

TITLE	: APPLICATION TO CLOSE PART OF PUBLIC FOOTPATH NUMBER 38, TOTTINGTON AND CREATE PUBLIC FOOTPATH NUMBER 107, TOTTINGTON		
TO / ON	: Planning Control Committee		07 October 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 close part of public footpath number 38, Tottington and the creation of Public Footpath Number 107, Tottington.

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

That the Committee approve the application to close part of public footpath number 38, Tottington and the creation of Public Footpath Number 107, Tottington in order to allow development to take place and authorise the Council Solicitor to process the necessary orders and agreements.

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 the recommendation of this report is in accordance with relevant legislation and the Council's policy framework.

Statement by Director of Finance & E-Government

There are no direct financial implications for the Authority of accepting the proposals. All costs incurred will be met by the developer of the residential site.

Human Resource IT/Land and Property Implications

Wards/Area Boards affected

Tottington Ward

Scrutiny Panel's Interest

Economy, Environment & Transport.

Consultations

Borough Planning & Economic Development Officer. Director of Legal and Democratic Services and Council Solicitor. 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 Dunham Brothers(Ramsbottom) Limited to close part of public footpath number 38, Tottington under Section 257 of the Town and Country Planning Act 1990 and to create a new footpath to be known as number 107, Tottington.
- 5.2 The closure and creation will allow completion of a residential development for which planning permission has been granted.

6.0 BACKGROUND

- 6.1 Plan 1, PRW/38/TOTT/DC/1 shows the section of footpath to be closed as a solid line A-B-C and the proposed created footpath as a bold dashed line D-B-E
- 6.2 Plan 2, PRW/38/TOTT/DC/2 shows the position of the paths in relation to the surrounding network.
- 6.3 Section 257 of the Town and Country Planning Act 1990 permits the closure of a right of way to allow a development to take place. Section 25 of the Highways Act 1980 allows the Authority to enter into an agreement with the landowner to create a new public right of way.

7.0 ISSUES

- 7.1 Part of public footpath number 38, Tottington runs through an area of land for which planning permission has been approved for a residential development.
- 7.2 It is usual in these situations to divert the relevant part of the path to allow the development to take place. However, the proposed diversion route would not start or end at the same point as the existing path. Legally, the alternative route cannot be deemed to be a diversion. To resolve this, the existing path would be closed and a new path created as its replacement.
- 7.3 The existing line of the path (A-B-C) runs through a car park belonging to the "Nailors Green" Public House. The Public House is to be demolished and the area covered by a residential development. The path is a "dead end" providing no asset to the local community.

- 7.4 The proposed footpath creation would run through the parking area of the development offering an alternative to the footways of Brandlesholme Road and Vernon Road on a similar line to that which appears to be used already by the public.
- 7.5 The path to be closed is approximately 57metres in length and the creation route is approximately 65 metres.
- 7.6 Dunham Brothers (Ramsbottom) Limited have confirmed that they own the land crossed by the existing and proposed routes and have undertaken to pay all reasonable costs.
- 7.7 Preliminary consultations have taken place with prescribed bodies. (See Appendix 1 for list of consultees). No objections have been received.

8.0 CONCLUSIONS

- 8.1 The proposed closure and creation provides a more commodious route for the public and allows the residential development to take place.
- 8.2 That the Committee authorise the Council Solicitor to make the necessary orders and agreements to close part of public footpath number 38, Tottington, under Section 257 of the Town and Country Planning Act 1990 and create a new public footpath to be known as number 107, Tottington under Section 25 of the Highways Act 1980.

**C M CANNON
BOROUGH ENGINEER**

Background documents:

Letter of application.
Definitive Map and Statement.

Enclosures:

Appendix 1
Plans 1 and 2

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

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