Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	General Purposes Committee	07/02/2007

HIGHWAYS ACT 1980 – SECTION 118 AND 119 PROPOSED DIVERSION OF PARTS OF PUBLIC FOOTPATH NOS. 76 AND NO. 80. COPPULL, AND EXTINGUISHMENT OF PART PUBLIC FOOTPATH NO. 79 COPPULL, CHORLEY BOROUGH

PURPOSE OF REPORT

1. To consider a proposal submitted by Lancashire County Council for the diversion of a length of Public Footpath No. 76 Coppull and a length of Public Footpath No. 80 Coppull, in conjunction with the extinguishment of a length of Public Footpath No. 79 Coppull.

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. 80 Coppull currently runs in a northerly direction to join the eastern termination of Bogburn Lane, point A on the map attached, and thence in an easterly direction through the yard of Bogburn Hall Farm to join up with Public Footpaths Nos. 76 and 79, point B on the map. From point B, Footpath No. 76 runs in a north-easterly direction to connect with Hic Bibi Lane, while Footpath No. 79 runs southward from point B to eventually assume an easterly direction to connect with Hic Bibi Lane.

5. The proposal calls for Public Footpath No. 80 as it runs northward to Bogburn Lane to be diverted at a point south of the lane, point D, whence it would run in an easterly direction by way of point E to join Footpath No. 79 at Point F. Likewise, Footpath No. 76 running in a south-westerly direction from Hic Bibi Lane (point C) towards Bogburn Hall Farm would be diverted onto a new line, still running in a south-westerly from Hici Bibi Lane but now to join up with Footpath No. 79 at a point further to south (point F).

6. The effect of these proposals would be to shift the public footpath system in this area on to a line to the south of Bogburn Hall Farm. A further effect of this would be to render the northernmost length of Footpath No. 79 redundant, i.e. the length B – F. This length of path would therefore be extinguished. The new alternative route would thus run D – E – F – C as marked by the broken black on the map attached.

7. 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 a residential

and/or working site and re-establish it on a new line skirting the periphery of the site. The proposal is therefore in keeping with most other diversions that have been pursued in recent years.

COMMENTS OF THE DIRECTOR OF FINANCE

8. There are no comments by the Director of Finance

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

9. There are no comments by the Director of Human Resources.

RECOMMENDATIONS

10. That no objection be raised to the making by Lancashire County Council of a Public Path Extinguishment Order under Section 118 of the Highways Act 1980, for the purpose of extinguishing a length of Public Footpath No. 79, Coppull, as indicated on the map attached to the report, as it runs north from point F to point B.

11. That no objection 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 lengths of Public Footpaths Nos. 76 and 80 from their current routes leading to/through Bogburn Hall Farm on to new routes to the south of the farm buildings.

REASONS FOR RECOMMENDATION

12. The reason proposed for the footpath extinguishment/creation 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 or of land ownerships in the area. The Council, whilst not averse to the proposal, 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 extinguishment/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

13. The only other alternative available would have been to oppose the proposed extinguishment/diversions, for which course of action the Council has no apparent grounds.

A DOCHERTY
DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

Background Papers			
Document	**Date**	**File**	**Place of Inspection**
Letters from County Secretary and Solicitor's Group, Lancashire County Council	23 November 2006	862	Legal Services Unit, Town Hall, Chorley

Report Author	Ext	Date	Doc ID
G Fong	5169	20 December 2006	NEWREP