



Report to: Planning Committee, 18th April 2019

Report of: Deputy Director - Governance

Subject: PUBLIC PATH DIVERSION ORDER – BRIDLEWAY NO. WR938 (PART)

1. Recommendation

1.1 The Deputy Director - Governance recommends that the Committee authorise the Confirmation of The Worcester City Council (Bridleway WR938)(Part)(No 3) Public Path Diversion Order 2019 without modification as an unopposed Order.

2. Background

2.1 This Committee authorised the making of an Order to divert Bridleway No. WR938 under Section 257 of the Town and Country Planning Act 1990 on the 24th May 2018. The Committee was satisfied that it was necessary to divert the bridleway in order to enable development to be carried out in accordance with Planning Permission P17D0448 – construction of a vertical slot fish pass cut into the side of the river bank at Diglis Weir.

2.2 The Worcester City Council (Bridleway No WR938)(Part)(No 3) Public Path Diversion Order 2019 was made on the 22nd February 2019. A copy of the Order is attached at Appendix 1.

2.3 The diversion is necessary to facilitate the implementation of a fish pass for the Diglis Weir Site. No disadvantage or loss will arise from the diversion in relation to any neighbouring land or property interests, or to members of the public generally. The diversion will ensure that the public retain the right to enter the site at the same point as at present, and walk in the same direction to link into other public footpaths in the vicinity of the site.

3. Consultations

3.1 Notice of Making the Order has been published in the local newspaper, served on persons entitled to receive Notice and displayed in accordance with the statutory requirements.

3.2 No representations against or objection to the Making of the Order have been received.

4. Comments of Deputy Director - Governance

4.1 In order to confirm the Order the Committee needs to:-

- (a) be satisfied that there is a valid planning permission and that it could not be implemented without diverting the bridleway, and;

- (b) on being so satisfied consider whether the disadvantages and losses flowing from the proposed diversion would be of such significance that the order should not be confirmed.
- 4.2 Having granted planning permission for development affecting a right of way the Committee must have good reasons to justify a decision not to confirm an order.
- 4.3 Planning Permission P17D0448 was issued on 24th May 2018 and it is necessary to divert the bridleway to enable development to be carried out. Accordingly, I am satisfied the test has been met.
- 4.4 The new route is unlikely to pose an inconvenience as it is only a slight diversion west. The new bridleway will be enclosed but will be wider than the current bridleway (being 4 metres in width overall) and include additional landscaping.
- 4.5 The provision of the development itself will bring significant environmental benefits, namely the ecological benefits arising from allowing the shad to re-populate historic spawning grounds and to re-open the River Severn up to all species of fish.
- 4.6 In consideration of all matters, it is my opinion that the diversion is necessary and that no disadvantages arise that outweigh the benefits of the development. Consequently it is recommended that the Order be confirmed.

Ward: Cathedral
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Background Papers: Appendix 1 - The Worcester City Council (Bridleway No. WR938)(Part)(No 3) Public Path Diversion Order 2019