

Report of	Meeting	Date
Director of Governance	Planning Committee	16 January 2024

PROPOSED CHORLEY BOROUGH COUNCIL PART OF FOOTPATH 26 (CHORLEY NORTH AND ASTLEY) PUBLIC PATH DIVERSION ORDER 2024

PURPOSE OF REPORT

1. To consider an application submitted on behalf of FI Real Estate Management Limited for the diversion of part of Public Footpath No. 26 (Chorley North and Astley) in order to facilitate the development of 33 individual units for employment and commercial uses.

RECOMMENDATION(S)

2. That the making of the proposed Chorley Borough Council Part of Footpath 26 (Chorley North and Astley) Diversion Order 2024 pursuant to Section 257 of the Town and Country Planning Act 1990 be approved in respect of lengths of Footpath 26 so as to facilitate development in accordance with the grant of planning permission reference 21/00439/FULMAJ.
3. That the Director of Governance is authorised to serve notice regarding the making of the order on prescribed persons and arrange for notice in the local press and on site.
4. That the Director of Governance is authorised, in the event that no representations are received objecting to the order or in the event that any which are received are withdrawn, to confirm the order as unopposed and to serve notice regarding the confirmation of the order on prescribed persons and arrange for notice in the local press and on site.

EXECUTIVE SUMMARY OF REPORT

5. Sections of Public Footpath No. 26 (Chorley and Astley) affect a site next to the M61 motorway. The land benefits from the grant of planning permission to construct up 33 individual units for various employment and commercial uses, namely retail and food and drink uses, light industry, general industry and warehousing.
6. Full planning permission was granted for the development on 25 January 2023.
7. A public right of way along the routes of Public Footpath 26 traverses the site to be developed and indeed crosses the middle of proposed Building E which is intended for employment use.
8. Works will be required by the diversion order at the cost of the applicant to make it the legal public right of way.
9. The applicant's solicitors have submitted a letter of application dated 23 November 2023 which is attached as Appendix A. The letter includes a map at the very end which the Council will adopt as the order map.

10. Members are referred to the map which shows a section of the existing legal footpath by a continuous bold black line between the points A-B-C-D and separate section between the points E-G. These are the routes which it is proposed to divert i.e. they will cease to be a legal right of way.
11. In order to facilitate the development it is proposed to divert the path onto a route between the points A-F-E and the points D-G shown by bold black dashes on the order map.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

DETAILS OF THE PROPOSAL

13. The length of the currently existing Footpath No. 26 between the points A-B-C-D forming part of the subject of the application runs for a total distance of about 315 metres.
14. The length of the proposed diverted route between the points A-F-E runs for a total distance of about 192 metres.
15. The length of currently existing footpath between the points E-G runs for a total distance of about 49 metres. The proposed diverted section between the points D-G is about 95 metres long.
16. Overall the diversion comprises a shorter route so it is not materially less convenient for users.
17. The land affected by the proposed order is owned by Lea Valley Limited which consents to the proposed order. It is under the same control as the applicant company.
18. The cost of dealing with the application and statutory notices in the local press will be met by the applicant.

IMPLICATIONS OF REPORT

19. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

20. The applicant will be required to make a contribution of £1,500 to the costs of making the order. When the order comes into effect after it is certified that its provisions have been complied with legal responsibility for maintenance of the newly created sections of public footpath will rest with Lancashire County Council.

COMMENTS OF THE MONITORING OFFICER

21. An order made under Section 257 may provide for the creation of an alternative highway for the footpath to be diverted. The order may also authorise or require works and require any person named in the order to meet the costs of such works.
22. A public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order map must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the order and notice and allowed the opportunity to make objections within 28 days from the making of the order. If no objections are made the order may then be confirmed as an unopposed order. After the order is confirmed i.e. made permanent it does not come into effect until Chorley Borough Council certifies that the provisions of the order have been complied with in relation to any works required to bring the diverted route up to standard.

Background Papers			
Document	Date	File	Place of Inspection
None	Not applicable	22718	Not applicable

Report Author	Ext.	Date	Doc ID
Alex Jackson	5166	4 January 2024	IKEN File 22718