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TRAFFIC REGULATION ORDER PANEL

20/01/2022 at 5.30 pm

Present: Councillors Davis (Chair), Brownridge (Vice-Chair),
C. Gloster, Salamat and Woodvine

In attendance: Alan Evans (Group Solicitor)
Liam Kennedy (Public Rights of Way Officer)
Peter Thompson (Constitutional Services)

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

Councillor Brownridge declared a personal interest at agenda item 6.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES**

Resolved:

That the minutes of the meeting of the Traffic Regulation Order Panel held on 25th November 2021 be approved as a correct record.

6 **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**

The Panel considered a report that sought approval for 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.

The route of Footpath 26 Chadderton was shown the plan, that was attached to the report (764/A4/227/1). The path commenced at point A off Burnley Lane (s/o 372a) following an easterly route for approximately 208m where it met Chadderton Way. The existing route ran through undeveloped land. The description of the current route was given in Schedule 1 to the report.

The diverted path was also shown on the plan and follows points A-C-D-E-F. The description of the diverted route is given in Schedule 2 to the report.

The existing alignment of the Footpath would be directly affected by the development being constructed by the applicants. The required highway signage, from the metallised road and the way markers along the route will be paid for by the Applicant.

If the order were to be confirmed it would be necessary to modify the Definitive Map and Statement for Footpath 26 Chadderton. The Council has an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allows the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. Considering the above it was felt that this would be appropriate in this case. The current wording for the Definitive Statement was given in Schedule 3 and the amended wording was given in Schedule 4 to the report.

Options considered:

Option 1: To approve the recommendation.

Option 2: Not to approve the recommendation

Resolved:

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 if no objections are made to the Order.

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**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 MODIFICATION
OF THE DEFINITIVE MAP & STATEMENT**

The Panel considered a report that sought approval for the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 26 Oldham, land off Knowls Lane, Oldham.

The Panel were informed that the route of Footpath 26 Oldham was shown on attached plan (764/A4/226/1). The path commences off Rhodes Hill South of Thornley Brook following an easterly route to its junction with Footpath 25 Oldham for approximately 480m. The existing route runs through undeveloped land. The description of the current route was given in Schedule 1, to the report. The diverted path was also shown on the plan and followed points A-C-D-B. The description of the diverted route was given in Schedule 2, to the report.

The existing alignment of the Footpath would be directly affected by the development being constructed by the applicants.

The required highway signage, from the metallised road and the way markers along the route would be paid for by the Applicant.

Under section 149 of the Equality Act 2010 the Council must, in the exercise of its functions have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (which includes disability) and persons who do not share it. In considering this application it was assessed that the current route of Footpath 26 Oldham was not accessible to wheelchair users as it is uneven, unpaved, muddy, and often steep and narrow in parts, so it did not provide equality to disabled persons. A diversion route could not be created that would be entirely level and without steps owing to the topography of the area. Any member of the public accessing the Thornley Brook valley on foot is met with a steep inclined approach and as a result, users of the footpath had to be able to navigate initial slopes and steps to be able to walk the footpath. The proposed diversion route and the provision of timber framed steps and flagging at steep points would improve access for all non-wheelchair users. As the existing footpath is not accessible to all wheelchair users, the proposed diversion would not result in any additional loss of access to all wheelchair users.

If the order were to be confirmed it would be necessary to modify the Definitive Map and Statement for Footpath 26 Oldham. The Council has an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allows the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. The current wording for the Definitive Statement is given in Schedule 3 and the amended wording are given in Schedule 4, to the report.

In considering this matter Members of the Panel expressed their dissatisfaction with the plans that were appended to the report, insofar as they were not clearly understandable and did not highlight access points to the application site.

An objector attended the meeting and was permitted to address the Panel on this application.

A Saddleworth West and Lees Ward Councillor attended the meeting and was permitted to address the Panel on this application.

Resolved:

That consideration of this application for Diversion of Definitive Footpath 26 Oldham, land off Knowls Lane, Oldham, be deferred to a future meeting of the Traffic Regulation Order Panel, pending the submission by the applicant, Russell Homes UK Ltd, of information about why a stepped diversion route was the most appropriate diversion option.

The meeting started at 5.30pm and finished at 6.12pm.

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