

# Carlisle City Council

Report to:-	The Chairman & Members of the Development Control Committee		
Date of Meeting:-	15th November 2002	Agenda Item No:-	
Public	Operational	Delegated: Yes	
Accompanying Comments and Statements		Required	Included
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
City Treasurers Comments:		No	No
City Solicitor & Secretary Comments:		No	No
Head of Personnel Services Comments:		No	No
Title:-	Proposed Footpath Diversion Order: Kingrigg, Morton, Carlisle		
Report of:-	The Director of Environment & Development		
Report reference:-	EN.126/02		

## Summary:-

The Report describes the background to a proposed Diversion Order sought with regard to a housing development at Kingrigg, the statutory requirements that were followed and the outcome of that process.

## Recommendation:-

That the Footpath Diversion Order relating to Public Footpath Number 109285 is confirmed.

M Battersby

Director Environment and Development

**Contact Officer:** Alan Taylor

**Ext:** 7171

## 1.0 Introduction

1.1 Planning permission was granted on 1<sup>st</sup> February 2002 for the development of 29 bungalows on the site of the former Morton Infants School which, following closure in 1993 was demolished in 1996 and the land declared surplus to the requirements of the Education Authority.

1.2 The application, submitted by Montgomery Housing, related to a 0.885 hectares site that was bisected by a Public Footpath running between Morton Primary School and Newlaithes Primary School. In order to accommodate the proposed layout it is necessary for that Footpath to be diverted. Whilst formal diversion procedures under provisions of the Highway Act can be used in some circumstances, the more appropriate procedure in this instance was to use the provisions of Section 257 of the Town & Country Planning Act 1990.

1.3 The proposed Diversion Order was made on 25<sup>th</sup> June and the associated publicity and notification procedures were followed. That resulted in an objection being made by The Ramblers, despite the fact that they had been notified of the original planning application on which the need to divert the footpath was apparent and had not responded to that consultation. Following a meeting held in early October, that objection was withdrawn.

1.4 Since that was the only objection made to the Order and the relevant period for comment has now lapsed it is recommended that the Committee confirm the Order.

## **2.0 RECOMMENDATION**

2.1 That the Footpath Diversion Order relating to Public Footpath Number 109285 is confirmed.

M Battersby

Director Environment and Development

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