

Decision under Delegated Power

Officer Requesting Decision

Building Control Manager

Officer Making the Decision

Head of Planning and Regeneration

Recommendation

To make a Footpath Diversion Order under Section 257 of the Town and Country Planning Act 1990 for Footpath i23 (Part) at Breachfield Road, Barrow upon Soar, Loughborough, Leicestershire, as identified in the Order and the accompanying schedule and plans.

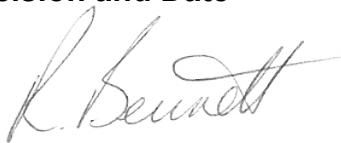
Reason

To allow development granted under planning permission provided in the planning applications registered by the Council under its reference P/15/0229/2 to proceed in accordance with the approved plans.

Authority for Decision

Under the provisions of the Constitution, authority to confirm footpath diversion orders where no objections are received is directed to the Head of Planning and Regeneration (Pt2a Section 8 Decision under Delegated Powers to Officers, Sub Section 35 under the delegation of Council Functions 23 May 2022).

Decision and Date



26 August 2022

Background

The diversion of Footpath i23 (part) runs from Breachfield Rd to a point adjacent to the Midland Main Line railway line as part of the planning application submitted by Jelson Homes for the erection of new dwellings (Planning application reference P/15/0229/2).

Statutory consultees have been consulted to divert part of Footpath i23 (Part) and no objections have been received. In accordance with the Act an order can be made by the authority providing the footpath is still available but will be required to be diverted to allow development granted by the authority to be carried out. If any formal objections are received to the Order the authority will be required to refer it to the Secretary of State for confirmation.

Financial Implications

None

Risk Management

No specific risks have been identified with this report

Key Decision:

No

Background Papers:

Application for diversion of Footpath i23 (Part) Draft Order

NOTICE OF PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
BOROUGH OF CHARNWOOD I23 (PART) AT BREACHFIELD ROAD, BARROW
UPON SOAR.
PUBLIC PATH DIVERSION ORDER 2022

This Order is made by Charnwood Borough Council ('the Council') under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable the development to be carried out in accordance with planning permission granted 14 June 2016. The planning permission is for The Erection of 291 Dwellings at Melton Road, Barrow Upon Soar, Leicestershire. Further detail is provided in the planning applications registered by the Council under its reference P/15/0229/2.

BY THIS ORDER:

1. That part of the footpath over the land situated in the Parish of Barrow Upon Soar as is shown by a solid black line on the map contained in this Order and further described in Part 1 of the Schedule to this Order ('the Schedule') shall be extinguished seven days from when the Council certifies that Article 2 of this Order has been complied with.
2. There shall be created for public use as an alternative footpath to the reasonable satisfaction of the Council before the date of confirmation of this Order a replacement footpath over land situated in the Parish of Barrow Upon Soar described in Part 2 of the Schedule and shown by a broken line on the Plan contained in this Order.
3. The following works shall be carried out in relation to the footpath described in Part 2 of the Schedule:
 - (a) The proposed new route is to be at a standard agreed by the Highway Authority
 - (b) Waymark posts are to be installed at both ends of the diversion to specification approved by the Highway Authority
4. Where immediately before a date on which the footpath is diverted there is apparatus under in on over along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of apparatus as they then had.

THE COMMON SEAL OF THE)
COUNCIL OF THE BOROUGH)
OF CHARNWOOD was)
Hereunto affixed this)
)
Two Thousand and Twenty Two)
in the presence of)

Authorised signatory

**Proposed diversion of footpath I23 at
Breachfield Road, Barrow Upon Soar**

Section 257 Town and Country Planning Act 1990.

SCHEDULE

Part 1

Description of Site of Existing Footpath to be Diverted

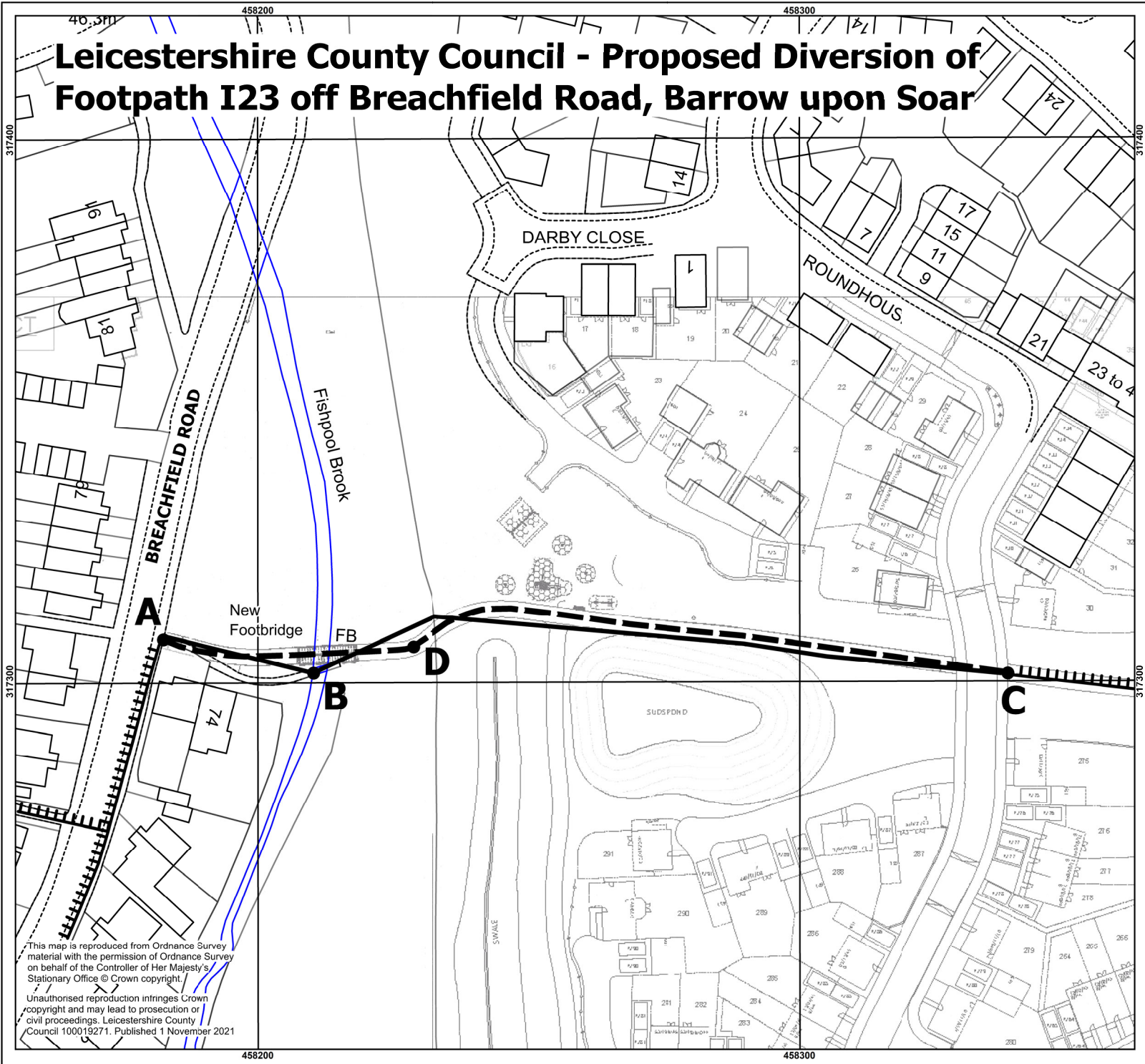
<u>Section</u>	<u>Position</u>
A – B	Point A (OS Grid Ref. 45818, 31730) for 28m in a Westerly direction to Point B (OS Grid Ref. 45821, 31730).
B – C	Then from Point B (OS Grid Ref. 45821, 31730) for 130m in a Westerly direction to Point C (OS Grid Ref. 45833, 31730).

Part 2

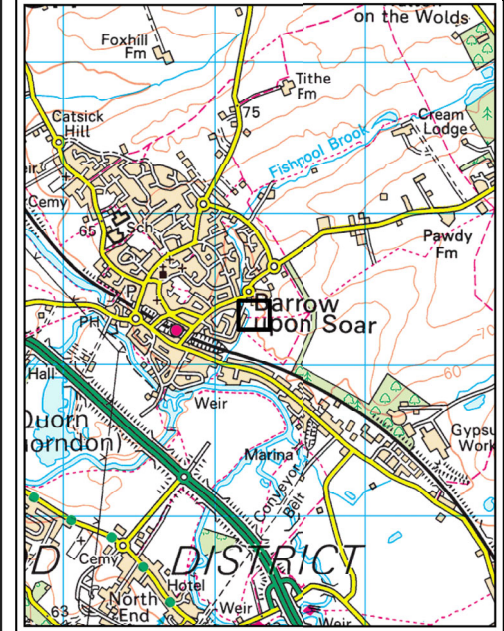
Description of Site of Proposed Footpath

<u>Section</u>	<u>Position</u>
A – D	From Point A (OS Grid Ref. 45818, 31730) for 46m in a Westerly direction to Point D (OS Grid Ref. 45822, 31730)
D – C	Then from Point D (OS Grid Ref. 45822, 31730) for 108m in a Westerly direction to Point C (OS Grid Ref. 45833, 31730).




Leicestershire County Council - Proposed Diversion of Footpath I23 off Breachfield Road, Barrow upon Soar



Location Plan



Key

-  Footpath to be diverted
A-B-C
-  Footpath to be created
A-D-E
-  Footpaths unaffected

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Ann Carruthers



**Leicestershire
County Council**

Proposal Plan. I23-01

Scale 1:1000

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