

REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 24 MAY 2005

SUBJECT: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 104, BURY INCLUDING CONSEQUENTIAL STOPPING UP OF PART OF AN ADOPTED FOOTPATH

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 No 104, Bury including the consequential stopping up of part of an adopted footpath.

OPTIONS AND RECOMMENDED OPTION :

That the Committee approve the application to divert part of Public Footpath number 104, Bury including the consequential stopping up of part of an adopted footpath.

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:

Comments:

The proposals meet the criteria set out in Section 118 and Section 119 of the Highways Act 1980.

Statement by Director of Finance and E-Government: As all costs associated with the proposed diversion will be met by Swintex there is no financial impact on the Authority.

Staffing/ICT/Property: None

Wards Affected: 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 Committee 24.5.05	

1.0 BACKGROUND

- 1.1 An application has been received from Wilbraham & Co Solicitors who act on behalf of Swintex Ltd of Derby Works, Manchester Road, Bury under Section 119 of the Highways Act 1980 and Section 118 of the Highways Act 1980.
- 1.2 The diversion will allow more efficient use of land owned by Swintex Ltd and provide improved security.
- 1.3 Plan 1, PRW/104/BURY/GOC/1 shows the section of footpath to be diverted as a bold dashed line A – D and the proposed diversion as a solid line A – B – C. A small section of adopted footpath C – D will be closed consequentially as this will no longer be needed for public use.
- 1.4 Plan 2, PRW/104/BURY/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.

1.6 Section 118 of the Highways Act permits the stopping up of an adopted footpath which is no longer needed for public use.

2.0 ISSUES

2.1 The existing section of footpath A – D runs in a northerly direction and parallel to the existing border of land owned by Swintex Ltd. It is approximately 80 metres in length and meets an adopted footpath to the side of 735 Whitefield Road, Bury.

2.2 The existing section of adopted footpath D – C runs in a westerly direction and is approximately 15 metres in length. This section of adopted footpath needs to be closed as a consequence of the Public Footpath diversion as it will no longer be needed for public use.

2.3 The diversion A – B – C is approximately 80 metres in length which makes the onward journey approximately 15 metres shorter taking into account the closure of the adopted footpath.

2.4 Swintex Ltd confirm that they are the landowner and that they will pay all costs associated with the proposed diversion.

2.5 Preliminary consultations were carried out on 28 July 2004. One objection relating to the footpath diversion was received from the residents of 754 Whitefield Road. The basis of the objection related to the path exiting onto their land. Subsequently, the diversion route has been adjusted to ensure that it remains on Swintex Ltd land at all times

3.0 CONCLUSION

3.1 The proposed diversion allows the applicant commercial expediency and improved security.

3.2 The Committee is recommended to authorise the Council Solicitor to make the necessary orders to:

Divert part of Public Footpath Number 104 Bury under Section 119 of the Highways Act 1980.

Stop up the length of adopted footpath as detailed in this report under Section 118 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:

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PRELIMINARY CONSULTATIONS

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