

## **NOTE ON THE APPLICATION FOR DIVERSION OF PUBLIC FOOTPATH 26 AT KNOWLS LANE, OLDHAM- SECTION 257 TOWN AND COUNTRY PLANNING 1990**

### **1. THE EXISTING ROUTE**

- 1.1 The existing Public Footpath 26 has a number of obstacles, making it impossible for wheelchair, pushchair or pram users or those users with a mobility disability to navigate the full lengths of the path. These obstacles are evidenced at the photographs shown at Appendix 1 and their respective locations are shown on the plan at Appendix 2. Obstacles include narrow paths, stepped access, very narrow bridges. There is also poor saturated ground conditions that prevent the use of wheelchairs, pushchairs and prams.
- 1.2 Within the wider network of paths that connect to this footpath, there are styals, further stepped accesses and very steep hillside paths. As such, the wider network of paths, including designated public rights of way and informal non-designated footpaths that branch from Public Footpath 26 have a number of barriers to movement for wheelchair, pushchair or pram users or those users with a mobility disability before they can even access that part of Public Footpath 26 that is to be diverted.

### **2. CONSIDERATION OF OPTIONS**

- 2.1 Full consideration of the footpath diversion and link road was carried out during the planning application process. Discussions were held during the consultation process of the planning application with the Environment Agency, Greater Manchester Ecology Unit and the Council. The concerns of local residents regarding the loss of woodland were also taken into consideration. Options, such as the introduction of a tunnel, had previously been considered however, the tunnel option after consultation was discounted by the Local Planning Authority for practical reasons, including that it may have created a security hazard for vulnerable users and therefore discouraged access. A bridge crossing Thornley Valley and Thornley Brook was also considered however this was discounted following an assessment by Russell's technical team and after consultation with Oldham Council's Highway Officers because of (i) construction implications and maintenance; (ii) environmental considerations; and (iii) viability.
- 2.2 This left two options for diverting the existing footpath being (i) the route that is before the TRO Panel (the "Proposed Route"); and (ii) the other route being a longer more winding and meandering route through the woodland at lesser gradient (the "Ramped Route"). Both routes are shown on the drawing at Appendix 3.

### **3. THE PROPOSED ROUTE**

- 3.1 The Proposed Route is considered to be the most appropriate method of diversion to divert footpath FP26 OLDH, it will be made to a minimum width of 1.5 metres and surfaced with self-binding gravel with the inclusion of steps as shown on the application drawings. The existing length of FP26 OLDH to be diverted runs for a length of 77 metres and it is proposed to be diverted for a length of 89 metres along the Proposed Route. The increase is negligible.
- 3.2 The PROW Officer undertook an initial informal consultation as part of this S.257 Application with other statutory consultees such as the Ramblers and the Peak and Northern Footpath Society, who requested a more structured step be introduced into the Proposed Route which Russell Homes have accommodated at their request along with the inclusion of flagging. This results in steps with a tread length of 1m and a riser of 178mm thus providing wider steps up a slope of 1 in 5 and an opportunity to rest.
- 3.3 The Proposed route will result in the loss of less woodland and will have a lesser ecological impact than the Ramped Route as demonstrated by the ecological and arboricultural notes.

#### 4. THE RAMPED ROUTE

- 4.1 A ramped route was considered. In order to achieve a gradient that meets the requirement for disabled access the implementation of a longer more meandering system as shown at Appendix 3 would be required. This longer route, to allow for the ramp, would need a path length of circa 160m allowing for ramps and landings (for rest) and a further area of circa 240m<sup>2</sup> each side of the Link Road. The option was discounted because of the greater ecological impact and loss of woodland that would result as opposed to the Proposed Route.
- 4.2 In addition, as discussed at paragraph 7, the existing PROW network beyond the diversion is not suitable for wheelchair, pushchair or pram users or those users with a mobility disability and therefore the Ramped Route offers little benefit.

#### 5. ECOLOGICAL CONSIDERATIONS OF THE TWO ROUTES

- 5.1 TEP have provided an ecological note comparing the ecological impact of both routes (see Appendix 4 and its appended drawing 1500 7 PROW 01). The note confirms that from an ecological perspective, the preferred Proposed Route presents less of an ecological impact than the Ramped Route. Substantially more tree and scrub clearance will be required to facilitate construction of the Ramped Route and the Ramped Route will also have a greater impact on the native bluebell *Hyacinthoides non-scripta*.
- 5.2 In terms of tree loss associated with the Ramped Route are three trees with low bat potential (T7, T8, 0574), three trees with moderate bat potential (T9, 0522 and 0538) and one tree with high bat potential (0531). The Proposed Route would result in the loss of one tree with bat potential, in contrast an additional six trees with bat potential will need to be removed if the Ramped Route was utilised as opposed to the Proposed Route.

#### 6. ARBORICULTURAL CONSIDERATIONS OF THE TWO ROUTES

- 6.1 Mulberry Tree Management have provided a note comparing the loss of trees between the two routes (see Appendix 5) the Proposed Route would result in the loss of 23 trees and the Ramped Route would result in the loss of 43 trees. All trees are within the C2 category, being trees of low quality with an estimated remaining life expectancy of at least 10 years.

#### 7. EQUALITY CONSIDERATIONS

- 7.1 Equality has been fully considered. The planning officer in his report to committee for the Planning Permission (application reference MMA/344723/20) set out that:

***“Recent concerns have been expressed that the introduction of a diversion and stepped access across the link road, which will dissect public footpath 26 OLDH, would not ensure accessibility for all and therefore impact on the Council’s obligations under the Equality Act 2010.***

***It should be noted that the proposed arrangement reflects that which has previously been approved and deemed acceptable. The present route of this footpath follows the southern bank of Thornley Brook. It comprises an unmade, meandering footpath, with an undulating surface, including short stepped sections. Consequently, in consideration of the introduction of the revised route and access, due regard has been given to whether the changes as a result of the new road would unduly impede access,***

***and whether improvements would be practical given the existing situation.***

***... Consequently, it is considered that the impacts of the development in respect of highway and access issues has fully addressed the impacts on different groups within the community.”***

- 7.2 Any equality impact of the Proposed Route relates to only 89 metres of existing footpath FP26 OLDH, it does not affect the full length. The Proposed Route does not worsen equality. The photographs at Appendix 1 demonstrate that the existing lengths of FP26 OLDH and FP25 OLDH are not suitable for wheelchair, pushchair or pram users or those users with a mobility disability. The Appendix 1 photographs should be viewed in conjunction with the plan at Appendix 2 which shows the location where the Appendix 1 photographs were taken. For example, Photograph Location 8 shows small wooden steps and a narrow wooden plank that is required to be crossed; Photograph Location 5 shows rocks and wooden steps that would need to be navigated to walk up a rising embankment; and Photograph Location 25 shows a styal which would prevent wheelchair, pushchair or pram users or those users with a mobility disability from using the existing PROW – note also the steep embankment.
- 7.3 The unmade, meandering footpaths, with an undulating surface are demonstrated clearly on the photographs at Appendix 1 and cross sections showing the severity of steep sections giving a sense of the impact the existing PROW route has on wheelchair, pushchair or pram users or those users with a mobility disability are shown at Appendix 6.
- 7.4 Any equality impact caused by the Proposed Route is indistinguishable from that that currently exists, the Proposed Route does not worsen equality for existing users, it does however offer a minor benefit along the small length to be diverted that will be made up of self-binding gravel and flagged steps.
- 8. SUMMARY OF THE CONSIDERATION GIVEN**
- 8.1 As part of the planning application process Russell Homes did properly consider alternatives and, informed by consultation feedback and ecological and arboricultural impacts, selected the most favoured Proposed Route as set out above.
- 8.2 The Ramped Route requires a longer meandering route that has greater impacts on ecology and tree/shrub loss than the Proposed Route. Given that the physical composition of the current PROW route hinders the use for wheelchair, pushchair or pram users or those users with a mobility disability then there is no benefit to offset this increased loss against.
- 8.3 After careful consideration during the planning process the Proposed Route was chosen for the reasons set out in this note and this is the route that is before the TRO Panel. A diversion order is necessary in order for the development to be carried out. The statutory test set out at section 257(1) in the Town and Country Planning Act 1990 has been satisfied for the reasons set out in the Application and we would ask that the Panel confirm that the order should be made.



**APPENDIX 1**  
**PHOTOGRAPHS OF THE CONDITION OF PUBLIC FOOTPATH 26 TAKEN ON 14TH**  
**DECEMBER 2021**



Photograph 21: Shows the track leading to the junction with Footpath 25 and sign stating “Caution Keep Clear of unstable bank side ahead”





Photograph 20: Shows the bridge crossing and the continuation of Footpath 25 going north





Photograph 15: Shows the route of footpath 26 going east from path routes from Ashbrook Road and sign which states "Caution Keep Clear of unstable bank side ahead"





Photograph 8: Shows route along Footpath 26 going east from Rhode Hill





Photograph 5: Shows footpath 25 going west toward Rhodes Hill





Photograph 3: Shows Footpath 26 going west toward Rhodes Hill approximately 30m from photograph 1.





Photograph 1: Shows the access onto Footpath 26 from the informal footpath from Ashbrook Road





Photograph 25: Shows a Styal access on Footpath 25 going south from Footpath 26.





Photograph 23: Shows the stepped junction from Footpath 26 to Footpath 25





Photograph 22: Shows the continuation of the stepped Footpath 25 over Knowls Brook



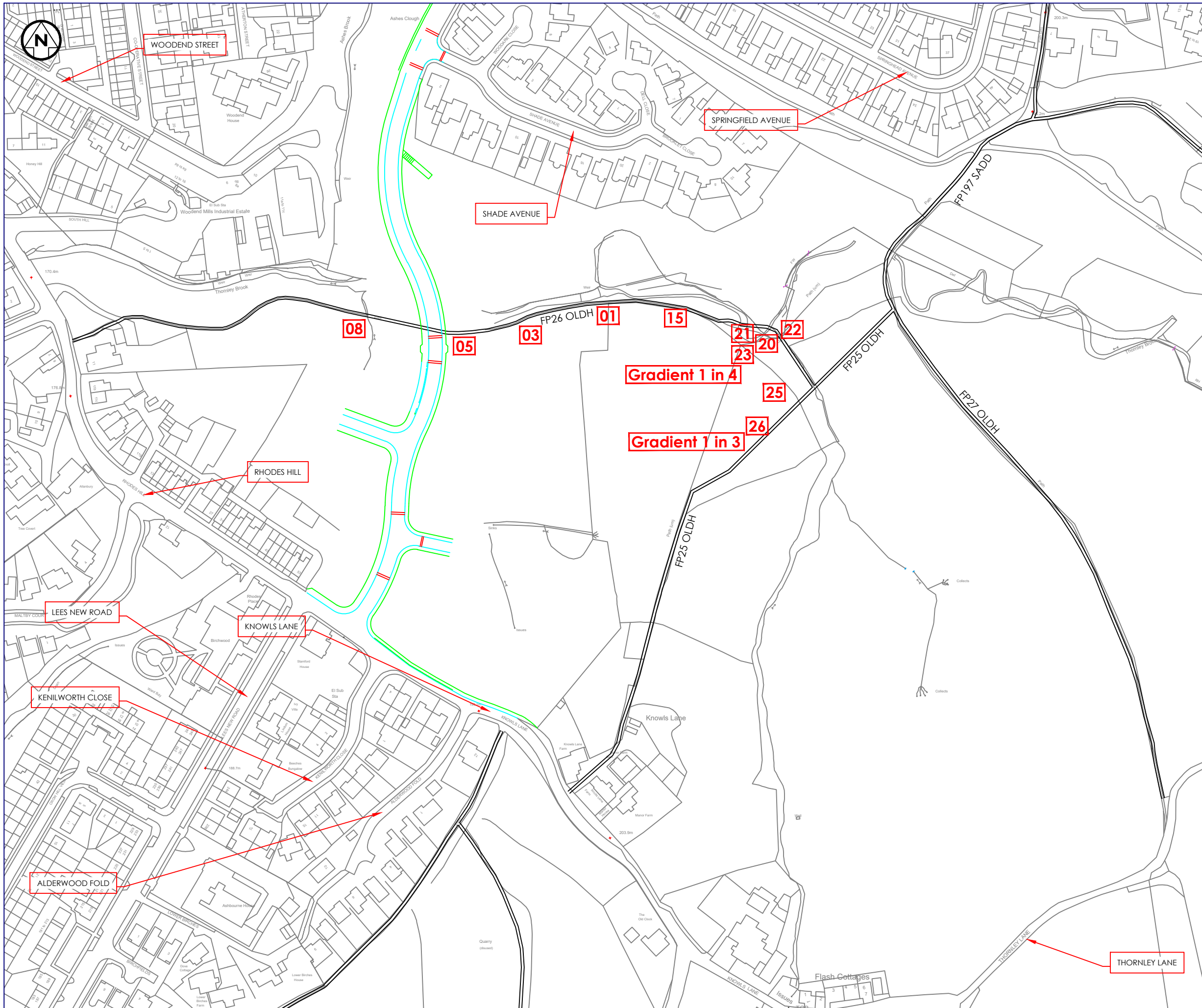


Photograph 26: Shows the embanked footpath of Footpath 25 after crossing the Styral shown on Photograph 25

**APPENDIX 2**

**PLAN SHOWING LOCATIONS OF THE PHOTOGRAPHS IN APPENDIX 1**





**NOTES – GENERAL:**

- 1) ALL DIMENSIONS ARE STATED IN MILLIMETRES UNLESS NOTED OTHERWISE.
- 2) ALL LEVELS ARE STATED IN METRES
- 3) DO NOT SCALE. PLEASE REFER ANY QUERIES TO THE PROJECT MANAGER / SUPERVISOR.

**KEY - EXISTING PUBLIC RIGHT OF WAY**

- EXISTING FOOTPATH
- PROPOSED KERBLINE
- PROPOSED EDGING

P03	PM	CL	DJL	10/02/22	CLIENT COMMENTS
P02	DL	CL	RB	26/07/21	CLIENT COMMENTS
P01	DL	CL	RB	23/07/21	CLIENT COMMENTS
REV	DRN	CHK	APP	DATE	DESCRIPTION

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Client  
**RUSSELL HOMES**

Project  
**KNOWLS LANE LINK ROAD  
OLDHAM**

Title  
**EXISTING PUBLIC RIGHT OF WAY**

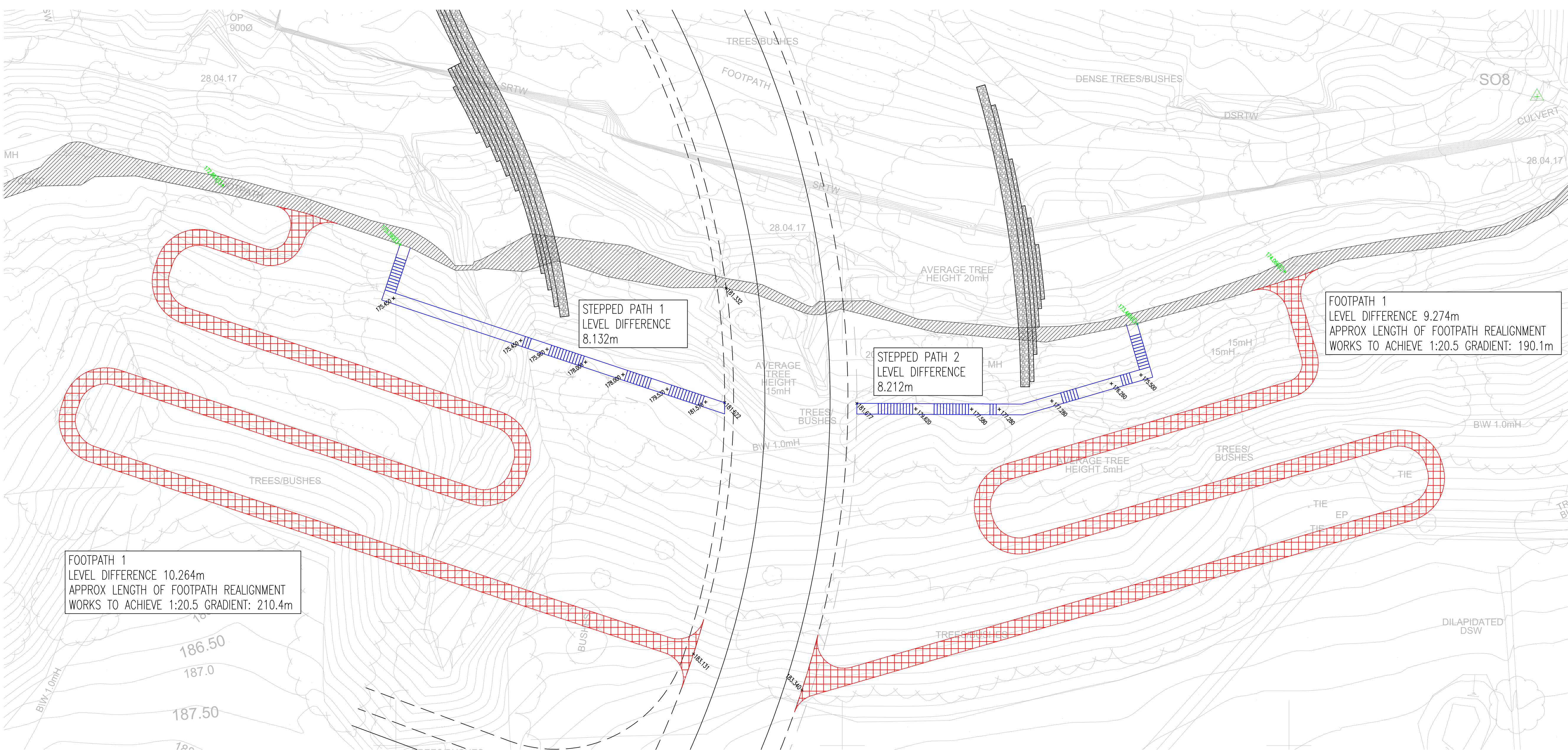
Scale 1:2000	Drawn DL	Date 22.07.21	Chkd CL	Approved RB
Drawing No. <b>KL-WCE-XX-XX-DR-CH-0002</b>				Revision <b>P03</b>
Status <b>PRELIMINARY</b>				Sheet Size <b>A3</b>



**APPENDIX 3**  
**PLAN SHOWING THE PROPOSED ROUTE AND THE RAMPED ROUTE**



DO NOT SCALE OFF THIS DRAWING  
 GENERAL NOTES:  
 1: THIS DRAWING TO READ IN CONJUNCTION WITH ALL RELEVANT STRUCTURAL AND ARCHITECTURAL DRAWINGS AND SPECIFICATIONS.



Rev	Date	Checked	Description	By
P2	30.08.17	MDP	PRELIMINARY DRAWING	CR

PRELIMINARY DRAWING

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 t: 0151 227 3155 f: 0151 227 3156  
 e: sutcliffe@sutcliffe.co.uk w: www.sutcliffe.co.uk

Client  
**RUSSEL HOMES**

Project  
**KNOWLS LANE  
 OLDHAM**

Drawing title  
**PATH REALIGNMENT WORKS**

Scale at A1	1:250	Drawing number	28959-628
Drawn by	C ROBERTS	Revision suffix	P2
Date	AUGUST 17		



**APPENIDX 4**  
**TEP ECOLOGICAL NOTE**



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## **Proposed Footpath Diversion Options**

TEP has been provided with the detail of two proposed footpath diversion routes for the footpath which currently runs alongside the south of Thornley Brook, through the location of the proposed link road.

All ecology reports have been based around the preferred option of the shorter footpath diversion, this has a low impact on surrounding woodland and understorey as the majority of the works required take place within an area which will already be disturbed for the proposed link road construction.

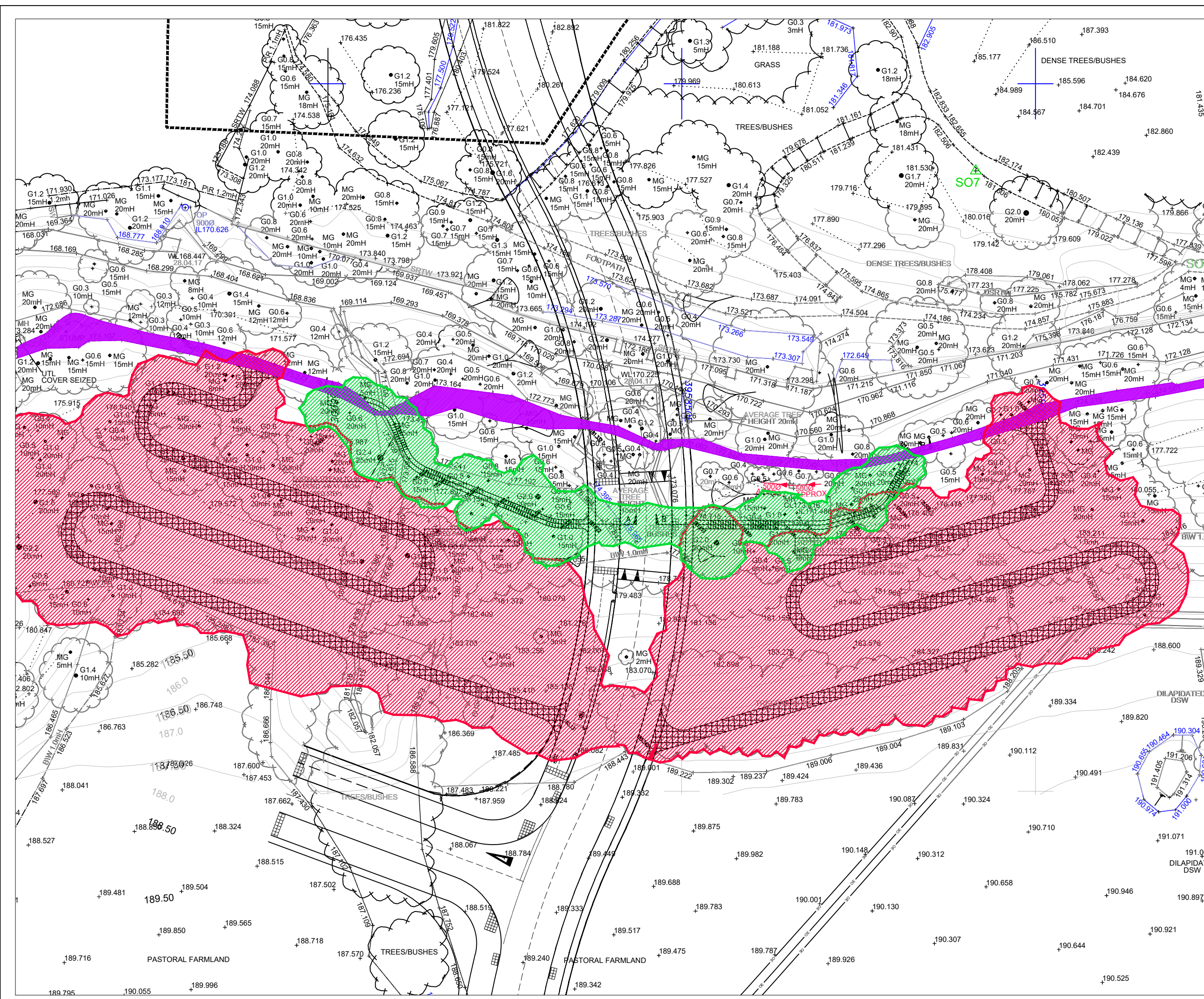
For the purposes of this review, it is assumed that due to the steepness of the valley on the southern side no-dig methods could not be used for the alternative proposed footpath diversion, this would need confirmation from an engineer.

From an ecology perspective, substantially more tree and scrub clearance will be required to facilitate construction of this alternative footpath diversion. Additionally, native bluebell *Hyacinthoides non-scripta* has been recorded on the slopes of the valley leading down to Thornley Brook. This alternative route will have a greater impact on the native bluebell.

The arboricultural consultant will detail trees/areas of loss associated with the two footpath options. In terms of specific trees, utilising the alternative rather than the preferred route would result in the retention of one tree, T7, with moderate bat potential. However, the additional losses associated with the alternative route are three trees with low bat potential (T7, T8, 0574), three trees with moderate bat potential (T9, 0522 and 0538) and one tree with high bat potential (0531). An additional six bat potential trees will require removal for the alternative route.

From an ecological perspective, the preferred footpath route presents less of an ecological impact than the alternative proposed route.





REVISIONS

- Alternative Routes Impact
- Proposed diversion Impact
- Existing Footpath 26



Title: Knowls Lane  
 OLDHAM  
 PROW Diversion  
 Impact Plan

Dwg No: 15007 PROW 01

Scale: 1:500@A3 Date: 21/01/22

Dwn By: nap Chk By: xxx

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 Clarence Avenue, Trafford Park,  
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**APPENIDX 5**  
**MULBERRY TREE MANAGEMENT ARBORICULTURAL NOTE**



Dear Thomas,

Re: Knowls Lane Supplemental SI

This note has been prepared to respond to the queries from the Council Members on the TRO Panel at the 20th January Meeting about Tree Loss for the two routes for the Diversion of Footpath 26, Oldham. As noted below the proposed route would result in the loss of 23 Tree and the longer meandering route would result in the loss 43 trees.

All the trees within the footpath area considered fall within G21 of our survey. Section 4.4.2.3 of BS5837:2012 advises trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate. However, an assessment of individuals within any group should still be undertaken if there is a need to differentiate between them, e.g. in order to highlight significant variation in attributes (including physiological or structural condition). It was felt that on this occasion the trees within this group were all of a similar quality and had similar attributes; as such they were recoded as one record.

This assessment identified the trees as being within the C2 category. C2 states that the trees are of low quality with an estimated remaining life expectancy of at least 10 years. It further advises that the trees are present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or temporary/transient landscape benefits.

Details of the impacts on this group from each of the routes are detailed in the table below:

Path	Tree Group	Tree Category	Tree Loss
Green Route	G21	C2 (Low Quality)	23 trees (not including infill)
Red/Orange Route	G21	C2 (Low Quality)	43 trees (not including infill and the dense areas where the <u>topo</u> did not pick up individual tree locations)

In summary, almost double the amount of trees would need to be lost to facilitate the alternative public footpath route and would also involve the loss of scrub planting. An accompanying Ecological Assessment has been prepared by TEP and should be read in conjunction with this report.

Kind Regards

**Carl Salisbury - Director**

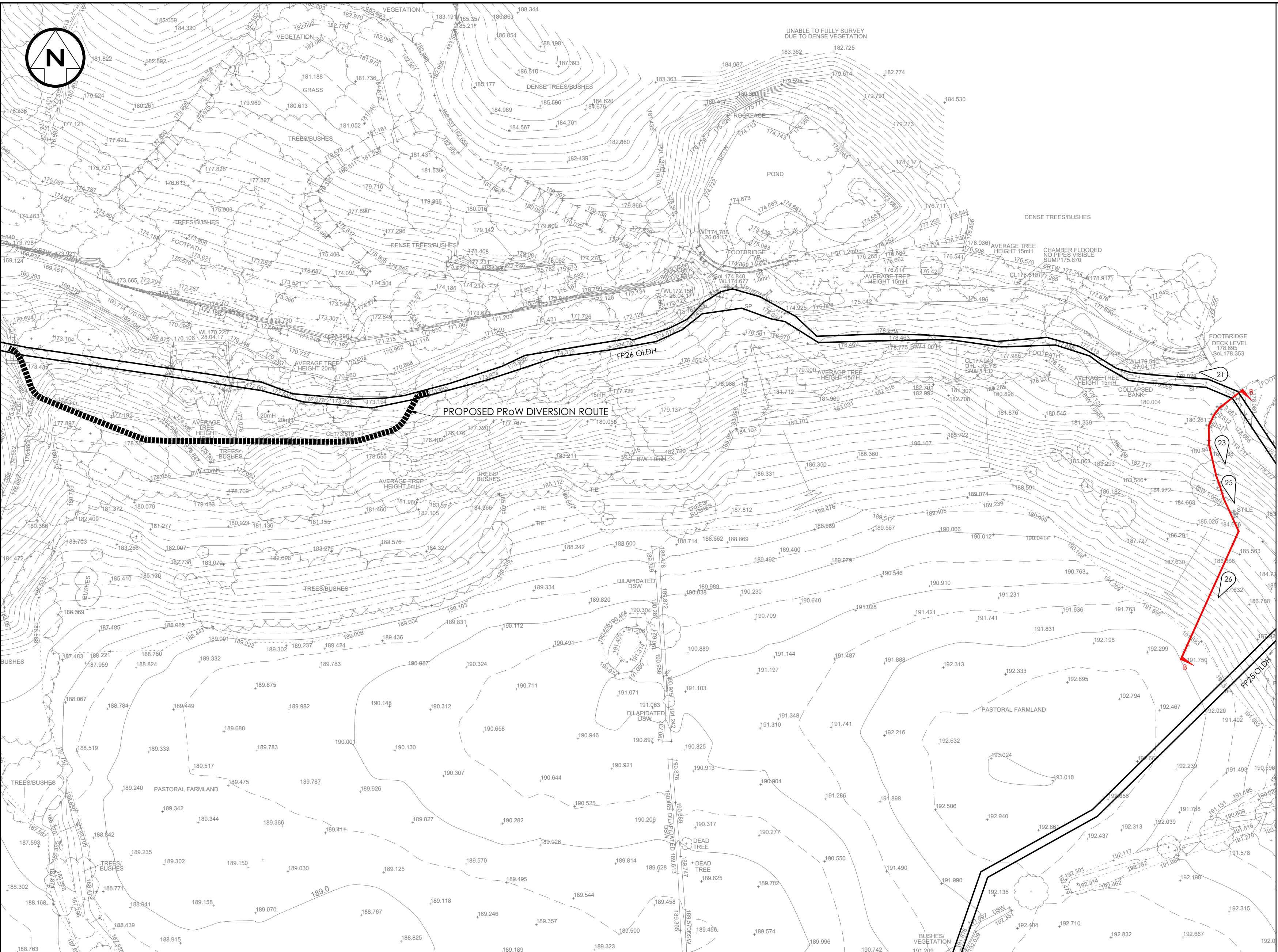
(HND. ARB, M ARBOR A)

**Mulberry - Tree Management Consultants**

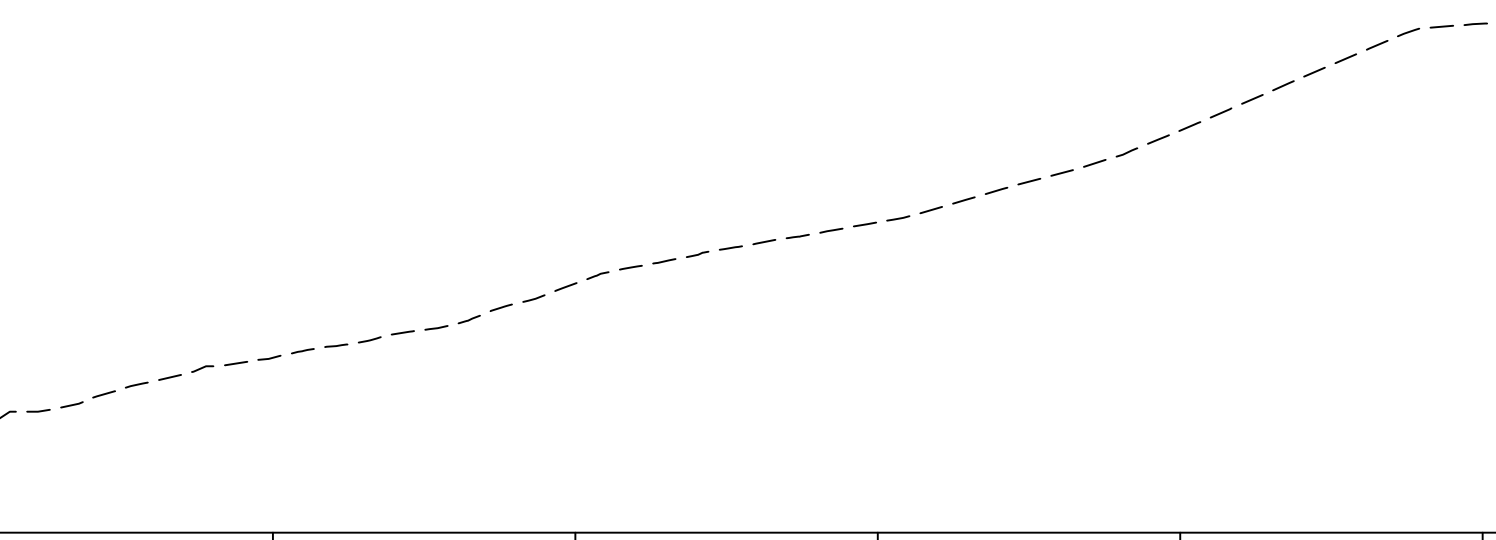
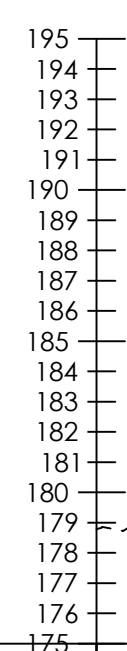


**APPENIDX 6  
CROSS SECTIONS**





LOCATION PLAN  
SCALE - 1:500



CHAINAGE	00.000	10.000	20.000	30.000	40.000	50.000	51.035
EXISTING LEVELS	178.780	180.780	183.238	185.240	188.293	191.828	191.892
HORIZONTAL GEOMETRY	L=3.587	L=2.072	L=2.152	L=6.576	L=23.616		
	L=1.718	L=3.527	L=5.541	L=2.246			
VERTICAL GEOMETRY	L = 51.035m AVERAGE GRADIENT = 1:3						

EXISTING PROW - SECTION B-B - LONGSECTION  
SCALE: H 1:250, V 1:250, DATUM: 175.000



PICTURE NUMBER 21



PICTURE NUMBER 23



PICTURE NUMBER 25



PICTURE NUMBER 26

- NOTES - GENERAL:**
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  - 2) ALL LEVELS ARE STATED IN METRES
  - 3) ALL DIMENSIONS, LEVELS AND CO-ORDINATES ARE BASED UPON TOPOGRAPHICAL SURVEY PROVIDED BY RUSSELL HOMES - DRAWING (NO. 17C226/001) BY SURVEY OPERATIONS DATED MAY 2017.
  - 4) DO NOT SCALE. PLEASE REFER ANY QUERIES TO THE PROJECT MANAGER / SUPERVISOR.
  - 5) THIS DRAWING IS TO BE READ IN COLOUR.

- EXISTING PUBLIC RIGHT OF WAY**
- EXISTING PROW FOOTPATH
  - ◁ PHOTO ORIENTATION
  - PROPOSED ProW DIVERSION ROUTE
- SECTIONS**
- - - EXISTING GROUND LEVEL

P02	PM	CL	DJL	09.02.22	CLIENT COMMENTS
REV	DRN	CHK	APP	DATE	DESCRIPTION

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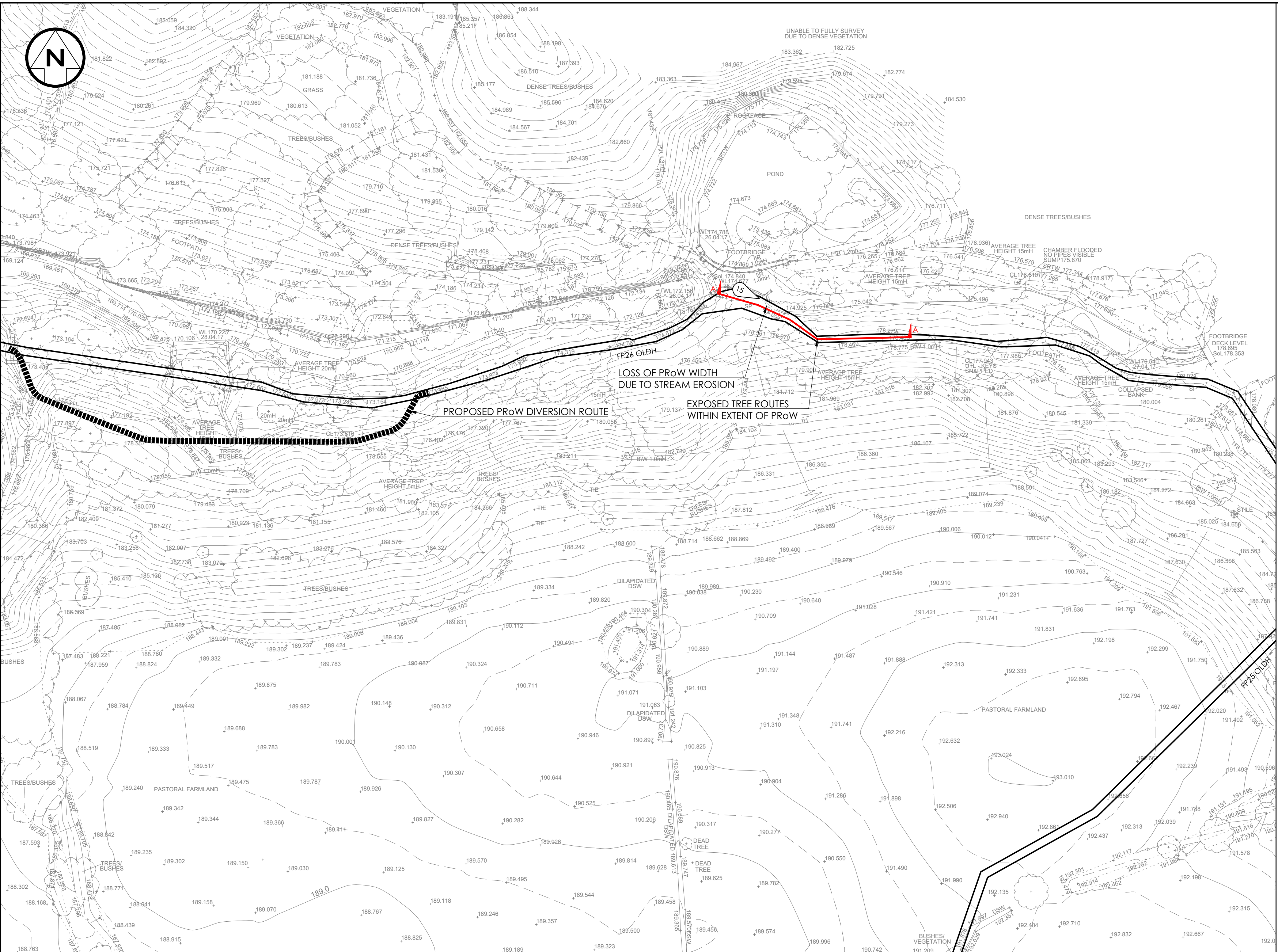
Client  
**RUSSELL HOMES**

Project  
**KNOWLS LANE LINK ROAD OLDHAM**

Title  
**PROW EXISTING LONG SECTIONS SHEET 2 OF 2**

Scale AS SHOWN	Drawn JW	Date 28.01.22	Chkd CL	Approved DJL
Drawing No.	KL-WCE-XX-XX-DR-CH-0009			Revision P02
Status	FOR INFORMATION			Sheet Size A1





LOCATION PLAN  
SCALE - 1:500

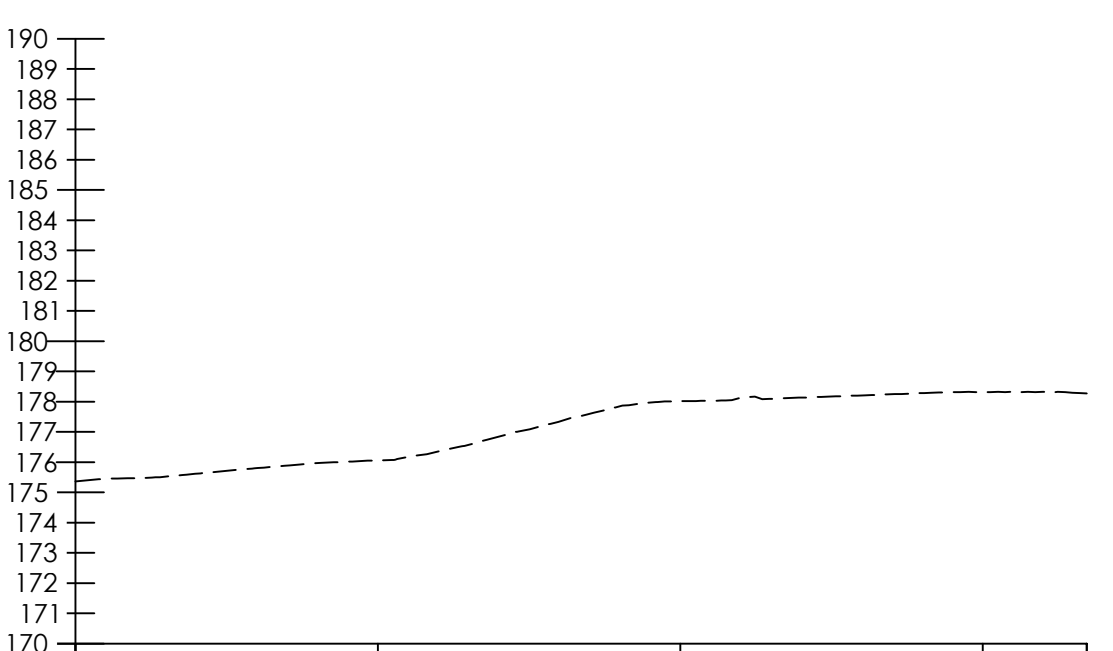


PICTURE NUMBER 15

- NOTES - GENERAL:**
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  - 2) ALL LEVELS ARE STATED IN METRES
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  - 4) DO NOT SCALE. PLEASE REFER ANY QUERIES TO THE PROJECT MANAGER / SUPERVISOR.
  - 5) THIS DRAWING IS TO BE READ IN COLOUR.

- EXISTING PUBLIC RIGHT OF WAY**
- EXISTING PROW FOOTPATH
  - ◁ PHOTO ORIENTATION
  - PROPOSED ProW DIVERSION ROUTE

- SECTIONS**
- - - EXISTING GROUND LEVEL



CHAINAGE	00.000	10.000	20.000	30.000	33.441
EXISTING LEVELS	175.364	176.040	178.013	178.322	178.249
HORIZONTAL GEOMETRY	L = 5.912	L = 6.333	L = 6.035	L = 15.161	
VERTICAL GEOMETRY	L = 10.582m AVG GRADIENT = 1:15		L = 8.166m AVG GRADIENT = 1:4	L = 14.694m AVG GRADIENT = 1:45	

EXISTING PROW - SECTION A-A - LONGSECTION  
SCALE: H 1:250, V 1:250, DATUM: 175.000

P02 | PM | CL | DJL | 09.02.22 | CLIENT COMMENTS

REV	DRN	CHK	APP	DATE	DESCRIPTION

Client: **RUSSELL HOMES**

Project: **KNOWLS LANE LINK ROAD OLDHAM**

Title: **PROW EXISTING LONG SECTIONS SHEET 1 OF 2**

Scale AS SHOWN	Drawn JW	Date 28.01.22	Chkd CL	Approved DJL
Drawing No. KL-WCE-XX-XX-DR-CH-0008	Revision P02	Status FOR INFORMATION	Sheet Size A1	



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