

***TRAFFIC REGULATION ORDER PANEL  
Regulatory Committee  
Agenda***

Date Thursday 19 January 2023

Time 5.30 pm

Venue Room 4E, Level 4 - Civic Centre, Oldham

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Tel. 0161 770 5151 or email

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Monday, 16 January 2023.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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Please also note the Public attendance Protocol on the Council's Website

[https://www.oldham.gov.uk/homepage/1449/attending\\_council\\_meetings](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

MEMBERSHIP OF THE TRAFFIC REGULATION ORDER PANEL IS AS FOLLOWS:

Councillors C. Gloster (Vice-Chair), Salamat, Woodvine, S Bashforth (Chair) and Ahmad



- 10 Definitive Map and Statement Modification Order S53 – Wildlife and Countryside Act 1981. Claim to register a Public Footpath between Dobcross New Road and Mow Halls Lane, Dobcross (Pages 1 - 6)

To determine an Application submitted under Schedule 14 of the Wildlife and Countryside Act 1981 (the 1981 Act), requesting that a Modification Order be made in respect of a route running between Dobcross New Road and Mow Halls Lane, Dobcross (the application route), which is shown on the attached location plan 764/A4/235/1.



# DELPH

## DELPH STATION

Delph station was initially relatively small with only a couple of sidings. However, with growth in traffic the station was redeveloped in the early 1880s with larger passenger accommodation, goods shed, sidings and coal drops.

The line was extended in the 1880s for a short period with a train running from Delph hauled by a contractor's engine to take material up the Castleshaw Valley to build the reservoirs.

Carrying freight was an important service and the line had a number of sidings along the route serving a quarry and a number of mills.

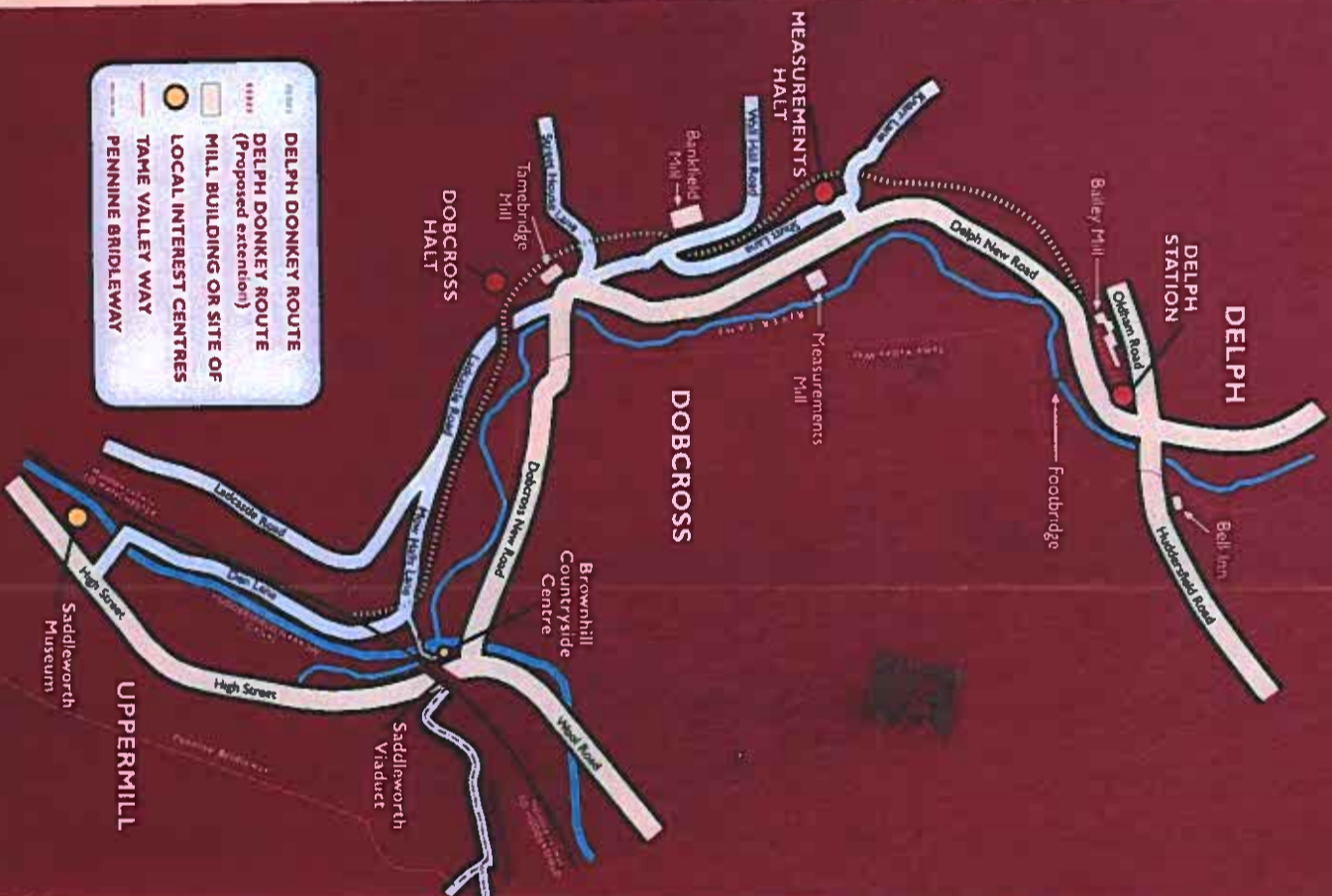
The terminus at Delph had a siding into the adjacent Bailey Mill as well as coal drops to receive coal and material for the local mills. It also carried many of the finished goods.

## THE DELPH DONKEY TODAY

The Delph Donkey is now managed by the Oldham Countryside Service and is a popular 1.5 mile multi-use recreational route that is well used by cyclists, walkers and horseriders. It links well with other popular recreational routes in the area (e.g. the Huddersfield Narrow Canal and the Tame Valley Way), more details of which can be found at Brownhill Countryside Centre.

Improvements made to the route with the help of various funding partners have made the route accessible to Bailey Mill. Ultimately it is hoped to fully open the route to the original terminus at Delph Station.

The Delph Donkey is also an important biodiversity corridor. Trees such as Silver Birch, Oak, Rowan, Willow and Hawthorn, together with several varieties of wildflowers, have reclaimed the embankments providing habitat for a diverse array of wildlife.



## THE DELPH DONKEY BRANCH RAILWAY

The mainline Huddersfield to Manchester railway line through Saddleworth opened on 18th July 1849. Initially, the Delph Branch was viewed by the Railway Company as being of little importance. Although permission to build the route was granted in 1945, it wasn't until several years later, following pressure by local people and James Lees of Delph, a textile merchant and manufacturer, that work started on the Delph branch railway.

The Delph branch railway opened to Greenfield on 1st September 1851 with some of its early services from Greenfield to Delph being horse operated by Michael Stancilffe of Delph who later sold coal at Delph station. The use of a horse on some trains led to the line becoming nicknamed The Delph Donkey. Horsepower was short lived; the line from Greenfield to Oldham opened in 5th July 1856 making steam power viable, however the name Delph Donkey remained.



Photograph provided by Delph Museum as part of the Delph Donkey project. May 1963.

The railway allowed mass travel to and from Saddleworth to places of work, for day trips and the mass exodus of the Walkes Holidays.



The closure of the line to passengers came on 30th April 1955 as competition from bus companies increased. The line continued to carry a limited amount of freight. A royal train carrying The Queen Mother was one of the last to use the track as a quiet overnight rest halt in 1960.

The final end came for the Delph branch on 4th November 1963 with the official and total closure of the line. Just under a year later the rail was lifted and other remnants of the line removed, including the stationmaster's house at Delph.

There was a period when revival of the line for preservation was a possibility but regrettably this was never developed even though an engine and stock was installed at the Delph end. Although the railway infrastructure has mostly been removed, the architecture of the bridges, walls and buttresses remain as a lasting testament to the craftsmen of a bygone era.



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## TRAFFIC REGULATION ORDER PANEL

Thursday, 19 January, 2023

### Item 10 – Definitive Map and Statement Modification Order, Dobcross

#### Submission from Wednesday Walkers (Oldham) in favour of the proposal to designate a footpath as a Public Right of Way

The report recommends that the proposal submitted by the Ramblers Association be rejected. The reason for rejecting it, which is that parts of the route are over Council Land and that access has been 'by right' rather than 'as of right' is not in my opinion, valid.

I would firstly point out, because it is not stated in the report, that this path and the bridge over the River Tame are part of the long distance Tame Valley Way laid out by the former Greater Manchester Council in the late 1970's as part of its river valley strategy. This route was promoted to the public in leaflets, waymarkers and information boards. There is still a timber fingerpost sign at Mow Halls Lane indicating a walking route to the garden centre, and a Tame Valley Way waymarker at the garden centre car park.

The bridge over the Tame was provided and maintained by GMC from 1980 until 1986 and then by Oldham as a highway asset until 1996 when it was deemed to be private. The bridge then transferred in 2001 to Newbank Garden Centre as part of a land sale and was closed in 2015 for safety reasons after a flood. The local residents have secured an offer from a benefactor to replace the footbridge with a steel bridge free of charge.

I suspect the report represents an altruistic approach from the officers to avoid increased maintenance costs for the Council but that is not a valid reason for rejection and the fact that the route has seats, litter bins and dog poo signs does not distinguish it for the public as a permissive path as those facilities are also on adopted highways. The photo of the play area sign is also misleading as it is right at the back of an equipped play area and not adjacent to the path.

The report accepts the evidence of 20 years uninterrupted use by the public on the whole of the route so the key criterion in the Highways Act for dedication of the route is satisfied 'unless there is sufficient evidence that there was no intention during that period to dedicate it' (para.(1) on page 2 of the report). The way a landowner demonstrates that is by overt and clear signage for the users of the path or perhaps closing it one day a year. (The Godmanchester case referred to in para. (e) on page 9). **The only consideration for members of the Panel is therefore whether there is sufficient evidence that the route on Council land was permissive and not 'as of right'.**

The report suggests that the council land at the western end was bought for playing field use in 1955 but it was over 20 years later before the stoned path was put along the edge of the football pitch as part of the Tame Valley Way. In relation to the land

at the eastern end I suspect the land purchase in 1988 for amenity was actually on the other side of the river to create the sensory garden at the Brownhill Visitor Centre but in any event at that date the footpath would already exist. In my opinion it is the usage of the path that is to be considered and not the status of the land.

In conclusion, I submit that there is not sufficient evidence of the route being permissive, in fact there is no evidence at all, because:

- The route is part of the Tame Valley Way, which was and still is publicised as a walking route on the web, in leaflets, signage and information boards
- For over 35 years the public have never been challenged or stopped from using the path
- The public have never been advised or informed by the Council that the route was permissive and there have never been any signs to that effect on the path
- The public will not understand when using the path that it might have a 'private' status and will certainly not know the details of land transactions nearly 70 and 35 years ago and bridge inspection reports 27 years ago. Case Law has shown that such internal documents do not constitute evidence that the route is permissive
- There is no physical distinction on site between the Council land and private land so the public will not realise which is which.

I therefore hope that the Panel will agree that there is insufficient evidence to negate the use of the path 'as of right' and that they will approve the application as in Option 1 in the report. If the application is approved the Saddleworth residents will be delighted that this long-standing issue has been resolved and the route can be re-opened.

Kevin Lawton, BSc, CEng MICE (ret'd),  
Wednesday Walkers Footpath Secretary.  
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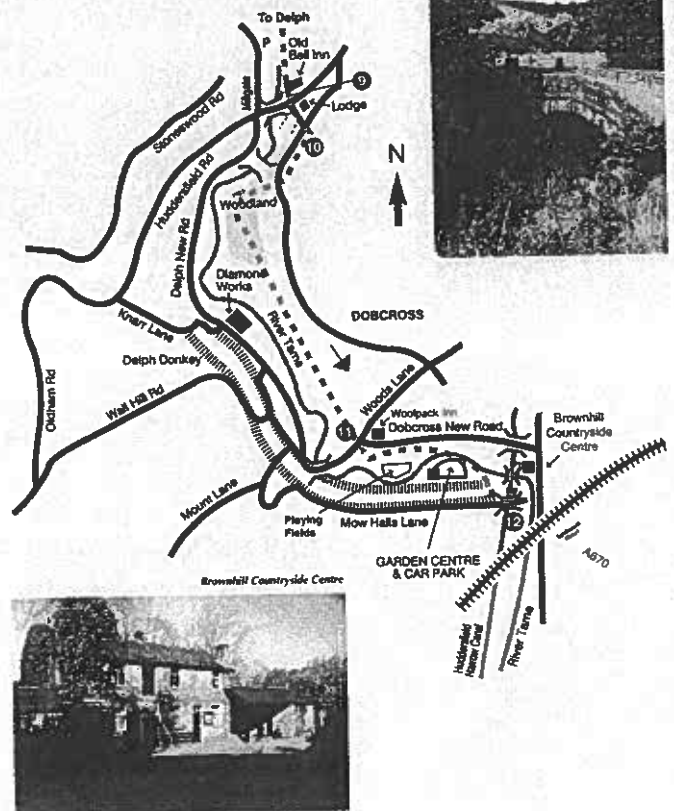
## Section 2 - Delph to Brownhill - 2.4km (1.5 miles)

8. Cross directly over King Street and ahead along the riverside footpath. Follow the path to the car park and cross the footbridge over the river. Turn right along the track eventually passing factories on the left to emerge behind the Old Bell Inn. Walk under the archway.

*Built around 1797 the Bell Inn, originally the New Inn, was constructed to serve the turnpike road. The archway is where the coaches and horses would have gained access to the yard and stables.*

9. From the Old Bell Inn cross the A62 and continue ahead up Gatehead Road for 220 metres. Turn right down the tarmac track and after 50 metres walk down the path descending to the right. Follow it to the bottom of the hill.
10. Follow the riverside path through the woodland, past a mill and ahead through fields and woodland to emerge beside stone cottages. Turn right at the stile to emerge at the Woolpack Inn.
11. Cross the roads and take the path opposite the Woolpack Inn down past the playground and alongside the field. Continue along the path beside the river crossing the garden centre access road and car park to the stile beside the river. After the stile where the path splits bear left to emerge at the Huddersfield Narrow Canal.
12. Turn left along the towpath for 50 metres to Brownhill Countryside Centre.

*Brownhill was built in 1916 for stabling horses used by the transport depot of Saddleworth Urban District Council. The building was officially opened as a visitor centre in 1982 and is now managed by Oldham Countryside Service. For further details about facilities and opening times telephone 01457 872598.*



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