

AGENDA ITEM NO.15

PLANNING COMMITTEE

Date	11 JANUARY 2011
Title	FOOTPATH BETWEEN THE CAUSEWAY AND GAS ROAD, MARCH

1. PURPOSE/SUMMARY

The purpose of this report is to advise members of the current situation regarding the above.

2. KEY ISSUES

To advise Members of the outcome of the consultation regarding the stopping up under Section 257 of the Town and Country Planning Act 1990 of an existing footpath between Gas Road and The Causeway. This stopping up being required to facilitate the development authorised by F/YR08/0460/F which was approved by Planning Committee on 26 August 2009.

3. RECOMMENDATIONS

It is recommended that Members resolve to submit the order to the Secretary of State for determination

Wards Affected	March West
Forward Plan Reference No.	Not applicable
Portfolio Holder(s)	Cllr Mrs Jan French
Report Originator	Alison Callaby - Chief Planning Officer (Performance)
Contact Officer(s)	Alison Callaby
Background Paper(s)	Attached photographs (Appendix 1), Order and Notice together with Site Plan (Appendix 2) and site plan relating to F/YR08/0460/F (Appendix 3)

1. BACKGROUND

- 1.1 Some time ago (September 2009) planning permission was granted by Committee under F/YR08/0460/F for a development on the Site of 43 to 47 The Causeway fronting Gas Road, March.
- 1.2 This proposal required the stopping up of an existing footpath that ran across the site. Such action was considered appropriate as to incorporate the footpath into the scheme was considered likely to increase the potential for antisocial behaviour and would compromise the overall design and layout.
- 1.3 Following on from that decision we have recently received an approach from the owners' representatives advising us that they wish to secure the formal stopping up of the footpath and as such the attached Order has been prepared.

2. CURRENT SITUATION

- 2.1 The Order has been duly prepared and advertised and copies of the notice and order together with plan have been sent to statutory consultees; with the deadline for objections to be made being 22 December 2011.
- 2.2 At the time of writing one objection has been received on the grounds that the alternative highway is neither a footpath or an alternative.
- 2.3 One further representation has been received from the Definitive Map Officer at the County Council noting that that they have no objection to the stopping up.
- 2.4 Having received an objection the Council must now submit the Order to the Secretary of State for determination; as the Council is only permitted to confirm the Order if there are no objections received.
- 2.5 The Secretary of State before confirming the order will either:
 - a) Cause a local inquiry to be held, or
 - b) Give any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Secretary of State for the purpose

Having considered the report of the process outlined in either (a) or (b) above the Secretary of State may then confirm the order with or without modifications.

3. CONCLUSION

- 3.1 The stopping up of the footpath is made necessary to facilitate the appropriate development of the site and has been taken forward in accordance with Section 257 of the Town and Country Planning Act 1990.
- 3.2 Whilst one letter of objection has been received it is noted that no objections have been forthcoming from the statutory undertakers or the County Council as Local Highway Authority.
- 3.3 In accordance with the Act the matter must be submitted to the Secretary of State for further consideration.

Photographs showing the footpath and its immediate environs



Footpath viewed from Gas Road



Eastern side of Gas Road opposite site



View of existing provision to South of site



Existing provision looking north-east



Existing footpath on The Causeway



Existing footpath on western side of Gas Road

NOTICE OF PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION (257) (258(1))

AND PARAGRAPH 1 OF SCHEDULE 14

FENLAND DISTRICT COUNCIL

FOOTPATH BETWEEN THE CAUSEWAY AND GAS ROAD, MARCH, CAMBRIDGESHIRE

The above order was made on 17th November 2011. The effect of the order will be to stop up the public footpath running from Gas Road, March to The Causeway and utilise the existing footpath instead on a line running along Gas Road shown on the order map.

A copy of the order and the order map may be seen free of charge at The Main Reception, Fenland District Council, Fenland Hall, County Road, March from 9 a.m to 5:15 p.m. (Monday to Thursday) and 9:00a.m to 4:45 p.m. (Friday) from 23rd November 2011 to 22nd December 2011. Copies of the order and map may be obtained there free of charge.

Any representation about or objection to the order may be sent or delivered in writing addressed to the Chief Planning Officer (Performance), Development Services, Fenland District Council, Fenland Hall, County Road, March, Cambridgeshire, PE15 8NQ not later than 5.p.m on 22nd December 2011. Please state the grounds on which it is made.

If no such representations or objections are duly made, or if any so made are withdrawn, Fenland District Council may itself confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Transport and the Regions for confirmation any representations or objections which have not been withdrawn will be sent with the order.

Dated 17th November 2011

Signed:

Chief Planning Officer (Performance)

PUBLIC PATH STOPPING UP ORDER

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

**STOPPING UP OF FOOTPATH BETWEEN THE CAUSEWAY AND GAS ROAD, MARCH,
CAMBRIDGESHIRE**

This order is made by Fenland District Council, Fenland Hall, County Road, March, Cambridgeshire under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely:

Erection of 8 dwellings comprising: 4 x 3-bed terraced houses and 2 x 3-bed semi detached houses and 2 x 1-bed apartments with associated parking, bin stores and landscaping including 1.3 m high (max) wall and railings fronting The Causeway involving demolition of existing workshop at Site of 43 to 47 The Causeway, fronting Gas Road, March Planning Reference: F/YR08/0460/F

BY THIS ORDER:

- 1 The footpath over the land shown by a bold black line on the attached map and described in Part I of the Schedule to this order ("the Schedule") shall be stopped up as provided below.
- 2 The alternative highway for use as a replacement for the said footpath shall be as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The stopping up of the footpath shall have effect on the confirmation of this order.
- 4 Where immediately before the date on which the footpath is stopped up 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 the apparatus as they then had.

SCHEDULE

**PART 1
Forms of Public Path Order**

Description of site of existing path or way:

Footpath running east from The Causeway to the west Gas Road, March A-B as indicated on the map by a bold black line.

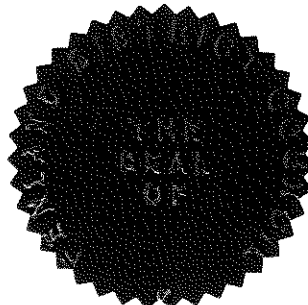
**PART 2
Forms of Public Path Order**

Description of site of alternative highway:

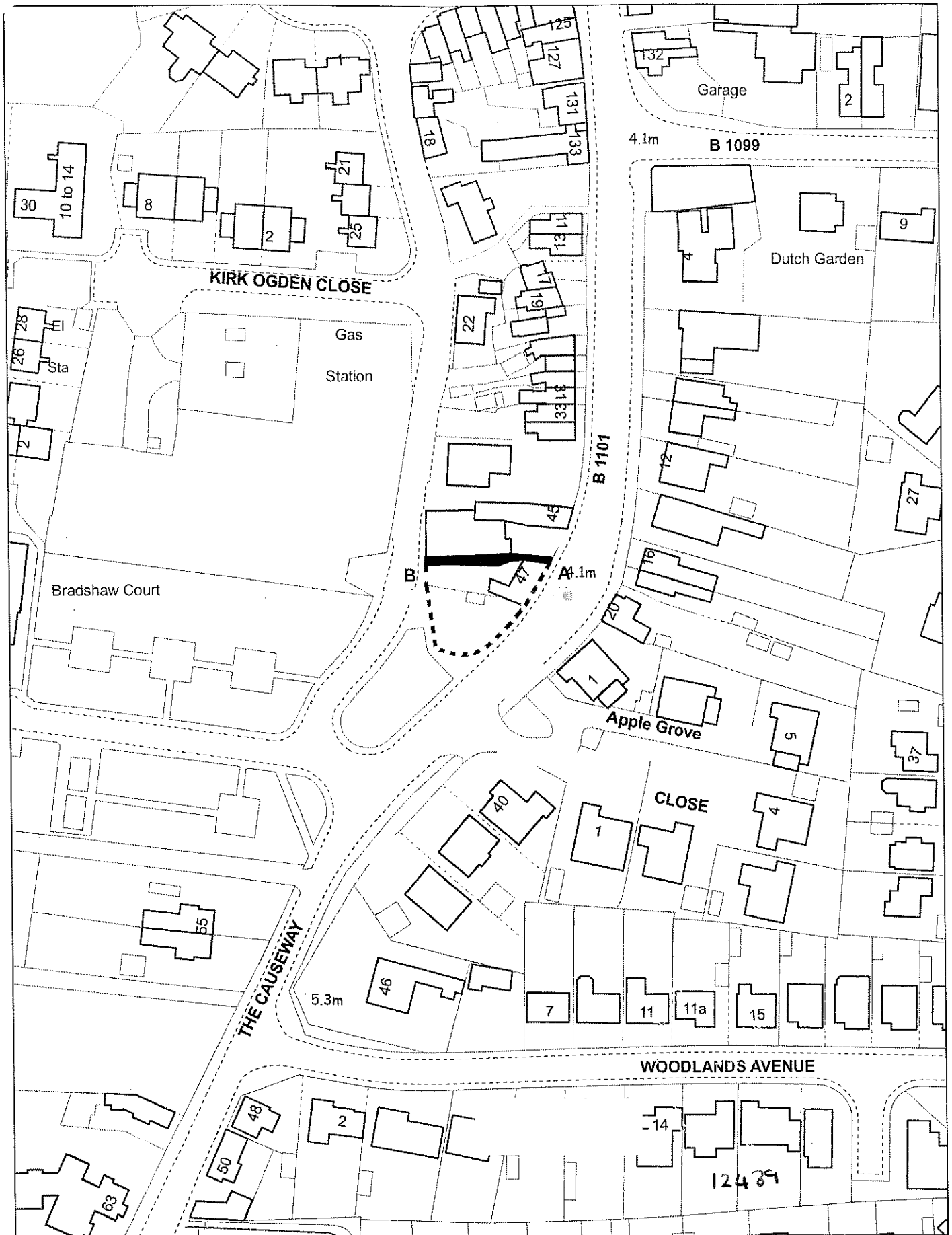
Footpath running A-B situated along Gas Road/The Causeway which forms an established part of the Highway network as indicated by bold black dashes on the attached map.

The Common Seal of
Fenland District Council
was hereunto affixed this
17 Day of November 2011

In the presence of :



12439.



PUBLIC PATH STOPPING UP ORDER
Footpath Between The Causeway
and Gas Road, March

- Existing Footpath
- Alternative Footpath Route

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Scale = 1:1,250



Fenland District Council

Appendix 3
Extract from F/YR08/0460/F
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