

<b>COUNTY COUNCIL LOCAL COMMITTEE FOR SOUTH LAKELAND</b>
<b>Meeting date: 23<sup>rd</sup> September 2020</b>
<b>From: Executive Director – Economy and Infrastructure</b>

## **DALTONGATE AND THOMAS WAY, ULVERSTON TRO**

### **OUTCOME OF ADVERTISING AND CONSULTATION**

#### **1.0 EXECUTIVE SUMMARY**

- 1.1 *This report sets out the responses to the statutory consultation and advertising of the Traffic Regulation Order (TRO) referred to at paragraph 3.1 of this report. All of the proposals are summarised in the statutory notice which is attached as Appendix 1 and shown on the location plan attached as Appendix 2 to this report.*
- 1.2 *The report seeks a resolution on the proposed introduction of the Daltongate and Thomas Way TRO.*

#### **2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS**

- 2.1 *The introduction of Traffic Regulation Orders is a devolved function of this Local Committee and helps support the County Council objective of meeting its casualty reduction targets and its delivery of Community Strategy and Cumbria Agreement outcomes and Council Plan priorities, which are*
- *To safeguard children, and ensure that Cumbria is a great place to be a child and grow up*
  - *To enable communities to live safely and shape services locally*
  - *To provide safe and well maintained roads and an effective transport network*
  - *To promote sustainable economic growth, and create jobs*
  - *To be a modern and efficient council*

***Members are advised that generally the measures contained in the proposals contribute to these commitments by continuing to ensure that the council are able to provide an effective and safe Highway Network.***

- 2.2 ***The prioritisation, programming and design of highway improvement schemes have the potential to generate either beneficial or adverse impacts on people with mobility or vision impairments. The development of detailed proposals is undertaken in accordance with the County Council's policies and procedures for equality and diversity.***

### **3.0 RECOMMENDATION**

- 3.1 ***That Local Committee resolves that The County of Cumbria (Various Roads, South Lakeland Area)(Consolidation of Traffic Regulations) (Order 2002)(Ulverston – No. 7) Variation Order 20>< (“the Order”) be brought into operation as advertised, having taken into account the objections which were received, and having also taken into consideration matters contained in Section 122(2) of the Road Traffic Regulation Act 1984 which are more specifically referred to at paragraph 7.2 of this report.***

### **4.0 BACKGROUND**

- 4.1 In conjunction with the development of the Beehive Industrial Estate on the A590 / Daltongate junction in Ulverston, restrictions have been requested on Daltongate and Thomas Way. The request has been supported by Local Member Councillor James Airey for Ulverston West Division and also Councillor Mark Wilson for Ulverston East.
- 4.2 There are currently restrictions on Daltongate in Ulverston including No Waiting 8am – 6pm Monday to Saturday indicated by single yellow lines, mainly on the southern side and No Waiting At Any Time on both sides of the road mainly at the eastern end indicate by double yellow lines.
- 4.3 It is proposed to replace the No Waiting 8am – 6pm Monday to Saturday with No Waiting At Any Time and to introduce additional No Waiting At Any Time restrictions over several sections at the western end of Daltongate to aid vehicles passing along the road whilst maintaining some parking.
- 4.4 There are also proposed restrictions for Thomas Way, the newly constructed Beehive Industrial Estate Road. These restrictions are No Waiting or Loading At Any Time over the length of the road to become adopted highway, to prevent obstructive parking or loading.
- 4.5 The statutory legal notice for the proposals is included as Appendix 1. The proposals are shown on the location plan included as Appendix 2, and the full background and statement of reasons for the proposals is presented in Appendix 3.

- 4.6 The Traffic Regulation Order (TRO) was drafted in the early part of 2020 and statutory consultation began on 19<sup>th</sup> March 2020. Due to Coronavirus and the beginning of the full lockdown period on 23<sup>rd</sup> March 2020, it was considered that the consultation period had not been sufficient to allow people to properly respond to the restrictions. Several responses received in March / April did request that we send out letters to some additional properties which was then not possible due to Coronavirus and changed working patterns and risk assessments. It was therefore considered that the TRO should be re-advertised, with consultation letters delivered to additional affected properties, once it was appropriate to do so. In recent months consultation has been delayed due to the issues we have had with displaying deposit in buildings accessible by the public as most facilities have been closed.
- 4.7 In July 2020 it was considered again and Officers looked into options for being able to progress the statutory consultation period to allow the restrictions to be re-advertised. Formal consultation and advertising of the Order, over the statutory requirement of 21 days, began on Thursday 30<sup>th</sup> July 2020 and finished on Thursday 20<sup>th</sup> August 2020. Letters were hand delivered to all affected properties and businesses on Daltongate, The Knoll, Fallowfield Avenue, Stockbridge Lane, Daltongate Business Centre and Thomas Way. The proposals were advertised in the Westmorland Gazette on Thursday 30<sup>th</sup> July 2020.
- 4.8 All the responses received by Legal Services and Officers are presented in Appendix 4 to this report. The responses are summarised and accompanied by officer comments. This was an unusual situation whereby consultation was undertaken twice due to the circumstances stated above. Where a respondent sent in 2 replies they have been summarised into 1 overall response. This is to ensure there isn't double counting of responses.
- 4.9 Appendix 4 shows that we did not receive any responses from the statutory consultees contacted. We have been in contact with Councillor James Airey who has indicated support for the restrictions and he is aware of the additional requests of some respondents which are to be listed for future consideration.
- 4.10 In total 25 responses were received from affected businesses and properties along Daltongate and the adjacent streets. In summary 18 were in support, 3 objected and 4 responded about none-related matters, not making it clear whether they were largely in favour or not of the proposed restrictions. The reasons for objection were; concern about removal of parking which some residents use; issues for increasing speed along Daltongate; requests for additional restrictions such as a priority give-way or a one-way section and not addressing the main pinch-point near to the old Toll House on Daltongate.
- 4.11 It is not possible to consider any new restrictions or amend the proposals to included extended lengths of double yellow lines as part of this traffic regulation Order. Therefore it is recommended that where appropriate the additional requests are listed for future consideration and Daltongate and the surrounding streets are monitored following implementation, if approved.

- 4.12 As part of the implementation of the Order, if approved, it is recommended to remark any restrictions on the adjoining streets and to implement an advisory sign to deter non-resident parking on Fallowfield Avenue. The following matters are recommended to be listed for future consideration following the implementation and monitoring of the present scheme; concerns about vehicle speeds and volumes; possible amendments to the restrictions / available parking at the western end of Daltongate; consideration of restrictions on adjacent streets and new requests such as a priority give-way or One-way traffic section.
- 4.13 Overall having considered all the responses received it is recommended that the proposals are implemented as advertised.

## **5.0 OPTIONS**

- 5.1 Local Committee approve the recommendation at paragraph 3.1 of this report
- 5.2 Local Committee do not approve the recommendation at paragraph 3.1 of this report.
- 5.3 Local Committee approve the bringing into force of the Order in part, other than in accordance with the Recommendation, with (less onerous) amendments only.

## **6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

- 6.1 If Local Committee decide to agree recommendation 3.1 the estimated £7,500 costs associated with preparing, consulting on and implementing the Order would be met from the non-devolved capital allocation for the Daltongate Spine Road project.
- 6.2 Local Committee are asked to note that if it is decided to agree recommendation 3.1 the ongoing maintenance of road markings and signage based on a ten year cost estimation is approximately £300 per year which would need to be met from within the Highways revenue budget devolved to Local Committee.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The County 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 the implementation of the Order detailed in this Report for the reason specified at sections 1(1)(a) and 1(1)(c) of the 1984 Act, namely: -
- (a) for avoiding danger to persons or other traffic using the road or any other road 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),
- 7.2 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.
- 7.3 Local Committees may, pursuant to Part 2D, paragraph 5.1.2 g) of the Constitution, approve the making of traffic regulation orders in accordance with powers under Parts I, II and IV of the Road Traffic Regulation act 1984, except for the making of Traffic Regulation Orders which involve the introduction for on-street residents permits, which are delegated to the Executive Director – Economy and Infrastructure subject to a decision of the appropriate member body to introduce such charges. (KB – 8.9.2020)

## **8 CONCLUSION**

- 8.1 It is recommended that the Order be brought into force in accordance with the recommendation in paragraph 3.1

**Angela Jones**  
**Executive Director – Economy and Infrastructure**

*August 2020*

---

**APPENDICES**

- Appendix 1**            **Statutory Notice summarising the proposals**
- Appendix 2**            **Plan for the proposals**
- Appendix 3**            **Statement of Reasons for the proposals**
- Appendix 4**            **Consultation summary and recommendations**

Electoral Division:            Ulverston West

Executive Decision	<table border="1"><tr><td>Yes</td><td></td></tr></table>	Yes		
Yes				
Key Decision	<table border="1"><tr><td></td><td>No</td></tr></table>		No	
	No			
If a Key Decision, is the proposal published in the current Forward Plan?	<table border="1"><tr><td></td><td></td><td>N/A*</td></tr></table>			N/A*
		N/A*		
Is the decision exempt from call-in on grounds of urgency?	<table border="1"><tr><td></td><td>No</td></tr></table>		No	
	No			
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<table border="1"><tr><td></td><td></td><td>N/A</td></tr></table>			N/A
		N/A		
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<table border="1"><tr><td></td><td>No</td></tr></table>		No	
	No			
Has an environmental or sustainability impact assessment been undertaken?	<table border="1"><tr><td></td><td></td><td>N/A</td></tr></table>			N/A
		N/A		
Has an equality impact assessment been undertaken?	<table border="1"><tr><td></td><td></td><td>N/A</td></tr></table>			N/A
		N/A		

**PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS**

***No previous relevant decisions***

**CONSIDERATION BY OVERVIEW AND SCRUTINY**

***Not considered by Overview and Scrutiny***

**BACKGROUND PAPERS**

***No background papers" and delete the line above.***

**REPORT AUTHOR**

Contact: Victoria Upton  
Tel: 07500994077  
Email: [victoria.upton@cumbria.gov.uk](mailto:victoria.upton@cumbria.gov.uk)