

**Environmental Services**

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Date: 16<sup>th</sup> February 2023

Our Ref: TP/R2/14/208

Your Ref:

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Service Manager: David Walker

Dear

**Public Footpath 57 Barnoldswick**

Thank you for your letter of 9<sup>th</sup> February 2023 in which you have asked for some information and objected to the Council's diversion order.

In answer to your question, the footpath became impassable as a result of works carried out as part of a housing development, i.e. the Raikes Hill development, following the grant of planning permission. The footpath was temporarily closed at the time the work was carried out, by a temporary order made by Lancashire County Council. At the same time there was a proposal to divert the footpath by an order made by the Council which specified 2 metre wide footpaths. Unfortunately, this order has not come into operation because the developer left a width of only 1.2m where the footpath runs to the rear of 6-12 Raikes Wood Close.

The diversion order, which is currently being advertised, is intended to find an alternative route to the line of the existing footpath, which is comprehensively obstructed.

In answer to your question about what can be done to stop a footpath being diverted, then this depends on the type of diversion. If a diversion is needed as a result of a planning application then, if you have any concerns, you should make your objections known at the planning stage. If planning permission is granted then this gives the grounds needed in the legislation to divert the footpath. There is generally limited scope to prevent the changes needed to the rights of way network once planning permission has been granted.

Where the proposed diversion is not related to a planning application, then there is far more scope to influence what is proposed. For both types of application we carry out an informal consultation process with local councillors, the parish council, landowners, neighbours and rights of way user groups, and we do our best to take account of any concerns or objections brought to our attention.

Once a decision has been taken to make a diversion order then this will be advertised in the local press and by public notices displayed on site. If there are no objections at the informal consultation stage, but an objection such as yours is received after an order is advertised, then unless the objection is withdrawn we will prepare a short report for the relevant Council committee. Here, elected councillors will consider whether to refer the order to the secretary of state for a decision.

At the moment, the letter which you have sent asks questions, but does not appear to give any specific grounds for objecting. If by virtue of this letter I have answered your questions then could I please ask that you withdraw your objection, otherwise would it be possible to provide more information about the grounds on which you are objecting? I attach a copy of the report which I prepared for the diversion. This refers to the criteria in the legislation which we have to follow, and may suggest to you the grounds on which you could object. If the Council sends the diversion order to be decided by the secretary of state then the independent inspector appointed to make the final decision would be made on whether the diversion order has been made in accordance with the legislation.

If the order made by the Council is not confirmed then my concern is that there is no prospect of the original footpath being reopened, and the alternatives which currently exist will have no legal status as public rights of way, and therefore no protection so if anyone attempted to block them. The proposed diversion would

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safeguard a public right of way against such threats. In addition, an opposed diversion order absorbs a huge amount of staff time, which in my view would be far better used to protect and maintain other public rights of way. At the moment, there are no other objections.

Please feel free to ring or email if you require any further information.

Yours sincerely,

Tom Partridge  
Countryside Access Officer