
MEETING: PLANNING CONTROL COMMITTEE

DATE: 8 MARCH 2005

SUBJECT: APPLICATION TO DIVERT PART OF PUBLIC
FOOTPATH NUMBER 43 ST ANDREWS, RADCLIFFE

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 to divert part of Public Footpath number 43, St Andrews, Radcliffe.

OPTIONS AND RECOMMENDED OPTION:

That the Committee approve the application for the purposes of making an order to divert part of Public Footpath number 43, St Andrews, Radcliffe.

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

Are there any legal implications? Yes

Considered by Monitoring Officer:

The proposed diversion satisfies the criteria set out in Section 119 of the Highways Act 1980.

Statement by Director of Finance and E-Government: No additional costs will fall on the Council as the landowner has agreed to pay all costs associated with the proposed diversion.

Staffing/ICT/Property:

Wards Affected: Radcliffe North, Church

Scrutiny Interest: Economy, Environment and Transport

TRACKING/PROCESS **DIRECTOR:** Environment & Development Services

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

1.0 BACKGROUND

- 1.1 An application has been received from Mr N Howarth of Lodge View, 63a Lowercroft Road, Bury, BL8 2EX under Section 119 of the Highways Act 1980.
- 1.2 The diversion will allow efficient use of Mr Howarth's land and allow him to secure his boundaries and property.
- 1.3 Plan 1, PRW/43SA/RAD/GOC/1 shows the section of footpath to be diverted as a solid line A – B and the proposed diversion as a bold dashed line B - C.
- 1.4 Plan 2, PRW/43SA/RAD/GOC/2 shows the location of the path within the surrounding area.
- 1.5 Section 119 of the Highways Act 1980 permits the diversion of a public footpath in the interests of the owner of land crossed by the path.

2.0 ISSUES

- 2.1 The existing section of footpath A - B runs between the house and garden area and is approximately 35m in length.

- 2.2 The diversion will allow more efficient use of Mr Howarth`s land and allow him to secure his boundaries and property.
- 2.3 The diversion B - C is 35m in length and B – C – A is 70m in length which makes the onward journey either approximately 35m longer or 35m shorter depending on the direction travelled.
- 2.5 Mr Howarth has confirmed that he is the landowner and that he will pay all costs associated with the proposed diversion.
- 2.6 Preliminary consultations were carried out on 11 May 2004. There have been no objections to the proposed diversion. Appendix 1 lists the responses.
- 2.7 A four week objection period commences with the making of a diversion order. It is advertised on site and the local press allowing the public and interested parties to make objections. If no objections are received the Authority can confirm the order. If objections are submitted and cannot be resolved the matter is sent to the Secretary of State for a decision.

3.0 CONCLUSION

- 3.1 The proposed diversion allows the applicant efficient use of his land and to secure his land and property.
- 3.2 The Committee authorises the Council Solicitor to make the necessary orders to divert part of Public Footpath Number 43 St Andrews, Radcliffe under section 119 of the Highways Act 1980.

C M CANNON
BOROUGH ENGINEER

List of Background Papers:

Letter of Application
Definitive Map and Statement

Enclosures:

Appendix 1
Plans 1 and 2

Contact Details:

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

APPENDIX 1

PRELIMINARY CONSULTATIONS

CONSULTEE	RESPONSE	OBJECTION
United Utilities		
Cable and Wireless	Yes	No
IPN	Yes	No
Transco	Yes	No
Energis	Yes	No
Norweb		
National Grid	Yes	No
BT	Yes	No
NTL	Yes	No
Open Spaces Society		
Ramblers Association	Yes	No
Long Distance Walkers Association		
Peak and Northern Footpaths Society	Yes	No