

**THE CITY OF SUNDERLAND (CHAPELGARTH) PUBLIC PATH EXTINGUISHMENT ORDER**  
**2016**

**STATEMENT OF REASONS**

The land (known as Chapelgarth) over which the various footpaths run has been appropriated by the Council for planning purposes pursuant to Section 122(1) of the Local Government Act 1972 (and within the meaning of Section 246 of the Town and Country Planning Act 1990 (“the 1990 Act”).

The Property had previously been held by the Council for housing purposes however given that the Council would not build houses on the Property itself it wished to enable the residential development of the Property through its sale.

Appropriation powers were exercised;

1. In order that the Council could exercise its power under Section 258 of the 1990 Act to extinguish any public rights of way on the Property ensuring a development of it could be undertaken without the risk of any new claims for public rights of way;
2. So that in the event of a planning permission for the development of the Property being granted section 237 of the Town and Country Planning Act 1990 could be used to override any other third party interests in the Property that may otherwise restrict its development.

The reasons for the appropriation of the land are fully set out in the Cabinet report dated 23<sup>rd</sup> March 2016.

The routes of the various footpaths are shown by bold black lines on the Order Map Drawing Ref: SUO48294/03. In order to facilitate the development of the land, these footpaths are required to be extinguished pursuant to an order made under Section 258(1) of the 1990 Act as footpaths cross proposed development plots and new highway provision on the land.

Reasons for extinguishment for each footpath, together with a brief description of the intended alternative highway provision identified are outlined in the table below. The intended alternative highway is derived from current Planning Application Ref: 16/00388/HY4, as outlined on Regulatory Pan 13 Recreational Routes, Drawing Ref: L-1515-PRP-050. The planning application went before Planning and Highways Committee on 9<sup>th</sup> August 2016, the resolution being that the committee was minded to Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to signing of the Section 106 Agreement and draft conditions listed within the committee report. The S106 is now well advanced and is likely to be completed by the end of 2016.

<b>Footpath Reference</b>	<b>Reason for Extinguishment</b>	<b>Intended Alternative Provision</b>
A – B	Crosses identified development plots.	Minimum 2m wide surfaced footpath to the west on the alignment of the north/south footpath to be retained. A local street network of all-purpose highway to the east, including; north/south links connecting to a wider network of all purpose highway, multi user route and circulatory footpaths.
C – B – D	Crosses identified development	A local street network of all-purpose

	plots and new all-purpose highway network.	highway to the north and south, including; east/west links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
E – F – G	Crosses identified development plots and new all-purpose highway network.	A local street network of all-purpose highway to the north and south, including; east/west links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
H – I – D – F – J – K – L – M – N – O – P	Crosses identified development plots and new all-purpose highway network, including main access roads.	Minimum 2m wide surfaced circulatory footpath running to the north-east of section H – I – D – F – J – K, with a local street network of all-purpose highway to both sides of section K – L – M – N – O – P, including; east/west and north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
I – G – Q – R – S	Crosses identified attenuation basin, which would form part of the developments sustainable drainage system.	Minimum 2m wide surfaced circulatory footpath running within the immediate proximity, serving broadly the same desire line.
T – Q – K – U	Crosses identified development plots and new all-purpose highway network, including local distributor road.	A local street network of all-purpose highway to the east and west, including; north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
V – W – X – Y – M	Crosses identified development plots and new all-purpose highway network, including main access road.	A local street network of all-purpose highway to the east and west, including; north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
K – X	Crosses identified development plots and new all-purpose highway network, including main access road.	A local street network of all-purpose highway to the south, including; east/west links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
L – Y – Z – AA	Crosses identified development plots and new all-purpose highway network, including local distributor road.	A local street network of all-purpose highway to the north and south, including; east/west links connecting to a wider network of all-purpose

		highway, multi user route and circulatory footpaths.
M – BB – CC – DD – O	Crosses identified development plots and new all-purpose highway network, including local distributor road.	A local street network of all-purpose highway to the north and south, including; east/west links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
R – W – EE – FF	Crosses identified development plots and new all-purpose highway network, including main access road.	Minimum 2m wide surfaced circulatory footpath running to the north, with a local street network of all-purpose highway to the south, including; east/west and north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
GG – EE – HH – AA – CC	Crosses identified development plots and new all-purpose highway network, including main access road.	A local street network of all-purpose highway to the east and west, including; north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
GG – II – HH – DD	Crosses identified development plots and new all-purpose highway network, including main access road.	A local street network of all-purpose highway to the east and west, including; north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
DD – HH	Crosses identified development plots.	A local street network of all-purpose highway to the north, south and west, offering links to a wider network of all-purpose highway, multi user route and circulatory footpaths.
II – JJ	Crosses identified development plots.	A local street network of all-purpose highway to the south and west, offering links to a wider network of all-purpose highway, multi user route and circulatory footpaths.
KK – LL – MM – NN	Crosses identified development plots and noise mitigation measures.	Minimum 2m wide surfaced circulatory footpath running within the immediate proximity, serving broadly the same desire line. As well as a local street network of all-purpose highway to the north, offering links to a wider network of all-purpose highway, multi user route and circulatory footpaths.

LL – OO	Crosses identified noise mitigation measures.	Minimum 2m wide surfaced circulatory footpath running within the immediate proximity, serving broadly the same desire line. As well as a local street network of all-purpose highway to the north, offering links to a wider network of all-purpose highway, multi user route and circulatory footpaths.
J – KK	Crosses identified development plots, new all-purpose highway network, including local distributor road and identified noise mitigation measures.	A local street network of all-purpose highway to the east and west, including; north/south links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
KK – U – PP – QQ – N – BB – Z	Crosses identified development plots, new all-purpose highway network, including local distributor road and identified noise mitigation measures.	A local street network of all-purpose highway to both sides, including; north/south and east/west links connecting to a wider network of all-purpose highway, multi user route and circulatory footpaths.
KK – RR – SS – TT	Crosses identified noise mitigation measures.	New 5m wide multi user route/bridleway serving broadly the same desire line, as a replacement for this footpath and a diverted route for the W2W (subject to separate S.257 TCPA 1990 Order).
RR – UU	Crosses identified noise mitigation measures.	Footpath links from point UU connecting to local street network of all-purpose highway, multi user route and circulatory footpath.

In summary; all of the footpaths to be extinguished are to be replaced with a network of new footpaths, multi-user routes and all-purpose highway as part of the development, as outlined on regulatory plan which we believe improves the current connectivity across the site.

For the reasons stated above, it is considered appropriate for the Council to make a public path extinguishment order in respect of those footpaths described in the Schedule and listed above. The Council is satisfied that alternative rights of way will be provided as part of the development with improved connectivity, it is also intended that permissive access would be allowed across the site until the relevant area is required for development or enabling works.