

Definitive Map and Statement Modification Order

Diversion of Definitive Footpath 52 Failsworth, at Lumm Farm, Lumb Lane, Littlemoss, Droylsden, S53 Wildlife and Countryside Act 1981

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Transport & Highways

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRow Officer

Highways Regulation Committee – 29 January 2026

Reason for Decision

Subsequent to the confirmation of the Public Path Diversion Order 2013 for the diversion of Footpath 52, Failsworth 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 52 Failsworth 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 52 Failsworth, at Lumm Farm, Lumb Lane, Littlemoss, Droylsden, S53A Wildlife and Countryside Act 1981.

1 Background

- 1.1 Definitive Footpath 52, Failsworth was diverted under s257 of The Town & Country Planning Act 1990 in accordance with planning permission granted for the development of land at Lumm Farm, Lumb Lane, Littlemoss, Droylsden (PA/331096/11) 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 16th January 2025. The reason for the lengthy delay in confirming the Order was because the diverted route crossed the boundary into Tameside and it was necessary to wait until Tameside also made a diversion order for the continuation of the diverted footpath route. 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 restrictions on their use.

2 Current Position

- 2.1 The part of Footpath 52 Failsworth to be diverted is shown on the attached plan below (764/A4/229/1). The path commences from point A 110 metres in a generally south easterly direction to point B at the Borough boundary with Tameside.
- 2.2 The diverted route of Footpath 52 Failsworth is also shown on the attached plan below. The path commences from point A, for a distance of 30 metres in a southerly direction to point Y and then for a distance of 80 metres in a south easterly direction to point Z to join the diverted part of Footpath 72 Tameside at the Borough boundary with Tameside and having a width of 1.5 metres throughout.
- 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 52 Failsworth 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

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- 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**
- N/A
- 8 **Co-operative Implications**
- <Policy Team>
- 9 **Procurement Implications**
- None
- 10 **Financial Implications**
- 10.1 No cost implications. No advertisement required.
- 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 52 Failsworth. (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**

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- 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

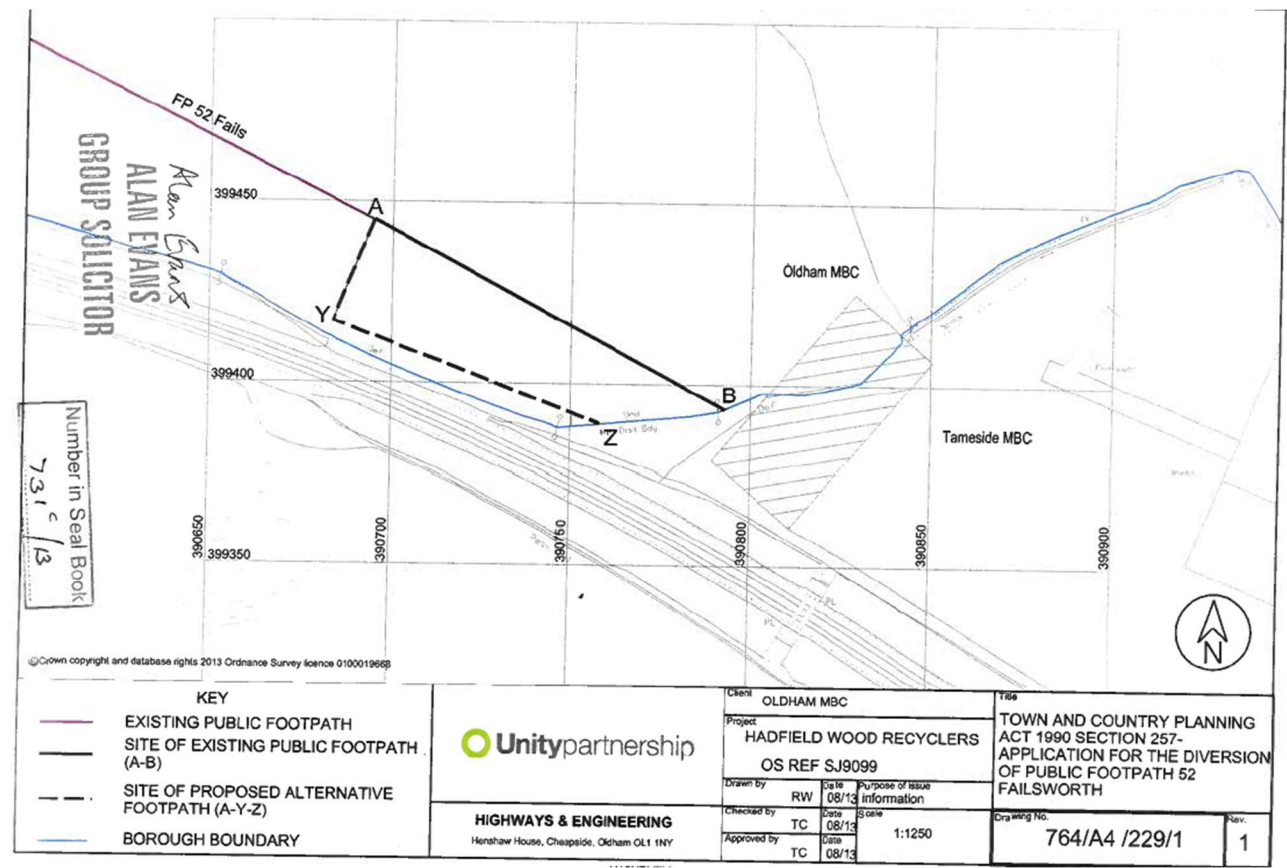
District and path number	Page Number	Status	Length (m)	Description	Comments
FAILSWORTH 52	15	Footpath	901	From junction with Medlock Road east of Bunkers Hill to Droylsden U.D.Boundary west of Lumb Farm.	

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Schedule – Amended Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
FAILSWORTH 52	15	Footpath	869	Path commences from next to 489 Medlock Road at GR SJ90102 99917 and proceeds south east for a distance of approximately 216 metres to its junction with Footpath 53 Failsworth at GR SJ90269 99790. Path continues south east for a distance of approximately 126 metres to cross the Tameside borough boundary at GR SJ90339 99681 continuing south east for a distance of approximately 67 metres to re-enter Oldham at GR SJ90380 99627. Path continues south east for a distance of approximately 350 metres to GR SJ90686 99448 then heads south for a distance	Public Path Diversion Order 2013 1.5m width between SJ90686 99448 and SJ90758 99389

				of approximately 30 metres to GR SJ90672 99422 then south east for a distance of approximately 80 metres to GR SJ90758 99389 to join Footpath 72 Tameside at the Borough boundary.	
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APPENDIX 1
Public Path Diversion Order

PUBLIC PATH DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

OLDHAM BOROUGH COUNCIL (PUBLIC FOOTPATH 52 FAILSWORTH) 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 3 of the Town and Country Planning Act 1990, namely the construction of two buildings for the housing of process plant and combined heat and power plant and related development on land at Lumm Farm, Lumb Lane, Littlemoss, Droylsden M43 7LB (PA/331096/11).

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 at point A at GR 390695 399445 for a distance of 110 metres in a generally south easterly direction to point B at GR 390793 399393 at the borough boundary with Tameside Metropolitan Borough.

PART 2
Description of site of alternative highway

Commencing from point A for a distance of 30 metres in a southerly direction to point Y at GR 390684 399417 and then for a distance of 80 metres in a south easterly direction to point Z at GR 390758 399389 to join the diverted part of Footpath 72 Tameside at the borough boundary with Tameside Metropolitan Borough and having a width of 1.5 metres throughout, as shown on the attached map.

THE COMMON SEAL of
OLDHAM BOROUGH
COUNCIL was hereunto
affixed on 30th October 2013
in the presence of: -

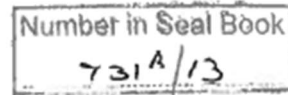
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RE

Alan Evans

ALAN EVANS
GROUP SOLICITOR



Date of making this Order: 30th October 2013

Date of confirming this Order: