



## CABINET MEMBER DECISION RECORD TEMPLATE

This form should be used to record Executive decisions taken by Cabinet Members

Decision Ref. No:

**Subject: Moorside Road Housing Development: Diversion of Public Footpath U45**

**Decision taken: Make a diversion order to allow the diversion of public footpath U45 (the Order)**

**Reasons for the decision: To enable the construction of the proposed housing development at Moorside Road**

**Call-in and Urgency:** This decision is subject to the councils call in procedure.

### **Background:**

Bournemouth Borough Council intends to construct 14 dwellings on land between Moorside Road and Tedder Road (7-2016-26471). The land currently has three Public Footpaths running across it, and one of these requires diversion by an order to enable the proposal to proceed. The Order is to be made under Section 257 of the Town and Country Planning Act 1990.

The Order must be made and advertised for a period of 28 days, whereupon if it is objected to, and the objections are not subsequently withdrawn, it must be submitted to the Planning Inspectorate for their decision.

Leaving the path in situ will render part of the development unfeasible.

### **Options:**

- 1) Make the Order.
- 2) Refuse to make the Order.

### **Consultations undertaken:**

The planning application has been advertised via the statutory procedure.

No pre-order consultation has been conducted for the diversion, as the Order itself will be advertised to all statutory consultees, the ward members, interest groups, and notices will be erected on site. An objected order can be abandoned and revised if an alternative route is requested by the public, or alternatively the planning application could be amended. As the level of objection against the planning application is significant, it is likely that the Order will sustain unresolvable objections.

**Finance/Resource Implications:**

An undiverted Public Footpath will demand that the scheme is redesigned, at cost to the authority, and part of the scheme will be rendered unfeasible, leading to unrealised gains.

An objected order could possibly lead to a Public Inquiry, which may mean Bournemouth Borough Council will need to employ a barrister to represent it.

Name: *A. Richards*  
Date: *7/3/18*

Signature: (of Chief Finance Officer)

**Legal implications:**

The development cannot proceed without the diversion of the public footpath, as to do so would be in breach of the Council's duty to protect Public Rights of Way.

Name: *TANYA COULTER*  
Date: *11.5.18*

Signature: (of Monitoring Officer)

**Risk assessment:**

An initial risk assessment has been completed and the proposals have been classed as medium risk.

Name: *JAMIE GRIFFITHS*  
Date: *6/3/18*

Signature: (of Officer completing assessment)

**Impact Assessments:**

An Equality and Diversity Impact has been undertaken and is enclosed in the background papers.

**Information for/not for publication:**

The decision can be published publically, the public will in any case be notified via the advertisement process attached to the Order, which will be advertised in a local newspaper and posted on site by notice.

**Background papers:**

- Risk register
- EINA
- Environmental Impact Checklist
- Diversion Plan


Any conflict of interest declared by a Cabinet Member who is consulted by the Member taking the decision	Name of Cabinet Member	Nature of interest	Details of any dispensation granted by the Monitoring Officer
Yes/No*			

\* Delete as appropriate

**Decision taken by:**

Councillor MILF GREENE (Print name)

Cabinet Portfolio TRANSPORT, CLEANING + WASTE

Signed:  Date of decision: 13/3/15

**Date of publication of record of decision:** (to be inserted by Democratic Services)

**Date decision effective** – that is 5 working days after the date of publication of the record of decision unless the decision is called-in for consideration by the relevant Overview and Scrutiny Panel:



## 0.0. Equality Impact Needs Assessment

The Diversity Promise - *Making it Happen!*



Title of Policy/Service/Project	Diversion of Public Footpath U45
Service Unit	Planning Transport and Regulation
Lead Responsible Officer and Job Title	Philip Elias Rights of Way Officer
Members of the Assessment Team:	Philip Elias Rights of Way Officer Zak Cusens Rights of Way Apprentice
Date assessment completed:	14/02/17

### About the Policy/Service/Project:

What type of policy/service/project is this? (delete as appropriate)

#### New/proposed

What are the aims/objectives of the policy/service/project? (please include here all expected outcomes)

To divert a Public Footpath to allow the development of 14 dwellings on the land North of Moorside Road.

Are there any associated services, policies or procedures? **Yes**

The diversion is to proceed in conjunction with a planning application submitted by Bournemouth Borough Council (7-2016-26471).

List the main people, or groups of people, that this policy/service/project is designed to benefit and any other stakeholders involved?

The diversion of the Public Footpath will be essential for members of the public to continue a protected pattern of access between the existing Public Footpath leading from Tedder Road to Moorside Road, as the original path line will be built over.

Will this policy/service/impact on any other organisation, statutory, voluntary or community and their clients/service users?

Local interest groups such as the Ramblers Association and Open Spaces Society will likely be interested in the changes and may contribute suggestions to the proposal.

### **Consultation, Monitoring and Research**

Where there is still insufficient information to properly assess the policy, appropriate and proportionate measures will be needed to fill the data gaps. Examples include one-off studies or surveys, or holding informal consultation exercises to supplement the available statistical and qualitative data.

If there is insufficient time before the implementation of the policy to inform the EINA, specific action points will be need to be clearly set out in the action plan. Steps must include monitoring arrangements which measure the actual impact and a date for a policy review.

#### **Consultation:**

What involvement/consultation has been done in relation to this (or a similar) policy/service/project and what are the results?

No consultation has been performed for the diversion, however the planning application itself with the diversion proposal has been advertised, and the proposed Order will be advertised.

If you have not carried out any consultation, or if you need to carry out further consultation, who will you be consulting with and by what methods?

The Order will be advertised on site, in the local paper and by email to various interest groups in addition to statutory consultees and ward members.

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**Monitoring and Research:**

What data, research and other evidence or information is available which is relevant to this EINA?	n/a
Is there any service user/employee monitoring data available and relevant to this policy/service/project? What does it show in relation to equality groups?	n/a
If there is a lack of information, what further information do you need to carry out the assessment and how are you going to gather this?	None.

**Assessing the Impact**

	Actual or potential benefit	Actual or potential negative outcome
<b>Age</b>	No perceived impact	No perceived impact

	<b>Actual or potential benefit</b>	<b>Actual or potential negative outcome</b>
<b>Disability</b>	No perceived impact	No perceived impact
<b>Gender</b>	No perceived impact	No perceived impact
<b>Gender reassignment</b>	No perceived impact	No perceived impact
<b>Pregnancy and Maternity</b>	No perceived impact	No perceived impact
<b>Marriage and Civil Partnership</b>	No perceived impact	No perceived impact
<b>Race</b>	No perceived impact	No perceived impact
<b>Religion or Belief</b>	No perceived impact	No perceived impact
<b>Sexual Orientation</b>	No perceived impact	No perceived impact
<b>Any other factor/ groups e.g. socio-economic status/carers etc</b>	No perceived impact	No perceived impact



	Actual or potential benefit	Actual or potential negative outcome
Human Rights	No perceived impact	No perceived impact

**Stop - Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.**

If impacts have been identified include in the action plan what will be done to reduce these impacts, this could include a range of options from making adjustments to the policy to stopping and removing the policy altogether. If no change is to be made, explain your decision:

**Action Plan**

Include:

- What has/will be done to reduce the negative impacts on groups as identified above.
- The arrangements for monitoring the actual impact of the policy/service/project

Issue identified	Action required to reduce impact	Timescale	Responsible officer	Which Business Plan does this action link to e.g. Service Equality Action Plan/Team Plan


Issue: Diversion of Public Footpath U45  
 Meeting Date: Not applicable  
 Accountable Manager: Larry Austin  
 Impact Assessor: Philip Elias 01202 262017 p.elias@bournemouth.gov.uk

Key	
+	Balance of positive Impacts
?	Balanced or unclear impacts
-	Balance of negative impacts
n/a	Not applicable

Impact Criteria	Impact	Comments
<b>Natural resources</b> impact on use of natural resources - for example energy, water, raw materials	+	Encourages sustainable transport by the protection of footpaths to be used by locals walking between roads.
<b>Quality of environment</b> contribution to safe and supportive environments for living, recreation and working	+	Would protect a useful walking route, allowing pedestrian movement partially away from traffic.
<b>Bio-diversity</b> protects and improves wildlife and habitats	n/a	
<b>Waste and pollution</b> effects on air, land and water from waste and emissions	n/a	
<b>Council Priority and Objectives for Improving our Environment:</b> <ul style="list-style-type: none"> <li>• Reduce traffic congestion</li> <li>• Improve streetscene</li> <li>• Improve recycling &amp; energy management</li> <li>• Respond to climate change</li> <li>• Improve quality of existing space</li> </ul>	+	Retaining the path reduces reliance on the car and therefore positively influences all Council Priorities and Objectives for Improving our Environment.

Please complete and save your checklist, and email a copy to Lee Green, Environment Strategy and Sustainability Manager @ [lee.green@bournemouth.gov.uk](mailto:lee.green@bournemouth.gov.uk)

If you would like help in completing this checklist or would like to request a change, again contact Lee Green by email or call on 01202 451144.



# Proposed Diversion of Public Footpath U45

## Legend

-  Diversion Path
-  Extinguished Path
-  Existing Paths

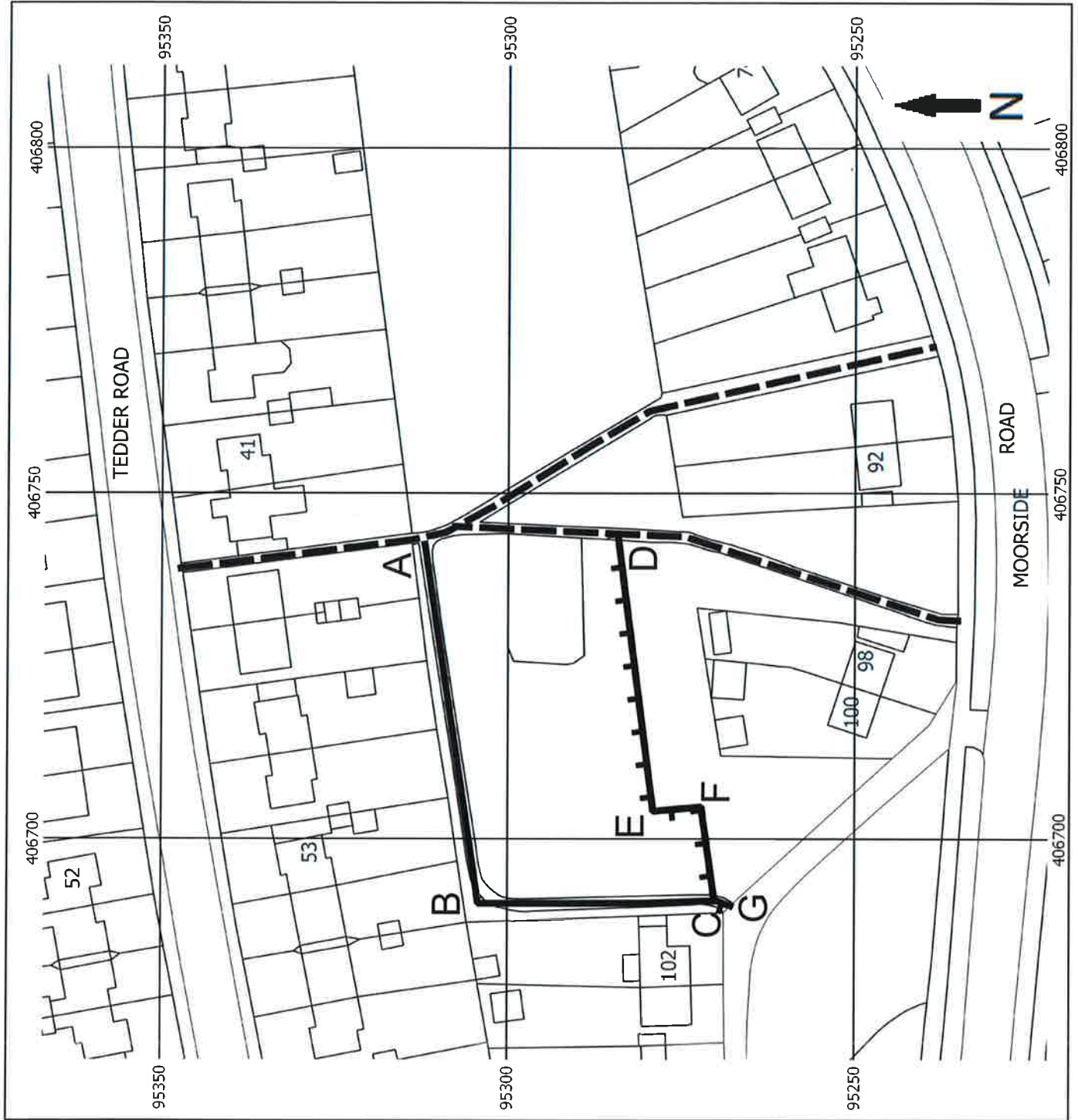
1 : 800

Bournemouth Borough Council  
 Rights of Way  
 Town Hall Annexe  
 St. Stephen's Rd  
 Bournemouth  
 BH2 6EA



Working together

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# RISK REGISTER FOR

High Lane Road Extension Order

**Risk Key:**

**Definitions:**

**Priority Ratings:**

**Corporate Risk Categories:**

Pol=Political      Enviro=Environmental  
 Econ=Economic    Comp=Competitive  
 S=Social          Cust=Customer/Citizen  
 T=Technological    Rep=Reputation  
 L=Legislative      Phys=Physical

L = Likelihood (1-4)

1-2 Low risk

I = Impact (1-4)

3-6 Medium risk

S = Score (I x L)

8-16 High

**Service Risk Categories:**

Res=Resource      Cont=Contractual  
 L=Legal            T=Technological  
 Phys=Physical      Enviro=Environmental

PLEASE SEE TABS BELOW FOR THE RISK SCORING MATRIX, INFORMATION ON RISK CATEGORIES AND IMPACT & LIKELIHOOD SCORING DEFINITIONS

Risk No	Gross/Initial Risk			Risk Category	Risk Owner	Gross Risk (ie as mitigated)	
	Risk (uncertainty which may affect objective)	Risk Cause (definite situational facts affecting the objective)	Risk Impact (contingent effect on objective)			L	S
1	Obstruct development	Not making the order	The proposed housing development cannot proceed unless the existing Public Footpath is diverted.	Contractual	PE	3	4
2	Failing in statutory duties	Not making the order	We will lose standing with the local groups and societies who support us such as the Ramblers and Open Spaces Society	Reputation	PE	3	3
3	Faliure to protect popular paths	Not making the order	The customer could lose access to the path and a valubale walking route causing customer outcry. This may also lead to poorer health and less active lifestyles within the community.	Customer	PE	1	1

