KENDAL CENTRAL PEDESTRIANISED AREA

EXPERIMENTAL TRAFFIC REGULATION ORDER 2012

1.0 EXECUTIVE SUMMARY

1.1 This report sets out the consultation and responses received during the 6 month statutory objection period for the Experimental Traffic Regulation Order for the Kendal Central Pedestrianised Area.

1.2 The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012, hereinafter referred to as the Kendal Central Area Experimental Order included changes to restrictions in Kendal Town Centre for Stricklandgate, Highgate, Market Place and Finkle Street.

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 objectives towards meeting its casualty reduction targets.

2.2 There are no equality implications.

3.0 RECOMMENDATION

3.1 The Local Committee be recommended to bring into permanent effect The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012 having 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 7.2 of this Report.
4.0 **BACKGROUND**

4.1 The Kendal Central Area Experimental Order was introduced to make experimental changes to the existing Kendal Central Pedestrianisation Order. The Kendal Central Area Experimental Order came into operation on 31 December 2012 and amended the core hour restrictions and availability of Disabled Persons Parking Places on Market Place and Finkle Street.

4.2 The Kendal Central Area Experimental Order amended the Prohibition of Motor Vehicles core hours to 11am to 4pm on all days of the week, therefore loading and unloading is restricted between 11am to 4pm on all days. The Kendal Central Area Experimental Order also made the Disabled parking spaces on Market Place and Finkle Street will become available on all days (except market days on Market Place). The disabled parking spaces will be available for blue badge holders for 3 hours with return prohibited within 3 hours.

4.3 Further background and reasons for the proposals are set out in Appendix 1, Statement of Reasons.

4.4 Appendix 2 comprises the Kendal Central Area Experimental Order plan as follows

- Kendal Central Area Pedestrianisation and Traffic Regulation Experimental Order

4.5 Appendix 3 contains the Notice summarising the changes brought about by the Kendal Central Area Experimental Order.

4.6 The restriction changes were introduced to ensure that the restrictions in place are able to be understood by drivers. Cumbria County Council were aware that drivers found the various core hours on different days confusing as they were difficult to indicate on a traffic sign. There had also been complaints that disabled people were not able to access the central parking days within the core daytime hours.

4.7 Initial consultation with statutory consultees was undertaken in September 2011 before the Kendal Central Area Experimental Order was introduced to determine whether the experimental changes were supported. Responses were received from Kendal Town Council, South Lakeland District Council and Cumbria Police. Kendal Town Council supported the proposals, SLDC raised concerns with an increase in traffic volume however supported use of disabled parking bays and Cumbria Police indicated that they would not support the experimental changes.

4.8 It was agreed by Local Committee that an Experimental Order implementing changes to the restrictions be introduced and the Order was made operative for up to 18 months from 31 December 2012.

4.9 Within the 6 month statutory objection period, which expired on 30 June 2013 only one formal response was received from Kendal Civic Society who found the experimental changes to be eminently sensible. A further letter of consultation was sent out in January 2014 to ensure anyone who wished to
make comments or object had been able to make representation. No further responses have been received.

4.10 Cumbria Highways Officers instructed the collection of traffic data for October 2012, before the Kendal Central Area Experimental Order was implemented and also in January 2014. Having analysed the data it has shown that there was in fact a decrease in the amount of traffic using Stricklandgate and Highgate from before the Kendal Central Area Experimental Order was introduced to during its operation. Factoring in some possible seasonal variation it is considered that the Kendal Central Area Experimental Order has not had a detrimental effect on the pedestrianised area and traffic volume has not increased.

4.11 Having taken account of the above and consultation response that has been received it is now recommended, as set out below, that Local Committee approve the permanent implementation of The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012.

5.0 OPTIONS

5.1 Do not make the Kendal Central Area Experimental Order permanent. This option will require the removal of signs which were implemented to make the Experimental Order operational.

5.2 Approve the making of the Kendal Central Area Experimental Order The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012 permanent as consulted and advertised.

5.3 Approve the making of the Kendal Central Area Experimental Order The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012 permanent with amendments, noting that any amendments must make the Order less onerous in its restrictions.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 There are no physical works to be undertaken as the signs were implemented as part of the Kendal Central Area Experimental Order. There will be one advertisement at approximately £500 to confirm that the Kendal Central Area Experimental Order has been brought into force on a permanent basis, which will be funded from the NPRN Signs and Road Markings allocation.
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 at paragraph 7.2, in considering whether it is expedient to agree to the permanent implementation of the Kendal Central Area Experimental Order detailed in this Report for the reason specified at section 1(1)(c) and 1(1)(f) of the 1984 Act, namely for facilitating the passage on the roads or any other roads of any class of traffic (including pedestrians); and/or, for preserving or improving the amenities of the area through which the roads run.

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. KB (6.3.2014)

8.0 **CONCLUSION**

8.1 It is recommended that the Kendal Pedestrianised Area Experimental Order The County of Cumbria (Central Area Kendal) (Pedestrianisation and Traffic Regulation) (Order 2005) Experimental Variation Order 2012 be made permanent.

Jim Savege  
Corporate Director for Environment and Community Services

March 2014
APPENDICES

Appendix 1 Statement of Reasons
Appendix 2 Plan
Appendix 3 Traffic Regulation Order Legal Notice

Electoral Division(s): Kendal Strickland & Fell John McCreesh

Executive Decision

Key Decision

If a Key Decision, is the proposal published in the current Forward Plan?

Is the decision exempt from call-in on grounds of urgency?

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

Has this matter been considered by Overview and Scrutiny?

Has an environmental or sustainability impact assessment been undertaken?

Has an equality impact assessment been undertaken?

N.B. If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and necessary approvals have been obtained.

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS
[including Local Committees]

No previous relevant decisions

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny

BACKGROUND PAPERS

No background papers

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THE COUNTY OF CUMBRIA (CENTRAL AREA KENDAL)  
(PEDESTRIANISATION AND TRAFFIC REGULATION) (ORDER 2005)  
EXPERIMENTAL VARIATION ORDER  2012 

STATEMENT OF REASONS

Cumbria County Council considers that it is expedient to make the above Experimental Order for the following reasons: -

- for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), and/or
- for preserving or improving the amenities of the area through which the road runs

It is proposed to make changes to the existing Kendal Central Pedestrianised Zone as an experimental Order. It is proposed to amend the restricted hours so that they are the same on all days of the week as they are currently misunderstood by a large number of drivers. The prohibition of motor vehicles will remain in place however the restricted hours will be amended to be 11am to 4pm on all days of the week. Therefore loading and unloading will be restricted between 11am to 4pm on all days.  

As part of the same experimental order the Disabled parking spaces on Market Place and Finkle Street will become available on all days (except market days on Market Place). The disabled parking spaces will be available for blue badge holders for 3 hours with return prohibited within 3 hours.