

| Report of | Meeting | Date |
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| Corporate Director of Governance | Development Control Committee | 15/09/2009 |

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 5, ADLINGTON) PUBLIC PATH STOPPING UP ORDER 2008

PURPOSE OF REPORT

1. To consider confirmation of a Public Path Extinguishment Order effecting the “stopping up,” i.e. permanent extinguishment of part of Public Footpath No. 5, Adlington.

RECOMMENDATION(S)

2. That the Director of Corporate Governance be authorised to confirm as an unopposed Order the Chorley Borough Council (Public Footpath No. 5, Adlington) Public Path Stopping Up Order 2008, made pursuant to Section 257 of the Town and Country Planning Act 1990, formally authorising the “stopping up” of part of Public Footpath No. 5, Adlington, in order to permit development to be carried out in accordance with the grant of planning permission, namely the construction of a garage on land adjoining 24 Highfield Road North, Adlington, to proceed in accordance with the grant of planning permission.

REASONS FOR RECOMMENDATION(S)

3. The proposal to effect a “stopping up” of part of Public Footpath No. 5, Adlington, was approved by the General Purposes Committee on 18 October 2007, and no objections were received following publication of the proposal in the press and posting of notice on site.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. The only other alternative would have been to refuse to confirm the Order, notwithstanding the previous approval of the General Purposes Committee, the agreement of Lancashire County Council and the fact that there were no objections to the proposal by the public or any of the various statutory undertakers and other specified bodies, which with the Council is formally required to consult.

CORPORATE PRIORITIES

5. This report does not relate to any of the following Strategic Objectives:

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| Put Chorley at the heart of regional economic development in the central Lancashire sub region | | Improved access to public services | |
| Improving equality of opportunity and life chance | | Develop the character and feel of Chorley as a good place to live | |
| Involving People in their Communities | | Ensure Chorley is a performing Organisation | |

BACKGROUND

6. Public Footpath No. 5 Adlington comprises two distinct lengths (1) the length running east-west from Chorley Road (A.673) through to Highfield Road North along the old carriage road known as Bradshaw Lane, and (2) the length that ran from Highfield Road North across pasture land belonging to Fairview Farm down to the level crossing on the Preston to Manchester line. The length of footpath concerned relates to (1) above.
7. The length of footpath forming the subject of the Order runs immediately adjacent to the north-facing flank frontage of No. 24 Highfield Road North. The footpath runs west from Chorley Road along a narrow track between Nos. 8 and 10 Chorley Road to emerge onto a broad tract of land, a remaining vestige of the old carriage road Bradshaw Lane. On reaching the rear (northern) boundary of 24 Croston Avenue the footpath enters a much narrower stretch bounded by the rear/side fences belonging to nos. 24 and 26 Croston Avenue and No. 24 Highfield Road North on the south, and by No. 6 Derby Place and No. 26 Highfield Road North on the north.
8. The footpath, when it reaches the north-eastern corner of 24 Highfield Road North, encounters a pinch point due to the angled alignment of the property, after which the width of the footpath once again broadens out as it runs in a westerly direction to join the back of (the adopted) footpath on Highfield Road North. The plot of land on which No. 24 stands is in the shape of a rectangle. The applicants have been granted planning permission to build a garage partly on land within the physical curtilage of the property and partly on the line of the footpath, the effect of which would be both to reduce the width of footpath available and canalise it on to a narrower line.
9. Despite the loss of the Highways Partnership, unilaterally terminated by the County Council on 30 June 2006, it still falls to the Borough Council to decide upon applications made pursuant to the Town and Country Planning Act 1990 for the diversion or extinguishment of public rights of way pursuant to the grant of planning permission. The County Council in its capacity as Highway Authority for the county, has raised no objection to the making and implementation of the Extinguishment Order. The footpath has for many years been in a generally overgrown state, indicative of its lack of use. Confirmation of the Public Path Extinguishment Order would result in the width of the footpath being reduced to something approaching one metre or so.
10. Public notice of the proposed extinguishment of the part of the footpath forming the subject of the Order – the overall route would still remain in place and available for use – was published in the press and posted on site as required by statute and formal consultations were carried out with a range of statutory undertakers (electricity, gas, telecom and water providers) and other interested parties (the Ramblers Association, the Peak & Northern Footpath Society, the Byways & Bridleways Trust, the Open Spaces Society, etc.) as again required by statute and no objection were received. Note: a holding objection submitted by the local branch of the Ramblers' Association was withdrawn following the submission of further details to the latter.

IMPLICATIONS OF REPORT

11. This report does not have any implications in relation to the following areas:

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| Finance | | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | | | |

A DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

THERE ARE NO BACKGROUND PAPAERS TO THIS REPORT

| Report Author | Ext | Date | Doc ID |
|----------------------|------------|-------------|---------------|
| G Fong | 5169 | 1 June 2009 | |