

Report to TRO Panel

Public Path Diversion and Definitive Map and Statement Modification Order

S257 Town and Country planning Act 1990 – Diversion of Definitive Footpath 26 Chadderton, at Burnley Lane to Chadderton Way, Chadderton, and S53A Wildlife and Countryside Act 1981 Modification of the Definitive Map & Statement

Portfolio Holder:

Councillor A Chadderton, Cabinet Member for Neighbourhoods

Officer Contact: Deputy Chief Executive – People and Place

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20 January 2022

Purpose of Report

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Chadderton at Burnley Lane to Chadderton Way, Chadderton as detailed in the report.

Executive Summary

The Council has received an application from Swansway Garages Ltd to facilitate the proposed development of Volkswagen Motor Dealership.
Planning Ref: PA/340499/17 (Approved 23 October 2017).

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 Footpath 26 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.

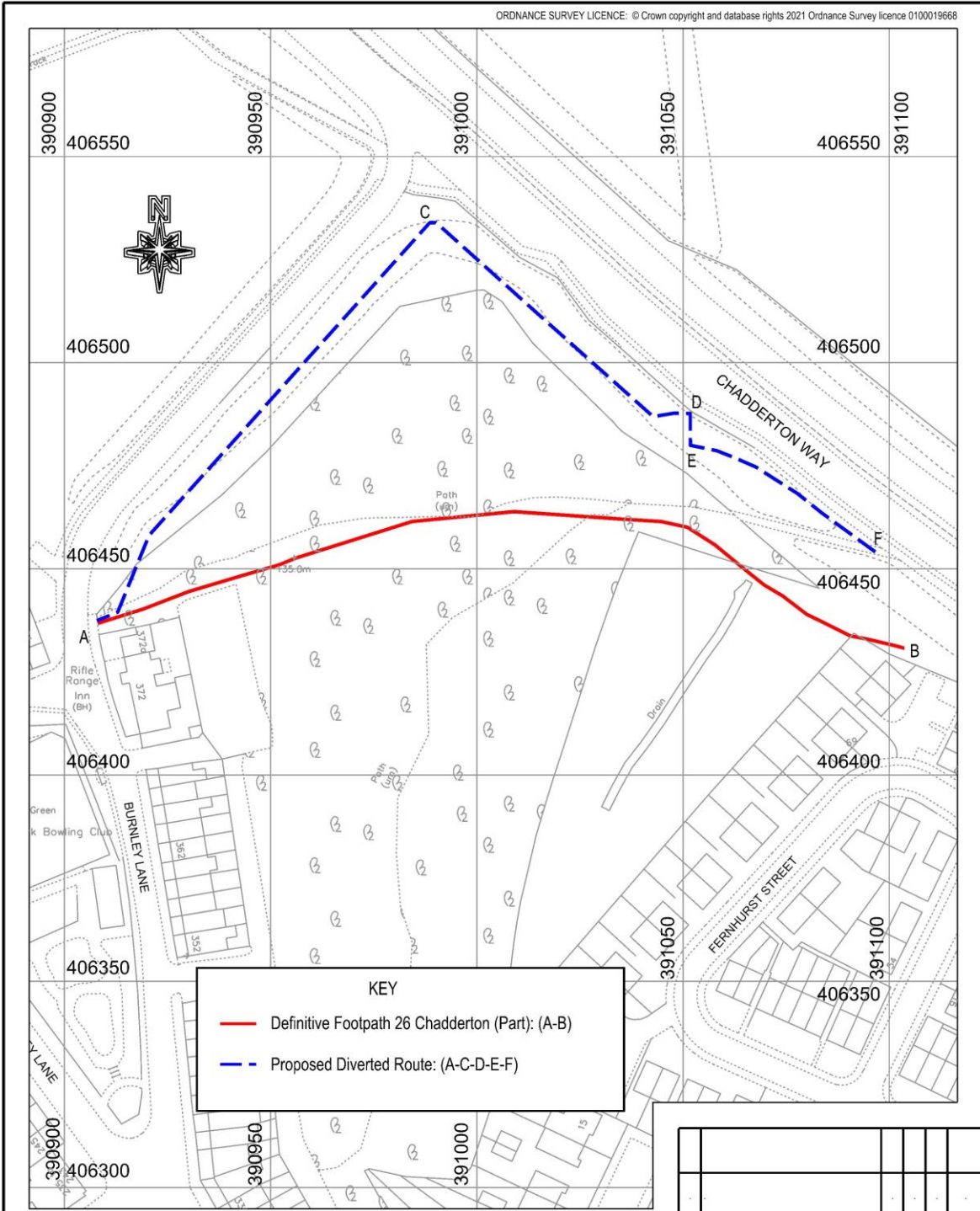
**Public Path Diversion and Definitive Map and Statement Modification Order
S257 Town and Country Planning Act 1990 - Diversion of Footpath 26 Chadderton at
Burnley Lane to Chadderton Way, Chadderton and s53A Wildlife and Countryside Act 1981
Modification of the Definitive Map and Statement**

1 Background

- 1.1 The Application has been made by the above in relation to the proposed construction of a Volkswagen Motor Dealership. (PA/340499/17).
- 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 26 Chadderton is shown on attached plan (764/A4/227/1). The path commences at point A off Burnley Lane (s/o 372a) following an easterly route for approximately 208m where it meets Chadderton Way. 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 A-C-D-E-F. The description of the diverted route is given in Schedule 2.
- 2.3 The existing alignment of the Footpath would be directly affected by the development being constructed by the applicants.
- 2.4 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.
- 2.5 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 26 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 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.
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| KEY | |
|-----|---|
| | Definitive Footpath 26 Chadderton (Part): (A-B) |
| | Proposed Diverted Route: (A-C-D-E-F) |

| Rev | Revision details | By | Chk | App | Date |
|-----|------------------|----|-----|-----|------|
| | | | | | |

| | | | | |
|---|---|---------------|--------------------------------|--|
| <p>Oldham Council</p> | Client Oldham MBC | | | Title Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 26 Chadderton (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement |
| | Project Development off Chadderton Way | | | |
| | Drawn by RW | Date 12/21 | Purpose of issue Order Plan | |
| <p>HIGHWAYS & ENGINEERING Henshaw House, Cheapside, Oldham OL1 1NY</p> | Checked by LK | Date 12/21 | Scale at A4 size 1:1250 | Drawing No. 764/A4/227/1 |
| | Approved by GS | Date 12/21 | | |

Schedule 1

Description of Existing Footpath Route – Drawing 764/A4/227/1

Existing FP 26 Chadderton commences at point A (GR SD90907 06437) proceeding in an easterly direction for a distance of approximately 208 metres to point B (GR SD91103 06430).

Schedule 2

Description of Proposed Diverted Footpath Route – Drawing 764/A4/227/1

Footpath 26 Chadderton commencing at point A (GR SD90907 06437) and proceeding for a distance of 128 metres in a north-easterly direction to point C (GR SD90989 06533) then turning to and proceeding in a south-easterly direction for a distance of 81 metres to point D (GR SD91051 06487). Heading south for a distance of 8 metres to cross the vehicular access to point E (GR SD91051 06479), then heading in a slight south-easterly direction for a distance of 52 metres to point F (GR SD91096 06454) to meet Chadderton Way for a total distance of 269 metres or thereabouts. This route follows the proposed layout of the Development in the plan shown below.

Schedule 3

Current Definitive Statement

| District and page number | Page Number | Status | Length | Description | Comments |
|--------------------------|-------------|----------|------------|---|----------|
| Chadderton Footpath 26 | 5 | Footpath | 250 metres | From Burnley Lane to the A627m then from Further Wood Farm to junction of paths 28 to 29. | |

Schedule 4

Modification of Definitive Statement

| District and page number | Page Number | Status | Length | Description | Comments |
|--------------------------|-------------|----------|------------|---|--------------------|
| Chadderton Footpath 26 | 5 | Footpath | 269 metres | Footpath 26 Chadderton commencing at (GR SD90907 06437) and proceeding for a distance of 128 metres in a north-easterly direction to (GR SD90989 06533) then turning to and proceeding in a south-easterly direction for a distance of 81 metres to (GR SD91051 06487). Heading south for a distance of 8 metres to cross the vehicular access to (GR SD91051 06479), then heading in a | Min. width 1 metre |

| | | | | | |
|--|--|--|--|--|--|
| | | | | slight south-easterly direction for a distance of 52 metres to (GR SD91096 06454) to meet Chadderton Way. FP26 CHADD continues on the Eastern side of Chadderton Way at (GR SD91134 06462) heading East for approximately 153 metres to its junction with FPs 28 & 29 at (GR SD91287 06454). | |
|--|--|--|--|--|--|

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 the Motor Dealership.

5 Informal Consultation

Parish Council

5.1 Not applicable.

Footpath Societies

5.2 The Ramblers Association and Peak and Northern Footpath Society were consulted and requested a chamfered corner to the North-West of the development. The developer has accommodated this request and since no objections to the proposal have been received.

Ward Councillors

5.3 The Ward Councillors have not been consulted to date.

Landowners

5.4 There are 2 landowners-the applicant and J.W. Lees & Co (Brewers) Limited. It is noted that J.W. Lees had no objections to the proposal.

6 Financial Implications

6.1 The applicant has paid the standard diversion fee. 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.
