

# PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT

<b>DATE</b>	3 <sup>rd</sup> April 2023
<b>REPORT OF</b>	Councillor Stewart Swinburn, Portfolio Holder Environment & Transport.
<b>RESPONSIBLE OFFICER</b>	Carolina Borgstrom – Director for Environment, Economy and Infrastructure
<b>SUBJECT</b>	Traffic Regulation Order 22-08: No Waiting at Any Time - Various Streets – Consideration of Objection
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	PHET 04/23/03

## CONTRIBUTION TO OUR AIMS

The introduction of 24-hour Prohibition of Waiting (double yellow lines) at a number of locations in the Borough, will contribute to the health and wellbeing of all road users, business owners and visitors to the area by creating, and maintaining, a safer environment.

## EXECUTIVE SUMMARY

Following formal advertisement of Traffic Regulation Order (TRO) 22-08 'The North East Lincolnshire Borough Council (Prohibition of Waiting Restrictions) (Various Streets) (No. 22-08) Order 2022' on 5<sup>th</sup> January 2023, one objection was received to the making of the Order. This report requests consideration of that objection and seeks approval to progress with the advertised schemes as shown on the drawings in Appendix 1.

## RECOMMENDATIONS

It is recommended that:

- a) Approval is granted for the sealing of Traffic Regulation Order 22-08 as advertised without amendment, for the introduction of 'No Waiting at Any Time' (Double Yellow Line) restrictions as shown indicatively on drawings TR-22-08-01, TR-22-08-02 and TR-22-08-03 at Appendix 1.

## REASONS FOR DECISION

The introduction or extension of existing of 24-hour Prohibition of Waiting restrictions is proposed in order to improve road safety for all road users, by keeping the area free of parked vehicles, which will in turn ensure clear visibility for drivers exiting or egressing the junctions identified.

### 1. BACKGROUND AND ISSUES

1.1 The Traffic Team have been asked to introduce parking restrictions at various

junctions in the Borough identified by residents and Ward Councillors, after raising road safety concerns associated with vehicles parking in and around them. This practice is affecting safe access and egress by reducing visibility thereby increasing the likelihood of collisions.

- 1.2 One objection was received during the statutory 21-day objection period in which anyone could object to the proposed TRO, which closed on the 25<sup>th</sup> January 2023. The objection received was in relation to the proposed 'No Waiting at Any Time' restrictions affecting the Woodlands Avenue/Manby Road/Ferndown Drive junctions as shown on drawing TR22-08-02.
- 1.3 There were no objections received to the proposed restrictions intended for the Fauconberg Avenue area or The Gatherums area.

#### The Objection:

- 1.4 The objector was opposed to the proposed 'No Waiting at Any Time' restrictions at the junction of Woodlands Avenue with Manby Road on the basis that the restrictions would go over their driveway access, meaning that they would have to park on the restrictions whilst opening their driveway gate. The objector also pointed out that they only have room on their driveway for one car and questioned where their visitors would park.
- 1.5 The objector believes that the issue of parked cars in this area is caused by those that do not live there but work nearby, leaving their cars parked all day.
- 1.6 The objector would prefer to have a permit parking scheme. They believe that the restrictions will simply move the problem elsewhere, and if parked cars are removed, they believe that this will lead to an increase of vehicle speeds.

#### Objection Response

- 1.7 The junction of Woodlands Avenue and Manby Road is regularly obstructed by parked vehicles and due to the angle of the junction, drivers entering Woodlands Avenue do not see the parked vehicles until last minute, thereby increasing the likelihood of collisions.
- 1.8 Similarly, drivers attempting to exit the nearby Ferndown Drive junction are unable to view approaching vehicles from the right when cars are parked along the south eastern kerb line of Woodlands Avenue between this junction and Manby Road.
- 1.9 The implementation of restrictions in and around junction areas are an effective road safety measure used to improve visibility and sight lines, by removing parked cars to ensure safe access and egress for all road users, including pedestrians and cyclists.
- 1.10 In the event that visitors cannot be accommodated within the confines of properties in the immediate junction area, they are of course permitted to utilise any unrestricted sections of carriageway for parking. In this case the nearest alternative parking would be further along Woodlands Avenue or in adjacent

streets such as Manby Road or Ferndown Drive. This is not deemed to be an unreasonable distance for visitors to travel from their vehicle to those properties.

- 1.11 Furthermore, there is a statutory exemption to allow for the boarding or alighting of passengers on all 'Prohibition of Waiting' restrictions. Any vehicle may be allowed a reasonable amount of time to pick up or drop off passengers, or to temporarily leave their vehicle to open their driveway gates irrespective of any waiting restriction in force.
- 1.12 It is acknowledged that the proposed restrictions may result in the inconvenience of residents living in the two properties located within the immediate junction area having to direct their visitors into adjoining streets to park their vehicles, and for those with more than one vehicle but insufficient driveway space, they will have to park their additional vehicles away from their property. However, the road safety benefits that the proposed restrictions would bring to all road users by reducing the likelihood of collisions, and by reducing road safety risk to drivers, pedestrians, and cyclists by improving visibility and sightlines at both junctions need to be balanced against these inconveniences.

## **2. RISKS AND OPPORTUNITIES**

2.1 Should these proposals not be implemented, the risks are:

- That visibility for all road users, particularly those who are vulnerable may be impaired as a result of parked vehicles increasing the likelihood of accidents and/or collisions.

2.2 Should this proposal be adopted, the opportunities are:

- To implement restrictions that are of adequate length and duration to ensure they are respected by drivers.
- To prevent parking and improve visibility.
- To provide traffic flow benefits.
- To give improved visibility for pedestrians of approaching vehicles and vice versa.
- By introducing mandatory restrictions which are fully backed by a legal TRO will enable the NELC Civil Enforcement Team to enforce any vehicles parked in contravention, under the Council's Civil Parking Enforcement (CPE) powers.

## **3. OTHER OPTIONS CONSIDERED**

Do nothing. This is not recommended given the road safety issues identified

## **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1 It is expected there will be little potential for negative reputational implications resulting from the decision. The proposals are as a direct result of a request by residents and Ward Councillors to address parking and visibility issues, who have already been made aware of the intention to progress the recommended scheme.

- 4.2 The purpose of the highway is to allow vehicles to pass and repass. There is no expressed right to park. Any displaced parking can be accommodated in the surrounding unrestricted streets, a short distance away.
- 4.3 All proposed restrictions will be clearly marked on street. The types of markings to be introduced are common throughout the country, so are easily identifiable and understood by drivers.
- 4.4 Previous communication has been undertaken with Ward Councillors and residents in the area.
- 4.5 If the recommendations of this report are accepted and approval is given to progress with the sealing of this TRO, the authority is required to:
- i. include amongst the deposited documents for public inspection a copy of the Order as actually made.
  - ii. publish in a local newspaper a public notice stating that the Order has been made.
  - iii. write to any objectors within 14 days of making the order, to notify them the order has been made and, where the objection has not been wholly acceded to, shall include in that notification the reasons for the decision.

## **5. FINANCIAL CONSIDERATIONS**

The recommendation does not require any capital expenditure. Any standard lining, signing and public notices required are covered through the Council's Regeneration Partnership arrangement with Equans.

## **6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS**

The proposals will create a safer environment for all road users, including children and young people who are classed as vulnerable in terms of pedestrian usage.

## **7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

The proposals are not expected to have any significant impact on climate change and / or the environment.

## **8. CONSULTATION WITH SCRUTINY**

There has been no consultation with Scrutiny in relation to this matter.

## **9. FINANCIAL IMPLICATIONS**

As indicated in section 5, there are no direct financial implications to the Council as a result of this report.

## **10. LEGAL IMPLICATIONS**

- 10.1. Under Section 1 Road Traffic Regulation Act 1984 traffic authorities are empowered to make Traffic Regulation Orders (TROs) for (inter alia) the reasons set out at the beginning of this report. Section 2 specifies what TROs

may require and the recommended order is within those powers.

- 10.2. The procedure for making TROs is set out in Schedule 9 Part III of the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and provides for advertisement and consideration of any objections before making a final decision on the proposed TRO.
- 10.3. Regulation 8 makes provision for objections and regulation 14 allows the Council to modify a TRO before it is made.
- 10.4. If it is decided to make the TRO, notwithstanding any objections made, it can only be challenged by Judicial Review in the Administrative Court.

## **11. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications.

## **12. WARD IMPLICATIONS**

The proposals relate to school sites within multiple Wards.

## **13. BACKGROUND PAPERS**

[Local Authorities' Traffic Orders \(Procedure\) \(England and Wales\) Regulations 1996](#)

[Road Traffic Regulation Act 1984](#)

[The Traffic Signs Regulations and General Directions 2016 No 362](#)

## **14. CONTACT OFFICER(S)**

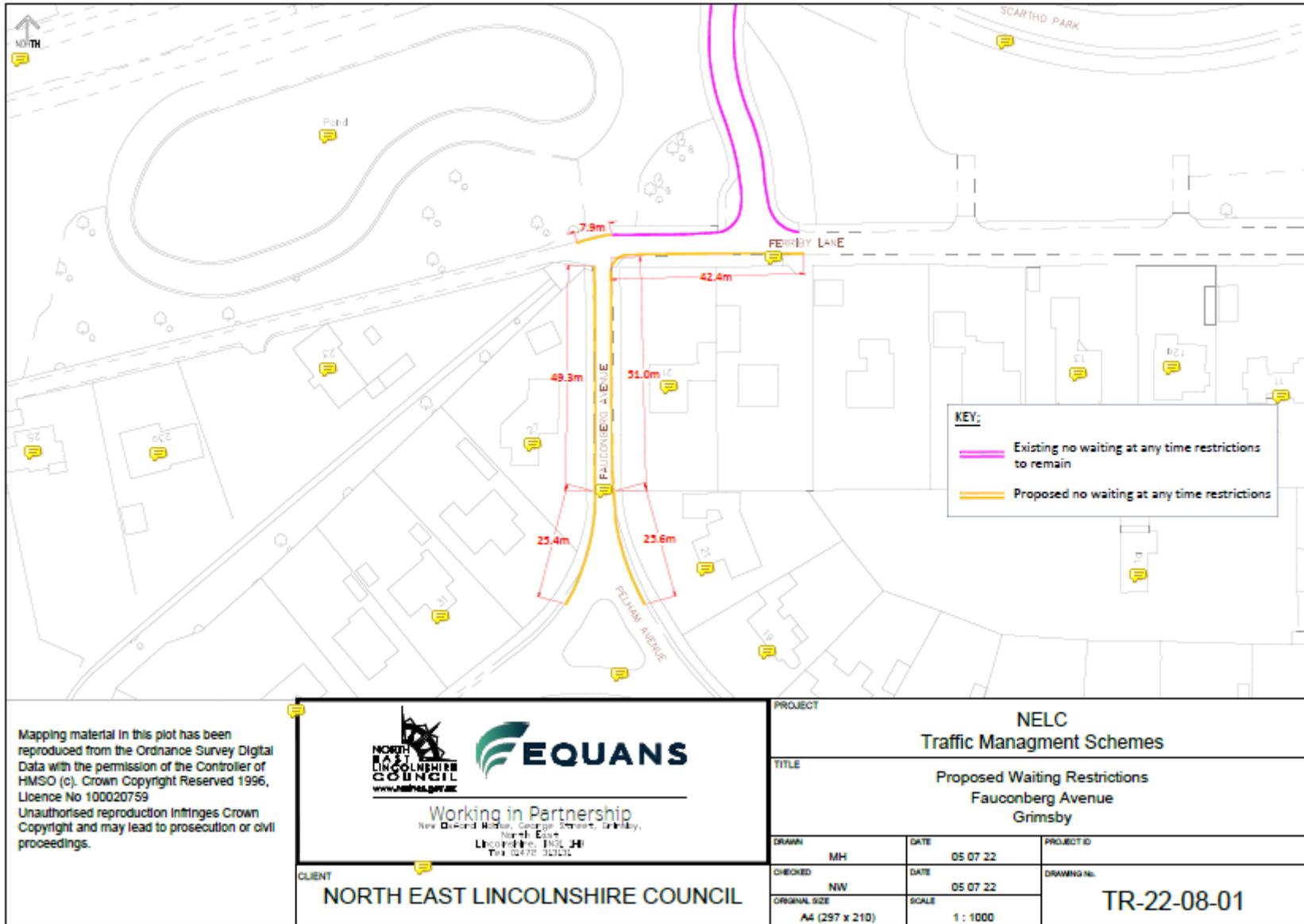
Mark Nearney, Assistant Director of Housing, Highways and Infrastructure, NELC, 01472 324122

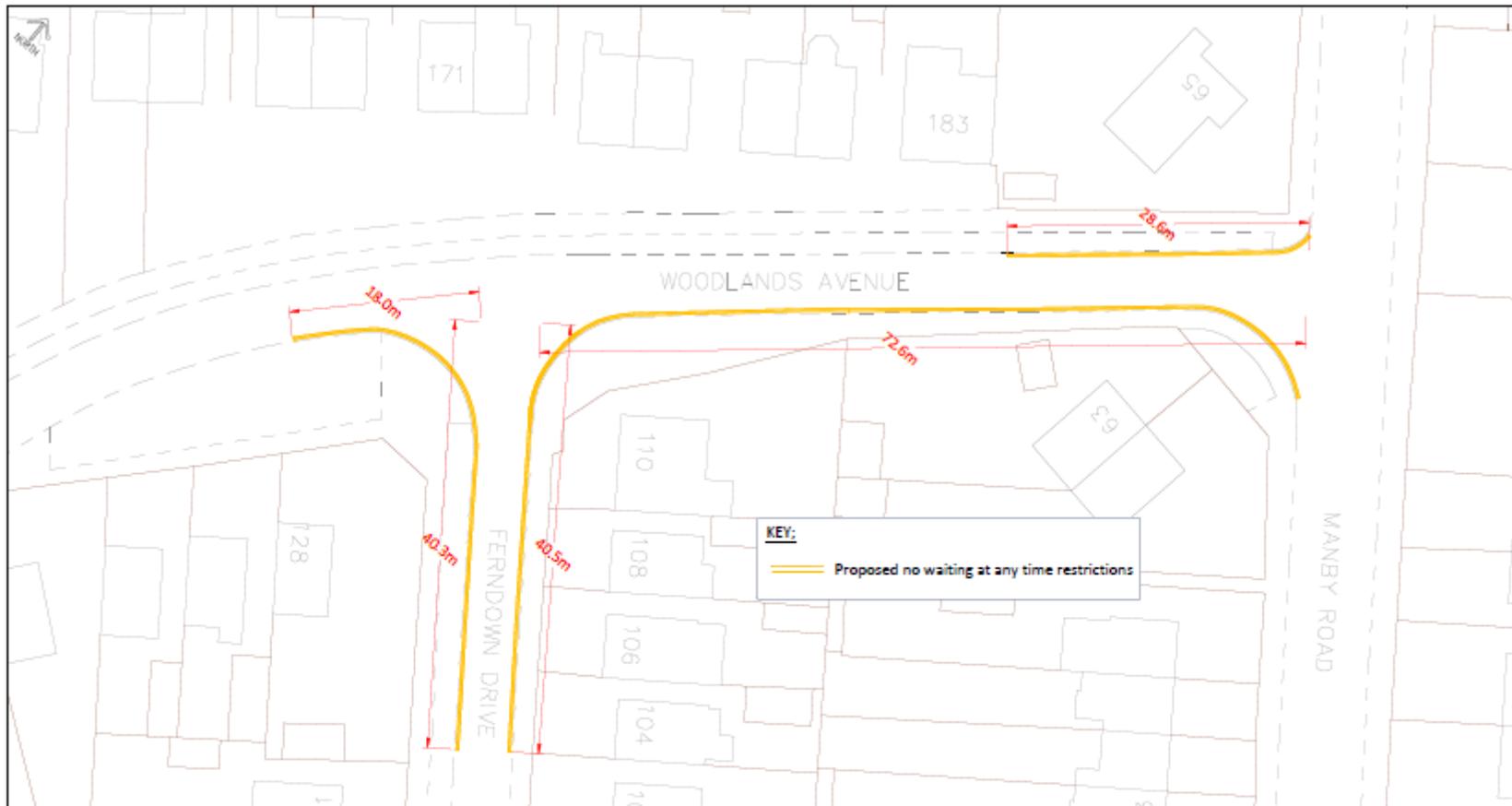
Martin Lear, Head of Highways & Transport, Equans, 01472 324482

**COUNCILLOR STEWART SWINBURN**

**PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT**

**Appendix One**





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CLIENT  
**NORTH EAST LINCOLNSHIRE COUNCIL**

PROJECT

**NELC  
 Traffic Management Schemes**

TITLE

**Proposed Waiting Restrictions:  
 Ferndown Drive  
 Immingham**

DRAWN

MH

DATE

05 07 22

PROJECT ID

CHECKED

NW

DATE

05 07 22

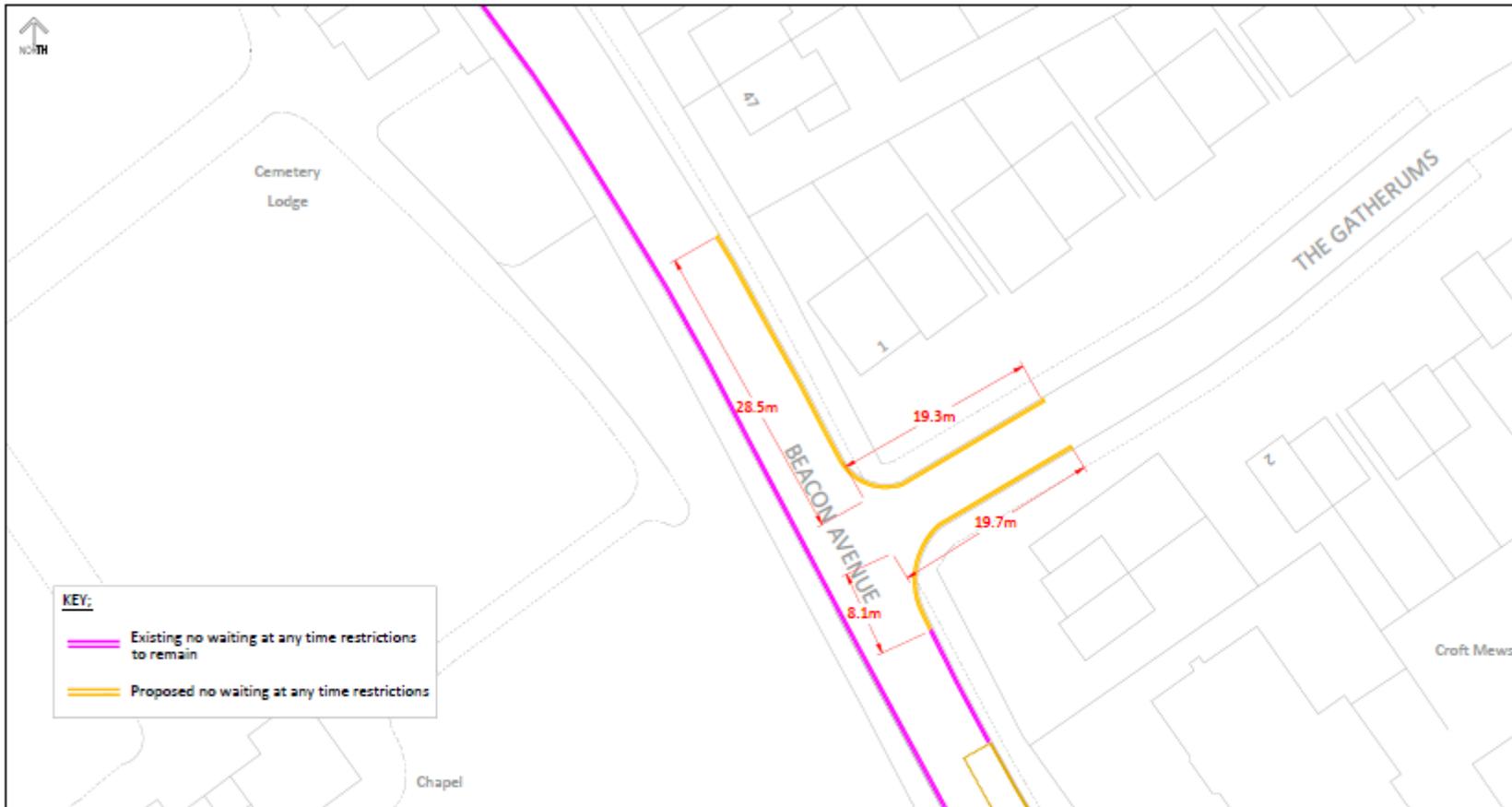
DRAWING No.

ORIGINAL SIZE  
 A4 (297 x 210)

SCALE

1 : 500

**TR-22-08-02**



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**EQUANS**

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CLIENT  
**NORTH EAST LINCOLNSHIRE COUNCIL**

PROJECT			<b>NELC</b>		
			Traffic Management Schemes		
TITLE			Proposed Waiting Restrictions: The Gatherums Cleethorpes		
DRAWN	MH	DATE	05 07 22	PROJECT ID	
CHECKED	NW	DATE	05 07 22	DRAWING No.	<b>TR-22-08-03</b>
ORIGINAL SIZE	A4 (297 x 210)	SCALE	1 : 500		