

Report to TRO Panel

Public Path Diversion and Definitive Map and Statement Modification Order

S257 Town and Country Planning Act 1990 - Diversion of Definitive Footpaths 46, 47 & 48 Chadderton, at Broadway, Chadderton, and s53A Wildlife and Countryside Act 1981 Modification of the Definitive Map and Statement

Portfolio Holder:

Councillor A Chadderton, Cabinet Member for Neighbourhoods

Officer Contact: Deputy Chief Executive – People and Place

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Ext. 4306

25 November 2021

Purpose of Report

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 46, 47 & 48 Chadderton at Broadway, Chadderton as detailed in the report.

Executive Summary

The Council has received an application from Countryside Properties, Great Places Housing Association and FO Developments to facilitate the proposed residential development of up to 160 affordable dwellings. Planning Ref: FUL/345659/20 (Approved 3 June 2021).

Consultations with user groups over the application did not result in any objections.

Recommendation

It is recommended that the Council make a Public Path Diversion and Definitive Map and Statement Modification Order for the diversion of Footpaths 46, 47 & 48 Chadderton 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 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.

**Public Path Diversion and Definitive Map and Statement Modification Order
S257 Town and Country Planning Act 1990 - Diversion of Footpaths 46, 47 & 48 Chadderton
at Broadway, Chadderton and s53A Wildlife and Countryside Act 1981 Modification of the
Definitive Map and Statement**

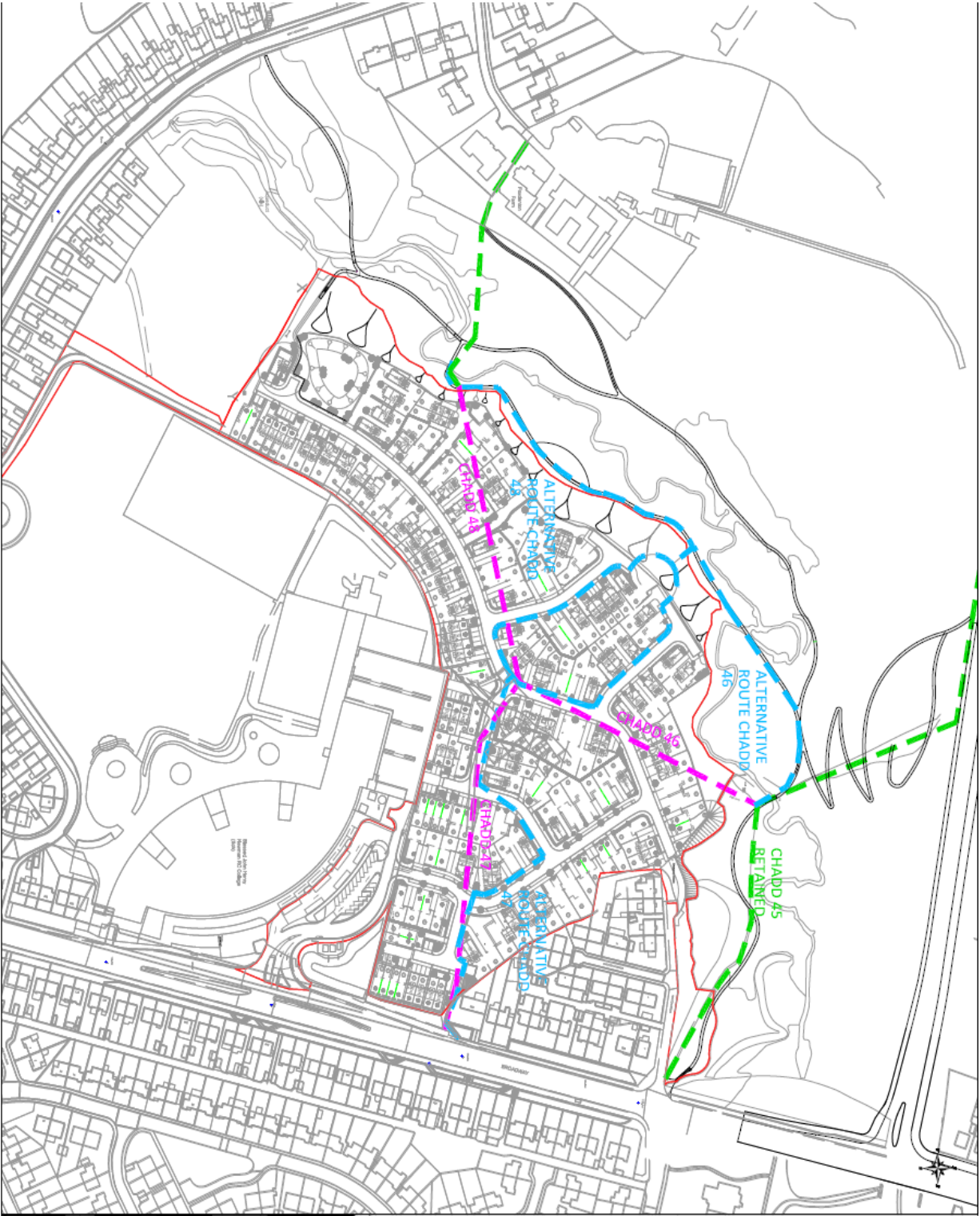
1 Background

- 1.1 The Application has been made by the 3 parties named above in relation to the proposed construction of a residential development of up to 160 residences of 'affordable housing' (FUL/345659/20).
- 1.2 The Order-making and Confirming Authority are guided to authorise the diversion 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.

2 Proposal

- 2.1 The route of Footpath 46 Chadderton is shown on attached plan (764/A4/225/1). The path commences at point B south west of Chilton Avenue (approximately 147m from end of cul de sac) following a slight north-easterly route for approximately 157m where it meets Footpaths 44 (East) & 45 (West) Chadderton at point E. The existing route runs through undeveloped land (i.e. fields). The description of the current route is given in Schedule 1.
- 2.2 The diverted path is also shown on the plan and follows points J-I-H-G-F-E. The path then meets existing footpaths 44 (East) & 45 (West), Chadderton. The description of the diverted route is given in Schedule 2.
- 2.3 The route of Footpath 47 Chadderton is shown on attached plan (764/A4/225/1). The path commences at point B south west of Chilton Avenue (approximately 147m from end of cul de sac) following a south easterly route for approximately 38m to point C, then proceeds east for approximately 162m to point D, joining Broadway, Chadderton. The description of the current route is given in Schedule 1.
- 2.4 The diverted path is also shown on the plan and follows points J-M-N-O-P-R-Q. The path then terminates at Broadway, Chadderton. The description of the diverted route is given in Schedule 2.
- 2.5 The route of Footpath 48 Chadderton is shown on the attached plan (764/A4/225/1). The path commences at point A (approximately 170m west of the current convergence of Footpaths 46, 47 & 48 and proceeds east for approximately 170m to join Footpaths 46 & 47 Chadderton at point B.
- 2.6 The diverted path is also shown on the plan and follows points A-F-G-K-L-J. The path then meets the proposed diverted Footpaths 46 & 47 at point J. The description of the diverted route is given in Schedule 2.
- 2.7 The existing alignment of the Footpaths would be directly affected by the housing development being constructed by the applicants.
- 2.8 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.
- 2.9 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpaths 46, 47 & 48 Chadderton. 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
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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.



- NOTES**
- INDICATIVE SITE BOUNDARY
 - - - EXISTING PRoW RETAINED
 - - - EXISTING PRoW - TO BE INVERTED
 - - - PROPOSED PRoW - ALTERNATIVE ROUTES



FO DEVELOPMENTS	
BROADWAY, CHADDERTON	
PROPOSED PUBLIC RIGHTS OF WAY PLAN	
SCALE:	1:1000 @ A1
DATE:	MAR 21
DESIGNED BY:	TR
CHECKED BY:	TR
DATE:	MAR 21
Eddisons 140 CHADWICK ROAD CHADDERTON, TOWN OF CHADDERTON, WEST YORKSHIRE, LS17 8JG 0113 276 0000 www.eddisons.co.uk	
PROJECT NUMBER:	3038-02
REVISION:	C



Schedule 1

Description of Existing Footpath Routes – Drawing 764/A4/225/1

Existing FP 46 Chadderton commences at point B (GR SD89918 04752) proceeding in a slight north-easterly direction for a distance of approximately 160 metres to point E (GR SD89980 04899) meeting Footpaths 44 & 45 Chadderton.

Existing FP 47 Chadderton commences at point B (GR SD89918 04752) following a south-easterly route for approximately 38m to point C (GR SD89946 04727) then proceeds east for approximately 162m to point D (GR SD90109 04706) terminating at Broadway, Chadderton.

Existing FP 48 Chadderton commences at point A (GR SD89751 04722) proceeding east for approximately 171m to point B (GR SD89918 04752) to meet existing FPs 46 & 47 Chadderton.

Schedule 2

Description of Proposed Diverted Footpath Routes – Drawing 764/A4/225/1

Footpath 46 Chadderton commencing at point J (GR SD89910 04746) and proceeding for a distance of 54 metres in a slight north-easterly direction to point I (GR SD89928 04796) then turning to and proceeding in a north-westerly direction for a distance of 83 metres to point H (GR SD89868 04839) from where an anti-clockwise circular route is followed for a distance of 20 metres to point G (GR SD89849 04840), then heading north-west for a distance of 16 metres to point F (GR SD89840 04853) finally heading north-east for a distance of 166 metres to point E (GR SD89980 04899) at the junction of existing footpaths 44 & 45 Chadderton for a total distance of 339 metres or thereabouts. This route follows the proposed layout of the estate roads in the FO Developments plan shown below.

Footpath 47 Chadderton commencing at point J (GR SD89910 04746) and proceeding in a slightly south-easterly direction for a distance of 64 metres to point M (GR SD89971 04727) then heading in a north-easterly direction for a distance of 58 metres to point N (GR SD90013 04764). Turning and heading in a south-easterly direction for a distance of 45 metres to point O (GR SD90032 04725) then further south-east to a lesser degree for a distance of 52 metres to point P (GR SD90079 04718). Proceeding further south-east for a distance of 28 metres to point R (GR SD90104 04707) then turning and proceeding north-east for a distance of 13 metres to point Q (GR SD90114 04716) rejoining Broadway, Chadderton for a total distance of 260 metres or thereabouts. This route follows the proposed layout of the estate roads in the FO Developments plan shown below.

Footpath 48 Chadderton commencing at point A (GR SD89751 04720) and proceeding north and north-east for a distance of 169 metres to point F (GR SD89840 04853) then turning and heading south-east for a distance of 16 metres to point G (GR SD89849 04840). Proceed in an anti-clockwise semi-circular route heading south-west to south east for a distance of 22 metres to point K (GR SD89847 04820) then head south-east and south for a distance of 97 metres to point L (GR SD89885 04737) then slightly north-east for a distance of 27 metres to point J (GR SD89910 04746) at the junction of proposed diversions to footpaths 46 & 47 Chadderton, for a total distance of 331 metres or thereabouts. This route follows the proposed layout of the estate roads in the FO Developments plan shown below.

Schedule 3

Current Definitive Statement

District and page number	Page Number	Status	Length	Description	
Chadderton Footpath 46	9	Footpath	193 metres	From the junction of path Nos. 44 and 45 to the junction of path Nos. 47 and 48	
Chadderton Footpath 47	9-10	Footpath	209 metres	From the junction of path Nos. 46 and 48 to Broadway	
Chadderton Footpath 48	9	Footpath	418 metres	From the junction of paths Nos. 46 and 47 to Foxdenton Lane	

Schedule 4

Modification of Definitive Statement

District and page number	Page Number	Status	Length	Description	Comments
Chadderton Footpath 46	9	Footpath	339 metres	Footpath commencing at junction with FP47 & 48 CHADD (GR SD89910 04746) and proceeding for a distance of 54 metres in a slight north-easterly direction following estate road to GR SD89928 04796, then proceeding in a north-westerly direction for a distance of 83 metres following estate road to GR SD89868 04839 from where an anti-clockwise circular route is followed for a distance of 20 metres to GR SD89849 04840, then heading north-west for a distance of 16 metres to GR SD89840 04853, finally heading north-east for a distance of 166 metres to GR SD89980 04899 at the junction of existing footpaths 44 & 45 Chadderton.	Min. width 1 metre

Chadderton Footpath 47	9-10	Footpath	260 metres	Footpath commencing at GR SD89910 04746 and proceeding in a slightly south-easterly direction following estate road for a distance of 64 metres to GR SD89971 04727, then heading in a north-easterly direction for a distance of 58 metres following estate road to GR SD90013 04764, then turning and heading in a south-easterly direction for a distance of 45 metres following estate road to GR SD90032 04725, then further south-east to a lesser degree for a distance of 52 metres following estate road to GR SD90079 04718. Proceeding further south-east for a distance of 28 metres following estate road to GR SD90104 04707, then turning and proceeding north-east for a distance of 13 metres to GR SD90114 04716 joining Broadway, Chadderton.
Chadderton Footpath 48	9	Footpath	503 metres	Footpath commencing at the junction of FPs 46 & 47 CHADD GR SD89910 04746 proceeding south-west for a distance of 27 metres following estate road to GR SD89885 04737, then proceeding north and north-west for a distance of 97 metres following estate road to GR SD89847 04820, then in a clockwise semi-circular route proceeding north-west to north-east for a distance of 22 metres to GR SD89849 04840, then turning and heading north-west for a distance of 16 metres to GR SD89840 04853, then proceeding in a general south-westerly direction for a distance of 169 metres to GR SD89751 04720, proceeding further slightly north-west for a distance of 101 metres to Foxdenton Farm (GR SD89650 04744), then proceeding south-west for a

				distance of approx. 100 metres to join Foxdenton Lane.	
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3 Options/Alternatives

3.1 Option 1: To approve the recommendation.

3.2 Option 2: Not to approve the recommendation.

4 Preferred Option

4.1 The Preferred option is to approve Option 1. This will enable continued usage of the PRoW network whilst simultaneously facilitating the construction and development of affordable housing within the Borough.

5 Informal Consultation

Parish Council

5.1 Not applicable.

Footpath Societies

5.2 The Ramblers Association and Peak and Northern Footpath Society have no objections to the proposal.

Ward Councillors

5.3 The Ward Councillors have been consulted and have the following comment:

The footpath network across Foxdenton is an important means of maintaining access with other parts of Chadderton and a means of encouraging cycling and walking in order to support the green agenda. Any measures to ensure that the network of footpaths continues to exist whilst the house building programme is also being developed is essential.

Landowners

5.4 The only affected landowner is the applicant.

6 Financial Implications

6.1 The applicant paid the standard Stopping Up fee of £2,685 on 11 August 2021. This fee covers all costs associated with this order including, advertising, site notices and administration incurred by the Council. (Nigel Howard)

7 Legal Services Comments

7.1 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)

8 **Co-operative Agenda**

8.1 Not applicable.

9 **Human Resources Comments**

7.1 None.

8 **Risk Assessments**

8.1 None

9 **IT Implications**

9.1 None.

10 **Property Implications**

10.1 None.

11 **Procurement Implications**

11.1 None.

12 **Environmental and Health & Safety Implications**

12.1 None.

13 **Equality, community cohesion and crime implications**

13.1 None

14 **Equality Impact Assessment Completed?**

14.1 Not Applicable

15 **Key Decision**

15.1 No.

16 **Key Decision Reference**

16.1 Not applicable.

17 **Background Papers**

17.1 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:

None.
