

Definitive Map and Statement Modification Order

S119 Highways Act 1980 – (Part) Diversion of Footpath 152 Oldham, at Oldham Way, Oldham and S53A Wildlife and Countryside Act 1981 Modification of the Definitive Map and Statement.

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

To seek approval to submit the Footpath 152 Oldham Public Path Diversion and Definitive Map and Statement Modification Order 2024, to the Planning Inspectorate with a request that the Order be confirmed, subject to the inclusion of the amended wording to the Definitive Statement in Schedule 3.

Recommendation

The Panel is requested to approve the application to the Planning Inspectorate to confirm the Order subject to the modifications detailed in Schedule 3.

Definitive Map and Statement Modification Order S119 Highways Act 1980 – (Part) Diversion of Footpath 152 Oldham, at Oldham Way, Oldham and S53A Wildlife and Countryside Act 1981, Modification of the Definitive Map and Statement.**1 Background**

- 1.1 Oldham Council made a Public Path Diversion and Definitive Map and Statement Modification Order, diverting Footpath 152 Oldham, following the removal of the bridge spanning the Oldham Way on 11 January 2024, which was subsequently advertised in the local press and received an objection.
- 1.2 The objection received from the Ramblers Association was in relation to the proposed amended description of the footpath route in the Definitive Statement. Public rights of way in the Borough are recorded on the Definitive Map and Statement, which the Council has a duty to keep under continuous review under Section 53 of the Wildlife and Countryside Act 1981. 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 restrictions on their use. The current description of the footpath route in the Definitive Statement is detailed in Schedule 1 and the revised description of the footpath route contained in the Order is detailed in Schedule 2.
- 1.3 The objection requests the replacement in the revised Definitive Statement in Schedule 2 of the wording 'red tin footbridge' with 'Victorian steel lattice footbridge'. It is considered that the proposed wording is a more appropriate description of the footbridge.
- 1.4 The objection may be satisfied by submitting the Order to the Planning Inspectorate with a request that the Order be confirmed subject to the amended wording in the Definitive Statement.

2 Proposal

- 2.1 To submit the Order to the Planning Inspectorate with a request that the Order be confirmed subject to the inclusion of the proposed amended wording to the Definitive Statement detailed in Schedule 3.

3 Options/Alternatives

- 3.1 Option 1: To agree to the proposed amendments to the Made Order.
Option 2: Not to agree to the proposed amendments.

4 Preferred Option

- 4.1 It is recommended that Option 1 be approved to satisfy the objection and permit the Order to be confirmed and brought into effect without undue delay.

5 Consultation

- 5.1 The Ward Members have been consulted and no comments have been received.

6 Financial Implications

- 6.1 None.

7 **Legal Implications**

7.1 The Council does not have the power to amend a Public Path Diversion and Definitive Map and Statement Modification Order after it has been made. Modifications can only be made by the Planning Inspectorate. It is therefore necessary to send the Order to the Planning Inspectorate with a request that it be confirmed and brought into force subject to the proposed amended description of the footbridge in the Definitive Statement. (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 legal comments in this report the recommendation that this matter is referred to the Planning Inspectorate to confirm the order subject to any amended wording and satisfy any objections appears to mitigate any risks associated with this report.

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 None.

Schedule 1 – Current Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 152	10	F.P	171	This is a British Rail footbridge from Churchill Street to Gas Street	OLDHAM 152

Schedule 2 – Proposed Modification of Definitive Statement in the Order

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 152	10	F.P	154	Footpath 152 Oldham commences at (GR SD93198 04732) proceeding in a north-westerly direction across the red tin footbridge for a distance of approximately 126m to (GR SD93119 04830) Then proceeding northeast for a distance of approx. 28m down the ramp to terminate at (GR SD93143 04845) on the adopted footway on the southern side of Oldham Way.	1 Footbridge

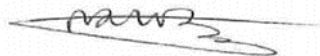
The words to be removed are highlighted in bold.

Schedule 3 – Proposed Modification of Definitive Statement to be submitted to the Planning Inspectorate

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 152	10	F.P	154	Footpath 152 Oldham commences at (GR SD93198 04732) proceeding in a north-westerly direction across the Victorian steel lattice footbridge for a distance of approximately 126m to (GR SD93119 04830) Then proceeding northeast for a distance of approx. 28m down the ramp to terminate at (GR SD93143 04845) on the adopted footway on the southern side of Oldham Way.	1 Footbridge

The amended wording is shown in bold.

In consultation with Director of Environment



Signed :

Date: 31.05.2024

