

ITEM NO.	
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TITLE	: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 69, BURY		
TO / ON	: Planning Control Committee	25 March 2003	
BY	: Borough Engineer		
STATUS	: FOR PUBLICATION		

1.0 TYPE OF DECISION

1.1 What type of decision is to be taken:-

EXECUTIVE DECISION			COUNCIL DECISION	
Key		Non Key	Yes	

1.2 If a key decision, has it been included in the Forward Plan

Inclusion in Forward Plan	No	Date of Plan	
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2.0 SUMMARY

This report contains information regarding an application to divert part of public footpath number 69, Bury.

3.0 **OPTIONS AND RECOMMENDED OPTIONS (with reasons)**

That the Committee approve the application to divert part of public footpath number 69, Bury in order to allow development to take place and authorise the Council Solicitor to process the necessary orders.

4.0 **THIS REPORT HAS THE FOLLOWING IMPLICATIONS**

Corporate Aims

Improving Transport and the Environment.
Creating a better future for all generations.

Policy Framework

Maintaining the asset value of the highway network and contributing to community safety.

Statement by Monitoring Officer

The Monitoring Officer is satisfied that this report is consistent with the Statutory requirements placed on the Council

Statement by Director of Finance & E-Government

The costs of diversion will be met by Chelford Homes and so there will be no direct financial implications arising from this report.

Human Resource IT/Land and Property Implications

Wards/Area Boards affected

Unsworth Ward
Whitefield and Unsworth Area Board.

Scrutiny Panel's Interest

Economy, Environment & Transport.

Consultations

Borough Planning & Economic Development Officer. Acting Head of Legal Services. Customer Services and Contracts Manager. Director of Finance & E-Government.

Call-in

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Briefings

Executive Members/ Chair	Yes	Chief Executive	
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5.0 INTRODUCTION

5.1 An application has been received from Napthens Solicitors on behalf of Chelford Homes to divert part of public footpath number 69, Bury under Section 257 of the Town and Country Planning Act 1990.

5.2 The diversion will allow completion of a new housing development off Cemetery Lane, Bury.

6.0 BACKGROUND

6.1 Plan 1, PRW/69/BURY/DC/1 shows the section of footpath to be diverted as a solid line A-D and the proposed diversion as a bold dashed line A-B-C-D.

6.2 Plan 2, PRW/68/BURY/DC/2 shows the position of the path in relation to the surrounding network. Plan 3, PRW/68/BURY/DC/3 also clarifies the position of the path within the immediate area.

6.3 Section 257 of the Town and Country Planning Act 1990 permits the diversion of a right of way to allow a development to take place.

7.0 ISSUES

7.1 Part of public footpath number 69, Bury runs along the eastern edge of an area of land for which planning permission has been approved for a housing development.

7.2 Diversion of the relevant part of the path will allow the development to take place.

7.3 The existing path runs adjacent to Bury Cemetery boundary wall and would become a narrow ginnel between high walls and fences if left in situ behind proposed garden areas.

7.4 Most of the proposed diversion will follow a new estate road associated with the housing development apart from the southernmost section, which passes through public open space before joining the recently improved riverside path, the Roch Trail.

7.5 DOE Circular 2/1993 Annex D, paragraph 4 states – “The use of estate roads (for public rights of way) should be avoided wherever possible and preference should be given to the use of made up estate paths through landscaped or open space

areas away from vehicular traffic.” In this particular case, the restrictions placed upon the design of the development site by the presence of the Cemetery and the River Roch and the need to take into account “Designing out Crime” meant that the new route of the relevant section of path would have to be along the estate roads.

- 7.6 The length of existing path to be diverted is approximately 165 metres. The proposed diversion is approximately 200 metres in length.
- 7.7 Chelford Homes have confirmed that they own the land crossed by the existing and diversion routes and have undertaken to pay all reasonable costs.
- 7.8 Preliminary consultations have taken place with prescribed bodies. The Ramblers Association have indicated that they would object to the diversion as “the new footpath would be along an estate road, in front of homes and garages with the risk of pollution from car exhausts plus the added danger that is to be found walking along pavements that are crossed by householders parking their cars.” The Open Spaces Society will object as they believe DOE Circular 2/1993 Annex D has been ignored. (See Appendix 1 for list of consultees).

8.0 CONCLUSIONS

- 8.1 The proposed diversion along the estate roads of the new development offers the safest, most sensible route through a development being built with definite limits on the available space.
- 8.2 That the Committee authorise the Council Solicitor to make the necessary orders to divert part of public footpath number 69, Bury, under Section 257 of the Town and Country Planning Act 1990.

**C M CANNON
BOROUGH ENGINEER**

Background documents:

Letter of application.
Definitive Map and Statement.

Enclosures:

Appendix 1.
Plans 1, 2 and 3.

For further information on the details of this report, please contact:

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