



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

**REPORT TO CABINET MEMBER FOR HIGHWAYS, ASSETS AND
TRANSPORT**

8 November 2022

Report of the Executive Director - Place

Traffic Regulation Order Consultation Outcomes – A619 Baslow Road/Chatsworth Road, Chesterfield (mandatory cycle lane order and 30mph extension order) and Crow Lane, Chesterfield (Prohibition of Motor and Horse Drawn Vehicles) (Except Two Wheeled Motorcycles)

1. Divisions Affected

1.1 Walton and West, Brimington and Spire.

2. Key Decision

2.1 This is a key decision because it is likely to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned (this is currently defined as £500,000) and it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 The purpose of this report is to consider three Traffic Regulation Orders, one for Chatsworth Road Mandatory Cycle Lane, one for Chatsworth Road 30mph Extension and one for Crow Lane Closure.

3.2 Following consideration of this report, the Cabinet Member is asked to consider approving:

- a) Traffic Regulation Order – A619 Baslow Road/Chatsworth Road, Chesterfield, 30mph Speed Limit Order 2022.
- b) Traffic Regulation Order – A619 Baslow Road/Chatsworth Road, Chesterfield) Mandatory Cycle Lanes Order 2022.
- c) Traffic Regulation Order – Crow Lane, Chesterfield (Prohibition of Motor and Horse Drawn Vehicles) (Except Two Wheeled Motorcycles) Order 2022.

4. Information and Analysis

- 4.1 In November 2020, the Council was successful in securing funding of £1.68m from the Department for Transport's (DfT's) Active Travel Fund (Tranche 2) to create a new east-west walking and cycling route across Chesterfield.
- 4.2 After a consultation in March 2021, which received broad support from 71% of the 1,182 respondents, the Council's Cabinet on 14 October 2021, resolved to approve the scheme to progress to detailed design and subsequent construction (minute No. 175/21 refers).
- 4.3 The entire route extends between Holymoorside and Chesterfield Royal Hospital at Calow, and provides access to Chesterfield town centre, the rail station and a range of other key employment, retail and education destinations. The Traffic Regulation Orders (TROs) are specific to the western and eastern ends of the route and not the central section.
- 4.4 The delivery of the route also forms a fundamental part of Derbyshire's Covid-19 economic recovery planning and will support and embed longer term changes in behaviour by encouraging people to walk/cycle/wheel, thereby helping to decarbonise transport, tackle climate change, reduce inequalities and improve air quality. The route proposals are also closely aligned to the priorities of the Derbyshire Key Cycle Network which was approved by Cabinet on 16 January 2020 (Minute No. 8/20 refers).
- 4.5 The Department for Transport / Active Travel England have also stated, in communications with local authorities, that they would be willing to claw back funding on schemes which have significantly altered their plans since receiving the grant, especially focused on those which have removed the more "bold" and often more controversial aspects of the schemes. In the case of this scheme, the Chatsworth Road section being segregated and Crow Lane being a closure would be the only two really "bold" elements and removing them would likely initiate a claw back of funding, which may be part or all of the grant received.

- 4.6 Also communicated by the Department for Transport / Active Travel England to local authorities is that the successful construction and completion of Active Travel funded schemes will have an influence on the likelihood of future funding allocations to the Council.
- 4.7 Central sections of the scheme not subject to TRO are progressing to construction in the near future, with the Hipper Valley Trail through Somersall Park being the first to begin.
- 4.8 The Traffic Regulation Order – Crow Lane, Chesterfield seeks to ban vehicles other than two wheel motorcycles from using Crow Lane, the extent of which can be seen on the plan shown in Appendix 3. The premise is to create an almost traffic free safe walking and cycling route from Chesterfield Station to the Chesterfield Royal Hospital.
- 4.9 The Traffic Regulation Order – Chatsworth Road, Chesterfield Mandatory Cycle Lane, seeks to ban vehicles other than pedal cycles from entering, travelling through or waiting in the proposed cycle lane. This will help to create a cycle lane which is safe and free flowing for those using it. The extent of the cycle lane and proposed order is shown on the plan in Appendix 4.
- 4.10 The Traffic Regulation Order – Chatsworth Road, Chesterfield 30mph speed limit extension, seeks to extend the existing 30mph section further along Chatsworth Road and Baslow Road. This will lower the existing 40mph section adjacent to the proposed cycle lane, increasing safety for all road users. The extend of this proposal can be seen on the Plan in Appendix 5.

5. Consultation

- 5.1 A consultation exercise similar in scope to the previous full scheme consultation was undertaken from 30 June 2022 and concluded on 5 August 2022.
- 5.2 Some 4,000 households received a letter drop, along with on-street signage and media releases pointing people to an online questionnaire to give their feedback. This gave people an opportunity to either support or object to each of the three TROs.
- 5.3 A total of 1,240 people responded to the survey with the results as listed below:

1. Crow Lane Closure		
	Responses	Percentage Splits
Total	1,240	-
Objectors	416	34%
Supporters	752	61%
No Response	72	6%

2. Chatsworth Road 30mph Extension		
	Responses	Percentage Splits
Total	1,240	-
Objectors	178	14%
Supporters	980	79%
No Response	82	7%

3. Chatsworth Road Mandatory Cycle Lane		
	Responses	Percentage Splits
Total	1,240	-
Objectors	430	35%
Supporters	741	60%
No Response	69	5%

4. Chatsworth Road Mandatory Cycle Lane – Residents Fronting Scheme		
	Responses	Percentage Splits
Total	71	-
Objectors	57	80%
Supporters	14	20%
No Response	0	0%

5.4 Notably, the results in table 4 breaks down the objections geographically as per those who front the scheme on Chatsworth Road. This changes the majority in support to a majority in objection, with 57 people (80% against the proposal near their properties). Further geographical breakdown can be seen in the Appendix 2.

6. Alternative Options Considered

Alternatives considered for Crow Lane are as follows:

6.1 Making Crow Lane One Way (into Town)

Whilst simplifying the dangers to pedestrians and cyclists with only one direction of vehicle traffic to contend with, this does not address the issue of the lack of road space for multiple users and would require pedestrians or cyclists to continue to stop and move out of the way onto a grass verge while a vehicle passes.

6.2 Widen the route to allow for a cycle lane

This would require considerable extra cost to construct over the road space re-allocation of the existing proposal which is mostly a lining and signing exercise. Any construction would likely be within the tree root protection zone of all the trees lining the road and would require removal of trees to implement. Additionally, the highway boundary does not give sufficient space to create the amenity within it so would require landowner permissions or use of compulsory purchase powers at an even larger cost.

6.3 Use alternative routes for the cycle track – Dark Lane / Golf Course route / Hady Hill etc

The gradient on the alternative routes are worse than Crow Lane. They are also significantly longer routes and the Council wishes for people to view the route as the most direct and choose to make that change to their mode of travel. A slightly longer route for a car user is not as off-putting as it is to a walker or cyclist.

6.4 Do nothing

Crow Lane has been identified in the early stages of the project as a candidate for a walking and cycling route due to the links it provides between the station and Chesterfield Royal Hospital. The emergency closure during the Covid pandemic saw a large increase in use by walkers and cyclists. Without closure there is insufficient space to create a facility whereby users other than vehicles can travel safely along the lane due to the limited road width available.

6.5 Reduce speed limit to 30mph / 20mph – Introduce Speed Humps and discourage HGVs

Crow Lane is so narrow and in places overgrown that speed surveys show that the majority of vehicles do not travel with excessive speeds, see the below table:

Average Speeds on Crow Lane

	Eastbound (uphill) Average Speed (mph)	Westbound (Downhill) Average Speed (mph)
March 2017	19.3	15.3
January 2022	21.5	18.4

- 6.6 With such low average speeds the introduction of lower speed limits is not seen as a requirement, those that choose to travel faster would likely do so anyway and enforcement would be difficult to implement in this area.
- 6.7 Installation of speed humps would increase the potential for loss of control incidents on a hill for vehicles and cyclists alike so this would be undesirable on a safety front.
- 6.8 Additional signs to discourage HGVs using the route is a possibility, however, very few HGVs use the route due to the single lane nature with limited passing places – analysing vehicle data from September and October 2022; 0.25% of vehicles using the route were HGVs.
- 6.9 With any combination or all of the interventions above it would still be impossible to create a safe walking and cycling route alongside vehicles due to the limited road space available.

Alternatives considered for Chatsworth Road Mandatory Cycle Lane are as follows:

- 6.10 **Do nothing**
Chatsworth Road has been identified in the early stages of the project as a candidate for a segregated cycle path. Full segregation from pedestrians and vehicles gives cyclists better progression and hence shorter journey times, be that for leisure or commuting and makes the facility more attractive to users. The Covid pandemic saw a large increase in walkers and cyclists and Derbyshire County Council wish to enable these users to have a safe route to use that is not on the highway and not in conflict with each other where space is available; Chatsworth Road presented the only viable section of the route to achieve this on.
- 6.11 **Creating a Somersall Lane – Greendale Avenue rural route.**
This has already been looked at by the Council as a project. Extensive work was undertaken getting it to the point of legal negotiations between landowners. Some were willing to sign the creation orders which would limit the Council's liability in the event of damage from farm machinery, others were not. This is not a liability the Council can take

on as an unlimited maintenance budget from the public purse would not be economical. The project stalled at the legal impasse and has since been closed with funding reallocated.

6.12 Creation of a route to the north of Chatsworth Road across fields.
Much of this land is outside of the ownership of DCC and as such would require landowner agreement, leading to potentially the same issues as the above suggestion.

6.13 Conduct a scheme trial before deciding on a permanent facility.
The scheme uses some items which could well be temporary in nature / could be easily removed or changed cheaply, namely; screw down rubber bollards with wands, overlaid contrast surfacing and road marking adjustments.

The aspects of the scheme which are more permanent / expensive is the removal of the existing central refuges and the roadside signage. These items would need to be introduced for a trial to replicate the full scheme. Signage is also something which could be temporary, however, having temporary signs in place for a long period can actually cost more than a permanent install as they are hired equipment and may need maintenance if they blow over or are vandalised.

6.14 Create uni-directional cycleways on each side of the road.
The costs of a uni-directional cycleway are significantly more than that of a two-way cycle way. It would also lead to conflict between more than double the number of house frontages and busier side roads such as Somersall Lane and Queen Mary Road on the southern side.

6.15 Bring cyclists out at Queen Mary Road and not Linden Avenue.
To safely cross cyclists across Chatsworth Road traffic signal control is required. Installing another set of traffic lights here in close proximity to the existing set at Storrs Road / Linden Avenue would create increased levels of congestion far above that of the proposal.

Alternatives considered for Chatsworth Road 30mph Extension are as follows:

6.16 Do nothing
In creating a cycle facility within the highway boundary, the road space has to be reallocated. Vehicles will be passing closer to one another and while cyclists may be further away than when they shared the carriageway, there may be greater numbers with more varied abilities

and confidence; those less confident are more likely to use the facility if the environment for them to do so in is more comfortable. This can be achieved by lowering the speeds at which vehicles pass. The feel of the road space will also change significantly with the proposed infrastructure and would lend itself to a more urban feel where a lower speed limit would be more appropriate.

6.17 One suggestion for example was to limit cycle users instead of motorist users

Obviously DCC do not in this instance wish to limit either cyclist or motorists, merely to lower the speed and thereby increase the safety of all road users. Cyclists are allowed to ride on all roads except motorways / clearways in the UK and Chatsworth Road has neither designation.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Traffic Regulation Act 1984

<https://www.legislation.gov.uk/ukpga/1984/27/contents>

8.2 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

<https://www.legislation.gov.uk/uksi/1996/2489/regulation/1/made>

9. Appendices

9.1 Appendix 1 – Implications.

9.2 Appendix 2 - Consultation results for the Traffic Regulation Orders for Crow Lane and Chatsworth Road in association with the Chesterfield East West Walking and Cycling Route, Active Travel Fund 2 Project.

9.3 Appendix 3 – Plan of Crow Lane Closure

9.4 Appendix 4 – Plan of Chatsworth Road Mandatory Cycle Lane

9.5 Appendix 5 – Plan of Chatsworth Road 30mph Speed Limit Extension.

10. Recommendations

That the Cabinet Member approves:

- a) Traffic Regulation Order – A619 Baslow Road/Chatsworth Road, Chesterfield, 30mph Speed Limit Order 2022.
- b) Traffic Regulation Order – A619 Baslow Road/Chatsworth Road, Chesterfield) Mandatory Cycle Lanes Order 2022.
- c) Traffic Regulation Order – Crow Lane, Chesterfield (Prohibition of Motor and Horse Drawn Vehicles) (Except Two Wheeled Motorcycles) Order 2022.

11. Reasons for Recommendations

- 11.1 Commitment to the detailed design and subsequent construction of the scheme was already given by Cabinet in October 2021.
- 11.2 A further consultation exercise was undertaken for these TROs with a majority still in support of the proposals.
- 11.3 Grant funding has been received by the Department for Transport with some of this already spent on the design process along with monitoring equipment already installed. Construction is beginning shortly on other sections of the scheme.
- 11.4 Funding could potentially be clawed back by the Department for Transport / Active Travel England if these sections do not proceed, as they were the “bold” parts of the package which helped gain the grant funding.
- 11.5 There is a risk of future active travel funding application outcomes being negatively impacted, should the overall scheme not be delivered in-line with the original proposals as per the grant funding.

12. Is it necessary to waive the call in period?

- 12.1 No.

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Appendix 1

Implications

Financial

- 1.1 Grant funding of £1.68m was received by the Department for Transport for this project and some or all of this could potentially be clawed back by them if these sections do not proceed, as they are the “bold” parts of the package which helped gain the grant funding.
- 1.2 As highlighted in recent briefings by the Department for Transport / Active Travel England; there is a risk of future active travel funding application outcomes being negatively impacted, should the overall scheme not be delivered in-line with the original proposals as per the grant funding. They have stated that previous success in active travel funded projects will be considered before future funding rounds are allocated.

Legal

- 2.1 Section 122 of the Road Traffic Regulation Act 1984 states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed below) to secure the expeditious, convenient and safe movement of and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 2.2 The matters referred to above are:
 - 1) the desirability of securing and maintaining reasonable access to premises;
 - 2) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
 - 3) 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
 - 4) any other matters appearing to the Local Authority to be relevant.
- 2.3 Section 2 of the 1984 Act states what a TRO may provide for and this includes prohibition of waiting. Notice of proposals must be given in accordance with Regulation 7 Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and at least a minimum of 21 clear days for the receipt of written objections must be allowed. Objections can then be considered by the Local Authority. Regulation 14 of the 1996 Regulations enable an order making authority to modify an Order in consequence of any objections or otherwise,

before it is made. Where substantial changes are to be made, the order making authority must notify those likely to be affected by the modifications and giving them an opportunity to make a representation which the authority shall consider.

- 2.4 Having determined all objections, the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected. An Order cannot be made until after the last date of publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making.
- 2.5 Any work on the public highway must be carried out by those with the necessary public liability insurances and by a competent contractor who is authorised to work on a highway to the satisfaction of the council. All staff operatives must comply with council protective equipment requirements and all works notified through its permitting and noticing scheme.

Human Resources

- 3.1 None.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 None.

Corporate objectives and priorities for change

- 6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 None.