

**CABINET MEMBER FOR HIGHWAYS, STREET SCENE AND FLOODING
CLLR NICK HOLDER**

HIGHWAYS AND TRANSPORT SERVICE

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REFERENCE: HSSF-15-24

**VARIOUS ROADS, WARMINSTER
PARKING AND WAITING RESTRICTIONS**

Purpose of Report

1. To:
 - (i) Consider objections to the advertised proposals for parking controls at various locations within Warminster.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO) with minor amendments to the advertised proposal.

Relevance to the Council's Business Plan

2. The proposal meets two of the outcomes set out in the Council's Business Plan 2022-2032.
 - Outcome 2 – Resilient society.
 - Outcome 3 – Thriving economy.
3. Outcome 2 – communicate with communities in a way that promotes constructive discussion, tailored to the communities needs and developing better solutions to these. To empower communities and groups to act in their local area. This outcome has been met through the development of the proposals (to which this report relates) with members of the local community through the Warminster Area Board via the Warminster Local Highways & Footways Improvement Group (LHFIG hereafter) which is made up of elected members and officers from both Wiltshire Council and relevant Town and Parish Councils, as well as representatives of local interest groups.
4. Outcome 3 – Deliver infrastructure to enable local communities to live, work and play locally, businesses to invest and everyone to take responsibility for the environment. Helping to build an efficient and effective transport network, including viable alternatives to the car. This outcome has been met through the proposed introduction of waiting restrictions that will address issues directly raised by members of the local community. The proposed waiting restrictions will address road safety concerns and help the Council fulfil statutory obligations placed upon it in its role as the local highway authority.

Background

5. The LHFIGs, formally CATGs, now have waiting restrictions, under their remit and a budget for assessments and implementation. The Warminster LHFIG agreed to fund the assessment of new and outstanding requests across the town.

6. The proposed restrictions were requested by the Town Council and Local Members in response to requests received by their constituents. In the main to prevent obstruction, or to address visibility concerns caused by inappropriate parking and to change existing restrictions to suit the current environment.

Consultation

7. The TRO for this proposal was advertised from 15 March 2023 to 8 April 2024.
8. During the advertisement period a total of 51 items of correspondence were received in response to the proposals contained within the advertised TRO. Of the 51 items of correspondence received, 41 expressed support for the Council's proposals, 10 objected to the proposals in their current form.
No locally elected Wiltshire Council Members or Warminster Town Council representatives formally commented on the proposals; however, their support was via the LHFIG meetings.

Main Considerations for the Council

9. Consideration needs to be given to the responses received and a decision made on the way forward. Statute states the 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 rights to park on the highway, but parking is tolerated where the right of passage along the highway is not impeded. The consideration of the objections to the introduction of controls has to be considered in this context.
10. The Highway Code (to which all users of the public highway must adhere) states that motorists should not stop or park opposite or within 10 metres (32 feet) of a junction. This is specifically to protect visibility and enable turning manoeuvres to be undertaken at junctions. Any parking taking place within 10 metres of a junction could be considered to be causing an obstruction of the public highway and liable to enforcement action by the Police.

Safeguarding Considerations

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

Public Health Implications

12. There is none in this scheme.

Corporate Procurement Implications

13. There is none in this scheme.

Environmental and Climate Change Considerations

14. The Council's proposals would require the laying of road markings on the public highway. Doing so could be considered to have an impact on the visual aspect of the areas where they are to be introduced. The impact would vary on a location-by-location basis.

Equalities Impact of the Proposal

15. There is none in this scheme.

Risk Assessment

16. Not proceeding with the Council's proposals, in particular those that were subject to the receipt of objection, would result in the Council failing to meet its statutory duty of ensuring that the right of passage along the public highway is not impeded. Doing so would risk undermining the Council's reputation and its engagement of the local community.

Financial Implications

17. There is an allocation in the current LHFIG Schemes budget which allows for the introduction of the proposed waiting restrictions. Should this scheme not progress the funding would be returned to the LHFIG budget allocation and would be available to be put towards other schemes.

Legal Implications

18. All changes to existing parking restrictions require amendments to the TRO. The process 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

19. To:
- (i) Implement the proposals as advertised.
 - (ii) Not implement the proposals.
 - (iii) Amend the proposed TROs in consideration of the comments received

Reason for Proposals

20. The proposed waiting restrictions will help the Council to meet its statutory duty of ensuring that the right of passage along the public highway is not impeded.

Proposals

21. That:
- (i) The proposed TROs be implemented as advertised.
 - (ii) The objectors to be informed accordingly.

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

Letters of representation
Proposed plans of all locations