

**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 (FOOTPATHS 46, 47 AND 48 (PART) CHADDERTON)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2021**

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 footpaths 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 FUL/345659/20 – residential development of up to 160 dwellings with vehicular access onto Broadway and Milton Drive, car parking, roads, landscaping and associated works and infrastructure following demolition of existing buildings.

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 highways hitherto shown or required to be shown in the map and statement.

BY THIS ORDER:

1. The footpaths over the land shown by bold black lines 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 alternative highways for use as a replacement for the said footpaths as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpaths shall have effect on the confirmation of this order and upon the occurrence of those diversions the Oldham Metropolitan Borough Council Definitive Map of Public Rights of Way definitive map shall be modified by deleting from it the paths or ways referred to in paragraph 1 of this order and the paths or ways 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 footpaths are diverted there is apparatus under, in, on, over, along or across them 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 sites of existing paths or ways

1. **Footpath 46 Chadderton** – commencing at point B (GR SD89918 04752) proceeding in a slight north-easterly direction for a distance of approximately 160 metres to point E (GR SD89980 04899) meeting Footpaths 44 and 45 Chadderton as shown on the attached map.
2. **Footpath 47 Chadderton** – commencing at point B (GR SD89918 04752) following a south-easterly route for approximately 38 metres to point C (GR SD89946 04727) then proceeding east for approximately 162 metres to point D (GR SD90109 04706) terminating at Broadway, Chadderton as shown on the attached map.
3. **Footpath 48 Chadderton (part)** – commencing at point A (GR SD89751 04722) proceeding east for approximately 171 metres to point B (GR SD89918 04752) to meet existing Footpaths 46 and 47 Chadderton as shown on the attached map.

PART 2

Description of sites of alternative highways

1. **Footpath 46 Chadderton** – commencing at point J (GR SD89910 04746) and proceeding for a distance of 54 metres in a slight north-easterly direction to point I (GR SD89928 04796) then turning to and proceeding in a north-westerly direction for a distance of 83 metres to point H (GR SD89868 04839) from where an anti-clockwise circular route is followed for a distance of 20 metres to point G (GR SD89849 04840), then heading north-west for a distance of 16 metres to point F (GR SD89840 04853) finally heading north-east for a distance of 166 metres to point E (GR SD89980 04899) at the junction of existing Footpaths 44 and 45 Chadderton for a total distance of 339 metres or thereabouts as shown on the attached map. The route follows the proposed layout of the estate roads to be constructed under the planning permission.
2. **Footpath 47 Chadderton** – commencing at point J (GR SD89910 04746) and proceeding in a slightly south-easterly direction for a distance of 64 metres to point M (GR SD89971 04727) then heading in a north-easterly direction for a distance of 58 metres to point N (GR SD90013 04764). Turning and heading in a south-easterly direction for a distance of 45 metres to point O (GR SD90032 04725) then further south-east to a lesser degree for a distance of 52 metres to point P (GR SD90079 04718). Proceeding further south-east for a distance of 28 metres to point R (GR SD90104 04707) then turning and proceeding north-east for a distance of 13 metres to point Q (GR SD90114 04716) rejoining Broadway, Chadderton for a total distance of 260 metres or thereabouts as shown on the attached map. The route follows the proposed layout of the estate roads to be constructed under the planning permission.
3. **Footpath 48 Chadderton (part)** – commencing at point A (GR SD89751 04720) and proceeding north and north-east for a distance of 169 metres to point F (GR SD89840 04853) then turning and heading south-east for a distance of 16 metres to point G (GR SD89849 04840). Then proceeding in an anti-clockwise semi-circular route heading south-west to south east for a distance of 22 metres to point K (GR SD89847 04820) then heading south-east and south for a distance of 97 metres to point L (GR SD89885 04737) then slightly north-east for a distance of 27 metres to point J (GR SD89910 04746) at the junction of proposed diversions to Footpaths 46 and 47 Chadderton, for a total distance of 331 metres or thereabouts as shown on the attached map. The route follows the proposed layout of the estate roads to be constructed under the planning permission.

PART 3
Modification of Definitive Statement

Variation of particulars of path or way

Statements to be deleted

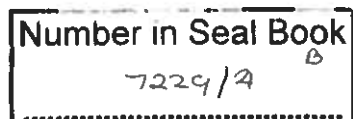
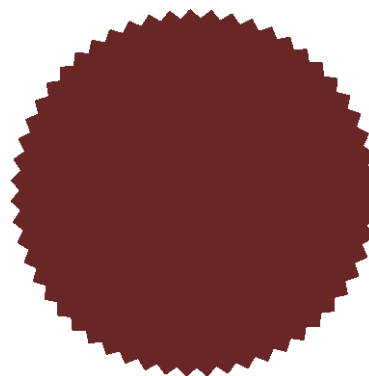
District and page number	Page Number	Status	Length	Description	
Chadderton Footpath 46	9	Footpath	193 metres	From the junction of path Nos. 44 and 45 to the junction of path Nos. 47 and 48	
Chadderton Footpath 47	9-10	Footpath	209 metres	From the junction of path Nos. 46 and 48 to Broadway	
Chadderton Footpath 48	9	Footpath	418 metres	From the junction of paths Nos. 46 and 47 to Foxdenton Lane	

Statements to be added

District and page number	Page Number	Status	Length	Description	Comments
Chadderton Footpath 46	9	Footpath	339 metres	Footpath commencing at junction with Footpaths 47 and 48 Chadderton (GR SD89910 04746) and proceeding for a distance of 54 metres in a slight north-easterly direction following estate road to GR SD89928 04796, then proceeding in a north-westerly direction for a distance of 83 metres following estate road to GR SD89868 04839 from where an anti-clockwise circular route is followed for a distance of 20 metres to GR SD89849 04840, then heading north-west for a distance of 16 metres to GR SD89840 04853, finally heading north-east for a distance of 166 metres to GR SD89980 04899 at the junction of existing footpaths 44 and 45 Chadderton.	Min. width 1 metre

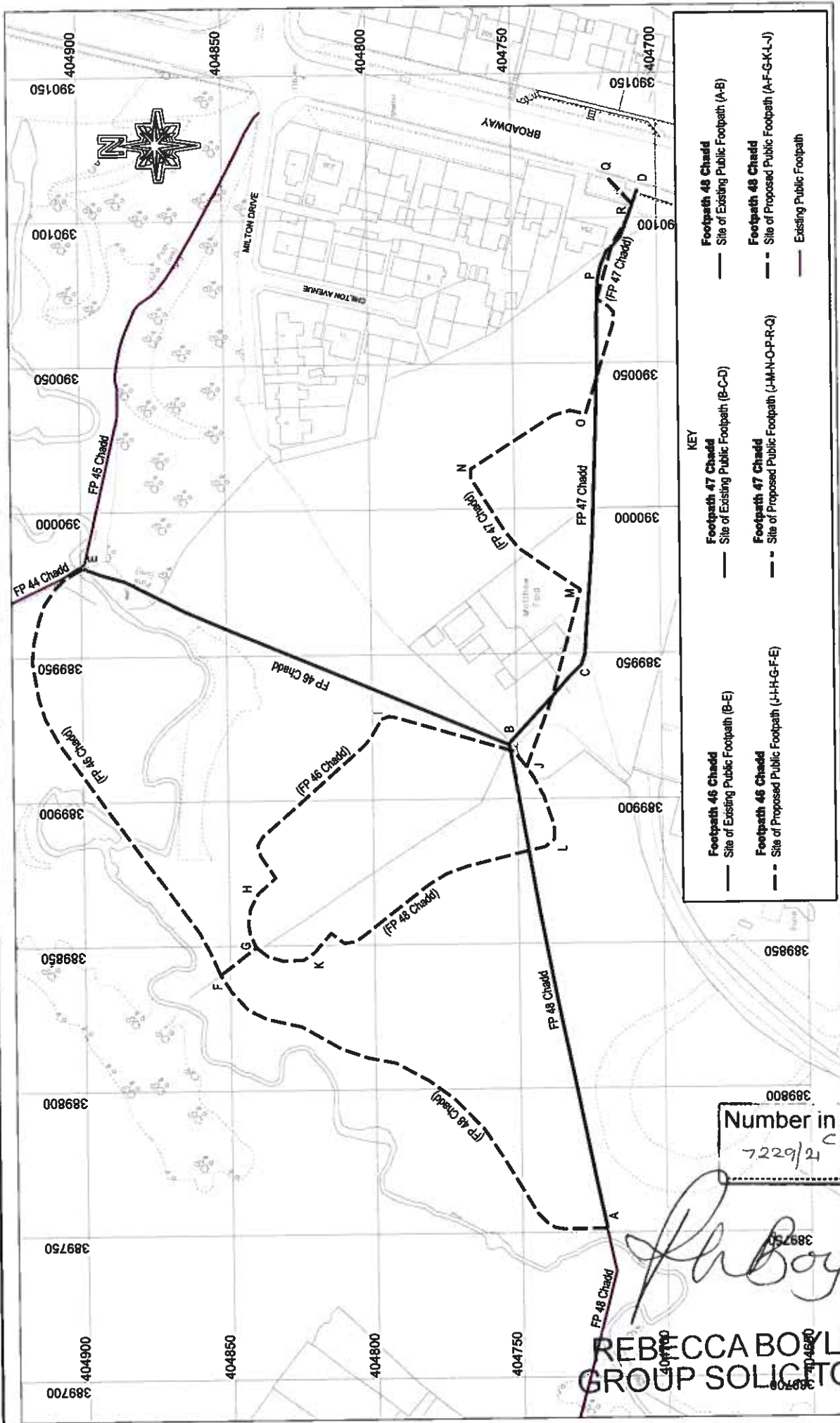
Chadderton Footpath 47	9-10	Footpath	260 metres	Footpath commencing at GR SD89910 04746 and proceeding in a slightly south-easterly direction following estate road for a distance of 64 metres to GR SD89971 04727, then heading in a north-easterly direction for a distance of 58 metres following estate road to GR SD90013 04764, then turning and heading in a south-easterly direction for a distance of 45 metres following estate road to GR SD90032 04725, then further south-east to a lesser degree for a distance of 52 metres following estate road to GR SD90079 04718. Proceeding further south-east for a distance of 28 metres following estate road to GR SD90104 04707, then turning and proceeding north-east for a distance of 13 metres to GR SD90114 04716 joining Broadway, Chadderton.	Min. width 1 metre
Chadderton Footpath 48	9	Footpath	503 metres	Footpath commencing at the junction of Footpaths 46 and 47 Chadderton GR SD89910 04746 proceeding south-west for a distance of 27 metres following estate road to GR SD89885 04737, then proceeding north and north-west for a distance of 97 metres following estate road to GR SD89847 04820, then in a clockwise semi-circular route proceeding north-west to north-east for a distance of 22 metres to GR SD89849 04840, then turning and heading north-west for a distance of 16 metres to GR SD89840 04853, then proceeding in a general south-westerly direction for a distance of 169 metres to GR SD89751 04720, proceeding further slightly north-west for a distance of 101 metres to Foxdenton Farm (GR SD89650 04744), then proceeding south-west for a distance of approximately 100 metres to join Foxdenton Lane.	Min. width 1 metre

THE COMMON SEAL of)
OLDHAM BOROUGH)
COUNCIL was hereunto)
affixed on 15th December 2021)
in the presence of: -)



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REBECCA BOYLE
GROUP SOLICITOR



KEY

Footpath 46 Chadd	Footpath 47 Chadd	Footpath 48 Chadd
— Site of Existing Public Footpath (B-E)	— Site of Existing Public Footpath (B-C-D)	— Site of Existing Public Footpath (A-B)
- - - Site of Proposed Public Footpath (J-H-G-F-E)	- - - Site of Proposed Public Footpath (J-M-N-O-P-R-Q)	- - - Site of Proposed Public Footpath (A-F-G-K-L-I)
		— Existing Public Footpath

Number in Seal Book
7229/21

REBECCA BOYLE
GROUP SOLICITOR

ORDNANCE SURVEY LICENCE 1. © Crown copyright and database rights 2021 Ordnance Survey Licence 0100019668.		Unitypartnership Oldham MBC Foxditch, Oldham - FO Development LLP		Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 46, 47 and 48 (part), Chadderton and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement	
Drawn by	Checked by	Scale of Map	Scale of A3 Size	Information	Drawing No.
RW	LK	09/21	09/21	1:1250	764A37777777
GS	GS	09/21	09/21		
HIGHWAYS & ENGINEERING Herdiker House, Chadderton, Oldham OL1 1NY					
Project	By	Date			