

## Report to the Cabinet

Meeting to be held on Thursday, 5 May 2022

### Report of the Head of Service - Highways

#### Part I

Electoral Divisions affected:  
Accrington North; Brierfield &  
Nelson West; Chorley Rural  
East; Nelson East; Pendle  
Rural; Preston City; West  
Lancashire East; West  
Lancashire West;

#### Corporate Priorities:

Delivering better services;

### Lancashire County Council (Various Roads, Chorley, Hyndburn, Pendle, Preston, West Lancashire) (Revocation, Prohibition of U-Turns, 7.5 tonne Weight Restriction, Prohibition of Driving and one way Traffic (21-22 No1) Order 202\*

(Appendices 'A1' to 'G' refer)

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#### Brief Summary

Following investigations and formal public consultation it is proposed to make an order to introduce a new Prohibition of Driving along a short section of Moss Lane, Whittle-le-Woods, also the revoking and reintroduction of a number of orders with anomalies in the districts of Hyndburn, Pendle, and West Lancashire to allow for effective enforcement by the Police.

The order further removes restrictions that are no longer required due to duplication of orders or where an order is still in place that is not indicated on site in the districts of Pendle, Preston, and West Lancashire.

This is deemed to be a Key Decision and the provisions of Standing Order C20 have been complied with. Compliance with Standing Orders C19 was impracticable due to the report being originally due to be considered by Cabinet in June but, in order to allow the necessary legal procedures to take place and for the works to commence as soon as possible, the report will now be considered by Cabinet in May. At the time of publication, the proposals were not included in the statutory notification of forthcoming key decisions for May as it was not clear at that time if the report could be brought forward.

## **Recommendation**

Cabinet is asked to approve the proposals for restrictions on the various lengths of road within the Chorley, Hyndburn, Pendle, Preston, and West Lancashire districts, as detailed within this report and as set out in the Modified Draft Order at Appendix 'A2', which includes the amendment to the wording of Article 9 and small sections within both the Metropolitan District of Sefton and the Metropolitan District of St Helens.

## **Detail**

It is proposed to introduce a Prohibition of Driving except for access to the Electricity North West infrastructure on a short section of Moss Lane, Whittle-le-Woods to prohibit unnecessary vehicle movements associated with antisocial behaviour.

The proposal further removes restrictions that are no longer required on Regent Road, Nelson; Lord's Walk, Preston; A570 Ormskirk Road, Bickerstaffe; and Ormskirk Old Road, Bickerstaffe.

In addition to the introduction of restrictions the proposal looks to revoke and reinstate a number of orders within Hyndburn, Pendle, and West Lancashire where anomalies have been highlighted within the current orders. The proposal will formalise the existing restrictions as signed on site to allow for effective enforcement by the police, with no material change to the either the restriction or any exemptions.

## **Consultations**

Formal consultation was carried out between 8 February 2022 and 11 March 2022, this was advertised in the local press and notices were displayed on site. Divisional county councillors were consulted along with the council's usual consultees and the consultation documents posted on the council's website.

## **Objections**

As a result of the consultation, a number of responses were received to the proposals in Chorley, Pendle, and West Lancashire.

The comments were regarding the items in the proposed order as follows along with the engineer's comments as they are relevant.

## **CHORLEY**

### **Moss Lane, Whittle-Le-Woods – Appendix 'B' – Drawing No.M-21-22(1)/KP-CH1)**

"Following receipt of complaints in relation to vehicle movements associated with antisocial behaviour along this short section of road, traffic officers propose to introduce a Prohibition of Driving except for access to the Electricity North West infrastructure".

## **Correspondence Supporting the Proposals**

Three responses were received supporting the proposals on the grounds that it would be of benefit to neighbouring properties which have reported antisocial behaviour, fly tipping and criminal activity in this part of the highway.

## **Correspondence querying pedestrian and vehicle access**

One response was received from a local resident whose land boundary backs onto Moss Lane querying the pedestrian and vehicle access as they require this to access their land. In addition, they have granted planning permission for two bungalows in this area and intend to utilise this access road throughout the construction period to minimise disruption to the residents of Spring Crescent cul-de-sac.

A further response from the local county councillor was received on behalf of the resident querying vehicle access and whether any form of key to access private land would be required.

## **Officers Comments**

The officer contacted the land owner to ascertain what access was required and has agreed that a key can be provided to allow access to his land as permitted by the proposed restriction of 'except for access'.

E-mail confirmation was sent to the land owner who has responded confirming that they are satisfied with the arrangement.

After considering objections submitted and the comments, officers recommend the proposed measures are implemented as advertised.

## **PENDLE**

### **Albert Road; Albert Square; Ellis Street; Frank Street, Barnoldswick – Appendix 'D' – Drawing No.M-21-22(1)/MH-PE1**

"The purpose of these proposals are to formalise the existing one-way traffic roads as signed on site for these roads and to formalise the existing prohibition of driving as signed on Albert Road".

## **Objections**

A local business owner on Albert Road and Pendle Borough Council along with West Craven Area Committee and Barnoldswick Town Council raised concerns that local businesses operating on Albert Road would be unable to schedule deliveries or pick-ups to come before 10am and after 4pm stating that limiting the loading/unloading for premises on Albert Road to outside the hours of 10am to 4pm was not practicable for the businesses that operated there and felt it unreasonable.

Although members of Pendle Borough Council, West Craven Area Committee and Barnoldswick Council acknowledged there are problems with vehicles accessing onto Albert Road, they objected to the proposals on the following reasons:

- This area of Barnoldswick has just seen street furniture removed and a lot of money spent on rationalising street signage to improve the appearance of the Town Centre. Concerns have been raised that the introduction of this Traffic Regulation Order will require new poles and signs that would adversely affect the appearance of the area and could impact kerbside parking.
- There is no record of any accidents/injuries in this area and believe that traffic would be better managed once the new light weight bollards have been installed as part of the Town Square Scheme on Albert Road at Ellis Street

and Frank Street ends of the sett paved section which would allow deliveries and access to businesses, whilst restricting other vehicular use.

*It was also suggested the length of Albert Road between Ellis Street and Frank Street had been 'stopped up' when the Town Square was created back in 1990 and ceased to be a highway. Therefore, it is believed that the introduction of the Prohibition of Driving and one-way traffic on this section would not apply.*

### **Officers Comments**

The aim of these proposals is to revoke the current orders in the area and replace them with provisions that reflect what is currently signed on site. As these restrictions are already in place there will be no further poles and signs required except for the replacement of a sign that has been incorrectly removed sometime between April 2009 and September 2018. This sign confirms the provision of the pedestrianised area introduced on 3 September 1990 when the public area was established following the demolition of the former co-op building. Without this sign the pedestrianised area would be unenforceable.

The prohibition of driving on Albert Road is proposed on the section between Ellis Street and Frank Street that is on the northwest side of the public area. This is currently signed on site and this proposal makes no change to any of the current restrictions in the area with access continuing to be maintained on the route from Fernlea Avenue to Newtown via Albert Road, Ellis Street, Albert Square, Frank Street and Albert Road.

The one-way order on Albert Road was introduced on 1 February 1972 and is still in place. This proposal covers the full length of Albert Road from its junction with Fernlea Avenue to Newtown. It is considered that it is important that this provision is maintained, especially when the area is, for the day time period, a pedestrianised area and to have vehicles turning or reversing within this area would be a danger to vulnerable highway users.

The only addition to the current provisions is the proposal for a one-way order on Albert Square that is on the southeast side of the public area between Ellis Street and Frank Street where the road is currently signed as a one-way street, however there is no order in place to allow for enforcement.

The comments are acknowledged with regards to Albert Road from Ellis Street to Frank Street being "Stopped Up", however, although the area is now being maintained by Pendle Borough Council the county council's records still confirm this as highway with public access.

It is feasible that the confusion regarding the area being 'stopped up' has occurred as at the time when the Town Square was created in 1990 the council also introduced a 'Pedestrianised Area' on that length of road. However, this is very different to the road being stopped up and no longer available for public access.

Section 1 of the Road Traffic Regulation Act 1984 allow us to make a Traffic Regulation Order in a 'road'. Section 142 of the act defines a road as:

*"road"—*

*(a) in England and Wales, means any length of highway or of any other road to which the public has access, and includes bridges over which a road passes, and*

*(b) in Scotland, has the same meaning as in the Roads (Scotland) Act 1984:*

As the road is still a highway then it can be subject to traffic regulation orders. The pedestrian area between 10am and 4pm with the provision for loading and unloading of goods outside of that time is currently in place and this proposal does not change this.

Following a site meeting with representatives from Barnoldswick Town Council, The West Craven Area Committee, and a divisional county councillor for the area it has been agreed to undertake a review of the moving orders within the area following completion of this order.

In addition, agreement has been given to erect the replacement signs and removal of the no entry sign on Albert Road and Frank Street to the existing ornate lighting column rather than having any additional posts.

In light of the above the objections were removed with agreement that the introduction of this order should be allowed to progress.

Although a response was sent to the local business owner explaining that the proposals make no change to the current provisions in the area, no further response has been received.

#### **Correspondence querying exact proposals**

In addition to the objections, a response was received from the local county councillor for the area requesting clarification of proposals as residents had raised concerns regarding access for residents of Ellis Street along with general access to the Disabled parking bays, Electric Vehicle charging points and the Library car park.

#### **Officers Comments**

The officer contacted the local county councillor to discuss the extents of the proposals. During this conversation it became apparent that there was some confusion regarding implementing new restrictions within the area. The officer explained that the extent of the measures being proposed did not make any changes to the current provisions in the area. Subsequently the local county councillor has confirmed that they have no objection to these proposals.

After considering objections submitted and the comments, officers recommend the proposed measures are implemented as advertised.

#### **Regent Street, Nelson – Appendix 'D' – Drawing No.M-21-22(1)/MW-PE3**

"The purpose of this proposal is to rectify an anomaly within the current order where it refers to Regent Road in the title and Regent Street in the schedules with no proposed changes to the restriction itself or its extent".

#### **Correspondence querying exact proposals**

Correspondence was received from the local county councillor querying the clarification of the proposals for Regent Street/Reedyford Road Nelson prior to making any comments.

#### **Officers Comments**

A copy of the Statement of Reasons for the proposal was provided explaining the one-way traffic on Regent Street was due to an anomaly in the current order where

the title of the order referred to Regent Road whereas the schedule in the order referred to Regent Street and that the revocation of the Prohibition of Driving was being revoked as it was no longer required as part of the network since the introduction of the one-way traffic order in 2014, however the order for this had not previously been revoked.

No further response has been received.

After considering objections submitted and the comments, officers recommend the proposed measures are implemented as advertised.

## **WEST LANCASHIRE**

### **Barrow Nook Lane; Ben Lane; Church Road; Coach Road; Hall Lane; Hurst Lane; Intake Lane; Moss Lane; New Way; Sineacre Lane; Stockley Crescent, Bickerstaffe – Stopgate Lane, Simonswood – Lodge Lane, Rainford – Appendix 'F' – Drawing No.M-21-22(1)/KP-WL1**

"Following problems with enforcement of the weight restriction covering these roads it was discovered that there is an error in the wording that, under certain circumstances allowed vehicles above the weight of 7.5 tonnes to pass through the area without need for access to off street properties.

The purpose of this proposal is to revoke the present restriction and reintroduce the measures with the correct wording to allow full enforcement with no change to the current access for businesses and residents of the affected roads".

### **Objections**

A total of 10 objections and 2 responses with comments were received regarding the proposal to redefine the weight restriction.

The objections to the 7.5t weight restriction proposal are not against the weight restriction but against the wording within Article 9 of the order which is believed to be contrary to the purpose of Article 4 and introduces ambiguity.

Article 4 is to prevent, except for access, vehicles of more than 7.5 tonnes entering or proceeding along the roads in Schedule 3. Article 9 states that Article 4 does not prevent a vehicle from using the roads 'if it cannot be conveniently used for such purpose in any other road' and then lists:

"a) building, industrial or demolition operations" amongst other reasons.

The objectors believe that the above exemption to the weight restriction as set out in Article 9 implies that any HGV carrying out building, industrial or demolition operations is legally allowed to utilise these roads as a short-cut through the weight limit if it is inconvenient for the HGV to use another road.

In their assessment, it is considered that as many, if not all of the HGVs that currently abuse the weight limit when accessing the Simonswood industrial estates are engaged in these types of activities, including waste management work. Therefore, due to the wording of Article 9 HGV drivers visiting roads outside of those in the proposed order would be able to argue that it is not "convenient" for them to use any other road.

In light of the above, the concerns are that the order will be unenforceable and would allow for the weight limited road to continue to be used for a short-cut, as this is by definition more convenient.

One of the objectors also felt that the inclusion of different areas and types of restrictions in the same order made it more difficult to understand what provisions apply to which road. Therefore, suggested that it would be better if the weight restriction had been proposed as separate order for clarity.

In addition to the objections regarding the wording of the order comments were received stating that there was an error in Order in relation to Schedule 3 item b) on the grounds that Coach Road should read from its junction with Hall Lane to its junction with Ben Lane and not from its junction with Barrow Nook Lane to its junction with Ben Lane.

### **Responses with Comments**

A response was received stating that there is already adequate access from A580 through to the Simonswood Industrial estate via the Perimeter Roads around the industrial estate that does not impact any housing at all, therefore believes that the 'except for access' in the order is not applicable.

The response also notes the following:

- HGVs already readily exceed the speed limit, speeding around corners though Barrow Nook and have knocked a lamppost over causing damage to a resident's car. Raising concern that as there are many walkers in the area there is a serious accident waiting to happen.
- That the proposal for a medical waste incinerator will increase the traffic considerably, which could be considered hazardous and in the event of an accident have significant impact on the environment.
- That there is an impact on house prices, stating that people move here to be semi-rural, not to have HGV's driven by on a regular basis from the early morning.
- That roads are not really built for HGV access and that they cause major deterioration to the roads stating that there are already a number of potholes on these routes.

A further response was received from Simonswood Parish Council expressing concern that the proposal included Hall Lane, Bickerstaffe, however not Hall Lane, Simonswood or Simonswood Lane, Bickerstaffe.

### **Officers Comments**

#### **Wording of Articles 9 and 10**

The purpose of Article 9 is to exempt vehicles over 7.5 tonnes that are undertaking building, industrial or demolition operations on or adjacent to the roads covered by the weight restriction only and not to allow for vehicles to utilise the roads as a short-cut to other roads or premises regardless of their business. Without this exemption repair of sewers, main pipes, or apparatus along with resurfacing works would not be able to take place on the roads within the weight limit.

Article 10 is a standard 'except for access' exemption where businesses and residential properties are within the area to allow vehicles over 7.5 tonnes access to land or property along the roads. Without this exemption deliveries of larger equipment would not be able to take place to residential properties or businesses within the roads covered by the weight restriction.

The council's legal team has re-considered the exemption and acknowledge that the word 'conveniently' in Article 9 is open to interpretation and may be misconstrued. Therefore, the wording of the exemption has been modified. This modification has also been agreed by the Police in relation to carrying out enforcement and prosecuting through the courts.

### **Reasons for Countywide Orders**

To ensure that that county council works at its most efficient with regard to both costs and officer time, work that is not financed by outside sources, is batched into the three types of orders, Parking Orders, Speed Limit Orders and Moving Orders.

The county council will raise a countywide order for each of the different types of restriction once the number of requests have reached a level that the process becomes financially viable to continue.

The proposed order is for moving restrictions covering some weight restrictions alongside prohibition of U turns, prohibition of driving and one-way traffic, divided into separate Articles and Schedule items.

Failing to group the orders will increase the workload on the officers and the cost of processing the orders especially the cost of advertising in the local press resulting in the council's ability to keep the Traffic Regulation Orders in line with local needs.

### **Road Names and Described restriction lengths**

The comments suggesting that the start and end points of Coach Road proposed in Schedule 3 Item b) are incorrect as it should read from its junction with Barrow Nook Lane to Ben Lane and not its junction with Hall Lane to Ben Lane is noted.

However, Coach Road runs from its junction with Moss Lane/Sineacre Lane, past its junction with Coach Road continuing north westerly to its junction with Hall Lane as defined by the National Street Gazetteer. Therefore, it is considered that the description in the proposed order is correct.

### **Planning Application**

In relation to the proposed Medical Waste Incineration Plan the access point to this is outside the present weight limit restriction. This will also be the case with the proposed order that is a rewrite of the current provisions in a format that will aid the enforcement of the conditions.

As the access to the new provision is not within the restriction then it would be an offence for drivers of HGVs in excess of 7.5 tonnes to access the site via Barrow Nook or any of the roads included in this proposed order other than Stopgate Lane west of the commencement of the restriction.

The progression of this order would ease the enforcement of the provisions and aid compliance with the weight restriction.



### **Hall Lane, Simonswood and Simonswood Lane, Bickerstaffe**

The purpose of this proposal is to revoke the existing order which set out the roads that were subject to the restrictions by using a description of a designated area boundary rather than identifying 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. As Hall Lane, Simonswood and Simonswood Lane, Bickerstaffe were not included in the original order they have not been included within these proposals.

Simonswood Parish Council has identified that there is a problem with the signage on these roads, however this would require a correct and full investigation from the area engineers with a view to making a new order. This has been passed to the area engineer for separate investigation.

After considering objections submitted and the comments, officers recommend the proposed measures are implemented as advertised with modification to the exemptions in Article 9.

### **Implications:**

This item has the following implications, as indicated:

### **Financial**

The costs of the Traffic Regulation Order will be funded from the 2022/23 highways budget for new signs and lines at an estimated cost of £10,000.

### **Risk management**

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

### **List of Background Papers**

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate		
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