

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP
AND STATEMENT MODIFICATION ORDER**

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53A(2)

**OLDHAM BOROUGH COUNCIL (FOOTPATH 26 OLDHAM) PUBLIC PATH DIVERSION
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2022**

This order is made by Oldham Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely MMA/344723/20 – Section 73 application. Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full).

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map and statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this Order) of highways hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order (“the Schedule”) shall be diverted and the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map and statement shall be modified as described below.
2. There shall be created to the reasonable satisfaction of Oldham Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the confirmation of this order and upon the occurrence of the diversion the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map shall be modified by deleting from it the path or way referred to in paragraph 1 of this order and the path or way referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing path or way

Existing Footpath 26 Oldham commencing at GR SD95648 04292 off Rhodes Hill proceeding in an easterly direction for a distance of approximately 480 metres to its junction with Footpath 25 Oldham at GR SD96048 04267 as shown on the attached map.

PART 2

Description of site of alternative highway

Footpath 26 Oldham commencing at GR SD95648 04292 off Rhodes Hill and proceeding for a distance of 168 metres in an easterly direction to point A (GR SD95808 04305) then turning to and proceeding in a south-easterly direction for a distance of 35 metres following stepped route to point C (GR SD95831 04289). Proceeding east across link road for a distance of 15 metres to point D (GR SD95851 04289) then heading east and north-east for a distance of 36 metres following stepped route to point B (GR SD95851 04289) and proceeding east and south-east for a distance of 181 metres to GR SD96048 04267 where Footpath 26 Oldham joins Footpath 25 Oldham, a total distance of 435 metres or thereabouts as shown on the attached map.

PART 3

Modification of Definitive Statement

Variation of particulars of path or way

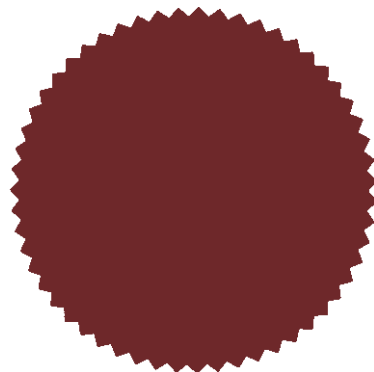
Statement to be deleted

District and page number	Page Number	Status	Length	Description	Comments
Oldham Footpath 26	11	Footpath	480 metres	The path is a worn grass track leaving Rhodes Hill just south of Thornley Brook and running in an easterly direction south of the Brook. It crosses the Brook near the junction with path 25 before joining definitive footpath no.197 in Saddleworth U.D.	

Statement to be added

District and page number	Page Number	Status	Length	Description	Comments
Oldham Footpath 26	11	Footpath	435 metres	Footpath 26 Oldham commencing at GR SD95648 04292 off Rhodes Hill and proceeding for a distance of 168 metres in an easterly direction to GR SD95808 04305 then turning to and proceeding in a south-easterly direction for a distance of 35 metres following stepped route to GR SD95831 04289. Proceeding east across link road for a distance of 15 metres to GR SD95851 04289 then heading east and north-east for a distance of 36 metres following stepped route to GR SD95851 04289 and proceeding east and south-east for a distance of 181 metres to GR SD96048 04267 where Footpath 26 Oldham joins Footpath 25 Oldham, a total distance of 435 metres or thereabouts.	Min. width 1 metre 79 steps with treads @ 178 mm riser

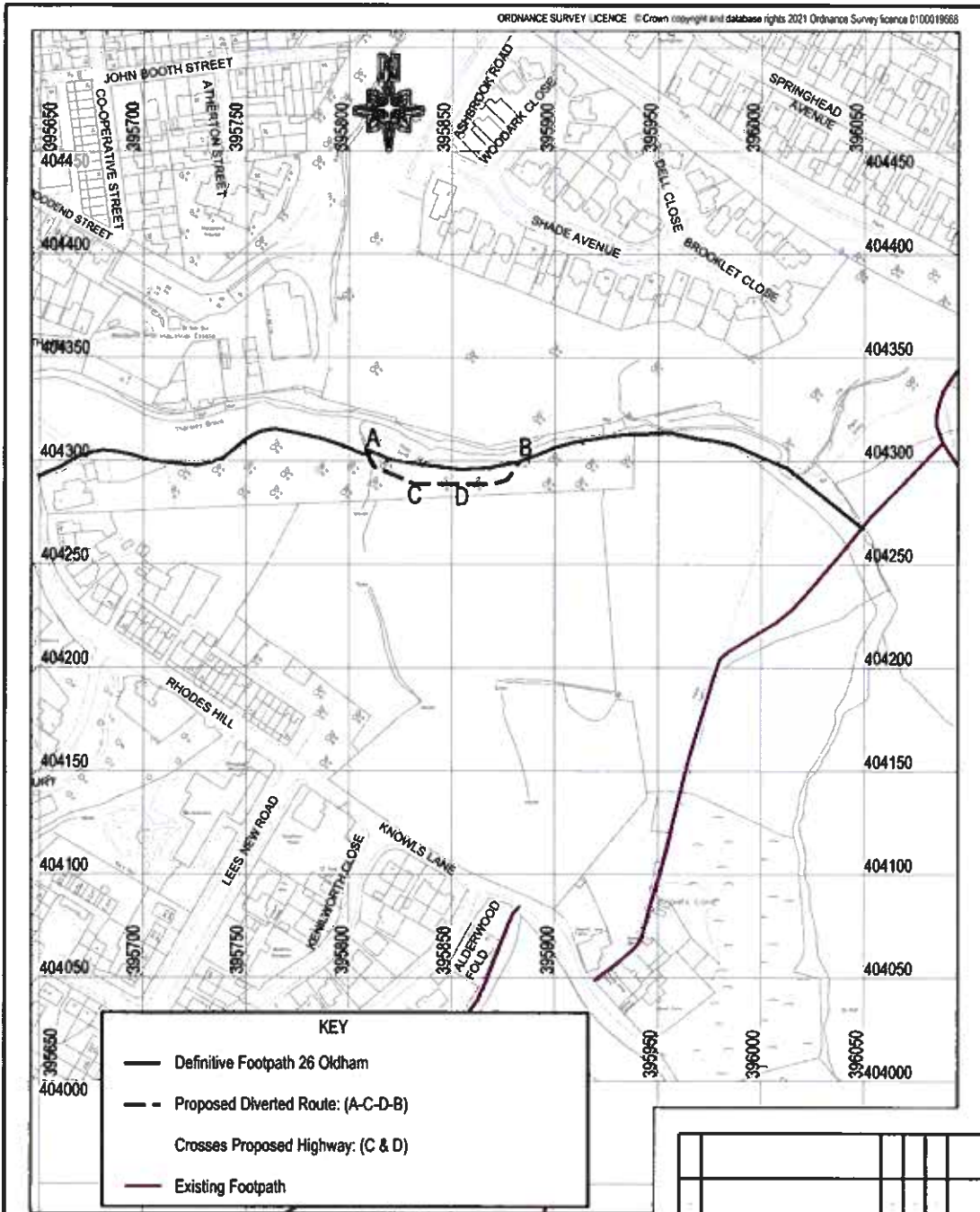
THE COMMON SEAL of)
 OLDHAM BOROUGH)
 COUNCIL was hereunto)
 affixed on 4th May 2022)
 in the presence of: -)



Number in Seal Book
 7804/22 ¹³

RE



Alan Evans
ALAN EVANS
GROUP SOLICITOR



KEY

- Definitive Footpath 26 Oldham
- Proposed Diverted Route: (A-C-D-B)
- Crosses Proposed Highway: (C & D)
- Existing Footpath

Rev	Revision details	By	Chk	App	Date

 Oldham Council	Client Oldham MBC		Title Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 26 Oldham (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement
	Project Knowls Lane Link Road		
 Unitypartnership HIGHWAYS & ENGINEERING Henshaw House, Cheapside, Oldham OL1 1NY	Drawn by RW	Date 12/21	Purpose of issue Order Plan
	Checked by LK	Date 12/21	Scale at A4 size 1:2500
	Approved by GS	Date 12/21	Drawing No. 764/A4/226/1

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Alan Evans
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Number in Series
 7804/22 C