

PUBLIC

MINUTES of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 6 March 2023 at Committee Room 1, County Hall, Matlock, DE4 3AG.

PRESENT

Councillor M Ford (in the Chair)

Councillors R Ashton, G Hickton, R Mihaly, D Murphy, P Niblock R Parkinson, D Wilson and M Yates.

Apologies for absence were submitted for Councillor L Grooby.

1/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

2/23 DECLARATIONS OF SIGNIFICANT LOBBYING

There were no declarations of significant lobbying.

3/23 PETITIONS

No petitions were received.

4/23 MINUTES

RESOLVED that the minutes of the committee held on 5 December 2022 be confirmed as a correct record and signed by the Chairman.

5/23 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO 37 - PARISH OF UNSTONE

The Executive Director Place, informed members that the County Council had received an application for the permanent diversion of the part of Footpath No. 37 Unstone Parish, in the interests of the landowner, to enable the rearing of cows and calves in the field without compromising the safety of the public. The proposed diversion would take the path from a diagonal route across the field to one along a fenced corridor at the field edge.

If the proposed diversion took effect, it would divert approximately 100 metres of that part of the footpath shown as a bold solid line between points **A** and **B** on the plan attached to the report. The proposed

alternative would be approximately 96 metres long, shown as a bold broken line between points **C**, **D** and **B**. The alternative route would be fenced off from the field and have a surface of rolled stone and a recorded width of 2 metres.

An informal consultation was undertaken on 8 December 2021. The Local Member, Councillor Alex Dale, and North East Derbyshire District Council were consulted and offered no objections to the proposal. However, objections were received from a member of the public and Unstone Parish Council. Details of these objections were given in the report along with the responses from the officers. In conclusion none of the grounds for objection appeared to be valid in this case.

Members made a number of observations and comments and asked questions which were duly noted or answered.

RESOLVED (1) that the Director of Legal and Democratic Services be authorised to make the necessary order for the permanent diversion of part of Footpath No. 37 in the Parish of Unstone under the provisions of Section 119 of the Highways Act 1980; and

(2) that should objections be received to the making of the Order that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

6/23

**PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 35 (PART) -
PARISH OF HARTSHORNE**

The Executive Director – Place informed members that the County Council had received an application for the permanent diversion of Public Footpath No 35 in the Parish of Hartshorne, in the interests of the landowner. The footpath currently passes through the centre of the applicant's land, which was a wooded area enclosed by hedging and is used for holiday lets. The diversion was being sought for the improved health and safety, security, and privacy of the site.

It would move the path to the eastern boundary hedge, then westward across the wooded area and south-westward across open grassland to the junction with Footpath No 36. The legal line of the footpath was not, in fact, currently usable due to tree planting some years ago, but the public had become accustomed to using a roughly parallel route. If the legal line was not formally diverted, it would be necessary to restore access along it. Comparisons between the existing and proposed routes below are made as if the existing route were open and available.

If the proposed diversion took effect, it would divert approximately 395

metres of that part of the footpath on the route **A-B-C**, shown on the plan attached to the report as a bold solid line. The proposed alternative would be approximately 466 metres long on the route **A-D-E-C**, shown by a bold broken line. This would be 71 metres longer than the existing path, but on a pleasant route through woodland and grassland. The recorded width would be 2 metres and the path had a natural grass surface.

A 1.1 metre wide gap to the current British Standard would be constructed at Point **D** in the boundary hedge.

An informal 28-day consultation was carried out on 4 January 2022. The consultees included Hartshorne Parish Council, South Derbyshire District Council and the local Member, Councillor David Muller. Objections were received from four members of the public. Their comments related to the unofficial walked route rather than the legal line, but the basis for their objections were detailed in the report along with the responses from officers.

Members made a number of observations and comments and asked comments which were duly noted or answered by officers.

RESOLVED (1) that the Director of Legal and Democratic Services be authorised to make the necessary order for the permanent diversion of part of Footpath No. 35 in the Parish of Hartshorne under the provisions of Section 119 of the Highways Act 1980; and

(2) that should objections be received to the making of the Order that cannot be resolved, then the matter be forwarded to the Secretary of State for determination.

7/23 **CURRENT ENFORCEMENT ACTION**

RESOLVED to receive the report on current enforcement action.

8/23 **OUTSTANDING APPLICATION LIST**

RESOLVED to receive the list on decisions outstanding on 22 February 2023 relating to eia applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

9/23 **CURRENT APPEALS/CALLED IN APPLICATIONS**

There were currently no appeals lodged with the Planning Inspectorate.

10/23 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR - PLACE UNDER DELEGATED POWERS

RESOLVED to note the applications that had been approved by the Executive Director – Place under delegated powers as detailed in the report.

11/23 DEPARTMENTAL PERFORMANCE MONITORING

RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 1 October – 31 December 2022.

The meeting finished at 10.45 am