

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 14 DECEMBER 2004

SUBJECT: APPLICATION FOR THE TEMPORARY DIVERSION OF
BRIDLEWAY NO 79 BURY AND
TEMPORARY CLOSURE OF PUBLIC FOOTPATH NO 82
BURY AND NO 1 WHITEFIELD

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 an application under Section 261 of the Town and Country Planning Act 1990 for the temporary diversion of Bridleway No 79 and temporary closure of Public Footpath No 82 and No 1 Whitefield.

OPTIONS AND RECOMMENDED OPTION:

The recommended option is for the Committee to approve the application for the temporary diversion of Bridleway No 79 Bury and temporary closure of Public Footpath No 82 Bury and No 1 Whitefield to allow the applicant to carry out quarrying and restoration works.

The Council Solicitor be authorised to make the necessary orders for the temporary diversion and temporary closures.

The second option is for the Committee to disagree with the recommended option and refuse the temporary diversion and temporary closures.

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

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

Are there any legal implications? Yes

Considered by Monitoring Officer: Yes

Statement by Director of Finance and E-Government:

Viridor have entered into an S106 agreement and have undertaken to reinstate the paths and to create new paths at the end of their operations. As they will pay all reasonable costs in connection with the works at that time there will be no direct financial impact on the authority's resources. However the timescale before these works are required is considerable (up to 19 years) therefore there is potentially a risk that circumstances will change. Should this happen then the plans for the footpath may need to be revisited and/or appropriate enforcement action considered.

Staffing/ICT/Property:

Wards Affected: Unsworth

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 14 December 2004	

1.0 BACKGROUND

- 1.1 An application has been received from Viridor Waste Management Limited for the temporary diversion of bridleway No.79 Bury and the temporary closure of Public Footpath No.82 Bury and No.1 Whitefield under section 261 of the Town and Country Planning Act 1990.
- 1.2 The temporary diversion and temporary closures will allow quarrying and restoration of land at Captains and Hill Top Farms off Pilsworth Road, Bury granted planning permission by the Authority on 17 August 2004.
- 1.3 Plan 1, PRW/79/BURY/DC/1 shows the bridleway to be temporarily diverted as a solid black line with dashes (Points A-F-E), the footpaths to be temporarily closed as a solid black line (Points F-B) and the temporary diversion of the bridleway as a broken black line with dashes (Points A-B-C-D-E).
- 1.4 Plan 2, PRW/79/BURY/DC/2 shows the position of the paths within the surrounding network.
- 1.5 Section 261 of the Town and Country Planning Act 1990 permits the temporary closure and/or diversion of a right of way for mineral workings when the right of way can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public.
- 1.6 A public footpath offers public access on foot only. A bridleway offers public access on foot, horse or cycle.

2.0 ISSUES

- 2.1 Bridleway No 79, Bury and Public Footpath Numbers 82, Bury and No 1 Whitefield cross land adjacent to Pilsworth Road for which planning permission has been granted for quarrying and restoration.
- 2.2 The temporary diversion of Bridleway No 79 and temporary closure of Public Footpath No 82, Bury and No 1 Whitefield will allow this work to take place until the routes can be reinstated.
- 2.3 An agreement has been reached between the quarry owners, Viridor Waste Management Limited and the Authority under Section 106 of the Town and Country Planning Act 1990 to reinstate the paths by the year 2023 at the latest. New paths will also be created under the agreement.
- 2.4 The diversion route would be approximately 3.5 metres in width and surfaced with a rolled and compacted hardcore with a layer of geotextile to improve drainage. It would run along the most practicable and least inconvenient route. The amenity of those using the diversion would be protected by carefully designed landscaping measures to minimise adverse impacts.

- 2.5 The existing bridleway to be diverted is 0.9 km in length (A-F-E on Plan 1). The diversion route is 2.37 km in length (A-B-C-D-E). The route currently utilised on foot (A-F-B) incorporating part of the bridleway to be diverted and Public Footpath Number 82, Bury and No 1 Whitefield which are to be closed is 1.2 km in length. The diversion route (A-B) is also 1.2 km in length.
- 2.6 The applicants have confirmed that they own the land crossed by the existing public rights of way and the diversion route and have undertaken to pay all reasonable costs.
- 2.7 Preliminary consultations have taken place with prescribed bodies. Appendix 1 lists the responses. No objections have been received at this stage. However, the Ramblers Association have asked for the diversion to be clearly signposted as although the route will be in existence for up to 19 years, it's temporary nature would mean official maps would not show the change.
- 2.8 Rochdale MBC have also been contacted as the diversion borders the Borough Boundary. They have indicated that they would not want horses to use the continuation of Public Footpath No.1 Whitefield to Moss Hall Road as this would be a safety risk. Signposting and fencing is being considered to enforce this.

CONSULTATIONS

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

3.0 CONCLUSION

- 3.1 The proposed diversion and closures offer the safest, most commodious means of maintaining public access around the quarry and restoration works for which planning permission has been granted.
- 3.2 That the Committee authorise the Council Solicitor to make the necessary orders to temporarily divert Bridleway No 79, Bury and temporarily close Public Footpath No 82 Bury and No 1 Whitefield, under Section 261 of the Town and Country Planning Act 1990.

List of Background Papers:

Letter of application
Definitive Map and Statement

Enclosures:

Appendix 1
Plans 1 and 2

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