
Order Decision

Inquiry held on 17 May 2016

by Martin Elliott BSc FIPROW

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

Decision date: 3 June 2016

Order Ref: FPS/P2935/5/2

- This Order is made under Section 257 of the Town and Country Planning Act 1990 and is known as the Hexham Town (Public Footpath No 52) Diversion Order 2015.
- The Order is dated 1 July 2015 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule.
- There were forty-five objections outstanding at the commencement of the inquiry.

Summary of Decision: The Order is not confirmed.

Preliminary Matters

1. I held a public local inquiry in the Prior's Hall at Hexham Abbey on 17 May 2016.
2. On 9 May 2016 the applicant for the Order advised the Planning Inspectorate that they no longer intended to implement the planning permission for the site at Gilesgate. As such the applicant did not seek the confirmation of the Order. The applicant informed that it did not intend to be present at the inquiry and that the planning permission for the development was not being passed to another developer. In submitting the Order to the Planning Inspectorate the Council had indicated that it was adopting a neutral stance and confirmed their position on 11 May 2016.
3. At the Inquiry the Council maintained a neutral stance and did not seek the confirmation of the Order. A number of objectors noted that the applicant had withdrawn support for the Order but wished to make representations to the inquiry which I address below at paragraph 7.

Main Issues

4. The Order is made under section 257 of the Town and Country Planning Act 1990 and requires that I must consider whether it is necessary to divert the Order route in question to allow development to be carried out in accordance with the planning permission already given but not substantially completed. The merits of the development are not at issue.
5. Paragraph 7.15 of Defra¹ Circular 1/09 advises that, in considering whether or not to confirm the Order, I must also take into account the disadvantages or loss likely to arise as a result of the diversion to members of the public

¹ Department for Environment Food and Rural Affairs

generally or to persons whose properties adjoin or are near the existing highway weighed against the advantages of the proposed Order.

6. No evidence was submitted in support of confirmation of the Order and in the circumstances I do not intend to consider the merits of the Order further in this decision.

Other Matters

7. Concerns were raised in respect of the proposed development, the granting of the planning permission and consultations on the current and any future planning applications. Reference was also made to the implications of 'Secure by Design' in respect of any development and I was provided with a background as to the recording of the Order route. Whilst I note these matters they are not for my consideration.

Conclusions

8. Having regard to these and all other matters raised at the inquiry and in the written representations I conclude that the Order should not be confirmed.

Formal Decision

9. The Order is not confirmed.

Martin Elliott

Inspector

APPEARANCES

Northumberland County Council:

Mrs U Filby

Solicitor

In opposition to the Order:

Ms W Breach

Mr P Arnold

Ms J Lloyd

Mrs P Hannant

Miss C Andrews

Mr T Cessford

Hexham Civic Society

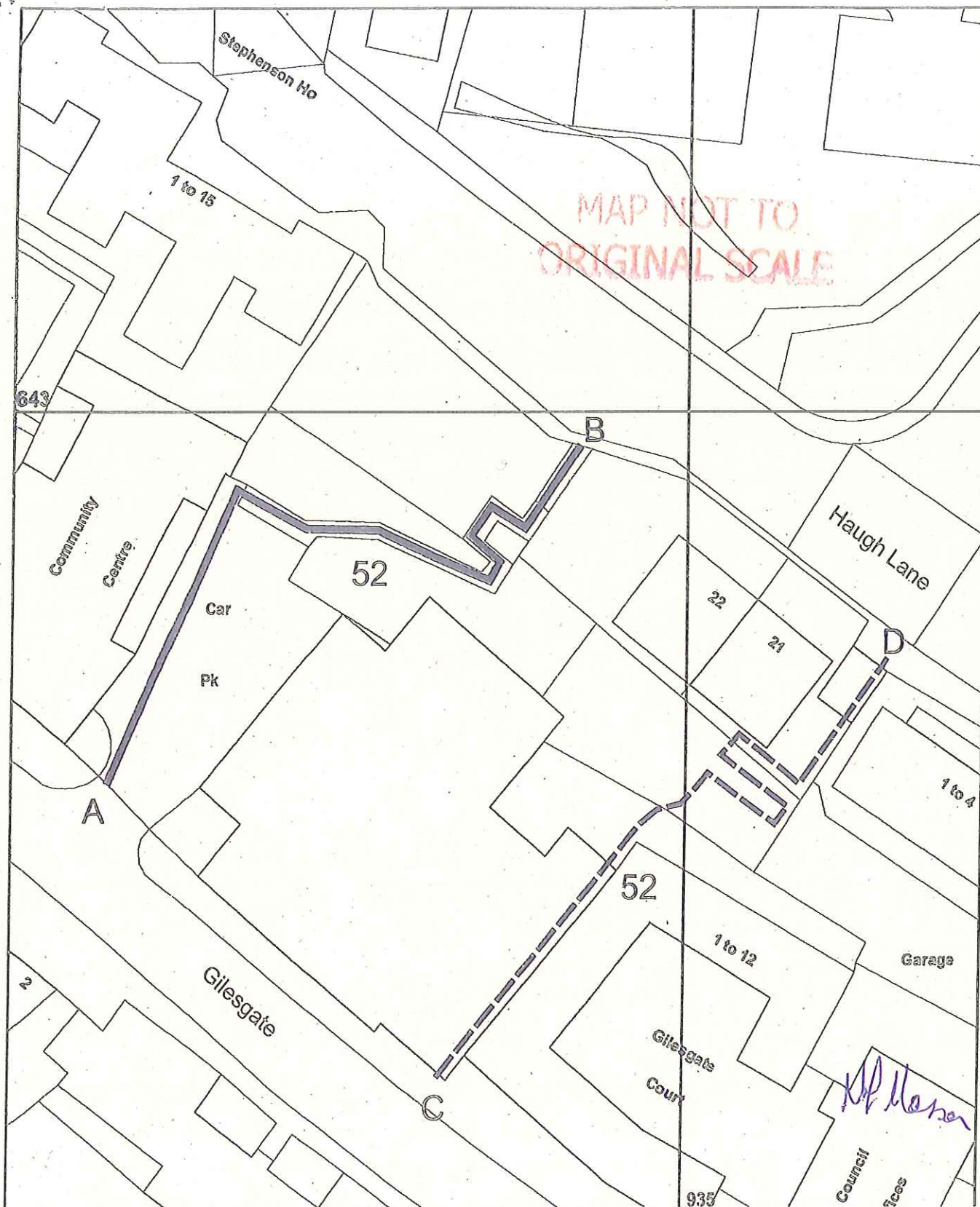
Hexham Civic Society

Hexham Community Centre

Local Resident

Local Resident

Hexham Town Council (did not subsequently speak)



Northumberland

Northumberland County Council

Infrastructure

Local Services Group

County Hall Morpeth Northumberland

Telephone 0345 600 6400 NE61 2EF

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of H.M.S.O. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Northumberland County Council O.S. Licence No.100049048 (2012)

Public Rights of Way



Public Footpath to be closed



Public Footpath to be created

Former District(s)
Tynedale

Parish(es)
Hexham Town

Scale
1:500

Def. Map No.
208

O.S. Map
NY 96 SW

Date
June 2015