



Oldham
Council

Delegated Decision

Proposed Prohibition of Motor Vehicles – Rose Hey Lane, Failsworth

Report of: Deputy Chief Executive – People and Place

Officer Contact : Alister Storey, Traffic Engineer
Ext. Alister.storey@unitypartnership.com

12 October 2021

Purpose of Report

The purpose of this report is to consider the implementation of a Prohibition of Motor Vehicles TRO on Rose Hey Lane in Failsworth to aid in the combating of illegal fly tipping.

Recommendation

It is recommended that a Traffic Regulation Order be introduced on Rose Hey Lane at its junction with Green Lane, Failsworth in accordance with the schedule and plan at the end of this report.

Proposed Prohibition of Motor Vehicles – Rose Hey Lane, Failsworth

1 Background

- 1.1 There has been an ongoing issue with illegal fly tipping at the southern end of Rose Hey Lane for several years. During the last 18 months or so of the pandemic this problem has escalated.
- 1.2 Rose Hey Lane is an adopted highway that runs between Lord Lane and Green Lane. The top section of the road supplies access to a number of properties that have garages and parking on the opposite side of the road.
- 1.3 Overall the condition of the carriageway is very poor, due to the condition of the carriageway, very few vehicles use the road as a through route. A footway runs parallel to the carriageway at the top of an embankment.
- 1.4 At the Southern end of Rose Hey Lane, access will need to be maintained to section of land that is accessed via double gates. The proposed physical measures will allow a 1.6m gap for access to Rose Hey Lane but non-motorised users.

2 Justification

- 2.1 Illegal fly tipping is of major concern to the Council, not only from a financial point of view but also environmentally and aesthetically.
- 2.2 Complaints regarding fly tipping at this location have been received over several years and the problem has increased during lockdown.

3 Options/Alternatives

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

4 Preferred Option

- 4.1 The preferred option is Option 1

5 Justification

- 5.1 Illegal fly tipping is of major concern to the Council, not only from a financial point of view but also environmentally and aesthetically. Complaints regarding fly tipping at this location have been received over several years and the problem has increased during lockdown.

6 Consultations

- 6.1 G.M.P. View - The Chief Constable has been consulted and has no objection to this proposal.
- 6.2 T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.
- 6.3 G.M. Fire Service View - The County Fire Officer has been consulted and has no comment on this proposal.
- 6.4 N.W. Ambulance Service View - The County Ambulance Officer has been consulted and has no comment on this proposal.

7 Comments of Failsworth West Ward Councillors

- 7.1 The Ward Councillors have been consulted and Councillor P Davis and Councillor M Wilkinson have confirmed, we agree to go for option 1 as recommended.

8 Financial Implications

- 8.1 The cost of introducing a Traffic regulation order at Rose Hey Lane will be £18.2k. The breakdown of costs is shown within the table below:

	£
Advertisement of Order	1,200
Revenue Expenditure	1,200
Introduction of traffic signs	1,500
Costs of civils works	12,500
Preliminaries	1,500
Unity fees	1,500
Capital Expenditure	17,000
Total Expenditure	18,200

- 8.2 The capital expenditure of £17k will be funded from the Minor Highways scheme budget within the Transport Capital Programme, which is financed by LTP Highway Maintenance Grant.
- 8.3 It should be noted that £50k of the £114k Minor Highways scheme budget has been committed, meaning there are sufficient resources to accommodate the cost of this scheme.
- 8.4 The revenue expenditure of £1.2k will be funded from the revenue budget for the Highways Operations Service.

- 8.5 Remaining resources can be allocated to future highways projects as and when they are presented for approval.

(John Edisbury)

9 **Legal Services Comments**

- 9.1 The Council must be satisfied that it is expedient to make the Traffic Regulation Order in order to avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for preventing damage to the road or to any building on or near the road, or for facilitating the passage on the road or any other road of any class of traffic, including pedestrians, or for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property or for preserving or improving the amenities of the area through which the road runs.

- 9.2 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)

10 **Co-operative Agenda**

- 10.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

11 **Human Resources Comments**

- 11.1 None.

12 **Risk Assessments**

- 12.1 None.

13 **IT Implications**

- 13.1 None.

14 **Property Implications**

14.1 None.

15 **Procurement Implications**

15.1 None.

16 **Environmental and Health & Safety Implications**

16.1 Energy – Nil.

16.2 Transport – Alternative through routes to Rose Hey Lane are available.

16.3 Pollution - The proposals will aid in the combatting of illegal fly tipping and pollution problems associated with the practice.

16.4 Consumption and Use of Resources – Nil.

16.5 Built Environment – Minor alteration to visual appearance of area.

16.6 Natural Environment – The proposals will aid in the combatting of illegal fly tipping.

16.7 Health and Safety – Nil.

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

17.1 Nil.

18 **Equality Impact Assessment Completed?**

18.1 No.

19 **Key Decision**

19.1 No.

20 **Key Decision Reference**

20.1 Not applicable.

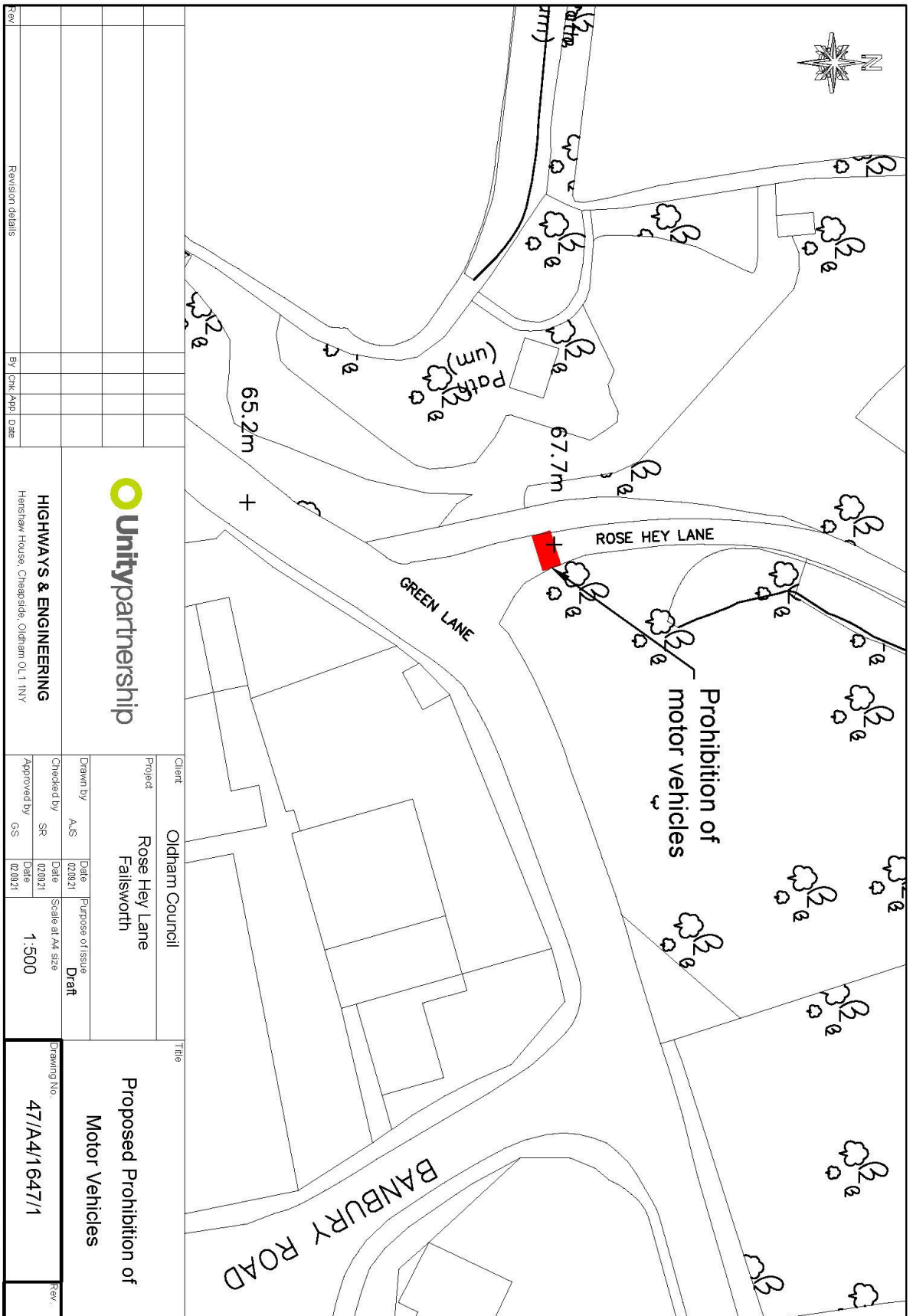
21 **Background Papers**

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

None.

22 **Proposal**

- 22.1 It is proposed that a Traffic Regulation Order be introduced in accordance with the following schedule and drawing number.



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Schedule


Drawing Number 47/A4/1647/1

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

Prohibition of Motor Vehicles

Road	Extent
Rose Hey Lane	At a point 15 metres North of its junction with Green Lane

APPROVAL

<p>Decision maker</p> <p>Signed:  Cabinet Member, Neighbourhoods</p>	<p>Dated: 21.10.2021</p>
<p>In consultation with</p> <p>Signed: John Lamb Interim Director of Environmental Services</p>	<p>Dated: 20.10.2021</p>