

DERBYSHIRE COUNTY COUNCIL

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

26 May 2015

Report of the Strategic Director – Economy, Transport and Environment

**REQUEST FOR A TRAFFIC REGULATION ORDER, JACOBS LADDER,
PARISH OF STONEY MIDDLETON – STONEY MIDDLETON BYWAY OPEN
TO ALL TRAFFIC 15**

(1) **Purpose of Report** To report on two requests for a Traffic Regulation Order (TRO) on Stoney Middleton Byway Open to All Traffic 15 known as Jacobs Ladder.

(2) **Information and Analysis** The County Council has received two requests from Stoney Middleton Parish Council and Peak Horse Power (PHP) to implement a TRO on a route known locally as Jacobs Ladder which is a Byway Open to All Traffic (BOAT). A BOAT is defined by Section 66(1) of the Wildlife and Countryside Act 1981 as:

“... a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used”.

Byways are defined in this way so as to distinguish them from ordinary roads.

The route is recorded as a non-classified highway on the list of streets and, as such, it is a maintainable highway. Public rights over the route were called into question and, following the making of a Modification Order, the route was confirmed by the Secretary of State as a BOAT in November 2012. A location plan is attached, reference TE/PJW/Cttee2015 05 26/WD93-15.

The Parish Council and PHP are concerned about a number of safety issues that potentially confront users and which they consider support the case for a TRO. The Parish Council's submission was accompanied by a dossier of evidence and information (some drawn from the public inquiry which preceded confirmation of the Modification Order by the Secretary of State), including concerns about public safety, amenity and sustainability of the route. Both parties consider that the information contained in the dossier raises a prima facie case for implementing a TRO.

Following the representations, monitoring equipment was installed on the lane to monitor a range of activities. The aim of this exercise, which ran between November 2014 and April 2015, was to establish the extent to which the route is being used and the type of user.

The results of the survey below show regular use by motorised vehicles:

Cumulative for the Period November 2014 to April 2015

Day	Bicycle	Motorcycle	Motorised Vehicle	Total
Sunday	54	409	126	589
Monday	33	39	7	79
Tuesday	20	5	12	37
Wednesday	17	31	13	61
Thursday	46	36	71	153
Friday	28	84	52	164
Saturday	50	360	68	478
Total	248	964	349	1,561
Average No per Week	12	46	17	

The survey ran for approximately 21 weeks and it can be seen that the predominant use by motorised vehicles is over the weekend. The figures indicate that it is a well-used route. However, they can only be interpreted as a cause for concern if it can be demonstrated that the vehicles present a danger to users or, indeed, incidents of such danger are recorded and witnessed.

It is not possible to determine from the survey equipment the extent of use by walkers and horse-riders as it is designed specifically to monitor motorised vehicles and bicycles. However, the current level of use is sufficient to raise concerns and is worthy of further investigation.

The successful management of this route requires a careful balance between managing vehicular use and that of other categories of user. Both the Parish Council and PHP have stated that this balance is not being achieved and that there is, as a result, an on-going danger to non-motorised vehicle users on the route. As such, they consider a TRO is imperative.

In order to progress this request, the County Council would need to be satisfied that it has the necessary evidence; the data gathered thus far is not considered sufficient. It is therefore proposed that the Council invites members of the public to report incidents on the route to the County Council so that it may analyse how the public is impacted by the use of motorised vehicles on it.

The County Council would notify interested parties and create an online survey which will run for six months. A paper version will be available to those without access to the internet. The results of the survey will be presented to a future meeting of the Cabinet Member, along with the data already gathered for consideration as to whether the pursuit of a TRO is justified.

(3) **Financial Considerations** Officer time in preparing and monitoring the consultation exercise which can be contained within the existing staff budget.

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 enables a traffic authority to make a TRO if it considers it expedient for a number of purposes.

Section 2 of the 1984 Act states what a TRO may provide for and this includes requiring vehicular traffic (either generally or a specified class) to proceed in a specified direction or prohibiting it from doing so; specifying the part of the carriageway to be used by such traffic proceeding in a specified direction; prohibiting or restricting the waiting or loading and unloading of vehicles; prohibiting the use of roads by through traffic; prohibiting or restricting overtaking. 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.

Section 122 of the 1984 Act 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 both 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 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.

Having considered all the objections made, the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected and road markings placed on site in accordance with the new Order. 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 the 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 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 – Peter White, extension 39673.

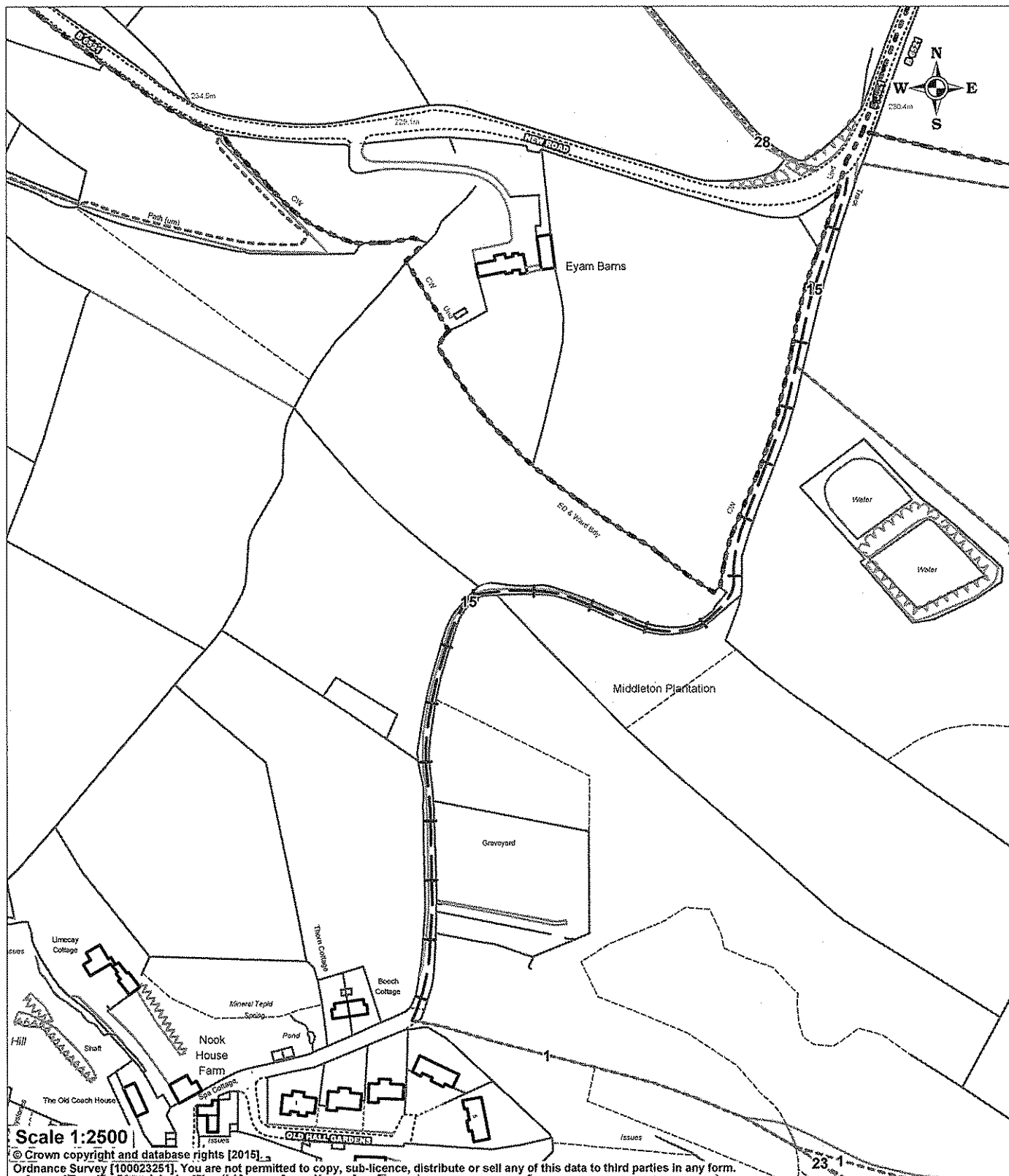
(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The Parish Council, Peak Horse Power and other interested parties be notified of the Council's intention to invite reports of incidents occurring on the route.

8.2 The survey will run for six months.

8.3 A further report be submitted to the Cabinet Member as soon as possible after the completion of the survey with recommendations as to the next steps in the light of the evidence received.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



Ref: TE/PJW/Cttee 2015 05 26/WD93-15



DERBYSHIRE
County Council

improving life for local people

Mike Ashworth

MIKE ASHWORTH
Strategic Director - Economy, Transport & Environment

Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Produced by Public Rights of Way on 24 April 2015

Stoney Middleton
Byway Open to All Traffic 15

Request for a Traffic Regulation Order

Key: Public Footpath
Public Bridleway
Byway Open to All Traffic
Restricted Byway
Temporarily Stopped-up
Path Number

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