



Order Decision

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 15 October 2015

Order Ref: FPS/A3010/5/2

- This Order is made under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") and is known as the BASSETLAW DISTRICT COUNCIL UNREGISTERED PUBLIC FOOTPATHS CROSSING THE SITE KNOWN AS LAND TO THE EAST OF CARLTON ROAD, WORKSOP, NOTTINGHAMSHIRE PUBLIC PATH DIVERSION ORDER 2013.
 - The Order was made by the Bassetlaw District Council ("the Council") on 12 November 2013 and proposes to divert sections of footpaths, as shown in the Order Map and Schedule.
 - There were eight objections outstanding when the Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
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Procedural Matters

1. In light of the circumstances outlined in paragraph 6 below, the scheduled public inquiry into the Order was cancelled. It now falls to me to determine the Order from the papers on the file. In reaching my decision I have not considered it necessary to visit the site.

Decision

2. I do not confirm the Order.

Main Issues

3. Section 257 of the 1990 Act requires me to determine whether it is necessary to divert the footpaths to enable development to be carried out in accordance with the planning permission granted for the site.
4. If the statutory test above is satisfied, the disadvantages or loss likely to arise as a result of the diversions to members of the public generally or local residents should be weighed against the advantages of the Order¹.

Reasons

5. Tesco Stores Limited and Santon Group Developments Limited ("the applicants") obtained planning permission on 7 September 2011 to erect a retail store, service yard, car parking, associated access and landscaping. This permission was subsequently varied to include a pharmacy within the store.
6. The applicants and the Council no longer support the confirmation of the Order. Whilst it is apparent that works commenced in relation to the development, in terms of the present Order, it cannot be determined that it is necessary to

¹ As outlined in paragraph 7.15 of Department for Environment, Food and Rural Affairs Circular 1/09

divert the footpaths. This means that the statutory test for confirmation is not met.

Other Matters

7. In light of my decision, there is no need for me to consider the technical points raised by the objectors in relation to the Order. The issue of whether the footpaths have been reinstated on their correct alignments, following their temporary closure, is a matter for the relevant local authority to determine.

Mark Yates

Inspector