

# REPORT FOR DECISION

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**MEETING:** PLANNING CONTROL

**DATE:** 15<sup>TH</sup> FEBRUARY 2011

**SUBJECT:** APPLICATION TO DIVERT PART OF PUBLIC FOOTPATH NUMBER 13, TOTTINGTON

**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 the resident of Fletchers, Turton Road, Tottington to divert part of Public Footpath Number 13, Tottington to improve for his home and business.

## OPTIONS AND RECOMMENDED OPTION:

That the Committee approve the application to divert part of Public Footpath Number 13, Tottington.

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

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## IMPLICATIONS -

**Corporate Aims/Policy Framework:**  
**Financial Implications and**

Do the proposals accord with the Policy Framework? Yes

## Risk Considerations

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

As the applicant has undertaken to pay all reasonable costs associated with the diversion there is no adverse effect on the Council's finances

**Equality/Diversity implications**

See paragraph 3.1

**Considered by Monitoring Officer: Yes**

**Wards Affected:**

Tottington

**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 15/02/2011	

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### 1.0 BACKGROUND

- 1.1 Plan 1 PRW/13/TOTT/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-D.
- 1.2 Plan 2, PRW/13/TOTT/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 right of way for the benefit of the landowner if the new route is no less commodious.

### 2.0 RISK MANAGEMENT

- 2.1 If objections are raised and cannot be resolved the matter would be decided by an Inspector at a public inquiry. The Order may be refused by the Inspector. The applicant has no right of appeal against such a decision unless it is challenged on the basis that the Inspector has misinterpreted the law.

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

3.1 An ECIA initial screening form has been completed. 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 1 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.

### **2.0 CONCLUSION**

3.1 Diversion of part of Public Footpath Number 13, Tottington is necessary to allow the resident of Fletchers, Turton Road to secure his property comprising of his home and business buildings.

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

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

**Attachments:** Plans 1, 2  
Appendix 1

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