

TRAFFIC REGULATION ORDER PANEL
23/11/2023 at 5.30 pm



Present: Councillor Shuttleworth (Chair)
Councillors Salamat and Fryer

Also in Attendance:

Alan Evans	Group Solicitor
Kaidy McCann	Constitutional Services
Liam Kennedy	Highways & Engineering

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Murphy and Woodvine.

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 held on 28th September 2023 be approved as a correct record.

6 **PUBLIC PATH AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER S119 HIGHWAYS ACT 1980 -
DIVERSION OF DEFINITIVE FOOTPATH 146
SADDLEWORTH (PART), AT HILL TOP COTTAGES,
KNOTT HILL LANE, DELPH, AND S53A – WILDLIFE AND
COUNTRYSIDE ACT 1981**

Consideration was given to a report which sought approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 146 Saddleworth (part) at Hill Top Cottages, Knott Hill Lane, Delph.

The Council had received an application from a resident of 1 Hill Top Cottages for the diversion of Footpath 146 Saddleworth (part) which passed through the gardens of property numbers 1-3. The applicant proposed a diversion along the land boundary. Associated works to facilitate the diversion included widening the existing gap in the dry-stone wall, installation of a gate and creation of a ramp due to the level difference. The distance travelled around the diversion was minor. Any inconvenience to members of the public would be minimal. Users of the diverted route would not be deterred from using the route, which could

occur if using the existing alignment as it passed across the garden areas of properties 1-3.

Options considered:

Option 1 – To approve the recommendation.

Option 2 – Not to approve the recommendation.



RESOLVED that the application be approved as recommended and that the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the (part) diversion of Footpath 146 Saddleworth (part) under Section 119 of the Highways Act 1980 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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DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER S257 TOWN AND COUNTRY PLANNING ACT 1990 – DIVERSION OF DEFINITIVE FOOTPATHS 83, 84 & 88 CROMPTON, AT LAND OFF COCKER MILL LANE, SHAW, AND S53A – WILDLIFE AND COUNTRYSIDE ACT 1981

Consideration was given to a report which sought approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 83, 84 & 88 Crompton, at Land at Cocker Mill Lane, Shaw.

The Council had received an application from Redrow Homes Lancashire to facilitate the proposed development of 201 dwellings at Land off Cocker Mill Lane, Shaw. Planning Ref: FUL347664/21 (granted 21/01/2022). In January 2023, the TRO Panel approved a different Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 83, 84 & 88 Crompton for the same development, which did not involve diverting some of the footpaths along proposed estate roads to be constructed pursuant to the planning permission. Diversions along estate roads were contrary to the Secretary of State's guidance in Rights of Way Circular 1/09 that in considering potential revisions to an existing right of way that were necessary to accommodate the planned development, but which were acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.

A Public Path Diversion and Definitive Map and Statement Modification Order was subsequently made on 28 June 2023 and advertised. A number of objections were received from the Ramblers Association and the Peak and Northern Footpath Society that the diversions were not following the proposed estate roads. The developer had requested that a new Public Path Diversion and Definitive Map and Statement Modification Order be made to address the objections, rather than delay

matters by referring the existing Order to the Planning Inspectorate for consideration. The Council was currently experiencing considerable time delays with Footpath Orders which were with the Planning Inspectorate for determination and officers support the developer's request. In the interest of expediency, a new order was requested accommodating the requests of the objectors for the diversion of the existing footpaths to follow the estate roads. This decision was supported by the applicant.

Options considered:

Option 1 – To approve the recommendation.

Option 2 – Not to approve the recommendation.

RESOLVED that the application be approved as recommended and that the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the Footpaths 83, 84 & 88 Crompton under Section 119 of the Highways Act 1980 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 5.30 pm and ended at 5.34 pm