

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

DIVERSION OF PUBLIC FOOTPATH 47, NEW HOLLAND

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 Whether we should refer an order to the Secretary of State for determination; and if so, whether we recommend he confirm it as made.

2. BACKGROUND INFORMATION

- 2.1 On 5 July 2017 the Director of Operations approved the making of an order to divert part of Public Footpath 47 at New Holland.
- 2.2 We received three objections during the period of time allowed for following publication of notice.
- 2.3 To address those objections, the applicant has suggested an alternative route (please see Appendix 1). This amends the proposed route so that it runs over land entirely within his ownership. This appeared to be the primary concern of two of the objectors (please compare with the order map in Appendix 2). The change is the moving of the path to the west of the road between Oxmarsh Lane and New Holland Mere.
- 2.4 One of the objectors has withdrawn as a result of the proposed modification.
- 2.5 One objector has not replied to the proposed amended route.
- 2.6 One objector, who is not an affected landowner, does not wish to withdraw his objection.
- 2.7 The case officer remains satisfied that the diversion is in the interests of the public. The current route runs through a busy timber yard, posing many hazards for the public.

3. OPTIONS FOR CONSIDERATION

3.1 Whether or not we should refer the order to the Secretary of State recommending that he amend it as proposed.

4. ANALYSIS OF OPTIONS

4.1 In so referring the order, we shall be able to progress it without further delay. The applicant has taken account of the objections of the neighbouring landowners. The amended route reflects this.

4.2 Without a referral to the Secretary of State, a new order will need to be made.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 The applicant would pay for the cost of publishing notice in the local press. However, we would have to cover other costs arising from confirmation. But these would most likely be negligible. Determination would be by means of written representations, hearing or inquiry. We might call upon the help of Legal Services in the event of an inquiry.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The Ferry Ward members have been consulted and no objections have been received.

8. RECOMMENDATIONS

8.1 That we submit the order to the Secretary of State with a request he confirm it subject to the applicant's proposed modification.

DIRECTOR OF OPERATIONS

Church Square House
30-40 High Street
SCUNTHORPE
North Lincolnshire

DN15 1NL

Author: Naomi Boyd

Date: 14 February 2018

Background Papers used in the preparation of this report: office file “Diversion of Public Footpath 47, New Holland” held electronically only c/o The Environment and Sustainability Group at Church Square House, Scunthorpe

APPENDIX 1

APPENDIX 2

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980
AND WILDLIFE AND COUNTRYSIDE ACT 1981**

NORTH LINCOLNSHIRE COUNCIL

PUBLIC FOOTPATH 47 NEW HOLLAND 2017 (1)

This order is made by North Lincolnshire Council (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of the landowner and the public it is expedient that the line of the path should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the “County of Lincoln, Parts of Lindsey (Glanford Brigg)” definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

BY THIS ORDER

1. The public right of way over the land situated at New Holland and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 42 days from the date of confirmation of this order, and thereupon the “County of Lincoln, Parts of Lindsey (Glanford Brigg)” definitive map shall be modified by deleting from it that public right of way.
2. There shall at the end of 42 days from the date of confirmation of this order be a public footpath over the land situate at New Holland described in Part 2 of the Schedule and shown by a bold black broken line on the map attached to this order and thereupon the “County of Lincoln, parts of Lindsey (Glanford Brigg)” definitive map shall be modified by adding that path to it.
3. The “County of Lincoln, Parts of Lindsey (Glanford Brigg)” definitive statement shall be modified as described in Part 3 of the Schedule to this order.

**The COMMON SEAL OF
NORTH LINCOLNSHIRE COUNCIL**



Was hereunto affixed

in the presence of:

Seal Number: 8527

Dated:

SCHEDULE

PART 1

Description of site of existing path

Point A—B as indicated on the map: A 680-metre-long section of path commencing at grid reference TA08622451 leading generally south-west along a defined track and through a timber yard to grid reference TA08252416.

PART 2

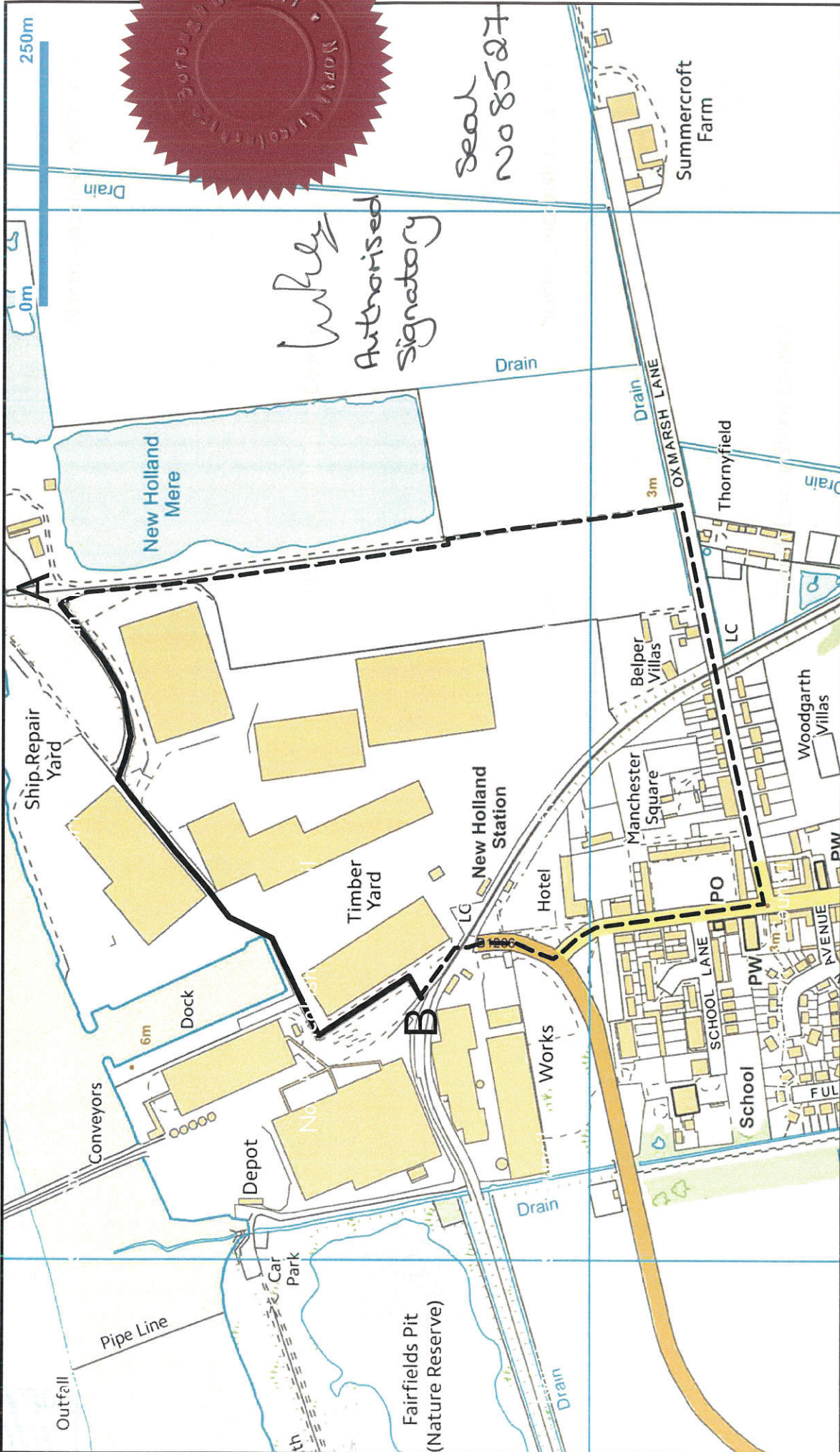
Description of site of new path


Point A—B as indicated on the map: A 1,380-metre-long section of path leading south from grid reference TA08622451 to a Oxmarsh Lane, then to Barrow Road where it turns north and follows the road to the B1206. Following the B1206 in a northerly direction and entering into the industrial estate where it joins footpath 41 at grid reference TA08252416.

PART 3

**Modification of Definitive Statement
Variation of particulars of path or way**

A 1,380-metre-long section of path leading south from grid reference TA08622451 within the eastern boundary of land belonging to Howarth Timber to grid reference TA08682414 where it crosses out of Howarth Timber land and on to an unadopted track leading to Oxmarsh Lane. Leading south-west along Oxmarsh Lane to Barrow Road where it turns north and follows the road to the B1206. Following the B1206 in a northerly direction and entering into the industrial estate where it joins footpath 41 at grid reference TA08252416.



 <p>Director of Operations Peter Williams BSc, DMS, CEng, MEI, MCMI, AMIMechE</p>	
<p>Title: FP47 New Holland</p>	
<p>Drawing No:</p>	<p>Version: 1</p>
<p>Drawn by: Naomi Boyd</p>	<p>Date: 13/07/2017</p>
<p>Scale @A4 1:5000</p>	
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