

# **PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT**

<b>DATE</b>	14 June 2021
<b>REPORT OF</b>	Councillor Stewart Swinburn, Portfolio Holder Environment & Transport
<b>RESPONSIBLE OFFICER</b>	Sharon Wroot, Executive Director for Environment, Economy and Resources
<b>SUBJECT</b>	Traffic Regulation Order – Prohibition of Vehicles: Healing Layby, B1210 Great Coates Road and Stallingborough Layby, Riby Road, Stallingborough
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	PHET 06/21/01

## **CONTRIBUTION TO OUR AIMS**

The restrictions on the use of the Healing layby, Great Coates Road and Stallingborough layby, Riby Road by vehicular traffic will contribute to the health and wellbeing of residents within North East Lincolnshire and help to build a stronger community by ensuring a well maintained environment that residents can feel proud to live in by removing the opportunity for fly tipping, littering and anti-social behaviours within these locations.

## **EXECUTIVE SUMMARY**

Concerns have been raised over the volume and frequency of fly tipping, littering and anti-social behaviours within the laybys identified. To address these issues, it is proposed to introduce a Traffic Regulation Order (TRO) to prevent vehicular access by the wider public.

## **RECOMMENDATIONS**

It is recommended that:

- a) Subject to formal consultation and no material objections being received, approval be granted to the making of a 'Prohibition of Vehicles, except for access' TRO for the two laybys as listed in Schedule 1 of Appendix 1 and shown on drawings TR-21-01A and TR-21-01B of Appendix 2.
- b) In the event there are unresolved material objections to the Order, these are referred to the Portfolio Holder for determination and a decision as to whether or not the Order be confirmed and executed.

## **REASONS FOR DECISION**

To remove the opportunity for fly tipping, littering and anti-social behaviour within these two laybys. The clearing of fly tipping and litter incurs a significant cost in both financial and resource to the Council.

## **1. BACKGROUND AND ISSUES**

### **B1210 Great Coates Road**

- 1.1 A campaign initially instigated in 2016 by Healing Parish Council, raised concerns over the volume and frequency of fly tipping and littering in the layby situated to the north of the B1210. Fly tipping is a criminal offence under Section 33 of the Environmental Protection Act 1990. Such behaviour can have a damaging effect within the rural setting of Wolds Ward by creating a blight on the landscape.
- 1.2 The layby is currently closed under the provisions of a Temporary Traffic Regulation Order (TTRO) for the storage of materials. The enforcement of this closure has recently been reinforced by the introduction of temporary physical measures to prohibit access by unauthorised vehicles. The current Temporary Traffic Regulation Order will expire in March 2022.
- 1.3 At the end of the 18-month period that the TTRO is in operation the layby would be reopened to members of the public and it is foreseeable that the fly tipping, littering, and anti-social issues could resume with the authority once again being forced to deal with the consequences of such activities.
- 1.4 Consultation has taken place with the neighbouring landowner who requires access to the fields to the north of the layby. The landowner has been supportive over the use of the layby for the storage of materials and is in support of public access to the layby being restricted.
- 1.5 It is proposed to permanently prohibit vehicle access to the layby through the introduction of a permanent Traffic Regulation Order, with an exception for access by authorised vehicles only. Pedestrian access will also still be maintained.
- 1.6 Authorised vehicles will be:
  - Any landowner who requires access to land fronting, adjoining, abutting or adjacent to the layby.
  - Livered Local Authority Vehicles (ENGIE / NELC)
  - Emergency Vehicles (Fire, Police, Ambulance, Coast Guard)
  - Authorised Contractors, Utilities or Waste Operations vehicles
  - Any other organisation / vehicle that the authority may from time to time grant permission for access.

### **Riby Road, Stallingborough**

Reports have been received that the layby situated on Riby Road (A1173), Stallingborough, to the south-east of its roundabout junction with the B1210 Stallingborough Road, is subject to regular anti-social behaviour.

- 1.7 The layby is currently closed under a TTRO for the storage of materials associated with a North East Lincolnshire Council (NELC) Highway maintenance scheme. The TTRO which covers this layby will expire in October 2022.

- 1.8 There are three Public Rights of Way within the immediate vicinity of the layby. Bridleway Number 22 is situated to the north east and Footpath Numbers 26 and 31 are to the west and south, respectively. The adopted layby serves to connect the three Public Rights of Way.
- 1.9 In addition, a Camping Caravan Club and pumping station is situated adjacent to the highways adopted Pumping Station Access Road to the north of the layby. This access road can be accessed on foot via the layby or by vehicle further along the A1173 / B1210.
- 1.10 Temporary fencing has been installed to support the TTRO and to physically prevent access to the layby until completion of the maintenance scheme.
- 1.11 It is proposed to permanently prohibit vehicle access to the layby through the introduction of a permanent Traffic Regulation Order, with an exception for access by authorised vehicles only. Pedestrian access will be maintained to ensure continued admittance to the existing identified Public Rights of Way.
- 1.12 Authorised vehicles will be:
- Livered Local Authority Vehicles (ENGIE / NELC)
  - Emergency Vehicles (Fire, Police, Ambulance, Coast Guard)
  - Authorised Contractors, Utilities or Waste Operations vehicles
  - Any other organisation / vehicle that the authority may from time to time grant permission for access.

## **2. RISKS AND OPPORTUNITIES**

### **2.1 Should these proposals be adopted, the opportunities are:**

- Significant reduction to the costs incurred by NELC associated with the clearance and enforcement of fly-tipping.
- Council resources can be better utilised elsewhere, further enhancing service delivery and having a positive effect in other areas of the borough.
- An improved environment and quality of life for residents within the locality of these laybys.

### **2.2 Should these proposals be adopted, the risks are:**

- Other rural areas within the Borough may start to become affected by the displacement of such behaviours.
- The gated access points must be closed and locked after use to prevent unauthorised access to the laybys.

### **2.3 Should these proposals not be implemented, the risks are:**

- Fly-tipping and anti-social behaviour will continue to cause a significant blight on the local environment; a source of pollution; a potential danger to public health; a hazard to wildlife and a nuisance.

### **3. OTHER OPTIONS CONSIDERED**

- 3.1 Do not permanently close** – This will not resolve the reported issues and result in the continuation of fly tipping and anti-social behaviours.
- 3.2 Improve visibility of the affected locations** – Tree and vegetation cutting may make such areas less appealing for tipping waste. This option would likely require regular attention by other NELC departments which is another resource commitment that could be avoided by implementing the recommended proposal.
- 3.3 Install or improve lighting** – The procurement, ongoing maintenance and potential replacement in the event of damage of such equipment would be additional annual cost to the Council. The locations are rural in nature which may pose issues for providing power easily.
- 3.4 Install appropriate CCTV deterrent or signs** – As with providing lighting, costs would be incurred by NELC to supply CCTV units, as well as to regularly monitor them. Most fly-tipping is likely to occur at night when offenders are more inconspicuous, which would make getting clear evidence of illegal activity difficult. This would also still require the clearing of any waste that is tipped and is not a solution that stops the issue at source.
- 3.5 Stopping up Order**  
A Stopping Up Order, under Section 116 and 118 of the Highways Act 1980 can be made when an area of public highway is no longer required. The area will then cease to be classified as highway.

### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1** It is expected there will be little potential for negative reputational implications resulting from the decision. The proposals are as a direct result of requests from a Wolds Ward Councillor, Healing Parish Council, and a Stallingborough Ward Councillor, who are all fully supportive of the proposals.
- 4.2** The laybys have been closed under temporary Orders and to date this has not resulted in any reported adverse effects on the public or negative reputational feedback.
- 4.3** The restrictions will be clearly displayed at the entrance to the laybys by the relevant prescribed traffic signs and road markings in accordance with the Traffic Signs Regulations and General Directions 2016 (TSRGD 2016). These traffic signs and road markings are common throughout the country, so are easily identifiable and understood by drivers.
- 4.4** Consultation has been undertaken with any neighbouring landowners that would be affected by the proposals, all of which are in support.
- 4.5** If approval is given to this proposal, the Order will be formally advertised in accordance with the statutory Local Authorities' Traffic Orders (Procedure)

(England and Wales) Regulations 1996. Public notices will be published in the local press and notices erected at each of the sites to advise of the Council's intention to make the Order. This provides a formal opportunity for anyone to submit an objection to the making of the order.

## **5. FINANCIAL CONSIDERATIONS**

The recommendation does not require any capital expenditure. Any standard lining, signing, and advertising of public notices associated with the proposals will be met through the Council's Regeneration Partnership arrangement with ENGIE.

## **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

All aspects of fly tipping have the potential to impact the local environment, in particular chemicals pose a significant risk to local wildlife in the event they contaminate soil. Taking steps to stop the illegal disposal of waste in the environment will prevent damage to our landscape and public health risks.

## **7. CONSULTATION WITH SCRUTINY**

There has been no consultation with Scrutiny in relation to this matter.

## **8. FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report, as costs incurred are covered via the Engie contract.

## **9. LEGAL IMPLICATIONS**

- 9.1 Under Section 1 Road Traffic Regulation Act 1984 traffic authorities are empowered to make Traffic Regulation Orders (TROs) for (inter alia) the reasons set out at the beginning of this report. Section 2 specifies what TROs may require and the recommended order is within those powers.
- 9.2 The procedure for making TROs is set out in Schedule 9 Part III of the 1984 Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and provides for advertisement and consideration of any objections before making a final decision on the proposed TRO.
- 9.3 Regulation 8 makes provision for objections and regulation 14 allows the Council to modify a TRO before it is made.
- 9.4 If it is decided to make the TRO notwithstanding any objections made it can only be challenged by Judicial Review in the Administrative Court.

## **10. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications contained within this report

## **11. WARD IMPLICATIONS**

The proposals relate to issues within the Wards of Wolds and Immingham.

## **12. BACKGROUND PAPERS**

Environmental Protection Act 1990

<https://www.legislation.gov.uk/ukpga/1990/43/contents>

Local Authorities' Traffic Orders (Procedure) (England and Wales)  
Regulations 1996

<http://www.legislation.gov.uk/uksi/1996/2489/made>

Road Traffic Regulation Act 1984

<http://www.legislation.gov.uk/ukpga/1984/27>

## **13. CONTACT OFFICER(S)**

Mark Nearney, Assistant Director of Housing, Highways and Transport- NELC  
Telephone: (01472) 324122

Debbie Swatman – Traffic Team Manager – ENGIE  
Telephone: (01472) 324514

**COUNCILLOR STEWART SWINBURN**  
**PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT**

## APPENDIX A

### “No Vehicles, except for access”

<u>Location</u>	<u>Extent</u>
Great Coates Layby - Great Coates Road, Healing	Full length of the layby commencing at the exit to the layby 96 metres from the roundabout junction with A1136 to the layby entrance 413 metres from the roundabout junction with A1136.
Riby Road Layby – A1173 Riby Road, Stallingborough	Full length of the layby commencing from a point no more than 325 metres from the entrance to the Stallingborough Grange Hotel for the entire length of the layby (250 metres).

Appendix B





