

REPORT FOR DECISION

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| Agenda Item | |
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MEETING: PLANNING CONTROL COMMITTEE

DATE: 19 FEBRUARY 2008

SUBJECT: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH 39 BURY

REPORT FROM: IAN CROOK, MANAGER
HIGHWAY NETWORK SERVICES

CONTACT OFFICER: IAN CROOK, MANAGER
HIGHWAY NETWORK SERVICES

TYPE OF DECISION: NON KEY DECISION

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

SUMMARY:

This report contains information regarding an application to divert part of Public Footpath 39 Bury by Mr Varden, Bradshaw Hill Farm, Birtle, Bury.

OPTIONS AND RECOMMENDED OPTION:

That the Committee approve the application to divert part of Public Footpath 39 at Bradshaw Hill Farm, Birtle, Bury in the interests of the landowner and for the purpose of providing safety for the public.

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 landowner has agreed to pay all reasonable costs associated with the proposed diversion there is no impact on the

Authority's budget.

Equality/Diversity implications No

Considered by Monitoring Officer: Yes

Staffing/ICT/Property:

Wards Affected: Moorside

Scrutiny Interest: Economy, Environment and Transport

TRACKING/PROCESS

EXEC DIRECTOR: Env & Dev Services

| Chief Executive/ Management Board | Executive Member/ Chair | Ward Members | Partners |
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| | | | |
| Scrutiny Commission | Executive | Committee | Council |
| | | Planning Control 19.2.2008 | |

1.0 BACKGROUND

- 1.1 An application has been received from Mr Varden, Bradshaw Hill Farm, Birtle, Bury under section 119 of the Highways Act 1980 to divert part of Public Footpath 39 Bury.
- 1.2 The diversion is for the purpose of security, safety and privacy. The footpath currently passes through the main entrance gates to the farm and crosses a cattle grid and ornamental furniture.
- 1.3 Plan 1, PRW/39/BURY/DC/1 shows the section of footpath to be diverted as a solid line A - C and the proposed diversion as a bold dashed line B - C.
- 1.4 Plan 2, PRW/39/BURY/DC/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 Public Footpath 39 Bury (A - C) runs in a north westerly direction through the main gates of the farm and over a cattle grid and ornamental furniture before continuing across the applicants land until it meets Bridleway 33 Bury. It is approximately 161 metres in length and has no defined width.

- 2.2 The diversion will allow safer conditions to users of the footpath who currently have to cross a cattle grid, ornamental garden furniture and pass through the main vehicular entrance to the farm.
- 2.3 The diversion (B - C) runs in a north westerly direction parallel to the proposed section of path to be diverted and is approximately 165 metres in length. It has a width of 1.8 metres.
- 2.4 The diversion route is no less commodious than the existing route.
- 2.5 Mr Varden has confirmed he is the landowner and will pay all reasonable costs associated with the proposed diversion.
- 2.6 Preliminary consultations were carried out on 15 October 2007. There have been no objections to the proposed diversion. Appendix 1 lists the responses.
- 2.7 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.

RISK MANAGEMENT

- 2.9 The approval for the diversion of part of Public Footpath 39 Bury 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 adverse impacts to be considered.

3.0 CONCLUSION

- 3.1 The proposed diversion allows the applicant to secure his boundaries and provides safer passage to users of the footpath.
- 3.2 The Committee authorises the Council Solicitor to make the necessary orders to divert part of Public Footpath 39 Bury under Section 119 of the Highways Act 1980.

List of Background Papers:

Definitive Map and Statement.

Equality Impact Assessment.

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