



<b>Report To:</b>	<b>SPEAKERS PANEL (PLANNING)</b>
<b>Date:</b>	15 November 2017
<b>Reporting Officer:</b>	Ian Saxon, Assistant Director, Environmental Services
<b>Subject:</b>	<b>SECTION 119 HIGHWAYS ACT 1980 – DIVERSION OF FOOTPATH DENTON 53</b>
<b>Report Summary:</b>	The report seeks authority to make an order under Section 119 Highways Act 1980 to divert a public right of way to make it more commodious for the users. Under the Council's constitution, the Speakers Panel (Planning) is responsible for decisions that affect the definitive rights of way network.
<b>Recommendations:</b>	It is recommended that an order be made to divert the footpath known as Footpath Denton 53 as indicated on the plan attached at <b>Appendix A</b> and that the Borough Solicitor be authorised to take the necessary steps to implement this decision.
<b>Links to Community Strategy:</b>	Provides a safer and secure Environment for the people of Tameside
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications:</b>	Any costs associated with the footpath diversion will be funded from existing revenue budgets within Environmental Services.
<b>(Authorised by the Section 151 Officer)</b>	
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	<p>DEFRA Circular 1/09 on Rights of Way advises at 5.33: In deciding whether or not it is expedient to confirm a diversion order under section 119 of the 1980 Act the Secretary of State, or the order making authority if there are no outstanding objections, must have regard to the effect that:</p> <ul style="list-style-type: none"> <li>• the diversion would have on the public enjoyment of the path as a whole;</li> <li>• the coming into operation of the order would have as respects other land served by the existing right of way; and</li> <li>• any new public right of way created by the order would have with respect to any land held with it.</li> </ul>
<b>Risk Management:</b>	There is a possibility that the order may not be confirmed if there are substantial objections. Some informal discussions have taken place with rights of way groups to enable early consideration of any issues arising if the diversion is taken forward to minimise the risk of objections.
<b>Access to Information:</b>	<p><b>Appendix A</b> – Location plan showing the proposed diversion</p> <p>All documentation can be viewed by contacting Michael Hughes, Sustainable travel Officer</p> <p> Telephone: 0161 342 3704</p> <p> e-mail: michael.hughes@tameside.gov.uk</p>



## **1. BACKGROUND**

- 1.1 Public Footpath Denton 53 (DEN/53) runs from its junction with Public Footpaths Denton 49 and Denton 50 to Ardenfield, Denton.
- 1.2 The footpath runs through the Haughton Dale Countryside Site which is managed by the Council's Operations and Greenspace section. The Tameside Trail, Tame Valley Way and Trans Pennine Trail promoted routes all run along part of this footpath.

## **2. REASONS FOR THE DIVERSION**

- 2.1. One section of Footpath DEN/53 runs alongside the River Tame. Over the years, the river has eroded the embankment upon which Footpath DEN/53 runs.
- 2.2 The erosion of the embankment has led to the public footpath becoming very narrow and several sections are now in danger of total collapse.
- 2.3 Officers from the Operations and Greenspace section have carried out retaining works to the embankment for a number of years to slow the erosion. Unfortunately, they have now conceded that a collapse of the embankment and footpath is inevitable.
- 2.4 It is considered that the engineering works needed to re-inforce the footpath and to permanently address the danger of collapse will be prohibitively expensive. The most effective solution therefore is deemed to be to divert part of Footpath DEN/53 to a parallel alignment that is further from the river's edge.

## **3. PROPOSED DIVERSION**

- 3.1. The proposed diversion would run from point A to point B as shown by a bold, broken line in **Appendix A**. The exiting footpath to be closed is shown between point A and point B by a bold, continuous line
- 3.2. The proposed diversion route would move the footpath to a parallel alignment further from the edge of the river.
- 3.3 The existing footpath follows a path that has been maintained by the Council's Operations and Greenspace section. The relevant section of path runs alongside the River Tame and has a width of approximately 1.0 to 1.5 metres. There is a short bridge across a tributary stream that feeds the river but otherwise, there are no structures on this footpath..
- 3.4 The proposed diversion runs along a compacted stone multi-user track which has a width of approximately 2.5 metres. There are no structures or other barriers to the free use of this track.
- 3.5 The Council is the owner for all of the land involved as part of this diversion process.
- 3.6 The Council will use existing budgets from Public Rights of Way to meet the full costs involved in the diversion procedure. The alternative route is already constructed and maintained to a high standard by the Council's Operations and Greenspace section.



#### **4. COMMENTS OF THE EXECUTIVE DIRECTOR OF PLACE**

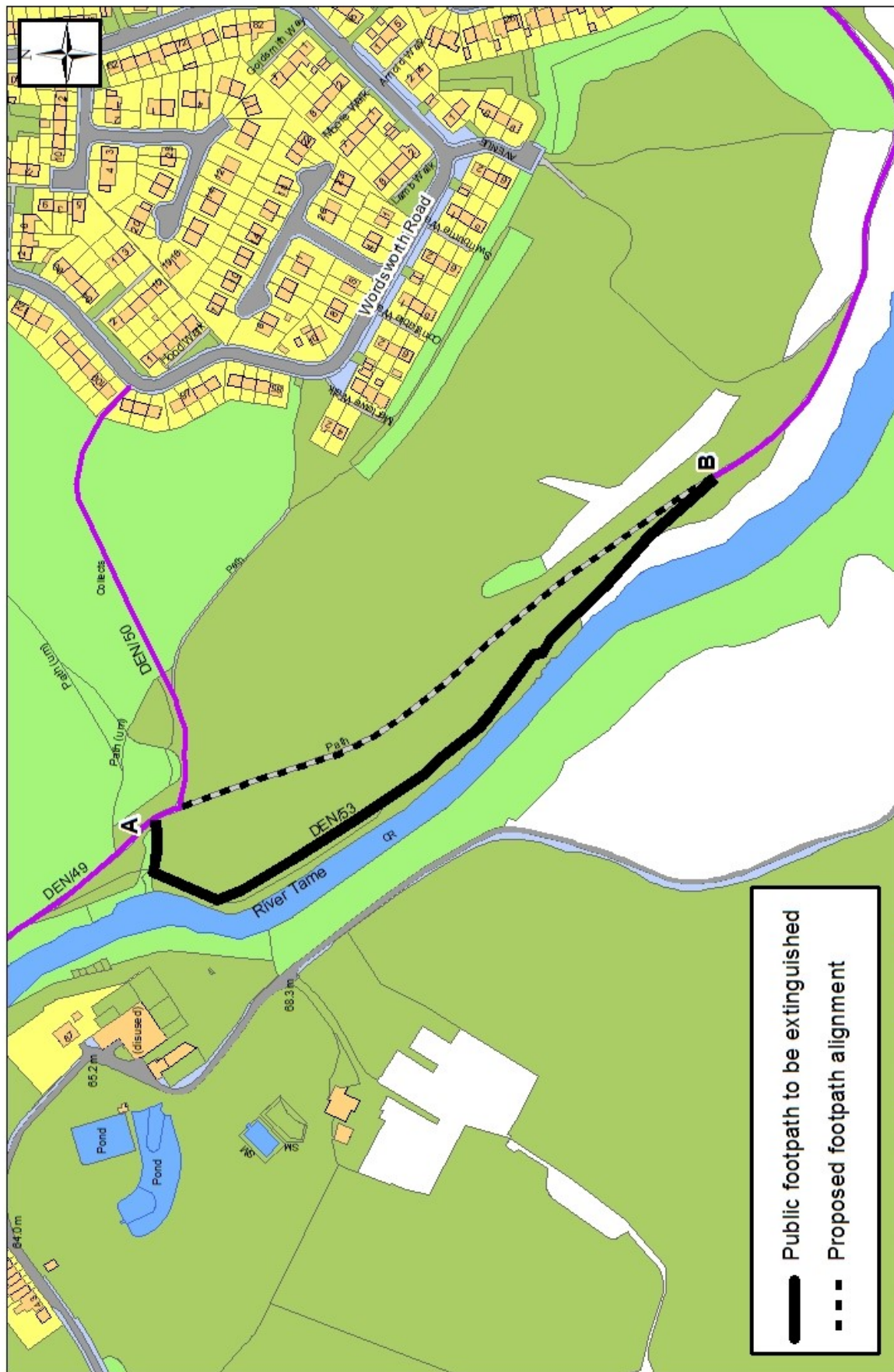
- 4.1 It is not felt that the proposed diversion route will be less commodious for the users. Whilst the alignment is similar; the surface construction, length and width will all be improved and so the proposal appears to be of benefit for the users.
- 4.2 The existing section of Footpath DEN/53 that is to be closed has a natural surface that is often muddy. The proposed diversion makes use of a currently existing multi-user path that is constructed from compacted stone.
- 4.3 The existing section of Footpath DEN/53 that is to be closed has a length of 417 metres. The proposed diversion has a length of 352 metres and so is 65 metres shorter..
- 4.4 The existing section of Footpath DEN/53 that is to be closed has a width of approximately 1.0 to 1.5 metres. The proposed diversion has a width of approximately 3.0 metres.
- 4.5 The public rights of way organisations that operate in the Tameside area have been given the opportunity to informally comment on the proposed diversion. The only comment received during this discussion related to the potential loss of views of the river from the diverted alignment. This comment did not result in an objection however after it was explained that views of the river are available on the approach to this section of path from both directions.
- 4.6 If approval is granted to proceed with the diversion of Footpath 53 then the order will be advertised for consultation with the public in accordance with the statutory process.

#### **5. RECOMMENDATION**

- 5.1 It is recommended that the order be made to divert Footpath Denton 53 as indicated on the plan attached at **Appendix A** and that the Borough Solicitor be authorised to take the necessary steps to implement this decision.



## APPENDIX A



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