

PROPOSED DIVERSION OF FOOTPATH 21 CANEWDON

1 SUMMARY

- 1.1 To consider an application from Wallasea Farms Ltd, in partnership with DEFRA, for the diversion of public footpath 21 to facilitate the development of the wildlife wetlands scheme at Wallasea.

2 INTRODUCTION

- 2.1 Authority is sought under section 257 of the Town and Country Planning Act 1990 to divert a section of footpath 21 from its existing route, as shown by a thick black line on the attached plan, to the proposed new route indicated by a broken line. Section 257 of the 1990 Act authorises the Council to divert a public footpath to enable development to be undertaken for which planning permission has been granted.
- 2.2 The application for the diversion of footpath 21 is in conjunction with a planning application submitted by Wallasea Farms Ltd for the construction of a new flood defence sea wall to create a wetland area. The project is to comply with a legal ruling by the EU Court that an area of marine wetland and salt marsh has to be replaced to compensate two areas of wetlands lost to port developments in the 1990's.
- 2.3 The current route of the footpath runs along the sea wall, in some places the path and the sea wall are in poor condition. The diversion will provide an opportunity to improve the condition of the path, as well as improvements to the sea wall and accommodate the creation of the new wetland area.

3 DETAILS OF PROPOSED DIVERSION

- 3.1 The diversion route will be from a point north of Grapnell Farms on Wallasea Island following the crest of the sea wall in an easterly direction for a distance of approximately 7775 metres. The route will then continue along the newly constructed sea wall, which is to the south of the existing wall, in a south east direction for a distance of approximately 3850 metres to join the original route 675 metres south of the sea wall at Wallasea Ness.
- 3.2 Essex County Council, as the Highway Authority, fully supports the application and informal consultation with the Parish Council and interest groups has not identified any objections to the proposals. There will need to be formal statutory consultation with all relevant parties, if the Council proceeds with the diversion.

4 DEVELOPMENT OF WILDLIFE WETLAND AREA

A planning application for the construction of a new sea wall to facilitate the development will be considered by the Planning Services Committee on 17 February 2005. The proposed diversion is dependant on the acceptance of the scheme and is subject to approval being granted for those works.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 The proposed footpath will be equally accessible to the public, its condition will be improved and the diversion will enable the wildlife wetland area to be created.

6 RESOURCE IMPLICATIONS

- 6.1 The applicants will be responsible for the Council's expenses in making the Diversion Order.

7 LEGAL IMPLICATIONS

- 7.1 In the event that the Committee supports the proposed Diversion Order, statutory consultation will be undertaken and any representations will be considered prior to confirmation of the Order.

8 PARISH IMPLICATIONS

- 8.1 Canewdon Parish Council supports the proposal

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RESOLVES**

- (1) That, subject to the grant of planning consent for the construction of the new sea wall and the wetland area and the Applicants bearing the cost of any necessary accommodation works and all the Council's expenses recoverable under the Local Government (recovery of costs for Public Path Orders) Regulations 1993 as amended, the proposal to divert footpath 21, as shown on the attached plan, be approved.
- (2) That the Head of Legal Services be authorised to take all necessary steps to secure the making and confirmation of a Public Path Diversion Order under the terms of Section 257 of the Town and Country Planning Act 1990. (HLS)

Albert Bugeja
Head of Legal Services

Background Papers:-

None

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