

# **PLANNING COMMITTEE – 1 NOVEMBER 2006**

## **Report of the Chief Solicitor**

### **Miscellaneous Item**

## **Craig Lea Compulsory Purchase Order**

### **Background**

1. Members will recall that following the closure of a private footpath linking the cul de sac of Craig Lea to the adjacent footpath/cycleway complaints were received from members of the public and the Committee sought to secure the re-opening of the footpath by way of enforcement action. This was unsuccessful and subsequently the Committee authorised the making of a CPO of the land with a view to acquiring the land and re-establishing the footpath link. The Order was made and objections to the making of the Order were received.
2. A Public Inquiry into the Order was held on the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> July 2006 when evidence was heard from witnesses for both the Council, the main objector, who owns the adjacent property, and interested local people.

### **The outcome of the Inquiry**

3. The Secretary of State's decision letter was issued on the 16 October and this endorsed the decision of the Inspector not to confirm the Order.
4. The main findings of the Secretary of State were that any benefits of re-opening the footpath would be limited. She identified the key issues as being the possibility of a greater incidence of anti-social behaviour, and that the layout of the path does not conform to good design practice. She found that the Council had overstated the likely benefits of re-opening the footpath and there was no compelling need to acquire the land.
5. The land will therefore remain in private ownership.

### **Recommendation**

It is **RECOMMENDED** that the Secretary of State's decision be noted.

**Chief Solicitor**

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