

PENNINES TOWNSHIP COMMITTEE

MINUTES OF MEETING Tuesday 16th October 2018

PRESENT: Councillor Mir (Chair); Councillors Davidson, Dearnley, Emsley, Hartley, Hussain, Paolucci, Stott, Blundell, Bamford and Taylor

OFFICERS: J. Rooney (Assistant Director – Neighbourhoods), V. White, C. Woods, J. Simpson (Neighbourhoods Directorate), A. Eadie and W. Poole (Economy Directorate), G. Baker and A. James (Resources Directorate)

APOLOGIES

17 Apologies for absence were received from Councillor Kelly.

DECLARATIONS OF INTEREST

18 There were no declarations of interests.

OPEN FORUM

19 There were no items raised in the Open Forum.

OUR ROCHDALE THE ONLINE DIRECTORY OF SERVICES

20 The Township Committee received a presentation from Mr. M. Hicks (HMR CCG) regarding 'Our Rochdale' an online directory of health and social care services, that are provided by the NHS in the Borough and by the Children's and Adults Directorates of Rochdale Borough Council. The service was designed to give help and advice, if needed, to the website's visitors and was proving to be very popular with several thousand visits to the website each month.

Members of the Committee raised matters relating to:-

- Integration with the Council website;
- How private businesses on the website were vetted;

Resolved:

That the presentation be noted.

ROCHDALE DRAFT ALLOCATIONS PLAN

21 The Township Committee received a presentation for the Director of Economy regarding the Borough's Draft Allocations Plan. The Allocations Plan contained the sites to deliver the scale of growth set out in the Borough's Core Strategy that was adopted in 2016. The Allocations Plan designated areas for particular types of development, such as employment and also areas where development may be restricted, recreational open spaces for example. The Allocations Plan therefore formed part of the Local Plan for Rochdale, together with the Core Strategy and the Greater Manchester Minerals Plan.

The key issues covered in the presentation were: housing, employment, retail centres across the Borough's green belt and green infrastructures and transport.

The proposals, set out in the Allocations Plan, were subject to a public consultation exercise that commenced on 10th September 2018 and was due to conclude on 5th November 2018 and which included a number of public 'drop-in' sessions. Following the close of the consultation exercise all comments received will be considered in the production of the finalised version of the Plan that is due to be published for consultation in the summer of 2019.

Members of the Committee commented on various proposals within Pennines Township area.

Resolved:

That the presentation be noted.

MINUTES

22 Resolved:

That the Minutes of the meeting of Pennines Township Committee held 12th June 2018 be approved and signed by the Chair as a correct record.

PENNINES TOWNSHIP DELEGATED AND FUNDING SUB-COMMITTEE

23 Resolved:

That the Minutes of the meeting of Pennines Township Delegated and Funding Sub-Committee, held 4th July 2018 be noted.

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

24 The Township Committee was advised that a statutory review of Polling Districts and Polling Places had concluded, since the last meeting of the Township, on 27th July 2018.

The Electoral Registration and Administration Act 2013 requires, that local authority Electoral Registration Officers to review their areas polling districts and places every five years.

A final report on the recommendations arising from the review was to be considered by the Council at its meeting on 17th October 2018 for approval.

The Township Committee received a report of the Assistant Director (Legal, Governance and Workforce) which outlined the results from the consultation exercise and specific recommendations in regard to the Pennines Township.

Resolved:

That the report be noted

Eligible for Call-in: No.

CONSULTATION ON THE REVIEW BY THE TOWNSHIPS REVIEW STEERING GROUP

25 The Township Committee received a report of the Assistant Director (Information, Customers and Communities) which advised members that in January 2018, the four Township Committee Chairs and a cross-party group

of Elected Members had formed a working group to look at how the Council engages with local communities, and on the workings of the Townships.

The group was facilitated by Sir Steve Houghton, Leader of Barnsley Council, and officers from the Local Government Association. Its purpose was to consider the following in the context of cooperative values – self-help, self-responsibility, democracy, equality, equity and solidarity, and behaviours playing a key part in the future role of the Townships.

The report of the Township Review Members Panel contained a number of recommendations for consideration - which were attached at Appendix 1 to the Committee's report. The views of the Township Committee's membership were sought as part of the consultation exercise, noting that any changes to the Township Committee governance structure would be subject to approval by full Council.

The report detailed six specific recommendations:

- a. Members to have a broader role in having oversight of issues such as Health and Social Care and other issues at a township level, and should play a stronger role in developing more resilient communities.
- b. Continued recognition of different needs and priorities throughout the Borough, across townships and at a neighbourhood level.
- c. Members to have a role in encouraging co-creation within communities
- d. A re-structure of the Rochdale Township (the establishment of two Township Committees to cover the current nine Rochdale Township Wards)
- e. Consideration to be given to developing greater core capacity of Township staffing levels
- f. Creation of Ward Alliances

Members were generally supportive of the Township having a broader remit but did not consider that Ward Alliances would be effective for the Pennines Township.

Resolved:

That the report be noted.

Eligible for Call-in: No.

OBJECTIONS TO TRAFFIC REGULATION ORDER - JAMES STREET, LITTLEBOROUGH

26 The Township Committee considered a report of the Director of Neighbourhoods regarding objections to a Traffic Regulation Order at James Street, Littleborough. A request had been received for the Council to investigate the introduction of parking restrictions along James Street, Littleborough. It was reported that vehicles park on both sides of the road at certain points, obstructing the passage of vehicles. The main problems occurred near Crowther Court where refuse collection operatives had reported access issues. In addition to creating vehicular access problems, vehicles double parked often obstruct the footway for pedestrians.

Restrictions were also proposed at the southern end of Arm Road, the main access point to James Street from the main road network. Restrictions were

also proposed around St Andrews Close to ensure free vehicular movements around the junctions following a separate complaint from a local resident about obstructive parking.

New parking restrictions had been drafted and approved by Ward members. The restrictions were formally promoted and during the consultation period the Council had received three letters of objection to the proposal plus one supporting letter. Two representations were late but were included in the report.

Alternatives considered:

The Committee could consider recommending that the proposal be amended or abandoned. If the Committee decided not to introduce the restrictions that were being proposed then the issues with parked vehicles, which were reported to Pennines Township, would not be addressed.

Resolved:

That pending the satisfactory outcome of a site meeting between the Director of Neighbourhoods and the Wardle and West Litteborough Member, Councillor Dearnley, the Traffic Regulation Order be approved as advertised.

Reason for the decision

The proposals in the report cover the whole length of James Street to ensure that the problems with double parking around Crowther Court are simply not transferred to other parts of James Street. In addition to creating vehicular access problems, vehicles double park which often obstruct the footway for pedestrians. In addition to treating James Street it was being proposed to introduce waiting restrictions at the southern end of Arm Road, the main access point to James Street from the main road network. The area around St Andrews Close will also be treated to ensure free vehicular movements around the junctions following a separate complaint from a local resident about vehicles parking at the junction.

Eligible for call-in: Yes

PERMANENT DIVERSION OF PART OF DEFINITIVE FOOTPATHS MILFP211, MILFP212 AND MILFP213

27 The Township Committee considered a report of the Director of Neighbourhoods which advised that the landowner/developer, Brackenhurst Properties LLP had applied to the Council's Planning Service to develop the area of Birchinley Hall Farm, within that application was the proposal to divert part of the rights of way that would be affected by the development.

During the early stages of the consultation regarding the diversion of part of the footpaths the development began and it was deemed "to substantial" to continue to divert the footpaths under the Planning legislation and the developer was forced to apply under the Highways Act 1980.

A number of Council Officers had dealt with the application over the years but had not brought the matter to a conclusion and it was now sought to conclude the matter and proceed with an order to legally divert the footpaths and show

their new locations on the definitive map. The developer/landowner would pay all costs in respect of the order and ensure that all the rights of way are to a suitable standard and fit for purpose.

Alternatives considered:

The Council may refuse to make the order this could be detrimental in monetary terms with Court Fees having to defend the decision as enforcement action and the demolition of domestic dwellings would be required to ensure the rights of way are fully available for use by the general public.

Resolved:

1. The Township Committee resolves that the Council proceed with the modification Order and that Legal Services be authorised to complete the process under section 119 Highways Act 1980 should the Council not receive any objections to the order.
2. Should the Council receive any objections that cannot be resolved the matter be referred to the Secretary of State for a final decision.
3. That the Council proceed with an Event Order to alter the definitive map and statement following completion of the Modification Order.

Reasons for the decision:

Under Section 130 Highways Act 1980 the Council has a duty to protect and assert the rights of the public to the use and enjoyment of any highway; definitive rights of way are highways. The Council are also required to maintain and keep under review a map, the definitive map, and statement showing the public footpaths and bridleways in its area.

Eligible for call-in: Yes.

CLAIM TO UPGRADE DEFINITIVE FOOTPATH MILFP112 RUNNING FROM HUDDERSFIELD ROAD TO MILRUPP418 TO BRIDLEWAY

28 The Township Committee considered a report of the Director of Neighbourhoods, which in accordance with Section 31 Highways Act 1981 advised that “where a way over land has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there is no intention during that period to dedicate it”.

Where a highway already exists a member of the public may apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 for the Council to modify the definitive map and statement subject to sufficient evidence to prove that the way was actually enjoyed by members of the public on horseback/pedal cycle as of right and without interruption for a period of 20 years or more, which (when considered with all other relevant evidence available to the Council) shows that a highway shown on the map and statement as a highway of a particular description ought to be there shown as a highway of a different description. The applicant must also notify the landowner of the application.

The Council had received such an application and supporting evidence to endorse the upgrade of a footpath (footpath MilFp112) to bridleway. The location of the route used was shown by a thick black line on the attached map to the report. The evidence provided indicated that the footpath had been used by the public as of right for over twenty years and that there was a case to make the order.

The Landowner had been unable to provide evidence how the general public had been prohibited from using the route on horseback and or pedal cycle and whilst he accepts the application he has advised that the Council should consider erecting motor cycle inhibitors to counteract any illegal use.

Alternatives considered:

The only alternative would be to decline to make the order. This would mean that the Council was in breach of its duty and would entitle the applicant to appeal to the Secretary of State under paragraph 4 of Schedule 14 to the Wildlife and Countryside Act 1981 against the Council's decision.

Resolved:

1. The Township Committee agrees to proceed with a definitive map and statement modification order to upgrade MilFp112 under Section 53(2) of the Wildlife and countryside Act 1981.
2. If no objections are received to the order, that the order be confirmed as an unopposed order under paragraph 6 of Schedule 15 to the Wildlife and Countryside Act 1981, and if relevant objections are received that the order be referred to the Secretary of State for a decision from either the submission of written representations or the matter held as an informal Hearing or in a Public Inquiry.
3. The Head of Legal Services be authorised to make an Order under the relevant Acts, the effect of which, if confirmed, would be to upgrade a public footpath to bridleway

Reasons for the decision:

Under Section 130 Highways Act 1980 the Council has a duty to protect and assert the rights of the public to the use and enjoyment of any highway within the borough: definitive rights of way are classed as highways under the Highways Act 1980. The Council are also required to maintain and keep under review a map, the definitive map, and statement showing the public footpaths and bridleways in its area.

Eligible for call-in: Yes

SITES OF BIOLOGICAL IMPORTANCE - UPDATE

29 The Township Committee received a report from the Director of Economy which informed members that Sites of Biological Importance (SBIs) were local planning designations covering areas of nature conservation importance in Greater Manchester which contained locally valuable habitats, plants and animals. Whilst they were not statutory designations like Sites of Special Scientific Interest (SSSIs) or Conservation Areas, and therefore do not provide legal protection, they should be taken into consideration when

determining planning applications which may affect the areas and the nature conservation importance.

New SBIs and changes to existing SBIs are recommended on an annual basis by the Greater Manchester Ecology Unit (GMEU) and are reported to the relevant Township(s) in order that they may be adopted for planning purposes.

The latest review which GMEU have undertaken has recommended that the existing South Pennine Moors SBI be extended by 18 hectares to include new habitat that supports the plant 'bog asphodel'. The extension is in the vicinity of Blackstone Edge Old Road and the A58: the existing SBI and the proposed extension are shown on a map appended to the report.

Alternatives considered:

The alternative would be to not support the proposed extension to the SBI. This would leave this important area of habitat more vulnerable to damage from development in the area or nearby.

Resolved:

The Committee approves the extension to the South Pennine Moors SBI as detailed within the report so that the nature conservation interest of the newly incorporated area can be taken into account when planning applications which may affect it are being considered.

Reasons for the decision:

The National Planning Policy Framework states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued sites of biodiversity value. The area in question has been identified by experts at GMEU as being of local biodiversity value which should be taken into account and protected appropriately in planning decisions.

Eligible for Call-in: yes.