

**REPORT FOR DECISION**

Agenda Item	
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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 19 FEBRUARY 2008

**SUBJECT:** APPLICATION TO DIVERT PUBLIC FOOTPATH  
NUMBER 64, BURY

**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 Leisure Services to divert Public Footpath Number 64, Bury.

**OPTIONS AND RECOMMENDED OPTION:**

That the Committee approve the application to divert Public Footpath Number 64, Bury at the boundary of Openshaw Park, Rochdale Road, Bury to give Leisure Services better control of the access points to the park.

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:**

There will be no additional call on the highways budget as a result of this application. As the diversion relates to the Authority's land in the control of Leisure Services any costs associated with the diversion will need to be met from the Parks revenue budget.

**Equality/Diversity implications** None

**Considered by Monitoring Officer:** Yes

**Wards Affected:** East

**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 19.02.08	

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### 1.0 BACKGROUND

- 1.1 Plan 1 PRW/64/BURY/DC shows the footpath to be diverted as a solid black line A-B and the proposed diversion as a bold, dashed line C-B. Please note the Ordnance Survey base map no longer reflects the layout of the park.
- 1.2 Plan 2, PRW/64/BURY/DC/2 shows the current layout of the parks.

- 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 Several surfaced alternative paths exist within Openshaw Park offering a means of travelling between the south western and north eastern corners. These are used by the majority of pedestrians rather than Public Footpath Number 64, Bury which runs to the southern and eastern edge of the park.
- 2.4 The existing footpath is unsurfaced for the majority of its length and is partially obstructed by vegetation and fencing. The paths through the park offer better access. Removal of the vegetation and fencing would be unlikely to encourage use of the path given the facilities available within the park.
- 2.4 Diversion of the footpath to within the boundary of Openshaw Park will allow Leisure Services to erect fencing and to have greater control of access points. The diversion route runs close to that of the existing path and is no less commodious. The diverted path will be accessible at all times.
- 2.5 Preliminary consultations have been carried out with the prescribed bodies. Appendix 1 indicates the responses received and that no objections have been raised.
- 2.6 Leisure Services, as applicant, has undertaken to pay all reasonable costs associated with the diversion.

## **3.0 CONCLUSION**

- 3.1 Diversion of Public Footpath Number 64, Bury is necessary to allow Leisure Services to have better control of the access points for Openshaw Park.
- 3.2 That the Committee authorise the Council Solicitor to make the necessary orders under Section 119 Highways Act 1980.

**List of Background Papers:**

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

**Attachments:**

Plans 1, 2  
Appendix 1

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