

**OFFICER DELEGATION SCHEME
RECORD OF OPERATIONAL DECISION**



Date: 15/03/24	Ref No: ENG279
Responsible Officer: David Chadwick – Public Rights of Way Officer	
Title/Subject matter: Temporary Diversion of Bridleway No.79, Bury, and Temporary Closure of Public Footpath No.82, Bury and No.1, Whitefield Under Section 261 Town and Country Planning Act 1990	
Budget/Strategy/Policy/Compliance:	
(i) Is the decision within an Approved Budget?	Yes
(ii) Is the decision in conflict with Council’s policies, strategies or relevant service plans?	No
(iii) Does the decision amend existing or raise new policy issues?	No
(iv) Is the decision a non-key decision (below £100,000, outside the MO definitions)	Yes
Is publication still required? (see guidance)	Yes
Summary:	
<p>The relevant planning application number is 53453.</p> <p>The operators of the landfill site at Pilsworth Road, Bury have applied for a temporary closure and diversions to allow the reinstatement of the land following mineral extraction and landfill. Section 261 Town and Country Planning Act 1990 allows extended periods for the temporary closure/diversions and the applicant has requested the Order be in place until 31st December 2028.</p> <p>A similar Order was made in 2005 to temporarily close and divert the public rights of way until 6th May 2024. The operation has not been completed and a further Order is required.</p> <p>Preliminary consultations are being carried out with the prescribed bodies. The Ramblers have indicated that they will object to the order as they have concerns regarding the landfill operation. The operator has planning permission that cannot be carried out without the closure/diversion of the public rights of way. As a result, the Authority has to proceed with the making of the Order to support the planning permission. If objections are received and cannot be resolved, the Order will be sent to the Secretary of State for confirmation. This will delay the process and will result in the paths being unavailable for use without a valid Order being in place.</p>	
Options considered: The Authority refuses the application and insists the public rights of way are reinstated within a working landfill site with planning permission.	

Decision [with reasons]:

To instruct Legal Services to make the appropriate orders under Section 261 Town and Country Planning Act 1990 to secure the temporary Diversion of Bridleway No.79, Bury, and Temporary Closure of Public Footpath No.82, Bury and No.1, Whitefield . A plan showing the closure and diversions is attached (PRW/79/BURY/DC/1).

Decision made by:	Signature:	Date:
Pete Stokes Head of Head of Engineering and Streetscene.		19/03/24
Members Consulted [see note 1 below]		
Cabinet Member/Chair		
Lead Member		
Opposition Spokesperson		

Notes

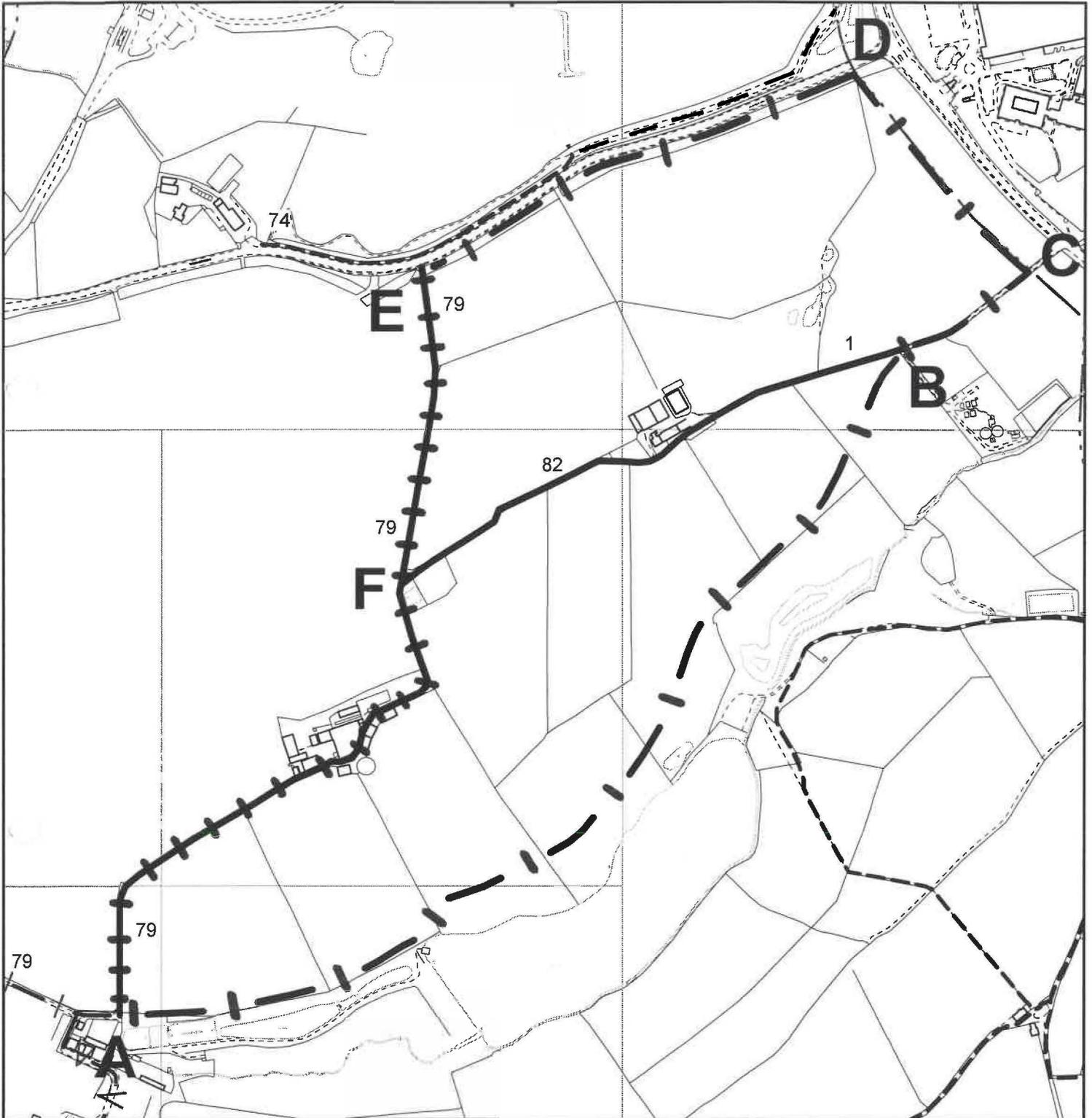
1. Where, in accordance with the requirements of the Officer Delegation Scheme, a Chief Officer consults with the appropriate Cabinet Member they must sign the form so as to confirm that they have been consulted and that they agree with the proposed action. The signature of the Opposition Spokesperson should be obtained if required, to confirm that he/she has been consulted. Please refer to the MO Guidance.
2. **This form must not be used for urgent decisions.**
3. Where there is any doubt, Corporate Directors should err on the side of caution and seek advice from the Council's Monitoring Officer.

Temporary Closure - Part of Bridleway No. 79, Bury, Public Footpath No. 82, Bury, and Public Footpath No. 1, Whitefield.

PLAN 1

- Existing Public Footpath
- | — Existing Bridleway
- V — Existing Restricted Byway
- + — Bridleway to be diverted

- Public Footpath to be closed
- | — Alternative Bridleway to be created
- · - · - Bury Borough Boundary



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PLAN PRW/79/BURY/DC/1

SCALE 1:6000

DRAWN BY DC

OS No. _____

DATE Nov 2004/ March 2024

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