

## Highways Committee

12 September 2019

### Shotley Bridge – Parking & Waiting Restrictions ORDER 2019



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#### Report of Corporate Management Team

Ian Thompson Corporate Director of Regeneration and Economic Development.

Councillor Carl Marshall, Cabinet Portfolio Holder for Regeneration and Economic Development.

#### Electoral division(s) affected:

Benfieldside

#### 1 Purpose of the Report

- 1.1 In accordance with the Council's Constitution, Members are asked to decide 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 changes to the traffic regulation order in Shotley Bridge.
- 1.3 To request that members consider the objections made during the informal and formal consultation period.

#### 2 Executive Summary

- 2.1 Within Civil parking Enforcement operational guidance, the County Council are committed to regularly reviewing traffic regulation orders to ensure that the restrictions held within them are relevant and appropriate.
- 2.2 The County Council are proposing to introduce restrictions on:

### **2.3 Benfieldside Road, Shotley Bridge**

The TRO is to introduce 'School Keep Clear' markings on the opposite side to the existing 'School Keep Clear' markings near to Shotley Bridge Infants School. The proposals were requested by the head teacher, parents of the school children and other members of staff from the school, along with the local County Councillor in a bid to reduce obstructive parking and improve road safety during school drop off and pick up times.

### **2.4 Church Bank, Shotley Bridge**

The TRO is to introduce 'no waiting at any time' restrictions both sides of Church Bank. The proposals were requested by local residents along with the local County Councillor in a bid to reduce obstructive parking and improve road safety on the section of road.

## **3 Recommendation(s)**

### **3.1 Committee is recommended to:**

Endorse the proposal in principle to proceed with the implementation of the Shotley Bridge: Parking and Waiting Restrictions Order. With the final decision to be made by the Corporate Director under delegated powers.

## **4 Background**

4.1 Request were received to address ongoing obstructive parking, visibility and safety issues in Shotley Bridge, a site meeting was conducted with concerned residents, the local head teacher, staff and the local County Councillor.

4.2 The initial consultation exercise was undertaken with statutory consultees and directly affected frontages in May and June 2019.

4.3 One property objected at this point with regards to the proposals on Benfieldside Road. The proposals were supported by Durham Constabulary and the Local County Councillors. After reviewing the feedback, a decision was made to progress with the Traffic Regulation Order (TRO) and move to the formal consultation stage.

4.4 The formal notices for the proposals were advertised on site and in the local press between 8<sup>th</sup> August 2019 – 29<sup>th</sup> August 2019. No further objections were received during this period.

## **5 Benfieldside Road**

Benfieldside Road is a heavily trafficked road leading to residential properties, maintains a bus route, has two schools, a church and links the A691 to the B6310. Shotley bridge Infants School is situated along Benfieldside Road where there is a steep elevation and the road has bends which reduce visibility for road users. Properties opposite to the school all have off street parking.

The TRO is to introduce 'School Keep Clear' markings (Mon-Fri 8am-9am & 3pm-4pm) on the opposite side to the existing 'School Keep Clear' markings (Mon-Fri 8am-6pm) near to Shotley Bridge Infants School. The proposals were requested by the head teacher, parents of the school children and other members of staff from the school, along with the local County Councillor in a bid to reduce obstructive parking and improve road safety during school drop off and pick up times.

There were reports of vehicles parking on the bend opposite to the school which reduces pedestrian's visibility when trying to cross the road to access the school, other reports suggest vehicles parking in this location have caused several near misses for overtaking vehicles during school pick up and drop off times. Vehicles parking in this area also stop residents accessing or leaving their property during this time and causes visibility issues for those trying to exit their driveway.

Durham Constabulary fully support the proposals along with the local county Council. There has been 1 objection for the proposals.

## **6 Church Bank**

Church Bank is a narrow section of road leading from Benfieldside Road to Burnmill Bank/ Green Road. There have been requests from residents who live on the west end of Church Bank to introduce restrictions to help with reports of obstructive parking and visibility issues on the narrow tight bend near their properties.

The TRO is to introduce 'no waiting at any time' restrictions on both sides of Church Bank. The proposals were requested by residents along with the local County Councillor in a bid to reduce obstructive parking and improve road safety on the section of road.

Durham Constabulary support the proposals along with the local county Council. There have been no objections for the proposals.

## **7 Benfieldside Road Objection**

### **7.1 Objection 1**

Objector 1 is made up of a husband and wife who are residents of Benfieldside road and live opposite to Shotley Bridge Infants School. They object to the duration of the restrictions as the School Keep Clear marking will be enforced throughout the year, even when the school is closed during the summer holidays.

They requested that Durham County Council introduce flashing light to the 'school keep clears' to show when they are enforceable and to turn them off outside of term time.

They state that they have disabled mother who visits and that they will need to move her car twice a day to adhere to the restrictions. They allege that this is not a safety problem outside of school term time.

Finally, they allege that the restrictions may have an impact on any future sales of their property.

### **7.2 Response**

After meeting with the head teacher, staff members and the County Councillor the parking situation was deemed as obstructive parking, and that visibility is not suitable for pedestrians to cross. The restrictions have been requested by the school as there have been numerous reports of safety issues with children having near misses due to parked vehicles on Benfieldside Road bank during school times. It is also a hazard for overtaking vehicles when cars are parked on this side of the carriageway.

Due to the government guidelines and legislation with this type of restriction the council are unable to state on the signage that it will only be enforceable in school term time, as this is a legal order which is penalised with a PCN (Penalty Charge Notice) and if someone receives a PCN could appeal and take it to a tribunal unless specific dates/times were represented on the sign. The dates of the school holidays will change year on year so it is just something that cannot be used in this circumstance. Flashing lights are also not within the legislation to identify when a restriction is in place or not.

Vehicles parking in this location between the school pick up and drop off times are causing visibility issues and therefore endanger pedestrians. The proposals have been supported by Durham Constabulary from a road safety point of view.

The proposals have been kept to a shorter duration to give residents opportunity to take deliveries, load and unload and park if necessary, outside of the restricted timings. The existing school keep clear directly outside the school are (Mon-Fri 8am-6pm) and the proposed are of 1 hour in the morning and 1 hour in the afternoon (Mon-Fri 8am-9am & 3pm-4pm).

The homeowners will have a clearer visibility and accessibility to gain access to your drive during the 2 hours in the day when they are enforceable. The restrictions should also naturally keep the area clear of parked vehicles outside of the restricted times which should also be a benefit.

The elevated bend and bank are a safety concern due to the lack of visibility even outside of school times and have received support from Durham Constabulary and the local County Councillors with the introduction of these restrictions.

There alternative unrestricted parking available in the surrounding area for visitor parking and outside of the restricted timings.

Considering this information, the 'School Keep Clear' markings should be introduced in the interest of pedestrian and road safety.

## **8 Public Sector Equality Duty**

The Council (and persons exercising public functions) has a duty under Section 149 of the Equality Act 2010 when exercising its functions to have regard to the need to (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council has considered its public sector equality duty. In particular, the issues the Council has considered include the impacts upon disabled and other less mobile people as a result of the introduction of a TRO.

Having had due regard to all relevant factors, it is not considered that the introduction of a TRO would breach the Council's public sector equality duty. All issues have been considered in accordance with national law and other material considerations. It is considered that the introduction of a TRO would be proportionate and appropriate in this instance acknowledging the safety concerns identified within this report.

## **9 Conclusion**

- 9.1 It is recommended that Members agree in principle to endorse the proposal to proceed with the implementation of the Shotley Bridge: Waiting and Parking Restrictions Order. 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:

L:\TRAFPROJ\06 REGULATION DESIGN &  
IMPLEMENTATION\Settlement\Blackhill and Shotley Bridge\Traffic Regulation  
Orders (Parking Restrictions)\May 2019

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## **Appendix 1: Implications**

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### **Legal Implications**

All orders have been advertised by the County Council as highway authority and will be made in accordance with legislative requirements.

### **Finance**

LTP Budget.

### **Consultation**

Is in accordance with SI:2489.

### **Equality and Diversity / Public Sector Equality Duty**

This is considered in full within the report.

### **Human Rights**

No impact on human rights.

### **Crime and Disorder**

This TRO will allow effective management of traffic to reduce congestion and improve road safety.

### **Staffing**

Carried out by Strategic Traffic.

### **Accommodation**

No impact.

### **Risk**

Not Applicable.

### **Procurement**

Operations, DCC.

