

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

Date Thursday 30 September 2021

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 Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email constitutional.services@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, 27 September 2021.

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.

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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 Davis (Chair), Brownridge (Vice-Chair), C. Gloster, Salamat and Woodvine

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 - 4)**

The Minutes of the meeting of the Traffic Regulation Order Panel held on 29th July 2021 are attached for approval.

6 **Public Path Diversion and Definitive Map and Statement Modification Order - Footpath 107 Saddleworth (part) at Ambrose Lodge, Sandy Lane, Dobcross (Pages 5 - 12)**

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order.



TRAFFIC REGULATION ORDER PANEL
29/07/2021 at 5.30 pm

Present: Councillor Davis (Chair)
Councillors Brownridge (Vice-Chair), C. Gloster, Salamat and Woodvine

Also in Attendance:

Alan Evans	Group Solicitor
Gary Sutcliffe	Unity Highways
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

Councillor Brownridge declared a personal interest at item 7 and item 8.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 17th June 2021 be approved as a correct record.

6 **MOSTON ROAD, MIDDLETON - OBJECTION TO TRAFFIC REGULATION ORDER**

The Panel gave consideration to a report regarding objections received to the introduction of prohibitive waiting restrictions at Moston Road, Middleton.

The proposal was promoted to address an issue with vehicles parking in a dedicated turning facility, in the form of a turning head, positioned on the west side of Moston Road. It was reported by a local business and by the Council's Waste Management Team. There were a number of residential, commercial and industrial properties in the vicinity of the turning head which generated a demand for on-street parking. The turning head was regularly used as a parking area for vehicles which prevented it from being used as intended.

The proposal had been approved under delegated powers on 6 January 2020 and subsequently advertised. Two letters of objections were received from local businesses. The basis of the objections was that there was already a high demand for on



street parking near the turning head and the proposal would reduce the availability of spaces further, increasing tensions between residents and the businesses over parking spaces.

In light of the objections, site inspection found that ample on street spaces were available further north along Moston Road. The turning head was constructed specifically for use as a turning facility and when it could not be used this increased the number of reversing manoeuvres along Moston Road. The turning head was now in use and could not provide the extra spaces as suggested.

Options considered:

Option 1 – Introduce the proposed restrictions as advertised.

Option 2 – Relax the length of the proposed restrictions.

Option 3 – Do not introduce the proposed restrictions.

RESOLVED that, notwithstanding the objections received, the proposed restrictions be introduced as set out in the report.

7

COPTIC ROAD, CHADDERTON - OBJECTION TO TRAFFIC REGULATION ORDER

Councillor Brownridge declared a personal interest in this item and took no part in the discussion or vote thereon.

The Panel gave consideration to a report regarding objections received to the introduction of prohibitive waiting restrictions at Coptic Road, Chadderton.

The proposal was promoted to address an issue with obstructive parking at Coptic Road near to its junction with Chadderton Park Road, reported by local residents via their Ward Councillor. Coptic Road was a residential cul-de-sac off Chadderton Park Road, the junction bell mouth and initial length of carriageway was regularly subject to obstructive parking by residents from Chadderton Park Road parking on both sides of the carriageway and on the footpaths. Observations revealed that vehicles regularly parked on Coptic Road within close proximity to its junction with Chadderton Park Road. This created a highway safety issue not only for motorists trying to negotiate the junction but pedestrians as well due to the size of some of the vehicle's parking at the location.

The proposal had been approved under delegated powers on 17 December 2019 and subsequently advertised. Three letters of objections were received from residents of Chadderton Park Road and two from residents of Coptic Road. The basis of the objections was that there was already a high demand for on street parking along Chadderton Park Road and the proposal would reduce the availability of those spaces further. The proposal may displace parking further along Coptic Road and the availability of on-street spaces has already been affected by a planning decision to allow a new nursery to operate on Chadderton Park Road at the junction of Middleton Road and could be made worse following approval for a new care home on

the west side of Chadderton Park Road between Coptic Road and Middleton Road.



In light of the objections, whilst there was a lack of on street parking for some residents of Chadderton Park Road, it was not the responsibility of the Council to provide on street parking, only a duty in respect of road safety matters. In relation to the planning applications, the nursery only operated during the daytime when on-street parking spaces were more readily available. The decision by the Council to refuse the application for the new care home was overturned by the Planning Inspectorate. The number of spaces within the site for employees and visitors was increased to 34 and was deemed sufficient enough not to give rise to a material increase in on street car parking.

Options considered:

Option 1 – Introduce the proposed restrictions as advertised.

Option 2 – Do not introduce the proposed restrictions.

RESOLVED that, notwithstanding the objections received, the proposed restrictions be introduced as set out in the report.

8

PEEL STREET/GARFORTH STREET JUNCTION WITH MIDDLETON ROAD AND STOCKFIELD ROAD JUNCTION WITH PEEL STREET, CHADDERTON - COLLISION REDUCTION MEASURES - OBJECTIONS TO TRAFFIC PROPOSALS

Councillor Brownridge declared a personal interest in this item and took no part in the discussion or vote thereon.

The Panel gave consideration to a report regarding objections and representation received to a proposed Traffic Regulation Orders associated with the Peel Street/Garforth Street Junction with Middleton Road and Stockfield Road Junction with Peel Street, Chadderton – Collision Reduction Measures.

The proposal was promoted to address the high collision rates at the junctions. Collision data for the last three years to March 2019 identified 7 personal injury collisions at the Peel Street/Garforth Street junction which resulted in 2 serious injuries and 10 slight injuries. Data for the Stockfield Road Junction with Peel Street identified 7 personal injury collisions which resulted in 7 slight injuries.

The proposal had been approved under delegated powers on 02 April 2020 and subsequently advertised. Two letters of objections were received from local businesses. The basis of the objections was that the restrictions would affect the operations of the businesses and the ability of passing trade to find the businesses

In light of the objections, it was appreciated that the prohibition of motor vehicles would change current traffic patterns, however road safety concerns must take priority. The junctions

concerned had the highest rates of personal injury collisions in Oldham. However, the deletion of the proposed restrictions and the removal of the current restriction on the West side of Peel Street would not impact on the safety of the proposed scheme.



Options considered:

Option 1 – Not to uphold the Objections to the proposals and to approve the Traffic Regulation Order as Advertised.

Option 2 – To uphold the Objections to the proposals and rescind the proposals.

Option 3 – To partially uphold the Objections to the proposals and to approve amendments to the proposals.

RESOLVED that, notwithstanding the objections received, the objections to the proposal be partially upheld and the proposal be introduced as amended in the report.

The meeting started at 5.30 pm and ended at 6.02 pm



Report to TRO Panel

Public Path Diversion and Definitive Map and Statement Modification Order

s119 Highways Act 1980 - Diversion of Definitive Footpath 107 Saddleworth (part), at Ambrose Lodge, Sandy Lane, Dobcross and s53A Wildlife and Countryside Act 1981 Modification of the Definitive Map and Statement

Portfolio Holder:

Councillor A Chadderton, Cabinet Member for Neighbourhoods

Officer Contact: Deputy Chief Executive – People and Place

Report Author: Liam Kennedy, PRow Officer
Ext. 4306

30 September 2021

Purpose of Report

To seek approval to the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 107 Saddleworth (part) at Ambrose Lodge, Sandy Lane, Dobcross as detailed in the report.

Executive Summary

The Council has received an application from the resident of Ambrose Lodge, Sandy Lane for the diversion of Footpath 107 Saddleworth (part), which passes through the garden and farm fields adjacent to the residence.

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 footpath should be diverted and that Officers be given delegated authority to carry out the necessary procedures with a view to confirming the

Public Path Diversion and Definitive Map and Statement Modification Order in the event that no objections to the order are received.

Recommendation

It is recommended that the Council make a Public Path Diversion and Definitive Map and Statement Modification Order for the diversion of Footpath 107 Saddleworth (part) under Section 119 of the Highways Act 1980 and section 53A of the Wildlife and Countryside Act 1981 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.

**Public Path Diversion and Definitive Map and Statement Modification Order
s119 Highways Act 1980 - Diversion of Footpath 107 Saddleworth (part), at Ambrose Lodge,
Sandy Lane, Dobcross and s53A 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 Ambrose Lodge, Dobcross for the diversion of Footpath 107 Saddleworth (part), which passes through 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'. 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 the relevant test for the making of an Order set out in the legislation, namely that in the interests of the landowner it is expedient that the line of the right of way should be diverted.
- 1.4 The principle test before deciding whether to confirm a Public Path Diversion and Definitive Map and Statement Modification Order is that the diversion should not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order.

2 Proposal

- 2.1 The route of Footpath 107 Saddleworth is shown on attached plan (764/A4/224/1). The path commences to the west of Standedge Road (approximately 190m from its junction with Sandy Lane) following a south westerly route for approximately 166m. The existing route runs parallel to the stone wall and crosses the driveway access, where it then crosses a step stile through a hedge line proceeding directly across the front yard area of Ambrose Lodge and continues south westerly through the adjacent field. The description of the current route is given in Schedule 1.
- 2.2 The diverted path is also shown on the plan and starts as point A to point C with access to the adjacent field provided by a step stile located next to the field access gate. The path then follows a south-westerly direction to rejoin the existing footpath route. The description of the diverted route is given in Schedule 2.
- 2.3 The applicant proposes a diversion along the boundary of his land into his adjacent field, this gives a clearly delineated path for the public use. The distance travelled around the diversion is minor. Any inconvenience to members of the public will be minimal.
- 2.4 Users of the diverted route will not be deterred from using the route, which could occur if using the existing alignment as it passes across the front yard area of Ambrose Lodge.

- 2.5 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.
- 2.6 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 107 Saddleworth (part). The Council have an obligation to continuously review the Map and Statement. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allow 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. The amended wording for the Definitive Statement is given in Schedule 3.

Schedule 1

Description of Existing Footpath Route – Drawing 764/A4/224/1

Existing FP 107 Saddleworth leaves Standedge Road (GR SD99857 07376) proceeding in a general south-westerly direction for a distance of 166 metres to (GR SD99748 07253), then proceeding north-westerly on the remaining route of existing FP107 Saddleworth

Schedule 2

Description of Proposed Footpath Route – Drawing 764/A4/224/1

Footpath 107 Saddleworth commencing at point A (GR SD99837 07351) and proceeding for a distance of 39 metres in a general southerly direction to point B (GR SD99834 07317) then turning to a general south-westerly direction for a distance of 36 metres to point C (GR SD99798 07305) for a total distance of 62 metres or thereabouts

Schedule 3

Modification of Definitive Statement

District and page number	Page Number	Status	Length	Description	Width
Saddleworth Footpath 107	6+7	Footpath	595 metres	Bridleway and footpath commencing at its junction with Ward Lane and proceeding in a south westerly direction to Path No.75 thence North to Holly Grove then West across the Huddersfield Road continuing across Standedge Road A670 (GR SD99857 07376) and following a south westerly direction parallel to stone wall for approx. 28m then proceeds south at (GR SD99837 07351) following hedgeline for a distance of 39m to (GR SD99834 07317). Path then proceeds west, crossing a	2.4m wide 1 footbridge 1 tunnel 1 cart bridge 3 field gates 3 stiles 2 sets stone steps

				<p>stile (conforming to BSI BS5709:2018) into the field adjacent to Ambrose Lodge for a distance of 36m to (GR SD99798 07305) rejoining the route of FP107 SADD continuing to its southern point (GR SD99748 07253) before proceeding north to meet FP109 SADD at (GR SD99687 07382) to the west or continuing north-east on FP107 SADD returning across Standedge Road A670 at (GR SD99879 07521) proceeding east to Spurn Lane with a branch footpath proceeding north from Holly Grove to Ward Lane. 2.4m wide 1 footbridge 1 tunnel 1 cart bridge 3 field gates 3 stiles 2 sets stone steps.</p>	
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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 Ambrose Lodge and the users of the footpath and will test the proposal through the democratic process. Option 2 will maintain the status quo where the property has the liability of footpath passing through close to their residence infringing upon privacy.

5 Informal Consultation

Parish Council

- 5.1 The Parish Council have been consulted and no response received.

Footpath Societies

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

Saddleworth North Ward Councillors

- 5.3 The Ward Councillors have been consulted and Councillor P Byrne has no objection to the diversion of this footpath as the residents have another through their land which they have been forcing walkers to use.

Councillor L Lancaster has commented as the report notes, the effect is 'minimal'. I've also not received any objections from ward constituents, and I note that the Ramblers Association do not have any either. I think the proposals would probably result in any

walkers using the footpaths to have a more tasking ascent, but Lark Hill is already tasking and I don't think it adds much in the grand scheme!

Landowners

5.4 The only affected landowner is the applicant.

6 Financial Implications

6.1 The applicant has paid the standard Stopping Up fee of £2,685. This fee covers all costs associated with this order including, advertising, site notices and administration incurred by the Council. (Nigel Howard)

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 In the event of objections to the Order, it 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 Order, 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 Co-operative Agenda

8.1 In respect of diversion of FP107 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

7.1 None.

8 Risk Assessments

8.1 None

9 IT Implications

9.1 None.

10 Property Implications

10.1 None.

11 Procurement Implications

11.1 None.

12 **Environmental and Health & Safety Implications**

12.1 None.

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

13.1 None

14 **Equality Impact Assessment Completed?**

14.1 Not Applicable

15 **Key Decision**

15.1 No.

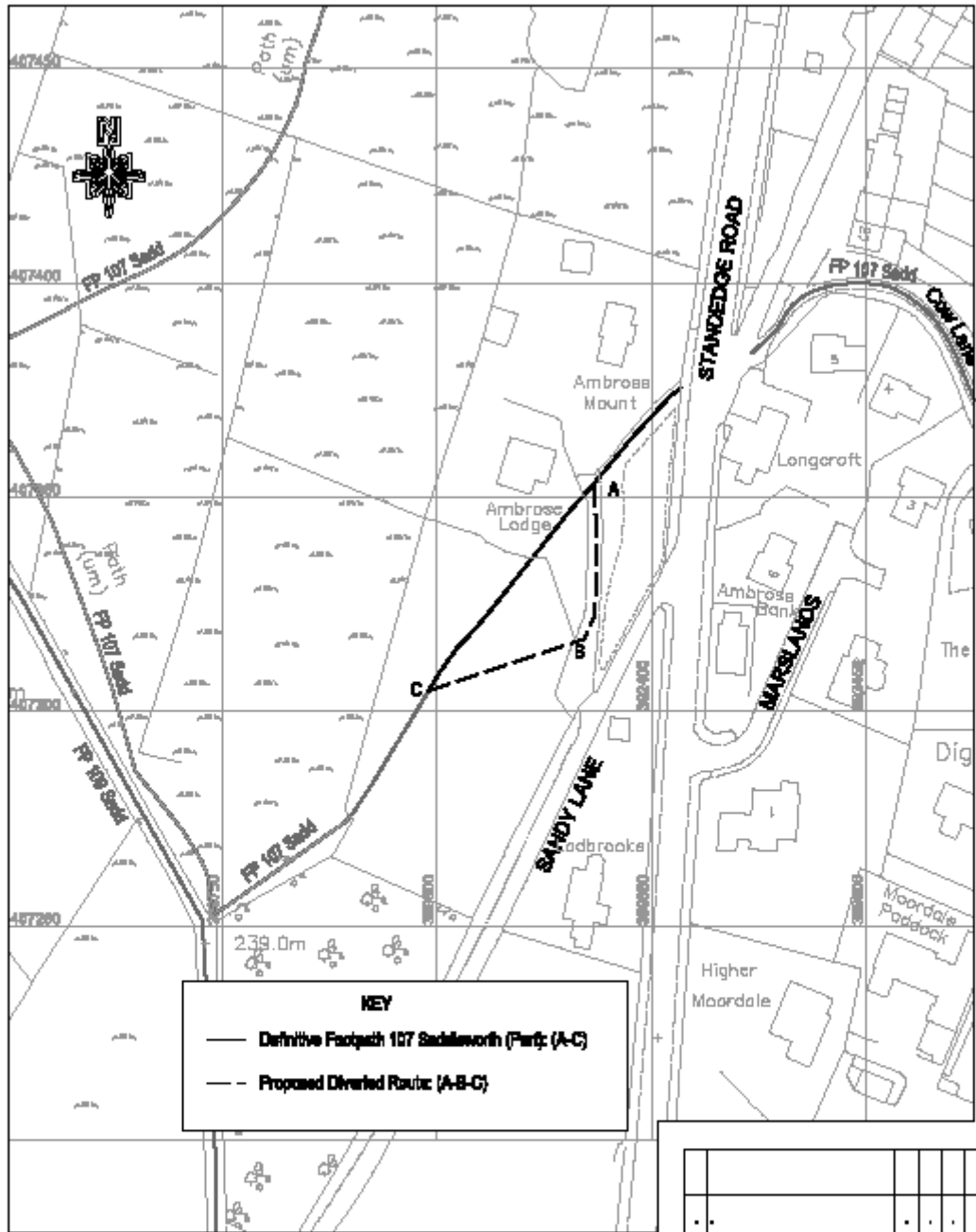
16 **Key Decision Reference**

16.1 Not applicable.

17 **Background Papers**

17.1 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.



Oldham Council

Unity Partnership
HIGHWAYS & ENGINEERING
 Heathwaite House, Oldham, Oldham OL1 9HT

Saddleworth Parish Council		
Project: Ambrose Lodge, Senny Lane, Dobcross		
Drawn by: RW	Date: 08/21	Programme of Issues: Order Plan
Checked by: LK	Date: 08/21	Scale of A3 sites: 1:1250
Approved by: GS	Date: 08/21	

Rev	Revision details	By	Iss	App	Date
Title: Division of Public Highway Combined Order s119 Highways Act 1980 Division of Public Footpath 107 Saddleworth (part) and Walls and Countryside Act 1961 s53(2) Modification of the Drainage Map and Statement					
Drawing No: 76A/A4/2241					