

S. 119 Highways Act 1980 and s.53 Wildlife and Countryside Act 1981
PROPOSED DIVERSION OF FOOTPATHS 103, 109 AND 110 MARPLE ON LAND AT
KNOWLE FARM, MELLOR

Report of the Director of Place Management

1. MATTER FOR CONSIDERATION

- 1.1 The Committee are requested to consider whether to authorise the diversion of footpaths 103, 107, 109 and 110 Marple as shown on the attached plans (Appendix A please read explanatory note for maps)

2. INFORMATION

- 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 public.
- 2.2 Before confirming the order, 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 footpaths run.
- 2.3 If objections are received to the order, the Council may not confirm the order but must forward the order to the Secretary of State for confirmation.

3. BACKGROUND

- 3.1 Historically, footpath 110 Marple ran outside the domestic area of the farm, to the north of the barn (see extract from the OS 1:2500 map of 1954 Appendix B 1. (This is the map used as the base for the Marple UDC Definitive Map relevant date 1955.)
- 3.2 By 1972 the farm had expanded beyond this path, and the Ordnance Survey mapped a used footpath line further to the north (appendix B 2).
- 3.3 However the then Urban District Council of Marple had already added the original paths to the Definitive Map in 1955 (extract at Appendix B 3). These remained legally unaltered up to the current Definitive Map (relevant date 2012 see Appendix B 4.)
- 3.4 While many walkers use the obvious paths on the ground, the rise in the use of GPS devices means that more people are able to identify the Definitive lines. In the case of footpath 110 Marple this runs across a small lawn immediately adjacent to the farm house.
- 3.5 The council has now received an application to divert these footpaths from the owner of Knowle Farm, Mellor. The landowner owns the land on which both the existing and diverted routes run.

3.6 This application will affect four public footpaths (103, 107, 109 and 110 Marple) and amend their Definitive Statements.

3.7 The landowner has notified statutory consultees.

4. JUSTIFICATION

4.1 the landowner has expressed that the diversion is in his interests for various reasons

4.2 Safeguarding: the current footpath 110 Marple is through a garden that children play in and past a bathroom window.

4.3 Safety of the public: the new route avoids passing directly through the yard of a growing vineyard business with tractors and machinery moving around. While all care is taken on site, avoiding it would further reduce any risk.

4.4 Safekeeping: with the business expanding and growing, it is expected that the business will have more expensive equipment present on site and there would therefore be a security benefit for the site as well.

4.5 In addition the new routes will present a more commodious outlook to the public, running between the farm and the vineyard instead of through an increasingly busy yard hemmed in by buildings.

4.6 Each path length will be a matter of metres different from the current paths and can therefore be considered to be not significantly more or less strenuous (see table Appendix C)

5. DESCRIPTION OF THE ROUTES

5.1 There is an overall annotated plan at Appendix A1, with individual plans for each footpath at Appendix A 5-8.

5.2 The footpaths currently form a crossroads at point B, just north of the main farmyard but within the more immediate surroundings of the farm. Footpaths 109 and 103 meet at point B, but footpaths 110 and 107 meet at point G 10m east of point B. This is on the North-South track utilised for the diversions.

5.3 Footpath 103 Marple is currently entirely congruent with Knowle Road and terminates in the farmyard at point B, the junction with 109 and 110 Marple

5.4 Where footpath 103 enters the farm (point A) it will instead be diverted to run east of the farm building on the attached plan, joining a track at point F then turning North to terminate at point G

5.5 Footpath 107 Marple currently runs from Church Rd via Mellor Church to point G.

5.6 This path will be diverted at point D to meet footpath 103 M at point F, approximately 20m south of point G.

5.7 Footpath 109 Marple runs in a northerly direction from the farmyard (point B).

- 5.8 This footpath will be diverted to start at point G running along the track on the eastern side of the barn obstructing the current mapped line of this path rejoining the original line at point C.
- 5.9 Footpath 110 Marple runs west from the farmyard (point G) through the domestic area of the farm before exiting to a field path running toward Townscliffe Lane.
- 5.10 This footpath will be diverted onto a new line running from footpath 109 at a point C, 35m north from point B, westward across the field to rejoin the original line at the gate at point E.
- 5.11 This route currently involves passing through 3 gates and up a set of steps to reach the field path, while the diverted route will have just one gate.
- 5.12 The diversion routes mentioned are already available as concessionary routes and are accepted by the public.

6. SUMMARY

- 6.1 The route from the access to Knowle Farm (point A) to the point where the diverted line of 110 M joins its original route is actually slightly shorter than the current route (see tables Appendix C)
- 6.2 The diverted line from the same point A on 103 M to point C on the original line of 109 M is slightly longer.
- 6.3 The benefit to the landowner in creating a private domestic space and working environment is considerable, while there is no obvious disbenefit to the public as their acceptance of alternative routes has demonstrated.

7. RECOMMENDATION

That the Committee resolve to

- i. Authorise the making of an order under Section 119 Highways Act 1980 to divert footpaths 103, 107, 109 and 110 Marple as shown on the plan in Appendix A and authorise the order to be additionally made under s.53 of the Wildlife and Countryside Act 1981 to add the diverted routes to the Definitive Map.
- ii. In the event that objections are received and sustained to the order, forward the order to the Secretary of State for confirmation.

BACKGROUND PAPERS

none

Anyone wishing to inspect the above background papers or requiring further information should contact Nicholas Robinson
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