



REPORT FOR DECISION

Agenda Item	
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MEETING: PLANNING CONTROL COMMITTEE

DATE:

SUBJECT: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 204, RAMSBOTTOM

REPORT FROM: IAN CROOK, MANAGER
HIGHWAY NETWORK SERVICES

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 204, Ramsbottom.

OPTIONS AND RECOMMENDED OPTION :

That the Committee approve the application to divert part of Public Footpath number 204, Ramsbottom.

IMPLICATIONS -

Financial Implications and Risk Considerations

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes

Are there any legal implications? Yes

Considered by Monitoring Officer:

Comments:

Statement by Director of Finance and E-Government:

Staffing/ICT/Property:

Wards Affected: Ramsbottom

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 Committee	

1.0 BACKGROUND

- 1.1 An application has been received from Mr D Winterbottom of Hoof Farm, Bury Old Road, Nangreaves, Bury under Section 119 of the Highways Act 1980 to divert part of Public Footpath 204, Ramsbottom.
- 1.2 The diversion is for the purpose of security and safety. The applicant's son has an autistic spectrum disorder which means he lacks awareness of dangerous situations and has a fear of strangers.
- 1.3 Plan 1, PRW/204/RAMS/GOC/1 shows the section of footpath to be diverted as a solid line A-B-C and the proposed diversion as a bold dashed line A-D.
- 1.4 Plan 2, PRW/204/RAMS/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 route A-B-C runs in a westerly direction through the applicant's land before turning in a northerly direction running along the gable end of the applicant's house and meeting Public Footpath 196, Ramsbottom. It is approximately 61 metres in length and has no defined width.

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- 2.2 The diversion will allow safer conditions to the applicant's son who has an autistic spectrum disorder. The applicant moved into this location due to it being approximately 500 metres from any adopted highways bearing vehicular traffic.
- 2.3 The diversion A-D runs in a northerly direction across the applicant's land before meeting Public Footpath 196, Ramsbottom and is approximately 32 metres in length. It has a maximum width of 1.5 metres.
- 2.4 The total alternative route A-D-C is 64 metres.
- 2.5 In my opinion the proposed route is no less commodious than the existing route.
- 2.6 Mr Winterbottom has confirmed that he is the landowner and will pay all costs associated with the proposed diversion.
- 2.7 Preliminary consultations were carried out on 2 May 2006. There have been no objections to the proposed diversion. Appendix 1 lists the responses.
- 2.8 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. It is likely that the Secretary of State would call a Public Inquiry at this stage.

3.0 CONCLUSION

- 3.1 The proposed diversion allows the applicant to provide care and safety to his son who has special needs.
- 3.2 The Committee authorises the Council Solicitor to make the necessary orders to Divert part of Public Footpath Number 204, Ramsbottom under Section 119 of the Highways Act 1980.

**BRIAN DANIEL
BOROUGH PLANNING, ENGINEERING &
TRANSPORTATION SERVICES OFFICER**

List of Background Papers:

Letter of Application
Definitive Map and Statement

Enclosures:

Appendix 1
Plans 1 and 2

Contact Details:

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Manager
Highway Network Services
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Bury
BL9 OAW

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PRELIMINARY CONSULTATIONS

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