

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

Date Thursday 23 November 2023

Time 5.30 pm

Venue Council Chamber, 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
 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, 20 November 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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https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE TRAFFIC REGULATION ORDER PANEL IS AS FOLLOWS:

Councillors Salamat, Woodvine, Murphy, Fryer and Shuttleworth (Chair)

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 - 6)

The Minutes of the meeting held on 28th September 2023 are attached for approval.

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 (Pages 7 - 16)

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 146 Saddleworth (part) as detailed in the report

7 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 (Pages 17 - 34)

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 83, 84 & 88 Crompton as detailed in the report to replace the Order made on 28 June 2023



TRAFFIC REGULATION ORDER PANEL
28/09/2023 at 5.30 pm

Present: Councillor Shuttleworth (Chair)
Councillors Salamat (Vice-Chair), Woodvine, Fryer and Kenyon
(Substitute)

Also in Attendance:

Alan Evans	Group Solicitor
Peter Thompson	Principal Constitutional Services Officer
Andy Cowell	Highways and Engineering
Liam Kennedy	Highways & Engineering
Laila Chowdhury	Constitutional Services Officer

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Murphy.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

Councillor Woodvine declared a personal interest at agenda item 6.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 27th July 2023 be approved as a correct record.

6 **OBJECTIONS TO PROPOSED PROHIBITION OF WAITING
– CHEW VALLEY ROAD / RIMMON CLOSE, GREENFIELD**

The Chair reminded the Panel that this item was first considered in June and Officers had been asked to review the proposal with a view to relaxing the length of the proposed restrictions.

The Panel gave consideration to a report recommending the introduction of 'Prohibition of Waiting' and 'Bus Stop Clearway' restrictions at Chew Valley Road and Rimmon Close, Greenfield which was approved under delegated powers on 12 July 2022. The proposal was subsequently advertised, and four objections were received. These were reported to the TRO Panel on 15 June where it was resolved that consideration be deferred to the next meeting.

In summary, the objectors stated that the restrictions were too excessive and do not allow enough parking for parents outside the school. The objectors also wish for the area to remain unrestricted to allow tourists to park in this area at weekends. When the Dovestone Reservoir car park is full, this leads to a demand for onstreet parking in Greenfield and parking outside the school does not adversely affect residents.

Officers considered the objections but believed that the restrictions were fully justified. The scheme, in its current form, would prevent motorists from parking on both sides of the road outside the school and from parking at the two roundabouts, speed cushions, traffic island and bus stop. The scheme does allow some parking outside the school on the north-east side for around 17 vehicles alongside the wider footway, and where the road widens towards Manchester Road.

The scheme in its current form would improve two-way traffic flows along Chew Valley Road where congestion occurs at school times. It would ease vehicular manoeuvres around the mini-roundabout and prevent parking near to the pedestrian island, allowing vehicles to pass.

The Police supported the proposal in its current form.

The Ward Members had been consulted and did not support the full length of the restrictions proposed originally.

Options considered:

Option 1: Introduce the proposed restrictions as advertised

Option 2: Relax the proposed restrictions and introduce an agreed amendment

Option 3: Do not introduce the proposed restrictions

RESOLVED that, Option 2 be progressed and the length of the restrictions be reduced in accordance with the revised plan in Appendix C of the report (Drawing Number 47/A3/1659/2).

7

OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – DELPH NEW ROAD AREA, DELPH

The Panel gave consideration to a report considering representations received about the proposed introduction of Prohibition of Waiting restrictions at Delph New Road, Oldham Road and Station Approach, Delph

In total, fifteen representations were received. Four representations were received from residents of Station Approach, ten were received from Gatehead Business Park and one from a resident on Oldham Road.

Officers considered the comments but as the proposal was for prohibition of waiting restrictions, which still allowed loading and unloading, officers believed that the restrictions should be introduced as advertised.

In summary, Officers considered the comments made by the business park and have proposed a relaxation to the scheme. On the south side to the west of the business park it was proposed to leave an 85-metre gap in the restrictions. The amended proposal would protect the bend and junctions whilst preserving around 17 on-street parking spaces for use by the business park, which was the focus of the objections.

The Panel gave consideration to the representations received relating to the introduction of Prohibition of Waiting restrictions at Delph New Road, Oldham Road and Station Approach, Delph

It was recommended that the proposals be introduced as advertised or as per the amended plan shown in Appendix C of the report.

Options considered:

Option 1: To approve the recommendation

Option 2: Not to approve the recommendation

RESOLVED that, consideration of the proposals be deferred to a future meeting of the Panel to enable Officers to investigate the provision of additional parking spaces as part of the proposals.

NOTE:

An Objector attended the meeting and addressed the Panel on this application.

8

OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – MAGNOLIA GARDENS AND PRIMROSE BANK, OLDHAM

The Panel gave consideration to a report considering representations received about the proposed introduction of Prohibition of Waiting restrictions at Magnolia Gardens and Primrose Bank, Oldham which was approved under delegated powers on 6 March 2023. The proposal was subsequently advertised and nineteen representations were received.

Fifteen objections were received from residents, businesses and customers of businesses located on Primrose Bank. Two objections as well as two supporting letters were received from residents of Magnolia Gardens.

If the Panel was to consider relaxing the proposed scheme, then it was the view of officers that the restrictions proposed in the main areas of concern should remain. These are around the perimeter of the play area and at the junction of Magnolia Gardens and Primrose Bank. Restrictions should also be considered on one side of Primrose Bank to increase forward visibility and improve traffic flows.

Options considered:
Option 1: To approve the recommendation
Option 2: Not to approve the recommendation

RESOLVED that, consideration of the proposals be deferred to a future meeting of the Panel to enable Officers to consider whether the proposed parking restrictions can be reduced in extent.

NOTE:

An Objector attended the meeting and addressed the Panel on this application.

9

PROPOSED PROHIBITION OF WAITING – STOCK LANE, CHADDERTON

The Panel gave consideration to a report considering representations received about the proposed introduction of prohibition of waiting restrictions and alternative options.

A report recommending the introduction of single yellow lines on Stock Lane, Chadderton at the access/egress between residential properties 900 to 902 was approved under delegated powers on 01 February 2023.

During the advertisement of the proposed order, one objection was received. The main reasons being:-

- Loss of on street parking spaces and impact on businesses
- Proposed restrictions being excessive to address the parking/access issues.

A reduction in the extent of the proposed restrictions was identified that resolved the concerns raised in the objection and addressed the parking problems originally reported.

Ward Members were consulted and confirmed their support to reduce the yellow lines on Stock Lane

Options considered:
Option 1: Introduce the proposed restrictions as advertised
Option 2: Reduce the extent of the restrictions and provide give way and formal parking bay markings
Option 3: Do not introduce the proposed restrictions

RESOLVED that, as per the recommendation, Option 2 be progressed and the length of the yellow lines be reduced in accordance with the revised Schedule provided in Appendix B of the report and Drawing 47/A4/1683/1 Rev A provided in Appendix C.

10

DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER S119 HIGHWAYS ACT 1990 – (PART) DIVERSION OF FOOTPATH 152 OLDHAM, AT OLDHAM WAY, OLDHAM AND S53A WILDLIFE AND COUNTRYSIDE ACT 1981 MODIFICATION OF THE DEFINITIVE MAP AND STATEMENT

The Panel gave consideration to a report introduced by the PRow Officer seeking approval to an application for the diversion of Footpath 152 Oldham which currently passes along the footbridge over Oldham Way, which has been removed due to vehicular strikes. It is considered that, in the interests of footpath users, the footpath should be diverted and that Officers be given delegated authority to carry out the necessary procedures with a view to confirming the Public Path Diversion and Definitive Map and Statement Modification Order in the event that no objections to the order are received.

Options considered:

Option 1: To approve the recommendation

Option 2: Not to approve the recommendation.

RESOLVED that the application be approved as recommended that the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the (part) diversion of Footpath 152 Oldham 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.

11

DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER S53 – WILDLIFE AND COUNTRYSIDE ACT 1981. CLAIM TO REGISTER A PUBLIC FOOTPATH AT BROOKDALE GOLF CLUB, FAILSWORTH

The Panel gave consideration to a report introduced by the PRow Officer seeking approval to an Application submitted under Schedule 14 of the Wildlife and Countryside Act 1981, requesting that a Modification Order be made in respect of a route running across land at Brookdale Golf Club, Failsworth (the application route), which was shown on the attached location plan 764/A4/239/1.

The Application was received in respect of the application route which was claimed as a Footpath through use of the route by the public for more than 20 years.

Applications based on use by the public for more than 20 years must meet the legal tests for use 'as of right', which means use without secrecy, without force and without the permission of the landowner.

The Application was supported by User Evidence Forms, completed by 17 individuals who claimed to have used the application route for periods ranging between 5 and 79 years without challenge until the closure in 2018 of Ash footbridge, which severed the route's connection to Footpath 50 Failsworth, although some user evidence forms claimed continued use until 2021.

The evidence in support of the application needed to be considered against the statutory provisions in section 31 of the Highways Act 1980 concerning dedication of a highway through 20 years' usage.

Options considered:

Option 1: To approve the application and add the claimed route to the Definitive Map and Statement as a footpath.

Option 2: Not to approve the application.

RESOLVED that:

1. the application for a Modification Order in respect of a route on land at Brookdale Golf Club, Failsworth to be recorded in the Definitive Map and Statement as a footpath as detailed in Schedule 1 of the report be approved
2. The applicant be notified of the Council's decision under Schedule 14 of the Wildlife and Countryside Act 1981.

The meeting started at 5.30 pm and ended at 6.16 pm



TRO Panel

Decision Maker: Director of Environment, Nasir Dad

Date of Decision: 23 November 2023

Subject: 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

Report Author: Liam Kennedy, PRow Officer

Ward: Saddleworth North

Reason for the decision: The Council has received an application from the resident of 1 Hill Top Cottages for the diversion of Footpath 146 Saddleworth (part) which passes through gardens adjacent to the residences.

Summary: To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 146 Saddleworth (part) as detailed in the report.

Background: The application has been made by the resident of 1 Hill Top Cottages, Knott Hill Lane, Delph for the diversion of Footpath 146 Saddleworth (part) which passes through the gardens of property numbers 1-3.

The Department for Environment Food and Rural Affairs have issued 'Government Guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or 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 feels like infringing on the privacy of a house owner..... Such path alignments can deter people from exercising the public's right to use the path'.

In cases where a public right of way passes through a garden or curtilage of a residential dwelling, the Order-making and Confirming Authority are guided to weigh the interests of the owner and/or occupier against the overall impact of the proposal on the public as a whole, noting that reducing or eliminating the impact of the current route of the right of way on the owner and/or occupier, in terms of privacy, security and safety, are important considerations to which due weight should be given. In these cases, the Order-making Authority should, therefore, be predisposed to make and the confirming authority will be similarly predisposed to confirm an Order provided it satisfies the relevant test for the making of an Order set out in the legislation, namely, that in the interests of the landowner it is expedient that the line of the right of way should be diverted.

The principal test before deciding whether to confirm a Public Path Diversion and Definitive Map and Statement Modification Order is that the diversion should not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order.

In such circumstances it is in the public interest that any change to remove or reduce the impacts on the property owner or occupier of the existing public right of way should, wherever possible, involve diversion or replacement of the way rather than extinguishment alone.

Proposal:

The route of Footpath 146 Saddleworth is shown on attached plan (764/A4/241/1). The path commences at point A, approx. 100m west of the junction of Knott Hill Lane and Knarr Barn Lane following a north easterly route for approximately 38m to point B. The existing route runs through gardens of properties 1-3. The description of the current route is given in Schedule 1.

The diverted route is also shown on the plan and follows points B-C. The description of the diverted route is given in Schedule 2.

The applicant proposes a diversion along the land boundary. Associated works to facilitate the diversion include 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 is minor. Any inconvenience to members of the public will be minimal.

Users of the diverted route will not be deterred from using the route, which could occur if using the existing alignment as it passes across the garden areas of properties 1-3.

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, post and sign.

If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 146 Saddleworth (part). 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.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the recommendation
Option 2: Not to approve the recommendation.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and;

- Cllr G Harkness has no objection to the proposal providing the agreed works are carried out.
- Cllr L Lancaster has no objection to the proposal.

Saddleworth Parish Council have been consulted and no representations have been received.

Footpath Societies have been consulted and;

- The Ramblers Association have no objection to the proposal providing the agreed works are carried out.
- The Wednesday Walkers have no objection to the proposal providing the agreed works are carried out.
- The Peak and Northern Footpath Society have no objection to the proposal providing the agreed works are carried out.

Landowners – written consent has been obtained from the landowner.

Recommendation(s):

It is recommended that the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the 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 the Director of Environment 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.

Implications:

*What are the **financial** implications?*

The cost for introducing the order will be £2.68k and will be revenue expenditure.

This will be funded from the application fee of £2.68k already received from the applicant within the Highways TRO budget.

(John Edisbury)

*What are the **legal** implications?*

Under Section 119 of the Highways Act 1980 the Council may make a public path diversion order where it appears to it to be expedient, either in the interests of the owner, lessee or occupier of land crossed by the path, or in the interests of the public, that it should be diverted. The confirming body for the order must also be satisfied that the diversion is expedient in the interests of the owner, lessee or occupier of land crossed by the path or in the interests of the public and that the path will not be substantially less convenient to the public as a consequence of the order. The confirming body must also be satisfied that it is expedient to confirm the order having particular regard to the effect on public enjoyment of the

path as a whole, the effect on other land served by the existing path and the effect of the new diversion on the land and other land held with it, to be crossed by the diversion.

In the event of objections to the order, the order will be sent to the Secretary of State for determination. If no objections are received it is recommended that the Director of Environment, be given delegated authority to determine whether it is expedient to confirm the order, as otherwise this decision would have to be taken at a future meeting of the TRO Panel, adding unnecessary delay to the process. (A Evans)

What are the **procurement** implications?

None

What are the **Human Resources** implications?

None

Oldham Impact Assessment Completed (Including impact on Children and Young People)

No

What are the **property** implications

None

Risks:

None

Co-operative implications

Modifications to Footpath 146 is welcomed as this will address the grievance of the resident who submitted the complaint and illustrate co-operative ways of working

(Mahmuda Khanom)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998

None

Environmental and Health & Safety Implications

None

IT Implications

None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Schedule 1 – Description of Existing Footpath Route – Drawing 764/A4/241/1

Existing FP146 Saddleworth commences at point A (GR SD97856 07445) proceeding in a north easterly direction for a distance of approximately 38 metres to point B (GR SD97890 07462) then continues in a generally easterly and north-easterly direction on its existing alignment.

Schedule 2 – Description of Proposed Diverted Route – Drawing 764/A4/241/1

Footpath 146 Saddleworth commencing at point C (GR SD97879 07438) proceeding in a northerly direction for a distance of approximately 26 metres to point B (GR SD97890 07462) then continues in a generally easterly and north-easterly direction on FP146s existing alignment.

Schedule 3 – Current Definitive Statement

See below table.

District and page number	Page Number	Status	Length (m)	Description	Comments
Saddleworth 6B&D	6B&D	F.P.	901	Footpath commencing at its junction with Hill Top Lane at Hill Top Cottages and proceeding in a north easterly direction to its junction with Woodhouse	1.2m wide 1 Field Gate 1 Stile

				Knowl, Delph.	
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Schedule 4 – Modification of Definitive Statement

See below table. Additions in bold.

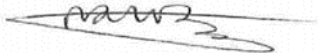
District and page number	Page Number	Status	Length (m)	Description	Comments
Saddleworth 6B&D	6B&D	F.P.	866	Footpath commencing at (GR SD97879 07438) approximately 75 metres west of the junction of Knott Hill Lane and Knarr Barn Lane via pedestrian gate in dry-stone wall proceeding north for a distance of approximately 26 metres to (GR SD97890 07462) then proceeding east for a distance of approximately 85 metres to (GR SD97974 07474) then north for a distance of approximately 80 metres to (GR SD97972 07553) then northeast for a distance of approximately 270 metres to (GR SD98167 07736) where	1.2 metres wide 1 Field Gate 1 Stile

				<p>it meets FP149 Saddleworth then east for a distance of approximately 405 metres via Woodhouse Knowl to terminate at Stoneswood Road (GR SD98561 07792)</p>	
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There are no background papers for this report

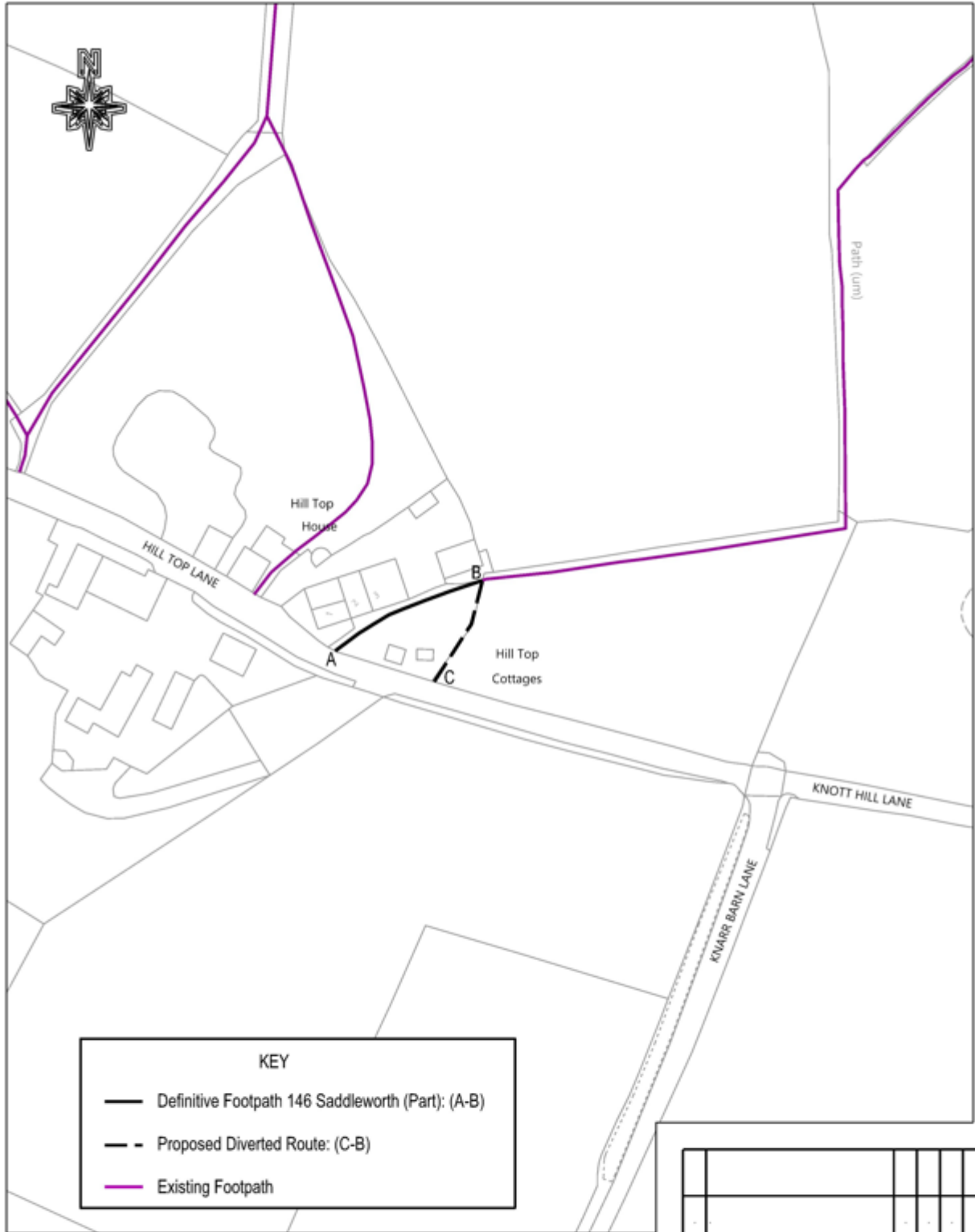
Report Author Sign-off:	
Liam Kennedy	
Date: 2 November 2023	

In consultation with Director of Environment



Signed :

Date: 8.11.2023



KEY	
	Definitive Footpath 146 Saddleworth (Part): (A-B)
	Proposed Diverted Route: (C-B)
	Existing Footpath

Rev	Revision details	By	CHK	App	Date



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Henshaw House, Cheapside, Oldham OL1 1NY

Client Oldham MBC	
Project Hill Top Cottages, Delph	
Drawn by RW	Date 08/23
Checked by LK	Date 08/23
Approved by .	Date .
Purpose of issue information Scale at A4 size 1:1250	

Title Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 146 Saddleworth (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement	
Drawing No. 764/A4/241/1	Rev. .

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TRO Panel

Decision Maker: Director of Environment, Nasir Dad

Date of Decision: 23 November 2023

Subject: 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

Report Author: Liam Kennedy, PRoW Officer

Ward: Crompton

Reason for the decision: The Council has 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).

Summary: To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 83, 84 & 88 Crompton as detailed in the report to replace the Order made on 28 June 2023.

Background: The application has been made by Redrow Homes Lancashire in relation to the proposed construction of a residential development of 201 dwellings (FUL/347664/21)

The Order-making and Confirming Authority are guided to authorise the diversion and/or extinguishment 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.

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 are 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 are necessary to accommodate the planned development, but which are 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 has 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 is currently experiencing considerable time delays with Footpath Orders which are with the Planning Inspectorate for determination and officers support the developer's request.

In the interest of expediency, a new order is requested accommodating the requests of the objectors for the diversion of the existing footpaths to follow the estate roads. This decision is supported by the applicant.

Proposal:

The route of Footpath 83 Crompton is shown on attached plan (764/A4/242/1). The path commences at point A, approx. 108m west of Cowlshaw following a northerly route for approximately 141m to point B, it then proceeds in a general north-westerly direction for approximately 109m to point C. The existing route runs through undeveloped land (i.e. fields). The description of the current route is given in Schedule 1.

The diverted route is also shown on the plan and follows points G-H-I-C. At point C the diversion re-joins Footpath 83 Crompton on its existing alignment. The description of the diverted route is given in Schedule 2.

The route of Footpath 84 Crompton is shown on attached plan (764/A4/242/1). The path commences at point A, approximately 108m west of Cowlshaw following a northerly direction for approximately 141m to point B, and then proceeds in a general north-easterly direction for approximately 40m to point D. The description of the current route is given in Schedule 1.

The diverted route is also shown on the plan and follows points C-D, F-J-K-L. The description of the diverted routes is given in Schedule 2.

The route of Footpath 88 Crompton is shown on attached plan (764/A4/242/1). The path commences at point E and follows a northerly, then easterly direction for approximately 116m to point A at its junction with Footpaths 83 & 84 Crompton. The path continues east for approximately 94m to point F on Cowlshaw. The description of the current route is given in Schedule 1.

The diverted route is also shown on the plan and follows points E-M-L-F. At point F the diversion re-joins Footpath 88 Crompton on its existing alignment. The description of the diverted route is given in Schedule 2.

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 will be paid for by the Applicant i.e. both installation, posts and the sign.

If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpaths 83, 84 & 88 Crompton. 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.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the recommendation
Option 2: Not to approve the recommendation.

It is recommended that Option 1 be approved as otherwise the developer is likely to suffer from considerable delays if the Council proceeds to refer the Public Path Diversion and Definitive Map and Statement Modification Order of 28 June 2023 to the Planning Inspectorate for determination.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and no representations have been received.

Shaw and Crompton Parish Council has been consulted and (Planning Committee on behalf of the Parish Council) support the recommendation.

Footpath Societies have been consulted and;

- The Ramblers Association have no objection to the proposal.
- The Wednesday Walkers have no objection to the proposal.
- The Peak and Northern Footpath Society have no objection to the proposal.

Landowners - the applicant is the only affected landowner.

Recommendation(s):

It is recommended that:

1. the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the diversion of Footpaths 83, 84 & 88 Crompton 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 the Director of Environment 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.

2. No further action be taken to progress the Oldham Borough Council (Footpaths 83, 84 and 88 Crompton) Public Path Diversion and Definitive Map and Statement Modification Order 2023 made on 28 June 2023.

Implications:

*What are the **financial** implications?*

The cost for introducing the order will be £2.68k and will be revenue expenditure.

This will be funded from the application fee of £2.68k already received from the applicant within the Highways TRO budget.

(John Edisbury)

*What are the **legal** implications?*

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)

*What are the **procurement** implications?*

None

*What are the **Human Resources** implications?*

None

Oldham Impact Assessment Completed (Including impact on Children and Young People)	No
<i>What are the property implications</i>	None
Risks:	None
Co-operative implications	Diversion of Definitive Footpaths 83, 84 & 88 Crompton will strengthen future partnership working with Redrow Homes Lancashire and provide a safe footpath for residents (Mahmuda Khanom)
Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998	None
Environmental and Health & Safety Implications	None
IT Implications	None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Schedule 1 – Description of Existing Footpath Routes – Drawing 764/A4/242/1

Existing FP83 Crompton commences at point A (GR SD93032 08354) proceeding in a northerly direction for a distance of approximately 141 metres to point B (GR SD92981 08486) then proceeds in a general north-westerly direction for approximately 109 metres to point C (GR SD92886 08513). The path then continues in a north-westerly direction for approximately 640 metres then in a south-westerly direction for approximately 284 metres to cross the former Urban District Boundary where the path becomes Footpath 57 Royton.

Existing FP84 Crompton commences at point A (GR SD93032 08354) proceeding in a northerly direction for a distance of approximately 141 metres to point B (GR SD92981 08486) then proceeds in a north-easterly direction for approximately 40 metres to point D (GR SD93014 08506) continuing in a north-easterly direction for a further 58 metres then proceeding in a northerly direction for a distance of approximately 431 metres to end at Edward Road.

Existing Footpath 88 Crompton commences at point (GR SD92867 08088) at the former Urban District boundary proceeding in an easterly direction for a distance of approximately 104m (this length of Footpath is also part of Footpath 56 Royton) to Cockermill Lane where it meets Footpath 55 Royton, it then proceeds in a northerly then easterly direction for a distance of approximately (387m) where it meets Cowlshaw and Footpath 53 Royton (GR SD393141 08382), continuing in an easterly direction for a distance of approximately 84m along Cowlshaw where the footpath ends (GR SD93223 08398).

Schedule 2 – Description of Proposed Diverted Routes – Drawing 764/A4/242/1

Footpath 83 Crompton commencing at point G (GR SD92955 08227) proceeding in a westerly direction along the footway of the estate road for a distance of approximately 112 metres to point H (GR SD92845 08247) then proceeding north along the western boundary of the development site for a distance of approximately 238 metres to point I (GR SD92826 08481) then proceeding in a north-easterly direction for a distance of approximately 68 metres to point C (GR SD92886 08513) to proceed in a north-westerly direction on FP83s existing alignment.

Footpath 84 Crompton commencing at point C (GR SD92886 08513) proceeding in an easterly direction along the northern boundary of the development site for a distance of approximately 132 metres to point D (GR SD93014 08506) then proceeding in a north-easterly direction for a distance of approximately 37 metres to point F (GR SD93119 08380) (D-F is on the existing alignment of FP84 Crompton) and continuing in

an easterly direction for a distance of approximately 119 metres to point J (GR SD93153 08484) to meet the estate road. Then proceeding south along the footway of the estate road for a distance of approximately 58 metres to point K (GR SD93146 08427) and proceeding directly west continuing on the footways of the estate road for a distance of approximately 29 metres to point L (GR SD93117 08426) to meet FP88 Crompton on its proposed diverted alignment.

Footpath 88 Crompton commences at point E (GR SD92964 08285) proceeding in a northerly direction along the footway of the estate road for a distance of approximately 150 metres to point M (GR SD92959 08434) then directly east continuing on the footway of the estate road for a distance of approximately 158 metres to point L (GR SD93117 08426), then proceeding south continuing on the footway of the estate road for a distance of approximately 46 metres to point F (GR SD93119 08380).

Schedule 3 – Current Definitive Statement

See below table.

District and page number	Page Number	Status	Length (m)	Description	Comments
Crompton Footpath 83	5	Footpath	1269	Path from Park Lane, Royton to Cowlshaw. Path proceeds east of Heyhill Farm towards a stile and then proceeds northwards along the western edge of a field boundary towards another stile whereby the path heads	Public path diversion (part) order 12.5.95 Approx. 2m wide s118 & s119 Highways Act 1980 & s53(2) Wildlife & Countryside Act 1981 DMMO, Diversion & (part) Extinguishment. Order Nos: (part) Extinguishment 5847/20 Order Made: 12/08/2020,

				<p>in a westerly direction along the north side of a field boundary and then heads in a north-easterly direction with a spur path on the north side of a field boundary linking to Low Crompton Road through a stile. Path follows north-east course through a further stile to field boundary below Low Crompton Farm (with spur path linking through gate with Low Crompton Road near the farmhouse) and thence turns south-east to follow field boundaries through four stiles to source of River Irk. Path then crosses field to stile at</p>	<p>Order Confirmed: 02/12/2020 Diversion 5848/20 Order Made: 12/08/2020, Order Confirmed: 02/12/2020, Order Brought into Effect: 30/12/2020 File: TM2-242</p>
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Crompton Footpath 84	5	Footpath	482	field boundary to further stile and thence south to link with occupation road at Cowlishaw (opposite No 47) Path from Cowlishaw to Edward Street. Path commences at occupation road at Cowlishaw and follows line of footpath No.83 for 110 metres to gate. Path passes through gate and stile and in northerly direction along boundaries of two fields and through two further stiles to Edward Street	Public path diversion (part) order 12.5.95
Crompton Footpath 88	5	Footpath	531	From Diamond Rope Works to Cowlishaw. Path crosses boundary from Urban District of Royton on	

				<p>road (Cocker Mill Lane) along the side of Diamond Rope Works. Path continues to end of road and thence follows field boundary in northerly direction for approx 174 metres to join occupation road from Cowlshaw Farm. Path then follows occupation road in easterly direction past farm buildings and cottages to link with Cowlshaw Lane off Manchester Road. A further short length of path (approx 55 metres) leads off from occupation road - east of farm in a southerly direction to cross Urban District Boundary near to No.45 and continues to Higher Fold</p>	
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Schedule 4 – Modification of Definitive Statement

See below table. Additions in bold.

District and page number	Page Number	Status	Length (m)	Description	Comments
Crompton Footpath 83	5	Footpath	1428	Path from Park Lane in former Urban District of Royton to Cowlshaw. Path crosses boundary with former Royton Urban District 91 metres east of Low Crompton Road at watercourse and proceeds northwards passing to the east of Hey Hill Farm with spur path linking with Low Crompton Road through a stile. Path follows north-east course through a further stile to field boundary below Low Crompton Farm (with spur path linking through gate with Low Crompton Road near the farmhouse) and thence turns south-east to follow field boundaries through four stiles to source	Public path diversion (part) order 12.5.95 Approx. 2m wide s118 & s119 Highways Act 1980 & s53(2) Wildlife & Countryside Act 1981 DMMO, Diversion & (part) Extinguishment. Order Nos: (part) Extinguishment 5847/20 Order Made: 12/08/2020, Order Confirmed: 02/12/2020 Diversion 5848/20 Order Made: 12/08/2020, Order Confirmed: 02/12/2020, Order Brought into Effect: 30/12/2020 File: TM2-242 Path from Park Lane to River Irk (FP57 Royton) FP83 Crompton starts at River Irk

Crompton Footpath 84	5	Footpath	828	<p>of River Irk. Path then crosses field to stile at field boundary to further stile at GR SD92886 08513 and proceeds south west for a distance of approximately 68 metres to GR SD 92826 08481 then proceeds south for a distance of approximately 238 metres along the western boundary of housing estate to GR SD92845 08247 to join the estate road and proceed east for a distance of approximately 112 metres following the footway of the estate road to GR SD92955 08227 to join FP88 CROMP.</p> <p>Path commences at GR SD93110 08958 on Edward Road proceeding in a generally southern direction for a</p>	<p>1.5 metres wide</p> <p>Public path diversion (part) order 12.5.95</p> <p>1.5 metres wide</p>
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				<p>distance of approximately 453 metres to GR SD93119 08380. At this point Footpath 84 branches to the east and west.</p> <p>WESTERN BRANCH proceeds in a south-westerly direction for a distance of approximately 37 metres to GR SD93014 08506 then immediately west for a distance of approximately 132 metres along the northern boundary of housing estate to GR SD92886 08513 where the route joins existing Footpath 83 Crompton.</p> <p>EASTERN BRANCH continues east from GR SD93119 08380 for a distance of approximately 119m to join the estate road at GR SD93153 08484 then proceeds south along</p>	
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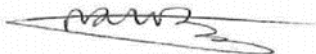
Crompton Footpath 88	5	Footpath	719	<p>the footway of the estate road for a distance of approximately 58m to GR SD93146 08427 then proceeding west along the footway of the estate road for a distance of approximately 29 metres to GR SD93117 08426 to join existing Footpath 88 Crompton.</p> <p>Footpath commences at GR SD92867 08088 proceeding east for a distance of approximately 107 metres to Cocker Mill Lane at GR SD92959 08132 then proceeding in a northerly direction for a distance of approximately 152 metres to GR SD92964 08285 following the estate road footway, continuing on the footway north for a distance of approximately</p>	
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				<p>150 metres to GR SD92959 08434 then proceeding immediately east along the estate road footway for a distance of approximately 158 metres to GR SD93117 08426 at its junction with Footpath 84 Crompton then heading south for a distance of approximately 46 metres to GR SD93119 08380 then heading east for a distance of approximately 106 metres to terminate on Cowlshaw at GR SD93223 08398.</p>	
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There are no background papers for this report

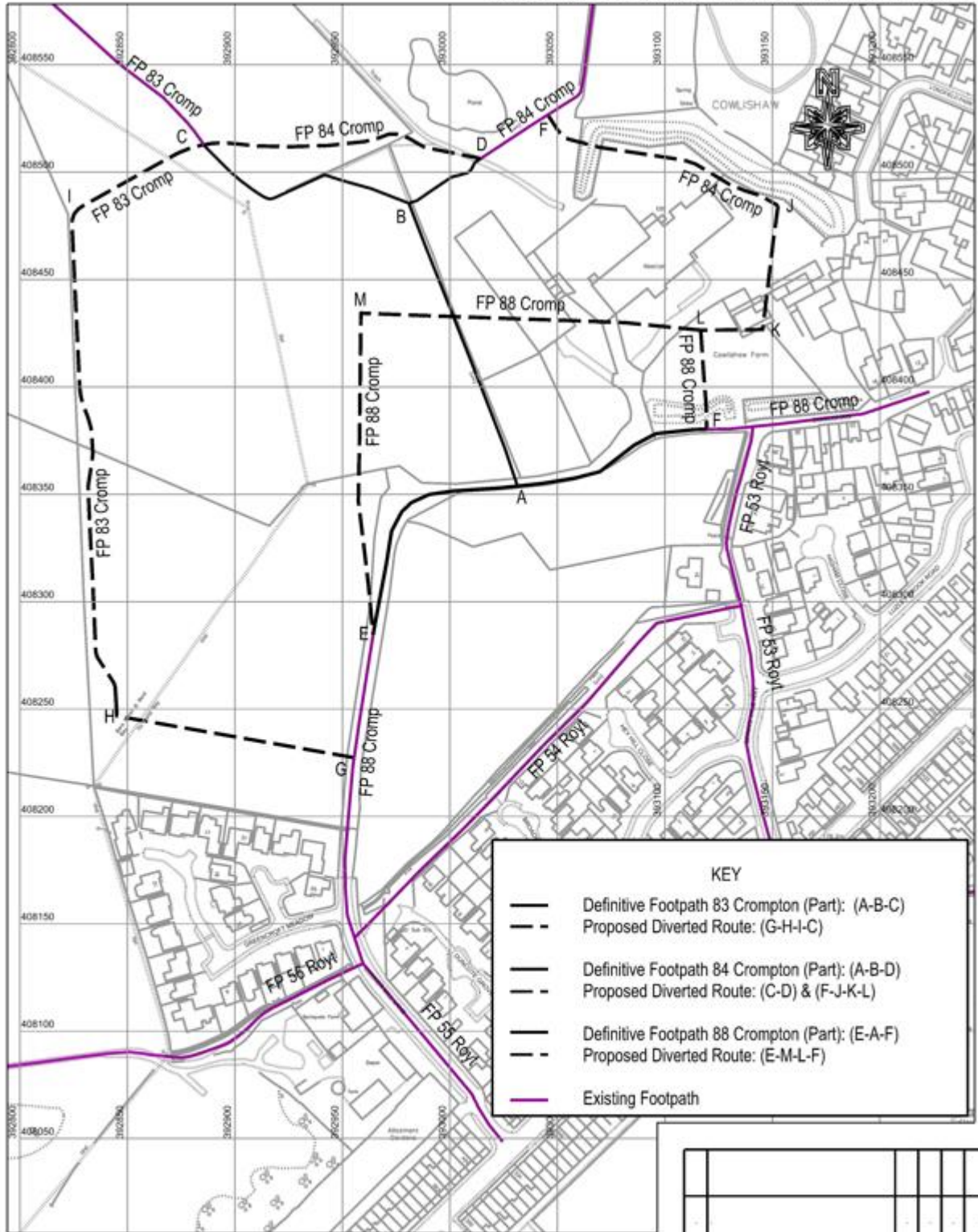
Report Author Sign-off:	
Liam Kennedy	
Date: 3 November 2023	

In consultation with Director of Environment



Signed :

Date: 8.11.23



KEY	
	Definitive Footpath 83 Crompton (Part): (A-B-C)
	Proposed Diverted Route: (G-H-I-C)
	Definitive Footpath 84 Crompton (Part): (A-B-D)
	Proposed Diverted Route: (C-D) & (F-J-K-L)
	Definitive Footpath 88 Crompton (Part): (E-A-F)
	Proposed Diverted Route: (E-M-L-F)
	Existing Footpath



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Henshaw House, Cheapside, Oldham OL1 1NY

Client Oldham MBC		
Project Development at Cocker Mill Lane, Shaw		
Drawn by RW	Date 09/23	Purpose of issue information
Checked by LK	Date 09/23	Scale at A4 size
Approved by	Date	1:2500

Rev	Revision details	By	Chk	App	Date

Title
Diversion of Public Highway Combined Order s257 Town and Country Planning Act 1990
Diversion of Public Footpath 83, 84 & 88 Crompton (part), and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement

Drawing No.
764/A4/242/1

Rev.
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