

<b>Report To:</b>	<b>SPEAKERS PANEL (PLANNING)</b>
<b>Date:</b>	18 March 2020
<b>Reporting Officer:</b>	Ian Saxon (Director Operations and Neighbourhoods)
<b>Subject:</b>	<b>DIVERSION OF FOOTPATH ASH/50 AND STOPPING UP PART OF FOOTPATH ASH/51 IN LINE WITH PLANNING APPLICATION 19/00558/REM</b>
<b>Report Summary:</b>	To seek authority to make an order under Section 257 of the Town and Country Planning Act 1990 to divert part of footpath Ash/50 and stop up part of footpath Ash/51. The diversion and partial stopping up of the footpaths is needed to allow the new housing development to take place as approved in planning application 19/00558/REM.
<b>Recommendations:</b>	That the Speakers Panel authorises the Borough Solicitor to make and advertise the necessary legal order under Section 257 of the Town and Country Planning Act 1990 and either confirm it as an unopposed order or should there be any objections to the order, submit it to the Secretary of State for confirmation.
<b>Links to Community Strategy:</b>	Provide a safer and secure environment for the people of Tameside.
<b>Policy Implications:</b>	Provide a safer and secure environment for the people of Tameside.
<b>Financial Implications:</b> <b>(Authorised by the Borough Treasurer)</b>	The costs of the diversions will be met by the developer.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	DEFRA Circular 109 on Rights of Way advises at 7.15, when considering whether a local planning authority should exercise its power to make orders under section 257 of the 1990 Act, that having granted planning permission for a development affecting a right of way, an authority must have good reasons to justify a decision not to make an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose property adjoin or are near the existing highway should be weighed against the advantages of the proposed order.
<b>Risk Management:</b>	If the order is made and attracts objections then considerable officer time will be required to deal with the appeal, diverting resources away from other projects. The developer will meet some of these costs.
<b>Access to Information:</b>	<b>Appendix 1 – Route Map</b> The background papers relating to this report can be inspected by contacting, Reece McLaughlin, Assistant Engineer by:  Telephone: 0161 342 3969



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## 1.0 BACKGROUND

- 1.1 An Outline Planning Application (17/00719/OUT) was granted by Tameside Metropolitan Borough Council on 16 November 2018 for the demolition of the existing buildings and development of up to 213 units on the former Hartshead High School site in Ashton-under-Lyne. A Reserved Matters Application (19/00558/REM) which included details of appearance, landscaping, layout and scale for 195 dwelling on the site was approved on 12 February 2020. The closure of part of the Footpath Ash/51 and the slight diversion of Footpath Ash/50 is required to facilitate the proposed development. Alternative routes have been highlighted by the developer on current adopted public footways to connect Footpath Ash/51 so the public can continue to use the section which is not being stopped up and can connect with the PROW network.
- 1.2 The slight diversion of Ash/50 will be on a newly constructed footpath which largely follows the same route as the existing footpath.
- 1.3 The applicant has agreed to bear the legal costs associated with the application. They will also cover the expense of any necessary works.

## 2.0 THE CURRENT AND PROPOSED ROUTE

- 2.1 Footpath ASH/50 starts at the end of Greenhurst Road then runs in a north-easterly direction for 151 metres along a track and then meets at the junction of Footpath ASH/52.
- 2.2 Footpath ASH/51 starts at the junction of Lees Road between houses 50 & 52 and runs in a North-Easterly direction for 281 metres and brings you out onto Greenhurst Lane. The route currently leads to an obstructed dead end in the vicinity of Woodlands Road. Access is restricted as there is no through route to Woodlands Road.
- 2.3 The proposed diversion of ASH/50 will only affect Approx.30 metres of the original Line of the footpath and will only place pedestrians who use the route Approx. 3-4 metres away from the original line of the footpath. (See **Appendix 1**)
- 2.4 The proposed stopping-up order for part of ASH/51 will mean that part of the footpath which starts at Woodlands Road and runs in a easterly direction for Approx. 211 metres will be closed and there will be two proposed alternative routes which pedestrians can use which will re-connect them with the PROW network. (See **Appendix 1**)
- 2.5 The First Alternative route will take users from ASH/51 and run along Woodlands Road in a generally northerly direction for Approx.150 metres then will take users on part of Greenhurst Road for Approx.40 metres on a tarmac pedestrian footpath where it will re-connect with Footpath ASH/51. These alternative routes will be on what is already an adopted public footpath. This will add Approx. 3.5 minutes onto the user's route. (See **Appendix 1**)
- 2.6 The Second Alternative route will take users from ASH/51 from Approx. 48 metres from the start of the path at Lees Road through an access between the houses of 20 and 18 in a south easterly direction for Approx. 20 metres which will bring them out onto the adopted footpath on St Christopher's Avenue.
- 2.7 It will take users along the adopted footpath of St Christopher's Avenue in a generally easterly direction for Approx. 140 metres, here it will take users along the footpath of St Christopher's Road in a generally North Easterly direction for Approx.80 metres. Then users will stay on the footpath onto Greenhurst Lane in a generally Northerly direction for Approx. 100 metres where it will reconnect users with Footpaths ASH/50 and ASH/52. This

route will be on an existing tarmac pedestrian footpath and will add Approx. 4 minutes onto the user's route. (See **Appendix 1**)

### **3.0 CONSULTATION**

3.1 All of the public rights of way organisations that operate in Tameside have been approached as an informal consultation and asked for their views on the diversions. These are the concerns received to the proposed diversions:

1. The slight diversion of ASH/50 isn't a problem. The extinguishment of ASH/51, on the other hand would, in this form, be a matter for objection.
2. Such an objection would be less likely if "Alternative Route 2" (plan 2504-3) were to be made a Definitive PROW - either by diverting ASH/51, or by an Extinguishment & Creation Order.
3. "Alternative Route 1" would presumably be adopted footway throughout, and therefore less suitable as a replacement for a footpath.

### **4.0 ENGINEERING RESPONSE**

4.1 The diversion/partial stopping up of these footpaths is necessary if the approved development is to take place as detailed in Planning Permission 19/00558/REM.

4.2 It is acknowledged that walkers on these diverted footpaths will be placed in closer proximity to vehicles. Walkers will be on a properly constructed footway however and so it is not considered to pose a safety risk.

4.3 The slight diversion of footpath Ash/50 would appear to be beneficial to walkers in the area in that the development as proposed will result in an improvement to the footpath to a much better standard than what is already there. It will be constructed wider and have a better surface to walk.

4.4 The current route of Footpath ASH/51 is currently inaccessible from the entrance of Woodlands Road through to Greenhurst Lane and has been for many years. The use of alternative routes which are already adopted footways will enable users to have access to reconnect with the PROW network.

### **5.0 RECOMMENDATION**

5.1 As set out at the front of the report.

# APPENDIX 1



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