

# **NOTICE OF ORDER**

## **Town and Country Planning Act 1990**

### **Section 257**

Wildlife and Countryside Act 1981 Section 53  
Oldham Metropolitan Borough Council  
(Part of Footpath 119 Saddleworth) Public Path Diversion and Definitive Map and  
Statement Modification Order 2017

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is 21 July 2020.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to divert the public footpath running from a point A (OS Map Ref 398966 406404) on the detached footway at the junction of Woods Lane and Delph New Road, Dobcross in a northerly direction for a distance of 53 metres to point B (OS Map Ref 398940 406452) adjacent to the turning head adjacent to 3 Treetops Close, Dobcross and create an alternative footpath instead on a line running from a point B (OS Map Ref 398940 406452) adjacent to the turning head adjacent to 3 Treetops Close, Dobcross in a south westerly direction for a distance of 21 metres to point C (OS Map Ref 398933 406431) on the footpath to Holy Trinity Church of England Primary School, Dobcross, having a minimum width of 2 metres, as shown on the order map.

Any queries relating to this Order should be referred to Jean McEntee at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5437. Email: [jean.mcentee@planninginspectorate.uk](mailto:jean.mcentee@planninginspectorate.uk). Please quote reference number ROW/3237390 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Oldham Civic Centre, Civic Entrance, West Street, Oldham OL1 1UT. Please email Alan Evans [Alan.Evans@oldham.gov.uk](mailto:Alan.Evans@oldham.gov.uk) or Telephone: 0161 770 3019.

#### **Timetable for sending in statements of case and comments**

##### **Within 2 weeks of the start date [by 4 August 2020]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

##### **Within 8 weeks of the start date [by 15 September 2020]**

Everyone who has made an objection or representation or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies (excluding copies of any supporting documents - these will be available to view at the Authority's offices) will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

**Within 14 weeks of the start date [by 27 October 2020]**

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order must do so in line with the timetable set out above.

**In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.**

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for w/r

**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 (PART OF FOOTPATH 119 SADDLEWORTH)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT  
MODIFICATION ORDER 2017**

This order is made by Oldham Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that –

- (a) an application for planning permission has been made under Part 3 of that Act, namely the change of use of land adjacent to 1, 2 and 3 Treetops Close, Dobcross to garden use associated with the dwellings (PA/340311/17), and
- (b) if the application were granted it would be necessary to authorise the diversion of the footpath to which this order relates in order to enable the development to be carried out.

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 a highway 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 date on which Oldham Borough Council certify that the terms of Article 2 above have been complied with and upon the occurrence of that 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**

Commencing at point A (OS Map Ref 398966 406404) on the detached footway at the junction of Woods Lane and Delph New Road, Dobcross in a northerly direction for a distance of 53 metres to point B (OS Map Ref 398940 406452) adjacent to the turning head adjacent to 3 Treetops Close, Dobcross.

### **PART 2**

#### **Description of site of alternative highway**

From point B (OS Map Ref 398940 406452) adjacent to the turning head adjacent to 3 Treetops Close, Dobcross in a south westerly direction for a distance of 21 metres to point C (OS Map Ref 398933 406431) on the footpath to Holy Trinity Church of England Primary School, Dobcross, having a minimum width of 2 metres, as shown on the attached map.

**PART 3**  
**Modification of Definitive Statement**

**Variation of particulars of path or way**

**Statement to be deleted**

<b>District and Number</b>	<b>Page Number</b>	<b>Status</b>	<b>Length</b>	<b>Description</b>	<b>Width</b>
Saddleworth 119	6D	Bridleway and Footpath	266 metres - footpath	Footpath commencing at its junction with Woods Lane Dobcross and proceeding in a north westerly direction to Sycamore Cottages and continuing as Bridleway in a north westerly then northerly direction to its junction with Gatehead Road with a branch footpath proceeding northward at the Mill Pond to its junction with Platt Lane Comments public path order creation - confirmation date 29.5.88	3 metres wide and 1.2 metres

**Statement to be added**

<b>District and Number</b>	<b>Page Number</b>	<b>Status</b>	<b>Length</b>	<b>Description</b>	<b>Width</b>
Saddleworth 119	6D	Footpath	39 metres	Commencing at point C (OS Map Ref 398933 406431) on the footpath to Holy Trinity Church of England Primary School, Dobcross in a north easterly direction to point B (OS Map Ref 398940 406452) adjacent to the turning head adjacent to 3 Treetops Close, Dobcross, then northerly to point D (OS Map Ref 398937 406457) at end of turning bay then easterly to point E (OS Map Ref 398948 406462) at the southern end of the frontage to Sycamore Cottages.	2 metres

Saddleworth 119	6D	Bridleway	1083 metres	<p>From point F (OS Map Ref 398963 406459) on Treetops Close, Dobcross westerly to point E (OS Map Ref 398948 406462), the junction with Footpath 119 Saddleworth at the southern end of the frontage to Sycamore Cottages, then in a north westerly direction to gate at point G (OS Map Ref 398930 406501), north westerly then north westerly in open country to point H (OS Map Ref 398841 406674) at the Footpath 119A, then following the River Tame north westerly to Point J (OS Map Ref 398554 406958), then north north easterly to point K (OS Map Ref 398620 407169) at the rear of Gatehead Mill, then in a north easterly direction to point L (OS Map Ref 398693 407255) at the junction with Footpath 120 and Bridleway 120 Saddleworth then north easterly to point M (OS Map Ref 398732 407291) at the junction with the branch of Bridleway 120 Saddleworth, which is the driveway to Gatehead Farm, then to point N on Gatehead Road (OS Map Ref 398768 407312).</p> <p>Comments public path order creation - confirmation date 29.5.88</p>	Varies
Saddleworth 119A	6D	Footpath branch	200 metres	<p>From point H (OS Map Ref 398841 406674) on Bridleway 119 in a north north westerly direction with Mill Pond and the rear of properties on Bar Meadow to point P (OS Map Ref 398814 406764), where Footpath 119B passes between Nos 8 and 10 Bar Meadow, then curving around the perimeter of the rear gardens of Bar</p>	Varies



				Meadow to emerge north easterly between 2 Bar Meadow and Bekaa House at point Q (OS Map Ref 398554 406958) on Platt Lane.	
Saddleworth 119B	6D	Footpath branch	34 metres	From point P (OS Map Ref 398814 406764) on footpath 119A Saddleworth north easterly passing between Nos 8 and 10 Bar Meadow, emerging on Bar Meadow at point R (OS Map Ref 398839 406786).	1.5 metres

**THE COMMON SEAL of**  
**OLDHAM BOROUGH**  
**COUNCIL** was hereunto  
 affixed on 4 October 2017  
 in the presence of: -

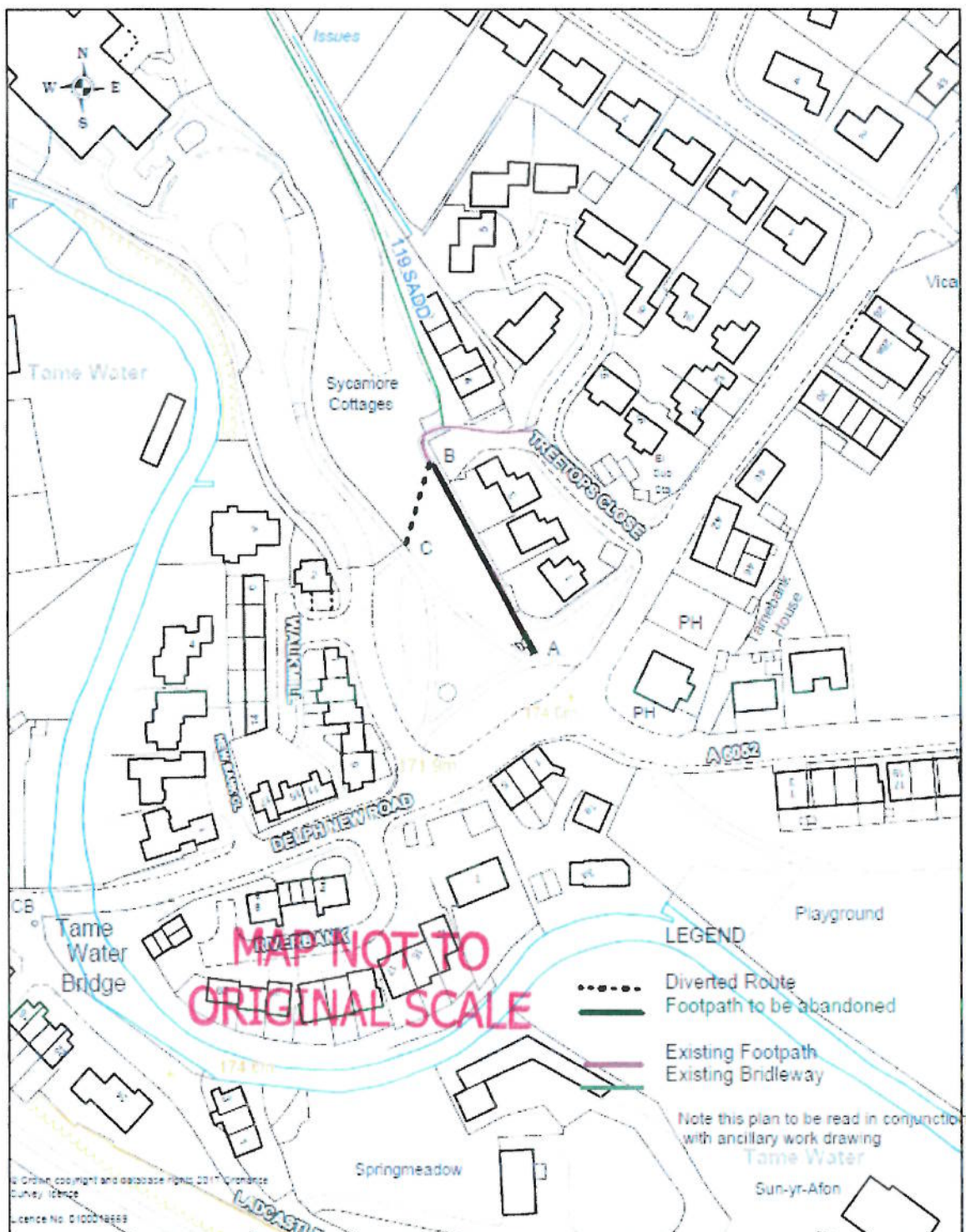
RE


*A. Bougatef*



**ALEX BOUGATEF**  
**GROUP SOLICITOR**

Number in Seal Book  
 3319/17



 <b>Unity</b> partnership	Client Oldham MBC			Title  Diversion of Part of Footpath 119 Saddleworth	
	Project				
	Drawn by	DATE	Purpose of issue	Drawing No	
	sjp	02/08/2017	Information		
<b>HIGHWAYS &amp; ENGINEERING</b> Henshaw House, Greasdale, Oldham OL1 1NR	Checked by	DATE	Scale at A4 size	Drawing No  764/A4/219/1	
	Approved by	DATE	1 : 1250		
				Rev	

*A. Bougatef*

**ALEX BOUGATEF**  
**GROUP SOLICITOR**

3319/17<sup>A</sup>