

## Highways Committee

29 September 2010



### Objections to the Traffic Regulation Order

### THE COUNTY COUNCIL OF DURHAM (CHESTER-LE-STREET AND BIRTLEY) (PROHIBITION and RESTRICTION OF WAITING and PROHIBITION OF LOADING/UNLOADING& PARKING PLACES) ORDER 2010

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### Report of Ian Thompson, Corporate Director, Regeneration and Economic Development

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#### 1.0 Purpose of the Report

- 1.1 To advise members of 3 objections received following the formal advertising of a Traffic Regulation Order for Chester-le-Street and Birtley, the effect of which would be to re-introduce existing restrictions as part of Civil Parking Enforcement (CPE)

This report requests that members endorse the proposal to proceed with making the Traffic Regulation Order.

#### 2.0 Background

- 2.1 CPE was introduced in Durham District in October 2008 with the intention to develop CPE in the North of the County in 2010 and the South in 2011.
- 2.2 CPE means that local authorities are responsible for enforcing on-street parking controls instead of the police. CPE gives local authorities greater control over the reduction of illegal or inconsiderate parking. This helps law-abiding drivers, and also benefits pedestrians, cyclists, the emergency services and bus passengers
- 2.3 The North of the County consists of the main town centres of Chester le Street, Consett, Stanley, Seaham and Peterlee. The area also contains numerous small to medium sized settlements.
- 2.4 If CPE is introduced the Council are able to issue Penalty Charge Notices where a parking contravention occurs. The Penalty Charge will be recovered through the County Court process if it remains unpaid. Civil Parking Enforcement (CPE) allows the Council to link parking enforcement in car

parks and on-street with other transport priorities: reducing congestion and promoting road safety

- 2.5 In accordance with Statutory Instrument 2489 (The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996) proposals were formally advertised in the press and posted on street on the 11th August 2010, and maintained for 21 days.

### **3.0 Objections**

As a result of the formal advertising of the Traffic Regulation Order known as THE COUNTY COUNCIL OF DURHAM (CHESTER-LE-STREET AND BIRTLEY) (PROHIBITION and RESTRICTION OF WAITING and PROHIBITION OF LOADING/UNLOADING& PARKING PLACES) ORDER 2010, we received 3 objections. A summary of the objections is as follows:

#### **Objector 1**

##### **Issue 1**

The objector is concerned that the waiting restrictions proposed for Ashfield Terrace do not provide adequate loading and unloading facilities. Elsewhere in the main street loading and unloading bays have been provided.

##### **Response**

The advertised restrictions at Ashfield Terrace represent the restrictions that currently apply. The restrictions consist of No Waiting At Any Time (in force since June 1968) together with a 17m parking place adjacent numbers 5 -10 which is limited to 20 minutes with no return within 1 hour between 8am and 6pm (this bay was introduced 14 January 2002).

A No Waiting At Any Time restriction permits any vehicle to wait in the lengths of roads or sides of lengths of roads for so long as may be necessary to enable:

- (a) the picking up or setting down of passengers;
- (b) goods to be loaded onto or unloaded from the vehicle;

A parking place limited to 20 minutes with no return within 1 hour ensures that there is a high turnover of vehicles and therefore greatly improves the opportunity to find an available parking space at this location.

Elsewhere in the main street, in areas subject to a no waiting and no loading restriction, loading bays have been provided to accommodate the requirements of businesses.

##### **Issue 2**

Several loading restrictions are proposed within the town area covered by the proposed Traffic Regulation Order, the objector thinks these should be considered properly by the establishment of a public inquiry.

##### **Response**

Statutory Instrument 2489 'The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996' requires the order

making authority to hold a public enquiry if an objection to proposed loading restrictions is received during the consultation period.

It is proposed to remove the loading restrictions from the proposed Order. The existing loading restrictions which were introduced on 29 July 1999 will remain in force.

### **Issue 3**

The proposed restrictions on the parking bay at Ashfield Terrace are unnecessarily restrictive when applied over evenings, Sundays and bank holidays. A more sensible considered waiting restriction could otherwise ensure that businesses could utilise the parking bay at non core times for access to their business premises.

### **Response**

The advertised parking bay reflects the existing situation and was introduced on 14 January 2002. Parking is restricted to 20 minutes duration with no return within 1 hour between the hours of 8am and 6pm. The restriction does not apply to disabled badge holders or loading and unloading. There is no restriction on waiting after 6pm and before 8am. Given the length of this parking bay (15m with tapered entry/exit) the maximum number of vehicles which can be accommodated is 2 cars or 1 van. To remove the restriction on a Sunday and Bank holiday could result in the parking bay being occupied for long durations reducing availability.

### **Issue 4**

The objector claims that the proposals were advertised on street from Sunday 15 August until Thursday 2 September, i.e. fewer than the required 21 days.

### **Response**

The proposed Order was advertised in the Durham Advertiser on Thursday 12 August and notices placed on street on Wednesday 11 and Thursday the 12 August and maintained until Thursday 2 September. To confirm this I have a copy of an e mail from the objector to the Principal Area Action Partnership Co-ordinator stating 'I've just noticed that TRO planning notices have appeared all over the town centre today'. This email is dated 11 August at 18:42.

### **Objector 2.**

The objector is concerned that 'there already appears to be miles of yellow lines and parking restrictions, if any more are introduced it may make it too difficult for anyone to visit the town'.

### **Response**

The proposed Order will not introduce any further restriction to what are in place at present. In some instances the proposal will reduce the number of sign posts and plates on street.

### **Objector 3 (Police).**

Objector is against the removal of loading restrictions at:

Ropery Lane, Lindisfarne Avenue/Roman Avenue, Cone Terrace

### **Response**

**Loading** restrictions prevent vehicles from parking to enable goods to be loaded or unloaded and also prevent parking by blue badge holders (blue badge holders can park on **waiting** restrictions for up to 3 hours, provided they do not cause an obstruction). Loading restrictions require yellow lines, yellow kerb markings and signs within 15m of the start and end of the restriction and at approximately 60m intervals ('No Waiting At Any Time' restrictions require lining only).

During the CPE Order review process, areas of No Loading At Any Time were found to be incorrectly signed on site or inappropriately applied. It was agreed that Loading Restrictions are only to be introduced in retail town centres and will not be introduced in residential areas. All existing loading restrictions were to be reviewed and where considered appropriate will be removed from the proposed CPE Order.

The purpose of this approach is to remove all unnecessary loading restrictions and remove the liability, cost burden and future enforcement difficulties the authority could face.

It was agreed that the default for restrictions is a No Waiting At Any Time and that the introduction of restrictions requiring plates on posts or columns is a last resort as this places an enforcement burden and maintenance liability on the Authority as well as adding clutter to the street scene.

Recently Communities Secretary Eric Pickles and Transport Secretary Philip Hammond have written to council leaders calling on them to reduce the number of signs and other "street clutter". Government advice is that for signs to be most effective they should be kept to a minimum.

## **4.0 Recommendations and Reasons**

- 4.1 The Committee is recommended to endorse the proposal to set aside the objections and proceed with the Traffic Regulation Order as advertised.

### **Background Papers**

Office Files

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**Contact: Dave Lewin Tel: 0191 383 4125**

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