

Regulatory Committee

Meeting to be held on 23 July 2008

Part I - Item No. 8

Electoral Division affected:
St Anne's North

Highways Act 1980 – Section 119

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

(Annex 'B' refers)

Contact for further information:

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Executive Summary

The proposed diversion of part of Bridleway No. 11, Lytham St Annes, Fylde Borough.

Recommendation

1. That an Order be made under Section 119 of the Highways Act 1980 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 attached plan, to the route shown by a bold black dashed line and marked A-E-F-D on the plan and, in the event of no objections being received, the Order be confirmed.
2. That provisions be included in the Order such that it is also made under Section 53A of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way in consequence of the coming into operation of the diversion of part of Bridleway No. 11, Lytham St Annes, Fylde Borough.

Background

A request has been received from Simon Coghlan, Partner, Martineau Johnson, 1 Colmore Square, Birmingham B4 6AA, on behalf of his client, Blackpool Airport Properties Limited, for an Order to be made under Section 119 of the Highways Act 1980 to divert part of Bridleway No. 11, Lytham St Annes. The length of the existing path proposed to be diverted is shown by a bold black line and marked A-B-C-D on the plan; the proposed alternative route is shown by a bold black dashed line and marked A-E-F-D on the plan.

Consultations

The necessary consultation with the Statutory Undertakers has been carried out and no adverse comments on the proposal have been received. The Fylde Borough Council has been consulted and has raised no objection to the proposal. The Peak and Northern Footpaths Society, the Ramblers' Association and the Fylde Coast Bridleways Association have also been consulted and they too have no objection to the proposal.

In their response to the consultation, the Saint Anne's on Sea Town Council have requested an explanation of the reason for the application and have indicated that a Bridleway, adjacent to the vehicular highway, cycletrack and footway would be totally unacceptable. They have commented that there is a need to divert the public right of way, their Council consider that a separate bridleway from the highway is necessary as these routes are used by horses.

An explanation as to the reason for the diversion has been recently been supplied to the Town Council along with an assurance that the route will be separate to the vehicular highway, cycletrack and footway and no response has been received.

Advice

The length of the footpath proposed to be diverted commences at Point A, (NGR SD 3361 3066), approximately 15 metres to the north west of its junction with Queensway. It runs in a north westerly direction for a distance of 324 metres, to Point B. It continues in a general south westerly direction for a distance of 54 metres to Point C and then in a north westerly direction for a distance of 247 metres to Point D. The bridleway runs on a partially surfaced track. The section between C and D runs parallel to the boundary fence of Blackpool airport and the runway is located approximately 75 metres to the west of this section of the bridleway. The total length of the section of Bridleway proposed to be diverted is 625 metres.

The proposed alternative commences at Point A (NGR SD 3361 3066) approximately 15 metres to the north west of its junction with Queensway. It runs in a general northerly direction for a distance of 348 metres, on an alignment that runs parallel to Queensway, approximately 12 metres to the west of the cycletrack and walkway; on the edge of the field, to Point E. It continues in a general north easterly direction for a distance of 240 metres along the edge of the field to Point F. It then runs in a general south westerly direction for a distance of 186 metres on a fenced footpath running between two fields to Point D. The dedicated width of the Bridleway will be 3 metres. It is proposed that a stone surfaced track will be constructed and this will be fenced on both sides. Furthermore, it is proposed that two bollards will be placed at either end of the proposed alternative route to prevent illegal use by vehicles. The total distance of the proposed alternative route is 774 metres.

The proposal, if successful, will provide a diversion away from the airport runway and the proposed business park, ensuring the safe and efficient use of the land at Blackpool Airport for Civil Aviation purposes, whilst providing a route that is safe for public use.

The proposal is considered acceptable from a highway aspect and meets the criteria for a diversion under Section 119 of the Highways Act 1980, i.e. that, in the interests of the owner, lessee or occupier of land crossed by the path, or of the public, it is expedient that the path should be diverted.

In this case the diversion is felt to be expedient in the interests of the landowner in that, if the proposal is successful, it will remove the part of the public path that currently runs over land that is 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.

The effect of the proposed Order, if confirmed, will not alter a point of termination of the path and will not have any adverse effect on the needs of agriculture and forestry and desirability of conserving flora, fauna and geological and physiographical features. Furthermore, it is suggested that the proposal will not have an adverse effect on the biodiversity or natural beauty of the area.

It is proposed that the right of way to be created by the proposed Order will be subject to the following limitations or conditions:

Limitations and Conditions	Position on path to which limitations and conditions apply
The right of the owner of the soil to erect and maintain two bollards	NGR SD 3361 3066 (Point A)
The right of the owner of the soil to erect and maintain two bollards	NGR SD 3345 3091 (Point D)

The land crossed by the section of bridleway proposed to be diverted, and also that in respect of the proposed alternative route, is in the ownership of Blackpool Airport Properties Limited.

The applicant has agreed to bear all advertising and administrative charges incurred by the County Council in the Order-making procedures, and also to provide an alternative route to the satisfaction of the County Council.

The Committee are advised that so much of the Order as extinguishes part of Bridleway No. 11 is not to come into force until the County Council has certified that the necessary work to the alternative route has been carried out.

Should the Committee agree that the proposed Order be made and, subsequently, should no objections be received to the making of the proposed Order, or should the proposed Order be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation, it is felt that the path or way will not be substantially less convenient to the public in consequence of the diversion because the proposed alternative route will be constructed to a high standard and will provide a level camber to the route. This will remove the requirement for the user to negotiate the uneven surface that currently exists. The proposed alternative route is approximately 149 metres longer than the existing route. It is however suggested that the main use of this route is used for recreational purposes and the increased distance would not inconvenience the user.

There is no apparatus belonging to or used by Statutory Undertakers under, in, upon, over, along or across the land crossed by the present definitive route, or they have given their consent.

Furthermore, it is felt that the effect on public enjoyment of the path or way as a whole would not be adversely affected by the proposal. It is the case that the proposal, if successful would place the Bridleway nearer to Queensway. The routes will however be segregated by a substantial verge and hedge, a minimum of 10 metres in width. It is suggested therefore that the visual and environmental impact of the route running parallel to the vehicular highway is minimal.

It is felt that there would be no adverse effect with respect to the land served by the existing paths and land over which the new paths are to be created, together with any land held with them. Furthermore, it is suggested that the effect of the Order is compatible with the material provisions of the County Council's Rights of Way Improvement Plan.

It is considered that, having regard to the above, it would be expedient to confirm the Order.

Alternative options to be considered - N/A

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

Paper	Date	Contact/Directorate/Ext
File Ref: 211/496		Ros Paulson Room C10, Winckley House, Environment, Ext:
File Ref: PRW-05-02		32459

Reason for inclusion in Part II, if appropriate

N/A