

**PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH Fradley and Streethay No 10 ( part) in the Parish of Fradley and Streethay**

**Date:** 29 July 2021  
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**Key Decision?** No  
**Local Ward Member** Alrewas and Fradley Ward - Cllrs. Derick Cross, Sonia Wilcox and Mike Wilcox



**REGULATORY & LICENSING COMMITTEE**

**1. Executive Summary**

- 1.1 To consider an application received from Leavesley Group for the diversion of public footpath Fradley and Streethay No 10 (part) in the Parish of Fradley and Streethay. The application is to be considered under the Town and Country Planning Act, Section 257.

**2. Recommendations**

- 2.1 To approve the proposed diversion of Public Footpath No. 10 (part) in the Parish of Fradley and Streethay as set out in Appendix A.

**3. Background**

- 3.1 For the purposes of determining the applications for the Public Path Diversion Orders the Authority must be satisfied that:
- a) there is a valid planning consent in place;
  - b) in order to enable the approved development to take place, it is necessary to divert the public right of way
- 3.2 The application is required due to planning application 20/01420/COUM Change of Use of Land application with proposals to expand the existing Ryder HGV storage facility located south of the Existing Vehicle Storage Operation site off the A38 in Alrewas, Staffordshire. The application is currently pending consideration. This development will effect an existing public right of way.
- 3.3 The application was submitted to divert Footpath No10 (part) under Town and County Planning Act 1990 Section 257. Initial consultations have taken place with the consultation period ending 1st July 2021. No objections were received to the proposed diversion.
- 3.4 Legislative Criteria
- Paragraph 7.2 of Rights of Way Circular 01/09 re-confirms that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.

3.5 It is noted that the application is currently pending consideration however under The Growth and Infrastructure Act 2013 Section 257 orders can (since June 2013) be made in advance of the actual grant of planning permission, but cannot be confirmed until permission is granted.

<b>Alternative Options</b>	Leave the footpath as it is which would not allow the change of use of land proposals to expand the existing Ryder HGV storage facility located south of the Existing Vehicle Storage Operation site off the A38 in Alrewas, Staffordshire
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<b>Consultation</b>	An informal consultation has taken place with Outside Bodies and Local Ward Members and there are no outstanding objections. It is noted that the Ramblers Association suggested an alternative route, to the East of the railway, but the Applicant is unable to consider the alternative option, as they do not own that element of the land. This was explained and accepted by the Ramblers Association.
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<b>Financial Implications</b>	No financial implications for the Council have been identified. Administrative and advertisement cost will be incurred in the making of the Public Footpath Order, these will be met by the Applicant.
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<b>Contribution to the Delivery of the Strategic Plan</b>	None identified.
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<b>Equality, Diversity and Human Rights Implications</b>	None identified.
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<b>Crime &amp; Safety Issues</b>	Not applicable.
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<b>Environmental Impact</b>	Ensuring the protection of public rights of way by rerouting the footpath to enable development, rather than removing the footpath.
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<b>GDPR/Privacy Impact Assessment</b>	Yes
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	<b>Risk Description</b>	<b>How We Manage It</b>	<b>Severity of Risk (RYG)</b>
A	Footpath diversion process not followed correctly and being challenged.	We have an agreed process which follows the relevant legislation and also legal advice if required	Likelihood (green) Impact (yellow)
B			
C			
D			
E			

Documents

Appendix A – Map of Proposed Diversion (Town and Country Planning Act 1990 Section 257)

Relevant Web Links