

**BURNLEY BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

21<sup>st</sup> August 2019

**PART III**

**Application for Public Footpath Diversion Order under section 257  
of the Town and Country Planning Act 1990**

**Application Reference: FDO/2019/0275**

**Date of Application: 15 May 2019**

**Proposal: Proposed diversion of part of Public Footpath Nos. 89 and 90  
(Cliviger) (under section 257 of the Town and Country Planning Act 1990)**

**At: Land To The West Red Lees Road Cliviger**

**1. Purpose of report**

To inform members that changes have been made to the draft Order and seek authorisation to make an Order in accordance with these changes. The Order relates to the diversion of Public Footpaths 89 and 90 at the above site in connection with a planning application for a residential development of 129 houses (reference APP/2019/0155) which is also being considered at this meeting.

**2. Background**

Section 257 of the Town and Country Planning Act 1990 allows a Local Planning Authority as “competent authority” to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission whether an application has already been approved or has been submitted.

The Council make the Order and then follow a process of advertisement by press and site notice and consultation with statutory undertakers, the Cliviger Parish Council and the Ramblers Association, neighbouring residents for a period of 28 days. In the event that there are no objections to the Order then the Order would be confirmed unopposed. However, should there be any objections and these objections are not subsequently withdrawn then the Order would be referred to the Secretary of State for determination. The costs for making the Order and any subsequent referral (which would be dealt with by written representations, a hearing or public inquiry) would be borne by the applicant.

**3. Recommendation**

To authorise the Head of Legal and Democratic Services to make an Order under section 257 of the Town and Country Planning Act 1990 to divert public footpaths 89

and 90 (Cliviger) as shown on the plan submitted with the application and in the event that there are outstanding objections following a period of consultation and negotiaton, to refer the Order to the Secretary of State for determination.

#### **4. Reasons for Recommendation**

To, subject to the grant of planning permission, allow the carrying out of development which is subject to a planning application which is currently under consideration.

#### **5. Summary of Key points**

A new draft Order has been submitted with the application which will be reviewed and amended if necessary by the Head of Legal and Democratic Services before the making of the Order. This Order will set out the requirements for the diversion.

Footpaths Nos. 89 and 90 cross the site and converge at a stile at Red Lees Road. Public Footpath No. 88 lies to the south side of these paths and would not be affected by this Order. The proposal is to stop up the parts of Public Footpaths Nos. 89 and 90 that are shown by the solid line on the map below and in substitution for alternative routes indicated by the bold dashed line.

The alternative routes take into account that the development of the site for residential purposes which would require building over parts of the existing footpaths with roads, drives and new dwellings. The alternative routes would provide a reasonable and practical diversion.

Minor changes have occurred due to minor changes to the proposed development, to delete the alternative route previously indicated along Red Lees Road which is not required (due to the fact it already provides a public right of way) and to take into account the need for a ramp to replace a stile at Red Lees Road. A plan of the proposed diversion is shown below.

In the event that an Order is made and confirmed (without subsequent challenge) then the Order would still not come into effect until the associated planning permission has been granted. The diversion of the footpaths would not therefore occur without first having a planning permission in place.

#### **1. Financial implications**

The costs of making the Order, advertisement and any subsequent costs associated with referring the Order to the Secretary of State will be met by the applicant.

#### **2. Background Papers**

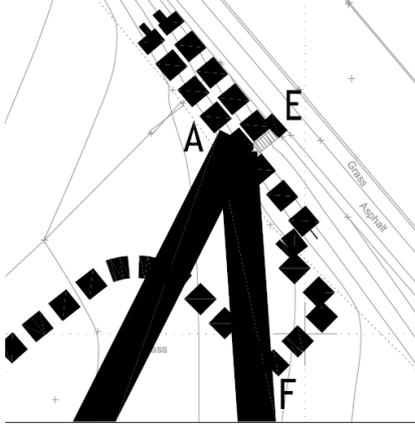
Planning application APP/2019/0155.

Report Author: Janet Filbin, Principal Planner Ext 3216

13/8/2019

# Proposed Footpath Diversion Plan

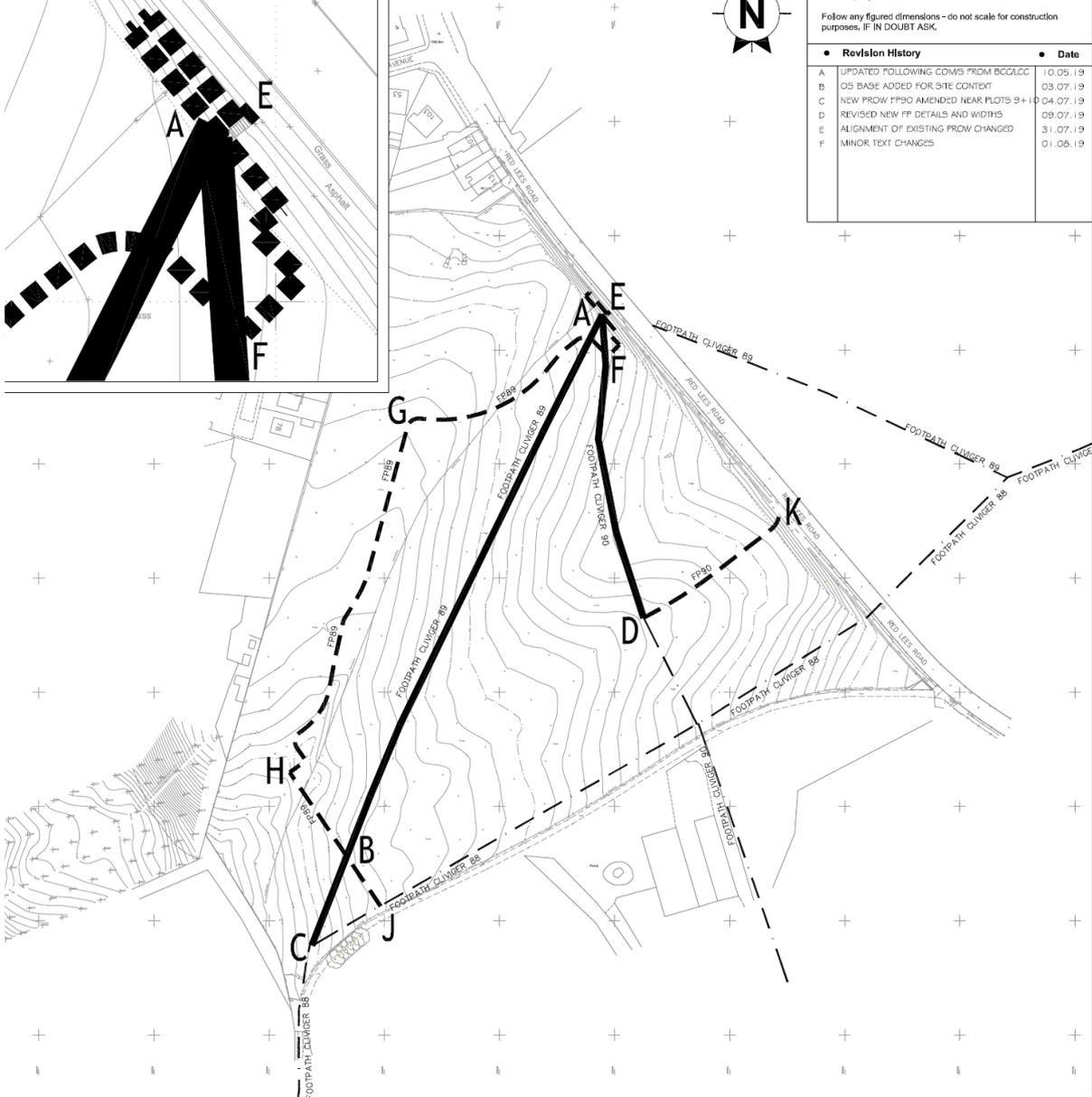
INSET 1 - PROPOSED ALTERNATIVE LENGTH OF FP89 ROUTING DOWN THE PROPOSED RAMP AND INTO THE DEVELOPMENT.  
SCALE 1:500



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Revision History	Date	
A	UPDATED FOLLOWING COMVS FROM BCGLCC	10.05.19
B	OS BASE ADDED FOR SITE CONTEXT	03.07.19
C	NEW PROW FP90 AMENDED NEAR PLOTS 9+10	04.07.19
D	REVISED NEW FP DETAILS AND WIDTHS	09.07.19
E	ALIGNMENT OF EXISTING PROW CHANGED	31.07.19
F	MINOR TEXT CHANGES	01.08.19



## KEY

LENGTHS TO BE DIVERTED  
(A-B-C) - FOOTPATH CLIVIGER 89  
(A-D) - FOOTPATH CLIVIGER 90



ALTERNATIVE ROUTES -  
(E-A-F-G-H-B-J) FP89  
(D-K) FP90



UNAFFECTED PUBLIC RIGHTS OF WAY



## NOTES:

### GRID REFERENCE POINTS

- POINT A - SD 8694 3151
- POINT B - SD 8683 3127
- POINT C - SD 8681 3123
- POINT D - SD 8696 3138
- POINT E - SD 8694 3151
- POINT F - SD 8694 3149
- POINT G - SD 8686 3147
- POINT H - SD 8680 3131
- POINT J - SD 8684 3125
- POINT K - SD 8702 3142

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0844 8700 007 • www.axisped.co.uk				
client: MILLER HOMES				
project: RED LEES ROAD, BURNLEY				
drawing title: PROPOSED PUBLIC RIGHTS OF WAY (PROW) DIVERSION PLAN				
date: APRIL 2019		drawn by: BA		checked: LK
drawing number: 2619-01-002		status: --		rev: F
scale(s): 1:2500@A4 UNLESS STATED				
planning environment design				

