

***HIGHWAY REGULATION COMMITTEE  
Regulatory Committee  
Agenda***

Date Thursday 13 June 2024

Time 5.30 pm

Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires 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 at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services 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, 10 June 2024.

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.

Please also note the Public attendance Protocol on the Council's Website

[https://www.oldham.gov.uk/homepage/1449/attending\\_council\\_meetings](https://www.oldham.gov.uk/homepage/1449/attending_council_meetings)

MEMBERSHIP OF THE HIGHWAY REGULATION COMMITTEE  
Councillors Chowhan, Davis, Murphy (Chair), Shuttleworth and Woodvine

1 Election of Vice-Chair

The Committee is asked to elect a Vice-Chair for the Municipal year 2024/25.

2 Apologies For Absence

3 Urgent Business

Urgent business, if any, introduced by the Chair

4 Declarations of Interest

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

5 Public Question Time

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

6 Minutes of Previous Meeting (Pages 3 - 8)

The Minutes of the meeting held on 14<sup>th</sup> March 2024 are attached for approval.

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 (Pages 9 - 20)

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 is necessary for Oldham Council as Highway Authority to amend the Definitive Map and Statement for the aforementioned Footpaths to reflect the stopping up.

8 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. (Pages 21 - 26)

To seek 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 in Schedule 3.

9 Definitive Map and Statement Modification Order Update - Diversion of Definitive Footpath 26 Oldham, land off Knowls Lane, Oldham (Pages 27 - 42)

The purpose of the report is 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.



**TRAFFIC REGULATION ORDER PANEL**  
**14/03/2024 at 5.30 pm**

**Present:** Councillor Shuttleworth (Chair)  
Councillors Woodvine, S. Bashforth (Substitute), Murphy and Fryer

Also in Attendance:

Alan Evans	Group Solicitor
Mark Woodhead	Highways and Engineering
Andrew Mather	Constitutional Services

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Salamat.

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 11<sup>th</sup> January 2024 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**

The Panel considered a report providing an update to members on the current position in relation to the proposed diversion of Definitive Footpath 26, Oldham.

Objections to the Footpath Diversion Order were considered by a Planning Inspector at a public inquiry in June 2023. The Inspector had subsequently decided not to confirm the Order but the developer had successfully challenged that decision by a judicial review. The Planning Inspectorate were intending to reconsider the objections by a written representations procedure.

It was reported that modifications to the Made Order are required to amend the description of the overall length and description of the footpath in the definitive statement for Footpath 26 Oldham to reflect the fact that Footpath 26 Oldham terminates at Footpath 197 Saddleworth. Footpath 26 Oldham joins Footpath 25 Oldham and then they both run jointly to meet Footpath 197 Saddleworth where they both terminate. The measurements given in the Order were only between its commencement at Knowls Lane and where it joined Footpath 25

Oldham. The amendments also remove the reference to the number of steps and riser depth and confirm that the diversion of the footpath would take effect when the Council certifies that the diverted route has been provided. The amendments were accepted by the previous Planning Inspector and would have been included in the Confirmed Order if her decision had been to confirm the Made Order. However, as the Inspector did not confirm the Made Order and as her decision was subsequently quashed, the Council would need to submit the amendments to the Planning Inspectorate again to be considered by a new Inspector appointed as part of the written representations procedure. The proposed amendments to the Made Order were detailed in Appendix 2 of the report.

Officers recommended submitting the amendments to the Inspector as without modification the Made Order would be inaccurate as Footpath 26 Oldham will be incorrectly described in the definitive statement and it would be unclear when the diversion could be brought into effect. After hearing representations from an objector members considered that it should be left to the Inspector to determine any modifications.

Options considered:

Option 1 - to agree to the proposed amendments to the Made Order.

Option 2 - to not agree to the proposed amendments.

**RESOLVED:** That consideration of the proposed amendments be deferred until the next meeting of the Panel in June.

**NOTE:**

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

7

**OBJECTIONS TO PROPOSED DISABLED PERSONS PARKING ORDER - DEVON STREET, OLDHAM**

The Panel gave consideration to a report considering representations received following the advertisement of proposals for the introduction of 35 disabled persons parking places at various locations in the Borough which was approved under delegated powers on 9 November 2023.

Representations had been received in relation to three of the proposed parking places.

118 Grange Avenue, Oldham

34 Retford Street, Oldham

49 Devon Street, Oldham

The Panel was informed that the applicant at Grange Avenue had been informed that they no longer qualified for a disabled parking place as they had access to off street parking.

One letter of objection was received in relation to the proposed parking place at 34 Retford Street which was later withdrawn once the objector was provided with further information.

Two letters of objection had been received to the proposed parking place at Devon Street which in summary stated that the location was not suitable for such a parking space. The Panel considered the objectors' comments.

Officers reported that the location of the disabled bay was the closest parking place to the applicant's property considering the highway layout and current parking arrangements in the home zone.

Options considered:

Option 1: Not to introduce the disabled persons parking place at Devon Street.

Option 2: To introduce the disabled persons parking place at Devon Street.

**RESOLVED** that

1. The objections to the proposed disabled persons parking space at 49 Devon Street be rejected.
2. The proposed disabled persons parking places be introduced in accordance with the schedule in the original report with the exception of Grange Avenue but including both Retford Street and Devon Street.

8

## **OBJECTIONS TO PROPOSED PROHIBITION OF WAITING - BULLCOTE GREEN, ROYTON**

It was reported that at the meeting held on 11th January 2024 (minute 9 refers) the panel had considered objections to the introduction of No Waiting At Any Time restrictions at Bullcote Green, Royton which was approved under delegated powers on 24 April 2023. The Panel had resolved that consideration be deferred to a future meeting and that officers seek further information from the Fire Service on the incident involving an emergency vehicle and that the possibility of limiting restrictions to periods when cricket matches take place also be examined.

It was reported that officers had contacted the Fire Service who had provided further information and confirmed that the incident mentioned in which the fire appliance encountered access issues was not an 'emergency response incident' but that crews were encouraged to highlight potential issues which may inhibit a response. The Fire Service had indicated that a trial of weekend or seasonal restrictions would be an acceptable compromise.

Officers reported that in light of the Fire Service comments, officers would support a relaxation to the scheme where the restrictions would only be operational at weekends between 1st May and 30th September. An amended plan reflecting this was

attached as Appendix C. The location did not qualify for a residents parking scheme.

Options considered:

Option 1: To introduce the proposed restrictions as advertised

Option 2: To introduce amended restrictions as set out in Appendix C of the Report

Option 3: To not introduce the proposed restrictions

**RESOLVED** that the proposed restrictions be not introduced.

**NOTE:**

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

9

**PROPOSAL TO ALLOCATE SECTION 106 RESOURCES FROM DB 372 - LAND AT FOXDENTON LANE, CHADDERTON (PA/334355 & 337091 & 342835) FOR FOXDENTON LANE AND LYDIA BECKER WAY - 20MPH SPEED LIMIT AND TRAFFIC CALMING**

The Panel considered representations which had been received to a decision recommending the introduction of a 20mph Speed Limit and Traffic Calming measures through use of Section 106 planning obligations on Foxdenton Lane and Lydia Becker Way which was approved on 6 July 2023. Following the advertisement of legal notices, objections and comments have been raised by residents.

In summary, objections identified the position of measures affecting access/egress to properties and that speed cushions encourage vehicles to straddle the measures with no impact on vehicle speeds. Speed cushions also encourage motorist to drive in the centre of the carriageway, which contributes to increased safety hazard.

In response to the objection officers reported that Foxdenton Lane is a bus route and the use of speed cushions on this type of route was well established throughout Greater Manchester. All features had been positioned so as to not impact on access/egress from properties.

Options Considered:

Option 1: Introduce the proposed measures as advertised

Option 2: Review the locations of the Traffic Calming measures to ensure that no vehicle accesses are directly impacted, prior to installation

Option 3: Do not introduce the proposed restrictions

**RESOLVED** that the traffic calming measures and speed limit reductions be introduced but that officers review the locations of the Traffic Calming measures to ensure that no vehicle accesses are directly impacted, prior to installation.

**STAMFORD ROAD, HUDDERSFIELD ROAD AND  
DUNHAM STREET,  
LEES - SAFETY SCHEME**

The Panel considered representations which had been received to a decision on the introduction of a 20mph Speed Limit and Traffic Calming measures along Stamford Road, and localised changes to the TRO along Dunham Street and Stamford Road which was approved on 22 December 2023. Following the advertisement of the proposals, objections and comments had been raised by residents.

It was noted that the proposals were in response to speeding and a number of traffic incidents including the recent deaths of two cyclists. Two objections had been received to the proposals. Objections principally concerned the reduction in available residents parking and that 'build outs' adjacent to a property would affect disabled access to a parking place.

Officer recommended that the traffic calming measures were installed as proposed and this was supported by ward councillors. Panel members expressed views that given the serious nature of incidents, action needed to be taken to reduce the speed of traffic on Dunham Street and Stamford Road.

Options considered:

Option 1: Introduce the proposed measures as advertised

Option 2: To not introduce the proposed restrictions

**RESOLVED** that the measures set out in Appendix A of the report be approved for implementation as advertised.

**NOTE:**

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

The meeting started at 5.30 pm and ended at 7.05 pm

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## **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**

**Portfolio Holder:**

Councillor Goodwin, Cabinet Member for Don't Trash Oldham

**Officer Contact:** Nasir Dad, Director of Environment

**Report Author:** Liam Kennedy, PRow Officer

**Ext.** 4306

**TRO Panel - 13 June 2024**

**Reason for Decision**

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 is necessary for Oldham Council, as Highway Authority, to amend the Definitive Map and Statement for the aforementioned Footpaths to reflect the stopping up.

**Recommendation**

It is recommended 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 Stopping Up of Definitive Footpaths 186 & 187 Oldham, at Fontwell Lane & Acre Lane, Derker, S53A Wildlife and Countryside Act 1981.****1 Background**

- 1.1 The Secretary of State authorised the stopping up of Footpaths 186 & 187 Oldham with effect from 28 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 is required for Oldham Council to make the necessary amendments to the Definitive Map and Statement.
- 1.2 The Council have 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.

**2 Proposal**

- 2.1 The route of Footpath 186 Oldham is shown on attached plan (764/A4/245/1). The path commences at point A, following a generally easterly route for approximately 212 metres to point B to terminate opposite No. 2 Fontwell Lane.
- 2.2 The route of Footpath 187 Oldham is also shown on attached plan (764/A4/245/1). The path also commences at point A, following a generally southerly route for approximately 40 metres, then proceeding east for approximately 40 metres then following a generally southerly route for approximately 73 metres to terminate at point C on Bartlemore Street.
- 2.3 The confirmation of the Stopping Up of Highways (North West) (No.14) Order 2018 by the Secretary of State means it will 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 is 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 are 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.

**3 Options/Alternatives**

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

**4 Preferred Option**

- 4.1 It is recommended that Option 1 be approved, and 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.

**5 Consultation**

- 5.1 The Ward Members have been consulted and Councillor J Charters supports the proposal.

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6      **Financial Implications**

6.1      None.

7      **Legal Implications**

7.1      Under section 53(2)(b) of the Wildlife and Countryside Act 1981 the Council is required as soon as reasonably practicable after the occurrence of any of the events specified in section 53(3), to make by order such modifications to the Definitive Map and Statement as appear to them to be requisite in consequence of the occurrence of that event. The events in section 53(3) include at section 53(3)(a)(i) the coming into operation of any enactment or instrument or any other event whereby a Highway shown in the map and statement has been authorised to be stopped up, diverted, widened or extended. An order made pursuant to an event in section 53(3)(a)(i) is known as a legal event modification order. Legal event modification orders simply record on the Definitive Map and Statement legal changes that have already taken place under some other legislation. They do not have to be advertised, are not subject to objections and take effect as soon as they are made. The modification order to be made by the Council will be a legal event modification order as it is being made as a result of the Stopping Up of Highways (North West) (No. 14) Order 2018. (A Evans)

8      **Co-operative Implications**

8.1      No comments (James Mulvaney, Policy Manager)

9      **Human Resource Implications**

9.1      None.

10      **Risk Assessments**

10.1      Based on the report contents and legal comments in this report the recommended option appears to have no significant risks. (Vicki Gallacher, Head of Insurance and Information Management)

11      **IT Implications**

11.1      None.

12      **Property Implications**

12.1      None.

13      **Procurement Implications**

13.1      None.

14      **Environmental and Health & Safety Implications**

14.1      None.

15      **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

15.1      None.

- 16 **Oldham Equality Impact Assessment, including implications for Children and Young People**
- 16.1 No
- 17 **Key Decision**
- 17.1 No
- 18 **Key Decision Reference**
- 18.1 N/A
- 19 **Background Papers**
- 19.1 None
- 20 **Appendices**
- 20.1 1) Stopping Up of Highways (North West) No.14) Order 2018  
2) Order Plan

**Schedule – Current Definitive Statements**

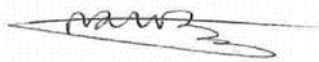
<b>District and path number</b>	<b>Page Number</b>	<b>Status</b>	<b>Length (m)</b>	<b>Description</b>	<b>Comments</b>
OLDHAM 186	5	Footpath	140	Path leaves Holyrood Street to the east of the bridge and follows south side of wire fence. Path crosses waste ground as a trodden path in an easterly direction then turns north and joins path 123 40m north at the end of London Road DMMO 1 Sept 2001	Public path diversion (part) order 30.7.1991
OLDHAM 187	5	Footpath	110	From Bartlemoor Street in a northerly	

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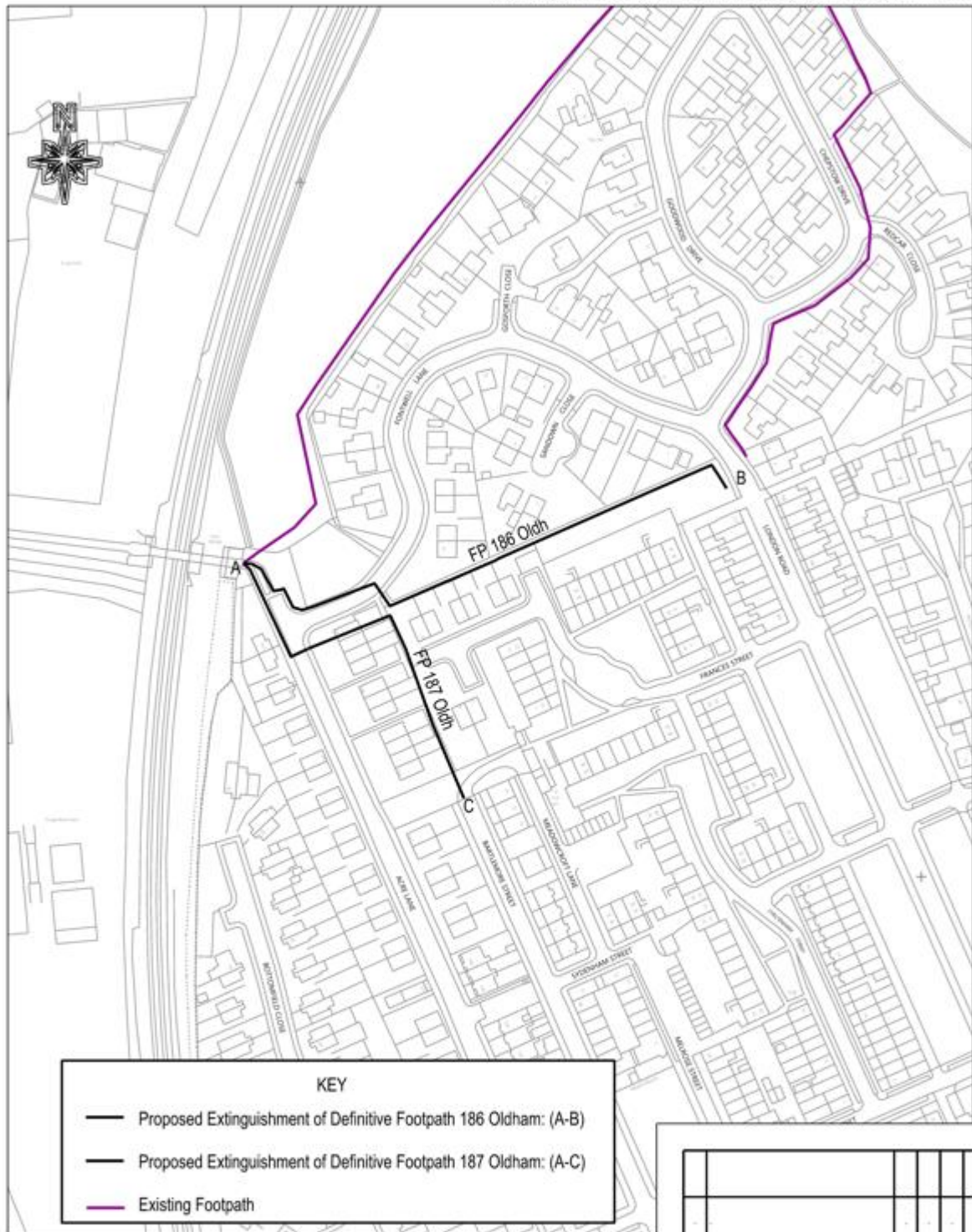
				direction as a rough road approximately 5m wide. Turns east around the backs of 178-188 Acre Lane and is used by traffic as access to garages. Beyond the houses path turns north west to the railway bridge as a well worn track - bollards prevent vehicles from using last 60m of path	
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In consultation with Director of Environment

Signed :



Date: 31.05.2024



Rev	Revision details	By	Chk	App	Date



**Oldham Council**

**Place and Economic Growth  
HIGHWAYS & ENGINEERING**  
Oldham Council Offices, Spindles Shopping Centre,  
George Street, Oldham OL1 1HD

Client Oldham MBC	
Project Acre Lane and Fontwell Lane, Oldham	
Drawn by RW	Date 05/24
Checked by LK	Date 05/24
Approved by	Date
Purpose of issue information	
Scale at A4 size 1:2000	

Title Extinguishment of Public Highway Combined Order s247 Town and Country Planning Act 1990 Extinguishment of Public Footpath 186, Public Footpath 187 Oldham and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement	
Drawing No. <b>764/A4/245/1</b>	Rev. .



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**APPENDIX 1**

**Stopping Up of Highways (North West) No.14) Order 2018**



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**TOWN AND COUNTRY PLANNING ACT 1990**

**THE STOPPING UP OF HIGHWAYS (NORTH WEST) (NO.14) ORDER 2018**

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown on the plan, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act by Oldham Metropolitan Borough Council under reference PA/340556/17.

2. (1) The developer shall to the reasonable satisfaction of the Council provide:-

(a) new highways which shall be footpaths along the routes shown in red on the plan; and

(b) improvement of the highway shown in grey on the plan.

(2) The new footpaths shall be highways which for the purposes of the Highways Act 1980 are highways maintainable at the public expense and the Council shall be the highway authority for them.

3. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

4. In this Order -

"the Council" means Oldham Metropolitan Borough Council

"the developer" means First Choice Homes Oldham

"the plan" means the plan numbered NATTRAN/NW/S247/3017, marked "Highways at Derker in the Metropolitan Borough of Oldham", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards-on-Sea, Hastings, East Sussex TN37 7GA.

5. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping Up of Highways (North West) (No.14) Order 2018.

Signed by authority of  
the Secretary of State  
15 February 2018



GARY PATRICK  
An Official in the  
National Transport Casework Team  
Department for Transport

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## THE SCHEDULE

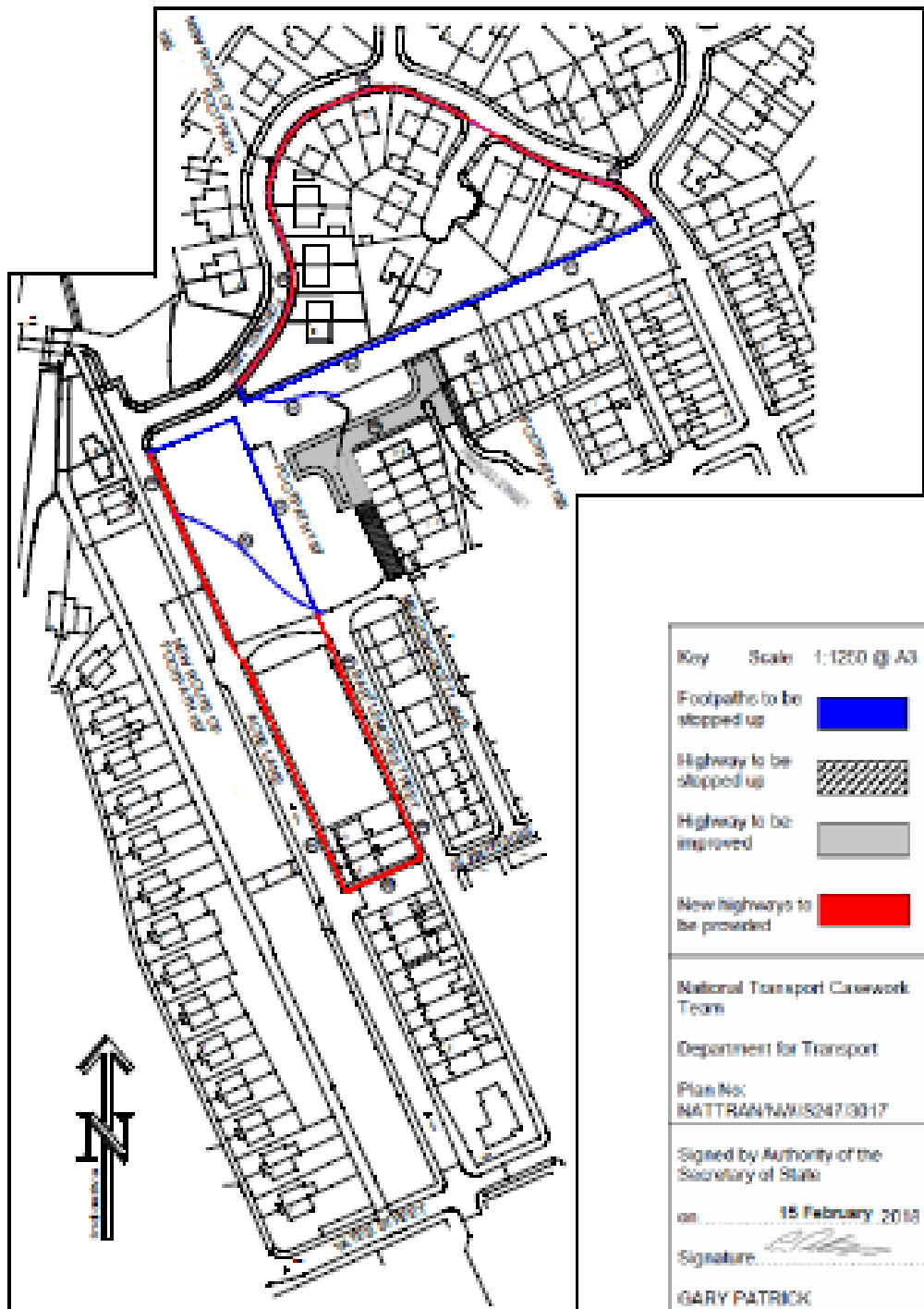
### Description of highways to be stopped up






The highways to be stopped up are at Derker in the Metropolitan Borough of Oldham, shown on the plan as:

1. The whole of footpath 186. (Marked 1 on the plan.)
2. The whole of footpath 187. (Marked 2 on the plan.)
3. The whole of the unnamed footpath adjoining Fontwell Lane. (Marked 3 on the plan.)
4. The whole of the unnamed footpath connecting Bartlemore Street to Acre Lane. (Marked 4 on the plan.)
5. A length of Meadowcroft Lane, commencing 13 metres north west of the north western corner of 1 Frances Street. It extends in a south easterly direction for a distance of 25 metres. (Marked 5 on the plan.)

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**APPENDIX 2**  
**ORDER PLAN**



Key	Scale	1:1250 @ A3
Footpaths to be stopped up		
Highway to be stopped up		
Highway to be improved		
New highways to be provided		
National Transport Casework Team		
Department for Transport		
Plan No: NATTRAN/NI/5247/0017		
Signed by Authority of the Secretary of State		
on 15 February 2010		
Signature 		
GARY PATRICK An Officer in the National Transport Casework Team Department for Transport		

**HIGHWAYS AT DERKER IN THE METROPOLITAN BOROUGH OF OLDHAM**



## **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.**

**Portfolio Holder:**

Councillor Goodwin, Cabinet Member for Don't Trash Oldham

**Officer Contact:** Nasir Dad, Director of Environment

**Report Author:** Liam Kennedy, PRow Officer

Ext. 4306

#### **TRO Panel - 13 June 2024**

**Reason for Decision**

To seek 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 in Schedule 3.

**Recommendation**

The Panel is requested to approve the application to the Planning Inspectorate to confirm the Order subject to the modifications detailed in Schedule 3.

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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.****1 Background**

- 1.1 Oldham 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 January 2024, which was subsequently advertised in the local press and received an objection.
- 1.2 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 current description of the footpath route in the Definitive Statement is detailed in Schedule 1 and the revised description of the footpath route contained in the Order is detailed in Schedule 2.
- 1.3 The objection requests the replacement in the revised Definitive Statement in Schedule 2 of the wording 'red tin footbridge' with 'Victorian steel lattice footbridge'. It is considered that the proposed wording is a more appropriate description of the footbridge.
- 1.4 The objection may be satisfied 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.

**2 Proposal**

- 2.1 To submit the Order to the Planning Inspectorate with a request that the Order be confirmed subject to the inclusion of the proposed amended wording to the Definitive Statement detailed in Schedule 3.

**3 Options/Alternatives**

- 3.1 Option 1: To agree to the proposed amendments to the Made Order.  
Option 2: Not to agree to the proposed amendments.

**4 Preferred Option**

- 4.1 It is recommended that Option 1 be approved to satisfy the objection and permit the Order to be confirmed and brought into effect without undue delay.

**5 Consultation**

- 5.1 The Ward Members have been consulted and no comments have been received.

**6 Financial Implications**

- 6.1 None.

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7      **Legal Implications**

7.1      The Council does not have the power to amend a Public Path Diversion and Definitive Map and Statement Modification Order after it has been made. Modifications can only be made by the Planning Inspectorate. It is 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. (A Evans)

8      **Co-operative Implications**

8.1      No comments (James Mulvaney, Policy Manager)

9      **Human Resource Implications**

9.1      None.

10     **Risk Assessments**

10.1     Based on the legal comments in this report the recommendation that this matter is referred to the Planning Inspectorate to confirm the order subject to any amended wording and satisfy any objections appears to mitigate any risks associated with this report.

Vicki Gallacher (Head of Insurance and Information Management)

11     **IT Implications**

11.1     None.

12     **Property Implications**

12.1     None.

13     **Procurement Implications**

13.1     None.

14     **Environmental and Health & Safety Implications**

14.1     None.

15     **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

15.1     None.

16     **Oldham Equality Impact Assessment, including implications for Children and Young People**

16.1     No

17     **Key Decision**

17.1     No

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18 **Key Decision Reference**

18.1 N/A

19 **Background Papers**

19.1 None.

20 **Appendices**

20.1 None.

**Schedule 1 – Current Definitive Statement**

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 152	10	F.P	171	This is a British Rail footbridge from Churchill Street to Gas Street	OLDHAM 152

**Schedule 2 – Proposed Modification of Definitive Statement in the Order**

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 152	10	F.P	154	Footpath 152 Oldham commences at (GR SD93198 04732) proceeding in a north-westerly direction across the <b>red tin</b> footbridge for a distance of approximately 126m to (GR SD93119 04830) Then proceeding northeast for a distance of approx. 28m down the ramp to terminate at (GR SD93143 04845) on the adopted footway on the southern side of Oldham Way.	1 Footbridge

The words to be removed are highlighted in bold.

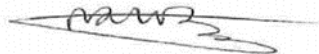


**Schedule 3 – Proposed Modification of Definitive Statement to be submitted to the Planning Inspectorate**

<b>District and path number</b>	<b>Page Number</b>	<b>Status</b>	<b>Length (m)</b>	<b>Description</b>	<b>Comments</b>
OLDHAM 152	10	F.P	154	Footpath 152 Oldham commences at (GR SD93198 04732) proceeding in a north-westerly direction across the <b>Victorian steel lattice</b> footbridge for a distance of approximately 126m to (GR SD93119 04830) Then proceeding northeast for a distance of approx. 28m down the ramp to terminate at (GR SD93143 04845) on the adopted footway on the southern side of Oldham Way.	1 Footbridge

The amended wording is shown in bold.

In consultation with Director of Environment



Signed :

Date: 31.05.2024





**Report to TRAFFIC REGULATION ORDER PANEL**

## **Definitive Map and Statement Modification Order Update - Diversion of Definitive Footpath 26 Oldham, land off Knowls Lane, Oldham**

**Portfolio Holder:** Councillor Goodwin, Cabinet Member for Don't Trash Oldham

**Officer Contact:** Nasir Dad, Director of Environment

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

**13th June 2024**

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### **Reason for Decision**

The purpose of the report is 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.

### **Recommendation**

It is recommended that the Panel agree to submit to the Planning Inspectorate the proposed amendments to the Definitive Map and Statement Modification Order relating to Footpath 26 Oldham detailed in Appendix 3 of the report.

**Definitive Map and Statement Modification Order Update - Diversion of Definitive Footpath 26 Oldham, Land off Knowls Lane, Oldham****1 Background**

- 1.1 At the last meeting on 14 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.
- 1.2 The Council 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 have 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.
- 1.3 The Council made an order diverting Footpath 26 Oldham, over the proposed link road via a stepped route on 4 May 2022. A copy of the order is attached at Appendix 1. 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 13-14 June 2023. The Inspector's decision (ref: ROW/3303492) not to confirm the Made Order was issued 31st 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.

**2 Current Position**

- 2.1 As a result of the High Court Consent Order, we are now in a position of having made the Order and it remains to be confirmed. As objections remain unresolved, the matter has again been referred to the Secretary of State to confirm the Made Order and will be determined by an Inspector appointed on behalf of the Secretary of State by the written representations procedure. Since the last meeting of the Panel in March, the Planning Inspectorate have confirmed the timescales for the written representations procedure.
- 2.2 The written representations procedure will start on 4 June 2024 and the Council has until 18 June 2024 to submit its statement of case to the Planning Inspectorate. Everyone who has made an objection or representation or any other written representation about the order, or any other person wishing to make representations in writing, then has until 30 July 2024 to submit their statement of case and by 14 September. Everyone who has made an objection or representation, the Council, the applicant and anyone who has written to the Planning Inspectorate in respect of the order must ensure that any comments they wish to make about any or every other statement of case is received by the Planning Inspectorate. It is not proposed to submit any additional statement of case but to rely on the Council's statements of case which were submitted for the public inquiry, copies of which are attached at Appendix 2.
- 2.3 Prior to the public inquiry in June 2023, it was noted that modifications to the Made Order were required to amend the description of the overall length and description of the

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footpath in the definitive statement for Footpath 26 Oldham, to reflect the fact that Footpath 26 Oldham terminates at Footpath 197 Saddleworth. Footpath 26 Oldham joins Footpath 25 Oldham and then runs to meet Footpath 197 Saddleworth where it terminates. The measurements given in the Order were only between its commencement at Knowls Lane and where it joined Footpath 25 Oldham. The amendments also removed the reference to the number of steps and riser depth, specified the width of the stepped route and confirmed that the diversion of the footpath would take effect when the Council certifies that the diverted route has been provided. The amendments were submitted by the Director of Legal Services acting under delegated powers and were accepted by the previous Planning Inspector and would have been included in the Confirmed Order if the decision had been to confirm the Made Order.

2.4 However, as the Inspector did not confirm the Made Order and as given that the decision was subsequently quashed, the Council will need to submit the amendments to the Planning Inspectorate again to be considered by a new Inspector appointed as part of the written representations procedure. The proposed amendments to the Made Order are detailed in Appendix 3, and include 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.

2.5 Russell Homes have recently submitted to the Council a non-material amendment (NMA/352826/24) to their planning permission relating to the stepped route. The amendment proposes that the stepped route should consist of 30 steps on either side of the proposed link road with treads @ 1200 mm and risers @170 mm and 1:4.5 gradient of steps overall. Handrails will also be provided. The proposed amendment is currently being consulted on by the Planning Section.

### **3 Options/Alternatives**

3.1 Option 1 is to submit the proposed amendments to the Made Order detailed in Appendix 3 to the Planning Inspectorate.

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

### **4 Preferred Option**

4.1 It is recommended that Option 1 be approved. This will assist the Planning Inspector, as without modification, the Made Order will be inaccurate and Footpath 26 Oldham will be incorrectly described in the definitive statement. It would also be unclear when the diversion can be brought into effect (in the event that the Made Order is confirmed by the Planning Inspector).

4.2 If the Panel were to approve Option 2, then Officers would not be authorised to submit the amendments to the Planning Inspector or confirm the Council's agreement to those amendments to the Inspector (if they were submitted by another party to the appeal) so it would be a matter for the Inspector to decide whether they recommend to the Secretary of State that such modifications should be made in any event.

### **5 Consultation**

5.1 The Ward Members have been consulted and no comments have been received.

### **6 Financial Implications**

6.1 None.

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7      **Legal Implications**

7.1      The Planning Inspector may make minor modifications to a diversion order provided that they do not affect land not affected by the order (eg the modifications cannot make a diversion follow a different route). The proposed amendments to the Made Order detailed in Appendix 3 do not affect the line of the proposed diversion route in the Made Order and can be considered to be minor as they are either procedural or they correct inaccuracies in the description of Footpath 26 Oldham in the definitive statement. (A Evans)

8.      **Co-operative Implications**

8.1      No comments (James Mulvaney, Policy Manager)

9      **Human Resource Implications**

9.1      None

10      **Risk Assessments**

10.1      The legal comments are separately noted in this report., based on those comments it appears there is a relatively low risk for this report as the modification is only to correct the previous Order in relation to the wording. There is potential risk around this project as it has previously been subject to a Judicial Review and there may be further objections received. (Vicki Gallacher)

11      **IT Implications**

11.1      None

12      **Property Implications**

12.1      None

13      **Procurement Implications**

13.1      None

14      **Environmental and Health & Safety Implications**

14.1      None

15      **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

15.1      None

16      **Oldham Equality Impact Assessment, including implications for Children and Young People**

16.1      No

17      **Key Decision**

17.1      No

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18 **Key Decision Reference**

18.1 N/A

19 **Background Papers**

19.1 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 :

File Ref : TM2 - 249

Name of File : FP26 OLDH Knowls Lane

Records held in Highways Department central electronic storage.

Officer Name : Liam Kennedy

Contact No : 0161 770 4306

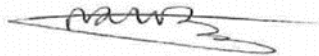
20 **Appendices**

20.1 Appendix 1 – Oldham Borough Council (Footpath 26 Oldham) Public Path Diversion and Definitive Map and Statement Modification Order 2022

Appendix 2 – Council statements of case for the public inquiry

Appendix 3 – Proposed amendments to the Oldham Borough Council (Footpath 26 Oldham) Public Path Diversion and Definitive Map and Statement Modification Order 2022

In consultation with Director of Environment



Signed :

Date: 31.05.2024

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**APPENDIX 1**

**OLDHAM BOROUGH COUNCIL (FOOTPATH 26 OLDHAM) PUBLIC PATH DIVERSION AND  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2022**



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**PUBLIC PATH DIVERSION AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53A(2)**

**OLDHAM BOROUGH COUNCIL (FOOTPATH 26 OLDHAM) PUBLIC PATH DIVERSION  
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2022**

This order is made by Oldham Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely MMA/344723/20 – Section 73 application. Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full).

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of highways hitherto shown or required to be shown in the map and statement.

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order (“the Schedule”) shall be diverted and the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map and statement shall be modified as described below.
2. There shall be created to the reasonable satisfaction of Oldham Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the confirmation of this order and upon the occurrence of the diversion the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map shall be modified by deleting from it the path or way referred to in paragraph 1 of this order and the path or way referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

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## SCHEDULE

### PART 1

#### Description of site of existing path or way

Existing Footpath 26 Oldham commencing 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 as shown on the attached map.

### PART 2

#### Description of site of alternative highway

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, a total distance of 435 metres or thereabouts as shown on the attached map.

### PART 3

#### Modification of Definitive Statement

#### Variation of particulars of path or way

#### Statement to be deleted

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.	

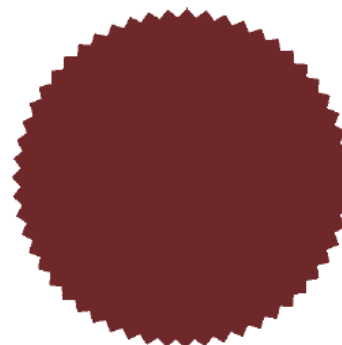
**Statement to be added**

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 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, a total distance of 435 metres or thereabouts.	Min. width 1 metre  79 steps with treads @ 178 mm riser

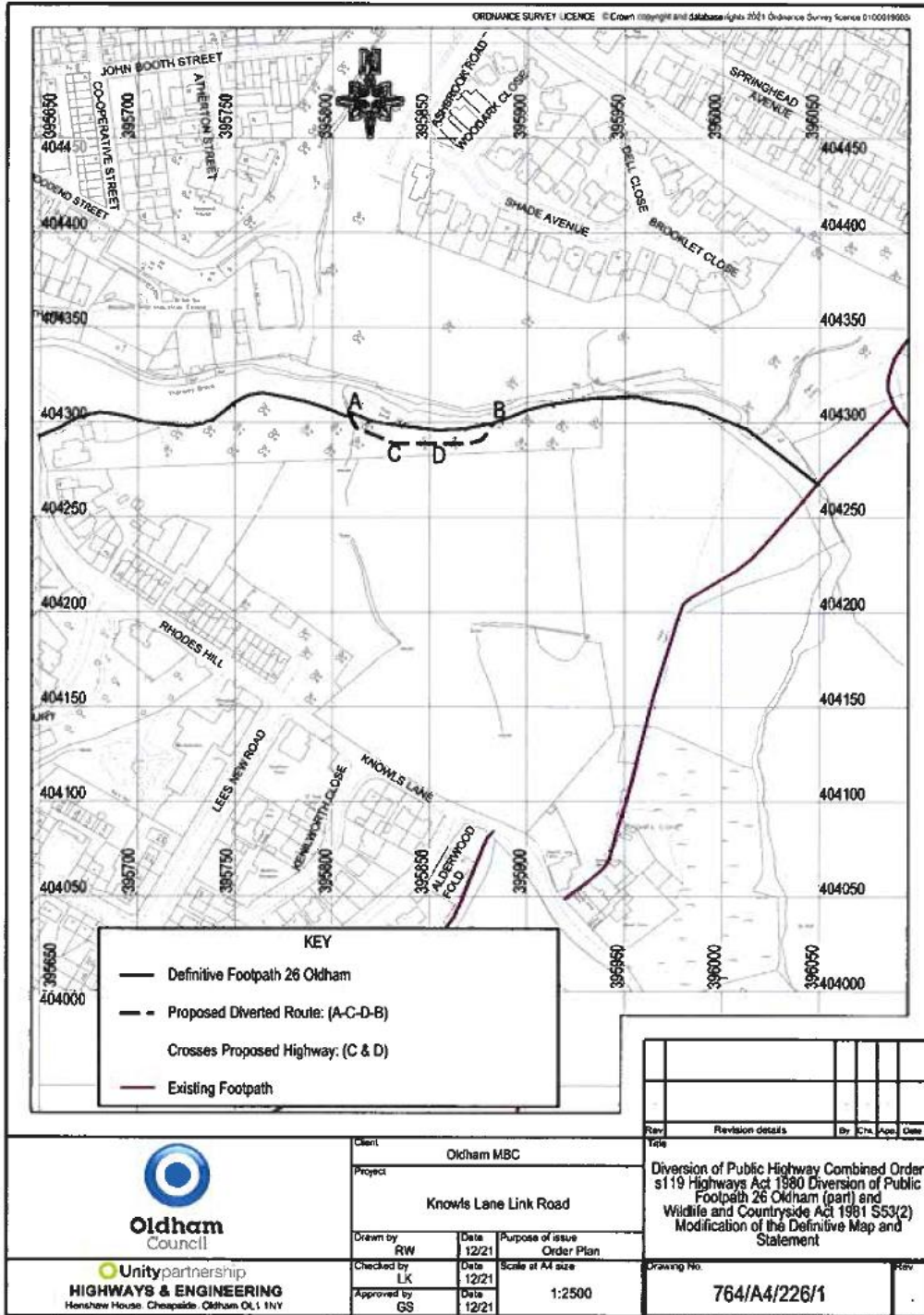
THE COMMON SEAL of )  
 OLDHAM BOROUGH )  
 COUNCIL was hereunto )  
 affixed on 4<sup>th</sup> May 2022 )  
 in the presence of: - )

RE

*Alan Evans*  
**ALAN EVANS**  
**GROUP SOLICITOR**



Number in Seal Book  
 7804/22<sup>B</sup>



*Alan Evans*  
**ALAN EVANS**  
**GROUP SOLICITOR**

Number in Section  
 7804/22 C

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**APPENDIX 2**

**COUNCIL STATEMENTS OF CASE FOR THE PUBLIC INQUIRY**

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It is considered necessary for the Oldham Borough Council (Footpath 26 Oldham) Public Path Diversion and Definitive Map and Statement Modification Order 2022 to be confirmed to enable development to be carried out which was approved under planning application number MMA/344723/20.

The planning application was made under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to planning permission PA/343269/19 for up to 265 new homes (outline) and a new link road between Knowls Land and Ashbrook Road, Oldham (full), in particular condition 13 (link road plans). Planning permission was granted on 23 April 2021.

Condition 12 of the planning permission specifies that link road and associated highways infrastructure will be developed in accordance with specified approved drawings, including Path Realignment Works (Sutcliffe) Drawing No. 28959-628-P5, which shows the diverted route of Footpath 26 Oldham crossing the link road via 4 flights of steps on either side of the link road.

The link road authorised by the planning permission will cross Thornley valley via an embankment to join Knowls Lane with Ashbrook Road, Oldham. Thornley Brook flows along the valley bottom and Footpath 26 Oldham runs alongside Thornley Brook. The construction of the embankment to carry the link road across Thornley valley will obstruct Footpath 26 Oldham. It is therefore necessary to divert Footpath 26 Oldham over the link road. Otherwise it will not be possible to implement the planning permission MMA/344723/20, as the embankment and link road will be obstructing the route of a public right of way, which is a criminal offence.

During the planning process the possibility of crossing the valley via a bridge, which would not have required the diversion of the footpath, was considered but was discounted due to construction and maintenance implications, environmental considerations and for viability reasons. A tunnel through the embankment was also discounted for practical reasons, including that it may create a security hazard for vulnerable footpath users and deter use. It was determined that a stepped diversion route to take footpath users from the valley floor up and over the link road and back down to the valley bottom was the most appropriate method of diverting the footpath. A ramped access route was not considered appropriate as it would require a path length of approximately 160 metres to allow for ramps and landings, compared to approximately 89 metres for the stepped route, resulting in greater ecological impact and loss of woodland than the stepped route. Planning permission was therefore granted by the Council for a stepped access diversion of Footpath 26 Oldham across the new link road as detailed on Drawing No. 28959-628-P5 referred to in condition 12 of the planning permission.

The Council considers that the Order should be confirmed as otherwise the planning permission MMA/344723/20 cannot be implemented and the link road cannot be constructed. If the Order is not confirmed, a new planning permission would be required which diverted the footpath in a different manner.

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## ADDITIONAL STATEMENT OF CASE OF OLDHAM COUNCIL

1. Further to the statement of reasons submitted by the Council to the Planning Inspectorate with the order, the Council would like to submit the following additional information in support of the grounds on which the order should be confirmed.
2. As stated previously, the Council considers that the order should be confirmed to enable the planning permission MMA/344723/20 (variation of conditions attached to planning permission PA/343269/19 for up to 265 new homes (outline) and a new link road between Knowls Land and Ashbrook Road, Oldham (full)) to come forward, without which the residential outline element cannot be implemented and the link road cannot continue to be constructed.
3. The site of the proposed housing development occupies a sustainable location close to a variety of services and amenities. Implementation of the housing development will make an important contribution towards ensuring that the Council can achieve its 5 year housing land supply provision for which there has been under-supply in recent years, particularly in the Saddleworth West and Lees ward of the Borough, within which the site is located.
4. The housing development will also significantly supplement the provision of affordable housing units in the area, with 53 additional properties to be provided, adding choice to the available mix of accommodation locally. The scheme also includes land release to facilitate future expansion to local primary school places.
5. Furthermore, the proposed link road, which will cross the existing route of Footpath 26 Oldham, will not only serve the approved residential development, but also bring to fruition a long-standing development plan commitment to relieve traffic levels at the nearby Hartshead Street junction with the A669 Oldham Road, creating wider benefits for the local community.
6. Consequently, there are significant planning benefits in ensuring the development can progress by approving the diversion of Footpath 26 Oldham.
7. In relation to the accessibility of the proposed footpath diversion, upon receipt of the footpath diversion application, the Council provided representatives of The Ramblers Association (RA) and the Peak and Northern Footpath Society (PNFS) with details of the proposed diversion and steps construction detail. The response from PNFS was that in principle there were no objections to the diversion 'in order to cross the new road in a sensible way' and that the proposed riser depth of 178mm be reduced to the maximum recommended depth of 175mm and include a concrete edging to maximise longevity of the new structure. The RA were in agreement with the comments made by PNFS (see Appendix 1 for copies of the emails).

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**APPENDIX 3**

**PROPOSED AMENDMENTS TO THE OLDHAM BOROUGH COUNCIL (FOOTPATH 26  
OLDHAM) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2022**



**Oldham Borough Council (Footpath 26 Oldham) Public Path Diversion and Definitive Map and Statement Modification Order 2022**

**Proposed amendment to paragraph 3 of the Order**

3. The diversion of the footpath shall have effect on the **date on which Oldham Borough Council certify that the terms of paragraph 2 above have been complied with** and upon the occurrence of the diversion the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map shall be modified by deleting from it the path or way referred to in paragraph 1 of this order and the path or way referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule.

**Proposed amended Definitive Statement to be added**

<b>District and page number</b>	<b>Page Number</b>	<b>Status</b>	<b>Length</b>	<b>Description</b>	<b>Comments</b>
Oldham Footpath 26	11	Footpath	<b>519 metres</b>	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 <b>of 1.2 metres width</b> 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 <b>of 1.2 metres width</b> to 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, <b>then proceeding in a generally north easterly direction for a distance of approximately 84 metres before joining FP197 Saddleworth at GR SD 96088 04334, a total distance of 519 metres or thereabouts.</b>	

The amended wording is indicated in bold writing

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