

**WHITBY SWING BRIDGE - PROPOSAL TO CLOSE THE SWING BRIDGE TO ROAD TRAFFIC, WITH  
COMPLEMENTARY RESTRICTIONS IN NEIGHBOURING WHITBY TOWN CENTRE STREETS, BY  
MEANS OF AN EXPERIMENTAL TRAFFIC ORDER.  
STATEMENT OF THE COUNCIL'S REASONS FOR PROPOSING TO MAKE THE ORDER**

**LEGAL POWERS AND DUTIES**

Under Section 1(1) of the Road Traffic Regulation Act 1984 the County Council, as traffic authority for North Yorkshire, has powers to make a Traffic Regulation Order (TRO) where it appears expedient to make it on one or more of the following grounds:-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of Section 87 of the Environment Act 1995 (air quality), or

Section 122(1) of the Road Traffic Regulation Act 1984 also provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

S.10 (1) (a) of the Road Traffic Regulation Act 1984 provides that an Experimental Traffic Order may provide for the suspension or modification, while the order is in force, of any provision previously made by or under any enactment, if it is a provision that could have been made by the order;

and (b) shall, to the extent that it is inconsistent with any provision subsequently made by or under any enactment, cease to have effect.

The County Council will be considering, in due course, whether the provisions of the Order should be continued in force indefinitely. Within a period of six months from the coming into force of the Order, or if the Order is subsequently varied or modified, from the coming into operation of that variation or modification (whichever is the later), any person may object to the making of an Order for the purposes of such indefinite continuation.

**REASONS FOR MAKING THE ORDER**

The County Council considers that it is expedient to make this TRO on grounds (a) and (c) above, having taken into account its duty under Section 122(1) of the 1984 Act, to control vehicular access in order to benefit safety and improve the environment for pedestrians.

The Order is being introduced as an experimental Order initially so that its effect can be assessed before consideration and decisions are made about whether to introduce the measures permanently.

### Location(s) of Proposed Order

Settlement	Street	From	To	Restriction
Whitby	Grape Lane	Its Junction with Bridge Street.	Its junction with Church Street.	Pedestrian zone 10:30 am to 4 pm.
Whitby	Bridge Street	the western end of the swing bridge	the eastern end of the swing bridge	No Vehicles Saturdays, Sundays and Bank holidays 10:30 am to 4 pm.
Whitby	St. Ann's Staith	Its junction with New Quay Road	Its junction with Haddersgate	No Motor Vehicles except for loading, buses, taxis and permit holders 10:30 am to 4 pm.
Whitby	Haddersgate	Its junction with St. Ann's Staith	Its junction with Pier Road	No Motor Vehicles except for loading, buses, taxis and permit holders 10:30 am to 4 pm.
Whitby	Pier Road	Its junction with Haddersgate	Its junction with Khyber Pass	No Motor Vehicles except for loading, buses, taxis and permit holders 10:30 am to 4 pm.
Whitby	Khyber Pass	Its junction with Pier Road	Its junction with Cliff Street	No Motor Vehicles except for loading, buses, taxis and permit holders 10:30 am to 4 pm.

### CONSIDERATION OF OBJECTIONS

Under the County Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director - Business and Environmental Services (BES) in consultation with the BES Executive Members. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The report will include the views of the relevant local member who will also be invited to the meeting that considers the report. The Corporate Director - BES may wish to refer the matter to the Council's Executive for a final decision.

A report to the relevant Area Committee will only be necessary when there are objections to a wide area impact TRO.

A wide area impact TRO is defined as a proposal satisfying all the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor

The report will seek the views of the Area Committee and these views will then be included in a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The Corporate Director - BES may wish to refer the matter to the Executive for a final decision.

The existing arrangements for members of the public wishing to attend or speak at committee meetings will apply and it may be appropriate for the Corporate Director - BES to have his decision making meetings open

to the public, so that the public and in particular those with objections, have the opportunity to put their views across directly.

N.B. The Corporate Director - BES has delegated powers to make decisions on TROs where there are no objections.