

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

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

1 February 2018

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTIONS TO THE (B6521 NEW ROAD, EYAM) PROHIBITION OF
MOTOR AND HORSE DRAWN VEHICLES) ORDER 2017**

(1) **Purpose of Report** To consider objections following the public advertisement and consultation on the (B6521 New Road, Eyam) (Prohibition of motor vehicles and horse drawn vehicles) Order 2017 and to recommend that the Order be made with one minor amendment to the Order.

(2) **Information and Analysis**

Background

The B6521 New Road forms part of the route through Eyam Village between the A623 Baslow to Chapel-en-le-Frith route and the B6001 Close to Grindleford. The route has historically suffered from subsidence and slippage, and measures have been provided previously to stabilise the road to enable the road to remain open, albeit with restricted road widths at various locations since the early 2000's.

However, in the winter of 2012-13, following a large period of wet inclement weather, the land slipped again which rendered the road impassable by motor vehicles. Detailed survey monitoring of the slip commenced at that time and has continued since, showing alternate periods of stability and movement.

Due to the road being impassable by motor vehicles, a temporary road closure TRO was applied to New Road, which has now lapsed. Unfortunately, due to the complex nature of the slip and the estimated costs involved in stabilising it, it may be some considerable time before a permanent solution could be considered. The road is cracked in a number of places and differential settlement has resulted in steps of up to 300mm in the carriageway. The state of the road is now considered to pose a risk to the passage of motor and even horse drawn vehicles due to the limited width of the carriageway.

In order to close the road until such time a solution could be considered, it is proposed to implement a Prohibition of Motor and Horse Drawn Vehicles, Traffic Regulation Order (TRO) along New Road covering the length of the slips and this is shown on attached plan Dwg. No. HMT/PT/201/17.

Officers carried out the initial consultation process in June 2017 and the TRO was legally advertised on site and in the local paper from 16 November 2017 to 8 December 2017. Following these statutory processes five objections were received.

There is approximately a 1km length of road that is currently restricted. There are concrete barriers at either end and this restricted length will remain the same with the new TRO. Within this stretch of carriageway there is approximately a 20m section which suffered considerable subsidence during the winter of 2012-13 and this length could only be temporarily reconstructed to allow access for cyclists, pedestrians and horse riders. Either side of this narrow section remains the unchanged but narrowed carriageway, as it was prior to the slip in 2012-13.

At the initial consultation stage objections were received from motorcycle groups and individuals requesting that access be maintained for their use as well. As the route is wide enough for horse riders, officers agreed that it would also be acceptable to allow two wheeled motorcycles through the restricted area. There is also a field within the restricted section that requires access and arrangements will be made with the land owner for this to remain.

When officers advertised the TRO in November 2017, the consultation letters stated that two wheeled motorcycles would be permitted through the restricted section. Unfortunately, this was mistakenly omitted in the advertised notice. All statutory consultees and residents who live adjacent to the restriction were made aware that two wheeled motorcycles were going to be permitted in the consultation letters and e-mails and, as a result of this, the Authority received objections from both a resident, who has objected to allowing motorcycles through the closure, and motorcycle groups and individuals who noticed that two wheeled motorcycles were not exempt in the public notice and draft Order.

The resident who has objected to the TRO has grave concerns over road safety, particularly by allowing motorcycles to use the route. They state that motorcycles currently use the road with very little regard to other road users, including walkers, pedestrians, children and cyclists, and has witnessed a number of near misses.

In addition to this the objector has the following points and questions they would like answering.

1. Is the road to be a shared space with walkers, children, dogs, cyclists, learners, boys on skateboards and go carts, pushchairs and speeding motorbikes all sharing the same piece of tarmac ?
2. How are the users going to be safely segregated, are there going to be kerbs or white lines?
3. Sections of the road are currently covered in 75mm of squashed wet leaves which are dangerously slippery to cyclists and therefore motorcyclists. How are these to be removed and the road kept safe? Any road markings would be concealed by the leaves.
4. What will be the proposed speed limit and how will it be enforced? Motorbikes that do (illegally?) use the road at the moment treat it as a playground and go as fast as they can as though they have priority and expect everyone else to get out of their way and quickly. What measures do you propose to change their mind set?
5. When an accident does happen what measures are you proposing to allow ambulance access?
6. What signage is being proposed to inform the users of the dangers and who has what rights?
7. We are in the middle of a National Park, are unsightly concrete blocks an acceptable long term visual solution?
8. The Eyam end of New Road is used by children playing ball games, riding bikes, etc, particularly in holidays.

Another comment was received from The Peak District National Park Authority which is supportive of the TRO, however, it has reservations about the use of two wheeled motorcycles and wants the Authority to monitor their use and the effect on safety for pedestrians, horse riders and cyclists, and remove their rights if problems occur.

Officer Comment

Officers are mindful that the damaged road has caused a great inconvenience for the residents and businesses in Eyam, and would ideally like a long term solution. Initially, all motor and horse drawn vehicles were to be excluded through the restriction, however, as the road is still passable by two wheeled motorcycles it became apparent that this is a viable option and therefore intended to allow them through the restriction. Unfortunately, the exemption for two wheeled motorcycles was omitted from the public notice and draft TRO. The intention is to seek approval from the Cabinet Member to modify the advertised TRO and permit two wheeled motorcycles.

Officers are very conscious that some motorcycles may not treat the route with respect and therefore pose a greater danger to other, more vulnerable road users. It is therefore considered that measures need to be put in place to ensure that the route is safe for everyone.

The speed limit along the B6521 is the national speed limit, however, this is the maximum speed and not the target speed, and a speed that is not appropriate for New Road. This speed limit will still apply to the site, however, it is the Authority's intention to closely monitor the situation here following the changes and should there be implement additional signage, this will of course be considered. Officers will ensure that appropriate signing is provided at either end of the closure and emphasise that care should be taken as there could be various other vulnerable road users present.

Officers appreciate that signing alone may not be enough to dissuade excessive speed by motorcycles and therefore if concerns are expressed by vulnerable road users over inappropriate use of the route by motor cycles then the Authority will introduce speed monitors. If inappropriate speeds are recorded, officers will take the steps to remove two wheeled motorcycles from the exemption.

With regards to other concerns expressed by the local resident, it is the intention to restrict the road at the point of the closure with physical kerbing, bollards and a locked gate, and remove the unsightly concrete blocks. The Authority will have keys to the padlocks, as well as the field owner who needs to gain access. Emergency Services will also have access to the keys.

Local Member Comment

Councillor Judith Twigg has been notified but has not commented upon the proposal.

(3) **Financial Considerations** This work forms part of the approved Local Transport Plan 2016 Capital Programme of works at a cost of £3,000.

(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:

- 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 driving. Notice of proposals must be given in accordance with Regulation 7 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 enable 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 considered that the modifications to exempt motorcycles are not a substantial change.

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. An Order cannot be made until after the last 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.

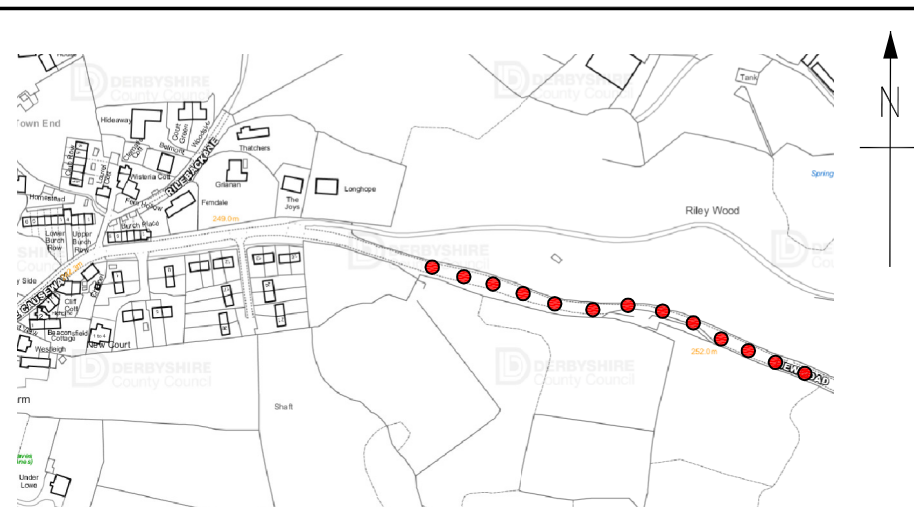
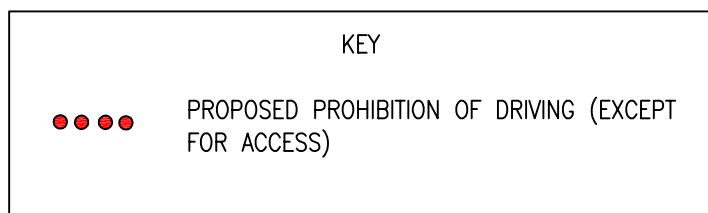
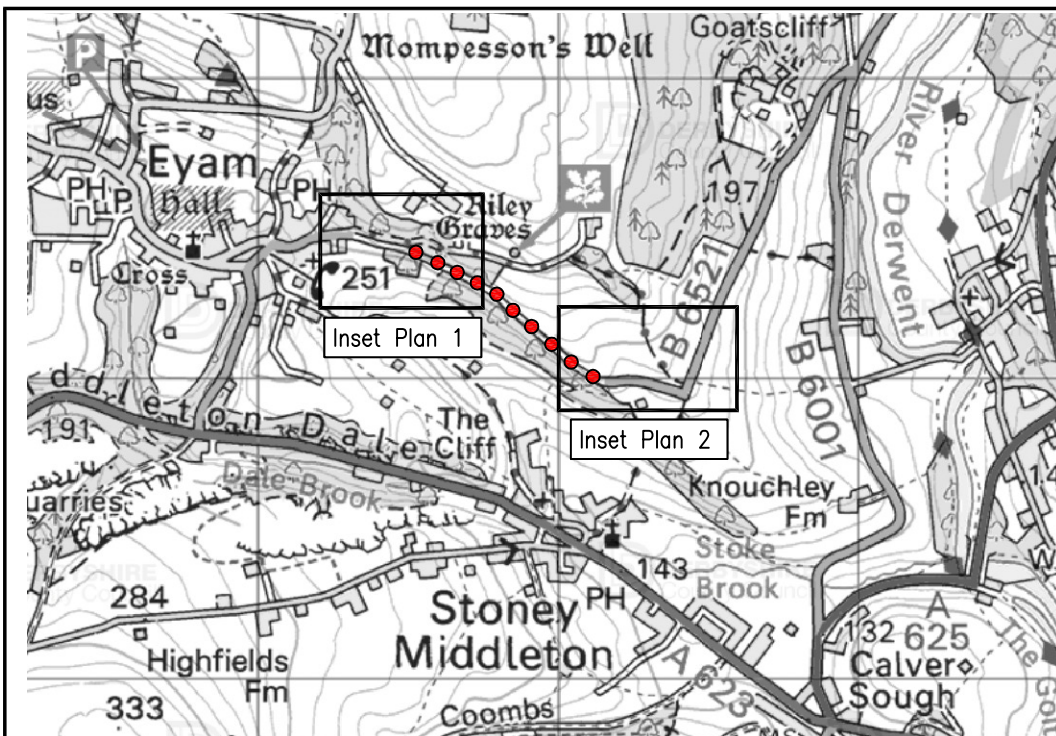
(6) **Call-In** Is it required that call in be waived in respect of the decisions proposed in the report? No.

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

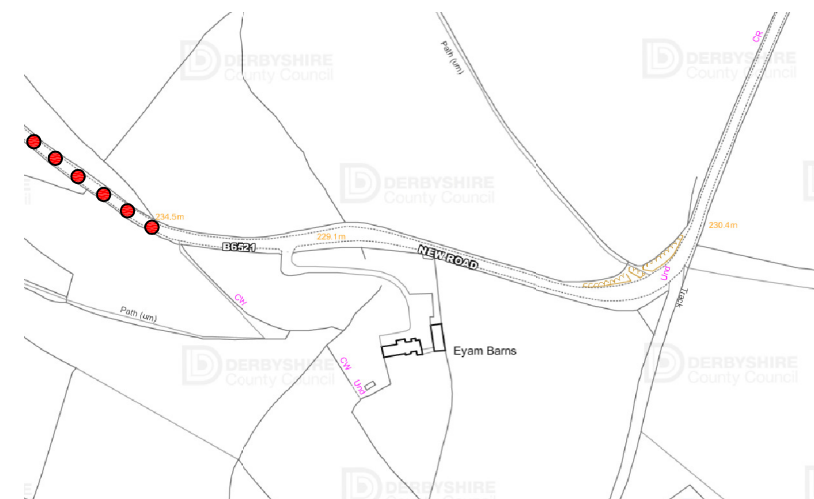
(8) **OFFICER'S RECOMMENDATIONS** That:

- 8.1 The Cabinet Member approves the introduction of the (B6521 New Road, Eyam) (Prohibition of motor vehicles and horse drawn vehicles) Order 2017 along with the one amendment to exempt two wheeled motorcycles as recommended in this report.
- 8:2 The Local Member, objectors and the Chief Constable be notified accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Inset Plan 1. Eyam side of the closure.



Inset Plan 2. Grindleford side of the closure.

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MIKE ASHWORTH
Strategic Director
Economy, Transport and Communities



AMENDMENT DETAILS

BY CHKD APVD DATE NO.

PROJECT TITLE

B6521 NEW ROAD, EYAM

DRAWING TITLE

PROPOSED PROHIBITION OF
DRIVING (EXCEPT FOR ACCESS)

DRAWN

PAUL TURNER

Date
17-05-2017

CHECKED

BRIDGET GOULD

Date
17-05-2017

APPROVED

BRIDGET GOULD

Date
17-05-2017

Project / Confirm
Reference No.

N/A

Drawing
Number

HMT/PT/201/17

ORIGINAL DRAWING SIZE: 297 x 210 (A4)

SCALE

NTS