



Highways Committee

Date Thursday 5 July 2018
Time 9.30 am.
Venue Committee Room 2 - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 11 May 2018 (Pages 3 - 8)
4. Declarations of Interest, if any
5. A67 Startforth - 40mph Speed Limit - Report of Corporate Director, Regeneration and Local Services (Pages 9 - 16)
6. Fishburn Parking and Waiting Restrictions Order 2018 - Report of Corporate Director Regeneration and Local Services (Pages 17 - 22)
7. Unclassified Petterson Dale, Traffic Calming - Report of Corporate Director of Regeneration and Local Services (Pages 23 - 32)
8. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
27 June 2018

To: **The Members of the Highways Committee**

Councillor C Kay (Chairman)
Councillor S Morrison (Vice-Chairman)

Councillors D Bell, H Bennett, G Bleasdale, J Chaplow, J Considine,
S Dunn, A Gardner, K Hopper, S Hugill, K Liddell, O Milburn,
P Oliver, R Ormerod, J Rowlandson, P Sexton, J Shuttleworth,
A Simpson, J Turnbull and M Wilson

Contact: Michael Turnbull

Tel: 03000 269 714

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DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in St Mary's Parish Hall - St Mary's Parish Hall, Newgate, Barnard Castle, DL12 8NQ on **Friday 11 May 2018 at 11.00 am.**

Present:

Councillor C Kay in the Chair

Members of the Committee

Councillors D Bell, S Dunn, A Gardner, K Hopper, R Ormerod, J Rowlandson, J Shuttleworth, J Turnbull and M Wilson

1 Apologies

Apologies for absence were received from Councillors H Bennett, G Bleasdale, J Chaplow, S Hugill, K Liddell, O Milburn, S Morrison, P Oliver, J Robinson, P Sexton and A Simpson.

2 Substitute Members

There were no substitute members present.

3 Minutes

The Minutes of the meeting held on 16 March 2018 were agreed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest in relation to any items of business on the agenda.

5 Application NL44 for Village Green Registration - Bede Kirk, Barnard Castle

The Committee considered a report of the Head of Legal and Democratic Services regarding an application to register land at Bede Kirk, Barnard Castle as Town or Village Green under the provisions of the Commons Act 2006 (for copy see file of Minutes).

The Solicitor informed the Committee that a decision relating to the application had been deferred from the meeting of the Highways Committee held on 16 March following the receipt of additional evidence. The basis for the decision was that it would have been prejudicial to the landowner to consider the additional evidence at the meeting as they would not have had sufficient time to consider the additional evidence and provide a response.

In terms of the user evidence, the Solicitor informed the Committee that there was a typographical error in Appendix 4 to the report in that eleven persons had provided

additional user evidence, as opposed to ten. He also explained where Appendices 1-4 started and ended in the report pack as it was not entirely clear.

The Solicitor explained to the Committee that the application site contained an area of green space, trees, a footpath and steps from High Row. The area did not include the former police station building or the compound/garage area located to the side of the building, the car parking area immediately adjacent to Bede Kirk or the paved area in front of the building.

The Committee then received a presentation, which comprised the following:

- site plan;
- location plan showing users in the locality who had provided evidence; and
- photos of the site (including views from High Row, steps leading to, view from Bede Kirk and the public car parking area)

(for copy see file of Minutes).

In his presentation to the Committee, the Solicitor explained that the application had generated a large amount of public interest opposing the development of the land. However, to clarify, the application before the Committee for consideration was about whether the land in question had met the statutory criteria contained in Section 15 of the Commons Act for registration as a Village Green.

In order for an application to be successful each aspect of the requirements of section 15(2) had to be strictly proven and the burden of proof in this regard was firmly upon the Applicant. The standard of proof to be applied was 'on the balance of probabilities.' Therefore the Applicant must demonstrate that all the elements contained in the definition of a Village Green in section 15(2) of the Act had been satisfied.

The Solicitor explained to the Committee that fear of loss of the green area and development of the land was not within the Committee's jurisdiction and not for consideration.

The Committee were informed that the application had been made under section 15(1) of the Commons Act 2006. Subsection 2 of the Act stated that 'a village green has come into existence where:

- (a) significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports or pastimes on the land for a period of at least 20 year; and*
- (b) that they continue to do so at the time of the application*

The application had been submitted in July 2017, therefore the 20 year period was from July 1997 to July 2017.

The Solicitor then summarised the evidence submitted by the applicant detailed in paragraphs 25.1 to 25.7 of the report. The Solicitor clarified that in terms of 'significant number' it was not considered that 18 users were sufficient to show general use by the community, nor was it considered that the number of users were sufficient to alert a reasonable landowner that rights were being asserted over the application land.

With the exception of one user, all of the users lived, or had lived, within the locality (Barnard Castle) during the qualifying period.

There was no issue of use by force or secrecy as the land was largely unenclosed and there had been no evidence of any form of notice seeking to control use. There use was without permission and therefore was 'as of right', except for the area of the steps.

The Solicitor explained the ambiguity over dog walking and also advised that as there were only three users for the whole of the qualifying period, his view was that the Applicant had failed to discharge the burden of proving all of the section 15 ingredients. Accordingly, the recommendation was to refuse the application.

The Committee then heard from the Town Mayor of Barnard Castle Town Council. The Mayor explained that if the green space was lost, it would have a detrimental effect on people's health and wellbeing. The green space was a 'safe space' which families used for children's play. Being able to sit on the green space improved quality of life, supported community cohesion and enabled people to participate in lawful sports and pastimes. It also allowed for the good integration of neighbours which had strengthened the community. The Town Mayor felt that money was at the core of the objection and explained that the police had been gifted a new state of the art station with government grants. It was considered that the development of the site should not be an option and keeping it as a green space would reduce deprivation. She suggested that the Police ought to gift the land to the Town Council.

Councillor J Rowlandson commented that in the absence of the local members but as one of the closest Members who lived locally, Bede Kirk was an iconic area which the Committee observed on their site visit. The raised layout of the area complete with trees and indeed the trees throughout Barnard Castle were a major attraction. The green space was enjoyed by many people, particularly the nearby local nursery who used it regularly. Everyone enjoyed the area in one shape or form, whether it was for dog walking, relaxing or playing. Councillor Rowlandson felt that the loss of the green space would be a major loss to the town.

The Applicant then addressed the Committee. The Applicant stated that the legal test must be done on the balance of probabilities. The application contained a collection of evidence proving quality usage of the land.

The police would have observed dog walking, children playing, and people relaxing and enjoying the green space indicated 'implied consent'. The land was used as of right, over 20 year, legitimately for leisure use. The area was not fenced off and had been used by local people. Durham Constabulary had never made any landowner statement or asserted any control over the land. The additional evidence provided previously was strong enough to force an adjournment, to enable the police to provide additional comments or representations. The Applicant went on to suggest that the user evidence did demonstrate that the users were significant in number and collectively, this spanned the whole of the relevant 20 year qualifying period.

The Committee then heard from a supporter to the application who explained the move to maintain the ruins of the medieval chapel. The supporter explained that the land was set

out at the time of the building of the police station was green in recognition of what was a spiritual site and graveyard. This was one of the reasons as to why the site was popular, in addition to it being an area which was pleasant and safe to enjoy. The area was not a shortcut and neither the police nor the housing association had provided valid arguments, nor were they present to support their objections. The supporter also informed the Committee that a petition containing 290 signatures from people who wanted the land maintained as village green, with lots of support coming from people in Barnard Castle had also been circulating in the area which showed the real strength of feeling towards the issue.

The Solicitor reiterated to the Committee that each aspect of the requirements of section 15(2) had to be strictly proven and that the burden of proof was firmly upon the Applicant. He agreed with the Applicant that the standard of proof to be applied was on 'the balance of probabilities'.

In terms of dog walking, the Solicitor concurred with the views of the Town Clerk that dog walking itself was a recreational activity, however, there was a lack of detail in the user evidence regarding this and therefore it was not possible, on the basis of the evidence, to reach the conclusions contended for on this issue by the Applicant.

With regard to the '20 year period' the Town Clerk was correct that it was not necessary for each individual user to have done so for the whole of the qualifying period and that this requirement could be satisfied on a collective basis. However, he advised that this was not the position here; the user evidence, taken collectively, was a long way short of demonstrating use over the whole of the 20 year qualifying period.

Prior to taking any further representations from the Committee the Solicitor referred to the views expressed by Councillor Rowlandson who had spoken as one of the Members present who lived most local to the area. Councillor J Rowlandson confirmed that he continued to have an open mind regarding the matter and wished to listen to any further views that may be expressed during the debate. On that basis, the Solicitor advised he could continue to take part in the decision.

Councillor J Shuttleworth explained that it would be nice for the area to be left as open space but couldn't see evidence of this in the report.

Councillor A Gardner felt that the Town Mayor and Town Clerk had put forward a compelling case. Councillor Gardner queried whether the land would have been well planted and well maintained, had it not been designed for use by the general public. Councillor Gardner referred to the seating, steps and car park and felt that a good design policy had been applied to divide the police station from the area of open space. Councillor Gardner also noted the use of the green space by many local children and also those of the nearby nursery. Councillor Gardner felt it was clear that the land had been used for leisure, sports and pastimes because it had been designed in such a way that encouraged activities of that nature. There was evidence on site that it continued to be used which had been gleaned from the site visit, and as a result of this, the additional views expressed during the meeting and the evidence contained in the report, Councillor Gardner felt that on the balance of probabilities, the statutory test had been met. He therefore moved to support the application for village green status to be granted.

Councillor Dunn seconded Councillor Gardner's motion. In seconding the motion, Councillor S Dunn informed the Committee that he had considered both sides of the argument, however, his opinion had changed having viewed the site. Councillor Dunn felt that the area was not classed as 'a typical village green'. Whilst the area was a site occupied by the police previously, the site had been designed with respect, where the police station could blend in with the community. Councillor Dunn felt extremely disappointed that a representative from the police had failed to attend to state their case, out of respect to the community. A lot of evidence had been gathered, people had incrementally grown up, valued the space and used the space. It was clear from the strength shown within the community the value and respect the site has been shown should be cherished.

With reference to the comments made by Members, the Solicitor informed the Committee that in terms of the evidence, it was the responsibility of the Applicant to provide the necessary evidence. The Committee were not considering the merits of what the land should be used for. The question was had the Applicant strictly proven that all of the criteria under Section 15 of the Act had been met. He reiterated his professional view that the Applicant had not done so.

Councillor Hopper explained that she agreed with all of the remarks made regarding the open space and the use of the land, however, she felt unable to support the application as it lacked a little evidence.

Upon a vote being taken it was

Resolved

That the application to register land as a Town or Village Green be approved.

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Highways Committee

5 July 2018

A67 Startforth - 40mph Speed Limit



Report of Ian Thompson, Corporate Director Regeneration and Local Services

Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

Purpose of the Report

- 1 To advise the committee of an objection received in respect of proposed changes to the existing 40mph speed limit on the A67 at Startforth and to make a recommendation to the Corporate Director of Regeneration and Local Services to guide the exercise of his delegated powers as to whether such TRO should be made.

Background

- 2 The County Council is proposing a series of road safety measures on the A67 between Bowes and Barnard Castle being subject to the success of a funding bid that the Council has submitted through the Department for Transport's (DfT) £175m Safer Roads Fund to address roads that have been assessed as being one of the country's 50 highest risk sections of road. Funding has also been made available through the Council's Local Transport Plan to support this project.
- 3 As part of this overarching road safety project being developed for the A67, it is proposed to create 30mph and 40mph gateway features on the A67 at Startforth. The gateway features will ensure that the signage is more conspicuous and more visible to motorists with the aim of reducing vehicular speeds on the A67.

Proposals

- 4 It is proposed to relocate the commencement of the existing 40mph and 30mph speed limits on the A67 at Startforth, as per appendix 2.
- 5 The proposal is to relocate the commencement of the 40mph speed limit a distance of 50 metres further to the north-east towards Startforth Park, where the verges are wider to allow the carriageway to be widened to accommodate the gateway feature, as per appendix 2.
- 6 It is also proposed to relocate the commencement of the 30mph speed limit a distance of 61 metres further south-west towards Startforth Park where the verges are wider to allow the carriageway to be widened to accommodate the gateway feature, please refer to Appendix 2.

- 7 Traffic Surveys have been undertaken at a number of locations on the A67 at Startforth. These surveys have been undertaken using radar speed detection boxes which have been located to collect traffic data for a typical 7 day deployment period.
- 8 The traffic data has been analysed by Durham Constabulary and the Councils Traffic Engineers to verify that the section of road in question satisfies the Department for Transport's national guidance and best practice on the setting of local speed limits.

Consultation

- 9 On the 18th & 23rd October 2017 the Council held a Public Consultation Event at the Town Council Offices in Barnard Castle allowing members of the public to visit and make any comments on the overall project. The Event was attended by approximately 60 people.
- 10 The statutory consultation as part of the legal Traffic Regulation Order making process was carried out between 4th April 2018 and the 24th April 2018, which included advertising the Traffic Regulation Order through the use of public notices on-site and in the local press.

Statutory Consultation Representations

- 11 The statutory consultation as part of the legal Traffic Regulation Order making process was carried out between 4th April 2018 and the 24th April 2018, which included advertising the Traffic Regulation Order through the use of public notices on-site and in the local press.
- 12 Durham Constabulary has offered their full support to the speed limit changes.
- 13 Startforth Parish Council being the authority for this ward area has offered their full support to the speed limit changes.

Local Member Consultation

- 14 Local Ward Members have made no formal comment on these proposals.

Objection and Response

- 15 The statutory consultation resulted in receipt of one formal objection from Barnard Castle Town Council, being a neighbouring authority to the Startforth Parish Council ward area.
- 16 Objection – By Barnard Castle Town Council

Barnard Castle Town Council being a neighbouring Town Council authority have objected to the proposal

The objection is based on two reasons;

- 1) The current 40mph speed limit should be reduced to 30mph.
- 2) The current 30mph speed limit should be reduced to 20mph.

They consider that reducing the speeds limit on the outskirts of Barnard Castle Town within Startforth's ward area will reduce traffic speeds through the Town Centre

Response (Item 1)

The Council is required to set speed limits following guidance and best practice set by the Department for Transport (DfT).

DfT circular 01/2013 'setting local speed limits' outlines the criteria for a 30mph speed limit, It suggests that reasonable minimum criteria for the definition of what constitutes a village, for the purpose of applying a village speed limit of 30 mph, would be that there were:

- 20 or more houses (on one or both sides of the road); and*
- a minimum length of 600 metres".*

Where a 30mph speed limit is not suitable, the criteria for a 40mph speed limit, can sometimes be satisfied and it may be appropriate to consider an intermediate speed limit of 40 mph prior to the 30 mph terminal speed limit signs at the entrance to a village, in particular where there are outlying houses beyond the village boundary or on roads with high approach speeds.

Upon entering Startforth from the Bowes direction this part of the A67 has no direct frontage property development, but high approach speeds thus the current 40mph speed limit is deemed to be appropriate.

Response (Item 2)

In February 2016, the Councils Cabinet agreed its revised policy on the introduction of 20mph speed limits and zones. This policy was written in accordance with national guidance from the DfT, in circular 01/2013 on the 'Setting of Local Speed Limits'

The guidance and best practice on the imposition of 20 mph speed limits and zones can be summarised as follows:

20 mph Speed Limits – These involve the erection of 20 mph traffic signs only. This type of speed limit may be suitable for residential estate roads and side streets and also Town Centres streets where the nature of the road tends to result in naturally low average 'mean' speeds of less than 24 mph. Research indicates that limits achieve an average speed reduction of 1 mph.

20 mph Speed Limit Zone - These involve the erection of 20 mph traffic signs plus physical traffic calming measures to ensure that the 20 mph limit is self-enforcing. In order that drivers are aware of the zones, traffic signs must be erected at every entrance/exit to the zone. Research indicates that a 20 mph speed limit zone can result in speed reductions of around 10 mph.

The recorded 'mean average speed' on the A67 within the current 30mph speed limit is 33.7mph and therefore cannot be considered for a 20mph speed limit.

In addition to the above, it should also be noted that when travelling on the A67 from Startforth towards Barnard Castle there is a standard 'T' junction (A67/B6277) requiring vehicles to give way thus creating a speed reducing feature. Furthermore, as vehicles proceed towards the Town there is a permanent set of traffic signals at the County Bridge followed by a 90 degree bend prior to Bridgegate and upon entering Barnard Castle via The Bank, there is a 20mph speed limit upon entering the commercial area of the Town.

Recommendations and reasons

- 17** Under part 3A of the Council's Constitution, the final decision on whether to make a TRO is delegated to the Corporate Director of Regeneration and Local Services, having regard guidance form the Committee.
- 18** Accordingly, it is recommended that, having considered this objection, that the Committee recommends to the Corporate Director of Regeneration and Local Services that a Traffic Regulation Order be made to amend the 40mph speed limits as per the plan in Appendix 2.
- 19** The proposal will provide what will be self-evident and self-enforcing speed limits thus satisfying the Department for Transport. It is recommended that the Committee, having considered the objection, endorse the proposal to proceed with the implementation of the speed limit changes, as per the plan in Appendix 2.

Background papers

- 20** Correspondence on Office File.

Contact: Dave Wafer Tel: 03000 263577

Appendix 1: Implications

Finance –Funding will be made available through the Council’s Local Transport Plan for the initial background work, allowing a timely commencement on site should the DfT’s Safer Roads Fund bid be successful.

Staffing – The project is being delivered by existing staff supported by our supply chain of competitively procured contractors.

Risk – There is a risk that the Department for Transport’s Safer Roads Funding bid may not be successful and therefore the scheme may not proceed.

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – None

Human Rights – None

Consultation – All changes to speed limits need to be consulted upon and any objections to the introduction of mandatory speed limits that cannot be resolved informally need to be considered by Highways Committee to which this report form part.

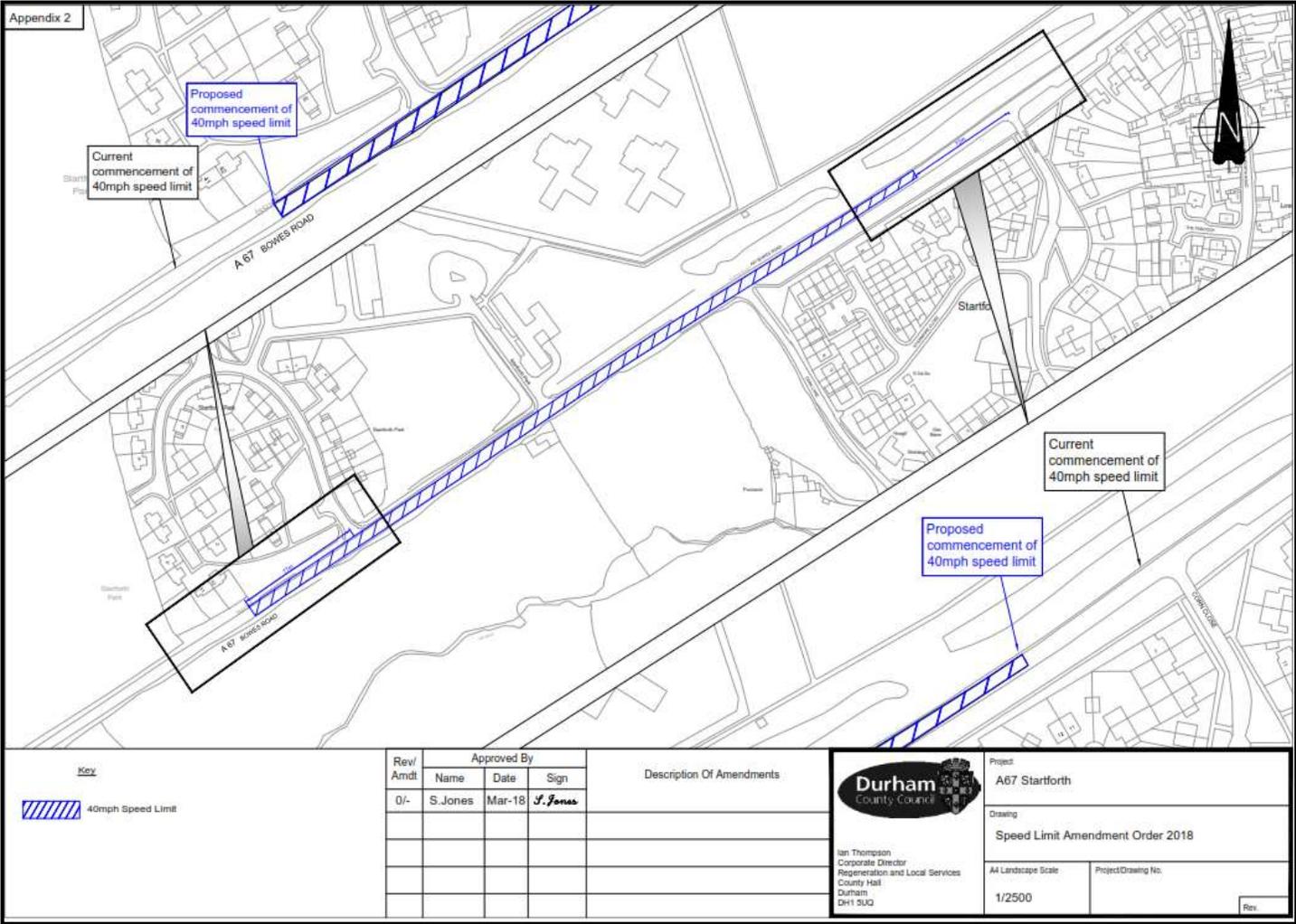
Procurement – Schemes are delivered by existing staff supported by our supply chain of competitively procured contractors.

Disability Issues – None

Legal Implications – The Council has the power as the local Highway Authority to introduce speed limits under the Road Traffic Regulation Act 1984 (as amended) by making Traffic Regulation Orders.

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Appendix 2



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Highways Committee

11 May 2018



**FISHBURN
PARKING AND WAITING RESTRICTIONS
ORDER 2018**

**Report of Ian Thompson, Corporate Director of Regeneration and
Local Services**

**Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

1. Purpose of the Report

- 1.1 In accordance with part 3A of the Council's Constitution, Members are asked to make a decision in principle only which will then guide the Corporate Director in the exercise of delegated decision making. The final decision is therefore one for the Corporate Director, under delegated powers.
- 1.2 To advise Members of objections received to the consultation concerning a traffic regulation order in Fishburn.
- 1.3 To request that members consider the objections made during the advertising period.

2. Background

- 2.1 Following the successful implementation of Civil Parking Enforcement in Durham District in 2008 it was introduced into the Southern part of the County in 2012. Enforcement of all waiting restrictions within this area was undertaken by the County Council from this time.
- 2.2 The County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.3 A request was received from Councillor John Robinson to consider the introduction of parking restrictions on C26/B1278 Crossroads at Fishburn to address ongoing road safety issues generated by parking on both sides of the road between the stop line and a traffic island.
- 2.4 In 2013, these crossroads were subject to a Road Safety Audit due to the volume of traffic accidents in recent years. There had been five accidents in the five years previous to the Audit with six casualties being involved.
- 2.5 These accident statistics were sufficient to warrant intervention measures. Part of these measures included, but were not exclusive of:

- Refreshing and intruding 'SLOW' markings on the carriageway
- Red infill in the central hatching to improve the visual effects
- Renewed larger STOP sign at the junction to emphasise the junction and
- High friction surfacing at junctions for improved grip.

3. Proposals

- 3.1 In November 2017 the affected frontages located on Fishburn Crossroads and all Statutory Consultees were informally consulted on proposals to introduce waiting restrictions on the C26/B1278 crossroads.
- 3.2 At this point the Area Traffic Engineer advised that a loading restriction may be more suitable in this location based on the historic complaints in the area. The informal consultation plan was amended to reflect a no waiting and no loading at any time restriction and there were no other comments or objections received from Statutory Consultees.
- 3.3 There were no comments or objections from affected frontages at this point.

4. Objections and Responses

- 4.1 **Objection 1** (objected at formal consultation stage, in response to on-site advert)
- 4.2 The objector owns a business adjacent to the proposed restrictions. They believe that the introduction of parking restrictions will have a detrimental impact on their business by restricting parking for both staff and customers.
- 4.3 The objector was advised that a consultation letter was sent to their address on 24 November 2017 inviting comments and objections to the proposals but no response had been received. During email correspondence with the objector, they had advised that they never received the initial consultation letter as they don't have a letterbox and had seen the notices on-site.
- 4.4 The objector was informed that their objection would be taken forward to Highways Committee. They were also advised that their contact details would be forwarded to a member of Committee Services who would contact them in due course to advise of the date and time that the Highway Committee date would be held.
- 5** **Objection 2** (objected at formal consultation stage, in response to on-site advert)
- 5.1 The objector is a business owner in the village and believes that parking restrictions in this location would be a waste of taxpayers' money and funds should be used to create additional parking facilities in the village. The objector was advised that creating additional parking facilities was outside the scope of this consultation.

- 5.2 As part of their objection, Objector 2 believed that Durham Council could approach a private land owner (Alexander House) to ask them to allow parking in their private car park. The objector was advised that the Authority has no control over private parking arrangements. They were advised that the Parish Council may look into this request on their behalf, but any agreement reached was likely to be agreed informally.
- 5.3 The objector was informed that their objection would be taken forward to Highways Committee. They were also advised that their contact details would be forwarded to a member of Committee Services who would contact them in due course to advise of the date and time that the Highway Committee date would be held.

6. Statutory Consultation Representations

- 6.1 As a result of the Statutory Consultation process, there was one recommendation from the Area Engineer to include a prohibition of loading as well as waiting to prevent parking (including disabled badge parking), boarding/alighting and loading/unloading.
- 6.2 All other Statutory Consultees offered no objection:
- Durham Constabulary – in favour
 - Ambulance Service – in favour
 - Councillor John Robinson – in favour
 - Parish Council – in favour
 - Fire Service – no objections received
 - Bus companies – no objections received
 - Road Haulage – no objections received
 - Freight Association – no objection received.

7. Local Member Consultation

- 7.1 The Local Members (John Robinson and David Brown) were consulted under SI 2489 and offered no objection to the proposals. It is also noted that the Parish Council were consulted and were in favour of the restrictions.

8. Conclusion

- 8.1 In conclusion, there were no objections raised by the Statutory Consultees and no objections raised from the directly affected frontages at the informal consultation stage.
- 8.2 There were two objections received at the formal advertising stage by local businesses. Unfortunately formal restrictions are deemed necessary at this location owing to the constant inappropriate nature of the parking at this location. Restrictions should improve road safety for all road users at this busy crossroads.

9. Recommendations and reasons

- 9.1 It is recommended that Members resolve that they are minded to agree to set aside all objections, endorse the proposal and proceed with the implementation of the Fishburn: Waiting and Parking Restrictions. Order 2018 with the final decision to be made by the Corporate Director under delegated powers.

10. Background papers

- 10.1 Correspondence and documentation in Traffic Office File and in member's library.

Contact: Rachael Smith

Tel: 03000 263587

Appendix 1: Implications

Finance – LTP Capital (approx. cost £2500)

Staffing – Strategic Traffic

Risk – N/A

Equality and Diversity / Public Sector Equality Duty - It is considered that there are no Equality and Diversity issues to be addressed.

Accommodation – No impact on staffing

Crime and Disorder - This TRO will prevent parking close to junctions, STOP signs, islands and zebra crossings and improve visibility at Fishburn Crossroads.

Human Rights – No impact on human rights

Consultation - Is in accordance with SI: 2489. Informal consultation was carried out on 17 November 2017 and there was one recommendation received from the Area Engineer advising that 'no loading' restrictions would likely be more suitable based on the historical issues in the area. The consultation plans were amended to reflect those changes. There were no objections received.

Procurement – Operations, DCC.

Disability Issues - None

Legal Implications - All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements. This will result in an enforceable TRO.

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Highways Committee

5 July 2018

**Petterson Dale, Coxhoe
Traffic Calming**



Report of Ian Thompson, Corporate Director Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Purpose of the Report

- 1 To advise the committee of representations received in respect of proposed traffic calming speed humps within Petterson Dale housing estate in Coxhoe and to make a recommendation to the Corporate Director of Regeneration and Local Services to guide the exercise of his delegated powers as to whether such traffic calming should be introduced.

Background

- 2 Petterson Dale, Coxhoe provides access to just under 200 properties and the local COOP food store. The former Local Councillor and some residents have aired their concerns in relation to the inappropriate speed of motorists through the estate. They are also concerned that there may be an incident involving one of the many children that cross the road to access properties.
- 3 The Council is proposing to introduce five 75mm high round top speed humps which will span the width of the carriageway between the kerbs. These are proposed to be provided at suitable spacing to maintain low vehicle speeds.
- 4 Research has found clear evidence that lower traffic speeds reduce collisions and casualties. Collisions occur less often and when they do happen, there is less risk of a serious or fatal injury. The introduction of traffic calming elsewhere across the UK has provided additional benefits including health benefits through increased walking and cycling, as well as quality of life and community benefits.
- 5 The previous Local Ward Member has provided some funding for the scheme through the Area Action Partnership. This will be 'topped-up' by the current Ward Members through their Neighbourhoods Budget.
- 6 There have been two recorded personal injury accidents which have occurred on Petterson Dale both of which were in 2014. The circumstances relating to both are that a motorist has pulled out of a side road into the path of another vehicle on Petterson Dale. The causation factors relating to both incidents do not indicate that excessive speed was an issue.

- 7 A traffic survey was undertaken on Petterson Dale to determine the existing vehicular speeds. The survey was undertaken using a radar speed detection box which was located to collect traffic data for a typical 7 day deployment period. The survey revealed that 8% of the traffic exceeded the posted 30mph speed limit. The mean speed was 23mph and the 85th percentile figure (which provides a good indication of the speed of the majority of motorists) was 28mph.
- 8 A consultation has been undertaken with all affected properties (185) and the statutory undertakers. The return rate for responses was high with 50% of properties providing a response. Of the responses we have received, 49 (53%) were in favour and 44 (47%) were against the proposals.

Proposals

- 9 The proposal is to introduce 5 full width speed humps along the length of Petterson Dale as shown on the plan in Appendix 2.

Consultation

- 10 The results of the informal consultation are as described above with the responses against the proposal outlined in the following paragraphs.

Objections and Responses

- 11 The following paragraphs provide details of the responses by the objectors to the proposed traffic calming scheme. Many of the responses received raised several reasons for their objection and these have been separated into a number of general themes. In each theme the number of respondents raising the issue is provided along with a response to the issue.

- 12 Objection 1. "Preposterous waste of money", "There must be greater financial priorities", "Better use of funds".
Raised by 13 respondents.

Response: The scheme is being funded from Local Member's Allowance and is considered to be a cost effective means of responding to the issues raised by residents. The national average cost of an accident is over £75k. If one accident is prevented, or the severity reduced as a result of the installation of this scheme, then it can easily be established as having been cost effective.

- 13 Objection 2. "Increased danger for motorists negotiating speed humps".
Raised by 1 respondent.

Response: The principle applies that if the speed humps are negotiated at a reasonable speed, then they will not cause discomfort or constitute a danger to any road user. There will be a warning sign provided at the entrance to the estate to raise a motorist's awareness to the presence of the traffic calming features.

- 14 Objection 3. "Should focus on speeding on the main street".

Raised by 1 respondent.

Response: Whilst there may be concerns regarding the speed of vehicles on other roads in the area, this scheme is proposed to address residents' concerns regarding vehicle speeds in the estate. The issues relating to other roads can be directed to the Police via their PACT meetings.

- 15** Objection 4. "Access to the COOP should be from the Village Hall car park".
Raised by 4 respondents.

Response: The connection between the two car parks is not an issue which the Council can action as it involves expenditure on works on private land which the Council has no control over.

- 16** Objection 5. "Inclement weather causes an issue on the estate without the added problem of negotiating the speed humps".
Raised by 7 respondents.

Response: Whilst it is accepted that inclement winter weather can create difficulties for motorists in housing estates particularly where there are hills, we are fortunate that this type of disruption is limited to a few days of the year. Traffic calming is provided as a measure to address the concerns of residents who have complained about the speed of traffic, which occurs throughout the year. Traffic calming is often provided on new estates as a preventative measure. During inclement weather, drivers would be expected to proceed along the road with due care and attention and in line with the conditions and characteristic of the road. We are not aware of humps or cushions causing significant difficulties in winter weather.

- 17** Objection 5. "Reduce the speed limit", "Introduce a 20mph speed limit".
Raised by 5 respondents.

Response: The principle provided by current relevant legislation states that 20mph zones should be self-enforcing using suitable traffic calming methods. If motorists are ignoring the current 30mph speed limit they are not likely to reduce their speed due to the provision of a lower speed limit alone. Whilst most motorists drive within the current speed limit, it is those that don't who are most likely to be involved with or cause an accident, therefore the proposed traffic calming measures are aimed to bring those higher speeds down to more appropriate levels.

- 18** Objection 6. "Should try advisory signs or road markings first".
Raised by 4 respondents.

Response: Advisory signs are only effective if the motorist is willing to be responsive to them whereas speed humps are able to influence the driving behaviour of almost all motorists.

- 19** Objection 7. "Speed humps do not slow persistent offenders", "Vehicles will speed over them anyway".
Raised by 4 respondents.

Response: Before and After studies have shown that speed humps are an effective means of reducing vehicle speeds on residential roads.

- 20** Objection 8. "Speed humps cause damage to vehicles".
Raised by 17 respondents.

Response: The Highway Code advises in Rule 153 that motorists should reduce their speed when approaching traffic calming features that are intended to slow them down. The proposals are based upon national guidance for traffic calming measures and these take into account all types of vehicles likely to encounter these features. In addition, motor manufacturers design their vehicles to cope with the rigours of everyday motoring which includes encountering traffic calming features on the road.

- 21** Objection 9. "Need Give Way sign at COOP exit".
Raised by 1 respondent.

Response: The provision of such a sign will be for the owners of the COOP site to provide. However, this would not address the concerns of residents with regard to the manner of driving on the remainder of the estate.

- 22** Objection 10. "Already noisy and speed humps will make this worse".
Raised by 3 respondents.

Response: Research has shown that overall traffic noise is actually reduced when traffic calming is implemented on roads where the traffic flow consists mainly of light vehicles.

- 23** Objection 11. "Improve the mini roundabout".
Raised by 4 respondents.

Response: The mini roundabout is constructed in accordance with highway requirements and all signage and road markings are present and correct.

- 24** Objection 12. "Already too many speed humps in Coxhoe".
Raised by 6 respondents.

Response: Traffic calming schemes are introduced following representations about vehicle speeds from the public. The schemes are designed to reduce vehicle speeds to more appropriate levels for a built up area.

- 25** Objection 13. "Not aware of any instances of speeding", "In all the time living in Petterson Dale have never considered there to be a problem", "There have been no accidents".
Raised by 9 respondents.

Response: Traffic calming is provided as a measure to address the concerns of residents who have complained about the speed of traffic. The speed survey indicates that there are 8% of motorists who drive at speeds above the posted 30mph speed limit. In addition there have been 2 recorded personal injury accidents on Petterson Dale in the previous 4 years, this being the standard period for consideration.

- 26** Objection 14. "Speed humps cause structural damage to properties".
Raised by 1 respondent.

Response: It is extremely rare for traffic calming features to contribute towards structural damage of properties. For this to occur the property will need to be very close to the feature and there to be particular soil/rock types linking the feature to the property. These situations are not found in Petterson Dale and therefore the proposed features would not be the cause of structural damage to properties.

- 27** Objection 15. "Speed humps cause inconvenience to householders".
Raised by 3 respondents.

Response: The delay to residents will be minor and probably only amount to seconds rather than minutes however the improvement in road safety, especially for vulnerable users due to reduced speeds is considered more important.

- 28** Objection 16. "They create further hazards to road users".
Raised by 1 respondent.

Response: Experience shows that traffic calming measures of this nature do not increase the likelihood of an accident, but have the reverse effect.

- 29** Objection 17. "There are too many proposed humps".
Raised by 1 respondent.

Response: The number of speed humps proposed is based on recommendations set down by the Department for Transport for the introduction of traffic calming measures. These recommendations suggest that the first feature should be within 50m of the start of the scheme and thereafter features should be sited between 60-80m apart, with the aim of maintaining constant vehicle speeds. In this particular instance the spacing is generally around 75m however in order to position them in locations which least affect directly adjacent properties, the distance to the second hump had to be reduced to 55m.

- 30** Objection 18. "Going over speed humps causes a lot of pain due to medical condition".
Raised by 1 respondent.

Response: The principle applies that if the speed cushions are negotiated at a reasonable speed, then they should not cause discomfort or constitute a danger to any road user. Unfortunately there may be occasions where occupants of vehicles suffering from some chronic conditions will find undulations in the road painful or uncomfortable. The design of round top humps is the best compromise in vertical traffic calming features to minimise this effect.

- 31** Objection 19. "Cars will use village hall car park instead of COOP car park".
Raised by 1 respondent.

Response: It is possible that some motorists will consider using the village hall car park rather than driving through the housing estate to the COOP. Whilst this has an effect on the capacity of the village hall car park, currently motorists use this car park to access the shops and other facilities in the centre of Coxhoe. Conversely it is probable that some village hall users may use the COOP car park when the village hall car park is full.

- 32** Objection 20. "Use a speed camera and fine people".
Raised by 1 respondent.

Response: It is not Durham Constabulary's policy to use fixed speed cameras but favouring the use of mobile safety cameras which can be deployed more efficiently. It has been found that fixed speed cameras are only effective over a short distance whereby motorists slow down over the length of road where the camera targets vehicles. The mobile safety camera is used where there is a history of a large number speed related accidents or where speed enforcement campaigns are carried out, subject to a safe location being available.

- 33** Objection 21. "Use alternative traffic calming measures", "Would prefer the use of speed cushions instead of full width humps".
Raised by 3 respondents.

Response: Before and After studies show that speed humps are an effective means of reducing vehicle speeds on residential roads.

Alternative methods of speed reduction were considered but, taking all factors into consideration, it was decided that speed humps were the most appropriate cost-effective solution which will reduce speeds of all sizes of vehicles. Speed cushions are generally limited to roads which are bus routes to enable buses to straddle the feature however this does mean that larger vehicles and 4x4s can also straddle the features thereby making them less effective.

- 34** Objection 22. "Proposed hump is too close to the junction".
Raised by 2 respondents.

Response: The proposed speed humps were positioned in the most appropriate places that also took account the many constraints along the road, such as driveways, junctions and bends. The requirements on the spacing of the humps means that in some places the location must be a compromise in order to meet the spacing criteria and maintain constant vehicle speeds.

- 35** Objection 23. "Cause problems for emergency services".
Raised by 2 respondents.

Response: It is well known that both the Fire and Ambulance Services have reservations about road humps. These two organisations were consulted concerning this scheme along with the Police. Durham Ambulance Service has expressed their usual concern regarding traffic calming but has indicated their support due to the potential road safety improvement. The Fire and Rescue Service did not respond to the consultation but generally offer their

support for traffic calming as a means to improve road safety and accident prevention.

- 36** Objection 24. "Why should the majority suffer for the minority".
Raised by 1 respondent.

Response: The necessity or otherwise of a traffic calming scheme is somewhat subjective depending upon one's viewpoint. However, the County Council is confident that, if it is implemented, vehicle speeds will be reduced which will be an improvement in road safety terms, especially for pedestrians and other vulnerable road users. It is statistically significant that a small minority of road users generate circumstances which lead to accidents however there is no efficient way to target only this minority. Therefore cost-effective measures such as traffic calming have to be employed to improve road safety for all users.

Local Member Consultation

- 37** The three local County Councillors have been fully consulted and are supportive of the proposals being progressed.

Recommendations and reasons

- 38** Under part 3A of the Council's Constitution, the final decision on whether to proceed with the scheme is delegated to the Corporate Director of Regeneration and Local Services, having regard guidance form the Committee.
- 39** Accordingly, it is recommended that, having considered the objections that the Committee recommends to the Corporate Director of Regeneration and Local Services to introduce the traffic calming as per the plan in Appendix 2.
- 40** The proposal will provide an improvement in road safety for the local residents.

Background papers

- 41** Correspondence on Office File.

Contact: Brian Buckley Tel: 03000 268097

Appendix 1: Implications

Finance – Funding will be provided by the local Members' Neighbourhoods Budget.

Staffing – The project is being delivered by existing staff supported by our supply chain of competitively procured contractors.

Risk – None.

Equality and Diversity / Public Sector Equality Duty – None.

Accommodation – None.

Crime and Disorder – None.

Human Rights – None.

Consultation – All traffic calming schemes need to be consulted upon and any objections to the introduction of road humps that cannot be resolved informally need to be considered by Highways Committee to which this report form part.

Procurement – Schemes are delivered by existing staff supported by our supply chain of competitively procured contractors.

Disability Issues – None.

Legal Implications – Traffic calming schemes should reduce the number of motorists contravening speed limits.

Appendix 2



Hump warning sign and plate

Proposed locations of round top speed humps

Coxhoe



Making a difference where you live

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