

REPORT FOR DECISION

MEETING: PLANNING CONTROL

DATE: 20th April 2010

SUBJECT: APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 158, BURY

REPORT FROM: IAN CROOK, TEMPORARY CHIEF ENGINEER

CONTACT OFFICER: DAVID CHADWICK, PUBLIC RIGHTS OF WAY OFFICER

TYPE OF DECISION: EXECUTIVE (NON KEY DECISION)

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

SUMMARY:

This report contains information regarding an application by Planning Services to divert part of Public Footpath Number 158, Bury to allow the construction of a railway halt on the East Lancashire Railway.

OPTIONS AND RECOMMENDED OPTION:

That the Committee approve the application to divert part of Public Footpath Number 158, Bury to allow a railway halt, for which planning permission has been granted, to be constructed.

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

IMPLICATIONS -

Corporate Aims/Policy

Do the proposals accord with the Policy

Framework: Framework? Yes

Financial Implications and Risk Considerations

Statement by Director of Finance and E-Government: Planning Services as the applicant have identified budgets to pay all reasonable costs associated with the diversion.

Equality/Diversity implications See paragraph 3.1

Considered by Monitoring Officer: Yes

Wards Affected: Elton and North Manor

Scrutiny Interest:

TRACKING/PROCESS EXEC DIRECTOR: Env & Development Services

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council
		Planning Control 20.04.10	

1.0 BACKGROUND

- 1.1 Plan 1 PRW/158/BURY/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 A-C.
- 1.2 Plan 2, PRW/158/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 construction of a halt on the East Lancashire Railway line, adjacent to Burrs Country Park will make it possible for users of both the railway and the Country Park to have direct access to each others facilities and greatly expand the flexibility of how visitors can have access to the Irwell Valley as a visitor destination. In order for this development to progress, the diversion of part of Public Footpath Number 158, Bury is necessary to comply with the planning permission.

2.2 If the order is not made, 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 Planning Services have undertaken to pay all reasonable costs associated with the diversion.

2.0 CONCLUSION

3.1 Diversion of part of Public Footpath Number 158, Bury is necessary to allow the construction of a railway halt on the East Lancashire Railway.

3.2 That the Committee authorise the Council Solicitor to make the necessary order under Section 257 Town and Country Planning Act 1990.

List of Background Papers: Definitive Map and Statement.
Equality Impact Assessment

Attachments: Plans 1, 2
Appendix 1

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