

COUNTY COUNCIL LOCAL COMMITTEE FOR EDEN

Meeting date: 31st March 2022

From: Executive Director – Economy and Infrastructure

APPLEBY NEW FAIR TRAFFIC REGULATION ORDER 2022

1.0 EXECUTIVE SUMMARY

- 1.1 *This report seeks approval from Eden Local Committee to bring into force the proposed changes to the existing Traffic Regulation Order relating to Appleby Horse Fair which are referred to in this Report, by the introduction of The County of Cumbria (Various Roads Eden Area) (Appleby Horse Fair) (Consolidation and Provisions Traffic Regulations) Order 20>< referred to in the recommendation.*
- 1.2 *A copy of the Notice which summarises the proposals is attached as Appendix 1.*
- 1.3 *Full details of the proposals which were advertised are shown in the plans attached as Appendices 2 to 5.*
- 1.4 *A copy of the Council's Statement of Reasons for making the Order is attached as Appendix 6.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 *In considering any implications, members must consider if there are any adverse effects on the community and if the proposals impact on the Council's commitments -*
 - *To protect and enhance Cumbria's world class environment*
 - *To provide safe and well-maintained roads and an effective transport network*
 - *The measures contained in these proposals contribute to these commitments by continuing to ensure that the Council are able to provide an effective, efficient and safe Highway Network.*

- 2.2 *No significant equality implications have been identified at this stage, and the statutory processes provide the mechanisms for any Equality Issues to be raised and aired.*

3.0 RECOMMENDATION

- 3.1 *That the Local Committee agree that The County of Cumbria (Various Roads Eden Area (Appleby Horse Fair) (Consolidation and Provision of Traffic Regulations) Order 20>< (“the Order”) be brought into operation, as advertised, providing no unresolved objections are received following the expiry of the statutory consultation period on 26 March 2022, whereupon a further report will be brought back to Local Committee in order that the unresolved objections can be considered.*

4.0 BACKGROUND

- 4.1 Appleby New Fair (“the Fair”) usually occurs the first week of June every year. However, as a result of the COVID 19 pandemic the Fair did not go ahead during 2020 and commenced at the later date of 12th August during 2021, under traffic restrictions introduced as a Temporary Traffic Regulation Order made under S.14(1) of the Road Traffic Regulation Act 1984.
- 4.2 The Fair is one of the very few annual events that occur in the County that has no recognised organiser. Therefore in 2008 the key agencies formed a Multi-Agency Strategic Co-ordination Group (MASCg) to develop an operational plan to provide coordinated community leadership. However, while MASCg has overall control of community leadership issues, it does not have direct responsibilities for the Fair itself, which is a gathering from the gypsy and traveller communities with visitors and tourists coming to witness it.
- 4.3 In order to allow the Fair to take place as safely as possible, a number of traffic restrictions are required to be put in place which restrict the use of the Highway network during the run up to the Fair, during the Fair, and for a short period following the Fair.
- 4.4 The 2011 Traffic Regulation Order was the first, permanent order to be made to reduce the ongoing advertising costs which were generated through the regular advertising of temporary traffic regulation orders, with the current permanent Traffic Regulation Order being made in 2014 and varied in 2015. The permanent order remains a useful tool in the management of traffic accessing the Fair; however as with many traffic issues, driver behaviour changes and therefore changes are often necessary.
- 4.5 The proposed changes have been progressed following a request being made by the Appleby New Fair Multi-Agency Strategic Co-ordination Group (MASCg).
- 4.6 In order to formalise a long-standing arrangement that Boroughgate and that part of Appleby located to the west of the River Eden be kept free of equine traffic during the Fair, and following the measures being successfully trialled

in 2019 and 2021 the proposals shown in Appendices 2, 3 and 4 of this report have now been progressed through statutory consultation and advertisement. These restrictions include;

- (i) Castle Bank, Appleby (from Jubilee Ford to its junction with the B6260) - Prohibition of the passage of Motor Vehicles, Horse Drawn Vehicles and Ridden or Accompanied Horses (Except for Access), between the hours of 1000 – 1800 on each of the four days of the Fair (Note: Exemptions in the Order will allow access for the conveyance of goods or burden to/from any premises, in connection with building operations, statutory undertakers purposes, etc., and emergency service vehicles);
- (ii) The Sands, Appleby (from a point 10m north of its junction with Bridge Street, for a distance of 10m) - Prohibition of the passage of Horse Drawn Vehicles and Ridden or Accompanied Horses, between the hours of 1000 – 1800 on each of the four days of the Fair (Note: There are no exemptions);
- (iii) Bridge Street, Appleby (from Low Cross (B6260) to its junction with The Sands (B6542) - Prohibition of the passage of Motor Vehicles, Horse Drawn Vehicles and Ridden or Accompanied Horses (Except for Access), between the hours of 1000 – 1800 on each of the four days of the Fair (Note: Exemptions in the Order will allow access for the conveyance of goods or burden to/from any premises, in connection with building operations, statutory undertakers purposes, etc., and emergency service vehicles); and
- (iv) Long Marton Road, Appleby – removal of the existing Prohibition of Pedestrian's restriction on the verges.

4.7 In addition to the above and due to the likelihood of danger to the public and to allow the safe management of the Fair and Police Patrols, it was also proposed that the introduction of a 40mph speed limit was brought into operation on the A685 (Appleby Road to Brough, a total distance of 3.7 miles), between 30 April and 30 June inclusive, annually, the extents of which are shown in Appendix 5 of this report. This restriction has previously been implemented as advisory only and has worked well to achieve the slower speed of vehicles.

4.8 Members are asked to note that whilst some of the restriction in the Order may be in operation from the 30th April to the 30th June and the proposed changes also make reference to specific times, ALL restrictions will ONLY be in operation and enforceable, **as and when the relevant traffic signs are displayed**. This allows the Police to target the enforcement of restrictions when and where they are required, as opposed to blanket enforcement throughout the identified areas.

4.9 The statutory consultation and advertisement for the proposed changes commenced on Saturday 5th March 2022. Although the consultation is yet to conclude at the time of compiling this report, we have received no representations in relation to the proposals. The statutory consultation and advertisement period is due to conclude on 26th March 2022 and any representations received during this time will be reported directly to Eden Local Committee on 31st March 2022.

- 4.10 A copy of the Council's Statement of Reasons for introducing the proposed restrictions is attached as Appendix 6 of this report.

5 OPTIONS

- 5.7 That the Local Committee approves the recommendation set out in paragraph 3.1 of this report
- 5.8 That the Local Committee does NOT approve the recommendation set out in paragraph 3.1 of this report.
- 5.9 That the Local Committee decides that the Order be brought into force to an extent that differs to that recommended in paragraph 3.1 (providing that the extent of the restrictions proposed to be introduced are less onerous than those which were advertised).

6 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.7 The approximate cost of bringing the Order into operation is £2,500 which will be paid for from the Eden Annual Review of Signs, Lines and TROs 2021/22 budget allocation

7 LEGAL IMPLICATIONS

- 7.1 This section should be completed by the Chief Legal Officer. 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 reasons specified at section 1(1)(a), (c), (d) of the 1984 Act, as set out further in the attached Statement of Reasons which is attached as Appendix 3, 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), or
 - (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.
- 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 – 17.3.2022)

8 CONCLUSION

8.1 That the Local Committee agree to introduce the Order referred to at paragraph 3.1 of this report.

Angela Jones

Executive Director - Economy and Infrastructure.

March 2022

APPENDICES

Appendix 1 – Legal Notice

Appendix 2 – Location Plan Castle Bank, Appleby

Appendix 3 – Location Plan The Sands, Appleby

Appendix 4 – Location Plan Bridge Street, Appleby

Appendix 5 – Location Plan A685 (Appleby Road to Brough)

Appendix 6 – Statement of Reasons

Electoral Division(s): Appleby

Executive Decision

Yes

Key Decision

No

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

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

Approval given to progress to formal advertisement for proposed changes to Order – Report: Appleby New Fair Traffic Regulation Order 2022 presented at January 2022 Eden Local Committee.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

Appleby New Fair Traffic Regulation Order 2022 presented at January 2022 Eden Local Committee.

REPORT AUTHOR

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