

Report to the Cabinet

Meeting to be held on Thursday, 5 December 2019

Report of the Head of Service - Highways

Part I

Electoral Divisions affected:
Mid Rossendale; Rossendale
South;

Lancashire County Council (Various Roads, Rawtenstall Bus Station Area, Rossendale Borough) (Revocation and Various Parking Restrictions) Order 201* Plus Lancashire County Council (Various Roads, Rawtenstall Bus Station Area, Rossendale Borough) (Revocation and one way working) Order 201*
(Appendices 'A' to 'D' refer)

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Executive Summary

As part of the construction of the new bus station in Rawtenstall it has been necessary to alter the road layout in the area around the new facility. As the changes are made it follows that revisions to the present parking and moving traffic restrictions are also necessary. The two traffic orders being the subject of this report will ensure that the new road layout functions safely and efficiently so as to allow buses to access and egress the site.

Recommendation

Cabinet is asked to consider and approve the making of the two Traffic Regulation Orders as detailed in Appendices 'A' to 'D'.

Background and Advice

Rossendale Borough Council has designed and constructed a new Bus Station. The construction of the bus station has created the need to make alterations to the existing highway network at this location.

Consultations

Formal consultation was carried out between 23 August 2019 and 20 September 2019. This was advertised in the local press, notices were displayed on site for all

areas where the restrictions are proposed, divisional County Councillors were consulted along with the council's usual consultees and the consultation documents posted on the council's website.

Objections

During the consultation period a total of 2 objections were received. One objection was received relating to the one way working, commenting that the one way order did not give provision for contraflow cycling.

The second objection was made against both the proposed one way traffic order and the revised parking restrictions. This objection does not make representations against any specific provisions contained within either of the proposed traffic regulation orders but instead asserts that the construction of the new bus station is not in accordance with planning permission. The objector also contends that the road from the original North Street to Annie Street (through the old police station) is unlawful and consequently that the council are unable to introduce restrictions at that location.

Officer's Response

With regard to the lack of provision for a contraflow cycle lane along Kay Street, due to the constraints of the available road space it has not been possible to include a contraflow cycle lane within the existing highway width. Kay Street is currently in a 20mph zone, the carriageway width is approximately 5.6 metres wide with parking bays at approximately 1.8 metres wide, providing approximately 3.8 metres of clear carriageway width for vehicular traffic. Due to this limited width and on-street car parking arrangement on Kay Street, it is not possible to provide a 2 metre wide contraflow cycle lane.

There is a significant amount of traffic using Kay Street to traverse the town centre together with buses and heavy goods vehicles servicing the retail area. A contraflow cycle lane would require a splitter island on Kay Street at its junction with Bank Street for the safety of cyclists and there is insufficient space within the extent of the adopted highway to provide this.

In relation to the second objection, which has been submitted in relation to both of the proposed Orders, this does not raise any concern or criticism of the proposed restrictions. Instead, the objector raises concerns relating to the development of the bus station (and the associated planning permission) and disputed the county council's power to propose and introduce traffic restrictions on a particular length of road (situated between North Street and Annie Street).

If approved, the traffic restrictions contained within the appendices to this report would be introduced on a number of lengths of road as shown in Appendices 'B' and 'D'. The county council is a traffic authority for the purposes of the Road Traffic Regulation Act 1984 and consequently, is empowered to introduce such traffic restrictions on 'any length of highway or of any other road to which the public has access'. The length between North Street and Annie Street is constructed and laid out as a road and will be 'a road to which the public has access' immediately prior to

the introduction of the traffic restrictions. Consequently, the council will be empowered to introduce all of the proposed restrictions. This has been explained to the objector and, based on their subsequent correspondence, appears to have been accepted.

The objector maintains that no lawful planning permission exists for this development. In response, it is the county council's view that planning permission was granted by Rossendale Borough Council on 9 March 2016 and remains valid. Notwithstanding that, it is suggested that an objection relating to the granting of planning permission for a development in which the county council was not the applicant nor the planning authority, is not a material consideration for the county council in deciding whether to introduce the proposed traffic restrictions. It is recommended that this objection be regarded as irrelevant for the purposes of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Implications:

This item has the following implications, as indicated:

Financial

Presently the highway works connected with the Bus Station is paid for by Rossendale Borough Council as part of the construction works. Should these two Traffic Regulation Orders not progress at this time the provisions covered in these orders will need to be considered and addressed at a later date using the county council's revenue budget.

Legal

It is recommended that the council can be satisfied that the second objection as set out above could be considered irrelevant to these proposed traffic restrictions for the reasons set out above. If the council is not satisfied that this objection is frivolous or irrelevant to the proposed traffic regulation orders, a decision to implement the proposed restrictions must not be made and instead the council shall cause a public inquiry to be held.

Risk management

It is essential that proposals included in the two traffic orders are progressed to allow the safe and efficient operation of the new bus station. The alterations to the parking provisions will allow a safe flow of traffic whilst maintaining as much town centre parking as possible to support local businesses and vulnerable highway users. Should the parking not be controlled in this manner then this could impact on safety, traffic flows and the operation of the new bus station.

The new road layout means that the definitions of the present one way traffic restriction needs to be redefined. Without enforcement egress from the bus station could be compromised and therefore reducing the efficient use of the facility.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A