

Proposed Diversion of Public Footpath No. 0.333 (part) in the Parish of Burntwood

Cabinet Member for Housing, Biodiversity and Climate Change

Date: 26 September 2022

Agenda Item:

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Key Decision? **NO**

Local Ward Members
Councillor D Ennis



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 To consider an application received from Mr Robert Wilson for the diversion of public footpath No. 0.333 (part) in the Parish of Burntwood. The application is to be considered under the Highways Act 1980, Section 119.

2. Recommendations

- 2.1 To approve the proposed diversion of Public Footpath No. 0.333 (part) in the Parish of Burntwood as set out in Appendix A.

3. Background

- 3.2 An application has been submitted under the Highways Act 1980 from Mr Robert Wilson for the proposed diversion of Public Footpath No. 0.333 in the Parish of Burntwood. The application seeks to resolve issues arising from the developer of the housing estate failing to secure a public path diversion order prior to development taking place. Whilst Orders have previously been made in respect of this site, each one has failed on technical grounds and/or because the proposed new paths could not be made available following the completion of the development. The current application, and any subsequent Order seeks to remedy this situation.
- 3.1 The proposals are considered to be in the interests of the owners of the various properties that the existing footpath runs through because it will remove the path altogether from their property.
- 3.3 The proposed alternative route has acceptable surfacing and will be a highway maintainable at public expense by Staffordshire County Council, who have been actively involved in seeking the progression of this matter.
- 3.4 The proposed new path is not considered to be substantially less convenient than the existing footpath as it has superior surfaces and widths throughout its length. The proposed new footpath has been incorporated in the overall design of the housing estate therefore it is not considered that there will be any negative impact on the use and enjoyment of the footpath as a whole.

Alternative Options

1. Leave the footpath as it is which would have a significant and detrimental effect on the saleability and value of the properties currently blighted by the

	existence of the footpath.
Consultation	1. An informal consultation has taken place with Outside Bodies and Local Ward Members and there are no outstanding objections.
Financial Implications	1. The Council will be absorbing administrative costs; however, advertisement costs will be met by the applicant.
Approved by Section 151 Officer	Yes
Legal Implications	1. Not applicable
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	1. By enabling growth and development, footpath diversions contribute to the 'Delivering Prosperity' strategic objective.
Equality, Diversity and Human Rights Implications	1. Non identified
Crime & Safety Issues	1. Not applicable
Environmental Impact	1. Ensuring the protection of public rights of way by rerouting the footpath to enable development, rather than removing the footpath.
GDPR / Privacy Impact Assessment	1. Not applicable

	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				

	Background documents Appendix A – Map of Proposed Diversion (Highways Act 1980 Section 119)
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	Relevant web links
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