

**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND WASTE-
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HIGHWAY AND TRANSPORT SERVICE

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REFERENCE: HTW-23-19

PROHIBITION OF DRIVING BUS GATE – NEWMAN ROAD, DEVIZES

Purpose of Report

1. To:
 - (i) Consider the comments received following the formal advertisement of the proposed prohibition of driving bus gate Traffic Regulation Order on Newman Road, Devizes.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO hereafter).

Relevance to the Council's Business Plan

2. The proposals meet two of the priorities in the Council's Business Plan 2017-2027. Those priorities being:
 - Priority 2 – Strong Communities. (Reduced road casualties, Reduced risk of floods, Healthier population, Good Countryside access and cycling and walking opportunities)
 - Priority 4 – Working with Partners as an innovative and effective Council – (Community involvement, Delivering together)
3. Priority 2 has been met through addressing issues raised by the local community to improve the existing automatic bollard system, which since installation has failed on multiple occasions due to water damage to the bollards because of heavy rainfall. Addressing issues raised by members of the local community will contribute towards the building of a stronger community.
4. Priority 4 has been met through the development of the proposals (to which this report relates) with members of the local community through the statutory TRO consultation process.

Background

5. The rising bollards were installed as part of the housing development by David Wilson Homes in 2006.
6. Throughout the maintenance period prior to formal adoption, numerous failures were reported mainly due to water and silt build-up in the bollard pits, the developer bore the cost of these repairs. Failures resulted in the bollards being left in a locked down position to allow the buses access; however, this meant that all other traffic could travel through, thus causing obvious concern for local residents.

7. Since formal adoption there have been further failures and so it was collectively agreed that there is a need to provide a more cost effective and sustainable solution.
8. An Automated Number Plate Recognition (ANPR) camera system is being proposed, which can link into the Wiltshire Council's Parking Services system so that vehicles passing in contravention would be liable for a Penalty Charge Notice (PCN), under the Bus Gate TRO.
9. The TRO proposing a prohibition of driving bus gate on Newman Road, Devizes was formally advertised for comment on 8 August 2019. 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 9 September 2019.

Summary of Proposals

10. The proposal is to provide a prohibition of driving bus gate on Newman Road, Devizes amending the existing TRO to introduce an ANPR camera enforcement system, plans outlining the extent of the proposed restriction are provided in **Appendix 1**.

Summary of responses

11. A total of eight items of correspondence have been received in response to the Council's proposals. Of the eight items; six expressed support for the Council's proposal, one objected to the Council's proposal and one expressed comments on the proposed system.
12. A summary of the issues raised and officer comments are included in **Appendix 2**. Details of the commentators are provided in **Appendix 3**.

Main Considerations for the Council

13. Consideration needs to be given to the comments received on the Council's advertised proposal and whether or not changes should be made to them in light of the comments received. The Council has to balance meeting its statutory obligations as the local highway authority against the wishes of local residents to, in the main, introduce a reliable and sustainable method of enforcement for the bus gate in the long term.

Overview and Scrutiny Engagement

14. There are none in this scheme.

Safeguarding Implications

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

Public Health Implications

16. There are none with this proposal.

Corporate Procurement Implications

17. There are none with this proposal.

Equalities Impact of the Proposal

18. There are none with this proposal.

Environmental and Climate Change Considerations

19. The Council's proposal would require the laying of road markings, amending the existing signs and the installation of an ANPR camera on the public highway. This will have minimal impact on the visual vista for this environment considering the existing arrangement at this site.

Risk Assessment

20. If schemes, programmed for design or delivery within the current financial year, are not progressed the Council risks the potential of delayed delivery in subsequent years due to other funding demands and uncertainty of future budget allocations.

Financial Implications

21. There is an allocation in the 2019-2020 budget which allows for the design and introduction of this scheme. Should the scheme not progress, the funding would be returned to the budget allocation and would be available to be put towards other schemes.

Legal Implications

22. The introduction of a prohibition of driving bus gate requires a TRO. The process of introducing TROs is governed by the Road Traffic Regulation Act 1984 and associated procedural regulations. Failure to adhere to the statutory processes could result in the restrictions being successfully challenged in the High Court.

Options Considered

23. To:
- (i) Implement the proposed prohibition of driving bus gate as advertised.
 - (ii) Amend the proposals in consideration of the comments received.
 - (iii) Abandon the proposals.

Reason for Proposal

24. This amendment to the original Prohibition of Driving Order implemented in 2016 is being promoted to change the enforcement of the bus gate from automatic rising bollards to a camera enforcement system. This will alleviate the issues experienced with water damage to the bollards currently in situ and the ongoing maintenance liability. The proposals will also be in accordance with both Priority 2 and Priority 4 of the Council's Business Plan.

Proposal

25. That:
- (i) The proposal be implemented as advertised.
 - (ii) The commentators be informed accordingly.

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

None