

## Report to the Cabinet

Meeting to be held on Thursday, 2 September 2021

### Report of the Head of Service - Highways

#### Part I

Electoral Divisions affected:  
Burnley South West;  
Fleetwood West & Cleveleys  
West; Ormskirk; Preston City;  
Preston North; Preston Rural;  
Wyre Rural Central;  
Wyre Rural East;

### Lancashire County Council (Various Roads, Burnley, West Lancashire and Wyre Boroughs and Preston City) (Revocations, Prohibition of U-Turn, 17t Weight Restriction, Prohibition of Driving and One Way (July 20 NO1) Order 202\*

(Appendices 'A' - 'I' refer)

Contact for further information:

Chris Nolan, Tel: (01772) 531141, Highway Regulation - Highways and Transportation  
chris.nolan@lancashire.gov.uk

#### Executive Summary

The purpose of this proposal is to introduce a Prohibition of U-Turn along the A6 Garstang Road at Fulwood, Preston, and at the junction of Crescent East/Crescent West, Thornton-Cleveleys, and make alterations to the current Prohibition of Driving and One-Way restrictions along Church Street, Ormskirk. The order further removes restrictions that are no longer required due to duplication or bridge strengthening works and addresses a number of anomalies in current orders to allow for effective enforcement.

New proposals are to be introduced in Preston North, Fleetwood West, Cleveleys West and Ormskirk electoral divisions. The proposals that revoke the existing orders and reintroduce the restrictions due to anomalies are in Preston Rural, Wyre Rural Central, and Wyre Rural East divisions. The two areas that are proposed for removal are within the electoral divisions of Burnley South West and Preston City.

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

#### Recommendation

Cabinet is asked to approve the proposals included in the draft order (Appendix 'A') and indicated on the plans attached (Appendices 'B' to 'H') that will be introduced for the reasons set out in the Statement of Reasons (Appendix 'I').

## **Background and Advice**

Traffic Regulation Orders that are in force throughout the county have been introduced over several decades. When work is undertaken in any area these existing Orders are checked and it sometimes becomes apparent that there are restrictions that are incorrect or are no longer required due to changes on the highway network. It is important that once such items have been identified that these should be revoked if no longer required or revoked and reintroduced when the detail on the sealed order is found to be incorrect.

With regard to the current 17 tonne weight restriction in the electoral divisions of Wyre Rural Central, Wyre Rural East and Preston Rural, this was originally introduced in 1996 when accepted practice defined such an order by the area covered recording a boundary through specifying points (nodes) on the network. As the road network changes these nodes and joining "boundary" become less effective in identifying the area covered by the weight limit. It is now standard practice to list the affected roads (and extents) in the order to remove any confusion and make the order simpler to understand by the public and for enforcement. The work was requested by Lancashire Police as they were experiencing difficulties in enforcing the current weight restriction whilst it was described as an area. The part of the proposal covering this work will not introduce any new restrictions but will only define the lengths of highway to be subject to the restriction by road name and will define the permitted levels of access to the properties within the area.

It is proposed to amend the current 2017 order in Ormskirk that introduced a Prohibition of Driving to improve the amenities of the area through which the road runs and the safety for pedestrians accessing the shops on the narrow streets of Aughton Street, Burscough Street and Church Street, along with the wider Moor Street that forms the current pedestrianised area. The prohibition of driving will be reduced by the 27 metres to allow for access to off-street parking areas. This prohibition will be supported by the installation of pedestrian gates located 27 metres south east of its junction with the Centreline of A570, Park Road.

It is further proposed to revoke a small section of one-way at the junction of Church Street with Park Road to allow for access to off-street parking/loading areas. The work will redefine orders that are already in place and will support Ormskirk town centre management.

It is proposed that a weight limit on Lockyer Avenue, Burnley will be removed following improvements to the highway, negating the need for the weight restriction. A further restriction covering a prohibition of driving on Lords Walk, Preston will be revoked because the item is duplicated in a separate Order. It is also proposed for a prohibition of driving on D'Urton Lane, Broughton to be revoked and reintroduced to correct a detail regarding the description of the length of road covered by the Order.

Two items of the proposal cover the prohibition of U-Turns where such a manoeuvre could cause difficulties or danger for other road users. New restrictions would be introduced at the junction of A6 Garstang Road with Black Bull Lane and Sharoe Green Lane to prevent such turns on the A6 either southbound to northbound or

visa-versa. A prohibition of U-Turn on Crescent East, Thornton-Cleveleys is proposed to reflect the current signage on the traffic signal Head.

## **Consultations**

Formal consultation was carried out between 12 May 2021 and 11 June 2021 and advertised in the local press. Notices were displayed on site for all areas where new restrictions were proposed, and where it is being proposed to rectify anomalies in the current order for the 17 tonne weight restrictions in the St. Michaels-on-Wyre area. Divisional county councillors were consulted along with the council's usual consultees and the consultation documents posted on the council's website.

At the beginning of the consultation period contact details for newly elected county councillors were not available. These were made available a week later and those councillors were notified, therefore the consultation period was extended for these councillors until 17 June to allow them the full 28 days to consider the proposals. The new councillors were made aware of this.

Notices were not placed at the locations of the existing restriction where no material change to the restrictions as currently indicated on site are proposed.

Due to omitting to post the site notice for the removal of the 7.5 tonne weight restriction on Lockyer Avenue, Burnley, the consultation period was further extended for this location with notices posted on site from 9 July 2021 allowing representations or objections until 6 August 2021.

The aspect of the proposal that covers the Prohibition of Driving on Church Street, Burscough Street, Moor Street, and Aughton Street, Ormskirk, along with the alterations to the one-way traffic provision on Church Street, Ormskirk, is a re-advertisement of restrictions that were originally advertised between 9 January 2019 and 6 February 2019 in the same manner as above. The work was required to be re-advertised due to an error with regard to the statement of reason along with the published legislation to cover the work.

## **Objections**

As a result of the consultation, a number of responses were received with regards to the access provisions contained within the proposed 17 tonne weight restriction.

In addition to the above, further correspondence was received from Farrer & Co acting on behalf of the Duchy of Lancaster with regard to the Myerscough Estate including a transport report.

Though no objections were received with regard to the proposals regarding Ormskirk Town centre as a result of the consultation from 12 May 2021 to 11 June 2021, comments, objections and support received following the original consultation between 9 January 2019 and 6 February 2019 have been considered as part of this proposal for completeness.

No formal objection was received with regards to the removal of the 7.5 tonnes weight restriction on Lockyer Avenue, Burnley. However, correspondence regarding overgrown trees, blocked storm drains, excessive detritus from trees and flooding in heavy rain that was received from the county councillor for the area made comment that the removal of the weight restriction was a huge concern for himself and the residents. Therefore, this has been included within this report under the objections below.

### **17 tonne weight restriction**

A total of sixteen objections and two responses with comments were received with regard to the proposal to redefine the weight restriction.

All of the objectors are concerned that the introduction of the order will directly affect their business and request an exemption for access/egress to/from properties and businesses on those roads including deliveries. Other points that were raised included the winter treatment of the roads and access for emergency vehicles.

In addition to the above, a detailed objection from solicitors acting on behalf of the Duchy of Lancaster was received. Within the comprehensive letter the objection included comments regarding deliveries to sites off the roads that are listed, in this case indicating that they understood that access to off street properties would be permitted. The letter continued to be concerned that the order would affect businesses on the estate land dictating that deliveries to the businesses will need to be conducted using smaller vehicles and therefore incurring increased costs.

The letter also challenged the legality of the work as believed that once revoked there was not sufficient data to justify the reintroduction of the order. There are claims that there is no data supplied indicating injury collisions to support the need for the weight limit. That there was no structural reason to restrict the vehicles to 17 tonnes as should be found in the Statement of Reason and that revocation and reinstatement of the restriction was incorrect and not a legal justification for the work. The Order should be reintroduced using recent collision and road usage data. In addition to the letter objecting to the changes the solicitors supplied a Transport Appraisal indicating that the 1996 order should be revoked and that the council has not met the statutory requirements to reintroduce the weight limit.

The letter expressed concerns that the reintroduction of the order will result in the need to erect a large number of signs throughout the area, resulting in urbanisation.

The letter concludes that the Duchy of Lancaster supports regulations where there are legitimate road safety reasons to support the restrictions.

### **Officer comments**

The original order set out the roads that were subject to the restrictions by using a description of a designated area boundary rather than individual roads. Unfortunately, due to changes within the boundary area the police have advised that the order is potentially not sufficiently accurate and therefore this proposal is to

revoke the original order and to reintroduce the current restriction by identifying each individual road.

A response was sent to all objectors explaining that this proposal has been requested by the police who have advised that they are unable to enforce the current order due to the way that it is worded and that HGV access to properties on the affected roads would not be affected. The changes in the wording within the new order only change the description of the area covered by naming individual roads rather than an area.

Following the above confirmation responses were received from five of the objectors and two of the communications with adverse comments. Three of the objectors and the two responders with adverse comments withdrew their objections/comments as they were satisfied with the confirmation that the weight restriction would not impede access to their property. Two of the objectors, however confirmed that they wished for their objections to stay on file as they believed that there was insufficient clarification that the 17t weight restriction will not impede access for delivery vehicles relating to their businesses as a whole in the future, requesting a written commitment showing unambiguous clarification of their right to service their businesses. No response was received from the remaining 11 objectors.

A 17-tonne weight restriction has been in place since 9 April 1996, when it had been introduced to stop HGVs using the area as a through route, however still maintaining access for residents and businesses in the area. Nothing in that order prevented larger vehicles from making deliveries or collections from any of the properties within the area covered by the weight restriction. The proposed order uses the same legislation and will allow the deliveries and collections from off-street properties in the same way using whatever vehicle is most suitable for the delivery, having regard to the size and characteristics of the highway network.

As with all weight limits there are exceptions for both emergency vehicles and local authority vehicles being used in pursuance of statutory powers or duties, thereby allowing access for Fire, Police, Ambulance, and council vehicles conducting permitted works including winter treatments.

Consideration has been given to the validity of the order that was originally introduced in 1996 with regard to whether the restrictions are still necessary. It is not possible to consider recent collision data as the restriction is already in place and therefore the number of accidents is reflective of the present situation where a weight limit restriction is already in place. The roads within the area covered by the weight limit have not had significant alterations since the introduction of the order. Over the same period the number of and size of heavy goods vehicles has increased, along with the use of the countryside for recreational and exercise purposes (such as for hiking and cycling). Significant HGV movements within this area would be inconsistent with this use of the highway network. In addition, if the current weight limit were removed it is likely that drivers of HGVs may attempt to use the local roads as a through route to avoid traffic on nearby arterial routes. If this were to occur there would be a detrimental impact on the safety and local amenity in this area. These considerations indicate that there is sufficient need to introduce the proposed weight restriction.

The order will retain the exemption for the use of the roads by vehicles larger than 17 tonnes to access premises and make deliveries and collections to land and property situated adjacent to or accessed only from the affected roads. The purpose of the order is to ensure that the number of heavy goods vehicles on narrow roads is limited to those necessary for the businesses in the area. The order prevents heavy vehicles from taking the shortest route from the A6 Preston and Lancaster Road through to A586 Blackpool Road or A586 Tarnacre Lane without need to access properties within the area. Reducing such traffic will improve the safety for vulnerable highway users such as walkers and cyclists.

The work will involve an inspection of the signs to support the order. The changes will not involve the inclusion of extra signs over and above what are required for the present provisions. The signs will only be erected to replace any units that are missing at the entrances to the area. Signs will not be required at each point within the area just because the name of the road has changed.

Consequently, it is considered that a 17 tonne weight limit in this area is still required and therefore the current weight limit should be revoked and reinstated with the definitions changed from a given area a full list of the roads to subject to the weight limit order to allow for effective enforcement by the police.

### **Prohibition of Driving and one-way Traffic Ormskirk Town Centre**

Following the original advertisement of these measures between 9 January 2019 and 6 February 2019, ten individuals responded to the proposals, one gave full support to the changes three offered support but added comments and three were objections to the proposals. Two further comments, from Lancashire Police and United Utilities indicated no objections to the proposals. One response was from an elected representative requesting information regarding the progression of the work.

The objections were regarding the installation of gates to support the restriction, indicating concerns regarding the cost of buying and installing the gates. Other concerns included emergency access to the pedestrian area and the need for some businesses requiring access to take deliveries during the restricted period.

No additional comments were received following the formal advertisement of this proposal over the period 12 May 2021 to 11 June 2021.

### **Officers Comments**

All the individuals who objected to the proposals were responded too, explaining the emergency access and the provisions for pedestrians. As a result of this all but one respondent withdrew their objection.

The remaining objector wished their comments to be recorded stating that the funds being spent on the installation of the gates could be better used for better safety measures within the county council area. The funds that were used to place gates across the access to Church Street, Burscough Street and Aughton Street were from West Lancashire Borough Council's budget and are not available to be diverted to use by the county council.

Both the Prohibition of Driving 10am-4pm and 7pm-7am and the one-way restrictions that came into force on 17 February 2017 were introduced to improve the amenities of the area through which the road runs and the safety for pedestrians accessing the shops on the narrow streets of Aughton Street, Burscough Street and Church Street along with the wider Moor Street that forms a pedestrian area.

This proposal is only to amend the Prohibition of Waiting and One-Way by reducing the length on Church Street at the junction with Park Road by 27 metres to allow for access to off-street parking/loading areas.

The work will redefine orders that are already in place and will support Ormskirk town centre management and will be supported by the installation of pedestrian gates to assist in avoiding danger to persons using the road or for preventing the likelihood of any such danger.

### **Revocation of 7.5 tonne weight restriction on Lockyer Avenue, Burnley following bridge strengthening works**

Although no formal objection was received with regards to the removal of the 7.5 tonnes weight restriction on Lockyer Avenue, Burnley correspondence was received from the county councillor for the area stating that the removal of the weight restriction was a huge concern for him and the residents as the only entrance/exit is at the school junction.

#### **Officers Comments**

The weight restriction is in place due to a weak section of the structure, 4887B1 Lockyer Avenue, Culvert, which supports Lockyer Avenue over a watercourse. Engineering works have now replaced the weak section and it is now up to full strength. The weight restriction is no longer required or justified for its original purpose. The weight restriction was not related to the school, and we do not put a weight restriction on a road because it passes a school. We do not anticipate that this will become a popular route for heavier vehicles, except for deliveries in the immediate vicinity.

#### **Implications:**

This item has the following implications, as indicated:

#### **Financial**

The costs of the Traffic Regulation Order will be funded from the 2021/22 highways budget for new signs and lines at an estimated cost of £5,000.

#### **Risk management**

Road safety may be compromised should the proposed restrictions not be approved.

## List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A