

**REPORT FOR DECISION**

Agenda Item	
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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 27 FEBRUARY 2007

**SUBJECT:** APPLICATION TO CLOSE PART OF PUBLIC FOOTPATHS 82 AND 87 TOTTINGTON WITH THE ADDITION OF TWO SECTIONS OF FOOTPATH TO THE DEFINITIVE MAP

**REPORT FROM:** IAN CROOK, MANAGER  
HIGHWAY NETWORK SERVICES

**CONTACT OFFICER:** IAN CROOK, MANAGER  
HIGHWAY NETWORK SERVICES

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**TYPE OF DECISION:** NON KEY DECISION

**FREEDOM OF INFORMATION/ STATUS:** This paper is within the public domain

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**SUMMARY:**

This report contains information regarding an application to close part of Public Footpaths 82 and 87 Tottington with the addition of two sections of footpath to the Definitive Map.

**OPTIONS AND RECOMMENDED OPTION:**

That the Committee approve the application in order to remove two footpaths shown to pass through 21 properties on the Definitive Map which is a long standing anomaly and to provide alternative routes for pedestrians.

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**IMPLICATIONS -**

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes

**Financial Implications and Risk Considerations**

There are no significant risks associated with this proposal

**Statement by Director of Finance and E-Government:** The alterations proposed will not have any additional impact on the Council's resources

**Equality/Diversity implications** No

**Considered by Monitoring Officer:** Yes

**Staffing/ICT/Property:**

**Wards Affected:** Tottington

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

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## TRACKING/PROCESS

**EXEC DIRECTOR:** Env & Dev Services

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council
		Planning Control 27.2.07	

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## 1.0 BACKGROUND

- 1.1 The Authority has received a request from Mr Wilkinson, 6 Moorside Road Tottington regarding the need to resolve a long standing anomaly on the Definitive Map.
- 1.2 Public Footpath 82 Tottington passes through the houses and gardens of 2 to 12 Moorside Road, Tottington and Public Footpath 87 passes through the gardens of 12 to 44 Moorside Road, Tottington.
- 1.3 It appears that when the Moorside Road estate was built the Public Footpaths in the area affected by the development were not removed from the Definitive Map and Statement.
- 1.4 The householders confirm that no one has ever tried to walk the paths and the Authority has no record of anyone wishing to exercise their right to walk the paths.
- 1.5 Because some of the gardens have been extended, a diversion of Public Footpath 87 outside the gardens into the adjoining field is not feasible.
- 1.5 The Authority seeks the closure of part of Public Footpaths 82 and 87 Tottington with their removal from the Definitive Map. It is proposed that two new sections of path will be added to the Definitive Map to provide a formal means of access to replace those being removed.

## **2.0 ISSUES**

- 2.1 Public Footpath 82 Tottington (A - B - C) runs in an easterly direction through the houses and gardens of 2 to 12 Moorside Road before meeting Moorside Road. It is approximately 222 metres in length and has no defined width.
- 2.2 Public Footpath 87 Tottington (B - E - F) runs in a southerly direction through the gardens of 12 to 44 Moorside Road. It is approximately 214 metres in length and has no defined width.
- 2.3 One of the proposed new sections of path (A - E) runs in an easterly direction before meeting Moorside Road and is approximately 137 metres in length. It has a minimum width of 1.5 metres.
- 2.4 The second proposed new section of path which is already in use by the public but is not on the Definitive Map (F - G) runs in an easterly direction before meeting Moorside Road and is approximately 27 metres in length. It has a maximum width of 4 metres.
- 2.5 The existing section of path (C - H - D) passes along the adopted highway between points C to H and will remain on the Definitive Map.
- 2.6 A public consultation took place on 13 March 2006 between the Authority and the residents of Moorside Road. There were no objections to the proposal. A written consultation took place with the landowner over which Public Footpath 82 Tottington (A - B) and the proposed alternative (A - E) passes. They have not responded to the proposal.
- 2.7 Preliminary consultations were carried out on 5 September 2006. The Authority has received one objection to the proposal from the Ramblers Association, Manchester. The objection relates to the Authority at that time neglecting its duty at the planning or enforcement stage, when the estate was constructed over 30 years ago.
- 2.8 Utilities raised no objection to the proposals.

### **RISK MANAGEMENT**

- 2.9 The approval for the closure of part of Public Footpath 82 and 87 with the addition of two sections of path to be added to the Definitive Map is not considered to carry any associated risks.

### **EQUALITY IMPACT ASSESSMENT**

- 2.10 An initial screening has been undertaken and it has been decided that there are no impacts to be considered.

### 3.0 CONCLUSION

- 3.1 The current position of part of Public Footpaths 82 and 87 Tottington affect a number of properties on Moorside Road, Tottington.
- 3.2 There is no evidence that any member of the public has expressed desire to use them.
- 3.3 Closure of the paths will allow The Definitive Map and Statement to be rationalised.
- 3.4 Alternative routes will be provided and added to the Definitive Map.
- 3.5 The proposal benefits the Authority, residents and pedestrians.

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#### List of Background Papers:

Definitive Map and Statement.

Equality Impact Assessment.

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