval of the diversion Order will have positive reputational implications for the council as the application seeks to divert a Public Bridleway and will ensure the continued easier use and availability of the path for future use.
- 4.2 A consultation has been undertaken with user groups, utility companies and Ward Councilors, no objections were received during this period.

5. FINANCIAL CONSIDERATIONS

- 5.1 If there are objections to the Order the case will be referred to the Planning Inspectorate, a public inquiry or written representations may be required to

determine the final decision on the diversion of the Bridleway.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

6.1 There are no children and young people implications.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

7.1 There are no climate change or environmental implications.

8. FINANCIAL IMPLICATIONS

8.1 The making of the diversion Order would not result in additional costs to the Council as it will be met by the Regeneration Partnership.

8.2 The landowner is paying for the application for the diversion. There are little implementation costs to open the path, costs will be incurred by the landowner if the decision results in a public hearing or enquiry.

8.3 There will be no call on Council reserves.

8.4 The proposal does not affect any other policies as it is to divert a bridleway and then record the path on the Definitive Map.

9. LEGAL IMPLICATIONS

9.1 The relevant tests are laid out in the main body of the report.

10. HUMAN RESOURCES IMPLICATIONS

10.1 There are no Human Resource implications.

11. WARD IMPLICATIONS

11.1 This path lies within the Freshney Ward.

12. BACKGROUND PAPERS

12.1 Public Path Order 50, BW12, Grimsby.

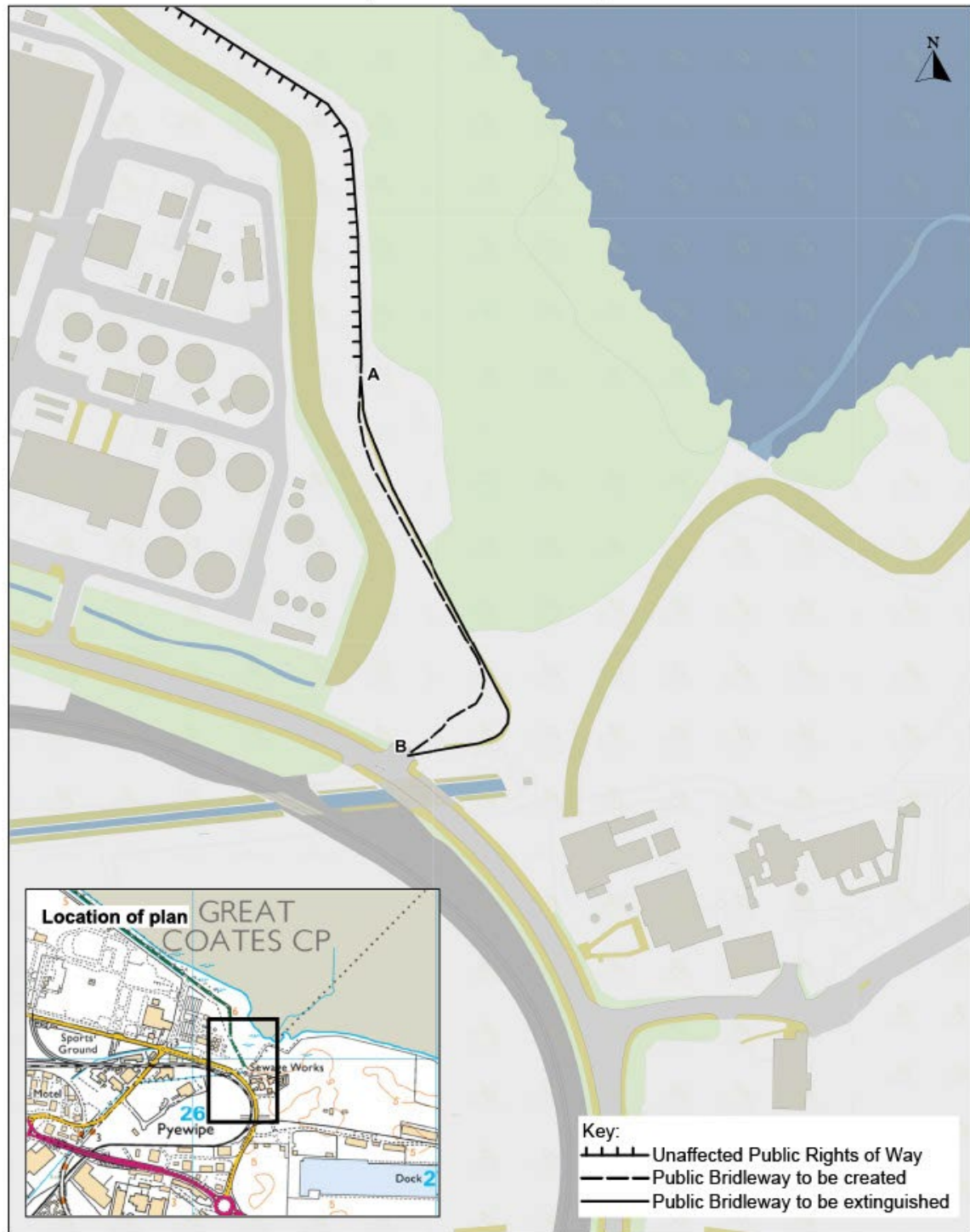
13. CONTACT OFFICER(S)

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Carolina Borgstrom
Director of Economy, Environment and Infrastructure

Appendix 1.
Plan of diversion of Public Bridleway 12, Grimsby.

Diversion of Part of Grimsby Public Bridleway 12



0 50
metres
Scale 1:2,000

14/10/2024

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 **EQUANS**
Working in partnership

Not to scale

Planning Application plan DC/0929/24/FUL

