

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAY, TRANSPORT AND
INFASTRUCTURE**

10 October 2019

Report of the Executive Director – Economy, Transport and Environment

**PETITION - RIPLEY, WAINGROVES, PIT LANE
– REQUEST FOR NO PARKING AT THE JUNCTION WITH CHURCH
STREET**

(1) **Purpose of Report** To consider a petition received from a local resident requesting measures to improve access and egress at the junction of Pit Lane and Church Street, Waingroves, Ripley.

(2) **Information and Analysis** At the meeting on 25 July 2018, the Cabinet Member acknowledged receipt of a petition, containing 24 signatures, requesting Derbyshire County Council implements measures to stop parking at the junction with Pit Lane and Church Street, Waingroves.

The petition reads as follows:

"I enclose a petition from residents at Pit Lane, Waingroves, Ripley. We are deeply concerned at the difficulty we are experiencing in entering and exiting Pit Lane from Church Street. There is almost always a vehicle parked just at the entrance to Pit Lane, obstructing the view uphill and making it extremely difficult to safely exit Pit Lane and difficult to turn in.

It is also very difficult to walk along the pavement across the entrance to Pit Lane. We have many mums with buggies and small children who walk to and from Waingroves Community Centre each day of the week and many dog walkers who use Pit Lane. Our fear is that someone will be hit by a moving vehicle whilst walking in the road, trying to avoid parked ones.

We would request a "No Parking" sign for the entrance to Pit Lane, as we feel this would assist in reducing the incidents of parking at the end of Pit Lane."

Background

Pit Lane is a Public Right of Way, definitive Public Footpath No.55 but does have bridleway status. It is publically maintainable by the County Council, however, due to its status it is designed to be used only by people on foot

(pedestrians) and, therefore, the existing condition of the lane is suitable and sufficient for this purpose.

It is acknowledged that the lane in the vicinity of its junction with Church Street does have some road surface defects in terms of potholes and cracks and there are residential properties that have vehicular access rights onto Church Street from Pit Lane. However, it is the responsibility of these residents with access provision to fund any necessary remedial works to the surface of the lane. The County Council would only intervene if it became unsafe for pedestrians using this public footpath.

Church Street is part of the publically maintainable highway and is a residential urban street with a high degree of on-street parking, as many properties have limited access to off-road provision in the form of driveways or garages.

It is accepted that parking at this location is predominately residential and is more prevalent at night time and weekends. However, the number of properties requiring access and the condition of the footpath surface along Pit Lane means that vehicle numbers along the lane are low.

Local Member Comments

Councillor Ron Ashton, comments:

“Whilst I understand the petitioners request for measures to stop vehicles parking at the junction with Pit Lane and Church Street, I understand that the Authority cannot install advisory no parking signs – as motorists should adhere to the Highway Code in the first instance and should not be blocking this access point. I am mindful that vehicles that are left in front of the tactile paving are committing an offence and I support the officer’s recommendation that the civil parking enforcement team carry out site visits and take appropriate action to deter vehicles from parking and blocking the footway/tactile crossing.

If the petitioners could inform Amber Valley Borough Council’s Parking Services when vehicles are known to be parked blocking the tactile crossing, an officer could then be allocated to the location when the problem is more prevalent. This action should help to deter motorists in the future from parking on the tactile paving at this location.”

Officer Comments

In circumstances such as those described in the petition, and where the highway is not subjected to any formal parking restrictions, the law still makes it an offence to wilfully obstruct the free passage along a highway (*Section 137, Highways Act 1980*). The enforcement of this remains the responsibility of the Police as it is still classed as a moving traffic offence. Therefore, it may

be appropriate for the local residents to bring this matter to the attention of the Local Safer Neighbourhoods Team in the immediate short term.

Parking in residential areas can be the source of much local concern, particularly with regard to impeded access. The junction of Pit Lane with Church Street is regularly used by the residents and their visitors to access their respective properties on Pit Lane and is used by vulnerable road users; cyclists, pedestrians, people with prams, wheelchairs and people walking aids utilise this designated public bridleway.

These levels of service demand coupled with the high degree of on-street parking on both Church Street and Pit Lane, do provide constraints to visibility and unhindered access at this busy junction. The Highway Code, Rule 242 states that you 'MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road.'

An element of the petition focusses on the obstruction of the footway at the junction of Pit Lane and Church Street. Irrespective of whether road markings, such as double yellow lines, are in place, if vehicles are parked in a manner which physically obstructs the tactile dropped crossing point, then an offence is being committed. This aspect of obstruction can be enforced by Civil Enforcement Officers through the County Council.

With regard to the specific request of the petitioners for no parking signs to be installed at this location, unfortunately, even with the provision of waiting restrictions, such as double yellow lines, the Council cannot install signs that are not permitted within the Traffic Signs, Regulations and General Directions 2016.

Taking into account the above information and localised concerns that have been recently expressed to officers from the Traffic and Safety Team, at a site meeting with the Local Member, Councillor Ron Ashton, it is proposed to put forward a scheme that will rationalise the on-street parking, this being double yellow lines around the junction of Pit Lane and Church Street (Appendix 1). It is felt that this proposal will maintain the safe and expedient movement of traffic at this junction, reduce the potential for the dropped crossing to be regularly obstructed and maintain the movement by vulnerable road users that are utilising the public footpath (Pit Lane).

Therefore, officers from the Traffic and Safety Team will rank the Traffic Regulation Order (TRO) proposal for double yellow lines at the junction of Pit Lane and Church Street, Ripley in accordance with the agreed procedures approved at the Cabinet Member Meeting - Jobs, Economy and Transport on 15 April 2014 (Minute No. 73/14 refers). It will then be subject to the formal consultation process in due course.

(3) **Financial Considerations** The costs associated with a proposed TRO for the double yellow lines, will be funded from the Traffic and Safety Revenue Budget.

(4) **Legal Considerations** 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 vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

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 area 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 services 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.

Section 2 of the 1984 Act states what a TRO may provide for and this includes Prohibition of Driving. 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.

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 proposal. No part of a TRO can come into force before that date when it is intended to publish a notice of making it.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

- (5) **Key Decision** No.
- (6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.
- (7) **Background Papers** Held on file within the Economy, Transport and Environment Department.
- (8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:
- 8.1 Supports the introduction of the no waiting at any time double yellow lines for the junction of Pit Lane and Church Street, Ripley as shown in Appendix 1.
- 8.2 Informs the Local Member and Lead Petitioner accordingly.

Mike Ashworth
Strategic Director - Economy, Transport and Environment

