

TRAFFIC REGULATION ORDER PANEL
24/09/2020 at 5.30 pm



Present: Councillor S Bashforth (Chair) (Substitute)
Councillors C. Gloster, Murphy and Briggs (Substitute)

Also in Attendance:

Alan Evans	Group Solicitor
Gary Sutcliffe	Unity Highways
Alister Storey	Senior Traffic Engineer
Sian Walter-Browne	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Davis and Councillor Surjan.

Members were asked to elect a Chair for the duration of the meeting.

RESOLVED that Councillor Bashforth be elected Chair for the duration of the meeting.

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 23rd July 2020 be approved as a correct record.

6 **NEW SADDLEWORTH SCHOOL, DIGGLE - VARIOUS TRAFFIC REGULATION ORDERS, HUDDERSFIELD ROAD AND ASSOCIATED AREA - OBJECTIONS TO TRAFFIC PROPOSALS**

Consideration was given to a report of the Deputy Chief Executive which asked the Panel to consider objections and representations received to the proposed Traffic Regulation Orders associated with the new Saddleworth School in Diggle.

The Panel was informed that the proposal was subsequently advertised in line with current central Government advice during the Covid-19 pandemic and a total of 38 representations were received. Representations related to the Road Traffic Order were summarised in the report and explained to the Panel.

The Traffic Regulation Order was proposed to support changes in the highway layout required for the new school. The changes included the introduction of signalised shuttle working on Huddersfield Road, the creation of a residents parking area and a new free to use car park. The Traffic Regulation Orders to support these changes introduced parking restrictions in the form of double and single yellow lines. The restrictions were required to ensure the correct operation of the shuttle working system and to ensure the free flow of vehicles along Huddersfield Road.

The effects and mitigation measures of each proposal were detailed in the report and were further explained to the Panel.

A speaker who was unable to attend the meeting had submitted their comments in writing and these were read to the meeting by the Clerk

Members asked for and received further clarification on the following:-

- Access for emergency vehicles and bin collections in the shuttle area – Waste could be collected from the rear of the properties and there would be parking at the rear for vehicles such as removal vans. Emergency vehicles would be able to park on the footpath, which would be 3 metres wide.
- Timings of the restrictions in relation to school opening times – This would ensure all vehicles were removed before school traffic started.
- Could the restrictions only apply to term times – This could not be done as it needed to be clear to people whether they could park or not. Lack of clarity in the scheme could make it unenforceable.
- Had TfGM said the scheme was unsafe – This had been part of their preliminary representation to the Council on the Saddleworth School planning applications. Subsequently the planning proposals had been amended and TfGM's subsequent representation on the amended proposals no longer said this.

The Panel debated the options available and Option 2 was moved and seconded.

RESOLVED that:-

1. The Traffic Regulation Orders be approved subject to the proposed limited waiting and loading restrictions relating to Huddersfield Road (southeast side) being only operational Monday – Friday between 7.30am and 5.00pm.
2. The operation of the Scheme to be reviewed in 3 months.

Consideration was given to a report of the Director of Legal Services that sought approval for possible modifications to the Oldham Borough Council (Part of Footpath 119 Saddleworth) Public Path Diversion and Definitive Map and Statement Order 2017.



The Panel was informed that, following a decision by the Traffic Regulation Order Panel on 27 July 2017, the Council had made a Public Path Diversion and Definitive Map and Statement Modification Order in respect of part of footpath 119 Saddleworth at the rear of Treetops Close, Dobcross. The diversion was proposed to enable the Council-owned land through which the footpath passed to be sold to the owners of 1 - 3 Treetops Close as garden extensions. The proposed diversion route to an extent followed an existing unofficial track across Council-owned land and would divert the footpath around the garden extensions.

The owner of 3 Treetops Close obtained planning permission for the change of use of the land to garden use associated with the dwellings (PA/340311/17), with the intention of buying the land from the Council with his neighbours. However, several objections to the Order were received and the Order had been sent to the Planning Inspectorate for determination.

The objections were being dealt with by the written representations procedure, where all parties submitted their comments to the Planning Inspector for consideration. The Inspector would subsequently decide whether the Order should be confirmed or not. It was possible for the Inspector to confirm the Order with modifications if no prejudice was caused by the proposed modifications.

The Panel noted that one of the objections, from a resident of Sycamore Cottages, was that the start of the diversion route (point B on the Order map) lay on land in his ownership and that point B should be located slightly to the south east. In February 2020 the objector acquired land at the rear of Treetops Close, Dobcross from the Council by adverse possession, having fenced off the land without the Council's permission and incorporated it into his garden several years before.

Where a footpath was being diverted it was necessary to obtain the consent of any landowner over whose land the diverted footpath passed before the Order could be confirmed. From the different scales of the Order map compared to the Land Registry plan it was difficult to determine whether point B on the Order map lay on land still owned by the Council or on the land acquired by the objector. The Council view was that point B remained on land owned by the Council. However, in the event that the Planning Inspector agreed that point B lay on the objector's land, the Panel was requested to agree that the Inspector be requested to modify the Order so that point B was relocated slightly to the south east onto land remaining in the Council's ownership and which was due to be sold to the owners of 1-3 Treetops Close.

It had been noted that point C on the Order map was not located on an adopted highway. Point C was an existing footpath which formed part of the access to Holy Trinity C of E Primary School but it had not been formally dedicated as a highway. A footpath diversion should end on a highway so it was recommended that the Planning Inspector be requested to modify the Order so that the proposed diversion continued from point C along the access footpath to point A where it joined the adopted highway network.

The Panel was informed that it was not considered that any prejudice was caused to any party by the proposed modifications to the diverted footpath route as they would be on Council-owned land.

RESOLVED that:-

1. In the event that the Planning Inspector determined that point B on the Oldham Borough Council (Part of Footpath 119 Saddleworth) Public Path Diversion and Definitive Map and Statement Order 2017 did not lie on Council-owned land, the Inspector be requested to modify the Order by moving point B slightly to the south east to a position which lay on Council-owned land;
2. The Planning Inspector be requested to modify the Order by extending the termination of the footpath diversion from point C to point A on the Order map so it terminated on an adopted highway.

The meeting started at 5.30 pm and ended at 6.35 pm