



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

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

8 November 2022

Report of the Executive Director - Place

**Petitions: Prohibition of Motor and Horse Drawn Vehicles - Crow Lane,
Chesterfield**

1. Divisions Affected

1.1 Brimington South.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 Two E-petitions relating to Crow Lane in Chesterfield have been submitted to the Council. One in support of a proposed Traffic Regulation Order (TRO) to close Crow Lane to motor vehicles and horse drawn vehicles with 522 signatures, and one against the closure with 744 signatures, leading to net objections to the closure numbering 222.

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

a) Consider the petitions in conjunction with the TRO consultation undertaken for the Crow Lane Closure. (Referenced in the linked Cabinet Member report "Traffic Regulation Order Consultation Outcomes" – 8 November 2022.)

b) Declines the petition against the closure of Crow Lane, Chesterfield.

4. Information and Analysis

- 4.1 In response to the COVID 19 Pandemic, local authorities were granted emergency powers to create safe walking and cycling routes. Crow Lane in Chesterfield was closed by the Council on 14 July 2020 to allow a safe walking and cycling route from the Chesterfield Station to the Chesterfield Royal Hospital and beyond and it remained closed until 17 December 2021 when the 18-month emergency powers came to an end.
- 4.2 During the period of closure, the Council applied to the Department for Transport (DfT) for funding to create a more permanent walking and cycling route across Chesterfield, stretching from the Hospital in the east to Holymoorside in the west.
- 4.3 Funding of £1.68m was granted via the Active Travel Fund Tranche 2 (ATF2) and the Chesterfield East West Walking and Cycling Route project began. This came as welcome news for some and enraged others, both reacting to the Crow Lane closure element of the proposal by starting petitions and providing feedback through a scheme consultation in March 2021 and a TRO consultation in July 2022.
- 4.4 The petition against the closure raised 744 signatures. The petition in support of the closure raised 522 signatures, leaving a deficit of 222 signatories.
- 4.5 The recent TRO consultation for Crow Lane received 1,240 respondents, with 416 (34%) against, 752 (61%) for and 72 (6%) abstaining. These percentages almost exactly match those from the March 2021 consultation – opinion has not changed much in over a year, not counting the petitions.
- 4.6 If the 222-signatory deficit were to be added to the TRO objectors, then the figures would be as follows:
- 1,462 total
- 638 (44%) against;
 - 752 (51%) for; and
 - 72 (5%) abstaining.
- 4.7 From the petitions, 84 people who voted in the against petition also voted on the TRO consultation. 98 people who voted in the supporting petition voted in the TRO consultation, creating a deficit of 14 which may potentially have influenced the in-favour count through a double vote.

4.8 Adjusting down for the deficit, the figures would be as follows:

1,488 total

- 638 (44%) against;
- 738 (51%) for; and
- 72 (5%) abstaining

4.9 Removing the abstainers, the figures would be 1,376 total, 638 (46%) against and 738 (54%) for. This is as close to a fair comparison as can be arrived at with the data available.

4.10 The petition **supporting the closure** states the following:

“We support the closure of Crow Lane to through traffic to create a walking and cycling route from Chesterfield to the Royal Hospital and beyond.

By taking this action the county council should be able to access further funding from central government to support active travel”

4.11 The petition **against the closure** states the following:

“Crow Lane, Chesterfield as been closed under emergency measures to apparently create social distancing for cyclists whom work at the Royal Hospital. It was initially closed for 3 weeks with a view to permanent closure for apparent safety reasons. This has been done without any consultation with residents especially the people of Brimington Common and Calow to which this closure mainly affects.

We have been told by council members that we should use busier roads and effectively told us this is our rat run.....it is infact our main route in to the town centre which is a listed road on road maps and sat navs alike. We now have to drive past schools and further clog up roads that emergency vehicles struggle to get through when on Blue lights.

We ask the council to rethink this closure and to comprise with reducing the speed limit and putting in speed bumps to stop the boy racers who use it on occasion.

Further to this we ask the council to take note that in the last 21 years (since records began) there as only been 1 cycling related accident along the road which resulted in a slight / minor injury in 2011. We also ask the council to make better and clearer signage to stop HGV vehicles using it by mistake

*Please help us to reopen this road by signing the petition.
Thank you” (sic)*

Officer Comments

- 4.12 The two petitions were submitted as part of the TRO consultation which ended in August 2022. They mostly cancel each other out with a deficit of 222 for those against.
- 4.13 Adding the extra 222 people onto the TRO consultation figures as can be seen above, still leaves a majority in support of the closure with 100 (8%) more for than against despite much campaigning on the part of those against, the majority, however small, still sits with those in favour.
- 4.14 The risk of already allocated funding clawback by DfT to the current project as well as the potential loss of future active travel project funding for the Council is too great to allow the petition against to negatively influence the outcome of the TRO approval process.

5. Consultation

- 5.1 The petitions have run in length over two consultations regarding the proposed walking and cycling route across Chesterfield, one in March 2021 seeking opinion on the whole route and the latest over July 2022 specific to traffic regulation orders for Crow Lane and Chatsworth Road. Both petitions were submitted in response to the latter consultation on 6 August 2022, the day after the consultation ended.

6. Alternative Options Considered

- 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 table 1 below;

Table 1. 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.

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.

10. Recommendations

That the Cabinet Member:

- a) Consider the petitions in conjunction with the Traffic Regulation Order (TRO) consultation undertaken for the Crow Lane Closure. (Referenced in the linked Cabinet Member report “Traffic Regulation Order Consultation Outcomes” – 8 November 2022.)
- b) Declines the petition against the closure of Crow Lane, Chesterfield.

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 (minute No. 175/21 refers).
- 11.2 A further consultation exercise was undertaken for the TROs with a majority still in support of the proposals even when considering the deficit in objectors from the petitions.
- 11.3 Grant funding has been received by the Department for Transport (DfT) 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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Implications

Financial

- 1.1 The potential financial implications of not closing Crow Lane to through traffic and therefore not completing part of the Active Travel Funding (ATF2) project could be far reaching. The Department for Transport / Active Travel England could choose to claw back part or all the project funding.
- 1.2 It will also affect the ability of the Council to secure funding in future rounds of the Active Travel Fund for Government (a preliminary bid has just been submitted for further funding).
- 1.3 Grant funding already spent through design, management, engagement monitoring equipment installation and mobilisation for construction may all need costs meeting from the Council.

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.

Human Resources

- 3.1 None.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 None.

Corporate objectives and priorities for change

- 6.1 The report supports Council's key priorities in contributing towards a resilient, healthier, and safer community.

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

- 7.1 None.