

Regulatory Committee

Diversion of Public Footpath RB5 in Rugby

5 April 2022

1. Recommendations

1. That a Diversion Order is made to divert Public Footpath RB30 under the Town and Country Planning Act 1990, Section 257.
2. That the Committee authorises the Strategic Director for Communities or nominee (with any minor modifications considered appropriate) to:
 - Confirm the Order in the event that no representations or objections are duly made or if any so made are withdrawn; or
 - Following consultation with the Chair of the Committee, submit the Order to the Secretary of State for confirmation in the event that any representations or objections are duly made and not withdrawn.

2. Executive Summary

- 2.1. On 18th March 2021, Warwickshire County Council granted planning permission (ref. RBC/18CM017) for the restoration of Parkfield Road Quarry through the importation and deposit of inert restoration material by rail. In addition to the requirement to submit details in order to discharge a number of pre-commencement planning conditions, the Applicant is required to make an application to the Council to divert footpath no. 333/RB5/1 from Points A-B to Points A-C-B [Grid ref: 449298.275831], herein called 'the Diversion'. The general location is circled on **Appendix 1**.
- 2.2. CEMEX requires a diversion of the footpath to allow it to carry out the operations permitted by the Planning Permission which are limited by condition to five years from the commencement of development. The diversion of the route is necessary, as part of the conditions of the Planning Permission which requires the diversion. Because the diversion to the footpath is so minor, Cemex would like to apply for a permanent diversion.
- 2.3. The key issues are:
 - Is an Order for diversion necessary to enable restoration of the Quarry in accordance with the planning permission?
 - Is it expedient to make the Order balancing the benefits to the developer, against any negative impacts on the public and adjoining landowners?

3. Application

- 3.1 The proposed route from point A will gently curve generally south to point C, before continuing generally northeast to point B **on Appendix 2.**
- 3.2 The diverted route will have a width fence to fence of 3m, the path itself 2m wide. The surface will be rolled/compacted planings. The fence of choice will be a 3m high green palisade fence.

5. Financial Implications

- 5.1 This will be funded and constructed by the applicants, Cemex.

6. Consultations

The statutory consultees¹ have been informally consulted on the proposal. This includes the Ramblers².

- 6.1 The Ramblers have no objections.
- 6.2 Utility companies – no objections.
- 6.3 No other responses were received.

Before the Order is confirmed the formal consultation procedure specified by the Act will be followed and public notice given.

7. Environmental Implications

- 7.1 The Natural Environment and Rural Communities Act 2006 s.40 requires that every public authority must, in exercising its functions, have regard, so far as its consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 7.2 The Countryside Act 1968 s.11 requires that in the exercise of their functions relating to land under any enactment every Minister, government department and public body shall have regard to the desirability of conserving the natural beauty and amenity of the countryside.

¹ Town and Country Planning Regulations 1993, Section 3.

² Formerly the Ramblers' Association.

8. Other Applicable Legislation

- 8.1 The Equalities Act 2010 protects people from discrimination in the workplace and in wider society. Public bodies should have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 8.2 No discrimination has been identified. The Diversion will be suitable for use by the public regardless of age, disability, gender reassignment, pregnancy, race, religion or belief, sex or sexual orientation. The diverted route will have a fence-to-fence width of 3 metres and will be free of any gates or stiles.
- 8.3 No issues have been raised as a consequence of the proposed diversion. The land crossed by the current and proposed path is not listed or designated. For example, it is not a Site of Special Scientific Interest, Local Nature Reserve, Scheduled Ancient Monument, Area of Outstanding Natural Beauty or any other known listing for nature, conservation or amenity. Nor does the change in location bring the path closer to any of these listings. The diversion (by itself) is not likely to affect biodiversity and the diversion is not likely to increase the number of people using the path.

9. Supporting Information

- 9.1 The diversion is necessary for the land to be restored. No adverse impacts on the public or adjoining landowners have been identified to outweigh the benefits to the developer. A permanent diversion order is recommended as detailed in Section 1.

5. Timescales associated with the decision and next steps

- 5.1 See appendix 3

Appendices

1. Appendix 1
2. Appendix 2
3. Appendix 3

Background Papers

None

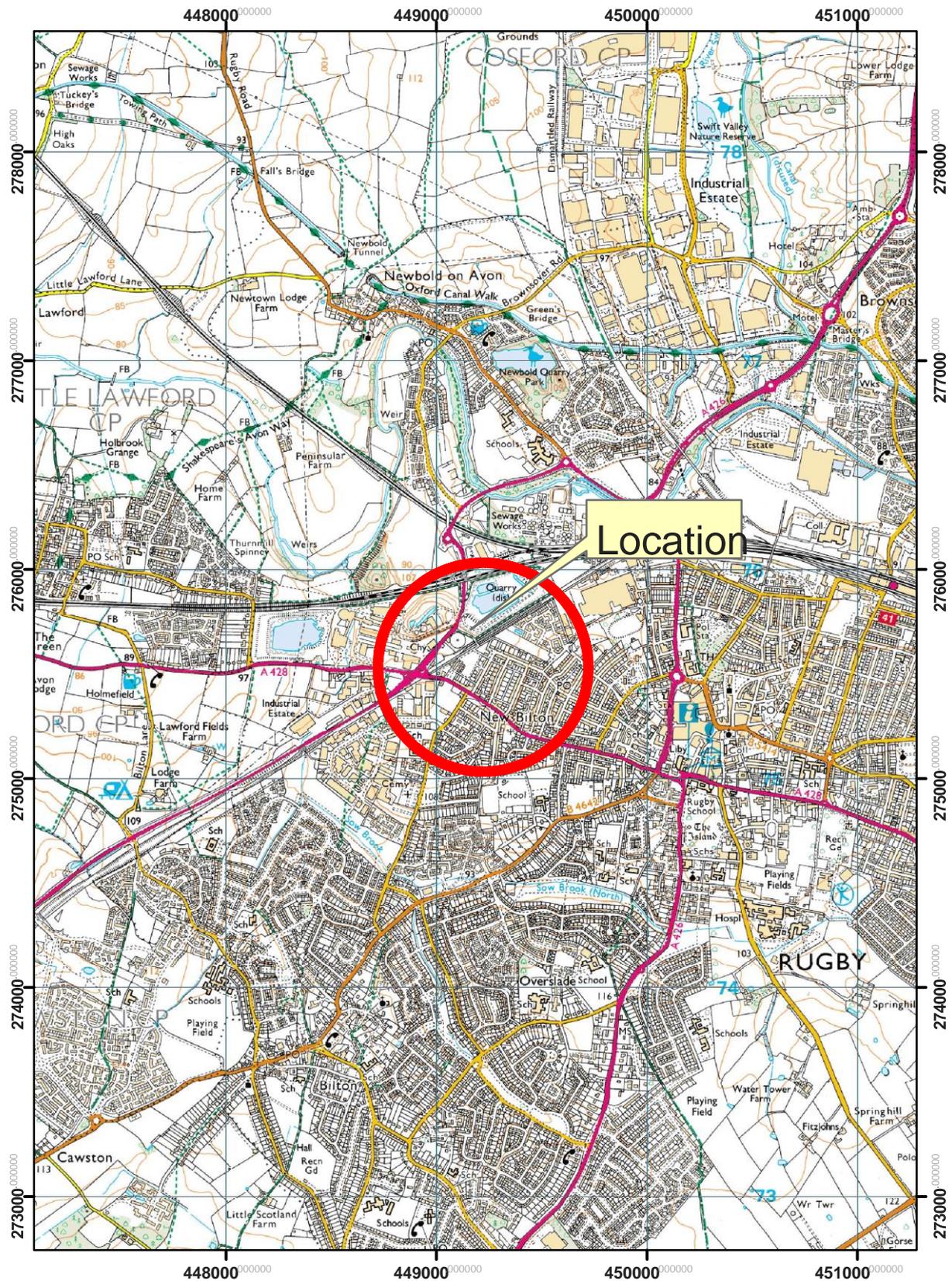
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The report was circulated to the following members prior to publication:

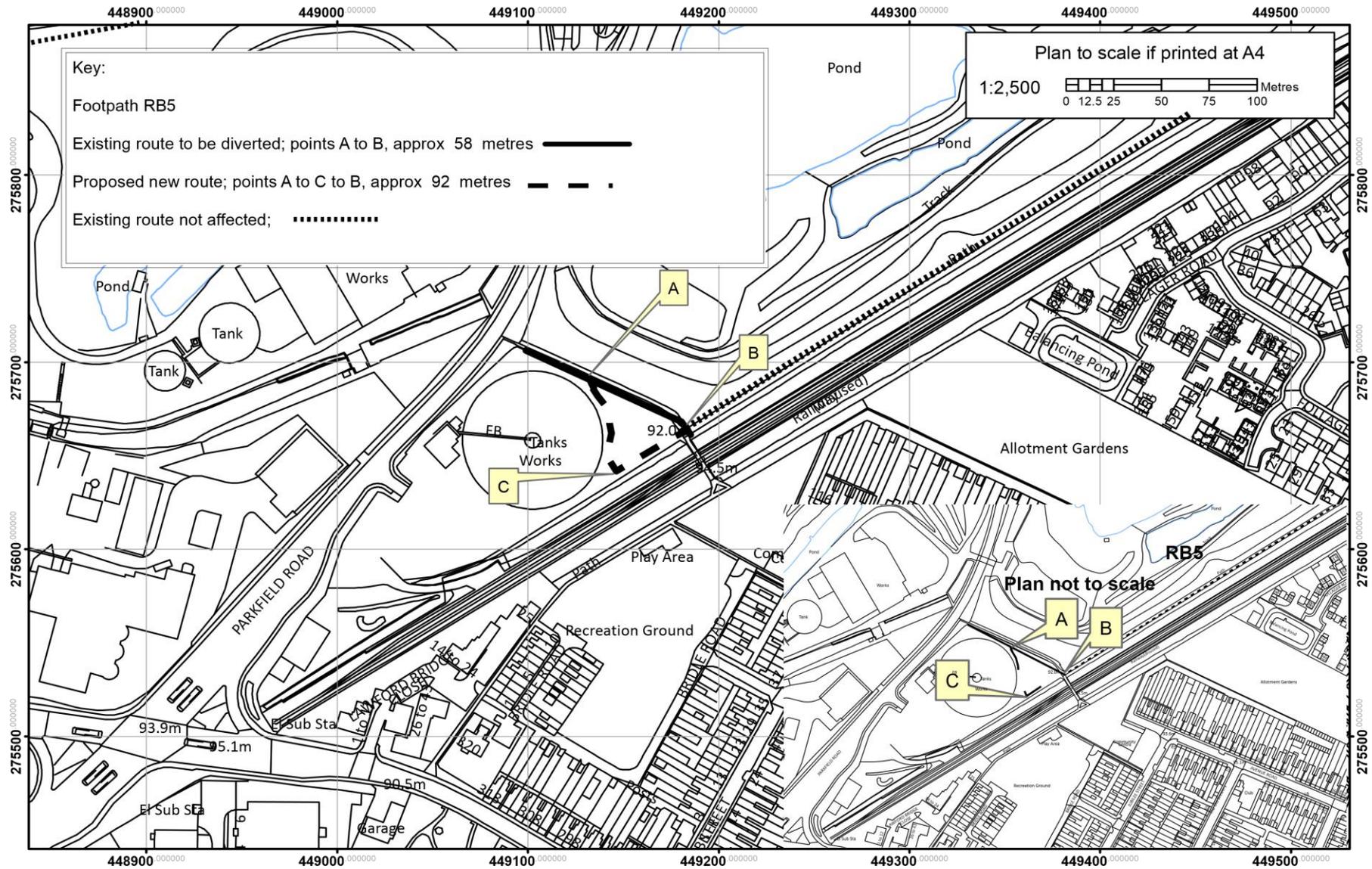
Local Member(s): Councillor Sarah Feeney

Other members: None

Appendix 1



Appendix 2



Appendix 3.

