

## TRO Panel

**Decision Maker:** Director of Environment, Nasir Dad

**Date of Decision:** 11 January 2024

**Subject:** Definitive Map and Statement Modification Order

**S257 Town and Country Planning Act 1990 – Diversion of Definitive Footpath 61 Oldham (part), at Hollinwood Junction, Albert Street, Failsworth, and S53A – Wildlife and Countryside Act 1981**

**Report Author:** Liam Kennedy, PRoW Officer

**Ward:** Failsworth East

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**Reason for the decision:** The Council has received an application from Langtree Property Partners, Warrington, via their agent, Spawforths, Wakefield, to facilitate the proposed employment development of 5 units at Hollinwood Junction, Albert Street, Failsworth. Planning Ref: FUL351218/23 (pending determination).

**Summary:** To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 61 Oldham, as detailed in the report.

**Background:** The application has been made by Langtree Property Partners, Warrington, in relation to the proposed employment development of 5 units (FUL/351218/23)

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 61 Oldham is shown on attached plan (764/A4/243/1). The path

commences at point A, on Olive Claydon Way, approximately 60m east of its junction with Albert Street, following a southerly route for approximately 276m to point B where it crosses Roman Road and continues south on its existing alignment. 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 C-D-E-B. The description of the diverted route is given in Schedule 2.

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 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 Footpath 61 Oldham. 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.

***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.

***Recommendation(s):***

It is recommended that Option 1 be approved and the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the diversion of Footpath 61 Oldham 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 the Director of Environment and the Director of Legal Services 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.

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

The Ward Members have been consulted and no representations received.

Footpath Societies have been consulted and;

- The Ramblers Association have no objection to the proposal.
- The Wednesday Walkers have no objection to the proposal.
- The Peak and Northern Footpath Society have no objection to the proposal.

Landowners - the applicant is the only affected landowner.

**Implications:**

*What are the **financial** implications?*

The cost for the Public Path Diversion and Definitive Map and Statement Modification Order will be £3k and will be revenue expenditure.

This will be funded from the fee of £3k expected from the applicant. (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 <b>procurement</b> implications?	None
What are the <b>Human Resources</b> implications?	None
<b>Oldham Impact Assessment Completed (Including impact on Children and Young People)</b>	No
What are the <b>property</b> implications	None
<b>Risks:</b>	None
<b>Co-operative implications</b>	Consultation has been undertaken with relevant parties and there are no objections to the proposal. (Jonathan Downs – Corporate Policy Lead)
<b>Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998</b>	None
<b>Environmental and Health &amp; Safety Implications</b>	None
<b>IT Implications</b>	None

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 Route – Drawing 764/A4/243/1**

Existing Footpath 61 Oldham commences at point A (GR SD90701 02310) proceeding in a southerly direction for a distance of approximately 276 metres to point B (GR SD90746 02038) where the path crosses Roman Road and continues south on its existing alignment.

**Schedule 2 – Description of Proposed Diverted Route – Drawing 764/A4/242/1**

Footpath 61 Oldham commencing at point C on Olive Claydon Way (GR SD90698 02307) proceeding in a southwesterly direction along the gravel path for a distance of approximately 44 metres to point D (GR SD90665 02284) then proceeding in a generally southerly direction along the western boundary of the industrial site for a distance of approximately 267 metres to point E (GR SD90704 02037) then proceeding in an easterly direction for a distance of approximately 47 metres to point B (GR SD90746 02038) to cross Roman Road and proceeding south on Footpath 61s existing alignment.

**Schedule 3 – Current Definitive Statement**

See below table.

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 61	10	Footpath	750	The path leaves Hollins Road along Gee Street and runs southwards directly along the boundary with Failsworth. A short section of the path west of the Lime Mill is actually within Failsworth U.D. Beyond Roman Road the path runs along the western boundary fence of the Kaskenmoor School before jining the disused	Highways agency side road order 5.3.1993. Highway to be stopped up. FP61 from its junction with Hollins Road for a distance of 90 metres in a southerly then westerly direction

				<p>Hollinwood Branch Canal. The path then follows the western towpath of the partly infilled canal until it reaches Cutler Hill Bridge. Wooden steps lead up to Cutler Hill Road from the footpath. The surfacing of the path varies from a wide cinder track to a narrow worn grass track.</p> <p>7.4.1989 side road order. Highway to to stopped up. FP69 (Oldham) from its junction with A6104 Hollins Road for its entire length a distance of 72 metres</p> <p>DMMO 19 June 2002</p>	
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**Schedule 4 – Modification of Definitive Statement**

See below table. Additions in bold.

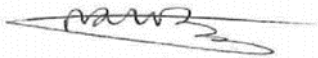
District and page number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 61	10	Footpath	<b>1072</b>	<b>Footpath commences at (GR SD90698 02307) on Olive Claydon Way approximately 60 metres east of its junction with Albert Street following the gravel path in a southwesterly, southerly and then easterly direction along the western boundary of the industrial estate for a distance of approximately 358 metres to (GR SD90746 02038). The route continues south crossing Roman Road along the western boundary of New Bridge School before proceeding along the western side of the former Hollinwood Branch Canal for a distance</b>	<b>The surfacing of the path varies from a wide cinder track to a narrow worn grass track. 7.4.1989 side road order. Highway to to stopped up. FP69 (Oldham) from its junction with A6104 Hollins Road for its entire length a distance of 72 metres DMMO 19 June 2002</b>

				of approximately 702 metres until it reaches Cutler Hill Road at (GR SD90951 01369).	
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There are no background papers for this report

<b>Report Author Sign-off:</b>	
Liam Kennedy	
<b>Date:</b> 8 December 2023	

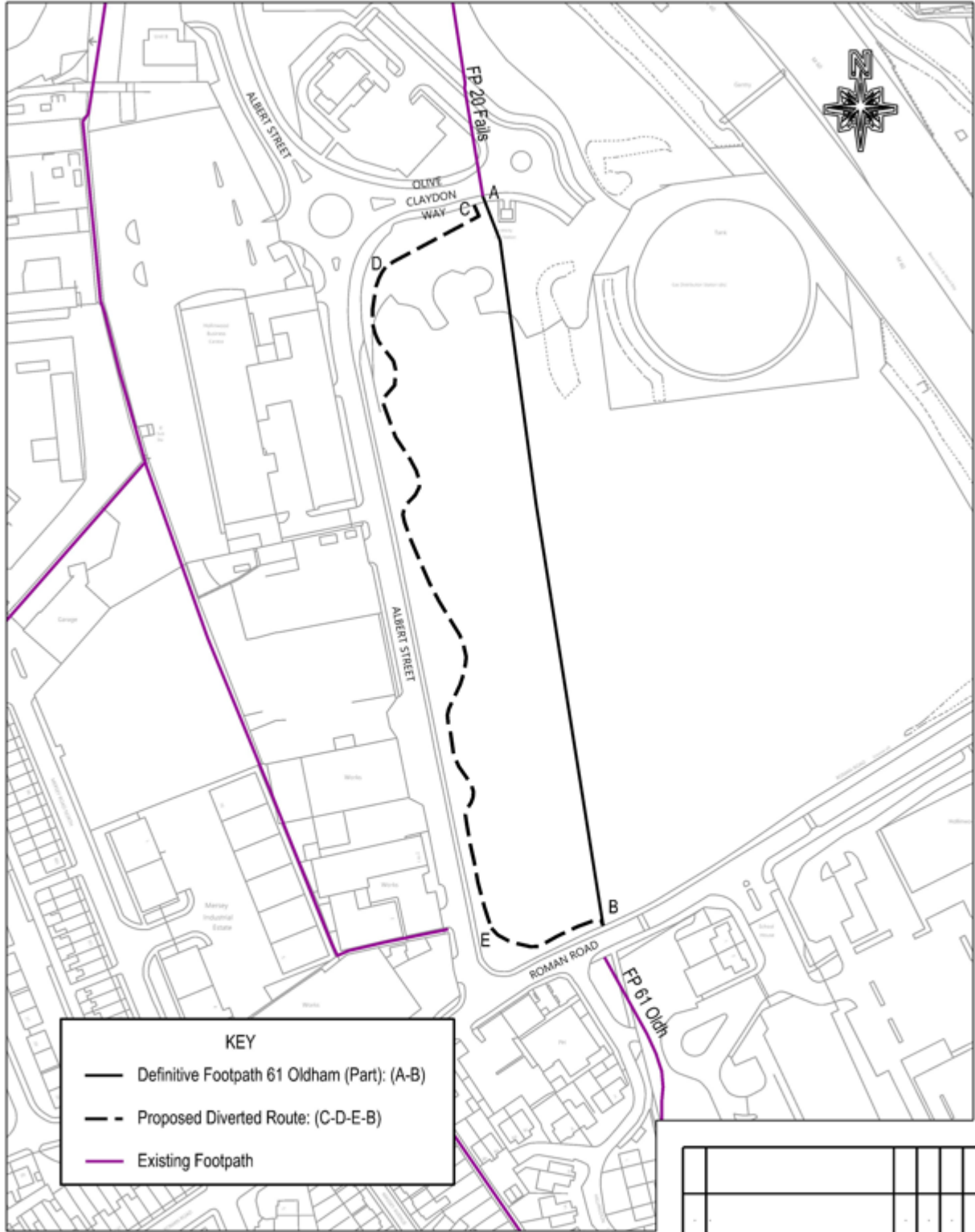
In consultation with Director of Environment



Signed :

Date: 22 December 2023





KEY	
	Definitive Footpath 61 Oldham (Part): (A-B)
	Proposed Diverted Route: (C-D-E-B)
	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 Albert Street, Failsworth		
Drawn by RW	Date 11/23	Purpose of issue information
Checked by LK	Date 11/23	Scale at A4 size
Approved by	Date	1:2000

Title Diversion of Public Highway Combined Order s257 Town and Country Planning Act 1990 Diversion of Public Footpath 61 Oldham (Part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement	
Drawing No. <b>764/A4/243/1</b>	Rev. .

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