

**OFFICER DELEGATION SCHEME
RECORD OF OPERATIONAL DECISION**



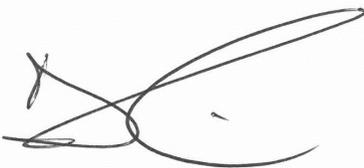
TO BE UPLOADED TO THE E-MEETINGS MANAGER

Date: 19/06/20	Ref No: 191
Type of Operational Decision:	
Executive Decision <input checked="" type="checkbox"/>	Council Decision <input type="checkbox"/>
Status: For Publication	
Title/Subject matter:	
Application under Section 257 Town and Country Planning Act 1990 to divert a Non-Definitive Footpath at Warth Fold, Bury	
Budget/Strategy/Policy/Compliance – Is the decision:	
(i) within an Approved Budget	Costs of application met by applicant up to Public Inquiry stage (if required). Public Inquiry costs would have to be funded by the Authority.
(ii) not in conflict with Council Policy	
(iii) not raising new issues of Policy	
Equality Impact Assessment [Does this decision change policy, procedure or working practice or negatively impact on a group of people? If yes – complete EIA and summarise issues identified and recommendations – forward EIA to Corporate HR]	No

Details of Operational Decision Taken [with reasons]:

To accept the application and to instruct Legal Services to make the appropriate orders to secure the diversion of a non-definitive footpath at Warth Fold, Bury. The path (shown in the attached plan PRW/ND/WARTH/BURY/1) is located in an area to be used for the construction of flood defences. It is proposed that a bund will be created across the line of the path, making access along the route very difficult with a gradient that would create an obstruction to some potential users of the path. The diversion removes the need to traverse the gradient.

The land for the existing and proposed diverted paths is owned by St Modwen Development Ltd. and they have agreed with the Environment Agency that works can take place on their land and that the footpath can be diverted. Planning permission has been sought for the flood defences (Planning No.65171) and a diversion will be required to allow the development to take place, subject to planning permission being granted. The existing path (A-B on the plan) is unsurfaced and runs beside a high concrete fence, at the base of the Metrolink embankment and is 250m in length. The diversion (A-D-C-B) would maintain access to the area via a sloped and more accessible route which passes through an open landscaped area and is 330m in length. The bridge across the River Irwell carries the Metrolink and has a pedestrian walkway beneath that offers access to and from the existing and diversion routes. The diverted route will be added to the Authority's Public Rights of Way Definitive Map and Statement.

Decision taken by:	Signature:	Date:
D R Giblin Head of Engineering		19/06/2020
Members Consulted [see note 1 below]		
Cabinet Member/Chair		
Lead Member		
Opposition Spokesperson		

Notes The diversion would maintain access to the area via a sloped and more accessible route which passes through an open landscaped area to improve public amenity value.

1. It is not generally a requirement to consult with any Members on Operational Decisions but where a Chief Officer considers it necessary to consult with the appropriate Cabinet Member and/or Lead Member, they must sign the form so as to confirm that they have been consulted and that they agree with the proposed action. The signature of the Opposition Spokesperson should be obtained to confirm that he/she has been consulted.
2. **This form must not be used for urgent decisions.**