

Report to:	SPEAKERS PANEL (PLANNING)
Date:	29 May 2019
Reporting Officer:	Ian Saxon, Director of Operations and Neighbourhoods
Subject:	OBJECTIONS TO PROPOSED NO WAITING AT ANY TIME RESTRICTIONS ON MICKLEHURST ROAD, MOSSLEY 2018
Report Summary:	The report outlines correspondence received objecting to the proposed extension of waiting restrictions on Micklehurst Road, Mossley following a 28 day statutory consultation in July 2018.
Recommendations:	It is recommended the panel review the objections and that authority is given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to make the following order TAMESIDE METROPOLITAN BOROUGH (MICKLEHURST ROAD, MOSSLEY) (PROHIBITION OF WAITING) ORDER 2018 as detailed in Section 5.1 of this report.
Corporate Plan:	Tameside Council is committed to maximising the wellbeing of the people of Tameside. We are committed to supporting economic growth, increasing the self sufficiency of individuals and families, and protecting the most vulnerable.
Policy Implications:	None arising from the report
Financial Implications:	The funding for the scheme will be taken from the Traffic Operations, Traffic Regulation Order budget 2018/2019.
Authorised by the statutory Section 151 Officer & Chief Finance Officer)	

Legal Implications: Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in **Appendix A.**

Authorised by the Borough Solicitor)

Risk Management: Objectors have a limited right to challenge the Orders in the High Court.

Access to Information: **Appendix A** - S.122 of Road Traffic Regulation Act 1984
Appendix A1 – Highway Code Extract

Drawing No.001: Original Proposals

Drawing No.002: Revised Proposals

Background Information: The background papers relating to this report can be inspected by contacting

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1. INTRODUCTION

- 1.1 Micklehurst Brook Culvert has a flooded a number of times in recent years, the most significant was September 2017. Serious floods resulting in damage to properties inside and out were also reported in August 2004, November 2016 and October 2017.
- 1.2 The September 2017 flood resulted in the road being closed for a period extending 8 months, this caused major disruption to the local residents and the local highway network.
- 1.3 The culvert on Micklehurst Road was completely repaired as was a culvert to the rear of one of the resident's' properties.
- 1.4 The repair works were jointly funded by the Environment Agency and Tameside Metropolitan Borough Council, totalling over £1m.
- 1.5 Following the works which were completed May 2018, Tameside MBC and the Environment Agency have had regular meetings to discuss pro active measures to try and prevent flooding occurring in the future.
- 1.6 The Environment Agency have requested waiting restrictions be installed on the south side of Micklehurst Road to enable unaffected access to this culvert enabling the machinery required to undertake the maintenance works necessary when heavy rainfall is forecast.
- 1.7 A scheme was advertised in July 2018 and 10 objections were received, the concerns raised are detailed below.

2 OBJECTIONS

- 2.1 Mostly the residents are concerned that parking spaces are already limited along this route due to the amount of vehicles in the area and lack of off street parking, there are also a number of properties being built in the area which in turn will make parking more of a problem going forward.
- 2.2 Flooding works are now complete, the desire for the waiting restrictions has caused an element of confusion within the area.
- 2.3 Residents have suggested, should access be required, this can be easily arranged, most of the vehicles parking in this area reside on Micklehurst Road and would be available to move their vehicles to allow access to the culvert. One resident suggested introducing a resident parking area with phone numbers to make the drivers contactable.
- 2.4 Temporary restrictions could be used to prevent parking if heavy rain was forecast.
- 2.5 The loss of parking is greater than the access area required to effectively clear the culvert.

- 2.6 There is concern of how the extra waiting restrictions will affect the already tense relationship between the residents of Micklehurst Road and the Cocksfoot Drive development.
- 2.7 One resident suggested the potential to investigate the removal of existing parking restrictions to allow access to the culvert without further penalising the residents.

3 OFFICER RESPONSE

- 3.1 This is often an issue with terraced streets with high resident occupancy around areas where there is limited off street parking.
- 3.2 The waiting restrictions are to allow unrestricted access to the culvert to ensure it is clear from debris or any other built up materials when heavy rain is forecast, potentially only 1 hour notice to the council.
- 3.3 Flash flooding can occur with very little warning, there would be no way of knowing which vehicle belonged to which property or any guarantee the driver would be available to move the vehicle at short notice. There are no guarantees the residents are at their properties or easily contactable, this also relies on the residents providing us with the correct up to date phone number, which we may not have access to out of hours. When warned of flooding Tameside MBC attend all critical water courses in the borough to ensure they are free flowing to allow the excess water to pass through, there is not enough time to wait for residents to return to their vehicles.
- 3.4 Again the use of temporary restrictions would be no use if heavy rain was due imminently.
- 3.5 The reason the waiting restrictions have been proposed from Cocksfoot Drive is to prevent obstructive parking upon leaving the junction, the highway code states vehicles should not be parked within 10 metres of a junction, if waiting restrictions were placed just over the access site to the culvert, parking would be encouraged against recommendation of the Highway Code.
- 3.6 As long as residents are not causing an obstruction to driveways and private access residents do not have the right to restrict the vehicles parking on the public highway. Any abuse should be reported to the Greater Manchester Police.
- 3.7 This has been investigated, the outcome of which will be to reduce the existing waiting restrictions by 5 metres and reduce the proposed restrictions to an absolute minimum, therefore enabling 5 vehicles to park in this location, an overall reduction in 3 car parking spaces.

4 FUNDING

- 4.1 The introduction of the scheme will be funded by the Traffic Operations, Traffic Regulation Order budget 2019/2020

5 CONCLUSION

- 5.1 It is intended to reduce the existing waiting restrictions by 5 metres and reduce the proposed restrictions to an absolute minimum of 23 metres.
- 5.2 The proposed amendments are set out in the Schedule below and as shown on the corresponding drawings.

5.3 SCHEDULE

Original Proposals

Introduce No Waiting at Any Time **Drawing 001 Appendix 2**

Micklehurst Road

South side From a point 70 metres west of its junction with Hollins Lane to a point 10 metres east of that junction.

Revised Proposals

Introduce No Waiting At Any Time restrictions. **Drawing 002 Appendix 3**

Micklehurst Road

South side From a point 70 metres west of its junction with Hollins Lane to a point 5 metres east of that junction.

South side From its junction with Cocksfoot Drive for a distance of 23 metres in a westerly direction.

6. RECOMMENDATIONS

6.1 As set out at the front of the report.

APPENDIX 'A'

Section 122 Road Traffic Regulation Act 1984

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) 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.
- (2) The matters referred to in sub-section (1) above, as being specified in this sub-section are:
- (a) The desirability of securing and maintaining reasonable access to premises;
 - (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) 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;
 - (c) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy);
 - (d) 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
1. Any other matters appearing to ...the local authority.... to be relevant.

APPENDIX 'A1'

The Highway Code

Introduction to the Highway Code

'This Highway Code applies to England, Scotland and Wales. The Highway Code is essential reading for everyone.

The most vulnerable road users are pedestrians, particularly children, older or disabled people, cyclists, motorcyclists and horse riders. It is important that all road users are aware of the Code and are considerate towards each other. This applies to pedestrians as much as to drivers and riders.'

Knowing and applying the rules

'Knowing and applying the rules contained in The Highway Code could significantly reduce road casualties. Cutting the number of deaths and injuries that occur on our roads every day is a responsibility we all share. The Highway Code can help us discharge that responsibility.'

Rule 243

DO NOT stop or park:

1. near a school entrance
2. anywhere you would prevent access for Emergency Services
3. at or near a bus or tram stop or taxi rank
4. on the approach to a level crossing/tramway crossing
5. opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space
6. near the brow of a hill or hump bridge
7. opposite a traffic island or (if this would cause an obstruction) another parked vehicle
8. where you would force other traffic to enter a tram lane
9. where the kerb has been lowered to help wheelchair users and powered mobility vehicles
10. in front of an entrance to a property
11. on a bend
12. where you would obstruct cyclists' use of cycle facilities

except when forced to do so by stationary traffic.

