



PLANNING COMMITTEE: 11th January 2011
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

PROPOSAL: Bridleway Diversion Order (related to Application N/2005/1141)

WARD: West Hunsbury

APPLICANT: English Partnerships now Homes and Communities Agency
AGENT: Halcrow Group Limited

REFERRED BY: Head of Planning
REASON: To enable a public bridleway diversion Order to be made in respect of the proposed diversion of Bridleway LB6

DEPARTURE: None

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 That an order be made pursuant to Section 119 of the Highways Act 1980 in respect of the proposed diversion of Bridleway LB6 at Upton Mill, Upton Lane, as shown for identification purposes on the attached plan.

2. THE PROPOSAL

2.1 Within the Upton Country Park site, Upton Mill is a Grade II Listed Building and private residence. Part of Bridleway LB6 extends south from Upton Mill for some 130 metres to the River Nene. Proposals for the Upton Country Park and subsequent flood attenuation works on the park area both included the proposed diversion of Bridleway LB6 to a riverside alignment eastwards from the Mill, in order to create a more attractive route for an increased number of users and to respect the privacy and boundaries of Upton Mill.

3. PLANNING HISTORY

- 3.1 3.1 The application proposals for the flood attenuation works between Upton Mill and Upton Way by English Partnerships (now Homes and Communities Agency) were approved at Planning Committee on 2nd November 2005 (Application N/2005/1141). The report included a recommendation 'that an Order be made pursuant to Section 257 of the Town and Country Planning Act 1990 in respect of the proposed diversion of Bridleway LB6.' The minutes of the meeting, whilst referring to the diversion of Bridleway LB6, did not specifically incorporate the recommendation to make an order. The resolution did approve Application N/2005/1141. Both the Planning Committee report and minutes for 2nd November 2005 are background reports.
- 3.2 Section 257 of the Town and Country Planning Act 1990 can be used to initiate diversion orders when the associated works are not yet started or not fully implemented.
- 3.3 Following consultation with the applicant's agents – Halcrow Group Limited – it has been confirmed that the flood attenuation works proposed in Application N/2005/1141 have been fully implemented. These works include the provision of a new bridleway route and new bridge across the mill stream (east of the Mill), which enable the diversion to take place.
- 3.4 In the case of completed works, provided that it appears to the Council to be expedient to make an order in the interests of the public or of the owner, lessee or occupier of the land crossed by the path, the appropriate legislation for the making of the diversion order is Section 119 of the Highways Act 1980 and the recommendation on this report reflects this changed circumstance.

4. PLANNING POLICY

4.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises the Regional Plan and saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

4.2 National Policies:

PPS1 – Delivering Sustainable Development

4.3 Northampton Borough Local Plan

L20 – Upton Mill Country Park

L26 – Proposed recreation/leisure sites

4.4 **Supplementary Planning Guidance**

Planning out Crime in Northamptonshire SPG 2004

The Council's 'Upper Nene Valley Country Park Design Brief' is also relevant.

5. **CONSULTATIONS / REPRESENTATIONS**

6.1 5.1 NBC Borough Solicitor.

5.2 Consultation on the associated planning application (N/2005/1141) included NCC Rights of Way, Environment Agency, Upton Parish Council and the Ramblers Association.

6. **APPRAISAL**

6.1 Both the Country Park and flood mitigation works have been completed as described in Section 3 above and the making of a diversion order for Bridleway LB6 will complete the proposals. Due to the nature of the flood attenuation works, which resulted in significant topographical alterations to the landform affecting the footpath the footpath diversion it is considered expedient to make the order in the public interest.

7. **CONCLUSION**

7.1 Within the design and implementation of Upton Country Park, the proposed diversion of Bridleway LB6 has been a key proposal in relation to both protecting the privacy and security of Upton Mill and enhancing leisure routes within the Park. The making of the order will enable this proposal to be formally established in the public interest.

8. **BACKGROUND PAPERS**

8.1 Report of the Planning Committee 2 November 2005

8.2 Minutes of the Planning Committee 2 November 2005.

9. **LEGAL IMPLICATIONS**

9.1 It is mandatory to obtain a specific Committee resolution authorising the diversion of a public bridleway.

10. **SUMMARY AND LINKS TO CORPORATE PLAN**

10.1 Priority 1: We will help our communities become safer, greener and cleaner.

Position:	Name/Signature:	Date:
Author:	Richard Holmes	13/12/10
Development Control Manager:	Gareth Jones	29/10/10

