

Definitive Map and Statement Modification Order

Stopping Up of Definitive Footpaths 186 & 187 Oldham, at Fontwell Lane & Acre Lane, Derker, S53 Wildlife and Countryside Act 1981

Portfolio Holder:

Councillor Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRow Officer

Ext. 4306

TRO Panel - 13 June 2024

Reason for Decision

Subsequent to the confirmation of the Stopping Up of Highways (North West) (No.14) Order 2018 by the Secretary of State for the stopping up of Footpaths 186 and 187 Oldham, it is necessary for Oldham Council, as Highway Authority, to amend the Definitive Map and Statement for the aforementioned Footpaths to reflect the stopping up.

Recommendation

It is recommended that the Council make a Modification Order in respect of Footpaths 186 and 187 Oldham, under Section 53(2)(b) 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.

Definitive Map and Statement Modification Order Stopping Up of Definitive Footpaths 186 & 187 Oldham, at Fontwell Lane & Acre Lane, Derker, S53A Wildlife and Countryside Act 1981.**1 Background**

- 1.1 The Secretary of State authorised the stopping up of Footpaths 186 & 187 Oldham with effect from 28 February 2018, in order for development to be carried out in accordance with planning permission granted to First Choice Homes (PA/340556/17). As a result of this, it is required for Oldham Council to make the necessary amendments to the Definitive Map and Statement.
- 1.2 The Council have an obligation to continuously review the Definitive Map and Statement. The Definitive Map shows the location and status of public rights of way and the Definitive Statement gives descriptions of the public rights of way, including any restriction on their use.

2 Proposal

- 2.1 The route of Footpath 186 Oldham is shown on attached plan (764/A4/245/1). The path commences at point A, following a generally easterly route for approximately 212 metres to point B to terminate opposite No. 2 Fontwell Lane.
- 2.2 The route of Footpath 187 Oldham is also shown on attached plan (764/A4/245/1). The path also commences at point A, following a generally southerly route for approximately 40 metres, then proceeding east for approximately 40 metres then following a generally southerly route for approximately 73 metres to terminate at point C on Bartlemore Street.
- 2.3 The confirmation of the Stopping Up of Highways (North West) (No.14) Order 2018 by the Secretary of State means it will be necessary to modify the Definitive Map and Statement for Footpaths 186 and 187 Oldham to reflect the stopping up of the footpaths. To amend the Definitive Map and Statement the Council is required to make a Modification Order pursuant to section 53(2)(b) of the Wildlife and Countryside Act 1981. The Definitive Statements for the Footpaths are given in the Schedule and these should be deleted from the Definitive Statement and Footpaths 186 and 187 Oldham should be removed from the Definitive Map.

3 Options/Alternatives

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

4 Preferred Option

- 4.1 It is recommended that Option 1 be approved, and the Council make a Modification Order in respect of Footpaths 186 and 187 Oldham under Section 53(2)(b) 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.

5 Consultation

- 5.1 The Ward Members have been consulted and Councillor J Charters supports the proposal.

6 **Financial Implications**

6.1 None.

7 **Legal Implications**

7.1 Under section 53(2)(b) of the Wildlife and Countryside Act 1981 the Council is required as soon as reasonably practicable after the occurrence of any of the events specified in section 53(3), to make by order such modifications to the Definitive Map and Statement as appear to them to be requisite in consequence of the occurrence of that event. The events in section 53(3) include at section 53(3)(a)(i) the coming into operation of any enactment or instrument or any other event whereby a Highway shown in the map and statement has been authorised to be stopped up, diverted, widened or extended. An order made pursuant to an event in section 53(3)(a)(i) is known as a legal event modification order. Legal event modification orders simply record on the Definitive Map and Statement legal changes that have already taken place under some other legislation. They do not have to be advertised, are not subject to objections and take effect as soon as they are made. The modification order to be made by the Council will be a legal event modification order as it is being made as a result of the Stopping Up of Highways (North West) (No. 14) Order 2018. (A Evans)

8 **Co-operative Implications**

8.1 No comments (James Mulvaney, Policy Manager)

9 **Human Resource Implications**

9.1 None.

10 **Risk Assessments**

10.1 Based on the report contents and legal comments in this report the recommended option appears to have no significant risks. (Vicki Gallacher, Head of Insurance and Information Management)

11 **IT Implications**

11.1 None.

12 **Property Implications**

12.1 None.

13 **Procurement Implications**

13.1 None.

14 **Environmental and Health & Safety Implications**

14.1 None.

15 **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

15.1 None.

- 16 **Oldham Equality Impact Assessment, including implications for Children and Young People**
- 16.1 No
- 17 **Key Decision**
- 17.1 No
- 18 **Key Decision Reference**
- 18.1 N/A
- 19 **Background Papers**
- 19.1 None
- 20 **Appendices**
- 20.1 1) Stopping Up of Highways (North West) No.14) Order 2018
2) Order Plan

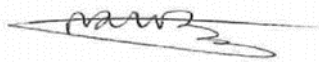
Schedule – Current Definitive Statements

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 186	5	Footpath	140	Path leaves Holyrood Street to the east of the bridge and follows south side of wire fence. Path crosses waste ground as a trodden path in an easterly direction then turns north and joins path 123 40m north at the end of London Road DMMO 1 Sept 2001	Public path diversion (part) order 30.7.1991
OLDHAM 187	5	Footpath	110	From Bartlemoor Street in a northerly	

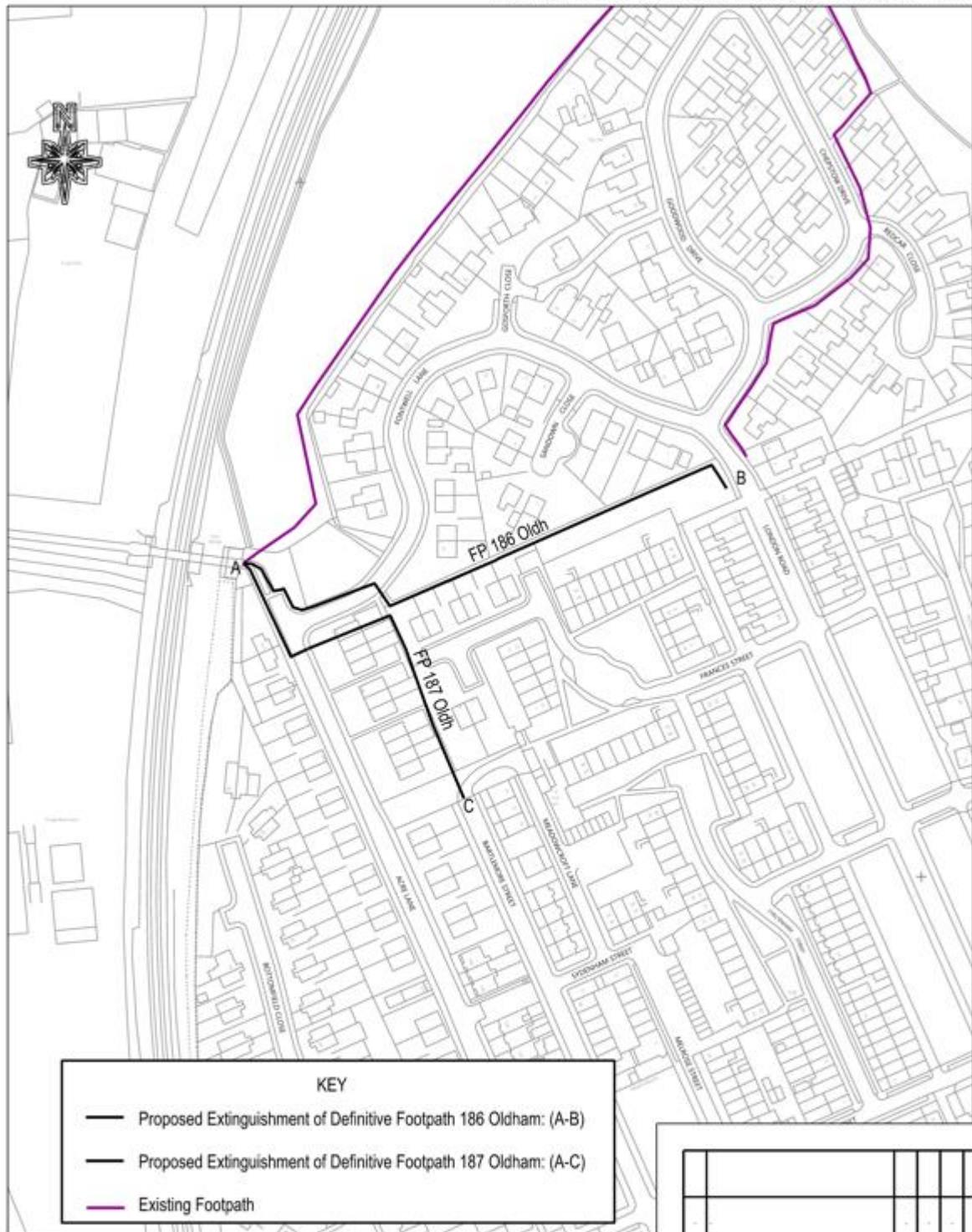
				direction as a rough road approximately 5m wide. Turns east around the backs of 178-188 Acre Lane and is used by traffic as access to garages. Beyond the houses path turns north west to the railway bridge as a well worn track - bollards prevent vehicles from using last 60m of path	
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In consultation with Director of Environment

Signed :



Date: 31.05.2024



Rev	Revision details	By	Chk	App	Date



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Oldham Council Offices, Spindles Shopping Centre,
George Street, Oldham OL1 1HD

Client		Oldham MBC	
Project		Acre Lane and Fontwell Lane, Oldham	
Drawn by	Date	Purpose of issue	
RW	05/24	information	
Checked by	Date	Scale at A4 size	
LK	05/24	1:2000	
Approved by	Date		

Title		Extinguishment of Public Highway Combined Order s247 Town and Country Planning Act 1990 Extinguishment of Public Footpath 186, Public Footpath 187 Oldham and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement	
Drawing No.		764/A4/245/1	
Rev.			

APPENDIX 1

Stopping Up of Highways (North West) No.14) Order 2018

TOWN AND COUNTRY PLANNING ACT 1990

THE STOPPING UP OF HIGHWAYS (NORTH WEST) (NO.14) ORDER 2018

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. The Secretary of State authorises the stopping up of the highway described in the Schedule to this Order and shown on the plan, in order to enable development to be carried out in accordance with the planning permission granted under Part III of the Act by Oldham Metropolitan Borough Council under reference PA/340556/17.

2. (1) The developer shall to the reasonable satisfaction of the Council provide:-

(a) new highways which shall be footpaths along the routes shown in red on the plan; and

(b) improvement of the highway shown in grey on the plan.

(2) The new footpaths shall be highways which for the purposes of the Highways Act 1980 are highways maintainable at the public expense and the Council shall be the highway authority for them.

3. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

4. In this Order -

"the Council" means Oldham Metropolitan Borough Council

"the developer" means First Choice Homes Oldham

"the plan" means the plan numbered NATTRAN/NW/S247/3017, marked "Highways at Derker in the Metropolitan Borough of Oldham", signed by authority of the Secretary of State and deposited at the Department for Transport, Deposit Document Service, F Floor, Ashdown House, St Leonards-on-Sea, Hastings, East Sussex TN37 7GA.

5. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Stopping Up of Highways (North West) (No.14) Order 2018.

Signed by authority of
the Secretary of State
15 February 2018



GARY PATRICK
An Official in the
National Transport Casework Team
Department for Transport

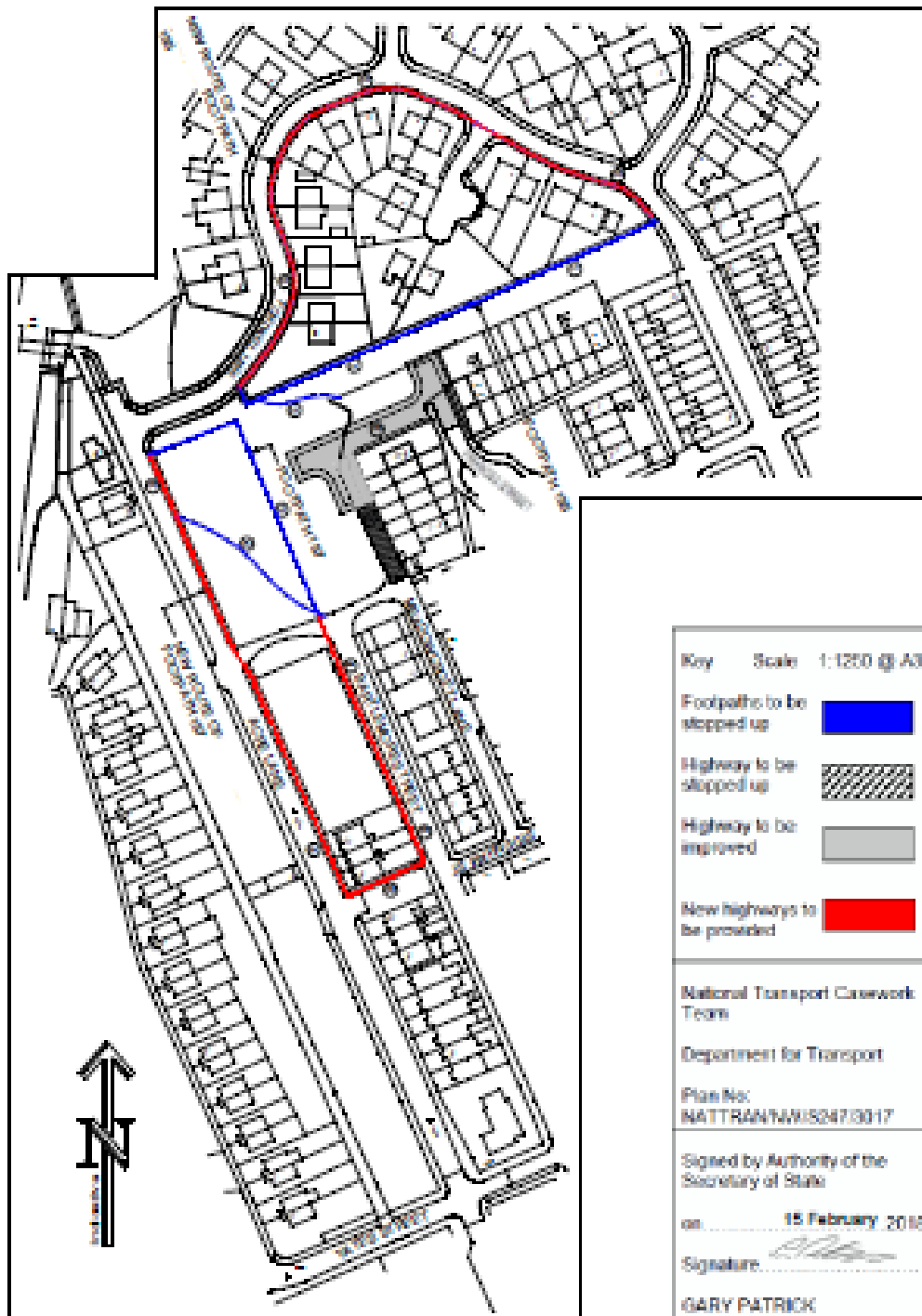
THE SCHEDULE

Description of highways to be stopped up


The highways to be stopped up are at Derker in the Metropolitan Borough of Oldham, shown on the plan as:


1. The whole of footpath 186. (Marked 1 on the plan.)
2. The whole of footpath 187. (Marked 2 on the plan.)
3. The whole of the unnamed footpath adjoining Fontwell Lane. (Marked 3 on the plan.)
4. The whole of the unnamed footpath connecting Bartlemore Street to Acre Lane. (Marked 4 on the plan.)
5. A length of Meadowcroft Lane, commencing 13 metres north west of the north western corner of 1 Frances Street. It extends in a south easterly direction for a distance of 25 metres. (Marked 5 on the plan.)


APPENDIX 2
ORDER PLAN




Key Scale: 1:1250 @ A3

Footpaths to be stopped up 

Highway to be stopped up 

Highway to be improved 

New highways to be provided 


National Transport Casework Team

Department for Transport

Plan No: NATTRAN/NI/5247/0017

Signed by Authority of the Secretary of State

on 15 February 2010

Signature 

GARY PATRICK
An Officer in the
National Transport Casework Team
Department for Transport

HIGHWAYS AT DERKER IN THE METROPOLITAN BOROUGH OF OLDHAM