

PORTFOLIO HOLDER ENVIRONMENT AND TRANSPORT

DATE	3 rd April 2023
REPORT OF	Councillor Stewart Swinburn, Portfolio Holder Environment & Transport.
RESPONSIBLE OFFICER	Carolina Borgstrom – Director for Environment, Economy and Infrastructure
SUBJECT	Traffic Regulation Order 23-14: Manby Road, Immingham – 24 Hour Clearway
STATUS	Open
FORWARD PLAN REF NO.	PHET 04/23/05

CONTRIBUTION TO OUR AIMS

The introduction of an extension to the current 24-hour Clearway to cover a section of the residential area of Manby Road, Immingham will make a significant contribution to the Council's 'Health and Wellbeing' objective by reducing noise and air pollution for residents living nearby, and also creating and maintaining a safer environment for all road users.

EXECUTIVE SUMMARY

In order to address concerns raised by residents and Humberside Police regarding HGVs parking within a section of the residential section of Manby Road, it is proposed to introduce an extension to the current 24-hour Clearway restriction to cover this area to enable effective enforcement when necessary.

RECOMMENDATIONS

It is recommended that:

- a) Approval be granted to the making of a TRO to introduce a 24-hour Clearway restriction on the residential section of Manby Road, Immingham the extent of which is detailed in the Plan attached at Appendix 1.
- b) In the event there are unresolved material objections to the Order, these are referred back to the Portfolio Holder for Environment and Transport for determination and a decision as to whether or not the Order be confirmed and executed.

REASONS FOR DECISION

The extension of the existing of 24-hour Clearway restriction is proposed in order to improve road safety for all road users, by keeping the area free of HGV parking, thereby ensuring clear visibility for drivers, pedestrians and cyclists and also, by reducing noise and air pollution generated by the HGVs currently affecting the residents living nearby.

1. BACKGROUND AND ISSUES

- 1.1 The Traffic Team working in partnership with Humberside Police have been asked to review the extent of the current 24-hour Clearway restriction in place on Manby Road, Immingham with a view to extending the restriction to cover part of the residential section. The request came as a result of regularly reported issues with HGV drivers parking their vehicles in this area overnight, which is causing distress to people living nearby due to the noise and litter the drivers generate.
- 1.2 Whilst part of the area in question is covered by No Waiting at Any Time (NWAAT) restrictions, both the Police and the Council's Civil Enforcement Officers (CEOs) are required to carry out a 5 minute observation period when the vehicle is still occupied to ascertain whether or not the driver intends to leave the vehicle. This unfortunately often results in the driver moving on preventing enforcement action.
- 1.3 By replacing the NWAAT restrictions and covering the remaining unrestricted sections of the carriageway with a 24-hour Clearway restriction, any vehicles subsequently found parked within the signed restricted area, whether occupied or not, by either the Police or the Council's CEOs would be committing an immediate offence, which will result in officers being able to undertake appropriate enforcement action against the driver. It is hoped that this will deter drivers from choosing to park in this area and instead use the lorry park nearby.
- 1.4 Informal consultation has taken place with the properties immediately located next to the area in question. Ward Councillors are in full support.

2. RISKS AND OPPORTUNITIES

2.1 Should these proposals not be implemented, the risks are:

- It is likely that the parking and movement of HGVs will continue to cause distress to the residents of Manby Road. If left untreated the situation may worsen if more HGVs park at this location in a bid to avoid lorry park fees.

2.2 Should this proposal be adopted, the opportunities are:

- To implement restrictions that are respected by drivers.
- To prevent all parking within the restricted area.
- To improve the quality of life for residents living nearby by reducing noise and air pollution created by HGVs parking overnight.
- To provide traffic flow benefits.
- By introducing mandatory restrictions which are fully backed by a legal TRO will enable the NELC Civil Enforcement Team or Humberside Police to enforce any vehicles parked in contravention.

3. OTHER OPTIONS CONSIDERED

The existing NWAAT restrictions could be extended to cover any currently unrestricted areas of carriageway within the area identified however, this is not recommended given the enforcement issues referred to in this report.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 It is expected there will be little potential for negative reputational implications for the Council resulting from the decision. There will be a slight reduction in the length of on street parking availability for properties immediately adjoining the proposed Clearway area, however, these properties do have access to their own off street parking facilities and there is availability of unrestricted carriageway further down Manby Road if needed by their visitors.
- 4.2 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 to advise of the Council's intention to make the Order. This provides a formal opportunity for anyone to object to the making of the order.

5. FINANCIAL CONSIDERATIONS

The recommendation does not require any capital expenditure. Any standard lining, signing and public notices required are covered through the Council's delivery partnership arrangement with Equans.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

The proposals will create a safer environment for all road users, including children and young people who are classed as vulnerable in terms of pedestrian usage.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 7.1 Removal of HGVs from a residential area is likely to result on some minor environmental benefits in terms of reduced litter, noise and visual intrusion within the immediate vicinity of the proposed works.
- 7.2 The proposals are not expected to have any significant impact on climate change.

8. CONSULTATION WITH SCRUTINY

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

9. FINANCIAL IMPLICATIONS

As indicated in section 5, there are no direct financial implications to the Council as a result of this report.

10. LEGAL IMPLICATIONS

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.

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.

Regulation 8 makes provision for objections and Regulation 14 allows the Council to modify a TRO before it is made.

If it is decided to make the TRO, notwithstanding any objections made, it can only be challenged by Judicial Review in the Administrative Court.

11. HUMAN RESOURCES IMPLICATIONS

There are no direct HR implications.

12. WARD IMPLICATIONS

The proposals relate to issues solely within the Immingham Ward.

13. BACKGROUND PAPERS

[Local Authorities' Traffic Orders \(Procedure\) \(England and Wales\) Regulations 1996](#)

[Road Traffic Regulation Act 1984](#)

[The Traffic Signs Regulations and General Directions 2016 No 362](#)

14. CONTACT OFFICER(S)

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COUNCILLOR STEWART SWINBURN

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Appendix One

