

## Planning Committee

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| <b>DATE</b>      | 3 <sup>rd</sup> November 2021   |
| <b>REPORT OF</b> | Sharon Wroot, Executive Director for Environment, Economy and Resources |
| <b>SUBJECT</b>   | Application for part of Public Footpath 43, Healing Diversion           |
| <b>STATUS</b>    | Open  |

### CONTRIBUTION TO OUR AIMS

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 aims to Improve Health & Wellbeing within the Borough.

### EXECUTIVE SUMMARY

This report recommends the making of an Order to divert part of Public Footpath 43 in Healing. The Public Footpath currently runs close to Healing Manor and three hotel rooms. With Covid and privacy in mind the applicant would like to divert part of the path away from these hotel rooms. The northern part of the Public Footpath has been on the line of the proposed diversion for many years.

### RECOMMENDATIONS

That an Order is made for the diversion of part of Public Footpath 43, to be diverted under the Highways Act 1980 section 119.

- a. To approve the making of an Order in accordance with Highways Act 1980.
- 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Order as made, subject to there being no objections, or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.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 required due to the footpath running next to three hotel room patios at Healing Manor. The path has been diverted due to Covid as the rooms were being used throughout the pandemic. The northern part of the route is shown on the Public Rights of Way anomaly list as the path has not run around the woodland for many years. The public have been using the walked line which is on a north / south alignment.

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

The tests under the Highways Act 1980 section 119 are: is the diverted route be substantially less convenient to the public; and would the diversion not alter any point of termination of the path both termination points meet the same highway.

## **1. BACKGROUND AND ISSUES**

- 1.1 An application was received to divert part of Public Footpath 43 that runs past three hotel rooms from the tenant of Healing Manor on 19<sup>th</sup> March 2021. This part of the path was closed off during the Covid-19 pandemic as the hotel rooms were being used. This is the southern end of this diversion proposal.
- 1.2 The northern section of the path is shown on the Definitive Map running around the woodland however the walked line on the ground is shown running in a more direct north /south alignment and is recorded on the list of anomalies that requires correcting.
- 1.3 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> July 2021 to user groups and Ward Councillors. No objections were raised during this period. The Ramblers Association replied stating they have not a problem with the diversion and Councillor Hasthorpe replied saying that he had no issue with this.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 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 the pre-Order making consultations have been carried out and no objections were received.

## **3. OTHER OPTIONS CONSIDERED**

- 3.1 The Council could choose to do nothing and not implement the diversion and leave the path running next to the hotel rooms. This would be unacceptable for the hotel and privacy of these rooms. There is also the northern section of the diversion which is on the list of anomalies, and this would still be diverted at a later date.

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

- 4.1 A pre-Order making 28-day consultation has been undertaken and no issues have been raised.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 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**

- 6.1 There are no climate change or environmental implications.

## **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.

## **8. LEGAL IMPLICATIONS**

- 8.1 The relevant tests are laid out in the main body of the report.

## **9. HUMAN RESOURCES IMPLICATIONS**

There are no Human Resource implications.

## **10. WARD IMPLICATIONS**

This path lies within the Wolds Ward.

## **11. BACKGROUND PAPERS**

Public Path Order 42, FP43, Healing

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

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

## Appendix 1. Diversion Plan

