

**HIGHWAY REGULATION COMMITTEE**  
**13/06/2024 at 5.30 pm**



**Present:** Councillor Murphy (in the Chair)  
Councillors Chowhan and Davis

Also in Attendance:  
Liam Kennedy (Public Rights of Way Officer)  
Alan Evans (Group Solicitor)  
Kaidy McCann (Constitutional Services)

1           **ELECTION OF VICE-CHAIR**

Resolved:  
That Councillor Woodvine be elected Vice Chair of the  
Highways Regulation Committee in 2024/25.

2           **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3           **URGENT BUSINESS**

There were no items of urgent business received.

4           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5           **PUBLIC QUESTION TIME**

There were no public questions for tis meeting of the Committee  
to consider.

6           **MINUTES OF PREVIOUS MEETING**

Resolved:  
That the minutes of the meeting held on 14<sup>th</sup> March 2024 be  
approved as a correct record.

7           **DEFINITIVE MAP AND STATEMENT MODIFICATION  
ORDER STOPPING UP OF DEFINITIVE FOOTPATHS 186 &  
187 OLDHAM, AT FONTWELL LANE & ACRE LANE,  
DERKER, S53 WILDLIFE AND COUNTRYSIDE ACT 1981**

The Committee considered a report of the Director of  
Environment which advised that, subsequent to the confirmation  
of the Stopping Up of Highways (North West) (No.14) Order  
2018 by the Secretary of State for the stopping up of Footpaths  
186 and 187 Oldham, it would be necessary for Oldham  
Council, as Highway Authority, to amend the Definitive Map and  
Statement for the aforementioned Footpaths to reflect the  
stopping up.

The Secretary of State had authorised the stopping up of  
Footpaths 186 and 187 Oldham with effect from 28<sup>th</sup> February  
2018, in order for development to be carried out in accordance  
with planning permission granted to First Choice Homes  
(PA/340556/17). As a result of this, it was required for Oldham  
Council to make the necessary amendments to the Definitive  
Map and Statement.

The Council had an obligation to continuously review the Definitive Map and Statement. The Definitive Map shows the location and status of public rights of way and the Definitive Statement gives descriptions of the public rights of way, including any restriction on their use.

The confirmation of the Stopping Up of Highways (North West) (No.14) Order 2018 by the Secretary of State meant that it would be necessary to modify the Definitive Map and Statement for Footpaths 186 and 187 Oldham to reflect the stopping up of the footpaths. To amend the Definitive Map and Statement the Council would be required to make a Modification Order pursuant to section 53(2)(b) of the Wildlife and Countryside Act 1981. The Definitive Statements for the Footpaths were given in the Schedule and these should be deleted from the Definitive Statement and Footpaths 186 and 187 Oldham should be removed from the Definitive Map.

Options considered:

Option 1: To approve the recommendation.

Option 2: Not to approve the recommendation.

Resolved:

That the Council make a Modification Order in respect of Footpaths 186 and 187 Oldham, under Section 53(2)(b) of the Wildlife and Countryside Act 1981, as detailed in the report and the Director of Environment and the Director of Legal Services be authorised to carry out the necessary procedures.

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**DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER S119 HIGHWAYS ACT 1980 – (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 Committee considered a report of the Director of Environment that sought approval to submit the Footpath 152 Oldham Public Path Diversion and Definitive Map and Statement Modification Order 2024 to the Planning Inspectorate with a request that the Order be confirmed, subject to the inclusion of the amended wording to the Definitive Statement detailed in Schedule 3 of the report.

The Council made a Public Path Diversion and Definitive Map and Statement Modification Order, diverting Footpath 152 Oldham, following the removal of the bridge spanning the Oldham Way on 11<sup>th</sup> January 2024, which was subsequently advertised in the local press and an objection was received.

The objection received from the Ramblers Association was in relation to the proposed amended description of the footpath route in the Definitive Statement. Public rights of way in the Borough are recorded on the Definitive Map and Statement, which the Council has a duty to keep under continuous review under Section 53 of the Wildlife and Countryside Act 1981. The

Definitive Map shows the location and status of public rights of way and the Definitive Statement gives descriptions of the public rights of way, including any restrictions on their use.

The objection requested the replacement in the revised Definitive Statement in Schedule 2 of the report of the wording 'red tin footbridge' with 'Victorian steel lattice footbridge' and officers considered that the proposed wording was a more appropriate description of the footbridge.

The objection could be resolved by submitting the Order to the Planning Inspectorate with a request that the Order be confirmed subject to the amended wording in the Definitive Statement.

The Committee was advised that the Council does not have the power to amend Public Path Diversions and Definitive Map and Statement Modification Orders after they have been made. Modifications can only be made by the Planning Inspectorate. It was therefore necessary to send the Order to the Planning Inspectorate with a request that it be confirmed and brought into force subject to the proposed amended description of the footbridge in the Definitive Statement.

Options considered:

Option 1: To agree to the proposed amendments to the Made Order.

Option 2: Not to agree to the proposed amendments.

Resolved:

That an application be made to the Planning Inspectorate to confirm the Order subject to the modifications detailed in Schedule 3 of the report.

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### **DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER UPDATE - DIVERSION OF DEFINITIVE FOOTPATH 26 OLDHAM, LAND OFF KNOWLS LANE, OLDHAM**

The Committee considered a report of the Director of Environment, the purpose of which was to request approval to submit amendments to the Planning Inspectorate in respect of the Definitive Map and Statement Modification Order relating to Footpath 26 Oldham, to correct factual errors in the Order.

At the last meeting of the Committee on 14<sup>th</sup> March 2024, the Panel considered an update report on the Definitive Map and Statement Modification Order relating to the diversion of part of Footpath 26 Oldham, at Knowls Lane, Oldham. The report requested approval to submit amendments to the Order to the Planning Inspectorate to correct factual errors and the Panel agreed to defer consideration of the amendments to this meeting.

The Council had granted planning permission to 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) required the diversion of part of Footpath 26 Oldham, to facilitate the construction of the link road. The Council has the power, subject to Section 257 Town and Country Planning Act, to divert Footpath 26 Oldham in order for the development to be carried out in accordance with the granted planning permission.



The Council made an order diverting Footpath 26 Oldham, over the proposed link road via a stepped route on 4<sup>th</sup> May 2022. The order was subsequently advertised in the local press and received numerous objections. The objections could not be resolved, so the matter was referred to the Planning Inspectorate and a Public Inquiry was held 13<sup>th</sup> – 14<sup>th</sup> June 2023. The Inspector's decision (ref: ROW/3303492) not to confirm the Made Order was issued 31<sup>st</sup> July 2023. Russell Homes successfully challenged the Inspector's decision by judicial review and a Consent Order (ref: AC-2023-LON-002664) was confirmed by the High Court, quashing the Inspector's decision on 27 October 2023.

Proposed amendments to the Made Order were detailed in Appendix 3, to the report, and included an amended width of the stepped route (1.2 metres) as the original amendment submitted to the Planning Inspectorate gave the incorrect width of the stepped route as 1 metre.

Options considered:

Option 1 was to submit the proposed amendments to the Made Order detailed in Appendix 3 of the report, to the Planning Inspectorate.

Option 2 was to not submit the proposed amendments to the Made Order detailed in Appendix 3 to the Planning Inspectorate.

Resolved:

that the Council does not submit the proposed amendments to the Definitive Map and Statement Modification Order relating to Footpath 26 Oldham, as detailed at Appendix 3 of the report to the Planning Inspectorate.

Note: An objector and Councillor Kenyon addressed the Committee on this report.

The meeting started at 5.30pm and ended at 6.30pm