

Westmorland and Furness Council

Report Title:	Parking Restrictions Traffic Regulation Order
Meeting:	Locality Board - South Lakeland area
Meeting Date:	25 th January 2024
Report Author:	Helen Karaaslan, Traffic Management Team Leader
Lead Cabinet Member(s):	Peter Thornton
Wards Affected?	Kendal Nether Sedbergh and Kirkby Lonsdale Windermere and Ambleside
PUBLIC, PART EXEMPT OR FULLY EXEMPT	Public
List of Appendices (if any)	Appendix 1 - Statutory Notice Appendix 2 - Plans of the proposals Appendix 3 - Statement of Reasons Appendix 4 - Summary of responses to Statutory Consultation

1. Executive Summary

- 1.1 This report sets out the responses to the statutory consultation and advertising of the Order referred to at paragraph 2.1 of this report.
- 1.2 All of the proposals are summarised in the statutory notice which is attached in Appendix 1.
- 1.3 The plans attached as Appendix 2 to this report show the extents of the proposed restrictions.
- 1.4 The Councils' statement of reason for proposing to make the Order is attached as Appendix 3.
- 1.5 The report seeks a resolution on the proposed introduction of the Order.

2. Recommendation

For the reasons set out in this report, it is recommended that –

- 2.1 Having taken into account the representation which were received during the statutory consultation and advertisement and having also taken into consideration the matters contained in Section 122(2) of the Road Traffic Regulation Act 1984 which are more specifically referred to at paragraph 8.1 of this report, that the Westmorland and Furness Council (Various Roads, South Lakeland Area) (Traffic Regulation) Order 20>< be brought into operation as advertised.

3. Information: the Rationale and Evidence

3.1 Parking restrictions were brought in under emergency powers followed by a Temporary Traffic Regulation Order (TTRO) made by Cumbria County council in the summer of 2022 in response to parking taking place which was causing an obstruction at:

a) A65 Bentnick Drive, Kirkby Lonsdale

b) U5527, U5528 and B5343 at Dungeon Ghyll, Great Langdale

c) B5343 Near Elterwater; and

d) A591 Jenkins Field, Ambleside

3.2 TTRO'S can be in place for a maximum of 18 months. As the temporary restrictions have shown to be beneficial for road safety through removing obstructive parking it is proposed to make these permanent through a Traffic Regulation Order (TRO).

3.3 Additional Parking restrictions are also proposed to be implemented on Birch Street in Windermere. There is a section of No Waiting at Any Time (double yellow line) restrictions at the junction with Crescent Road which are not enforceable due to an error in a previous TRO, and it is proposed to include these restrictions so they can be enforced to prevent obstructive parking.

3.4 Additional No Waiting at Any Time restrictions are proposed at U5532 Pelter Bridge following obstructive parking which is preventing access to properties.

3.5 It is also proposed to introduce Police Parking Bays at 2 locations, namely

a) A591 between its junctions with Benfield and Greenhead Fold Grasmere; and b) A6 Shap Road in Kendal

This will allow police vehicles and speed camera vans only to park within the bays and carry out proactive enforcement of the speed limits at these locations without being impeded.

3.6 The proposals also included the removal of the "No Waiting, 8.00 am – 7:00 pm, Full Week" restrictions on the U5527 Great Langdale, the U5528 Great Langdale and the B5343 Great Langdale; and the removal of the "No Waiting at Any Time" restrictions on the A591 Lake Road (south of Waterhead the northbound cycle bypass pull-in), and on the U5532 Steps End Road, Pelter Bridge. To enable the implementation of the restrictions listed in 3.1 to 3.5 requires the revocation of several TRO entries across the locations as listed in the notice.

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

- 4.1 A safe, sustainable and serviceable highway network underpins the Council Plan Vision for Westmorland and Furness to be a great place to live, work and thrive and supports many of the Council's priorities. A reliable highway network enables people, goods and service to be moved around the Authority area promoting new business creation, economic growth and enabling people to thrive within their communities.

5. Consultation Outcomes (with services, ward councillors and public consultation where required)

- 5.1 Statutory Consultation and advertising began on Thursday 19th October 2023 and concluded on 9 November 2023.
- 5.2 3 responses have been received regarding the proposals.
- 5.3 One request was received in support of the proposed No Waiting at Any Time restrictions at A591, B5343, U557, U5528 at Great Langdale and U5532 Pelter Bridge on the basis the measures had made a material difference to the traffic and amenity for both residents and visitors in and passing through these locations. Support indicated for the measures to become permanent.
- 5.4 An objection was received in support of the proposed No Waiting at Any Time restrictions at A591 Jenkins Field, Ambleside and A65 Bentick Drive, Kirby Lonsdale. The objection said that the proposals were unnecessary as the roads already have controlled double white line system which prevents stopping or parking vehicles and is an offence requiring police enforcement. The objection to "Removing the "No Waiting at Any Time" restrictions on the A591 Lake Road (south of Waterhead the northbound cycle bypass pull-in)". The continued use of the waiting restriction is necessary to prevent "pull-in" from being used as a parking space by vehicle users. Cyclists use the pull-in for its intended purpose. Removal of the double yellow lines will only encourage its use as a permitted parking place.
- 5.5 It is correct that vehicles parked on a road marked with double white lines can receive a fixed penalty notice from the police. The Council, with support from Cumbria Constabulary, have proposed to install No Waiting at Any Time (double yellow lines) restrictions so they can be enforced by the Council's Civil Enforcement Officers. This is beneficial in areas where obstructive parking is taking place repeatedly as enforcement levels can be increased. A further benefit is that the Council's Civil Enforcement Officers can enforce on both side of the double yellow line, up to the edge of the highway, meaning they can enforce against vehicles parking on the verge/footway.

- 5.6 An objection was also received to the removal of No Waiting at Any Time restrictions, at A591 Jenkins Field, Ambleside and A65 Bentnick Drive, Kirkby Lonsdale however these are not proposed to be removed but extended. Due to the way legal schedules are written, existing restrictions have to be revoked in the legal wording of the legal schedules and replaced with the wording which includes the proposed extension. As the restrictions in this location have been in place since summer 2022 (under a temporary traffic regulation order which we are proposing to make permanent) the road markings will remain as presently marked out, should this Order be approved. Please note; if the Order is not approved, or in relation to this part, then the temporary restrictions will expire and need to be removed.
- 5.7 An objection to the proposed provision of the police vehicle parking bays was also received. The objection stated *“Home Office and DoT criteria for siting of speed cameras, fixed or otherwise, are not met at these locations so their deployment cannot be justified and may be unlawful. Oppose any measures which serve to perpetuate what is quite simply an industrial scale penalty farming racket it is clear these speed camera vans, apart from failing to reduce collisions, may well be actually responsible for causing them through distraction. There are too many unnecessary penalties being issued often in cases where the speed limit is set well below the 85th percentile and measures ought to be taken to reduce the number of penalties being issued not increasing them.”*
- 5.8 Cumbria Constabulary Speed Camera Van Team have advised that there are no legal criteria that have to be followed for the implementation of the Police parking bays which are also to be used by the Speed Camera Vans. Both these sites were set up as a result of public concern, investigated by the Casualty Reduction and Safer Highway (CRASH) group made up of Cumbria Constabulary, the highway department and statutory bodies. These sites have been deemed appropriate for enforcement due to the number of vehicles travelling above the speed limit. Data provided by Speed Camera Team for Shap Road Kendal indicates that the speed camera van has been deployed 18 times since March 2023 at this location and 747 Notice of Intended Prosecution have been issued. The deployment of speed camera vans is an important function in reducing vehicle speeds across the Westmorland and Furness Council area and improving road safety. Introduction of a legal order to make the bays usable only by Police vehicles (and Speed camera vans) will ensure that this important function can continue without being impeded and should a non-police vehicle park in the bay, enforcement action can be taken.

6 Alternative Options Considered

- 6.1 It is considered that there are not any other measures that can be introduced that will be as effective as these proposed parking restrictions.

7 Financial Implications and risk

- 7.1 If Locality Board decide to agree recommendation at paragraph 2.1 the estimated cost in terms of staff resources and advertising would be £3,500 and any implementation measures as a result of the making of the Order are estimated at £3,100. The cost of this work would be funded through the Annual Package of Measures budget, which is included within the Highways capital budget. Please note the part of the Order making permanent restrictions currently in place by a Temporary Traffic Regulation Order there are no new road markings required.
- 7.2 The Locality Board are asked to note that if it is decided to agree the recommendation at paragraph 2.1 the ongoing maintenance cost of signage for the restrictions is approximately £30 a year which would need to be met from within the Highways revenue budget.

8 Legal & Governance Implications

- 8.1 Westmorland and Furness Council, as Traffic Authority, must take into consideration the matters contained in section 122(2) of the Road Traffic Regulation Act 1984 (“the 1984 Act”) detailed below, in considering whether it is expedient to agree to bringing the Order into force as per the Recommendation in this Report for the reason specified at sections 1(1)(a), (b) and (c) of the 1984 Act, namely: -
- (a) for avoiding danger to persons or other traffic using the roads or any other roads or for preventing the likelihood of any such danger arising, or
 - (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians);
- 8.2 Under Section 122(2), the matters which must be taken into account in exercising that duty are: -
- (a) The desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on amenities of an area;
 - (c) the national air quality strategy prepared under section 80 of the Environment Act 1995;
 - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (e) any other matters appearing to the authority to be relevant.

Pursuant to Paragraph 14.12.2 (d) of the Constitution, Locality Boards may “*consider and determine traffic regulation orders, speed limit orders, experimental orders, parking places orders and revocation orders, with the exception of those that require urgent determination or are temporary in nature, in all cases, the relevant local member will have been notified of the matter.*”

9 Human Resources Implications

- 9.1 There are no human resources implications for consideration in connection with the TRO proposals or decision whether to make the Order.

10 Equality & Diversity Implications (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

- 10.1 The parking restrictions have been considered carefully and are required on health and safety grounds for the travelling public. There are not considered to be any equality or diversity implications as a result of these restrictions or this decision.

11 Background Information & Sources (used in preparation of this Report)

- 11.1 The statutory requirements of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 have been followed and will be signed/lined in accordance with the Traffic Sign Regulations and General Directions 2016.
- 11.2 Full details on the background to this Order referred to within this report can be found in the Appendix documents 1-4.