

HIGHWAY REGULATION COMMITTEE Regulatory Committee Agenda

- Date Thursday 26 September 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 Andrew Mather or email andrew.mather@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, 23 September 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.

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

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

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending_council_meetings

MEMBERSHIP OF THE HIGHWAY REGULATION COMMITTEE
Councillors Chowhan, Davis (Vice-Chair), Murphy, Shuttleworth (Chair) and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 3 - 8)
The Minutes of the Highways Regulation Committee held on 18th July 2024 are attached for approval.
- 6 Objections to Proposed Prohibition of Waiting – Under Lane and Old Kiln Lane, Grotton (Pages 9 - 68)
- 7 Objections to Proposed Prohibition of Waiting – Sandy Lane, Dobcross (Pages 69 - 110)
- 8 Objections to Proposed Traffic Calming – Pretoria Road, Hollinwood (Pages 111 - 124)
- 9 Objection to Proposed Prohibition of Waiting – Hampton Road, Failsworth (Pages 125 - 142)
- 10 Definitive Map and Statement Modification Order. S53 – Wildlife and Countryside Act 1981 Claim to register Public Footpaths at Arncliffe Rise, Moorside. (Pages 143 - 152)
- 11 Definitive Map and Statement Modification Order S257 Town and Country Planning Act 1990 and S53A Wildlife and Countryside Act 1981. Diversion of Definitive Footpath 28 Chadderton (part) at land off Westhulme Way, Coldhurst. (Pages 153 - 160)
- 12 Definitive Map and Statement Modification Order S257 Town and Country Planning Act 1990, and S53A Wildlife and Countryside Act 1981 – Diversion of Definitive Footpath 20 Failsworth, at Hollinwood Junction, Albert Street, Failsworth (Pages 161 - 168)

Public Document Pack Agenda Item 5

HIGHWAY REGULATION COMMITTEE Regulatory Committee 18/07/2024 at 5.30 pm

Present: Councillors Chowhan, Davis, Kenyon, Shuttleworth
(Chair) and Woodvine

Also Present: Rhys Attwell - Constiutional Services
Phil Bonworth - Operations Manager for Oldham
Community Safety Services
Andy Cowell - Traffic Engineer
Alan Evans - Group Solicitor
Liam Kennedy - PRow Officer
Lorraine Kenny - Head of Community Safety

Note:

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

Cllr Kenyon raised concerns about the appointment of the Vice Chair.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There was no Public questions received.

5 **MINUTES OF PREVIOUS MEETING**

Minutes from the meeting of the 13th June 2024 to follow.

6 **REPORT ON PUBLIC SPACES PROTECTION ORDERS
180724**

The Panel considered a report considering objections and matters relating to three gating schemes following a consultation exercise to renew and/or reintroduce a number of Public Spaces Protection Orders across the Borough.

In relation to proposed Scheme 12/20 relating to Hampton Road and Roman Road Failsworth it was noted by the Panel that during the statutory consultation exercise there was an objection received that related to a resident having accessibility issues due to the disability of a family member who lives in one of the properties. Subsequently after a further consultation, there had been objections from a second resident from a different household who had experienced difficulties with the gate due to

a disability. The report proposed that the gates currently in place be removed but further objections from residents to their proposed removal had been received.

It was reported that with amendments to the wording of the proposed Public Spaces Protection Order it would be possible to retain the gates in place.

Members of the Panel were informed that the gates had been operated by the Council's First Response Team, who ensured the gates in the morning and locked them in the evening. However, this arrangement could not continue in future.

In response to the Panel's questions over who would be given access to the gate, it was confirmed that residents of the four properties would all receive a key.

In relation to proposed Scheme 51/20 relating to Retford Street and Waterloo Street, Oldham, objections had been received from local residents. In response to the objections a discussion took place amongst Panel Members and Officers on which gates were required to secure the school premises at the location and also maintain rights of access for local businesses. It was reported that if no decision was made on the proposal, the existing gates would have to be removed.

In relation to proposed Scheme 75/20 relating to 1-27 Lynton Avenue, 706-710 Hollins Road and 171-207 Chapel Road, Oldham Panel Members were informed that the property at 710 Hollins Road was now divided into two premises, with 710B Hollins Road having a single access and egress point situated within the gated area. Under section 64(5) of the Anti-Social Behaviour, Crime and Policing Act 2014, a public spaces protection order was not permitted to restrict the public right of way over a highway that was the only or principal means of access to a dwelling. Therefore the proposed Scheme would have to exclude several properties to comply with the Act.

RESOLVED: That:

1. In relation to Scheme 12/20, a Public Spaces Protection Order be made as originally proposed with the following amendments: in Article 3 no person shall be entitled to use the public right of way, in Article 4 the gates shall be kept locked between 8 pm and 7.30 am, in Article 5 any person using the gates between 8 pm and 7.30 am shall ensure that the gates are closed and locked immediately after they are used and Article 14 shall not refer to breach of Article 3 being an offence.
2. Scheme 75/20 be included in the proposed South District Public Spaces Protection Order with the relocation of the gate from position A adjacent to 710 Hollins Road to position B at the rear of 203-205 Chapel Road, thereby excluding

710/710B Hollins Road and 205, 207 and 207A Chapel Road from the scheme.

3. 5 District Public Spaces Protection Orders be made for all the remaining schemes which received no objections.

NOTE: In relation to Scheme 51/20 and objector addressed the Panel and no decision was made in respect of the proposal.

7

APPLICATION FOR RAIL CROSSING EXTINGUISHMENT AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER – DEFINITIVE FOOTPATH 209 SADDLEWORTH (PART), AT MOORGATE HALT, UPPERMILL

Panel Members considered an application from Network Rail for the extinguishment of part of Footpath 209 Saddleworth as a result of the Transpennine Route (TRU) Upgrade Project at Moorgate Halt, Uppermill.

The Panel were informed that the TRU Upgrade Project will electrify and re-signal the railway at Moorgate Halt, Uppermill , where there is currently an unprotected 'passive' crossing.

The crossing receives an exceedingly 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.

The Panel discussed the safety concerns of removing a level crossing and the historical local importance of an estimated 175-year-old level crossing.

The Panel discussed the need for Network Rail to have an alternative in place to compensate for the loss of a level crossing.

Options Considered:

Option 1: To approve the application to make a Rail Crossing Extinguishment and Definitive Map and Statement Modification Order in respect of Footpath 209 Saddleworth at Moorgate Halt, Uppermill as requested by Network Rail.

Option 2: Not to approve the application.

RESOLVED: That the application to make a Rail Crossing Extinguishment and Definitive Map and Statement Modification Order in respect of Footpath 209 Saddleworth at Moorgate Halt, Uppermill be refused.

NOTE: A representative of Network Rail, an objector and a Parish Councillor addressed the Panel on the application and the Chair requested that his abstention on the vote be recorded.

8

OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – COVERHILL ROAD, GROTTON

The Panel Considered a report recommending the introduction of prohibition of waiting restrictions on Coverhill Road and

Chimes Court, Grotton. The proposal was approved under delegated powers on 22 December 2023 and subsequently advertised and four objections were received.

The Panel were informed that there had been objections relating to the issue of displacement in parking on Coverhill Road, which would have an effect on parking on to Chimes Court, or further south on Coverhill Road, with the possibility of causing problems for residents in these areas.

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

Options considered:

Option 1: Introduce the proposed restrictions as advertised.

Option 2. Do not introduce the proposed restrictions.

RESOLVED: That the proposed restrictions as originally advertised be introduced.

9

OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – ALDER ROAD, CLOUGH ROAD AND HIBBERT CRESCENT, FAILSWORTH

The Panel considered a report which recommended the introduction of prohibition of waiting restrictions on Alder Road, Hibbert Crescent and Clough Road, Failsworth, which had been approved under delegated powers on 22 December 2023. The proposal was subsequently advertised, and three letters of objection have been received.

The Panel were informed that objections received had stated there was 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 related to the east side of Alder Road and the south side of Clough Road where there were a number of flats. Some residents were elderly with mobility problems so the restrictions would affect them, including visiting carers.

It was noted by Officers that the proposed restrictions would reduce the number of on-street parking options for residents of the flats and the reduction to the length of the restrictions on the east side of Alder Road and on the south side of Clough Road which would maintain an estimated 4 spaces was proposed.

In response to questions asked by the Panel it was confirmed that layby outside the shops would not be affected by any recommendations, and parking would still be present.

Options Considered:

Option 1: Introduce the proposed restrictions as advertised.

Option 2. Introduce the amended proposal as shown on the plan in Appendix C of the report.

Option 3. Do not introduce the proposed restrictions.

RESOLVED: that the amended proposals as shown on the plan in Appendix C to the report be introduced.

10

OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – SANDY LANE, DOBCROSS

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

The objections were that there was 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 recognised that the proposed restrictions would reduce the number of on-street parking options in Dobcross. However, the length of the proposed restrictions was the minimum necessary to address the access issues identified.

The Panel discussed the use of farm vehicles using the lane, and how bus services are unable to operate and the need to relax the proposals.

Options considered:

Option 1: Introduce the proposed restrictions as advertised.

Option 2. Relax the proposal.

Option 3. Do not introduce the proposed restrictions.

RESOLVED: That officers report to a future meeting of the Panel on the possibility of relaxing the proposals.

NOTE: An objector and a Parish Councillor addressed the Panel on the application

The meeting started at 17:30pm and ended at 19:12pm.

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HIGHWAY REGULATION COMMITTEE

Objections to Proposed Prohibition of Waiting – Under Lane and Old Kiln Lane, Grotton

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Andy Cowell

Ext. 4577

26 September 2024

Reason for Decision

To consider objections received to proposed waiting restrictions at Under Lane and Old Kiln Lane, Grotton.

Recommendation

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

Objections to Proposed Prohibition of Waiting – Under Lane and Old Kiln Lane, Grotton**1 Background**

1.1 A report recommending the introduction of prohibition of waiting restrictions on Under Lane and Old Kiln Lane, Grotton, was approved under delegated powers on 22 December 2023. The proposal was subsequently advertised, and 20 objections and 12 supporting letters were received.

A copy of the approved report is attached at Appendix A and a copy of the objections and supporting letters is/are attached at Appendix B and C, respectively.

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

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 nowhere to park near their properties. The properties on Quickedge Lane and parts of Under Lane do rely on parking on the highway.

Officers recognise that the proposed restrictions do reduce the number of on-street parking options for local residents. However, the length of the proposed restrictions is the minimum thought necessary to address the safety issues identified. Residents are responsible for their own parking arrangements. The Council has a duty in respect of road safety and is not responsible for providing parking.

The objectors also have concerns that the proposed restrictions would reduce property values.

There is no legal mechanism to compensate residents where the Council is simply carrying out its duties as the Highway Authority. The Council has promoted the scheme following complaints from members of the public.

Objectors are concerned that removing parked vehicles will increase vehicle speeds.

Parking in contravention of The Highway Code should not be regarded as a safe method of traffic calming and the Council has already introduced measures to help regulate speeds.

Objectors are concerned that the scheme will displace parking into other problematic areas and cause tensions between neighbours, especially on Old Kiln Lane.

Residents are responsible for their own parking arrangements, and this should be in a safe space. Old Kiln Lane is a cul-de-sac with safe on-street spaces.

The objectors state that vehicles do not park on the grass verge as reported.

The damage to the grass verges was reported by ward members. However, this is a secondary issue as vehicles are also reportedly parking alongside the grass verge which affects visibility at the junction of Old Kiln Lane and Quickedge Lane, visibility at the shared access for properties 70 to 76 Under Lane, obstruction of the bus stop and parking on the bend.

Objectors report that there are no accidents at the junctions.

There are no reported injury collisions involving vehicles exiting Old Kiln Lane or Quickedge Lane. However, complaints have been made about parking in this area by members of the public since at least 2010. A formal scheme was drafted in 2013 which was later abandoned. A further scheme was drafted in 2021 but this was not made formal. Last year, ward members asked the Council to propose a further scheme following more complaints from the public.

An objector quotes two parts of the Road Traffic Regulation Act in support of their objection, asking the Council to compensate for the loss of parking spaces.

- Section 32 (Power of local authorities to provide parking places) for the purpose of relieving or preventing congestion.
- Section 122 (Exercise of functions by local authorities).

The Council is proposing to make this TRO under Part I of the Road Traffic Regulation Act and not the provision of parking places under Part IV, so S32 does not apply in this instance. Also, S32 is a discretionary power which the Council may use in appropriate circumstances. The Council is not under any obligation to provide parking places for residents and the scheme is being promoted to address safety and visibility issues reported at junctions, not congestion.

The duty to secure suitable and adequate parking facilities under S.122 is not absolute as it is qualified by the words "so far as practicable" and is one of twin duties, the other being to "secure ... the expeditious, convenient and safe movement of ... traffic". In this instance, the Council has considered that the 'expeditious, convenient and safe movement of traffic' is the more important consideration.

Twelve supporting letters were received, and the main points raised are detailed below. The Council agree with the points made by the supporters.

Due to the bend in Under Lane, the junction of Quickedge Lane is largely hidden to traffic in both directions. When pulling out from Quick Edge Lane onto Under Lane, it is difficult to obtain a clear view of oncoming traffic due to vehicles parked at the junction.

The parking situation at the junction has been a persistent problem at all times of day 7 days a week and has been a cause for concern for many years.

Cars parked next to the junction of Quickedge Lane also force traffic travelling along Under Lane towards Mossley onto the opposite side of the road, increasing the risk of a collision with vehicles travelling towards Oldham.

Cars turning left into Quick Edge Lane need to slow down at the bollards in order to turn and we are forced to do so in the middle of the road, risking a head on collision with oncoming traffic.

Vehicles parked on Under Lane next to the junction of Old Kiln Lane reduce visibility for motorists attempting to enter the main road.

Parked vehicles also cause visibility issues for residents exiting the land behind properties 82-96 Under Lane and the shared driveway at 70-76 Under Lane.

The bus stop should also be taken into account. Buses frequently stop here, passengers, in particular school children thus cross the road here. The parking of cars drastically reduces

the visibility of crossing the road, and because the bus stops are located are at the start/end of bend, cars travelling on the road would not see persons crossing until they are much closer (when compared to travelling on a straight road). The crossing here is made more dangerous by parked cars. The presence of double yellow lines would clearly mitigate against this clear danger for pedestrians.

Supporters do sympathise with residents without off-street parking but safety must be a priority and the risk of a serious accident occurring as a result of parking cars at the junction is too great.

Several residents recall many near misses they have encountered at the junction of Under Lane and Quickedge Lane due to parked vehicles at the junction.

Restrictions are also required to the south of Quickedge Lane as well as on the north side.

1.2 **Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998**

None

1.3 **Risk Assessments**

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

1.4 **Co-operative Implications**

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

1.5 **Procurement Implications**

None

2 **Current Position**

2.1 Objections reported to Highway Regulation Committee

3 **Options/Alternatives**

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

4 **Preferred Option**

4.1 Option 1

5 **Consultation**

5.1 The Saddleworth West and Lees Ward Members have been consulted and Councillor Marland stated that she is in support of this order. This enforcement will prevent vehicles parking on this stretch of road. At present parked vehicles impair the visibility of vehicles exiting Old Kiln Lane and Quick Edge Lane and is an accident risk. The risk is higher at Quick Edge Lane and vehicles park on the junction with Under Lane making it impossible to see oncoming traffic. This Lane is also frequently used by horse riders to gain access to local bridleways and they have stated that the parked vehicles inhibits clear visibility of oncoming traffic.

Under Lane is also frequently used by horse riders from Mossley to access Old Kiln Lane and onward to bridleways.

Any change will affect several residents and a detrimental outcome will be that some will not be able to park outside their residence. However the positive outcome of this order will be an improved driving experience with clearer visibility. I will therefore be recommending that displaced vehicles will need to use other nearby roads.

6 **Financial Implications**

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

7 **Legal Implications**

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

8 **Equality Impact, including implications for Children and Young People**

8.1 No

9 **Key Decision**

9.1 No

10 **Key Decision Reference**

10.1 N/A

11 **Background Papers**

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

File Ref :TM3/1121

Name of File : Proposed Prohibition of Waiting – Under Lane, Grotton

Records held in Highways Department, Spindles Shopping Centre, West Street, Oldham

Officer Name :Andy Cowell


Contact No : 4577

13 **Appendices**

13.1 Appendix A - Approved Mod Gov Report

Appendix B - Copy of Objections

Appendix C - Copy of Supporting Letters

<p>Signed</p>  <p>In consultation with Director of Environment</p>	<p>Dated 27.08.24</p>
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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

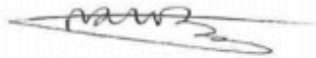
Item No	Length of Road	Duration	Exemptions	No Loading
	<p style="text-align: center;"><u>Coverhill Road, Grotton</u> (West and south-west side)</p> <p>From its junction with Oldham Road to a point 28 metres south of its junction with Grotton Meadows</p>	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	<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

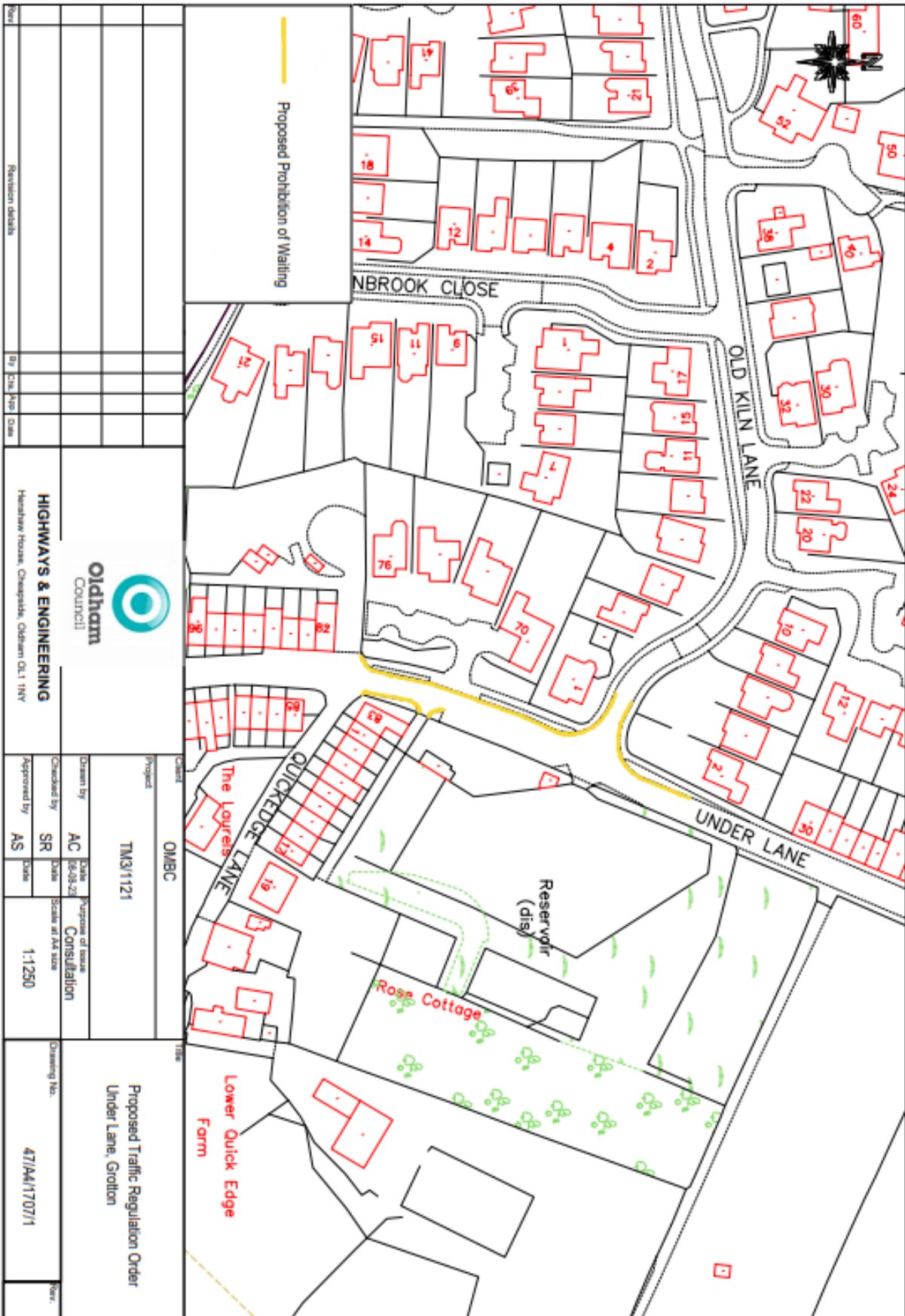
Report Author Sign-off:	
Andy Cowell	
Date: 30 November 2023	

In consultation with Director of Environment

Signed :



Date: 22 December 2023



APPENDIX B
COPY OF OBJECTIONS

Objection 1

Dear Mr Entwistle,

I am writing to raise objections regarding the proposal of the double yellow lines east side of Quick Edge Lane. There is a level of concern in the village of where residents are going to park their cars if this proposal comes into action. My concern is the discontent it will create in the village if these double lines are put in place. The residents of Quick Edge Lane park their cars east side to the lane as tractors and heavy machinery come down the lane making it impossible to park outside. Taking away that option will cause distress to the residents who will not have anywhere legal to park. Has any thought been put in place to where residents will park their cars and why these double yellow lines are necessary? Many residents have two or more cars in their household in order to get to work therefore, by acting on these yellow lines will drive professional people out of the area simply because they cannot park their cars outside their houses. We live at XX Quick Edge Lane and have put money and hard labour into our house and now have serious concerns that this proposal will de value the price of our house and that simply isn't fair. There is not an issue with the current parking situation and therefore this proposal will disturb a peaceful street. All the neighbours are friendly and content with each other and this proposal will cause rifts between once good neighbours. I urgently ask you to rethink this proposal and not put double yellow lines in place.

Many thanks,

Objection 2

Hi Paul

I am emailing you this evening to object against the proposed plans to put double yellow lines on Quick Edge Lane, Under Lane & Old Kiln Lane.

I live on Quick Edge Lane and me and my partner both have cars and not being able to park on under lane will be a ridiculous ordeal for ourselves and also our neighbours. Not only will you disrupt a community of neighbours with this proposal you will be causing arguments and distress to people in the surrounding area when neighbours will be fighting for the few remaining allocated parking spaces that there currently are on under lane.

I personally have a young family and find it ridiculous the thought of having nowhere to park near my house- especially when having to carry my child, their belongings, shopping bags etc. Also the thought of having to walk with my child on a busy main road just to find somewhere to park is absurd.

Some of my neighbours are elderly and can be unsteady on their feet yet you now expect them to possibly park miles away from their homes.

I am personally struggling to see where the common sense in this decision is and feel you are just causing more trouble than good with this proposal.

Please advise where you expect the people of quickedge lane and under lane to park?

Looking forward to hearing from you to discuss this matter further.

Yours sincerely,

Objection 3

Hi Paul

I am writing to you today to object against the proposed plans to put double yellow lines on Quick Edge Lane, Under Lane & Old Kiln Lane.

I live at XX Quick Edge Lane and me and my partner both have cars and not being able to park on under lane will be a nightmare for ourselves and also our neighbours. We personally have a young family and how you expect my partner to just walk with kids in her arms on a busy road to a parking space that will be god knows where. Not only will you disrupt a community you will cause arguments and distress to people in the surrounding area.

Some of my neighbours struggle to walk and you expect them to now park miles away from their homes. I just don't see any common sense in this decision and you are just causing more trouble than good.

I have been speaking to other neighbours and I don't know one person who thinks this is a good idea so why you have put this in place is almost laughable.

Where do you expect people to park?

Looking forward to hearing from you.

Yours sincerely

Objection 4

Dear sir

I am writing in objection to the plans for restricted parking on the corner of Old Kiln Lane and Under Lane Grotton.

Whilst I support the need to improve viability at the junction I have concerns that the current plans will simply force more people to park on Old Kiln Lane causing further issues.

I live at number XX Old Kiln Lane and we already have issues trying to get off our drive as people park on the road/pavement on both sides of the road.

What considerations are being given to the residents on this estate? Is resident only parking being considered?

The planning statement refers to damage being made to the grass verge. What about the damage caused to residents who will have to incur etc cars and noise nuisance?

Many thanks

Objection 5

Firstly, I have lived in Grotton for many years, but have lived in the area of your proposal since 2016.

Parking in the area is exceptionally limited. Parking outside numbers 1 to 7 on Quickedge Lane is not possible due to heavy farm vehicles travelling up and down the lane daily and in the evenings. There is also a turning from Quickedge Lane which runs behind the houses on Under Lane, meaning vehicles can not park due to access. When people have parked, even to unload, it has caused issues which have been exceptionally unpleasant.

There is a plot of land behind the terraced houses on the Old Kiln Lane side. The residents have marked this as Private Parking and there is a sign on the land stating as such. The residents who live in those terraced properties use it for parking as they are unable to park outside their own homes. Again, I have heard that there have been some unpleasant incidents in relation to parking there if you do not live in one of those properties.

There are several marked parking bays on Under Lane, which are on the Quickedge Lane side. However, there is not adequate enough room to meet the residents living in the area and therefore parking is a major issue.

This means that cars also park outside Liversage House on Under Lane and they park on Under Lane on the Old Kiln Lane side facing the marked parking bays. This is how much in demand parking is and this has never presented an issue.

The restrictions that you propose will leave numerous residents with nowhere to park. If the proposal goes ahead, the cars in question will not simply disappear. As well as it potentially causing a great deal of unrest and potential 'falling outs' between neighbours, residents will be forced to park outside houses on the housing estate, potentially causing a further issue. I can not stress enough that there is not adequate parking to meet the residents living in this area and your proposal will cause a massive issue to which I strongly object.

After reading your last email, I believe that there have been complaints about damage to grass verges outside the properties where you wish to impose restrictions. No resident ever parks on the pavement or grass verges there. It is actually impossible to do so as there are large stones dotted along the said grass verge. Any passer by can walk on that grass verge should they wish to and cause damage. No restrictions put in place can ever prevent this happening and therefore I strongly object again as this as being one of the complaints considered in your proposal.

It has also been stated that the houses on Under Lane feel they are unable to turn in and out of their drives effectively and without obstruction. The drives in question are very wide indeed and have adequate turning room from Under Lane. Although more people have moved into the area, residents have parked for many years in the areas where you are proposing to impose restrictions. Even before I lived in this area of Grotton, I travelled over Under Lane many times and parking in the proposed areas has existed for years. You have stated the traffic act from the 1980's and the dangers of parking too close to the Old Kiln Lane junction. However, as I have just stated, residents have parked there for years. Therefore, how many accidents or near misses have occurred in the many, many years that housing estate has been standing? Why has the grass verge suddenly become

damaged? Why are people suddenly finding it hard to access their drives? That housing estate has been there for a very long time, and although I understand that you may want to impose a restriction close to the junction on the Old Kiln Lane sides, I think your proposals are way too extreme. It does also feel that certain residents do not want people parking outside their houses. An example of this is taking damage to a grass verge into consideration, rather than a huge loss to parking which will affect many residents within the area. Furthermore, the cars parked on Under Lane actually cause drivers to slow down rather than speed. Therefore, I strongly object to your proposals.

Finally, to go ahead with this proposal will affect the house prices of those who do not have drives and need to use road parking. Again, I strongly object. The irony is that I should imagine that many of those complaining about the parked cars are actually those who have drives.

I do know that you have mentioned that you are not legally required to post letters to residents regarding your proposal. However, I do think it is unfair that notices have been placed on lampposts with the expectation that residents will see them. You also stated that letters have been sent out to those immediately affected by the proposal. I personally have not received a letter and I am most certainly immediately affected as I sometimes park in the areas which is part of your proposed restrictions.

Thanks again for your swift response to all of my previous emails. I fully respect that you are doing your job which I greatly appreciate. However, please accept this email as my formal objection to your proposal which I am requesting to be stated in your report.

Warm Regards,

Dear Andy,

I hope this email finds you well.

Following on from my formal objection on 22nd May, I would like the following information to be attached to this for your report.

On Monday evening 27th May, my partner and I arrived home. We turned into Old Kiln Lane to see a vehicle parked on the left hand side. It had an A4 notice stuck on the rear window in a plastic wallet. Please find attached a photo of the poster and the vehicle with the poster stuck on the rear window.

We turned around on the estate and pulled out of the Old Kiln Lane junction in order to park on Under Lane. This is something I have done many, many times since 2016 and I'd like to point out that I've never had an issue with visibility whether vehicles are parked on either side of the junction or not. I've also not experienced any accidents or incidents occurring since living here as a result of this junction. However, back to the A4 notice.....

I was concerned as to if the notice on the vehicle was genuine or not. If it was genuine and the police had placed it there, then obviously I have no argument. However, in all the time I have lived in Grotton, I have never seen a notice of this nature placed on any vehicle. I was concerned that if the notice wasn't genuine, that residents felt it appropriate to stick notices to vehicles acting as the police. I find this quite worrying.

I contacted the traffic section of the police online. I was contacted back pretty much right away asking for details of the vehicle. The gentleman on the phone said he'd pass the information on to see if anything had been placed by the police on this vehicle in Grotton. Again, if it had, I have no issue. But if it was a mock notice, it is an example of how residents who are struggling already to park are bullied and made to feel uncomfortable. I have lived in Grotton for 26 years, but since moving to the 'proposed' area of Grotton, I have never felt so looked down upon. It's as if the residents who live in the terraced properties are looked upon as second class citizens by some. Again, going ahead with your proposal is going to cause more ill feeling in this particular part of the community, may leave people feeling isolated, frustrated and desperate, and will literally take away anywhere to park, causing house prices of those in the terraced properties to plummet.

Since becoming aware of your proposal, I have been suffering from terrible stress. Sadly, I know that I am not the only resident to feel this way. I literally feel uncomfortable living in this area.

Again, this email is additional information to my formal objection which I wish to be added to your report. I would also like to state that at the time I writing, I have not heard back from the police regarding this issue.

Kind Regards,

Objection 6

Dear Andy,

I am writing with my formal objection to the above proposal. I wish for my comments to be included in your report.

I have seen your proposed plans and I am aware of the reasons for this. My main objection to your proposal is the issues this will cause for resident parking within the area. Your proposal will have an appalling impact on residents. I do not drive, but I walk down Under Lane and Coverhill Road regularly. As a pedestrian, I have a different perspective. There appears to be concern about the grass verges on the Old Kiln Lane side being damaged. Vehicles cannot park on the kerbs due to large rocks being placed there. I have seen dogs fouling there on numerous occasions and owners standing on the grass to pick it up. You will never prevent people walking on the grass and therefore I don't see how the owners of parked cars can be held accountable for any damage. Plus if concerns in relation to the traffic act and vehicles are so great, then remove the grass verges as they serve no purpose at all. The houses there are set back and there is an adequate pavement there already without the need for the grass verges.

I have never seen any issues with anyone accessing their drives in the area of concern. They have adequate driveways and space. I sometimes wait at the bus stop facing Liversage House, number 83. No vehicles ever park there, meaning vehicles travelling from Mossley and turning into those driveways should have no issue at all. Even coming from the opposite direction, there is adequate room to drive in and out of their driveways without major visibility issues.

The cars parked on the side of the road do not appear to have ever caused an obstruction. The housing estate has been there since my mum was my age and cars have always parked around here. Therefore, if the visibility issues have been such a problem then this decision has been a long time coming.

I feel there is no need for yellow lines outside number 83 as no cars ever park facing them. There's no issue here. You have proposed that the lines travel round to the start of Quickedge Lane. This will take away one of the very, very few spaces to park on the lane. Cars are unable to park on Quickedge Lane due to heavy farm vehicle access, plus access to a man made road behind the terraced houses on Under Lane. Heavy farm vehicles are able to turn out onto the Under Lane from Quickedge Lane so I am confused as to why the residents opposite claim to be having so much trouble with their driveways. No cars ever block them. Plus if you feel the need to put lines at the start of Quickedge Lane at one side, why are you not doing the same at the other side and along that part of Under Lane too? As a pedestrian I have to walk in the road due to parked cars as there is no pavement on either side? Plus the road is even narrower there. I cannot stress enough through that I object to yellow lines in the area I have just mentioned and the areas you have also proposed, as it will leave residents in a terrible mess for parking, plus it could cause terrible ill feeling and dispute between residents. I do not want to see yellow lines in any part of the residential area of Under Lane.

As far as driving out of Old Kiln Lane goes, most vehicles pull out very wide there anyway, regardless of whether there are parked cars there or not. I'm sorry, but I feel really sad for people trying to park in this area. There are not enough spaces to meet demand and if these spaces are taken away by residents complaining who have drives, then this is going to start feeling like a war of the classes. It is on that note that 'permit parking' is also not a solution either, as residents do not need this extra stress in a cost of living crisis.

I think you see your proposal as a solution. My opinion is that you will be creating a greater problem. Therefore, this is my formal objection and I am happy for my comments to go into your report.

Warm Regards,

Objection 7

I am writing in connection with the Council's proposal to make an Order under The Road Traffic Regulation Act 1984 (the Act) to introduce "at any time" waiting restrictions on Under Lane. I have noted the position of the proposed restrictions and wish to make a formal objection to the Order.

The parking in this area is already extremely restricted for a number of reasons:-

1. Originally the owners of 1 to 17 Quick Edge Lane and 83 to 103 Under Lane parked on an area of land which was subsequently developed by Roland Bardsley to create the Old Kiln Lane Estate . It is understood by all residents on Quick Edge Lane and Under Lane that when permission was granted for the development, it was a condition that suitable alternative parking would be provided for the residents affected. Whilst it is true that a lay-by was created on Under Lane this only contains 6 parking spaces which is clearly woefully inadequate for the number of properties relying on it, particularly when it must be appreciated that most owners have at least two vehicles and this doesn't take account of visitors and workmen having to attend at the properties.
2. I have always had an issue parking outside my home as it is directly opposite a back which is used for access by residents on Under Lane. On the extremely rare occasions I have stopped on Quick Edge Lane to unload my car or have had workmen at my property I have invariably had a visit from someone wanting to gain access to the properties at the top of the Lane, who have their own driveways and off road parking. This has on occasion been abusive and threatening. Having spoken to other residents in the properties numbered 1 to 15 Quick Edge Lane they have also experienced similar abuse when parking outside their properties.

The problems on the Lane have been compounded by the fact that a change of use appears to have been granted to one of the properties at the top of the Lane, permitting the owners to operate a Ground Work/ Plant Hire Company from the premises. This involves tractors and large trailers going up and down the Lane regularly throughout the day. The size of the vehicles is such that it is no longer possible to park on the Lane without risking sever damage to your vehicle.

3. I have lived on Quick Edge Lane for 27 years and am not aware of any accidents happening in the area to be affected by the proposed restrictions. The speed at which a number of drivers drive along UnderLane/ Coverhill Road is a real concern to the residents. The only thing that seems to slow the traffic is the parked vehicles. Counter intuitively, if the restrictions are put in place there is a very real concern that a serious accident will take place. Yellow lines have recently been put in the road to slow the traffic, this has had no effect other than to cause a further risk, as cars simply drive on the other side of the road to avoid them.

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4. There are regularly 10 cars parked in the area to be affected. Additional cars have recently had to park on Under Lane whilst work was being done to a driveway. This has put added pressure on the available parking and has led to a number of anti-social behaviour incidents. One car has been "keyed" and another has had a notice put on it, purporting to be from the police but is believed to be a "fake" and this is, I believe, currently being investigated by the police. If the parking restrictions are introduced there is going to be a substantial increase in this type of behaviour and the need to involve the police, thereby increasing the cost of policing the area, with resources already being strained.
 5. If the restrictions are introduced where is it proposed that the owners of at least twenty properties, who are reliant on parking on Under Lane will park? There is nowhere else in the area to park. There is no alternative parking available and there is going to be a serious parking displacement issue which will impact on other residents, particularly those on the Old Kiln Lane Estate.

There was a previous proposal to introduce parking restrictions in 2013 which ultimately was abandoned due to the lack of alternative parking facilities nearby and the potential for parking displacement. The current proposal is far more restrictive than the previous one and the demand for parking has increased substantially in the last 10 years. In the circumstances and for the reasons detailed above I would ask that the position is reconsidered. S122 of the Act imposes a duty on the Local Authority, when exercising the functions conferred by the Act to, amongst other things, have regard to the provision of suitable and adequate parking facilities. Clearly the introduction of the proposed restrictions will have a substantial adverse effect on the majority of residents in the area and will exacerbate an already difficult situation.

As an alternative, the grass verges on Under Lane could be made into further lay-bys for resident parking. I believe they may still be owned by the Old Kiln Lane development and given the failure of the builders to comply with the conditions of the consent for the building works to be undertaken, could be compulsorily purchased. S 32 of the Act gives the Local Authority the power to provide suitable parking places for vehicles, where required for the purpose of relieving or preventing congestion of traffic.

In all the circumstances I would ask that serious further consideration be given to the proposals and if ultimately it is decided to proceed with them that the Council takes appropriate action to provide suitable alternative parking, which will then be desperately needed.

Yours faithfully

Objection 8

F.O.A Mr Paul Entwistle
Director of Legal Services
Oldham Council Oldham

I am objecting to the proposal of yellow line prohibition of waiting ref: LJM/TO24 VF23591.

The proposed double yellow lines in which you want to install, I feel will only make the problems worse (speeding). Although these cars park on the street, it acts as a speed calming measure - the funnel system they produce slows cars up along this otherwise problem area. The people who park on Under Lane, will only park on Quickedge Lane and Old Kiln Lane which will cause problems for the residents.

We are unable to park on Quickedge Lane due to it being a narrow lane and with Tractors and Heavy Plant vehicles driving up and down all day due to a building company at the top.

Removal of the parking facility (about 10 to 15 vehicles will result in residents (without their own parking facility) using the only alternative parking in the nearby Quickedge Lane and Old Kiln Lane, this is the only alternative that the displaced can go and will make it impossibly congested for people who live there.

Kind Regards

Objection 9

Dear Mr Cowell,

I have seen your proposals and reasons for Under Lane, Grotton. This is my formal objection to be added to your report.

I have lived in Grotton for over 25 years. I strongly object to your proposals for the following reasons:

Unfortunately, I am old enough to remember before the estate at Old Kiln Lane was even built. I was born and brought up in Oldham. However, what did stand in this area was the terraced houses. They existed many moons before that estate was built, yet as residents their needs will be completely disregarded if your proposal goes ahead.

The terraced properties in this area need space to park, just as the houses with drives do in the Old Kiln Lane area of Grotton. Your plans will cause many residents distress as they will have nowhere to park. There is nowhere in the vicinity for them to park either. It will be an absolute disaster and I strongly object.

The traffic act is beyond too late to be quoted, considering how long the estate has been there. It's too late in the day to consider visibility issues now. I worked in Mossley and travelled over Coverhill Road and Under Lane regularly. Cars have always parked in all the proposed areas on your map. It's never been a problem. The only problem on that entire road is speeding, not the cars parked there.

The grass verge concern is irrelevant. No car user causes damage to it. There is a uniformed 'damaged' line on that verge close to the road. It goes along practically all the way along the grass verge, even along the bus stop area facing number 83. No car ever parks on this bit, meaning it is not parked cars, drivers or passengers that are causing damage. It looks more like the results of weedkiller to me, especially as there are 'damaged' areas around the massive stones that are put all along it. Cars don't mount the pavement. In fact, the grass verge looks green and healthy. An idea is to do away with that verge and make the road wider if traffic, visibility and parked cars are the problem here.

I live in an area where some houses have drives, some don't. Cars are double parked. The road is narrow. Access in and out of drives can be a struggle. Yet the area manages. One of those roads also leads out onto a main road far busier than Under Lane and no restrictions are placed there. The junction at Old Kiln Lane is wide, as are the driveways of the concerned residents of Under Lane. No one likes people parking in front of their houses, me included. But I can't help but feel that this is what this matter is regarding deep down and it will throw the area into a worse situation if your plans go ahead.

You propose to take away a space of the corner of Quickedge Lane, spaces outside number 83 and spaces at the side of both junctions at Old Kiln Road. Those vehicles will have no other parking options at all. I strongly object.

I currently have a close relative living directly in that area and this is causing her terrible, terrible stress. She is not sleeping and has no idea what she's going to do if the lines go

down. She is afraid the value of her house will go down and even though she only has one car in her household at present, she has no idea where it will go. I really do object. Please take these comments as my formal objection for your report.

Regards,

Objection 10

I would like to object to the yellow line proposal, for the following reasons.

I live on Quickedge Lane, on bin collection day, we can not park on Quickedge Lane, as the collection team will not drive up the Lane and collect the bins from the larger properties at the top of Quickedge Lane.

Also Quickedge Lane is narrow, Quickedge Farm have a plant hire business, they are towing large plant up and down Quickedge Lane 4/6 times at least a day, with a large tractor. This has resulted in my previous car having the wing mirror damaged resulting in a new wing mirror.

If yellow lines are implemented, where are residents of Quickedge Lane meant to park their cars?

Please can you confirm receipt of this email, and it is valid as an objection.

Thank you

Objection 11

Dear Sir

The Oldham Under Lane Prohibition of Waiting Amendment Order 2024

The appearance of your Notice regarding Proposed Prohibition of Waiting – Under Lane, Grotton has caused severe concern and distress amongst the residents of Quickedge Lane, Grotton.

The majority of these residents live in a row of terraced houses and are unanimous in their condemnation of the proposed yellow lines, and these are the people who will be most affected. Any complaint regarding parking comes from local residents lucky enough to have their own driveways and garages and who, therefore, will not be adversely affected should this Proposal proceed

When Roland Bardsley Builders erected the housing estate on Under Lane/Old Kiln Lane one of the conditions was to provide parking space for the current local residents, who, prior to the build, had parked their vehicles on the spare land. Given that there are 9 terrace houses on Quickedge Lane alone, each with 2 bedrooms and therefore possibly two motor vehicles, the marked bays which were provided have always been insufficient for the number of residents but, when required, the additional area on the other side of Under Lane was a necessary alternative. Should yellow lines be placed along this stretch of road, where should the cars park?

Section 122 of the Road Traffic Regulation Act 1984 mentions “provision of suitable and adequate parking facilities” by the Council. The proposals in this regard have not yet been provided.

For the benefit of those Councillors who may not have personal knowledge the area, the terrace on Quickedge Lane is made up of 9 stone cottages over 100 years old which, by their very nature, require almost constant repairs and renovations. I am extremely concerned how, at the time of these requirements, workmen will be able to gain access and parking, enabling them to load and unload necessary plant and equipment to complete the works. Where should these vehicles park?

Under Lane at this point is wider than many of the roads in Saddleworth and I would suggest that speeding vehicles form the larger part of any danger, rather than parked cars. Indeed, parked cars in some instances provide a traffic calming effect.

I am of the opinion that the implications of this matter have not, unfortunately, been thoroughly considered and would sincerely request that the proposal be dismissed.

Yours sincerely

Objection 12

Dear Mr Cowell

A recent traffic proposal has just been sent to me for consideration. It was a regulation order on a lamppost on Under Lane. Ref no: LJM/TO24 VF23591.

I would like this letter to act as my formal objection to the proposal to be included in your report.

Having read the proposal I can understand that there are issues. However, if your proposal was to extend along Under Lane to the extent of your proposal, where do you expect people without driveways (which is a significant number of residences) to park within the area? And what about visitors, delivery drivers or even service engineers. Parking is already a difficult issue in the area and so removing what little parking there is will cause absolute chaos. In addition, you are proposing to actually remove what little parking there is available already, which does not obstruct anyone or cause issues for any of the aforementioned junctions.

Currently, your proposition is causing extreme and considerable undue stress to many of the local residences who live in the area (elderly people and young families alike) in houses that were built long before the estate with the junction you are trying to address. Where is the consideration for those families and households who's only option is to use that stretch of road for parking because there is nowhere else to park. Your traffic proposition will no doubt cause the property values of the houses without driveways to drop drastically. This could result in a significant issue both now and in the future; for some elderly occupants, not to mention the number of young growing families.

Everyone understands that there are issues there, but to say that visibility is restricted at the junctions and that vehicles are causing damage to the grass verge is completely unfounded and without evidence. Had the lack of visibility caused numerous accidents, or repeated incidents of damage to the grass verge caused by parking, then one could understand your need to install restrictions. However, either of these is the case. I feel the number of people who have lodged a complaint is far smaller than the number of residences that need to use the spaces the main road provides. Therefore it seems you

are trying to address fake issues (like the grass verge and lack of visibility for drivers) raised by a small number of individuals as opposed to dealing with the main issue, that the majority of residence in the area have, which is space for parking. This proposal is not helping to alleviate traffic issues. Rather, it is creating more problems for the residences.

Yours Sincerely,

Objection 13

Dear Sir,

I write this in letter format : In the polite expectation that you will view this as an expression of my genuine concern, and distress regarding the proposed implementation of double yellow lines parking restrictions directly outside my home. [REDACTED] REF AC/TM3.

Please consider this a formal objection to the said proposal. Having said that, I do hope to highlight the fact that this matter is not just about parking restrictions :but about real people with real lives,whom your proposal will affect in ways that have perhaps not been taken into consideration.

When we were looking for a property in 2017, we needed to find a property where we could park conveniently, preferably directly outside, due to our age 78 ,and 80,with ongoing health problems.

We found this at Liversage House ,83 Under lane, a 200 year old end terrace with space to park outside. We loved the area and the feel of community . However, should we need to sell our home in the future If this unfeasible plan goes ahead: my home would instantly decrease in value. WE certainly would not have bought this house with double yellow lines outside it.

We have lived here happily for seven years in harmony with our neighbours : Until last week when we received your letter outlining the stated proposal.

Interestingly during this time our son who shares our home has very seldom been able to park outside our house due to the fact that several of our neighbours have parked there. The adjacent parking bay alongside my property has space for just six cars. Which I can assure you are almost always full.

Never once have I or our son complained to them,because I do not own the road, just the house.

Also I appreciate the difficulties they have in an area which is woefully inadequate for its residents' needs.

For example: Quickedge lane is unpaved,unlit, and narrow. Furthermore they have to endure very large vehicles trundling up and down on a regular basis. These are coming from a plant hire business namely QUICKEDGE PLANT HIRE ,at the top of the Lane .There are 9 houses, numbers 1 to 17..None of these residents like to park on the lane as they feel its unsafe.

In addition on many occasions residents from from number 85 to 103 will park in the bays, when it's not full (nearly always) or outside our home, Or opposite, where you also propose double Yellow lines.

Has consideration been given to the fact that should this proposal go ahead, at least 12 parking spaces will be lost . Mr Cowell,please please tell me where myself and others affected are expected to park.?

Sadly, I do foresee friction and problems between residents fighting for parking spaces. Also we know that the residents of Old KILN LANE are very concerned that they will park there.

Last Friday a neighbour and myself walked the area at around 7 pm,when most residents were at home. We took the time and trouble to ascertain just how many car drivers would be affected should this proposal go ahead. There were 4 cars (including mine) parked outside my house,3 cars on the opposite side of in the junction of Under lane and OLD KILN Lane + 5 cars almost down to number 30 under lane. 12, cars which would have NOWHERE to park, We realized with increasing concern and dismay that the only available space before we could even think about parking safely, was at Hollybank Riding school. Which is a 15 minute walk I repeat 15 minutes from my home.There are NO PAVEMENTS here ergo this is unsafe for anyone to walk ,especially at night. Going in the opposite direction the first available space would be almost at the junction of Coverhill Road,and Lees Road, a good 20 minutes walk from my home. My wife who has undergone major surgery would find it extremely difficult indeed to manage those distances.

There once again I pose the question.?

WHERE DO YOU EXPECT MYSELF AND THE AFFECTED NEIGHBORS TO PARK. We are at a total loss.

This whole proposal should be quashed ASAP. So that we can stop worrying, stressing out,and return to being normal happy people, who enjoy their lives living in this area.

Sincerely [REDACTED]

Objection 14

Dear Mr Entwistle

We live at XX Under Lane in Grotton. We have become aware of your notice regarding traffic regulation on Under Lane and the proposal to put double yellow lines to prevent parking on areas near to our property.

We have lived here for over 20 years and parking has always been difficult in this area. We park on the road outside the house and although the yellow lines will not be placed outside our property, we believe the proposals will have a knock-on effect. We are aware that we have no particular claim to park where we do. Fairly frequently other people from the surrounding houses or visitors to the area will park there. There are spaces nearby which were built for residents of the houses on Under Lane and Quickedge Lane when the Kiln Lane estate was built opposite but these are almost always occupied and there are only about six of them.

The parking restrictions will reduce the available areas for parking for a number of houses and this will inevitably have a knock-on effect on the areas where there are no restrictions. We have always cooperated between the neighbours and despite the existing difficulties there have rarely been any problems or falling out with any of the various neighbours over the years.

If there are no spaces either outside our house or in the bays then we have park further along the road towards Mossley. There is only a limited space and the area is unlit and narrow. It also makes it difficult to carry shopping etc.

There is a big problem with speeding drivers coming in both directions which has not been alleviated by the calming measure recently placed at the Mossley border.

There were proposals a few years ago to place double yellow lines outside our property up to number 91 which were objected to for many of the same reasons. We were made aware that at the time that planning permission was granted for the Kiln Lane estate a car park was to be provided behind the houses opposite ours. Anyone who has tried to park there from this side of the road has been told by the residents that this area is exclusively for the houses on the other side.

For these reasons we wish to object to the proposed parking restrictions.

Yours sincerely

Objection 15

Dear Mr Entwistle,

I reply in response to 'The Oldham Under Lane Prohibition of Waiting Amendment Order 2024' and the introduction of the proposed parking restrictions. Replies to be received by 20th June 2024.

I am a resident of Under Lane and understand the issues with traffic flow but there is an equal problem for residents parking. I understand I have no favour or right of parking but already I need to park away from my home and with a 9-month baby, pram, shopping and things are already difficult. It already involves multiple trips to and from the house just to unload my car. I do try to be considerate and avoid parking in front of other peoples houses off Under Lane but this will become more of an issue if restrictions come into force. Certain residents have become confrontational when parking next to houses and this will only make matters worse. A few weeks ago, following parking on Old Kiln Lane, I received a police warning notice stuck to my windscreen (please see image attached). This was

confirmed to be fake by the police and local councillor and had been placed there by a resident.

There is an issue with traffic flow on this section of Under Lane and I would argue that removing parked cars in this area will only serve to speed traffic up with the potential to increase accidents. I am often concerned that there will be a serious accident on this stretch of road. I will now be raising this point with my local Councillor. Can I propose other suggestions for your consideration;

- Introduction of traffic calming zones with either the use of speed humps or a 'village gateway' with a staggered chicane entry and exit.
- There are grass verges on Under Lane adjoining Old Kiln Lane. Could these be converted to road widening for parking areas behind traffic curbing measures? Are there any other options for providing residents parking as part of the proposed scheme?

My concern is that this proposal is just placing a sticking plaster on the problem and will simply lead to moving the issue either side of the restricted area; south of the facing terraced houses on Under Lane and north of where the restrictions end, causing the problem to shift further along the road. Placing yellow lines on this section of road seems like a cheap option to try and solve a problem without consulting people who live in the immediate area. Cars are a problem but they are not going away. Surely, we should find ways to accommodate road users and residents in a safe way that works for all concerned.

I would like to suggest to you a meeting with Oldham Council, local residents and our local Councillor to discuss the issues on both sides and a suitable way forward before any changes occur. That way, a plan can be implemented that has some level of understanding and compromise from all parties.

Yours sincerely,

Objection 16

Dear Sir / Madam,

Please take a look at our objections to the proposed Double Lines in our area\street.

Parking is difficult at present and will cause more problems when cars try to park in our limited existing space.

There is no parking on Quickedge Lane, as large tractors with heavily loaded trailers full of earth constantly use this lane.

There is limited parking behind the opposite houses; The residents think this is their private parking.

This is not the case, as the car park was created for all existing residents many years ago; it was made for anyone who previously parked on the land where Roland Bardsley built the houses on Under Lane. We have lived here for more than 40 years.

Under Lane is a busy, dangerous road. If it were clear of parked cars, drivers would speed up, making the road more dangerous.

There is limited parking outside the house, on the left side towards Mossley, but the road then begins to become narrow, and parking will cause more traffic chaos.

Kind regards,

Objection 17

Good evening,

I'm emailing to express my concerns about the planned new parking restrictions at the junction with Old Kiln Lane and Under Lane. I understand totally your reasoning for placing the yellow lines as safety is paramount, however, with all the yellow lines where exactly are people going to park? There are limited spaces in the layby so there is not enough room for everyone to park there. People are going to be forced to park at the other end of the terraced houses near to the new rumble strips and this will cause a further hazard as the road narrows there. They will also park further along Under Lane near the bend at the junction with Thornley Lane and this again will cause more danger. The other option will be to park down Old Kiln Lane which will cause more congestion and possible blockages of driveways, thus upsetting residents.

I believe that the introduction of the parking restrictions proposed will simply cause many other dangers and will therefore not be beneficial.

Kind regards

Objection 18

Dear Mr Entwistle,

I have just read the proposed traffic regulation order on a lamppost on Under Lane. Reference number above.

I am concerned as to what this means for parking within this area. The notice mentions about 'no waiting', but how does this affect residents who use that area of road to park?

I can understand 'no waiting' being imposed on the section of road directly facing the bottom of Quickedge Lane as people turn in and out of the lane, plus it can be a hazard for those driving along Under Lane and Coverhill Road if cars pull over there to wait. However, if this was to extend along Under Lane where you have placed posters on the lamp posts, it would cause absolute chaos for residents within the area in relation to parking. Parking is a struggle anyway and to prevent residents from parking is going to create a major issue. There are a few spaces facing where you have to proposed your 'no waiting' but this is not adequate at all.

I also need to mention that some vehicles travel at an appalling speed along Under Lane and Coverhill Road. Vehicles parked along the strip of road nearest to Old Kiln Lane actually support vehicles in slowing down.

I am due to move into the area very soon to live with my partner who has a house there and therefore I spend a lot of time in the area. There are many times where I have had to park in the area where you have proposed 'no waiting' If the parking here was to go it would be a worrying loss for residents. I am aware of the issues that exist already within the area in relation to parking and this could potentially cause neighbourly issues.

Therefore, if your order prevents parking, I would object to your proposal.

Dear Andy,

having looked at the proposed plans it seems you are intending to remove all the available parking for residents who don't have a driveway and are unfortunately left with the main road as their only alternative.

Truly I understand the need to make sure that junctions are clear but restricting parking that extensively will only cause people to park on the nearby estate and thereby cause more traffic problems. However, I think there is a solution to everyones problem of parking. There is a stretch of land adjacent to the road that has been vacant for years that could potentially be converted into a parking area for residents and remove the need to enforce such restrictive measures.

Dear Andy,

I would also like to ask why now? The houses in the area have been there for decades and so has the situation. If it was such a problem why is it only just coming to light now? I would also ask that you consider the secondary effect of your restrictions. Removing parking will without a doubt devalue a number of properties, mine included and that if this proposal is going to go through I will have to move before I am priced out of the area.

Dear Andy,

I confirm that I wish for my comments, from this email, my previous email and any further correspondence to be formally accepted as an objection and included in the objection report.

I understand your concerns regarding parking at certain sections of the road but I have been visiting the area daily for 5 years now with a view to moving there shortly. There has not been any major road traffic accidents there to my knowledge (Please feel free to correct me if i am wrong), in fact the parked cars actually act as natural deterrents so that people drive slower and I can assure you the only cause of damage to the grass verge is by dog owners who refuse to clean up after their pets. No one parks on the grass and to suggest that damage to the verge is caused by people parking is frankly completely unfounded. In addition, you claim that parking restricts access and visibility to the shared driveway which is also an extreme stretch of the truth. The driveway access is more than 2 cars widths wide (more than sufficient for visibility and access) and the residents there have also put rocks on and in the verge to restrict people parking to close to the driveway lease they damage their cars. People do not park on the main road by choice but by necessity. There is no parking for residents on Quickedge Lane and the road has to be kept clear due to the constant movement of large farming vehicles which use the road on a daily basis from the farm at the top of the road.

To place yellow lines along all of that stretch will just move the problem onto the estate and will result in cars being damaged as residents without driveways will be forced to park on the estate therefore stricking road usage there. You are trying to restrict parking for atleast 20 residents, who have no driveways, so are forced to park there, due to the

complaints of at the most a small handful of residential houses that actually have their own driveway. Instead of restricting road use maybe time could be better used to improve parking so that this isn't an issue.

You are looking at a cheap and short term solution which in time will only serve to cause more problems than it solves. Addressing the parking by creating spaces rather than reducing parking and in addition effectively reducing local property values is not the way to go. I have tried to suggest a solution of the aforementioned land in my previous email. It is either vacant or been abandoned and would if utilised properly provide offroad parking for atleast 10 residents if not more.

From what I can gather in your email you have recieved complaints regarding parking near 2 junctions, a driveway and a grass verge. None of which I have ever seem blocked or damaged due to the local residents. In fact the only time anyone parked across the junction opposite quickedge lane was when a motorist from outside the area broke down in transit and had to park across one junction to clear the main road and even then it was not for a significant amount of time.

The fact that the last time parking was an issue was 11 years ago leads me again to ask why now and if you are so adamant that you do not think anyone should be allowed to park along any of that stretch of road, what do you suggest? Because currently in seems that you are seeking to solve one problem only by creating another rather than addressing the real issue of space.

Kind regards

Dear Mr Cowell

In addition to my written formal objection here is photographic evidence regarding the damage to the grass verge that I wish to be formally added to my objection.

I spoke this morning to a council employee who was sent to maintain the verge. He informed me that the damaged grass was caused by the weedkiller they had sprayed a few weeks ago in order to maintain the appearance of the verge. Something that they do regularly as part of the continuous maintenance. I also noticed that the large lawnmowers were also responsible for moving/dislodging





some of the rocks placed along the verge when trying to cut the grass surrounding them. As "damage to grass verge" is part of the complaint by residents campaigning for restrictions in this area I feel this is further evidence that those concerns are not warranted and that people parking there are not causing any damage. I have attached photographs showing the Council employee (with his permission) walking on the grass verge in order to complete his job, causing no damage to the grass.

Kind regards

Objection 19

Dear Sir/Madam,

I live at XX Under lane Grotton Oldham and wish to object to the use of a prohibition of waiting on Under Lane.

This removes the parking for people living in terraced housing and favours those with OFF road parking.

It also creates a massive problem as to where to park for residents and does not solve the problem.

We have lived at XX Under Lane for nearly 30 years and agree the parking has become an issue. We can empathise with the council's predicament.

We also appreciate that getting out of Quickedge Lane is difficult and the cars parked opposite the parking bays on Under Lane are causing an obstruction and should not be there.

However,

1) Most of the cars causing the problem are from people who live in terraces without off road parking on Quickedge Lane. I walked my dog as usual this morning and all the cars parked in the areas you are referring to come from those residents on Quickedge Lane.

2) Residents could park on Quickedge Lane with no problems. However, since the business 'Quickedge Plant Hire started operating out of the top end Quickedge Lane, any parking on Quickedge Lane is prevented due to a tractor towing heavy machinery coming up and down the lane.

Did Oldham Council receive and approve the correct permissions for change of use from a residential property to a business, if necessary, or have they added to the parking problem by approving the business? Please clarify.

3) Residents in the odd number terraces 83 to 103 on Under Lane have a gentleman's agreement that we all park outside our houses which works well and we do not use each other spaces except when one of us is on holiday. If you are now stopping some people parking outside their houses both on Under and Quickedge Lane, then 'goodwill' may not 'prevail' as those residents do not have anywhere else to park. This is already happening!

5) Under Lane is a busy road and the already speeding traffic will have nothing to slow then down at the junction with Quickedge Lane if the bend is widened significantly. This means those residents could potentially have more problems getting out of the lane with speeding traffic, possibly ending in a fatality.

6) There is a car park on Under Lane behind the even numbered terraces opposite Quickedge Lane junction. The residents of these terraces prevent non residents from parking in the under used area and have allegedly deliberately caused damage to cars who dare to park there. I would like to know from the council if this is a private car park as signed!

7) Ironically Quickedge Lane is a private unadopted road. Please explain the council's jurisdiction?

8) It would seem we in terraces houses without off road parking are being treated as second class citizens and unfairly penalised. In other ways too, we in terraces houses both on Under and Quickedge Lane have to put our bins out on Under Lane by the bus stop yet the bin lorry backs up Quickedge Lane to the bigger houses and collects their rubbish. This smacks of double standards!!!!

10) My final question is where are we to park. Kiln Lane estate already have cars parked on the verges at peak times due to multiple vehicle households so this will not work! Interestingly vehicles from Kiln Lane estate use the parking bays on Under Lane in the winter when it's icy!!!!!! Is that fair?

The council's current proposals are divisive and will potentially cause more frustration and disharmony amongst neighbours who at present get on with each other.

Please can you offer a realistic alternative for those residents who will not be able to park near their homes due to your restrictions. All you are doing is moving the problem elsewhere within the area not solving the speeding traffic or parking difficulties!

Finally nothing about the dreadful speeding traffic on the bend from Oldham is being addressed!!

This is a sticking plaster not a solution!!!

WHERE ARE WE TO PARK!!!!!!??????????????????

Kind regards

Council Response

Dear XXXX

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

In answer to your questions:

- 2) I have forwarded your question onto Planning
- 6) This land is not Council owned so is therefore within private ownership
- 7) Quickedge Lane does not form part of the adopted highway. It provides vehicular access to a number of properties, which therefore affects the adopted highway where the restrictions are proposed
- 8) I have forwarded your comments onto Waste Management
- 10) Residents are responsible for their own parking arrangements. The Council has a duty in respect of road safety.

An original scheme back in 2013 included restrictions to the south of Quickedge Lane as well. This time we are only proposing restrictions on the north side. The original scheme received many objections and was eventually abandoned. However, complaints about parking on this road continued to be raised and ward members eventually took the decision to repropose a scheme.

I have discussed the issue of vehicle speeds with the ward members several times and we have already made some interventions.

Kind regards
Andy

Objection 20

I write in objection to the above proposed parking restriction.

As a resident at this address for seven years, I wish to know why this ridiculous restriction has been proposed. As you will be aware, all the properties on this side are old terraces, and as such do not have off-street parking; ergo we have no option but to park on the street. Please explain why suddenly this is a problem. Interestingly, your letter does not outline any alternative parking suggestions or proposals. May I ask where you would like me (and my elderly parents) to park our vehicles? Your proposed restriction starts at our front door and ends at our gate. Both my parents (father 78 mother 80) have ongoing medical issues; my mother in particular would find it extremely difficult to walk several hundred yards to a car, certainly with the few bags of shopping we as a family can still afford.

I note also there is no proposed restriction starting at 85 Under Lane proceeding further down. Please explain why. It is clear that this is a genuine choke point, yet parking outside this run of houses is deemed to be acceptable.

Please advise in detail the consultation process and feasibility study that has taken place prior to this proposal. Any traffic management study of this section of road will show that the real issue here is the speed at which vehicles navigate this zone. Yet, your suggestion to remove parked vehicles merely opens up the road, allowing the multitude of "boy racers" who frequent the area every night, a perfect opportunity to drive even faster. Your proposal will exacerbate this problem, not resolve it.

If this ridiculous suggestion is in the interests of road safety (which I fully support) what is actually needed is a speed camera at the approach to the section, and/or physical traffic calming measures (chicane, lateral shift etc.)

Further, no mention is made of what enforcement measures would be in place to police the restriction. If myself and my parents do not park outside the property, others will (and already do.) Are you suggesting that a token sign and double yellow lines will magically prevent others from parking here?

I look forward to your response.

Yours,

Mr Cowell,

I thank you for your prompt reply. However you have me at a disadvantage Sir; please inform me which council department you work for, and your status within. May I assume you are the Highways Officer?

Whilst I appreciate your reply, sadly you have failed to answer my questions, and been vague.

So for clarity, I shall reiterate, and make some further observations.

Your response - "*Parked vehicles have also caused damage to the grass verge*". Please provide evidence to support this? There are strategically placed stones which prevent vehicles from mounting the verge. The grass verges are well maintained and undamaged. Please do not allow baseless, spurious claims to affect people's decision making during this process. Just because a person/persons claim something to be true does not make it so.

Your response - "*Officers have inspected the location with a Ward member...*" Am I to assume we are referring to Highways staff? How many times has the location been visited? They were accompanied by one Ward member? A singular visit with one Ward member holds no basis for coherent and reasoned decision making. Surely this has not been your "feasibility study."

I completely agree that visibility is lacking at this location, but that is primarily due to the geography of the land and construction of the road; you will be aware that the properties were here long before car ownership was commonplace, and the roads were not built to service the high traffic flow we see today.

Vehicles parked here (a perceived problem) are conversely part of the solution. They create a lateral shift in traffic, and force drivers to moderate their speed as they proceed through. As stated previously, removing parked vehicles simply opens up a natural choke point, encouraging drivers to travel at greater speeds.

Find attached an aerial image of the area. Local inquiries by myself suggest that the complaints stem primarily from the private residences 70-76 Under Lane. You will see from the image that these 4 properties have parking for multiple vehicles; 70 and 72 have a double garage and additional spaces immediately to the front, making 4 vehicles each, whilst 74 and 76 have a single garage which additional spacing immediately to the front, comfortably allowing parking for 3 vehicles. Adjacent to and facing 74 and 76 there are spaces for another 3 vehicles. I have highlighted these individually with blue dots for your reference. This totals 17 available parking spaces afforded to just 4 houses. Extremely attractive and generous I'm sure you will agree. So it would appear that a resident/residents from the 4 properties mentioned have decreed that myself and others shall not park close to/outside our own homes, because they have made baseless claims about obstructed access and damaged verges? This is frankly outrageous Sir, and seems to be a modern day example of the same societal issues from the early 1900s. Robert Tressell himself (I'm sure you are familiar with his acclaimed piece "The Ragged Trousered Philanthropists") would be astounded to find this mindset still alive and well in 2024.

For clarity again I ask - where do you suggest myself and other residents park? The 6 parking bays to the side of my property are at a premium as it is, and are woefully insufficient to support car ownership numbers. There is no parking on Quickedge Lane- it is unpaved and has frequent movement of heavy plant along it from the hire firm at the top. Residents never park here as this would impede their business, and more importantly likely cause damage to our cars.

Your response - "*prohibition of waiting restrictions are enforced by the Council.*" Well, quite. However I asked what physical/visual methods would be used. As I have pointed out, if I myself do not park here, others will. What enforcement measures are proposed to enforce this? Let us not for a moment envisage a world where people consider, adhere to and obey signage and yellow lines in their car parking thought process. I shall of course presume that a highly motivated parking enforcement agent will not be stationed directly outside my house, waiting to leap into action at a moments notice. Or will parking enforcement be effected by the owners of 70-76 Under Lane, with a direct hotline to the council offices? Will it be ok with them if i park fleetingly outside to unload my weekly food shop, or will I required to gain permission from our Lords and Masters over the road first?

Your response - "*the location does not qualify for a speed camera.*" Ergo there have been no accidents at this location. So can I assume that this scheme is not about road safety (by your own admission, we do not qualify for a camera) but more as a result of the hubris of a small number of property owners who have multiple parking spaces allocated?

Additionally, and likely most importantly, should this proposed scheme proceed, at the stroke of a pen, the value of my property has been instantly diminished. Who in their right mind, would buy a house where the only available parking is, at best, several hundred yards away. I myself would never have considered buying this residence had these restrictions been in place at the time of my viewing. The house becomes unsellable overnight.

Sir, I am absolutely outraged at this laughable suggestion. I wish to raise my objection at the highest level, and for all my communication to be made available for public viewing. If you are not the head of the Highways Department please escalate this matter to him/her immediately. I also wish to complain about the duplicitous manner in which this process has been managed; namely that only myself has received your letter outlined the plan, when it is clear upwards of 12 vehicle owners will be affected- there are 2 car owners at my house, not 12. Please advise how my complaint should be raised.

Dear XXXXXXXX

I am a Traffic Engineer working within the Highways and Engineering department of the council.

The damage to the grass verges was reported by your ward members. However, this is a secondary issue. The complaints relate to visibility at the junction of Old Kiln Lane. The proposal also addresses vehicles affecting visibility at the private drive, obstruction of the bus stop and parking on the bend.

Prior to drafting the scheme I visited the site with two ward members but I have visited the site on many occasions since 2012. Complaints have been made about parking in this area by members of the public since at least 2010. A formal scheme was drafted in 2013 which was later abandoned. A further scheme was drafted in 2021 but which was not made formal. Last year ward members asked the Council to propose a further scheme following more complaints from the public.

I am not aware that the complaints relate to 70-76 Under Lane as the complaints mention visibility at Old Kiln Lane and Quickedge Lane.

Under decriminalised powers, prohibition of waiting restrictions (double yellow lines) are enforced by the Council. As with all parking restrictions, to some degree we are reliant on these being self-enforcing as not all restrictions can be enforced by the Councils Parking Attendants at the same time. The proposed restrictions allow for loading/unloading and to pick up and drop off passengers.

I appreciate that there are few parking spaces in the area. However, residents are responsible for their own parking arrangements. The Council has a duty in respect of road safety.

Parking in contravention of The Highway Code should not be regarded as a safe method of traffic calming.

There is no legal mechanism to compensate residents where the Council is simply carrying out its duties as Highway Authority. The Council is not responsible for providing parking although some properties including 70-76, 82-96, and 83 Under Lane do have access to off-street parking facilities and there are six dedicate spaces on street.

I have forwarded your email onto the Head of Highways and Engineering for his information. All objections are included in a report which will be submitted to a future TRO Panel meeting. Ward members that make up the panel and have the authority to make final decisions on proposed TROs.

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.

If you wish for your comments to be included in the objection report then as already requested please could you provide your address.

Kind regards
Andy

Mr Cowell,

My address is -
XX Under Lane
Grotton
Oldham
OL45RN.

Please ensure all my correspondence is included in the objection report.

May I further add- "the Council has a duty in respect to road safety."

Yet there have been no accidents at this location, a FOIA request will evidence this. Ergo, there is no road safety issue here, bar the speed at which vehicles move through the section. Your proposed "solution" does not and would not address this, and almost certainly would exacerbate it.

There are indeed six dedicated parking spaces on the street, but they are not "dedicated" to specific residences (nor should they be.) Six fully occupied spaces plus six vehicles that park on the road (3 outside my property and 3 on the even numbered side) makes twelve. Are you proposing that 12 vehicle owners engage in a gladiatorial type contest to obtain a space, in order to solve a road safety issue that does not exist?

Again, I ask- as a traffic officer, where do you suggest we safely park our vehicles? "Residents are responsible for their own parking arrangements" is not an answer, merely an all encompassing platitude. Thus far, you are either unwilling to or incapable of providing an answer. Solutions are meant to resolve problems, not displace them.

XXXXXX

Good morning XXXXXX

I can only reiterate that parking in contravention of The Highway Code should not be regarded as a safe method of traffic calming. The Council has promoted the scheme following requests from your ward members.

The dedicated on-street parking bay allows for six vehicles. Unfortunately, it would not be possible to introduce a residents only parking restriction.

Does your property not have an off-street parking space to the side. Ultimately, residents are responsible for their own parking arrangements and this should be in a safe space. Old Kiln Lane is a cul-de-sac with safe on-street spaces.

Kind regards
Andy

Mr Cowell,

Thank you for your question, of which I can clarify.

My property does not have an off-street space to the side, although I see how you may perceive it to be (as did I upon first viewing the house.) This is in fact a communal right of way for all the properties on Quick Edge Lane (although I do maintain it.) Residents use this to move their bins to and fro as the collection schedule dictates. Parking here would completely impede this process. In addition, the space is far too narrow with which to park a vehicle; you would be trapped inside as there is no room to open the door. Ironically, perhaps the only car that could be parked in this space is a Smart Car- the very vehicle I own.

Old Kiln Lane may well be a cul-de-sac with on street spaces; is this where you suggest we relocate our vehicles? May I ask, have the residents of Old Kiln Lane be advised of your suggestion, and how, may I inquire, do they feel about 12-13 cars suddenly

appearing outside their homes, given that it is the residents of Old Kiln Lane themselves that have a problem with the current parking arrangement? Again, to use the vernacular, it's a bit much that people with access to off street parking object to people who don't, parking on the road.

As we both are aware, the Highway Code in and of itself is not law, and can largely (with some exceptions) be viewed as an advisory document. No enforcement has taken place at this location with regards to parking, ergo the current situation whilst not ideal, is not in breach of anything.

I would like to reiterate- this is not about me expecting to park outside my home. In the seven years of living here, I estimate I have parked directly outside my property perhaps 20 odd times; and I have no issue with that, as I understand that I do not own the road and have no right to dictate where I and others may and may not park. We all have to rub along together, do we not? I also find interesting your statement - *"Supporters of a scheme may be regular users of the highway and not necessarily local residents or businesses."* Are we saying that drivers who do not even reside in the area are dictating where residents can park? At this juncture the jokes are writing themselves. As a professional driver throughout the North West, I could give thousands of examples of places where care must be taken. And that is exactly what I do- take care. I have never considered council enforcement to prohibit local parking; I simply do not have the ego for such action.

I would also why, as you have visited this location on many occasions, I myself have not had the courtesy of a personal call, given that my home would clearly be most affected by these proposals? Or is it just ward members who reside on Old Kiln Lane who get to voice their opinion?

As always, please ensure ALL my communication is included in the official objections.

Dear XXXXXXXX

Thank you for clarifying the situation to the side of your property.

In terms of residents parking outside other residents properties, whether or not this occurs on Under Lane, Old Kiln Lane or any other street is not a concern to the Council as it all forms part of the public highway.

Rule 243 of The Highway Code states that motorists DO NOT stop or park in the various locations listed. If you read the list carefully, as a motorist I am sure you will understand that these rules play an important role in road safety. The Police do have general powers to deal with motorists in contravention of these rules.

In terms of considering supporters of a scheme, you have misinterpreted my statement. Non-residents do not dictate where residents can park but as users of the public highway they have a right to make comments on any scheme that affects it. 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. All road users should be afforded the same opportunity to make representations. The same reasoning can be applied to your final question. We do not verbally consult with selected residents.

Kind regards
Andy

Mr Cowell.

"I visited the site with two ward members." Ergo you do verbally consult with selected residents.

"The Police do have general powers to deal with motorists in contravention of these rules." Yet they have not. Let's not deal with hypotheticals here. The cobbled together fake "warning notices" that are being placed on vehicles by certain residents of Old Kiln Lane do not count.

"Ultimately, residents are responsible for their own parking arrangements" That is what happens currently, without issue. Again, are we seriously suggesting that people who have access to double garages and driveways, are allowed to dictate where people who do not, park? And ultimately make my property unsellable? Read that back Sir and let me know if it makes sense to you.

"I have visited the site on many occasions since 2012. Complaints have been made about parking in this area by members of the public since at least 2010. A formal scheme was drafted in 2013 which was later abandoned." It was abandoned due to the number of objections. Yet here we are still, some 14 years later, at a location that is clearly not an accident blackspot, and you have made it a personal quest to push through some enforcement. How very diligent of you. Frankly, I am starting to doubt the integrity of this whole process, and wonder why the Highways Department continue to pursue this non issue, like a dog with a chew toy. Free gratis, I would be happy to suggest places where your time would be better served.

XXXXXXXXXX

Dear XXXXXXXXX

The meeting that took place was not a consultation. At that stage there was no scheme proposed. It was a site visit arranged at the request of the ward members to discuss the complaints that had been received and as a result we were asked to promote a new traffic order.

I do not know if the Police have attended this site or even if it has been reported. I have no information on the notices.

The junction forms part of the public highway and is used by residents and non-residents. I have not been provided with the address of any complainants.

The only scheme formally promoted was over 11 years ago. The Council has therefore resisted requests to revisit the issue for some time. A further scheme was drafted in 2021 at the request of ward members but this only remained in draft form. Last year ward members asked the Council to propose a scheme following more complaints from the

public. I therefore do not think that highway officers can be accused of pushing this scheme through. In fact the reality is quite the opposite. It should also be borne in mind that the scheme is not the same as the original as it does not include any restrictions to the south of Quickedge Lane. I therefore believe that the scheme is a fair compromise.

Kind regards
Andy

Dear Mr Jackson

This is incorrect. Please refer to my previous emails.

The ward members requested the site meeting to discuss issues reported by their constituents. As I have already stated, the Council has resisted requests to revisit the issue of parking restrictions in this area for some time.

The meeting that took place was not a consultation. At that stage there was no scheme proposed. The meeting was to discuss the reported issues and we were asked to devise a scheme based on this.

Parking restrictions are not agreed upon by residents. 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. 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.

There is no date set for the work. The end date for objections is the 20th June. All representations received are included in a report to be submitted to a future Highway Regulation Committee meeting. The members that make up the committee will decide on the outcome. The three ward members are consulted on the report.

I have no information on the notices. If these are being issued in the guise of the Police then this is a matter for them.

Kind regards
Andy

Mr Cowell.

"The meeting that took place was not a consultation" - this is childish semantics. Consultation, meeting, discussion, informal get-together....I could go on. The facts remains that you have personally called upon two ward members to discuss "their problem." Yet you don't deem it necessary to call upon the dozen or so ward members who would be affected. Not even myself, whose property becomes unsellable overnight should this pantomime proceed. That makes you partisan Mr Cowell - as a public servant, that is unacceptable, and I expect better. In addition to a traffic engineer, it seems you have a sideline as an estate agent, whereby your decisions dictate the value and saleability of my property.

I am informed there is a scheduled date of works for this venture. I find that unusual, given the closing date for objections is the 20th. Almost as if it has already been green lit. Yet another reason why I doubt the integrity of this whole affair. Clarify this is normal protocol.

In no way shape or form is this a "compromise." ALL parties concerned would need to be involved for a compromise to be agreed upon.

Find attached for your reference. It took me one second to see the glaring error that shows it to be fake. In addition, vehicle owners have been approached and harangued by residents of Old Kiln Lane, and I understand a car has been damaged. Sterling work Mr Cowell. As you claim to be in the problem solving business, you may wish to rethink your modus operandi in this case, as evidently you are causing them. I have informed the ward councilor.

Make sure ALL my communication, written and email, is available for public viewing, that includes every email response from yourself.

XXXXXXXXXX

Dear XXXXXXXX

This is incorrect. Please refer to my previous emails.

The ward members requested the site meeting to discuss issues reported by their constituents. As I have already stated, the Council has resisted requests to revisit the issue of parking restrictions in this area for some time.

The meeting that took place was not a consultation. At that stage there was no scheme proposed. The meeting was to discuss the reported issues and we were asked to devise a scheme based on this.

Parking restrictions are not agreed upon by residents. 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. 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.

There is no date set for the work. The end date for objections is the 20th June. All representations received are included in a report to be submitted to a future Highway Regulation Committee meeting. The members that make up the committee will decide on the outcome. The three ward members are consulted on the report.

I have no information on the notices. If these are being issued in the guise of the Police then this is a matter for them.

Kind regards
Andy

APPENDIX C
COPY OF SUPPORTIING LETTERS

Supporting Letter 1

Dear Sir/Madam,

The Oldham Under Lane Prohibition of Waiting Amendment Order 2024

I write in support of the placing of double yellow lines on both sides of the road at the end of Quickedge Lane, Grotton Oldham OL4 5RL & on Under Lane, Grotton, Oldham. I regularly collect my grandchildren (4 years & 3 years) from a property on Quickedge Lane & several times, due to cars parked on both sides of Under Lane, I have struggled to see oncoming traffic, travelling in both directions along Under Lane. This has caused the other cars to brake suddenly when I've been edging out or on a couple of occasions near misses.

I feel that this is an accident waiting to happen.

I strongly urge you to consider placing double yellow lines on both sides of Under Lane, which would allow drivers leaving Quickedge Lane a clear view of oncoming traffic from both sides of the road.

Thank you in anticipation of your response.

Kind regards,

Supporting Letter 2

Dear Sir/Madam

I am writing to state that I strongly favour the addition of double yellow lines on the proposed stretch of Under Lane, for at least the following reasons:

1. I live in the small cul-de-sac, where the houses 70-76 Under Lane are positioned. Cars often park extremely close to the junction where the cul-de-sac joins the road. In doing so visibility when trying to join the road is reduced to almost zero and forces me to pull onto the wrong side of the road. It is my view that cars often travel along under lane at speeds greater than 30mph, which further, increases the danger when pulling out. I have had a number of near misses, as the parked cars along this section of the road essentially make the road a blind bend.

2. The fact that there is a bus stop present at this junction should also be taken into account. Buses frequently stop here, passengers, in particular school children thus cross the road here. The parking of cars drastically reduces the visibility of crossing the road, and because the bus stops are located are at the start/end of bend, cars travelling on the road would not see persons crossing until they are much closer (when compared to travelling on a straight road). The crossing here is made more dangerous by parked cars. The presence of double yellow lines would clearly mitigate against this clear danger for pedestrians.

The addition of double yellow lines would make this stretch of road much safer by increasing the visibility along this bend in the road.

I understand, and sympathise with the need of local residents to park near their homes. However, this cannot and should not be done at any risk to individuals, including school children. Parking should be where it is safe, for people wanting to exit onto the main road

and for individuals crossing the road.

I further note that residents used to, for a number of years, and some still do, regularly park on Quickedge lane. I would propose that they park on here again, and/or designated parking is marked on Quickedge lane, in a similar manner as is done already on Under Lane.

Thank you for taking my submissions into consideration. If you require anything further, please do not hesitate to contact me.

Supporting Letter 3

Parking on Under Lane is dangerous and a nuisance. Cars parked on the junction of Quick Edge Lane and Under Lane force traffic into the middle of the road.

The road is a main thoroughfare and there have been many times when I have been close to being hit by cars forced into the wrong side of the road on a blind bend by inconsiderate parking.

I think there had been a similar TPO in the area. Recently double yellow lines were added to the junction of Coverhill Road and Furberry Court OL4 5JH. Photo added to illustrate.

The lines were placed there because of inconsiderate parking, to allow safe access and the safer flow of traffic on this busy road, despite this section of the road being straight. On Under Lane the parking is on a bend and therefore a more dangerous place to park.

Although I sympathise with people needing somewhere to park, surely everyone's safety should trump unsafe parking.

I definitely want a safer road where I live, not a convenient place for others to park.



Supporting Letter 4

I am in favour of parking restriction being placed on Under lane on either side of the entrance to Quickedge Lane.

Coming out of Quickedge lane onto Under lane is extremely dangerous the speed of the traffic coming through the village normally exceeds the speed limit and as the site lines in both directions is limited you are putting your life at risk every time. I would also be in favour of a speed reduction through this part of the village.

Supporting Letter 5

To whom it may concern

I've been passed on these details to comment on the proposed double yellow lines at the junction of Quick Edge Lane and Under Lane. Having lived at the former for ten years I struggle with the junction on a daily basis because of the cars parked on the junction and bend so would be fully in favour of the proposal for safety reasons.

Kind Regards,

Supporting Letter 6

I am writing to support the Oldham Under lane Prohibition of Waiting Order .

I live on Quick Edge Lane and consider the junction with Under Lane to be very dangerous due to there frequently being cars parked right on the junction which obscures it from oncoming traffic and blocks the view of cars driving onto Under Lane.

some bollards were installed some time ago to the right of the junction when the pavement was widened to deter cars from parking. However, cars do still park here which forces traffic traveling towards Mossley onto the opposite side of the road Given the speed at which cars travel along Under Lane and the restricted view due to the bend in the road, this is extremely dangerous as there is a risk of a head on collision . It is at this point in the road that cars turning left into Quick Edge Lane need to slow in order to turn . They are forced to do this in the middle of the road due to the cars being parked next to the bollards

I realise that objections to parking restrictions have been made previously due to the limited number of parking spaces in the area . I do sympathise but safety must be a priority and the risk of a serious accident occurring as a result of parking cars at the junction is too great .

I also drive in and out of the junction several times a day , Often with my young grandchildren in the back of the car. It is very difficult to obtain a view of the oncoming traffic .

I also travel with a horse trailer to my car . This becomes a very challenging experience .

Also when we are on horse back

Your Faithfully.

Supporting Letter 7

I complained about this to the council a few years back when I had my child but it got rejected due to people not being in favour of yellow lines. I do understand parking is difficult whilst most houses have 2 or 3 cars now. But it's extremely un safe to try & pull out

off the lane with no vision you have to edge forward into on coming cars that drive through at high speed. I don't know how there hasn't been a fatal accident there yet. It does make me worry when I have my children in the car & one day they will have to cross that road.

Supporting Letter 8

I am writing in support of the proposed traffic regulation order for Quick Edge Lane and Under Lane in Grotton.

I have been very concerned about the safety of the junction of Quick Edge Lane and Under Lane since moving to Quick Edge Lane with my young family more than three years ago.

Due to the bend in Under Lane, the junction is largely hidden to traffic in both directions. When pulling out from Quick Edge Lane onto Under Lane, it is difficult to obtain a clear view of oncoming traffic, from both the left and right, and the situation is made significantly more dangerous by there frequently being cars parked within 10 feet of junction (both on the left and right), in contravention of the Highway Code.

There are also often cars parked next to bollards to the right of the junction (when leaving Quick Edge Lane). These vehicles are parked towards the middle of Under Lane due to the widening of the pavement on which the bollards are situated and they therefore almost completely obscure vehicles pulling out of Quick Edge Lane to traffic on Under Lane travelling from Oldham (and also obscure the view for vehicles pulling out of Quick Edge Lane). Cars parked next to the bollards also force traffic travelling along Under Lane towards Mossley onto the opposite side of the road, increasing the risk of a collision with vehicles travelling towards Oldham. Cars turning left into Quick Edge Lane need to slow down at the bollards in order to turn and we are forced to do so in the middle of the road, risking a head on collision with oncoming traffic.

There are also vans belonging to tradesmen regularly parked immediately to the left and right of the junction making it impossible to see any oncoming vehicles when pulling out of Quick Edge Lane. I narrowly avoided a collision a few months ago when travelling with my young children when a large van was parked immediately to the right of the junction which afforded me no view of traffic to the right. Fortunately, our postman was on the opposite pavement and was able to signal to me to wait as a car was travelling at speed along Under Lane towards Mossley.

I have attached some photographs of the junction taken during the last two weeks to illustrate some of the issues faced by people pulling out of or into Quick Edge Lane. I appreciate there is a shortage of parking spaces in the area but safety must take priority and in my view it is only a matter of time before a serious accident occurs.

Your faithfully







Supporting Letter 9

Whilst visiting my granddaughter and great grand children on many occasions in my car I have had numerous near misses when leaving Lower Quick Edge Lane, Grotton OL4 5RL due to vehicles parked on Under Lane, there clearly needs to be a restriction on parking each side of Lower Quick Edge Lane.

Traffic speeds along Under Lane and you are completely unsighted, very dangerous situation.

Kind Regards

Supporting Letter 10

Fully support the proposal for the following reasons:

Parking at times restricts a clear view when exiting Quick Edge Lane (QEL), land behind properties 82-96 Under Lane and 70-76 Under Lane.

Parking on the Eastern side of Under Lane , adjacent to QEL causes south bound vehicles into on coming traffic.

Residents of QEL have in the past parked outside of their own properties, but are unable to do so now as QEL is often used by heavy plant vehicles operating from the that road. Video attached as an example.

In bad weather residents from the Old Kiln Estate park on Under Lane compounding the parking issues described.

here is an image of an accident on Under Lane at the junction of QEL. The car was travelling North on Under Lane when it was forced to brake hard and swerve on to the verge because of a car travelling in the opposite direction was in the middle of the road. That car was forced into the middle of the road because of two cars parked on the right.

The white van could not stop in time and rear ended the car. Fortunately there were no injuries and the other car did not stop.

At the time I did pass this on to Cllr Marland as I know she takes an active interest in road safety matters in our Ward. Alicia did suggest that the driver report this, alas I did not get to see the driver after her Suggestion.

I hope that this image is of some help.



Kind regards

Supporting Letter 11

We are in receipt of your letter dated 20 May 2024 Ref: AC/TM3 concerning the above matter.

We whole heartedly agree in favour of the Proposal as outlined within the documents attached with your letter dated 20th May 2024, Ref. AC/TM3.

We provide grounds for agreeing to the Proposal to Prohibit, at all times, vehicles indiscriminately waiting or parking, causing danger and obstruction to other road users, pedestrians and emergency services...

1. exiting onto Under Lane from Old Kiln Lane
2. exiting from Under Lane onto Old Kiln Lane
3. Parking along Under Lane, particularly directly in front of 1 Old Kiln Lane
4. Parking within 10 metres on both sides of the junction of Under Lane and Old Kiln Lane
5. Parking directly adjacent to the entrance of 1 Old Kiln Lane restricting access.

We would be grateful if you could ensure the expediting of the Proposal at the earliest.

Thank you

Supporting Letter 12

Dear Sir/Madam

The Oldham Under Lane Prohibition of Waiting Amendment Order 2024 - Proposed traffic regulation order ("the Proposal")

I am a resident of Quick Edge Lane and write in connection with the Proposal.

I have reviewed the Proposal and am fully in support of the same.

I have lived on Quick Edge Lane since February 2021 with my wife and two young children. The parking situation at the junction of Quick Edge Lane and Under Lane ("the junction") has been a persistent problem and cause for concern since we moved in.

As you can see from the attached Google maps excerpt, the junction is at the apex of a bend in Under Lane, which significantly limits visibility of oncoming traffic in both directions when exiting Quick Edge Lane.

Visibility issues are exacerbated by parked cars on both sides of the mouth of the lane. This is prevalent at all times of day, 7 days a week, and typified by the photographs attached.

Parked cars are also an issue when attempting to turn left into Quick Edge Lane from Under Lane – it is necessary to manoeuvre into the path of oncoming traffic coming from Mossley in order to turn into the junction, with severely restricted visibility due to the apex of the bend and parked cars. There is a significant risk of head-on collision given limited visibility for drivers in both directions and typical speed of traffic coming from Mossley.

I note the Proposal anticipates double-yellow lines to the north of the mouth of the junction. This would significantly improve the position – presently, vehicles park adjacent to bollards (which I understand anecdotally to have been installed to dissuade parking) wholly obstructing the view down Under Lane to the north, such that it is typically necessary to pull-out to the centre line of Under Lane when driving before it is possible to see oncoming traffic in either direction. The Proposed Works would markedly improve visibility of immediately oncoming traffic to the right, at the expense of space where only a maximum of 3 vehicles presently park.

Ideally, there would also be double-yellow lines to the south of the mouth of the junction to aid visibility of oncoming traffic to the left. Visibility here is even poorer than to the north given the angle of the bend, and traffic coming from Mossley typically proceeds at greater speed than that in the other direction.

I note The Highway Code (Rule 243) stipulates drivers should not stop or park opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space – the purpose being to allow motorists emerging from, or turning into, the junction a clear view of the road they are joining, enabling them to see hazards such as pedestrians or cyclists. Current practice at the junction does not reflect adherence to Rule 243 – as demonstrated in the attached photographs.

Whilst my wife and I routinely exercise the utmost caution when entering and exiting the junction, such caution cannot wholly mitigate the risk of collision stemming from parked cars on either side of the junction obscuring visibility (and requiring traffic to manoeuvre to the wrong side of the road), contrary to The Highway Code. The consequence of this is a constant nagging fear of a collision being only a matter of time away, exacerbated by our role as parents of two young children. It is therefore my view that the Proposal is proportionate and necessary, and, indeed, the Council could and should go further in implementing similar measures to the south of the junction.

I would be glad to discuss the position with Council representatives and am happy to accommodate a site visit to show representatives the site and further demonstrate my concerns.

I trust my comments will be given due consideration.

Yours faithfully



Car stopped at mouth of junction photo facing north (taken from passenger seat) – parked cars obscuring view down Under Lane



Typical position at mouth of junction looking north up Under Lane - parked cars obscuring view.



View from junction looking south taken from passenger seat and on foot - parked cars obscuring view to south.

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HIGHWAY REGULATION COMMITTEE

Objections to Proposed Prohibition of Waiting – Sandy Lane, Dobcross

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Andy Cowell, Traffic Engineer
Ext. 4577

26 September 2024

Reason for Decision

To consider objections received to proposed waiting restrictions at Sandy Lane, Dobcross.

Recommendation

It is recommended that the proposal be relaxed and waiting restrictions are introduced in accordance with the plan in Appendix 2.

1 **Background**

1.1 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 along with 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.

These were reported to the Highway Regulation Committee on 18 July 2024 where it was resolved that consideration will be deferred to the next meeting. The Committee asked Officers to meet with Ward Members with a view to relaxing the length of the proposed restrictions. A site meeting has now taken place and a revised proposal plan has been drafted which is supported by Ward Members. The amended proposal maintains the majority of on-street spaces whilst also protecting the two main pinch points where the main obstruction takes place over narrow sections of carriageway. The amended plan is attached as Appendix 2.


2 **Options/Alternatives**

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

4 **Preferred Option**

4.1 Option 2

Appendix number or letter	Description
1	Copy of Original Highway Regulation Committee Report
2	Amended Plan

Signed  In consultation with Director of Environment	Dated 27.08.24
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APPENDIX 1

COPY of ORIGINAL HIGHWAY REGULATION COMMITTEE REPORT

Highway Regulation Committee

Decision Maker:	Director of Environment, Nasir Dad
Date of Decision:	18 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:	<p>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 plus 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.</p> <p>A copy of the approved report is attached at Appendix A and a copy of the objections are attached at Appendix B.</p> <p>The main points raised by the objectors are detailed below along with the Council's response to each one.</p> <p>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.</p> <p><i>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 though necessary to address the access issues identified. The restrictions are only proposed on one side of the road except where it narrows or</i></p>
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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	

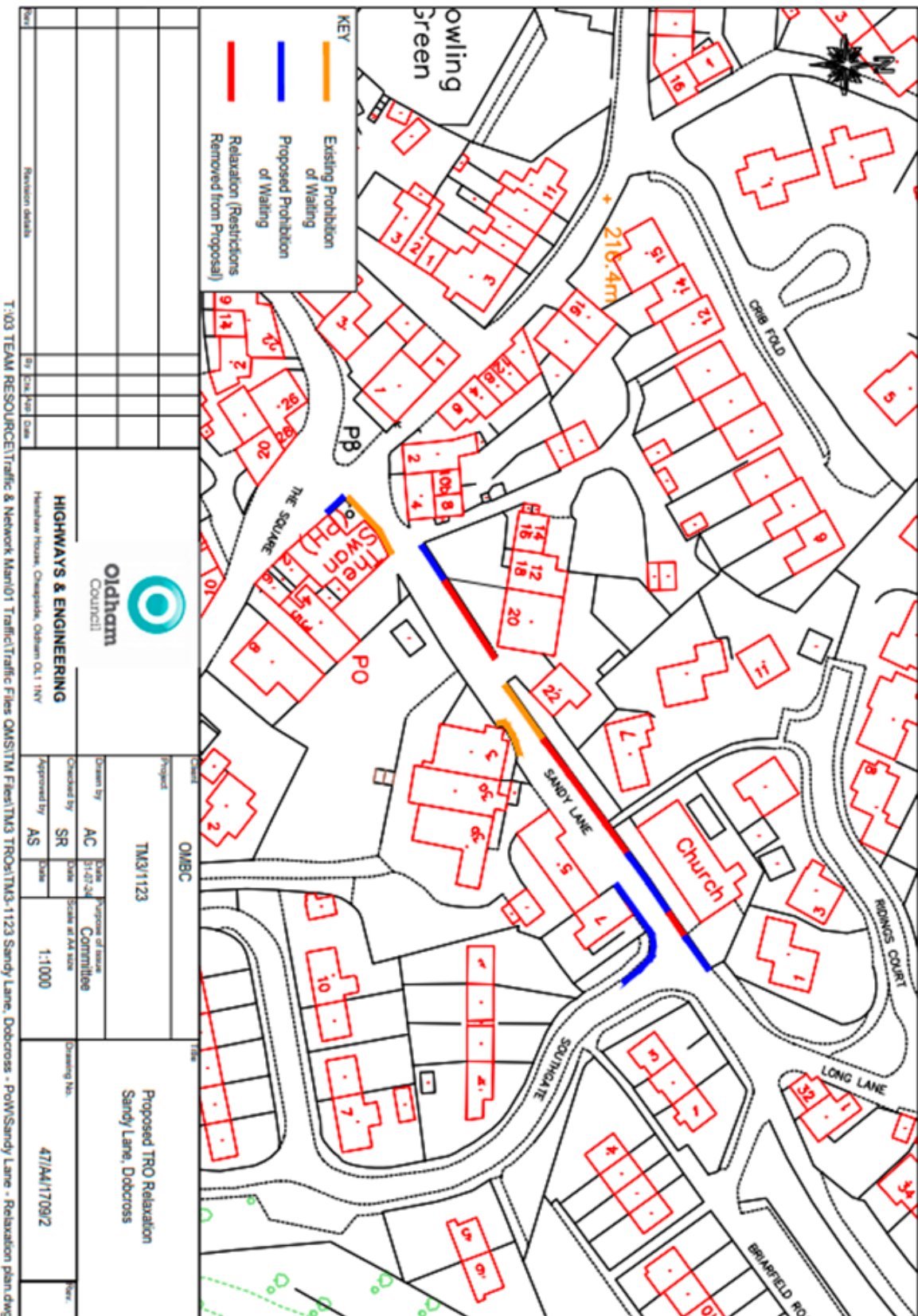
Please list and attach any appendices:-

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

In consultation with Director of Environment

Signed : _____ Date: _____

APPENDIX 2
AMENDED PLAN



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, Dobcross 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, Dobcross

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

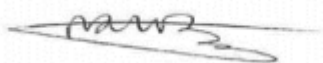
Item No	Length of Road	Duration	Exemptions	No Loading
	<p style="text-align: center;"><u>Sandy Lane, Dobcross</u> (North west side)</p> <p>From a point 18 metres north east of its junction with Platt Lane for a distance of 109 metres in a north easterly direction</p>	At any time	A, B1, B2, B3, B4, C,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

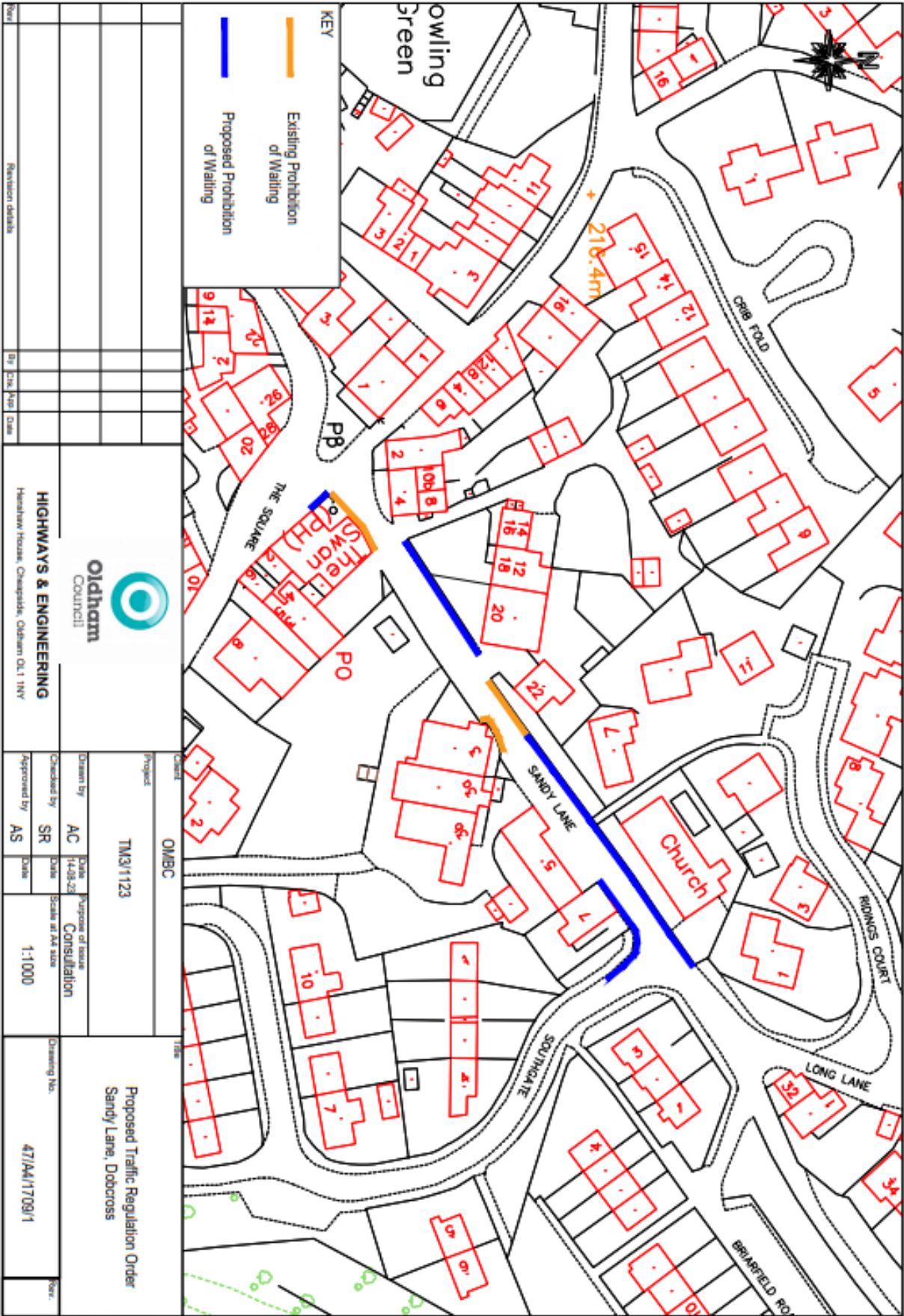
Report Author Sign-off:	
Andy Cowell	
Date: 30 November 2023	

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 highlighted.

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

1

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 MFLB5 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

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HIGHWAY REGULATION COMMITTEE

Objections to Proposed Traffic Calming – Pretoria Road, Hollinwood

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Ian Whitehead, Traffic Engineer
Ext. 4325

26 September 2024

Reason for Decision

The purpose of this report is to consider an objection received to the proposed introduction of traffic calming measures on Pretoria Road, Hollinwood

Recommendation

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

Objections to Proposed Traffic Calming – Pretoria Road, Hollinwood**1 Background**

- 1.1 A report recommending the introduction of traffic calming measures on Pretoria Road, Hollinwood, was approved under delegated powers on 12 March 2024. The proposal was subsequently advertised, and one objection was received.

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

In summary, the objector states that he will be unable to park his vehicles outside his property if the speed cushions are installed at the proposed location.

Officers do not accept this objection as there are no proposals to introduce a parking restriction as part of this traffic calming scheme. The objector may park on the speed cushion if required.

1.2 Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998

None

1.2 Risk Assessments

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

1.4 Co-operative Implications

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

1.5 Procurement Implications

None

2 Current Position

- 2.1 Currently the scheme has been advertised and is ready to be installed on site upon approval. Discussions have been held with the objector and it was explained that he is allowed to park on the speed cushions but he wished to maintain the objection.

3 Options/Alternatives

- 3.1 Option 1 Install traffic calming as advertised.
3.2 Option 2. Do nothing.

4 Preferred Option

- 4.1 Option 1

5 **Consultation**

5.1 The Hollinwood Ward Members have been consulted and Councillor A Wahid has commented, I confirm that I have no objections to the traffic calming measures and welcome the same. This is greatly needed.

6 **Financial Implications**

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

7 **Legal Implications**

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

8 **Equality Impact, including implications for Children and Young People**

8.1 None, the work is being undertaken to improve safety on the highway.

9 **Key Decision**

9.1 No

10 **Key Decision Reference**

11.1 N/A


12 **Background Papers**

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

File Ref : TM4/495
Name of File : Proposed Traffic Calming – Pretoria Road, Hollinwood
Records held in [insert] Department, Spindles Shopping Centre, West Street, Oldham
Officer Name : Ian Whitehead
Contact No : 4325

13 **Appendices**

13.1 Appendix A - Approved Mod Gov Report
Appendix B - Copy of Objection
Appendix C - Proposed Plan

<p>Signed</p>  <p>In consultation with Director of Environment</p>	<p>Dated 30.08.24</p>
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APPENDIX A
APPROVED MOD GOV REPORT

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

Decision Maker: Nasir Dad, Director of Environment
Date of Decision: 13 February 2024
Subject: Pretoria Road, Hollinwood - Traffic Calming Scheme
Report Author: Ian Whitehead, Principal Traffic Engineer
Ward (s): Hollinwood

Reason for the decision: Pretoria Road in Hollinwood has been highlighted by local residents and Councillors as an area with a high number of speeding vehicles. This report seeks permission to formally advertise the 'Humps Notice' associated with the implementation of the traffic calming scheme in order to reduce vehicle speed and improve highway safety.

The proposals are detailed in the drawing and schedules at the end of this report.

Summary: The purpose of this report is to seek approval to the advertise of the legal Humps Notice as set out in The Highways (Road Humps) Regulations 1999 and the Road Traffic Regulation Act 1984.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s): No alternative options have been considered viable/effective.

Justification: If approved, the proposal will help reduce vehicle speeds and improve road safety in the area.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted The Ward Members have been consulted and no comments have been received.

The Chief Constable has been consulted and has no objection to this proposal.

The Director General for TFGM has been consulted and has no comment on this proposal.

The County Fire Officer has been consulted and has no comment on this proposal.

The County Ambulance Officer has been consulted and has no comment on this proposal.

Recommendation(s):

It is recommended that the legal notices are advertised and that the measures associated with the traffic calming scheme are introduced as detailed in the drawing and schedule at the end of this report.

Implications:

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

The cost of introducing the order will be £1.4k and will be revenue expenditure.

This will be funded from within the Highways TRO budget.

(John Edisbury)

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

The Council should satisfy itself that the proposals will be effective in reducing or preventing road accidents and will justify the expenditure incurred. It will be necessary to publish details of the proposals in one or more local newspapers and consider any objections received before deciding whether to proceed with the proposals.

(Alan 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 conditions

*What are the **property** implications*

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

Risks:

The introduction of the advertisement of the legal Humps Notice around Pretoria Road will decrease the numbers of incidents involving vulnerable road users and decrease the speed of vehicles on the highway. There could be reputation risks around the scheme in terms of residents reactions to the proposals these can be

mitigated by effective communications and the publication of notices which is being proposed in this report.

Vicki Gallacher (Head of Insurance and Information Governance)

Co-operative implications

The measures proposed in this report will improve road safety for residents, as such this is broadly in line with our cooperative agenda. (James Mulvaney, Policy Manager)

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

None

Environmental and Health & Safety Implications

None

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 1

Traffic Calming Cushions (pair) 2000mm(l)x1650mm(w)x75mm(h)

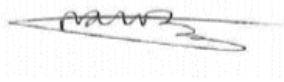
Item No	Length of Road	Location
1	<u>Pretoria Road</u>	<ol style="list-style-type: none">11.5m southeast of the junction with Chamber Road62.8m southeast of the junction with Chamber Road103.8m southeast of the junction with Chamber Road

There are no background papers for this report

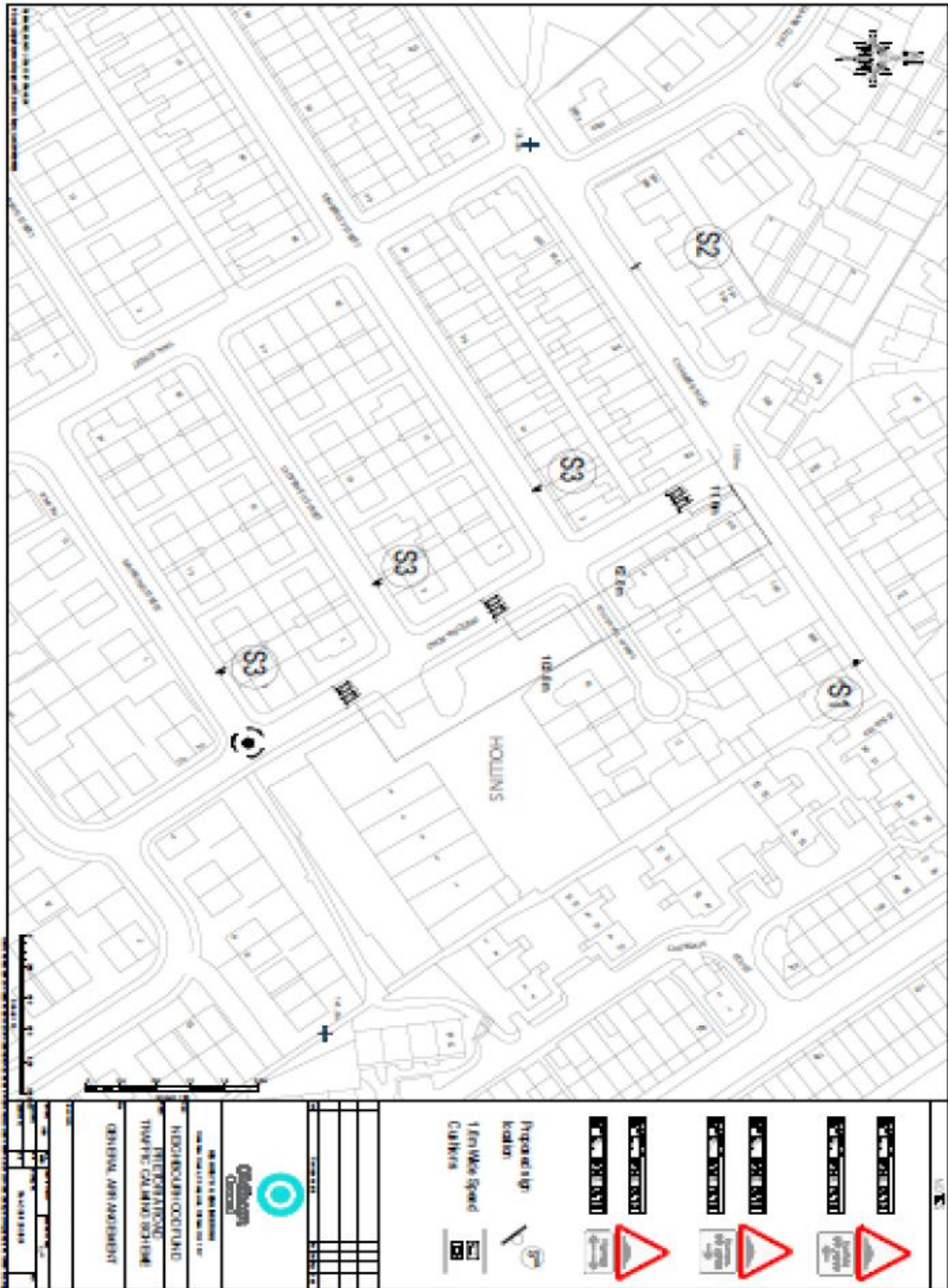
Report Author Sign-off: Ian Whitehead	Approved:  Alister Storey
Date: 13 February 2024	

In consultation with Director of Environment

Signed:



Date: 12.03.24



APPENDIX B
COPY OF OBJECTION

Objection 1

Initial Objection: DISAGREE WITH THE TRAFFIC CALMING SCHEME ON CHAMBER ROAD

I TOTAL OPPOSE THE SCHEME ! HOW ARE YOU PUTTING TRAFFIC CALMING STUFF IN PLACE WHEN ALREADY THE ROAD ARE BUSY FROM 8PM TO 9:15/30 and again around 4pm ish till about 6! All your gonna do is make the road more busy! Do us all a favour and scrap this nonsense. My car wont fit through these calming measures so what would you have me do? Crash through it as i will have no other option! If that does happen then number one is I Will sue you and im sure there are many others who will do the same! I go on this road practically everyday so you wont be doing anyone a favour! You'll just be teying to make it into london central with the traffic calming measures. |

Initial Response:

Good afternoon, in response to your previous email, please find attached a copy of the legal "road humps notice" and a plan showing the proposed locations of the three sets of traffic calming cushions on Pretoria Road (not Chamber Road). Please be advised that the cushions are designed to slow vehicles to the speed limit of the road and are of a standard specification used widely across the Country. The plan also shows the locations of the signs required to correctly sign the measures.

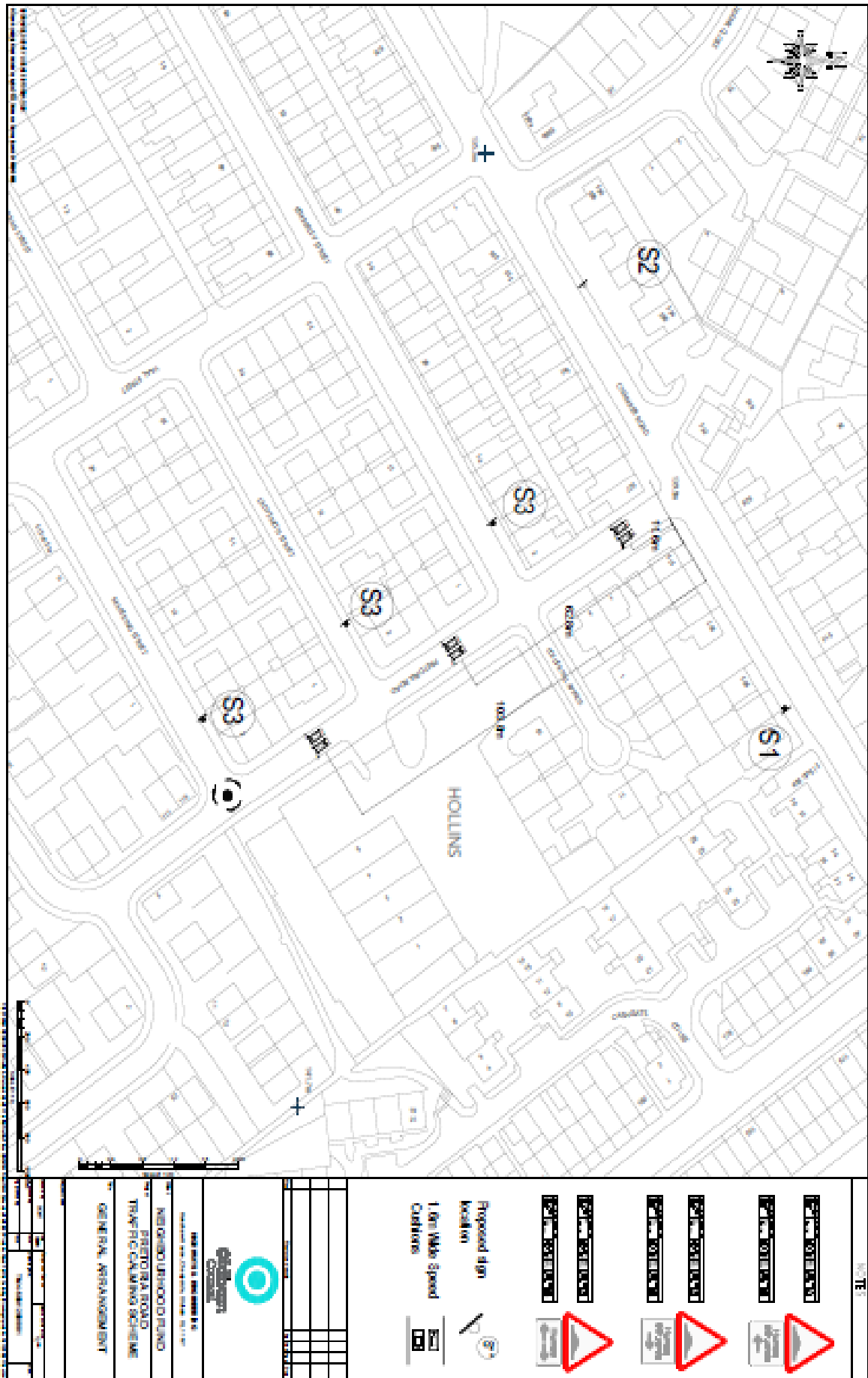
The scheme was requested by the local Ward members who secured funding through the Local Improvement Fund (LIF), they were concerned about the speeds of vehicles on Pretoria Road between Chamber Road and the new Pretoria Mill housing development.

Please can you confirm if you still wish to object to the proposals now that you are aware that they are actually on Pretoria Road?

Objector:

Good morning, yes I still object to it, the cushions are being placed right at the side of my house, this is where we park our cars, 5 of my family members park there cars at the side of my house as we cant park in the front as all my neighbours drive.

APPENDIX C
PROPOSED PLAN



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Highway Regulation Committee

Objection to Proposed Prohibition of Waiting – Hampton Road, Failsworth

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Mohamed Abdulkadir, Traffic Engineer

26 September 2024

Reason for Decision

The purpose of this report is to consider an objection received to the proposed extension of the existing Prohibition of Waiting restrictions on Hampton Road, Failsworth.

Recommendation

It is recommended that Option 2 be approved by the Panel and installed on site. Whilst Officers still believe the original recommendation provides more benefits with regards safety, Option 2 leads to an improvement and provides a balance which acknowledges the concern of the objector.

Objection to Proposed Prohibition of Waiting – Hampton Road, Failsworth**1. Background**

- 1.1 A report recommending the extension of existing Prohibition of Waiting (PoW) restriction on Hampton Road, Failsworth, was approved under delegated powers on 5 February 2024. The proposal was subsequently advertised, and one objection was received.

A copy of the approved report is attached in Appendix A and a copy of the objection is attached in Appendix B. A revised schedule and plan to support the Option 2 recommendation is provided within Appendix C.

In summary, the objector states that the proposed extension of waiting restrictions will displace parking further north on Hampton Road. The resident who lives on Ashton Road East in one of the terraced houses that does not have a driveway or garage, and therefore, parks on Hampton Road. The objector is concerned that a reduction of parking space is likely to cause more parking related aggravation with local residents.

The objector has enquired if alternative parking space suggestions that may be available are proposed to compensate for the loss of the parking spaces.

1.2 Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998

None

1.3 Risk Assessments

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

1.4 Co-operative Implications

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

1.5 Procurement Implications

None.

2. Current Position

- 2.1 In response to the objection, Officers recognise that there may be some displacement. However, the length of the proposed extension of the restrictions will ensure that carriageway space is available for motorists egressing and accessing the junction at the same time.

- 2.2 Officers have considered a reduced proposed length of restrictions, which is felt would still provide an improvement to resolve the concerns that have been reported.

- 2.3 It is the view of Officers that any displacement would be minimal and remove a potential conflict at the junction.

3 Options/Alternatives

- 3.1.1 As a result of the objection received, the following options have been considered:

Option 1: Install Prohibition of Waiting restriction as advertised i.e. extend the existing restrictions both sides of Hampton Road. Proposal meets the Highway Code requirement.

Option 2: Install a reduced Prohibition of Waiting restriction (extend restrictions by 4m on western side of Hampton Road). Proposal is aimed at improving safety issues identified with reduced displacement of parking spaces compared to Option 1.

Option 3: Do nothing

4 **Preferred Option**

4.1 It is recommended that Option 2 be approved by the panel and installed on site. Whilst Officers still believe the original recommendation provides more benefits with regards safety, Option 2 will still provide improvement and provide a compromise which acknowledges the concerns of the objector.

5 **Consultation**

5.1 The Failsworth East Ward Members have been consulted and no comments have been received.

6 **Financial Implications**

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

7 **Legal Implications**

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

8 **Equality Impact, including implications for Children and Young People**

8.1 None, the work is being undertaken to improve safety on the highways.

9 **Key Decision**

9.1 No

10 **Key Decision Reference**

10.1 N/A

11 **Background Papers**

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

File Ref: TM3-1108

Name of File: Hampton Road / Ashton Road East - PoW

Records held in Highways Department, Spindles Shopping Centre, West Street, Oldham

Officer Name: Mohamed Abdulkadir

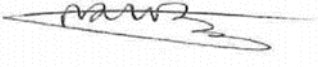
Contact No: 07903894949

12 **Appendices**

Appendix A - Approved Mod Gov Report

Appendix B - Copy of Objection

Appendix C – Revised Schedule and Plan

 Signed In consultation with Director of Environment	Dated: 06.09.2024
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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: 2 February 2024
Subject: Hampton Road, Failsworth – Proposed Prohibition of Waiting
Report Author: Mark Woodhead, Traffic Engineer
Ward (s): Failsworth East

Reason for the decision: Highway department has received complaints from members of the public alleging difficulties for motorists at the junction of Hampton Road/Ashton Road East.

It has been reported that on street parking close to junction reduces carriageway space, thus creating a potential conflict with motorists accessing and egressing Hampton Road.

Existing Prohibition of Waiting restrictions were introduced at the junction in 1986. However, these restrictions do not extend the same distance on both sides of Hampton Road

Summary: The purpose of the report of the report is to seek approval to extend the existing Prohibition of Waiting restrictions (double yellow lines) on both sides of Hampton Road to a distance of 10 metres from Ashton Road East

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

Option 1 – Extend the existing restrictions both sides of the Hampton Road

Option 2 – Extend the restrictions on the west side only, it is felt that this would not fully resolve the concerns that had been reported.

Option 3 – Do nothing

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):

The preferred option is Option 1

Implications:

What are the financial implications?

The cost of introducing the double yellow lines is detailed below:

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

This will be funded from the TRO revenue budget within Highways and financed by Transport for Greater Manchester (TfGM).

(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

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

None

What are the **property** implications

None

Risks:

The introduction of additional yellow line marking measures around Hampton Road will decrease the numbers of incidents involving vulnerable road users and assist with visibility for all road users. There could be reputation risks around the scheme in terms of residents reactions to the proposals these can be mitigated by effective communications, the publication notice and review of any objections received before carrying out the works.

Vicki Gallacher (Head of Insurance and Information Governance)

Co-operative implications	The proposals in this report will increase road safety, whilst also reducing traffic. These outcomes will support our residents. (James Mulvaney, Policy Manager)
Community cohesion disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998	The proposal, will reduce conflicts between motorists and improve visibility around the junction
Environmental and Health & Safety Implications	The removal of problematic parking will improve highway safety for both motorists and pedestrians
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/A4/19651

Remove from the Oldham Borough Council (Failsworth area) Consolidation Order 2003

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
F31	HamptonRoad (East side) From its junction with Ashton Road East for a distance of 8 metres in a northerly direction	At any time	A, B1, B3, B4, C, E, J, K4, L	

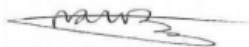
F31	HamptonRoad (West side) From its junction with Ashton Road East for a distance of 4 metres in a northerly direction	At any time	A, B1, B3, B4, C, E, J, K4, L	
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Add to the Oldham Borough Council (Failsworth area) Consolidation Order 2003

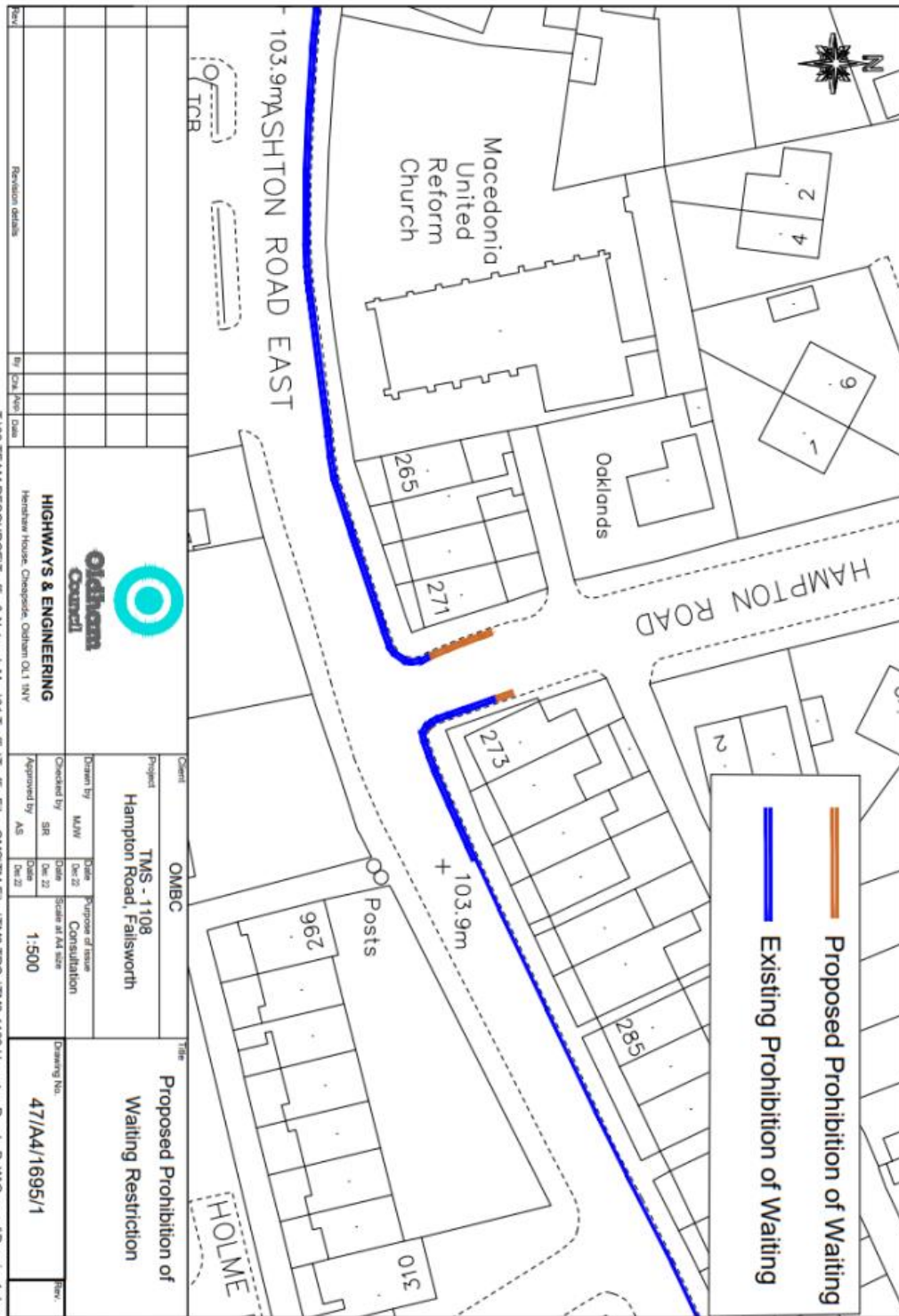
Column 1 Item No	Column 2 Length of Road	Column 3 Duration	Column 4 Exemptions	Column 5 No Loading
	HamptonRoad (East side) From its junction with Ashton Road East for a distance of 10 metres in a northerly direction	At any time	A, B1, B3, B4, C, E, J, K4, L	
	HamptonRoad (West side) From its junction with Ashton Road East for a distance of 10 metres in a northerly direction	At any time	A, B1, B3, B4, C, E, J, K4, L	

Report Author Sign-off:	
Mark Woodhead	
Date: 2 February 2024	

In consultation with Nasir Dad, Director of Environment



Signed : _____ Date: 05 Feb 2024



APPENDIX B
COPY OF OBJECTION

Objection 1

20th June 2024

REF: WJM/TO24/5 VF23578

The Oldham Hampton Road Failsworth prohibition of waiting amendment order 2024

I am writing to object to the proposal order of extending the double yellow lines in Hampton Road, Failsworth as finding a parking space in this area is difficult enough as it is now

I cannot think of any reason for the proposed change. I have not seen any significant difficulty arising with the flow of traffic. I can foresee no significant benefit from the proposed change

I live on Ashton Road East in one of the four terraced houses that is not lucky enough to have a driveway or garage therefore I park on Hampton Road

Increasing the yellow lines and losing parking space is going to cause further problems as residents park further up the road which is just going to cause more aggravation with local residents.

Parking is already very competitive and to further restrict parking without suggesting an acceptable nearby alternative will make mine and my neighbours lives more difficult

I would be very happy if alternative parking became available and would be open to hearing about suggestions you may propose to compensate us. I would urge those that make the decisions in the area of highways to meet with residents in person to look at alternative options until then please take this letter as an official objection to the extended double lines proposal.

Yours sincerely

[REDACTED]
Ashton Road East, Failssworth
Manchester M35 0QP
[REDACTED]

APPENDIX C
REVISED SCHEDULE AND PLAN

Schedule

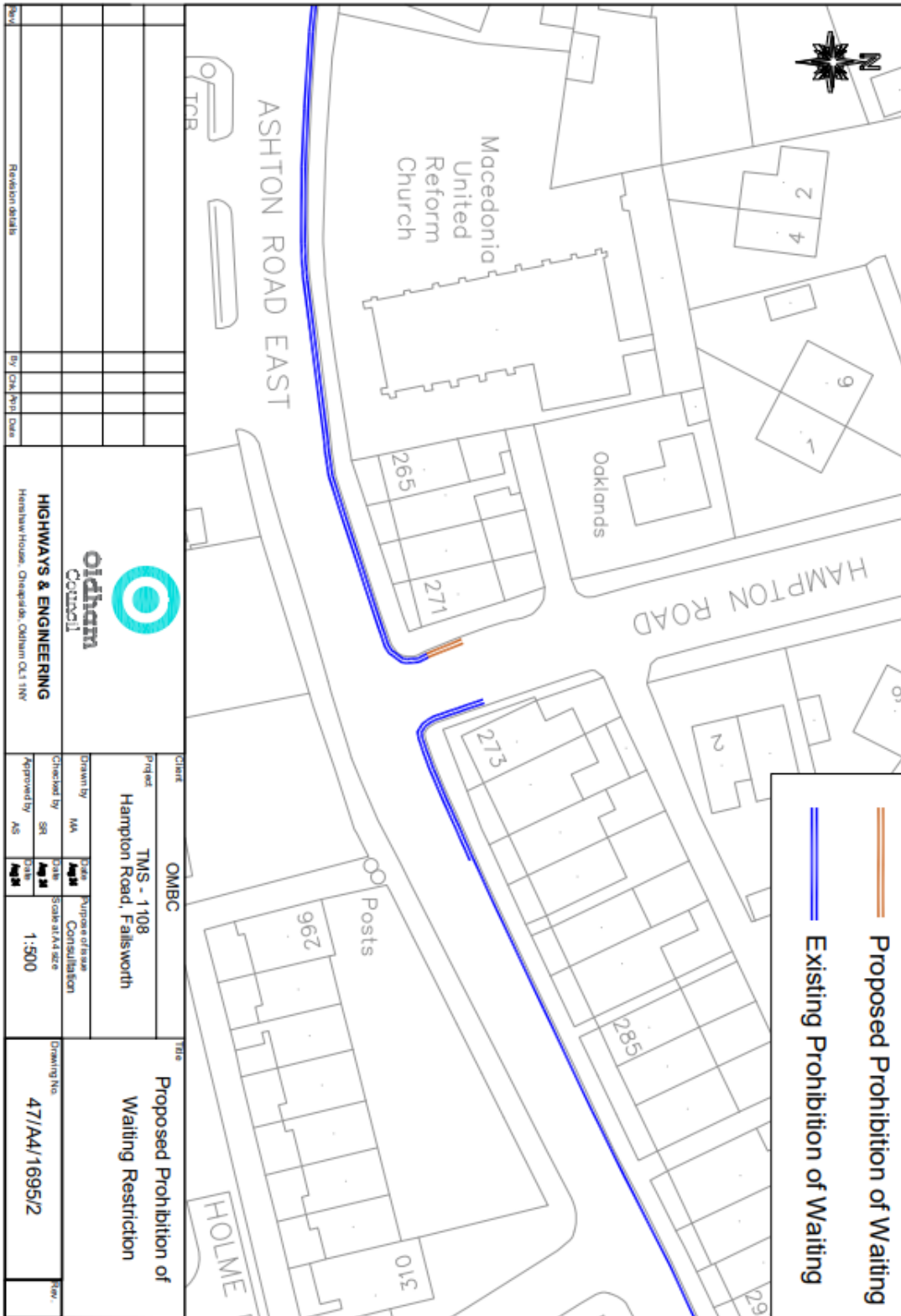
Drawing Number 47/A4/1965-2

Remove from the Oldham Borough Council (Failsworth area) Consolidation Order 2003.

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
F31	<u>Hampton Road</u> (East side) From its junction with Ashton Road East for a distance of 8 metres in a northerly direction	At any time	A, B1, B3, B4, C, E, J, K4, L	
F31	<u>Hampton Road</u> (West side) From its junction with Ashton Road East for a distance of 4 metres in a northerly direction	At any time	A, B1, B3, B4, C, E, J, K4, L	

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
	<p><u>Hampton Road</u> (East side)</p> <p>From its junction with Ashton Road East for a distance of 8 metres in a northerly direction</p>	At any time		
	<p><u>Hampton Road</u> (West side)</p> <p>From its junction with Ashton Road East for a distance of 8 metres in a northerly direction</p>	At any time		

Proposed Revised Plan





Definitive Map and Statement Modification Order

S53 – Wildlife and Countryside Act 1981 Claim to register Public Footpaths at Arncliffe Rise, Moorside

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRow Officer
Ext. 4325

Highway Regulation Committee - 26 September 2024

Reason for Decision

To determine an application submitted under Schedule 14 of the Wildlife and Countryside Act 1981 (the 1981 Act), requesting that a Modification Order be made in respect of routes running across land at the middle of Arncliffe Rise, Moorside (the Application Routes), which are shown on the attached plan, 764/A4/248/1.

Executive Summary

An application has been received to register 2 Footpaths on the Definitive Map and Statement. The application meets the required legal test of 20 years use of the whole of the Application Routes 'as of right'. The report is requesting that the Highway Regulation Committee consider whether to approve or not the application to make a Definitive Map Modification Order in respect of the Application Routes and if the application is approved, the Director of Environment be authorised to carry out the necessary procedures – i.e. to confirm the Order in the event that no objections are made to the Order.

Recommendations

It is recommended that:

1. The application for a Modification Order in respect of the routes at Arncliffe Rise, Moorside to be recorded in the Definitive Map and Statement as footpaths as detailed in Schedule 1 be approved.
- 2.. The Applicant and the owner/occupier of the land subject to the application be notified of the Council's decision as required by Schedule 14 of the 1981 Act.

**Definitive Map and Statement Modification Order. S53 – Wildlife and Countryside Act 1981
Claim to register Public Footpaths at Arncliffe Rise, Moorside.****1 Background**

- 1.1 The application was submitted by Christine McGiffen on behalf of the residents of Arncliffe Rise. The evidence in support of the application consists of 23 user evidence forms and maps claiming more than 20 years use of the Application Routes. The user evidence must be considered against the statutory provisions in section 31 of the Highways Act 1980 (“the 1980 Act”) concerning dedication of a highway through 20 years’ usage.
- 1.2 Under section 31 of the 1980 Act, a way is deemed to have been dedicated as a highway after 20 years use by the public unless there is sufficient evidence that there was no intention during that period to dedicate it. In order to establish a presumed dedication under this section, each element in the wording of section 31(1) and (2) needs to be proved on the balance of probabilities.
- “(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.
- (2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise”.
- (3) Where the owner of the land over which any such way as aforesaid passes:-
- (a) has erected in such a manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and
 - (b) has maintained the notice after the 1 January 1934, or any later date on which it was erected,
 - (c) the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.”
- 1.3 To make a Modification Order to add the Application Routes to the Definitive Map the Council needs to decide whether an event under section 53 of the 1981 Act has occurred. If so, a Modification Order should be made. The “events” which are relevant to this application are those in s53(3)(b) and s53(3)(c)(i) of the 1981 Act. These provisions can overlap. “The discovery of evidence which shows that a right subsists or is reasonably alleged to subsist” under s53(3)(c)(i) can include the discovery that the period of user required to raise a presumption of dedication has expired. Thus, where an application is made for the addition of a path on the grounds of user for a requisite period, the application can be for an Order either under s53(3)(b) and/or under s53(3)(c)(i). An important difference between s53(3)(b) and s53(3)(c)(i) should be noted. The former does not contain words “reasonably alleged”. Unless the period has without doubt expired, the subsection does not apply. Under the latter, it is sufficient if it is no more than reasonably alleged that the way exists as a public right of way.

2 Analysis of Claim

2.1 The evidence submitted in support of the Application consists of User Evidence Forms completed by various individuals. In total, 23 completed Right of Way Evidence Forms have been received in support of the Application. It can be seen from the summary of User Evidence at Table A below that:-

- A number of people claim to have used the routes; all are local people.
- None of the persons who completed a User Evidence form have indicated that they ever sought or were granted permission to use the Application Routes. No User Evidence forms indicate users having been stopped or turned back from using the Application Routes.
- The periods of use range from 3 years to 59 years, with the earliest use being 'late 1950's'. For those persons who have used the Application Routes, the frequency of their use is high.

The Council has to decide what it considers are the correct facts, and on the basis of those facts, whether an event under s53(3)(c)(i) has occurred.

Use of the way is not in itself enough – it is the nature of such use that has to be established. All the provisions of section 31 of the 1980 Act, together with the common law rules need to be carefully considered.

a) “use by the public”

Whilst the User Evidence submitted comes mainly from residents who live in the area, that does not mean that the use cannot be regarded as “use by the public”. In the case of *R v Inhabitants of Southampton 1887*, it was held that use by the public “must not be taken in its widest senses; it cannot mean that it is a use by all the subjects of the Queen, for it is common knowledge that in many cases, it is only the residents in the neighbourhood who ever use a particular road”

Use by those persons who completed User Evidence Forms can be regarded as “use by the public”

b) “use as of right”

None of those persons who completed User Evidence Forms have indicated being challenged themselves. The use of the Application Routes by those who completed User Evidence forms appears to have been open and without force or permission, and can therefore, be considered to be “use as of right”.

c) “period of 20 years To be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise”.

It is considered that the date when the public’s right to use the Application Routes was first called into question was shortly after the purchase of the land by the current landowner. The purchase of the land is dated 10 January 2023. The period of 20 years use as of right, of the Application Routes, must therefore be at least 20 years before January 2023. Subsection (3) applies where the owner of the land has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a Highway and has maintained the notice after it was erected. No evidence has been provided to the Council that such notices have been erected on the way.

d) “without interruption”

An interruption has been defined as the actual and physical stopping of the use of a way by the landowner or their Agent. Moreover, such interruption must be with the intention to prevent public use. It is not sufficient if the interruption is for some other purpose.

There is no evidence that use of the Application Routes for a 20 year period has been interrupted.

e) “unless there is sufficient evidence that there was no intention during that period to dedicate it”

There have, in recent years, been numerous legal rulings on what constitutes “sufficient evidence” that there was no intention to dedicate a highway. The leading case is for this example took place in the town of Godmanchester, which was considered by the House of Lords in 2007. In that case, the House of Lords ruled that the words “unless there is sufficient evidence that there was no intention during that period to dedicate” in s31(1) of the 1980 Act required landowners to have communicated to Users their lack of intention to dedicate and that must have been communicated at some point(s) during the 20 year period of use by the public.

There has been no evidence provided of any intention of the landowner not to dedicate the Application Routes as footpaths.

3 Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998

None

4 Risk Assessments

The legal comments are separately noted in this report. The report shows based on the table of comments that the claimed definitive footpath at Arncliffe Rise, appears to have been used for over 20 years. There is a risk of legal action should the footpath not be added to the claimed routes to the Definitive Map and Statement. The service should ensure that if the modification requires the Council to accept ongoing maintenance for the footpath that this is discussed with the Highways team to add to the highway inspection routes.

Vicki Gallacher (Head of Insurance and Information Governance)

5 Co-operative Implications

None. (J Mulvaney)

6 Procurement Implications

None.

7 Current Position

7.1 The application and User Evidence have been examined and the Officer is satisfied that the documentation provided meets the legal test of 20 years use of the whole of the Application Routes ‘as of right’. The decision to approve or not approve the application lies with the Highway Regulation Committee.

8 Options/Alternatives

8.1

- i. Option 1: To approve the application and add the Application Routes to the Definitive Map and Statement as footpaths.
- ii. Option 2: Not to approve the application.

9 Preferred Option

9.1 The preferred Option is Option 1, as the claim meets the required legal test of 20 years use of the whole of the Application Routes 'as of right'.

10 Consultation

10.1 The Ward Members have been consulted and Councillor J Charters fully supports the proposal. Councillor A Cosgrove also supports the proposal. Councillor B Sharp also supports the application.

11 Financial Implications

11.1 The advertising costs to register Arncliffe Rise, Moorside as a public footpath will be £0.6k and will be revenue expenditure. This will be funded from the Public Rights of Way Budget.

(John Edisbury)

12 Legal Implications

12.1 Under section 53 of the 1981 Act, the Council is required to make a Modification Order amending the definitive map and statement where it appears requisite in consequence of the discovery by the Council of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the definitive map and statement subsists or is reasonably alleged to subsist over land in the area to which the definitive map relates, being a right of way such that the land over which the right subsists is a public path (ie a footpath or bridleway) or a restricted byway.

12.2 The burden of proof on establishing that the Application Routes are footpaths lies with the claimant. The evidence submitted by the claimant is considered to be sufficient evidence of 20 years usage of the Application Routes by the public.

12.3 If objections to the application are received the application will be sent to the Planning Inspectorate for determination by the Secretary of State. (A Evans)

13 Equality Impact, including implications for Children and Young People

13.1 No

14 Key Decision

14.1 No

15 Key Decision Reference

15.1 N/A

16 **Background Papers**

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

There are no background papers for this report.

17 **Appendices**

17.1 None

Table A

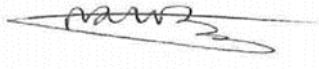
Summary of User Evidence

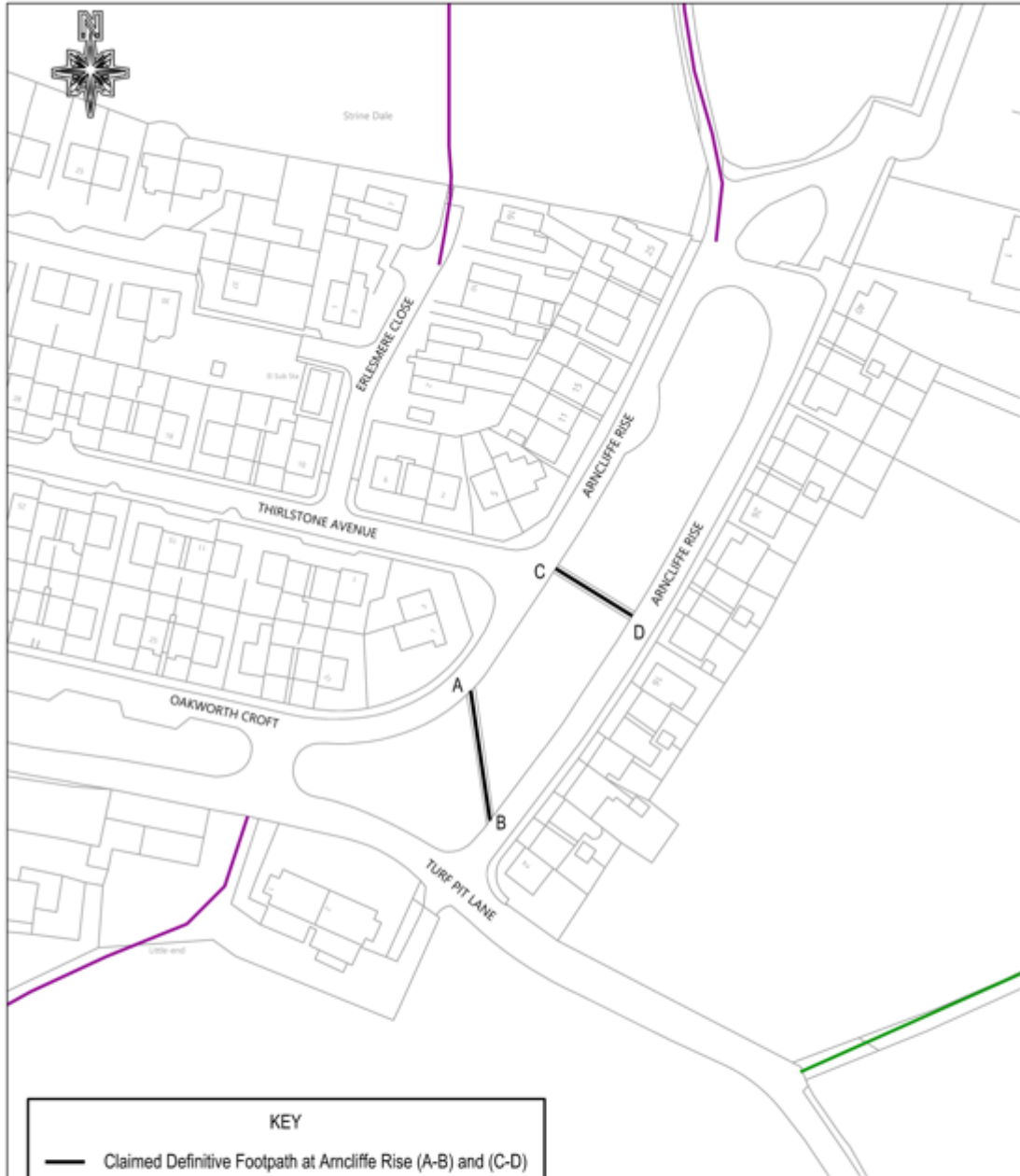
USE R	USAGE FROM-TO	YEAR S	FREQUENCY P/A	PURPOSE	PERMISSIO N	METHOD
1	2002-2023	21	Daily	Recreation/Access	No	Foot
2	1980-Present	40+	100	Recreation	No	Foot
3	1965-Present	59	Daily	Recreation/Access	No	Foot
4	2014-Present	10	Twice	Recreation	No	Foot
5	Late' 1950's- Present	66	Unknown	Recreation	No	Unknow n
6	1970-Present	24	300	Recreation/Access	No	Foot
7	2014-Present	10	365+	Recreation/Access	No	Foot
8	1986-Present	38	Unknown	Recreation/Business	No	Foot
9	1989-Present	35	Unknown	Recreation	No	Foot
10	2001-Present	23	Daily	Recreation	No	Foot
11	1991-Present	33	Daily	Recreation/Access	No	Foot
12	1994-Present	30	40-45	Recreation	No	Foot
13	2021-Present	3	730	Recreation	No	Foot
14	2011-Present	13	52	Recreation/Access	No	Foot
15	1966-Present	58	Daily	Recreation/Access	No	Foot
16	2015-Present	9	Daily	Recreation/Access	No	Foot/Bike
17	2003-Present	21	20+	Recreation/Access	No	Foot
18	2014-Present	10	50-60	Recreation	No	Foot
19	1995-Present	29	50-100	Recreation/Access	No	Foot
20	2013-Present	11	Daily	Recreation/Access/Wor k	No	Foot
21	2015-Present	9	Daily	Recreation/Access	No	Foot
22	1979-Present	45	156	Work	No	Foot
23	2003-Present	21	40+	Recreation	No	Foot

Schedule 1 – Modification of Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
OLDHAM 221A	10	Footpath	29	Footpath commences opposite No. 1 Arncliffe Rise, Moorside at (GR SD95997 07542) and proceeds in a southeasterly direction for a distance of approximately 29 metres to terminate opposite No. 2 Arncliffe Rise, Moorside at (GR SD96001 07513)	1.5m
OLDHAM 221B	10	Footpath	20	Footpath commences opposite the junction of Arncliffe Rise and Thirlstone Avenue, Moorside at (GR SD96016 07569) and proceeds in a generally easterly direction for a distance of approximately 20 metres to terminate opposite No. 18 Arncliffe Rise at (GR	1.5m

				SD96033 07558)	
--	--	--	--	-------------------	--

 Signed In consultation with Director of Environment	Dated 13.09.2024
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KEY	
	Claimed Definitive Footpath at Arnccliffe Rise (A-B) and (C-D)
	Existing Definitive Footpath
	Existing Definitive Bridleway



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Oldham Council Offices, Spindles Shopping Centre,
George Street, Oldham OL1 1HD

Client Oldham MBC		
Project Arnccliffe Rise, Oldham		
Drawn by RW	Date 06/24	Purpose of issue information
Checked by LK	Date 06/24	Scale at A4 size 1:1250
Approved by -	Date -	

Rev	Revision details	By	Chk	App	Date
Title Wildlife and Countryside Act 1981 S53 Claim to Register a Public Footpath					
Drawing No. 764/A4/248/1					Rev. -



Definitive Map and Statement Modification Order

S257 Town and Country Planning Act 1990 and S53A Wildlife and Countryside Act 1981 – Diversion of Definitive Footpath 28 Chadderton (part), at land off Westhulme Way, Coldhurst

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRoW Officer

Ext. 4325

Highway Regulation Committee - 26 September 2024

Reason for Decision

The Council has received an application from Lancet Homes, Sale, via their agent, Mode Transport Planning, Manchester, to divert part of Definitive Footpath 28 Chadderton to facilitate the proposed residential development of 10 dwellings on land off Westhulme Way, Coldhurst. Planning Ref: FUL/352791/24 (pending determination).

Executive Summary

An application has been received to divert a section of Footpath 28 Chadderton under S257 Town and Country Planning Act 1990, to facilitate the development of 10 dwellings (FUL/352791/24). The diversion is necessary in order to implement the planning permission and the report seeks approval for the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 28 Chadderton as detailed below.

Recommendation

It is recommended that the application be approved and the Council make a Public Path Diversion & Definitive Map and Statement Modification Order for the diversion of Footpath 28 Chadderton under Section 257 of the Town and Country Planning Act 1990, and Section 53A of the Wildlife and Countryside Act 1981, as detailed in the report and the Director of Environment and the Director of Legal 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.

Definitive Map and Statement Modification Order S257 Town and Country Planning Act 1990 and S53A Wildlife and Countryside Act 1981. Diversion of Definitive Footpath 28 Chadderton (part) at land off Westhulme Way, Coldhurst.**1 Background**

- 1.1 An application has been received from Lancet Homes, Sale via their agent Mode Transport Planning, Manchester to divert part of Definitive Footpath 28 Chadderton to facilitate the proposed residential development of 10 dwellings on land off Westhulme Way, Coldhurst. Planning Ref: FUL/352791/24. The Order-making and Confirming Authority are guided to authorise the diversion and/or extinguishment of any Footpath if they are satisfied it is necessary to do so in order for the development to be carried out in accordance with the granted planning permission.

2 Current Position

- 2.1 The route of Footpath 28 Chadderton is shown on attached plan (764/A4/246/1). The path commences at point A, 29 metres west of its junction with Footpath 27 Chadderton, proceeding in a generally westerly direction for a distance of approximately 29 metres to point B. The existing route runs through undeveloped land. The description of the current route is given in Schedule 1.
- 2.2 The diverted route is also shown on the plan and follows points A-C-D-B. The description of the diverted route is given in Schedule 2.
- 2.3 The existing alignment of the Footpath would be directly affected by the development being constructed by the applicants.
- 2.4 If the Order is confirmed, it will be necessary to modify the Definitive Map and Statement for Footpath 28 Chadderton. The Council have an obligation to continuously review the Map and Statement under the Wildlife and Countryside Act 1981. The Public Rights of Way (Combined Orders) (England) Regulations 2008, allow the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification. In light of the above, it is considered that this is appropriate in this case. The current wording for the Definitive Statement is given in Schedule 3 and the amended wording is given in Schedule 4.

3 Options/Alternatives

- a) Option 1: To approve the recommendation.
- b) Option 2: Not to approve the recommendation.

4 Preferred Option

- 4.1 The preferred option is Option 1, as it is necessary to divert the existing alignment in order to enable the development to occur.

5 Consultation

- 5.1 The Ward Members have been consulted and no comments have been received.
- 5.2 The Footpath Societies have been consulted and;
- The Ramblers Association have no comments on this proposal 'as the diversion is minimal'

-
- The Peak & Northern Footpath Society have not made comment on this proposal.
 - The Wednesday Walkers have no objection to this proposal.

6 **Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998**

6.1 None

7 **Risk Assessments**

7.1 The legal and financial risks are documented separately in this report. The introduction of a stopping up order for Footpath 28 and the realignment of the footpath on a diverted route transfers the liability for the original footpath from the Council ownership to the developer. The Council will still be responsible for the diverted footpath which is longer in length than the previous route. There could be reputation risks if the scheme didn't go ahead due to the developer not being able to develop the land.

Vicki Gallacher (Head of Insurance and Information Management)

8 **Co-operative Implications**

8.1 The proposals set out in this report facilitate a diversion of a public path to allow the development of 10 dwellings. This both takes into account resident requirements to use the path and supports our residents by increasing the supply of housing in the borough. As such, this proposal is in line with our cooperative agenda. (James Mulvaney, Policy Manager)

9 **Financial Implications**

9.1 The cost for the modification order to divert part of Footpath 28, Chadderton will be £3.3k and will be revenue expenditure. This will be funded in full from the developers, Lancet Homes.

(John Edisbury)

10 **Legal Implications**

10.1 Section 257 of the Town and Country Planning Act 1990 enables the Council to authorise the stopping up or diversion of any footpath or bridleway if it is satisfied that it is necessary to stop up or divert the footpath or bridleway in order to enable development to be carried out in accordance with planning permission granted under the Act. In the event of objections, the application will be referred to the Secretary of State who must be satisfied that it is necessary to stop up or divert the footpath or bridleway and who has a discretion as to whether to confirm the stopping up/diversion. In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up/diversion which have been raised and must also take into account any countervailing advantages to the public, along with the planning benefits and the degree of importance attached to the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to confirm the stopping up/diversion.
(A Evans)

11 **Equality Impact, including implications for Children and Young People**

11.1 No

12 **Key Decision**

12.1 No

13 **Key Decision Reference**

13.1 N/A

14 **Background Papers**

14.1 There are no background papers

Schedule 1 – Description of Existing Footpath Route – Drawing 764/A4/246/1

Existing Footpath 28 Chadderton commences at point A (GR SD91408 06446) proceeding in a westerly direction for a distance of approximately 29 metres to point B (GR SD91382 06448) and continues west on its existing alignment.

Schedule 2 – Description of Proposed Diverted Route – Drawing 764/A4/246/1

Footpath 28 Chadderton commencing at point A (GR SD91408 06446) off Furtherwood Road, proceeding in a northerly direction for a distance of approximately 2 metres to point C (GR SD91408 06448) then proceeding west for a distance of approximately 25 metres to point D (GR SD91383 06449) then south for a distance of approximately 2 metres to point B (GR SD91382 06448) then proceeding west on the existing alignment of Footpath 28.

Schedule 3 – Current Definitive Statement

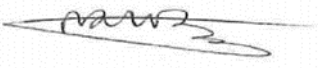
District and path number	Page Number	Status	Length (m)	Description	Comments
CHADDERTON 28	5	Footpath	112	From the junction of Path No.26 and 29 to Boundary Park Road	

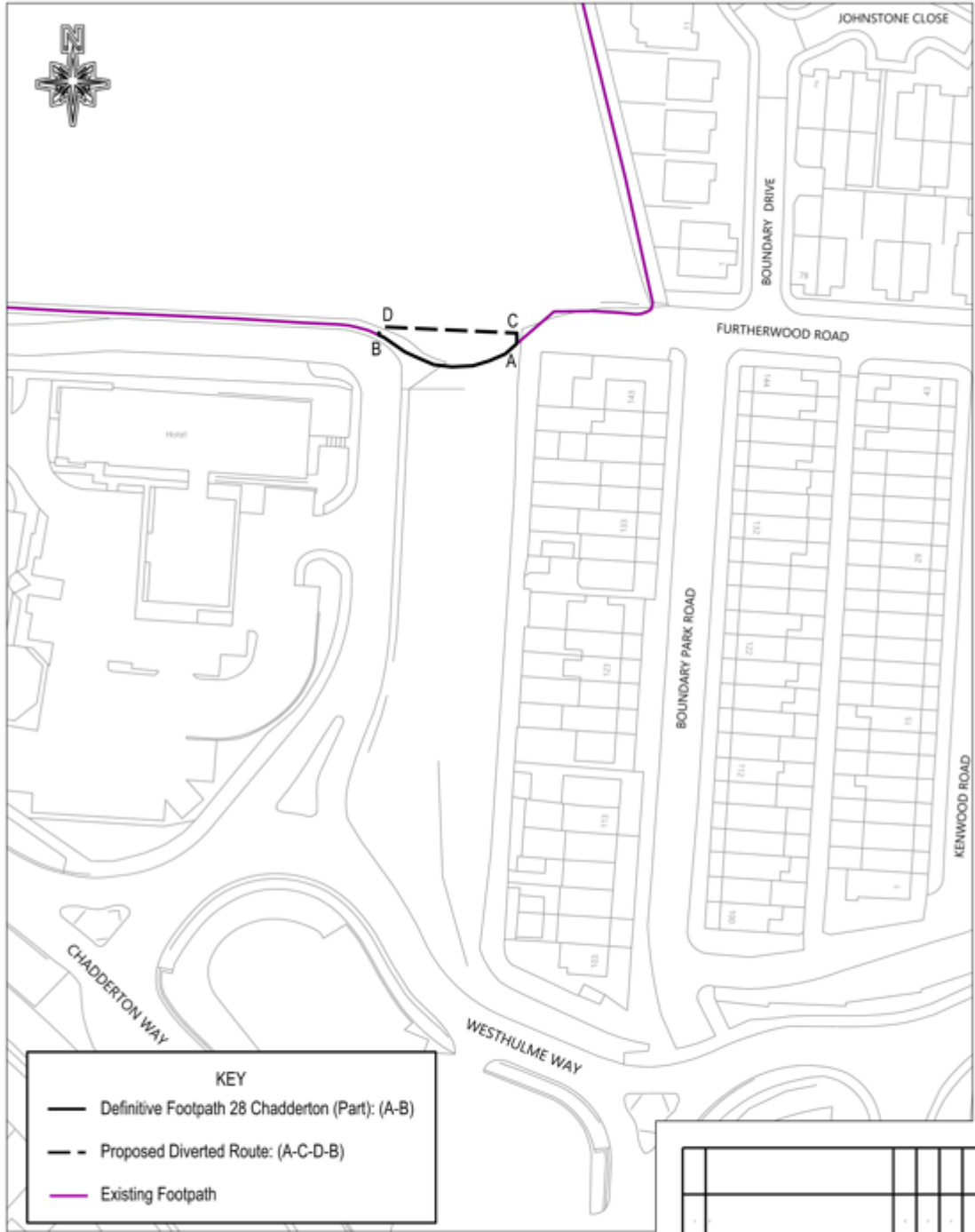
Schedule 4 – Modification of Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
CHADDERTON 28	5	Footpath	153	Footpath commencing at (GR SD91433 06454) at the junction with Footpath 27	2m wide between (GR SD91408 06446) and (GR SD91382 06448)

				<p>Chadderton, proceeding in a generally westerly direction for a distance of approximately 29 metres to GR SD91408 06446 approximately 24 metres west of the junction of Furtherwood Rd/Boundary Park Rd, then proceeding north for a distance of approximately 2 metres to (GR SD91408 06448) then proceeding west for a distance of approximately 25 metres to (GR SD91383 06449) approximately 50 metres west of the junction of Furtherwood Rd/Boundary Park Rd then south for a distance of approximately 2 metres to (GR SD91382 06448) then proceeding west for a distance of approximately 95 metres to (GR SD91287 06454) to terminate at the junction of Footpaths 26 & 29 Chadderton</p>	
--	--	--	--	--	--

				approximately 85 metres north of Chadderton Way.	
--	--	--	--	--	--

Signed  In consultation with Director of Environment	Dated 13.09.2024
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KEY	
	Definitive Footpath 28 Chadderton (Part): (A-B)
	Proposed Diverted Route: (A-C-D-B)
	Existing Footpath



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Oldham Council Offices, Spindles Shopping Centre,
West Street, Oldham OL1 1LJ

Client Oldham MBC		
Project Westhulme Way, Oldham		
Drawn by RW	Date 07/24	Purpose of issue information
Checked by LK	Date 07/24	Scale at A4 size 1:1000
Approved by -	Date -	

Rev	Revision details	By	Chk	App	Date

Title
Diversion of Public Highway Combined Order s257 Town and Country Planning Act 1990
Diversion of Public Footpath 28 Chadderton (part) and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement

Drawing No. 764/A4/246/1	Rev. -
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Definitive Map and Statement Modification Order

S257 Town and Country Planning Act 1990 and S53A Wildlife and Countryside Act 1981 – Diversion of Definitive Footpath 20 Failsworth, at Hollinwood Junction, Albert Street, Failsworth

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRow Officer
Ext. 4325

Highway Regulation Committee - 26 September 2024

Reason for Decision

The Council has received an application from Langtree Property Partners, Warrington, via their agent, Spawforths, Wakefield, to facilitate the proposed development of a food retail unit at Hollinwood Junction, Albert Street, Failsworth. Planning Ref: FUL/353109/24 (pending determination).

Executive Summary

An application has been received to divert Footpath 20 Failsworth under S257 Town and Country Planning Act 1990, to facilitate the development of a new foodstore (Use Class E) with associated car parking and landscaping (FUL/353109/24). The diversion is necessary in order to implement the planning permission and this report seeks approval for the making of a Public Path Diversion and Definitive Map and Statement Modification Order for Footpath 20 Failsworth as detailed below.

Recommendation

It is recommended that the application for a Public Path Diversion & Definitive Map and Statement Modification Order for the diversion of Footpath 20 Failsworth, under Section 257 of the Town and Country Planning Act 1990, and Section 53A of the Wildlife and Countryside Act 1981, be approved as detailed in the report and the Director of Environment and the Director of Legal 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.

Definitive Map and Statement Modification Order S257 Town and Country Planning Act 1990, and S53A Wildlife and Countryside Act 1981 – Diversion of Definitive Footpath 20 Failsworth, at Hollinwood Junction, Albert Street, Failsworth**1 Background**

- 1.1 The application has been made by Langtree Property Partners, Warrington, in relation to the proposed development of a food retail unit at Hollinwood Junction, Albert Street, Failsworth (PLANNING REF FUL/353109/24).
- 1.2 The Order-making and Confirming Authority are guided to authorise the diversion and/or extinguishment of any Footpath if they are satisfied it is necessary to do so in order for the development to be carried out in accordance with the granted planning permission.

2 Proposal

- 2.1 The route of Footpath 20 Failsworth is shown on attached plan (764/A4/243/1). The path commences at point A approximately 68 metres east of Albert Street following a generally southerly route for approximately 123 metres to point B. The existing route runs through undeveloped land. The description of the current route is given in Schedule 1.
- 2.2 The diverted route is also shown on the plan and follows points C-D-E-F-G. The description of the diverted route is given in Schedule 2.
- 2.3 The existing alignment of the Footpath would be directly affected by the development being constructed by the applicant.
- 2.4 The required Highway signage, from the metallised road and the way markers along the route will be paid for by the applicant i.e. both installation, posts and signs.
- 2.5 If the Order is confirmed it will be necessary to modify the Definitive Map and Statement for Footpath 20 Failsworth. The Council have an obligation to continuously review the Map and Statement under the Wildlife and Countryside Act 1981. The Public Rights of Way (Combined Orders) (England) Regulations 2008 allow the Order-making Authority to make a Combined Order for a diversion proposal and Definitive Map and Statement Modification and 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 Current Position

- 3.1 The application has been received and processed. The proposal has the agreement of the Footpath Societies. The application fee has been paid and the Highway Regulation Committee is requested to consider whether or not to approve the application.

4 Options/Alternatives

- a) Option 1: To approve the recommendation.
- b) Option 2: Not to approve the recommendation.

5 Preferred Option

- 5.1 The preferred option is Option 1, as the development cannot be implemented without the diversion of the Footpath.

6 Consultation

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

6.2 Footpath Societies have been consulted and;

- The Ramblers Association have no objection to the proposal.
- The Peak & Northern Footpath Society have no objection to the proposal.
- The Wednesday Walkers have opted to leave RA/PNFS to comment.

7 Community Cohesion Implications, including crime and disorder implications under Section 17 of the Crime and Disorder Act 1998

7.1 None

8 Risk Assessments

8.1 The legal and financial risks are documented separately in this report. The introduction of a diversion for Footpath 20 and the realignment of the footpath on a diverted road transfers the liability for the original footpath from the Council ownership to the developer. The Council will still be responsible for the diverted footpath which is longer in length than the previous route, which could have financial risks for the Council. There could also be reputation risks if the scheme didn't go ahead due to the developer not being able to develop the land.

Vicki Gallacher (Head of Insurance and Information Management)

9 Co-operative Implications

The proposals set out in this report facilitate a diversion of a public path to allow the development of a food retail unit. This both takes into account resident requirements to use the path and supports our residents by increasing local amenities in the borough. As such, this proposal is in line with our cooperative agenda. (James Mulvaney, Policy Manager)

10 Financial Implications

Revenue

10.1 The cost for the modification order of Definitive Footpath 20 Failsworth, at Hollinwood Junction, Albert Street, Failsworth will be £3.3k and will be revenue expenditure. This will be funded in full from the developers, Langtree Property Partners.

(John Edisbury)

11 Legal Implications

11.1 Section 257 of the Town and Country Planning Act 1990 enables the Council to authorise the stopping up or diversion of any footpath or bridleway if it is satisfied that it is necessary to stop up or divert the footpath or bridleway in order to enable development to be carried out in accordance with planning permission granted under the Act. In the event of objections, the application will be referred to the Secretary of State who must be satisfied that it is necessary to stop up or divert the footpath or bridleway and who has a discretion as to whether to confirm the stopping up/diversion. In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up/diversion which have been raised and must also take

into account any countervailing advantages to the public, along with the planning benefits and the degree of importance attached to the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to confirm the stopping up/diversion. (A Evans)

12 Equality Impact, including implications for Children and Young People

12.1 No

13 Key Decision

13.1 No

14 Key Decision Reference

14.1 N/A

15 Background Papers

15.1 None

16 Appendices

16.1 None

17 Schedules

Schedule 1 – Description of Existing Footpath Route – Drawing 764/A4/243/1

Existing Footpath 20 Failsworth commences at point A (GR SD90683 02431) proceeding in a generally southerly direction for a distance of approximately 123 metres to point B (GR SD90701 02310) to join Footpath 61 Oldham.

Schedule 2 – Description of Proposed Diverted Route – Drawing 764/A4/243/1

Footpath 20 Failsworth commencing at point C on Hollins Road (GR SD90636 02463) proceeding in a generally southerly direction along the Footway of Hollins Road/Albert Street/Olive Claydon Way for a distance of approximately 37 metres to point D (GR SD90614 02434) continuing in a generally southerly direction for a distance of approximately 123 metres to point E (GR SD90646 02322) then proceeding in an easterly direction for a distance of approximately 49 metres to point F (GR SD90694 02318) then heading south across Olive Claydon Way for a distance of approximately 12 metres to point G (GR SD90698 02307) to join Footpath 61 Oldham on its diverted alignment (diversion yet to be confirmed and brought into effect)

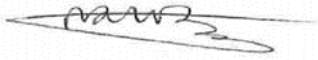
Schedule 3 – Current Definitive Statement

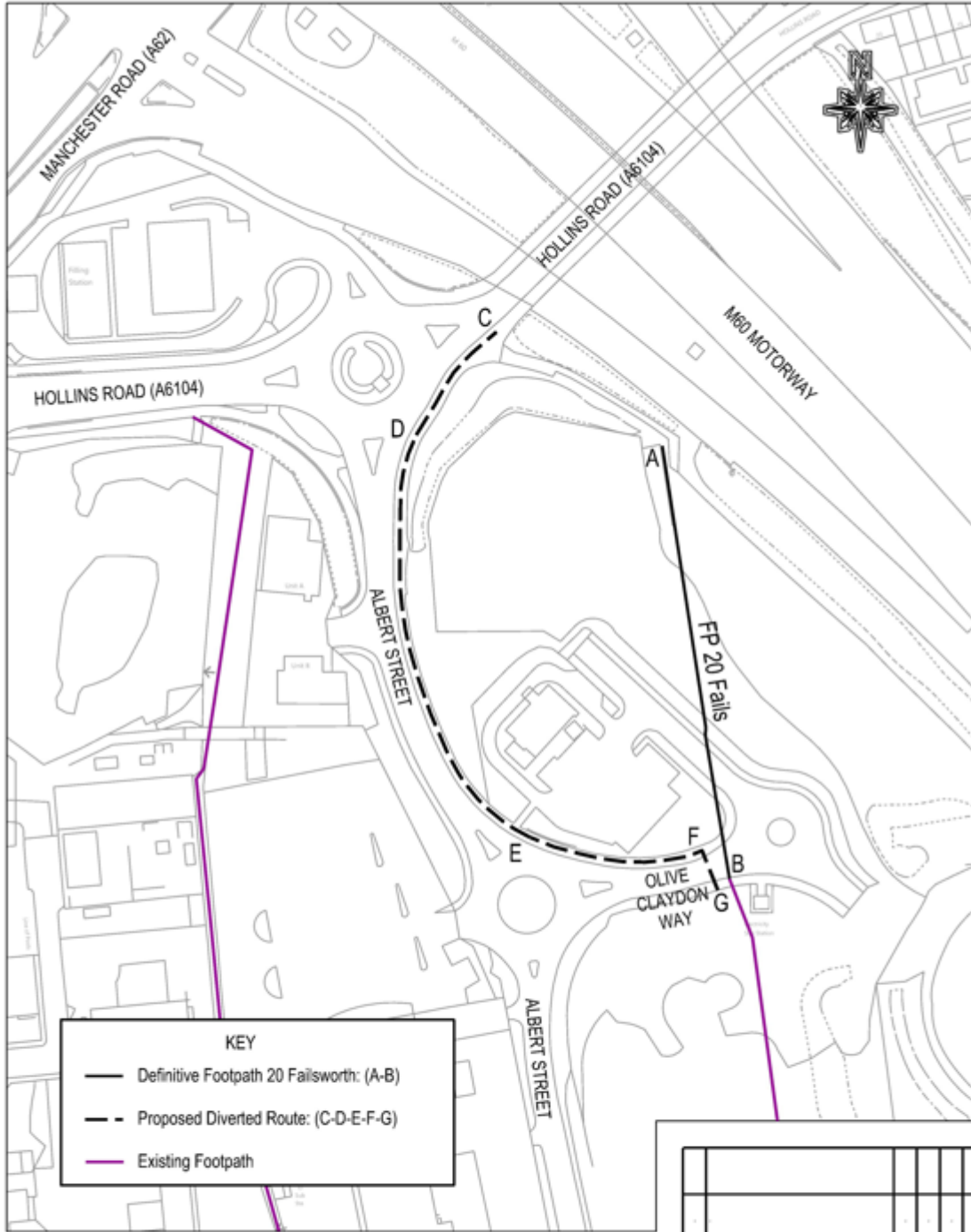
District and path number	Page Number	Status	Length (m)	Description	Comments
FAILSWORTH 20	10	Footpath	144	Starts opposite the 'Lime Mill' reservoir in a southerly direction past the Lime Mill to cross the boundary by second reservoir	Side Order (1989) Highway Agency 7.4.89

Schedule 4 – Modification of Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
FAILSWORTH 20	10	Footpath	223	Footpath commences at (GR SD90636) on Hollins Road, Failsworth and follows the footway in a generally southerly direction for a distance of approximately 162 metres to (GR SD90646 02322) at the roundabout at the junction of Hollins Rd/Albert St then proceeding in a generally easterly direction to (GR SD90694 02318) at the roundabout at the junction of Abert St/Olive Claydon Way,	Side Order (1989) Highway Agency 7.4.89 Width 1.8m between (GR SD90636 02463) and (GR SD90701 02310)

				then crossing Olive Claydon Way heading south for a distance of approximately 12 metres to (GR SD90698 02307) to join Footpath 61 Oldham.	
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<p>Signed</p>  <p>In consultation with Director of Environment</p>	<p>Dated 13.09.2024</p>
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KEY	
	Definitive Footpath 20 Failsworth: (A-B)
	Proposed Diverted Route: (C-D-E-F-G)
	Existing Footpath



Oldham Council

**Place and Economic Growth
HIGHWAYS & ENGINEERING**
Henshaw House, Cheapside, Oldham OL1 1NY

Client		Oldham MBC	
Project			
Albert Street, Failsworth			
Drawn by	Date	Purpose of issue	
RW	12/23	information	
Checked by	Date	Scale at A4 size	
LK	12/23	1:1500	
Approved by	Date		

Rev	Revision details	By	Chk	App	Date
Title					
Diversion of Public Highway Combined Order s257 Town and Country Planning Act 1990 Diversion of Public Footpath 20 Failsworth and Wildlife and Countryside Act 1981 S53(2) Modification of the Definitive Map and Statement					
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764/A4/243/1					.

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