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REFERENCE: HSB-40-14

**FOLKESTONE ROAD, HOLLOWES CLOSE AND SAXON ROAD, SALISBURY
PROPOSED PROHIBITION OF DRIVING TRAFFIC REGULATION ORDER**

Purpose of Report

1. To:
 - (i) Consider objections to the proposed introduction of a Prohibition of Driving Traffic Regulation Order (TRO) covering Folkestone Road, Hollows Close and Saxon Road, Salisbury.
 - (ii) Recommend the making of the TRO subject to the amendments set out in this report.

Relevance to the Council's Business Plan

2. The proposed TRO meets two of the priorities of the Council's Business Plan. Those priorities being:
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them; and
 - Outcome 6 – People are as protected from harm as possible and feel safe.
3. Outcome 2 has been met through development of the proposals in conjunction with the local elected Wiltshire Council Member, local residents and the Salisbury Community Area Transport Group (CATG) to address problems being experienced by residents of the aforementioned roads caused by parents of children attending the Harnham Schools whilst undertaking the school run.
4. If implemented, the proposals would meet Outcome 6. The introduction of the prohibition of driving restriction has been requested by local residents (led by residents of Hollows Close) to, in part, address road safety concerns. Their concerns centre on parents of children attending the Harnham Schools parking in a manner that causes sections of the carriageway and footway in the aforementioned roads to become blocked whilst they undertake the school run. The proposed Prohibition of Driving TRO would stop parents undertaking the school run from entering Folkestone Road, Hollows Close and Saxon Road and therefore serve to address the problems outlined above.

Background

5. Folkestone Road, Hollows Close and Saxon Road are all located to the south-west of Salisbury City Centre in the Salisbury Harnham ward. The main access to the roads is via the A3094 Harnham Road (Harnham Road). All three roads are predominantly residential cul-de-sacs; however, Hollows Close and Saxon Road serve as the main accesses to Harnham Infant School, Harnham Junior School and Puddleducks Community Playgroup.

6. Saxon Road (south of its junction with Parsonage Green) is currently subject to a Prohibition of Driving TRO. The effect of this Order is to prevent all motorists from driving on this section of Saxon Road between Monday and Friday. Residents of Saxon Road, their visitors and staff of the school are exempted from the effect of the TRO in place by displaying a permit issued by the Council. The Order was introduced in 2007 to address safety concerns raised by the Harnham Schools Travel Plan Group primarily focused on the lack of a proper turning head at the southern end of Saxon Road. Parents were driving right up to the school gate when dropping off/collecting their children but the lack of a proper turning head resulted in parents mounting the footways when turning their vehicle around having dropped off/collected their child. Vehicles mounting the footways at a time when parents and children were accessing/egressing the school grounds were an obvious and understandable point of concern. The Prohibition of Driving TRO has successfully addressed this issue.
7. The introduction of the Order in Saxon Road effectively meant that it was not possible for parents to park in Saxon Road whilst undertaking the school run. Whilst parents of children attending the Harnham Schools have always parked in Hollows Close and Parsonage Green the associated problems have become progressively worse since the introduction of the Prohibition of Driving TRO in Saxon Road to the point where the introduction of additional measures to address school run parking have been requested.
8. School run parking problems in Parsonage Green are to be tackled through the introduction of additional waiting restrictions. Their introduction has been the subject of a separate report – [HSB-28-14](#).
9. In Hollows Close, local residents have reported experiencing numerous problems associated with parents undertaking the school run. All of the problems reported by residents stem from parents parking within the road. More specifically:
 - Parents park on both sides of Hollow Close which prevents large vehicles (such as emergency service or refuse collections vehicles) from accessing and travelling along the road.
 - Parents park partially on the footways which obstruct their use by pedestrians (be they residents of Hollows Close or parents and children seeking to access the school on foot). Pedestrians are then forced to walk in the carriageway bringing them directly into conflict with vehicles.
 - Parents park and obstruct access to / egress from local residents' driveways.
10. Residents of Hollows Close report that the problems outlined in paragraph 9 start within the road at approximately 7.20am and end at approximately 6.00pm. These hours tie in with the start and finish times of the Harnham Schools Breakfast and After School clubs. The clubs operate between 7.55am and 8.55am and 3.00pm and 6.00pm respectively.
11. In response to the problems outlined above, Councillor Dalton, the Wiltshire Council Member for the Salisbury Harnham ward, has been working with a small number of residents of Hollows Close, led by a Mr. T. Bilton, since late 2012 on developing proposals to address the school run problems being experienced within the road. This group of residents of Hollows Close determined that they would like to see to an extension of the Prohibition of Driving TRO in place in Saxon Road to cover their road. Residents of Hollows Close felt that any scheme taken forward should also be extended to cover Folkestone Road, so as to pre-emptively address the likelihood of the school run problems being displaced from one road to another.

12. The residents group, with the support of Councillor Dalton, surveyed all households within both Hollows Close and Folkestone Road (a total of 132) to see if residents supported the introduction of a prohibition of driving restriction, on the same basis as which it operated in Saxon Road, within their road. The residents group also consulted with approximately 23 households on the Harnham Road in the immediate vicinity of Hollows Close and Folkestone Road as their owners either have an access directly onto the aforementioned roads or currently parked within them (as parking is prohibited along the full length of the Harnham Road) and would therefore be affected should a Prohibition of Driving TRO be introduced.
13. The results of the residents group survey showed that approximately 70% of households surveyed were in favour of the introduction of a Prohibition of Driving TRO in Hollows Close and Folkestone Road operating on the same basis as the TRO currently operating in Saxon Road. 10% of households opposed the scheme, whilst 20% of households chose not to respond to the survey.
14. Partial funding to allow the proposals for Hollows Close and Folkestone Road to be taken forward was identified through an existing developer contribution. To secure the rest of the funding Mr. Bilton submitted a bid for funding to the Salisbury CATG. The CATG considered the issue at its meeting on 18 October 2013. Mr. Bilton attended the meeting and presented the information, outlined in paragraphs 10-12 above, to the CATG. The CATG debated the information presented and whether or not a Prohibition of Driving TRO should be used to address the problems in Hollows Close and Folkestone Road as opposed to the introduction of further waiting restrictions which would achieve the same result. The CATG decided to support the request as presented and allocated the remaining funding required to allow the proposals for Hollows Close and Folkestone Road to be taken forward. The CATG's decision was ratified by the Salisbury Area Board at its meeting on 14 November 2013.

Summary of Proposals

15. In March 2014 a TRO proposing the introduction of a Prohibition of Driving restriction in Folkestone Road and Hollows Close was formally advertised for comment. The Council's closing date for receipt of objections or other representations to the advertised TRO, together with the grounds on which they were made, was 22 April 2014.
16. The effect of the advertised Order would be to restrict the use of Hollows Close and Folkestone Road to permit holders only Monday to Friday. Residents of the aforementioned roads and their visitors would be required to display a permit during the hours of operation of the Prohibition of Driving restriction to indicate that they were legally permitted to use them. Refuse collections, deliveries to residential properties and the emergency services are exempted from the effect of the Order. Non permit holders and motorists not exempted, such as parents picking up and dropping off children at the Harnham Schools, would not be permitted to use Hollows Close and Folkestone Road during the hours of operation of the restriction.
17. A copy of the advertised Order, along with a copy of the terms and conditions on which permits exempting local residents and staff of the school would be issued, is attached as **Appendix 1**.
18. It should be noted that Saxon Road was only included in the advertised TRO for administrative purposes and no changes are proposed to the Prohibition of Driving restrictions currently in situ within the road.

Summary of Responses

19. A total of 69 items of correspondence have been received in response to the proposals contained within the advertised TRO. Of these, 39 expressed support for the Council's proposals. The remaining 30 items of correspondence either objected to the Council's proposals or offered comments on them without indicating whether or not they supported or opposed them. No comments on the existing Prohibition of Driving restriction in Saxon Road were received. The table below sets out where the items of correspondence were received from.

Road Name	Support	Objection / Comment
Folkestone Road	6	7
Harnham Road	1	7
Hollows Close	31	5
Others	1	11
Total	39	30

20. A summary of the correspondents who wrote in support of the proposed TRO is attached as **Appendix 2**. A summary of the correspondents who wrote in opposition to or commenting on the proposed TRO is attached as **Appendix 3**. A full summary of the comments raised by objectors, together with officer comments, is attached as **Appendix 4**. The substantive issues raised by the objectors are detailed below.

The proposed TRO is not required in Folkestone Road

21. A number of the items of correspondence received opposed the introduction of the proposed Order in Folkestone Road on the basis that they are currently no problems being experienced within the road.

The proposed TRO does not cater for residents of Harnham Road

22. A number of the items of correspondence received opposed the introduction of the proposed Order on the basis that it did not cater for residents of Harnham Road in the immediate vicinity of Hollows Close and Folkestone Road who access directly onto or currently park (as parking is prohibited along the full length of the Harnham Road) within the aforementioned roads.

The proposed hours of operation of the Prohibition of Driving restriction are overly restrictive

23. A number of the items of correspondence received opposed the introduction of the proposed Order on the basis that the hours of operation of the Prohibition of Driving restriction were overly restrictive on use of the roads outside of school drop off and pick up times.

Where will parents undertaking the school run be expected to park should the proposed TRO be implemented

24. A number of items of correspondence received opposed the introduction of the proposed Order on the basis that the parents would have no ability to park within the immediate vicinity of the Harnham Schools.

Council's Response to the Objections

The proposed TRO is not required in Folkestone Road

25. It is acknowledged that Folkestone Road does not currently suffer extensively with problems caused by parents of children attending the Harnham Schools undertaking the school run and any problems experienced by residents of the road are having a minimal impact.
26. However, in determining how to address the problems in Hollows Close it was considered highly likely that if restrictions on access were introduced into the road that the school run problems would simply be displaced into the nearest unrestricted road. That road being Folkestone Road. The occurrence of problems, such as those outlined in paragraph 9 above, in Folkestone Road would be even more keenly felt by residents of the road as the carriageway is approximately one metre narrower than that of Hollows Close.
27. It was therefore considered appropriate that any proposals taken forward for Hollows Close should also include Folkestone Road so as to pre-emptively tackle the potential displacement of problems from Hollows Close.

The proposed TRO does not cater for residents of Harnham Road

28. It is believed that these comments have arisen because the advertised TRO contains no mention of Harnham Road. The reason for this is that the TRO only makes reference to those roads to which the prohibition of driving restriction will apply. As it is not proposed to introduce such a restriction on Harnham Road the proposed Order rightly makes no mention it.
29. However, residents of Harnham Road have not been overlooked by the Council in developing the proposed Order. Article 3(vi) of proposed Order allows motorists "displaying a valid permit issued by Wiltshire Council" to continue to use Folkestone Road, Hollows Close and Saxon Road. Residents of Harnham Road are eligible to apply for such permits. Allowing residents of Harnham Road to apply for permits is in acknowledgement of the fact that some properties in Harnham Road access directly onto, or currently park within, the aforementioned roads.

The proposed hours of operation of the Prohibition of Driving restriction are overly restrictive

30. In developing these proposals consideration was given by officers to introducing hours of operation to tie in with the Harnham Schools' opening and closing times, given that it is problems associated with the school run that are trying to be addressed. However, to make the proposals easy to understand by residents and simpler to enforce it was decided to proceed on the basis of prohibiting driving on the days of the week that the Harnham Schools are typically open. This approach also ties in with the current Prohibition of Driving restriction in place in Saxon Road which successfully has operated on this basis since 2007.
31. The use of hours of operation tied into the Harnham Schools' opening and closing times would be possible. Doing so would serve to address the school run problems being experienced by residents of Hollows Close, whilst minimising the impact of the proposals at all other times. Proceeding on this basis would directly address the comments that the proposed hours of operation of the Prohibition of Driving restriction are overly restrictive.

32. The proposed Order, as drafted, does not include an exemption that would allow Folkestone Road, Hollows Close and Saxon Road to be used without restriction on public holidays. Such an exemption could be provided within the proposed Order. As above, proceeding on this basis would directly address the comments made.

Where will parents undertaking the school run be expected to park, should the proposed TRO be implemented

33. The comments received on this issue took two forms. Firstly, concerns from parents that have to drive their children to and from the Harnham Schools as to where they could park and secondly, that school run parking would be displaced into adjacent roads should the proposed Order be implemented.
34. If the proposed TRO is implemented, parking that can be used by parents who have to drive their children to and from the Harnham Schools will continue to be available in Parsonage Green and as part of the Park and Stride scheme actively promoted by the schools as part of their travel plan. The idea behind Park and Stride is that parents park a short walk from the school gates and then walk the remainder of their journey. The schools promote Park and Stride from the nearby Old Blandford Road, the Church Hall Car Park and the Cricket Field Car Park. All of the options above are within approximately a five minute walk of the schools. More generally, the schools have an active travel plan which promotes a number of sustainable modes of travel which the Council would urge parents to consider. A summary of the schools travel plan is attached as **Appendix 5**.
35. It is accepted by the Council that if implemented the proposed Order may displace parking problems associated with the school into adjacent residential roads. The Council has pre-emptively tried to address such problems occurring in Folkestone Road through its inclusion in its proposals. If parking problems are displaced into adjacent roads the Council will, if necessary, consider the introduction of additional parking restrictions (or other suitable measures) to address any issues that arise.

Main Considerations for the Council

36. Consideration needs to be given to the responses received and a decision made on the way forward. Highway law states that the public highway is for the passage and repassage of persons and goods, and consequently any parking on the highway is an obstruction of that right of passage. There are no legal rights to park on the highway, or obligations upon the Council (as the local highway authority) to provide parking on the public highway, but parking is condoned where the right of passage along the highway is not impeded. Where that right of passage is impeded, the Council is obliged to address such matters.
37. There are clearly problems in Hollows Close caused by parents of children attending the Harnham Schools whilst undertaking the school run which the Council is obliged to address. Whilst the Prohibition of Driving restriction proposed would solve school run related problems in Hollows Close and stop them from being displaced into Folkestone Road the main consideration for the Council is whether or not the use of this type of restriction is appropriate. A determination as to whether the use of such a restriction as proposed by the Council in its advertised TRO is appropriate must be made in the context that the public have a legal right to travel along the public highway. As such, any restriction of that right must be justifiable and should be kept to a minimum.

38. Based on the items of correspondence received in response to the Council's proposals it is clear that overall there is support to implement the proposed Order to address the problems being experienced in Hollows Close, particularly from residents of the road itself. This is further supported by the survey work undertaken by the Hollows Close residents group. However, it is also clear from the responses received that there is a strength of feeling the advertised proposals are too restrictive on the use of Folkestone Road and Hollows Close outside of school drop off and pick up times. Amending the proposed Order to achieve a fairer balance between addressing the school run problems in Hollows Close and making the proposals less restrictive is therefore considered appropriate.
39. In consideration of how the Council's proposals could be amended to make them less restrictive, two options have been highlighted. The first is making the Prohibition of Driving restriction operate during term times only. The second is to reduce the hours of operation of the Prohibition of Driving restriction so that it is only in effect around the Harnham Schools' drop off and pick up times.
40. The key factors in determining which option is most appropriate are that the amended proposal must address the problems attempting to be solved in Hollows Close, less restrictive than the Council's advertised proposal and simple to understand by local residents and members of the public in general. With these factors in mind, the second option outlined in paragraph 38 is favoured.
41. Whilst both options would address the problems in Hollows Close (and stop them from being displaced into Folkestone Road), and be considerably less restrictive than the Council's advertised proposals, it is felt that the second option would be simpler to understand on the basis that members of the public in general would be unaware of school term dates.

Safeguarding Considerations

42. There is no risk to the Council as a result of these proposals.

Public Health Implications

43. If implemented, the effect of the proposed TRO would be to make parents of children attending the Harnham Schools park their vehicles further away from the school accesses. Consequently, parents and children attending the schools would have to complete the last part of their journey to school on foot. Doing so would increase the level of physical activity undertaken by said parents and children thereby improving their health and contributing to an overall improvement in public health.

Environmental Impact of the Proposal

44. If introduced, the proposed TRO will require signs to be erected advising motorists of the Prohibition of Driving restrictions. Doing so will impact on the visual aspect of the junctions of Folkestone Road and Hollows Close with Harnham Road respectively. It is considered that the impact of the erection of such signs on the visual aspect at the aforementioned junctions would be minimal as signage is currently in situ at both locations.

Equalities Impact of the Proposal

45. There are none in this scheme.

Risk Assessment

46. There is no risk to the Council as a result of these proposals.

Financial Implications

47. This scheme is being part funded by a Section 106 developer contribution and part funded by a CATG grant allocation. Should the scheme not progress, the funding would be returned to their original budgets and remain available for allocation towards other schemes.

Legal Implications

48. The introduction of a Prohibition of Driving restriction requires the processing of a TRO. The process of introducing a TRO is governed by the Road Traffic Regulation Act 1984 and associated procedural regulations. Failure to adhere to the statutory processes could result in the TRO being successfully challenged in the High Court.

Options Considered

49. To:
- (i) Implement the proposals as advertised.
 - (ii) Implement the proposals with amendments.
 - (iii) Abandon the proposals.

Reason for Proposals

50. It is felt that the Council's revised proposal offers a balanced approach between addressing the school run parking problems being experienced in Hollows Close, stopping said problems being displaced into Folkestone Road and making the effect of the proposed TRO less restrictive in the context of the Council meeting its statutory duties.
51. As no comments have been received specifically objecting to the operation of the existing Prohibition of Driving restriction in place in Saxon Road, altering it in any way is considered unnecessary.

Proposals

52. That:
- (i) The TRO be implemented subject to the following changes:
 - (a) The hours of operation of the Prohibition of Driving restriction in Folkestone and Hollows Close only are varied to 7.30am - 9.30am and 2.00pm - 6.00pm Monday to Friday.
 - (b) That an article be added into the proposed Order excluding public holidays from the Prohibition of Driving restriction.
 - (ii) Supporters and objectors be informed accordingly.

The following unpublished documents have been relied on in the preparation of this Report:

- Letters of support
- Letters of objection