

CABINET MEMBER FOR HIGHWAYS AND TRANSPORT – CLLR PHILIP WHITEHEAD

HIGHWAYS AND TRANSPORT SERVICE

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REFERENCE: HT-18-15 Proposed waiting restrictions in Lower Bemerton, Salisbury

PROPOSED WAITING RESTRICTIONS IN LOWER BEMERTON, SALISBURY

Purpose of Report

1. To:
 - (i) Consider objections to the proposed introduction of 'No Waiting At Any Time' (NWAAT) restrictions at various locations in Lower Bemerton, Salisbury.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO) with minor amendments to the advertised proposals.

Relevance to the Council's Business Plan

2. The proposed TRO meets two key 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 and the local elected Salisbury City Council members for the Fisherton and Bemerton Village ward. Local residents have also been involved in developing the proposals through originally requesting the introduction of NWAAT restrictions and through the TRO consultation process.
4. If implemented, the proposals would meet Outcome 6. The introduction of NWAAT restrictions in Lower Bemerton has been requested by local residents to address road safety concerns centred on poor visibility and difficulties undertaking turning manoeuvres at a number of junctions in the area due to parked cars, address difficulties pedestrians have walking through the area at locations where no footway is provided and to help preserve the free flow of traffic along Lower Road. The provision of the proposed restrictions would help to maintain and, at a number of locations, improve road safety and serve to directly address residents' concerns.

Background

5. In March 2014 the NWAAT restrictions proposed as part of this TRO were approved for introduction by the Cabinet Member for Highways – decision [HSB-06-14](#). However, a problem surrounding the legal sealing of the TRO following the decision in March 2014 has resulted in the need for the proposed NWAAT restrictions in Lower Bemerton to be

readvertised and for a further Cabinet Member Decision to be made in respect of this matter.

6. Lower Bemerton is situated to the west of Salisbury City Centre in the Salisbury Fisherton and Bemerton Village electoral ward. The main road running through Lower Bemerton is Lower Road. Lower Bemerton, and in particular Lower Road, is subject to rat-running traffic seeking to access Churchfields Industrial Estate or to avoid the A36(T) Wilton Road. Lower Bemerton is covered by a 7.5t weight limit restriction and is served by an hourly bus service. Lower Road, along with Church Lane, serves as the main pedestrian and vehicular access to Bemerton St. John's Primary School.
7. The proposed NWAAT restrictions in Lower Bemerton were developed following an incident in 2010 where an ambulance trying to attend an emergency call in St. Andrew's Road was prevented from accessing the road due to parked vehicles at its junction with Skew Bridge Road. A local resident contacted the then local elected Wiltshire Council member, Cllr Chris Cochrane, requesting the introduction NWAAT to prevent a similar situation from occurring again. In response to that request Cllr Cochrane invited residents of Lower Bemerton, through his local newsletter; to inform him of other locations within the area that they felt NWAAT restrictions were required. The comments received by Cllr Cochrane formed the basis of the Council's proposals that were subsequently considered by the Cabinet Member for Highways in 2014.
8. In consideration of the comments submitted by local residents on the proposed NWAAT restrictions the 2014 report recommended some minor amendments to the proposals. The amendments recommended were supported by the local Wiltshire Council and Salisbury City Council ward members and agreed by the Cabinet Member for Highways in making decision [HSB-06-14](#). The proposals that were subsequently readvertised and are being considered in this report are as agreed by the Cabinet Member for Highways in 2014.
9. A TRO proposing the introduction of NWAAT restrictions in Lower Bemerton was formally advertised for comment on 18 September 2014. 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 13 October 2014.

Summary of Proposals

10. One TRO was advertised as part of this scheme and proposed the introduction of NWAAT restrictions at the following locations:
 - The junction of Church Lane and St. Andrew's Road
 - The junction of St. Andrew's Road and Skew Bridge Road
 - The junction of Skew Bridge Road and Lower Road
 - The junction of Hadrians Close and Lower Road
 - Lower Road outside No. 71
 - Lower Road outside Nos. 85-87
 - Lower Road opposite Nos. 123-139
11. A plan showing the Council's advertised proposals is attached as **Appendix 1**.

Summary of Responses

12. A total of 14 items of correspondence have been received in response to the proposals contained within the advertised TRO. Of the 14 items of correspondence received five expressed support for the Council's proposals. The remaining nine items of correspondence objected to or offered comments on the Council's proposals.

13. A summary of the correspondents who wrote in support of the Council's proposals is attached as **Appendix 2**. A summary of the correspondents who wrote in opposition to or commenting on the Council's proposals 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.

Reduction in the Number of Parking Spaces Available for Residents

14. Four of the items of correspondence opposed the Council's proposals on the grounds that the proposed NWAAT restrictions would reduce the number of parking spaces available for residents. The concerns specifically focused on the proposed NWAAT restrictions outside No. 71 Lower Road and in the vicinity of St. Andrews Road.

Proposed NWAAT Restrictions Outside Nos. 85-87 Lower Road

15. One item of correspondence requested that the length of the NWAAT restrictions proposed outside of No. 87 Lower Road be shortened to allow space for a vehicle to park between the end of the dropped kerb access to the property and the start of restrictions. Doing so would also allow a visitor to No. 87 Lower Road to park across the dropped kerb access to property.

Council's Response to the Objections

Reduction in the Number of Parking Spaces Available for Residents

16. The proposed restrictions outside No. 71 Lower Road are on a blind 'S' bend situated between Nos. 65 and 83 Lower Road. A small amount of parking takes place on part of the north-eastern side of the 'S' bend. Given the physical characteristics of the 'S' bend parking on it is potentially hazardous. Parking at this location can also block access to/egress from the private driveway of No. 71 Lower Road. The proposed use of NWAAT restrictions at this location is to address the issues outlined above.
17. The proposed NWAAT restrictions in the vicinity of St. Andrew's Road are specifically to protect visibility and turning manoeuvres at junctions in Lower Bemerton and have been proposed in direct response to the incident described in paragraph 7.
18. The correspondent's comments focus on the fact that the provision of NWAAT restrictions would reduce the number of parking spaces available in Lower Bemerton and the impacts doing so may have. However, it is important to consider such comments in the context of what both highway law and the Highway Code states on the provision of parking on the public highway. Highway law states 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 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.
19. The Highway Code (to which 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, except in an authorised parking space. This is specifically to protect visibility and turning manoeuvres at junctions. Therefore, whilst it is proposed to introduce NWAAT restrictions at a number of junctions it should be remembered that motorists should not be parking at such locations anyway.

20. The Council is acutely aware of the pressure on the often limited availability of parking spaces in residential areas and always takes this factor into account when developing proposals to introduce NWAAT restrictions. The Council has sought to minimise the amount of NWAAT restrictions proposed in Lower Bemerton to achieve the best balance possible between meeting its statutory obligation, addressing the road safety concerns raised and retaining parking spaces. Examples of this approach in Lower Bemerton include, wherever practical, the Council has proposed the introduction of less than 10 metres of NWAAT restrictions at junctions (including at the junction of St. Andrew's Road with Church Lane) and creating a potential parking space by not joining up the proposed NWAAT restrictions outside of No. 20 Skew Bridge Road with the existing NWAAT restrictions outside No. 24 Skew Bridge Road.

Proposed NWAAT Restrictions Outside Nos. 85-87 Lower Road

21. There is a break in the footway provision on the north-east side of Lower Road which runs between Nos. 71-87. The break in footway provision at this location means that pedestrians have to walk on the carriageway for a short distance. The purpose of the length of NWAAT restriction in front of No. 87 Lower Road is to keep this length of carriageway clear so that pedestrians can step off of the footway into the carriageway and vice versa.
22. Although a car should already be able to park between the end of the dropped kerb access to No. 87 Lower Road and the start of the NWAAT restrictions it would be possible to shorten the length of NWAAT restriction at this location by up to 3.0 metres without adversely affecting its intended purpose.
23. It should be noted that somebody visiting No. 87 Lower Road already has the option to park on the driveway of this property or, with the permission of the homeowner, to park in front of the dropped kerb access to the driveway. The Council's proposals will not impact on these options in any way.

Main Considerations for the Council

24. Consideration needs to be given to the responses received and a decision made on the way forward. As previously stated, there are no legal rights to park on the public highway or upon the Council to provide parking on the public highway. The Council's statutory duty as the local highway authority is to ensure that the right of passage along the highway is not impeded. However, the Council has to balance meeting its statutory obligations against the wishes of local residents in allowing parking to place. The consideration of the objections to the proposed introduction of NWAAT restrictions in Lower Bemerton has to be considered in this context.

Safeguarding Considerations

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

Public Health Implications

26. There are none in this scheme.

Environmental and Climate Change Implications

27. The introduction of NWAAT restrictions will require the laying of yellow lines on the public highway. Doing so will have an impact on the visual aspect of the area, but any such impact has to be balanced against the need to ensure that safe access and visibility is provided.

Equalities Impact of the Proposal

28. There are none in this scheme.

Risk Assessment

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

Financial Implications

30. There is an allocation in the 2015-2016 Local Transport Plan (LTP) Integrated Transport budget which allows for the design and introduction of this scheme. Should the scheme not progress, the funding would be returned to the Council's LTP Integrated Transport budget allocation and would be available to be put towards other schemes.

Legal Implications

31. The introduction of new waiting restrictions 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 restrictions being successfully challenged in the High Court.

Options Considered

32. To:

- (i) Implement the proposals as advertised.
- (ii) Abandon the proposals.
- (iii) Implement the proposals with minor amendments.

Reason for Proposals

33. Shortening the length of the proposed NWAAT restrictions outside No. 87 Lower Road by a short distance of up to 3.0 metres would not unduly diminish the intended purpose of the restriction at this location and would also increase the amount of parking space available for local residents. Making such a change would be concordant with the Council's approach of seeking to minimise the amount of NWAAT restrictions in Lower Bemerton and achieving the best balance possible between meeting its statutory obligations, addressing the road safety concerns raised and retaining parking spaces.

Proposals

34. That:

- (i) The TRO be implemented as advertised, subject to:
 - The length of the waiting restrictions outside No. 87 Lower Road to be reduced in length by a distance of up to 3.0 metres.
- (ii) Objectors and supporters be informed accordingly.

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

- Letters of support
- Letters of objection

