

**REPORT FOR DECISION**

Agenda Item	
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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 20 NOVEMBER 2007

**SUBJECT:** APPLICATION TO DIVERT PART OF PUBLIC  
FOOTPATH NUMBER 96, RAMSBOTTOM

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

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

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**TYPE OF DECISION:** EXECUTIVE (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 by Stephen Hill, 1 Cinder Hill, Chesham, Bury, BL9 6ST to divert part of Public Footpath Number 96, Ramsbottom on behalf of Hazel Hall Farm, Summerseat.

**OPTIONS AND RECOMMENDED OPTION:**

That the Committee approve the application to divert part of Public Footpath Number 96, Ramsbottom at Hazel Hall Farm, Summerseat, to give the applicant use of an area of land unaffected by public rights of way and to ensure the Definitive Map and Statement record the actual location of the footpath on site.

That the Council Solicitor is authorised to make the necessary orders.

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**IMPLICATIONS -**

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? Yes

**Financial Implications and Risk Considerations**

**Statement by Director of Finance and E-Government:**

As the applicant has undertaken to pay all reasonable costs associated with the diversion of the footpath there will be no impact on the resources of the authority"

**Equality/Diversity implications** None

**Considered by Monitoring Officer:** Yes

**Wards Affected:** North Manor

**Scrutiny Interest:**

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**TRACKING/PROCESS EXEC DIRECTOR: Env & Development Services**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council
		Planning Control 20.11.07	

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**1.0 BACKGROUND**

- 1.1 Plan 1 PRW/96/RAMS/DC/1 shows the part of the footpath to be diverted as a solid black line A-B and the proposed diversion as a bold, dashed line C-B.
- 1.2 Plan 2, PRW/96/RAMS/DC/2 shows the location of the footpath within the surrounding area.

- 1.3 Section 119 Highways Act 1980 permits the diversion of a public footpath for the benefit of the landowner if the diversion is no less commodious for the public.

## **2.0 ISSUES**

### **Risk Management**

- 2.1 The diversion of the footpath is not considered to carry any associated risks.

### **Equality Impact Assessment**

- 2.2 An initial screening has been undertaken and the diversion will have a neutral impact on all groups.
- 2.3 The section of footpath to be diverted has not been used by the public for several years as an alternative footpath has been provided and maintained on the line of the proposed diversion. As a result, the public will not notice any physical change to the rights of way network at this location.
- 2.4 The residents of Hazel Hall Farm have planning permission to construct a stable block (Application No. 48103). The unused, definitive line of the footpath runs through the site and the diversion will be a further advantage to the landowner as a result.
- 2.5 The Authority could take action to enforce the reopening of definitive line of the footpath, but this is deemed inappropriate in this situation as a reasonable alternative exists and it is likely that the public would continue to use that alternative. Walkers tend to feel uncomfortable using paths that run close to private buildings and through garden/yard areas as they believe they are invading "private space".
- 2.6 Preliminary consultations have been carried out with the prescribed bodies. Appendix 1 indicates the responses received and that no objections have been raised.
- 2.7 The applicant has undertaken to pay all reasonable costs associated with the diversion.

## **3.0 CONCLUSION**

- 3.1 Diversion of part of Public Footpath Number 96, Ramsbottom is necessary to give the residents of Hazel Hall Farm, Summerseat an area of land unaffected by public rights of way and to ensure the Definitive Map and Statement reflects the position of the path on site used by the public.

3.2 That the Committee authorise the Council Solicitor to make the necessary orders under Section 119 Highways Act 1980.

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**List of Background Papers:**

Definitive Map and Statement.  
Equality Impact Assessment.  
Letter of Application

**Attachments:**

Plans 1, 2  
Appendix 1

**Contact Details:**

Ian Crook  
Manager, Highway Network Services  
Environment & Development Services  
Lester House  
21 Broad Street  
BURY  
Lancs BL9 OAW

Tel: 0161 253 6309

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