



Highways Committee

Date Tuesday 20 December 2011
Time 10.00 am
Venue Committee Room 2, County Hall, Durham

Business

Part A

1. Minutes of the meetings held on 30 September and 22 November 2011 (Pages 1 - 10)
2. Declarations of interest, if any
3. Durham Gate Speed restrictions and access restrictions - Report of Corporate Director, Regeneration and Economic Development (Pages 11 - 16)
4. Prohibition And Restriction Of Waiting And Prohibition Of Loading / Unloading Amendment Order 2011 - Stanley - Report of Corporate Director, Regeneration and Economic Development (Pages 17 - 20)
5. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
12 December 2011

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

Councillor G Bleasdale (Chair)
Councillor J Robinson (Vice-Chairman)

Councillors B Arthur, A Bainbridge, D Burn, N Foster, D Hancock,
S Hugill, D Marshall, J Maslin, A Naylor, J Shiell, P Stradling,
T Taylor, L Thomson, R Todd, E Tomlinson, J Turnbull, C Woods,
A Wright and R Young

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Committee Room 2 - County Hall, Durham on **Friday 30 September 2011 at 2.30 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors B Arthur, A Bainbridge, S Hugill, A Naylor, J Shiell, L Thomson, R Todd, C Woods and R Young

Apologies:

Apologies for absence were received from Councillors G Bleasdale, D Burn, N Foster, D Hancock, J Maslin, P Stradling, T Taylor, E Tomlinson, J Turnbull and A Wright

Also Present:

Councillor Andy Turner
P Holding – Principal Solicitor, Planning and Development

1 Declarations of Interest, if any

There were no declarations of interest received.

Prior to the consideration of the report the Chair confirmed that all members of the Highways Committee who were in attendance had received training on village green matters.

He noted that the Committee would be addressed by Charles Holland, Barrister on behalf of Dr Gordon, an objector, and Dr M Bell on behalf of the applicants. He also noted that an additional written statement had been submitted by an objector, Mrs Lambard, and that her sister Mrs Tarn was present but did not wish to speak to her statement. A copy of the statement had been provided to all parties.

One of the local Members Councillor Andy Turner was also in attendance who wished to comment but would take no part in the determination of the application.

That Chair also advised that a site visit had been held earlier that day at which Members of the Committee present at this meeting were in attendance, together with representatives from the applicants and objectors.

Late additional correspondence had been received from Anthony Walters, Solicitors, on behalf of his client, who represented the owner of the former Methodist Church and grounds, and this had been circulated to all parties. Mr C Holland was to address the issues outlined in the correspondence.

2 Village Green Registration, Low Queen Street, Witton Park

P Holding, Legal Advisor presented the report of the Head of Legal and Democratic Services to assist the Committee to determine the application to register land known as Low Queen Street, Witton Park.

P Holding advised that the application had been received on 24 August 2007 in accordance with Section 15 (2) of the Commons Act 2006, together with 62 letters of support from householders and a petition from the Chair, Witton Park Village Green Committee.

There were 7 owners of the land, including the former Wear Valley District Council, now Durham County Council.

Following advertisement 14 letters of objection were received and an independent Inspector was appointed to conduct a non-statutory Public Inquiry. The Inquiry was held on 5 and 6 October 2009 and oral evidence was provided by 23 supporters and 7 objectors, details of which were set out in Appendix 3 of the report.

The Inspector produced his first report and comments were received from both the applicants and objectors with further evidence produced by Dr Gordon of Heritage North on 4 November 2009 that a Methodist Church located on the northern parcel of the application land and grounds was in use by the Church during the 20 year period.

A further Inquiry was held on 30 March 2010 to hear evidence on the use of the Church and the Inspector's final report was included at Appendix 6 which concluded that the whole of the site met the statutory test for registration with the exclusion of the plot on the northern part of the application site where the Methodist Church and grounds were located.

P Holding continued that the law stated that a village green came into existence when a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, had indulged as of right in lawful sports or pastimes on the land for a period of at least 20 years, and they continued to do so at the time of the application. She outlined to Members how this applied to both the area of land to the south of Low Queen Street and the area to the north.

With regard to the area to the south she explained that evidence confirmed that the land south of Low Queen Street had been used since approximately 1980 for lawful sports and pastimes by a significant number of inhabitants and had been used almost overwhelmingly by inhabitants of Witton Park parish.

It was claimed that one objector placed a prohibition notice on site. However there was no evidence that this notice was placed on site prior to June 2007. It was limited to one sign on one tree and had been placed there to address a traveller issue. In addition the notice was ambiguous as to what was intended and was not erected by the landowner.

In terms of the area of land to the north of Low Queen Street, she advised that the Inspector's first report found that the land had been used for lawful sports and pastimes for 20 years and that the users were predominantly from Witton Park. As already stated new

evidence from Dr Gordon of Heritage North led to a further Public Inquiry on 30 March 2010 and on hearing evidence at that Inquiry the applicant withdrew this area of land formerly occupied by the Church and grounds from the application.

The Inspector concluded that the Church and grounds did not meet the statutory test for registration as the Church had been in use for 5-6 years during the relevant 20 year period and that the hatched area on the plan at Appendix 5 should be excluded on the basis that it had not been used for lawful sports and pastimes for 20 years.

At this point P Holding stated that she had received a request from Anthony Walters, to adjourn the proceedings because he considered that certain areas adjacent to the former Church should be excluded from the application. Details of this request were set out in the correspondence referred to at the start of the meeting, and which had been circulated to all parties.

Mr Holland addressed the Committee on behalf of the applicants.

He commenced by stating that his client had no objection to the area south of Low Queen Street being registered as village green. Their issues were in relation to land north of Low Queen Street in so far as it consisted of the former Carwood Street and Garden Street. He had pointed out the approximate location of these streets to Members on site earlier that day.

He considered that it was beyond dispute that his client, in owning the plot of land was granted an express right of way on a deed of settlement dated 8 September 1859, details of the right were set out in the e-mail sent to P Holding on 29 September 2011.

The deed plan showed that 'Market Street' became 'Carwood Street' and 'West Parade' was the road to the west of his client's property, now called 'The Green'. The deed gave an express right of way over Carwood Street, The Green, part of Cross Street and Garden Street, Low Queen Street and part of Main Street.

He continued that not exercising this right of way was not sufficient to amount to abandonment and therefore as a matter of law his client had the right to use these streets, even if they were no longer in evidence.

He also had the right to improve the rights of way; his land was a development site and the access to it was not up to an adoptable standard.

Every individual had a right under the European Convention on Human Rights to the 'peaceable enjoyment of their property'. Were the Council to register the land as village green this would have the effect of depriving his client of his property rights without compensation, and therefore constituted a breach of human rights. He considered that the Council must have regard to this. The difference between his client's situation and the other owners of the land was that they had not prevented local inhabitants from using the land for 'lawful pastimes' over the 20 year period.

To conclude he respectfully asked Members to take into account the relative injustice of his client's position and asked for an adjournment in respect of the application to the north of Low Queen Street in order to resolve these issues to the satisfaction of all parties. He

reiterated that his client had no issues with the other area of land included in the application, and suggested that Members could proceed to make a decision in respect of the land south of Low Queen Street today.

In response, P Holding stated that she had not had sight of the easement and acknowledged that the area did have a number of streets on it but that these were no longer in existence, having been demolished some years ago. The local inhabitants had therefore been able to utilise the land freely, with the exception of the area occupied by the former Church and grounds, as concluded by the Inspector. She reminded Members that in determining the application, they had to apply the law and consider whether the evidence presented to them met the statutory test for registration of the land as village green within the meaning of Section 15(2) of the Commons Act 2006.

She appreciated that the objector wished to develop his land, and that there was a private easement for the rights of way, but emphasised that Members could not take into consideration the potential use of this site in the future.

With regard to human rights she had examined Article 1 of the First Protocol to the European Convention on Human Rights and did not consider that there was a breach. In the first instance this was a statutory process defined by the provisions of the Commons Act 2006. Secondly, she did not consider that deprivation of a landowners possession of an easement constituted 'deprivation' within the meaning of this protocol. If the application was approved, the objector could utilise the easement as long as it did not interfere with the rights of the village green.

Village green rights and rights of way could co-exist but she acknowledged that a concern for the objector would be that he may not be able to upgrade the rights of way to a level that would be acceptable to him, because of the statutory protection afforded to village greens in relation to carrying out works. However, she reiterated that this was not a consideration for the Committee.

At this point she referred to the additional statement submitted by a further objector Mrs Lambard, a copy of which had been circulated to all parties, and read it out to Members. In response to Mrs Lambard's statement, she stated again that it was not for Members to determine how the land should be used but to consider whether it met the requirements for registration.

Dr Bell addressed the Committee on behalf of the applicants. In the first instance he referred to the late submission of information from Anthony Walters, Solicitors and commented that throughout this process the applicants had become used to progress being delayed due to the receipt of late information, but he did not consider that this meeting was the time to submit new evidence.

At both Inquiry's the Inspector had concluded that the application met the requirements of Section 15(2) of the Commons Act 2006.

He was amazed that the land had not been registered already, he had himself witnessed people using the land for recreational purposes with the area beyond the former Church and grounds being used by children for a different sort of play. When the streets had been

demolished local residents had worked with the Territorial Army to make the land into a 'village green'.

He considered that the issue raised by the objector was a 'non-point' and that there was no reason why the application could not be determined. Many village greens had some form of crossing over them and he considered that the only argument the objector had was that he had rights of way that he would continue to use. He added that if the site was developed, access could be secured to the front of his land via 'The Green'.

He referred to case law and a case in Cleveland that had held that a common could co-exist with a golf course. This showed that rights exercisable on village greens could co-exist with other rights. He also noted that the barrister in his representations to the Committee had not provided case law to support his argument.

With regard to human rights he considered that if approved, the decision to register the land as village green would be fair and proportionate and would not constitute a breach of Article 1 of the First Protocol.

He therefore respectfully suggested that Members should determine the application today for both areas of land.

At this point Councillor Andy Turner stated that both local Members for Witton Park were satisfied with the Inspector's recommendations.

The Chair asked Mr Holland if he wished to make any further comment who replied that he did not.

Members were therefore asked to consider the request by Mr Holland on behalf of his client for an adjournment in respect of the land to the north of Low Queen Street. This was unanimously rejected.

The Committee proceeded to determine the application. A Member stated that he was satisfied that there was a significant number of users within the recognised locality and that this use had been as of right for 20 years. He therefore proposed that the Inspector's conclusions be accepted.

A Member seconded this proposal and stated that the Legal Officer had rightly focussed the Committee on what they needed to take into account today in terms of the requirements of the legislation. Therefore having considered the Officer's report and Appendices, and the additional information submitted, together with the comments put forward by the objector's representative, the applicant's representative, and the Legal Officer at the meeting, he was satisfied that the conclusions of the Inspector in relation to the registration of the areas of land shown on the plan at Appendix 5, with the exclusion of the former Methodist Church and grounds, should be accepted.

This was echoed by a further Member who commented that it was disappointing that the application had taken such a long time to reach determination.

Members were asked to vote and it was unanimously

RESOLVED

That the Inspector's conclusions as set out in the reports provided by him, be accepted and the areas of land shown on the plan accompanying the application at Appendix 1 of the report be registered as village green, with the exclusion of the former Methodist Church and grounds, as identified hatched on the plan at Appendix 5.

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 22 November 2011 at 10.00 am**

Present:

Councillor G Bleasdale in the Chair.

Members of the Committee:

Councillors J Robinson (Vice-Chairman), B Arthur, A Bainbridge, D Burn, N Foster, D Hancock, S Hugill, D Marshall, A Naylor, J Shiell, P Stradling, T Taylor, L Thomson, R Todd, E Tomlinson, J Turnbull, A Wright and R Young

Apologies:

Apologies for absence were received from Councillors J Maslin and C Woods

1 Minutes of the meeting held on 1 November 2011

The Minutes of the meeting held on 1 November 2011 were agreed as a correct record and signed by the Chairman.

2 Declarations of interest, if any

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

3 Byway Applications in Weardale and Teesdale - Wildlife and Countryside Act 1981 Definitive Map Modification Order Applications

The Committee considered a joint report of the Corporate Director, Regeneration and Economic Development and the Head of Legal and Democratic Services which sought the reconsideration of a decision to make a Definitive Map Modification Order to add a byway known as Hartop Lane to the Definitive Map and Statement of Public Rights of Way. The report also provided information on applications determined by the Highways Committee on 3 March 2011.

The Senior Rights of Way Officer informed the Committee that since the meeting of the Highways Committee held in March 2011, landowners for four of the six routes had sought an opinion from a leading Counsel. Landowners had been advised to consider issuing interim injunction proceedings to prevent the Council making the necessary orders. Following this development it was agreed that the County Council would not proceed to make the Orders until it had sought its own further advice.

The Committee were informed that advice obtained by the Council recommended the orders be progressed as agreed by the Committee on 3 March 2011, with the exception of Hartop Lane where the Inspector had not previously confirmed the Order for this route such that there is was longer an outstanding application to determine.

The Committee's attention was also drawn to the fact that the threat of an injunction was considered genuine, particularly as the same landowners have previously made applications to the High Court to quash earlier orders. To avoid any application for an interim injunction on an ex parte basis the Orders would not be made before 31 January 2012.

Resolved

That the decision of the Highways Committee of 3 March 2011 to make an order to add a Public Byway to the Definitive Map and Statement of Public Rights of Way for Hartop Lane (Route 3) be withdrawn and that the information provided in terms of the other routes be noted.

4 Durham Gate - Speed restrictions and access restrictions

The Committee considered a report of the Corporate Director, Regeneration and Economic Development which detailed objections received to a formal consultation on the proposed traffic regulation orders controlling speed limits and access restrictions at Durham Gate, Thinford.

The Committee were informed that the development at Durham Gate would generate demand for access from car drivers, public transport users, cyclists and pedestrians. It had been estimated that up to an additional 7,000 car trips per day, 525 pedestrians trips per day and 680 public transport trips per day could be made to the development in addition to the current traffic on the network. The associated increased traffic levels would result in Thinford roundabout being signalised and the central island and approaches reengineered. The Committee were shown a number of slides, detailed in the Appendices to the report, which showed the direction and flow of traffic together with the proposed traffic regulation orders.

The Committee noted the objections of Green Lane Residents Association who had worked with developers, officers of the Council, the Cabinet Portfolio holder and local member with regard to a number of concerns relating to the development. The Business Manager advised the Committee that the residents association had sought to restrict vehicular use of Green Lane by way of a suggested prohibition of entry, except for access, at the junction of Green Lane and Enterprise Way.

The residents association had also objected to the proposed 'No Entry' at Enterprise Way, the restrictions at York Hill Road and the amended speed limit on the grounds that the installation of a bus gate had been omitted from the final development proposals. The residents association had commented that there would be potential for 'rat running' through Green Lane to and from the development and had argued that the restriction on York Hill Road would divert traffic to Green Lane.

Durham Constabulary had objected to two elements of the proposed restrictions on the grounds of enforceability, those being the 'no entry' and the reduction in speed limit of the A167.

The Business Development Manager informed the Committee that the development would naturally see significantly increased activity in the area from vulnerable road users. Pedestrian activity would be accommodated at the signalised roundabout but there would also be increased demand for access to bus stops on the section of carriageway between Thinford and York Hill Road and to fast food outlets and bus stops south of Thinford roundabout for which there would be considerable additional use by pedestrians. The County Council had to safeguard pedestrian manoeuvres which meant that a 40 mph speed limit would be more appropriate.

Councillor Foster, local member and Cabinet Portfolio Holder for Regeneration and Economic Development together with the other local member, Councillor Graham had held joint meetings the local residents association and had provided assurance that the scheme would be kept under review at all times, particularly during the first six months, given the concerns that the group had expressed during the consultation process. The local members also hoped that responsible driving would slow down on a signalled approach.

Resolved

That the recommendations contained in the report be approved and that necessary measures be taken to review the operation of the scheme during the first six months and provide an update to the Highways Committee as appropriate.

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Highways Committee

20 December 2011

Durham Gate Speed restrictions and access restrictions



Report of Ian Thompson Corporate Director Regeneration and Economic development

Councillor Neil Foster, Portfolio Holder for Regeneration and Economic Development

1.0 Purpose

- 1.1 To advise Members of the objections received to the formal consultation on the proposed traffic regulation orders controlling speed limits and access restrictions at Durham Gate, Thinford.
- 1.2 To request members to consider the objections made during the formal consultation exercise.

2.0 Background

- 2.1 At the planning stage of the Durham Gate development, it was intended that traffic for the Industrial estate, commercial centre, and residential development should be segregated. This is to be achieved through providing access for residential traffic from Green Lane roundabout Enterprise Way, access for commercial traffic from Thinford Roundabout and access for Industrial traffic via the A167 and York Hill Road roundabout. This strategy required restricted access to the Industrial Estate traffic.
- 2.2 The approved development at Durham Gate will generate demand for access from car drivers, public transport users, cyclists and pedestrians. It is estimated that up to an additional 7,000 car trips per day, 525 pedestrians trips per day and 680 public transport trips per day could be made to the development in addition to the current traffic on the network.
- 2.3 The Industrial Estate traffic is to be directed to use the York Hill Road access from the A167 via appropriate highway signage. To assist in controlling access, traffic regulation orders have been promoted which would introduce No Entry restriction on Enterprise Way and a no right turn/ left turn at the York Hill Road/ Meadowfield Avenue junction.

- 2.4 In order to accommodate the increased traffic levels, Thinford roundabout is to be signalised and the central island and approaches re engineered. It is therefore considered appropriate to amend the speed limits at the roundabout approaches to reflect the amended deflection at the junction and the increased vehicular and vulnerable road user activity.
- 2.5 In order to facilitate safe movement of vehicles and vulnerable road users at the junction approaches it has been proposed that the current 60mph speed limit is reduced to 40mph.
- 2.6 Early proposals were subject to consultation at the planning stage. The Fire and Rescue service based on York Hill Road responded to the proposal to prohibit vehicles from Enterprise Way by requesting a relaxation of the restriction for their vehicles on emergency call.
- 2.7 A proposal was developed to introduce the 'No Entry except emergency service vehicles' at Enterprise Way, north of Watson Court. This was deemed acceptable by the Fire and Rescue Service. Durham Constabulary were consulted at the planning stage and offered no objection to the No Entry proposal. No objection to this specific measure was offered by the Green Lane residents association at the planning stage.
- 2.8 Following formal advertising of the Council's intention to introduce access restrictions and amended speed limits two objections have been received. One from Green Lane Residents Association (GLRA) and one from Durham Constabulary.

3.0 Objection 1 Green Lane Residents Association

- 3.1 The GLRA have engaged with the developers, officers of the Council and the Cabinet Portfolio holder to raise a number of concerns relating to the development. Specifically they sought to restrict vehicular use of Green Lane by development generated traffic. The cabinet portfolio holder has sought to allay concerns and address issues raised. The resident's association have taken the opportunity to raise these issues again through the formal consultation for traffic regulations and are pressing for a prohibition of entry except for access at the Green Lane / Enterprise Way junction.
- 3.2 The grounds for objection to the Enterprise Way 'No Entry', the York Hill Road restrictions and the amended speed limits are:-
- a) The omission of a bus gate from the final development proposals.
 - b) The potential for 'rat running' through Green Lane from and to the development.
 - c) The York Hill Road restriction will divert traffic to Green Lane

4.0 Response

- 4.1 In developing the highway network to serve the Durham Gate development a number of factors have been considered, not least the distribution of traffic on the network and where possible addressing impact through mitigation.
- 4.2 Proposals sought to deter 'rat running' traffic which may seek to avoid the Thinford signalised junction. Initial proposals sought to achieve this with a bus only restriction within the development. However, land ownership issues prevented its introduction. This proposal was subsequently replaced with a highway network design which discouraged through traffic. The bus gate issue is separate to that of the restrictions under consideration.
- 4.3 The GLRA concerns about rat running through Green Lane are noted. However, it is contested that the introduction of the 'No Entry' on Enterprise Way will discourage Industrial Estate traffic from using Green Lane. The restrictions at York Hill Road and speed limits would appear to have little relevance to the issue of rat running through Green Lane.
- 4.4 Restrictions at York Hill Road are designed to prevent Industrial Estate traffic from entering or leaving Meadowfield Avenue other than using the A167 York Hill Road Roundabout. The objector's concerns are on the grounds that, if vehicles are prevented from turning right from York Hill Road into the development, they will instead use Green Lane as access to the development.
- 4.5 The proposed restriction on Enterprise Way would prevent access to the Industrial. It is highly unlikely that traffic will choose to use Green Lane as an alternative access to the development. Commercial traffic will enter the development via the Thinford roundabout junction and residential traffic will use the A688 / Enterprise Way junction. The A688 provides a more suitable convenient and faster access to the development than Green Lane.

5.0 Objection 2 Durham Constabulary

- 5.1 Durham Constabulary have objected to two elements of the proposed restrictions. Agreement has been reached regarding the restriction at York Hill Road, however an objection to the Enterprise Way 'No Entry' restriction has been submitted. The objection is based on the grounds that the constabulary consider it is 'unsatisfactory' that compliance can only be achieved by signage and the physical presence of the Police.

- 5.2 An objection has also been made to the proposed speed restrictions on the approach to Thinford roundabout. Initial objection to the proposed limits on the link to the development roundabout hub (40mph) and the East and West leg approaches to the signalised junction have been withdrawn. However Durham Constabulary maintain the objection to the proposed 40mph speed limit on the A167 on the approach to and through the roundabout.
- 5.3 Durham Constabulary object to the 40mph speed limit on the basis they 'see no credible reason why the A167 should be subject to anything other than the national speed limit of 60mph.' This view is based on the physical environment of the highway and knowledge of current road traffic accident data from the existing road layout.

6.0 Response

- 6.1 As stated the physical layout of the roundabout junction will change significantly with the introduction of a signal controlled junction. As such the operational performance of the highway will change and it is contested that historic physical environment or historic accident records are not relevant to the assessment of future performance.
- 6.2 In designing the signalised junction to accommodate increased demand, it has been necessary to increase capacity of all approach lanes and to move the location of the central island of the roundabout in a westerly direction. As such deflection parameters for vehicles travelling north south have been relaxed. This lack of deflection may lead to inappropriate approach speeds outside peak periods.
- 6.3 The significant increase in activity as a result of the development will see increased demand for local facilities and public transport facilities from vulnerable road users. Pedestrian activity will be accommodated at the signalised roundabout, however, there will be increased demand for access to bus stops on the section of carriageway between Thinford and York Hill Road and to fast food outlets and bus stops south of Thinford roundabout.
- 6.4 Current Department for Transport guidance sets principles for local speed limits. This guidance has been adopted when assessing the appropriate speed limit for the approaches to the signalised Thinford Roundabout. The guidance reflects on the perception of the driver of the road environment together with the consideration of vulnerable road users.
- 6.5 The guidance states 40mph speed limits are generally on higher quality suburban roads with good width layout, parking and waiting restrictions in operation and buildings set back from the road. The guidance also sets out parameters for a 40mph road. These include those roads where there is substantial development and where the road is used by considerable numbers of vulnerable road users. (DfT 01/2006/108)

6.6 It is maintained that the A167 between the new York Hill Road roundabout and Thinford falls into the above category. The increase in volume of vulnerable road users and the change in physical layout would support the view to reduce the speed limit to 40mph.

4.0 Local member consultation

4.1 The Local members Councillor Neil Foster and Councillor Barbara Graham have been consulted and offer no objection to the proposals.

5.0 Recommendation

5.1 It is **RECOMMENDED** that the committee set aside the objections and endorse the introduction of the traffic regulation order containing the 'No Entry' on Enterprise Way and reduced speed limit on the A167 to 40 mph, North to South through the Thinford signalised junction. .

Background Papers

Correspondence and documentation on Traffic Office File and in members library.

Contact: John McGargill Tel: 0191 383 3456

Appendix 1: Implications

Finance Signing and lining to be financed from developer contribution

Staffing No long term staffing implications for the County Council

Risk : There is a high risk that omitting the prohibitions of movement may result in increased levels of traffic through residential areas. Not implementing the reduced speed limit could result in a medium risk to increase in casualty statistics.

Equality and Diversity / Public Sector Equality Duty : The proposals will improve use of the highway network for vulnerable road users

Accommodation : None

Crime and Disorder The proposals will provide effective traffic management, although recorded incidents of contravention of regulations may increase

Human Rights : None

Consultation A full consultation on the development master plan has been undertaken at the planning stage. Informal and formal consultation has been undertaken in accordance with the relevant statute for

Procurement: None

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.

Highways Committee

20 December 2011



**Prohibition And Restriction Of Waiting And
Prohibition Of Loading / Unloading
Amendment Order 2011 - Stanley**

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

**Councillor Neil Foster, Cabinet Portfolio Holder Regeneration and
Economic Development**

1.0 Purpose

- 1.1 To advise Members of the objections received to the formal consultation on the proposed traffic regulation order STANLEY Prohibition and Restriction of Waiting and Prohibition of Loading / Unloading Amendment Order 2011.
- 1.2 To request members consider the objections made during the formal consultation exercise.

2.0 Background

- 2.1 Front Street, Stanley alongside ASDA had a limited length of Taxi Bay, which is separated by a lay-by. (see attached photo). A request was put forward by Derwentside Area Working Group to extend the Taxi Bay across the lay-by.
- 2.2 The request was to provide additional spaces for Hackney Carriages, and also alleviate the conflict between drivers of vehicles parked in the adjacent lay-by and the Taxi Drivers.
- 2.3 A Traffic Regulation Order was advertised on the 2nd December 2010; this Order did not receive any objections and was sealed on the 31st March 2011. This was to extend the Taxi Bay and run it across the lay-by which would join the two separate Bays. (see plan 01)
- 2.4 The works commenced on site and the Taxi Bay was extended. Following this we received representation from the Stanley Indoor Bowls Centre, and it became apparent that a loading area was required at this location for the delivery of the brewery dray and ASDA deliveries.

3.0 Proposals

- 3.1 Proposals to address the requirement for loading were discussed with representatives from the Derwentside Area Working Group and the Manageress of Stanley Indoor Bowls Centre and it was agreed that the Taxi Bay would continue across the lay-by and a Loading Bay would be located at the back of the Taxi Rank. (see plan 02).
- 3.2 Following the formal advertising on the 22nd September 2011, we received two objections; both of these objections were from Taxi Drivers operating from this Rank.

4.0 Objection 1 & 2 Taxi Drivers operating from the Rank

- 4.1 The objectors do not want the extended Taxi Bay reduced to introduce a Loading Bay that will only be used once a week. The objector states that it is a very successful rank and believes since the de zoning there is a need for more taxi bays not less. He believes the cost is a waste of tax-payers money.

5.0 Response

- 5.1 This Taxi Bay is well used and is currently the only Rank in Stanley, however it has been monitored. If the proposal does not proceed brewery and ASDA delivery vehicles would need to double park to serve adjacent premises. This would lead to these vehicles causing an obstruction in an area that is heavily trafficked, causing safety concerns.

6.0 Local member consultation

- 6.1 The Local members Councillor Claire Vasey and Councillor Carl Marshall have been consulted and offer no objection to the proposals.

7.0 Recommendation

It is **RECOMMENDED** that the Committee endorse the proposal having considered the objections and proceed with the implementation of the Traffic Regulation Order STANLEY Prohibition and Restriction of Waiting and Prohibition of Loading / Unloading Amendment Order 2011

Background Papers

Correspondence and documentation on Traffic Office File and in Members Resource Centre.

Contact: Sarah Thompson Tel: 0191 383 6536

Appendix 1: Implications

Finance – Transit 15

Staffing – Carried out by Strategic Traffic

Risk – Not Applicable

Equality and Diversity – 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 allow effective management of traffic to reduce congestion and improve road safety

Human Rights - No impact on human rights

Consultation – Is in accordance with SI:2489

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.

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