

# **Definitive Map and Statement Modification Order**

## **Diversion of Definitive Footpath 180 Oldham, at London Road, Derker, S53 Wildlife and Countryside Act 1981**

### **Portfolio Holder:**

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

**Officer Contact:** Nasir Dad, Director of Environment

**Report Author:** Liam Kennedy, PRow Officer  
Ext. 4306

### **Highway Regulation Committee**

#### **Reason for Decision**

Subsequent to the confirmation of the Public Path Diversion Order 2013 for the diversion of Footpath 180, Oldham, it is necessary for Oldham Council as Highway Authority to amend the Definitive Map and Statement for the aforementioned Footpath to reflect the diversion.

#### **Recommendation**

It is recommended that the Council make a Modification Order in respect of the diversion of Footpath 180 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 Diversion of Definitive Footpath 180 Oldham, at London Road, Derker, S53A Wildlife and Countryside Act 1981****1 Background**

- 1.1 Definitive Footpath 180, Oldham, was diverted under s257 of The Town & Country Planning Act 1990, in accordance with planning permission granted for the development of land at London Road, Derker (PA/332832/12) by a Public Path Diversion Order in 2013. The Order was to come into effect when the diverted route was provided to the Council's reasonable satisfaction. Subsequently, this Order was Confirmed as an Unopposed Order and brought into effect on 1 March 2023. 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 has 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 restrictions on their use.

**2 Current Position**

- 2.1 The part of Footpath 180 Oldham to be diverted is shown in green on the attached plan below. The path commences from point A, 30 metres east of London Road, Derker, and proceeds for a distance of 119 metres in a generally northerly direction to point B, which is located 40 metres east of the kerb line with London Road, Derker.
- 2.2 The diverted route of Footpath 180 Oldham is also shown (in purple) on the attached plan below. The path commences from point A, 30 metres east of London Road, Derker, and proceeds for a distance of 81 metres in an easterly direction to point Z which is located 110 metres east of London Road. It then proceeds for a distance of 33 metres in a northerly direction to point Y, which is located 115 metres north east of the eastern radius of the London Road/Derker Street junction. Then for a distance of 100 metres in a generally north westerly direction to point B, which is located 40 metres east of the kerb line with London Road, Derker, and having a width of 2 metres throughout. From point B the footpath continues on its original route to Stoneleigh Street.
- 2.3 The amendments required to the Definitive Statement are detailed in the Schedule.

**3 Options/Alternatives**

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

**4 Preferred Option**

- 4.1 As the Public Path Diversion Order has been brought into effect, pursuant to the duty in section 53 of the Wildlife and Countryside Act 1981, the Council is required to modify the Definitive Map and Statement accordingly. Therefore, it is recommended that Option 1 be approved, and the Council make a Modification Order in respect of Footpath 180 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.

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- 5        **Consultation**
- 5.1      No consultation is required as the Order is merely updating the Definitive Map and Statement to reflect the amendments made following the bringing into effect the Public Path Diversion Order. Consultation procedures involving the public, relevant landowners and statutory undertakers will have been carried out as part of the process of making and confirming the Public Path Diversion Order.
- 6        **Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998**
- None
- 7        **Risk Assessments**
- Not applicable
- 8        **Co-operative Implications**
- Not applicable (James Mulvaney, Policy Manager)
- 9        **Procurement Implications**
- None
- 10       **Financial Implications**
- 10.1     Implementing a Modification Order for the diversion of Footpath 180 will have no financial implications to the Authority.
- (John Edisbury)
- 11       **Legal Implications**
- 11.1     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.
- 11.2     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 confirmation and bringing into effect the Public Path Diversion Order relating to Footpath 180 Oldham. (A Evans)
- 12       **Equality Impact, including implications for Children and Young People**
- 12.1     No

- 13 **Key Decision**
- 13.1 No
- 14 **Key Decision Reference**
- 14.1 N/A
- 15 **Background Papers**
- 15.1 None
- 16 **Appendices**
- 16.1 1) s257 TCPA Public Path Diversion Order

**Schedule – Current Definitive Statement**


<b>District and path number</b>	<b>Page Number</b>	<b>Status</b>	<b>Length (m)</b>	<b>Description</b>	<b>Comments</b>
OLDHAM 180	5	Footpath	250	Path leaves Derker Street northwards as a cobbles access to rear of some houses. Path changes at Garnet Street to a rough tarmac path still heading northwards where it passes to the west side of a school. Path continues as a stone/dirt path to Stoneleigh Street next to Westminster Street.	

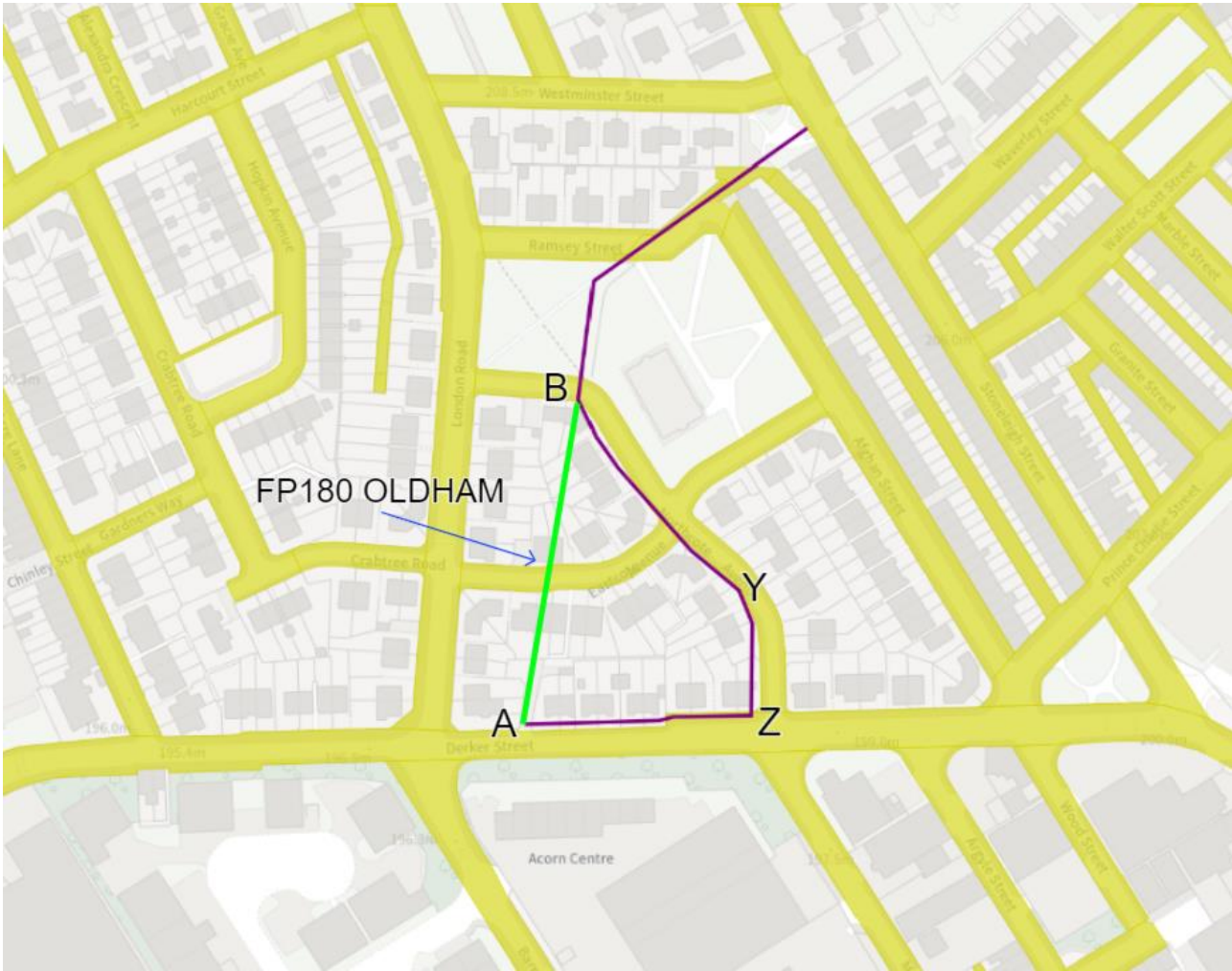
## Schedule – Amended Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 180	5	Footpath	345	<p>Path commences at (GR SD93745 05749), 30 metres east of London Road, Derker and proceeds for a distance of 81 metres in an easterly direction to (GR SD93826 05754) which is located 110 metres east of London Road. Then for a distance of 33 metres in a northerly direction to (GR SD93826 05787), which is located 115 metres north east of the eastern radius of the London Road/Derker Street junction. Then for a distance of 100 metres in a generally north westerly direction to (GR SD93766 05867) which is located 40 metres east of the kerb line with</p>	Public Path Diversion Order 2013

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				London Road, Derker and having a width of 2 metres throughout. Path continues in a north westerly direction over playing field and joins Ramsey Street to continue and terminate at Stoneleigh Street approx. 10 metres from its junction with Westminster Street.	
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Signed:  In consultation with Nasir Dad, Director of Environment	Dated: 23.01.25
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## **APPENDIX 1**



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**Public Path Diversion Order**

**PUBLIC PATH DIVERSION ORDER**

**SECTION 257 TOWN AND COUNTRY PLANNING ACT 1990**

**OLDHAM BOROUGH COUNCIL (PUBLIC FOOTPATH 180 OLDHAM)  
PUBLIC PATH DIVERSION ORDER 2013**

**Date Order made: 19<sup>th</sup> June 2013**

**Date Order confirmed: 1<sup>st</sup> March 2023**

**Date Order brought into effect: 1<sup>st</sup> March 2023**

**Legal Section  
Civic Centre  
West Street  
Oldham  
OL1 1UL**

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**SECTION 257 TOWN & COUNTRY PLANNING ACT 1990  
PUBLIC PATH DIVERSION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**

**OLDHAM BOROUGH COUNCIL (PUBLIC FOOTPATH 180 DERKER)  
PUBLIC PATH DIVERSION ORDER 2013**

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 the development of land at London Road, Derker (PA/332832/12).

**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 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 date on which Oldham Borough Council certify that the terms of Article 2 above have been complied with.
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**

Commencing from point A, 30 metres east of London Road, Derker for a distance of 119 metres in a generally northerly direction to point B, which is located 40 metres east of the kerb line with London road, Derker.

**PART 2**  
**Description of site of alternative highway**

Commencing from point A, 30 metres east of London Road, Derker for a distance of 81 metres in an easterly direction to point Z which is located 110 metres east of London Road. Then for a distance of 33 metres in a northerly direction to point Y, which is located 115 metres north east of the eastern radius of the London Road/Derker Street junction. Then for a distance of 100 metres in a generally north westerly direction to point B, which is located 40 metres east of the kerb line with London road, Derker, and having a width of 2 metres throughout, as shown on the attached map.

THE COMMON SEAL of  
OLDHAM BOROUGH  
COUNCIL was hereunto  
affixed on 19<sup>th</sup> June 2013  
in the presence of: -

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Number in Seal Book  
346/13

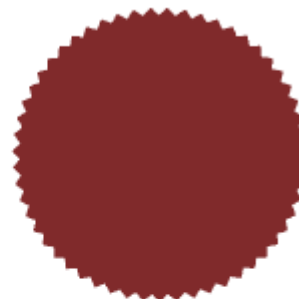
Date of making this Order: 19<sup>th</sup> June 2013

Confirmed by the Oldham  
Borough Council without  
Modification as an  
Unopposed Order this  
1<sup>st</sup> day of MARCH 2023  
in the presence of:-

KE



**REBECCA BOYLE**  
**GROUP SOLICITOR**



Number in Seal Book  
8600/23