

HIGHWAY REGULATION COMMITTEE
Regulatory
Agenda

- Date Thursday 18 July 2024
- Time 5.30 pm
- Venue Council Chamber, Civic Centre, Oldham, West Street, Oldham, OL1 1NL
- Notes
1. DECLARATIONS OF INTEREST- If a Member requires 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 at least 24 hours in advance of the meeting.
 2. CONTACT OFFICER for this agenda is Kaidy McCann 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, 15 July 2024.
 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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MEMBERSHIP OF THE HIGHWAY REGULATION COMMITTEE
Councillors Chowhan, Davis, Murphy (Chair), Shuttleworth 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
The Minutes of the meeting held on 13th June 2024 will be circulated at the meeting for approval.
- 6 Report on Public Spaces Protection Orders 180724 (Pages 3 - 12)
- 7 Application for Rail Crossing Extinguishment and Definitive Map and Statement Modification Order – Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill (Pages 13 - 86)
- 8 Objections to Proposed Prohibition of Waiting – Coverhill Road, Grotton (Pages 87 - 106)
- 9 Objections to Proposed Prohibition of Waiting – Alder Road, Clough Road and Hibbert Crescent, Failsworth (Pages 107 - 120)
- 10 Objections to Proposed Prohibition of Waiting – Sandy Lane, Dobcross (Pages 121 - 156)



Report to Highway Regulation Committee

Objections and Matters relating to Public Spaces Protection Orders

Portfolio Holder:
Cllr Peter Dean

Officer Contact: Neil Consterdine – Director of Communities

Report Author: Lorraine Kenny – Head of Community Safety Services

18th July 2024

Reason for Decision

The purpose of this report is to consider the objections or matters related to three gated schemes following a consultation exercise to renew and/or re-introduce a number of Public Spaces Protection Orders across the borough.

Recommendations

It is recommended that:

- 1) Scheme 12/20 relating to Hampton Road and Roman Road is not included within the South District Public Spaces Protection Order due to access being required for residents with disabilities and the gates currently in place be removed.
- 2) Scheme 51/20 relating to Retford Street and Waterloo Street is included in the Central District Public Spaces Protection Order with amendment to relocate the gates from original scheme to increase the safety and security of the location.
- 3) Scheme 75/20 relating to Lynton Avenue and Chapel Road is included in the South District Public Spaces Protection Order with amendment to re-locate one gate.
- 4) 5 District Public Space Protection Orders be made for all the remaining schemes which received no objections.

Objections and Matters relating to Public Spaces Protection Orders

1 Background

- 1.1 Public Spaces Protection Orders (PSPOs) were introduced through the Anti-Social Behaviour, Crime and Policing Act 2014. In 2017 all existing Gating Orders across the borough automatically transitioned to become PSPOs. Since 2017 the existing Orders, along with newly introduced ones, have offered protection to over 8000 properties and businesses, through the use of gates.
- 1.2 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a provision that PSPOs could only be made for a maximum 3-year period, with a requirement to carry out a statutory consultation exercise before either extending or amending the terms of an Order. The statutory consultation exercise involves contacting any occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

2 Current Position

- 2.1 In 2024, the statutory consultation exercise was undertaken. The Council used this exercise as an opportunity to move the existing 200+ PSPOs which restricted access over the highway, into 5 overarching place PSPOs, which contain all of the individual schemes relevant to the respective place area.
- 2.2 During the consultation exercise, objections were raised in relation to two schemes. The Council also became aware of another scheme which needed a review due to a change in use of one of the buildings.

2.3 Schemes

2.3.1 Scheme 12/20

Figure 1



- 2.3.2 This scheme in the South District offers protection to four residential properties (77 & 84 Hampton Road and 80-82 Roman Road). During the statutory consultation exercise, an objection was received which related to a resident having accessibility issues due to the disability of a family member that lives in one of the properties that they support and care for. A copy of the objection is listed in Appendix A to this document.
- 2.3.3 Following further consultation, a second resident from a different household was also identified as having difficulties using the gate due to a disability. In addition, it was identified that the gates were frequently left open during the day as the area is used as a thoroughfare by the local community. The gates were opened in the morning and locked in the evening by the Council's First Response Team, through an informal arrangement which was not part of the existing PSPO.
- 2.3.4 There was a concern raised regarding dog-fouling in the area, even with the gates in situ.
- 2.3.5 Removal of this scheme from the South District PSPO, which would involve removal of the gates, would ensure the Council is compliant with its duties under the Equality Act 2010. It would also allow the local community to continue to use the highway as a thoroughfare; and would negate the need for the First Response Team to visit the location daily to lock and unlock the gates, as this cannot be sustained long-term.
- 2.3.6 Scheme 51/20

Figure 2



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- 2.3.7 This scheme in the Central District was originally introduced with five gates to offer protection to 20-30 Retford Street, 301-317 Waterloo Street and to the rear of a building which now operates as a school. These are marked as A, B, C, D and E on Figure 2 below. One of the gates (A) was due to be sited between 30 Retford Street and 301 Waterloo Road; however, this, and another of the gates (C) were never installed due to objections from the householders when the contractors arrived. This has resulted in the area not being fully protected as intended, particularly the rear of the building which is now a school.
- 2.3.8 One objection has been received with regards to this scheme, with a request made to remove all of the gates. The person making the objection has also made significant comments regarding concerns about the school and has made subsequent representations about the safety of students on the highway, as there are businesses which operate in the locality and there is no secure outdoor space for them to gather and play. The full objection can be found at appendix B to this document.
- 2.3.9 Whilst all of the gates which were originally planned were not installed; those which were do offer a visual deterrent to persons who wish to engage in crime and disorder at the location. Removal of all the gates would likely result in an increase crime and disorder.
- 2.3.10 There remains a space at the location where fly- tipping occurs. This is marked as G on Figure 2.
- 2.3.11 The site was visited and it was noted that the space at the rear of the school is overgrown and a bench was in situ. No residents or businesses have gates or doors which open onto this space; however, there is an access gate just outside of the gate at location E.
- 2.3.12 Vehicles used by residents and businesses have sufficient alternative routes without reliance upon access to the highway at the rear of the school building.
- 2.3.13 It is proposed to re-site the gate currently at position E to position G to allow increased accessibility; and to site the gate which should originally have been at location C to location F. This would allow vehicles to turn into the area at the rear of Retford Street if required and would create a sterile area within the scheme which would prevent fly-tipping and provide a safe space for the students to gather. The area included in the scheme will be the passageway between 40 Retford Street and 317 Waterloo Street
- 2.3.14 The cost of re-siting gate E and installing the gate at location F will be met from external grant funding. The ongoing maintenance and repair cost for gate F will be minimal and will be offset by savings in the repairs and maintenance of gates removed from scheme 12/20.
- 2.3.15 Scheme 75/20

Figure 3



- 2.3.16 This scheme in the South District includes 3 gates which were introduced to offer protection to 1-27 Lynton Avenue, 706-710 Hollins Road and 171-207 Chapel Road.
- 2.3.17 The property at 710 Hollins Road is now divided into two premises. 710b Hollins Road has a single access and egress point which is within the gated area.
- 2.3.18 s64(5) of the Anti-Social Behaviour, Crime and Policing Act 2014 states:
“A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.”
- 2.3.19 The Council must ensure compliance with the legislation, and therefore the gate marked A on the map cannot remain in its current position.
- 2.3.20 Movement of the gate at position A to position B (between 203 and 205 Chapel Road) will result in 207, 207a and 205 Hollins Road losing the protection of the gates to the rear of their properties and being removed from the scheme; however, it will ensure that the remaining properties in the scheme can continue to be protected.
- 2.3.21 The cost of re-siting the gate will be met from external grant funding.

3 Options/Alternatives

3.1 Scheme 12/20

Option 1: Removal of the scheme from the South District Public Spaces Protection Order.

Option 2: Retain the scheme. This is not recommended as this would have a detrimental impact up on persons with protected characteristics and would mean the Council is not compliant with the provisions of the Equality Act 2010.

3.2 Scheme 51/20

Option 1: Retain the scheme within the Central District Public Spaces Protection Order with reduced boundaries and relocate gates from original scheme to increase safety and security of location.

Option 2: Remove the entire scheme. This option is not recommended as the gates act as a visual deterrent and removal of all of the gates will likely result in an increase in crime and disorder.

3.3 Scheme 75/20

Option 1: Removal of 710 Hollins Road and 205, 207 and 207a Chapel Road from the scheme, with relocation of the gate currently sited between 207 Chapel Road and 710 Hollins Road to the area between 203 and 205 Chapel Road and retain the remainder of the scheme within the South District Public Spaces Protection Order.

Option 2: Removal of the gate currently sited between 207 Chapel Road and 710 Hollins Road without relocation. This is not recommended as this would likely result in an increase of crime and disorder.

4 **Preferred Options**

4.1 Scheme 12/20

Option 1: Removal of the scheme from the South District Public Spaces Protection Order.

4.2 Scheme 51/20

Option 1 Retain the scheme within the Central District Public Spaces Protection Order with reduced boundaries and relocate gates from original scheme to increase safety and security of location.

4.3 Scheme 75/20

Option 1: Removal of 710 Hollins Road and 205, 207 and 207a Chapel Road from the scheme, with relocation of the gate currently sited between 207 Chapel Road and 710 Hollins Road to the area between 203 and 205 Chapel Road and retain the remainder of the scheme within the South District Public Spaces Protection Order.

4.4 The preferred options above will be met through external grant funding and the existing Community Safety Maintenance budget. The cost of moving existing gates will be no more than £1,500.00. Future maintenance of the gates will be met through the ongoing Community Safety Alleygate maintenance budget.

5 **Consultation**

5.1 See Appendix A

5.2 Ward Members for each of the schemes have been consulted on the original PSPO proposals and the amended proposals following the consultations responses.

5.3 Details on the amended proposals have been provided to residents (and the school for scheme 51/20).

6 **Financial Implications**

6.1 The preferred option as detailed in paragraph 4.1 to 4.3 is to approve three gated schemes and to renew and/or re-introduce several Public Spaces Protection Orders across the borough.

6.2 The cost of the above proposals will be a maximum £1,500 and will be met from external grant funding which is already held within the community safety budgets.

6.3 The ongoing maintenance costs will be funded from the community safety existing revenue budgets.

6.4 The expected life cycle of each gate is 20 years. Therefore, annual maintenance costs should be minimal, and will be restricted to ad hoc expenditure for repairs and defects.

(Waheed Rehman – Accountant)

7 Legal Implications

7.1 Before making a PSPO, the Council must be satisfied on reasonable grounds that two conditions are met.

The first condition is that-

- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or the likely effect, of the activities-

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the Order

7.2 In addition, as the proposed PSPOs restrict the public right of way over a highway, the Council must consider the likely effect of making the Orders on the occupiers of premises adjoining or adjacent to the highway, the likely effect of making the Orders on other persons in the locality and in cases where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

7.3 The Council must also have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights when deciding to make, vary or extend a PSPO.

7.4 It is an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 for any person without reasonable excuse to do anything that the person is prohibited from doing by a PSPO or to fail to comply with a requirement to which the person is subject under a PSPO. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding £1000. (A Evans)

8. Co-operative Implications

8.1 The statutory consultation exercise fully aligned with the Council's co-operative ethos. The consultation was undertaken in accordance with the Public Spaces Protection Order Policy which clearly defines the responsibilities of the Council and landowners, the contribution of Elected Member and communities and the expectation of partnership working to achieve solutions to prevent/reduce crime and disorder.

9 Human Resource Implications

9.1 None

10 Risk Assessment

10.1 Legal and financial comments are detailed separately in this report. The review of the Place Public Spaces Protection Orders (PSPOs) provides an opportunity for the Council to ensure that they are suitable for requirements. The review has ensured that PSPO'S are appropriate and help to increase safety and security these are published on the Council website to aid transparency and reduce reputational risks. The orders are in line with the Anti-Social Behaviour,

Crime and Policy Act 2014 and should continue to be reviewed periodically to ensure they are kept up to date.

Vicki Gallacher (Head of Insurance and Information Governance)

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 There is nothing further to add to this report from an Environmental point of view as all aspects of the proposals are covered.

14.2 Oldham Council's Health and Safety Team have no objections to the content of this report providing the relevant risk assessments are carried out prior to any works commencing to ensure health and safety compliance during the construction as well as compliance with any regulations.

(Neil Crabtree – Head of Public Protection)

15 **Oldham Equality Impact Assessment, including implications for Children and Young People**

15.1 Through the consultation exercise, the impact on equality and diversity for each PSPO varied, extended or introduced is considered in detail. Where the introduction or continuation of a PSPO is deemed to negatively impact on equality or diversity, then the terms of any Order will be amended as necessary to reduce or negate the impact where possible, and if this cannot be achieved the Order will not be made.

There is a proposal for scheme 51/20 to relocate gates to ensure there is a safe space at the location for young people attending the school.

16 **Key Decision**

16.1 No

17 **Key Decision Reference**

17.1 N/A

19 **Background Papers**



19.1 None

20 **Appendices**

20.1 Appendix 1 – Consultation Objections.



Appendix 1 -
Consultation Object

 <p>Signed Cabinet Member (Cllr Peter Dean)</p>	<p>Dated: Wednesday 3rd July 2024</p>
 <p>Signed Emma Barton, Deputy Chief Executive (Place)</p>	<p>Dated: 4th July 2024</p>

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Application for Rail Crossing Extinguishment and Definitive Map and Statement Modification Order – Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill

Portfolio Holder:

Councillor Goodwin, Cabinet Member for Neighbourhoods

Officer Contact: Director of Environment, Nasir Dad

Report Author: Liam Kennedy, PRoW Officer
Ext. 4306

Highway Regulation Committee 18th July 2024

Reason for Decision

The Council has received an application from Network Rail for the extinguishment of FP209 Saddleworth (part) as a result of the Transpennine Route Upgrade (TRU) Project at Moorgate Halt, Uppermill.

Recommendations

It is recommended that the Council make a Rail Crossing Extinguishment and Definitive Map and Statement Modification Order for the extinguishment of part of Footpath 209 Saddleworth at Moorgate Halt, Uppermill under Section 118A of the Highways Act 1980 and Section 53A of the Wildlife and Countryside Act 1981 as detailed in the report and the Director of Environment 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.

**Application for Rail Crossing Extinguishment and Definitive Map and Statement
Modification Order – Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill****1 Background**

- 1.1 The application has been made by Network Rail in relation to the Transpennine Route (TRU) Upgrade Project which will electrify and re-signal the railway at this location where there is currently an unprotected 'passive' crossing.
- 1.2 Under section 118A of the Highways Act 1980, where it appears to the Council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath which crosses a railway, otherwise than by tunnel or bridge, should be stopped up, they make a rail crossing extinguishment order.
- 1.3 Network Rail have given the following reasons for making a rail crossing extinguishment order:
- The Transpennine Route Upgrade Project will electrify and re-signal the railway at this location, which will permit the delivery of an improved timetable and a more frequent train service that will travel at a greater line speed than present.
 - Moorgate Halt crossing is currently an unprotected 'passive crossing meaning that there is no active warning of a train approaching. Users are required to decide themselves whether to cross by looking in both directions.
 - The crossing receives a very high volume of usage. The most recent 9 day census recorded 434 movements over the crossing in 11 days, and a high proportion of this use was by vulnerable users.
 - There is already a sighting deficiency when approaching and crossing from Ladcastle Road, but the high number of vulnerable users has meant that a temporary speed restriction is in place over the crossing, to mitigate this risk.
 - The TRU Project will increase the current line speed and improve the frequency of services on the network, and the full benefit of the TRU Project cannot be achieved with a temporary speed restriction in place.
 - In addition, as part of the re-signalling of the line, there will be an additional signal installed close to the crossing that will result in trains stopping and fouling the crossing when the signal is at red.
 - All available mitigation measures have been considered and discounted where they are not technically feasible. The only viable option at the crossing is closure.
- 1.4 Numerous discussions have taken place between Network Rail, OMBC, The Ramblers Association, The Peak & Northern Footpath Society and The Wednesday Walkers in an attempt to find an alternative to extinguishment. These include:
- Diversion
 - Pedestrian Overbridge
 - Pedestrian Underpass
 - Installation of VAMOS (Overlay MSL). This is a signal light based system without barriers,
 - Installation of integrated Miniature Stop Lights (MSL)
 - Maintain current crossing 'as is'

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- 1.5 Full details can be found in appendices 2 and 3 (IRA for Moorgate Halt Final and additional information in support of the application) of the options and reasons for discounting by Network Rail.
- 1.6 Diversions to the north and south were explored but both were neither practical nor expedient. The provision of a pedestrian footbridge would maintain connectivity and preserve this well used, historic route. However Network Rail have provided substantial documentation and evidence as to why the implementation of a Footbridge at this location is not a viable option (see Appendices 2 and 3).
- 1.7 The railway at this location was authorised by the Huddersfield and Manchester Railway and Canal Act 1845 and there was an existing public highway (now known as Dark Lane) there before the railway was constructed, which was why a railway crossing was originally provided. On either side of the railway line Footpath 209 Saddleworth runs along Dark Lane, which is an adopted highway but classified by the Council as a “green lane”. In law there is no legal class of highway known as a “green lane”. However they are regarded as being rights of way over which vehicular rights of way exist but which are generally enjoyed by walkers and horseback riders.
- 1.8 The width of Dark Lane between Moorgate Street and the railway crossing is such that motor vehicles cannot pass along it. In 1963 British Railways wrote to Saddleworth Urban District Council asking whether the Council had any objection to the closure of the crossing to vehicles. Saddleworth Council raised no objection to the proposal but requested that the access be made suitable for prams. However we have been unable to find any legal order extinguishing vehicular rights across the level crossing.
- 1.9 Under section 67(1) of the Natural Environment and Rural Communities Act 2006, with effect from 2 May 2006 public motor vehicular rights were extinguished over every highway that was not already shown on the definitive map and statement, or was shown as a footpath, bridleway, or restricted byway. In effect this meant that public rights of way for mechanically propelled vehicles were extinguished over every highway not already shown on the definitive map and statement as a byway open to all traffic. In the absence of further qualification this provision would have extinguished public rights of way for mechanically propelled vehicles over virtually the whole of the existing highway network. However, section 67(2) introduced a series of exceptions to protect certain highways from such extinguishment under section 67(1). Any way that qualified under any of the exceptions would not have its public rights of way for mechanically propelled vehicles extinguished.
- 1.10 None of exceptions in section 67(2) applied to the length of Dark Lane from Moorgate Street up to and including the railway crossing and therefore public motor vehicular rights across the railway crossing can be considered to have been extinguished pursuant to section 67(1) of the Natural Environment and Rural Communities Act 2006 and this length of highway can be considered to have footpath status only.

2 **Proposal**

- 2.1 The section of Footpath 209 Saddleworth to be stopped up is shown on attached plan (764/A4/244/1). The path commences at point A, 49 metres southwest of the junction of Moorgate Street and Den Lane, Uppermill following a south westerly route for approximately 34 metres to point B, 118 metres northeast of Ladcastle Road. The existing route runs directly over the railway via Moorgate Halt Level Crossing. The description of the current route is given in Schedule 1.

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- 2.2 The proposal is to extinguish the 34 metre stretch that is A-B on the attached plan (764/A4/244/1). The description of the proposed section of extinguishment is given in Schedule 2.
- 2.3 As the highway status of the length of the Footpath 209 Saddleworth between Moorgate Street and the western side of the railway line is as a footpath only, if this length of footpath was stopped up it would no longer be classed as a highway, which could cause difficulties for adjoining landowners. It is therefore proposed to only stop up that part of Footpath 209 Saddleworth which crosses Network Rail land.
- 2.4 It is proposed to rename the section of Footpath 209 leading from the existing crossing to Moorgate Street as Footpath 209A Saddleworth due to the break in the continuity of the route.
- 2.5 If the order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 209 Saddleworth. The Council have an obligation to continuously review the Definitive 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 rail crossing extinguishment proposal and Definitive Map and Statement Modification. In light of the above it is considered that this is appropriate in this case. The current wording for the Definitive Statement is given in Schedule 3 and the amended wording is given in Schedule 4.

3 Options/Alternatives

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

4 Preferred Option

- 4.1 Although the railway crossing is well used and the footpath societies have objected to the proposals, it is considered that Network Rail have given sufficient explanation of why the crossing should be removed on safety grounds and have adequately explained why the options favoured by the footpath societies are not appropriate. It is therefore considered that it is expedient in the interests of the safety of members of the public that the part of Footpath 209 Saddleworth at Moorgate Halt, Uppermill which crosses the railway line should be stopped up and Option 1 is recommended for approval.

5 Consultation

- 5.1 The Ward Members have been consulted and no comments have been received.
- 5.2 Footpath Societies have been consulted and;
- The Ramblers Association object to the proposal in favour of a Footbridge.
 - The Wednesday Walkers object to the proposal in favour of a Footbridge.
 - The Peak and Northern Footpath Society object to the proposal in favour of a Footbridge.
- 5.3 Saddleworth Parish Council have been consulted and recommended that the existing Moorgate crossing should be replaced with an alternative safe crossing, either a pedestrian access bridge or an underpass in the existing place. They also recommended that prior to any extinguishment of the current crossing and before any work begins on the diversion, the alternative route suggested via Footpath 244 Saddleworth must be upgraded to an agreed safe standard.

5.4 Objections to this proposal have been received from members of the public, Saddleworth Pedestrians Walking Club and Dobcross Village Community (DVC).

6 **Financial Implications**

- 6.1 The cost for the Public Path Extinguishment and Definitive Map and Statement Modification Order will be £3,042.60 and will be revenue expenditure. This will be funded from the fee of £3,042.60 expected from the applicant. (John Edisbury)

7 **Legal Implications**

- 7.1 Under section 118A of the Highways Act 1980, where it appears to the Council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath which crosses a railway, otherwise than by tunnel or bridge, should be stopped up, they may make a rail crossing extinguishment order. The confirming body for the order must also be satisfied that it is expedient to confirm the order having regard to all the circumstances and in particular to-
- Whether it is reasonably practicable to make the crossing safe for use by the public, and
 - What arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

If the order is confirmed, signs should be erected at both ends of the extinguished way informing users of the extinguishment. Section 118A(5) of the Act provides that the Council may require the railway operator to enter into an agreement to defray or contribute towards any expenses incurred in connection with the erection or maintenance of any barriers or signs.

In the event of objections to the order, the order will be sent to the Secretary of State for determination. If no objections are received it is recommended that the Director of Environment, 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 Implications**

- 8.1 The proposals set out in this report would lead to an improved timetable and a more frequent train service, as well as safer crossing for residents at Moorgate Halt crossing. This will incentivise further use of public transport and active travel, both which are in line with our cooperative agenda. (James Mulvaney, Policy Manager)

9 **Human Resource Implications**

- 9.1 None.

10 **Risk Assessments**

- 10.1 The introduction of a Rail Crossing Extinguishment Order of the footpath at this location will improve safety for users of the crossing in line with Section 118A of the Highways Act 1980 which recommends that crossing of a railway line unless by a tunnel or a bridge should be stopped. There could be reputation risks around the Order as objections have been received from a number of walking groups objecting and there is a requesting for a footbridge at the location, this is mitigated from a Council perspective as it is the Railways authority to look at any alternative proposals for crossing their land. There is also a risk that members of the public would still try and cross the railway even with the Order in place this is mitigated from a Council perspective as it is the Railway Authority's responsibility to ensure that appropriate barriers/fencing/signage is provided at the location to stop public access.

Vicki Gallacher (Head of Insurance and Information Governance)

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 None.

15 **Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998**

- 15.1 None.

16 **Oldham Equality Impact Assessment, including implications for Children and Young People**

- 16.1 No

17 **Key Decision**

- 17.1 No

18 **Key Decision Reference**

- 18.1 N/A

19 **Background Papers**

- 19.1 None.

20 **Appendices**

- 20.1 1) Application
 2) IRA for Moorgate Halt Final
 3) Additional Information Moorgate

Schedule 1 – Description of Existing Footpath Route – Drawing 764/A4/244/1

Existing Footpath 209 Saddleworth commences at (GR SD99534 05657) at the junction of Moorgate Street and Den Lane, Uppermill proceeding in a southwesterly direction along Dark Lane for a distance of approximately 49 metres to point A (GR SD99495 05628), continuing in a south westerly direction for a distance of approximately 34 metres to point B (GR SD99469 05607) 118 metres northeast of Ladcastle Road, Uppermill. The route continues southwest along Dark Lane to cross Ladcastle Road then in a westerly direction for a distance of approximately 384 metres (Dry Clough Lane) to its junction with Footpath 117 Saddleworth at GR SD99007 05464. The route proceeds in a general south westerly direction for a further (approximately) 694 metres to its junction with Footpath 116 Saddleworth at GR SD98393 05219, continuing south west for a distance of approximately 134 metres to its junction with Footpath 208 Saddleworth at GR SD98271 05166 then proceeding west for a distance of approximately 157 metres to terminate at Burnedge Lane at GR SD98114 05164.

Schedule 2 – Description of Proposed Extinguishment Route – Drawing 764/A4/244/1

Part of existing Footpath 209 Saddleworth commencing on Dark Lane at point A (GR SD99495 05628) 49 metres southwest of the junction of Moorgate Street and Den Lane, Uppermill proceeding in a south westerly direction across the railway line for a distance of approximately 34 metres to point B (GR SD99469 05607) on Dark Lane 118 metres northeast of Ladcastle Road, Uppermill.

Schedule 3 – Current Definitive Statement

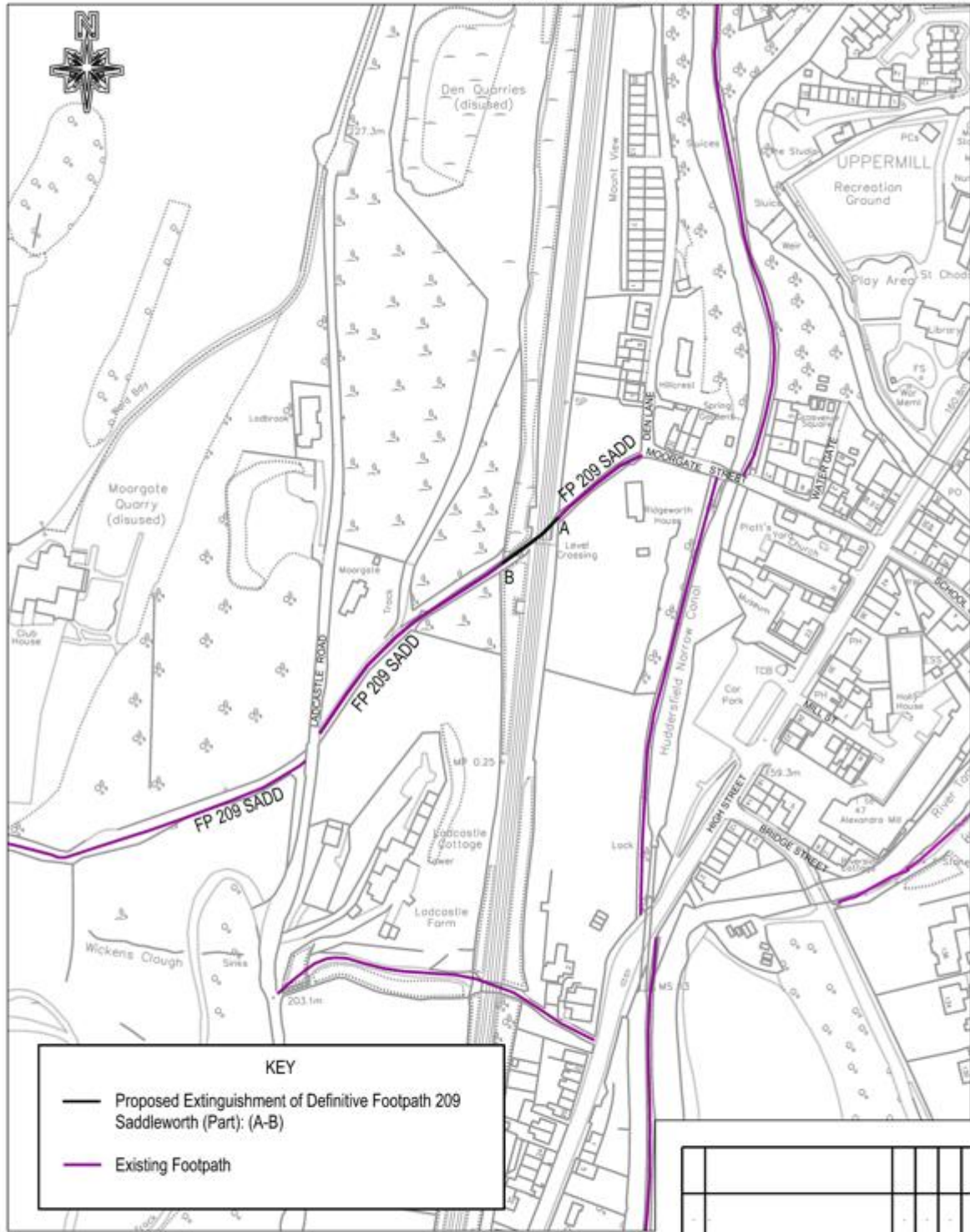
District and path number	Page Number	Status	Length (m)	Description	Comments
SADDLEWORTH 209	6	Footpath	1850	Footpath along Dry Clough Lane commencing at its junction with Moorgate Street and proceeding westward to its junction with Burn Edge Lane.	1.2m wide 3 Field Gates

Schedule 4 – Modification of Definitive Statement

See below table. Additions in bold

District and path number	Page Number	Status	Length (m)	Description	Comments
SADDLEWORTH 209	6	Footpath	1487	Footpath commences on Dark Lane (GR SD99469 05607) 118 metres northeast of Ladcastle Road, Uppermill proceeding in a southwesterly direction for a distance of approximately 118 metres to cross Ladcastle Road at (GR SD99383 05227) then proceeding in a generally westerly direction for a distance of approximately 384 metres (Dry Clough Lane) to its junction with Footpath 117 Saddleworth at GR SD99007 05464. The route proceeds in a general south westerly direction for a further (approximately) 694 metres to its junction with Footpath 116 Saddleworth at GR SD98393 05219, continuing south west for a distance of approximately 134 metres to its	1.2m wide 3 Field Gates

				junction with Footpath 208 Saddleworth at GR SD98271 05166 then proceeding west for a distance of approximately 157 metres to terminate at Burnedge Lane at GR SD98114 05164.	
SADDLEWORTH 209A	6	Footpath	49	Footpath commences at (GR SD99537 05657) at the junction of Moorgate Street and Den Lane, Uppermill proceeding along Dark Lane in a southwesterly direction for a distance of approximately 49 metres to terminate at the railway line (GR SD99495 05628)	



KEY

- Proposed Extinguishment of Definitive Footpath 209 Saddleworth (Part): (A-B)
- Existing Footpath

Rev	Revision details	By	Chk	App	Date

<p>Place and Economic Growth HIGHWAYS & ENGINEERING Henshaw House, Cheapside, Oldham OL1 1NY</p>	Client Oldham MBC		<p>Title Extinguishment of Public Highway Combined Order s118a Highways Act 1980 (inserted by the Transport and Works Act 1992) Extinguishment of Public Footpath 209 Saddleworth (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement</p>	
	Project Application for Rail Crossing Extinguishment and Definitive Map and Statement Modification Order Definitive Footpath 209 Saddleworth (part), at Moorgate Halt, Uppermill.			
	Drawn by RW	Date 05/24		Purpose of issue Information
	Checked by LK	Date 05/24		Scale at A4 size 1:2500
Approved by -		Date -	<p>Drawing No. 764/A4/244/1</p> <p>Rev. .</p>	

APPENDIX A
APPLICATION

REQUEST FOR A RAIL CROSSING EXTINGUISHMENT ORDER TO BE MADE UNDER SECTION 118A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992).

The following questions are to be answered and the information and maps requested to be supplied by the applicant to the council which is to be requested to make the order.

FOR AUTHORITY'S USE
ONLY

File Ref: / /

Date acknowledged:

SUMMARY OF APPLICATION

Please include a plain-English summary of the reason(s) for the proposed Rail Crossing Extinguishment Order. This should clearly and succinctly show the rationale for extinguishing the route, and for raising it to the Secretary of State. This should be around 1-2 paragraphs in length and may use bullet-points.

Network Rail are applying for an extinguishment of the public footpath over Moorgate Halt level crossing on the following basis.

- The Transpennine Route Upgrade Project will electrify and re-signal the railway at this location, which will permit the delivery of an improved timetable and a more frequent train service that will travel at a greater line speed than present.
- Moorgate Halt crossing is currently an unprotected 'passive crossing meaning that there is no active warning of a train approaching. Users are required to decide themselves whether to cross by looking in both directions.
- The crossing receives a very high volume of usage. The most recent 9 day census recorded 434 movements over the crossing in 11 days, and a high proportion of this use was by vulnerable users.
- There is already a sighting deficiency when approaching and crossing from Ladcastle Road, but the high number of vulnerable users has meant that a temporary speed restriction is in place over the crossing, to mitigate this risk.
- The TRU Project will increase the current line speed and improve the frequency of services on the network, and the full benefit of the TRU Project cannot be achieved with a temporary speed restriction in place.
- In addition, as part of the re-signalling of the line, there will be an additional signal installed close to the crossing that will result in trains stopping and fouling the crossing when the signal is at red.
- All available mitigation measures have been considered and discounted where they are not technically feasible. The only viable option at the crossing is closure.

1. RAIL CROSSING TO BE EXTINGUISHED

- (a) Name and location of rail crossing (including reference and parish or district in which it is located).**

Moorgate Halt level crossing on MVL3 at 13m 26c and located between Moorgate Street and Ladcastle Road, Uppermill OL3 6DE. Grid Reference SD994056

- (b) Name(s) and number(s) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway.)**

Footpath 209SADD at the railway boundary fence at approximately SD994056 – fingertip.chatting.pouting (w3w), in a northerly direction for approximately 18m, then crossing the railway for approximately 11m, and then continuing in a northerly direction for another 11m to the railway boundary at approximately SD994056 – expiring.taker.river (w3W)

- (c) Length in metres of any path or way to be extinguished.**

Approximately 42.5m in total.

- (d) Description of length of any path or way to be extinguished by reference to terminal points shown on a map to be supplied and attached by the applicant which must be to a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.**

From point A over unregistered land to point B on land within the ownership of Network Rail. Please see Map 1 (2024).

- (e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished.**

The land that the line of footpath 209SADD follows is unregistered but is recorded as having been a full public highway historically. This is now considered to be a Restricted Byway. The land between the railway boundary is also unregistered but is owned by Network Rail.

- (f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes: in so far as such consent is needed?**

See previous.

- (g) Are you prepared to enter into an agreement with the council in accordance with section 118A(5)?**

Yes.

- (h) Give reasons for the proposed extinguishment or the rail crossing (use separate sheets if necessary). Include information about:**

- (i) the use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information (any circumstances preventing or inhibiting such use must also be mentioned);

Moorgate Halt level crossing is located between Greenfield and Marsden stations on the edge of Uppermill village on the Huddersfield to Manchester railway.



Ariel view of Moorgate Halt LC



Ordnance Survey Map view of Moorgate Halt LC

The approach to the crossing on the east from Uppermill village centre is from Moorgate Street, up a steep narrow track to the railway boundary, then through a pedestrian gate to reach the decking.



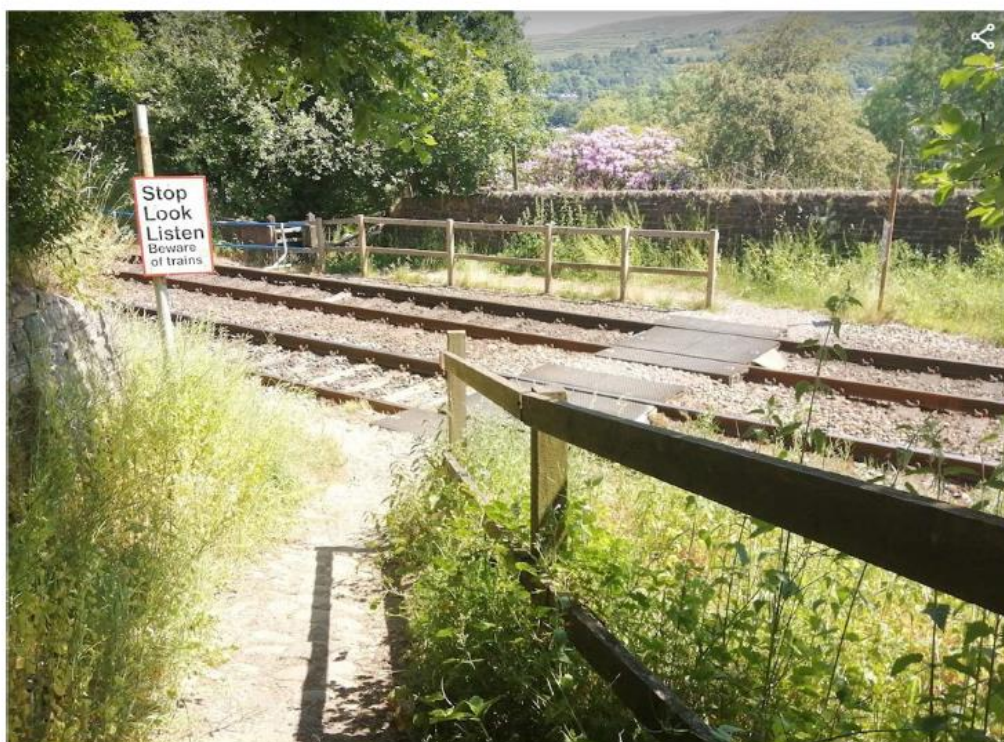
View of approach (looking towards Moorgate St, and pedestrian gate at railway boundary)

The approach to the crossing from west, from Ladcastle Road, is down a steep track, partly surfaced, through a wooded area, then a narrowed section down to the railway boundary and pedestrian gate.



View of approach down to crossing with pedestrian gate and signage at crossing

On entering through the gates either side, there is fencing that directs users to the decking to cross and signs to inform users to stop look and listen before crossing. There are also whistle boards located in each direction to prompt train drivers to sound their horns to alert users of an approaching train.



View of crossing from west approach showing fencing and signage on either side of the crossing

A census was conducted at the crossing between 25th March and 4th April 2022, which recorded 434 pedestrian movements across the crossing. The breakdown of usage is as follows:

- 418 adults
- 8 unaccompanied children
- 8 accompanied children
- 82 dogs on a lead
- 2 dogs not on a lead
- 2 cyclists

There was a high number of users classed as vulnerable and 6 of the crossings were between the hours of midnight and 06.00hrs.

In addition, there is a long history of misuse at this crossing. There are 36 reported incidents in total dating back to 1994, including 3 fatalities. All of these incidents are detailed in the accompanying Impact Risk Assessment.

- (ii) **the risk to the public of continuing to use the present crossing and the circumstances that have given rise to the need to make the proposed order;**

Whistle Boards and Night-Time Use

Whistle Boards place the onus on the train driver to sound a warning which can sometimes lead to either no warning or inconsistent warning times. Furthermore, during the night-time quiet period (NTQP) which is between 00.00hrs and 06.00hrs, drivers are no longer able to sound their horns, so no warning is given to any users who may be crossing between those times. During the last census, 6 pedestrians during an eleven day period were seen to cross during the night-time quiet period.

Normal passenger services run between 06.00 and 22.00hrs, but freight trains run through the full 24 hour period over this crossing. This can fluctuate depending on operational requirements and will increase to 15 once the line upgrade is complete.

Along with the increased line speed, much quieter and more frequent trains will travel over the crossing as a result of the electrification of the line. In addition to the already secluded location of the crossing that has no ambient lighting, this results in a significant increase in risk to users of the crossing.

Sighting

Sighting time is the amount of time in seconds from which the full front of a train is visible to a user to its arrival at the crossing. For sighting to be compliant, the time that it takes to cross from one side of a crossing to a place of safety on the other side should be less than the sighting time of the fastest train.

At Moorgate Halt, for users crossing from west of the railway, the sighting when looking for trains approaching from the direction of Greenfield is significantly less than the minimum 330m required at just 286 metres. This gives users 1.51 seconds less to cross safely. There is currently a speed restriction from 65mph to 55mph in place to mitigate this.

The upgrade to the line will only be achieved by electrification allowing an increase in line speed. Based on an increased line speed up to 80mph, the minimum required sighting will be 406m. This will further increase the deficiency where it will be short by 120 metres giving users 3.35 seconds less than the required time to cross.

Second Train Coming

At Moorgate Halt level crossing, there is the possibility of a second train passing on the other line within 20 seconds of the first train. This poses a significant risk to users where the second train may be hidden from view for several seconds both whilst the first train passes and for several seconds afterwards. Also, the noise from the first train can mask the sound of the second train.

Signal Positioning

The re-signalling and electrification of the line at this location to facilitate the upgrades to the network will involve the installation of a new signal in close

proximity to the crossing. When trains stop at a red signal, they will stop over and block the crossing. This introduces a significant risk to users, who will not be prevented from entering the crossing because it is unprotected.

This may encourage people to either pass beneath the standing train, or to walk down the track to the end of the standing train, in order to cross the line. Not only does this pose a significant risk, as explained above, the chances of a second train passing are high at this location, and they may not see the approaching train.

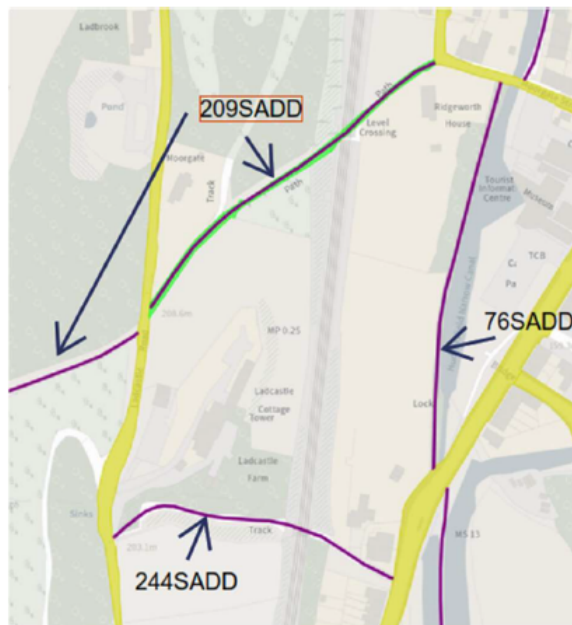
Other risk factors

At this location at certain times of the year there are issues with visibility due to fog and equally at other times of the year sun glare, that both impact the ability of users to see approaching trains.

With all of these factors taken into account and inputted into ALCRM, the risk ranking of the crossing increases significantly from its current risk score of a C4 to that of a B3. This equates to an 80% increase in risk to users of the crossing.

- (iii) **the effect of the loss of the crossing on users, in particular whether there are alternative rights of way, the safety or these relative to the existing rail crossing, and the effect on any connecting rights of way and on the network as a whole;**

Below is an overview of the current rights of way network near to Moorgate Halt LC. Footpath 209SADD can be seen stretching from Moorgate Street on the east of the railway to the other side of Ladcastle Road on the west. The application will seek to extinguish the section highlighted green between Moorgate Street and Ladcastle Road.



Footpath 76SADD provides a route between Moorgate Street and Oldham Road to the south of approximately 43m. This a pleasant route that takes users along the Huddersfield Narrow Canal, where once on Oldham Road, they can link into footpath 244SADD after a short distance of approximately 26m.

Footpath 244SADD stretches between Oldham Road and Ladcastle Road for a distance of approximately 173 metres, beneath railway underbridge 29 and through the former Wickens Quarry. Bridge 29 was constructed by the railway company to give private access to the quarry, and the public right of way has been claimed since then.

On the east side of the railway the land upon which the route passes is unregistered, but on the west beyond the bridge is privately owned. The route is steep beyond the bridge and the surface uneven in places. Towards the higher end, there is a set of stone steps that takes users up to the adopted highway that is Ladcastle Road.



View looking up to Ladcastle Road and down the steps from Ladcastle Rd

The route is passable, but could be difficult for some users, and Network Rail have agreed that some work could be undertaken to improve the route somewhat – although the extent of this is not yet agreed with either the landowner or the Highway Authority.

Network Rail appreciate that Moorgate Halt is a heavily used crossing that provides a vital link into the centre of the village for residents along Ladcastle Road, as well as leisure users such as walkers, runners, and cyclists. We also recognise that alternative path through the former quarry is currently not ideal to be used in lieu of that at Moorgate Halt.

However, it is hoped that with some improvement works to footpath 244SAD, this would make the route more accessible for potential users. The small section of road that would need to be used between the canal towpath and the beginning of

244SAD on Oldham Road is already public highway with a footway for pedestrians, and as mentioned previously, Ladcastle Road is also an adopted public highway.

Network Rail believe that this route in lieu of that at Moorgate Halt, with some improvement works would provide a much safer method of crossing from one side of the railway to the other.

(iv) the opportunity for taking alternative action to remedy the problem such as a diversion, bridge or tunnel, or the carrying out of safety improvements to the existing crossing;

The enhancement to the railway at this location including new signalling and electrification involves new signal positions and stanchions to support the overhead line equipment (OLE). This will affect the options that are available at this crossing. The various options are considered below

Pedestrian Underpass

This would remove the risk at the crossing entirely, but due to the steep approaches and ground conditions at the location, it presents considerable Civil Engineering difficulties. Any such structure would have to be constructed considerably deeper than is usual, creating long gradients either side for the approaches. This would require a considerable amount of land take, it would potentially be susceptible to flooding and because it is an underpass, this often attracts anti-social behaviour issues.

VAMOS

This is an overlay miniature stop light (MSL) system that does not require integration into the signalling system, but instead uses a treadle on the rack so that when a train passes and strikes the system, the warning lights will show red warning users at the crossing not to cross. Once the train has passed, the lights will show green again, informing users that it is safe to cross.

However, it is not possible to install this system at this location due to the new signal positions which are within the 'strike' point, meaning that a train could be held at the signal whilst the light system is showing red. This would switch the system into 'dark mode' with no lights being shown at all. Users at the crossing would not know if it was safe or not to cross, and this further increases the risk.

MSL's (integrated)

This system is similar to VAMOS but is integrated into the signalling system, and at this location, due to the new signalling, it is not technically possible to install this system at this location.

Permanent Speed Reduction and keep the crossing 'as is'

There is currently a temporary speed restriction in place at the crossing to mitigate the deficient sighting from one side. The goal of the Transpennine Route Upgrade Project is to enhance the railway at this location and deliver a faster, quieter, more

efficient and frequent train service for the public. Permanently reducing the speed limit over the crossing, is incompatible with the aims of the Project.

After the enhancements are complete the risk to users at the crossing will increase by 80%. There will be an increase in the line speed, deficient sighting for users due to the position of stanchions on the railway to support the OLE, and the position of new signals that will result in trains having to stop on the crossing and block the public footpath.

Pedestrian Overbridge

The option of a pedestrian overbridge was the first choice of the Transpennine Route Upgrade Project, however, upon exploring this further, it has become evident that delivering this is not feasible at this location.

The railway corridor at this location is very narrow, and because of this, platforms would need to be constructed to protect the piers of a bridge where they would fall within a collision protection zone. In addition, the erection of a footbridge would block the signal sighting for oncoming train drivers. There are 3 signals in the vicinity of the bridge, two of which cannot be moved as they protect train movements over the new junction. The third cannot be moved because this would impact the signals further along the line

Any bridge would have to be high enough to clear the OLE, and this would mean the construction of a large bridge that would impact the amenity, especially for the lineside neighbours immediately adjacent to the railway. Additionally, access would be required to their land in order to construct the footbridge.

It is not possible to move any proposed footbridge slightly either. The geography of the location near the crossing is complex and any re-location would still affect the signal sighting.

Furthermore, other Civil Engineering issues have arisen such as recent ground investigations at the proposed location of a pedestrian overbridge, have found that the piling of the bridge would be required. This has significantly increased the costs for delivering a footbridge.

Extinguishment of footpath over the railway

After careful consideration of the possible measures available, the only remaining viable option to close the crossing is the Extinguishment of the public right of way. There are alternative nearby public footpaths that can be utilised by people wishing to cross from one side of the railway to the other, that with some improvements would provide a much safer alternative. This has been discussed in previous sections of this document.

(v) the estimated cost of any practicable measures identified under (iv) above;

Section 10 of the accompanying Impact Risk Assessment explores fully the use of the Gross Disproportionality Test to be able to produce a cost benefit analysis of the feasible options, not all of which are suitable for this location in any case. However, the costs are as follows;

Pedestrian Underpass	£2,500,000
VAMOS	£500,000
MSL's	£1,200,000
Speed Reduction	£u/k
Pedestrian Footbridge	£3,000,000
Extinguishment of path	£25,000

(vi) the barriers and/or signs that would need to be erected at the crossing or the point from which any path or way is to be extinguished, assuming the order is confirmed.

Extinguishment of the public right of way would be from its junction with Moorgate Street on the east of the railway to its junction with Ladcastle Road on the west side of the railway. Please see Map 1. The gates at either side of the crossing will be removed and replaced with appropriate fencing and all crossing furniture and signage removed.

2. NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA (whether or not their apparatus is likely to be affected):

- (a) Public gas supplier - Cadent Gas Ltd 0800 688 588 or plantprotection@cadentgas.com
- (b) Public electricity supplier - Electricity North West, 304 Bridgewater Place, Birchwood Park, Warrington WA3 6XG – 0800 195 4141
- (c) Water undertaker - United Utilities, Haweswater House, Lingley Mere Business Park, Gt Sankey, Warrington WA5 3LP – 0345 026 8989
- (d) Sewerage undertaker – as above
- (e) Public telecommunications operator - British Telecom – 0330 1234 150

3. MAPS AND PLANS

List or insert all maps and plans accompanying this request giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished (represented by a bold continuous line), and any connecting paths or ways, within the context of the general rights of way network. The map should show a breakdown of existing and new routes into clearly labelled sections (e.g. A-B, B-C). Information about local landmarks or features, junctions with other highways or any other information that would assist with orienting the description in the Order would be welcomed.

Map 1 (2024) – MVL3 13m 26c Moorgate Halt LC – s.118A Rail Crossing Extinguishment Order

4. OTHER INFORMATION

Please refer to the accompanying document the Impact Risk Assessment for further detailed information.

DECLARATION

I/We

- (a) understand that no authority for the extinguishment or obstruction of any path or way in this itchiest is conferred unless or until a Rail Crossing Extinguishment order has been confirmed and come into force;
- (b) request that a Rail Crossing Extinguishment order be made to stop up the crossing and any path or way described in Section 1 above; and
- (c) declare that, to the best of my/our knowledge and belief, the factual information included in this form is correct.

Signed:

A handwritten signature in black ink on a light-colored background. The signature appears to read 'Vicki Bentley' with a long, sweeping horizontal line extending to the right.

Name in Capitals: VICKI BENTLEY

On behalf of (name of railway or tramway operator): Network Rail

Address: Network Rail, First Floor, Square One, 4 Travis Street, Manchester M1 2NY

Position held: Liability Negotiations Adviser

Date: 4th August 2023

Please note the council will need all relevant information to enable them to proceed.



North West & Central (NW&C) Region

North West Route

**Moorgate Halt Level Crossing
Impact Risk Assessment Report**

Report Reference:	IAR/MVL3/13.26
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Prepared By:	Signature: 
	Name: James Doodson Job Title: Level Crossing Manager
	Organisation: Network Rail
	Date: 2 nd February 2023
Approved By:	Signature:
	Name: Job Title: Route Level Crossing Manager
	Date:

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Reference Documents

Ref.	Name	Date	Version
1	Level Crossings: A Guide for Managers, Designers and Operators	December 2011	2234207

2	Principles for Managing Level Crossing Safety	15 June 2021	1
3	Moorgate Halt LC Narrative Risk Assessment (NRA)	16 August 2022	-

1. Background

- 1.1. This report has been commissioned to allow for assessment of the likely impact that the Transpennine Route Upgrade scheme and their railway improvements will have on user safety. This report will also help determine what action is to be taken to ensure the change in safety risk suitability it addressed.
- 1.2. Transpennine Route Upgrade project is a large scheme of works happening across multiple lines of track. For Moorgate Halt specifically, these improvements include a more frequent train service, an increased linespeed and electrification of the line,
- 1.3. Network Rail also has a legal responsibility under the Management of Health and Safety at Work Regulations 1999. Section 3 focuses on the requirement for suitable and sufficient assessments of risk to health and safety of employees and others in connection with their undertaking.

2. Level Crossing Details

Name of crossing	Moorgate Halt
Type	Footpath with Wicket Gates (FPW)
ALCRM Risk Rating	C4
Fatality Weighted Index (FWI)	0.00369509
Engineers Line Reference (ELR)	MVL3
Mileage	13m 26ch (572yds)
Region / Route	NW&C Region / North West Route
OS Grid Reference	SD998066
What3words	verb.siesta.foresight
Number of lines crossed	2
Line Speed (mph)	65mph
Electrification	N/A
Signal Box	Manchester East Signalling Centre

- 2.1. As part of a level crossing risk assessment, data is entered into the industry accepted risk modelling support tool (All Level Crossing Risk Model – ALCRM) which enables Network Rail to compare risk at all level crossings throughout the network. Results for this level crossing are referenced above; further calculation details are provided later in this document.
- 2.2. The Crossing is classed as an unprotected ‘passive’ crossing. This means there is no active warning of train approach; users are not protected from train movements and trains traverse the Crossing irrespective of whether

it is clear. Apart from the provision of whistle boards, which do not provide any significant level of mitigation outside of the NTQP (and none during the NTQP), users are required to decide by themselves, whether to cross by looking in both directions for the absence of trains.

3. Aerial Photos of the Crossing

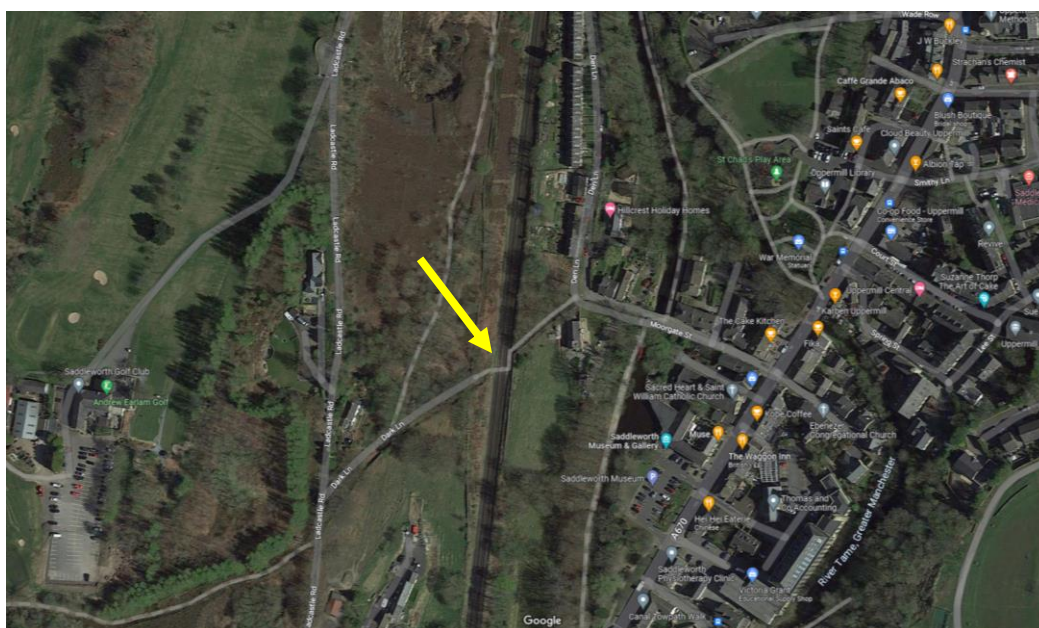


Figure 1 – Satellite view of the level crossing

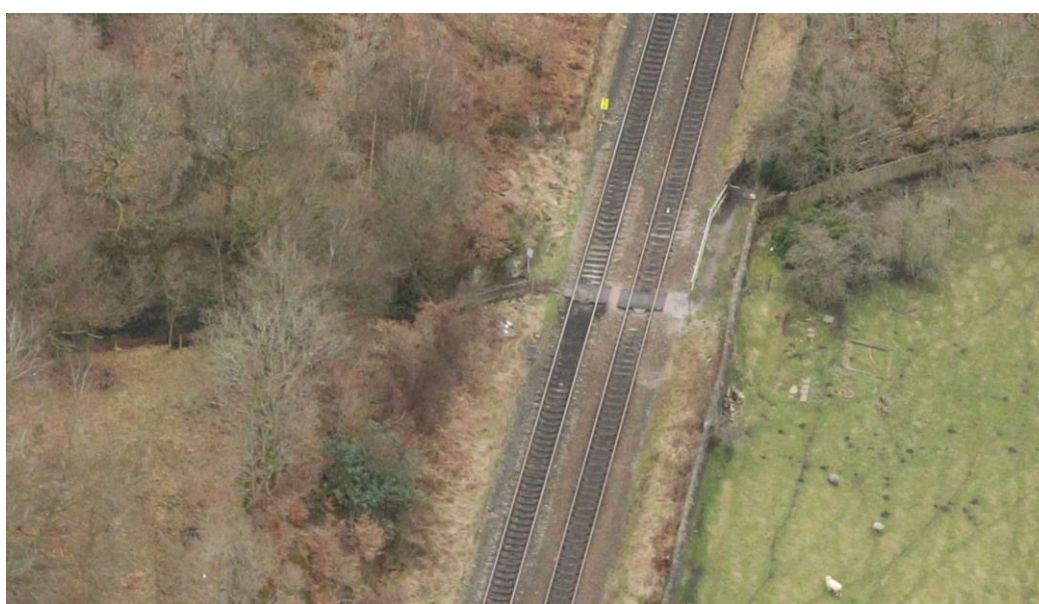
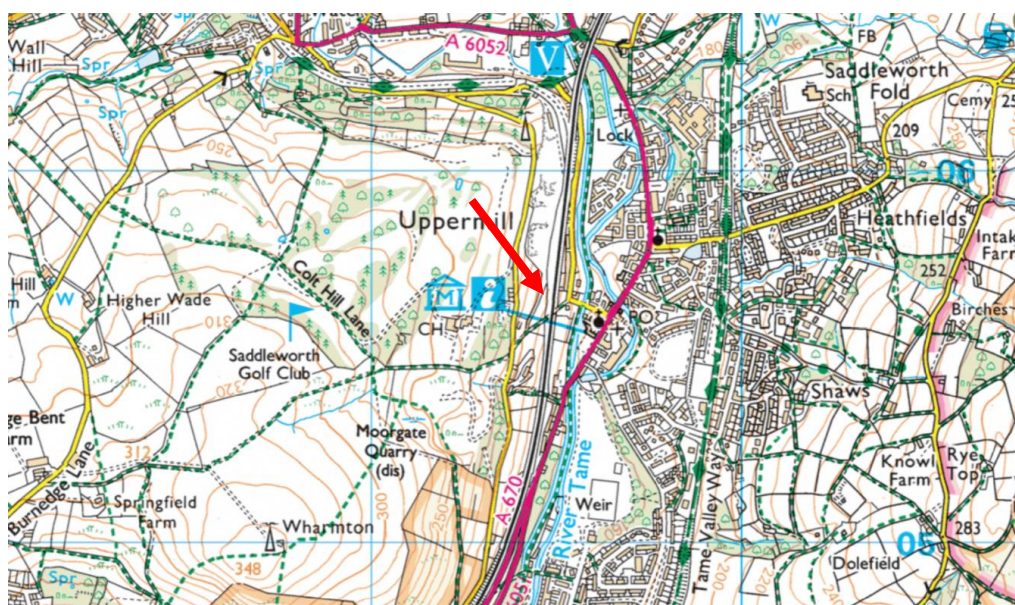


Figure 2 – Drone view of the level crossing from Route View

3.1. Ordnance Survey Map of the Town and crossing



4. The Local Environment

- 4.1. Moorgate Halt is a public footpath level crossing that is located in the village of Uppermill which has an approximate population of 7,500 based on a 2001 census. Uppermill is part of the parish of Saddleworth which has an approximate overall population of 30,700 (based on 2011 census). The surrounding area is a mixture of rural land and urban land.
- 4.2. The crossing receives a high volume of usage and is used as an access into the centre of Uppermill for many. This usage includes a higher than usual number of vulnerable users.
- 4.3. With regard to vulnerable users, there is a sighting deficiency on the down side train approach. As a result, a temporary speed restriction has been imposed on the crossing in order to achieve the suitable sighting for a vulnerable user.

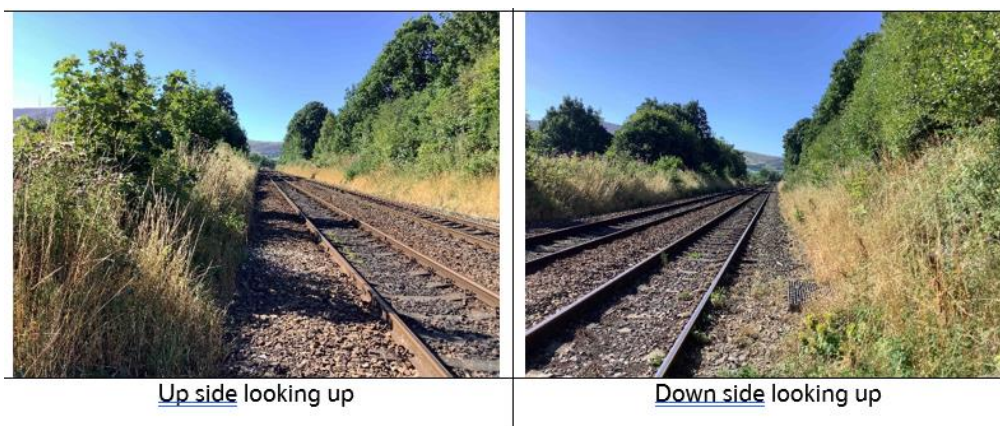
5. Site Factors

5.1. Crossing Environment

- 5.1.1. This crossing is located between Greenfield station and Marsden station. At this location the crossing spans two lines with a maximum line speed of 65 mph. Due to a sighting issue on the down side, a temporary speed restriction has been placed at 55mph. The railway is orientated from north to south.
- 5.1.2. Normal passenger services run between the hours of 06:00 and 22:00 with approximately 117 services per day. Freight services also traverse this line with approximately 10 services running through the full 24 hours. The number and frequency of services can fluctuate depending on operational requirements, engineering works or during times of disruption.
- 5.1.3. Train service improvements here include an increased train service to 192 passenger services per day and 15 freight services. The linespeed is also increased to 80mph with electrified overhead line equipment.
- 5.1.4. On approach to the Crossing from the east (i.e. from the town) the first track met is the 'Up' line with the direction of train travel thereon, on approach from the right. The 'Up' side approach is via a public footpath which leads from Moorgate Street. This approach is on a steep incline towards the crossing.
- 5.1.5. On approach to the Crossing from the west the first track met is the 'Down' line, with trains also approaching from the right. The 'down' side approach is via a steep decline down Dark Lane. At this location, , the path is unmade and may be difficult to navigate for some users.
- 5.1.6. The Crossing traverses the dual track railway at 90 degrees (perpendicular). The surface is of rubber construction known as a Holdfast unit; the surface has built in anti-slip properties. The Crossing surface is in a good state of repair, with all required signage in position. The decision point is identified by the CCO3 'Stop, Look, Listen' signs.
- 5.1.7. There is no lighting at the Crossing so visibility of the approaches, deck and signage is ambient with surrounding conditions during night/dusk. This crossing is known to have users traversing during the hours of darkness, the most recent census captured 6 users traversing between the hours of midnight and 6am.
- 5.1.8. Both approaches to the Crossing within the railway boundary are corralled with wooden handrail which guides all pedestrians up to the decision point. This helps to keep crossing users to the correct crossing point and dissuade from trespass.

5.2. Sighting Distance of Approaching Trains

- 5.2.1. The general principle of compliance at passive level crossings, where the user must make their own decision when to cross, is that the Crossing time must be less than the sighting time of the fastest train. The sighting time, measured in seconds, is the time from which the full front of the train is first visible to the user from the Decision Point to its arrival at the Crossing.
- 5.2.2. Based on the 65mph line speed, users of the Crossing require a minimum of 330m of sighting in order to cross in safety.
- 5.2.3. This was calculated against a traverse of 9m, being the distance between the decision points, at a walking speed of 1.189m/s for an unencumbered, able-bodied pedestrian. The traverse time was then increased by 50% owing to the high number of vulnerable users, resulting in a traverse time of 11.35 seconds.
- 5.2.4. The available sighting on the down side looking towards the train approach is significantly less than the required due to track curvature. As a result, a temporary speed restriction has been imposed at 55mph.



- 5.2.5. When stood on the down side looking towards train approach the sighting is deficient by 44 metres giving a user 1.51 seconds less than the required warning time to cross.

- 5.2.6. This level crossing is also a location at which there is the possibility for a second train to pass over the Crossing within 20 seconds of an earlier, first train. This creates a high risk from the 2nd train being hidden from view as the 1st train passes, and for several seconds after passing, the sound of the 1st train also masks the sound of the 2nd train approaching from the opposite direction.
- 5.2.7. The Transpennine Route Upgrade are increasing their linespeed as part of the railway improvement works and the full benefit of the project will not be achieved if a temporary speed restriction remains on the crossing
- 5.2.8. Based on the improved 80mph line speed, users of the Crossing require a minimum of 406m of sighting in order to cross in safety.
- 5.2.9. The available sighting on the down side looking towards the train approach will be significantly less than the required. When stood on the down side looking towards train approach the sighting is deficient by 120 metres giving a user 3.35 seconds less than the required warning time to cross.

	Minimum sighting distance required (m)	Available sighting distance (m)	Comments	Warning time provided by sighting distance (seconds)
<u>Up side</u> looking at trains travelling in the up direction	330	488	Measured to track curve.	16.79
<u>Up side</u> looking at trains travelling in the down direction	279	429	Measured to track curve.	14.76
<u>Down side</u> looking at trains travelling in the up direction	330	482	Measured to track curve.	16.59
<u>Down side</u> looking at trains travelling in the down direction	279	286	Measured to track curve.	11.63

6. ALCRM Scoring

- 6.1. The Qualitative risk assessment is based on data collected at the Crossing and entered into ALCRM. This is a computer-based application used by Network Rail to assist in the risk management of level crossings. The risk result consists of a 'letter' and 'number' classification of safety risk, giving the 'letter' (A-M for individual risk) or 'number' (1-13 for collective risk) band. These rankings represent the range of risk across all types of crossings where A and 1 are the highest and M and 13 are the lowest.
- 6.2. The Crossing is currently ranked as a C4, with an FWI of 0.00369509. This puts the crossing 42nd out of 457 crossings in terms of highest risk and 6th out of 93 in crossings of a similar type.

- 6.3. The Collective Risk is Measured in FWI/year and assigned a score from 1-13 (1 being the highest). It is specified for each user type, on-board staff and passengers for non-derailment events and on-board derailment.
- 6.4. The Risk Per Traverse is measured in FWI/traverse and assigned a score from A-M (A being the highest).
- 6.5. Following the Transpennine Route Upgrade improvements, the Crossing is ranked as a B3 with an FWI of 0.006663373. This equates to an 80% increase in risk.

7. Current Issues and Risks Recorded On Site:

7.1. Identify Hazards

Hazard	Potential impact	Mitigations
Trains	Fatality or serious injury	<ul style="list-style-type: none"> • Level crossing signage. • Rubber crossing surface with anti-slip properties. • Vegetation checked during inspections
Underfoot conditions	Fatality or serious injury	<ul style="list-style-type: none"> • Appropriate crossing decking for crossing type and location. • Regular crossing inspections and maintenance regime in place. • Vegetation checked during inspections
Difficulty on hearing or seeing approaching trains due to inclement weather	Fatality or serious injury	<ul style="list-style-type: none"> • Level crossing signage. • Vegetation checked during inspections. • Rubber crossing surface with anti-slip properties.
Darkness	Fatality or serious injury	<ul style="list-style-type: none"> • Review of night time usage completed midnight to 06:00 hours – 6 users during NTQP. • LED solar deck lights provided.
Vegetation growth between visits reducing the ability to see trains approaching crossing	Fatality or serious injury	<ul style="list-style-type: none"> • Vegetation checked during inspections. • Regular inspection and maintenance regime in place.
Vulnerable users	Fatality or serious injury	<ul style="list-style-type: none"> • Standard crossing layout, compliant with ORR (Office of Rail and Road) guidance. • Instructional signage at crossing. • Increased traverse time [by 50%] • Temporary speed restriction enforced.
Unfamiliar users	Fatality or serious injury	<ul style="list-style-type: none"> • Standard crossing layout, compliant with ORR (Office of Rail and Road) guidance. • Instructional signage at crossing • Rubber crossing surface with anti-slip properties. • Vegetation checked during inspections.
Increased usage due to future developments	Fatality or serious injury	<ul style="list-style-type: none"> • Review and update this risk assessment appropriately – no nearby known developments at the time of assessment.

7.1.1. There are known issues with fog at certain times of the year that might impair visibility of trains approaching the Crossing. Foliage and vegetation had to be regularly cut back during inspections or works orders were issued when larger areas require cutting back.

7.1.2. The NRA previously did not identify sun glare as a risk, although it is a known issue which may further impair visibility of approaching trains for a short period at certain times of the day, particularly in the months of July and August.

7.2. Census Details

7.2.1. Network Rail uses a minimum of nine days when carrying out a census of use at level crossings. The most recent NRA used a census over 11 days (25/03/2022 – 04/04/2022) whereby a total of 434 pedestrian movements across the Crossing was recorded. High level data from the census counted:

- Adult pedestrians: 418;
- Accompanied children: 8;
- Unaccompanied children: 8;
- Dogs on a lead: 82;
- Dogs not on a lead: 2;
- Cyclists: 13.

7.2.2. The crossing is known to have usage from vulnerable users due to its close proximity to the centre of Uppermill village. These results therefore necessitated and supported the increase of traverse time for pedestrian by 50%. This has also been supported by the report of misuse at the crossing, shown below.

7.2.3. During the census collection exercise, 6 pedestrians were also observed crossing during the night time quiet period (between midnight and 06:00 hours). With no ambient lighting on the Crossing, users crossing during the hours of darkness would require a personal light source.

7.2.4. Network Rail’s internal safety management information systems have been interrogated and the incident history is provided below:

Event Date	Description
02/09/1994	ALLEGED NEAR MISS WITH A MALE
24/12/1995	ELDERLY MAN ON MOORGATE CROSSING
24/12/1995	2Z64 near miss with person on xing
17/01/2000	Female struck and killed by 6M07 at Moor Gate Footpath LC

09/02/2000	youths placed objects on the line
30/08/2002	Youths placed debris on the line
13/04/2005	Children placing ballast on the line
04/01/2006	Youths trespassing on the line
06/03/2008	Driver of 1K11 reported children placing ballast on the rail at Moorgate Foot crossing at Greenfield
22/03/2006	Person placing objects on the line
27/06/2008	Driver of 1P23 reported school children playing chicken at Stalybridge
05/06/2009	2M83 reported near miss with kids on foot crossing at Uppermill
29/05/2010	Near Miss - 1P47 reported a near miss with a group of youths who were sitting on the crossing.
31/05/2011	1P46 reported a near miss with an elderly woman and her dog at Moor Gate crossing.
21/08/2013	Fatality/Suicide - TPE 1P59 17:02 Newcastle - Manchester Airport struck a young male at Moorgate Halt Foot Crossing. BTP ref 551 RIDDOR
19/06/2014	Trespass - 2 girls aged approx 8-10 ran across the line at Moorgate Crossing in front of TPE 1E78 1812 Liverpool Lime Street-Newcastle. BTP Ref 582
03/11/2016	PA Fatality: TPE 1P29 0946 Middlesbrough - Manchester reported striking a person at Moorgate Halt FC.
03/12/2017	LC Near Miss: TPE 1K17 13:40 Hull-Manchester Piccadilly had a near miss with 4 youths at Moorgate Halt FPW level crossing

31/01/2018	LC Misuse - the driver of 1P40 (1406 Manchester Airport - York) reported an elderly male on Moorgate Halt Foot Crossing
16/03/2018	LC Near miss: TPE 1E64 0812 Liverpool Lime Street to Newcastle Central reported a near miss with a male and two dogs at Moorgate foot crossing
14/07/2018	Trespass - MESCC report, the driver of 1K72 (1153 Leeds to Manchester Piccadilly) reported observing four youths (three females and one male) approximately 13 years of age trespassing in the vicinity of Moorgate foot crossing, just Diggle side of Greenfield station.
22/11/2018	LC Misuse: 1K78 (14:53 Leeds to Manchester Piccadilly) reported 2 youths wearing uniforms jumping in front of trains at Moorgate LC.
25/04/2019	LC Misuse: 2M81 1617 Manchester Piccadilly to Huddersfield reported four school children playing chicken at Moorgate FP crossing
29/05/2019	LC Near Miss / LC Misuse - 9M12 (14:03 Newcastle Central - Liverpool Lime Street) reported a near miss with a pedestrian at Moorgate Halt Level Crossing.
21/10/2019	LC Near Miss / LC Misuse - 9M12 (1403 Newcastle Central - Liverpool Lime Street) reported a near miss with two young females at Moorgate Halt LC.
28/10/2019	LC Misuse - 1P73 (1147 Manchester Airport to Middlesbrough) reported two girls loitering at Moorgate Halt foot crossing.
11/12/2019	LC Near Miss / LC Misuse - 1P75 (12:47 Manchester Airport - Middlesbrough) reported having to apply the emergency brake due to an elderly female crossing at Moorgate Halt LC.
17/03/2020	LC Near miss: 2M74 1353 Huddersfield to Manchester Piccadilly reported a near miss with four youths at Moorgate Halt Level Crossing

08/07/2020	Object / LC Misuse / Trespass - 1K26 (16:08 Hull - Manchester Piccadilly) reported youths placing ballast on the line at Moorgate Level Crossing.
09/07/2020	LC Misuse / Trespass - 1K27 (16:30 Manchester Piccadilly - Hull) reported two males taking photographs on the line at Moorgate Halt LC.
09/08/2020	LC Near Miss / LC Misuse - 1K22 (14:06 Hull - Manchester Piccadilly) reported a near miss with an elderly couple at Moorgate Halt LC.
05/10/2020	LC Near Miss / LC Misuse - 1K23 (14:35 Manchester Piccadilly - Hull) reported making an emergency brake application due to a person stepping out onto Moorgate Halt LC.
14/06/2021	LC Misuse - 1K34 (20:08 Hull - Manchester Piccadilly) reported a person running across the crossing as the train approached Moorgate LC.
26/08/2021	LC Near Miss / LC Misuse - 1P85 (1738 Manchester Airport - York) reported a near miss with four youths at Moorgate Halt LC.
13/04/2022	Near miss/LC Misuse: 1P78 (15:07 Redcar Central - Manchester Airport) made an emergency brake approaching Moorgate Halt LC due to two male youths
11/08/2022	LC Near Miss / LC Misuse: 1P17 (07:54 Liverpool Lime Street - Newcastle) reported having to apply the emergency brake due to a pedestrian strolling across Moorgate Halt LC

8. Options Evaluated

8.1. Detailed below are the options that have been considered to reduce the risk at the crossing and whether this is sufficient to open the crossing for public use, balanced against gross disproportionality of the costs against the benefit achieved (see section 13).

Option	Original ALCRM score	New ALCRM score	New ALCRM FWI	Safety benefit %	Cost	Remarks
Closure by Diversion of Public Right of Way	C4	M13	0.000	100%	£25,000	This is the only option to achieve ALARP

Closure by Pedestrian Overbridge	C4	M13	0.000	100%	£1,200,000	This option is not suitable due to signal sighting.
Closure by Pedestrian Underpass	C4	M13	0.000	100%	£2,500,000	This option is not suitable due to gradients.
Installation of VAMOS (Overlay MSL)	C4	D5	0.000867134	76%	£500,000	This option is not technically feasible due to signal positioning.
Installation of integrated Miniature Stop Lights (MSL)	C4	D5	0.000867134	76%	£1,200,000	Not suitable under Signalling principles.
Maintain current crossing "as is"	C4	B3	0.006663373	-80%	£0	This would leave the crossing unsafe for the public.

8.2. The Optioneering concludes that the only practical option that removes the increased safety risk to users is the closure of the crossing by diverting the public right of way. All other options either not sufficiently reducing risk or the expense is not justifiable, being grossly disproportional to the benefit achieved.

9. Option Consideration

9.1. Technical Considerations

9.1.1. Technical considerations include new signalling and electrification at the crossing which will involve new signalling positions. This will affect any options that have an option integrated to the signalling system.

9.2. Options Considered

9.2.1. The following options have been further considered as risk solutions at the Crossing if it is to be reopened:

- i. Closure by Pedestrian Overbridge;
- ii. Closure by Pedestrian Underpass;
- iii. Installation of VAMOS (Overlay MSL);
- iv. Installation of integrated Miniature Stop Lights (MSL);
- v. Maintain current crossing "as is";
- vi. Closure by Diversion of Public Right of Way.

9.2.2. All but one of these scenarios have been discounted for the following reason:

- i. Closure by Pedestrian Overbridge – Discounted

- 9.2.3. This option was the first choice of the Transpennine Route Upgrade and provides a 100% risk reduction as the crossing would be removed completely.
- 9.2.4. Due to new signal positions following the completion of this phase of the Transpennine Route Upgrade project, a pedestrian footbridge would not be suitable at this location. The erection of a footbridge here would block signal sighting for oncoming train drivers and would affect the running of the operational railway. These signals cannot be moved since the distance between these and other signals must give train drivers sufficient notice to start braking before a red signal.
- 9.2.5. The possible location of a proposed footbridge is also very limited. The geographical complexities of the area at the crossing and nearby, mean that it will still affect signal sighting even if moved slightly.
- 9.2.6. The erection of an overbridge would also have an impact on a lineside neighbour. Overhead line equipment is being constructed here in order to electrify the line. The overbridge would need to be large enough to clear the overhead equipment. Due to this and the need to maintain sufficient sighting distances of the operational railway the location of any new footbridge would result in users being able to see into the properties of our lineside neighbours and thus reduce privacy.

ii. Closure by Pedestrian Underpass - Discounted;

- 9.2.7. This option would remove the risk at the crossing by constructing an underpass and give users the ability to reach either side of the railway without having to traverse the level crossing.
- 9.2.8. There are steep gradients on both sides of the crossing which impact the construction of this option. Due to the steep gradients on approach to the level crossing, the underpass would have to be constructed deeper into the ground which would mean additional earth works and would also create incredibly long and steep gradients on either side of the railway. Additionally, this option may introduce new risks such as anti-social behaviour or flooding (the latter is considered high-risk in this location due rural area and the steep gradients on either side of the railway).

iii. Installation of VAMOS (oMSL) – Discounted;

- 9.2.9. The VAMOS system provides a visual indication of a train approach via a red or green light; if the system displays a red indication, a train is approaching meaning it is not safe to cross, whereas if the system displays a green indication there are no trains in section meaning it is safe for a user to cross.
- 9.2.10. The system is similar to MSL, however it does not link into the signalling system. Instead, treadles are overlaid onto the track allowing a train to ‘strike in’ at a designated point. Once a train strikes in the system will display a red indication which shows a user it is not safe to cross. After the train has passed over the level crossing, it will ‘strike

out' changing the indication to green, showing a user it is safe to cross. As the option is not integrated to the signalling system, it comes with many more technical constraints.

- 9.2.11. This option provides a 76% risk reduction and would mitigate the sighting issue for vulnerable users by providing an active warning.
- 9.2.12. However, a VAMOS system is not technically feasible at this location. Due to the new signal position, the signal would be located within the 'strike in' point. This means that there is a possibility that a train could be held at a danger signal whilst the system is showing a red aspect. If this were to happen, the VAMOS system would fail and go into 'dark mode'. This would cut all aspects from the system and a colour aspect would not be shown.
- 9.2.13. This would leave pedestrians with a dilemma of whether to cross or not. A user may cross whilst the crossing is in dark mode and a train on approach. This increases the risk of a collision between a user and a train greatly.

iii. Miniature Stop Lights – Discounted;

- 9.2.14. Red and Green Miniature Stop Lights provide a visual indication of a train approach via a red or green light; if the system displays a red light, a train is approaching meaning it is not safe to cross, whereas if the system displays a green light there are no trains in section meaning it is safe for a user to cross.
- 9.2.15. The introduction of MSLs assumes that all users of the crossing pay attention to the warning given by the lights and that they are not ignored. Research from the RSSB states that: *“When in a group of people, individuals are prone to following the ‘herd mentality’, paying less attention to their surroundings and following the decision-making of the group as a whole. This may be particularly problematic at footpath and bridleway crossings on routes used often by ramblers. Young people in groups also exhibit more risky behaviour. A young person’s attitude to risk tends to be one of a ‘risk adopter’. Although most young people will not engage in extremely dangerous behaviour, peer group dynamics can encourage them to behave more dangerously than they would when on their own”*.
- 9.2.16. In addition to the above, integrated MSLs are not suitable at this location under signalling and safety principles.

vi. Maintain current crossing “as is” – Discounted;

- 9.2.17. This option would be to simply leave the crossing in its current state following the improvements provided by the Transpennine Route Upgrade project.
- 9.2.18. The improvements made by the project would mean the crossing would be at a higher risk than ever, an increase of 80% from the current

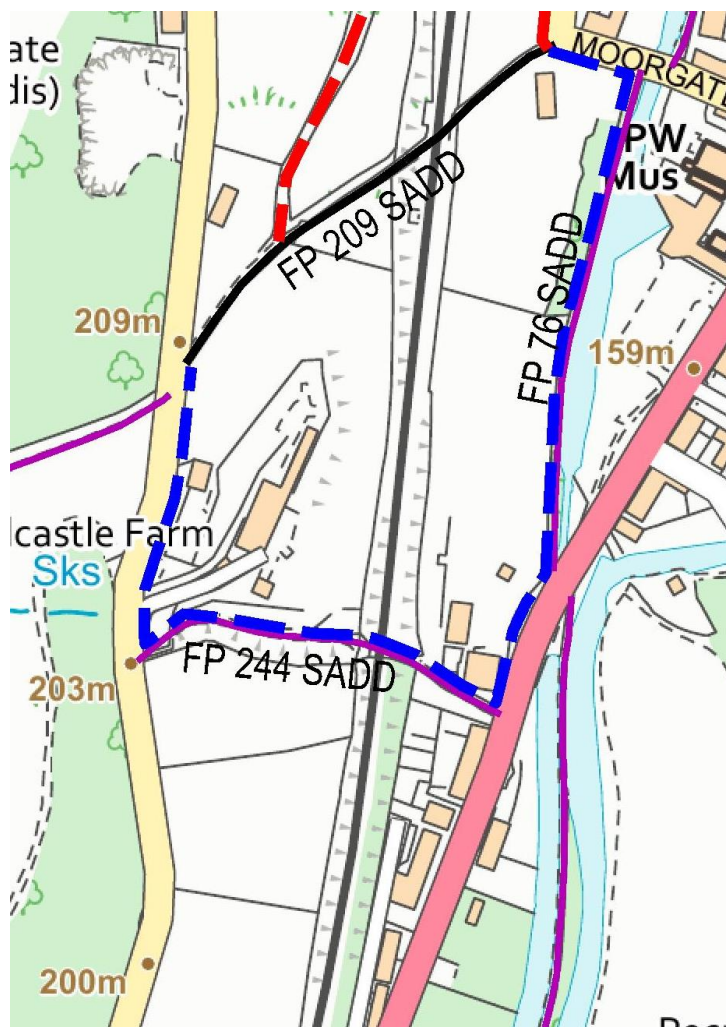
crossing risk. This would leave the crossing at a B3 with an FWI of 0.006663373.

- 9.2.19. An electrified line would mean overhead line stanchions would be erected in order to construct the electrified wire. The erection of these stanchions would impact a user's sighting and would decrease the view, increasing the risk to a pedestrian traversing the crossing.
- 9.2.20. A higher line-speed would mean the user has a less amount of time to cross and be in a position of safety, at present there is a speed restriction on the down side and this would need to be removed in order to experience the benefits of the project.
- 9.2.21. Also, due to a new signal location, there is potential for a train to be stopped at a danger signal whilst also straddling the crossing and blocking a user's path. A public right of way is not allowed to be blocked at any point and therefore this option would not be suitable.

9.3. Taking into account the risks and costs associated with the above options the only remaining viable option is:

viii. Closure by Diversion of Public Right of Way:

- 9.3.1. This option would completely remove the risk by eliminating the crossing altogether and allow users to reach either side of the railway without coming into contact with the running railway.
- 9.3.2. The diversionary length is very short at 440m and uses existing public footpath routes FP244 SADD and FP 76 SADD.
- 9.3.3. With the increased linespeed, electrified line and more trains, along with the new signalling installation and the current type/volume of use at the crossing, this is the only option that is suitable and safest for the local public.



10. Gross Disproportionality Test

10.1. Applying the Gross Disproportionality Test

10.1.1. The risk of death or injury to an existing highway user of the Crossing is an unacceptable risk. Thus, the Cost Benefit Analysis (CBA) and Gross Disproportionality Test is applied to calculate a value of works that would be justifiable for NR to fund, to mitigate the risk.

10.1.2. To support the understanding of whether the risk at the Crossing is managed SFAIRP, the CBA is undertaken to provide a Benefit Cost Ratio (BCR); the principle being, if the cost of implementing a control measure is grossly disproportionate to the reduction in the risk that might be achieved, then it is reasonable for NR not to implement that control measure.

10.1.3. Additionally, a Gross Disproportion Factor (GDF) is applied to the BCR using one of the following factors:

- Medium = $BCR \times 1.5$
- High = $BCR \times 2.5$
- Exceptional = $BCR \times 6$

- 10.1.4. The criteria for defining the correct multiplier is determined by considering the level crossing against the following criteria using a question bank [Ref. Appendix B]:
- Culpability – weighting deliberate misuse against genuine mistakes.
 - Vulnerability – to reflect a greater responsibility towards those less able to protect themselves.
 - Societal aversion – addressing the absence of public appetite for credible mass casualty train accidents.
 - Uncertainty – for the degrees of confidence in our knowledge of the pattern of apply, which encompasses elements such as who/how/with/what consequences.
- 10.1.5. **The highest level indicated across all questions determines the appropriate GDF level to use and Moorgate Halt has been deemed as a high rated crossing, so a 2.5 factor is applied** (See Appendix A).
- 10.1.6. The resultant GDF score informs and supports decision making based on the following criteria:
- a. Benefit to cost ratio is ≥ 1 : positive safety and business benefit established (GREEN).
 - b. Benefit to cost ratio is between 0.99 and 0.5: reasonable safety and business benefit established where costs are not grossly disproportionate against the safety benefit (AMBER).
 - c. Benefit to cost ratio is between 0.49 and 0.0: weak safety and business benefit established (RED).
- 10.1.7. The guidance provided to the level crossing / project teams is.
- **GREEN**: There would be a legal requirement to deliver the applicable intervention.
 - **AMBER**: A record of the business decision / justification on the applicable intervention (or not where the decision is to not deliver any risk mitigation activity) is required.
 - **RED**: No action would be proposed.
- 10.1.8. Section 12.3 of this Report considered all possible options for this crossing. Of those that remain viable, the key information is detailed below in Table 3.

10.2. Table 3 – GDF Assessment:

	Update d ALCRM Score	FWI Rating	Option Cost	Benefit Cost Ratio (BCR)	Equivalent Financial Benefit	BCR including Gross Disproport ion Factor (GDF)
Closure by Diversion of Public Right of Way	M13	0	£25,000	7.21	£180,330	18.025
Closure by Pedestrian Over Bridge	M13	0	£1,200,000	0.15	£180,330	0.375
Closure by Pedestrian Underpass	M13	0	£2,500,000	0.07	£174,066	0.175
Installation of VAMOS (Overlay MSL)	D5	0.0 008 671 34	£500,000	0.26	£131,363	0.65
Installation of Integrated Miniature Stop Lights (MSL)	D5	0.0 008 671 34	£1,200,000	0.11	£131,363	0.275
Maintain Current Crossing “as is”	C4	0.0 036 950 9	£0	0.00	£0	0.00

10.2.1. Table 3 indicates that closure by a diversion of public right of way offers the strongest safety justification.

10.3. Application of GDF on Remaining Option

- Against each of the high cost options, closure by a diversion of public right of way is the most feasible, on safety and achieving risk reduction to ALARP, and on cost.
- The diversionary route will add approximately 440 metres to the distance required for a user to reach the other side of the railway.
- Table 3 summarises the information which is exclusively quantitative in nature, i.e. the data comes direct from the ALCRM and CBA tools managed and held by Network Rail.
- The qualitative element of this assessment clearly shows that closure by Extinguishment offers a positive Gross Disproportionate Factor which confirms the requirement to deliver the applicable intervention at this level crossing.

11. Conclusion and Recommendation

- 11.1. Both the qualitative and quantitative issues identified at this site can be proven as high risk, requiring to be mitigated to ALARP.
- 11.2. This report considers the qualitative data that calculated the qualitative assessment rating by ALCRM, supporting the information detailed within the existing NRA with what was found during the site survey. In conclusion;

- **The increased risk following the Transpennine Route Upgrade improvements at the crossing is unacceptable and the crossing should be closed.**

11.3. Closure provides the greatest risk reduction as it removes all risks associated. The short diversionary route gives the ability for users to reach either side of the railway without coming into contact with it.

11.4. **Recommendation:** To close the crossing via diverting the public right of way.

Appendix A – Level Crossing GDF Level Determination Pro-forma

Moorgate Halt Level Crossing assessment highlighted in yellow

Culpability - weighing deliberate misuse against genuine mistakes				
What is the level crossing incident history since the last risk assessment?	Deliberate misuse events only	0 - 5 accidental misuse events	5 - 25 accidental misuse events	>25 accidental misuse events
GDF Level	medium	medium	high	exceptional
Vulnerability - carrying a greater responsibility for those less able to protect themselves				
Who uses the level crossing	No vulnerable users identified	Vulnerable User CAT 1 (cyclists, dog walkers)	Vulnerable User CAT 2 (children, elderly, encumbered, disabled, parents with young children)	
GDF Level	Medium	Medium	high	
Societal Aversion - addressing the absence of public appetite for credible mass casualty events				
What is the most credible worst-case scenario for a train accident consequence in a single event	Event with the potential of a single specified injury to 5 specified injuries (between 0.1 and 0.5 FWI).	Event with the potential of between 5 specified injuries and 2 fatalities (between 0.5 and 2 FWI).	Event with the potential of between 2 and 10 fatalities (between 2 and 10 FWI).	Event with the potential of between 2 and 10 fatalities (between 2 and 10 FWI).
GDF Level	Medium	Medium	High	Exceptional
Uncertainty – how confident are we that we know the pattern of use? This encompasses elements such as who/how/with what consequences				
Does the level crossing currently have a passive or active warning?	Active		Passive	
GDF Level	Medium		High	
Does the local environment create uncertainty in the currently understood user demographic?	No		Yes	
GDF Level	Medium		High	
Uncertainty – for private level crossings				
Who uses the crossing?	Authorised user or regular, controlled users only		Irregular users (delivery drivers etc.)	
GDF Level	Low		Medium	
Can we be certain what sort of vehicles use the crossing?	Confirmed by census	Described and confirmed by Authorised User		Unknown due to irregular users
GDF Level	Low	Medium		high
Uncertainty – for public road level crossings				
How effective is the current mitigation at the crossing? (barrier type)	Full Barrier	Half Barrier	Open crossing (if line speed is greater than 25mph)	
GDF Level	Low	medium	High	

Appendix B – Glossary

ALARP	As Low As Reasonably Practicable
ALCRM2	All Level Crossing Risk Model
BCR	Benefit Cost Ratio
CBA	Cost Benefit Analysis
ELR	Engineers Line Reference
FP	Footpath
FPW	Footpath with Wicket Gate
FWI	Fatalities and Weighted Injuries
GDF	Gross Disproportion Factor
LCM	Level Crossing Manager
MSL	Miniature Stop Lights
NR	Network Rail
ORR	Office of Rail and Road
SFAIRP	So Far As Is Reasonably Practicable
Vulnerable users	Vulnerable level crossing users can be defined as people who, when compared with typical users: are likely to take an extended time to traverse due to disability or distraction; and/or might be at greater risk of harm due to their perception of risk. Types of vulnerable users: Vulnerable users can include but are not limited to: People with physical and/or mental disabilities or other impairments; incl. those using mobility scooters. Young children; unaccompanied or in groups. Elderly people. Dog walkers. Cyclists, e.g., where known not to dismount and considered ‘at risk’. People carrying heavy bags or large objects, with pushchairs etc. Non-English language speakers, e.g., migrant workers
WB	Whistle Boards
WG	Wicket Gate
Decision Point	Applies to user-worked crossings, footpath crossings and bridleway crossings. It is a point where guidance on crossing safely is visible and at which a decision to cross or wait can be made in safety. For footpath crossings this should be not less than 2m from the nearest running rails or 3m where the line speeds are higher than 160 km/h. For bridleway crossings and user-worked crossings this should not be less than 3m from the nearest running rail.
Encumbered	Crossing with bags, pushchairs, cycles or dogs (consider if dogs are on or off a lead (including the use of extendable versions), and if owners are in charge of more than one dog; it becomes increasingly harder to control multiple animals)

MVL3 13m 26c Moorgate Halt LC:
Additional Information to support an
application to extinguish or divert footpath
209SADD over Moorgate Level Crossing

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1. **Introduction**

- 1.1. On the 4th of August 2023 an application under s.118A Highways Act 1980 was submitted to Oldham Council for the proposed extinguishment of footpath 209SADD between its junction with Moorgate Street and Ladcastle Road. The application proposed no replacement footbridge and footpath 244SADD was identified as an alternative route to safely cross beneath the operational railway. It was recognised that some improvement work may be required.
- 1.2. After confirming receipt of the application, the Public Rights of Way Officer asked for a meeting to discuss the application, and this was held on 14th August 2023 (via Teams with PROW and Liability Negotiations Adviser). The Officer stated there was not enough information within the application and supporting documents, to enable him to decide whether to make an Order.
- 1.3. The Officer had shared the application and supporting documents with representatives of local user groups including, The Ramblers, The Wednesday Walkers and the Peak and Northern Footpath Society. These groups expressed some concerns over the reasoning given by Network Rail on why they did not propose to replace the crossing with a footbridge. The provision of a footbridge had been previously proposed by NR in earlier consultations.
- 1.4. A further meeting was arranged on site for Friday the 25th of August and those in attendance included:
 - Liam Kennedy – Rights of Way Officer Oldham Council
 - Kevin Lawton – Representative of the Wednesday Walkers
 - John Walton – Representative of the Ramblers
 - Vicki Bentley – Liability Negotiations Adviser Network Rail
 - Stephen Sherlock – Senior Project Engineer Network Rail
 - Calum Gardner – Scheme Project Manager Network Rail
- 1.5. The result of this meeting was that Network Rail were asked to provide some further information to support their claims that a footbridge cannot be installed. This requirement revolves around the following areas of concern:

- Why Network Rail have changed their minds about building a footbridge.
 - The matter of a bridge blocking new signalling arrangements – as expressed in the s.118A application.
 - The added requirement of platform to protect any structure and the escalation in costs associated with this design – as expressed in the s.118A application.
 - Lack of exploration as to a possible diversionary route beneath underbridge 30 to the north of the crossing.
 - The details of geographical complexities that are referred to in the s.118A application.
- 1.6. The purpose of this report is to address the concerns raised and to provide the additional information that has been requested. The content has been collated from various individuals that have been and still are involved directly in the ongoing project and will explore the history of the investigations and decisions made in relation to the crossing.

2. National Level Crossing Risk Reduction Programme (NLCRRP)

- 2.1 This programme pre-existed prior to the Transpennine Route Upgrade Project (the current project that will affect the crossing) and was an agreed programme with the Office of Rail and Road that sought to achieve a 25% risk reduction at level crossings. This was to be achieved by way of closures and replacements with either an Extinguishment/Diversion of the PROW or the installation of footbridges where appropriate.
- 2.1 In 2015 Moorgate Halt Level Crossing was identified as a high risk crossing that fell within the remit of the of the NLCRRP and feasibility study was undertaken to explore the options for closure at Moorgate Level Crossing. It incorporated a Diversity Impact Assessment and also explored the alternative routes through Bridge No.30 to the North and Bridge No.29 to the South.
- 2.1 The conclusions of the feasibility study were that the construction of a replacement footbridge at this location would be extremely complex. It concluded that the alternative routes should be explored

further, but it is not known if the conclusion was followed through, but clearly the level crossing remained.

3. The Transpennine Route Upgrade (TRU)

- 3.1. The TRU Project covers the railway between Manchester and York and aims to improve the service by upgrading the line, signalling, and stations. By 2017, the Project had been established and another feasibility study was conducted into the construction of a footbridge to replace Moorgate Level Crossing.
- 3.2. The conclusions of this feasibility study were that the TRU Project should pursue the installation of a stepped footbridge to replace Moorgate Level Crossing. The development of this option then took place, which explored the solution in greater detail.

4. Diversity Impact Assessment (DIA)

- 4.1. The Public Sector Equality Duty (PSED) is a legal duty under the Equality Act 2010 for any public sector organisation to consider the impact of any proposed work that would affect people, to ensure they don't discriminate against those people with the protected characteristics as defined in the Act. NR discharges this duty by the provision of a Diversity Impact Assessment (DIA).
- 4.2. In 2021, a DIA was undertaken by the TRU Project, and this was sent out to various groups for consultation including Oldham Ramblers, Oldham Council public rights of way team and their planning officers. Many groups did not respond, but Oldham Ramblers and Oldham Council both agreed that in the interests of public safety a replacement bridge would be the most appropriate solution. The Ramblers went further with their preference for a ramped structure.

5. The Narrative Risk Assessment (NRA)

- 5.1. In 2022, an NRA assessed various mitigation measures and whether they could be deployed at the crossing, to make the crossing safe. This document is produced by the Level Crossing Manager (LCM) who is the Safety Risk expert within Network Rail for managing the

risk at level crossings. The NRA was used by the TRU Project team as part of their optioneering process at Moorgate LC.

- 5.2. NRAs are produced by the LCM to assess the risk at the level crossing, but they do not consider related factors such as adjacent land ownership, geographical or environmental complexities, ancillary costs for the construction of a bridge or the engineering difficulties that may hinder construction etc.
- 5.3. The LCM explored various mitigation measures which included the installation of Miniature Stop Lights, which would allow the crossing to remain whilst providing a visual indicator to users that it was safe to cross. These could reduce the risk by circa 76%, and they must either be integrated into the signalling system or overlaid onto the signalling system where permitted.
- 5.4. Integrated MSL's cost circa £1.2Million, but despite the obvious safety benefits, this option did not perform well in the cost-benefit analysis (CBA) conducted by the LCM. The cost incurred, significantly outweighed the realised benefit.
- 5.5. Overlay MSL's cost circa £250,000 and performed much better in the CBA and the LCM recommended that this option be considered as part of the larger TRU Project. However, as the TRU Project developed and the proposal for bi-directional lines emerged, it became apparent this recommendation could not be delivered. Overlay MSL's cannot be used on bi-directional lines where there is a train turnback, or where a train may be signalled to stop over a level crossing.
- 5.6. The LCM also referred to the possibility of alternative diversionary routes, which again scored well in the CBA, but these would need to be explored further by the TRU Project team where they fall outside of the NRA remit.
- 5.7. Although the LCM also considered the installation of a footbridge to replace the crossing, this too did not score well on the CBA. Again, the LCM recommended the option be explored further by the TRU Project, where any alternative diversionary routes would not be feasible.

- 5.8. The TRU Project, in line with the DIA, decided that the most suitable option that could be delivered, would be a stepped footbridge. Planning permission for the proposed structure was granted in August 2022 (FUL/349203/22). Drawing 151667-TSA-26-MVL3-DRG-T-LP-040003 Revision PO3 was submitted as part of the planning application and shows the arrangement of the proposed footbridge.
- 5.9. However, prior to the DIA being signed off and published, as they moved through the Design stage, the TRU Project identified some major difficulties in delivering the construction of a bridge. These difficulties could not be overcome and resulted in the option being discounted. These are now explored in the following sections.

6. Signalling

- 6.1. Near Moorgate Halt, there are new crossovers being installed on the track which will allow trains to pass from one line to the other, so that both lines become bi-directional. This requires new signalling to be installed to protect the train crossovers.
- 6.2. Signal SL4701 on the downside and signal SL4703 on the upside will be situated approximately 20 metres from the crossing, meaning that when trains stop at either, they will straddle the crossing. This was one of the main drivers for the installation of a footbridge and formed part of the safety case that has been put forward for the closure of the crossing, where it is unacceptable to have a train straddling a level crossing.
- 6.3. The signals cannot be moved for the following engineering reasons:
- They are required in these specific locations to protect the track crossovers.
 - The crossovers cannot be moved because of the curvature of the track.
 - The line bends to the left on approach to signal SL4701, and if it was moved further towards Stalybridge, it will not be seen by the driver.
 - Railway Signals need to be regularly spaced and moving them would make them non-compliant with Signalling Standards.

- Moving the signals would have an operational impact for trains changing direction and would delay junction times, impacting the proposed timetable and making it unworkable.

6.4. It was originally thought the construction of a footbridge would block the train drivers' view of the signals. This was one of the reasons that a footbridge had been discounted in the s.118A application. However, it has now been confirmed that this is no longer the case. The construction of a new footbridge would not have a detrimental effect on the new signalling at this location, but there are several other issues which are still relevant.

7. A unique design for the bridge

7.1. There are some environmental constraints that make the design of this footbridge unique. The site footprint for the footbridge is limited and pushes the footbridge to sit within the required 4.5 metre collision protection zone. This means a more robust design is required to ensure that the bridge columns are sat outside of this zone, so the footbridge is protected in the case of a derailment.

7.2. To mitigate this a raised platform would need to be constructed, designed to resist robust kerb loading. The alternative to this is a mass concrete bridge structure which would be more expensive, more intrusive, and even more difficult to construct in the limited space available.

7.3. This issue was raised on the 25th of August meeting and was a point that the user groups asked for more detail on. It was suggested by them that this platform had not been discussed before and that it was not detailed on the design drawing that have seen. However, this platform can be seen on the Drawing 151667-TSA-26-MVL3-DRG-T-LP-040003 Revision PO3 that was included in the application for planning permission. This leads us onto the issues that have since arisen since the first proposals were put forward.

8. Building Requirements

8.1. In brief, the construction of a footbridge on the site of Moorgate LC consists of the following:

- The construction of a reinforced in-situ concrete ring beam along with a precast L-Wall robust kerb platform and precast concrete stairs (South Side) 32 no units between 2-9 tonnes each.
- The construction of a mass-fill in-situ foundation dug systematically to avoid possible collapse of the existing drystone retaining wall (North Side).
- The installation of 21no 13m deep 300mm diameter in-situ reinforced concrete bored piles (case).
- In-situ pile caps and a 12m steel footbridge structure and approach staircases.
- 3no GRP/ Steel Staircases, Hand railing (circa 30m).
- Stonework cladding of concrete L-Walls.
- Installation of GRP Palisade fencing.
- Infilling of the ring beam structure.
- Assumed craneage is AC55 Rail mounted Crane.
- Surfacing and drainage outlets.

9. Ground Conditions

- 9.1. Ground investigations were conducted in the vicinity of where the proposed footbridge was to be constructed. The result of these complex investigations has shown that there would be a need for piled foundations for any bridge. As discussed under access, this is a difficult location to access with a piling rig, driving night-time working, and extending the construction programme.
- 9.2. In addition, to the Ladcastle Road side of the bridge, there are concerns over the stability of the existing stone walls which line the foot path. This drives the needs for temporary support to the walls and more complex construction sequencing to install the foundations.

10. Accessibility

- 10.1. Moorgate footpath level crossing is in a remote location north of Uppermill Village. It is accessed via public footpaths from Den Lane and Ladcastle Road. Both of these roads are narrow with limited access for construction vehicles. The footpath is narrow and in poor condition, and the area of works is cut into an embankment, with limited access to where the structure would be.
- 10.2. The key aspect to this works is logistical planning in order to transport materials from the nearest access points onto Road-Rail-Vs and Trailers (1.8km West) with plant and equipment along the railway. Access is limited to rail due to the constraints on the road network, the topography, and the distance from the road networks. This drives all construction to be completed at night, during railway closures known as possessions, which incur additional costs.
- 10.3. The materials required for the construction of a footbridge include wet concrete, piles, precast concrete sections, and steel bridge sections. For wet concrete, there is no feasible location to deliver concrete other than by rail or by using a concrete pump under road closure sited on Ladcastle Road. This will require long pipelines to reach the foot crossing, plus the requirement to install pipes running

under the railway. This creates risk due to the requirement of line blockages which makes the method undesirable.

- 10.4. To deliver concrete by rail, means we need to open concrete batching plants over night at additional costs, and use specialist plant to transport the concrete. This also requires additional time due to the limited working windows within possessions.
- 10.5. With regard to the required piles, the piling rig will also need to be delivered to site by rail. This is difficult due to the size of the required rig, and again it would only be able to work under possessions, driving the need for noisy piling works to be completed over night.
- 10.6. For precast concrete, – again deliveries must be made by rail and again this drives the need to work at night so that it is in line with line possessions and blockages. It is the same for the delivery of steel bridge sections, which will need to be carried on specialist trailers by track.
- 10.7. The methods described here for the delivery of materials to the site with limited accessibility has contributed towards the escalation in costs because it is more complex and prolongs the programme significantly.
- 10.8. In addition, the footprint of the footbridge takes up all of the available space and drives the need to remove the existing boundary between the adjacent house and the railway. Access to the garden will be required for construction, with the boundary wall reinstated on completion. Also, during construction, the footpath will need to be closed to the public for a minimum of 8 months.
- 10.9. Overall, access must be via track for all of the construction, resulting in a longer than normal programme, and a large amount of night working. Due to limited rail access points in the vicinity, access will need to be created off Oldham Road, near Greenfield Station and this will involve a prolonged road closure.

11. Construction Costs

- 11.1. A footbridge to replace a foot crossing normally has a budget cost of circa £1.8Million. The additional constraints and design issues discussed above result in this footbridge being estimated to cost circa £3.5Million.
- 11.2. A breakdown of costs that was drafted during the detailed design stage for the proposed footbridge, estimated the costs for labour, plant, subcontractors, and materials at approximate total of circa £2.3M and estimated to rise to more. This can be broken down as follows.
- 11.3. The labour costs consist of the use of specialised persons such as machine banksman, lift supervisors, skilled operatives, and several other supporting functions, over approximately 80 shifts, at an estimated cost of £771K.
- 11.4. The works will involve a selection of specialist equipment as described previously as well as site cabins and associated facilities at a total estimated cost of £467K.
- 11.5. The site and works would also require the use of various subcontractors to supply items such as scaffolding, security and the removal of waste materials, which was calculated to cost approximately £930K. However, it was estimated that this was likely to rise significantly due to the added requirement of a specialist piling technique that allows for the process in restricted access sites and the location of the proposed bridge at Moorgate.
- 11.6. The materials required for the bridge include pre-cast concrete, steel, rebar and type 1 MOT, at a total estimated cost of £216K.
- 11.7. These estimated costs do not include the costs of the required temporary occupation of adjacent land or its possible permanent acquisition. Therefore, the total will be significantly higher and when these are costed in, the total costs will be circa £3.5M.

12. Managing Public Money

- 12.1. As well as promoting safety, as the operator and owner of the national rail infrastructure, Network Rail as an 'arms'-length Government body, has a statutory duty and a critical role to play in improving railway efficiency, whilst giving due consideration of spending public money in operating the railway. Under its operating licence Network Rail is required to act in accordance with the duties and responsibilities in running, maintaining, and developing railway infrastructure. This would include the provision of bridges to replace level crossings where enhancements affect the safety at a crossing. This licence is granted under Section 8 of the Railways Act 1993.
- 12.2. It incorporates a series of codes, protocols and guidelines under which Network Rail must operate, which in part relates to operational efficiency and public expenditure. Operational efficiency incorporates the justification of spending public money against the ongoing maintenance and enhancement of the railway. It is therefore reasonable for Network Rail to scrutinise the cost-efficiency of any proposals and have due regard for the need for railway operational efficiency.
- 12.3. At this location, the initial proposals for the construction of a pedestrian bridge, seemed perfectly plausible as a suitable solution and one that was concluded to be the most suitable option in the Diversity Impact Assessment. However, as the optioneering process has progressed and a more in-depth design has been sought, it has become apparent, that the construction of a bridge at this location would be extremely complex, and unfortunately this has increased the costs significantly.
- 12.4. Disproportionate expenditure is contrary to Network Rail's financial and efficiency objectives under its Licence, and we are therefore strongly of the view that it is no longer feasible to construct a pedestrian bridge in place of Moorgate Level Crossing, and that other alternatives must be explored.

13. Sustainability and the Environment

- 13.1. The site sits on the edge of a Special Area of Conservation on what is considered to be greenbelt land, and adjacent to Uppermill town which is also considered to be a Conservation Area. It is also just south of the Site of Special Scientific Interest (SSSI) of Ladcastle and Den Quarries, although the proposed works did not directly affect this area.
- 13.2. In 2022 an independent Arboricultural Impact Assessment (AIA) was commissioned which explored the impact of the proposed construction of a pedestrian footbridge on the immediate area around Moorgate Halt LC and the trees within it. It used the General Arrangement Drawing to assess the impact on the surrounding trees, the results of which were that four trees would need to be removed completely whilst a significant number of others would require extra protection during the proposed works.
- 13.3. The inclusion of Construction Exclusion Zones around some of the trees to be retained has an impact on the proposed works, where access by plant and machines is extremely limited. The assessment outlined how the smallest plant possible would need to be used in close proximity to any trees to avoid any damage to them or their canopies, with careful pre-planning required for any site operations.
- 13.4. Other precautions listed included the restrictions on the storing of materials beneath any trees, such as oil, cement or solvents that could be injurious to a tree, and that these should be stored at least 5m from the edge of the canopy of any tree. In addition, any permitted work carried out on any trees would have to be done at the appropriate times of year (outside of bird nesting season) and in line with any planning permission that would be required to fell trees.
- 13.5. All of these measures all have implications for the project and proposed works in terms of both time and the additional cost in fulfilling the recommendations as set out in the AIA.

14. Alternative Route through Bridge No.29 to the South of Moorgate Halt LC

- 14.1. This option has been heavily explored previously but at the meeting on 25th of August 2023, this option was discounted as being unsuitable.

15. Alternative Route through Bridge No.30 to the North of Moorgate Halt LC

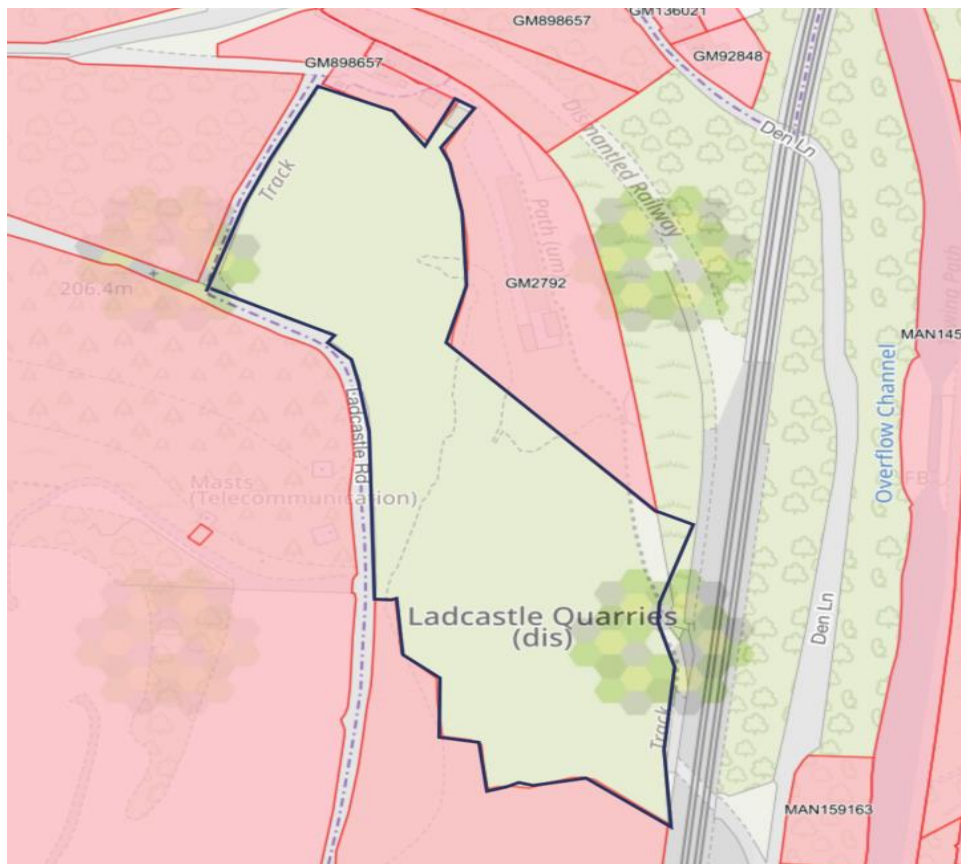
- 15.1. At the on-site meeting held on 25th August, the PROW Officer stated that he wished Network Rail to re-visit the possible diversionary route through Bridge 30 to the north of Moorgate LC. This seems like a plausible alternative should the level crossing be closed, but it is not without its own difficulties.

- 15.2. Bridge 30 is an underbridge approximately 360m from the crossing (directly north up the track) and is owned and maintained by Network Rail. It currently does not accommodate a public right of way, although it is clearly used by members of the public as part of a wider network of both recorded and unrecorded footpaths in the vicinity. Upon closer investigation of this route, it has become apparent that it is not possible to create a public right of way entirely on land within Network Rail ownership, and therefore any path would have to traverse at least 3 different land ownerships, and we would require landowner consent to dedicate a way over their land to accommodate a public right of way.

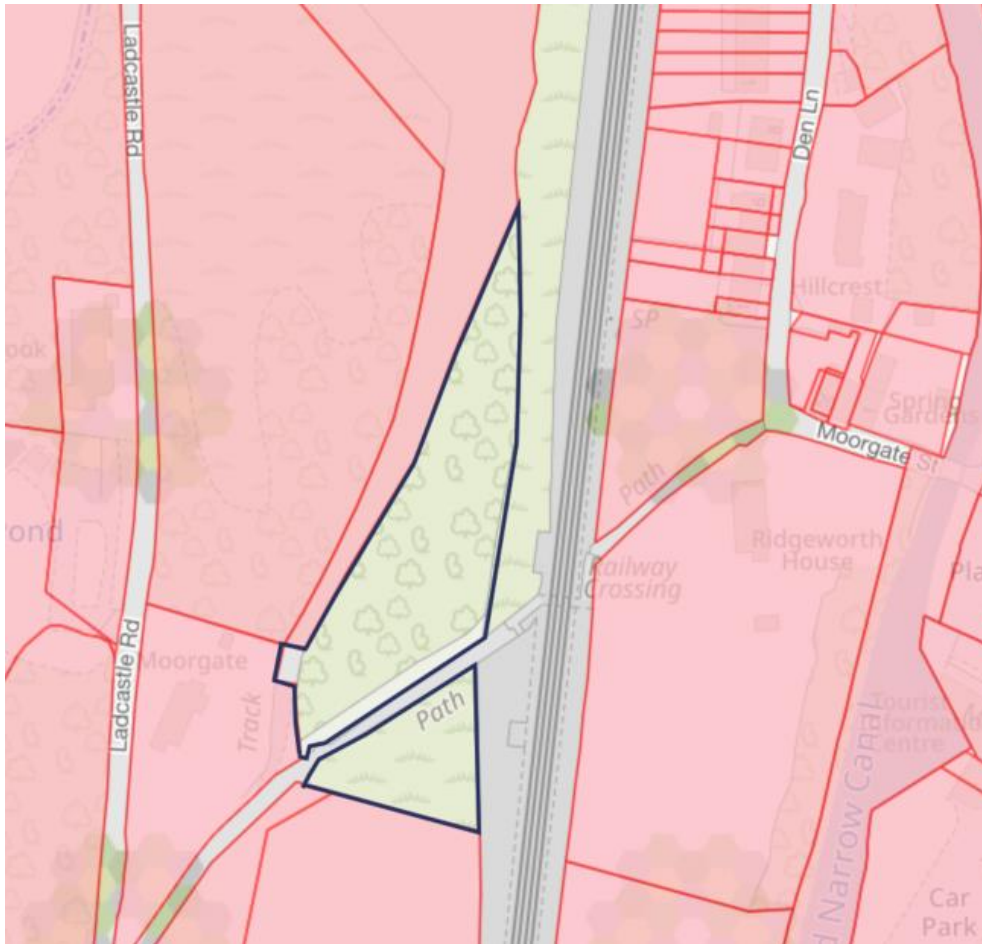
- 15.3. One of the parcels of land that would be affected is registered with the Land Registry, as MAN181042. Network Rail have spoken to the owner, who is potentially open to the idea of the diversionary route traversing his land, although further negotiations would be required in terms of upgrading the route and potential compensation payable etc.

- 15.4. Network Rail have also identified three unregistered parcels of land that would be affected. The first is immediately south of GM2792 and adjacent to bridge 30. The owners of GM2792 are Petsville Cattery and Kennels have confirmed ownership of this parcel and are open to the idea of the current unrecorded path becoming a

public right of way should Moorgate Level Crossing close permanently. This can be seen edged blue on the plan below.



- 15.5. Two parcels of unregistered land, one of which may be affected by any diversion, are further south immediately either side of the path from Moorgate LC up to Ladcastle Road. The owner of Ladcastle Cottage (MAN49385) has confirmed that he owns both of these parcels of land and has no objection to this proposal. These parcels can be seen in the plan below edge blue.



- 15.6. The owner of GM942754 (Moorgate Cottage) has replied to the letter that was sent by stating that she would not agree to this proposal. She owns the land to the left of the 2 parcels highlighted above, immediately adjacent to the current right of way. Some further clarification has been sent to this landowner on how the proposal would directly affect her land and Network Rail are awaiting a response.
- 15.7. It may be the case, that if they are insistent on the already used path over their land not becoming a recorded public right of way, then Network Rail will need to liaise with the adjacent landowner on the possibility of a new path being constructed over his land to avoid that included in Moorgate Cottage.
- 15.8. A site meeting is required with the affected landowners the project team and the Rights of Way Officer, so this can be discussed in further detail and issues that they may have can be addressed. This is now confirmed as being the 25th of October 2023. It is worth

noting that in speaking with 2 of the landowners, none of them have expressed any objection to the closure of the crossing on a permanent basis.

- 15.9. In addition, the project would have to obtain permission from the Asset Owner – the North-West & Central Structures Team, as to whether they would be willing to permit a public right of way beneath the bridge. On occasion, asset owners are reluctant to do this because ordinarily a private bridge such as this one, can be infilled when life expired, but where there is a public right of way, this is not possible, or very difficult. However, the Senior Asset Engineer has now confirmed that he is happy for the bridge to accommodate a public right of way.
- 15.10. Some comments were also made at the site meeting on 25th of August that Den Lane is not suitable due to there being no footway, and it may be the case that a Road Safety Audit should be carried out in order to identify any issues. This could then inform the project as to what works may be required.
- 15.11. Some of the previous feasibility reports also identified that there may be some works that are required to Den Lane to upgrade and improve the route for pedestrians where currently there is no footway. This may require some permanent works in the highway, and Oldham Council may require an agreement under s.278 of the Highways act 1980 for us to carry out those works.
- 15.12. Such an agreement enables the Highway Authority to adopt any permanent works in the highway so that they can thereafter maintain them at public expense. Network rail do enter into these agreements where appropriate, and this would not pose a major hurdle in this scenario, but it is an added layer of complexity and cost.

16. Conclusions.

- 16.1. The terms ‘geographical complexities’ had been used in the application, and the Rights of Way Officer asked that this concept be more fully explained. This report has highlighted the restricted access to and from the site and is the narrow nature of the railway

corridor at this location. Ground investigations have confirmed that specialist equipment and methods are required for the construction of any bridge, and because of the proximity to the running rails, a unique bridge design is required.

- 16.2. This issue of bespoke platforms was specifically raised by one of the user groups, who asked why this element was absolutely necessary and what it involved and suggested that it had not been discussed prior to these recent conversations. The cast concrete platform is required because of the proximity of the bridge to the running rails and is designed to protect the bridge from potential train derailment. The platform design is included on the GA drawing that has been readily available and has been considered by the user groups, it is not a new feature of the bridge design but is an essential part of its design.
- 16.3. With regards to signalling, one of the user groups referred to other locations nearby where bridges had been built next to signals with no issue, and asked why it can't be done at Moorgate. As mentioned previously, it has now been confirmed that the signalling is irrelevant to any footbridge construction at this location.
- 16.4. All concerned parties asked why it is that Network Rail had initially promoted the construction of a pedestrian footbridge but have since changed their minds and have sought extinguishment of the footpath without the provision of a bridge. This report has attempted to explain how these projects are pursued internally and how the development of a project from inception to full detailed design develops and the obstacles that it may come across on that journey.
- 16.5. For this project, it is a combination of factors that have resulted in a huge escalation of costs for the construction of a bridge at Moorgate. The geographical complexities coupled with the unique design of the bridge have only fairly recently come to light during the detailed design and costing stage of the project. The estimated costs do not include other costs such as those associated with access and temporary land occupation and environmental protection issues, so in fact would be upwards of what has been recently quoted.

- 16.6. The Rights of Way Officer and one of the user groups asked that Network Rail carry out some further investigations into a possible alternative route. A considerable amount of time has now been spent on identifying landowners and speaking with them to determine what issues they may have with a public right of way being recorded over their land. In all, the result has been positive, but they do have some queries over items specifically linked to their land such as fencing and concerns around trespass etc.
- 16.7. A meeting has now been arranged for the 25th of October 2023 with those affected and the Rights of Way Officer and the project team to discuss these issues and to try and resolve them in way that suites all parties should Network Rail be successful in obtaining a diversion Order for the footpath. In addition, the asset owners of bridge 30 have confirmed that they would accept a public right of way beneath bridge 30.
- 16.8. Another point on which the user groups asked for further information was the cost implications of a footbridge. At this location the physical works are extremely difficult to execute, and this has contributed massively to those costs. This unique set of circumstances has led to an escalation in the costs associated with the installation of a footbridge that was promoted previously, and this is likely to be more when all of the other costs are factored in – as mentioned above.
- 16.9. Network Rail are fully aware that the reasoning for not constructing a bridge doing cannot be based on cost alone, although it does play a significant factor in decision making process when managing public money. Project teams consistently question whether what they are proposing is an adequate use of public money and could that money be better used elsewhere. Network Rail are bound by this under their operating conditions, and it does play a huge part in the decision-making process, as it has for Moorgate Halt.
- 16.10. The aims of this report were to highlight the difficulties and complexities involved in providing a pedestrian footbridge as a replacement for the footpath over the railway at Moorgate level crossing. Some significant concerns were raised in relation to the s.118A application that had been submitted by Network Rail, in that

it did not provide this information in enough detail, and also specific questions were raised by the user groups with regards to the construction requirements and signalling arrangements.

16.11. It is hoped that this document now provides all of the additional information as requested in sufficient detail, but Network Rail will endeavour to answer any further queries that may arise from this.

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Introduction

My name is Vicki Bentley, and I am a Liability Negotiations Adviser for Network Rail. I submitted the s.118A application to extinguish the restricted byway over Moorgate Halt level crossing on the 4th August 2023, the justification for which can be found within my application and its supporting documents.

Pre-consultation

Planning permission was previously granted for a footbridge; but this was only a consideration at that time. During the detailed design process, various engineering difficulties came to light, which have driven up the costs from £1.5M to approximately, £4.5M. As a public body, Network Rail must adhere to the Treasury's Managing Public Money Principles and had to consider more cost-effective options.

There have been several meetings and discussions on the matter with Oldham Council and various footpath user groups. In June 2023, I met with the Rights of Way Officer, and we walked along footpath FP244 SADD that uses Bridge No.29 beneath the railway, just south of Moorgate.

It has since been agreed that this route is treacherous, steep, and unstable in places, and would require significant improvement works to bring it up to a suitable standard. Network Rail have since written to the landowner whose land this footpath traverses asking if they would agree in principle to some improvement works, but unfortunately, they were reluctant to agree to this as they felt it would change the nature and use of the footpath to their detriment.

The s.118A application

After the application was submitted, a meeting was held on the 25th August at the crossing between Network Rail, Oldham Council, and representatives from some of the footpath user groups, to discuss some concerns that had been raised.

Network Rail were asked to explore a possible diversionary route to the north via Den Lane beneath Bridge No.30, and to clarify the engineering difficulties associated with constructing a footbridge.

Network Rail explored the feasibility of the alternative route, including meeting with affected landowners, but unfortunately, one of the landowners would not agree to this. In addition, Network Rail were later informed by Oldham Council that this route was too long to be considered as a feasible diversion.

The 'Additional Information' document was collated from several people involved in the project and aims to clarify the engineering difficulties of constructing a footbridge. responded to.

In January 2024, Oldham Council agreed that the s.118A application met the first legal test which is *"that it appears expedient in the interests of the safety of the members of the public using it or likely to use it that a restricted byway in their area which crosses a railway, otherwise than by a tunnel or bridge, should be stopped up"* and the Council agreed to progress the s.118A application.

Conclusion

Network Rail is an arm's length department of the Department for Transport, and is publicly funded by the taxpayer. It has a duty of care to the Managing Public Money principles and the significant cost to the tax-payer in constructing a footbridge at this location cannot be justified. Therefore, the extinguishment of the restricted byway over the level crossing, is the only option to close the level crossing and keep the public safe.

I respectfully ask that you agree with your Officers recommendation, to make the Order.

Thank you for listening.

3 minute speech by John Walton

My name is John Walton and have been the Footpath Secretary of Oldham Ramblers for 42 years.

This path is an ancient highway as chronicled by Saddleworth Historical Society.

Last year the Department of Transport had raised concerns over The Alliance consortium to deliver value for money and have now withdrawn the financial package of £1.6bn for the rail line between Stalybridge to Huddersfield.

This consortium appears to have been using a gravy train to generate bigger profits than was penciled in a few years before. This could explain the increase of the 209 bridge cost from 1.2 to 3.5 million.

All the work has now been halted and it now gives us a chance to push for a more simple design. The initial cost in 2021 was based on a Rolls Royce bridge which in my opinion was way over the top compared to the 107 footbridge in Saddleworth and 116 in Mossley, plus other footbridges which I have researched.

A new consortium will not be in place for a few years and no doubt the electrification costs will be examined more closely.

I have redesigned the bridge using GRP pultrusion material which should bring the overall cost to around £75K, if day working was carried out. I would like to hand over my drawings and suggested design to Victoria after the meeting.

I propose that this S118A closure of the level crossing be refused and the Panel choose **Option 2 – Not to approve the recommendations.**

If the panel agree, in AOB, I would like to give an update of the next phase of the electrification work in Saddleworth.

John Walton 10th July 2024

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Highway Regulation Committee

Decision Maker:	Nasir Dad, Director of Environment
Date of Decision:	9 July 2024
Subject:	Objections to Proposed Prohibition of Waiting – Coverhill Road, Grotton
Report Author:	Andy Cowell, Traffic Engineer
Ward (s):	Saddleworth West and Lees

Reason for the decision:

A report recommending the introduction of prohibition of waiting restrictions on Coverhill Road and Chimes Court, Grotton, was approved under delegated powers on 22 December 2023. The proposal was subsequently advertised, and four objections were received.

A copy of the approved report is attached at Appendix A and a copy of the objections are attached at Appendix B.

In summary, the objectors state that the proposed restrictions on Coverhill Road will displace parking on to Chimes Court, or further south on Coverhill Road, and cause problems for residents in these areas. It is reported that in the past, parking has occurred within the cul-de-sac which has blocked footways / driveways and caused a nuisance to residents. The objectors wish to see the length of the proposed restrictions reduced to avoid any displacement.

Officers recognise that there may be some displacement. However, the length of the proposed restrictions is the minimum / necessary to address the safety issues identified and protect other parts of Coverhill Road that may be affected by any displacement from the main area of concern.

Officers would not support reducing the

proposed length of restrictions. The restrictions are proposed on a long sweeping bend so forward visibility is affected over a long length, and parking anywhere along it forces vehicles into the path of on-coming traffic. Also, although the main concern is parking opposite the junction of Grotton Meadows, it should be noted that parking in advance of a junction still forces vehicles closer to the junction and in conflict with vehicles exiting it. This can often present a more dangerous situation than parking directly opposite the junction, especially if the parked vehicles cannot be seen by motorists exiting the side road.

It is the view of Officers that any displacement would be minimal. Chimes Court is a quiet cul-de-sac and parking can safely be accommodated within it and residents already park further south, along the east side of Coverhill Road without issues.

Summary:

The purpose of this report is to consider objections received to the introduction of waiting restrictions at Coverhill Road and Chimes Court, Grotton

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: Introduce the proposed restrictions as advertised
Option 2. Do not introduce the proposed restrictions

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

The Ward Members have been consulted and Councillor A Marland has commented, this is based on the survey I attended with the Highways Officer, feedback from residents of Grotton Meadows and my own frequent observations of the traffic being forced into the lane of oncoming traffic when vehicles are parked on Coverhill Road. The visibility of residents exiting both Grotton Meadows and Chimes Court is already very restricted and any parked vehicles only make this situation worse. The lack of footpath at the entrance of Grotton Meadows forces pedestrians to use the opposite pavement however it is very narrow and parked vehicles often mean pedestrians are forced to use the road. I believe this order will provide a safer driving and walking experience for drivers and pedestrians and that any vehicle displacement to Chimes Court will be minimal

Recommendation(s): It is recommended that the objections be dismissed, and the proposal introduced as advertised in accordance with the schedule and plan in the original report.

Implications:

*What are the **financial** implications?* These were dealt with in the previous report (refer to Appendix A)

*What are the **legal** implications?* These were dealt with in the previous report (refer to Appendix A)

What are the **treasurers'** comments?

What are the **procurement** implications? None

*What are the **Human Resources** implications?* None

Equality Impact attached or not required because (please give reason) None, the work is being undertaken to maintain access along the highway.

*What are the **property** implications* None, the work is being undertaken on the public highway which is under the control of the Highway Authority

Risk assessments: These were dealt with in the previous report (refer to Appendix A)

Co-operative implications These were dealt with in the previous report (refer to Appendix A)

IT implications None

Environmental and Health and Safety implications If approved, the restrictions will improve safety for road users.

Community cohesions, including crime and disorder implications None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to No

the Policy Framework of the Council?

There are no background papers for this report

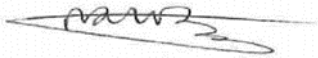
Report Author Sign-off:	
Andy Cowell	
Date: 3 July 2024	

Please list and attach any appendices:-

Appendix number or letter	Description
A	Approved Mod Gov Report
B	Copy of Objections

In consultation with Director of Environment

Signed :



Date: 09.07.2024

APPENDIX A
APPROVED MOD GOV REPORT



Delegated Officer Report **(Non Key and Contracts up to a value of £100k)**

Decision Maker: Director of Environment, Nasir Dad

Date of Decision: 30 November 2023

Subject: Proposed Prohibition of Waiting – Coverhill Road and Under Lane, Grotton

Report Author: Andy Cowell, Traffic Engineer

Ward (s): Saddleworth West and Lees

Reason for the decision:

Coverhill Road and Under Lane form a route between Grotton and Mossley. Ward Members have received complaints about parking issues along the route at Old Kiln Lane and Grotton Meadows. Neither of these two junctions are protected by parking restrictions.

Residents of Grotton Meadows have expressed concerns over vehicles parking opposite the junction along the east side of Coverhill Road. Egress from this residential cul-de-sac is difficult due to the lack of a footway on the near side and the geometry of the road to the north. Residents report that vehicles often park opposite the junction which compounds this issue by forcing passing traffic closer to the junction.

Officers have inspected the location with a Ward Member and local residents and support the introduction of restrictions at this site. It is proposed to extend the proposal from Grotton Meadows up to Oldham Road including the next junction along at Chimes Court. This is to cater for any displacement which may occur.

Ward Members have also received complaints about vehicles parking on Under Lane at the junction of Old Kiln Lane, including the verge to the south. This junction forms the access to a

residential housing estate, and it is reported that vehicles park on Under Lane close to the junction which affects visibility for motorists exiting this side road. Parked vehicles have also caused damage to the grass verge.

The location of this junction is close to Quickedge Lane, which has also been the subject of complaints about visibility in the past. The junction is located just south of Old Kiln Lane and is located on the inside of a bend making egress particularly difficult. Vehicles parked close to the junction compound the issue. Previous attempts to introduce restrictions at this site have failed due to a high number of objections received from residents at the formal advertising stage. Although there is no appetite from Ward Members to repropose an identical scheme, restrictions have been included on the north side of this junction in this proposal in another to attempt to address the visibility issues at the site.

Officers have inspected the location with a Ward Member and fully support the introduction of restrictions at both junctions to improve visibility and protect the grass verge from further damage.

It is therefore proposed to promote new prohibition of waiting restrictions along Coverhill Road and Under Lane as detailed on plan 47/A4/1707/1.

If approved, the proposal would reduce the risk of a collision involving motorists exiting Grotton Meadows, Old Kiln Lane and Quickedge Lane.

Summary:

The purpose of this report is to consider the introduction of prohibition of waiting restrictions along Coverhill Road and Under Lane, Grotton.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the recommendation
Option 2: Not to approve the recommendation

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and Councillor A Marland, I am in full support of these proposed restrictions and new enforcement measures.

Councillor S Al-Hamdani, there have been ongoing parking issues in this location, particularly with regards to the space opposite Grotton Meadows. The junction from Coverhill Road on to Oldham Road is narrow and has poor visibility due to the angles of the roads, and ensuring that the traffic is kept clear from these locations seems a positive step that addresses two current issues, and I am supportive of this improvement to highway safety.

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

T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.

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

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

Recommendation(s):

It is recommended that a new Traffic Regulation Order be introduced in accordance with the plan and schedule at the end of this report

Implications:

*What are the **financial** implications?*

The cost of introducing the Order is shown below:

	£
Advertisement of Order	1,200
Introduction of Road Markings	500
Total	1,700

The advertising & road marking expenditure of £1,700 will be funded from the 2023/24 Highways TRO budget.

The annual maintenance costs estimated at £100 per annum will be met from the Highways Operations budget. 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. (John Edisbury)

What are the **legal** implications?

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.

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)

What are the **procurement** implications?

None

What are the **Human Resources** implications?

None

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Not required because the measures proposed are aimed at improving highway safety.

Oldham Impact Assessment Completed (Including impact on Children and Young People)

No

What are the **property** implications

None, the work is being undertaken on the public highway which is under the control of the Highway Authority. (Rosalyn Smith)

Risks:

The legal and financial risks are documented separately in this report. The introduction of prohibition of waiting restrictions at Coverhill Road, Under lane will increase the amount of visibility making it safer for local residents. There could be reputation risks around the scheme in terms of residents reactions to the proposals these can be mitigated by effective communications and a consultation prior to any work being undertaken

(Vicki Gallacher, Head of Insurance and Information Governance)

Co-operative implications

None (Jonathan Downs)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998

None.

Environmental and Health & Safety Implications

If approved, the restrictions will improve safety for road users..

IT Implications

None.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

Schedule

Drawing Number 47/A4/1707/1

Add to the Oldham Borough Council (Saddleworth Area) Consolidation Order 2003

Part I Schedule 1 Prohibition of Waiting

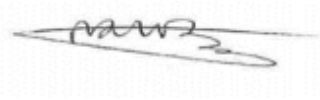
Item No	Length of Road	Duration	Exemptions	No Loading
	<p style="text-align: center;"><u>Coverhill Road, Grotton</u> (West and south-west side)</p> <p>From its junction with Oldham Road to a point 28 metres south of its junction with Grotton Meadows</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Coverhill Road, Grotton</u> (East and north-east side)</p> <p>From its junction with Oldham Road for a distance of 150 metres in a general southerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Chimes Court, Grotton</u> (Both sides)</p> <p>From its junction with Coverhill Road for a distance of 10 metres in a south westerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Under Lane, Grotton</u> (East side)</p> <p>From its junction with Quickedge Lane for a distance of 22 metres in a northerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Under Lane, Grotton</u> (West side)</p> <p>From a point 24 metres north of its junction with Old Kiln Lane to a point 65 metres south of its junction with Old Kiln Lane</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Old Kiln Lane, Grotton</u> (Both sides)</p> <p>From its junction with Under Lane for a distance of 15 metres in a westerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	

There are no background papers for this report

Report Author Sign-off:	
Andy Cowell	
Date: 30 November 2023	

In consultation with Director of Environment

Signed :



Date: 22 December 2023

APPENDIX B

COPY OF OBJECTIONS

Objection 1

To whom it may concern

I am emailing you to object to the proposed placing of double yellow lines on Coverhill Road and Chimes Court. We live at Chimes Court.

We have in the previously had issues with neighbouring streets parking on Chimes Court which has cause major inconvenience with people blocking our drives and double parking making it difficult to get to our homes. They have also parked on the curbs which has been dangerous for the children on the street to play.

I believe if double yellow lines are placed on Coverhill Road, these cars will then come back to park on Chimes Court, making driving and accessing our home difficult again.

Thank you for your consideration

Objection 2

To whom it may concern,

I write with regard to the above proposal. The introduction of double yellow lines between Coverhill Road, Chimes Court and Grotton Meadows. I have now received the proposal following XXXX XXXXXX request that all residents on Chimes Court should receive it.

We have lived on Chimes Court for 8 years but my family home has always been on Coverhill Road and is to this day so I feel well placed to offer an insight into the issues faced.

The specific issue that has brought about this request is fairly recent, one of the cottages at the Grotton Farm site on your map is/has been privately rented - I believe it still is. However, it comes with little or no parking. The last family that lived there parked a long wheel based works van and a private vehicle on Chimes Court. There are lots of young children that play in the street and having the pavements blocked by the vans prevents them from riding bikes safely on the pavement and also means prams have to be pushed into the road. This family was not the first and I suspect that they will not be the last - however our issue was briefly alleviated by them parking on Coverhill Road at the request of the Councillor. This however, brings a new set of issues. Getting out of Chimes Court and I'm sure Grotton Meadows without being hit by a speeding vehicle is a daily struggle. The vehicles being parked between Chimes Court and Grotton Meadows meant that as you pull out and turn right you are on the opposing carriageway and at the mercy of whatever is speeding towards you.

The lines would be a partial solution but I fear it may just displace the issue further into our street and increase the issues we face on the tight cul-de-sac that we live in. We have previously requested a mirror on Coverhill Road to help with safe egress from Chimes Court but this was refused. The issue of emerging safely from Chimes Court is

exacerbated by the bushes at the first property on Grotton Meadows being massively overgrown, this prevents a view of the oncoming traffic.

I would urge you to look at the proposal and consider variations on it. I agree with XXXX XXXXXX proposal but would maybe reduce the area down to allow for maybe one vehicle. The properties on Grotton Meadows and Chimes Court have ample parking to be self sufficient and the same on Coverhill Road, it is rare for more than one vehicle per property to actually be parked on Coverhill Road and there is plenty of room to accommodate this.

Yours faithfully

Objection 3

To whom it may concern.

I am eMailing to express my views regarding the proposed implementation of double yellow lines on Coverhill Road and Chimes Court.

Firstly, I would like to highlight the current parking challenges we face on Chimes Court. The presence of non-resident vehicles frequently parked along the road has led to several issues. These vehicles often block access to driveways, creating significant inconvenience for residents. Additionally, the practice of parking on the kerb/pavement severely restricts safe pedestrian access, posing a safety hazard for those walking in the area, particularly for parents with prams and those with mobility issues.

Given these existing issues, the proposal for double yellow lines is a welcome initiative. However, I would like to suggest a modification to the current plan. Reducing the proposed distance for the double yellow lines from 150 metres to 100 metres on Coverhill Road would be a more sensible option. This adjustment would help prevent the displacement of vehicles from Coverhill Road to Chimes Court, thereby addressing potential parking issues before they arise and ensuring that the solution is effective for both streets.

I believe that this proposed amendment will not only enhance the effectiveness of the parking restrictions but also contribute to a safer and more accessible environment for all residents and visitors.

Thank you for considering my feedback. I look forward to hearing your thoughts on this matter and would be grateful for any further updates regarding the implementation of the proposed parking restrictions.

Kind Regards

Dear Mr XXXXXX

Thank you for your comments.

The main reason for the scheme was to address a specific issue with vehicles parking opposite Grotton Meadows. Therefore, if the proposed restrictions were relaxed to 100m on the east side of Coverhill Road then this would not address the issue reported.

I have copied below an extract from the report which explains the reasoning behind the scheme.

Residents of Grotton Hollow have expressed concerns over vehicles parking opposite the junction along the east side of Coverhill Road. Egress from this residential cul-de-sac is difficult due to the lack of a footway on the near side and the geometry of the road to the north. Residents report that vehicles often park opposite the junction which compounds this issue by forcing passing traffic closer to the junction.

Officers have inspected the location with a Ward Member and local residents and support the introduction of restrictions at this site. It is proposed to extend the proposal from Grotton Meadows up to Oldham Road including the next junction along at Chimes Court. This is to cater for any displacement which may occur.

In terms of non residents parking within Chimes Court, are these visitors to the properties or is something external to Chimes Court generating this parking?

Residents can apply for an Access Protection Marking if obstruction of their driveway is a problem.

Coverhill Road is a distributor road and a bus route. It is subject to through traffic movements, higher vehicle speeds and higher pedestrian flows than local residential roads such as Chimes Court. Therefore the proposed restrictions would have a positive impact on road safety for many road users.

If you have any further queries or wish to make a formal objection to the scheme then please let me know.

Kind regards
Andy

Good afternoon Andy,

Thank you for your detailed response and clarification.

Regarding your question about non-residents parking in Chimes Court: I can confirm that the parking issues have been caused by non-residents and visitors. The cars and vans that were previously parked in Chimes Court are now causing the same problems opposite Grotton Hollow, hence their request for this parking restrictions by the residents.

In 2023, whilst canvassing on Chimes Court, Councillor Alicia Marland received complaints from residents of Chimes Court about the parking situation. She politely requested that the owners of these vehicles park elsewhere, which has resulted in them parking on Coverhill Road.

Could I propose a compromise that I believe will satisfy everyone? If the lines are drawn but leave a designated space for vehicles to park (as shown in the attached), it would appease the residents of Grotton Meadows and prevent any parking overflow into the surrounding areas, including Chimes Court.

I would also like to bring to your attention that Chimes Court is home to 11 children under the age of 15. These children frequently play outside, making it imperative that their safety and space are considered in any parking or traffic proposals.

Additionally, it has come to my attention that not all residents have received a letter about the proposal. Could you please ensure that each house (1-10 Chimes Court) is sent a notification, as I am certain they will have opinions on this matter.

To confirm, I object to this proposal, and I believe other residents may well share this sentiment.

Kind Regards
Mr XXXXXXX



Dear Mr XXXXXXX

Thank you for your further comments.

In relation to proposing a gap in the restrictions, unfortunately I would not support this. This is a long sweeping bend so forward visibility is affected over a long length and parking anywhere along it forces vehicles into the path of on-coming traffic. Also, although the main concern is parking opposite the junction of Groton Meadows, please note that parking in advance of the junction still forces vehicles closer to the junction and in conflict with vehicles exiting it. This can often present a more dangerous situation than parking directly opposite the junction if the parked vehicles cannot be seen from the junction.

Visitors to Chimes Court can safely be accommodated within the cul-de-sac. It would be unusual for a visitor to park on the main road where it is less safe rather than use the cul-de-sac itself. In terms of other non-residents, what I cannot understand is who these vehicles belong to. What is generating this parking? There are other residential streets that are closer to the village centre that commuters or shoppers may use.

As with all TROs, the Council followed The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 in advertising this proposal, which involved publishing a notice of intent in the local newspaper and posting copies on site. There is a list of statutory consultees such as GMP and TfGM. It is not always clear which properties may be affected by a proposal and there may be supporters of the scheme whom may wish to make representations. Supporters of a scheme may be regular users of the highway and not necessarily local residents or businesses. However, I will arrange for letters to be sent out to all the other properties on Chimes Court as you have highlighted that they may have an interest.

Kind regards
Andy

Hi Andy.

The parking issue we had on Chimes Court seems to be caused by the residents and visitors of Lawton Fold, particularly those living closest to Oldham Road (A669). The problem exacerbates during winter, likely because the residents find it challenging to park on their road or drive due to adverse weather conditions, it's easy/safer for them to park on Coverhill Road/Chimes Court and walk up.

May I suggest another alternative solution; would it at all be possible to have the sign on Chimes Court updated to have a 'Polite Notice' of 'Residents Parking' or something similar? Obviously not enforceable, but I would personally be happy with this as a compromise.

Thanks again for your time.

Kind Regards
XXXXX

Hi Andy.

Understood. Ultimately I think all avenues have been explored, and the decision to have road markings on Coverhill Road doesn't appear to be something I'm going to be able to influence.

Thanks for your time and input, it's appreciated.

Kind Regards
XXXXX

Good morning Mr XXXXX

Thank you for the additional information.

As Highway Authority unfortunately we could not officially authorise such signs. Residents Only Parking signs are contained in the traffic sign regulations but these are specifically for approved schemes with a traffic order. Signs not contained in the regulations are unauthorised.

I understand that there may be some parking generated from Lawton Fold but this should be minimal. I presume that Hillside Avenue suffers the same especially from those residents with steep or limited driveway space on the north side of Oldham Road.

Kind regards
Andy

Dear Mr XXXXX

When one or more objections are received to a proposed TRO (Traffic Regulation Order) the details are included in a report which is then submitted to the next TRO Panel meeting. These are scheduled every couple of months. The Panel is made up of selected councillors and a decision is made at the meeting. As well as the objectors comments, your ward members are consulted on the report and can provide comments. I will also provide comments in answer to any objections.

Following our email discussion, please could you let me know if you wish to object to the scheme formally or if you are satisfied with the responses given? Currently, there are no other objections on record. The consultation ends 20th June.

Kind regards
Andy

Hi Andy.

Yes, please lodge my objection and comments formally.

Kind Regards
XXXX

Objection 4

Dear sir or madam

With reference the double yellow lines proposed for Coverhill Rd in Grotton. I'm not aware there is a parking issue at the top end of Coverhill Road near to Oldham Road and very rarely see cars parked in this area. A bigger concern is the speed in which cars travel up and down Coverhill Road at times. If anything, I feel parking restrictions could make matters worse. If people can't park on occasion at the top of Coverhill Road they will start to park further down outside the houses. This will reduce visibility for residents leaving their drives, which combined with the speed of some drivers can only lead to the potential for accidents. I hope you will take this into consideration before making a decision on the double yellow lines.

Thank you and best regards

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Highway Regulation Committee

Decision Maker: Nasir Dad, Director of Environment

Date of Decision: 9 July 2024

Subject: Objections to Proposed Prohibition of Waiting – Alder Road, Clough Road and Hibbert Crescent, Failsworth

Report Author: Andy Cowell, Traffic Engineer

Ward (s): Failsworth East

Reason for the decision:

A report recommending the introduction of prohibition of waiting restrictions on Alder Road, Hibbert Crescent and Clough Road, Failsworth, was approved under delegated powers on 22 December 2023. The proposal was subsequently advertised, and three letters of objection were received.

A copy of the approved report is attached at Appendix A and a copy of the objections is attached at Appendix B.

In summary, the objectors state that there is a limited amount of on-street parking in the area and the proposed restrictions would result in some residents having to park a distance away from their properties. The objections relate to the east side of Alder Road and the south side of Clough Road where there are a number of flats. Some residents are elderly with mobility problems so the restrictions would affect them greatly, including visiting carers.

Officers recognise that the proposed restrictions do reduce the number of on-street parking options for residents of the flats and have proposed a relaxation to the length of the restrictions on the east side of Alder Road and on the south side of Clough Road. This should maintain approximately four spaces without compromising the main aim of the scheme. The

plan is attached at Appendix C.

Officers believe that restrictions at the roundabout are fully justified for the reasons outlines in the original report.

Summary:

The purpose of this report is to consider objections received to the introduction of waiting restrictions at Alder Road, Clough Road and Hibbert Crescent Failsworth

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: Introduce the proposed restrictions as advertised
Option 2. Introduce the amended proposal as shown on the plan in Appendix C.
Option 3. Do not introduce the proposed restrictions

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

The Ward Members have been consulted and no comments were received.

Recommendation(s):

It is recommended that the proposal be introduced as advertised or as per the amended plan shown in Appendix C.

Implications:

What are the financial implications?

These were dealt with in the previous report (refer to Appendix A)

What are the legal implications?

These were dealt with in the previous report (refer to Appendix A)

What are the **treasurers'** comments?

What are the **procurement** implications?

None

What are the Human Resources implications?

None

Equality Impact attached or not required because (please give reason)

None, the work is being undertaken to maintain access along the highway.

What are the property implications

None, the work is being undertaken on the public highway which is under the control of the Highway Authority

Risk assessments:

These were dealt with in the previous report (refer to Appendix A)

Co-operative implications	These were dealt with in the previous report (refer to Appendix A)
IT implications	None
Environmental and Health and Safety implications	If approved, the restrictions will improve safety for road users.
Community cohesions, including crime and disorder implications	None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

There are no background papers for this report

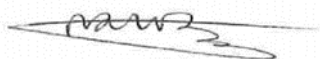
Report Author Sign-off:	
Andy Cowell	
Date: 3 July 2024	

Please list and attach any appendices:-

Appendix number or letter	Description
A	Approved Mod Gov Report
B	Copy of Objection
C	Proposed Relaxation Plan

In consultation with Director of Environment

Signed :



Date: 09.07.2024

APPENDIX A

APPROVED MOD GOV REPORT

Delegated Officer Report (Non Key and Contracts up to a value of £100k)

Decision Maker:	Director of Environment, Nasir Dad
Date of Decision:	30 November 2023
Subject:	Proposed Prohibition of Waiting – Alder Road, Clough Road and Hibbert Crescent, Failsworth
Report Author:	Andy Cowell, Traffic Engineer
Ward (s):	Failsworth East

Reason for the decision:

Alder Road and Clough Road form a route through a residential area on the east side of Failsworth. Both are local distributor roads, providing access to a number of residential streets. A mini-roundabout connects both roads with Hibbert Crescent at the northern end of the route. The approaches to the mini-roundabout and the mini-roundabout itself are currently not protected by any parking restrictions.

A local Councillor has reported issues with vehicles parking in the vicinity of the mini-roundabout, which affects both traffic movements and pedestrians crossing.

Officers have inspected the location and witnessed vehicles parking close to the mini-roundabout. This interferes with traffic movements and forces motorists onto the opposite side of the carriageway in conflict with opposing traffic and in conflict with vehicles negotiating the roundabout. Parked vehicles also affect visibility for pedestrians attempting to cross at the roundabout. Vehicles also obstruct the dropped kerbs used by pedestrians.

It is, therefore, proposed to promote new prohibition of waiting restrictions on Alder Road, Clough Road and Hibbert Crescent, Failsworth

as detailed on plan 47/A4/1705/1.

If approved, the proposal would improve traffic flows at the mini-roundabout and reduce the conflict between opposing traffic. It would also improve safety for pedestrians crossing at the mini-roundabout.

Summary:

The purpose of this report is to consider the introduction of prohibition of waiting restrictions at Alder Road, Clough Road and Hibbert Crescent, Failsworth

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the recommendation
Option 2: Not to approve the recommendation

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and no comments have been received.

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

T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.

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

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

Recommendation(s):

It is recommended that a new Traffic Regulation Order be introduced in accordance with the plan and schedule at the end of this report

Implications:

What are the financial implications?

The cost of introducing the Order is shown below:

	£
Advertisement of Order	1,200
Introduction of Road Markings	500
Total	1,700

The advertising & road marking expenditure of £1,700 will be funded from the 2023/24

Highways TRO budget.

The annual maintenance costs estimated at £100 per annum will be met from the Highways Operations budget. 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. (John Edisbury)

*What are the **legal** implications?*

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.

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)

*What are the **procurement***

None

implications?

*What are the **Human Resources** implications?* None

Equality and Diversity Impact Assessment attached or not required because (please give reason) Not required because the measures proposed are aimed at improving highway safety.

Oldham Impact Assessment Completed (Including impact on Children and Young People) No

*What are the **property** implications* None, the work is being undertaken on the public highway which is under the control of the Highway Authority. (Rosalyn Smith)

Risks: There is a potential risk to users of the highway if the restrictions are not introduced.

Co-operative implications None (Jonathan Downs)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998 None

Environmental and Health & Safety Implications If approved, the restrictions will improve safety for road users.

IT Implications None.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

Schedule

Drawing Number 47/A4/1705/1

Add to the Oldham Borough Council (Failsworth Area) Consolidation Order 2003

Part I Schedule 1 Prohibition of Waiting

Item No	Length of Road	Duration	Exemptions	No Loading
	<p style="text-align: center;"><u>Clough Road, Failsworth</u> (North side)</p> <p>From its junction with Hibbert Crescent for a distance of 18 metres in an easterly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Clough Road, Failsworth</u> (South side)</p> <p>From its junction with Alder Road for a distance of 29 metres in an easterly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Hibbert Crescent, Failsworth</u> (East side)</p> <p>From its junction with Clough Road for a distance of 22 metres in a northerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Hibbert Crescent, Failsworth</u> (West side)</p> <p>From a point opposite the northerly kerb-line of Clough Road for a distance of 4 metres in a northerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Alder Road, Failsworth</u> (West side)</p> <p>From a point opposite the northerly kerb-line of Clough Road for a distance of 31 metres in a southerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Alder Road, Failsworth</u> (East side)</p> <p>From its junction with Clough Road for a distance of 32 metres in a southerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	

There are no background papers for this report

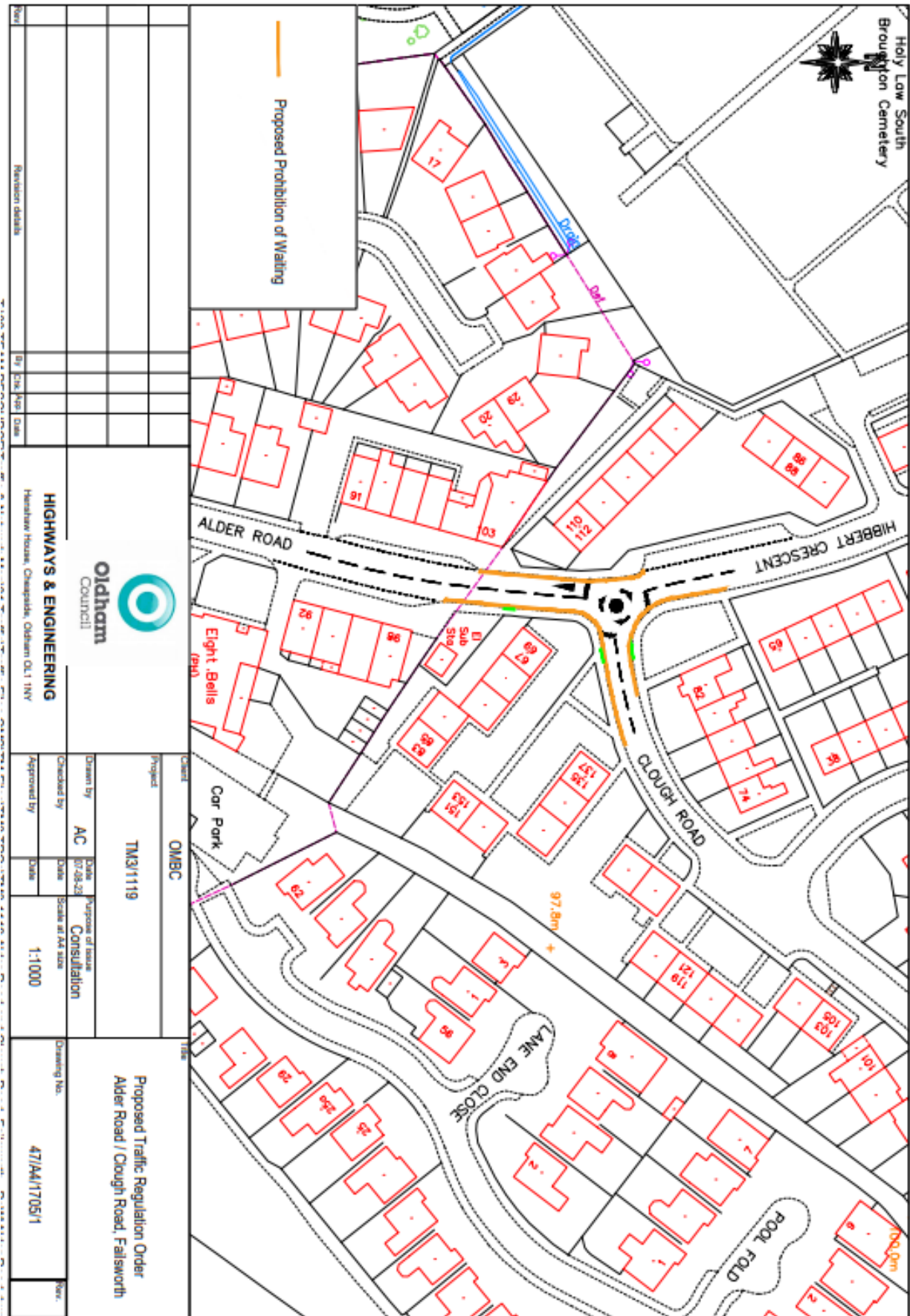
Report Author Sign-off:	
Andy Cowell	
Date: 30 November 2023	

In consultation with Director of Environment



Signed :

Date: 4th December 2023



Revision details	By: [] Date: []	<p>Oldham Council</p> <p>HIGHWAYS & ENGINEERING</p> <p>Headrow House, Chapelside, Oldham OL1 1NV</p>	<p>Checked by: AC</p> <p>Date: []</p> <p>Approved by: []</p> <p>Date: []</p>	<p>Scale of A4 size</p> <p>1:1000</p>	<p>Project: OMBC</p> <p>TM3/1119</p> <p>Version of issue: Consultation</p> <p>Drawing No: 47/MA/1705/1</p>
<p>Drawn by: AC</p> <p>Date: []</p> <p>Checked by: []</p> <p>Date: []</p>			<p>Scale of A4 size</p> <p>1:1000</p>		

APPENDIX B

COPY OF OBJECTIONS

Objection 1

Extremely concerned to hear about the planning for no waiting at any time , as there is no where, for the flats 67/ 85 Hibbert Crescent and flats and 137 - 153 clough rd to park as all the areas you have indicated to us are already full or they block driveways so people can not get out of their properties. at least four people in the flats mentioned have carers coming round at times day and night, people who have mobility issues who can not walk 50 yards or more have cars which they will have difficulty getting too, and people who work shifts and need access to their cars . this is a total disregard to our disability rights, we cant jump on the bus or peddle around , i have lifts to hospitals and other appointments but this is not good now as i will find it hard to access my transport.

further more there are three shops in the area, where you have so graciously (ha) allowed us to park.. meaning no parking again and the parking spot opposite the roundabout you have indicated have about 8 parking spots for 14 flats on there side, and alder rd by the way is also full of driveways you can not block.

i'm guessing here as no body has sent us any information apart from the lady at the end flat (137 clough rd) who passed me her letter as she knows how hard it is for me and numerous people had no info at all. you have tried to hush hush , curious to know if its the bee buses that are putting this complaint because they seem to be the only one who could only have an issue with the way it is. and if so why have the buses changed to single deckers which shouldnt be able to go down small streets,

please could you get back to me about this as its something that seriously needs reconsideration

Many thanks for this. But the issue remains as to where the available parking slots are for the residents of the numbers referred to in my last correspondence,the flats further up clough have a bay and so do the roads and shops , everyone else as driveways. My niece of 32 comes in the night when needed .she won't be able to come when it comes into being as she will of had to park at a large distant away and walks doon poorly lit streets as home lights will be off and dodge the druggies that fcho keep putting in the empty properties in this area along with car thieves . Please could you add this to my former letter. Thank you

Objection 2

Hello,

I would like to object to the proposed traffic regulation order on the junction of Hibbert Crescent, Alder Road and Clough Road - ref: LJM/TO24/8 VF23571.

Why has the proposal been made? As far as I am aware there haven't been any accidents on this junction.

Many residents of the First Choice Homes properties are elderly and have mobility issues. The proposed traffic regulation order would be a huge inconvenience and cause accessibility issues. Forcing residents to walk further to access their vehicles is less than ideal and would cause undue stress.

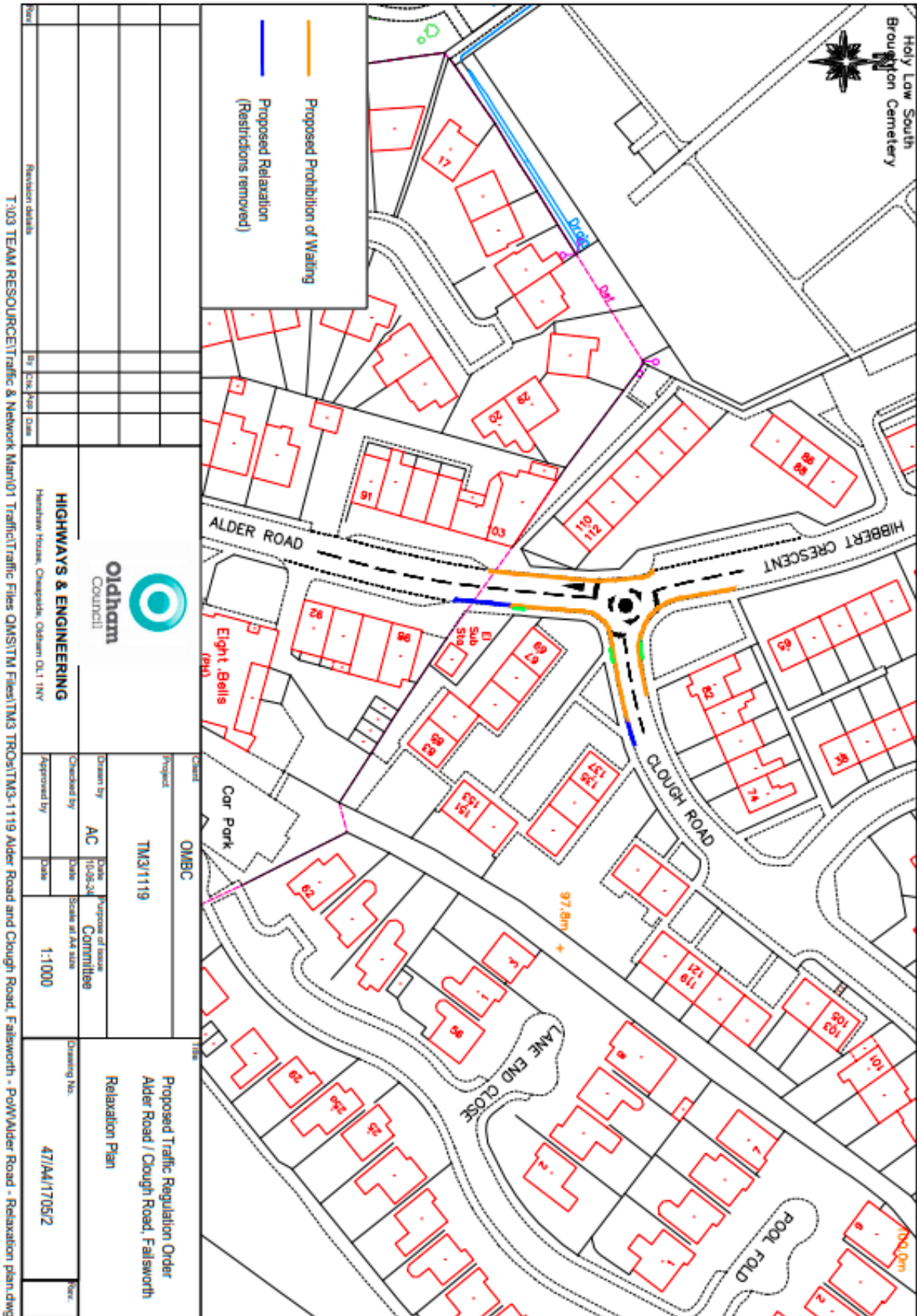
Residents have been told to use the parking bays and the Eight Bells Pub carpark. As the landlord of the Eight Bells pub I can categorically confirm that I will not allow you to push residents onto my private property - I have limited space available and these are for my staff and customers. The parking bays adjacent to the shops are also for customers of those businesses.

Objection 3

My neighbour gave the letter you sent on the 24 May, which I never got a copy off regarding putting double yellow lines outside my flats, i have lived here for 30 years and had no problems with parking there and and no accidents have occurred their, it will cause a lot of distress as to where myself and myl can park, I strongly ask you to reconsider your decision.

APPENDIX C

PROPOSED RELAXATION PLAN



<p>Oldham Council</p>		<p>HIGHWAYS & ENGINEERING</p> <p>Member House, Chapgate, Oldham OL1 1NY</p>									
<p>Project</p> <p>TM3/1119</p>	<p>Client</p> <p>OMBC</p>	<p>Drawn by</p> <p>AC</p>	<p>Project of issue</p> <p>Committee</p>								
<p>Checked by</p> <p>AC</p>	<p>Date</p> <p>10/06/24</p>	<p>Scale at A4 size</p> <p>1:1000</p>	<p>Drawing No.</p> <p>47/AM/1705/2</p>								
<p>Approved by</p> <p>AC</p>	<p>Date</p> <p>11/06/24</p>	<p>Proposed Traffic Regulation Order Alder Road / Clough Road, Falsworth</p>									
<p>Revision details</p> <table border="1"> <tr> <th>No.</th> <th>By</th> <th>Date</th> <th>Description</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>				No.	By	Date	Description				
No.	By	Date	Description								
<p>T:03 TEAM RESOURCE/Traffic & Network Manager/Traffic Files/GMS/STM Files/TM3 TROs/TM3-1119 Alder Road and Clough Road, Falsworth - Pool/Walder Road - Relaxation plan.dwg</p>											



Highway Regulation Committee

Decision Maker:	Nasir Dad, Director of Environment
Date of Decision:	9 July 2024
Subject:	Objections to Proposed Prohibition of Waiting – Sandy Lane, Dobcross
Report Author:	Andy Cowell, Traffic Engineer
Ward (s):	Saddleworth North

Reason for the decision:

A report recommending the introduction of prohibition of waiting restrictions on Sandy Lane, Dobcross, was approved under delegated powers on 22 December 2023. The proposal was subsequently advertised, and thirteen objections were received, and one supporting letter. Three out of the thirteen objections were from members of the public not local to the area, who supported the comments of one objector.

A copy of the approved report is attached at Appendix A and a copy of the objections are attached at Appendix B.

The main points raised by the objectors are detailed below, along with the Council's response to each one.

The objectors state that there is a limited amount of on-street parking in the area, and the proposed restrictions would result in some residents, and customers and staff of the pub having no convenient place to park.

Officers recognise that the proposed restrictions would reduce the number of on-street parking options in Dobcross. However, the length of the proposed restrictions is the minimum necessary to address the access issues identified. The restrictions are only proposed on one side of the road, except where it narrows or at junctions.

The Council has a duty in respect of road safety and maintaining access along the highway. It is not the responsibility of the Council to provide parking directly outside residential properties or businesses as this cannot always be safely achieved.

The objectors state that Dobcross already suffers from a lack of on-street parking places and these proposed restrictions will only add to the problems elsewhere, such as Long Lane or in the centre of Dobcross.

A number waiting restriction schemes have been introduced in Dobcross over the years and any narrow sections of highway have already been protected. Parking already occurs on Long Lane, and this doesn't seem to present an issue. Parking cannot be accommodated on both sides of Long Lane as is the case on parts of Sandy Lane.

One objector states that the problems are caused by the development of the former Sunday school.

The development of the former Sunday school included off-street parking provision and it is reported that most of the problems on Sandy Lane do not relate to the development.

One objector believes that parking on Sandy Lane, adjacent to the building, has not caused parking problems and these restrictions are not required.

The area outside the former Sunday School was identified by the complainants as an area that required restrictions following issues with parked vehicles obstructing access, especially when parked away from the boundary wall.

One objector does not understand why parking is being restricted on the corner of Southgate as this should not cause any problems for the vehicles trying to get to the farm.

The restrictions were extended 10 metres into Southgate in line with guidance set out in The Highway Code. It is usual to do this so that the restrictions do not terminate on the corner.

Objectors feel it would be a better idea to give residents parking permits or to mark out parking bays and check that vehicles are parked correctly within these.

There is currently no budget available for new residents parking schemes and these schemes are generally reserved for areas where problems extend over a wide area, such as near a football stadium or hospital. Schemes are not intended to address individual problems outside a property or along a single street. Unrestricted parking bays are unenforceable. Further to this, it is reported that some of the access issues are caused by residents themselves.

The objectors claim that not every resident was provided with a consultation letter and obtaining information on the scheme was not easy.

As with all TROs, the Council followed The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 in advertising this proposal, which involved publishing a notice of intent in the local newspaper and posting copies on site. There is a list of statutory consultees such as GMP and TfGM. It is not always clear which properties may be affected by a proposal and there may be supporters of the scheme whom may wish to make representations. Supporters of a scheme may be regular users of the highway and not necessarily local residents or businesses.

The Council will review the information sent out for proposed traffic orders and consider including the statement of reasons in future.

An objector requests that we conduct a survey of the residents to ascertain precisely their requirements.

The function of a highway is to accommodate the movement of traffic so it would not be appropriate only to consider the views of local residents and their parking requirements. All road users should be afforded the same opportunity to make representations. We do not, therefore verbally consult with selected residents. Consultations are carried out with the three Ward Members, Police, TfGM etc. The TRO advertising process is a form of

consultation in itself, where any member of the public can make representations, not just those consulted directly.

An objector has concerns over residents with disabilities and how they will be affected.

If vehicles are causing an obstruction to parts of the highway, then it may not be possible to accommodate parking for blue badge holders within these parts. However, the Committee may wish to consider relaxing the proposal if it is felt that this can be achieved without compromising the aim of the scheme.

An objector requests that we conduct impact surveys and instruct independent consultant engineers to advise on possible alternative schemes.

It would not be practical to undertake detailed surveys on local TROs due to the limited budget and the number proposed each year. It is not possible to devise a scheme to meet the aspirations of all. The TRO advertising process is a form of consultation in itself, where all road users can make representations and a decision then made on whether or not to introduce the scheme or amend it. If restrictions are introduced on road safety grounds or to maintain access along the highway, then the impact will be that vehicles are displaced. However, we cannot accurately determine where this will be. Existing restrictions in Dobcross already protect the main areas of concern.

Summary:

The purpose of this report is to consider objections received to the introduction of waiting restrictions at Sandy Lane, Dobcross.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: Introduce the proposed restrictions as advertised
Option 2. Relax the proposal
Option 3. Do not introduce the proposed restrictions

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

The Ward Members have been consulted and Councillor P Byrne has commented, I agree with proposal (1). To go with the lining as originally proposed.

I have considered that:

1. Any marked spaces for the use of disabled drivers are not specific to any particular user/ resident therefore not really useful.
2. People use taxis more for visiting the pub.
3. The usage of the Milk Collector (ARLA) is a major consideration.

Recommendation(s):

It is recommended that the objections be dismissed, and the proposal introduced as advertised in accordance with the schedule and plan in the original report.

Implications:

*What are the **financial** implications?*

These were dealt with in the previous report (refer to Appendix A)

*What are the **legal** implications?*

These were dealt with in the previous report (refer to Appendix A)

What are the **treasurers'** comments?

What are the **procurement** implications?

None

*What are the **Human Resources** implications?*

None

Equality Impact attached or not required because (please give reason)

None, the work is being undertaken to maintain access along the highway.

*What are the **property** implications*

None, the work is being undertaken on the public highway which is under the control of the Highway Authority.

Risk assessments:

These were dealt with in the previous report (refer to Appendix A)

Co-operative implications

These were dealt with in the previous report (refer to Appendix A)

IT implications

None

Environmental and Health and Safety implications

If approved, the restrictions will improve safety for road users.

Community cohesions, including crime and disorder implications None

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget? Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

There are no background papers for this report

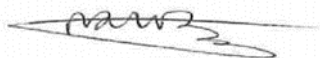
Report Author Sign-off:	
Andy Cowell	
Date: 3 July 2024	

Please list and attach any appendices:-

Appendix number or letter	Description
A	Approved Mod Gov Report
B	Copy of Objections

In consultation with Director of Environment

Signed :



Date: 09.07.2024

APPENDIX A

APPROVED MOD GOV REPORT



Delegated Officer Report **(Non Key and Contracts up to a value of £100k)**

Decision Maker: Director of Environment, Nasir Dad

Date of Decision: 30 November 2023

Subject: Proposed Prohibition of Waiting – Sandy Lane, Dobcross

Report Author: Andy Cowell, Traffic Engineer

Ward (s): Saddleworth North

Reason for the decision:

Sandy Lane is located in the village of Dobcross in Saddleworth. It provides access from The Square, located in the centre of the village, to a small number of residential streets. There are short lengths of parking restriction in place but the majority of the lane remains unrestricted. Some residential properties front onto the lane and there is a public house located at its junction with The Square. This generates a demand for on street parking which takes place on both sides of the lane. The Swan public house is a very popular eating establishment, with many of its customers arriving by car. The pub doesn't have its own private car park so consequently customers have to park on the highway.

A request has been received from a local farm to introduce parking restrictions along Sandy Lane to address issues with obstructive parking. The farm is located to the north of the village and the only access route to the farm for larger vehicles is via Sandy Lane. When motorists park on both sides of the lane, although access can be maintained in single file, this sometimes restricts access for wider vehicles when motorists do not park to the edge of the lane and when wider vehicles are parked.

The main concerns are access for emergency service vehicles, milk tankers and animal feed

delivery wagons. It is reported that the Fire Service have been delayed in the past attending a fire at the farm and milk tankers, which attend every two days, have in the past been unable to gain access to the farm. This also causes disruption and a safety issue within the village when drivers have to reverse back down the lane and negotiate the difficult road layout within the village centre at The Square.

Officers have visited the location with the owners of the farm and Ward Members where it was agreed that new waiting restrictions should be formally promoted to solve the issues.

It is therefore proposed to promote new prohibition of waiting restrictions at Sandy Lane, Dobs Cross as detailed on plan 47/A4/1709/1.

If approved, the proposal would enable larger vehicles to access Sandy Lane unhindered.

Summary:

The purpose of this report is to consider the introduction of prohibition of waiting restrictions along Sandy Lane, Dobs Cross

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the recommendation
Option 2: Not to approve the recommendation

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and Councillor G Harkness, Access to the farm is affected by parking. There are various large vehicles but the vital issue is a tanker which collects milk to take to a maker of speciality cheeses and invalid products. This is an increasingly important part of the farm's sales, so the tanker firm's threats to stop collecting owing to vehicle damage and aborted journeys undermines a thriving business and some local jobs. The farm has no control over collection times.

A resident who is a fire fighter has expressed concerns over potential access for emergency vehicles. Another has said it is dangerous when the tanker gets stuck and has to reverse down onto The Square.

These concerns have been published on social media and in the pub etc. New restrictions

would not be ideal and could cause some problems in themselves however, there are access issues and finding any other solution to this issue is proving difficult.

If there are no objections then I will support the proposals. If there are objections and some amendments can be explored for a slightly reduced scheme if this can be achieved

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

T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.

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

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

Recommendation(s):

It is recommended that a new Traffic Regulation Order be introduced in accordance with the plan and schedule at the end of this report

Implications:

*What are the **financial** implications?*

The cost of introducing the Order is shown below:

	£
Advertisement of Order	1,200
Introduction of Road Markings	500
Total	1,700

The advertising & road marking expenditure of £1,700 will be funded from the 2023/24 Highways TRO budget.

The annual maintenance costs estimated at £100 per annum will be met from the Highways Operations budget. 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. (John Edisbury)

What are the **legal** implications?

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.

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)

What are the **procurement** implications?

None

What are the **Human Resources** implications?

None

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Not required because the measures proposed are aimed at improving highway safety.

Oldham Impact Assessment Completed (Including impact on Children and Young People)

No

What are the **property** implications

None, the work is being undertaken on the public highway which is under the control of the Highway Authority. (Rosalyn Smith)

Risks:

The legal and financial risks are documented separately in this report. The introduction of prohibition of waiting restrictions at Sandy Lane Street will decrease the numbers of incidents to local residents and incidents involving reduced access to the location by larger vehicles, including emergency services. There could be reputation risks around the scheme in terms of residents reactions to the proposals these can be mitigated by effective communications and a consultation prior to any work being undertaken.

(Vicki Gallacher, Head of Insurance and Information Governance)

Co-operative implications

None (Jonathan Downs)

Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998

None.

Environmental and Health & Safety Implications

If approved, the restrictions will improve access for emergency service vehicles.

IT Implications

None.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

Schedule

Drawing Number 47/A4/1709/1

Add to the Oldham Borough Council (Saddleworth Area) Consolidation Order 2003

Part I Schedule 1 Prohibition of Waiting

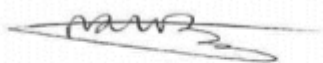
Item No	Length of Road	Duration	Exemptions	No Loading
	<p style="text-align: center;"><u>Sandy Lane, Dobcross</u> (North west side)</p> <p>From a point 18 metres north east of its junction with Platt Lane for a distance of 109 metres in a north easterly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Sandy Lane, Dobcross</u> (South east side)</p> <p>From its junction with Southgate for a distance of 17 metres in a south westerly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>Southgate, Dobcross</u> (South west side)</p> <p>From its junction with Sandy Lane for a distance of 10 metres in a south easterly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<p style="text-align: center;"><u>The Square, Dobcross</u> (North east side)</p> <p>From its junction with Sandy Lane for a distance of 5 metres in a south easterly direction</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	

There are no background papers for this report

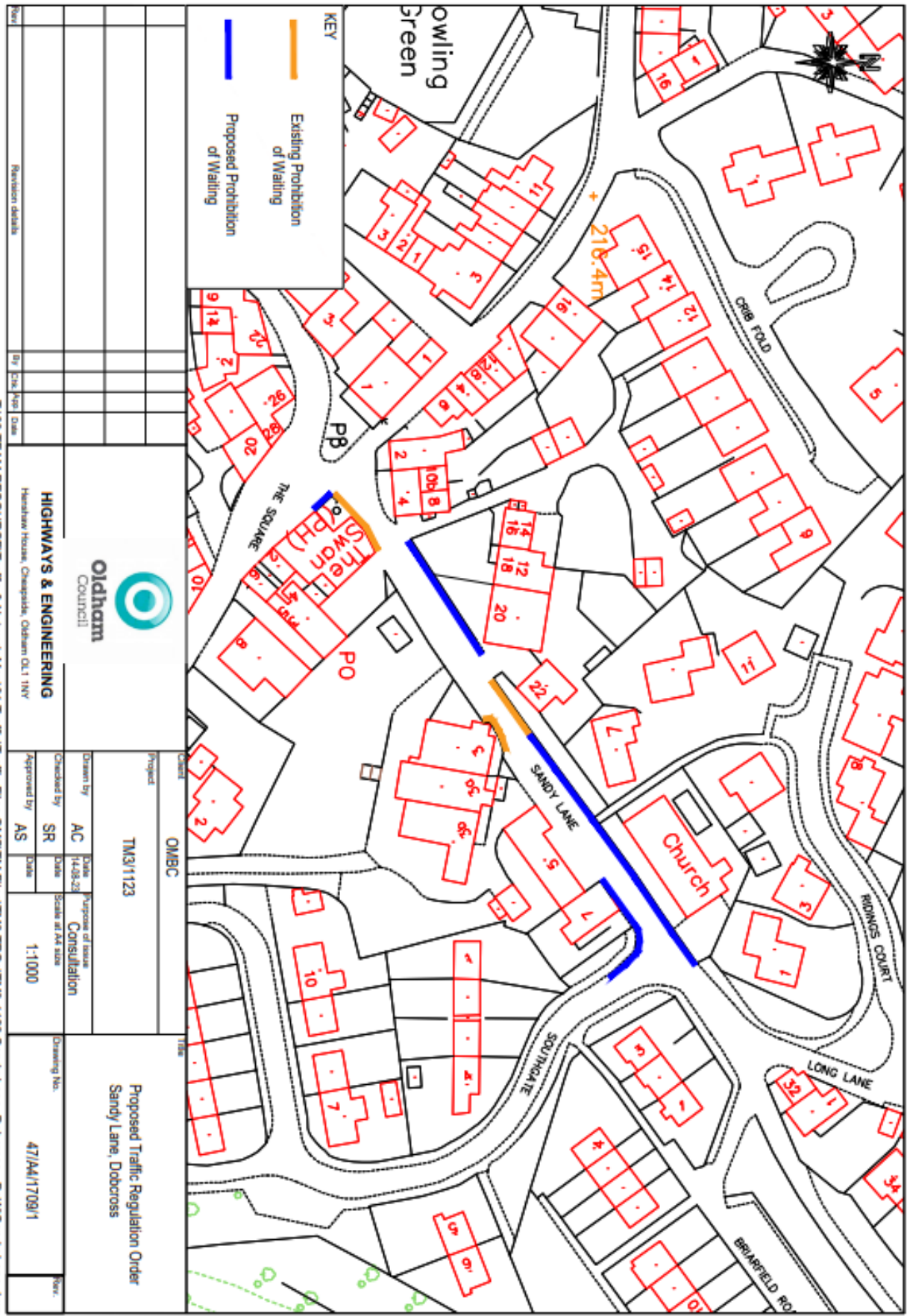
Report Author Sign-off:	
Andy Cowell	
Date:	
30 November 2023	

In consultation with Director of Environment

Signed :



Date: 22 December 2023



APPENDIX B

COPY OF OBJECTIONS

Objection 1

Dear Sir/Madam,

Re: Proposed double yellow lines Sandy Lane

I wish to lodge an objection to the above proposal.

Parking is already at a premium for residents, especially when the pub is open. This just penalises hard working people.

Regards

Objection 2

Good afternoon. I would like to raise an objection to Proposal TM3/1123, Proposed Traffic Regulation Order, Sandy Lane, Dobcross. Ref: LJM/ TO24/12 VF23590

I am not, in principle, opposed to the order. I am aware that inconsiderate parking has prevented passage of farm and emergency vehicles on frequent occasions.

However, I do have concerns over the proposal, and would like to submit an alternative.

I live at XX Sandy Lane, Dobcross. When exiting the property, poorly parked vehicles to the Dobcross Square (downhill) side of our access make exiting hazardous because of poor view. In addition, despite the imposition of a 20mph speed limit on Sandy Lane, this is routinely ignored, adding to the hazard.

My proposal is to extend the existing double yellow lines from the pinch point outside 3 Sandy Lane to our entrance. This would allow removal of the proposed restriction on the opposite side of Sandy Lane up to the entrance to the steps on Ridings Court.

Parking outside 5 Sandy Lane is not a problem. We can safely swing left onto Sandy Lane even if vehicles slightly overlap our entrance if we have a clear view towards the Square, which the double yellow lines would allow..

I do have a concern that although I am affected by this proposal, I was not previously approached for comment, or made aware of it

I have attached a diagram of my proposal. I would be happy to meet with a Traffic Officer to discuss this. Councillor Harkness is aware I am making this objection.

Yours Faithfully

Objection 3

Thanks for the information.

I do have concerns about the parking restrictions. I feel it would be a better idea to give residents parking permits to still park along one side of the road. If all parking is restricted this will just move all the cars onto Long Lane or onto Southgate. This will just cause the same problem for fire engine access to these houses and also the milk tankers to the farm. I fully understand the concerns of the farm but as a resident it is not us that is causing the problems but the inconsiderate parking of others.

The church across from my house being converted into houses has added extra vehicles needing parking to the road. I raised this as a concern when planning was going ahead but it wasn't taken into consideration. I feel I am now being penalised for this planning decision and this was my worry when the church was converted.

Also, is it possible to explain why parking is being restricted on the corner of Southgate outside my house. I don't see how this causes any problems for the vehicles trying to get to the farm.

I look forward to your response.

Objection 4

Dear Sir/Madam,

We write to object to the proposed parking restrictions on Sandy Lane, Dobcross as detailed on plan 47/A4/1709/1. As residents of Sandy Lane for around 30 years, living opposite the Swan, we are well aware of demand for parking on this primarily residential street. In recent years, the conversion of the former Sandy Lane Congregational Church into several houses has increased this demand, as has the loss of the Swan's small rear car park, now converted to a beer garden.

However, we feel the difficulties detailed in the application are very much exaggerated and it is very rare that farm vehicles struggle to use the lane.

As the application acknowledges, it is only when vehicles are badly parked that any problems arise and on the very few occasions that this has happened, the problem is easily solved by alerting the pub's staff. The landlady is a long-term village resident and very responsive to any issues raised with her.

The houses at the Square end of Sandy Lane are terraced properties without garages or dedicated parking, so removing parking spaces for them, residents of the Square and pub customers will put pressure on other on-street parking in the surrounding streets. The proposals would remove around 20 parking spaces, with the inevitable result of shifting parking onto the other residential streets, including Long Lane.

In our experience, there are far more problems at the top of Woods Lane, where buses sometimes struggle to get through, and transferring parking from Sandy Lane would likely exacerbate this, as well as potentially causing problems on the Square, Platt Lane and Sugar Lane.

In addition, effectively widening Sandy Lane by preventing parking would have the effect of allowing vehicles to increase their speed and encourage more heavy vehicles to use it, creating a real danger for pedestrians, especially as there are no pavements. The road is well-used by leisure walkers and also by parents walking their children to and from Holy Trinity Primary School.

We would suggest that a solution that would be fair to residents and visitors as well as the farm would be to mark parking bays on Sandy Lane, put in place regular visits by traffic wardens to check that vehicles are parked correctly within these and take any necessary enforcement action. A sign at the Square end of Sandy Lane with a message along the lines of "Farm access - leave space for wide vehicles" might help, as could a sign in the Swan's event poster board asking patrons to park considerately.

It would make sense to trial these possible measures that would work for residents, the pub and its patrons as well as the farm.

If they are not effective, then we would reluctantly suggest a residents' parking permit scheme might be needed, although we are conscious of the risk this would pose to the continued operation of the Swan so would prefer less drastic measures.
Please can you confirm receipt of this objection?

Objection 5

Dear Sirs

Further to the consultation regarding the above.

As owner of properties on Sandy Lane, I wish to object vehemently to the proposal to put double yellow lines on Sandy lane facing Southgate on the north side of Sandy Lane on the following grounds;

There are already double yellow lines at the pinch point on Sandy Lane.

Road side parking on Sandy Lane adjacent to the former Sunday school has not caused parking problems, and should not be linked or involved with issues further to the center of Dobcross where there are clearly issues.

Putting Yellow lines in areas where it is safe to park, causing no obstructions, will only further increase the limited parking in the village causing further issues by pushing local residents on Sandy lane to park on surrounding private streets /cul de sacs. There will be no parking for the public house near by which will affect the pub and push customers to park in residential estates near by with potential noise issues.

Sandy Lane is minor road and has no bus services which use the minor country road.

Sandy Lane is already used as a "rat run" to Diggle and by altering the character of this road by restricting parking for houses fronting onto the Lane will only encourage further use as a though rat run when historically the country lane was used for the residents of Dobcross to be able to park outside their homes..

If yellow lines proposals are adopted, is the council kindly going to provide alternative parking provision (such as on Huddersfield road entering Diggle?).

Surely if there is an agenda for yellow lines in the village a suggestion may be to firstly start where the problem is chronicon the busy main roads and bus routes ?

May I suggest looking at Dobcross New Road going south from the junction with Woods Lane where time and money could better spent. This affects all Dobcross residents and movement of vehicles through out Saddleworth rather than a country Lane giving access to a handful of properties.

To keep putting Yellow lines on quite residential roads especially where there are safe parking spaces will only frustrate the parking situation further in the village.

Please consider my opposition to these proposals for double yellow lines in areas of the village (north side of Sandy Lane in front of former Sunday school) where parking is safe and does not obstruct traffic.

Good morning XXXX

The obstruction reports involved both the higher and lower sections of Sandy Lane.

All representations made to a proposed traffic order are included in a report which is then submitted to a future committee meeting. I will provide further details of this in due course. The committee is made up of elected members and a decision is made at the meeting.

As Highway Authority, the Council has a duty to maintain access along the highway network. We have kept the length of the restrictions to a minimum with residents and customers in mind, although the committee can decide to relax the scheme or abandon it if all the restrictions are not supported.

Kind regards
Andy

Dear Mr XXXXXX

Thank you for your comments. These will be included in the objection report.

Just to clarify that the area outside the former Sunday school was identified by the complainants as an area that required restrictions. This was following issues with parked vehicles obstructing access, especially when parked away from the boundary wall.

The parking in Diggle was funded as part of a planning application. It is not the responsibility of the Council to provide parking for all resident generally.

Parking restrictions have been introduced in Dobcross at various stages and discussed at length each time with representatives from the village. The main problem areas have already been treated. Although there may be other areas where parking does not allow two-way traffic to flow, this location is different as parked vehicles have occasionally blocked the entire route.

Kind regards
Andy

Andy

Thankyou for your information.

The Road in question is a minor road. The area in front of the former School chapel is wide enough for vehicles to pass and a not as far as I'm aware caused persistent problems.

My thought snd concerns still stand as per my email vehemently opposed to the suggestion.

I refer to the main bus routes either Dobcross New Road and especially Woods Lane where parking both sides cause frequent blockages.

These are the 2 specific areas which need addressing , due to the priority of the road whether as a bus route or through route.

I would appreciate if this can be addressed.

Kinds Regards
XXXX XXXXX

Dear Mr XXXXX

I note your further comments.

In relation to the other two areas, these have been reported to your ward members in the past but there was no support. I'm not aware of any complaints from the bus operators.

Kind regards
Andy

Andy

Thanks , it sounds like as only I am affected by proposals to stop parking outside my properties , it's ok , but as the real issues on Woods lane for Yellow lines are objected to by residents living adjacent its ok to restrict passage of vehicles as there are numerous residents in individual properties rather than 1 landlord objecting to restrictions in front of numerous homes . I reiterate these cars parked will then be parked on on the private cul de sacs causing annoyance and antagonism. Surely to help a local permit only parking for Dobcross residents would be better ?

Please convey my total opposition to the yellow lines in a location on a minor road where the yellow lines are not justified .

Kind regards XXXXX

Good morning XXXXX

I am not aware that residents have objected as I don't think any schemes have been drawn up or advertised on Dobcross New Road or Woods Lane, except for the top section. The ward members did not support a scheme.

There is currently no budget available for new residents parking schemes and these schemes are generally reserved for areas where problems extend over a wide area such as near a football stadium or hospital. Schemes are not intended to address individual problems outside a property or along a single street. Further to this, the permits for such schemes are issued to everyone within the zone so therefore would not reserve space for residents of Sandy Lane. Businesses are also eligible for permits.

Kind regards
Andy

Andy

Further to emails I have trawled through social media regarding parking issues hi lighted.

There's was discussions about an issue on Sandy Lane ,, miss informed participants to the posts talked about the "flats on Sandy lane causing the problems and parking outside " , this was totally miss leading as the inconsiderate parking concerned (pictures were shown on social media related to the lower part of Ssndy Lane) no where near the proposals regarding restrictions outside the former Sunday school . The cause by patrons visiting the pub . Please ensure the facts are correct so the correct decisions can be made based on informed information.

I would appreciate if the facts can be made public.

Regards XXXXX

Objection 6

To whom it may concern

As a resident of Sandy Lane I find this ridiculous that none of the properties were consulted first.

I do somewhat agree that some people occasionally park stupidly on Sandy Lane but can assure you that the residents who do live there are fully aware there needs to be enough space for the tractors from the farm to get through aswell as emergency vehicles

To stop parking fully is a stupid idea. Firstly has anyone thought where the residents will now park aswell as people visiting the village.

This will have an effect on The Swan especially which is a fantastic little pub but if people cannot park anywhere near you will be driving custom away from another hospitality business which is the last thing any of them need at the minute

I find it quite disgusting that I am being charged £174 a month in council tax to now be told that I cannot even park outside my own house

Has anyone thought that maybe residents could be given a residents pass so that only residents are able to park on Sandy Lane in the correct manner

By putting in these restrictions it will only push visitors to park in other places that will no doubt cause similar issues yet residents will not be able to park anywhere near their own houses

Do the council have any ideas where the residents of Sandy Lane will now park or do they even care?

I look forward to your reply

Dear Mr XXXXX

Thank you for your comments.

I have copied below the reasons for the scheme.

Sandy Lane is located in the village of Dobcross in Saddleworth. It provides access from The Square, located in the centre of the village, to a small number of residential streets. There are short lengths of parking restriction in place but the majority of the lane remains unrestricted. Some residential properties front onto the lane and there is a public house located at its junction with The Square. This generates a demand for on street parking which takes place on both sides of the lane. The Swan public house is a very popular eating establishment, with many of its customers arriving by car. The pub doesn't have its own private car park so consequently customers have to park on the highway.

A request has been received from a local farm to introduce parking restrictions along Sandy Lane to address issues with obstructive parking. The farm is located to the north of the village and the only access route to the farm for larger vehicles is via Sandy Lane. When motorists park on both sides of the lane, although access can be maintained in single file, this sometimes restricts access for wider vehicles when motorists do not park to the edge of the lane and when wider vehicles are parked.

The main concerns are access for emergency service vehicles, milk tankers and animal feed delivery wagons. It is reported that the Fire Service have been delayed in the past attending a fire at the farm and milk tankers, which attend every two days, have in the past been unable to gain access to the farm. This also causes disruption and a safety issue within the village when drivers have to reverse back down the lane and negotiate the difficult road layout within the village centre at The Square.

Officers have visited the location with the owners of the farm and Ward Members where it was agreed that new waiting restrictions should be formally promoted to solve the issues.

It is therefore proposed to promote new prohibition of waiting restrictions at Sandy Lane, Dobcross as detailed on plan 47/A4/1709/1.

If approved, the proposal would enable larger vehicles to access Sandy Lane unhindered.

As with all TROs, the Council followed The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 in advertising this proposal, which involved publishing a notice of intent in the local newspaper and posting copies on site. There is a list of statutory consultees such as GMP and TfGM. The TRO advertising process is a form of consultation in itself where any member of the public can make representations. Supporters of a scheme may be regular users of the highway and not necessarily local residents or businesses.

Unfortunately budgets are no longer available for the introduction of Residents Only Parking schemes, although this location would not qualify. Such schemes are generally reserved for areas where problems extend over a wide area such as near a football stadium or hospital. Schemes are not intended to address individual problems outside a property or along a single street.

I will include all your comments in the report. Please could you provide your address.

Kind regards
Andy

I live at number XX. This email hasn't addressed the issue of where ourselves plus customers of the pub will now park and the fact the swan will now lose custom because of this

At the least you could do it down just one side of the road and not both

Thank you

First of all in answer to your question enclosed, the proposed restrictions only cover one side of the road, except where it narrows or at junctions. I have enclosed the plan.

Officers recognise that the proposed restrictions do reduce the number of on-street parking options in Dobcross. However, the length of the proposed restrictions is the minimum thought necessary to address the access issues identified. It is not the responsibility of the Council to provide parking directly outside residential properties or businesses as this cannot always be safely achieved.

Kind regards
Andy

Andy

So to cut a long story short the council are not bothered about the residents in the local area who actually live there and pay more council tax than most or the fact a very popular pub will lose business because of this.

The decisions clearly already been made and then we are the ones that will fund the costs of making the changes

Fantastic

Dear Mr XXXXX

Nothing has been decided. All representations made to a proposed traffic order are included in a report which is then submitted to a future committee meeting. I will provide further details of this in due course. The committee is made up of elected members and a decision is made at the meeting. Elected members can decide to introduce the scheme as advertised, relax the scheme or abandon it.

As Highway Authority, the Council has a duty to maintain access along the highway network. As I have mentioned, we have kept the length of the restrictions to a minimum with residents and customers in mind.

Kind regards

Objection 7

Dear Mr Entwistle

Further to your letter of 20 May 2024, I am writing to raise an objection to the proposed parking restrictions on Sandy Lane, The Square and Southgate in Dobcross.

As the current XXXXXXXX and also as a Platt Lane resident, I am extremely concerned. Dobcross already suffers from a complete lack of places to park and these proposed restrictions will only add to the problems. It is undoubtedly the case that additional parking restrictions will affect my business both in terms of customers and staff, the latter of whom currently park on Sandy Lane. We are also mindful that individuals who currently park in the prohibited zones will just spread out further into the village adding to the already problematic parking problems in The Square, Platt Lane and Woods Lane.

The village is currently full to bursting with vehicles and the fairly recent conversion of Sandy Lane Church into six residences has clearly not helped. The proposal is in my view a total detriment to the residents and businesses of Dobcross.

Regards
XXXXX

Dear XXXXXXXX

Thank you for your comments.

I have copied below the reasons for the scheme which are linked to access and safety.

If you still wish to object to the scheme then please confirm this and I will include your comments in an objection report.

Sandy Lane is located in the village of Dobcross in Saddleworth. It provides access from The Square, located in the centre of the village, to a small number of residential streets. There are short lengths of parking restriction in place but the majority of the lane remains unrestricted. Some residential properties front onto the lane and there is a public house located at its junction with The Square. This generates a demand for on street parking which takes place on both sides of the lane. The Swan public house is a very popular eating establishment, with many of its customers arriving by car. The pub doesn't have its own private car park so consequently customers have to park on the highway.

A request has been received from a local farm to introduce parking restrictions along Sandy Lane to address issues with obstructive parking. The farm is located to the north of the village and the only access route to the farm for larger vehicles is via Sandy Lane. When motorists park on both sides of the lane, although access can be maintained in single file, this sometimes restricts access for wider vehicles when motorists do not park to the edge of the lane and when wider vehicles are parked.

The main concerns are access for emergency service vehicles, milk tankers and animal feed delivery wagons. It is reported that the Fire Service have been delayed in the past attending a fire at the farm and milk tankers, which attend every two days, have in the past been unable to gain access to the farm. This also causes disruption and a safety issue within the village when drivers have to reverse back down the lane and negotiate the difficult road layout within the village centre at The Square.

Officers have visited the location with the owners of the farm and Ward Members where it was agreed that new waiting restrictions should be formally promoted to solve the issues.

It is therefore proposed to promote new prohibition of waiting restrictions at Sandy Lane, Dobcross as detailed on plan 47/A4/1709/1.

If approved, the proposal would enable larger vehicles to access Sandy Lane unhindered.

Kind regards
Andy

Hi Andy

Yes I do still wish to object as all of the points set out in my original email remain valid.

One point that is raised in the reasoning states that Swan customers are to blame. This is completely untrue. We have had very few issues over the last few months with the milk waggon or other farm vehicles and I would argue that in most cases when there has been a problem, the badly parked vehicle belongs to a local resident and not a visitor to my establishment.

I am not sure why these parking restrictions are suddenly an issue when farm vehicles have been using Sandy Lane for years and years without a problem. Perhaps Oldham planning department should take more care in allowing residential development in an area where parking is already at a premium. There has been little regard for traffic issues in Dobcross and the proposals will do absolutely nothing to alleviate this.

Regards
XXXXX

Objection 8

Dear Sirs,

PROPOSED TRAFFIC REGULATION ORDER:
SANDY LANE, THE SQUARE & SOUTHGATE DOBCROSS
PROHIBITION OF WAITING AMENDMENT ORDER 2024

I write in response to the consultation in respect of the above proposals. I have read the letter of [REDACTED] dated 17th June 2024 in response to the proposals and I agree with him and adopt his letter and its contents.

I oppose the proposal for the reasons given in that letter.

In addition I would say that I visit Sandy Lane regularly to visit my father. He has no parking available other than on street. He has a Blue Badge. To make it more difficult for us to do visit by removing parking availability may mean that we undertake such visits less frequently which would undermine our social and familial ties. We all rely on such visits for our mental wellbeing and our family cohesion.

Please acknowledge safe receipt of this letter and I look forward to your reasoned reply.

Yours faithfully,

Objection 9

Dear Sirs,

PROPOSED TRAFFIC REGULATION ORDER:
SANDY LANE, THE SQUARE & SOUTHGATE DOBCROSS
PROHIBITION OF WAITING AMENDMENT ORDER 2024

I write in response to the consultation in respect of the above proposals. I have read the letter of [REDACTED] dated 17th June 2024 in response to the proposals and I agree with him and adopt his letter and its contents.

I oppose the proposal for the reasons given in that letter.

Please acknowledge safe receipt of this letter and I look forward to your reasoned reply.

Yours faithfully,

[REDACTED]

Objection 10

Dear Sirs,

PROPOSED TRAFFIC REGULATION ORDER:
SANDY LANE, THE SQUARE & SOUTHGATE DOBCROSS
PROHIBITION OF WAITING AMENDMENT ORDER 2024

I write in response to the consultation in respect of the above proposals. I have read the letter of [REDACTED] dated 17th June 2024 in response to the proposals and I agree with him and adopt his letter and its contents.

I oppose the proposal for the reasons given in that letter.

Please acknowledge safe receipt of this letter and I look forward to your reasoned reply.

Yours faithfully,

[REDACTED]

Objection 11

17th June 2024

Your ref:LJM/TO24/12 VF23950

My ref: jb1

Dear Sirs,

PROPOSED TRAFFIC REGULATION ORDER:
SANDY LANE, THE SQUARE & SOUTHGATE DOBCROSS
PROHIBITION OF WAITING AMENDMENT ORDER 2024

I am in receipt of a letter of 20th May sent by the Highways and Engineering Dept but enclosing a Notice relating to the proposed Traffic Regulation Order (TRO) form your legal department also dated 20th May which sets out the proposals (but significantly not the reasons for the same) and inviting any objections or representations. This letter will set out such objections and representations. I can nail my colours to the mast at this early stage and inform you that I object to the proposed order in the strongest terms. I find the proposals to be misconceived, impractical and biased against the legitimate interests of the majority yet in favour of just one road user or those connected with that user.

I should say at the outset that I have no issue with the Lancashire family or their bona fide farming activities (which I shall refer to as 'the farm'). Indeed I am a customer who

purchases their products and I support farmers. I understand something of the challenges they face. I am sure the community at large supports the farm and wishes to find a solution that works for all parties.

Similarly, the Swan Public House (which I shall refer to as 'the pub') is a business with which I have no beef. Both the farm and the pub provide goods and services that benefit the community without which we would be poorer.

The situation as to traffic flow and management in Dobarross is not perfect. It could not be so in a village that was laid out centuries ago and was designed for transport by horse and cart or other non mechanised means. Accordingly compromises have to be made to reasonably accommodate the needs of all concerned. Your proposals fail to do this in that they fail to give sufficient weight to the interests of the residents and other road users yet give disproportionate weight to the ostensible requirements of the farm.

CONSULTATION

Part of the issue as to process is that your consultation is defective. I reach this conclusion on the grounds that:

1. You have failed to consult individuals who have a legitimate interest in the proposals. I have spoken to Mr Cochrane of 4 Sandy Lane, who has a reasonable interest in this proposal, and he confirmed to me that he has received no letter from you as described above or at all. The same goes for the occupant of number 10b
2. There are copies of the Notice wrapped tightly to several lampposts. The mode of attachment means that the notice is very difficult to read if not impossible.
3. Your letter of 20th fails to disclose the reasons for the proposal.
4. You invite attendance at "Civic Reception" but do not give an address as to where that is.
5. I have telephoned the telephone number given on the notice within the hours stated but there was no answer. I telephoned the other number given on the face of the letter but was put through to a call centre and the operator I spoke to had no idea at all what I was talking about. I then telephoned an experienced ward Councillor who, notwithstanding her years of service, also did not know what "Civic Reception" refers to.
6. This could be avoided easily by enclosing a statement of reasons with the Notice of the proposals (which i expect would be no more than a couple of short paragraphs) and by

publishing all the relevant documentation described on the Council's website. (I have searched the council's website and i have been unable to locate such documents. I also checked three neighbouring council's websites at random, namely Calderdale, Kirklees and Tameside, and each of those authorities publish the proposals citing the reasons on their websites. Why don't you?

7. To expect the public to go on a wild goose chase to an undisclosed address is a serious failure. People would have to go to time, trouble and expense to do so. In my case, I have severe walking difficulties and it would be very difficult for me to take the above steps. It appears that the effect of your failure to put into effect a reasonable system of disclosure means that people may not be able to give a full and complete response to the consultation because they do not have reasonable access to the statement of reasons for the proposal. This is crucial. The consequences are that the inherent weaknesses of the consultation serve to defeat the ends of local democracy.
8. In the end, a local councillor kindly arranged for Mr Cowell to send me a copy of the reasons which he did and I am grateful to him. To be forced to go to such lengths to ascertain the reasons for the proposals is inimical to proper public participation in response to the proposals. The failure to provide reasons means that it is difficult for people to respond effectively and to structure their argument.

I request that you forward to all consultees the statement of reasons forthwith together with any relevant documents to support your reasons which may include amongst other items (but not exclusively) traffic management surveys, your transport policy objectives and how this proposal supports such objectives.

I say that your reasons are clearly insufficient to justify such drastic proposed changes.

FACTUAL BACKGROUND

These facts are within my personal knowledge as a resident of 9 years standing at my current address and having been brought up in Saddleworth

The village of Dobcross is a small and historic Pennine village built on a very steep hillside. The centre of the village is primarily residential made up mainly of small weavers cottages and converted former shops on the Square. Many of these premise have little or no land, or parking space, attached.

Public transport to the village centre is poor by modern standards. An indirect hourly service is provided each way on the 356 service from Ashton to Oldham. The Sunday service is two hourly and truncated. The service does not coincide with the train departures from Greenfield to Manchester.

The farm operates a business on the higher levels above the village centre and uses Sandy Lane to access its premises. In particular there are two extremely large vehicles that use Sandy Lane namely an enormous tractor, often towing a commensurately large trailer and secondly a very large milk tanker. Both these vehicles are of the character of HGV machines and in my view are unsuited to use in some of the lanes of Dobcross village. The tractor for example has wheels that are as tall as a man. It is suited to field work and driving on main roads. Its use on small lanes may cause some difficulties. There are other vehicles of more reasonable proportions that access the farm without issue for example, a van from Longley Farm, an Agricultural engineer's van and the farm's own milk delivery truck.

On the other hand, Sandy Lane, to my rough estimate, has about three dozen residents, some of whom have cars, some who don't. There is a long established use of the lane to park vehicles. Some residents have private parking spaces, many don't. I do not.

The pub inevitably increases the demand for parking spaces particularly in the evenings and at weekends. As far as I can make out there is little or no difficulty parking in the day time. The residents tend to park closely to the side of the lane, pull in their mirrors and traffic can pass by without hindrance. Any occasional problems tend to occur in the evening which leads to an inference that it may be some of the pub customers that might unwittingly cause some difficulty. Such problems do not seem to be regular or frequent.

By way of example, On Saturday 18th May 2024 in the evening, I arrived home and was parking in the lane near to pub when the HGV tanker came up the lane and I observed it pass through wholly uneventfully. Similarly seven days later I observed similar events as above, again entirely unremarkable.

Further, on 30th May I observed the very large tractor and trailer go up the lane on six occasions, the trailer loaded with what appeared to be building site waste. After about half

an hour or so it came back down the lane with an empty trailer and went on its way. No blockages were caused to impede the tractor in Sandy Lane.

On Friday 7th June, i had cause to use a breakdown service. The operative attended in what he described as "a 12 ton flat back truck". He drove up the lane, turned around and drove back down to deal with my vehicle. Despite the size of the vehicle, no inconvenience whatsoever was caused to any road user.

I know of no occasion when the HGV type vehicles, despite their disproportionate size and impact, have failed to be able to pass along the lane. There may be occasional delay, but that can apply to any road. With common sense and good will on all sides any perceived difficulties can be managed and overcome. It seems that any problem may be being slightly exaggerated and this may have lead to a draconian proposal becoming a sledgehammer to crack a nut.

INDIVIDUALS WITH DISABILITIES

I know of the following people with disabilities who would be adversely affected by the proposed changes (of course, there are probably more who are out with my knowledge):

1. An occupant at 4 Sandy Lane is severely disabled. She is a lady in her late 80's who is bed-bound and reliant upon services to support her. She is cared for by her son. The household receives regular visitors from both medical and social services and also deliveries of medical equipment as well as more general delivers of food. Her premises are directly adjacent to the areas of the proposed TMO and would suffer from displacement of parked vehicles to a position directly on front of the premises thus inhibiting the aforementioned deliveries (or ambulance) to this highly vulnerable individual.
2. The occupant at 8 Sandy Lane is an elderly lady of 90 years of age who lives alone. She suffers from dementia. Her son, who is himself disabled and is clearly unable to walk without difficulty and significant difficulties (and has a Blue Badge). He comes daily to visit his mother.
3. I myself hold a Blue Badge (ref MFLLB5 0 651X07250) on account of my mobility problems and associated conditions. I struggle to walk any significant distance over about 50 metres, especially up hills. I have been diagnosed with severe osteoarthritis of the hip and lower back which is progressively deteriorating.

All of the above individuals have no off road parking available and thus rely on Sandy Lane parking. There seems to have been no consideration of the needs of such individuals.

RELEVANT FACTORS (non exhaustive list)

You will be aware that you have to take into account various factors in this process of considering your own proposal and parking policies such as (but not exclusively):

1. managing the movement of traffic,
2. improving road safety/ local environment
3. the nature, character and road layout and style of the locality
4. managing and reconciling competing demands for kerb space
5. existing and predicted levels of parking
6. availability of on and off street parking
7. meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car

The Council is obliged to take into account the views of consultees (which is why my remarks as to the failure to promote properly the consultation are so vitally important). it is obliged to consider the needs of all road users.

It is unlikely that a proposed TRO in residential areas will be supported by the wider community or be an effective method of controlling residential parking spaces where car ownership exceeds available space.

Residential Parking Schemes (or Controlled Parking Zones) can be an effective way to manage parking in residential areas which are situated close to an amenity which attracts significant numbers of non-residents to an area, particularly if they are likely to park for a significant length of time and cause disruption to the daily lives of those residents.

Under the Disability Act 2010, The Council has a duty to make reasonable adjustments when it makes changes so that disabled people are not disadvantaged.

The present proposal seems to be exclusively based on the perceived needs of the farm to the detriment of many others immediately affected. The farm's interests seem also to have been given priority to those of the pub. What independent objective evidence do you have to support your position? What alternative proposals have been considered before

The proposals are simply far too radical and would have a disproportionately negative effect on many residents' day to day life and the general amenity of the area.

Alternatively there are arrangements that may be able to be made with the farm to deal with its concerns:

1. Use alternative access routes such as Lark Hill Lane best approached by large vehicles from the Delph side, Crib Fold or Sandy Lane from the Standedge end
2. Use more modest vehicles. The farm feed providers and the milk collection company are both commercial organisations. I expect they will visit several farms where access is via small lanes. Do they have smaller vehicles to go to such premises? Should they amend their fleets to acquire some?
3. Encourage the farm to use its vehicles/ obtain deliveries in daytime hours rather than the evenings

POSSIBLE SOLUTIONS

1. Conduct a survey of the residents to ascertain precisely their requirements.
2. Conduct a traffic survey to establish facts as to usage of Sandy Lane
3. Conduct an impact survey on the effect on the locale of loss of parking
4. Conduct an impact survey on the effect on the viability of the pub and the impact on it and the community if it were to close through the loss of parking
5. Instruct independent consultant engineers to advise on possible alternative schemes.
6. Consult with pub to try to avoid car travel / encourage more responsible parking. Perhaps this can be supported by a publicity campaign by way of a poster in the pub and leaflets given to individuals to spur them on to park as tightly to the walls of the lane as possible
7. Provide for Residential Parking Scheme/ CPZ
8. Provide Disabled Parking Spaces
9. Provide a car park (which was done in Diggle)
10. Make enquiries with the farm as to its precise usage and requirements

11. Make alternative access to farm via Lark Hill Lane, Crib Fold Lane or elsewhere
12. Use the above information to formulate a proper proposal to take into account needs of all users.
13. Reissue consultation
14. Encourage the farm to limit use of large vehicles to daytime hours.
15. Introduce white parking lines to encourage users to park closer to the wall.

CONCLUSION

Whilst I am not resistant to change, any change implicitly must be for the greater good of all concerned and I submit that this proposed scheme fails to meet such a test and should be pursued no further. I have put forward a list of possible solutions that may be adopted to satisfy reasonably the needs of the farm and provide a fair solution to the parking issue.

If the proposal were to go ahead as presented, I shall probably have to move house such is the severity of the likely impact upon me. A high price to pay indeed for your project. The proposed scheme should go no further and be rejected.

The best solution may be to do nothing.

Would you kindly acknowledge safe receipt of this letter.

Yours faithfully,

Objection 12

Your ref:LJM/TO24/12 VF23950

My ref:

Dear Sirs,

**PROPOSED TRAFFIC REGULATION ORDER:
SANDY LANE, THE SQUARE & SOUTHGATE DOBCROSS
PROHIBITION OF WAITING AMENDMENT ORDER 2024**

I write in response to the consultation in respect of the above proposals. I have read the letter of [REDACTED] 7th June 2024 in response to the proposals and I agree with him and adopt his letter and its contents.

I oppose the proposal for the reasons given in that letter.

In addition I would say that I visit Sandy Lane regularly to visit my father. He has no parking available other than on street. He has a Blue Badge. To make it more difficult for us to do visit by removing parking availability may mean that we undertake such visits less frequently which would undermine our social and familial ties. We all rely on such visits for our mental wellbeing and our family cohesion.

Please acknowledge safe receipt of this letter and I look forward to your reasoned reply.

Yours faithfully.

Objection 13

I write in response to the consultation in respect of the above proposals. I have read the letter of XX XXXXXX dated 17th June 2024 in response to the proposals and I agree with him and adopt his letter and its contents.

I oppose the proposal for the reasons given in that letter.

In addition I would say that the proposals have been ill conceived and do not address the stated problem. It will merely displace the issue of parking onto other local roads, which may make the problem actually worse, both for residents and the large vehicles attending the farm. This may well have a disharmonious effect on the local community which has only recently established a community owned and run shop.

The council has also failed to meaningfully notify almost all of the other residents that will be directly affected by these road traffic changes, such as those who live in Southgate, Platt Lane, The Square and other areas. The council has also failed to hold any public meeting on its proposals or publish anything online for people to read. It feels like the council is trying to sneak this proposal under the noses of the very people it will most affect.

Please acknowledge safe receipt of this letter and I look forward to your reasoned reply.

Yours faithfully.

Comments

In principal I support extending parking restrictions on Sandy Lane. The main issue for both residents at 3a and 3b Sandy Lane is that parking on the right hand side of Sandy Lane as you are going up from the square just after the narrow section and before our drive which runs between 3/3a/3b and 5 Sandy Lane. Cars frequently park too close to our drive and combined with parking on the opposite side of Sandy Lane means we have great difficulty in getting in and out of the drive. Would it be possible to extend the double yellow lines from where they currently end on the right hand side of the Lane to the start of our drive in addition to the proposed extension of the parking restrictions on the opposite side? There is only room for one car to park in this space so the loss would not be great. At the very least could we not have a white line to demarcate the drive painted on the road?

I would like my comments to be included in the report but I can confirm that I have no objection to the scheme.

Supporting letter

I support the parking restrictions on Sandy Lane, the restrictions need to be implemented in full to solve the vehicle access issues. Also it will be beneficial for Pedestrian Traffic with the ever increasing vehicle traffic due to the development of Diggle.

Regards