

BROMSGROVE DISTRICT COUNCIL

**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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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

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