

## Planning Committee

**DATE** 31/03/2021  
**REPORT OF** Sharon Wroot, Executive Director for  
Environment, Economy and Resources  
**SUBJECT** Application for part of Public Footpath 11,  
Grimsby diversion  
**STATUS** Open

### CONTRIBUTION TO OUR AIM

The maintenance and review of the Definitive Map and Statement is identified as a key action in the Council's Rights of Way Improvement Plan (ROWIP) 2021.

The proposal will contribute to the Council's Stronger Economy objective by recording a path on the Definitive Map and will not be deleted in the future.

The ROWIP is identified as a key policy document within the Council's Local Transport Plan, which seeks to provide an opportunity for healthy lifestyle choices and supports the Council's strategic aim to Improve Health & Wellbeing within the Borough.

### EXECUTIVE SUMMARY

This report recommends the making of an Order to divert Public Footpath 11 that runs alongside Alexandra Dock, in Grimsby. The proposed diversion is required to reflect changes on the ground completed in relation to planning approval DM/0758/20/FUL the regeneration of the riverside area to support further development on Garth Lane.

The Council has a duty to make an Order under Town and Country Planning Act 1990 section 257.

### RECOMMENDATIONS

That an Order is made for the diversion of part of Public Footpath 11, to be diverted under the Town and Country Planning Act 1990 section 257.

- a. To approve the making of an Order in accordance with Town and Country Planning Act 1990 section 257.
- b. To confirm the diversion Order as made, subject to there being no objections, or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

### REASONS FOR DECISION

The diversion is to aid the regeneration project of Garth Lane. The planning application DM/0758/20/FUL has already been approved. Under Section 257 of the Town and Country Planning Act diversions should only be made if it is considered that it is `necessary to do so to enable development to be carried out`.

It is the opinion of officers that it is appropriate to divert this section of the Public Footpath to ensure the line shown on the Definitive Map reflects the line on the ground.

## **1. BACKGROUND AND ISSUES**

As the legal Definitive line will be built over by the formation of new granite steps as part of the regeneration project, it is viewed that the existing line of the path will no longer be safe for users of the footpath. It is therefore proposed to divert the line of the path to run along the new path that is being constructed. Appendix 1 shows the proposed diversion of the Public Footpath. Appendix 2 shows the plan of the regeneration which is taking place where the Footpath is located.

The procedures set in Circular 1/09 Rights of Way advises before an Order is made a consultation is undertaken. A 28-day consultation letter was sent on 8<sup>th</sup> October 2020 to user groups and Ward Councillors. No objections or concerns were raised during this period.

## **2. RISKS AND OPPORTUNITIES**

There is a risk that there could be objections from members of the public or stakeholder groups to the proposed diversion of the path. As mentioned above pre-Order making consultations have been carried out and no objections came to light.

Failure to divert the Public Footpath will keep the path recorded on the Definitive Map in the location previously used and the Definitive line and the line on the ground would not correspond.

## **3. OTHER OPTIONS CONSIDERED**

The Council could choose to do nothing and not implement the diversion. As the bridge can be moved without the need for a diversion however the legal line would have been unsafe to use. The test under the Town and Country Planning Act 1990 is that the diversion is necessary to aid development of the site any objection would potentially fail.

## **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

A pre-Order making 28-day consultation has been undertaken and the main issues have been raised. The path realignment is also covered in the planning approval DM/0758/20/FUL and no objections were raised regarding the path alignment.

## **5. FINANCIAL CONSIDERATIONS**

If there are objections to the Order and the case goes to the Planning Inspectorate, a public inquiry may be required to make the final decision on the path.

## **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

There are no climate change or environmental considerations.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The making of the extinguishment order would not result in additional costs to the Council as it will be met by the Regeneration Partnership.
- 7.2 Costs would be incurred by the developer if objections are received that require works to be completed to open the path, costs will be incurred by the developer if the decision results in a public hearing or enquiry.
- 7.3 There will be no call on Council reserves.
- 7.4 The proposal does not affect any other policies as it is to divert a footpath and then record the path on the Definitive Map.
- 7.5 The proposal adds the path to the Definitive Map and legally creates the path for future use.

## **8. LEGAL IMPLICATIONS**

The making of the extinguishment order would not result in additional costs to the Council as it will be met by the Regeneration Partnership.

Costs could be incurred if objections are received that require works to be completed to open up the path and/or if the decision results in a public hearing or enquiry.

There will be no call on Council reserves.

The proposal does not affect any other policies as it is to divert the path and then record the path on the Definitive Map.

The proposal adds the path to the Definitive Map and legally creates the path for future use.

## **9. HUMAN RESOURCES IMPLICATIONS**

There are no Human Resource implications.

## **10. WARD IMPLICATIONS**

This path lies within the West Marsh Ward, there are no Ward implications.

## **11. BACKGROUND PAPERS**

Public Path Order 25, Fredrick Ward Way, Grimsby

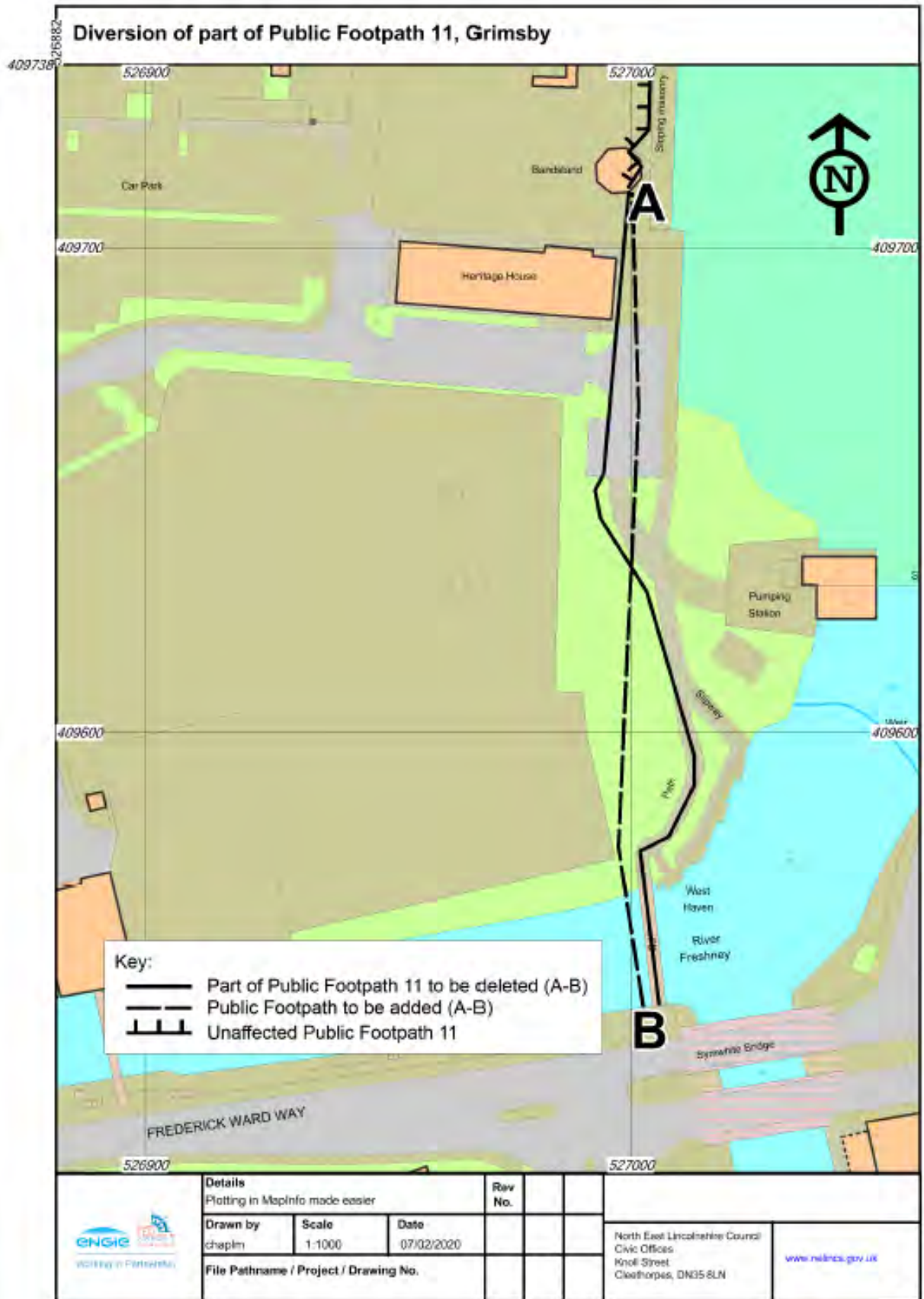
## **12. CONTACT OFFICER(S)**

- Sharon Wroot Executive Director for Resources and Governance. NELC, Tel: 01472 324423
- Mark Nearney, Assistant Director of Housing, Highways and Planning NELC, Tel: 01472 323105

- Matthew Chaplin, Public Rights of Way Mapping Officer, ENGIE, Tel: 01472 324789

**Sharon Wroot**  
**Executive Director for Environment, Economy and Resources**

## Appendix 1. Diversion Plan



## Appendix 2. Proposal Plan

