



## Agenda Item 6

Licensing & Regulatory Committee  
16 November 2020

**Title: Footpath Diversion Order**  
**Lead Officer: Dan Charles**  
**Portfolio Holder: John Cooke**  
**Public report**  
**Wards of the District directly affected: Cubbington**

Contrary to the policy framework: N/A  
Contrary to the budgetary framework: N/A  
Key Decision: No  
Included within the Forward Plan: N/A  
Equality Impact Assessment Undertaken: N/A  
Consultation & Community Engagement: N/A  
Final Decision:  
Accessibility checked:

### **Officer/Councillor Approval**

<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	6 Nov 2020	Phillip Clarke
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	6 Nov 2020	John Cooke

### **1. Summary**

- 1.1. This report seeks the authority of Licensing & Regulatory Committee agreement for the District Council to proceed with a making a Footpath Diversion Order under Section 257 of the Town and Country Planning Act 1990.
- 1.2. The Licensing & Regulatory Committee has been delegated the authority by the Council to authorise all matters relating to public footpaths and bridle ways.

### **2. Recommendation**

- 2.1. That Members grant authority to proceed with the Footpath Diversion Order under Section 257 of the Town and Country Planning Act 1990.

### **3. Reasons for the Recommendation**

- 3.1. Planning permission was granted for residential development on land at Rugby Road and Coventry Road, Cubbington. Footpath W137 crosses the site and was to be retained as part of the proposal.
- 3.2. Upon scrutiny of the definitive footpath maps, it became apparent that there was an inaccuracy with the route of the footpath that needs to be addressed through a formal submission. Under section 257 of the Town and Country Planning Act 1990 the District Council may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.3. The proposal is to make a minor alteration to the line of the footpath so that it ties in with the line of the footpath indicated on the approved drawings.
- 3.4. The reason for the change is due to a discrepancy on the ordnance survey maps and the definitive footpaths map.
- 3.5. No other changes are proposed.

### **4. Policy Framework**

#### **4.1. Fit for the Future (FFF)**

4.1.1. These are the words to use:

4.1.2. "The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. This report is to ensure that the footpath remains through the development allowing access to the open countryside.

4.1.3. The FFF Strategy has 3 strands, People, Services and Money.

4.1.4. This change would relate to people insofar as it ensures that the public right of way is retained and available for use by people accessing the wider footpath network.

**4.2. FFF Strands**

**4.2.1 External and Internal impacts of the proposal(s)**

4.2.3 There are no impacts as a result of the proposal.

**4.3. Supporting Strategies**

4.3.1. *Each strand of the FFF strategy has a number of supporting Strategies – the next part of the Policy Framework should set them out. This might be the Local Plan; the People Strategy, the Playing Field Strategy and so on and the relevance of the report to them. So for example:*

4.3.2. "Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained here [...]." The text should explain how the proposal is or is not consistent with the relevant supporting strategies.

**4.4. Changes to Existing Policies**

4.4.1. This report does not bring forward any changes to existing policies

**4.5. Impact Assessments**

4.5.1. This proposal does not result in any new or significant policy changes proposed in respect of Equalities.

4.5.2. No impact assessment is necessary.

**5. Budgetary Framework**

5.1. The proposal has no impact on the budgetary framework as all costs are borne by the applicants.

**6. Risks**

6.1. There are no identified risks as a result of this proposal.

**7. Alternative Option(s) considered**

7.1. An alternative option would be to redesign an entire housing development to address the minor alignment issue.

7.2. The scheme approved was a result of significant input and negotiation between officers and the applicants.

7.3. The scheme has been implemented and would result in significant costs and difficulties that would result if a redesign were required.

7.4. The nature of the change of the alignment is minor and so the Footpath Diversion Order was the most appropriate option.

7.5. All costs involved in making the order will be borne by the developer.

Appendix 1 – Plan



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**PLANNING**

Land off Rugby Rd,  
Cubbington

**PROPOSED PROW  
DIVERSION PLAN**

Proj No	863	Draw No	P003	Rev	
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The Address  
88 West 11 Street West  
Auckland, New Zealand, 1011 2018

For more information  
Please contact:  
west.waddy@westwaddy.co.nz

**westwaddy ADP**

Date: August 2019  
Scale: 1:1250 @A3

Drawn: JH  
Checked: MF

- Drawing Key**
- Existing PROW
  - A-C = 348m
  - Proposed PROW diversion
  - A-B = 315m
  - B-C = 39m
  - A-B-C = 354m