

COUNTY COUNCIL LOCAL COMMITTEE FOR EDEN

Meeting date: 15 November 2022

From: Executive Director – Economy and Infrastructure

HOWTOWN ROAD 24 HR RURAL CLEARWAY AND NO STOPPING ON VERGE RESTRICTION

1.0 EXECUTIVE SUMMARY

- 1.1 *This report is to update Members in relation to the Experimental 24 hr Rural Clearway and supported No Stopping on Verge restriction Traffic Order, which was introduced in August 2021 along that section of highway in the Eden District known as 'Howtown Road, Pooley Bridge' and request a decision from Members on making the restrictions permanent.*
- 1.2 *A copy of the Experimental Traffic Regulation Order (ETRO) is attached as Appendix 1.*
- 1.3 *A copy of the Notice which summarises the restrictions introduced by the ETRO is attached as Appendix 2.*
- 1.4 *The Council's statement of reasons for making the Experimental Order, is attached as Appendix 3*
- 1.5 *A copy of the plans showing the ETRO restrictions, is attached as Appendix 4*
- 1.6 *A summary of the feedback and responses to the ETRO following its coming into operation on 16 August 2021, is attached as Appendix 5.*

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*

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

3.0 RECOMMENDATION

3.1 Having taken into account the representations 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 7.2 of this Report, that Eden Local Committee agree to The County Council of Cumbria (C3042 Pooley Bridge) (Known locally as Howtown Road) (Main Carriageway Clearway and Prohibition of Stopping on Verge) Experimental Order 2021 (the ETRO) being made permanent, save that the exemption at Article 4(h) shall be amended to read as follows:-

(h) a farm or other vehicle waiting on the main carriageway referred to in Article 3 while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway and/or to enable farm vehicles to undertake any duties within the extents of the carriageway or verge when no alternatives are available;

4.0 BACKGROUND

4.1 Highway Officers received complaints and concerns over the years with regard to vehicles parking and causing an obstruction on the Howtown Road.

4.2 These concerns were highlighted through the Lake District National Park Management Plan, which was prepared as a result of the increase in tourism during the COVID pandemic following the easing of lockdown restrictions.

4.3 The Howtown Road is a narrow section of carriageway with a number of small passing places along its extent. These passing places are regularly used by visitors for parking, resulting in limited safe areas for 2 vehicles to pass and therefore causing an obstruction of the highway.

4.4 The road is an access road to farm land, camping/caravan sites and the Outward Bound Centre, therefore regularly used by large vehicles which along with inappropriate parking causes bottlenecking of the route, potential hazards and prohibits the free-flow of vehicular traffic.

- 4.5 In addition to this it is a 'no through road' which leads to Martindale Hause, which is very steep and narrow, unsuitable for larger vehicles and with limited space to turn around.
- 4.6 There are times where emergency vehicles have not had clear widths to access the full extent of the road therefore leading to the concerns which have been raised.
- 4.7 Cumbria County Council Highway Officers, supported by partner agencies introduced the Experimental Traffic Regulation Order (ETRO), which introduced an Experimental 24hr Rural Clearway with a No Stopping on verge restriction on 16 August 2021, the extents of which can be seen in the location plan attached as Appendix 4 to this report.
- 4.7 A 24-hour clearway prohibits stopping on the main carriageway for any purpose at all times. It is suitable for use only on semi-urban or rural roads where there are very few premises requiring access from the main carriageway and its main purpose is to ensure the free flow of traffic. This restriction can also be supported by a prohibition, either waiting or stopping on the verge, and the no stopping on verge restriction is included in the ETRO.
- 4.8 Cumbria County Councils Parking Enforcement team are responsible for the enforcement of the ETRO and have been since it came into operation on 16 August 2021. The team undertake their visits during the tourist season and focus on the Town Centres during the Autumn/Winter months. A total of 53 visits have been made with 46 Penalty Charge Notices (PCN) issued.
- 4.9 It is however recognised that for this, like any other TRO to work, regular enforcement is required. It is anticipated that due to the Local Government Reorganisation, Eden will see an increase to the Civil Enforcement Team therefore resulting in more enforcement being able to take place.
- 4.10 There are no requirements for road markings to be laid to facilitate this restriction which is a benefit. It has been noted from previous restrictions implemented along the route that road markings deteriorate due to standing water and tree foliage, this results in ongoing maintenance costs and difficulties with enforcement.
- 4.11 There is however a requirement for signage at the entrance to the restriction and at the end, which has been installed and is mounted back-to-back.
- 4.12 There is no requirement for repeater signage, however these have been installed along the route as a reminder to motorists. The restrictions are not common within the County of Cumbria and experience has been gained by Officers from the restrictions being implemented outside of the Eden District, where the lack of repeater signage meant Enforcement of the restriction was difficult and additional signage has since been introduced.
- 4.13 During the first 6 months of the restriction being in place Officers received a total of 20 representations. 8 representations were in favour of the

restriction and supported it whereas 12 were not in support. The representations are attached as Appendix 5 of this report.

- 4.14 7 of the representations were received from Visitors to the area, who use the Lake for wild swimming. Whilst Officers appreciate the disruption that this restriction has caused to the Lake users, there are car parks around the lake as well as alternative safe parking areas therefore this restriction should not discourage those from utilising the lake.
- 4.15 The remaining objections received through the 6 months were mostly in relation to the signage which is in place to facilitate the restriction. As detailed within this report there is no requirement for repeater signage.
- 4.16 1 of the objections was in relation to the impact that the parking restriction has had on surrounding areas, whilst this is appreciated this does identify that there was a problem in the area and that the restriction is deterring the inconsiderate parking.
- 4.17 In addition to the above it was also noted through consultations that the exemption at Article 4(h) of the Order which states “a vehicle waiting on the main carriageway, while any gate or other barrier at the entrance to premises to which the vehicle requires access, or from which it has emerged, is opened or closed, if it is not reasonably practicable for the vehicle to wait otherwise than on that carriageway” is not specifically clear to enable Farmers to undertake their duties within the extents of the public highway, therefore the wording for this has been revised.
- 4.18 Representations have been received from the Lake District National Park to emphasise the impact that the restriction has had and to show their full support of it being made permanent.
- 4.19 To enable those representation against the proposal to be heard a working group was set up by the locally affected Parish Council.
- 4.20 Officers attended a meeting with some representatives of the group as agreed during the March Local Committee Meeting. During the meeting acknowledgement of the importance of the ETRO was given and there is an understanding as to why the restriction is the most suitable way of managing the inconsiderate parking along the route.
- 4.21 However the main concern of the group was as previously mentioned through the report, the amount of signage. Therefore an agreement was made to reduced/improve the existing signage to address sign clutter without resulting in causing difficulties in relation to enforcement. This may include relocating signage to existing street furniture or the removal of signage completely.
- 4.22 In addition to this it is recognised that this restriction is not commonly understood by motorists and this needs to be addressed to enable it to work. This can be managed by Officers through regular social media posts and via the Local CRASH Meetings.

- 4.23 It is also recognised that there is limited information circulated in relation to available off-street parking facilities within the area. Again, this can be addressed through regular social media posts particularly at peak times but also with reviews being taken in relation to the existing parking and improving it.

5.0 OPTIONS

- 5.1 That the Local Committee approves the recommendation set out in paragraph 3.1, 3.2 or 3.3 of this report
- 5.2 That the Local Committee does NOT approve the recommendation set out in paragraph 3.1, 3.2 or 3.3 of this report
- 5.3 That the Local Committee decides that the Order be brought into force to an extent that differs to that recommended in paragraph 3.1, 3.2 or 3.3 of this report

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 All affected signage to facilitate this Order is already in place, there will be no additional costs for the removal of any signage and any improvements will be addressed during the 2023 financial year.
- 6.2 Members are however asked to note that should the Order be approved that there will be ongoing maintenance costs to be met from revenue budgets in future years.

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 Experimental Order detailed in this Report being made permanent, for the reasons specified at sections 1(1) (a), (c) and (f) of the 1984 Act, which are also referred to in the 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

(f) for preserving or improving the amenities of the area through which the road runs.

- 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 of 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 – 8.11.2022)

8.0 CONCLUSION

- 8.1 that the Local Committee agree the Recommendation at paragraph 3.1 of this report.

Angela Jones

Executive Director - Economy and Infrastructure.

November 2022

APPENDICES

Appendix 1 – Copy Experimental Traffic Regulation Order (ETRO)

Appendix 2 – ETRO Notice

Appendix 3 – Statement of Reasons

Appendix 4 – Plans showing ETRO restrictions

Appendix 5 – Summary of responses to ETRO

Electoral Division(s): Eden Lakes

Executive Decision	<input type="text" value="Yes*"/>
Key Decision	<input type="text" value="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

No previous relevant decisions.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

Howtown Road 24hr Rural Clearway Report – 31st March 2022

REPORT AUTHOR

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