

***HIGHWAY REGULATION COMMITTEE
Regulatory Committee
Agenda***

Date Thursday 19 June 2025

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 Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services email Constitutional.Services@oldham.gov.uk

3. PUBLIC QUESTIONS - Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12 noon on Monday, 16 June 2025.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

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

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

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 - 6)

The Minutes of the meeting held on 13th March 2025 are attached for approval.

6 S53 – Wildlife and Countryside Act 1981, Claim to upgrade Public Footpath 156 Saddleworth at Quarry Lane, Delph, to Bridleway and Modification of Definitive Map and Statement (Pages 7 - 18)

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 for the upgrade to Bridleway status of (part) Footpath 156 Saddleworth, at Quarry Lane, Delph.

7 S53 – Wildlife and Countryside Act 1981, Claim to register Public Footpath at Laurel Avenue, Chadderton (Pages 19 - 40)

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 a stepped route running from the side of 31 Laurel Avenue, Chadderton to the Rochdale Canal towpath (the Application Route), which is shown on the attached plan, 764/A4/252/1.

8 Objection to Proposed Prohibition of Waiting – Gloucester Street North / Radnor Street, Werneth (Pages 41 - 64)

The purpose of this report is to consider a number of objections received to the proposed extension of the existing Prohibition of Waiting restrictions on Gloucester Street North and Radnor Street, Werneth.

HIGHWAY REGULATION COMMITTEE

13/03/2025 at 5.30 pm



Present: Councillor Davis (Vice-Chair, in the Chair)
Councillors Chowhan, Murphy and Woodvine

Also in Attendance:

Andy Cowell	Highways and Engineering
Alan Evans	Group Solicitor
Kaidy McCann	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Shuttleworth.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 5th February 2025 be approved as a correct record.

6 **OBJECTIONS TO PROPOSED DISABLED PERSONS
PARKING ORDER**

The Panel considered a report which advised of objections received to the annual proposed disabled persons parking bay order. A report that recommended the introduction of 29 disabled parking places at various locations in the Borough was approved under delegated powers on 14th November 2024. The proposal was subsequently advertised, and several representations had been received.

One letter of objection was received to each of the proposed disabled parking places at Hollinhall Street, Colwyn Street, Copster Hill Road, Seville Street, Frederick Street and Raper Street. In summary, the basis of the objections were that parking would be reduced for other residents due to lack of on street parking in the areas.

Options considered:

Option 1: Do not introduce the disabled persons parking places at Hollinhall Street, Colwyn Street, Copster Hill Road, Seville Street, Frederick Street and Raper Street

Option 2: Introduce the disabled persons parking places at Hollinshall Street, Colwyn Street, Copster Hill Road, Seville Street, Frederick Street and Raper Street.

RESOLVED that the proposed disabled persons parking places at Hollinshall Street, Colwyn Street, Copster Hill Road, Seville Street, Frederick Street and Raper Street be introduced as advertised.

7

OBJECTIONS TO PROPOSED PROHIBITION OF WAITING – PLATT LANE AND LARK HILL ROAD, DOBCROSS

Consideration was given to a report which recommended the introduction of prohibition of waiting restrictions on Platt Lane and Lark Hill Road, Docross which had been approved under delegated powers on 19 May 2024. The proposal was subsequently advertised, and two letters of objection had been received.

The basis of the objections was that there was a limited amount of on-street parking in the area and the proposed restrictions would result in some residents and visitors to their property having no convenient place to park. Some residents only had a limited amount of off-street parking space within the curtilage of their property. Visibility issues would still exist even if the restrictions were introduced and may worsen by an increase in vehicle speeds due to lack of parked vehicles.

Following the decision to defer the report from the meeting held on 5th February 2025, a site visit had taken place, and a revised proposal plan and schedule has been drafted based on the comments received at the meeting. This was shown in Appendix 1. However, Officers did not support this alternative proposal as vehicles parked closer to the junction could still force approaching vehicles into the path of vehicles turning left out of Lark Hill Road. Furthermore, the proposal did not cater for any displacement further away from the junction.

Options considered:

Option 1: Introduce the proposed restrictions as advertised

Option 2. Relax the proposal as shown in Appendix 1

Option 3. Do not introduce the proposed restrictions

RESOLVED that the proposed restrictions not be introduced.

8

OBJECTIONS AND MATTERS RELATING TO PUBLIC SPACES PROTECTION ORDERS

Consideration was given to a report which advised of objections to gating scheme 012/20 which related to Hampton Road, Failsworth.

Members were informed that Public Space Protection Orders (PSPO's) were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. In 2017 all existing gating order across the borough automatically transitioned to become PSPO's.

Since 2017, the existing Orders, along with newly introduced ones, have offered protection to over 8000 properties and businesses, within the borough, through the use of gates. PSPO's could only be made for a maximum 3-year period, with a requirement to carry out a statutory consultation exercise before either extending or amending the terms of an order.



In 2024, the statutory consultation exercise was undertaken on all current PSPO's. The Council used the consultation as an opportunity to move the 200+ existing PSPO's, which restricted access over highways, into 5 overarching place PSPO's, which contain all the individual schemes relevant to the respective place area. During the consultation exercise, objections were raised in relation to scheme 012/20, which related to the highway between Hampton Road and Roman Road, Failsworth. This led to further consultation with residents adjoining the scheme, which resulted in a mixture of objections and support for the scheme.

It was noted that the recommendation had been amended and the objection removed. Residents had done a lot of work in the area however there were still some issues. The cleaning of public right of way would remain with the Council and it was advised that extra keys would be available for the volunteers. When the scheme is due to be reviewed consultation would be extended to properties around and not with just the four adjacent properties.

Options Considered:

Option 1: Do not make the PSPO and remove the gating scheme. This would ensure that the Local Authority complies with its duties under the Equality Act 2010, by ensuring that the resident with protected characteristics is able to utilise the highway, without impediment. However, it would also pose a potential risk that anti-social behaviour and criminality, which has previously occurred at this location may reoccur. The removal of the gates would not exceed £1,000 and an external contractor who was appointed after an earlier procurement process will be utilised.

Option 2: Make a PSPO and retain the scheme, with the gates closed on a 24/7 basis. This would ensure that residents adjoining the scheme remain protected from the anti-social behaviour and criminal behaviour that has occurred at this location previously. This was not recommended as this would have a detrimental impact upon persons with protected characteristics and would mean the Council was not compliant with the provisions of the Equality Act 2010. Furthermore, this would likely elicit objections from nearby residents who used the scheme as a valuable cut through as they would no longer be able to do so.

Option 3: Make a PSPO and retain the scheme with set opening and closing times, with the opening and closing of the scheme being overseen by Community Volunteers. This would allow the scheme to be utilised as a cut through by residents during

specified periods and would restrict the potential for ASB/Criminal behaviour at this location. This was not recommended as this would have a detrimental impact upon persons with protected characteristics and would mean the Council was not compliant with the provisions of the Equality Act 2010. This option was considered by the Committee in July 2024 as a compromise solution, but the residents did not subsequently agree to accept responsibility for opening and closing the gates and therefore it is not possible to guarantee the gates would be opened or closed at the appropriate times.



RESOLVED that a PSPO be made and retain the scheme with set opening and closing times, with the opening and closing of the scheme being overseen by Community Volunteers. This would allow the scheme to be utilised as a cut through by residents during specified periods and would restrict the potential for ASB/Criminal behaviour at this location.

The meeting started at 5.30 pm and ended at 6.27 pm



Definitive Map and Statement Modification Order

S53 – Wildlife and Countryside Act 1981, Claim to upgrade Public Footpath 156 Saddleworth at Quarry Lane, Delph, to Bridleway and Modification of Definitive Map and Statement

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Transport & Highways

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRow Officer

Ext. 4325

Highway Regulation Committee – 19th June 2025

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 for the upgrade to Bridleway status of (part) Footpath 156 Saddleworth, at Quarry Lane, Delph, which is shown A-B on the attached plan, 764/A4/249/1.

Executive Summary

An application has been received to upgrade a section of existing Footpath 156 Saddleworth, to Bridleway status on the Definitive Map and Statement. The Application route is on land unregistered at the Land Registry. The application meets the required legal test of 20 years use of the whole of the Application Route 'as of right'. The report is requesting that the Highway Regulation Committee consider whether to approve the application to make a Definitive Map Modification Order in respect of the Application Route and if the application is approved, the Director of Environment be authorised to undertake the necessary procedures to make the Order and to confirm the Order in the event that no objections are made to it.

Recommendations

It is recommended that:

1. The application for a Modification Order in respect of the upgrade of the section of Footpath 156, Saddleworth at Quarry Lane, Delph, as detailed in Schedule 1 be approved and the Director of Environment be authorised to undertake the necessary procedures to make the Order and to confirm the Order in the event that no objections are made to it.
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 upgrade (part) Footpath 156, Saddleworth to Bridleway Status.**1 Background**

1.1 The application for a Modification Order was submitted by Liane Robinson of the West Pennine Bridleways Association. The evidence in support of the application consists of 20 user evidence forms and maps claiming more than 20 years use on horseback of the Application Route. 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 as of right.

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 as of right and without interruption 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 upgrade the Application Route on 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 "event" which is relevant to this application is in section 53(3)(c)(ii) of the 1981 Act - "The discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description."

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, 20 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 route on horseback; most 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 Route on horseback. No User Evidence forms indicate users having been stopped or turned back from using the Application Route.
- The periods of use range from 1 year to 53 years, with the earliest reported use being 1961. For those persons who have used the Application Route on horseback, the frequency of their use is moderate.

In addition to the User Evidence Forms, various OS Maps have been provided showing the application route as an enclosed road or track with no limitations such as gates from as early as 1896. A further map has been provided, that of the Inland Revenue Valuation Records 1908-1910, which shows the application route excluded from all other adjacent hereditaments which would potentially indicate that it is excluded as it is recognized as a 'public road'

The Council has to decide what it considers are the correct facts, and on the basis of those facts, whether an event under section 53(3)(c)(ii) has occurred.

2.2 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 Route 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 Route was first called into question was when the Application was made. The period of 20 years use as of right, of the Application Route, must therefore be at least 20 years before. 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 full period of 20 years has been interrupted.

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

There have been numerous legal rulings on what constitutes “sufficient evidence” that there was no intention to dedicate a highway. The leading case 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 section 31(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.

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

None

4 Risk Assessments

There is potential risk of Legal Challenge if we do or do not make the Order however, if we are satisfied that the evidential test is met we have no choice other than to make the Order.

5 Co-operative Implications

N/A (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 Route ‘as of right’ by a different category of Users (i.e. equestrians). The decision on whether to approve the application lies with the Highway Regulation Committee.

8 Options/Alternatives

8.1

- i. Option 1: To approve the application and upgrade the Application Route on the Definitive Map and Statement as a Bridleway.
- 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 Route 'as of right' by a different category of Users than would be expected on a Definitive Footpath.

10 Consultation

- 10.1 The Ward Members have been consulted and Councillors Luke Lancaster and Pam Byrne support the Officer recommendation.
- 10.2 Adjacent landowners have been consulted and only one reply has been received. Mr Ken Bennett of Upperhouse, Oldham Rd, raised concerns relating to a previously constructed bund to be secured and developed to ensure continued surface water run off and requested the installation of horse stiles to prevent the upgrade becoming a dirt track. As there are no physical works required to implement a status upgrade these concerns are not a matter for consideration. The proposed upgrade to Bridleway status is merely a reflection of the User rights of those who claim to have used the route on horseback for the required period.

11 Financial Implications

- 11.1 An advertisement for the making of the order and a further advertisement for the confirmation of the order will cost circa. £0.7k and will be revenue expenditure. These will be funded from the Public Rights of Way Budget within the Highways Service.

(John Edisbury)

12 Legal Implications

- 12.1 A bridleway is defined in the Highways Act 1980 as a highway over which the public have a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway. Cyclists have the right to ride bicycles which are not mechanically propelled vehicles on bridleways but are required to give way to pedestrians and persons on horseback.

12.2 The burden of proof on establishing that the Application Route is a bridleway lies with the claimant. The basis on which the application needs to be determined together with an explanation of the relevant legal provisions is contained in the report. For use to be 'as of right' it must have been of such a character as should have brought home to the owner of the land the fact that the public were claiming the right to use the way. (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

USER	USAGE FROM-TO	YEARS	FREQUENCY P/A	PURPOSE	PERMISSION	METHOD
1	2011-2024	13	Several	Recreation	No	Horse/Foot
2	1980-2023	40+	50+	Recreation	No	Horse/Foot
3	1968-1977	9	Twice Monthly	Recreation	No	Horse
4	1990-2006	16	Monthly	Recreation	No	Horse
5	1988-1990 2022-2023	3	3	Recreation		Horse
6	2001-2023	22	360	Recreation	No	Horse/Foot
7	1961-2023	32	02-06	Recreation	No	Horse
8	1970-2023	53	Monthly	Recreation	No	Horse
9	2008-2023	15	03-04	Recreation	No	Horse
10	1990-2023	33	48	Recreation	No	Horse
11	1980-2019	39	5+	Recreation	No	Horse/Foot
12	2023	1	1	Recreation	No	Horse
13	2020-2023	3	3	Recreation	No	Horse
14	2021-2022	2	6+	Recreation	No	Horse
15	1977-1986 1995-2020	25	Monthly	Recreation	No	Horse/Foot/Bike
16	1985-2023	38	10+	Recreation	No	Horse
17	1982-1992	10	04-Jun	Recreation	No	Horse
18	2007-2023	16	05-15	Recreation	No	Horse
19	1965-2023	58	10	Recreation	No	Foot
20	1970-2021	51	12+	Recreation	No	Horse

Schedule 1 – Existing Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
Saddleworth 156	6	Footpath	2671	Footpath commencing at Oldham Road, Dobcoss A62 (the former Wakefield and Austerlands County Road) and proceeding in a north westerly direction along Quarry Lane to its junction with Thurston Clough Road and continuing northwards to its junction with Shiloh Lane at Shiloh Farm. Then continuing northwards to its junction with Path No.142 then westwards crossing High Lee Lane to its junction	1.2m wide 13 stiles

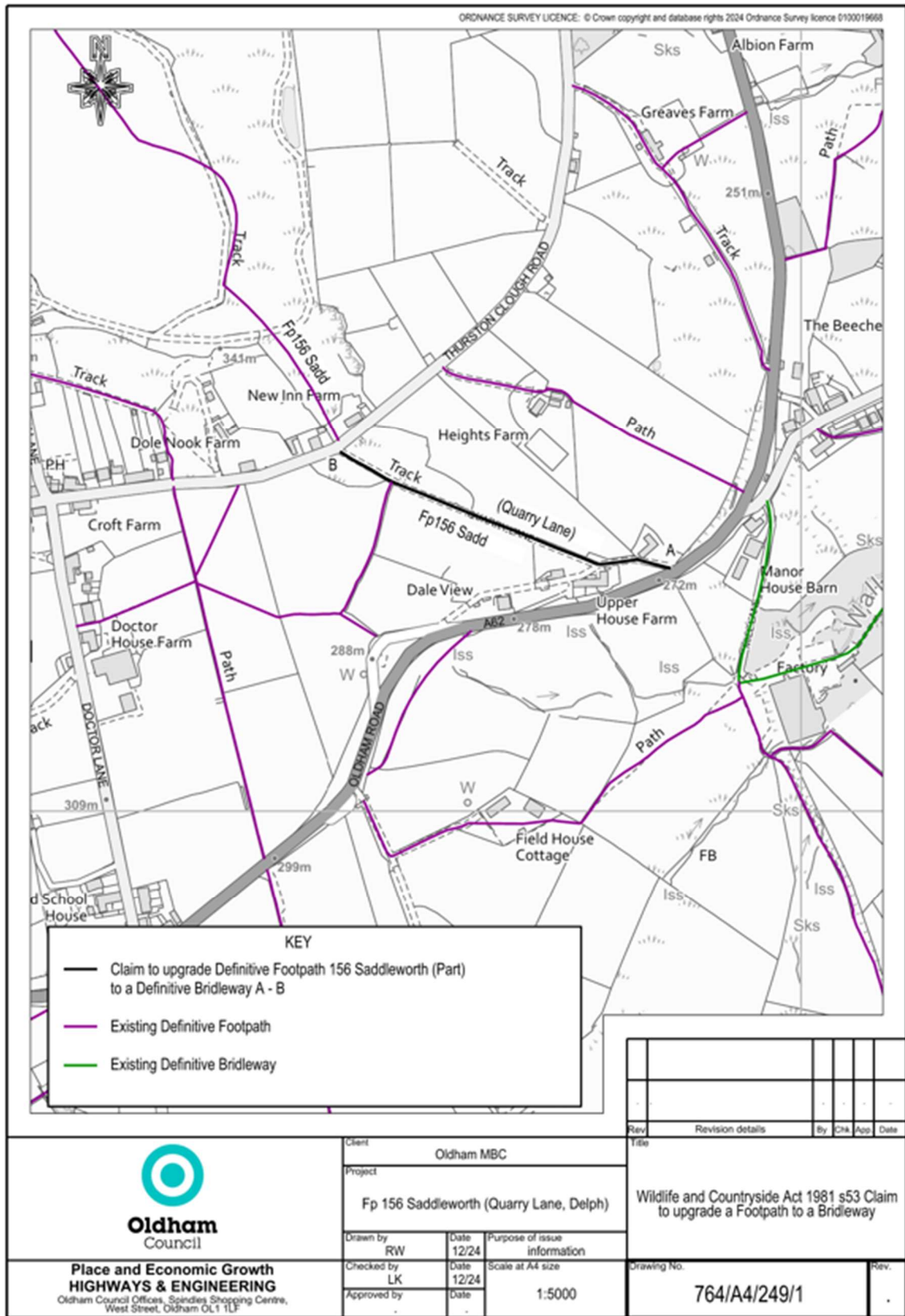
				with Footpath 94. With (1) a branch proceeding southward to High Lee Lane and (2) a branch proceeding southeasterly to high Lee Lane and then westerly (in a V shape) to the former Lancashire County Boundary.	
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Schedule 2 – Modification of Definitive Statement (Amendments in bold)

District and path number	Page Number	Status	Length (m)	Description	Comments
Saddleworth 156	6	Footpath & Bridleway	2671 (376 Bridleway)	Footpath commencing at GR SD97863 06256 Oldham Road, Dobcoss A62 (the former Wakefield and Austerlands County Road) and proceeding in a north westerly direction along Quarry Lane for a distance of approximately 376 metres to its junction with Thurston Clough Road	1.2m wide 13 stiles

				<p>at GR SD97513 06380 and continuing in a generally northerly direction for a distance of approximately 1120 metres to GR SD97101 07348 at its junction with Shiloh Lane at Shiloh Farm. Then continuing northwards for a distance of approximately 182 metres to GR SD97112 07529 at its junction with Path No.142 then westwards for a distance of approximately 121 metres to GR SD96996 07560 at its junction with Path No.157. Continuing West and Northwest for a distance of approximately 343 metres to GR SD96697 07715 crossing High Lee Lane and continuing Northwest to GR SD96623 07788 to its junction with Path No 94. With (1) a branch proceeding southward for a distance of</p>	
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				<p>approximately 168 metres to GR SD96625 07621 at High Lee Lane and (2) a branch proceeding southeasterly for a distance of approximately 113 metres to GR SD96667 07683 at High Lee Lane and then westerly (in a V shape) for a distance of approximately 113 metres to GR SD96554 07689 at the former Lancashire County Boundary.</p>	
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Definitive Map and Statement Modification Order

S53 – Wildlife and Countryside Act 1981, Claim to register Public Footpath at Laurel Avenue, Chadderton

Portfolio Holder:

Councillor C Goodwin, Cabinet Member for Transport & Highways

Officer Contact: Nasir Dad, Director of Environment

Report Author: Liam Kennedy, PRow Officer
Ext. 4325

Highway Regulation Committee – 19 June 2025

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 a stepped route running from the side of 31 Laurel Avenue, Chadderton to the Rochdale Canal towpath (the Application Route), which is shown on the attached plan, 764/A4/252/1.

Executive Summary

An application has been received to register a Footpath on the Definitive Map and Statement. The application meets the required legal test of 20 years use of the whole of the Application Route 'as of right'. The report is requesting that the Highway Regulation Committee consider whether to approve or reject the application to make a Definitive Map Modification Order in respect of the Application Route and if the application is approved, the Director of Environment be authorised to carry out the necessary procedures to make the Order and to confirm the Order in the event that no objections are made to it.

Recommendations

It is recommended that:

1. The application for a Modification Order in respect of the route at Laurel Avenue, Chadderton, be recorded in the Definitive Map and Statement as a Footpath, as detailed in Schedule 1, be approved and the Director of Environment be authorised to carry out the necessary procedures to make the Order and to confirm the Order in the event that no objections are made to it.
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 Footpath at Laurel Avenue, Chadderton.****1 Background**

- 1.1 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.
- 1.2 The application for a Modification Order was submitted by Graham Taylor, Chairman of the Firwood and District Residents Association, following the erection of gates by the current landowner in November 2024. The evidence in support of the application consists of 43 user evidence forms and maps claiming more than 20 years use of the Application Route. 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 as of right.
- 1.3 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 as of right and without interruption 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."
- 1.4 To make a Modification Order to add the Application Route 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 section 53(3)(b) and section 53(3)(c)(i) of the 1981 Act. Section 53(3)(b) requires the expiration in relation to any way in the area to which the Definitive Map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path. Section 53(3)(c)(i) requires 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 map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or a byway open to all traffic.

- 1.5 These provisions can overlap. “The discovery of evidence which shows that a right subsists or is reasonably alleged to subsist” under section 53(3)(c)(i) can include the discovery that the period of use 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 use for a requisite period, the application can be for an Order either under section 53(3)(b) and/or under section 53(3)(c)(i). An important difference between section 53(3)(b) and section 53(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 Council has cannot confirm precisely when and by whom the steps were constructed.
- 2.2 The evidence submitted in support of the Application consists of User Evidence Forms completed by various individuals. In total, 43 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 high volume 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 Route. No User Evidence forms indicate users having been stopped or turned back from using the Application Routes until November 2024.
 - The periods of use range from 20 years to 57 years, with the earliest use being ‘late 1967’. For those persons who have used the Application Route, the frequency of their use is very high.

The Council has to decide what it considers are the correct facts, and on the basis of those facts, whether an event under section 53(3)(c)(i) has occurred.

- 2.3 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 Route 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 Route was first called into question was 15 November 2024, when gates were erected and locked, preventing access to the steps. 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.

However, the landowner has provided photos purporting to show the Application Route as overgrown and impassible, so an earlier period of 20 years use of the Application Route as of right may be required. There are 16 users who claim to have used the Application Route for 40+ years and 15 who claim to have used the Application Route for between 30-40 years. The number of persons claiming use of the Application Route for over 30 years is, therefore, considerable, so the route can be considered to be reasonably alleged to subsist (as per section 53(3)(c)(i) of the 1981 Act) to justify making the Order. The discrepancy between the photos and the claimed use of the route can then be dealt with at the objection stage of the Order making process, as the Planning Inspectorate can hold a public inquiry where the evidence can be examined in more detail.

- 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 Route for a full period of 20 years has been interrupted.

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

There have been numerous legal rulings on what constitutes “sufficient evidence” that there was no intention to dedicate a highway. The leading case 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 section 31(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 Route as a footpath.

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

None

4 **Risk Assessments**

There is potential risk of Legal Challenge if we do or do not make the Order however, if we are satisfied that the evidential test is met we have no choice other than to make the Order.

5 **Co-operative Implications**

N/A. (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 Route '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 Route to the Definitive Map and Statement as a footpath.
- 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 Route 'as of right'.

10 Consultation

- 10.1 The Ward Members have been consulted and Councillor McLaren has commented on behalf of himself, Councillor Moores and Councillor Brownridge;

"The local community will be pleased to note that the report recommends that the long established use of the steps from Laurel Avenue to the Rochdale Canal Tow Path as a means of accessing the wider network of footpaths across Chadderton remain open. The steps have been in unrestricted use for more than 50 years as stated by the many residents who have submitted statements which are referenced in the report.

The Ward Councillors have no previous recollection of the steps being overgrown and inaccessible. If this had been the case, there is little doubt that residents would have raised their concerns with Elected Members to ensure that the steps remained open for public use. The steps have been used on a daily basis for over 50 years without interruption. It should be noted, however, that the area has been landscaped and the steps modified by the landowner in the recent past but this did not include clearing the steps of any overgrown bushes.

The Ward Councillors have not received any previous reports relating to any anti-social behaviour on, or in close proximity to, the steps again, any such behaviour would have been highlighted by those living in close proximity to the steps.

The residents are hoping that their long standing use of the steps will be recognised and that they will continue to enjoy their use in the future. The Ward Councillors hope that the Highways regulation Committee will support the recommendation to approve the application and make a Definitive Map Modification Order in respect of the application route and that the Director of Environment be authorised to carry out the necessary procedure to make and confirm the order."

- 10.2 The registered landowner has been consulted and is opposed to the application for the registration of the route as a Definitive Right of Way on the following grounds;

- The property was purchased 10-11 years ago and the steps were reportedly impassable due to overgrown vegetation. Similarly, when the land the steps lie on was purchased 4-5 years ago the situation was reportedly the same therefore the continuous usage of the route is disputed. Photos provided by the landowner are attached at Appendix 1.
- Issues of fly tipping and various anti-social behaviour including drug usage, urination/defecation, and the steps being used as a 'cut through' following robbery.
- Alternative, existing access to Footpath (Canal towpath) on opposite side of road approximately 10m away.
- Theft of stoneworks/walls/paving.

11 **Financial Implications**

- 11.1 The advertising costs to register this branch of Footpath 23, Chadderton as a public footpath will be £0.7k and will be revenue expenditure. This will be funded from the Public Rights of Way Budget within the Highways Service.

(John Edisbury)

12 **Legal Implications**

- 12.1 The burden of proof on establishing that the Application Route is a footpath lies with the claimant. If objections to the application are received the application will be sent to the Planning Inspectorate for determination by the Secretary of State. The discrepancy between the user evidence forms and the landowner's photos is best examined at the objection stage of the order making process as the Planning Inspectorate can hold a public inquiry where the user evidence and the landowner's photos can be examined in more detail. (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 Appendix 1 – photos provided by the landowner

Table A

Summary of User Evidence

USE R	USAGE FROM-TO	YEAR S	FREQUENCY P/A	PURPOSE	PERMISSIO N	METHO D
1	-2024	25+	52+	Leisure	No	Foot
2	1989-2024	36	52	Leisure	No	Foot
3	1999-2024	25	156-208	Leisure	No	Foot
4	1989-2024	35	150	Leisure	No	Foot
5	1990-2024	34	365	Leisure	No	Foot
6	1968-2024	56	360	Leisure	No	Foot
7	1981-2024	43	365	Leisure	No	Foot
8	1981-2024	43	365	Leisure	No	Foot
9	1999-2024	25	104	Leisure	No	Foot
10	<1984-2024	40+	200	Leisure	No	Foot
11	2001-2024	23	100	Leisure	No	Foot
12	1974-2024	50	156	Leisure	No	Foot
13	<2004-2024	20+	24	Leisure	No	Foot
14	1986-2024	38	200	Leisure	No	Foot
15	2000-2024	24	100+	Leisure	No	Foot
16	1999-2024	25	200+	Leisure	No	Foot
17	1990-2024	34	360	Leisure	No	Foot
18	1990-2024	34	210	Leisure	No	Foot
19	1989-2024	35	30	Leisure	No	Foot
20	1967-2024	57	20+	Leisure	No	Foot
21	1995-2025	30	100	Leisure	No	Foot
22	1978-2024	46	100	Leisure	No	Foot
23	1981-2024	43	Frequently	Leisure	No	Foot
24	1996-2024	28	6-9	Leisure	No	Foot
25	1980-2024	44	52+	Leisure	No	Foot
26	1993-2024	31	365	Leisure	No	Foot
27	1993-2024	31	182	Leisure	No	Foot
28	1989-2025	36	365+	Leisure	No	Foot
29	2003-2024	21	52	Leisure	No	Foot

30	1998-2024	26	52	Leisure	No	Foot
31	1976-2024	48	60-72	Leisure	No	Foot
32	1991-2024	33	36	Leisure	No	Foot
33	1982-2024	42	52	Leisure	No	Foot
34	1974-2024	50	52	Leisure	No	Foot
35	1980-2025	45	340	Leisure	No	Foot
36	1994-2024	30	150	Leisure	No	Foot
37	1985-2024	39	320	Leisure	No	Foot
38	1995-2024	29	50+	Leisure	No	Foot
39	2005-2024	19	365	Leisure	No	Foot
40	1984-2024	40	52+	Leisure	No	Foot
41	1983-2024	41	104	Leisure	No	Foot
42	1983-2024	41	52	Leisure	No	Foot
43	1990-2024	34	52	Leisure	No	Foot

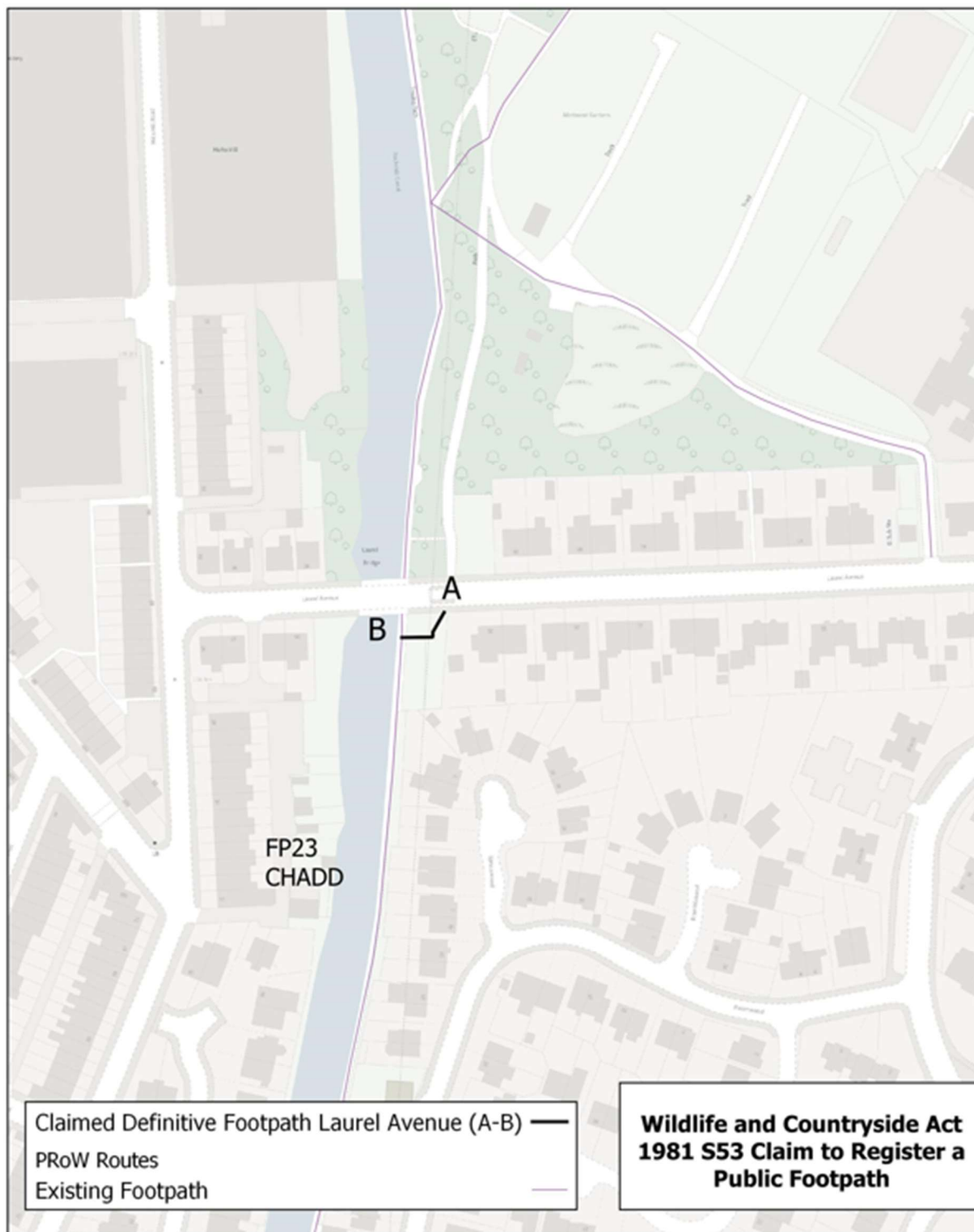
Schedule 1 – Existing Definitive Statement

District and path number	Page Number	Status	Length (m)	Description	Comments
CHADDERTON 23	4-9	Canal Towpath	526		Side Road Order M60 7.4.89

Schedule 2 – Modification of Definitive Statement (Amendments in bold)

District and path number	Page Number	Status	Length (m)	Description	Comments
CHADDERTON 23	4-9	Footpath Canal Towpath	5327	Footpath following the Rochdale Canal Towpath commencing at Rochdale/Oldham Borough Boundary (GR SD88729 06598) proceeding in a South Easterly then Easterly direction for a distance of approximately 415 metres to its junction with Definitive Footpath 22 Chadderton at (GR SD89094 06472), continuing East then South for a distance of approximately 180 metres to its junction with Definitive Footpath 24 Chadderton at (GR SD89171 06365). Continuing South along Towpath for a distance of approximately 170 metres to its junction with Definitive Footpath 25A Chadderton at (GR SD89102 06205) continuing West then South for a distance of approximately 610 metres to its junction with Definitive Footpath 33 Chadderton at (GR SD88943 05738). Continuing along Towpath in a generally Southerly direction for a distance of	Side Road Order M60 7.4.89 Footbridge over M60 Steps on branch path leading to Laurel Avenue 1.2-1.4m wide 10 No. Risers, landing platform (2.2x2.1m), 12 No. Risers

				<p>approximately 140 metres to (GR SD88933 05602) where a branch path proceeds East then North via a set of steps leading to Laurel Avenue (adjacent to No.31)</p> <p>Continuing in a generally Southerly direction for a distance of approximately 2693 metres to (GR SD89707 03237) then proceeding South West over the M60 via footbridge to (GR SD89611 03163) then continuing in a generally Southerly direction for a distance of approximately 1119 metres to the Chadderton/Failsworth Ward Boundary at (GR SD89740 02132) where Footpath continues as Definitive Footpath 2 Failsworth.</p>	
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1:1,551

Drawn By:	LK
Division:	Highways & Engineering
Date:	11/04/2025
Drawing No.	764/A4/252/1

Oldham Council
Spindles Shopping Centre
West Street
Oldham
OL1 1LF



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Appendix 1
Photos provided by Landowner



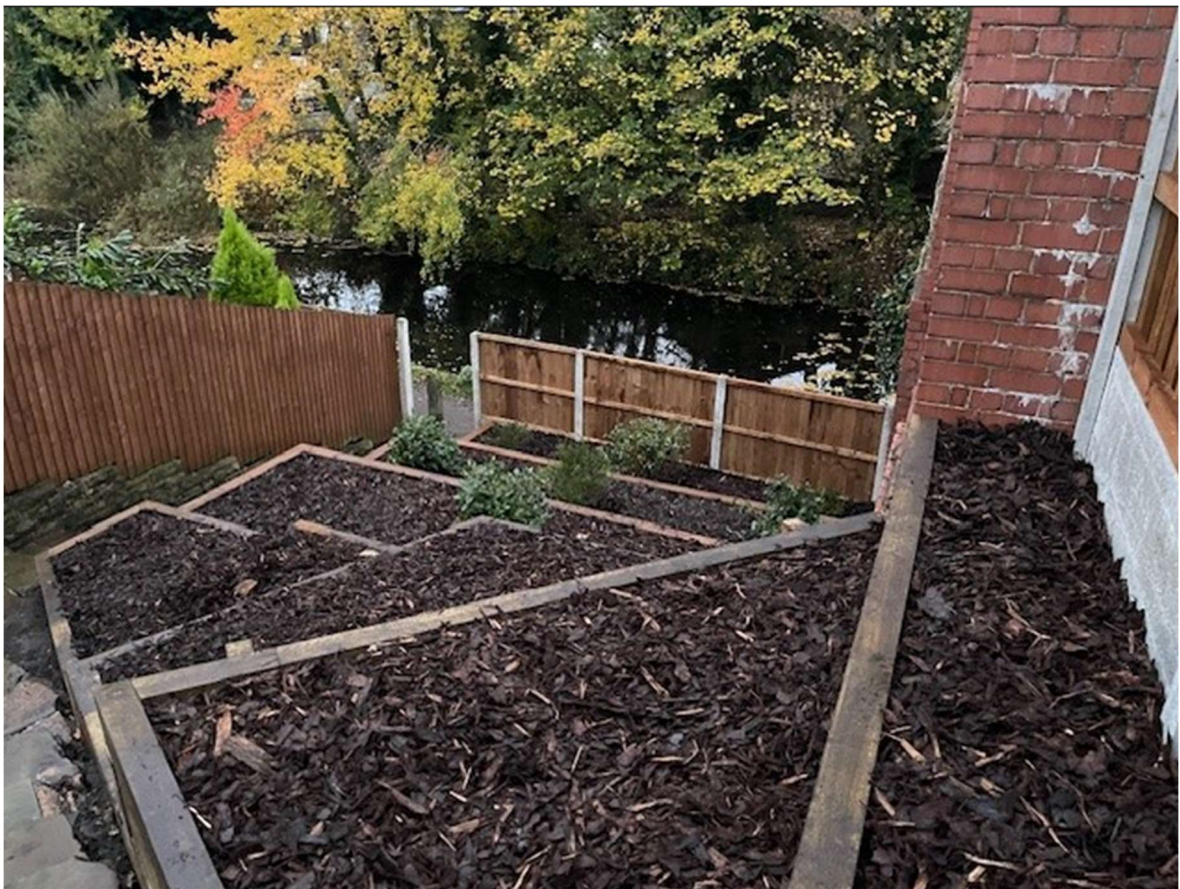














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Highway Regulation Committee

Objection to Proposed Prohibition of Waiting – Gloucester Street North / Radnor Street, Werneth

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

19 June 2025

Reason for Decision

The purpose of this report is to consider a number of objections received to the proposed extension of the existing 'Prohibition of Waiting' restrictions on Gloucester Street North and Radnor Street, Werneth.

Recommendation

It is recommended that Option 2 be approved by the Panel. Whilst Officers still believe the original recommendation (Option 1) will meet the scheme objective, the relaxed proposal (Option 2) will still meet the scheme objective and provide a compromise which acknowledges the concern of the objector with limited mobility.

Objection to Proposed Prohibition of Waiting – Gloucester Street North / Radnor Street, Werneth**1. Background**

- 1.1 A report recommending the extension of existing Prohibition of Waiting (PoW) restriction on Gloucester Street North / Radnor Street, Werneth, was approved under delegated powers on 19 June 2024. The proposal was subsequently advertised and four objections, five letters of support and one alternative suggestion letter were received.

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

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

- 1.3 One objector states that the proposal will exacerbate the existing parking pressures, noting the nearby car park is frequently occupied by non-residential vehicles, including trailer vans, which already limits parking availability for residents.

Officers recognise that the proposed parking restrictions would reduce the number of on-street parking options. However, the length of the proposed restrictions is the minimum necessary to address the access issues identified. 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. In regard to the nearby car park, the facility is under private ownership and not within Council jurisdiction; therefore, the Council's capacity to implement direct solutions is limited. Nevertheless, Traffic Management Officers will liaise with the car park owner to explore potential remedies to address this situation.

- 1.4 One objector states that the proposed solution focuses unnecessarily on the Gloucester Street/Radnor Street bend, suggesting that a residential parking scheme would be more effective in addressing the actual congestion issues caused by commercial vehicles.

Officers acknowledge that 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, it is reported that some of the access issues are caused by the residents themselves.

- 1.5 One objector states that the proposals will impact numerous households who park their vehicles along the Gloucester Street North / Radnor Street bend. Objector proposes implementing restrictions on one side of the street only. They suggest alternative solutions including time-restricted controls for waste collection and better management of the existing car park.

Officers believe that implementation of time limited waiting restrictions would prove insufficient in addressing the fundamental accessibility concerns at the bend in question. Unrestricted access is required at all times and given documented evidence of an incident whereby an ambulance was unable to navigate at 2am, thus potentially compromising emergency response capabilities.

As Highway Authority, the Council has a duty to maintain access along the highway network. Officers recognise that the proposed restrictions would reduce the number of on-street parking.

However, the length of the restrictions has been kept to a minimum (with residents in mind) to address the access issues identified. Although the Committee can decide to relax the scheme or abandon it if the restrictions are not supported. The Council has a duty in respect to 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.

- 1.6 One objector has also raised concerns regarding disability access, citing that the proposed restrictions would prevent them from parking outside their property, significantly impacting their partner with limited mobility.

Officers have carefully considered the objector's representation and the concerns relating to objector's limited mobility. Whilst the proposed scheme is designed to improve highway safety and accessibility for all road users, officers have considered a reduced proposed length of parking restriction, which is felt would still meet the objective of the scheme, and also provide for a parking space adjacent to the objector's property.

- 1.7 5 formal letters of support have been received with photographic evidence provided to demonstrate access issues observed when inconsiderate parking is taking place. Key points raised include:

- Emergency vehicle access issue – Multiple residents report witnessing emergency vehicles struggling to navigate the street due to parked vehicles on both sides. Specific incident cited of ambulance access at 2am
- Road safety concerns – Current parking conditions force pedestrians, include school children, wheelchair users and parents with prams to walk on the road
- Blocked driveway - Resident reported difficulty accessing their own driveway / garden due to inconsiderate parking

- 1.8 The letters of support strongly endorse the implementation of the waiting restrictions as necessary measure to improve emergency vehicle access, pedestrian safety and general traffic flow.

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

None

3 Risk Assessments

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

4 Co-operative Implications

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

5 Procurement Implications

None

6 **Current Position**

- 6.1 The purpose of this report is to dismiss 3 objections received pertaining to the perceived adverse effects on general parking provision.
- 6.2 Officers have, however, partially considered 1 objection received from the resident with limited mobility, and as such, have outlined a relaxed proposal (Option 2, see Appendices).
- 6.3 The option proposes a reduced length of restriction. This proposal frees up one car length parking space, which is felt that this would meet the objective of the scheme, and also provide for parking provision needed due to limited mobility.
- 6.4 It is the view of Officers that the proposed parking restrictions would reduce the number of on-street parking options. However, the length of the proposed restrictions is the minimum necessary to address the access issues identified.

7 **Options/Alternatives**

- 7.1 Following the objection received, the following options have been considered:

Option 1: Install Prohibition of Waiting restriction as advertised.

Option 2: Install a reduced Prohibition of Waiting restriction.

Option 3: Do nothing

8 **Preferred Option**

- 8.1 It is recommended that Option 2 be approved by the panel and installed on site. Officers still believe this proposal will meet the scheme objective and also acknowledge the concern of the objector mentioned in 1.6.

9 **Consultation**

- 9.1 The Werneth Ward Members have been consulted and Councillor N Ibrahim has commented, I feel we should go for the original recommendation (option 1) if you see some of the supporting evidence as I have, you will see the Officer's recommendation is valid. Only after great consideration after viewing and speaking to residents this matter was put forward to Highways for their opinion and consideration.

10 **Financial Implications**

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

11 **Legal Implications**

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

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

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

13 **Key Decision**

- 13.2 No

14 **Key Decision Reference**

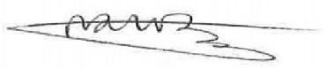
14.2 N/A

15 **Appendices**

Appendix A - Approved Mod Gov Report

Appendix B – Copy of Representations

Appendix C – Revised Schedule and Plan

 Signed _____ In consultation with Nasir Dad, Director of Environment	Dated 20.03.25
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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: 19 June 2024
Subject: Proposed Prohibition of Waiting – Gloucester Street North / Radnor Street, Werneth
Report Author: Jill Yates, Traffic Engineer
Ward (s): Werneth

Reason for the decision:

A complaint has been received via a Ward Member regarding obstructive parking taking place through the bend area where Gloucester Street North meets Radnor Street. It is reported that parking denies access for larger vehicles attempting to travel through the bend. Consequently, delivery vehicles and some larger cars are regularly prevented from traveling the full length of both streets.

The properties along both streets have no off-street parking provision; general use parking facilities are available, but these soon become fully utilised, or residents opt to park directly outside their properties.

The carriageway along both Gloucester Street North and Radnor Street is not wide enough to accommodate on-street parking and two-way flow of traffic, hence the reason why parked vehicles are obstructing the route, particularly when parked through the bend.

In view of the difficulties being experienced, the Ward Members have asked that double yellow lines be introduced.

Summary:

It is proposed to extend the existing 'No Waiting At Any Time' restriction along the south easterly kerb line of Radnor Street and the north easterly kerb line of Gloucester Street North. In addition, restrictions are also proposed on the opposite side of both roads on the inside of the bend area, in accordance with drawing number 47/A4/1721/1.

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

Option 1: To approve the recommendation and remove the obstructive parking that is preventing access along the street.
Option 2: Not to approve the recommendation and allow the obstructive parking to continue.

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

The Ward Members have been consulted and Councillor F Hussain has commented, parking is difficult around this area so need to get it right first time rather than TRO an area that doesn't need it.

There are parking bays on Radnor Street therefore I don't feel there's a need for TRO here (apart from the bend) – unnecessary budget spend.

Response to Councillors Comments

The length of yellow lines can be reduced to maximise on-street parking. The proposal has been amended and the scheme to be progressed is now described in the schedules at the end of this and detailed on the amended drawing.

Councillor N Ibrahim has commented, I am happy for this to be approved as I was the Councillor that proposed this. There is a great concern with parking on Gloucester St North, as the residents have previously raised concerns but no action has been taken. I have seen photo evidence of how parked cars cause issues and obstruct vehicles from travelling through at all times of the day and night. There is severe concern especially if there was an emergency vehicle that needed access in a situation and the owner of the vehicle was not contactable.

I have photo evidence over a number of months regarding this issue if needed can be provided

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

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)

No

What are the *property* implications

None

Risks:

The introduction of yellow lines at this location will improve safety for road users, improve access and assist with visibility. There could be reputation risks around the scheme in terms of residents and business reactions to the proposals these can be mitigated by effective communications, the publication notice and review of any objections received before installing the new lining.

Vicki Gallacher (Head of Insurance and Information Governance)

Co-operative implications

The proposals recommended in this report will improve road safety and therefore the safety of our residents. This is important to residents and therefore this proposal shows how we are working cooperatively to improve the lives of our residents. (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

Removal of inconsiderate parking will improve road safety.

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/A4/1721/1

Delete from the Oldham Borough Council (Oldham Area) Consolidation Order 2003
Part I Schedule I

Item No	Length of Road	Duration	Exemptions	No Loading
(O276)	<u>Radnor Street</u> (Both sides) From its junction with Lincoln Street for a distance of 5 metres in a north easterly direction	At any time	A, B1, B3, B4, C, E, J, K4	

Add to the Oldham Borough Council (Oldham Area) Consolidation Order 2003
Part I Schedule I

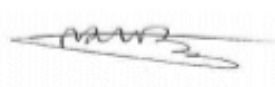
Item No	Length of Road	Duration	Exemptions	No Loading
	<u>Radnor Street</u> (south east side) From its junction with Lincoln Street for a distance of 10 metres in a north easterly direction	At Any time		
	<u>Radnor Street</u> (north west side) From its junction with Gloucester Street North for a distance of 10 metres in a south westerly direction	At Any time		
	<u>Radnor Street</u> (south east side) From its junction with Gloucester Street North for a distance of 22 metres in a south westerly direction	At Any time		
	Gloucester Street North (north east side) From its junction with Hereford Street for a distance of 10 metres in a south easterly direction	At Any time		
	Gloucester Street North (north east side) From a point 50 metres south east of its junction with Hereford Street to its junction with Radnor Street	At Any time		
	Gloucester Street North (south west side) From a point 33 metres south east of its junction with Hereford Street to its junction with Radnor Street	At Any Time		

There are no background papers for this report

Report Author Sign-off:	
Jill Yates	
Date:	
18 June 2024	

In consultation with Director of Environment

Signed :



Date: 19.06.2024

APPENDIX B
COPY OF REPRESENTATIONS

Objection 1

Hello this is regarding the plan to the prohibition of waiting at Gloucester Street North. The plan is not a solution to the issue, it also isn't a huge issue to begin with. The plan your proposing only attempts to look at the bend from Gloucester to Radnor street which hasn't been a major issue to begin with, regardless of that you aren't even trying to fix the actual issue which is the multitude of vans and trucks parked 24/7 taking all the car park spaces as well as the side of the road towards the bends. They cause the traffic to all overflow on the bends which if you were to instead put residential parking instead would have a much greater effect at reducing the congestion and allowing larger vehicles to pass with ease. Simply putting yellow tape everywhere isn't a solution and will just cause more issues

Comments

Good morning XXXX,

Thank you for the representation regarding the proposed Traffic Regulation Order on Gloucester Street North / Radnor Street. 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.

Please be advised that as this car park is under private ownership and not within Council jurisdiction, our capacity to implement direct solutions is limited. Nevertheless, our Traffic Management Officers will liaise with the car park owner to explore potential remedies to address this situation.

Secondly, 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, it is reported that some of the access issues are caused by the residents themselves.

Just to clarify, the issue and concerns relating to prevention of access as a result of inconsiderate parking has been identified and raised by local residents. Secondly, a number of supporting letters have been received from local residents who are in support of the scheme, some of which have been directly affected by the incidents of inconsiderate parking. We have also received photographic evidence of ambulances and larger vehicles being denied access through the bend as a result of cars being parked on both sides of road.

Kind Regards,
Mohamed

Objection 2

Dear mr kadir,

My name is XXXX, and my wife's name is XXXXXXXX,

We recently received a letter together with a map enclosed informing us of your intentions to install double yellow lines on Radnor st, and Gloucester st north? Myself and my wife have lived on Gloucester st north for over 20yrs, we lived at XX Gloucester st north for 6 and a half years, the rest of our time here we've spent at XX Gloucester st north.

We moved into this flat because my wife is long term disabled and needed a ground floor dwelling. We have parked our car outside our flat ever since we moved here, our neighbours are great about it and understand why I need to park outside our flat.

My wife's disability, or one of them is that she has no 5th and 6th vertebrae in her back and when she is bad, she can barely walk 10/15mtrs, if the plan to install double yellow lines outside our flat goes ahead, the problem will be that when she is bad, instead of walking to the car outside our flat to go to doctors or hospital appointments, she will be required to walk a minimum of 50/60mtrs, at least double that if I have to park at the bottom of the car park which will be impossible for her to do. We have parked our car outside our property ever since we moved in without any issues whatsoever. Even the waste refuse wagons can get round past my car without any issues because on a Wednesday morning when they come, we are never in, and on the rare occasions that we have been in I've always moved my car further down until they have been. I am asking that someone could contact me to discuss this further plz? I can be contacted on XXXX, or XXXXX. I would really appreciate someone contacting me to discuss this? Thank you for reading.

Comments

Good morning XXXXXX,

Thank you for the representation regarding the proposed Traffic Regulation Order on Gloucester Street North / Radnor Street. 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. Officers recognise that the proposed restrictions would reduce the number of on-street parking. However, the length of the restrictions has been kept to a minimum (with residents in mind) to address the access issues identified, although the committee can decide to relax the scheme or abandon it if the restrictions are not supported.

Secondly, Traffic Officers have carefully considered your representation, and the concerns mentioned relating to Mrs Gorey's condition. While the proposed scheme is designed to improve highway safety and accessibility for all road users, we recognise the potential impact on your individual situation. After careful consideration, the officers have considered a reduced proposed length of parking restriction, which is felt would still meet the objective of the scheme, and also provide for a parking space adjacent to your property.

The advertised scheme proposed **parking restriction of 15m in length** (see attached Rev A doc) that terminate on the highway adjacent to 46 Gloucester Street North. The revised plan proposes a **reduce double yellow line of 10m in length** (see attached Rev B) which terminates at 44 Gloucester Street North, and as such , will free up one car length parking space adjacent to your property. This will allow you to continue parking outside your property at 44 Gloucester Street North.

Kind Regards,
Mohamed

Objection 3

Dear Mohamed Abdulkadir,

I am writing to express my concerns regarding the recent letter I received as a resident of Gloucester Street North. I am particularly troubled by the new parking regulations that have been proposed, which I believe will exacerbate an already challenging parking situation in our area.

As a resident, I have noticed that the car park is frequently occupied by vehicles that do not belong to local residents, including trailer vans and other non-residential cars. This has significantly reduced the availability of parking spaces for those of us who live here, including residents of the nearby flats. The current options for parking are already quite limited, and implementing the proposed rules will likely make it even more difficult for us to find parking.

I urge you to reconsider the impact of these new regulations on our community, as they do not seem to address the root of the problem. It is vital for residents to have access to parking that meets their needs, and the current situation is far from ideal.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,

XXXX XXX

Comments

Good morning XXXXX,

Thank you for the representation regarding the proposed Traffic Regulation Order on Gloucester Street North / Radnor Street. 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. Officers recognise that the proposed restrictions would reduce the number of on-street parking. However, the length of the restrictions has been kept to a minimum (with residents in mind) to address the access issues identified, although the committee can decide to relax the scheme or abandon it if the restrictions are not supported.

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

In regard to the nearby car park, please be advised that as this car park is under private ownership and not within Council jurisdiction, our capacity to implement direct solutions is limited. Nevertheless, our Traffic Management Officers will liaise with the car park owner to explore potential remedies to address this situation.

Many Thanks,
Mohamed

Objection 4

Dear Sir/ Madam

My name XXXXXX XXXX occupies XX Gloucester Street North.

I am writing regarding the restrictions that been proposed to restrict wating or parking on both sides of Gloucester Street North, I would agree if that restrictions on one side of the street I.e on the odd numbers as with that proposed restrictions will effects more than 14 cars that parking there 10 households, moreover there is no alternative to park our cars.

Ther is small car park but need a pit of attention. firstly, if you could take down the middle section to increase the capacity of that car park.

On the other hand half of that car park is been occupied or used by people running recovery business who lives on Herford Street and Radnor Street all the time, their recovery trucks, recoverd cars and their own cars parked there.

And the other half is been used by residents of Berckshire place. Make sure to put up a notice stating resident of Gloucester Street North only.

Secondly, if you just impose time restrictions for the bin collection day which is Wednesdays morning.

Thirdly making more spaces available to be used by residents of Gloucester Street North and Radnor street.

Lastly. It would be very helpful if you send a representative from the council to meet with the effected parties to discuss this matter before you impose your proposal for sure we will come to a solution that satisfies both sides. I hope you taken that in consideration.

Best regards.

XXXXX

Comments

Good Morning Mr XXXXX,

Thank you for the representation regarding the proposed Traffic Regulation Order on Gloucester Street North / Radnor Street. 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. Officers recognise that the proposed restrictions would reduce the number of on-street parking. However, the length of the restrictions has been kept to a minimum (with residents in mind) to address the access issues identified, although the committee can decide to relax the scheme or abandon it if the restrictions are not supported. The Council has a duty in respect to road safety and maintaining access along the highway. It is not the responsibility of the Councils to provide parking directly outside residential properties or businesses as this cannot always be achieved. The Officers believe that implementation of time limited waiting restrictions would prove insufficient in addressing the fundamental accessibility concerns at the bend in question. Unrestricted access is required at all times , as we have documented evidence of an incident whereby an emergency ambulance was unable to navigate at 2am, thus potentially compromising emergency response capabilities. Secondly, please be advised that as this car park is under private ownership and not within Council jurisdiction, our capacity to implement direct solutions is limited. Nevertheless, our Traffic Management Officers will liaise with the car park owner to explore potential remedies to address this situation.

Kind Regards,
Mohamed

Letter of support 1

Good morning,

My name is XXXX XXXX ,and I live at XX Gloucester street north and my email today is regarding the double yellow lines that will be put outside my house. I would like to say I support this decision as the parking on both sides of the road of my residence has been causing a number of issues for both pedestrians and cars passing. This is also becoming a safety issue especially in the mornings where children and pedestrians with mobility issues on wheelchairs and mothers with prams walk past for school and due to cars parked fully on the kerbs they have to walk on the road. Aswell as this my father and brother park their cars inside our back garden and taking the car out in the mornings and late at night becomes very difficult as seen in the attached images.

Kind regards
XXXXX

Letter of support 2

Hi good evening, I am emailing you in regards to the double yellow lines which are being put in place on Gloucester Street North/Radnor Street Oldham Werneth. I am extremely happy about this happening as I live ok Gloucester Street North and have witnessed how difficult it can get with certain individuals parking inconsiderately. I have no objections against the yellow lines being put in place. I have witnessed an ambulance which came at 2AM couple of weeks ago and was struggling to get pass on Gloucester Street North because of cars being parked on the opposite side in front of what use to be Freehold Liberal Club.

Not only Ambulances if there was a fire the fire service has got no chance of getting through. The street is narrow as it is and with parking like this it's causing many problems.

This issue definitely needs to get resolved and please do not hesitate to impose the double yellow lines.

Letter of support 3

Hi good afternoon I recieved a letter in relation to double yellow lines on Radnor St and Gloucester Street North Oldham Werneth. I am completely FOR this to go ahead because it is getting really bad now. Emergency service vehicles are struggling to get pass in emergencies. Other road users are not able to get pass because cars are being parked on the opposite side. Its only a matter of time where it might lead to conflict amd before it gets to that something needs to be done. Also I live on Gloucester Street North OL9 7RF and my back entrance is on Radnor Street. When i take my car out the garden in the mornings i am struggling because of the cars parked on both side of Radnor st towards the top on the curb. I will attach images.

Letter of support 4

Hi good afternoon I have received a letter in the post in regards to proposed lines being put in place due to parking. I am completely for this and believe it's a really good idea as it is extremely difficult for car to get past outside my house when people park on both sides. Most importantly emergency services struggle to get past because of the sizes of their vehicles. I will attach pictures to show you how bad it is. Please do go ahead with this as it will make it a lot easier for residents to get past and emergency services getting to where they need to without any delays.

Letter of support 5

Hello, I hope you are doing well,

I am sending you this email in reference to the double yellow lines that will be installed on Gloucester Street North and Radnor Street.

Since the street is already narrow, particularly the bend from Gloucester Street north onto Radnor Street, I completely support the installation of these double yellow lines. When people park carelessly, it becomes very difficult for average-sized vehicles to pass by, and for larger vehicles, like delivery vans and emergency service vehicles, it is nearly impossible for them to do so because they have to knock on residents' doors to get the vehicles moved.

The improperly parked cars would make it extremely difficult for emergency personnel to get pass quickly and easily in the event of an emergency, such as the June fire on St Thomas Street North last year or the gas explosion in Shaw many years ago.

In addition to making it difficult for cars to pass, cars parking on Gloucester Street North's pedestrian walkway force pedestrians to cross the street during peak hours, such as early in the morning when parents are dropping off and picking up their children from school, endangering the children by allowing them to walk on the street.

Ultimately, as residents of Gloucester Street North and Radnor Street, we do not want to endanger our loved ones or the general public, nor do we want our cars to be harmed due to improper parking.

I really look forward to hearing your reply!

Kind Regard
XXXXXX XXXX

Comments

Good evening,

Thank you for your comments. These will be included in the report for the Highway Regulation Committee to consider.

Kind Regards,
Mohamed

Alternative Suggestion Letter 1

Dear Sir/Madam,

Further to the Proposed Prohibition of Waiting, I would ask that the Radnor Street "south east side from Gloucester Street North for 22 metres south westerly and on" be extended opposite numbers 19 and 21 Radnor Street. Vehicles double park opposite the On-Street Disabled Parking Bay outside number 21, thereby blocking the road. Vehicles cannot fully park upon the pavement due to fencing and therefore must park partly into the road causing an obstruction.

Yours faithfully,

XXX XXXXX.

Comments

Good morning,

Thank you for your comments. These will be included in the report for the Highway Regulation Committee to consider.

Unfortunately, it would not be possible to propose an extension to the length of restrictions already outlined in this scheme. Any representations received to a proposed traffic order are included in a report to be submitted to a future Highway Regulation Committee meeting. The committee can approve the proposal, abandon it or relax the length of the proposed restrictions. What they cannot do is add new lengths of restriction without starting the whole process again and readvertising a new scheme.

Your comments would indicate that you have no objections to the proposed restrictions but that you want additional restrictions. Please confirm if you want your comments including in the report and if so whether you are objecting or supporting the scheme.

Kind Regards,
Mohamed

APPENDIX C
REVISED SCHEDULE AND PLAN

Schedule

Drawing Number 47/A4/1721/1

Delete from the Oldham Borough Council (Oldham Area) Consolidation Order 2003
Part I Schedule I

Item No	Length of Road	Duration	Exemptions	No Loading
(O276)	<u>Radnor Street</u> (Both sides) From its junction with Lincoln Street for a distance of 5 metres in a north easterly direction	At any time	A, B1, B3, B4, C, E, J, K4	

Add to the Oldham Borough Council (Oldham Area) Consolidation Order 2003
Part I Schedule I

Item No	Length of Road	Duration	Exemptions	No Loading
	<u>Radnor Street</u> (South East side) From its junction with Lincoln Street for a distance of 10 metres in a north easterly direction	At Any time		

	<u>Radnor Street</u> (North West side) From its junction with Gloucester Street North for a distance of 10 metres in a south westerly direction	At Any time		
	<u>Radnor Street</u> (South East side) From its junction with Gloucester Street North for a distance of 22 metres in a south westerly direction	At Any time		
	Gloucester Street North (North East side) From its junction with Hereford Street for a distance of 10 metres in a south easterly direction	At Any time		
	Gloucester Street North (North East side) From a point 55 metres south east of its junction with Hereford Street to its junction with Radnor Street	At Any time		
	Gloucester Street North (South West side) From a point 33 metres south east of its junction with Hereford Street to its junction with Radnor Street	At Any Time		

Proposed Revised Plan

