

Highways Committee

20 November 2018

Tow Law Parking And Waiting Restrictions Order 2018



Report of Ian Thompson, Corporate Director of Regeneration and Local Services Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

1. Purpose of the Report

- 1.1 In accordance with the Council's Scheme of Delegations to Officers, 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 proposed traffic regulation order in Tow Law.
- 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 Prior to this proposal, changes were last made to the Tow Law Traffic Regulation Order in 2015.
- 2.4 Road safety and congestion issues were raised concerning the traffic around Blessed John Duckett RC Primary School. These concerns were reported to the County Council by the Headteacher of the Primary School.
- 2.5 There are currently no parking restrictions outside of the school and as a result the area becomes congested at the start and end of the school day. Restrictions are proposed to ease congestion and improve road safety at this location.

3.0 Proposals

- 3.1 The proposal would see the introduction of formal waiting restrictions on the unclassified entrance road to the Primary School. A 'no stopping, Monday – Friday, 8am-9am & 2pm-4pm' restriction would be installed to the front of the school turning area / car park. A 'No Waiting, Monday – Friday, 8am – 9pm & 2pm – 4pm' restriction would be introduced on both sides of the entrance road from its junction with the B6301 Smith Street to a point immediately to the east of the school car park.
- 3.2 The carriageway in this area is unadopted and ownership has been researched. The legal status of the road is public footpath but as motor vehicles have been using it for over 20 years, they have claimed a prescribed right of use. The length of public footpath is maintainable at public expense. Therefore as with other areas of unadopted road/path in the County we are able to install road markings or restrictions provided we consult in line with Statutory Instrument 2489.
- 3.3 The initial consultation with affected frontages and all Statutory Consultees commenced on the 23rd November 2017. No objections were received at this stage
- 3.4 The formal consultation was advertised on site and in the local press between the 31st January 2018 and the 21st February 2018. At this point 7 objections were received

4. Objections and Responses

4.1 Objection 1

- 4.2 The objector is a parent of a child at the school and is concerned that if restrictions are installed, this will limit the areas near to the school where they can park.

4.3 Response

- 4.4 The proposed restrictions only cover the entrance into the school from the B6301. There are numerous alternative unrestricted areas nearby where parents can park if they wish to drive to the school.

4.5 Objection 2

- 4.6 The objector is a parent of a child at the school and they have concerns that the proposals will displace the problem into the nearby adjacent residential areas, causing more disruption.

4.7 Response

- 4.8 Whilst it is likely that parking displacement will occur, the restrictions will make the entrance and exit to the school safer for pedestrians. At present, it is

reported that indiscriminate parking leads to numerous road safety concerns and issues with accessibility. It is anticipated that these restrictions will address these road safety issues.

4.9 Objection 3 & 4

4.10 As above, these objectors are concerned regarding the lack of existing parking near to the school and the potential disruption caused by parking displacement. They go on to add that the area is only busy at the beginning and end of the school day.

4.11 Response

4.12 The restrictions are proposed to improve road safety and accessibility around the school entrance. There are alternative adjacent unrestricted parking areas which could be utilised by motorists. The area is extremely busy at the start and end of the school day and the restrictions have times associated with them to reflect this.

4.13 Objection 5

4.14 The objector is concerned about vehicles being displaced into Deerness Estate and Smith Street. They also have reservations about the level of enforcement that will be afforded to the site. Finally, they comment that the restrictions will predominantly be placed on an unadopted road and they are unsure if the County Council can do this.

4.15 Response

4.16 The restrictions are proposed to improve road safety and accessibility around the school entrance. There are alternative adjacent unrestricted parking areas which could be utilised by motorists. It is likely that some parking displacement will affect surrounding streets. Enforcement is the responsibility of the County Council and will be undertaken as and when is required. As identified in 3.2, consultation has been undertaken in line with statutory requirements and therefore the local authority can in this instance introduce waiting restrictions on unadopted highway.

5 Objection 6 & 7

5.1 The objectors make a number of points addressing why they are opposed to the scheme. Firstly, they question the County Council's authority to introduce restrictions on an unadopted highway. They also have concerns relating to the lack of suitable alternative parking places and the potential for obstruction of adjacent carriageways and driveways. The objector also notes that some of the vehicles parking in the areas to be restricted belong to school staff. Finally, they state that the school has no recognised travel policy and would like to see them reintroduce the drop off / walk to school scheme that they operated a number of years ago.

5.2 **Response**

5.3 As identified in 3.2, consultation has been undertaken in line with statutory requirements and therefore the local authority can in this instance introduce waiting restrictions on unadopted highway. The restrictions are proposed to improve road safety and accessibility around the school entrance. There are alternative adjacent unrestricted parking areas which could be utilised by motorists. It is likely that some parking displacement will affect surrounding streets. Formal restrictions are not necessary to enforce the offence of 'parking causing unnecessary obstruction'. In instances where this occurs, Durham Constabulary may issue warnings or notices to the offending party. Provided vehicles are taxed, tested, insured and not causing an obstruction they can legally park on the adopted highway on a first come, first served basis. The school does have a Travel Plan and will be made aware of the objectors comments relating to the reintroduction of the park and stride scheme which appears to have worked previously.

6. **Statutory Consultation Representations**

- 6.1 All Statutory Consultees offered no objection:
- Durham Constabulary – in favour
 - Ambulance Service – in favour
 - County Councillors no objection
 - 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) were consulted and offered no objection to the proposals. It is also noted that the Town 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.

8.2 There were seven objections received during the formal advertising stage by local residents. The proposed amendments to the restrictions are deemed necessary at this location to improve pedestrian safety around the school.

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 Tow Law: 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.

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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 assist ease of traffic movement around the school.

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. This will result in an enforceable TRO.