

DEPARTMENT OF RESOURCES

ORIGINATING DIVISION: Highways and Transportation

REPORT TO: Blackburn with Darwen Borough Council

Planning and Highways Committee

COMMITTEE DATE: 27/05/2021 18:30

TITLE: Diversion of Public Footpath 123 Blackburn (Part)

WARDS: Blackburn South and Lower Darwen

COUNCILLORS: Denise Gee, Jacqueline Slater, John Slater

1. PURPOSE OF THE REPORT

- 1.1 To seek committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 123 Blackburn, at Milking Lane, Lower Darwen.

2. BACKGROUND

- 2.1 Blackburn with Darwen Borough Council (PROW) is continually reviewing the definitive map to correct errors and maintain the rights of the public to use the network. The route of footpath 123 is recorded as following Milking Lane, Lower Darwen. Milking Lane has long since been moved as part of the development providing approximate 300 houses and a school. To update the definitive map a legal order is required.
- 2.2 The legal route also goes through two front gardens and a fence line. Where the route has not been diverted when the houses were built.
- 2.3 This route no longer exists as recorded and requires amending and diverting to meet the current adjacent highway at Davy Field Road.
- 2.4 A report has been prepared which seeks to address those matters before Blackburn with Darwen Borough Council, namely the application for the public path diversion order to divert the path as shown on the plan attached to this report and enabling them to consider whether, or not to promote the Order requested.

3. LAW

- 3.1 The relevant legislation is the Highways Act 1980, Section 119 to divert part of public footpath. Please see attached report for further details.

4. DETAILS

- 4.1 Please refer to accompanying report.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of the diversion of the new path will be met by the authority.

6. RECOMMENDATION

The committee may *either* decide to 'Promote the Order' or 'Not to Promote the Order'

- 6.1 **It is the officer's recommendation that the legislative criteria have been met and the committee should resolve to Promote the Public Path Order.**

BACKGROUND PAPERS
CONTACT OFFICER
DATE PREPARED

Plan and Report