

Report of	Meeting	Date
Deputy Director of Legal Services	General Purposes Committee	07/06/06

## **HIGHWAYS ACT 1980 – SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO. 6 MAWDESLEY, CHORLEY BOROUGH**

### **PURPOSE OF REPORT**

1. To consider a proposal submitted to Lancashire County Council for the diversion of a length of Public Footpath No. 6, Mawdesley, at Cedar House Farm.

### **CORPORATE PRIORITIES**

2. The report does not affect any corporate priorities.

### **RISK ISSUES**

3. The report contains no risk issues for consideration by Members.

### **BACKGROUND**

4. Public Footpath No. 6 Mawdesley forms a link between Old Lane and Back Lane. The existing route of the footpath follows a straight line running north-west from Old Lane and through the middle of the various buildings comprising Cedar House Farm, to the western boundary of that site, whence the route turns 90° to follow a line running north through to Back Lane. The existing route is marked by the bold black line A – B on the map attached, a distance of 203 metres.
5. The various out-buildings comprising Cedar House Farm are being developed into a craft centre. As shown on the map, the route of the footpath runs through the middle of what will be the complex of buildings forming the centre. The application for the diversion of the footpath, submitted by the owners of Cedar House Farm, calls for the footpath to be diverted onto route skirting around the southern and western boundaries of the site. The proposed diversion, i.e. what would be the new route, is marked by the broken black lines A – C (a distance also of 203 metres) and A – D (a distance of 27 metres) on the map attached.
6. This application represents one of the commonest reasons for seeking a footpath diversion, namely to take the route of a footpath out of the middle of what is residential and/or working site, which is being either expanded in extent and/or changed in character. The application is therefore in keeping with most other diversions that have been pursued in recent years. The diversion following a route around the periphery of the Cedar House

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Farm site is only slightly longer than that of the existing route, i.e. by 27 metres, and bed of the proposed new path will be brought up to a standard fit for public usage.

## COMMENTS OF THE DIRECTOR OF FINANCE

7.<sub>next no</sub> There are no comments by the Director of Finance

## COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

8.<sub>next no</sub> There are no comments by the Director of Human Resources.

## RECOMMENDATIONS

9.<sub>ext no</sub> That no objections be raised to the making by Lancashire County Council of a Public Path Diversion Order under Section 119 of the Highways Act 1980, for the purpose of diverting a 203-metre length of Public Footpath No. 6, Mawdesley, as indicated on the map attached to the report, as it runs north-westwards from Old Lane through the middle of the Cedar Farm Craft Centre onto a new lining running parallel to the existing route but along a line that skirts the southern and western boundaries of the said site.

## REASONS FOR RECOMMENDATION

10. The reason for the diversion represents one of the commonest put forward, i.e. the desire to take a right of way out of the middle of residential / working buildings and re-route it around the periphery of such a site. The Council has, however, no direct information on public usage of the footpath nor of land ownerships in the area. The Council, whilst not averse to the proposed diversion, is not seeking to promote the proposal and would have no evidence to offer should the proposal result in the calling of a public local inquiry. In the circumstances, the decision to raise no objection to the proposed diversion does not detract from the merits of that proposal or commit the Council to support a proposal about which it has no information.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

11. The other alternative available would have been to oppose the proposed diversion, for which course of action the Council has no apparent reason.

C HALLWOOD  
DEPUTY DIRECTOR OF LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Letters from Legal Services Group, Lancashire County Council	5 April 2006 3 May 2006	862	Legal Services Unit, Town Hall, Chorley

  

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
G Fong	5169	16 May 2006	NEWREP