

# REPORT FOR DECISION

**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 16 FEBRUARY 2010

**SUBJECT:** APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 151, BURY

**REPORT FROM:** IAN CROOK, TEMPORARY CHIEF ENGINEER

**CONTACT OFFICER:** DAVID CHADWICK, PUBLIC RIGHTS OF WAY OFFICER

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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 Property and Technical Services to divert part of Public Footpath Number 151, Bury to allow the construction of The Green development within Chamberhall Business Park and create a new length of Public Footpath 151.

**OPTIONS & RECOMMENDED OPTION** That the Committee approve the application to divert part of Public Footpath Number 151, Bury to allow The Green development, for which planning permission has been granted.

That the Committee refuse the application to divert part of Public Footpath Number 151, Bury, thus preventing The Green development, for which planning permission has been granted.

The recommended option is to approve the application and 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

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**Financial Implications and Risk Considerations:**

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

Any costs associated with the diversion process will be met by the applicant. The proposed diversion will not result in any additional expenditure commitments as no works are required for the footpath diversion.

**Equality/Diversity implications:** See paragraph 3.1

**Considered by Monitoring Officer:** The proposal meets the criteria for a diversion under The Town and Country Planning Act.

**Are there any legal implications?**

**Staffing/ICT/Property:** No implications

**Wards Affected:** Moorside, Bury East

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

**TRACKING/PROCESS**

**EXECUTIVE DIRECTOR:**

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council
		Planning Control 16/02/2010	

**1.0 BACKGROUND**

- 1.1 Plan 1 PRW/151/BURY/DC/1 shows the part of the footpath to be diverted as a solid black line A-B-C and the proposed diversion as a bold, dashed line A-D-C. Dotted line D-F shows a footpath to be created.
- 1.2 Plan 2, PRW/151/BURY/DC/2 shows the location of the footpath within the surrounding area.
- 1.3 Section 257 Town and Country Planning Act 1990 permits the diversion of a public right of way to allow development, for which planning permission has been granted, to take place.

## **2.0 RISK MANAGEMENT**

- 2.1 The site is identified in the Council's UDP as a development site known as Chamberhall Business site. In order for the development to progress the diversion of Public Footpath 151 is necessary to comply with the planning permission.
- 2.2 The creation of a new path along with the diversion of the existing path creates a longer network for which no additional maintenance monies are available and any future maintenance will have to be undertaken from the existing Highway Network revenue budget.
- 2.3 If the order is not made then the development cannot proceed.

## **3.0 EQUALITY AND COHESION IMPACT ASSESSMENT (ECIA)**

- 3.1 An ECIA initial screening form has been completed (Appendix 1). It has been decided that a full impact assessment is not required.

## **4.0 ISSUES**

- 4.1 Preliminary consultations have been carried out with the prescribed bodies. Appendix 2 indicates the responses received and that no objections have been raised.
- 4.2 The applicant has undertaken to pay all reasonable costs associated with the diversion.

## **5.0 CONCLUSION**

- 5.1 Diversion of part of Public Footpath Number 151, Bury is necessary to allow The Green development to take place within the Chamberhall Business Park.
  - 5.2 That the Committee authorise the Council Solicitor to make the necessary orders under Section 257 Town and Country Planning Act 1990.
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### **List of Background Papers:-**

Definitive Map and Statement

### **Attachments:-**

Plans 1, 2

Appendix 1 & 2

### **Contact Details:-**

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