

**COUNTY COUNCIL LOCAL COMMITTEE FOR  
SOUTH LAKELAND**

**HIGHWAYS AND TRANSPORTATION WORKING  
GROUP**

**Meeting date: 4 April 2011**

**From: Corporate Director – Environment**

**GILTHWAITERIGG LANE, KENDAL - 30MPH SPEED LIMIT  
ORDER**

**1.0 EXECUTIVE SUMMARY**

- 1.1 *This report provides a summary of the consultation on a proposed traffic regulation order to introduce a 30mph speed limit on Gilthwaiterigg Lane, Kendal.*
- 1.2 *The proposal was considered and recommended to the Local Committee by the Highways and Transport Working Group at its meeting of 16<sup>th</sup> November 2010 however at Local Committee on 13<sup>th</sup> December 2010 a formal resolution was not recorded.*

**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 County Council objectives towards meeting its casualty reduction targets.*
- 2.2 *The proposal does not have any equality implications.*

**3.0 RECOMMENDATION**

- 3.1 *That Local Committee resolve that The County of Cumbria (Various Roads in the District of South Lakeland) (Consolidation and Provision of Speed Limits) (Order 2007) Variation (No. 6) Order 20><, which proposed the introduction of a 30mph speed limit for Gilthwaiterigg Lane, Kendal, be made and implemented as proposed, 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 As a result of a planning condition placed on the developer Lakeland Ltd, the County Council has been requested to process a traffic regulation order. The County Council's Local Committee has agreed that these traffic regulation orders were included in the financial year 2010-11.
- 4.2 The 30 mph speed limit will be extended outwards to north of the realigned Gilthwaiterigg Lane. This can be done without an order as the street lighting in place, plus any additional lamps, automatically confers a 30 mph speed limit. However, no street lighting is in place on what will be the newly-created cul-de-sac of Gilthwaiterigg Lane. To avoid the anomaly of a short piece of 60 mph in between the two 30 mph sections, it will be necessary, by order, to impose a 30 mph speed limit on the cul-de-sac.
- 4.3 The proposal was prepared, advertised and consulted upon in September/October 2010.
- 4.4 The Gilthwaiterigg Lane proposals were reported to Highways and Transport Working Group on 16 November 2010 where they were recommended for approval by the Local Committee. However the Local Committee minutes of 13 December 2010 did not specifically refer to the speed limit order. It is therefore reported back to Local Committee for a formal resolution.
- 4.5 Appendix 1 sets out the variation to the speed limit traffic regulation order.
- 4.6 Appendix 2 is the plan of the proposals entitled Plan 8 Gilthwaiterigg Lane.
- 4.7 ***Cumbria Constabulary*** and ***Burneside Parish Council*** were consulted and have no objections to the proposals.
- 4.8 No further comments regarding the 30mph speed limit proposal were received.

## **5.0 OPTIONS**

- 5.1 Do not make the traffic regulation order.
- 5.2 Make the order as advertised with no amendments.
- 5.3 Make the order with modifications.

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

- 6.1 Lakeland Ltd are paying for the traffic order and associated works costs for Gilthwaiterigg Lane (North).

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The County Council, as Traffic Authority, having taken 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, considers that it is expedient to agree to the implementation of the advertised speed limit detailed at paragraph 3.1 of this Report, for the reason specified at section 1(1)(a) of the 1984 Act, namely for avoiding danger to persons or other traffic using the road or for preventing the likelihood of any such danger arising.
- 7.2 Under Section 122(2), the matters which were 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.

## **8.0 CONCLUSION**

- 8.1 There have been no objections to the traffic regulation order proposals and it is recommended that the traffic regulation order is made as advertised.

**Andrew Moss**  
**Assistant Director – Highways and Transport**

*23<sup>d</sup> March 2011*

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## **APPENDICES**

***Appendix 1 Variation to the Speed Limit Traffic Regulation Order***

***Appendix 2 Plan 8 shows the proposals***

## **IMPLICATIONS**

Electoral Division(s): All Kendal Divisions; Upper Kent Division.

Executive Decision

Yes	
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Key Decision

	No
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If a Key Decision, is the proposal published in the current Forward Plan?

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

	No
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If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

		N/A
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Has this matter been considered by Overview and Scrutiny?  
If so, give details below.

	No
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Has an environmental or sustainability impact assessment been undertaken?

	No	
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Has an equality impact assessment been undertaken?

	No	
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**PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS**  
*[including Local Committees]*

**South Lakeland Local Committee 6 March 2007**

**CONSIDERATION BY OVERVIEW AND SCRUTINY**

*Not considered by Overview and Scrutiny.*

**BACKGROUND PAPERS**

*No background papers.*

**REPORT AUTHOR**

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**South Lakeland Local Committee 4<sup>th</sup> April 2011**  
**Gilthwaiterigg Lane, Kendal – 30mph speed limit**  
**Appendix 1 - Variation to the Speed Limit Traffic Regulation Order**

THE COUNTY OF CUMBRIA (VARIOUS ROADS IN THE DISTRICT OF SOUTH LAKELAND)(CONSOLIDATION AND PROVISION OF SPEED LIMITS) (ORDER 2007) VARIATION (NO.6) ORDER 20><

The County Council of Cumbria in exercise of its powers under Sections 84(1) and (2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on >< and may be cited as The County of Cumbria (Various Roads in the District of South Lakeland) (Consolidation and Provision of Speed Limits) (Order 2007) Variation (No.6) Order 20><
2. In this Order, "junction" means the intersection of the general alignment of the carriageway centre line of two roads.
3. For the purposes of this Order the expression “the 2007 Order” shall mean The County of Cumbria (Various Roads in the District of South Lakeland) (Consolidation and Provision of Speed Limits) Order 2007
4. The 2007 Order shall have effect as though the following was added to Schedule 2 “Lengths of Road subject to 30 mph Speed Limit”: -

<b>Parish</b>	<b>Town/Road</b>	<b>Extent of Restriction</b>
	<b>Kendal Town</b>	
	<b>Kendal</b>	
	U5438 Gilthwaiterigg Lane (North)	From the centre of its junction with Westmorland Business Park Estate Road, northwards for a distance of 192m.

5. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Dated the                      day of                      2010

**THE COMMON SEAL** of                      )  
**CUMBRIA COUNTY COUNCIL**                      )  
was hereunto affixed in                      )  
the presence of :-                      )

Authorised Signatory .....