

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 29 JUNE 2004

SUBJECT: THE CREATION OF TWO SECTIONS OF PUBLIC FOOTPATH AND APPLICATION TO CLOSE PART OF PUBLIC FOOTPATH NUMBER 65, PIMHOLE, BURY

REPORT FROM: MIKE CANNON, BOROUGH ENGINEER

CONTACT OFFICER: IAN CROOK, MANAGER
(HIGHWAY NETWORK SERVICES)

TYPE OF DECISION: NON KEY DECISION

REPORT STATUS: FOR PUBLICATION

PURPOSE/SUMMARY:

This report contains information regarding a proposal to create two sections of public footpath under section 26 of the Highways Act 1980 and an application to close part of Public Footpath Number 65, Pimhole, Bury under section 118 of the Highways Act 1980.

OPTIONS AND RECOMMENDED OPTION:

The recommended option is for the Committee to approve the proposal to create two sections of public footpath and an application to close part of Public Footpath Number 65, Pimhole, Bury to create a safer, commodious rights of way network in the immediate area.

The Council Solicitor be authorised to make the necessary orders to add two sections of public footpath to the Definitive Map and to close part of Public Footpath Number 65, Bury

The second option is for the Committee to disagree with the recommended option and refuse the closure and creations.

IMPLICATIONS -

Financial Implications and Risk Considerations

See statement by Director of Finance and E-Government

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? **Yes**
Improving Transport and the Environment.

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

Are there any legal implications? **Yes**

Considered by Monitoring Officer: **Yes**

Comments: **None**

Statement by Director of Finance and E-Government:

The costs of the required works, estimated at between £1,000 and £2,000 will be met from the provision in the Planning Capital Programme for the Pimhole Scheme

Staffing/ICT/Property: **N/A**

Wards Affected: **East and Redvales**

Scrutiny Interest: **Economy, Environment and Transport**

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Panel	Executive	Committee	Council
		Planning Control 29 June 2004	

1.0 BACKGROUND

1.1 The Authority's Planning Division, in conjunction with the Pimhole Steering Group proposes to add two sections of public footpath to the Definitive Map.

- 1.2 The two created sections of path would replace the section of Public Footpath Number 65, Bury which is enclosed behind high, solid fencing and walls for much of its length as it passes through land used by businesses processing End of Life Vehicles. The relevant section of path would no longer be necessary and could be closed.
- 1.3 Plan 1, PRW/65/BURY/DC/1 shows the sections of Public Footpath to be created as bold, dashed lines.
- 1.4 Plan 2, PRW/65/BURY/DC/2 shows the section of Public Footpath to be closed as a solid, black line.
- 1.5 Plan 3, PRW/65/BURY/DC/3 shows the relevant location in relation to the surrounding area.
- 1.6 Section 26 of the Highways Act 1980 permits local authorities to make public path creation orders for the creation of new footpaths or bridleways if it is considered expedient to do so.
- 1.7 Section 118 of the Highways Act 1980 permits the closure of a right of way where it appears to a local authority that the path should be stopped up on the ground that it is not needed for public use.

2.0 ISSUES

- 2.1 The recently constructed section of the "Roch Valley Greenway" connecting Goshen with Pimhole has created two new sections of path for use by the public. The "Greenway" follows the line of Public Footpath Number 65 Bury to its junction with School Street which it then follows to Pimhole Road. School Street is an unadopted street. A second section of "Greenway" has been constructed from Footpath Number 65 to Alfred Street (see Plan 1).
- 2.2 It is proposed that the School Street section and the connection between Footpath Number 65 and Alfred Street be added to the Authority's Definitive Map as Public Footpaths. They will offer attractive, alternative routes between Pimhole and Goshen and beyond.
- 2.3 It is considered that the two new paths will deem the existing continuation of Public Footpath number 65, Bury where it runs through land used by businesses processing End of Life Vehicles (ELVs) as being no longer necessary for use by the public.
- 2.4 The James Street end of the section of path to be closed suffers from fly-tipping problems. The Authority organises regular cleansing of the path but the problem always returns.
- 2.5 The businesses abutting the path deal with ELVs which are stored on sites immediately adjacent to the path. ELV's have the potential to contain hazardous components/fluids and may pose a risk to human health. ELV's have been classed as Hazardous Waste since 1 January 2002.

- 2.6 There are concerns regarding the security for the businesses at Pimhole. The path has been used by people carrying out criminal and anti-social activities. A closure would deny an escape route used by people committing criminal acts in the nearby residential area.
- 2.7 St Thomas's Primary School and parents have concerns about the school children using the footpath. They wish to see the path closed.
- 2.8 Greater Manchester Police have indicated their support for the closure on the grounds of safety and security.
- 2.9 The closure would be part of the SRB5 Pimhole Project with the aim of improving the Pimhole breakers area to benefit the whole community. The application has been developed in consultation with the community through the Pimhole Steering Group Meetings, questionnaires and discussions. Removal of this section of path is included in the Pimhole Project Action Plan. One of the main objectives of the Plan is to improve security for the businesses and residential community of Pimhole and this closure will play a major role in "designing out crime" together with other improvement proposals such as new fencing and gates.
- 2.10 The cost of the creations and closure will be funded through the Pimhole Project budget.
- 2.11 The prescribed organisations have been consulted regarding the application. Appendix 1 lists the responses and indicates that the Open Spaces Society have verbally stated that they would raise objections.

Consultations

Head of Legal Services
Director of Finance and E-Government
Borough Property and Technical Services Officer
Borough Planning and Economic Development Officer

3.0 CONCLUSION

- 3.1 The two proposed public footpath creations, forming part of the "Roch Valley Greenway" will offer attractive alternatives to pedestrians wishing to gain access between Pimhole and Goshen and beyond.
- 3.2 The two new routes will deem the section of Public Footpath Number 65, Bury no longer necessary for public use as it only duplicates the created access but in a far less attractive and safe environment.
- 3.3 Closure of the section of path passing through land used by businesses dealing with ELVs will improve the safety of the site, allow improvements in preventing crime and anti-social behaviour and provide an essential part of the overall plan to improve Pimhole for the people who live and work in the area.

- 3.4 The Committee is recommended to authorise the Council Solicitor to make the necessary orders to add two public footpaths to the Definitive Map and close part of Public Footpath Number 65, Bury.

**C M CANNON
BOROUGH ENGINEER**

List of Background Papers:

Definitive Map and Statement
Pimhole Project Action Plan

Enclosures:

Plans 1, 2 and 3
Appendix 1

Contact Details:

Ian Crook
Manager
Highway Network Services
Lester House
21 Broad Street
Bury
BL9 0AW

Tel: 0161 253 6309
