

Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

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

20 December 2018

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTIONS TO THE DERBYSHIRE COUNTY COUNCIL (SCHOOL
LANE, EATON HILL, CHURCH STREET AND BUBNELL LANE, BASLOW)
(PROHIBITION AND LIMITED WAITING) ORDER 2017**

(1) **Purpose of Report** To consider objections received following public advertisement and consultation for a Traffic Regulation Order (TRO) to propose/amend waiting restrictions at various locations in Baslow, and to recommend that the Order be made as advertised.

(2) **Information and Analysis**

Background

Over recent years, Derbyshire County Council has received various requests from members of the public, Baslow Parish Council and public transport operators, to look into introducing both new yellow lines and amendments to the existing yellow lines in the Baslow area.

A significant cost is committed when TROs are pursued and, as a result, a ranking system has been introduced to assist in justifying where funds are best delivered within the County's road safety budgets. Officers have consequently looked to combine a number of individual amendments within Baslow to reduce the costs attached to advertising such schemes.

Officers undertook some informal consultation in October 2016 to better understand the traffic and safety issues being encountered. The feedback received during this informal consultation helped develop a number of proposals that were then put forward to legally advertise on 17 August 2017 to 8 September 2017.

Following the statutory advertising process, several objections have been received. This report outlines the objections received along with Officer's comments.

Consultation Feedback Received

During the formal consultation, 22 responses have been received, of which four objected to the waiting restrictions being advertised at School Lane and Eaton Hill. No objections have been received for the Church Street and Bubnell Lane, Baslow elements of the scheme.

Objection Received

Two objections from residents of Over Road expected that the proposed double yellow lines will cause displacement of parking onto Over Road which will be of concern for residents, especially at school times.

Officer Comment

When proposing any form of parking restriction on the public highway, the displacement effects are always considered carefully. The proposals for School Lane will result in a slight reduction in parking spaces and this could see some minor parking displacement into Over Road. However, it is considered that the safety benefits gained from the proposed waiting restrictions should take precedent over this possibility. These benefits include facilitating safer access for all road users (including larger delivery, agricultural and emergency service vehicles), preventing inappropriate parking on the footways which obstructs pedestrians (particularly the more vulnerable users such as school children and disabled users) and protecting adjacent property from getting damaged. The proposal will also enable some of the existing parking signs and posts to be removed within this conservation area.

In regard to parking pressures encountered on Over Road during school term times, this is typical of the situation at most schools and, generally speaking, does only occur for short periods of the day during school term time. It has been noted that the primary school is making every effort to manage this disruption for local residents as best it can.

Objection Received

The objector says the restriction will cause inconvenience to residents and visitors and that we have made the advertisement at the wrong time of year.

Officer Comment

The primary function of the public highway is for the passage of vehicles, however, roadside parking has become tolerated so long as it is considered safe and unobstructive. This proposal seeks to ensure that the safe passage of vehicles can continue to take place whilst still allowing some roadside parking where safe and appropriate.

Discussions surrounding the proposals have been ongoing with the Parish Council and affected residents for well over a year and the public advertisement has been carried out as part of the statutory TRO making

procedure. The date of the advert was incidental commensurate with the on-going process.

Objection Received

The objector feels that the proposal on School Lane and Eaton Hill are not fit for purpose, and that parking in the village should be made easier with less restricted parking.

Officer Comment

The proposals are largely based upon complaints received over recent years along with close liaison with locally elected representatives on the Parish Council. It is considered that the restrictions proposed should provide a safer environment for all road users and this does have to take priority of the needs of people to park.

Objection Received

Can the TRO be extended to cover outside of the one local shop?

Officer Comment

During consultation, Baslow Parish Council expressed a wish to not impose waiting restrictions on drivers wishing to use the shop for short periods. The situation will be monitored to ensure any parking is in accordance with the highway rules.

Objection Received

The current parking issues in Baslow are caused by the costs in the off-street car park. Can a 'Residents' Only' parking scheme be provided?

Officer Comment

Off-street parking charges are set by the local District Council, in this case Derbyshire Dales District Council. It is acknowledged that many drivers do seek alternative parking options to avoid having to pay such charges. The purpose of this TRO is to ensure that the roadside parking that does take place is not unduly compromising the safety of other road users, and this would still be the case regardless of whose vehicles they are.

The consideration of a Residents' Parking Scheme is not part of the scope of the proposals. However, further details on such schemes, along with the typical criteria, can be found on Derbyshire County Council's website.

Key Stakeholder Feedback; Peak District National Park Authority

With Baslow predominantly a conservation area within the Peak District National Park, the National Park Authority (PDNPA) has been consulted on the proposals. A site visit and audit has been carried out to review any impact the proposals would have.

The PDNPA is agreeable to the proposals, so long as all signing and lining is kept to a minimum. This includes utilising the minimum widths and lengths of road markings, especially in key areas of sensitivity.

Local Member Comment

Councillor Twigg has been formally consulted on the proposals and has raised no objections.

(3) **Financial Considerations** This work forms part of the Highway Maintenance Revenue Budget for 2018 - 2019. The costs of a TRO is anticipated to be around £6,000.

(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:

- 4.1) the desirability of securing and maintaining reasonable access to premises;
- 4.2) 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 area through which the roads run; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 4.3) 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
- 4.4) 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 14 of the 1996 Regulations enables an order making authority to modify an Order in consequence of any objections or otherwise, before it is made. Where substantial changes are to be made, the order making authority must notify those likely to be affected by the modifications giving them an

opportunity to make a representation which the authority shall consider. In this matter, it is not considered that modifications are required.

Having determined all objections, the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected. No Order can be made until after the last date for objections. No Order can be made more than two years after the date of publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making.

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, social value 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.

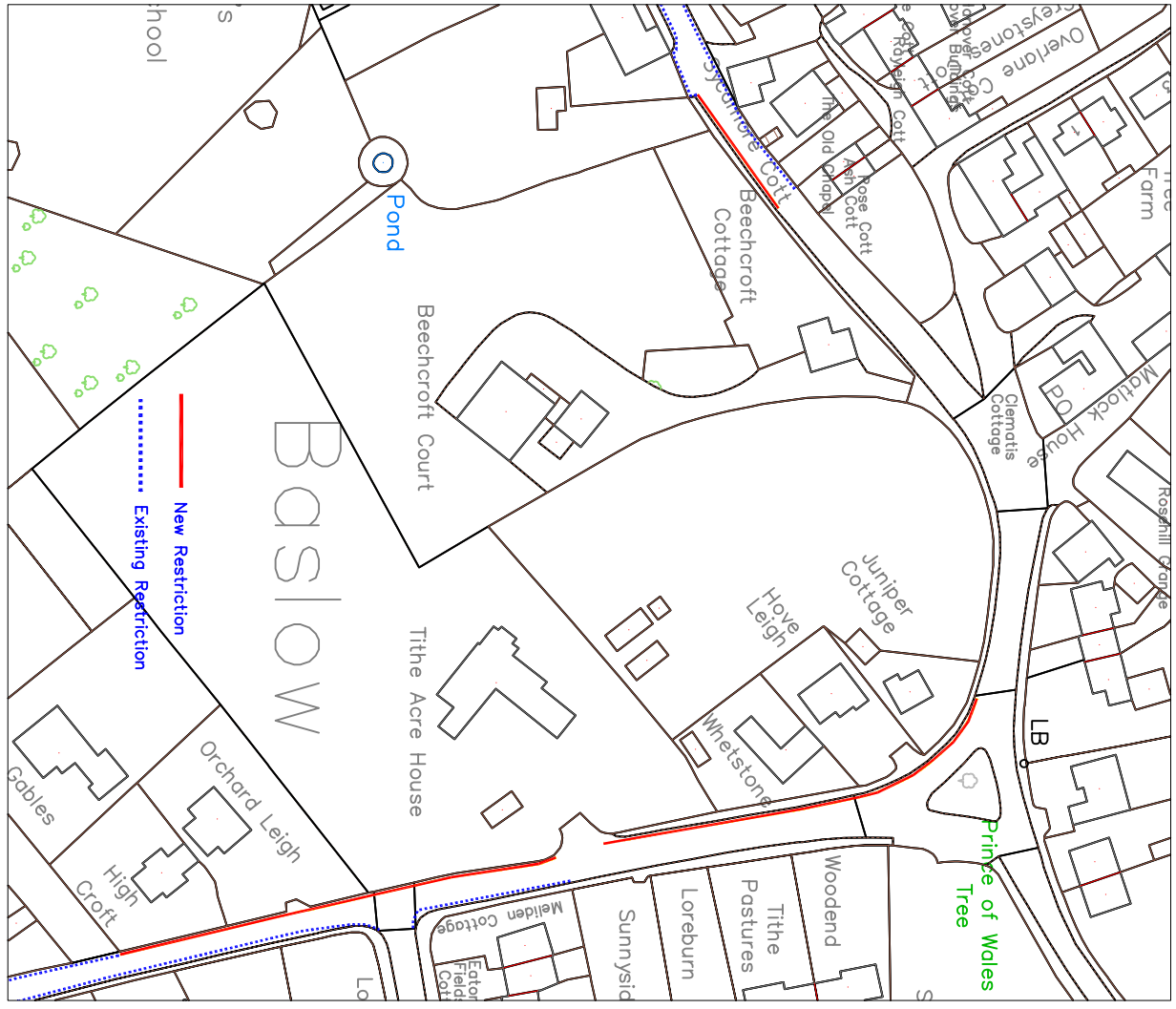
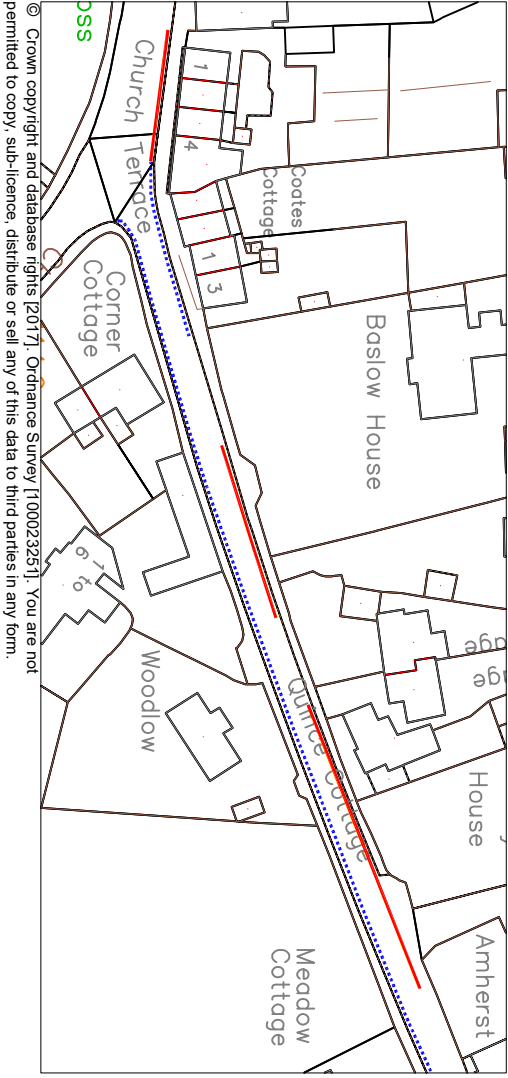
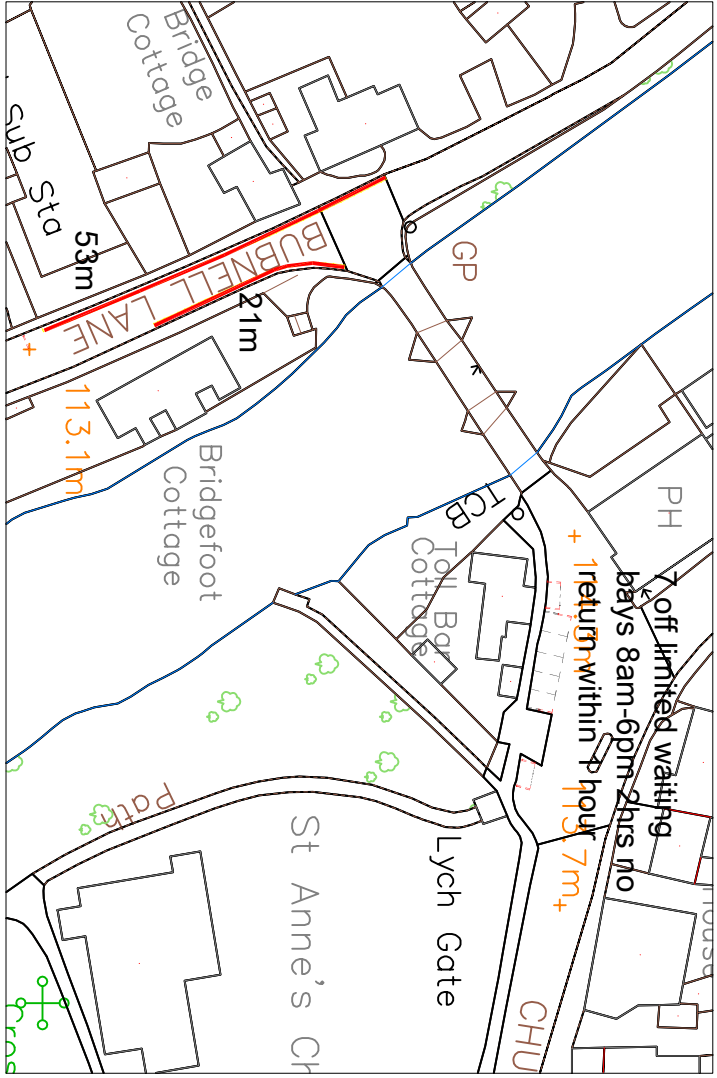
(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Isobel Mulligan, extension 38677.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The proposed Traffic Regulation Order (Derbyshire County Council, School Lane, Eaton Hill, Church Street and Bubnell Lane, Baslow) (Prohibition and Limited Waiting) Order 2017 be introduced as advertised and implemented in due course.

8.2 The Local Member and objectors be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment





DERBYSHIRE
County Council

Mike Ashworth
Strategic Director - Economy, Transport and Communities

AMENDMENT DETAILS				
FWL	IM	SB	SA	F
	BY	CHD	APD	NO.
			21-11-18	

PROJECT TITLE		
PLAN_FOR_ORDER		
DRAWING TITLE		
WAITING AND PROHIBITION RESTRICTIONS ORDER_2018		
DRAWN	CHECKED	APPROVED
IM	SA	SA
Date 19-06-2017	Date 20-06-2017	Date 20-06-2017
DCE Project Reference No. BASLOW_TRO		SCALE
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