

Report to Pennines Township Committee



Date of Meeting	11 th September 2019
Portfolio	Cabinet Member for Environment
Report Author	Julie Simpson
Public/Private Document	Public

Permanent Diversion of Part of LitFp470

Executive Summary

1. The landowner at Brearley Farm Littleborough has submitted an application to the Council to divert part of a definitive footpath that runs over land in his ownership required for the undertaking of farm work. The footpath is numbered LitFp470 on Council records.

The landowner is a new owner at Brearley Farm and is in the process of building up the farm and wishes to utilise the area front of his property. Footpath LitFp470 runs over the vehicle access road to Brearley Farm and continues to the front of the property, in the location where the land is required for farming.

Under section 119 Highways Act 1980 a landowner may apply to the Council to divert a right of way on the ground that in his interests it is expedient that the Order should be made..

Recommendation

2. That the members of the Pennine Township Committee authorise the Council to proceed with a map modification order under section 119 Highways Act to divert part of footpath LitFp470 away from the front of Brearley Farm and run on a "stoned up" path around a fenced area created by the landowner.

That if no objections are received to the order to confirm it unopposed, if an objection is received to submit the application to the Secretary of State to make a final decision.

On completion of a map modification order to carry out an event order to alter the definitive map and statement to show the location of the new route of part of LitFp470.

Reason for Recommendation

3. The Council are required to keep the definitive map and statement under continuous review. The Authority is to achieve this by the making of modifications to the map as soon as is reasonably practical after the occurrence of of an event. By adding, deleting or diverting of a right of way are requirements to meet this obligation also inspecting and managing the network.

A landowner, lessee or occupier may apply to divert a right of way on the ground that in his interests it is expedient that the Order should be made.

This is one of the reasons to consider a diversion, it is in the interest of the landowner, he wishes to utilise the land for farming, and, they will be providing a more commodious route with an open aspect, panoramic view. The Council are able to proceed under Section 119 Highways Act 1980.

The landowner will pay all associated costs for the order and ensure that the proposed alternative route is open and available and easy to use for the general public, that it forms a link with the definitive network in the area and that the diversion order is completed prior to the existing route being closed and/or obstructed.

Key Points for Consideration

4. A public footpath is shown on Council records to exist on land in the Littleborough area leading to/from Brearley Farm.

The owner/occupier of Brearley Farm has applied to the Council to divert part of this route to utilise the land to the front of their property and are providing a more commodious route.

The Council are able to consider this application to divert as it meets the criteria of Section 119 Highways Act 1980; the process is a definitive map modification order that also includes an objection period where any member of the public may submit a relevant objection to the order.

Receipt of an objection dictates the method in which the Map Modification Order is handled, the Council may not confirm an opposed order it has to be referred to the Secretary of State for a decision. Should the order be confirmed an event order is carried out to alter the route on the definitive map and statement.

The landowner will pay all associated costs for Officer time, Legal costs and advertisement fees.

4.1 **Alternatives Considered**

There is no alternative available, should the matter be referred to Secretary of State and he/she decides that the order should not be made, the applicant is advised and the Council do not proceed with the order.

Costs and Budget Summary

5. The landowner will pay all associated costs for Officer time, Legal Services and advertising.

Risk and Policy Implications

6. There are no risk implications as the landowner will ensure the proposed diverted route is open and available and easy to use prior to the diversion order being confirmed.

The consideration of the Council is whether it meets the legal criteria and the impact on the general public. It complies with the Council's Place and People policies

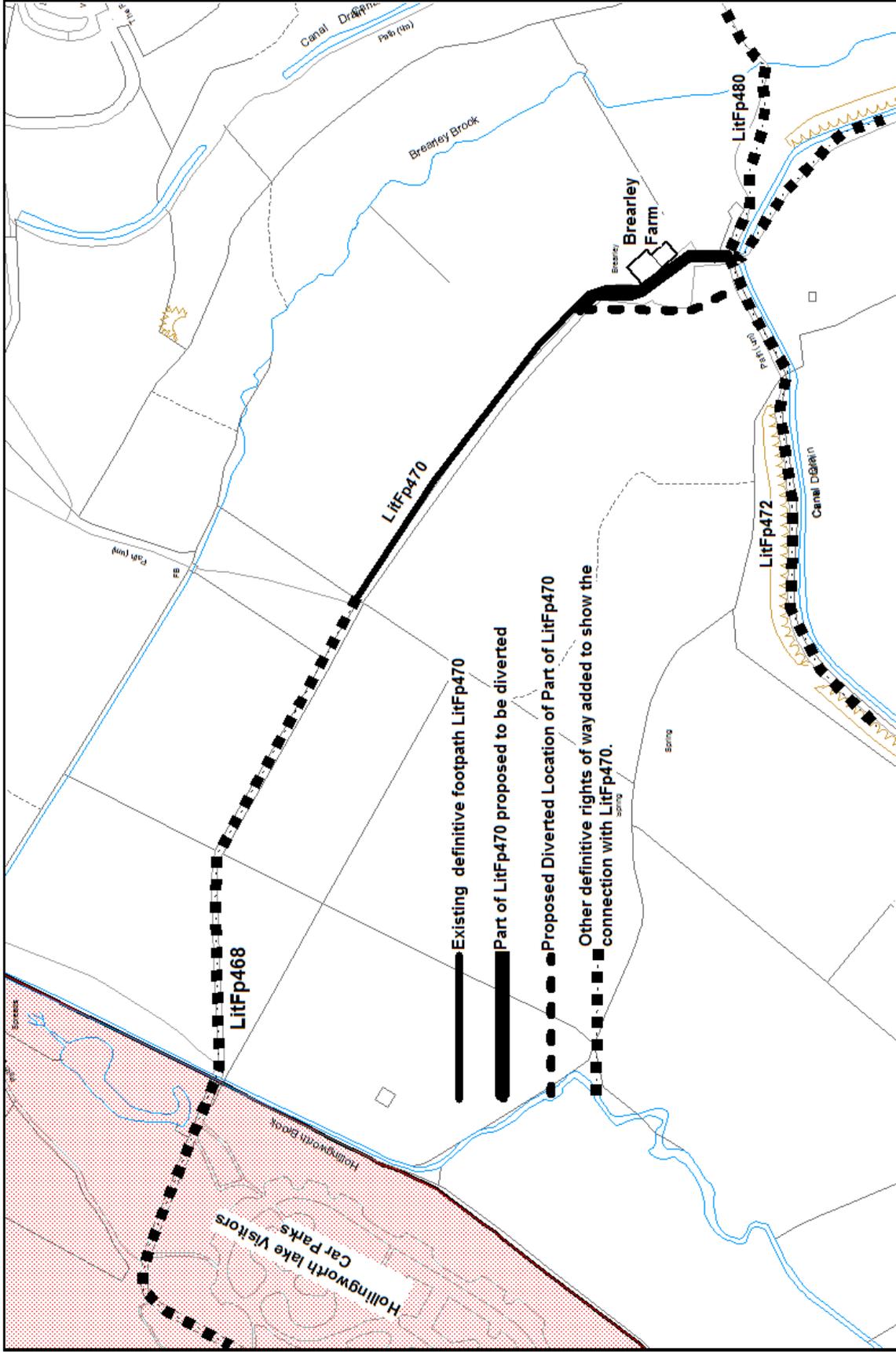
Consultation

7. Consultation is with representatives of the various user groups, the members of the Pennine Township Committee and as part of the DMMO order there is an objection period where members of the public are notified of the proposal and may submit an objection relevant to the order.

Background Papers	Place of Inspection
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8. File 14776	Environmental Management, Green Lane, Heywood, OL10 2DY
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