



General Purposes Committee
29 June 2010

**Report from the Director of
Environment and Culture**

For Action

Wards Affected: ALL

**Barham Park Estate Public Path Diversion Order (No 1)
2010**

1.0 Summary

- 1.1 In order to allow the construction of the new development on the Barham Park Estate, it is necessary to divert Public Right of Way (PROW) 67.
- 1.2 The draft Orders have been published and no objection have been received.
- 1.3 The committee is now required to decide whether or not to make the order.

2.0 Recommendations

- 2.1 That this committee notes that no objections have been received to the draft order.
- 2.2 That this committee agrees to the diversion of PROW 67 under S 247 of the Town and Country Planning Act 1990 as shown in the attached addendum.
- 2.3 The committee authorizes the corresponding changes to the Definitive Map and Statement.

3.0 Detail

- 3.1 The Planning Committee at its meeting on 3rd February 2010 approved Planning Application No 09/2350 for the redevelopment of the Barham Park Estate for housing subject to the completion of a S106 Agreement.
- 3.2 Planning Permission was granted on 23rd March 2010.
- 3.3 In order to implement this development, it is necessary to divert PROW 67 as illustrated in the addendum.

3.4 A Draft Order for this diversion was published on 15th April and no objections were received.

4.0 Financial Implications

4.1 The costs of this process are being paid by the developers.

5.0 Legal Implications

5.1 Planning permission for development does not authorise interference with any Rights of Way across the development site. If a Right of Way requires a permanent diversion this has to be done by an Order under the Town and Country Planning Act 1990 made by the Council.

5.2 Before making an Order to divert a footpath the Council has to be satisfied that it is necessary to do so in order to enable the development to be carried out.

5.3 Just because planning permission has been granted for development which can't be carried out unless a Right of Way is diverted it doesn't follow that the Council has to make an Order. There is a degree of discretion which allows the potential impact on users to be taken into account.

5.4 The Council is required to advertise that it proposes to make an Order. If no objections are received the Council then decides whether or not to make the Order. If an Order is made the Council then has to publish notice of the making of the Order.

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

None

Contact Officers

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