

TRO Panel

Decision Maker: Director of Environment, Nasir Dad

Date of Decision: 19 January 2023

Subject: Definitive Map and Statement Modification Order

S257 Town and Country Planning Act 1990 – Diversion of Definitive Footpaths 83, 84 & 88 Crompton, at Land off Cocker Mill Lane, Shaw, and S53A – Wildlife and Countryside Act 1981

Report Author: Liam Kennedy, PRoW Officer

Ward: Crompton

Reason for the decision: The Council has received an application from Redrow Homes Lancashire to facilitate the proposed development of 201 dwellings at Land off Cocker Mill Lane, Shaw. Planning Ref: FUL347664/21 (granted 21/01/2022).

Summary: To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpaths 83, 84 & 88 Crompton as detailed in the report.

Background: The application has been made by the above named party (Redrow Homes Lancashire) in relation to the proposed construction of a residential development of 201 dwellings (FUL/347664/21)

The Order-making and Confirming Authority are guided to authorise the diversion and/or extinguishment 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.

Proposal: The route of Footpath 83 Crompton is shown on attached plan (764/A4/236/1). The path commences at point B, approx. 108m west of Cowlshaw following a northerly route for approximately 141m to point D then proceeds in

a general north-westerly direction for approximately 109m to point E. The existing route runs through undeveloped land (i.e. fields). The description of the current route is given in Schedule 1.

The diverted route is also shown on the plan and follows points G-H-E. At point E the diversion rejoins Footpath 83 Crompton on its existing alignment. The description of the diverted route is given in Schedule 2.

The route of Footpath 84 Crompton is shown on attached plan (764/A4/236/1). The path commences at point B, approx. 108m west of Cowlshaw following a northerly direction for approximately 141m to point D then proceeds in a general north-easterly direction for approximately 40m to point I. The description of the current route is given in Schedule 1.

The diverted route is also shown on the plan and follows points E-I-F-J. The description of the diverted routes is given in Schedule 2.

The route of Footpath 88 Crompton is shown on attached plan (764/A4/236/1). The path commences at point A on Cocker Mill Lane and follows a northerly, then easterly direction for approximately 271m to point B at its junction with Footpaths 83 & 84 Crompton. The path continues east for approximately 200m to point C on Cowlshaw. The description of the current route is given in Schedule 1.

The proposal is to extinguish Footpath 88 Crompton in its entirety as per points A-B-C on attached plan. The description of the proposed extinguished route is given in Schedule 2.

The existing alignment of the footpaths would be directly affected by the housing 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 i.e. both installation, posts and the sign.

If the order is confirmed, it will be necessary to modify the Definitive Map and Statement for Footpaths 83, 84 & 88 Crompton. The Council

has 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.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

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

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and no representations received.

Shaw & Crompton Parish Council has been consulted and no representations received.

Footpath Societies have been consulted and;

- The Ramblers Association disagree with the proposal in favour of diversions through the proposed development following the estate roads.
- The Wednesday Walkers support the proposal.
- The Peak and Northern Footpath Society have not commented on this proposal.

Landowners - the applicant is the only affected landowner.

Recommendation(s):

It is recommended that the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the diversion of Footpaths 83 & 84 Crompton and the extinguishment of Footpath 88 Crompton 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.

Implications:

What are the **financial** implications?

The cost for a definitive map and modification order will be £2,766 and will be revenue expenditure.

A contribution of £2,766 has already been received from the applicant, Redrow Homes for this order.

(John Edisbury)

What are the **legal** implications?

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)

What are the **procurement** implications?

None

What are the **Human Resources** implications?

None

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Not applicable

What are the **property** implications

None

Risks: None

Co-operative agenda Not applicable

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Schedule 1 – Description of Existing Footpath Routes – Drawing 764/A4/236/1

Existing FP83 Crompton commences at point B (GR SD93032 08354) proceeding in a northerly direction for a distance of approximately 141 metres to point D (GR SD92981 08486) then proceeds in a general north-westerly direction for approximately 109 metres to point E (GR SD92886 08513). The path then continues in a north-westerly direction for approximately 640 metres then in a south-westerly direction for approximately 284 metres to cross the former Urban District Boundary where the path becomes Footpath 57 Royton.

Existing FP84 Crompton commences at point B (GR SD93032 08356) proceeding in a northerly direction for a distance of approximately 141 metres to point D (GR SD92981 08486) then proceeds in a north-easterly direction for approximately 40 metres to point I (GR SD93014 08506) continuing in a north-easterly direction for a further 58 metres then proceeding in a northerly direction for a distance of approximately 431 metres to end at Edward Road.

Existing Footpath 88 Crompton commences at point A (GR SD92960 08132) proceeding in a north-easterly direction then directly easterly direction for a distance of approximately 271 metres to point B (GR SD93032 08354), continuing in an easterly direction for a distance of approximately 200

metres to end at point C (GR SD93223 08398).

Schedule 2 – Description of Proposed Diverted/Extinguished Routes – Drawing 764/A4/236/1

Footpath 83 Crompton commencing at point G (GR SD92845 08257) proceeding in a northerly direction along the western boundary of the development site for a distance of approximately 228 metres to point H (GR SD92825 08480) then proceeding in a north-easterly direction for a distance of approximately 69 metres to point E (GR SD92886 08513) to proceed in a north-westerly direction on FP83s existing alignment.

Footpath 84 Crompton commencing at point J (GR SD93153 08484) proceeding in a north-easterly direction for a distance of approximately 119 metres to point F (GR SD93046 08527) then proceeding in a south-westerly direction for a distance of approximately 37 metres to point I (GR SD93014 08506) and continuing in an easterly direction for a distance of approximately 132 metres to point E (GR SD92886 08513) to meet FP83 at its junction.

Footpath 88 Crompton commences at point A (GR SD92960 08132) proceeding in a north-easterly direction then directly east for a distance of approximately 271 metres to point B (GR SD93032 08354), continuing in an easterly direction for a distance of approximately 200 metres to end at point C (GR SD93223 08398).

Schedule 3 – Current Definitive Statement

See below table.

District and page number	Page Number	Status	Length (m)	Description	Comments
Crompton Footpath 83	5	Footpath	1159	Path from Park Lane in Urban District of Royton to Cowlshaw. Path crosses boundary with Royton	Public path diversion (part) order 12.5.95

				<p>Urban District 91 metres east of Low Crompton Road at watercourse and proceeds northwards past Hey Hill Farm with spur path linking with Low Crompton Road through a stile. Path follows north-east course through a further stile to field boundary below Low Crompton Farm (with spur path linking through gate with Low Crompton Road near the farmhouse) and thence turns south-east to follow field boundaries through four stiles to source of River Irk. Path then crosses field to stile at field boundary to further stile</p>	
--	--	--	--	--	--

Crompton Footpath 84	5	Footpath	482	<p>and thence south to link with occupation road at Cowlishaw (opposite No.47)</p> <p>Path from Cowlishaw to Edward Street. Path commences at occupation road at Cowlishaw and follows line of footpath No.83 for 110 metres to gate. Path passes through gate and stile and in northerly direction along boundaries of two fields and through two further stiles to Edward Street</p>	Public path diversion (part) order 12.5.95
Crompton Footpath 88	5	Footpath	531	From Diamond Rope Works to Cowlishaw. Path crosses boundary from Urban District of Royton on road (Cocker Mill Lane) along the side of	

				<p>Diamond Rope Works. Path continues to end of road and thence follows field boundary in northerly direction for approx 174 metres to join occupation road from Cowlshaw Farm. Path then follows occupation road in easterly direction past farm buildings and cottages to link with Cowlshaw Lane off Manchester Road. A further short length of path (approx 55 metres) leads off from occupation road - east of farm in a southerly direction to cross Urban District Boundary near to No.45 and continues to Higher Fold</p>	
--	--	--	--	---	--

Schedule 4 – Modification of Definitive Statement

See below table. Additions in bold.

District and page number	Page Number	Status	Length (m)	Description	Comments
Crompton Footpath 83	5	Footpath	1258	Path from Park Lane in Urban District of Royton to Cowlshaw. Path crosses boundary with Royton Urban District 91 metres east of Low Crompton Road at watercourse and proceeds northwards past Hey Hill Farm with spur path linking with Low Crompton Road through a stile. Path follows north-east course through a further stile to field boundary below Low Crompton Farm (with spur path linking through gate with Low Crompton Road near the farmhouse) and thence turns south-east to follow field boundaries through four	1.5m

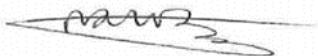
Crompton Footpath 84	5	Footpath	740	<p>stiles to source of River Irk. Path then crosses field to stile at field boundary to further stile at GR SD92886 08513 and proceeds south west for a distance of approximately 69 metres to GR SD 92825 08480 then proceeds south for a distance of approximately 228 metres along the western boundary of housing estate to GR SD92845 08257 to join the estate road.</p> <p>Path commences at GR SD93153 08484 proceeding north west for a distance of approximately 119 metres to GR SD93046 08527. At this point Footpath 84 branches off to the north and west. NORTHERN BRANCH continues</p>	1.5m
-------------------------	---	----------	-----	--	------

				north for a distance of approximately 450 metres to Edward Road. WESTERN BRANCH proceeds south west to GR SD93014 08506 then west along the northern boundary of the housing estate for a distance of approximately 132 metres to meet Footpath 83 at its junction GR SD92886 08513	
Crompton Footpath 88 (Delete)	Delete	Delete	Delete	Delete	Delete

There are no background papers for this report

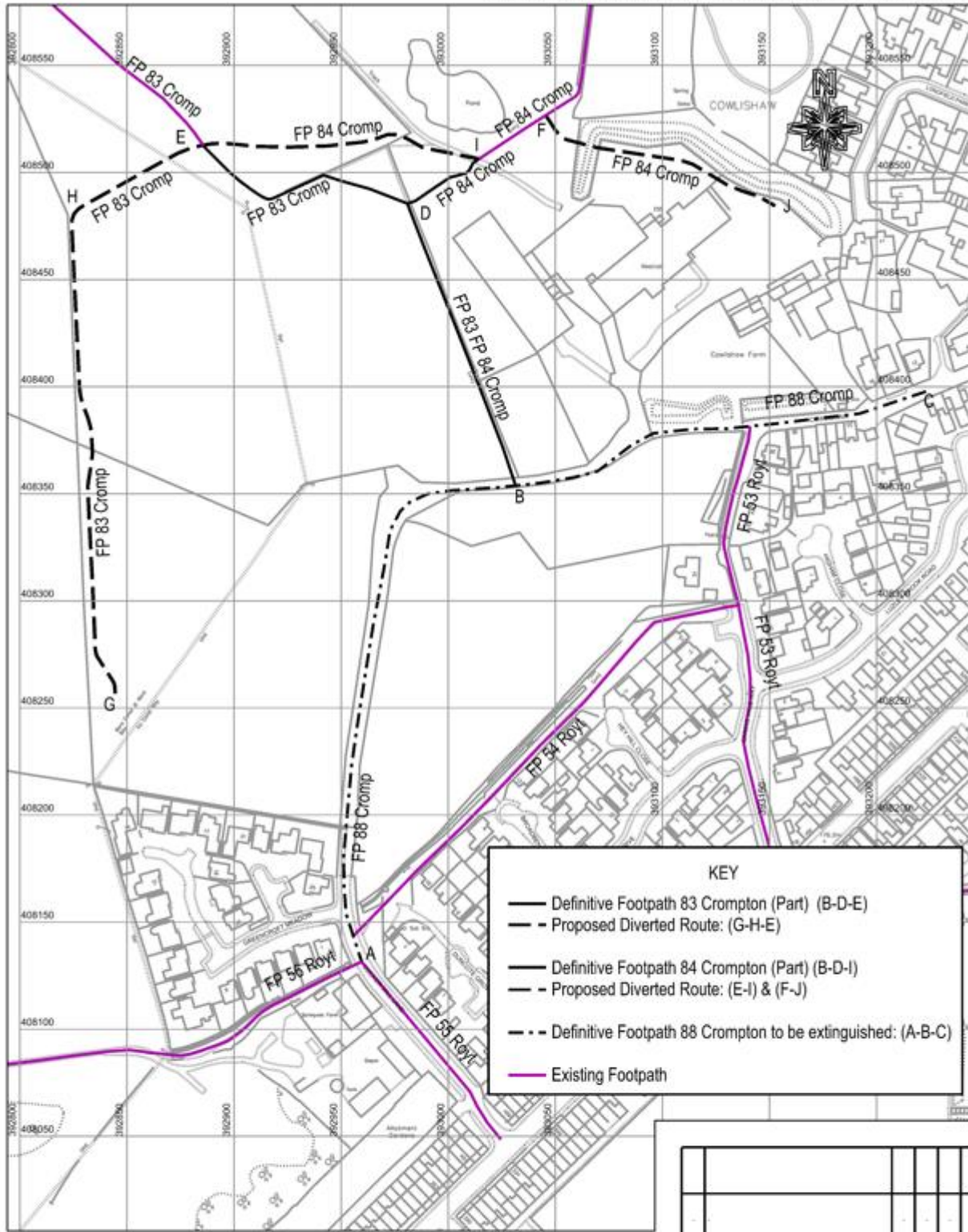
Report Author Sign-off:	
Liam Kennedy	
Date:	
4 January 2023	

In consultation with Deputy Chief Executive/Executive Director/ Director



Signed :

Date: 9 January 2023



KEY	
	Definitive Footpath 83 Crompton (Part) (B-D-E)
	Proposed Diverted Route: (G-H-E)
	Definitive Footpath 84 Crompton (Part) (B-D-I)
	Proposed Diverted Route: (E-I) & (F-J)
	Definitive Footpath 88 Crompton to be extinguished: (A-B-C)
	Existing Footpath

Rev	Revision details	By	Chk	App	Date



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Henshaw House, Cheapside, Oldham OL1 1NY

Client Oldham MBC	
Project Development at Cocker Mill Lane, Shaw	
Drawn by RW	Date 10/22
Checked by LK	Date 10/22
Approved by	Date
Purpose of issue information	
Scale at A4 size 1:2500	

Title Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 83 & 84 Crompton (part), Extinguishment of Public Highway Combined Order s119 Highways Act 1980 Extinguishment of Public Footpath 88 Crompton and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement	
Drawing No. 764/A4/236/1	Rev. .