

HEDGE END, WEST END AND BOTLEY LOCAL AREA COMMITTEE

Monday 5 November 2018

PUBLIC FOOTPATH DIVERSION OF BRIDLEWAY NO 6C WOODHOUSE LANE HEDGE END, EASTLEIGH

Report of the Senior Specialist - Engineering

RECOMMENDATION

It is recommended that authorisation be given for the processing of an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of Public Bridleway No 6c

Summary

A planning application has been submitted to the Council and is being dealt with under application O/18/83634. The land affected by the application is crossed by a public right of way. If permission is granted, a Public Footpath Diversion Order will be needed to divert part of the footpath on an alternative alignment in order to allow the proposed development to be carried out. Authorisation is therefore sought to begin the process of making a Public Footpath Diversion Order.

Statutory Powers

Section 257, Town and Country Planning Act 1990.

Strategic Implications

- 1 This report relates to the Council's objectives to enable improved Health and Wellbeing by promoting sustainable and healthy modes of transport, as well as contributing to the supply of housing in the borough.

Introduction

- 2 A planning application has been submitted and is being dealt with under application no. O/18/83634 for a secondary school and residential development at Land west of Woodhouse Lane, Hedge End. Some of the proposed development scheme is over the route of the existing No 6c Bridleway which would need to be diverted to enable the development to be carried out.
- 3 An application for diverting a public footpath follows a separate procedure which can run parallel to applying for planning permission and does not prejudice the determination of a related planning application. Authorisation to begin the processing of an Order is being sought before the planning application is determined to avoid undue delay, should consent for the related secondary school development be granted. Should planning permission not be granted, the Order will not take effect and the public footpath will remain on its current route.

Procedure for Stopping up and Diversion of Public Paths

- 4 The procedure has been enabled under Section 257 of the 1990 Town and Country Planning Act and enables an order stopping up or diverting a public path to be made where affected by development. This legal process is undertaken by the Legal Services Manager. The Order will not take effect if planning permission is not granted

Consultation

- 5 A planning application has been received for the development in the knowledge that a public footpath diversion order will be needed as shown on the attached drawing. Consultations with The Ramblers Association, local Members and Hampshire County Council's Rights of Way Section will be undertaken as part of the procedure involved in making the Order.
- 6 There have been so far no objections made to the proposed development on the grounds of it affecting public rights of way that cannot be overcome by providing an alternative diverted route.

Financial Implications

- 7 There will be no costs for the Council. The developers will be required to meet the full costs of legal and administrative work by the Legal Services Manager and Lead Specialist - Environment, together with advertising and construction costs.

Risk Assessment

- 8 The risk is considered to be low as the order will be advertised and any objections will be considered before the order is taken forward. It is noted, however that there is a critical timing element and that a diversion needs to be in place at the earliest opportunity once and if, planning permission is granted.

Equality and Diversity Implications

- 9 An equal opportunities assessment has not been carried out because the report does not contain proposals for significant changes to existing services, policies or strategies and does not introduce any new services, policies or strategies.

Conclusion

- 10 Detailed planning permission has been received for development and this will affect Public Bridleway No 6c. Authorisation to make an Order to divert the public footpath as shown on the attached drawing is recommended under Section 257 of the Town and Country Planning Act 1990. The Order will not take effect if planning permission is not granted.

BRET WILLERS
Environmental Lead Specialist

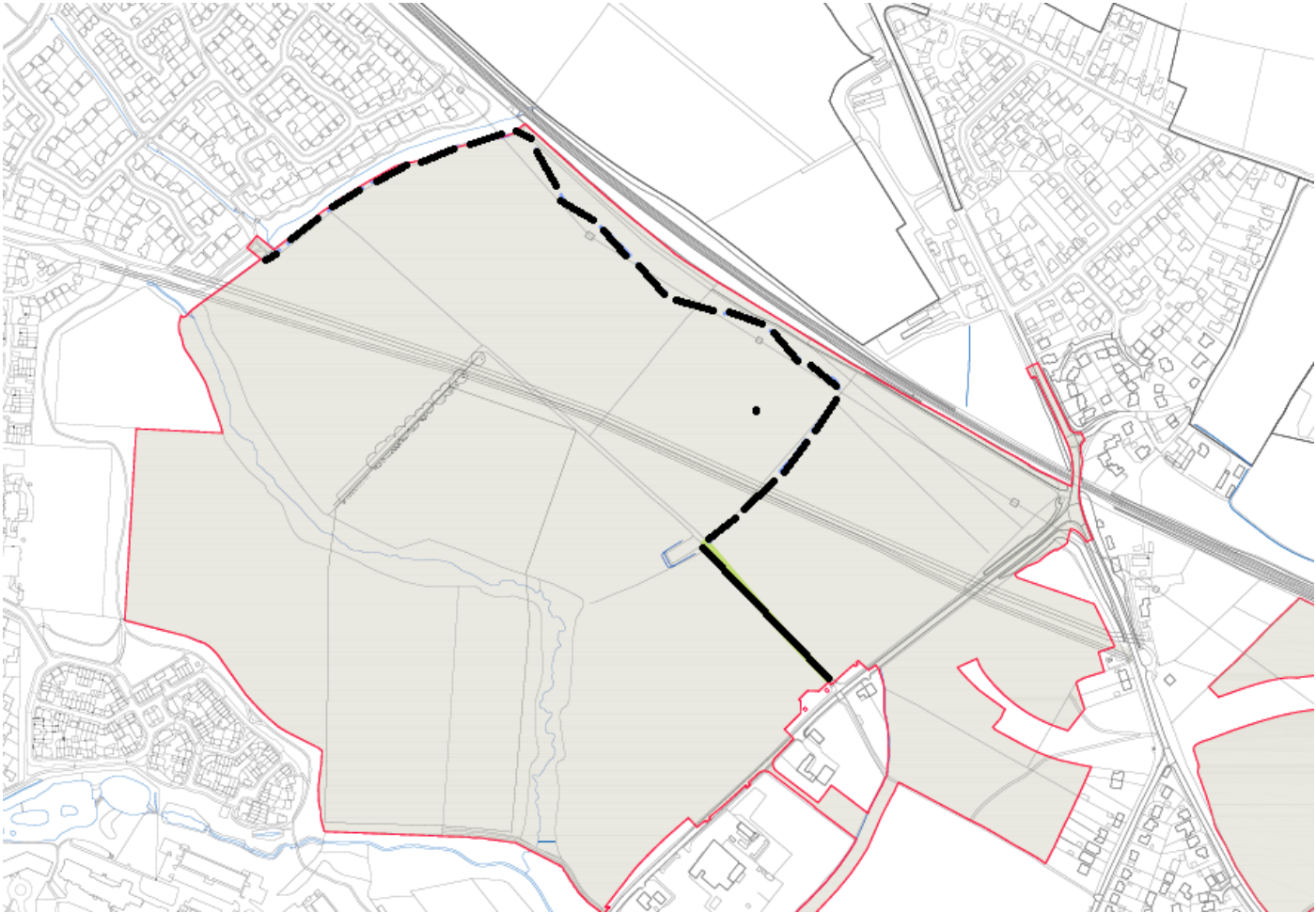
Date: 26 October 2018
Contact Officer: David Pickett
Tel No: 02380 866230
e-mail: david.pickett@eastleigh.gov.uk
Appendices Attached: 1 No. Plan

LOCAL GOVERNMENT ACT 1972 - SECTION 100D


The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information. None.

Late Report

This report is late because a planning application has been submitted and is being dealt with under application no. O/18/83634 for a secondary school and residential development at Land west of Woodhouse Lane, Hedge End and this report needs to go to Committee urgently because some of the proposed development scheme is over the route of the existing No 6c Bridleway which would need to be diverted to enable the development to be carried out.



KEY

-  Existing bridleway to remain
-  New permissive bridleway