

## **PROPOSED DIVERSION OF FOOTPATH 64 BREDBURY AND ROMILEY**

### Report of the Transport Strategy Manager

#### **1. MATTER FOR CONSIDERATION**

- 1.1. Committee is requested to consider whether to authorise the diversion of a section of footpath 64 Bredbury and Romiley ("64 BR") from a route shown as a black solid line between Points A – F, to a route shown in a broken black line between points B-C-D-E-F, as shown on the plan attached at **Appendix A**.

#### **2. LEGAL POSITION**

- 2.1. Section 119 of the Highways Act 1980 gives the Council the power to make an Order diverting a footpath where it appears expedient to do so in the interests of the landowner or the public.
- 2.2. Before confirming an Order for diversion, the Council must additionally be satisfied that the path will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect the Order would have on the public's enjoyment of the path as a whole and on the land over which the existing and diverted footpath runs.
- 2.3. If objections are received to an Order for diversion, the Council may not confirm the Order, but must forward it to the Secretary of State for confirmation.

#### **3. BACKGROUND**

- 3.1. The route to be diverted, shown as a solid black line on the attached plan (**Appendix A**), is a section of 64 BR which starts at Point A on Footpath 64 Bredbury and Romiley 25m north of Thorn Mill, heading in a northerly direction for approximately 122 metres to Point F.
- 3.2. The proposed diversion route, shown as a bold dashed line on the attached plan (**Appendix A**), starts at Point B and heads in a slightly east of northerly direction for approximately 100 metres through point C to Point D, then continues in a slightly west of northerly direction for 65 meters through point E to Point F. This diversion route utilises the Morrells woodland following discussions with the landowner.
- 3.3. It should be noted that the mapped line on the Definitive Map and Statement for Stockport is incorrect, as a Public Path Creation and Diversion Order from 1984

was not included in the last consolidation (“the 1984 Order”). The current Definitive Statement entry and length also need to be amended to take into account the creation of bridleway 64a Bredbury and Romiley. The attached map uses the correct lines as per the 1984 order.

- 3.4. The current route of the path is being undermined by protected wildlife that cannot be easily successfully moved. This issue has been getting progressively worse for the last 25 years. This is clearly dangerous, as the ground is now undermined to the point the current route has been closed for safety.
- 3.5. The diverted route, as identified in 3.2, would be close to the original line as diverted by the 1984 Order. The delivery of this new route would require some tree and other vegetation removal, and it would also require the removal of the current fence line and installation of a replacement security fencing to allow a route across land that is currently within the factory grounds. This work would be funded by the Council.

#### **4. LAND OWNERSHIP**

- 4.1. The owners of Wellington Mill (at Morrells Woodland) who own the land over which the proposed diverted path runs have indicated a willingness to allow a diversion into their land.
- 4.2. The owner of the land on which the current route runs has also been consulted and indicated no objection.

#### **5. SUMMARY**

- 5.1. It is considered that it is expedient in the interests of the public to divert 64 BR due to the damage caused to the path from the ongoing wildlife activity which makes inadvisable to try and maintain the path on its current route.
- 5.2. It is considered that the diverted route will not be substantially less convenient to the public as the difference in length is minimal, there will be less ascent involved, and the path will be less constricted through the woodland.

#### **6. RECOMMENDTION**

That Committee resolves to: -

- (i) Authorise the making of an Order under Section 119 of the Highways Act, diverting the section of footpath 64 BR from a route shown as a black solid line between Points A – F, to a route shown in a broken black line between points B-C-D-E-F, as shown on the plan attached at **Appendix A**.

(ii) In the event that objections are received and sustained to the Order, authorise officers to forward the Order to the Secretary of State for confirmation.

(iii) Authorise that the Order will be drafted to include a provision to allow the Definitive Map and Statement to be amended without further recourse to Committee.

## BACKGROUND PAPERS

### Appendix A – Diversion Plan

Anyone wishing to inspect the above background papers or requiring further information should contact Mr Robinson (Senior Public Rights of Way Officer) via email at [rightsofway@stockport.gov.uk](mailto:rightsofway@stockport.gov.uk).