

***TRAFFIC REGULATION ORDER PANEL
Regulatory Committee
Agenda***

Date Thursday 25 July 2019

Time 5.30 pm

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Kaidy McCann in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Kaidy McCann Tel. 0161 770 5151 or email Kaidy.McCann@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Monday, 22 July 2019.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE TRAFFIC REGULATION ORDER PANEL IS AS FOLLOWS:

Councillors Akhtar (Vice-Chair), Garry (Chair), C. Gloster and Murphy

Item No

1 Apologies For Absence

2 Urgent Business

Urgent business, if any, introduced by the Chair

3 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes of Previous Meeting (Pages 1 - 6)

The Minutes of the meeting held on 6th June 2019 are attached for approval.

6 Objections to Proposed Prohibition of Waiting - Lansdowne Road Area, Chadderton (Pages 7 - 26)

To consider two letters of objection to the current proposal to introduce a Prohibition of Waiting Order in the Lansdowne Road Area of Chadderton, in the form of double yellow lines

7 Diversion of Definitive Footpath 83 Crompton (part), Extinguishment of Un-recorded Highway at Heyhill Farm, Low Crompton Road, Royton (Pages 27 - 38)

To seek approval to the making of a Combined Diversion, Modification of Definitive Map and Statement Order for Footpath 83 Crompton (part) and an Extinguishment Order for the un-recorded highway at Heyhill Farm, Low Crompton Road, Royton



TRAFFIC REGULATION ORDER PANEL
06/06/2019 at 5.30 pm

Present: Councillor Garry (Chair)
Councillors C. Gloster, Murphy and Akhtar (Vice-Chair)

Also in Attendance:

Gordon Anderson	Head of Highways & Engineering - Unity Partnership
Alan Evans	Group Solicitor
Sian Walter-Browne	Constitutional Services

1 **ELECTION OF VICE CHAIR**

RESOLVED that Councillor Akhtar be elected as Vice-Chair for the Municipal Year 2019/20.

2 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no declarations of interest received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 28th March 2019 be approved as a correct record.

7 **OBJECTIONS/REPRESENTATION TO THE PROPOSED PROHIBITION OF WAITING - HUDDERSFIELD ROAD, DIGGLE**

The Panel gave consideration to a report which proposed to introduce double yellow lines on Huddersfield Road, Diggle at its junction with Lower Wrigley Green, including a request to extend the current proposal at the southerly end of the restrictions.

The proposal had been approved under delegated powers on 2nd July 2018 and subsequently advertised. Two letters of objection had been received. One letter of support was also received requesting the proposal be extended.

Options considered:-

Option 1: to approve the amended recommendations.

Option 2: not to approve the amended recommendations.

RESOLVED that, notwithstanding the objections received, the double yellow lines be introduced on Huddersfield Road in accordance with the schedule at the end of the report and the proposal relating to extending those lines be advertised.

**OBJECTIONS/REPRESENTATION TO THE
EXPERIMENTAL PROHIBITION OF WAITING - CHEW
BROOK DRIVE, GREENFIELD**

The Panel gave consideration to a report which proposed to introduce experimental waiting restrictions (double yellow lines) on Chew Brook Drive, Greenfield.

The proposal had been approved under delegated powers on 25th January 2017 and subsequently advertised. At the time of advertising a number of representations were received, objecting to and supporting the introduction of the waiting restrictions. In light of the representations received a report was submitted the Traffic Order Panel on 21st September 2017 recommending the Panel support the introduction of the proposed restrictions on an experimental basis for a period of eighteen months to assess the situation further.

During the first six months of the experimental Order two representations were received, one in favour of the restrictions being introduced on a permanent basis and one objecting and requesting their removal.

Options considered:-

Option 1: to approve the amended recommendations.

Option 2: not to approve the amended recommendations.

RESOLVED that, notwithstanding the objection received, the Traffic Regulation Order on Chew Brook Drive as per the original report be made permanent.

**OBJECTIONS TO PROPOSED DISABLED PERSONS
PARKING PLACES ORDER - KERSLEY STREET AND
MANLEY ROAD, OLDHAM**

The Panel gave consideration to a report which proposed to introduce two disabled persons parking places on Kersley Street and Manley Road, Oldham.

The proposal had been approved under delegated powers on 5th October 2018. The proposal was advertised and objections were received for each location due to the number of bays already in existence. The objections were considered by the Traffic Order Panel at their meeting on 28 March 2019 when the Panel had deferred the decision until the Traffic Team had completed investigations relating to the usage of the existing disabled bays located on both streets. The Panel had also requested confirmation on when the existing disabled bays on Kersley Street and Manley Road were originally implemented.

The Panel were informed of the following:-

Kersley Street – 2 No bays implemented September 2013 and February 2018

Manley Road – 7 No bays implemented April 2011, June 2015 (x2), May 2016 (x2), March 2017 and February 2019.

The Panel was informed that observations had now been undertaken and it appeared that the disabled bays were being occupied by Blue Badge holders on a daily basis.

Options considered:-

Option 1: to approve the recommendation.

Option 2: not to approve the recommendation.

RESOLVED that, notwithstanding the objections received, the disabled bays be introduced as originally proposed and in accordance with the schedule contained in the original report.

10

OBJECTION TO THE PROPOSED PROHIBITION OF WAITING - STABLE STREET, CHADDERTON

The Panel gave consideration to a report which proposed to introduce a Prohibition of Waiting Order on Stable Street, Chadderton, in the form of double yellow lines.

The proposal had been approved under delegated powers on 4th February 2019, and subsequently advertised.

The Panel noted that Stable Street, Chadderton was the continuation of Railway Road and provided access to the car park and loading area of La Via Tapas restaurant and the private parking areas of Guinness Partnership Housing Association. Waiting restrictions in the form of double yellow lines had previously been proposed on both Stable Street and Railway Road, however, due to the number of objections received when the proposal was publically advertised, some of the restrictions were removed from Stable Street to enable employees from Guinness Partnership to utilise the highway for overspill parking when the car park became full.

Parking was now at a level that vehicles making deliveries to La Via restaurant were being obstructed, as they were unable to reach the loading area and were also unable to turn round once they had committed to make the turn into Stable Street. Parking was also taking place within the entrance to the restaurant car park.

The owner of La Via restaurant had requested that additional waiting restrictions in the form of double yellow lines be introduced on the remainder of Stable Street, to allow access for larger vehicles including deliveries to his premises and emergency vehicles, and permit the free flow of traffic.

Options considered:-

Option 1: to approve the recommendation.

Option 2: not to approve the recommendation.

RESOLVED that, notwithstanding the objection received, the introduction of a Traffic Regulation Order on Stable Street, Chadderton as per the original Proposal be agreed.

BEAL LANE PETITION

The Panel considered a report concerning a petition that had been received requesting that the Council place limited waiting restrictions on the north side of Beal Lane, Shaw, between Jubilee Street and Cheetham Street. The petition asked for restricted parking in this section 8am – 6pm Monday to Friday except for 3 hours. The stated purpose of the petition was to allow the shops to trade whilst preventing warehouse workers parking on the roadway when there was free off-road parking available to them within the confines of the warehouse premises.

The report responded to the petition. The length of Beal Lane where Time Restricted parking was being requested was currently free of parking prohibitions, and was regularly occupied by parked vehicles. The minimum road width required for two-way traffic (comprising of mainly light vehicles) to pass safely, was 5.5 metres and the current parking situation obstructed the two-way flow, forcing motorists to operate an informal 'Give and Take' system. This resulted in traffic queuing back to the roundabout at the nearby Distribution Centres, or motorists operating a bullish attitude by 'barging' their way along Beal Lane.

The Panel were informed that the nature of the residential properties along Beal Lane (terraced with no off-street parking) generated a high demand for on-street parking. If measures were introduced to prevent this, it was highly likely that any proposal to introduce controlled parking bays would meet with strong objection and would be unlikely to be successful. In view of this, the Highway Authority did not support the introduction of time restricted parking along Beal Lane, Shaw.

The Panel noted that a panel made up of a Highways Authority Officer and Ward Councillors had met on 29th January 2019 to consider the petition, when the Ward Councillors had disagreed with the Highways Authority view and wished to support the petition.

Three Petitioners addressed the Panel and explained the implications for their businesses and homes of the current lack of parking restriction. Parking for up to three hours had been requested to give customers time to visit the hairdressers and local shops.

The Highways Officer addressed the Panel and explained the main issues with regards to the proposals were in relation to sight-lines and road width. Introducing restrictions may be seen as condoning parking in a way that would not enhance the safety of the highway.

The Panel asked questions of the Highways Officer and the Petitioners, and they were given the opportunity to ask questions of each other.

Both the Highways Officer and the Petitioners were given the opportunity to sum up their case.



Options considered:-

1. Support the Petition
2. Not Support the Petition

The Panel requested that the proposal be introduced on an experimental basis to monitor its effectiveness and were advised that although it was not possible to make an experimental order, it would be possible to make an order which remained in force until a specified date.

RESOLVED that the petition be supported and the relevant Executive Director be recommended to make an order for 12 months, to restrict parking to three hours from the end of the current “no waiting” area at the junction of Beal Lane and Jubilee Street to the bus bay on the eastbound side of Beal Lane and Cheetham Street.

The meeting started at 5.30 pm and ended at 6.40 pm

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Report to TRO Panel

Objections to the Proposed Prohibition of Waiting – Lansdowne Road Area, Chadderton

Portfolio Holder:

Councillor A Ur-Rehman, Cabinet Member for Neighbourhood Services

Officer Contact: Deputy Chief Executive – People and Place

Report Author: Darryll Elwood, Technical Admin
Ext. 1946

25 July 2019

Reason for Decision

The purpose of this report is to consider two letters of objection (see Appendix B) to the current proposal to introduce a Prohibition of Waiting Order in the Lansdowne Road Area of Chadderton, in the form of double yellow lines.

Recommendation

Notwithstanding the objections received it is recommended that the Panel supports the introduction of a Traffic Regulation Order within the Lansdowne Road Area, Chadderton as per the original proposal shown in the schedule at Appendix A.

Objection to the Proposed Prohibition of Waiting – Lansdowne Road Area, Chadderton

1 Background

- 1.1 The original proposal was approved under delegated powers on 4 February 2019, decision D3522 refers. A copy of the report is attached at Appendix A.
- 1.2 The Lansdowne Road area of Chadderton consists of commercial properties and concerns have been raised by Local Ward Members and residents from surrounding streets relating to employees and visitors/customers to the businesses creating obstructive parking by parking partially or fully on the footways forcing pedestrians to walk in the carriageway, particularly pedestrians pushing prams or wheelchair users (see Appendix C).
- 1.3 In addition to the highway safety issue these vehicles are causing for pedestrians, complaints have also been received from Diodes Zetex Semiconductors Limited who have stated that on occasion deliveries made to their premises have been unable to gain access due to the obstructive parking taking place within the vicinity of their entrance on Stockfield Road.

2 Current Position

- 2.1 Observations have been undertaken which have revealed excessive parking does take place on Lansdowne Road and Stockfield Road and whilst the parking currently taking place on Arkwright Street is minimal, if Arkwright Street was not included in the proposal due to its close proximity to the other streets, parking could be displaced on to this street possibly creating difficulties for vehicles entering and exiting the waste disposal depot. These observations also revealed that if larger vehicles are parked on the streets in question they can obstruct the free flow of traffic; also sight lines for motorists entering and exiting premises/junctions can become obstructed; creating a highway safety issue.
- 2.2 In view of the difficulties being experienced within the area it is felt that a Prohibition of Waiting, Traffic Regulation Order should be introduced in accordance with drawing number 47/A4/1523/1 and the schedule in Appendix A.
- 2.3 The current proposal will remove the obstructive parking and create a safer environment for all highway users.

3 Options/Alternatives

- 3.1 Option 1: To approve the original proposal.
- 3.2 Option 2: Not to approve the original proposal.

4 **Preferred Option**

4.1 The preferred option is option 1. To introduce a No Waiting at Any Time Traffic Regulation Order.

5 **Comments of the Chadderton Central Ward Councillors**

5.1 The Ward Councillors have been consulted and Councillor E Moores has commented:

I am writing with regards to the proposed waiting restriction on Lansdowne Road and adjoining Streets, which will be presented to the TRO Panel on the 25 July 2019.

I have spoken to my Ward Colleagues, Cllrs Taylor and McLaren, who with myself fully support the proposed waiting restriction. As stated in our previous representations, there are ongoing issues with vehicles obstructing pedestrian walkways, entrances being partially blocked and traffic movement being obstructed due to double parking, all of which puts the safety of pedestrians and other road users at risk.

Whilst we appreciate that this proposal could impact on some local businesses, they have been fully aware of this proposal for some time and have put nothing in place to alleviate the situation.

6 **Financial Implications**

6.1 These were dealt with in the previous report.

7 **Legal Services Comments**

7.1 These were dealt with in the previous report.

8 **Co-operative Agenda**

8.1 In respect of the proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

9 **Human Resources Comments**

9.1 None.

10 **Risk Assessments**

10.1 None.

11 **IT Implications**

11.1 None.

12 **Property Implications**

12.1 None.

13 **Procurement Implications**

13.1 None.

14 **Environmental and Health & Safety Implications**

14.1 These were dealt with in the previous report.

15 **Equality, community cohesion and crime implications**

15.1 Dealt with in previous report.

16 **Equality Impact Assessment Completed?**

16.1 No.

17 **Key Decision**

17.1 No.

18 **Key Decision Reference**

18.1 Not applicable.

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

None.

20 **Appendices**

20.1 Appendix A – Copy of Delegated Report
Appendix B – Copy of Objections
Appendix C – Photographs

21 **Proposal**

21.1 Notwithstanding the objections received it is recommended that Option 1 be approved and the proposed Order be introduced as detailed in the schedule contained in the original report at Appendix A.

APPENDIX A
COPY OF DELEGATED REPORT



Oldham
Council

Delegated Decision

Proposed Prohibition of Waiting – Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton

Report of: Deputy Chief Executive – People and Place

Officer contact: Darryll Elwood, Technical Assistant
Ext. 1946

22 January 2019

Purpose of Report

The purpose of this report is to consider a number of complaints received from local residents, businesses and Ward Members requesting the introduction of prohibitive waiting restrictions on parts of Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton to alleviate obstructive parking taking place.

Recommendation

It is recommended that no waiting at any time (double yellow lines) restrictions be introduced on parts of Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton in accordance with the schedule at the end of the report.

Proposed Prohibition of Waiting – Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton

1 Background

- 1.1 Correspondence has been received from local residents, businesses and Ward Members expressing concerns regarding the level of obstructive parking taking place on parts of Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton.
- 1.2 The streets in question consist of commercial properties and the concerns raised relate to a number of these businesses using the highway as an extension to their premises by parking vehicles fully/partially on the footways. The vehicles in question belong to employees or customers of the businesses. Ultimately, due to this obstructive parking pedestrians are being forced to walk in the carriageway, therefore, creating a highway safety issue.
- 1.3 Concerns have also been raised by Diodes Zetex Semiconductors Limited that on occasion deliveries made to their premises have been unable to gain access due to the obstructive parking taking place within the vicinity of their entrance on Stockfield Road.

2 Current Position

- 2.1 Observations have been undertaken which have revealed excessive parking does take place on Lansdowne Road and Stockfield Road and whilst the parking currently taking place on Arkwright Street is minimal, if Arkwright Street was not included in the proposal due to its close proximity to the other streets, parking could be displaced on to this street possibly creating difficulties for vehicles entering and exiting the waste disposal depot. These observations also revealed that if larger vehicles are parked on the streets in question they can obstruct the free flow of traffic; also sight lines for motorists entering and exiting premises/junctions can become obstructed; creating a highway safety issue.
- 2.2 In view of the difficulties being experienced within the area it is felt that a Prohibition of Waiting, Traffic Regulation Order should be introduced in accordance with drawing number 47/A3/1523/1 and the schedule at the end of this report.

3 Options/Alternatives

- 3.1 Option 1: To introduce a No Waiting at Any Time Traffic Regulation Order
- 3.2 Option 2: Not to introduce a No Waiting at Any Time Traffic Regulation Order

4 Preferred Option

4.1 The preferred option is Option 1: To introduce a No Waiting at Any Time Traffic Regulation Order.

5 Justification

5.1 In view of the obstructive parking practices taking place it is felt that the introduction of yellow lines should be progressed.

6 Consultations

6.1 G.M.P. View - The Chief Constable has been consulted and has no objection to this proposal.

6.2 T.f.G.M. View - The Director General has been consulted and supports this proposal.

6.3 G.M. Fire Service View - The County Fire Officer has been consulted and has no comment on this proposal.

6.4 N.W. Ambulance Service View - The County Ambulance Officer has been consulted and has no comment on this proposal.

7 Comments of Chadderton Central Ward Councillors

7.1 The Ward Councillors have been consulted and comments received as follows:

Councillor E Moores - I have observed the problematic parking in this area. I have been contacted by local residents (motorists & pedestrians) who pass through the area and they have expressed serious concerns about inconsiderate and obstructive parking. I have also been in contact with a number of local businesses the majority of whom support the proposal. Based on my personal observations, my contacts with residents and businesses I am fully supportive of the proposals detailed in the report.

Councillor C McLaren - The Ward Councillors have completed two informal consultation exercises with local businesses. The proposals received widespread support with few exceptions. I am, therefore, happy to add my support and look forward to the outcome of the formal consultation. I hope that it will be possible to take the scheme forward.

Councillor E Taylor - I am happy to support this initiative, as the problem is persistent, and it is difficult for residents to utilise part of the pavement, and impossible, if they have a pram or pushchair. Given the volume and type of traffic on the main road, and aforementioned vehicle obstruction, I am concerned that forcing residents to step out in to a busy road is dangerous and could potentially lead to a serious accident.

8 Financial Implications

- 8.1 The cost of making this restriction along with initial road marking and maintenance thereafter is as follows:

	£
Advertisement of Order	1,800
Introduction of Road Markings	1,000
TOTAL	2,800
Annual Maintenance costs (calculated October 2018)	200

- 8.2 The advertising and initial road marking cost of £2,800 will be funded from cost centre 40916 (Highways Operations – Unity).

- 8.3 The annual maintenance costs estimated at £200 per annum will be met from cost centre 40350 (Highways Operations). If there are pressures in this area as the financial year progresses, the Directorate will have to manage its resources to ensure that there is no adverse overall variance at the financial year end. (Nigel Howard/Sadrul Alam)

9 Legal Services Comments

- 9.1 The Council must be satisfied that it is expedient to make the Traffic Regulation Order in order to avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for preventing damage to the road or to any building on or near the road, or for facilitating the passage on the road or any other road of any class of traffic, including pedestrians, or for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property or for preserving or improving the amenities of the area through which the road runs.

- 9.2 In addition to the above, under section 122 of the Road Traffic Regulation Act 1984, it shall be the duty of the Council so to exercise the functions conferred on them by the Act as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. Regard must also be had to the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run, the strategy produced under section 80 Environmental Protection Act 1990 (the national air quality strategy), the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles and any other matters appearing to the Council to be relevant. (A Evans)

10 **Co-operative Agenda**

10.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

11 **Human Resources Comments**

11.1 None.

12 **Risk Assessments**

12.1 None.

13 **IT Implications**

13.1 None.

14 **Property Implications**

14.1 None.

15 **Procurement Implications**

15.1 None.

16 **Environmental and Health & Safety Implications**

16.1 Energy – Nil.

16.2 Transport – Nil.

16.3 Pollution – Nil.

16.4 Consumption and Use of Resources – Nil.

16.5 Built Environment – Nil.

16.6 Natural Environment – Nil.

16.7 Health and Safety – The introduction of double yellow lines on Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton as detailed, will create a safer environment for both motorists and pedestrians.

17 **Equality, community cohesion and crime implications**

17.1 The introduction of yellow lines may have a negative effect on Community Cohesion as employees and customers of some of the businesses will have to find alternative parking arrangements.

18 **Equality Impact Assessment Completed?**

18.1 No.

19 **Key Decision**

19.1 No.

20 **Key Decision Reference**

20.1 Not applicable.

21 **Background Papers**

21.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.

22 **Proposal**

22.1 It is proposed that a Traffic Regulation Order be introduced in accordance with the following schedule and drawing numbers.

Schedule
Drawing Number 47/A3/1523/1
Lansdowne Road, Stockfield Road and Arkwright Street, Chadderton


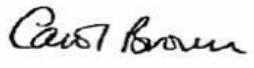
Add to the Oldham Borough Council (Chadderton area) Consolidation Order 2003

Part 1 Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
	<u>Lansdowne Road</u> (Both Sides) From its junction with Crompton Street to its junction with Geneva Walk in a southerly direction	At Any Time	A, B1, B3, B4, C, E, K3	

	<u>Stockfield Road</u> (Both Sides) From its junction with Lansdowne Road to its junction with Peel Street in a westerly direction	At Any Time	A, B1, B3, B4, C, E, K3	
	<u>Arkwright Street</u> (Both Sides) From its junction with Lansdowne Road to its junction with Hargreaves Street in an easterly direction	At Any Time	A, B1, B3, B4, C, E, K3	

APPROVAL

Decision maker Signed  Cabinet Member, Neighbourhood Services	Dated 04/02/19
In consultation with Signed  Director Of Environmental Services	Dated 25/01/19



NOTES:
 1. GRADUATE SURVEY LICENSE:
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Unitypartnership

HIGHWAYS & ENGINEERING
 Highway Design, Construction, Planning, Traffic, Survey

Project Ref:	19-Rec-1003980
Client Ref:	1003980
Contract Ref:	1003980
Drawn By:	1/1/18
Checked By:	1/1/18
Approved By:	1/1/18

Proposed Modification of Waiting - Lane/way
 Road, School, Construction
 47/A3/1523/1

APPENDIX B
COPY OF OBJECTIONS

Environment Group Solicitor
Civic Centre
West Street
Oldham
OL1 1UL

9th April 2019

RE: Proposed Prohibition of Waiting – Lansdowne Road Area, Chadderton

Dear Paul Entwistle

submitting objection to the above proposed order.

We are DVSA authorised M.O.T station trading from
Our DVSA licence require the premises to have a safe and clear path/walkway to a waiting area, with
the proposed order we will be forced to park customers cars in our very limited forecourt making the
path way narrow, which would present a health and safety risk.

Only parking available for customers and my staff will be on Peel Street, a lot of my customers and
staff won't feel comfortable leaving their cars out of sight from . With all these extra
cars parked on Peel Street with no supervision it would attract vandals and thieves to break into our
cars. I don't think I will be having many customers remaining if their cars are being broken in to and
damaged . I relies on the parking on Stockfield Road to operate a safe and success
business.

Yours sincerely,

21st March 2019

Environment Group Solicitor
Oldham Borough Council
Civic Centre
West Street
Oldham
OL1 1UL

Dear Sir/Madam

Re: **Proposed Traffic Regulation Order**
The Oldham Chadderton Area Consolidation Order Prohibition of Waiting Amendment Order
2019
Lansdowne Road/Stockfield Road/Arkwright Street

As the proprietor of _____ situated at _____ I would like to object to the above Order for the following reasons:

As a very busy garage, customers drop off and collect their vehicles throughout the day. This proposal will not allow this to continue and will severely affect my business.

Vehicle parts are delivered constantly throughout the day and the same as the above applies.

Recovery trucks (AA/RAC) deliver vehicles to the garage out of hours and are unable to access the premises, with no alternative other than to park on Lansdowne Road.

Customers regularly drop vehicles off in the evening/early morning before the premises open, parking them on the road.

There are no parking facilities available within close proximity for my staff or my customers other than Lansdowne Road.

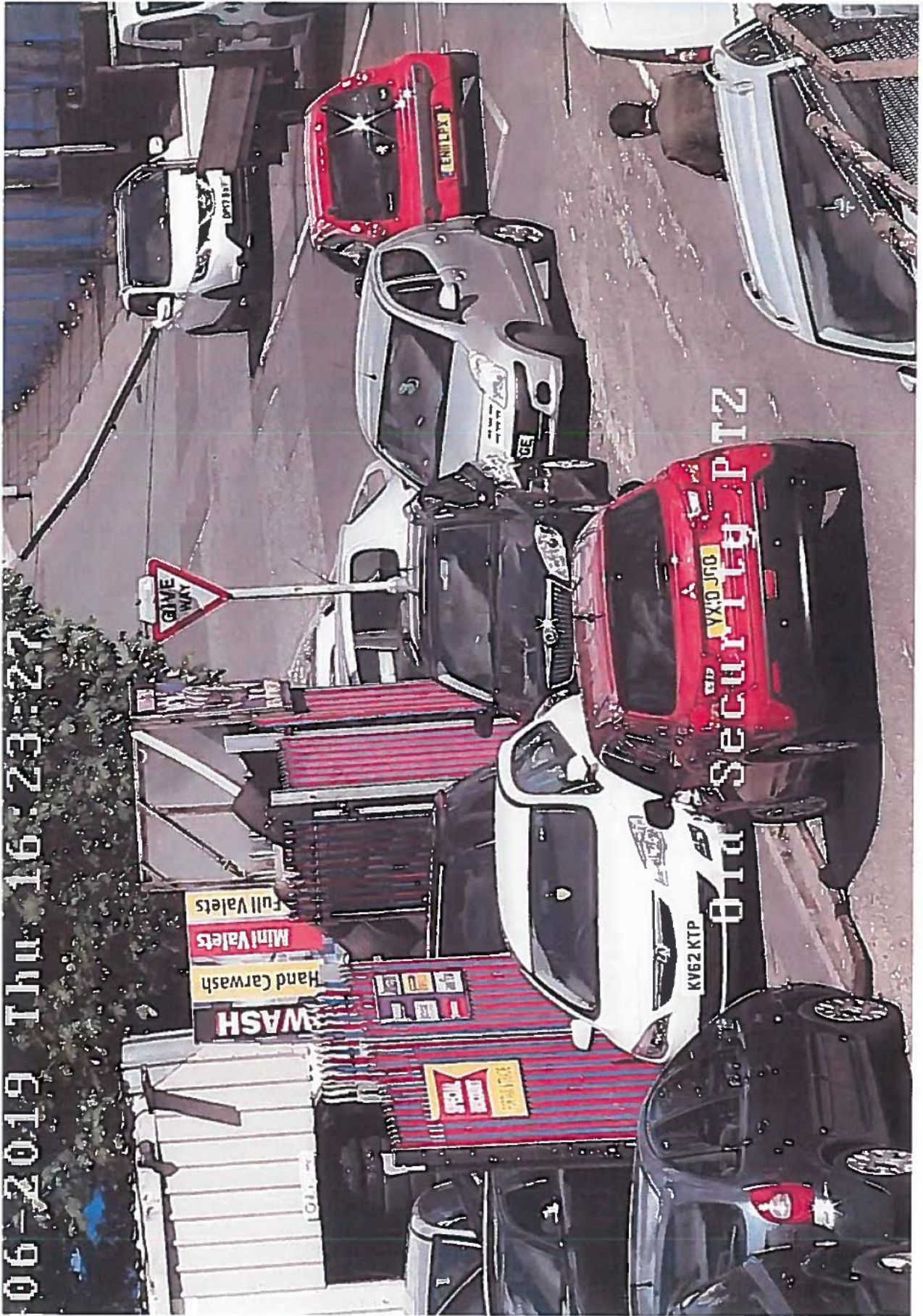
To conclude we have insufficient parking facilities in this area and the impact of this proposal will significantly hinder my business, possibly resulting in the closure of my business.

Can we propose just one side of the road prohibited would be an option and ease the situation.

Yours faithfully

APPENDIX C
PHOTOGRAPHS





TM3/998

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Report to TRO Panel

Public Path Diversion and Extinguishment Orders

s118 and s119 Highways Act 1980 - Diversion of Definitive Footpath 83 Crompton (part), Extinguishment of Un-recorded Highway at Heyhill Farm, Low Crompton Road, Royton and s53(2) Wildlife and Countryside Act 1981 Modification of the Definitive Map and Statement

Portfolio Holder:

Councillor A Ur Rehman, Cabinet Member for Neighbourhood Services

Officer Contact: Deputy Chief Executive – People and Place

Report Author: Jean Greer, Traffic Engineer
Ext. 4306

25 July 2019

Purpose of Report

To seek approval to the making of a Combined Diversion, Modification of Definitive Map and Statement Order for Footpath 83 Crompton (part) and an Extinguishment Order for the un-recorded highway at Heyhill Farm, Low Crompton Road, Royton as detailed in the report.

Executive Summary

The Council has received an application from the resident of Heyhill Farm for the diversion of Footpath 83 Crompton (part) and the extinguishment of an un-recorded highway at Heyhill Farm, Low Crompton Road, Royton, which both pass through the garden and farm fields adjacent to the farm buildings.

The application has been considered in the light of draft guidance on public rights of way passing through gardens and farmyards. It is considered that, in the interests of the resident and footpath users, the footpaths should be diverted/extinguished and that officers be given delegated authority to carry out the necessary procedures with a view to confirming the diversion and extinguishment orders in the event that no objections to the orders are received

Recommendation

It is recommended that the Council make :

- a. a Combined Public Path Diversion Order for the diversion of Footpath 83 Crompton (part) under Section 119 of the Highways Act 1980 as detailed in the report and officers be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.
 - b. Modification Order to the Definitive Map and Statement for Footpath 83 (part) as detailed in the report
 - c. Public Path Extinguishment Order for the un-recorded highway at Heyhill Farm, Low Crompton Road, Royton as detailed in the report under Section 118 of the Highways Act 1980 and officers be authorised to carry out the necessary procedures with a view to confirming the Order in the event that no objections are made to the Order.
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**Public Path Diversion and Extinguishment Orders
s118 and s119 Highways Act 1980 - Diversion of Footpath 83 Crompton (part),
extinguishment of un-recorded highway at Heyhill Farm, Low Crompton Road,
Royton and s53(2) Wildlife and Countryside Act 1981 Modification of the Definitive
Map and Statement**

1 Background

- 1.1 The Application has been made by the resident of Heyhill Farm, Royton, via their Agent for the diversion of Footpath 83 Crompton (part) and an un-recorded highway, which passes through the rear of the grounds of the property.
- 1.2 The Government have issued 'Draft Guidance on diversion or extinguishment of rights of way that pass through gardens, farmyards and Commercial premises'. The Guidance describes the problem of Public Rights of Way which pass through contained spaces, such as private gardens. It states that 'Members of the public may not be comfortable following a path through a contained space of this type because doing so may be infringing on the privacy of a house owner'. So such path alignments can deter people from exercising the public's right to walk along the path'.
- 1.3 The Order-making and Confirming Authority are guided to weigh the interests of the landowner against the overall impact of the proposal on the public as a whole, noting that reducing or eliminating the impact of the current route of the right of way on the landowner, in terms of privacy, security and safety, are important considerations to which due weight should be given. In these limited circumstances only, the Order-making Authority should, therefore, be predisposed to make the Order provided it satisfies all the relevant tests for the making of an Order set out in the legislation.
- 1.4 The principal test is that the diversion should be substantially as convenient and seek to ensure a balance between the interests of the public, as users and the occupier and in relation to the extinguishment, that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use.

2 Proposal

- 2.1 The route of Footpath 83 Crompton is shown on attached plan (764/A4/221/1). The path commences from the south at point C, to the north-east of Heyhill Yard/Paddock. It then crosses the property, passing close to the south-eastern edge of the farm house building, to the northern boundary of the yard/paddock at point B. Footpath 83 Crompton then continues north-east towards Low Crompton and also south-west to Low Crompton Road via the farm entrance (point A).
- 2.2 The un-recorded highway, at points G to H on the attached plan will be extinguished as otherwise, if the diversion of Footpath 83 is confirmed, it will not connect to any other length of highway. It is therefore considered to be expedient

that the path or way should be stopped up on the ground that it is not needed for public use.

- 2.3 Stiles for the ingress and egress of animals will be placed at points D, E and F. The applicant is putting in place all relevant stiles, plan number 764/A4/221/1 and closing the original stiles at his own cost. Stiles at points D and E and the diverted path will be on the neighbouring farm's land ie Mr Miller, Treetops Farm who has given his permission in writing.
- 2.4 The diverted path starts at point C to point F at the edge of the field over a new stile. This then commences between a post and wire fence and hedgerow to a new stile approx. 68m north to point E. The path then commences in a westward direction on the neighbour's land ie Mr Miller, Treetops Farm, to follow the field boundary, joining Low Crompton Road.
- 2.5 The applicant proposes a diversion along the boundaries of the field, this gives a clearly delineated path for the public use. The distance travelled around the diversion is minor and well provided. Any inconvenience to members of the public will be minimal.
- 2.6 Users of the diverted route will not be deterred from using the route which can occur if using the existing alignment which passes through a paddock and land associated with farm buildings at Heyhill Farm.
- 2.7 The required highway signage, from the metalised road and the waymarkers along the route will be paid for by the Applicant ie both installation, posts and the sign.
- 2.8 If the order is Confirmed it will be necessary to modify the Definitive Map and Statement for Footpath Crompton 83 (part). The Council have an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allows the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. In light of the above it is considered that this is appropriate in this case.

Points of Note – Drawing 764/A4/221/1

Label	Grid Reference		Comments
	Easting (m)	Northing (m)	
A	392337	408841	
			Existing FP 83 Crompton (Part) leaves Low Crompton Road and extends from Point A to Point B in a general north-easterly direction for a distance of 32

			metres
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B	392368	408857	
			Existing FP 83 Crompton (Part) extends from Point B to Point C in a general south-westerly direction for a distance of 136 metres
C	392306	408735	
D	392334	408860	A New Style is to be installed at Point D
			Diverted FP 83 Crompton (Part) extends from Point D to Point E in a general easterly direction (on the northern side of the boundary feature), for a distance of 65 metres
E	392397	408852	A New Style is to be installed at Point E
			Diverted FP 83 Crompton (Part) extends from Point E to Point F in a general south-westerly direction (on the western side of the boundary feature), for a distance of 68 metres
F	392376	408790	A New Style is to be installed at Point F
			Diverted FP 83 Crompton (Part) extends from Point F to the aforementioned Point C in a general south-westerly direction for a distance of 92 metres, where it re-joins the existing route of the FP 83 Crompton
G	392330	408787	
			An unrecorded highway extends from Point G to Point H in a general north-easterly direction (on the eastern side of the boundary feature), for a distance of 60 metres
H	392357	408835	

Schedule 1
Footpaths to be Diverted – Drawing 764/A4/221/1

Road	Length
Footpath 83 Crompton (Part) Section as indicated on map) A-B-C	The whole width that is part of Footpath 83 Crompton commencing at Point A (Ordnance Survey Grid Reference (“GR”) SD92337 08841) and proceeding for a distance of 32 metres in a general easterly direction to Point B (GR SD92368 08857) then turning to a general south-westerly direction for a distance of 136 metres to Point C (GR SD92306 08735) for a total distance of 168 metres or thereabouts

Schedule 2
Diverted route of Footpath – Drawing 764/A4/221/1

Road	Length
Footpath 83 Crompton (Part) Section as indicated on map) D-E-F-C	A (surface description) 2 metre wide footpath commencing from Point D (GR SD92334 08860) proceeding for a distance of 65 metres in a general easterly direction to Point E (GR SD92397 08852) then turning to a general south-westerly direction for a distance of 68 metres to Point F (GR SD92376 08790) then in a general south-westerly direction for a distance of 92 metres to the aforementioned Point C (GR SD92306 08735) for a total distance of 225 metres or thereabouts

Schedule 3

Part 1 Modification of Definitive Map

Description of the path to be diverted (A-B-C):

From Point A (OSGR 392337e, 408841n), to Point B (OSGR 392368e, 408857n), to Point C (OSGR 392306e, 408735n)

Description of the path to be added (D-E-F-C):

From Point D (OSGR 392334e, 408860n), to Point E (OSGR 392397e, 408852n), to Point F (OSGR 392376e, 408790n), Point C (OSGR 392306e, 408735n)

Part 2 Modification of Definitive Statement

Statement to be amended

District and page number	Page Number	Status	Length	Description	Width
Crompton Footpath 83	5	Footpath	1269 metres	Path from Park Lane, Royton to Cowlshaw. Path proceeds east of Heyhill Farm towards a stile and then proceeds northwards along the western edge of a field boundary towards another stile whereby the path heads in a westerly direction along the north side of a field boundary and then heads in a north-easterly direction with a spur path on the north side of a field boundary linking to Low Crompton Road through a stile. Path follows north-east course through a further stile to field boundary below Low Crompton Farm (with spur path linking through gate with Low Crompton Road near the farmhouse) and thence turns south-east to follow field boundaries through four stiles to source of River Irk. Path then crosses field to stile at field boundary to further stile and thence south to link with occupation road at Cowlshaw (opposite No 47)	Approx 2 metres

Schedule 4
Footpath to be Extinguished – Drawing 764/A4/221/1

Footpath	Length
Un-recorded highway from points G to H	60 metres

3 Options/Alternatives

- 3.1 Option 1: To approve the recommendation.
- 3.2 Option 2: Not to approve the recommendation.

4 Preferred Option

- 4.1 The Preferred option is to approve Option 1. This will benefit the occupants of Heyhill Farm and the Users of the Footpaths and will test the proposal through the democratic process. Option 2 will maintain the status quo where the property has the liability of Footpaths passing through the paddock and farm yard and Users are inhibited when passing through the yard.

5 Informal Consultation

Parish Council

- 5.1 The Parish Council have no objection to the proposal.

Footpath Societies

- 5.2 The Ramblers Association have no objection to the proposal.

Ward Councillors

- 5.3 The Ward Councillors at the time of receiving the Application had been consulted and no comments were received. The Ward Councillors have been consulted again and Councillor D Williamson and Councillor D Murphy support the proposal.

Landowners

- 5.4 The closest landowner neighbour John Miller of Treetops Farm, Low Crompton Road, Royton was consulted and confirms in writing he agrees with the proposal.

6 Financial Implications

- 6.1 A Stopping Up fee of £2,500 (£2,611 in 2019/20) was paid by the applicant in 2018. The standard fee is intended to cover costs associated with each application including; legal works, signage, advertising and general administrative effort. As a result, no additional financial burden will fall upon the Council in dealing with this application. (Nigel Howard/Sadrul Alam)

7 Legal Services Comments

- 7.1 Under S119 of the Highways Act 1980 the Council may make a public path diversion order where it appears to it to be expedient, either in the interests of the owner, lessee or occupier of land crossed by the path, or in the interests of the public, that it should be diverted. The confirming body for the order must also be satisfied that the diversion is expedient in the interests of the owner, lessee or occupier of land crossed by the path or in the interests of the public and that the path will not be substantially less convenient to the public as a consequence of the order. The confirming body must also be satisfied that it is expedient to confirm the order having particular regard to the effect on public enjoyment of the path as a whole, the effect on other land served by the existing path and the effect of the new diversion on the land and other land held with it, to be crossed by the diversion.
- 7.2 To make an order under S118 of the Highways Act 1980, it must appear to the Council that it is expedient that the footpath should be stopped up on the ground that it is not needed for public use. The order shall not be confirmed, either by the Secretary of State (if the order is opposed) or the Council (if the order is not opposed) unless he or, as the case may be, the Council are satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to him or, as the case may be, them that the footpath would, apart from the order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation contained in section 28 of the Highways Act.
- 7.3 In the event of objections to the Orders, they will be sent to the Secretary of State for determination. If no objections are received it is recommended that officers be given delegated authority to determine whether it is expedient to confirm the Orders, as otherwise this decision would have to be taken at a future meeting of the TRO Panel, adding unnecessary delay to the process. (A Evans)

8 Human Resources Comments

- 8.1 None.

9 Risk Assessments

- 9.1 None

10 IT Implications

- 10.1 None.

11 Property Implications

11.1 None.

12 **Procurement Implications**

12.1 None.

13 **Environmental and Health & Safety Implications**

13.1 None.

14 **Equality, community cohesion and crime implications**

14.1 None

15 **Equality Impact Assessment Completed?**

15.1 Not Applicable

16 **Key Decision**

16.1 No.

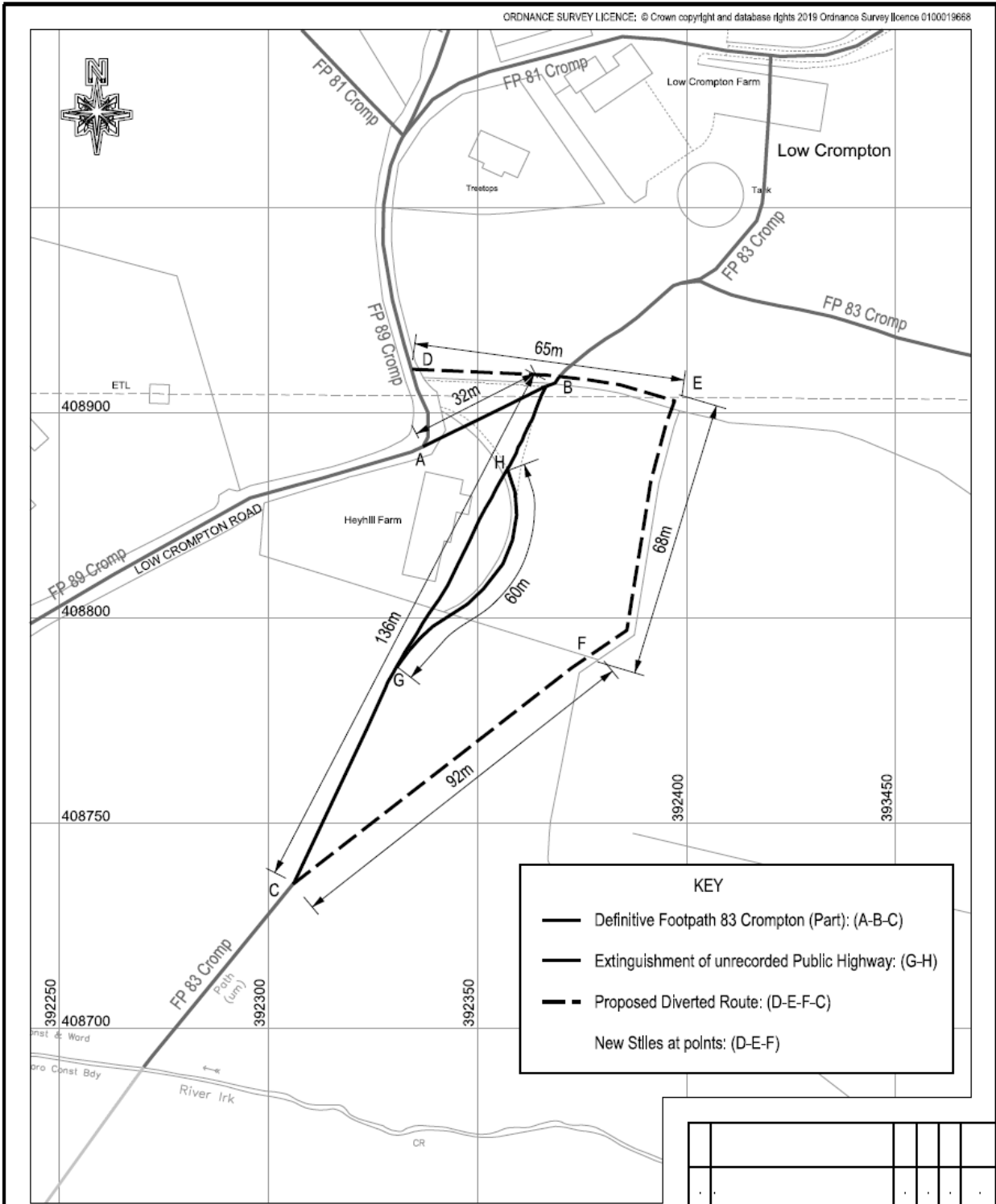
17 **Key Decision Reference**

17.1 Not applicable.

18 **Background Papers**

18.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.



KEY

- Definitive Footpath 83 Crompton (Part): (A-B-C)
- Extinguishment of unrecorded Public Highway: (G-H)
- - - Proposed Diverted Route: (D-E-F-C)
- - - New Stiles at points: (D-E-F)

Rev	Revision details	By	Chk	App	Date

<p>Oldham Council</p>	<p>Shaw & Crompton Parish Council</p>			<p>Title</p> <p>Diversion of Public Highway Combined Order s119 Highways Act 1980 Diversion of Public Footpath 83 Crompton (part), Extinguishment of unrecorded Public Highway s118 and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement</p>
	<p>Project</p> <p>Heyhill Farm, Low Crompton Road, Royton</p>			
<p>Unity Partnership HIGHWAYS & ENGINEERING Henshaw House, Cheapside, Oldham OL1 1NY</p>	<p>Drawn by</p> <p>RW</p>	<p>Date</p> <p>06/19</p>	<p>Purpose of Issue</p> <p>Order Plan</p>	<p>Drawing No.</p> <p>764/A4/221/1</p>
	<p>Checked by</p> <p>JG</p>	<p>Date</p> <p>06/19</p>	<p>Scale at A4 size</p>	
	<p>Approved by</p> <p>GS</p>	<p>Date</p> <p>06/19</p>	<p>1:1250</p>	

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