

**HIGHWAYS ACT 1980 S.119 DIVERSION OF PART OF FOOTPATH 33 BREDBURY  
AND ROMILEY**

**Report of the Director of Place Management**

**1. MATTER FOR CONSIDERATION**

- 1.1 The diversion of a section of footpath 33 Bredbury and Romiley from the route shown as a solid black line A-B-C to the route shown by a broken black line A-D-C as shown in Appendix 1.

**2. LEGAL POSITION**

- 2.1 Section 119 of the Highways Act 1980 gives the Council the power to make an order diverting a footpath where it appears expedient to do so in the interests of the landowner or the public.
- 2.2 Before confirming the Order, the Council must be satisfied that the path will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect on the public's enjoyment of the path as a whole and the effect on other land served by the existing right of way
- 2.3 If objections are received to the Order, the Council may not confirm the Order, but must forward the Order to the Secretary of State for confirmation.

**3. BACKGROUND**

- 3.1 An application has been received to divert the route of footpath 33 Bredbury and Romiley.
- 3.2 The intention of this application is to separate the public from the access track to the farm with the intention of securing the privacy of the site, which is being converted to other uses.
- 3.3 The applicants have stated that they have notified statutory undertakers and user organisations of the intention to divert this section of footpath.
- 3.4 A small number of comments have been received:
- a. That the path is a useful safe route away from Werneth Low Rd.  
**Response:** As the diverted route starts at the same point, this objection is considered to be unfounded.
  - b. That there is an important local well, which used to supply drinking water in that area.  
**Response:** This well does not appear to be extant, although it is marked on maps of the 1950s.

## **4. DESCRIPTION OF THE ROUTE**

- 4.1 The section to be diverted measures approximately 175m, and runs from Werneth Low Road (Point A) for approximately 117m in a northerly direction, along the access track to Hillside Farm, as far as a stile (Point B) where the path passes up steps to a stile into a field and continues in a slight north easterly direction for another 53m to another stile (Point C) whereupon it crosses onto another land ownership.
- 4.2 The route continues to Hillside Road, where it joins with another public footpath within the Borough of Tameside
- 4.3 The length of the proposed diverted route will be approximately 177m, starting at the same point on Werneth Low Rd (A), crossing the existing stile at this point and heading uphill in a slightly north easterly direction for approximately 70m to a point (D) just east of an enclosed area of the field, then heading in a northerly direction for 105m to the stile at point C.
- 4.4 The total length of footpath 33 Bredbury and Romiley is currently misstated as 433m on the Definitive Statement. The actual length is 388m. This will change to 389m after the diversion
- 4.5 The developers have agreed to install marker posts at two points and to add stone to a short section identified as occasionally muddy and difficult going partly due to use by animals. (These points are marked indicatively in Appendix 2), These are considered to be necessary conditions to make the new route suitable for walkers.

## **5. SUMMARY**

- 5.1. It is considered that the diversion will satisfy the stated aim of securing the privacy of the site and as such is in the interest of the landowner.
- 5.2. The line of the diverted route is approximately the same length as the original (to within 2-3m). The initial stage of the route will be steeper than the existing route. It is however a shallower slope than the approaches and continuations to this route.
- 5.3. The proposed diverted route is therefore considered to not be substantially less convenient for public utility or enjoyment of the path.

## **6. RECOMMENDATION**

That Committee resolves to:-

- (i) Authorise the making of an Order under Section 119 of the Highways Act, effecting a diversion, when the measures indicated in section 4.5 are complete, of the section of footpath 33 Bredbury and Romiley from a route shown as a black solid line between Points A – B – C, to a route shown in a broken black line between points A – D – C, as shown on the plan attached at Appendix 1.
- (ii) In the event that objections are received and sustained to the Order, forward the Order to the Secretary of State for confirmation.

- (iii) Authorise that the Order will be drafted to include a provision to allow the Definitive Map and Statement to be amended without further recourse to Committee.

## BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Nick Robinson (Senior Public Rights of Way Officer) on telephone: 0161 474 5012 or by email at [nicholas.robinson@stockport.gov.uk](mailto:nicholas.robinson@stockport.gov.uk)