

This is an open report

Report to: Regulation Committee

Date of Meeting(s): Friday, 9 August 2024

Subject: Experimental Prohibition of Driving Traffic Regulation Order (ETRO) Wigan Road Backs, Atherton

Report of: Paul Barton, Director of Environment

Contact Officer: Danny Orrell (01942 489302)

Cabinet Portfolio Holder and area: Councillor Paul Prescott, Portfolio Holder for Planning, Environmental Services and Transport

Summary:

To advise Regulation Committee of objections received to the experimental prohibition of driving traffic regulation order on Wigan Road Backs in Atherton. Recommendation is that traffic regulation order is made permanent, and the planters remain in place.

Link to Corporate Priorities:

Our People: Together we feel happy, safe, included and look out for each other:

- Happy healthy people
- Communities that care for each other

Our Place: Together we are proud of our towns and look after our environment:

- An environment to be proud of

Our Future: Together we will build a future where everyone has the opportunity to thrive:

- Economic growth that benefits everyone
- A well-connected place

Wards Affected: Atherton North

Recommendation(s): It is recommended that the planters and Traffic Regulation Order remains in place and is made on a permanent basis to prevent through traffic passing along the alley way Wigan Road Backs.

Implications:

What are the financial implications?

The Prohibition of Driving Order has already been made self-enforcing with the installation of planters and signs. A change in the legal status would be required to make it permanent. Removal of the order would require removal of the planters and signs. The cost of this would be minimal.

Is budget release necessary (Capital Expenditure Only)?

No budget release is required.

What are the legal implications?

The existing Experimental Traffic Regulation Order will be required to be made on a permanent basis.

What are the staffing implications? There are no staffing implications with regard to the recommend proposal.

Equality and Diversity Impact Assessment attached or not required because (please give reason). If not required, then a relevance check needs to be completed.

An Equality and Diversity Impact Assessment is not required as these are not necessary when making or proposing a Traffic Regulation Order.

What are the property implications in terms of reduction, addition or change to the council's asset base or its occupation?

Not applicable.

What are the Corporate Parenting Implications?

Not applicable.

Risks:

If we do not retain the Prohibition of Driving closure with the planters the risk is that divers will use the Wigan Road backs to drop off/pick up at Pooches Playhouse as they did before closure was in place. This will again lead to road safety concerns for residents with vehicles using the alleyway behind their properties.

Sustainability/Environmental/Climate implications:

The retention of the closure enables residents to feel safer on Wigan Road Backs as the closure prevents drivers from driving along the road in close proximity to rear yard gates. This may create more social and environmental benefits in the immediate area.

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

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

The only alternative to making the ETRO permanent would be to not implement the TRO. This is not recommended because if the closure is removed then traffic will increase along the alleyway as before causing concerns for residents.

There are no background papers for this report.

Directorate Sign-off:	Paul Barton
Date:	26 July 2024

Please list any appendices:

Appendix number or letter	Description
A	Objections provided by Paramount
B	Other objections received.
C	Letters of support
D	Plan implemented
E	Plan showing extent of adopted highway
F	Photos of Wigan Road backs and surrounding area

1.0 Background:

- 1.1 For several years the Council has received enquiries from residents, and Ward Councillors regarding the volume of vehicles travelling along the alleyway behind properties 71 to 117 Wigan Road, Atherton.
- 1.2 It was reported that vehicles being driven to access the businesses were a danger to the residents living in the terraced properties who had direct gated access onto the alleyway. Concerns were that stepping out of the gates into the alleyway may be into the path of a moving vehicle.
- 1.3 Wigan Road Backs as it is named, is an adopted alleyway to the rear of terraced properties on Wigan Road. Land searches show the alleyway and area in front of Pooches is owned between a mixture of Lilford and Paramount. The adoption status takes precedence regardless of who owns the land. As highway authority we are responsible for the maintenance and safety of road users on a highway. This is applicable across the Wigan borough and following complaints we have taken measures to safeguard road users on the alleyway. The alleyway is surfaced but is breaking apart in places revealing the stone sets underneath but it is inspected regularly by the Council and if potholes are deeper than the specified set interventions levels then maintenance will be undertaken. There is no street lighting in place which exacerbates the issues raised during darkness. For clarity Coal Pit Lane which meets the western extent on the alleyway is unadopted highway whilst the eastern end joins with Wigan Road to the side of property 71 and the Royal Inn public house.
- 1.4 Directly behind the houses is the Prestwich Industrial site. This is a large industrial estate with its main access being off Bag Lane. There are some businesses adjacent to the alleyway which are on the southern extent of the site, mainly The Window Centre and Pooches Playhouse.
- 1.5 The traffic generated from businesses is the cause of concern amongst residents. There are two periods in the day that vehicle movements increase. This is the morning and afternoon when dog owners drop off and pick up their pets at the start and end of the working day.
- 1.6 It is understood that the residents have been in objection to Pooches Playhouse since its opening, however this business was granted retrospective planning approval to continue to operative in this location. Complaints were made about the increase in noise of dogs barking and of those created by opening and closing of doors followed by engine noise of vehicles being driven. It was requested by the Network Management Group of the council, during the Planning Consultation phase to impose a planning condition so that vehicle access and the door into the premises did not join the alleyway, but conditioned on Coal Pit Lane only on the northern side of the building. This was not possible as Planning could not enforce this condition.
- 1.7 As such, vehicles did mainly access Pooches Playhouse off the alleyway, behind the Public House and property number 71. A door into the building does exist on the northern side of the building onto Coal Pit Lane. which the business could remove to

provide access. The door and access point from the alleyway is promoted by the business as opposed to the use of Coal Pit Lane within Prestwich Industrial Estate. Customers can access Pooches from Coal Pit Lane however they do so by driving through the Prestwich Industrial Estate. This is not adopted highway therefore we have no control to make alterations to this highway. The landlord of the industrial estate is not promoting this as a safe route.

- 1.8 The traffic concerns raised by residents are supported by local Ward Councillors who have requested various solutions to help mitigate the concerns. Traffic calming, a signed speed limit and removal of the surfacing back to the stone sets has been requested in the alleyway to help alleviate the concerns raised. There have been no recorded road accidents causing injury within the alleyway.
- 1.9 Unfortunately, having regard to the costs associated with the above suggestions, they cannot be implemented due to no evidence to support these measures. Evidence is required given the number of similar requests across the whole borough so that a fair and consistent approach is applied in the whole of the Wigan borough.
- 1.10 The Council is of course committed to improving areas where people live and work, and often low-cost measures can be implemented to help with concerns of these type. It was therefore suggested at a meeting with Ward Councillors and residents that a Prohibition of Driving Order on an experimental basis could be appropriate.
- 1.11 An experimental Prohibition of Driving Traffic Regulation Order (ETRO) was installed for eighteen months and is still in place with planters self-enforcing the closure. ETROs can be used in situations where they are installed quickly with limited prior notice, but with a formal six-month consultation period. This time frame enables the ETRO to be evaluated on how it affects the area, along with the acceptance of any objections. The required statutory process for implementation is a week's notification to affected properties which was undertaken by letter and notice of intent on street lighting columns. The prohibition was installed a week later.

2.0 Objections

- 2.1 During the six-month advertisement period, 23 objections to the Experimental Prohibition (ETRO) of Driving Order on Wigan Road Backs were received. The advertisement ran from 29th June 2023 to 29th December 2023. Copies of the objections are appended to this report. Whilst some objectors submitted more than one objection during the advertisement period, however their objections have been counted as one individual objection. In addition, Paramount Group, who is the landlord of the Prestwich Industrial estate submitted many objections within and beyond the initial six-month objection period. Despite the number of letters received from Paramount their objection letters have too been counted as one, though their concerns from each letter have been considered.
- 2.2 Paramount Construction Company have submitted numerous letters of objection and concern over the course of the six-month advertisement period and have continued to send these afterwards. These letters are appended to this report.

2.3 In relation to the objections received from Paramount:

- The Prohibition of Driving Order was implemented on an experimental basis. This means the order was advertised with one week's notice and then implemented. The first six months is the evaluation / consultation as the impact of the changes are monitored and feedback accepted. The statutory process for TROs are that a site notice must be placed in the area and the proposals are advertisement in the local newspaper, which we did. Letters are optional however these were sent to the directly affected businesses and residents. A discussion also took place on site a week prior to implementation and representatives from the businesses were in attendance.
- There is sufficient space for vehicles to turn around in the area fronting the business off the alleyway. The alleyway itself is only approximately 3.5m wide however there is an area in front of the businesses that can be used to turn vehicles around. If parking does take place then drivers will need to manoeuvre with due care and attention as per the Highway Code.
- The alleyway is a highway which means members of the public have had the right to pass and repass over a number of years. We have used our powers via the Road Traffic Regulation Act 1984 to implement an experimental traffic regulation order to prevent motor vehicles from driving the full length of the alleyway. The alleyway is not a Public Right of Way.
- A point made by Paramount is of the access rights into Pooches. It is alleged that driving through the industrial estate is dangerous and a health and safety risk where drivers would have to pass large industrial plant vehicles and other vehicle types. It needs to be noted that the access from Coal Pit Lane is not adopted highway, therefore we have no control to make alterations to this road. It is within the gift of the landowners of Coal Pit Lane to make sure it is safe to use for customers as main access/egress to the businesses given that there is now a Prohibition of Driving TRO on the alleyway.

2.4 Ackland Bracewell who manages the Lilford Estate objected stating that the siting of the planters constitutes trespass. The alleyway is adopted highway; therefore we have the powers via the Road Traffic Regulation Act 1984 to implement the Prohibition of Driving TRO and self-enforce with planters.

2.5 Contravening this Prohibition of Driving Order is classified as a moving vehicle offence. Greater Manchester Police (GMP) supported the proposal given the closure point is 'self-enforcing'.

2.6 Many of the objectors share similar concerns. Their main concern is that the arrangement of the planters which are placed to self-enforce the closure, results in the alleyway as the only way to the side of the Royal Inn.

2.7 Evidence has also been provided by photograph that the area immediately to the front of Pooches regularly becomes congested as drivers attempt to park and turn around. It has also been described by those visiting Pooches and by the owners of

Pooches that staff have been attempting to manage the situation at the front and objectors say that the planters have increased local tensions.

- 2.8 The Manager of Pooches has raised an objection and reiterated several times that the planters are causing problems and additionally the business is being affected with numbers of customers being lower than before the planters were introduced.
- 2.9 During the six-month advertisement period, 15 letters of support were also received.
- 2.10 In summary, they stated that traffic driving down the back alleyway was damaging the road surface and travelling at speed causing fear that residents stepping out of their back gate could be run over. Many residents state that the entrance of Pooches should not be on the Wigan Road Backs side but on the northern side of the building accessed from Coal Pit Lane. It is explained that children are now able to play in the alleyway and that the planters should not be removed for the convenience of businesses.
- 2.11 A letter of support states that residents have been trying to get drivers from local businesses to slow down and the planters have achieved this but they have now witnessed customers bullying residents. It is stated that the Council have a duty of care for residents, and it is feared that the planters will be removed, and residents are being bullied into giving up.
- 2.12 A letter of support details that the residents should not be subjected to the amount of traffic in the alleyway in addition to the noise and fumes created and that the situation is much better now with residents explaining the beauty of the planters.
- 2.13 Some residents have informed the Council through letters of support that Pooches are actively promoting the use of the access off the alleyway instead of Coal Pit Lane and the amenity of residents should be prioritised over the inconvenience of businesses using the Coal Pit Lane entrance.
- 2.14 Local ward Councillors have stated that they would like to retain the closure to prevent the previous road safety issues affecting the residents from returning.

3.0 Proposals:

- 3.1 It is proposed to make the Experimental Prohibition of Driving Order permanent by legal order and by retaining the planter boxes and road signs for the reasons outlined in the conclusion.

4.0 Conclusions:

- 4.1 The proposal was instigated following a request by local ward Councillors to meet and discuss the problems reported by residents regarding traffic and concerns of road safety on Wigan Road Backs. This followed numerous requests to resolve the reported problems. A number of residents highlighted the issues outlined in this report and requested that a solution must be found. An experimental Prohibition of

Driving Traffic Regulation Order (TRO) was installed for eighteen months and is still in place, which is self-enforced with planters.

- 4.2 All objections and letters of support have been considered and it is understood that both removing the closure or keeping it on a permanent basis is likely to cause upset with either the residents/Councillors or business owners.
- 4.3 The businesses whose customers used the alleyway can access/egress from the side of 71 Wigan Road. We understand the landlord of the industrial estate and Pooches do not wish to promote with Coal Pit Lane/industrial estate road for access/egress but is it within their gift to enable this route to be used. Any inherent issues occurring on industrial estate road is a matter for the owners of the industrial estate as this is not adopted highway. The health and safety or any incidents occurring on the private land is a private matter.
- 4.4 The Prohibition of Driving on Wigan Road backs has prevented vehicles driving along the alleyway and provided a pleasant and safe environment which is supported by the local residents and local ward Councillors. It is therefore recommended that this traffic regulation order is made permanent and the planters remain in place to self-enforce this closure.

Relevance Check

Budget Reduction/Service Area: Julie Middlehurst

Service Lead: Network Management Group

Date: 17/06/24

In what ways does this Budget reduction have an impact on an outward facing service? How will the service feel different to your customers or potential customers?

N/A

If not, how does it impact on staff e.g. redundancies, pay grades, working conditions? Why are you confident that these staff changes will not affect the service you provide?

N/A

Is a Customer Impact Assessment needed?

No