

NOTICE OF ORDER

Town and Country Planning Act 1990 - Section 257

Burnley Borough Council

The Borough of Burnley (Part Of Footpath 89 And Part Of Footpath 90 Cliviger)

Public Footpath Diversion Order 2019

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **09 March 2021**

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be **to divert**:

a. The entire width of that part of Footpath 89 Cliviger as shown on the order map by a bold continuous line from Point A (grid reference SD 8694 3151) running south south west for approximately 265 metres to point B (SD 8683 3127), continuing south south west for 40 metres to its junction with Footpath 88 Cliviger at point C (SD 8681 3123). A total length of 305 metres.

b. The entire width of Footpath 90 Cliviger as shown on the order map by a bold continuous line from Point A (grid reference SD 8694 3151) running south for 5 metres to point F (SD 8694 3149), continuing generally south for 125 metres to point D (SD 8696 3138). A total length of 130 metres.

and to create new routes:

a. A length of footpath as shown on the order map by a bold black dashes commencing on Red Lees Road at point E (SD 8694 3151), running for 30 metres north west, then south east down a ramp to point A (SD 8694 3151), then generally south for 20 metres to point F (SD 8694 3149), then generally west south west for 100 metres to point G (SD 8686 3147), then generally south south west for 170 metres to point H (SD 8680 3131), then south east for 45 metres to point B (SD 8683 3127) continuing south east for 25 metres to its junction with Footpath 88 Cliviger at point J (SD 8684 3125). The footpath will have a width of 2 metres with an asphalt surface between points E-A-F-G-H and a compacted stone surface between points H-J.

b. A length of footpath as shown on the order map by black dashes from Point D (SD 8696 3138), running 75 metres generally east north east to its junction with Red Lees Road at point K (SD 8702 3142). The footpath will have a width of 2 metres with an asphalt surface.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 4445502. Email: clive.richards@planninginspectorate.gov.uk. Please quote reference number

ROW/3246107 on all correspondence. **N.B. Due to Covid-19, it is recommended that you email The Planning Inspectorate as the office is only partially open.**

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at the Town Hall, Burnley from 9.00am to 5.00pm on Mondays to Fridays inclusive. Contact at Burnley Borough Council: Ms Emma Barker, tel: (Office) 01282 477142, Email: Email ebarker@burnley.gov.uk

N.B. Due to Covid-19 access to the Town Hall may be difficult. It is suggested that you contact the Council to make arrangements to view or receive copies of documents

Timetable for sending in statements of case and comments

Within 2 weeks of the start date [by 23 March 2021]

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

As Burnley Borough Council has taken a Neutral Stance, the applicant/developer has agreed to make the case for confirmation of the Order. Therefore, within the same period the applicant/developer must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within 8 weeks of the start date [by 04 May 2021]

Everyone who has made an objection or representation or any other written representation or any other person wishing to make representations in writing must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within 14 weeks of the start date [by 15 June 2021]

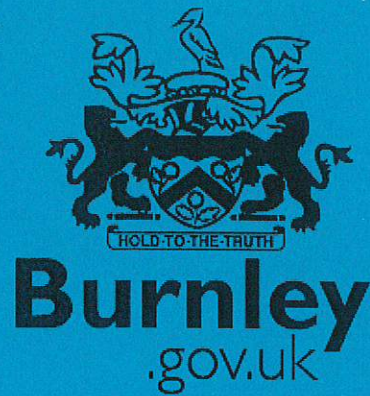
Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of

State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.

We cannot accept any inflammatory, discriminatory or abusive comments. Any documents containing such comments will be returned.

Notice of order for w/r



**THE BOROUGH OF BURNLEY (FOOTPATH PART OF
FOOTPATH CLIVIGER 89 AND FOOTPATH CLIVIGER 90)
PUBLIC FOOTPATH DIVERSION ORDER 2019**

Catherine Waudby
Head of Legal & Democratic Services
Burnley Borough Council
Town Hall
Manchester Road,
BURNLEY
BB11 9SA

REF: FOOT/19/EVB

PUBLIC PATH DIVERSION ORDER
TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
BURNLEY BOROUGH COUNCIL
THE BOROUGH OF BURNLEY (PART OF FOOTPATH 89 CLIVIGER AND PART
OF FOOTPATH 90 CLIVIGER) PUBLIC FOOTPATH DIVERSION ORDER 2019

This order is made by the Burnley Borough Council under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert the footpaths to which this order relates in order to enable development to be carried out in accordance with an application for planning permission in respect of development made under Part III of the 1990 Act namely: the development of residential housing on land off Red Leeds Road, Burnley (App ref APP/2019/0155).

BY THIS ORDER:

1. Part of Footpaths 89 and 90 Cliviger over the land shown by continuous bold line on the attached order map and described in Part 1 of the Schedule to this order ("the Schedule") shall be diverted as provided below.
2. Alternative highways shown by bold black dashes on the attached order map and measuring 2 meters wide shall be created to the reasonable satisfaction of Burnley Borough Council for use as a replacement for the said footpaths as provided in Part 2 of the Schedule.
3. The diversion of the footpaths shall have effect on the date on which the Burnley Borough Council certifies all work to bring the public footpaths described in Part 2 of the Schedule into a fit condition for use by the public has been carried out.
4. Where immediately before the date of this order any apparatus of statutory undertakers lies under, in, on, over, along or across any length of footpath authorised to be diverted pursuant to this order then those undertakers shall have the same rights in relation to that apparatus after the footpaths are diverted as they had immediately before.

5. This order shall come into force on the date on which notice that it has been confirmed is first published in accordance with Part II of Schedule 14 to the TCPA 1990 (or the date on which the Council has certified that the terms of article 3 of this order have been complied with, whichever is the later) and may be cited as "THE BOROUGH OF BURNLEY (PART OF FOOTPATH 89 CLIVIGER AND PART OF FOOTPATH 90 CLIVIGER) PUBLIC FOOTPATH DIVERSION ORDER 2019"

SCHEDULE

PART 1

Description of site of existing path or way

(All distances and compass points are approximate.)

1. The entire width of that part of Footpath 89 Cliviger as shown on the order map by a bold continuous line from Point A (grid reference SD 8694 3151) running south south west for approximately 265 metres to point B (SD 8683 3127), continuing south south west for 40 metres to its junction with Footpath 88 Cliviger at point C (SD 8681 3123). A total length of 305 metres.
2. The entire width of Footpath 90 Cliviger as shown on the order map by a bold continuous line from Point A (grid reference SD 8694 3151) running south for 5 metres to point F (SD 8694 3149), continuing generally south for 125 metres to point D (SD 8696 3138). A total length of 130 metres.

PART 2

Description of site of alternative highway

(All distances and compass points are approximate.)

1. A length of footpath as shown on the order map by a bold black dashes commencing on Red Lees Road at point E (SD 8694 3151), running for 30 metres north west, then south east down a ramp to point A (SD 8694 3151), then generally south for 20 metres to point F (SD 8694 3149), then generally west south west for 100 metres to point G (SD 8686 3147), then generally south south west for 170 metres to point H (SD 8680 3131), then south east for 45 metres to point B (SD 8683 3127) continuing south east for 25 metres to its

junction with Footpath 88 Cliviger at point J (SD 8684 3125). The footpath will have a width of 2 metres with an asphalt surface between points E-A-F-G-H and a compacted stone surface between points H-J.

2. A length of footpath as shown on the order map by black dashes from Point D (SD 8696 3138), running 75 metres generally east north east to its junction with Red Lees Road at point K (SD 8702 3142). The footpath will have a width of 2 metres with an asphalt surface.

THE COMMON SEAL of **THE COUNCIL**)

OF THE BOROUGH OF BURNLEY was)

hereunto affixed on the 26th September)

2019 in the presence of:)

D. A. Dalby
Authorised Signatory

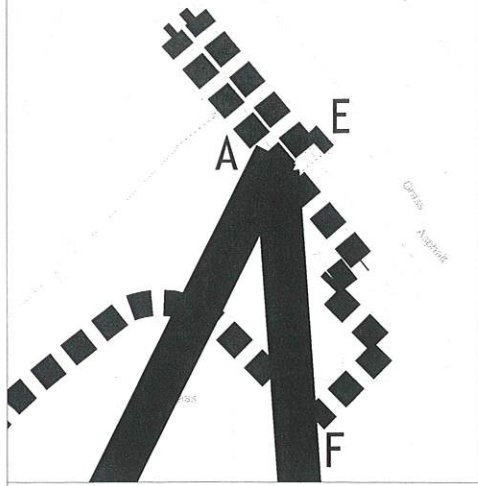
C. W. Dandy
Authorised Signatory



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EVS

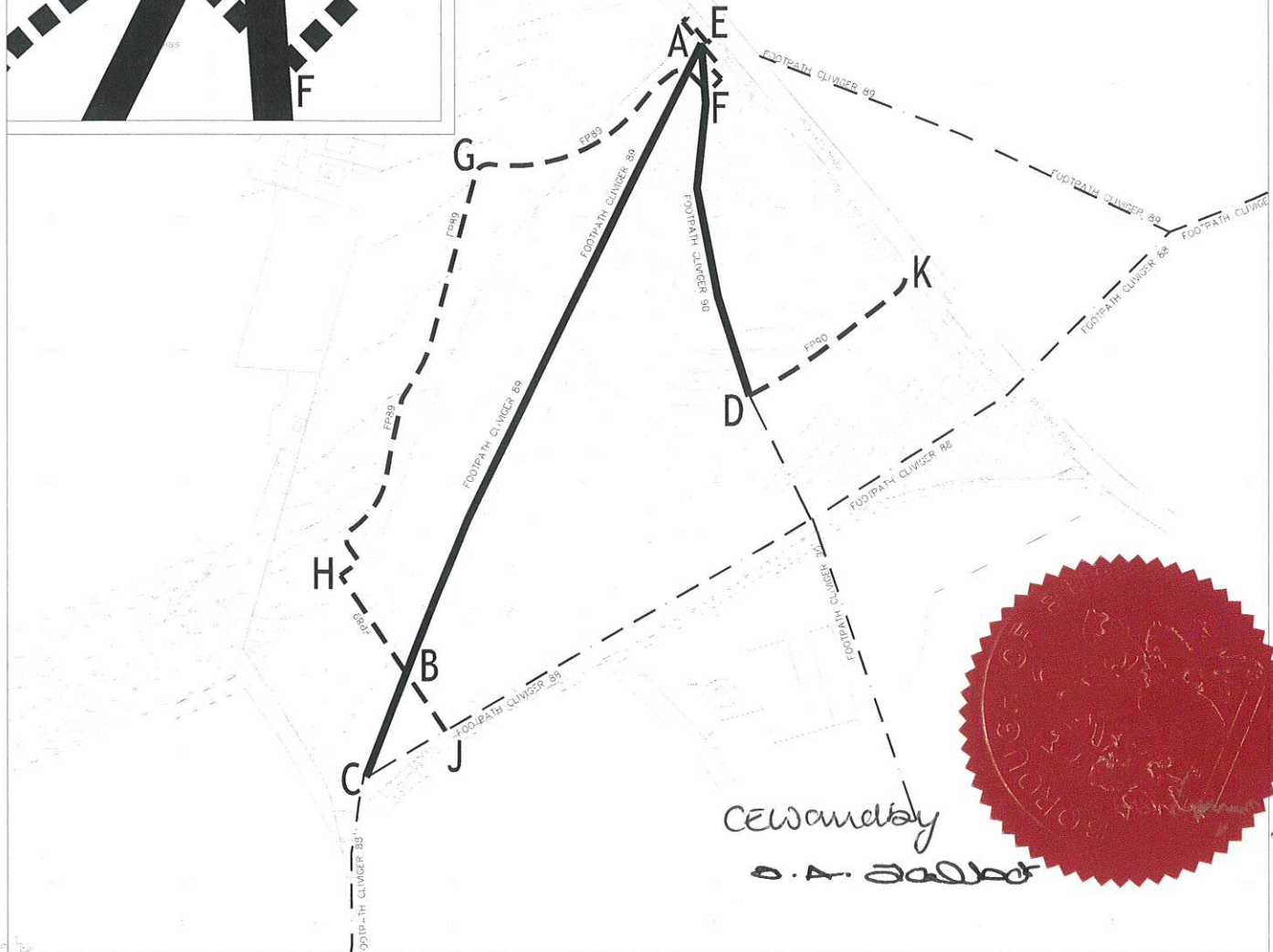
INSET 1 - PROPOSED ALTERNATIVE LENGTH OF FP89 ROUTING
DOWN THE PROPOSED RAMP AND INTO THE DEVELOPMENT.
SCALE 1:500



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Follow any figured dimensions - do not scale for construction purposes. IF IN DOUBT ASK.

●	Revision History	●	Date
A	UPDATED FOLLOWING COMS FROM BCC/LCC		10.05.19
B	OS BASE ADDED FOR SITE CONTEXT		03.07.19
C	NEW PROW FP90 AMENDED NEAR PLOTS 9+10		04.07.19
D	REVISED NEW FP DETAILS AND WIDTHS		09.07.19
E	ALIGNMENT OF EXISTING PROW CHANGED		31.07.19
F	MINOR TEXT CHANGES		01.08.19



CEWandby

D.A. 2019

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KEY

LENGTHS TO BE DIVERTED
(A-B-C) - FOOTPATH CLINGER 89
(A-D) - FOOTPATH CLINGER 90

ALTERNATIVE ROUTES -
(E-A-F-G-H-B-J) FP89
(D-K) FP90

UNAFFECTED PUBLIC RIGHTS OF WAY

NOTES:

GRID REFERENCE POINTS

POINT A - SD 8694 3151
POINT B - SD 8683 3127
POINT C - SD 8681 3123
POINT D - SD 8696 3138
POINT E - SD 8694 3151
POINT F - SD 8694 3149
POINT G - SD 8686 3147
POINT H - SD 8680 3131
POINT J - SD 8684 3125
POINT K - SD 8702 3142

Chester Office: Well House Barns Barton Cheshire CH4 4DH	South Manchester Office: Camilla House 76 Water Lane Villalmoor SK3 8BB	axis
client: MILLER HOMES		
project: RED LEES ROAD, BURNLEY		
drawing title: PROPOSED PUBLIC RIGHTS OF WAY (PROW) DIVERSION PLAN		
date: APRIL 2019	drawn by: BA	checked: LK
drawing number: 2619-01-D02	status:	
scale(s): 1:2500@A4 UNLESS STATED	rev: F	
planning environment design		