

15 June 2021

Agenda Item:13

**REPORT OF CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (NEW LANE,  
BLIDWORTH) (PROHIBITION OF WAITING) TRAFFIC REGULATION  
ORDER 2021 (3322)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. To consider the objections received in respect of the above proposed Traffic Regulation Order and whether it should be made as advertised.

**Information**

2. Blidworth village is located approximately 7km south-east of Mansfield. In October 2020 planning permission was granted by Newark and Sherwood District Council for a new housing development of 81 properties on land off New Lane, to the south-west of the village centre (Planning reference 20/00475/FULM). The Planning Authority's decision incorporates comments made by Nottinghamshire County Council Highway Development Control Officers, regarding the impacts of the proposed development on the local Highway and the mitigation required to address this impact.
3. The proposed measures meet the requirement of planning conditions relating to the development. The proposals comprise of the construction of two new build-outs, which will create a priority movement for westbound traffic. The eastern-most build-out will be supplemented by new double yellow parking restrictions (No Waiting at Any Time) to facilitate the operation of the highway. The proposals are designed to ensure sufficient unobstructed carriageway is available along New Lane to facilitate the safe movement of vehicles and pedestrians and thereby the efficient operation of the Highway.
4. The proposals were publicly advertised between 14<sup>th</sup> December 2020 and 15th January 2021 and are detailed on the attached drawing, H/MN/3607/01.
5. In total 91 responses were received to the consultation, three of which made observations or expressed support for the proposals. In response to one request, it is proposed to install bollards within the verge on the northern side of New Lane, to the west of the proposed restrictions, to prevent parking on the verge. The remaining 88 responses, including from the former County Councillor and Parish Council, are considered to be outstanding objections to the proposals.

**Objections Received**

6. Objection – Development should not have been granted planning permission  
A common theme amongst the majority of objectors was that the development site was unsuitable for housing, particularly the numbers proposed, and that the development should not have been permitted to proceed.
7. Response – Development should not have been granted planning permission  
It is acknowledged that the new development has caused concern amongst residents of Blidworth. However, the site was allocated for development as part of the local plan and the decision to allow development lies with Newark and Sherwood District Council as the planning authority for the area. Planning approval was granted on 2<sup>nd</sup> December 2020 after a full planning consultation, which attracted a large number of stakeholder and public comments. The Planning Authority's decision incorporates comments made by Nottinghamshire County Council Highway Development Control Officers, regarding the impacts of the proposed development on the local Highway and the mitigation required.
8. The subject of this consultation relates to the proposed introduction of waiting restrictions only, not the development itself. The development has received approval to proceed from the relevant body and it is not within the scope of the County Council's powers to challenge this decision. The proposed restrictions reflect conditions placed upon that development by the Planning Authority and will enable the eastern build-out on New Lane to operate safely, which is of course the prime concern regarding any new highway infrastructure.
9. Objection – Loss of on-street parking / parking migration  
A common theme amongst the majority of objectors was that the proposed double yellow lines would result in a loss of on-street parking provision near the village centre. Respondents stated that this loss would be detrimental to business, and inconvenient for shoppers and other visitors. Comments were made that parking would migrate to surrounding residential areas causing congestion and inconvenience for residents. Several respondents stated that the County Council, as Highway Authority, had a duty under section 122 of the Road Traffic Regulation Act (1984) to provide on-street parking. An officer at the local fire station expressed concern that parked vehicles would increase congestion on the routes around Blidworth and increase journey times.
10. Response – Objection – Loss of on-street parking / parking migration  
It is acknowledged that convenient, free on-street parking opportunities are keenly valued in any village or town centre. However, New Lane is relatively narrow and as such parking along its length can already cause congestion and impede the movement of larger vehicles. This would be exacerbated as traffic levels increase during the construction and subsequent occupation of the new development; the proposed build-outs and associated parking restrictions are required to mitigate these issues and safely manage traffic flows. Alternative parking facilities are available on adjacent roads, particularly Mansfield Road where dedicated parking bays are already in place directly outside the Post Office and in front of the shops. In addition, unrestricted parking is available along the south-western side of Mansfield Road.
11. The respondents have incorrectly interpreted Section 122 of the Road Traffic Regulation Act (1984) as placing a duty on the Highway Authority (HA) to provide parking opportunities. Case law has determined that parking is a de facto obstruction of the highway and that the primary duty of a highway authority is the expeditious, convenient and safe movement of vehicular and other traffic. This is supported by the more recent Transport Management Act 2004 which, under section sixteen, identifies the expeditious movement of traffic as the primary duty of the HA.

12. The reference in Section 122 to the provision of parking is a recognition that, where it is appropriate to manage demand for parking, that the HA has a duty to do so providing such management can be done without detriment to the movement of traffic. This may mean that limited waiting parking bays are introduced in a town centre for instance. This does not confer a general duty on the HA to supply on-street parking bays for any or every user. No right to park (in a designated parking bay) has been removed or affected by the proposed restrictions and there is no duty on the HA to provide alternative provision.
13. Objection – Impact on disabled users / mobility impaired of new waiting restrictions  
Several respondents stated that the proposed restrictions would impact adversely on disabled users / the mobility impaired.
14. Response – Impact on disabled users / mobility impaired of new waiting restrictions  
Whilst there are no designated disabled parking bays in the area, disabled drivers are entitled to park for up to three hours on single and double yellow lines, where such parking will not cause an obstruction. The prohibition of parking on the lower section of New Lane will ensure that no pavement parking occurs, which obstructs pedestrian movements and is particularly detrimental to the disabled or those who use pushchairs or motorised scooters. Due to historic highway constraints, the southern footway narrows towards its eastern end and, as it approaches the junction, one part becomes too narrow for use by mobility scooters. An additional pedestrian crossing point, at the eastern build-out, and a section of new footway on the northern side of the road at this location is proposed. This will provide access to the wider footway available on the northern side of the road between the eastern build-out and Mansfield Road, which is of suitable width for mobility scooter users. The new footway and crossing point are shown on the attached plan H/MN/3607/04.
15. The introduction of the restrictions will also ensure that the existing pedestrian dropped kerbs, installed over New Lane at its junction with Mansfield Road will not be obstructed. The restrictions will remove parked vehicles from the vicinity of the junction and therefore ensure that pedestrians have a clear view of approaching vehicles when crossing and as such will facilitate safer pedestrian movements in this busy retail location.
16. Objection – New Lane unsuitable for increased vehicle movements / detriment to road safety  
Several respondents stated that New Lane was narrow, lacked a footway on its western extent and was unsuitable for increased use by motor vehicles. Comments included that accesses would be obstructed by queuing traffic and that the New Lane / Mansfield Road junction was unsuited to additional traffic movements and that this would result in a rise in road traffic collisions. Requests were made for a roundabout or traffic signals to be installed at the Mansfield Road / New Lane junction. Respondents also stated that the width of the section of footway, opposite the eastern build-out, was insufficient.
17. Response – New Lane unsuitable for increased vehicle movements / detriment to road safety  
Documents submitted with the planning application included a detailed Transport Assessment and formed part of the decision making process undertaken by Newark and Sherwood District Council. The planning decision was also informed by comments from Nottinghamshire County Council Highway Development Control Officers, regarding the potential impact of the development on the local Highway and the mitigation required. Amendments to the Highway layout were required by the planning process to mitigate the impacts of increased traffic and included the creation of a priority system for westbound traffic on New Lane, through construction of the build-outs. The proposed waiting restrictions reflect planning conditions made on that development and will enable the eastern build-out on New Lane to operate safely, which is of course the prime concern regarding any new Highway infrastructure.

18. The restrictions will remove parked vehicles from the vicinity of the junction and therefore ensure that visibility is maintained for pedestrians and vehicles passing through the junction, facilitating its safe operation. The restrictions will also ensure sufficient unobstructed carriageway is available for vehicles to travel along New Lane and pass waiting traffic at the eastern build-out.
19. The footway on New Lane is being extended and predominately will be between 1.5 and 2m wide along its length. Due to historic highway constraints, the southern footway narrows towards its eastern end and, as it approaches the junction one part becomes too narrow for use by mobility scooters. The footway remains above minimum standards to a point just east of the eastern build-out and the additional pedestrian crossing point installed at the build-out will allow users to cross to a new section of footway on the northern side. This will enable users to access the existing footway on this side, which is of suitable width for mobility scooter users. Additionally, the proposed waiting restrictions will ensure that the entire width remains available for use as it will not be obstructed by vehicles parked partially on the pavement, which is particularly detrimental to the disabled or those who use pushchairs or motorised scooters.
20. Objection – Increased traffic levels  
Several respondents stated that the development would result in additional traffic in the area and that New Lane and adjacent roads, such as New Road were unsuited to accommodate such additional vehicles. Also, that the increase in vehicles would negatively impact on the environment of Blidworth and residents' quality of life. Requests for further traffic restrictions, such as prohibitions for turning movements onto New Road and traffic calming were made, stating that this was required to prevent additional traffic using other residential roads in the area. Comments were made that the additional vehicle movements would cause congestion at the New Lane / Mansfield Road junction and that traffic would divert to adjacent roads and junctions, which the respondents considered unsuitable or unsafe for additional vehicle movements.
21. Response – Increased traffic levels  
The Transport Assessment submitted by the developer as part of the planning application considered the additional vehicle movements likely to be generated by the development. The proposed priority build-out system was presented by the developer in mitigation for this and accepted by Newark and Sherwood District Council. The Transport Assessment contains analysis of the current traffic patterns and states that the Mansfield Road / New Lane junction is currently operating with substantial spare capacity and the modelling (to 2025) shows that it would continue to do so if the development was constructed. The potential for congestion along New Lane, will be minimised by the proposed waiting restrictions which will remove parked cars and so ensure unobstructed carriageway is available for vehicles. These waiting restrictions will facilitate the movement of traffic and minimise vehicle waiting times at the build-outs, reducing potential for drivers to seek alternative routes and therefore no significant increase in rat-running is anticipated.
22. Objection – TRO process not followed properly  
Several respondents stated that the Traffic Regulation Order process had not been followed correctly and that the County Council had therefore not complied with their statutory duties as the Highway Authority.

23. Response – TRO process not followed properly  
Nottinghamshire County Council, as Highway Authority, has the power to create Traffic Regulations Orders under the Road Traffic Regulation Act 1984, as amended. The statutory duties for this process are prescribed in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
24. The Highway Authority is required to undertake a meaningful consultation on the creation of an Order. In response to this duty a comprehensive consultation was conducted, using a number of different media. Letters were sent to all fronting properties to the proposed restrictions, as the Highway Authority can reasonably consider that these properties will be affected by the changes directly outside their property curtilage. The Authority is, of course, aware that such changes will be of interest to others beyond those properties directly affected. As such notices about the scheme were also erected on the street, the proposals were publicised in the local press and on the County Council's consultation website and document packs were available by post on request. The proposals have also been sent to all statutory consultees which includes the District Council, bodies such as public transport operators and the emergency services.
25. In response to the Covid-19 pandemic the Government passed emergency legislation on 23rd May 2021, temporarily amending primary legislation relating the creation of Traffic Regulation Orders. One effect of this legislation was to remove the requirement to put documents on deposit at local authority offices or other premises currently closed to the public; these documents are now published online and this process has been followed for the consultation relating to New Lane.
26. Before making an order, Nottinghamshire County Council has a responsibility to consider all outstanding objections. Nottinghamshire County Council's process for undertaking this duty is for the objections to be reported and a formal decision to be taken by either senior management or by Members through the relevant Committee.
27. The consultation has been undertaken in line with, and in fact exceeds, the Authority's statutory duties as prescribed in law and the objections are represented within this report for consideration.

### **Other Options Considered**

28. Other options considered relate to the length of the waiting restrictions, which could have been either lesser or greater. The restrictions are considered to strike a reasonable balance between the need to maintain the safe operation of the highway and recognition of the demand for on-street parking.

### **Comments from Local Members**

29. Councillor Tom Smith, elected on 6<sup>th</sup> May 2021, stated his objection to the proposal and the related development.

### **Reasons for Recommendations**

30. The proposed scheme offers a balanced solution to mitigate road safety concerns and facilitate the safe operation of the new Highway layout with minimum loss of parking availability. The measures contained in the proposals meet the requirements of the

developments planning conditions and are considered appropriate response to the primary requirement to ensure the Highway operates safely and efficiently.

## **Statutory and Policy Implications**

31. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, 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**

32. Nottinghamshire Police made no objection to the proposals. No additional crime or disorder implications are envisaged.

### **Financial Implications**

33. This scheme is being funded by the developer with an estimated cost to implement the traffic regulation order of £5,000.

### **Human Rights Implications**

34. 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**

35. 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.

36. 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. 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**

37. The proposed waiting restrictions are designed to facilitate the safe operation of junctions and wider highway network for drivers, cyclists and pedestrians. Improving the environment for vulnerable highway users, such as pedestrians and cyclists, may encourage modal shift to sustainable modes of transport.

## **RECOMMENDATION**

### **It is recommended that:**

- 1) The Nottinghamshire County Council (New Lane, Blidworth) (Prohibition of Waiting) Traffic Regulation Order 2021 (3322) is made as advertised and the objectors advised accordingly.

**Adrian Smith**  
**Corporate Director, Place**

**For any enquiries about this report please contact:**  
Gary Wood, Group Manager Highways and Transport

### **Constitutional Comments (SJE – 01/06/2021)**

38. 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 parking provision, traffic management and traffic regulation orders has been delegated.

### **Financial Comments (RWK - 03/06/2021)**

39. The estimated cost to implement the works and traffic order detailed in the report is £5,000. This cost will be funded entirely by the developer.

### **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.

- Equality Impact Assessment: New Lane, Blidworth - Traffic Regulation Order 2021 (3322)

### **Electoral Division(s) and Member(s) Affected**

- Blidworth ED                      Councillor Tom Smith