

Report Title	Proposed diversion of public footpath FP1316012 at Prairie Playing Fields
Meeting	Nelson, Brierfield and Reedley Committee
Meeting Date	Monday 30 th June 2026
Report Author	Tom Partridge
Directorate	Place
Lead Executive Member(s)	
Wards Affected	Brierfield West and Reedley Ward
Public. Part Exempt, or Fully Exempt	Public
Appendices (if any)	A - Location Map B – Proposals Map

1. Executive Summary

- 1.1 This report is asking the Committee to give its approval to officers to make and confirm an order to divert a public footpath.

2. Recommendations

For the reasons set out in this report, Nelson, Brierfield and Reedley Committee is recommended to:

- 2.1 Authorise the Head of Legal and Democratic Services to make an order under Section 257 of the Town and Country Planning Act 1990 to divert public footpath FP1316012 as shown on the proposals map.
- 2.2 Authorise the Head of Legal and Democratic Services to confirm the order if no duly made objections are received and if planning application 26/0165/FUL has been granted full planning permission.
- 2.3 Authorise the Head of Legal and Democratic Services to send the order to the Secretary of State to be decided if objections are received and not subsequently withdrawn.

3. Information: the Rationale & Evidence for the Recommendations

- 3.1 The Prairie Sports Village is located on the boundary between Burnley and Pendle near the junction of Colne Road and Windermere Avenue. Public footpath FP1316012 starts from the northern edge of the playing at the end of a ginnel from Colne Road and then the footpath runs southwest across the Prairie playing fields as far as the borough boundary. The location of the footpath is shown at Appendix A and the proposals to divert the footpath are shown at Appendix B.
- 3.2 Burnley Borough Council (Burnley BC) owns the sports pitches at the Prairie, and it has applied for planning permission to construct an artificial grass 3G

sports pitch directly over the line of public footpath FP1316012. Planning permission by itself does not give any landowner the right to obstruct or divert a public footpath. Therefore, this report is about the separate application which Burnley BC has made to Pendle Borough Council (PBC) to divert the footpath which lies wholly within the PBC area.

- 3.3 The proposal is that the existing footpath shown by the solid bold line A – B should be diverted to a new line shown by bold dashes on the line A – C. The site of the proposed 3G pitch is shown as a hatched area.
- 3.4 This report does not consider the merits of the planning application. But the impact of the proposals on the footpath are a material consideration to be considered as part of the planning application process. The planning application details are:
 - 3.4.1 APPLICATION: 26/0165/FUL
 - 3.4.2 PROPOSAL: Full (Major): Formation of a new 3G artificial grass pitch (AGP), refurbishment of an existing 3G AGP, installation of perimeter fencing and floodlighting, provision of hard standing areas and an overflow car park, formation of an access footpath and reconfiguration of entrance access.
 - 3.4.3 AT Prairie Sports Village Colne Road Brierfield
- 3.5 This report is about the application by Burnley BC for PBC to make a public path order under Section 257 of the Town and Country Planning Act 1990. Under this legislation we may make an order to legally divert the footpath if we are satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission granted under the Act.
- 3.6 Under Section 257 we may also make a diversion order on the basis that an application has been submitted for planning permission, but we may not confirm a diversion order made on this basis (in other words the diversion can not take place) unless planning permission is subsequently granted. Therefore, a decision can be taken on the proposed diversion before planning permission is granted.
- 3.7 The key test which needs to be satisfied, is whether or not the diversion is necessary for the development to be carried out. Looking at the development plans the sports pitch across the footpath will have a 4.5m high ball-stop fence around it and a retaining structure representing a step change in levels. Even if gaps were retained in the ball-stop fencing for the public footpath, the high levels of use anticipated as a 3G sports pitch are incompatible with the general public being able to exercise a right of way to walk diagonally across it at any time of day or night. On this basis, Councillors may reasonably draw the conclusion that diverting the footpath is necessary for the development to be carried out.
- 3.8 We also need to consider the advantages and disadvantages of the proposed diversion. We believe that public footpath FP1316012 is only lightly used

because in practice people can go where they wish around the sports pitches. When we have been to visit we have seen the trodden lines where people like to walk, and we've seen people out walking and enjoying these routes. Unlike FP1316012 public footpath FP1316013 appears to be relatively well used and a trodden line can be seen between points B and C on the map where people roughly follow the direct line from the Colne Road ginnel to a footbridge over the railway line. The proposed diversion running south from point C initially follows a trodden line along the edge of the sports pitches which is regularly mown. However, in order to ensure that the diversion brings the footpath back to point A, the southern part of the diversion route runs along the edge of a sports pitch to a point on the borough boundary where the footpath is recorded as finishing.

- 3.9 The proposed diversion route is mostly on well-drained land which is regularly mowed in connection with the use of the land as sports pitches, and on the whole there is no work needed on the new path to bring it into a fit condition. However, there was a less well drained area part way between points A and C which was found to quite wet under foot during a mid-February site visit. Burnley BC has agreed to carry out some drainage work in this area to bring the proposed new footpath into a fit condition for public use.
- 3.10 Councillors may notice that the southern end of the footpath to be diverted meets the parish boundary but does not connect to public footpath FP1201155 on the southern side of the site boundary. The problem of the Burnley footpath (FP1201155) and the Pendle footpath (FP1316012) not being connected to one another has existed since the definitive map came into existence in the 1960s There are further problems with FP1201155 running south and the current line is currently obstructed. Council officers at Lancashire County Council and Burnley Borough Council are aware of these issues. But the issue with the recorded footpath on the Burnley side of the boundary are not connected with the planning application, and therefore need to be left to be dealt with by other legal processes. The proposed diversion order being considered by this report cannot be used to resolve these other issues.

4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)

- 4.1 None are applicable.

5. Implications

5.1 Financial Implications

The applicant, Burnley BC, has agreed to pay all of the costs, including administrative and advertising costs.

5.2 Legal and Governance Implications

We have explained the legal basis on which we may make a diversion order in the paragraphs above. In the event of objections to a diversion order made by the Council we would have to refer the case to the Planning Inspectorate to make a decision on confirming the order. The Council cannot confirm an order itself in the face of public objections.

5.3 Climate and Biodiversity Implications

None arising directly from this report.

5.4 Human Resources Implications

None arising directly from this report.

5.5 Equality and Diversity Implications

None arising directly from this report.

6. Consultation

6.1 We have consulted ward councillors, Lancashire County Council, Reedley Hallows Parish Council, representatives of public rights of way user groups and statutory undertakers (gas, water, electric etc.). There have been no objections.

7. Alternative Options Considered

7.1. We discussed the proposed diversion with officers of Burnley Borough Council before it submitted its proposals, including a site meeting to find the most appropriate diversion route. The proposed diversion fits naturally with the site and therefore we did not consider any other options.

8. Statutory Officer Sign off (please put an x in the relevant box below)

Section 151 Officer	X
Monitoring Officer	X

9. Background Documents

Plans submitted with Planning application 26/0165/FUL	Drawing reference
Proposed Elevation	05
Proposed North AGP Site Plan	04
Design and Access with Planning Statement	n/a

Contact Officers

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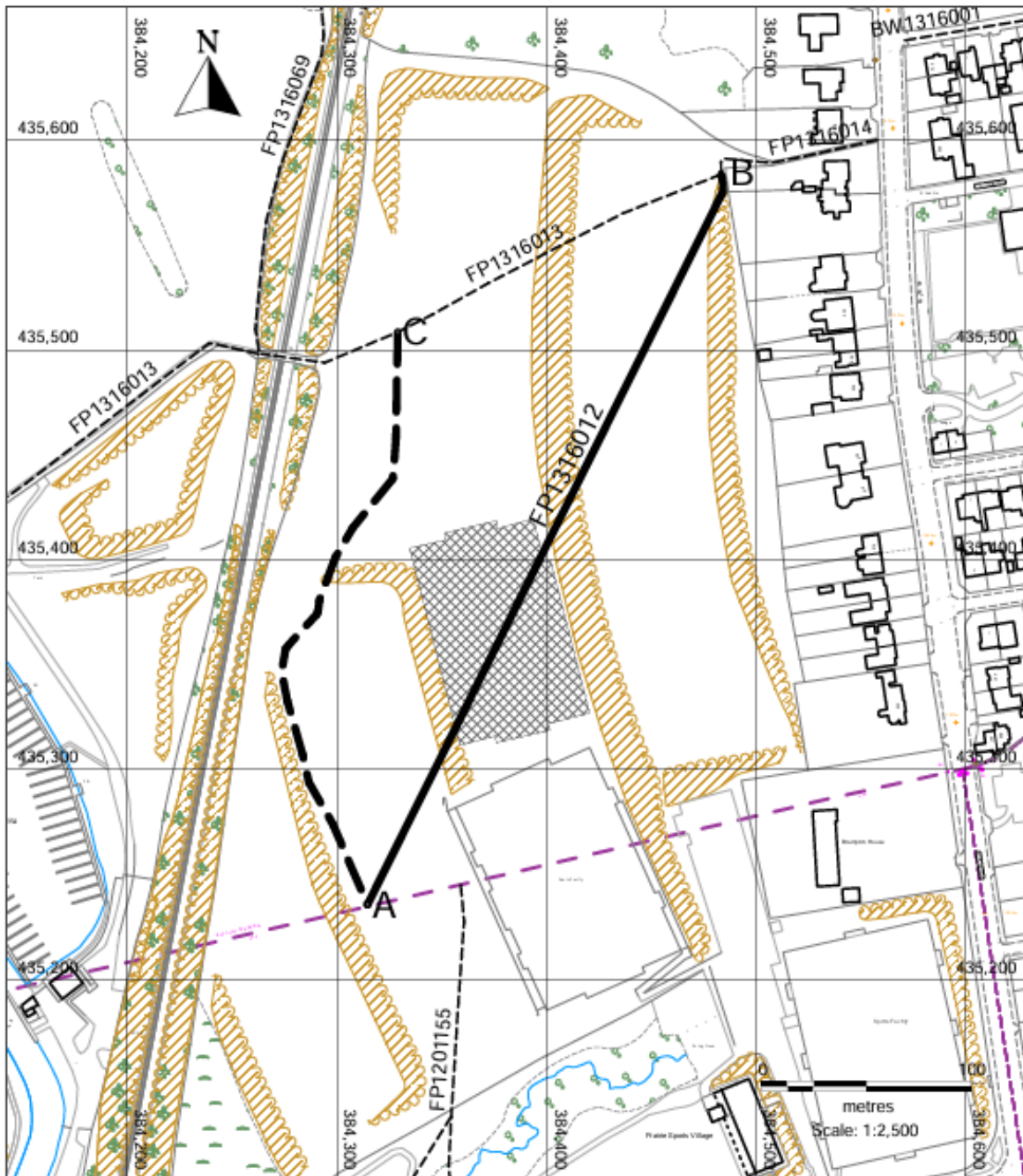
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APPENDIX A – Location Map






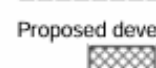
APPENDIX B – Proposals Map



Proposed diversion of public footpath FP1316012 at Prairie Playing Fields

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Scale 1:2500
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 Date: 28th April 2026
 Drawn: T Partridge

- Footpath to be diverted

- Footpath to be created

- Other public rights of way

- Proposed development

- District boundary
