



## INFINITY PARK DERBY

Infinity Park Derby LLP  
c/o Wilson Bowden Developments Ltd  
Forest Business Park  
Bardon Hill  
Leicestershire  
LE67 1UB

Our Ref: IS.PL.04-01  
Date: 26<sup>th</sup> July 2024

For the attention of Mr R Brown

Planning Division  
Communities and Place  
Derby City Council  
The Council House  
Corporation Street  
Derby  
DE1 2FS

By e-mail to: [rightsofway@derby.gov.uk](mailto:rightsofway@derby.gov.uk)

Dear Mr Brown

### **APPLICATION FOR DIVERSION OF FOOTPATH SINFIN MOOR 5 UNDER s257 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

#### **Background**

This letter comprises an application to request the City Council to divert footpath Sinfin Moor 5 and to create an alternative route to facilitate development which the City Council has already permitted.

This request is made by Infinity Park Derby LLP on behalf of the landowner (Infinity Park Management Company Ltd). FP Sinfin Moor 5 currently runs between the north end of Moor Plantation (BW3) (to the west) and the adopted highway at Sinfin Moor Lane (to the east). It connects with other paths within Infinity Park including Bridleway Sinfin Moor 2 which runs north to south from Sinfin Moor 5, crossing Infinity Park Way and joining Sinfin Moor Lane.

Infinity Park Derby is now an established commercial and business location. Outline planning permission was first granted on 17<sup>th</sup> December 1999 (Ref: 98/35130) and it was effectively renewed on 02/11/2023 (Permission ref: 22/01685/OUT). That permission was granted subject to conditions and a s106 legal agreement. Condition 11 of the outline permission states:

*'No development shall take place in the phase of works that includes the footpath diversion off Sinfin Moor Lane, until written confirmation has been submitted to and approved in writing by the Local Planning Authority that the appropriate diversion order has been approved and finalised'.*

The footpath diversion falls within Phase 3 of the IPD scheme – which has been approved under a separate phasing condition (Condition 4a of the outline permission). The diversion is required to facilitate widening and improvement works to the Cuttle Brook for drainage, flood alleviation and ecological (BNG) reasons.

The diversion, is therefore, required to facilitate planned development, particularly as outline permission over this site already exists and specific individual proposals across the site are now coming forward.

### **Submission Material**

Included within this submission are the following:

1. Completed Application Form for a Public Path Order Section 257, Town and Country Planning Act 1990;
2. A letter of authority from Infinity Park Derby Management Company Limited (the landowner) confirming our appointment to act on its behalf with respect to this matter;
3. Land registry transfer form TP1 confirming transfer of title to Infinity Park Derby Management Limited (formal title registration is awaited);
4. Drawing IPAB-BWB-HWY-FP-D-C-0030 Rev P01 'Sinfin Moor 5 Footpath Diversion – Diversion Plan';
5. Drawing IPAB-BWB-HWY-FP-D-C-0104 Rev P01 'Sinfin Moor 5 Footpath Diversion – General Arrangement'.

Drawing IPAB-BWB-HWY-FP-D-C-0030 Rev P01 show grid references (at change points) for the existing and proposed diversion routes. Drawing IPAB-BWB-HWY-FP-D-C-0104 Rev P01 also shows the proposed materials for the diverted route (see key).

We await details of any charges that the applicant may need to pay. Please forward any such details to me in the first instance – a formal invoice will be needed.

### **Footpath Specification**

The existing FP 5 in the area of interest is generally an unsurfaced informal trodden path approximately 1.0m wide. It does not appear to be maintained to any particular standard. As shown on Drawing IPAB-BWB-HWY-FP-D-C-0104 Rev P01 the proposed diversion route would be a 3m wide path – suitable for upgrade to bridleway status in the future, should that be required. The total extent of FP 5 proposed to be diverted is 175.5m.

### **Temporary Diversion Proposals**

Following this permanent diversion, we will also need to arrange a temporary diversion in order to allow the required works to the Cuttle Brook to proceed. That temporary diversion will be addressed via separate arrangements in due course.



**INFINITY PARK  
DERBY**

### **Confirmation**

On behalf of the landowner, we can also confirm the following:

1. We will be responsible for the Council's reasonable costs, if required, for the making of a footpath diversion order – please can you confirm these costs as soon as possible;
2. Should any other definitive footpath, bridleway or restricted byway be disturbed whilst undertaking any works, we will reinstate such surfaces to a condition agreeable to the Council;
3. That access along the existing route will be maintained until as such time as any diversion order is confirmed; and
4. That we will not obstruct any other rights of way in the area that is not a part of this diversion whilst undertaking the proposed works.

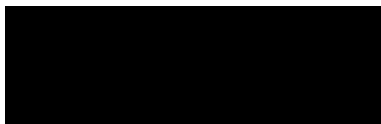
### **Conclusion**

The approval of the outline planning permission (as listed above) for Infinity Park Derby took account of the need to divert this right of way, including FP 5, as far as the planning application process is able to do so. The outline planning application process also included consultation with relevant parties with an interest in the local rights of way network. We believe that an appropriate diversion route has been proposed which is equally convenient to users.

We trust we have provided sufficient information for the City Council to progress a diversion under s.257 of the Town and Country Planning Act - following approval of our full planning application. If there are any questions arising, or if any additional information is required, then please do not hesitate to contact the undersigned.

I would be grateful for acknowledgement of the receipt of this request and, in due course, contact details for the relevant case officer.

Yours sincerely



**Ian Smith  
SENIOR PLANNING MANAGER**



Encs.



Derby City Council

# Application for a Public Path Order

## Section 257, Town and Country Planning Act 1990

Please read the guidance notes carefully before completing this form. We will only make an order under Section 257 of the Town and Country Planning Act 1990 in order to allow development to take place.

### 1 Applicant

a. Name: Ian Smith

\_\_\_\_\_

Address: \_\_\_Wilson Bowden, Cartwright Way, Forest Business Park, Bardon Hill,  
Leicestershire |

\_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_ LE67 1UB

\_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_ [REDACTED]

\_\_\_\_\_

Email: [REDACTED]

\_\_\_\_\_

b. What is your interest in the land, such as landowner, occupier or lessee?

\_\_\_Occupier\_\_\_\_\_

\_\_\_\_\_

c. If a limited company, give the address of your registered office.

As above

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postcode: \_\_\_\_\_

**2 Agent (if applicable)**

a. Name: \_\_\_As above

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Email: \_\_\_\_\_

**3 Land ownership**

a. Do you own all of the land affected by the proposed order? Yes  No X

b. If no, provide details of all other affected landowners, occupiers, lessees and other parties, stating their interest in the land. This application form should be accompanied by a letter of consent and accompanying plan showing the extent/interest of each affected landowner, occupier, lessee or other party affected by the proposal.

\_\_\_See covering letter and enclosed transfer

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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c. Are there any areas of land affected by the proposal for which ownership has not been identified? Yes  No X

If yes, give details and include a plan showing any unidentified ownership.

\_\_\_\_\_

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**4 Statutory undertakers**

Are you aware of the existence/position of any apparatus belonging to any statutory undertaker in, on, over or across the land affected by the existing or proposed routes?

Yes  No  If yes, give details:

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**5 Details of the development**

Give details of the proposed development including the Derby City Council planning reference number.

See covering letter

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## 6 Details of path(s) to be diverted or extinguished

This application form should be accompanied by a map clearly showing the route(s) to be diverted or extinguished, ideally to a scale of 1:2500, or the largest scale readily available.

- a. State the type of public path

footpath           bridleway           byway

- b. If the path(s) is/are on the definitive map then state its/their former parish name(s) and number(s):

\_\_\_Sinfin Moor 5\_\_\_\_\_

- c. If the path(s) is/are **not** on the definitive map then state its/their start and finish points:

\_N/A\_\_\_\_\_

- d. Provide, if known, the OS or national grid reference for the start and finish point of the affected section(s) of path(s):

\_\_\_\_\_See enclosed drawings\_\_\_\_\_

- e. What is the length and width (in metres) of the affected section(s) of path(s)?

\_\_\_175m\_\_\_\_\_

## 7 Proposed diverted route(s)

- a. Show on the proposal plan submitted with this form, the proposed diverted route(s) and describe below or on a separate sheet of paper, the proposed path status(es), widths, lengths and any relevant topographic features, where appropriate.

\_See enclosed drawings\_\_\_\_\_

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- b. Show on the proposal plan submitted with this form any limitations, such as stiles or gates, on the diverted route(s) and list them below or on a separate sheet of paper.

  N/A    
\_\_\_\_\_

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**8 Costs**

- a. If we decide to proceed with an application for the order, we will normally do so subject to the applicant agreeing to cover our costs incurred in processing the application, making the order, consulting relevant bodies and publishing the statutory notices. See guidance notes.
- b. We have the discretion to waive part or all of the charges where this is considered appropriate.
- c. Applicants may still be liable for payment of costs if they withdraw an application.



## 9 Declaration

- a. I/we understand that no authority for the extinguishment of a footpath/bridleway is conferred unless:
  - 1 the appropriate order has been made, confirmed and certified
  - 2 notices have been published
  - 3 any necessary works have been completed and the order brought into operation.
- b. I/we agree to pay all costs for processing the application and making the order.
- c. I/we hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.
- d. I/we hereby declare that the information provided in respect of this application is correct to the best of my/our knowledge.

### **Rights of Way Privacy Notice**

#### **How is your information used?**

We may use your information to: process applications for Public Path Orders and Definitive Map Modification Orders, process landowner statutory declarations, carry out rights of way related. We may need to pass on some of your details to third party organisations in line with our statutory procedures. These third parties include government departments and agencies, other local authorities, landowners and private companies, as allowed by law.

#### **Who has access to your information?**

We may share your information with:  
government departments and agencies, other local authorities, landowners, private companies and individuals, as allowed by law.

*For further information about how your personal information will be used, please visit [www.derby.gov.uk](http://www.derby.gov.uk) where you can see a full copy of our Privacy Notice. Alternatively you can request a hard copy from – Spatial Planning on 01332 640809, Derby City Council, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS or by email at [rightsofway@derby.gov.uk](mailto:rightsofway@derby.gov.uk)*

Signed:



Full Name: \_\_\_ Ian Smith

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Position (if applicable):  
Planning Manager – Wilson Bowden

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Date: \_\_\_ 26/7/24

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**Please return this completed application form with all enclosures to:**

The Rights of Way Officer  
Planning Division  
Communities and Place Directorate  
Derby City Council  
The Council House  
Corporation Street  
Derby DE1 2FS

**Email electronic versions to:** [rightsofway@derby.gov.uk](mailto:rightsofway@derby.gov.uk)







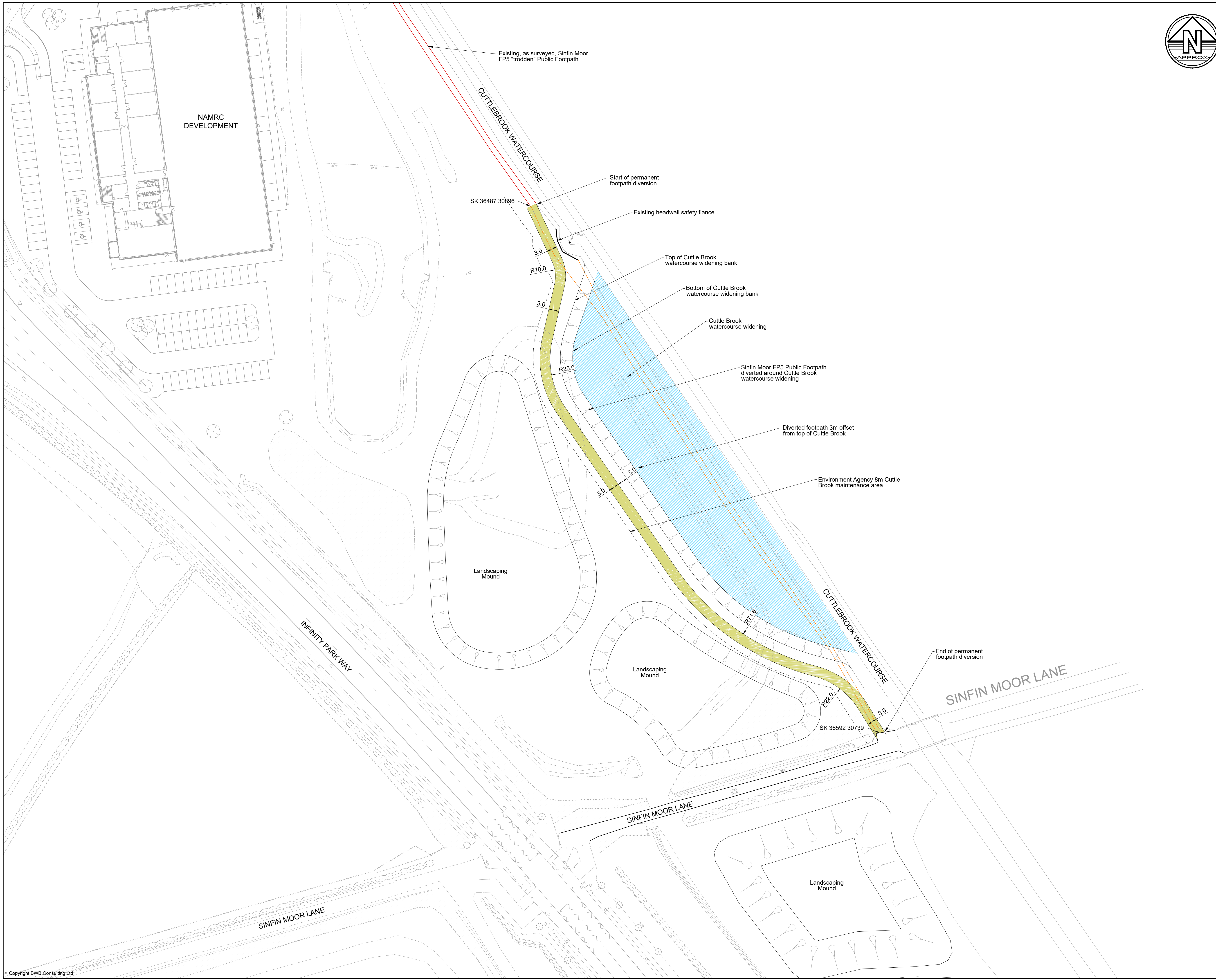


Notes

1. Do not scale this drawing. All dimensions must be checked/ verified on site. If in doubt ask.
2. This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
3. All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.
4. Any discrepancies noted on site are to be reported to the engineer immediately.

Legend

- Existing Sinfin Moor FP5 "trodden" footpath to remain
- Existing Sinfin Moor FP5 "trodden" footpath to be stopped up
- Permanent Sinfin Moor FP5 Grassed Public Footpath Diversion: (FPCR Grassed Surface Specification: Naturescape N1 General Purpose Meadow Mixture (or similar approved) overlaid onto 150mm topsoil)
- Widened Cuttle Brook Watercourse Embankment
- Widened Cuttle Brook Watercourse



PO1	26.07.24	Updated based on Planner Comments	KJ	AL
D1	02.07.24	Draft Issue	AL	DG
Rev	Date	Details of issue / revision	Drw	Rev

Issues & Revisions

**BWB**  
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- Leeds | 0113 233 8000
- London | 020 7407 3879
- Manchester | 0161 233 4260
- Nottingham | 0115 924 1100

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Client

**INFINITY PARK DERBY**

Project Title

**Infinity Park Derby  
Plots A2, B1, B5**

Drawing Title

**Sinfin Moor 5  
Footpath Diversion  
General Arrangement**

Drawn:	A. Lodge	Reviewed:	D. Gray
BWB Ref:	233159	Date:	02.07.24
Scale@A1:	1:500		

Drawing Status  
**PRELIMINARY**

Project - Originator - Zone - Level - Type - Role - Number	Status	Rev
<b>IPAB-BWB-HWY-FP-D-C-0104</b>	<b>S1</b>	<b>P01</b>