

# Proposed Diversion of Public Footpath No. 1 (part) in the Parish of Whittington

Cabinet Member for Housing, Biodiversity and Climate Change

Date: 20 June 2022

Agenda Item:

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Key Decision? **NO**

Local Ward Members Councillors David Leytham, Harry Warburton, Alan White



## REGULATORY AND LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 To consider an application received from Whittington Heath Golf Club (Mr Tony Rundle) for the diversion of public footpath No. 1 (part) in the Parish of Whittington. The application is to be considered under the Highways Act 1980.

### 2. Recommendations

- 2.1 To make an Order to divert that part of Public Footpath No. 1 (part) in the Parish of Whittington as set out in the plan at Appendix A, under Section 119 of the Highways Act 1980.
- 2.2 If no objections are received, or if are objections are received and subsequently withdrawn, to confirm the Order
- 2.3 If objections are received, and not subsequently withdrawn, the Order be referred to the Secretary of State (via the Planning Inspectorate) for determination.

### 3. Background

- 3.1 An application has been submitted by Whittington Heath Golf Club (Mr Tony Rundle) for the proposed diversion of Public Footpath No. 1 in the Parish of Whittington as shown on the plan at Appendix A.
- 3.2 The application has arisen as a result of the redevelopment of golf course however the diversion application was submitted too late to allow the proposals to be considered under Section 257 of the Town and Country Planning Act 1990. The diversion proposals must therefore be considered under Section 119 of the Highways Act 1980 instead.
- 3.3 The diversion may be considered to be in the interests of the landowner because it will allow for more effective management and use of the golf course. The diversion is relatively minor therefore it would be reasonable to conclude that it will not have any adverse effect on the convenience and enjoyment of the footpath.

#### Alternative Options

1. Leave the footpath as it is which will be inconvenient for the management and use of the golf course

Consultation	<p>An informal consultation has taken place with Outside Bodies and Local Ward Members resulting in no outstanding objections since the proposed diversion is relatively minor. Comments were made, by a number of consultees, that the route should be clearly defined by marker posts and signage, so the diversion is apparent.</p> <p>Whittington Parish Council had no objections but listed a number of conditions they would like to see for the safety of pedestrians:</p> <ol style="list-style-type: none"> <li>1. The gates at both ends of the path should be brought back into use, made good and maintained by WHGC to restrict the use of the path to pedestrians.</li> <li>2. Wooden signs erected by Staffordshire County Highways should be re-erected and if by reason of the temporary closure they are no longer fit for purpose then they should be replaced by WHGC without charge.</li> <li>3. The path should be delineated by two lines of parallel posts over 1.2 metres tall the top 100mm of which should be painted yellow. The posts should be two metres apart and bear easily visible county highways footpath identification arrows. The pairs of posts should be positioned not more than 50 metres apart so that the line of the path is easily identifiable.</li> <li>4. Clear signs should remind pedestrians not to stray from the path</li> <li>5. Clear signs should be located at the tee for the 5th hole and at the point at which there is a dogleg in the fairway to warn golfers of the existence of the footpath and require them to give precedence to pedestrians wishing to cross the fairway.</li> <li>6. At the point at which the access road to the clubhouse crosses the footpath there should be clear signs for motorists travelling in both directions notifying them of the existence of the footpath and requiring them to give precedence to any pedestrian wishing to cross the road.'</li> </ol> <p>Please note that many of the issues requested by the Parish Council are outside the gift of the Council and cannot be enforced by the diversion order process. Nonetheless, the Order will include a certification clause requiring the new route to be provided to an acceptable standard and the Council will be mindful of the Parish Council's requests.</p>
Financial Implications	<ol style="list-style-type: none"> <li>1. 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.</li> </ol>
Approved by Section 151 Officer	Yes

Legal Implications	<ol style="list-style-type: none"> <li>1. The proposed diversion will permanently change the alignment of the public right of way.</li> <li>2. If there are objections to the Order it will be referred to the Secretary of State for determination, possibly by way of a local public inquiry, where the Authority will have to defend its position.</li> </ol>
Approved by Monitoring Officer	Yes

Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. None identified</li> </ol>
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Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. None identified</li> </ol>
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Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. Not applicable</li> </ol>
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Environmental Impact	<ol style="list-style-type: none"> <li>1. Ensuring the protection of public rights of way by rerouting the footpath to enable development, rather than removing the footpath.</li> </ol>
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GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> <li>1. Not applicable</li> </ol>
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	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Footpath diversion process not followed correctly and being challenged.	Green	We have an agreed process which follows the relevant legislation and also legal advice if required	Green
B				
C				
D				
E				

	<b>Background documents</b> Appendix A – Map of Proposed Diversion (Highways Act 1980, Section 119)
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	Relevant web links
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