

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

1st March 2006

AUTHOR/S: Finance and Resources Director

Public Footpath Proposed Diversion of Footpath 19 in Castle Camps under the Town and Country Planning Act 1990

Recommendation: to authorise the making of an Order

Purpose

1. To consider an application to divert Footpath no. 19 in Castle Camps to facilitate development of housing in the village.

Effect on Corporate Objectives

2. Quality, Accessible Services	The maintenance of public rights of way benefits all sectors of society
Village Life	The maintenance of public rights of way enhances village life
Sustainability	Walking constitutes a sustainable form of transport
Partnership	South Cambridgeshire District Council and Cambridgeshire County Council are working in partnership to ensure that the rights of way network is preserved where there is development under the Town and Country Planning Act 1990

Background

3. Planning application no. S/2014/03/F was granted permission on 25th February 2005 for the erection of three dwellings on land adjacent to Meadow Cottage, High Street, Castle Camps.
4. Under Section 257 of the Town and Country Planning Act 1990, Local Planning Authorities may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—
 - (a) in accordance with planning permission granted under Part III, or
 - (b) by a government department.

Options

5. The existing footpath would lead over the proposed parking area. It is an offence to drive vehicles onto, or over, public footpaths. Therefore, the options are to divert that part of the footpath, extinguish it, or extinguish it and create a new path elsewhere. Cambridgeshire County Council, as Local Highways Authority, has agreed to a diversion in this case. The Order Schedule is attached to this report as Appendix 1. The Order maps are attached as Appendix 2.

Financial Implications

6. The applicant has undertaken to meet the District Council's costs, the cost of placing the necessary public notices in the *Cambridge Evening News*, and the cost of any other work required by the Local Highways Authority.

Legal Implications

7. Should there be any formal objections to the Order, the District Council can do one of three things:
 - It can decide not to confirm the Order
 - It can seek withdrawal of the objections
 - It can submit the Order and objections to the Secretary of State for decision. This will result either in a public inquiry or the exchange of written representations

Staffing Implications

8. There are no staffing implications.

Risk Management Implications

9. Failure to divert the footpath could cause conflict between walkers and vehicles using the proposed parking area, and prompt user groups to question whether the Council was fulfilling all of its obligations. It could also raise legal issues if vehicles were to cross or park on the footpath.

Consultations

10. Key user groups and other interested parties are being consulted on an informal basis, to assess likely reaction prior to the formal Public Notice being placed in the *Cambridge Evening News*. Relevant details will be reported verbally at the meeting.

Recommendations

10. It is recommended that the Committee authorises officers to make an Order diverting Footpath 19 in Castle Camps, to place the appropriate Notice in the *Cambridge Evening News*, and to undertake formal consultation. If there are no objections, it is further recommended that the Committee authorises officers to confirm the Order as unopposed. If there are objections, it is recommended that officers be instructed to present a report to a future meeting of this Committee so that Members can decide how best to proceed.

Background Papers: the following background papers were used in the preparation of this report: File BF01277 – Footpath 19 Castle Camps

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