



Date of Meeting	9 th September 2019
Portfolio	Cabinet Member for Environment
Report Author	Julie Simpson
Public/Private Document	Public

Permanent Diversion of Definitive Footpath HeyFp117 and Part of RocAFp10

Executive Summary

1. Land that used to form part of a right of way (footpath) in the Norden area of Rochdale, labelled as HeyFp117 and RocAFp10 on Council records, is now unstable following a landslide in the area. The footpath runs on a ledge some 20 – 30 feet high and is considered a high risk for continued use by the general public.

To ensure public safety it is proposed to divert part of HeyFp117 and part of RocAFp10 footpaths to land located further away from the ledge. The Council may do this by proceeding with a Map Modification Order under section 119 Highways Act 1980 and following this with a legal event order to change the routes on the definitive map and statement.

The relevant landowner (United Utilities) has been contacted and has written to the Council to approve a diversion of the footpaths onto neighbouring land in their ownership. The location of the diverted route is currently being used by members of the public and is notably safer.

The associated costs for Officer/Legal time and advertising costs will be borne by the Council. The diversion is required to protect public safety.

Recommendation

2. That the Council proceed with a Definitive Map Modification Order to divert the footpaths to an alternative location agreed by the landowner, to remove the risks to the general public, and, to show the new location of part of HeyFp117 and part of RocAFp10 on the definitive map and statement by completing a legal event order.

Reason for Recommendation

3. Under section 130 Highways Act 1980 the Council have a duty to assert and protect the rights of the general public to the use and enjoyment of any right of way.

Should a right of way be out of repair, difficult to use or there is a risk to the general public in their right to the use of a footpath, bridleway or restricted byway the Council have a duty to take the appropriate action to ensure the legitimate users are not put in any potential danger.

This is one of the circumstances the Council has to take action and the only reasonable precaution is to divert the sections of footpaths onto land that is easy to use and stable.

The general public are already using an alternative route on neighbouring land as the Council applied a temporary closure to prohibit use along footpaths HeyFp117/RocAFp10. The landowner, United Utilities, allowed access over a permissive route that they have now agreed can be recorded on Council records as a legal definitive footpath.

Key Points for Consideration

4. The Council have a duty to protect the rights of the general public and consider the safety aspects whilst using the definitive network of rights of way.

There is a potential danger to the general public along part of an existing recorded definitive right of way labelled HeyFp117 and part of RocAFp10 in the Heywood/Norden area of Rochdale. A landslip has occurred leaving the land unstable but the footpaths are currently in tact at the top of a 20-30 feet high ledge.

There is an alternative route available that the landowner "United Utilities" has agreed that the general public may use and they have also provided written permission that part of HeyFp117/RocAFp10 can be diverted to this alternative location.

The Council are required to undertake a legal order to modify the routes on the ground and to show the new location of the footpath on the definitive map and described in the statement.

4.1 **Alternatives Considered**

There is no other suitable alternative, it is not possible to build the land back up as it was a natural landslide, the land is now unstable and any works carried out in the area may cause further land fall.

The Council's preference would be to undertake a diversion of the sections of footpaths to ensure they run over land that is safe and secure for public use.

Costs and Budget Summary

5. The Council will bear the associated costs for the order from the Rights of Way budget, the costs relate to Officer/Legal time and Advertising costs.

Risk and Policy Implications

6. The proposal meets the People priorities to promote healthy, safe and happy lives through prevention and personalisation of care, and, to create high quality places where people choose to be.

There is a risks to the reputation of the Council and high risks to the general public if the Council do nothing.

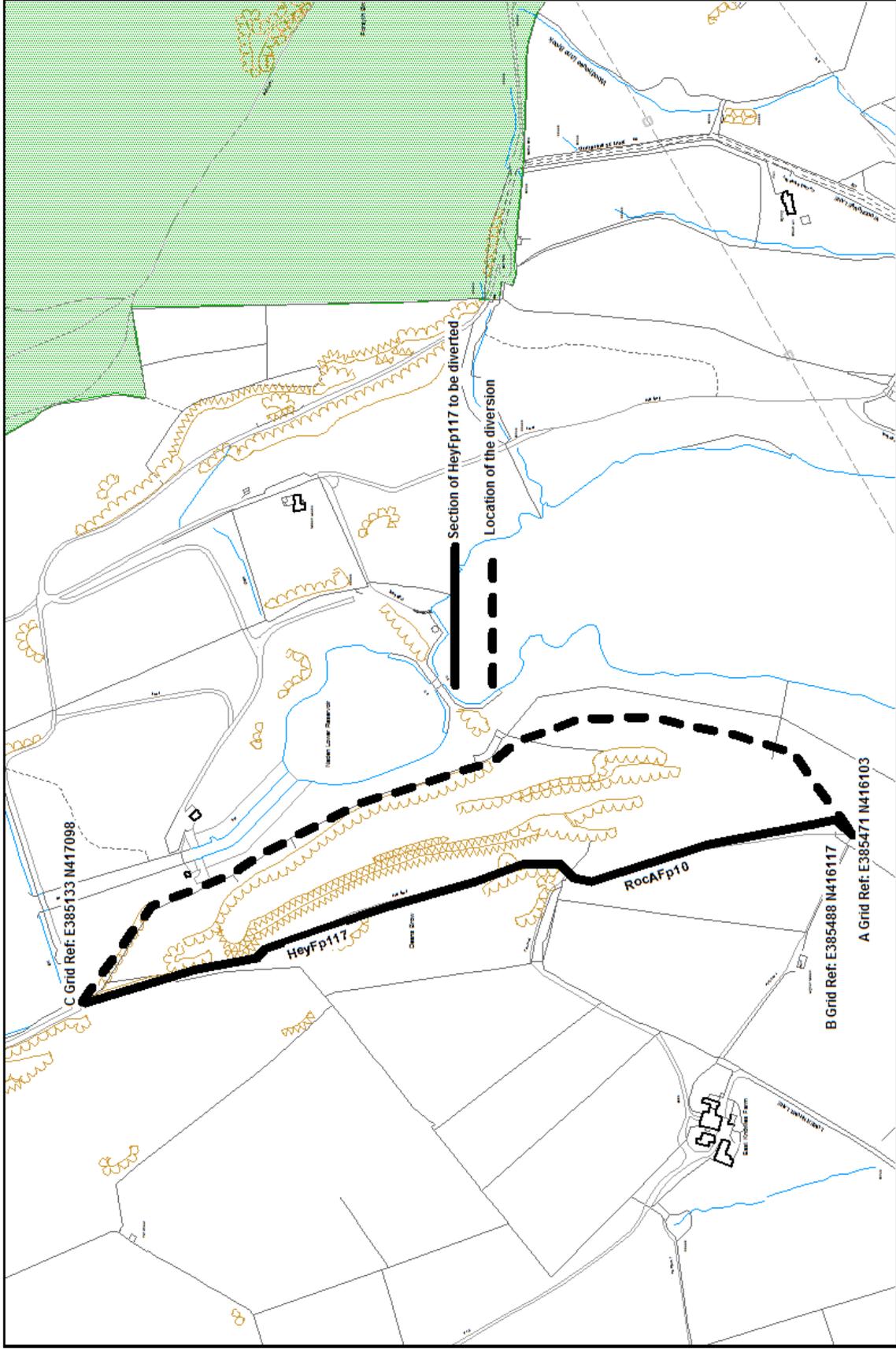
Consultation

7. Consultation is with the Heywood Township Committee, the landowner and during the progression of the order. There is an objection period during which any member of the public may submit relevant objections. Should a related objection be received the matter is referred to the Secretary of state who will decide whether the order is made or not.

Background Papers	Place of Inspection
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8. File 10869	Environmental Management, Green Lane, Heywood, OL10 2DY
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