

Development Control Committee

Meeting to be held on 21 December 2022

Electoral Division affected:
Moss Side and Farington

South Ribble Borough: application number FP/2022/0001

Town and Country Planning Act 1990, Section 257

To divert public rights of way 9-12-FP12 and 9-12-FP8 to allow the development of the proposed Cuerden strategic employment site (planning application ref: LCC/2022/0044). Land east of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall
(Appendices 'A' and 'B' refers)

Contact for further information:

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Executive Summary

Application – To divert public rights of way 9-12-FP12 and 9-12-FP8 to allow the development of the proposed mixed use Cuerden mixed use strategic employment site (planning application ref: LCC/2022/0044). Land east of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall.

Recommendation – Summary

Subject to the Committee being satisfied that it is necessary to divert public rights of way 9-12-FP12 and 9-12-FP8 to enable the development to be carried out in accordance with planning application LCC/2022/0044, Orders be made under Section 257 of the Town and Country Planning Act 1990 as amended by the Growth and Infrastructure Act 2013 to divert public rights of way 9-12-FP12 and 9-12-FP8. Provided no objections are received following advertisement of the Orders, the Orders be confirmed should planning permission be granted for the proposed development.

Applicant's Proposal

Lancashire County Council has submitted a full planning application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the following:



Outline planning permission (with all matters reserved save for access from the public highway and strategic green infrastructure/landscaping) for a mixed-use development including the provision of employment use (use classes b2/b8/e(g)); retail (use class e(a)); food, drink and drive through restaurant use (use class e(b)/sui generis drive-through); hotel use (use class c1); health, fitness and leisure use (use classes e(d)/f(e)/f2(b)); creche/nursery (class e(f)); car showrooms (use class sui generis car showroom); residential use (c3) the provision of associated car parking, access, public open space, landscaping and drainage at Cuerden Strategic Site, east of Stanifield Lane, north of Clayton Farm, west of Wigan Road, Lostock Hall (ref. LCC/2022/0044).

Should permission be granted, there would be a need to divert public right of way numbers 9-12-FP12 and 9-12-FP8 that cross the site to allow the development to be laid out in accordance with the illustrative framework plan or similar building and infrastructure layout. The following diversions are proposed:

Public Right of Way 9-12-FP12

Description of site of existing path or way

The entire length of that part of Footpath 9-12-FP12 running from the western boundary of the adopted highway of South Ribble Way (A6) in Farington at point A (SD 5555 2504), generally west for 310 metres to an unmarked point in the field, 30 metres east of Old School Lane at point B (SD 5526 2499) as indicated on the attached map (see Plan Ref: 211-745v5, Appendix 'A').

Description of site of alternative public right of way

A bridleway running from the southern boundary of the adopted highway of Lostock Lane (A582) in Lostock Hall at point C (SD 5527 2513), generally south for 150 metres to an unmarked point in the field, 30 metres east of Old School Lane at point B (SD 5526 2499), then continuing generally south for 465 metres to join Stoney Lane (U10735) at point D (SD 5521 2466) as indicated on the attached map (see Plan Ref: 211-745v5, Appendix 'A'). The bridleway would have a metalled surface and a width of 3 metres.

Public Right of Way 9-12-FP8

Description of site of existing path or way

The entire length of that part of Footpath 9-12-FP8 from a point 10 metres south of the boundary of the M65 Motorway in Farington at point E (SD 5566 2471) running south south-west for 155 metres to the junction with bridleway 9-12-BW11 at point F (SD 5560 2457) as indicated on the attached map (see Plan Ref: 211-746v5, Appendix 'B').

Description of site of alternative public right of way

A bridleway running from the western boundary of the adopted highway of Wigan Road (A49) in Farington at point G (SD 5605 2458), generally west north-west for 435 metres to a point near the boundary of the M65 Motorway in Farington 10



metres west of point E (SD 5566 2471) then generally south south-west for 180 metres to a junction with bridleway 9-12-BW11 at point H (SD 5560 2457) as indicated on the attached map (see Plan Ref: 211-746v5, Appendix 'B'). The bridleway would have a metalled surface and a width of 3 metres.

Background

Section 257 of the Town and Country Planning Act 1990 as amended by the Growth and Infrastructure Act 2013 allows a diversion/stopping up Order necessary to enable a development to take place, to be made before planning permission has been granted, provided that a planning application has been submitted. An Order cannot be confirmed however until such time as planning permission for the proposed development has been granted and provided that the Order is unopposed.

When an Order is made by a local planning authority under Section 257 it is necessary for the local authority to give notice of the order by publishing a notice in a local newspaper, displaying a notice on site and notifying specified persons and bodies. In the event that objections are made and not withdrawn, the Order will need to be made by the Secretary of State.

Advice

A planning application has been submitted for outline planning permission for a mixed-use strategic employment site (ref CC/2022/0044). Should permission be granted, there would be need to divert public right of way numbers 9-12-FP12 and 9-12-FP8 that cross the site to allow the development to be laid out in accordance with the illustrative framework plan or similar building and infrastructure layout. The planning application will be determined by the County Council's Development Control Committee.

The diversion of public right of way no. 9-12-FP12 would allow for the construction of a new spine road into the site from the M65 motorway and adjoining proposed development plots. The diverted route would align roughly north-south towards the west of the site through an area of proposed green infrastructure allowing safe access into different areas beyond. The diversion of public right of way no. 9-12-FP8 would involve re-alignment and extension of the route to avoid proposed development plots and create better connectivity for members of the public to the east of the site and access to Wigan Land and Cuerden Valley Park.

Both diversions of existing public rights of way are considered necessary in order for the development included within the outline planning application to proceed at the site. The diversions have been designed to avoid cul-de-sacs in the site and create enhanced accessibility and connectivity to the wider public rights of way network.



Recommendation

Subject to the Committee being satisfied that it is necessary to divert public rights of way 9-12-FP12 and 9-12-FP8 to enable the development to be carried out in accordance with planning application LCC/2022/0044, Orders be made under Section 257 of the Town and Country Planning Act 1990 as amended by the Growth and Infrastructure Act 2013 to divert public rights of way 9-12-FP12 and 9-12-FP8 as follows:

Public Right of Way 9-12-FP12

Description of site of existing path or way

The entire length of that part of Footpath 9-12-FP12 running from the western boundary of the adopted highway of South Ribble Way (A6) in Farington at point A (SD 5555 2504), generally west for 310 metres to an unmarked point in the field, 30 metres east of Old School Lane at point B (SD 5526 2499) as indicated on the attached map (see Plan Ref: 211-745v5, Appendix 'A').

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A bridleway running from the southern boundary of the adopted highway of Lostock Lane (A582) in Lostock Hall at point C (SD 5527 2513), generally south for 150 metres to an unmarked point in the field, 30 metres east of Old School Lane at point B (SD 5526 2499), then continuing generally south for 465 metres to join Stoney Lane (U10735) at point D (SD 5521 2466) as indicated on the attached map (see Plan Ref: 211-745v5, Appendix 'A'). The bridleway would have a metalled surface and a width of 3 metres.

Public Right of Way 9-12-FP8

Description of site of existing path or way

The entire length of that part of Footpath 9-12-FP8 from a point 10 metres south of the boundary of the M65 Motorway in Farington at point E (SD 5566 2471) running south south-west for 155 metres to the junction with bridleway 9-12-BW11 at point F (SD 5560 2457) as indicated on the attached map (see Plan Ref: 211-746v5, Appendix 'B').

Description of site of alternative public right of way

A bridleway running from the western boundary of the adopted highway of Wigan Road (A49) in Farington at point G (SD 5605 2458), generally west north-west for 435 metres to a point near the boundary of the M65 Motorway in Farington 10 metres west of point E (SD 5566 2471) then generally south south-west for 180 metres to a junction with bridleway 9-12-BW11 at point H (SD 5560 2457) as indicated on the attached map (see Plan Ref: 211-746v5, Appendix 'B'). The bridleway would have a metalled surface and a width of 3 metres.



Provided no objections are received following advertisement of the Orders, the Orders be confirmed should planning permission be granted for the proposed development.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2022/0044	December 2022	Rob Hope Planning and Environment (01772) 534159

Reason for Inclusion in Part II, if appropriate

N/A

