

***TRAFFIC REGULATION ORDER PANEL  
Agenda***

Date Thursday 20 January 2022

Time 5.30 pm

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

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 Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email [constitutional.services@oldham.gov.uk](mailto:constitutional.services@oldham.gov.uk)

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, 17 January 2022.

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.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE TRAFFIC REGULATION ORDER PANEL IS AS FOLLOWS:

Councillors Davis (Chair), Brownridge (Vice-Chair), C. Gloster, Salamat and Woodvine

Item No

1 Apologies For Absence

2 Urgent Business

Urgent business, if any, introduced by the Chair

3           Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4           Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5           Minutes of Previous Meeting (Pages 1 - 4)

The Minutes of the meeting held on 25<sup>th</sup> November 2021 are attached for approval.

6           S257 Town and Country planning Act 1990 – Diversion of Definitive Footpath 26 Chadderton, at Burnley Lane to Chadderton Way, Chadderton, and S53A Wildlife and Countryside Act 1981 Modification of the Definitive Map & Statement (Pages 5 - 14)

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Chadderton at Burnley Lane to Chadderton Way, Chadderton as detailed in the report.

7           S257 Town and Country planning Act 1990 – Diversion of Definitive Footpath 26 Oldham, land off Knowls Lane, Oldham, and S53A Wildlife and Countryside Act 1981 Modification of the Definitive Map & Statement (Pages 15 - 46)

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Oldham, land off Knowls Lane, Oldham as detailed in the report.



public spaces protection orders and it was recommended that the same procedure of public speaking be introduced.

Options/alternatives considered

Option 1: To approve the recommendation and introduce a procedure for public speaking at Traffic Regulation Order Panel meetings

Option 2: Not to approve the recommendation

RESOLVED – That Council be recommended to adopt the procedure for public speaking at meetings of the Traffic Regulation Order Panel detailed in Appendix 1 of the report and include the procedure in Part 8 Appendix 3 of the Constitution.

7

**S257 TOWN AND COUNTRY PLANNING ACT 1990, S53A WILDLIFE AND COUNTRYSIDE ACT 1981 , PUBLIC PATH DIVERSION & DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER. FPS 46, 47 & 48 CHADDERTON.**

Consideration was given to a report of the Director of Environmental Services which sought approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 46, 47 & 48 Chadderton at Broadway, Chadderton as detailed in the report.

The Council had received an application from Countryside Properties, Great Places Housing Association and FO Developments to facilitate the proposed residential development of up to 160 affordable dwellings. Planning Ref: FUL/345659/20 (Approved 3 June 2021).

Consultations with user groups over the application did not result in any objections.

It was reported that the Application had been made by the 3 parties named above in relation to the proposed construction of a residential development of up to 160 residences of 'affordable housing' (FUL/345659/20).

The Order-making and Confirming Authority were guided to authorise the diversion of any footpath if they were satisfied that it was necessary to do so in order for the development to be carried out in accordance with the granted planning permission. The route of Footpath 46 Chadderton was shown on attached plan to the report (764/A4/225/1). The path commenced at point B south west of Chilton Avenue (approximately 147m from end of cul de sac) following a slight north-easterly route for approximately 157m where it met Footpaths 44 (East) & 45 (West) Chadderton at point E. The existing route ran through undeveloped land (i.e. fields). The description of the current route was given in Schedule 1 to the report. The diverted path was also shown on the plan and follows points J-I-H-G-F-E. The path then met existing footpaths 44 (East) & 45 (West), Chadderton. The description of the diverted route was given in Schedule 2 to the report.

The route of Footpath 47 Chadderton was shown on the attached plan to the report (764/A4/225/1). The path commenced at point B south west of Chilton Avenue (approximately 147m from end of cul de sac) following a south easterly route for approximately 38m to point C, then proceeded east for approximately 162m to point D, joining Broadway,

Chadderton. The description of the current route is given in Schedule 1 to the report.

The diverted path was also shown on the plan and followed points J-M-N-O-P-R-Q. The path then terminated at Broadway, Chadderton. The description of the diverted route is given in Schedule 2 of the report.

The route of Footpath 48 Chadderton was shown on the attached plan to the report (764/A4/225/1). The path commenced at point A (approximately 170m west of the current convergence of Footpaths 46, 47 & 48 and proceeded east for approximately 170m to join Footpaths 46 & 47 Chadderton at point B.

The diverted path was also shown on the plan and follows points A-F-G-K-L-J. The path then met the proposed diverted Footpaths 46 & 47 at point J. The description of the diverted route was given in Schedule 2 of the report.

The existing alignment of the Footpaths would be directly affected by the housing development being constructed by the applicants.

The required highway signage, from the metallised road and the way markers along the route would be paid for by the Applicant i.e. both installation, posts and the sign.

If the order was confirmed it would be necessary to modify the Definitive Map and Statement for Footpaths 46, 47 & 48 Chadderton. The Council had an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allowed the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. In light of the above it was considered that this is appropriate in this case. The current wording for the Definitive Statement was given in Schedule 3 and the amended wording was given in Schedule 4 to the report.

Option/alternatives considered

Option 1 – To agree the recommendation

Option 2 – Not to agree the recommendation.

**RESOLVED** – That the Council make a Public Path Diversion and Definitive Map and Statement Modification Order for the diversion of Footpaths 46, 47 & 48 Chadderton under Section 257 of the Town and Country Planning Act 1990 and section 53A of the Wildlife and Countryside Act 1981 as detailed in the report and officers be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.

The meeting started at 5.30pm and finished at 5.57pm

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Report to TRO Panel

## **Public Path Diversion and Definitive Map and Statement Modification Order**

### **S257 Town and Country planning Act 1990 – Diversion of Definitive Footpath 26 Chadderton, at Burnley Lane to Chadderton Way, Chadderton, and S53A Wildlife and Countryside Act 1981 Modification of the Definitive Map & Statement**

**Portfolio Holder:**

Councillor A Chadderton, Cabinet Member for Neighbourhoods

**Officer Contact:** Deputy Chief Executive – People and Place

**Report Author:** Liam Kennedy, PRow Officer  
Ext. 4306

**20 January 2022**

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**Purpose of Report**

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Chadderton at Burnley Lane to Chadderton Way, Chadderton as detailed in the report.

**Executive Summary**

The Council has received an application from Swansway Garages Ltd to facilitate the proposed development of Volkswagen Motor Dealership.  
Planning Ref: PA/340499/17 (Approved 23 October 2017).

Consultations with user groups over the application did not result in any objections.

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**Recommendation**

It is recommended that the Council make a Public Path Diversion and Definitive Map and Statement Modification Order for the diversion of Footpath 26 Chadderton under Section 257 of the Town and Country Planning Act 1990 and section 53A of the Wildlife and Countryside Act 1981 as detailed in the report and officers be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.

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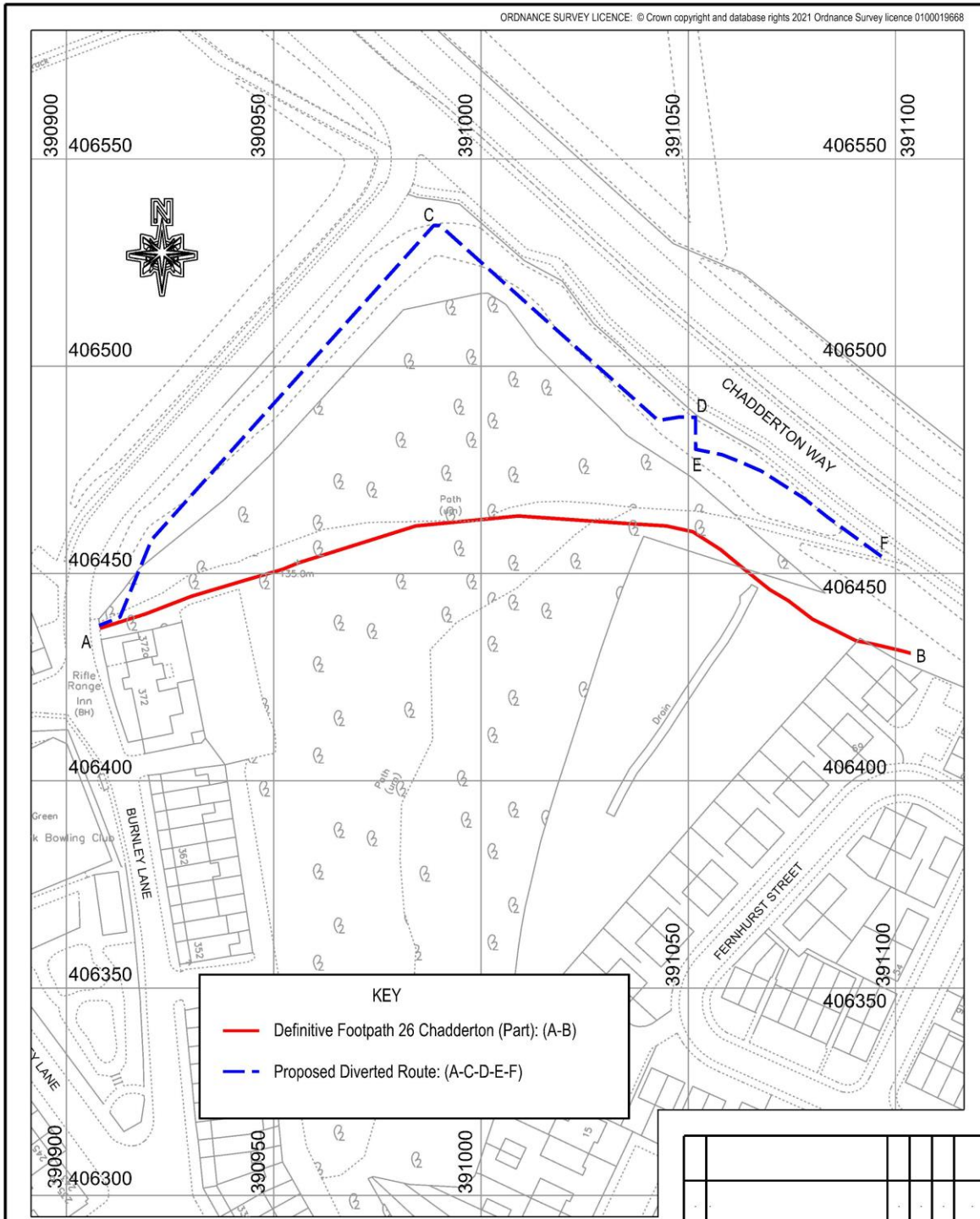
**Public Path Diversion and Definitive Map and Statement Modification Order  
S257 Town and Country Planning Act 1990 - Diversion of Footpath 26 Chadderton at  
Burnley Lane to Chadderton Way, Chadderton and s53A Wildlife and Countryside Act 1981  
Modification of the Definitive Map and Statement**

**1 Background**

- 1.1 The Application has been made by the above in relation to the proposed construction of a Volkswagen Motor Dealership. (PA/340499/17).
- 1.2 The Order-making and Confirming Authority are guided to authorise the diversion of any footpath if they are satisfied that it is necessary to do so in order for the development to be carried out in accordance with the granted planning permission.

**2 Proposal**

- 2.1 The route of Footpath 26 Chadderton is shown on attached plan (764/A4/227/1). The path commences at point A off Burnley Lane (s/o 372a) following an easterly route for approximately 208m where it meets Chadderton Way. The existing route runs through undeveloped land (i.e. fields). The description of the current route is given in Schedule 1.
- 2.2 The diverted path is also shown on the plan and follows points A-C-D-E-F. The description of the diverted route is given in Schedule 2.
- 2.3 The existing alignment of the Footpath would be directly affected by the development being constructed by the applicants.
- 2.4 The required highway signage, from the metallised road and the way markers along the route will be paid for by the Applicant i.e. both installation, posts and the sign.
- 2.5 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 26 Chadderton. The Council have an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allow the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. In light of the above it is considered that this is appropriate in this case. The current wording for the Definitive Statement is given in Schedule 3 and the amended wording is given in Schedule 4.

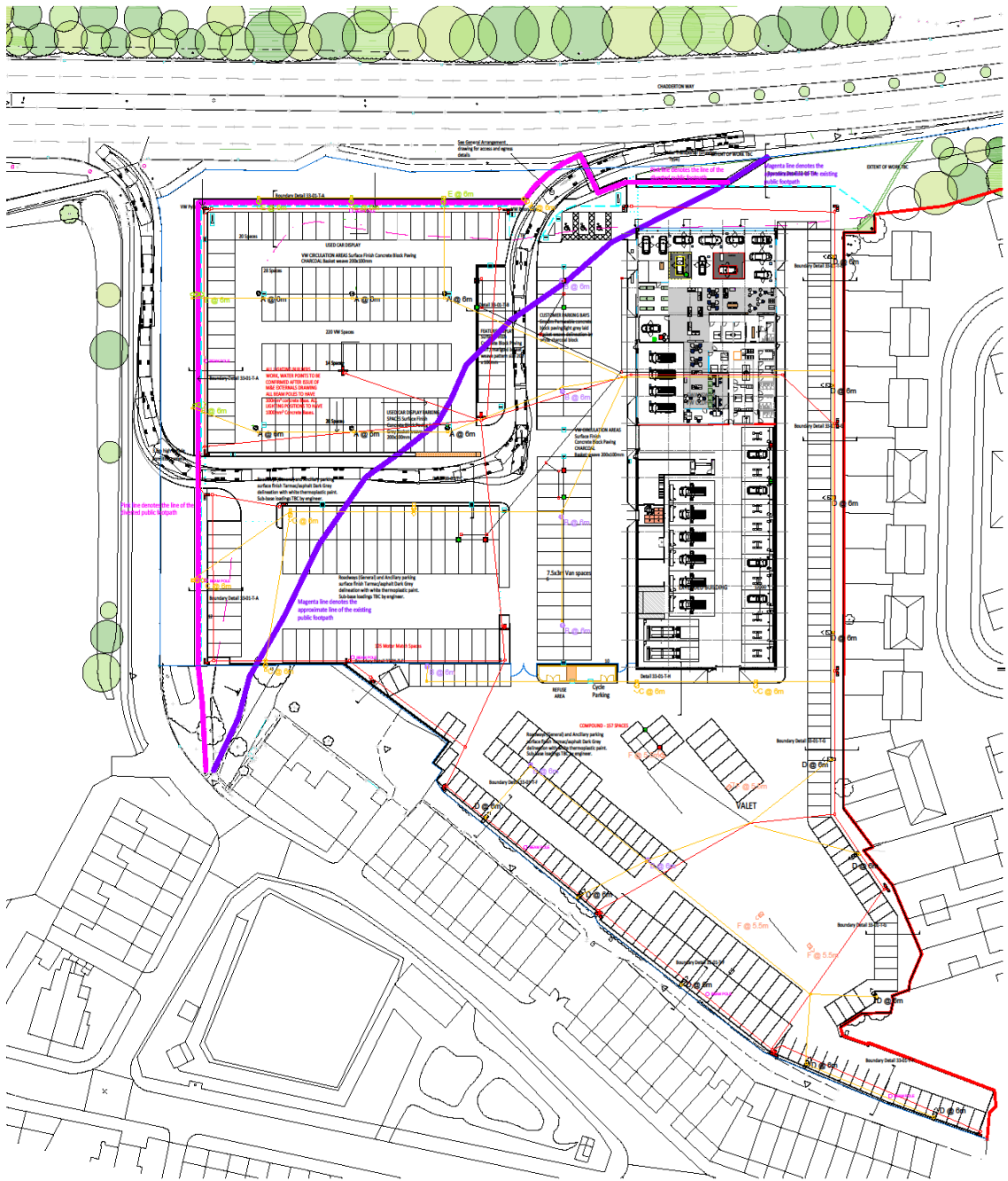


KEY	
	Definitive Footpath 26 Chadderton (Part): (A-B)
	Proposed Diverted Route: (A-C-D-E-F)

Rev	Revision details	By	Chk	App	Date

<p><b>Oldham Council</b></p>	Client Oldham MBC			Title Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 26 Chadderton (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement
	Project Development off Chadderton Way			
	Drawn by RW	Date 12/21	Purpose of issue Order Plan	
<p><b>HIGHWAYS &amp; ENGINEERING</b> Henshaw House, Cheapside, Oldham OL1 1NY</p>	Checked by LK	Date 12/21	Scale at A4 size 1:1250	Drawing No. <b>764/A4/227/1</b>
	Approved by GS	Date 12/21		

C:\PROW\PROW diversion\fp 26 Chadd\fp 26 Chadd.dgn



SITE PLAN (Proposed) Scale 1:500

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### Schedule 1

#### Description of Existing Footpath Route – Drawing 764/A4/227/1

Existing FP 26 Chadderton commences at point A (GR SD90907 06437) proceeding in an easterly direction for a distance of approximately 208 metres to point B (GR SD91103 06430).

### Schedule 2

#### Description of Proposed Diverted Footpath Route – Drawing 764/A4/227/1

Footpath 26 Chadderton commencing at point A (GR SD90907 06437) and proceeding for a distance of 128 metres in a north-easterly direction to point C (GR SD90989 06533) then turning to and proceeding in a south-easterly direction for a distance of 81 metres to point D (GR SD91051 06487). Heading south for a distance of 8 metres to cross the vehicular access to point E (GR SD91051 06479), then heading in a slight south-easterly direction for a distance of 52 metres to point F (GR SD91096 06454) to meet Chadderton Way for a total distance of 269 metres or thereabouts. This route follows the proposed layout of the Development in the plan shown below.

### Schedule 3

#### Current Definitive Statement

District and page number	Page Number	Status	Length	Description	Comments
Chadderton Footpath 26	5	Footpath	250 metres	From Burnley Lane to the A627m then from Further Wood Farm to junction of paths 28 to 29.	

### Schedule 4

#### Modification of Definitive Statement

District and page number	Page Number	Status	Length	Description	Comments
Chadderton Footpath 26	5	Footpath	269 metres	Footpath 26 Chadderton commencing at (GR SD90907 06437) and proceeding for a distance of 128 metres in a north-easterly direction to (GR SD90989 06533) then turning to and proceeding in a south-easterly direction for a distance of 81 metres to (GR SD91051 06487). Heading south for a distance of 8 metres to cross the vehicular access to (GR SD91051 06479), then heading in a	Min. width 1 metre

				slight south-easterly direction for a distance of 52 metres to (GR SD91096 06454) to meet Chadderton Way. FP26 CHADD continues on the Eastern side of Chadderton Way at (GR SD91134 06462) heading East for approximately 153 metres to its junction with FPs 28 & 29 at (GR SD91287 06454).	
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### 3 Options/Alternatives

3.1 Option 1: To approve the recommendation.

3.2 Option 2: Not to approve the recommendation.

### 4 Preferred Option

4.1 The Preferred option is to approve Option 1. This will enable continued usage of the PRow network whilst simultaneously facilitating the construction and development of the Motor Dealership.

### 5 Informal Consultation

#### Parish Council

5.1 Not applicable.

#### Footpath Societies

5.2 The Ramblers Association and Peak and Northern Footpath Society were consulted and requested a chamfered corner to the North-West of the development. The developer has accommodated this request and since no objections to the proposal have been received.

#### Ward Councillors

5.3 The Ward Councillors have not been consulted to date.

#### Landowners

5.4 There are 2 landowners-the applicant and J.W. Lees & Co (Brewers) Limited. It is noted that J.W. Lees had no objections to the proposal.

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**6 Financial Implications**

6.1 The applicant has paid the standard diversion fee. This fee covers all costs associated with this order including, advertising, site notices and administration incurred by the Council. (Nigel Howard)

**7 Legal Services Comments**

7.1 Section 257 of the Town and Country Planning Act 1990 enables the Council to authorise the stopping up or diversion of any footpath or bridleway if it is satisfied that it is necessary to stop up or divert the footpath or bridleway in order to enable development to be carried out in accordance with planning permission granted under the Act. In the event of objections the application will be referred to the Secretary of State who must be satisfied that it is necessary to stop up or divert the footpath or bridleway and who has a discretion as to whether to confirm the stopping up/diversion. In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up/diversion which have been raised and must also take into account any countervailing advantages to the public, along with the planning benefits and the degree of importance attached to the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to confirm the stopping up/diversion. (A Evans)

**8 Co-operative Agenda**

8.1 Not applicable.

**9 Human Resources Comments**

7.1 None.

**8 Risk Assessments**

8.1 None

**9 IT Implications**

9.1 None.

**10 Property Implications**

10.1 None.

**11 Procurement Implications**

11.1 None.

**12 Environmental and Health & Safety Implications**

12.1 None.

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13 **Equality, community cohesion and crime implications**

13.1 None

14 **Equality Impact Assessment Completed?**

14.1 Not Applicable

15 **Key Decision**

15.1 No.

16 **Key Decision Reference**

16.1 Not applicable.

17 **Background Papers**

17.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.

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Report to TRO Panel

## **Public Path Diversion and Definitive Map and Statement Modification Order**

### **S257 Town and Country planning Act 1990 – Diversion of Definitive Footpath 26 Oldham, land off Knowls Lane, Oldham, and S53A Wildlife and Countryside Act 1981 Modification of the Definitive Map & Statement**

**Portfolio Holder:**

Councillor A Chadderton, Cabinet Member for Neighbourhoods

**Officer Contact:** Deputy Chief Executive – People and Place

**Report Author:** Liam Kennedy, PRow Officer  
Ext. 4306

**20 January 2022**

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**Purpose of Report**

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Oldham, land off Knowls Lane, Oldham as detailed in the report.

**Executive Summary**

The Council has received an application from Russell Homes UK Limited to facilitate the proposed development of a link road leading to the Knowls Lane Housing Development (Hybrid Planning Permission PA/343269/19). Planning Ref: MMA/344723/20 (Approved 23 April 2021).

Consultations with user groups over the application did not result in any objections only recommendations.

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**Recommendation**

It is recommended that the Council make a Public Path Diversion and Definitive Map and Statement Modification Order for the diversion of Footpath 26 Oldham under Section 257 of the Town and Country Planning Act 1990 and section 53A of the Wildlife and Countryside Act 1981 as detailed in the report and officers be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.

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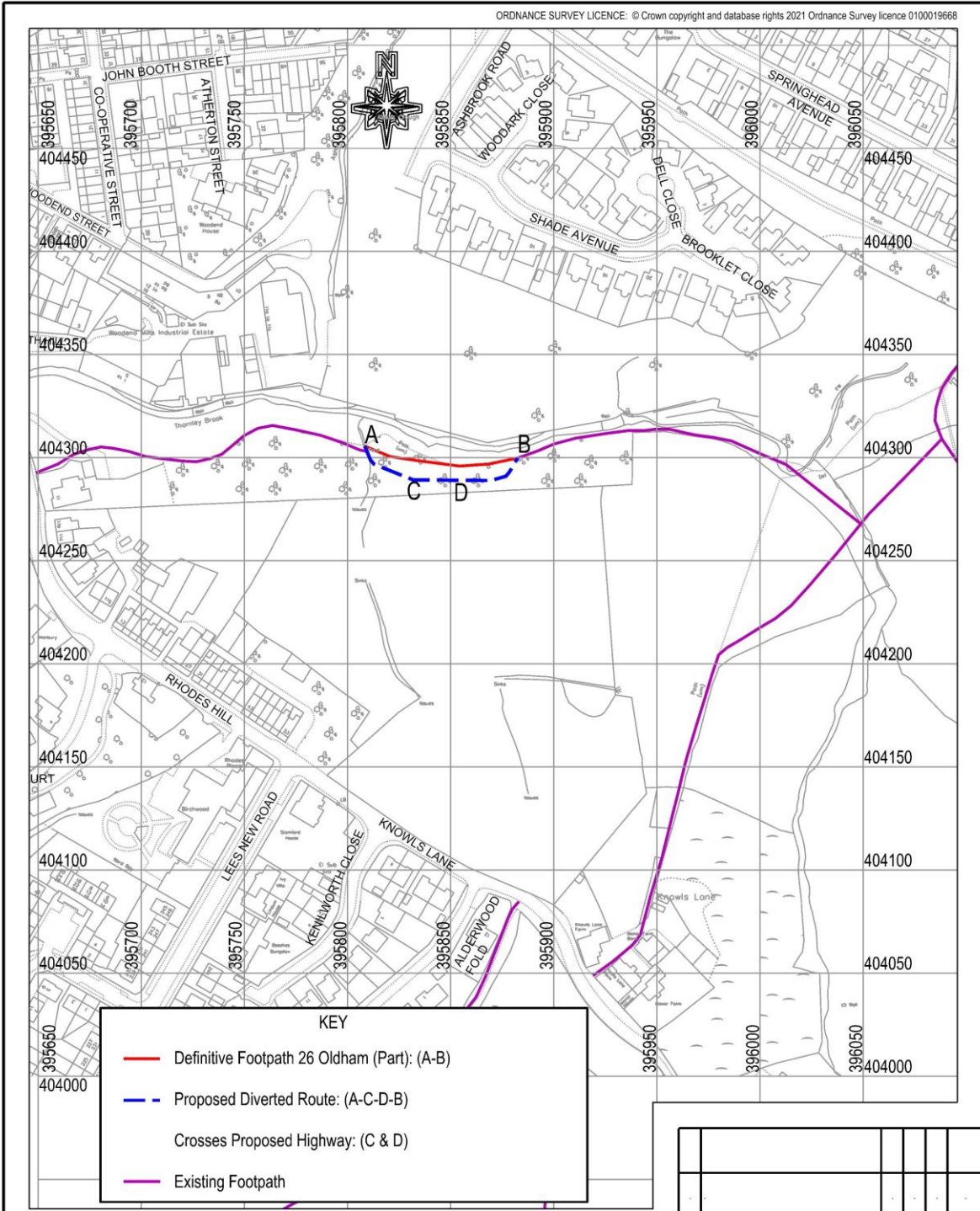
**Public Path Diversion and Definitive Map and Statement Modification Order  
S257 Town and Country Planning Act 1990 - Diversion of Footpath 26 Oldham, land off  
Knowls Lane, Oldham and s53A Wildlife and Countryside Act 1981 Modification of the  
Definitive Map and Statement**

**1 Background**

- 1.1 The Application has been made by the above in relation to the proposed construction of a link road to the proposed Knowls Lane Housing Development. (MMA/344723/20).
- 1.2 The Order-making and Confirming Authority are guided to authorise the diversion of any footpath if they are satisfied that it is necessary to do so in order for the development to be carried out in accordance with the granted planning permission.

**2 Proposal**



- 2.1 The route of Footpath 26 Oldham is shown on attached plan (764/A4/226/1). The path commences off Rhodes Hill South of Thornley Brook following an easterly route to its junction with Footpath 25 Oldham for approximately 480m. The existing route runs through undeveloped land (i.e. fields). The description of the current route is given in Schedule 1.
- 2.2 The diverted path is also shown on the plan and follows points A-C-D-B. The description of the diverted route is given in Schedule 2.
- 2.3 The existing alignment of the Footpath would be directly affected by the development being constructed by the applicants.
- 2.4 The required highway signage, from the metallised road and the way markers along the route will be paid for by the Applicant i.e. both installation, posts and the sign.
- 2.5 Under section 149 of the Equality Act 2010 the Council must, in the exercise of its functions have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (which includes disability) and persons who do not share it. In considering this application it was assessed that the current route of Footpath 26 Oldham is not accessible to wheelchair users as it is uneven, unpaved, muddy and often steep and narrow in parts, so it does not provide equality to disabled persons. However a diversion route cannot be created that would be entirely level and without steps owing to the topography of the area. Any member of the public accessing the Thornley Brook valley on foot is met with a steep inclined approach and as a result users of the footpath have to be able to navigate initial slopes and steps to be able to walk the footpath. The proposed diversion route and the provision of timber framed steps and flagging at steep points will improve access for all non wheelchair users. As the existing footpath is not accessible to all wheelchair users, the proposed diversion does not result in any additional loss of access to all wheelchair users.
- 2.6 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 26 Oldham. The Council have an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allow the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. In light of the above it is considered that this is appropriate in this case. The current wording for the Definitive Statement is given in Schedule 3 and the amended wording is given in Schedule 4.

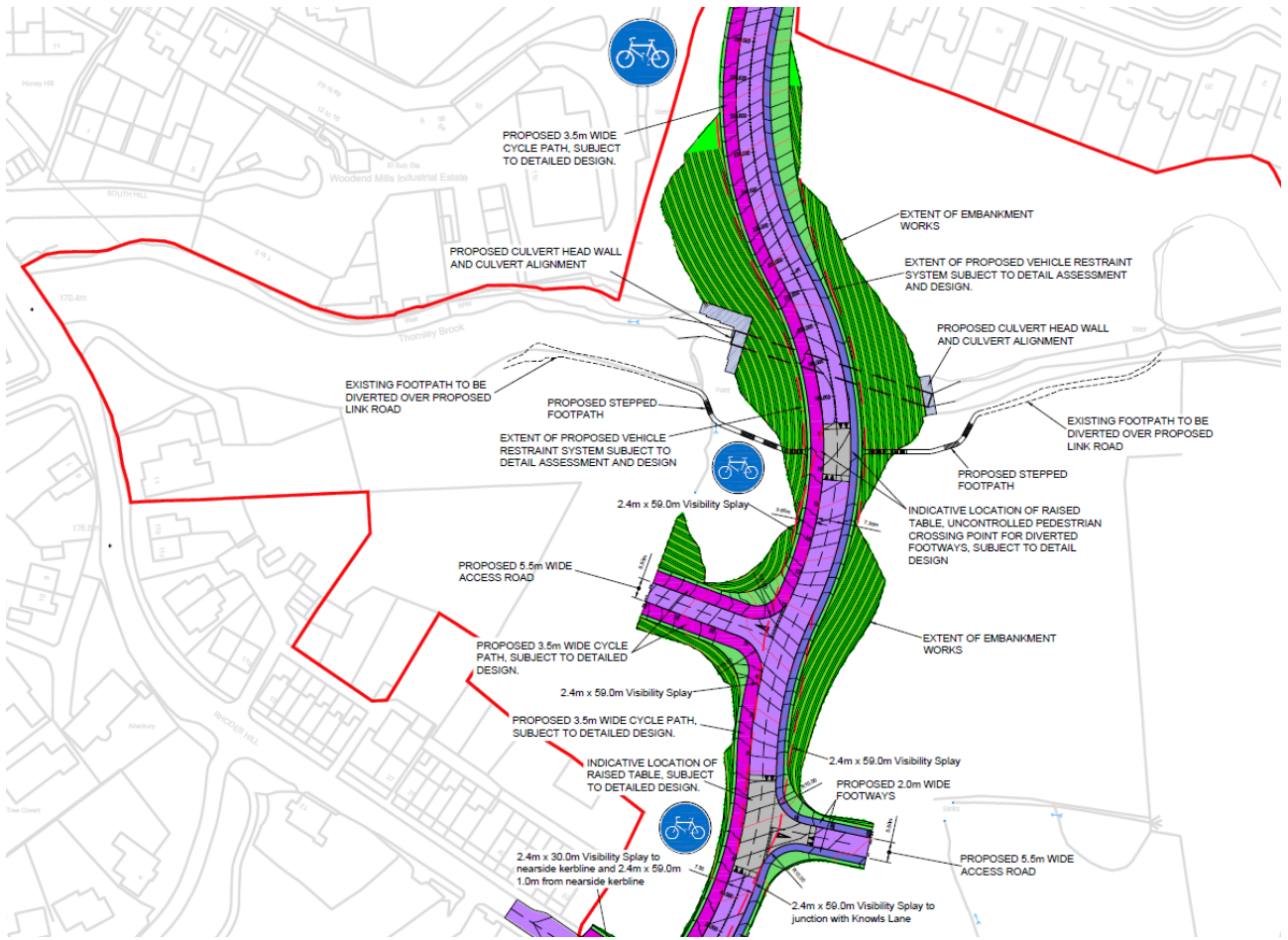


**KEY**

- Definitive Footpath 26 Oldham (Part): (A-B)
- - - Proposed Diverted Route: (A-C-D-B)
- - - Crosses Proposed Highway: (C & D)
- Existing Footpath

Rev	Revision details	By	Chk	App.	Date

 <b>Oldham Council</b>	Client Oldham MBC		Title Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 26 Oldham (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement
	Project Knowls Lane Link Road		
 <b>Unitypartnership HIGHWAYS &amp; ENGINEERING</b> Henshaw House, Cheapside, Oldham OL1 1NY	Drawn by RW	Date 12/21	Purpose of issue Order Plan
	Checked by LK	Date 12/21	Scale at A4 size
	Approved by GS	Date 12/21	1:2500
Drawing No. <b>764/A4/226/1</b>		Rev. .	



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Schedule 1

Description of Existing Footpath Route – Drawing 764/A4/226/1

Existing FP 26 Oldham commences at (GR SD95648 04292) off Rhodes Hill proceeding in an easterly direction for a distance of approximately 480 metres to its junction with Footpath 25 Oldham at (GR SD96048 04267).

Schedule 2

Description of Proposed Diverted Footpath Route – Drawing 764/A4/227/1

Footpath 26 Oldham commencing at (GR SD95648 04292) off Rhodes Hill and proceeding for a distance of 168 metres in an easterly direction to point A (GR SD95808 04305) then turning to and proceeding in a south-easterly direction for a distance of 35 metres following stepped route to point C (GR SD95831 04289). Proceeding east across link road for a distance of 15 metres to point D (GR SD95851 04289) then heading east and north-east for a distance of 36 metres following stepped route to point B (GR SD95851 04289) and proceeding east and south-east for a distance of 181 metres to (GR SD96048 04267) where Footpath 26 Oldham joins Footpath 25 Oldham for a total distance of 435 metres or thereabouts. This route follows the proposed layout of the Development in the plan shown above.

Schedule 3

Current Definitive Statement

District and page number	Page Number	Status	Length	Description	Comments
Oldham Footpath 26	11	Footpath	480 metres	The path is a worn grass track leaving Rhodes Hill just south of Thornley Brook and running in an easterly direction south of the Brook. It crosses the Brook near the junction with path 25 before joining definitive footpath no.197 in Saddleworth U.D.	

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## Schedule 4

### Modification of Definitive Statement

District and page number	Page Number	Status	Length	Description	Comments
Oldham Footpath 26	11	Footpath	435 metres	Footpath 26 Oldham commencing at (GR SD95648 04292) off Rhodes Hill and proceeding for a distance of 168 metres in an easterly direction to (GR SD95808 04305) then turning to and proceeding in a south-easterly direction for a distance of 35 metres following stepped route to (GR SD95831 04289). Proceeding east across link road for a distance of 15 metres to (GR SD95851 04289) then heading east and north-east for a distance of 36 metres following stepped route to point B (GR SD95851 04289) and proceeding east and south-east for a distance of 181 metres to (GR SD96048 04267) where Footpath 26 Oldham joins Footpath 25 Oldham for a total distance of 435 metres or thereabouts.	Min. width 1 metre  79 Steps with treads@178mm riser

### 3 Options/Alternatives

3.1 Option 1: To approve the recommendation.

3.2 Option 2: Not to approve the recommendation.

### 4 Preferred Option

4.1 The Preferred option is to approve Option 1. This will enable continued usage of the PRow network whilst simultaneously facilitating the construction and development of the link road and associated housing development.

### 5 Informal Consultation

5.1 Parish Council  
Not applicable.

Footpath Societies

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5.2 The Ramblers Association and Peak and Northern Footpath Society were consulted and requested reinforced step structures. The developer has accommodated this request and since then no objections to the proposal have been received.

Ward Councillors

5.3 The Ward Councillors comments are included in Appendix 1. The Developer has provided the information attached in response to the Ward Councillors' comments explaining why a stepped route was chosen.

Landowners

5.4 The only affected landowner is the applicant.

**6 Financial Implications**

6.1 The applicant paid the standard diversion fee of £2,685 on 16<sup>th</sup> September 2021. This fee covers all costs associated with this order including, advertising, site notices and administration incurred by the Council. (Nigel Howard)

**7 Legal Services Comments**

7.1 Section 257 of the Town and Country Planning Act 1990 enables the Council to authorise the stopping up or diversion of any footpath or bridleway if it is satisfied that it is necessary to stop up or divert the footpath or bridleway in order to enable development to be carried out in accordance with planning permission granted under the Act. In the event of objections the application will be referred to the Secretary of State who must be satisfied that it is necessary to stop up or divert the footpath or bridleway and who has a discretion as to whether to confirm the stopping up/diversion. In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up/diversion which have been raised and must also take into account any countervailing advantages to the public, along with the planning benefits and the degree of importance attached to the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to confirm the stopping up/diversion. (A Evans)

**8 Co-operative Agenda**

8.1 Not applicable.

**9 Human Resources Comments**

7.1 None.

**8 Risk Assessments**

8.1 None

**9 IT Implications**

9.1 None.

**10 Property Implications**

10.1 None.

**11 Procurement Implications**

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- 11.1 None.
- 12 **Environmental and Health & Safety Implications**
- 12.1 None.
- 13 **Equality, community cohesion and crime implications**
- 13.1 See paragraph 2.5 above
- 14 **Equality Impact Assessment Completed?**
- 14.1 Not Applicable
- 15 **Key Decision**
- 15.1 No.
- 16 **Key Decision Reference**
- 16.1 Not applicable.
- 17 **Background Papers**
- 17.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:
- None.

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## Appendix 1

Cllr S Al-Hamdani

“With regards to this report, I wish to register my disappointment that this document states that the only consultees were the Ramblers Association and the Northern Footpath Society, and the assertion that there is no requirement to have an equality assessment as the current path is inaccessible to wheelchair users.

There is no reason given in this report as to why it would not be possible to change this footpath's route to make it a graduated slope rather than steps, which would improve rather than reduce accessibility in this area, for both able-bodied and mobility-impaired users, and I oppose this proposal unless due consideration is given to this option.

I have been approached by one wheelchair user in the community who has stated that they currently use some of this section of the footpath in its current condition, and while it is not ideal, they have said it is accessible in good conditions. They have an adapted wheelchair which is suitable for less accessible terrain, but steps will of course ensure that it is completely inaccessible.

The document also states that the changes will improve access for all non-wheelchair users. This contradicts the input that I have had from many elderly walkers in the area, who have strongly objected to the introduction of the stepped access, saying that it will make it much harder for them to use the route.

I have spoken previously to the highways officers with regards to this, and I do not regard this as a satisfactory approach to resolve the need to change the current location of the footpath due to the new link road. As such, I do not support this proposal, and wish to see an option which gives due consideration to the needs of wheelchair users and users with other mobility issues.”

Cllr M Kenyon

“I'd like to reiterate both my colleague Cllr Al-Hamdani's comments and objections to the change of route to this footpath.

I find it concerning that the formal consultees were not local organisations and no consultees from groups representing those who have mobility needs.

I'm not the only councillor in the area who has had representations from residents who are wheelchair or pram users and who use this footpath regularly who are concerned that the route change will now include a series of steps meaning that they will be unable to use the path. I've also spoken with other residents who are elderly and who have said that the introduction of steps will make access for them more difficult. In short, I cannot believe an impact statement as been correctly prepared for this proposal.

I do not support this proposal.”

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Cllr V Leach

“- you will have seen now the objections of local residents who were not consulted on the new plans for this footpath. I believe they need a response and there needs to be further consideration of their and other residents’ views about this plan.”

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7<sup>th</sup> January 2021

**Application for Diversion of Public Footpath 26 at Knowls Lane, Oldham- Section 257 Town and Country Planning 1990**

**1. THE EXISTING ROUTE**

The existing Public Footpath has a number of obstacles, making it impossible for wheelchair users to navigate the full lengths of the path. These obstacles are evidenced at the appended photographs<sup>1</sup> and locations shown on the appended plan<sup>2</sup>. Obstacles include narrow paths, stepped access, very narrow bridges – as well as there being poor saturated ground conditions that prevent the use of wheelchairs.

Within the wider networks of paths that connect to this footpath, there are stials, further stepped accesses and very steep hillside paths. As such, the wider network of paths, including Public Rights of Way and informal non-designated footpaths that branch from Public Footpath 26, have a number of barriers to movement for wheelchair users.

**2. REASONS FOR CHOOSING THE PROPOSED ROUTE**

Two options of PROW diversion were discussed with one route being the route before the TRO Panel and the other being a longer more winding and meandering route through the woodland at lesser gradient (see Appendix 3).

The stepped route and gradient was considered to be the most appropriate method of diversion over a ramped route because it would result in the loss of less woodland and would have a lesser ecological impact. Discussions were held during the consultation processes of the planning application with the Environment Agency, Greater Manchester Ecology Unit, the Council and following concerns from local residents regarding the loss of woodland. During the informal consultation process for this S.257 Application the PROW Officer undertook an initial consultation with other statutory consultees such as the Ramblers and the Peak and Northern Footpath Society whom have requested a more structured step be introduced which Russell Homes have accommodated at their request. This results in steps with a tread length of 1m and a riser of 178mm thus providing wider steps up a slope of 1 in 5 and an opportunity to rest.

Accordingly, Russell Homes did consider alternatives, and selected the most favoured option, informed by consultation feedback. This proposes a more direct stepped route with a steeper gradient as shown on the approved plan P5 as part of Permissions PA/34369/19 and MMA/344723/20. A ramped access at the gradient proposed – i.e. the stepped gradient – is not possible. The ramp would be too steep to accommodate and not safe for other pedestrian users. The only way to accommodate a ramp, is as noted above using a longer more meandering system, which as the functionality of the existing PROW beyond the Diversion proposed is limited and already restricts the PROW from being used by a wheelchair user and also results in a greater ecological impact and loss of woodland.

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<sup>1</sup> See Appendix 1: Site Photographs taken on the 14<sup>th</sup> December 2021

<sup>2</sup> See Appendix 2: Shows Location of the photographs on a Plan

In addition, the longer route to allow for the ramp would be a path length of circa 160m allowing for ramps and landings (for rest) and a subsequent area of circa 240m<sup>2</sup> each side of the Link Road. This would be set against 60m<sup>2</sup> for the proposed route.

**Appendix 1: Photographs of the condition of Public Footpath 26 taken on 14<sup>th</sup> December 2021**



Photograph 21: Shows the track leading to the junction with Footpath 25 and sign stating "Caution Keep Clear of unstable bank side ahead"



Photograph 20: Shows the bridge crossing and the continuation of Footpath 25 going north



Photograph 15: Shows the route of footpath 26 going east from path routes from Ashbrook Road and sign which states “Caution Keep Clear of unstable bank side ahead”



Photograph 8: Shows route along Footpath 26 going east from Rhode Hill



Photograph 5: Shows footpath 25 going west toward Rhodes Hill



Photograph 3: Shows Footpath 26 going west toward Rhodes Hill approximately 30m from photograph 1.



Photograph 1: Shows the access onto Footpath 26 from the informal footpath from Ashbrook Road



Photograph 25: Shows a Styal access on Footpath 25 going south from Footpath 26.



Photograph 23: Shows the stepped junction from Footpath 26 to Footpath 25



Photograph 22: Shows the continuation of the stepped Footpath 25 over Knowls Brook

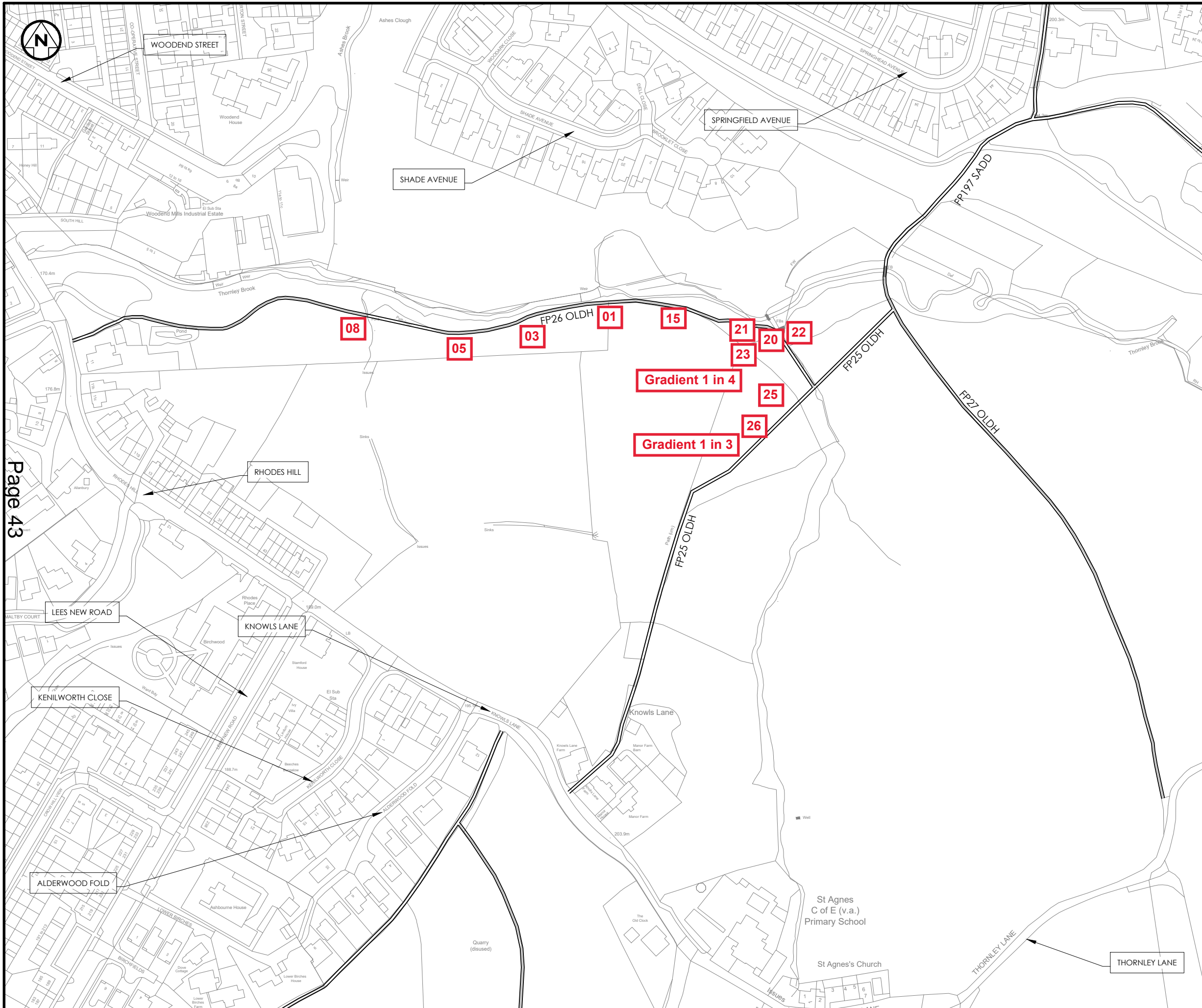


Photograph 26: Shows the embanked footpath of Footpath 25 after crossing the Styal shown on Photograph 25

## Appendix 2: Plan showing locations of the photographs in Appendix 1

### Appendix 3: Plan showing the meandering ramp route

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- NOTES - GENERAL:**
- 1) ALL DIMENSIONS ARE STATED IN MILLIMETRES UNLESS NOTED OTHERWISE.
  - 2) ALL LEVELS ARE STATED IN METRES
  - 3) DO NOT SCALE. PLEASE REFER ANY QUERIES TO THE PROJECT MANAGER / SUPERVISOR.

**KEY - EXISTING PUBLIC RIGHT OF WAY**

— EXISTING FOOTPATH

PO2	DL	CL	RB	26/07/21	CLIENT COMMENTS
PO1	DL	CL	RB	23/07/21	CLIENT COMMENTS
REV	DRN	CHK	APP	DATE	DESCRIPTION

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Consulting Civil & Structural Engineers

Client  
**RUSSELL HOMES**

Project  
**KNOWLS LANE LINK ROAD OLDHAM**

Title  
**EXISTING PUBLIC RIGHT OF WAY**

Scale 1:2000	Drawn DL	Date 22.07.21	Chkd CL	Approved RB
Drawing No. <b>KL-WCE-XX-XX-DR-CH-0002</b>				Revision <b>P02</b>
Status <b>PRELIMINARY</b>				Sheet Size <b>A3</b>

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