

Report to Area Plans Sub-Committee 'East'



**Epping Forest
District Council**

Date of meeting: 17th October 2007.

Subject: Diversion of Public Footpath 76 North Weald Bassett.

Officer contact for further information: Jill Shingler (x4106)

Democratic Services Officer:

Recommendation:

- That, the Sub Committee determines to authorise the Director of Corporate Support Services, to make and seal a footpath diversion order under Section 257 of the Town and Country Planning Act 1990 (as amended) ("the Act") in respect of Footpath 76 North Weald Bassett, as shown on the attached plan.
- That, the Director of Corporate Support Services be authorised to confirm the order in accordance with the Act, subject to no objection being made within the statutory consultation period.
- That, should the order be objected to during the statutory consultation period that it be referred to the Secretary of State for confirmation in accordance with the Act.
- That, the developer be required to pay the Councils administrative and legal costs incurred in the preparation, making and confirmation of the order, the carrying out of the statutory processes required under the Act, including all costs incurred if the order is referred to the Secretary of State for confirmation and that a deposit be paid, in an amount to be determined by the Director of Corporate Support Services, before the order is made.

Background:

Section 257 of the 1990 Town and Country Planning Act allows for the diversion of public footpaths where this is needed in connection with a planning application.

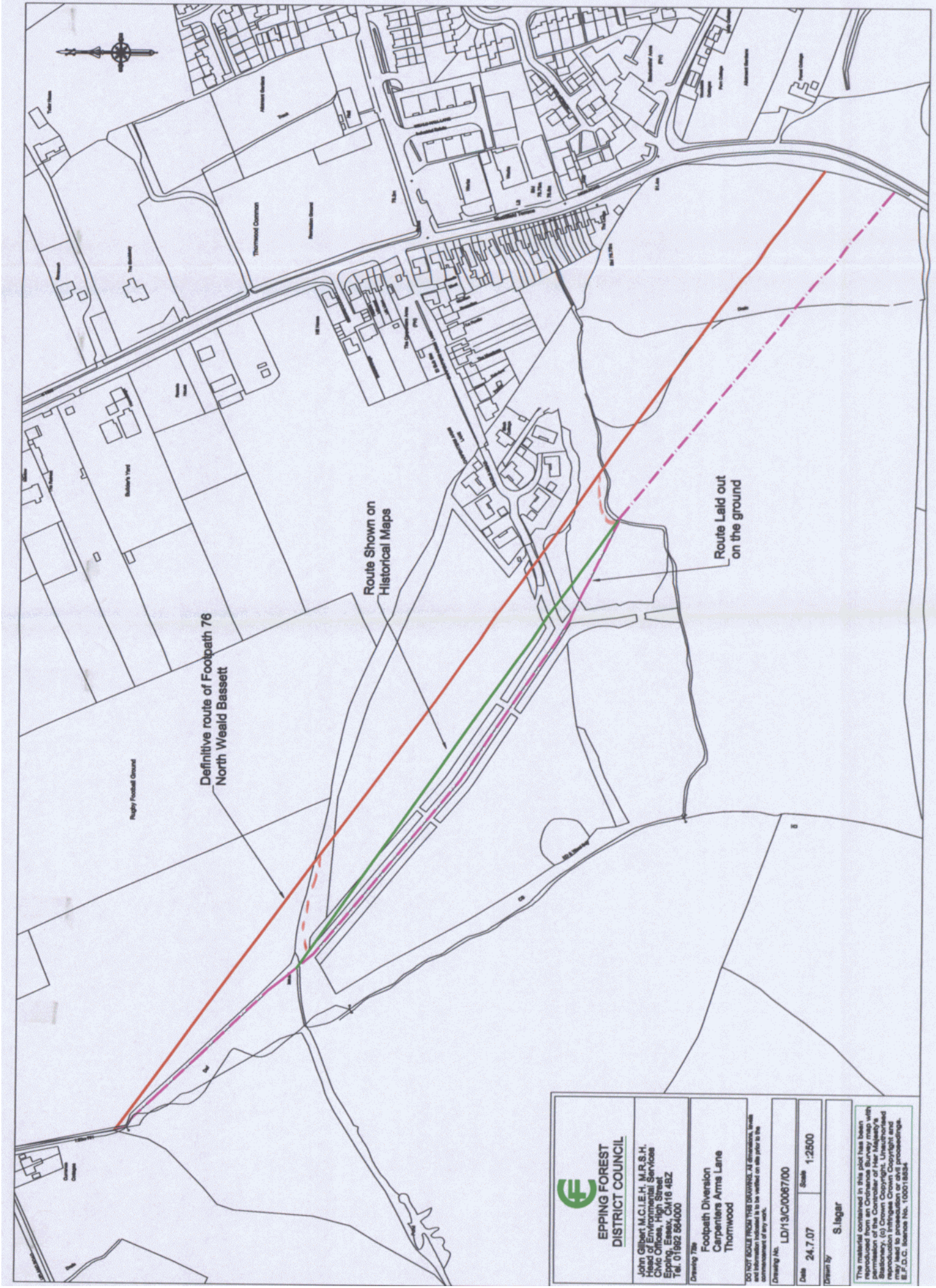
In this instance, planning permission was granted on appeal in 2004 for the creation of fishing lakes on land at Thornwood Camp, Carpenters Arms Lane (reference EPF/1007/03), however one of the lakes obstructs the recognised "definitive" line of Public Footpath 76. A developer now wishes to implement the planning consent but is unable to do so because of the impact on the definitive footpath.


In reality, the lake will not impact on the actual line of any current footpath. The definitive line as defined by Essex County Council, does not appear to have ever been the actual position of any footpath. Indeed the "definitive" line appears to have passed through buildings when the site was a military camp. Essex County Council had been planning to review their definitive footpath map (back in 1999 this was scheduled for 2005) but we are now told that this is unlikely to be in their programme of work for several more years.

The footpath, as it currently exists through this section of land, is close to the route which appears to have existed in the 1920s and was established and enhanced by Epping Forest Countrycare, in 1999, following the flood relief works in this area. The path is well delineated and marked and provides a logical route. The intention is that the line of the "definitive" footpath be diverted to follow this actual footpath, so there will be no actual change to the path on the ground. As this order will only relate to the area of land within the planning application site (and not the whole length of the footpath), two short additional areas of footpath are also required to join up with the definitive line until such time as the County Council can review their maps.

The recommendation is therefore that the Sub Committee agrees that the diversion order can be made. If this is agreed then formal notice is given to all interested parties, and a period of objection is allowed. The Council can only confirm the order if there are no objections to its making. If objections are received and not withdrawn, the order must be submitted to the Secretary of State for confirmation which may result in a local inquiry being held

As the making of such an order is for the benefit of the developer it has not been this Council's practise to use Council resources. Accordingly, the developer has been informed that the Council will only make the order on the understanding that the Council's administrative and legal costs of preparing, making and confirming the order, (including advertising) are to be borne by the developer. The developer will also be responsible for the costs of carrying out any additional works required by the Highway Authority as necessary to join up the footpath with the definitive line.



 EPHING FOREST DISTRICT COUNCIL	
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Drawn by S. Jigar	
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