

**CABINET**  
**5 JULY 2022**

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**OBJECTIONS TO TRAFFIC REGULATIONS ON DUKE STREET**

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**Responsible Cabinet Member - Councillor Andy Keir, Local Services Portfolio**

**Responsible Director - Dave Winstanley, Group Director of Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To advise members of the outcome of a Public Inquiry into objections received as the result of proposed changes to traffic restriction orders in Duke Street and to seek approval to proceed with the proposal.

**Summary**

2. Tees Valley Combined Authority (TVCA) have developed the Tees Valley Local Cycling and Walking Investment Plan (LCWIP) which identifies priority corridors for investment in measures to encourage increased levels of cycling and walking. For Darlington the first priority is the West Park and Faverdale to Darlington Town Centre route.
3. The first phase provides the route nearest to the town centre connecting the Woodland Road/Hollyhurst Road junction to the town centre via Woodland Road, Outram Street and Duke Street. The Woodland Road section is currently under construction, but objections were received to the Duke Street section.
4. Officers went through an extensive process of consultation and scheme revision to reach the design of the scheme. Consultation was initiated by TVCA in December 2020. This was supplemented by additional local consultation with more than 800 properties and businesses receiving a letter and asking for their views.
5. A total of 150 people responded to an online questionnaire, which represents an excellent response rate. Overall the results were very positive:
  - (a) 77% supported the Duke Street scheme either fully or partially;
  - (b) 65% supported the Woodland Road scheme either fully or partially;
  - (c) 68% supported the Outram Street scheme either fully or partially;
6. The original design was amended to address some of the issues raised in the consultation and the revised plans were subject to further consultation in April 2021. The legal orders required to amend the waiting, parking and moving restrictions parts of the scheme were consulted in May 2021.

7. Initially there were 17 objections to the changes on Duke Street primarily from businesses on Duke Street. We carried out further consultations with the businesses and after this period of consultation and the feedback on the revised design, amendment to the Traffic Regulation Order was statutorily advertised with a closing date for objections of 21 October 2021. Three formal objections were received.
8. Further discussions with these three objectors have taken place and minor modifications to the scheme agreed in principle to address some of their concerns.
9. The objections necessitated that they be considered at a Public Inquiry. This Public Inquiry took place on 30 March 2022 and was adjudicated by the Planning Inspectorate. The Inquiry considered the three formal objections to the order. It also considered three further written objections that were triggered following the notification of the enquiry being published and one verbal objection at the inquiry.
10. The recommendation of the inspector, which is shown at **Appendix A**, was that that the order could be made with some minor additions and amendments and that by inference the objections should be set aside.

### **Recommendation**

11. It is recommended that Members note the outcome of the Public Inquiry, set aside the objections to the legal order and authorise officers to proceed with the proposed changes to restrictions.

### **Reasons**

12. The recommendations are supported by the following reasons:
  - (a) The scheme complies with Council policy as set out in the current Local Transport Plan.
  - (b) The Council is committed to providing a safer walking and cycling network to encourage the use of sustainable travel modes.

**Dave Winstanley**  
**Group Director of Services**

### **Background Papers**

There are no background papers.

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LC

S17 Crime and Disorder	There are no direct implications
Health and Wellbeing	The introduction of safer walking and cycling routes aimed at encouraging more people to walk and cycle, and in so doing lead healthier lifestyles and benefit from improved well-being ,both physically and mentally.
Carbon Impact and Climate Change	Introducing the infrastructure and regulations to encourage more people to make sustainable travel choices will have a positive impact on climate change.
Diversity	There are no direct implications
Wards Affected	Park East
Groups Affected	All
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This decision supports the safe and sustainable themes in the Council Plan.
Efficiency	There are no direct implications
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

13. In July 2020 the Department for Transport (DfT) launched 'Gear Change: A bold vision for cycling and walking' and 'Cycle Infrastructure Design Local Transport Note 1/20', which clearly set out the Government's commitment to a radical change in the provision of walking and cycling infrastructure. This is to be delivered through the development of Local Cycling and Walking Investment Plans (LCWIP). These are intended to deliver the value of cycling and walking in terms of physical health and mental wellbeing; the positive benefits to the environment in terms of better air to breathe and reduced noise pollution; and the positive impact on the economy for businesses in local streets is well documented.
14. The Strategic Transport Plan for the Tees Valley sets out how it will achieve a world class transport system. This includes as one of its seven key themes and investment packages, 'making cycling and walking the natural choice for shorter journeys'. Tees Valley Combined Authority (TVCA) have developed the Tees Valley Local Cycling and Walking Investment Plan (LCWIP) which identifies priority corridors for investment in measures to encourage increased levels of cycling and walking and achieve this key theme.
15. For Darlington the first priority is the West Park and Faverdale to Darlington town centre route as this route has the potential to increase the propensity to cycle. The first phase provides the route nearest to the town centre connecting the Woodland Road/Hollyhurst Road junction to the town centre via Woodland Road, Outram Street and Duke Street. The Woodland Road section is currently under construction, but objections were received to the Duke Street section.
16. LTN1/20 Cycle Infrastructure Design is the national guidance that cycle routes should meet and it sets the following requirements that all cycle routes should meet.
  - (a) Coherent – planned and designed to allow people to reach their day to day destinations easily along routes that connect, are simple to navigate and are of a consistently high quality;
  - (b) Direct – at least as direct as – and preferably more direct – than those available for private motor vehicles;
  - (c) Safe – the infrastructure must be safe and be perceived to be safe so more people feel able to cycle;
  - (d) Comfortable – good quality, well maintained, smooth surfaces with adequate width for the volume of users, minimal stopping and starting and avoiding steep gradients;
  - (e) Attractive – deliver public spaces that are well designed and finished in attractive materials and be places that people want to spend time using.
17. A number of alternative route options were considered at the feasibility stage, but these were discounted as they did not meet these criteria. Duke Street was selected as the best route option as it provided a better route for cyclists and was already heavily used by sustainable travel modes with around 7,000 pedestrian movements a day.

18. Once Duke Street was identified as the most appropriate route, a review of the traffic conditions established the most appropriate protection that was required for cyclists in relation to vehicle volume and speed. This design also had to consider the functions of the street i.e. a busy retail area. Alternative design options have been considered but these have to comply with LTN1/20 as well as support access and use by all traffic. There have been a number of amendments to the scheme as the result of consultation.
19. The proposed scheme incorporates the following features:
  - (a) A permanent reduction in the speed limit to 20mph, designed to be self-enforcing through the construction of three vertical features (speed tables) at the junctions of Stanhope Road, Larchfield Street and Raby Terrace;
  - (b) Increased conspicuousness of the Larchfield Street junction through the use of coloured materials, signs and lines;
  - (c) Retention of pedestrian guardrail at the Larchfield Street junction;
  - (d) The permanent restriction of vehicular traffic to one-way, from west to east;
  - (e) The closure of the Outram Street junction to vehicular traffic but retaining pedestrian and cycle access/egress to Outram Street;
  - (f) The provision of a contraflow, lightly segregated cycle lane;
  - (g) The provision of on street limited waiting parking spaces including disabled parking bays;
  - (h) The provision of off-street parking at Winston Street West (already completed by separate TRO in advance of the scheme);
  - (i) The provision of loading bays, three on Duke Street (two to operate as loading bays until 10:00am and then revert to limited waiting parking) and one to operate all day as loading only); and one on Barnard Street
20. A plan of the proposed scheme is shown at **Appendix B**.

21. There were three formal objections to the Darlington Borough Council Road Traffic Restrictions (Amendment No.8) Order 2021. These were as follows:

<b>Respondent</b>	<b>Objection</b>
<b>Business 1 Duke Street</b>	There will be no access for disabled patients to be dropped off and picked up on Duke Street (outside our premises). This will cause extreme unnecessary inconvenience in access both to the front and rear of the property.
<b>Business 2 Outram Street</b>	You are not giving me any opportunity for access for my clients who are elderly or unable to walk far to be dropped off outside the clinic. It has been an issue already for parking.
<b>Business 3 Duke Street</b>	<p>We see no logic to blocking Outram street end on to Duke Street - No Benefit or Reason. No accidents so not a requirement. Not required for road safety?</p> <p>We believe this will affect the through flow of traffic around the town centre.</p> <p>The loading bays need to be loading bays only, as already and for months now the loading bays are occupied by cars parking stopping to shop leaving no space for larger vans etc which then have no choice block the flow of traffic. To make loading bays pay and display from 10.00 am will cause chaos. Every building in the street is occupied either by a business, shop or restaurant and deliveries are a regular throughout the day.</p> <p>Why is the parking on one side in the west end of the street and on the alternative side on the east side of the street.</p> <p>Any parking bays need to be clearly identified spaces as motorists take up too much space for their vehicle if bays are not clearly marked, as is current situation.</p> <p>Not enough parking at all compared to present, will affect business and town business and Darlington economy</p> <p>We see very few cyclists, so why is this required</p> <p>The one-way traffic continues to have traffic going the wrong way.</p>

22. We have proposed minor amendments to the scheme to provide an additional eight parking spaces in Outram Street made up of disabled and limited waiting bays address the issues raised by businesses one and two.

23. Business three raised a number of concerns around the detail of the scheme and enforcement of restrictions. The closure of Outram Street is required to provide a safe route for cyclists to access the section of cycle route along Woodland Road. Other options were considered during the design process, but this route was considered the safest and most convenient route.
24. The Council's Civic Enforcement Team and the Police have powers to enforce on-street restrictions such the loading bays and moving traffic issues such as obstruction. An additional 24 off-street parking spaces have been provided off Barnard Street as a result of the scheme.
25. The objections necessitated that they be considered at a Public Inquiry on 30 March 2022, adjudicated by the Planning Inspectorate. The Inquiry considered the three formal objections to the order listed above with the exception of the objection from Business three which withdrew their objection on the morning of the inquiry. It also considered three further written objections that were triggered following the notification of the enquiry being published and one verbal objection at the inquiry.
26. These further objections are listed below.

<b>Objection 1 at Inquiry Duke Street</b>	There will be an impact on the business on Duke Street due to the limited provision for parking and loading/unloading close to the shop and the reduction in through traffic.
<b>Objection 2 at Inquiry East Raby Street</b>	East Raby Street, Raby Terrace and Powlett Street have become rat runs since the one way system has been put in place. In the case of East Raby Street, there has been an increase in noise pollution, speeding vehicles, exhaust pollution, wear and tear on the road, illegal parking, litter and HGVs loading and unloading on the residential street. This has affected physical and mental health.
<b>Objection 3 at Inquiry Duke Street /Larchfield Street</b>	The junction of Larchfield Street and Duke Street is an accident blackspot. Existing signage is not effective and the 20mph limit is not adhered to. Safety barriers are not sufficient. The introduction of a cycle lane will increase the chance of accidents.  The small increase in cyclists does not justify the removal of car parking and the effect on businesses. Concern is expressed about potential structural damage to the building on the corner of Larchfield Street and Duke Street from vehicles involved in accidents.
<b>Objection 4 at Inquiry Powlett Street</b>	There is concern about the impact of the Order on surrounding streets, in particular Powlett Street. It was questioned whether the cycle lane should be on the north side of Duke Street.

27. There is a loading bay on the frontage of the business of objector one and the latest proposals maximise the provision of parking.
28. The level of traffic in East Raby Street, Powlett Street and Raby Terrace remains relatively low.
29. The scheme incorporates additional safety measures at the Larchfield Street/Duke Street junction. It has been the subject of an independent safety audit and we have acted on the recommendations of the report. We will continue to monitor this junction once these additional measures are in place.
30. The recommendation of the Public Inquiry (Appendix A) was that the order should be made subject to modifications as detailed below:
31. The following should be added to the order:
  - (a) The following length of road to be designated a disabled parking place from 8.00am-6.00pm with a maximum wait of three hours, and no return within an hour:  
Outram Street - the west side, from a point 17.8m north of its junction with Duke Street northwards for a distance of 12m.
  - (b) The following lengths of road to be designated as limited waiting for two hours (with no return within an hour) 9.00am-5.00pm Mon-Sat:  
Outram Street - the east side, from a point 5.8m north of its junction with Duke Street northwards for a distance of 24m  
Outram Street - the west side, from a point 5.8m north of its junction with Duke Street northwards for a distance of 12m

### **Amendments**

32. The following amendments should be made to the order:
  - (a) Amend Schedule 13 of the Order to clarify that the “no right turns” from Larchfield Street and Raby Terrace into Duke Street are for traffic heading south and to add a “no right turn” from Barnard Street into Duke Street for traffic heading south.
  - (b) Amend Schedule 14 of the Order to clarify that the “no left turns” from Larchfield Street and Raby Terrace into Duke Street are for traffic heading north

### **Outcome of Consultation**

33. The scheme has been the subject of extensive consultation and engagement. An initial consultation was led by TVCA as the Transport Authority with responsibility for delivering the Tees Valley Cycling and Walking Investment Plan and managing the funding allocated by the Department for Transport. The consultation started on Monday 14 December 2020 and ran until 3 February 2021.
34. In Darlington, it was decided to supplement the TVCA consultation with local communications. As it was not possible to hold face to face events due to Covid-19



restrictions, letters were delivered to over 800 residential properties and businesses on Duke Street, Outram Street, Woodland Road and surrounding streets on 10 and 11 December. 100% of premises were included. A press release was issued and social media posts reminded people that the consultation was open.

35. 150 people responded to an online questionnaire with the majority of people using a car/taxi/motorbike or walking with lower numbers of cyclists and bus users. Overall the results were very positive:
  - (a) 77% supported the Duke Street scheme either fully or partially;
  - (b) 65% supported the Woodland Road scheme either fully or partially;
  - (c) 68% supported the Outram Street scheme either fully or partially;
  - (d) 38% of respondents already walk or cycle along sections of the route, but of the remainder 57% would be encouraged to do so as a result of the scheme;
  - (e) 88% supported the 20mph speed limit; and
  - (f) 65% supported the opening of Winston Street West car park.
36. There were lots of individual comments about many aspects of the scheme, both supportive and against the scheme. These were reviewed as part of the next stage of the design process.
37. There were also submissions on behalf of stakeholders including Royal National Institute for the Blind (RNIB), Darlington Association on Disability, Arriva North East, Darlington Green Party, Darlovelo, Darlington Forest Project, Durham Police and a group of young people in an event organised by Youth Participation. Comments related to specific technical details around the design to ensure that the needs of disabled people can be met as far as possible;
  - (a) Specific technical details around the design to ensure that the needs of cyclists can be met as far as possible;
  - (b) The design of the bus stops, in particular the views of Arriva, Darlovelo and RNIB, in relation to the guidance issued in LTN1/20;
  - (c) The removal of mature trees; and
  - (d) How would the project be monitored and deemed 'a success'.
38. These comments were also reviewed as part of the next stage of the design process. Comments received were also recorded and reviewed as part of the Equalities Impact Assessment.
39. In April 2021 revised plans were issued having taken into account the comments received during the initial consultation. A press release was issued and an article appeared in the local press. A letter and a copy of the plans were distributed to the stakeholders and local

residents and businesses for information. This covered the same area as the original consultation and a further 800 letters were delivered. The letter contained advice that a legal process would follow and that they could discuss the scheme by contacting the Principal Highway Design Engineer. Although this was not part of the formal consultation process we did still receive further complaints, comments and questions which are detailed as part of the consultation outcomes.

40. Officers consulted residents and businesses directly impacted by this proposal in May 2021 with a further letter and plan of the legal orders. Letters were also sent to over 800 properties in the wider area to advise them of the legal order process and how they could object. The proposal has also been statutorily advertised in the press, following delegated authority to progress a traffic order.
41. Following the advertising of the legal notices, the Council received:
  - (a) No objections to the legal orders for Winston Street car park and the car park was duly opened on 28 May 2021;
  - (b) No objections for the proposals for Woodland Road and Outram Street;
  - (c) And 17 objections to the proposals for Duke Street.
42. After 17 objections were received to the Traffic Regulation Order amendment further consultation was undertaken with the businesses that objected and they were invited to face to face meetings. Representatives from seven businesses attended and provided very detailed feedback. This was used to revise the design further including:
  - (a) One way street with contraflow cycle lane, with a 1m buffer between cyclists and parking to maintain safety for cyclists and drivers and pedestrians existing the vehicles;
  - (b) 20mph speed limit with three rather than two raised tables to limit speed;
  - (c) Closure of Outram Street to motorised vehicles but access retained for cyclists, which enables:
    - (i) Two loading bays on the south side of Duke Street rather than one, but only until 10:00am (at the request of the businesses);
    - (ii) Eight short stay parking spaces on the south side of Duke Street, rather than four on the north side; and
    - (iii) Seven additional short stay parking spaces after 10:00am until midnight utilising the loading bays
43. This design forms the basis of the Order scheme. Letters were sent out in August to the residents and businesses in the Duke Street and Outram Street area. This included the revised design and an invitation to provide comments and/or attend a drop in face to face event on 1 September 2021. This was a public event which was also publicised by a press release and information on the Council website.

44. Feedback was again mainly positive with:
- (a) Five supporting the proposals,
  - (b) Three neutral,
  - (c) Two raising issues/worries.
45. After this period of consultation and the feedback on the revised design, the amendment to the Traffic Regulation Order was statutorily advertised with a closing date for objections of 21 October 2021. Three formal objections were received. These are detailed above along with four further objections received as part of the Public Inquiry.

#### **Financial Implications**

46. The scheme is part of the Woodlands Road LCWIP scheme which is the subject of a £1.7m funding agreement with TVCA.

#### **Legal Implications**

47. The Order meets both the relevant statutory purposes of Section 1 and conforms to the Council's Section 122 duty (Road Traffic Regulation Act 1984).

#### **Equalities Considerations**

48. An Equality Impact Assessment has been carried out and there are no outstanding issues.