



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 2ND OCTOBER 2017, AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

SUPPLEMENTARY DOCUMENTATION

7. Additional Item - Diversion of Public Footpath No. AV-528 (C) - Ash Lane, Bromsgrove (Pages 1 - 10)

The above additional item of business has been included in the Agenda previously distributed relating to the above mentioned meeting, as the matter requires the Committee's decision as soon as possible and which the Chairman considers to be sufficiently urgent that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

22nd September 2017

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PLANNING COMMITTEE

2 October 2017

TITLE: DIVERSION OF PUBLIC FOOTPATH NO. AV-528 (C) – ASH LANE, BROMSGROVE

Relevant Portfolio Holder	Councillor C.B. Taylor (Planning and Housing Services)
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration
Wards Affected	Barnt Green and Hopwood
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This matter relates to a Public Path Diversion Order 2014 (Bridleway, No. AV-528 (C) (Part)), Ash Lane, Bromsgrove (the “Order”) made pursuant to section 257 of the Town and Country Planning Act 1990. The Order was made on 12 May 2017 and following statutory consultation, it has now become necessary to amend the Order.
- 1.2 Because of the scale of amendments required, officers are proposing to deal with the amendment by a new order rather than by modifications at confirmation stage. Members are therefore asked to approve the withdrawal of the Order so that it can be replaced by a more comprehensive order.

2. RECOMMENDATIONS

- 2.1 Approval be given to the withdrawal of Public Path Diversion Order 2014 (Bridleway, No. AV-528 (C) (Part)), Ash Lane, Bromsgrove (the “Order”) made under s257 of the Town and Country Planning Act 1990.

3. KEY ISSUES

Financial Implications

- 3.1 As set out in paragraph 4.1 below.

Legal Implications

- 3.2 Section 257 of the Town and Country Planning Act 1990 permits the Council to make a footpath diversion order provided the order is necessary to enable the carrying out of a development in accordance with planning permission. Once the order has been made it cannot be

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modified without the approval of the Secretary of State for the Environment, Food and Rural Affairs (administered through the Planning Inspectorate).

- 3.3 Authorities have the discretion not to proceed with orders to which there are representations or objections or may withdraw an order for other reasons. In order to bring the procedure to an end, the authority must make a formal resolution not to proceed, and should notify the applicant and those who have made objections. Officers do not have delegated authority to make such a resolution and this function is delegated from the Council to the Planning Committee.
- 3.4 Diversion of Footpath No. AV-528 (C) is required for the implementation of Planning Permission 16/0102 and the new order must be in place before the development is complete. The new order will go through the statutory and democratic processes.

Service / Operational Implications

- 3.5 The Order was made under the provisions of s 257 of the Town and Country Planning Act 1990 on 12th May 2017 and is attached at Appendix 1.
- 3.6 During the consultation process, a number of representations were made by interested parties, which comprised both objections to the proposals (from the Ramblers' Association) and suggestions by neighbouring occupiers for more extensive alterations to be made.
- 3.7 Officers have engaged in extensive dialogue with these parties and as a result, agreement has been reached on an alternative proposal. The Plan for the proposed alternative arrangements is attached at Appendix 2.
- 3.8 Members will note that the proposed alternative route is considerably more extensive than the simple diversion outlined in the Order. It will only be possible to implement the alternative proposals if the Order is withdrawn so that a fresh order can be drawn up.

Customer / Equalities and Diversity Implications

- 3.9 The process cannot progress without this footpath diversion issue being resolved, affecting the resident whose development relies on the existing footpath being diverted. All relevant consultees have all been involved in the discussions for agreed alternative proposals.

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2 October 2017

4. RISK MANAGEMENT

- 4.1 The Council needs to ensure that the process is carried out correctly and a satisfactory resolution to the issue is reached to avoid challenge, complaints or claims for compensation that may result if not resolved.

5. APPENDICES

1. Public Path Diversion Order 2014 (Bridleway, No. AV-528 (C) (Part)), Ash Lane, Bromsgrove
2. Plan for the proposed replacement Footpath Diversion Order

6. BACKGROUND PAPERS

N/A.

7. KEY

N/A

AUTHOR OF REPORT

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PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 257

BROMSGROVE DISTRICT COUNCIL PUBLIC PATH DIVERSION ORDER 2014 (BRIDLEWAY NO. AV-528(C)(Part)) ASH LANE, BROMSGROVE

This Order is made by Bromsgrove District Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the bridleway to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: Planning Permission 16/0102.

BY THIS ORDER:

- (1) The bridleway over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
- (2) There shall be created to the reasonable satisfaction of the Bromsgrove District Council an alternative highway for use as a replacement for the said bridleway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- (3) The diversion of the bridleway shall have effect on the date on which Bromsgrove District Council certify that the terms of Article 2 above have been complied with.
- (4) The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:
 - (i) The width of the alternative highway shall be 2 metres.
- (5) The applicant, is hereby required to pay the cost of carrying out the said works.
- (6) Where immediately before the date on which the bridleway is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

Diversion of Public Footpath No. AV-528(C) (Part)
Ash Lane, Bromsgrove
Section 257, Town and Country Planning Act 1990

SCHEDULE

PART 1

Description of Existing Footpath No. AV-528(C) (Part) to be Diverted
(as shown on Drawing No. P2112/16)

The section of Footpath No. AV-528(C), for its full width, commencing at Point A (OSGB 403296, 274702) on the southern side of Ash Lane, opposite Redwood House, and running generally in a south-easterly direction for 57 metres, terminating at Point B (OSGB 403325, 274653), where it then continues as Footpath No. AV-528(C)

PART 2

Description of Proposed Diverted Route of Footpath No. AV-528(C) (Part)
(as shown on Drawing No. P2112/16)

Proposed Footpath commencing at Point C (OSGB 403290, 274702) on the southern side of Ash Lane, opposite Gable End, and then running generally in a south, south-easterly direction for 53 metres to Point D (OSGB 403305, 274651), where it turns, and then runs in an easterly direction for 20 metres where it rejoins with Existing Footpath No. AV-528(C) at Point B (OSGB 403325, 274653). The full diverted route to be a width of 2 metres.

Dated 12 May 2017

The Common Seal of Bromsgrove District Council

was affixed to this Order in the presence of—

Marie Olanagan
Authorised signatory



12640

Agenda Item 7

Diversion of Public Footpath No. AV-528(C) (Part)
Ash Lane, Bromsgrove
Section 257, Town and Country Planning Act 1990

SCHEDULE

PART 1

Description of Existing Footpath No. AV-528(C) (Part) to be Diverted
(as shown on Drawing No. P2112/16)

The section of Footpath No. AV-528(C), for its full width, commencing at Point A (OSGB 403296, 274702) on the southern side of Ash Lane, opposite Redwood House, and running generally in a south-easterly direction for 57 metres, terminating at Point B (OSGB 403325, 274653), where it then continues as Footpath No. AV-528(C)

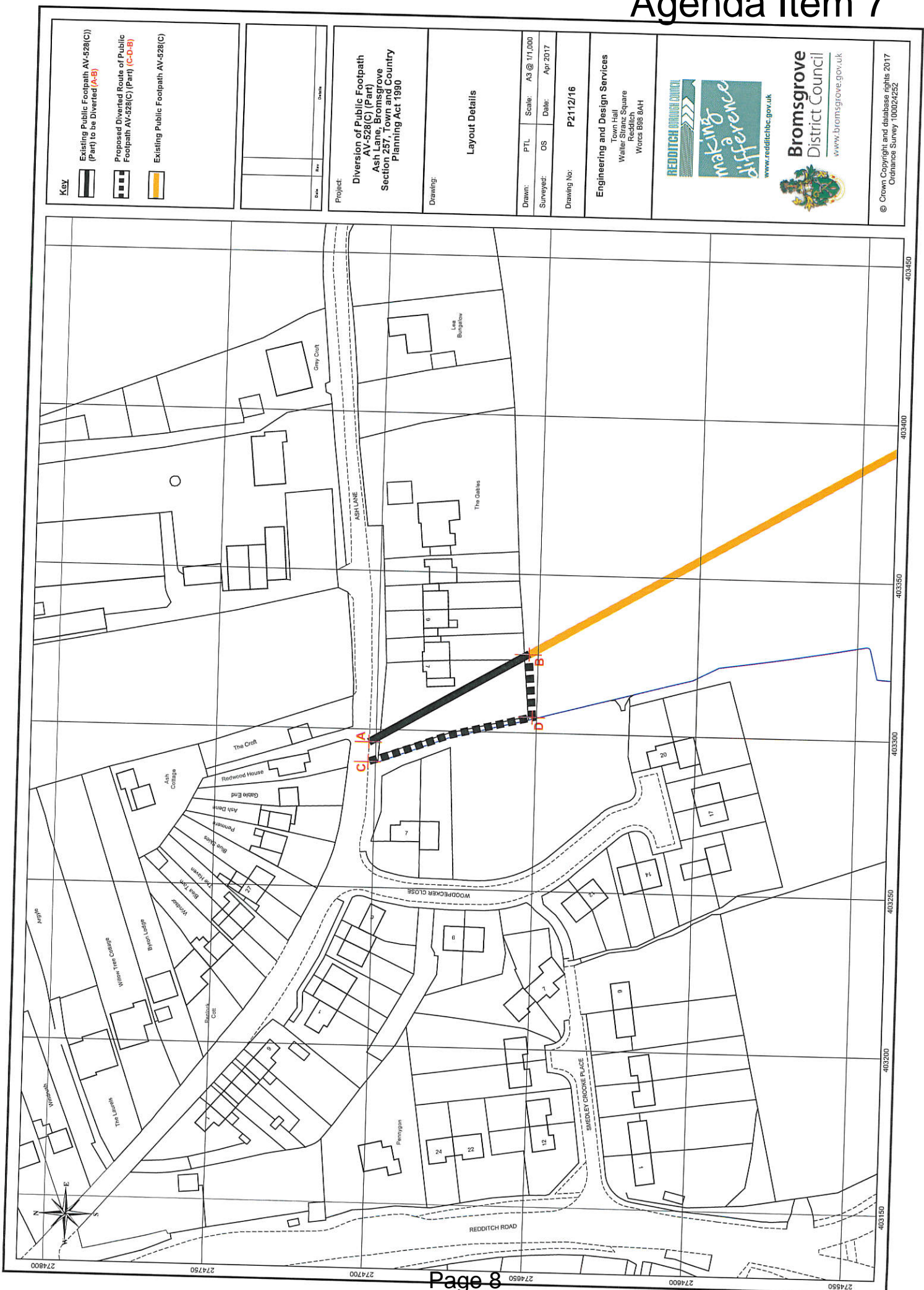
PART 2

Description of Proposed Diverted Route of Footpath No. AV-528(C) (Part)
(as shown on Drawing No. P2112/16)

Proposed Footpath commencing at Point C (OSGB 403290, 274702) on the southern side of Ash Lane, opposite Gable End, and then running generally in a south, south-easterly direction for 53 metres to Point D (OSGB 403305, 274651), where it turns, and then runs in an easterly direction for 20 metres where it rejoins with Existing Footpath No. AV-528(C) at Point B (OSGB 403325, 274653). The full diverted route to be a width of 2 metres

PTL/P2112

12 April 2017



Key

	Existing Public Footpath AV-528(C) (Part) to be Diverted (A-B)
	Proposed Diverted Route of Public Footpath AV-528(C) (Part) (C-D-B)
	Existing Public Footpath AV-528(C)

Scale:	A3 @ 1/1,000
Date:	Apr 2017

Project:
 Diversion of Public Footpath AV-528(C) (Part) Ash Lane, Bromsgrove Section 257, Town and Country Planning Act 1990

Drawing:
 Layout Details

Drawn: PTL
Scale: A3 @ 1/1,000
Surveyed: OS
Date: Apr 2017

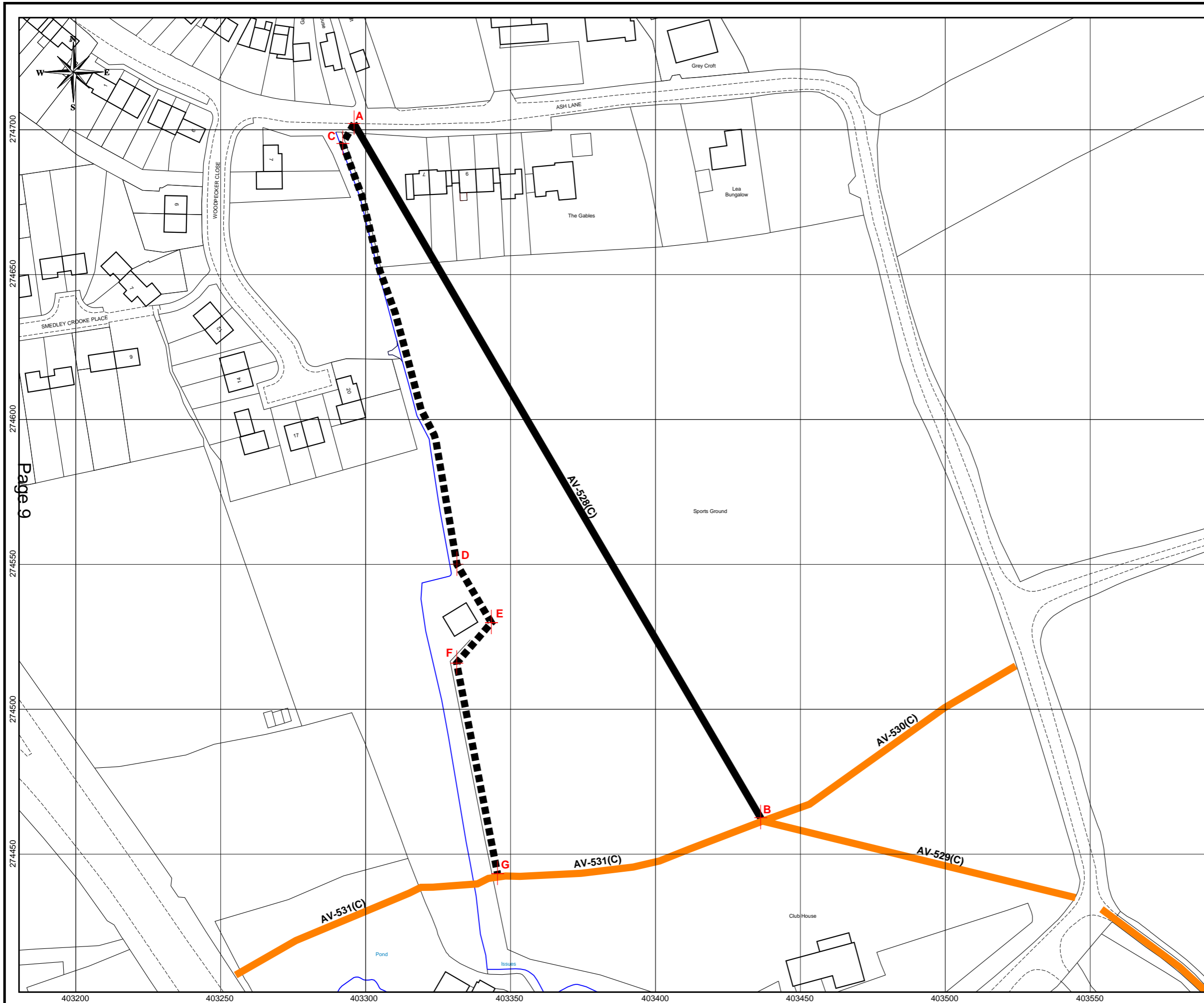
Drawing No: P2112/16

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 Worcestershire B98 8AH



Bromsgrove District Council
www.bromsgrove.gov.uk

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 Ordnance Survey 100024252



Key

- Existing Public Footpath AV-528(C) to be Diverted (A-B)
- Proposed Diverted Route of Public Footpath AV-528(C) (A-C-D-E-F-G)
- Existing Public Footpaths

01/08/2017	A	Amended following consultation with Ramblers' Association
Date	Rev	Details

Project:
Diversion of Public Footpath AV-528(C)
 Ash Lane, Bromsgrove
 Section 257, Town and Country Planning Act 1990

Drawing:
Layout Details

Drawn:	PTL	Scale:	A3 @ 1/1250
Surveyed:	OS	Date:	Apr 2017

Drawing No: **P2112/16A**

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