

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND  
TRANSPORT**

**22 October 2013**

Report of the Acting Strategic Director – Environmental Services

**OBJECTION – PROPOSED REVOCATION OF “NO WAITING AT  
ANY TIME”, PARK DRIVE, ILKESTON**

(1) **Purpose of the Report** To advise the Cabinet Member of the results of the investigations and recommendations following receipt of an objection to the partial revocation of the waiting restrictions on Park Drive, Ilkeston.

(2) **Information and Analysis** This proposal was instigated by a local resident who, believing that the existing restrictions were excessive, requested that their length be reduced to enable residents to park closer to their properties. The existing restrictions, see plan SET/KH/036/13, are “No Waiting at Any Time” on both sides of the road for a distance of 44 metres from its junction with Park Road and it is proposed that they are reduced to 20 metres on both sides of the road.

**Officer Comment**

It is understood that the restrictions at this junction were placed here initially to not only protect the junction from parked vehicles, but also to assist buses as they turn into Park Drive from Park Road. It is envisaged that reducing the restrictions will allow more parking for residents, but will still give adequate clearance for buses turning into Park Drive.

This proposed reduction has been discussed with the relevant Public Transport Officer for Derbyshire County Council, who believes that reducing the restrictions will still allow sufficient room for buses to turn into and drive along Park Drive.

The Parking Manager for Erewash Borough Council has objected to this proposed reduction. He considers that reducing the length of waiting restrictions from 44 metres in length to 20 metres will hinder vehicles as they travel along Park Drive from the direction of Nottingham Road towards the mini roundabout on Park Road.

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However, revoking 24 metres of waiting restrictions whilst still retaining 20 metres of restrictions at the junction of Park Drive / Park Road, will allow more local residents to park closer to their homes whilst still allowing motorists to travel freely along Park Drive, between Park Road and Nottingham Road.

### Local Member Comments

Councillor Birkin has been consulted on this proposal and has made no comment.

(3) **Financial Considerations** It is anticipated that the costs for this work and associated legal works will be £300 which can be met from the existing Traffic and Safety 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 Traffic Regulation Order (TRO) may provide for and this includes prohibition of waiting. 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 and giving them an

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opportunity to make a representations which the authority shall consider. In this matter, it is considered that the modifications constitute a reduction and are therefore 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 shall not be made until after the last date for objections. 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.

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 in the Traffic and Safety Section of the Environmental Services Department. Officer contact details – Karen Hair, extension 38454.

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

8.1 The proposed partial revocation of waiting restrictions on Park Drive, Ilkeston be approved as advertised.

8.2 The Local Member and objector be informed accordingly.

**Mike Ashworth**  
**Acting Strategic Director – Environmental Services**

## **Public**

### **Schedule 1**

#### **Park Drive, Ilkeston Both sides**

Revocation of “No waiting at any time” restrictions from a point 20 metres south of its junction with Park Road in a southerly direction for a distance of 24 metres.

