

## TRO Panel

**Decision Maker:** Director of Environment, Nasir Dad

**Date of Decision:** 27 July 2023

**Subject:** Objection to Proposed Prohibition of Waiting – Burnley Lane Chadderton

**Report Author:** Andy Marsh, Traffic Engineer

**Ward (s):** Chadderton North

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**Reason for the decision:**

An experimental TRO recommending the introduction of the Prohibition of Waiting on sections of Burnley Lane (Mill Brow to Beech Avenue), Chadderton was implemented in February 2022. The proposals were introduced following the installation of traffic islands; the purpose of the islands prevented dangerous overtaking across the hatched-out middle areas of the carriageway. Inappropriate parking adjacent to the traffic islands necessitated the introduction of waiting restrictions.

During the 18 month experimental period, one objection (regarding a traffic island and no waiting at any time) was received from a member of the public, a resident who reported that the traffic island situated adjacent to their property (adjacent to 494 Burnley Lane) severely impacted their ability to manoeuvre on and off their driveway. Furthermore, the narrowing restriction would often lead to insufficient space for longer HGV's to safely negotiate through the restriction when the resident entered the main road to travel westwards. After consultation with local ward Councillors and the Police it was agreed that the traffic island could be removed along with the adjacent double yellow lines which were adjacent to the traffic island. It should be noted that the remaining double yellow lines along that length of Burnley Lane

(protecting a visibility splay) from Birch Avenue are to be retained.

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

In summary, the original scheme of the provision of 5 traffic islands to discourage dangerous overtaking manoeuvres has successfully reduced the potential for head on collisions and better lane discipline; the original experimental prohibition of waiting order has proved to be challenging, however, after considering the comments received and Officers' frequent site observations it is believed that an acceptable compromise is now proposed.

The Police support the new proposal in its amended form.

**Summary:**

The purpose of this report is to consider the representation received to making a minor amendment to the Experimental Prohibition of Waiting Order and the introduction of a permanent Prohibition of Waiting on Burnley Lane.

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

Option 1: Relax the proposed restrictions and introduce an agreed amendment  
Option 2: Re-advertise the proposed restrictions following the expiry of the experimental order on 24 August 2023

To expedite this matter in a timely manner and to avoid unnecessary expense in re-advertising it is recommended to choose option 1

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

The Ward Members have been consulted and only Cllr Brownridge was in office at the time when the traffic islands were installed. Councillors Brownridge, Moores and McLaren have subsequently approved the actions proposed.

***Recommendation(s):***

It is recommended that the objection be taken into consideration and the relaxation of the

waiting restrictions be amended accordingly as specified in this report.

**Implications:**

*What are the **financial** implications?* None, an existing capital budget (M1282) will fund a permanent order

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

What are the **procurement** implications? None

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

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

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

**Risks:** None

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

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

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

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

**There are no background papers for this report**

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<b>Report Author Sign-off:</b>	
Andy Marsh	
<b>Date:</b> 26 July 2023	

Please list and attach any appendices:-

<b>Appendix number or letter</b>	<b>Description</b>
A	Approved Mod Gov Report
B	Proposed schedule and plan
C	Copy of objection and ward member comments

In consultation with Director of Environment

Signed : \_\_\_\_\_ Date:\_\_\_\_\_

## APPENDIX A

### **Delegated Decision**

## **Proposed Experimental Prohibition of Waiting Order - B6175 Burnley Lane, Chadderton**

Report of: Deputy Chief Executive – People and Place

Officer contact: Gary Sutcliffe, Section Manager, Traffic  
Ext. 3046

**19 November 2021**

#### **Purpose of Report**

The purpose of this report is to consider the implementation of an Experimental Prohibition of Waiting Order to supplement existing traffic calming measures in place on Burnley Lane, Chadderton which are being abused due to inconsiderate parking.

#### **Recommendation**

It is recommended that the Experimental Prohibition of Waiting Order associated with the scheme are approved, in accordance with the schedule at the end of this report.

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## **Proposed Experimental Prohibition of Waiting Order - B6175 Burnley Lane, Chadderton**

### **1 Background**

#### **General Conditions**

- 1.1 The purpose of this report is to seek approval to introduce an Experimental Prohibition of Waiting Order to enhance improvements recently carried out in the vicinity.
- 1.2 Burnley Lane, Chadderton (between the junction with Mill Brow and just to the east of the junction with Parkway) was recently provided with a traffic calming scheme consisting of a series of five traffic islands positioned centrally on the carriageway together with a system of central hatching markings. This scheme was designed to reduce the speed of vehicles using Burnley Lane, as this is a residential area with a school.

### **2 Traffic Issues**

- 2.1 Subsequent to the introduction of the traffic calming scheme it has been found that the return of pupils to school following the easing of Covid-19 lockdown measures has resulted in significant on-street parking occurring along both Burnley Lane and Birch Avenue: this includes those areas adjacent to the central traffic islands and around the junction of Burnley Lane with Birch Avenue.
- 2.2 Such parking impedes the progress of all vehicles including Public Service Vehicles, such that these are forced to wait for protracted periods resulting in congestion, or to negotiate the traffic islands on the wrong side with the concomitant risk factor that this entails.

### **3 Road Safety**

- 3.1 No personal injury accidents have been recorded in the study area during the last 3 years.

### **4 Justification / Proposals**

- 4.1 The recent return to school of pupils following the easing of Covid-19 lockdown measures has resulted in significant increases in traffic and in particular on-street parking along Burnley Lane and in Birch Avenue. This is in turn resulting in traffic flow being impeded, causing congestion and compromising road safety.

#### **4.2 Proposals**

##### **4.2.1 Experimental Prohibition of Waiting Order**

Traffic calming is currently in place for Burnley Lane, the purpose of which is to reduce vehicle speeds. However, this is compromised by on-street parking at peak times which needs to be addressed: implementation of enforceable prohibition of waiting restrictions will enable this to be carried out.

An Experimental Order is valid for a period of eighteen months: during this time its effectiveness can be monitored, and after the expiry of the eighteen-month period the Order can either be made permanent or modified.

#### 4.2.2 **Proposed Restrictions**

Burnley Lane consists of a residential area within which is a school. It is therefore imperative that supplementary measures be implemented to ensure a safe environment for school children, residents and all visitors in the area.

In addition to the traffic calming measures already implemented, the Experimental Prohibition of Waiting Order as proposed and detailed in Schedules 1 and 2 would alleviate parking issues currently being experienced and in so doing improve the overall safety of the location.

### 5 **Options/Alternatives**

5.1 Option 1: To approve the recommendation

5.2 Option 2: Not to approve the recommendation

### 6 **Preferred Option**

6.1 The preferred option is to approve Option 1, i.e. the introduction of the proposed Experimental Prohibition of Waiting Order as shown in Schedules 1 and 2.

### 7 **Consultations**

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

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

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

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

## 8 **Comments of Chadderton North Ward Councillors**

8.1 The Ward Councillors have been consulted and Councillor M Ali and Councillor B Brownridge have no objections.

## 9 **Financial Implications**

9.1 The cost of introducing the Order is shown below:

	£
Advertisement of Order	1,200
Road Markings, Signage & Traffic Management	2,650
<b>Total</b>	<b>3,850</b>
Annual Maintenance Cost (calculated November 2021)	230

9.2 The advertising, road markings, signage and traffic management costs of £3,850 will be funded from the Highways Operations – Unity budget.

9.3 The annual maintenance costs estimated at £230 per annum will be met from the Highways Operations budget. If there are pressures in this area as the financial year progresses, the Directorate will have to manage its resources to ensure that there is no adverse overall variance at the financial year end.

(Nigel Howard)

## 10 **Legal Services Comments**

10.1 The Council may, for the purposes of carrying out an experimental scheme of traffic control, make an order under section 9 of the Road Traffic Regulation Act 1984 making any such provision as may be made by a traffic regulation order. Experimental orders should not be seen as a way of quickly making an order without going through the normal consultation procedures for permanent orders. To avoid the possibility of a successful challenge in the High Court, the Council must be able to demonstrate where the element of experiment or uncertainty lies, as an experimental order can only be made for the purpose of carrying out an experimental scheme of traffic control. An experimental traffic order shall not continue in force for longer than 18 months.

10.2 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.

10.3 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)

## 11 **Co-operative Agenda**

11.1 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

## 12 **Human Resources Comments**

12.1 None.

## 13 **Risk Assessments**

13.1 None.

## 14 **IT Implications**

14.1 None.

## 15 **Property Implications**

15.1 None.

## 16 **Procurement Implications**

16.1 None.

## 17 **Environmental and Health & Safety Implications**

17.1 Energy – Nil.

17.2 Transport – Nil.

17.3 Pollution – Nil.

17.4 Consumption and Use of Resources – In accordance with current specifications

17.5 Built Environment – Alteration to visual appearance of area

17.6 Natural Environment – Nil.

17.7 Health and Safety – The scheme will create a safer environment for pedestrians

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

18.1 Nil.

19 **Equality Impact Assessment Completed?**

19.1 No.

20 **Key Decision**

20.1 No.

21 **Key Decision Reference**

21.1 Not applicable.

22 **Background Papers**

22.1 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.

## **APPENDIX B**

### **Schedule**

**Drawing Number TM4/482/001/1**

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

#### **Schedule 1**

##### **Revocation of existing Prohibition of Waiting**

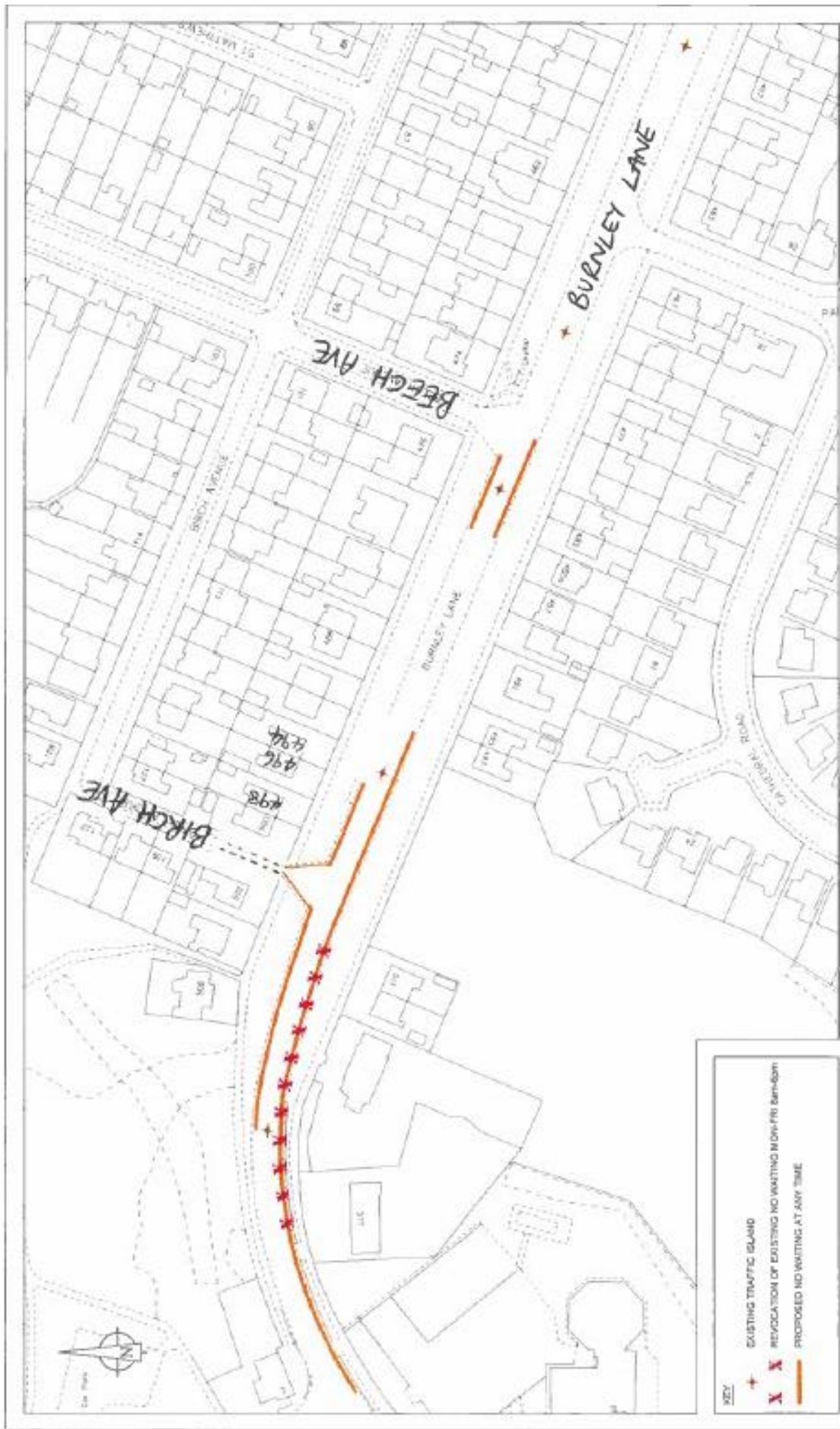
No Waiting Monday to Friday, 8am – 6pm

Road	Location	Restriction
Burnley Lane	From a point 50 metres east of its junction with Mill Brow for a distance of 83 metres in an easterly direction	No Waiting Mon-Fri 8am – 6pm

#### **Schedule 2**

##### **Implementation of Prohibition of Waiting**

Item No	Length of Road	Duration	Exemptions	No Loading
	Burnley Lane – North Side From a point 30 metres east of its junction with Birch Avenue for a distance of 120 metres in a westerly direction.	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	Burnley Lane – South Side From a point 50 metres east of its junction with Birch Avenue to a point 50 metres east of its junction with Mill Brow.	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	
	Burnley Lane – Both sides From its junction with Beech Avenue for a distance of 30 metres in a westerly direction	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	



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Client	OLDHAM MBC	Project	BR175 BURNLEY LANE CHADDERTON	Proposed	PERMANENT
Drawn by	AM	Checked by	AM	Scale	1:1,000 @ A3
Date	Apr 2023	Approved by	AM	Project No.	TM4/482/001/1
Revision details					0

HIGHWAYS & ENGINEERING  
 FERRIS HILL, GREASDALE, OLDHAM, OL1 1WY

## APPENDIX C

### COPY OF OBJECTION

#### Objection from a Member of the Public

To whom it may concern

I am writing to you to request that you remove the traffic island from outside my property and return the roadside to its condition prior to this; included in this would be the removal of double yellow lines outside my property.

I believe the traffic islands were placed there in good faith but have not had the effect that they were designed for. Instead they have severely affected the safety and quality of life of local residents; as well as causing concern for the safety of those road users passing by my property. Prior to their installation, I would not have considered their installation to be necessary to manage traffic.

Burnley Lane is a relatively busy road that is often used by parents, whose children attend St Matthew's and North Chadderton Schools. Prior to the installation of the islands, the antics of parents who would park on the street would be a nuisance. Following their introduction, the islands have become an obstacle that passing traffic have to navigate precariously, as the parents have continued to park on the street. The islands have also prevented local residents from exiting their property safely as passing traffic are unable to overtake local residents vehicles, resulting in a number of near misses and disputes.

At other times, the islands have not been effective in slowing traffic down; instead they have been used as a chicane, resulting again in a number of near misses, when local residents are attempting to exit or enter their driveway. In addition to this a number of large juggernauts, particularly from British Vitafoam have difficulty negotiating the road, resulting in them having to take a number of risks. On several occasions when pulling out onto the road, speeding traffic has failed to slow down; instead choosing to travel on the opposite side of the road, causing concern and unnecessary risk to local residents and other road users. The very poor state of the road surface is also a concern; negatively affecting the ability of vehicles to progress safely along the road and near to the traffic island.

Yours Sincerely

## Comments from Ward Members

- 1) I have no objection to this (proposed removal of island and double yellow lines)
- 2) Thank you for your email of 7 June 2023 concerning the above. Just a note to let you know that I support the proposal to remove the traffic island outside 494 Burnley Lane.
- 3) Just a note to confirm that I am happy to support the proposal to remove some 20 metres of yellow lines together with the traffic island