

Regulatory Committee

Meeting to be held on 26 March 2014

Electoral Division affected: St Annes North
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Highways Act 1980 – Section 119

Proposed Diversion Of Part Of Bridleway No. 11, Lytham St Annes, Fylde Borough.

(Annex 'B' refers)

Contacts for further information: Mrs R Paulson, 01772 532459, Environment Directorate, ros.paulson@lancashire.gov.uk and Miss M Brindle, 01772 535604, County Secretary and Solicitors Group Megan.brindle@lancashire.gov.uk

Executive Summary

The proposed course of action in dealing with the Public Path Diversion Order made on 2 October 2008, to divert part of Bridleway No. 11, Lytham St Annes, from the route shown by a bold black line and marked A-B-C-D on the plan set out in Appendix A, to the route shown by a bold black dashed line and marked A-E-F-D on the attached plan.

Recommendation

That the Order made on 2 October 2008, under Section 119 of the Highways Act 1980, to part of Bridleway No. 11, Lytham St Annes, from the route shown by a bold black line and marked A-B-C-D on the attached plan, to a route shown by a bold black dashed line and marked A-E-F-D on the plan, be not proceeded with and not forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Background

A Diversion Order had been requested by Simon Coghlan, Partner, Martineau Johnson, 1 Colmore Square, Birmingham B4 6AA, on behalf of his client, Blackpool Airport Properties Limited, to divert the bridleway away from the airport runway and a proposed business park.

On 23 July 2008 the Regulatory Committee approved the making of an Order to divert part of Bridleway No. 11 Lytham St Annes (see Appendix 'A'). The Order was subsequently made and received one unresolved objection relating to the description of the bollards to be erected on the proposed new route.

The Order has not therefore been confirmed by the County Council to date, nor has it been referred to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Consultations

N/A

Advice

On the 2nd October 2008, an Order was made to divert part of the public path that runs over land that was proposed to be developed as a business park and to facilitate the future extension of the airport runway, allowing the land owner to operate safely and efficiently, whilst providing a route that is safe for public use.

Since making the Order it has become apparent the land over which the new route was to be constructed is subject to flooding and the cost to the applicant of the works that would be needed to provide the new route to the required standard would be considerable. It is therefore considered that the diversion is no longer in the interests of the owner of the land and as such, the criteria for confirming the Order will not be satisfied in this instance.

On the 12th February 2014, Paul Rankin, Airport Director, Blackpool Airport Properties Limited requested that the Order is not proceeded with because the new route will not be constructed.

The development of the business park has not proceeded and the runway has not been extended to date. Therefore, by not confirming the Order the public will not be unduly inconvenienced as they will continue to have access to the bridleway on the exiting alignment which is safe and convenient for public use.

It is therefore recommended that the Order made on 2nd October 2008 be formally not proceeded with and not submitted to the Secretary of State for Environment, Food and Rural affairs for formal determination.

Alternative options to be considered

To instruct Officers to submit the Order to the Secretary of State for Environment, Food and Rural affairs for formal determination.

Risk Management

Consideration has been given to the risk management implications associated with this proposal. The Committee is advised that, provided the decision is taken in accordance with the advice and guidance contained in Annex B under an earlier item on the agenda and is based upon relevant information contained in the report, there are no significant risks associated with the decision making process.

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

Paper	Date	Contact/Directorate/Tel
File Ref: 211/496	26 th March 2014	Megan Brindle, County Secretary and Solicitors Group, 01772 535604
File Ref: PRW-05-02-011		Ros Paulson Room D42, County Hall, Environment Directorate 01772 532459
Reason for inclusion in Part II, if appropriate		
N/A		