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Mrs K D Winnard

Doncaster Metropolitan Borough
Council

Corporate Director of Legal services
P O Box 71

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Your Ref: L/KDW31789

Our Ref: FPS/F4410/5/1

Date: 13 August 2008

Dear Mrs Winnard

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

Doncaster Borough Council

Public Footpath No.7 Auckley (Part) and Public Footpath No.1 Austerfield (Part)
Diversion Order 2007

I am directed by the Secretary of State for Environment, Food and Rural Affairs to refer to the above named Order, which was submitted to him for confirmation.

The Order was made under Section 257 of the Town and Country Planning Act 1990, which provides for the stopping up or the diversion of a footpath or bridleway, where it is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the Act.

The diversion of the footpath was requested in order to allow development to be carried out for which planning permission has been granted. The authorised development was the construction of an access road to serve Robin Hood Airport.

However, a number of photographs were submitted which appeared to show that the road had been constructed and was open for use. An Inspector visited the site to inspect the route of the path and the proposed development and found that the road was in place and was open to public use.

Planning permission was granted for the construction of a new access road to the airport and the diversion of the path was requested to allow that development to take place. Given that the road has been constructed and opened to the public for vehicular use without the footpath being diverted, and given that it appears that little or no work remains to be undertaken on the road, it is considered that the development can be described as being substantially complete. It follows that it is not considered that the powers to confirm the Order under section 259 of the above Act can be exercised.

As the development is now substantially complete there is no basis for an Order to be made or confirmed under Section 257 of the Town and Country Planning Act 1990. The Secretary of State therefore takes the view that the Order is invalid and he has decided not to exercise his power of confirmation.



In view of the above, the hearing arranged for Wednesday 27 August 2008 has been cancelled.

I have copied this letter to the objectors and all other interested parties to the Order.

Please find enclosed the sealed Orders.

Yours sincerely

P Kozak

pp. Annie J Owen (Mrs)
Rights Of Way Section Manager