

ITEM NO.	
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TITLE	: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 88, 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 divert part of public footpath number 88, Tottington.

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

That the Committee approve the application to divert part of public footpath number 88, Tottington 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 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 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 Morris Homes (North) Limited to divert part of public footpath number 88, Tottington under Section 257 of the Town and Country Planning Act 1990.

5.2 The diversion will allow completion of a residential development for which planning permission has been granted.

6.0 BACKGROUND

6.1 Plan 1, PRW/88/TOTT/DC/1 shows the section of footpath to be diverted as a solid line A-B and the proposed diversion as a bold dashed line A-C-B.

6.2 Plan 2, PRW/88/TOTT/DC/2 shows the position of the path in relation to the surrounding network.

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 88, Tottington runs through an area of land for which planning permission has been approved for a residential development.

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

7.3 The existing line of the path runs through a rough, grassed area which is to be covered by the development.

7.4 The proposed diversion would run along the footway of the new estate road for 20 metres before turning south and then west along a separate footway through the development.

7.5 The path to be diverted is approximately 48 metres in length and the diversion route is approximately 87 metres.

7.6 Morris Homes (North) Limited have confirmed that they own the land crossed by the existing and diversion 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). B.T. objected as their apparatus would need to be relocated. The Ramblers Association also objected as part of the path will follow estate roads. The developer has resolved these matters and the objections have been withdrawn.

8.0 CONCLUSIONS

8.1 The proposed diversion minimises the length of the diversion running adjacent to the new estate road and allows the development to take place.

8.2 That the Committee authorise the Council Solicitor to make the necessary orders to divert part of public footpath number 88, Tottington, 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 and 2

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

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