

17 November 2021**Agenda Item:9****REPORT OF THE CORPORATE DIRECTOR, PLACE****PROPOSED BUS STOP CLEARWAYS – BRICK KILN LANE, MANSFIELD
(MA0289-MA0690 and MA0590-MA0612)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. To consider the objections received in respect of the above proposed bus stop clearways and whether they should be implemented as notified with the amendments as detailed in the recommendation.

Information

2. Nottinghamshire County Council has over 5,700 bus stops throughout the County and continually invests in the network's infrastructure as part of the County Council's ongoing commitment to improve access to public transport.
3. The County Council works closely with all public transport operators across the County to identify bus stops that suffer from indiscriminate parking. To address this problem, bus stop clearways can be installed that prohibit cars from parking or waiting in the bus stop during specific times and these are clearly identified with new road markings and signage. The main benefits of bus stop clearways are to:
 - Help the bus align with the kerb to enable level access for passengers with limited mobility and pushchair users;
 - Ease congestion as a correctly aligned bus will not block the road for other road users;
 - Ensure that bus drivers discharge their duty to drop passengers off on the kerb and not on the road;
 - Ensure that the investment in raised kerbs, (in accordance with the Equality Act 2010), is not negated; and to
 - Ensure that bus services operate on time and are not delayed.
4. The County Council has received reports of obstructive parking affecting access to four bus stops on Brick Kiln Lane, Mansfield, which are served by Stagecoach services 6 and 217.
5. In response it is proposed to introduce clearway restrictions at these bus stops, to ensure that the bus stops can be clearly identified by users and prevent obstruction of the stops by parked vehicles. Four 15 metre Bus Stop Clearways (No Stopping except buses, 7am -7pm Mon Sat) are proposed at the following locations:
 - Stops MA0590 and MA0612, which are located to the north-west of Ladybrook Lane. The stops are currently marked by one, 'both ways', bus stop pole on the south-western side of Brick Kiln Lane at stop MA0612.

- Stops MA0690 and MA0289 located to the south-east of Ladybrook Lane. The stops are currently marked by one, 'both ways', bus stop pole on the south-western side of Brick Kiln Lane at stop MA0289.
6. The works will also include new bus stop poles and flags at bus stops MA0590 and MA0690 where there is currently no provision. The proposals were consulted upon, between 13th November and 11th December 2020 and are detailed on the site notices 'Public Transport Improvements – Brick Kiln Lane, Mansfield (Bus Stop Ref: MA0590 and MA0612)' and 'Public Transport Improvements – Brick Kiln Lane, Mansfield (Bus Stop Ref: MA0690 and MA0289)'
 7. A total of nine responses were received to the consultation, including a 24-signature petition. Eight responses are considered to be outstanding objections to some or all the proposals. This comprises of responses in respect of the following locations:
 - MA0590-MA0612 - three objections (inclusive of the 24-signature petition)
 - MA0289-MA0690 - five objections

Objections Received

8. Objection – loss of on-street parking/more suitable location (MA0289-MA0690).
All respondents objected to the loss of on-street parking availability and/or stated that the stop should be relocated to another part of Brick Kiln Lane. One objector additionally stated that access to their off-street parking would be obstructed by the clearway.
9. Response – loss of on-street parking/more suitable location (MA0289-MA0690).
This location is already an existing stop, paired with stop MA0289 on the other side of the road which is clearly marked by the flag stating it is a 'two-way stop'. The new pole and clearway will be installed, to ensure that this unmarked, but registered, stop can be used by service vehicles. The bus operator is required to stop only at designated locations. The proposed clearway and new pole will improve awareness of the bus stop location and address issues with obstruction, allowing the bus operator to discharge their duty to drop and collect passengers from the footway.
10. Nottinghamshire County Council (NCC) policy requires bus stops to be positioned at regular intervals (between 150 - 200m in urban and semi-rural areas) to ensure that the network is as accessible as possible. Relocating the stop to the location requested by respondents would take the stop beyond this threshold and make the public transport network less accessible for users. The objector's suggested location also exceeds the distance allowed by NCC between pairs of stops (on opposite sides of the road), which should be located within 50m of each other. It is considered that the current stop is located at the most appropriate point for the safe operation of the service and most equitable distribution of stops.
11. The demand for on-street parking in the area is recognised and therefore the clearway is proposed as being 15 metres in length rather than the standard 19 metres. This will enable as much on-street parking to be retained as possible at this location. Other on-street parking / loading on the highway is still available directly adjacent to the clearways and elsewhere on these roads and the wider network. As parking is retained elsewhere on the network it is expected that parking patterns will relocate around the new restrictions rather than remove from the area completely. It is recognised that demand for highway parking exists, however it is the responsibility of the vehicle owner to ensure their vehicle is not parked in such a way as to cause an obstruction. This may require drivers with no private off-street parking provision to park further away from their property to ensure their vehicle is parked appropriately.

12. The proposed Bus Stop Clearway does not restrict residents from entering and exiting their driveways. A dropped vehicle access kerb provides a right of access over the footway and this right is unaffected by the presence of a bus stop or clearway.
13. Objection – disabled access (MA0690)
Two respondents raised concerns about health / mobility issues for family members which they felt necessitated being able to park near their house and would be negatively affected by the introduction of the clearway.
14. Response – disabled access (MA0690)
The proposed clearway marking would extend part-way across the highway frontage of the property, the rest will remain as is and will therefore be available for parking by the residents' visitors. Where residents themselves have significant health issues it may be appropriate to request an advisory disabled bay marking on the Highway, which may, if the relevant criteria are met, be provided free of charge by the County Council. This could be installed adjacent to the proposed clearway as part of the scheme.
15. Objection – disturbance to residents (MA0690)
One respondent objected on the grounds that they considered the new bus stop facilities (pole and clearway) would intrude on their privacy, and that anxiety felt by a family member would be adversely affected by increased noise levels and litter generated from passengers waiting for buses. The respondent also stated that the noise from the buses would stop residents getting quality sleep.
16. Response – disturbance to residents (MA0690)
MA0690 is already an existing stop, which operates as a pair with stop MA0289 on the other side of the road, which is clearly marked by the flag which states it is a 'two-way stop'. Identifying the location of this existing bus stop with a new pole and clearway marking will not increase noise or intrusion from passengers, it will just ensure that the location of the stop is both clearly marked and remains unobstructed by vehicles. The proposed bus stop pole has been positioned on the widest section of footway in advance of the traffic calming feature. It is anticipated that the number of passengers likely to be waiting at the stop will remain similar to existing demand and will be used by residents local to the facility; any waiting passengers at the stop will be over 12m away from the resident's property and are unlikely to be present for extended periods of time. The respondent's concern regarding potential litter is noted and as part of the scheme a request will be made to Mansfield District Council to consider installing a rubbish bin at the bus stop.
17. Nottinghamshire County Council as the Local Highway Authority has no duty to provide on-street parking for residents and there is no legal right for a householder to park near their property. The purpose of the highway network is for the movement of people and vehicles and not for parking, although it is recognised that demand for such parking exists particularly in residential areas with limited off-street parking. However, it is the responsibility of the vehicle owner to ensure their vehicle is not parked in such a way as to cause an obstruction by impeding the safe and expeditious movement of traffic, including buses. This may require residents with insufficient or no private off-street parking provision to make other arrangements for parking their own vehicle, perhaps further away from their property, to ensure their vehicle is parked appropriately and lawfully.
18. Objection – Bus stops not required / loss of on-street parking (MA0612-MA0590)
A petition comprising of 24 signatures was received during the consultation and is being treated as an outstanding objection to the proposed scheme. The petitioners state that the bus stop is unwanted and not required, and that the proposed clearways will exacerbate

existing pressure for on-street parking availability. Two further objections were received from residents who also viewed the bus stops as available kerb-space to park private vehicles and so objected to the loss of on-street parking. They requested that, as part of the scheme, the County Council install dropped kerbs outside their property to allow them vehicular access to their properties. They state that the bus stop should be relocated and that the proposed location is unsuitable due to its narrowness and the existing demand for on-street parking.

19. Response – loss of on-street parking/ more suitable location (MA0612-MA0590)

These are existing bus stops, stop MA0289 is marked with a bus stop pole and flag, clearly identifying it as a bus stop which clearly notes that the stop is a 'two-way' stop. The paired stop MA0690 is located across the road and is not currently marked with a clearway or pole. Both stops are registered, formal stops. The bus operator is required to stop only at designated locations. The proposed clearways will prevent the bus stop being obstructed by parked vehicles and the new pole at MA0690 will improve awareness of the bus stop location. This will allow the bus operator to discharge their duty to safely drop and collect passengers from the footway.

20. The demand for on-street parking is recognised and with that in mind the proposed clearway marking is proposed to be reduced to a 15m extent rather than the standard 19m, to minimise the loss of on-street parking capacity. The clearway is required to ensure that unobstructed access to the public transport service is available for the bus provider and passengers who use this service.
21. Residents' concerns regarding on-street parking are noted and after consideration of these comments it is proposed to reduce the proposed operational periods of these clearways to reflect the times the stop is currently in service (Service 217). Usually, Nottinghamshire County Council uses two standard bus stop clearway operational periods, either 24hrs or 7am-7pm. Using standardised operational periods assists with driver awareness of the restrictions by providing consistency on restrictions throughout the County which assists with compliance.
22. After consideration of the concerns raised it is proposed to amend the enforceable operational period to 10.00am – 3.00pm Monday-Saturday. Outside of this period the area of highway occupied by the clearways can be used for parking, thereby maximising the parking opportunities for residents and their' visitors whilst ensuring accessibility to the public transport network is maintained for users when required. On-street parking / loading would remain available during operational periods both directly adjacent to the clearways and on the wider network.
23. The Highway Authority has no duty to provide on-street parking for residents and there is no legal right for a householder to park near their property. The provision of a vehicle access over the highway to a private home is only of benefit to the householder and not the wider highway network, so it is County Council policy that the costs of this must be met by the individual requesting it.
24. The advertised proposals are considered a proportionate response to identified problems with obstructive parking inhibiting access to the public transport network. The restrictions have been carefully considered and are proposed at the minimum required to ensure the safe, efficient, and legal operation of the bus stops and the wider public transport network.

Other Options Considered

25. Other options considered relate to the length of the clearway restrictions proposed, which could have been greater. The restrictions are considered to strike the most reasonable

balance between the need to maintain the safe operation of the highway and competing demands for highway space.

Comments from Local Members

26. Councillors Diana Meale and Councillor Paul Henshaw made no comment during the consultation period. Details were sent to Councillor Sinead Anderson after her election in May, no comment was received in respect of the proposals.

Reasons for Recommendation

27. The measures contained in the proposed clearway restrictions are considered appropriate taking into account a balanced view of the needs of all sectors of the community, including non-drivers. The proposals will assist the safe and effective operation of local bus services.

Statutory and Policy Implications

28. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public-sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

29. Nottinghamshire Police made no comments during the consultation. No additional crime or disorder implications are envisaged.

Financial Implications

30. The scheme is being funded through the 2021/22 Local Transport Plan Bus Improvements capital budget and the cost is estimated at £4,200.

Human Rights Implications

31. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

Public Sector Equality Duty implications

32. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:
- Eliminate unlawful discrimination, harassment and victimisation.
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't.

- Foster good relations between people who share protected characteristics and those who don't.
33. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.
34. An Equality Impact Assessment has been undertaken to assess the potential impact of the proposal, the results of the consultation and any appropriate mitigation. This equality impact assessment is included as a background paper to this committee report.

Implications for Sustainability and the Environment

35. The proposed waiting restrictions are designed to facilitate the safe and efficient operation of the bus service, offering sustainable transport options to residents.

RECOMMENDATION

It is **recommended** that:

- 1) The proposed bus stop clearways along Brick Kiln Lane, Mansfield (MA0289-MA0690 and MA0612-MA0590) are implemented subject to the following amendment and the objectors informed accordingly.
- 2) Reduce the operational period of the clearways for stops MA0612 and MA0590 only to 10.00am – 3.00pm Monday-Saturday instead of either of the two standard (countywide) bus stop clearway operational periods (which are either 24hrs or 7am-7pm).

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact:

Helen North (Improvements Manager) 0115 9772087/ Sonya Hurt (Head of Major Projects and Improvements) Via East Midlands

Constitutional Comment (SJE – 15/10/2021)

36. This decision falls within the Terms of Reference of the Transport & Environment Committee to whom responsibility for the exercise of the Authority's functions relating to traffic management has been delegated.

Financial Comment (GB 14/10/2021)

37. The estimated cost to implement the works set out in this report totals £3,000. This will be funded from the 2021/22 Integrated Transport Measures capital budget which totals £8.6m and is already approved as part of the Transport and Environment capital programme.

Background Papers

All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, Nottingham.

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

1. Equality Impact Assessment: Proposed Bus Stop Clearways – Brick Kiln Lane, Mansfield (MA0690)

Electoral Division(s) and Member(s) Affected

- Mansfield West - Councillor Paul Henshaw
- Mansfield West - Councillor Sinead Anderson