

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

1 December 2015

Report of the Strategic Director – Economy, Transport and Environment

**CHESTERFIELD TOWN CENTRE RESTRICTED ZONE - PROPOSED
PUBLIC INQUIRY**

(1) **Purpose of Report** To inform the Cabinet Member of the intention to take the recently advertised Traffic Regulation Order (TRO) to implement a Restricted Zone in Chesterfield Town Centre to a Public Inquiry following the receipt of an objection.

(2) **Information and Analysis**

Background

Glumangate and Soresby Street south of Knivesmith Gate, New Square and Market Street are all covered by an existing TRO which was made in 1987. The TRO for these streets prohibits vehicle movements other than for those gaining legitimate access to load and unload, to private off-street parking facilities and to disabled drivers gaining access to dedicated Blue Badge parking spaces on Glumangate. This TRO relates to moving traffic offences, which are enforceable only by the Police, rather than the Council's Civil Parking Attendants. Since its introduction in 1987, enforcement has, in previous years, been carried out by the Police and the TRO has essentially been self-enforcing. Unfortunately, over the last couple of years, enforcement has subsided due to dwindling Police resources, and parking in this whole area has increased to such a level by non-authorised users that pedestrian safety and emergency access could be compromised.

Representations have been received from members of the public, shop owners, the emergency services and local Members over the indiscriminate parking by Blue Badge holders, shoppers, shop owners and Market Traders creating a dangerous mix of pedestrians, cyclists and motor vehicles.

In order to address this issue and remove the enforcement responsibly from the Police to the Council's Civil Parking Enforcement Attendants, a revised TRO to create a pedestrianised zone was advertised in 2011. Several objections were received at that time which would have resulted in a Public

Inquiry if the objections were not withdrawn. Whilst initial verbal indication from the objectors suggested that they would remove the objection, this did not actually materialise and the process for its introduction ceased.

A couple of years passed and officers contemplated the best way forward in trying to address the ever increasing parking problems. Having looked into various options, officers concluded that a 'Restricted Zone' would be the best approach. This would address the needs of the businesses, by allowing dedicated loading areas between the hours of 10am and 4pm outside the Market Hall and at the top of Soresby Street, as well as keeping the remaining area free of parked cars.

Officers consulted and advertised a Restricted Zone which on 16 April 2015 with a closing date of 8 May 2015. During the consultation process, four letters /e-mails were received requesting additional information on access to premises and loading and unloading, but none objecting to the Order. On 7 May 2015 however, an e-mail of objection was received from a Thursday Market Trader who objected to the proposed TRO.

Officer Comment

The proposals would see loading and unloading between the hours of 10am – 4pm (unless carried out in the designated loading bays in front of the Market Hall and at the top of Soresby Street) prohibited, represented the best solution. This would keep the area free of parked vehicles and recreate the former pedestrian area which has been lost over recent years due to the indiscriminate and dangerous parking practices. Indeed, vehicles entering the area to park on the street are also contravening the existing access controls, but at least this change in the TRO would allow Council Civil Parking Attendants to ensure this area is generally kept free of illegally parked vehicles.

Officers have spoken with the objector, along with Chesterfield Borough Council's Parking Manager and Markets Manager, to try and discuss why the Authority wanted to remove the parking and try and alleviate some of the concerns it had. The meeting was positive, however, there has been no further correspondence from the Objector. An Officer has attempted to discuss the matter further with the objector but this attempt was unsuccessful. No further communications have been received despite officers writing again to try and resolve some of their outstanding issues.

The proposals are shown on the attached drawing.

The Restricted Zone is the best solution to the parking problems in this area, however, it will now be necessary to take the process to a Public Inquiry in accordance with Paragraph 3(a) of Regulation 9 of the Local Authorities Traffic Orders Procedures Regulations (England and Wales) 1996. There is,

however, an appreciable cost to holding a Public Inquiry, with there being no guarantee of any particular outcome.

Officers have met with Solicitors from Legal Services who will be leading on this matter and they have advised that the costs could range between £5,000 and £30,000, depending on the type of inquiry required.

Local Member Comment

Councillor Sharon Blank fully supports the proposals to introduce a Restricted Zone on Soresby Street, Glumangate, New Square and Market Street.

(3) **Financial Considerations** The cost of the Public Inquiry is estimated between £5,000 and £30,000, and will be funded through the Traffic Management Revenue Budget.

(4) **Legal Considerations** Section 122 of the Road Traffic Regulation Act 1984 states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed 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.

The matters referred to above are-

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) 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; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 3) 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
- 4) any other matters appearing to the Local Authority to be relevant.

Section 2 of the 1984 Act states what a TRO may provide for and this includes prohibition of waiting. Notice of proposals must be given in accordance with Regulation 7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and at least a minimum of 21 clear days for the receipt of written objections must be allowed. Objections can then be considered by the Local Authority.

Regulation 9 (3) of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 provides that a public inquiry shall be held if its effect is to prohibit the loading or unloading of vehicles in a road on any day of

the week (i) at all times; (ii) before 0700 hours; (iii) between 1000 hours and 1600 hours; or (iv) after 1900 hours and an objection has been received and not withdrawn.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

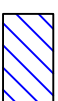
(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Bridget Gould, extension 38579.

(8) **OFFICER RECOMMENDATION** That the Cabinet Member notes the contents of the report of the proposed Public Inquiry of a Restricted Zone in Chesterfield town centre following receipt of an objection.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Shelter

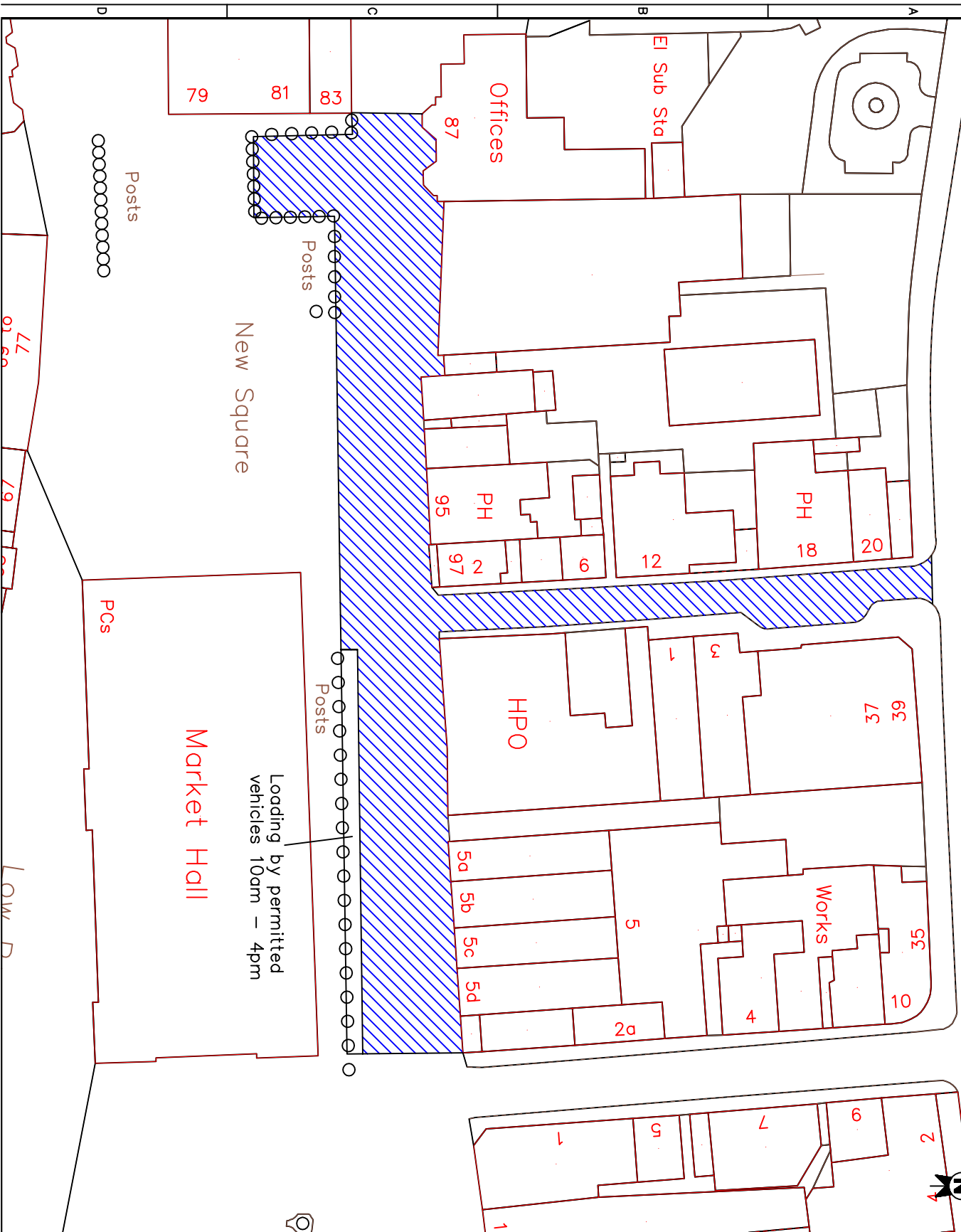
ROSE HILL



Restricted Zone.


No waiting at any time.
No Loading 10am – 4pm except in signed bays.

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AMENDMENT DETAILS		By	Date	No.
Drawn by	P. Broisby			
Scale	NTS			
Date	27/08/13			

ORIGINAL DRAWING SIZE 210 x 298 (A4)

 **DERBYSHIRE**
COUNTY COUNCIL

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PROJECT TITLE
**Plan for Chesterfield
Town Centre
Restricted Zone**

DRAWING TITLE

DRAWING NO.