

TRAFFIC REGULATION ORDER PANEL
17/03/2022 at 5.30 pm



Present: Councillor Davis (Chair)
Councillors C. Gloster, Salamat, Woodvine and Briggs
(Substitute)

Also in Attendance:

Alan Evans	Group Solicitor
Kaidy McCann	Constitutional Services
Liam Kennedy	Highways & Engineering
Mark Kenyon	Councillor Saddleworth West and Lees

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Brownridge.

2 URGENT BUSINESS

There were no items of urgent business received.

3 DECLARATIONS OF INTEREST

There were no declarations of interest received.

4 PUBLIC QUESTION TIME

There were no public questions received.

5 MINUTES OF PREVIOUS MEETING

Resolved that the minutes of the meeting of the Traffic Regulation Order Panel held on 20th January 2022 be approved as a correct record.

**6 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**

The Panel considered a report that sought approval for the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Oldham, land off Knowls Lane, Oldham.

The Panel were informed that the route of Footpath 26 Oldham was 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. The description of the current route was given in Schedule 1, to the report. The diverted path was also

shown on the plan and followed points A-C-D-B. The description of the diverted route was given in Schedule 2, to the report.

The existing alignment of the Footpath would be directly affected by the 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.

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 was not accessible to wheelchair users as it is uneven, unpaved, muddy, and often steep and narrow in parts, so it did not provide equality to disabled persons. A diversion route could not 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 had 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 would improve access for all non-wheelchair users. As the existing footpath was not accessible to all wheelchair users, the proposed diversion would not result in any additional loss of access to all wheelchair users.

If the order were to be confirmed it would be necessary to modify the Definitive Map and Statement for Footpath 26 Oldham. The Council has 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. The current wording for the Definitive Statement was given in Schedule 3 and the amended wording was given in Schedule 4, to the report.

An objector attended the meeting and was permitted to address the Panel on this application.

A Saddleworth West and Lees Ward Councillor attended the meeting and was permitted to address the Panel on this application.

The applicant attended the meeting and was permitted to address the Panel on this application.

Options considered:

Option 1: to approve the recommendation.

Option 2: not to approve the recommendation.

Resolved that, as per the recommendation, the Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Oldham be approved under section 257 of the Town and Country Planning Act 1990 and section 53A of the Wildlife and Countryside Act 1981.



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**DEFINITIVE MAP MODIFICATION ORDER S53 –
WILDLIFE AND COUNTRYSIDE ACT 1981 CLAIM TO
REGISTER A PUBLIC BRIDLEWAY FROM STANDEDGE
FOOT RD TO HUDDERSFIELD RD, DIGGLE**

The Panel considered a report that sought approval for the making of a Definitive Map Modification Order in respect of a route which ran between Standedge Foot Road and Huddersfield Road, Diggle.

The application was received in respect of the application route which was claimed to be a bridleway. However, unusually, the Application was not supported by any User Evidence Forms showing the use made of the application route. The application route was not recorded on the Definitive Map and Statement for the area and was not identified on either the draft or provisional maps prepared in the early 1950's. Numerous maps had been provided by the British Horse Society (BHS) in support of the application. However, no User Evidence showing the use made of the route by horses had been submitted. The BHS has been requested to provide user evidence but has refused to do so and had requested that the application be determined based on the map evidence alone.

Options considered:

Option 1: to approve the recommendation.

Option 2: not to approve the recommendation.

Option 3: to withdraw the application.

RESOLVED that, the application be withdrawn to allow the Landowners to have notification of the application.

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**PUBLIC PATH EXTINGUISHMENT AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER S118
HIGHWAYS ACT 1980 – EXTINGUISHMENT OF PART OF
FP118, SADDLEWORTH – MOUNT LANE/HUSTEADS
LANE, DOBCROSS AND S53A WILDLIFE AND
COUNTRYSIDE ACT 1981 MODIFICATION OF THE
DEFINITIVE MAP AND STATEMENT**

The Panel considered a report that sought approval to make a Public Path Extinguishment Order for part of Footpath 118, Saddleworth.

The application was received from the residents of The Old Vicarage, Streethouse Lane, Dobcross via their agent Roundhay Properties Ltd for the extinguishment of part of Footpath 118, Saddleworth which was situated on their land, under Section

118 of the Highways Act 1980. The line of the path passed close to the property at The Old Vicarage. The Government had issued 'Draft Guidance on the diversion or extinguishment of rights of

way that pass through gardens, farmyards and commercial premises'. The Guidance describes the problem of Public Rights of Way which pass through contained spaces, such as private gardens. It states that 'Members of the public may not be comfortable following a path through a contained space of this type because doing so may be infringing on the privacy of a houseowner'. Such path alignments can deter people from exercising the public's right to walk along the path. In addition, the line of the path had been blocked for many years by an outbuilding/garage. The residents of The Old Vicarage, Streethouse Lane, Dobcross had been in discussion with the Council for some time about resolving these issues.

The diversion of the path away from The Old Vicarage was originally proposed as a combined diversion with part of the nearby Footpath 185 Saddleworth under section 257 of the Town and Country Planning Act 1990. However, following discussions with representatives of the Ramblers Association and the Peak and Northern Footpath Society, it has been agreed that the most appropriate action to take was for the residents to apply to have the branch of Footpath 118 Saddleworth which passes through their land stopped up under Section 118 of the Highways Act 1980.

Options considered:

Option 1: to approve the recommendation.

Option 2: not to approve the recommendation.

RESOLVED that, as per the recommendation, the Public Path Extinguishment and Definitive Map and Statement Modification Order for footpath 118 Saddleworth (part) be approved under Section 118 of the Highways Act 1980 and Section 53A of the Wildlife and Countryside Act 1981.

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PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER S119 HIGHWAYS ACT 1980 - DIVERSION OF DEFINITIVE FOOTPATH 185 SADDLEWORTH (PART), AT MOUNT SORREL, MOUNT LANE, DOBCROSS AND S53A WILDLIFE AND COUNTRYSIDE ACT 1981 MODIFICATION OF THE DEFINITIVE MAP AND STATEMENT

The Panel considered a report that sought approval to make a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 185 Saddleworth (part) at Mount Sorrel, Mount Lane, Dobcross.

The application was received from the residents of The Old Vicarage, Streethouse Lane, Dobcross via their agent Roundhay Properties Ltd for the extinguishment of part of Footpath 185 Saddleworth (part) which was situated on their land, under Section 118 of the Highways Act 1980. A diversion was

originally proposed together with the diversion of part of Footpath 118 Saddleworth. However following discussions with the Peak and Northern Footpath Society, it was considered that the proposed diversion detailed in the report would be more appropriate diversion route. The applicant proposed a diversion within the boundaries of their land which was significantly more direct, with improved connectivity to Footpaths 117 & 181 Saddleworth and would negate the use of the footbridge on the current route which was in a poor state of repair. Users of the diverted route would not be deterred from using the route, which could occur if using the existing alignment as it passed between property and buildings at Mount Sorrel.

Options considered:

Option 1: to approve the recommendation.

Option 2: not to approve the recommendation.

RESOLVED that, as per the recommendation, the Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 185 Saddleworth (part) be approved under section 119 of the Highways Act 1980 and section 53A of the Wildlife and Countryside Act 1981.

The meeting started at 5.30 pm and ended at 6.44 pm