

# **PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT**

<b>DATE</b>	9 <sup>th</sup> August 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: A1098 Hewitt's Avenue Layby, Grimsby
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	PHET 08/21/01

## **CONTRIBUTION TO OUR AIMS**

The restrictions on the use of the A1098 Hewitts Avenue layby 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.

## **EXECUTIVE SUMMARY**

Concerns have been raised over the volume and frequency of fly tipping, littering and anti-social behaviours within the layby on the A1098 Hewitts Avenue. To address these issues, it is proposed to introduce a permanent 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 Hewitts Avenue layby as detailed in the Schedule in Appendix A and shown indicatively on drawing TR-21-03-A of Appendix B.
- 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 the Order be confirmed and executed.

## **REASONS FOR DECISION**

To remove the opportunity for fly tipping, littering and antisocial behaviours within the layby. The clearing of fly tipping and litter incurs a significant cost in both financial and resource to the Council.

## **1. BACKGROUND AND ISSUES**

- 1.1 The layby is currently closed under the provisions of a Temporary Traffic Regulation Order (TTRO) on the grounds of public safety due to the scale and frequency of the issues of fly tipping and littering. The TTRO was implemented on 12<sup>th</sup> December 2019 for a period of 18 months and was extended by the Secretary of State for a further 6 months in June 2021 and will expire on 12<sup>th</sup> December 2021.
- 1.2 At the end of the 6-month TTRO extension period, 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.
- 1.3 It is therefore proposed to permanently prohibit vehicle access to the layby through the introduction of a Traffic Regulation Order, with an exception for access by authorised vehicles only.
- 1.4 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.
- 1.5 Temporary fencing is currently in place to support the TTRO and to physically prevent access to the layby. This will be removed and replaced with a gated 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 within the locality of this layby.

### **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 layby.

### **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 recurrence 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.
- 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 layby has been closed under a temporary Order and to date this has not resulted in any reported adverse effects on the public or negative reputational feedback.
- 4.2** 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.
- 4.3** 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 Councils 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**

- 5.1** 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**

- 6.1 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**

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

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no direct cost implications to the Council, as related costs will be met by Engie.
- 8.2 A reduction in fly tipping could prevent costs of removal of waste.

## **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

## **11. WARD IMPLICATIONS**

The proposals relate to issues within the Ward of Humberston & New Waltham.

## **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)**

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

## APPENDIX A

### “No Vehicles, Except for Access”

<u>Location</u>	<u>Extent</u>
A1098 Hewitts Avenue Layby, Grimsby (opposite Altyre Way)	Full length of the layby commencing at a point 170 metres south-west of the junction with Altyre Way (Grid Ref; TA 29199 06321) to a point 140 metres north-east of the junction with Altyre Way (Grid Ref; TA 29378 06559).

Appendix B

