

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
REPORT TO ASSISTANT DIRECTOR (Community Safety and Street
Scene)**

NON EXECUTIVE FUNCTION

**Rotherham Metropolitan Borough Council Diversion order,
Public Footpath No.7 in Wales
(Town & Country Planning Act 1990 section 257)**

1 EXECUTIVE SUMMARY

- 1.1 An application was received from the Council's Council Green Spaces team on 24/11/2017 to divert the route of Public Footpath No.7 in Wales. The diversion is required to allow the development of a caravan park at Rother Valley Country Park. Appendix A – Wales F7 Diversion.
- 1.2 Planning approval was granted on 25/04/18 (Planning Ref RB2018/0264) for the development of the caravan park. Section 257 of the Town and Country Planning Act permits the diversion of a public right of way if it is necessary to do so in order for development to take place, which is the case here.
- 1.3 Site inspections have established that the section of footpath that is proposed to be diverted traverses land currently grazed by livestock but is poorly defined, resulting in users following their own route across the field. The surface of the existing path is grass often becoming muddy and uneven due to animal grazing. Existing stiles are old and only provide reasonable access for physically able pedestrians. The diversion would allow users to pass through the proposed campsite on better surfacing than currently provided via more accessible gated access points. The route would also pass a new campsite reception building which is intended to provide simple hot drinks and snacks which path users can take advantage of.
- 1.4 The diversion would run along the top of the former ski slope allowing users dramatic views of the country park and beyond where currently it passes between agricultural fencing with such views screened by vegetation. The diversion would increase the safety of footpath users by separating them from campsite activities including vehicle movements along the campsite road system. In summary the diversion would improve the quality of experience for both the footpath and campsite users.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Assistant Director for Community Safety and Street Scene gives approval for the making and confirmation of an order to Divert part of Public Footpath No.7 in Wales to allow development to take place.

- 2.2 It is also recommended that the Assistant Director give approval for the order to be taken to the Secretary of State if objections are received against the order.

3 IMPLICATIONS

3.1 Legal

- 3.1.1 Section 257 of the Town & Country Planning act 1990 allows a competent authority to make an order to authorise the diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to take place.

3.2 Policy

- 3.2.1 It is the vision of the Rights of Way Improvement Plan (ROWIP) to develop, promote and protect a borough wide network of rights of way that meet the present and likely future needs of the public for the purposes of open air recreation, exercise and access to local services. An important part of reaching the aims of the ROWIP is to look towards altering and creating routes in a way that will improve access for local communities that will help to expand the existing network and present health and lifestyle benefits.

3.3 Financial

- 3.3.1 All costs are to be met by the applicant. The order, once made will require advertising in a local paper and on site, the publishing of the notice in a newspaper will incur a cost, but it is a legal requirement that an order be advertised in this way.
- 3.3.2 If it is confirmed that the order will require determination by a Rights of Way Officer from the Planning Inspectorate costs will be incurred. An order requires determination by the Planning Inspectorate/ Secretary of State when objections are submitted and not withdrawn. This cost will be dependent on the Officer and how they wish to deal with the order and its opposition.
- 3.3.3 It should be noted that an order for the amendment, addition or removal of a public right of way cannot be based on the financial implications. If there is sufficient evidence or reason for a right of way to be amended in any of the above mentioned ways, an order should be made.

3.4 Risks and Uncertainties

With any order there is a risk of objection from the public or an interested party; if this objection is not withdrawn the order will require determination by the Secretary of State. In Rights of Way law the Secretary of State can carry out their assessment of an order and its opposition in one of three ways; written representations, a hearing or a

public inquiry, as the local authority we have no say in what path is taken. To try and minimise the risk of objection we consult widely before making an order.

4 SUMMARY OF CONSULTATIONS AND OUTCOME

- 4.1 An informal consultation was sent out to the landowner, local user groups, statutory undertakers, Wales parish council and Ward Councillors on 05/12/2017.
- 4.2 No objections were received to these consultations
- 4.3 If this report is approved, a formal consultation will be sent out by legal services to the landowner, local user groups, statutory undertakers, the local parish council and Ward Members. This is part of the order making procedure as followed with every order made.

5 PARISH COUNCILS VIEW

- 5.1 The Parish council has been contacted by means of an informal consultation email on 05/12/2017. The consultation resulted in no objection.

6 WARD MEMBERS FEEDBACK

- 6.1 Ward Members have been contacted by means of an informal consultation email on 05/12/2017.
- 6.2 The following feedback has been received from Ward Members
Cllr Dominic Beck wrote *"Hi Jane- I'm comfortable with this."*
Cllr Gordon Watson wrote *"Happy to support the diversion"*

7 CABINET MEMBERS FEEDBACK

- 7.1 Cabinet Member has been contacted by means of an informal consultation email on 27/06/18.
- 7.2 No feedback has been received from the Cabinet Member.

<i>Report Contact Officer:</i>	Jane Donaldson
<i>File Reference:</i>	Wales F 7 Diversion
<i>Background Papers:</i>	N/A
<i>Appendices:</i>	Wales F7 Diversion

Seen:	<i>Name</i>	<i>Signature</i>	<i>Date</i>
<i>Highway Network Group Manager</i>	Colin Knight		5 th July 2018
<i>Recommendations for AD to approve:</i> Yes	Comments: I am happy to support the proposed diversion to enable the development to proceed.		

Approved:*	<i>Name</i>	<i>Signature</i>	<i>Date</i>
<i>Assistant Director (Highways)</i>	Tom Smith		<u>6th July 2018</u>
<i>Reason (if other than for reasons set out in report)</i>			