

CUMBERLAND COUNCIL (VARIOUS ROADS, COCKERMOUTH AND SURROUNDING AREA)
(WAITING, LOADING AND PARKING PLACES) (ON-STREET RESTRICTIONS) ORDER 20><

CUMBERLAND COUNCIL (VARIOUS ROADS, COCKERMOUTH AND SURROUNDING AREA)
(MOVING TRAFFIC RESTRICTIONS) ORDER 20><

Statement of Reasons

Proposal

Cumberland Council, as the local traffic authority for the area encompassing Cockermouth and its surrounding localities, currently maintains a single Traffic Regulation Order ("TRO") covering both static (parking) and moving traffic restrictions across the Cockermouth area.

It is proposed to revoke and replace the existing Order with two separate TROs:

- i. one relating to moving traffic restrictions; and
- ii. one relating to static (parking) restrictions.

These proposed Orders will apply to the entirety of the Cockermouth area and its immediate surroundings.

As part of this process, the existing text-based schedules will be replaced with map-based schedules. All existing restrictions will be digitised and incorporated into the Council's map-based traffic regulation system.

All existing provisions, terms, and conditions contained within the current Cockermouth TRO, insofar as they relate to both moving and static traffic restrictions, will be revoked and re-enacted within the new Orders. No material changes to the effect of the restrictions on the ground, nor to their enforcement, are proposed.

This exercise is primarily administrative in nature and is intended to ensure that all restrictions are supported by TROs in Digital format to support the Government's DTRO programme.

The proposals include the following elements:

- The formal separation of the existing combined Order into two distinct Orders, addressing static and moving restrictions separately;
- The digitisation and mapping of all existing moving and static traffic restrictions to produce accurate map-based schedules; and
- The introduction of provisions relating to map-based schedules;

Reasons

The purpose of these proposals is to modernise and digitise the existing TRO related restrictions within Cockermouth and its surrounding area, ensuring compatibility with national initiatives, including the Department for Transport's Digital Traffic Regulation Order (D-TRO) programme and the National Parking Platform.

The digitisation of TROs will improve accessibility and transparency by enabling members of the public to view and understand traffic restrictions more easily via publicly available digital platforms.

The underlying purpose of traffic regulation within the area is to improve road safety for all users of the highway, facilitate appropriate access to local amenities and services (including public transport), and support the efficient movement of traffic. The measures also seek to encourage sustainable and active travel choices, preserve the character and amenities of the area, reduce the incidence of road traffic collisions, and contribute to improved air quality.

Road Traffic Regulation Act 1984

Cumberland Council are satisfied that the Orders should be brought into operation (respectively), under Sections 1, 2, 19, 32, 35, 35A, 45, 46, 47, 49, 51, 53, 64 and 124 (and Parts III & IV of Schedule 9) of the Road Traffic Regulation Act 1984 (RTRA) and Part 6 of the Traffic Management Act 2004.

In addition, Cumberland Council has taken into account the general duty imposed by Section 122(1) of the RTRA when exercising powers so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrian) and the provision of suitable and adequate parking facilities on and off the highway.

Under Section 122(2), the matters to be taken into account in exercising that duty are: -

- (a) The desirability of securing and maintaining reasonable access to premises;
- (b) the effect on amenities of an area;
- (c) the national air quality strategy prepared under section 80 of the Environment Act 1995;
- (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (e) any other matters appearing to the authority to be relevant.

Traffic Signs Regulations and General Directions 2016

All of the associated signing and lining will be in accordance with Traffic Signs Regulations and General Directions (TSRGD) 2016.

Equality Act 2010

Thorough consideration was given to the Council's Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The duty is to have "due regard", it is not to achieve a specific outcome.

The Human Rights Act 1998

The Council has noted that it is unlawful for a public authority to act in a way which is incompatible with a right or freedom under the European Convention on Human Rights. The provisions of Article 8 (right to respect for private and family life) and Article 14 (protection from discrimination) contained in Schedule 1 of the Human Rights Act 1998 have been considered and taken into account. These rights can lawfully be interfered with where the interference is proportionate, necessary, and has a legitimate aim. For example, where it is necessary in the interests of other concerns including public safety and health or where it is necessary in the wider public interest, and it is proportionate.