

**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND WASTE –  
CLLR BRIDGET WAYMAN**

**HIGHWAYS AND TRANSPORT SERVICE**

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**REFERENCE:** HTW-06-17

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**MALMESBURY AND ST PAUL MALMESBURY WITHOUT ORDER:  
PROPOSED WAITING RESTRICTIONS**

**Purpose of Report**

1. To:
  - (i) Consider objections to the advertised proposals for parking controls at various locations within Malmesbury and St Paul Malmesbury Without Parish Order.
  - (ii) Recommend the making of the TRO with minor amendments to the advertised proposals.

**Relevance to the Council's Business Plan**

2. The proposed scheme meets the three key priorities of the Business Plan, as the local community worked together with Wiltshire Councillors and council officers on the proposals, the restrictions will help protect vulnerable road users and will support the local businesses by protecting their accesses.

**Background**

3. The procedure for dealing with requests for Parking and Waiting Restrictions was agreed in 2016 [Decision HT-19-16](#). In order to appropriately manage the demand for changes to parking controls it is necessary to engage the Town and Parish Councils in the prioritisation of local demand for new controls in their area, so that limited resources of the Council are directed to deal with the demands which are supported by Town and Parish Councils and identified locally as a priority.
4. Requests from Town and Parish Councils are continually received and scored by Engineers in the Highway Network Management Team. The locations considered as part of the 2016/17 reviews were; Bradford on Avon, Corsham, Malmesbury, North Parishes and Warminster.

**Detail**

5. The TRO for this proposal was advertised from 9 February 2017 until 6 March 2017.
6. During the formal consultation period, 24 letters were received, 17 supporting the scheme and 7 objecting to the proposal.

### **Main Considerations for the Council**

7. 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 condoned 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.

### **Safeguarding Implications**

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

### **Public Health Implications**

9. There is none in this scheme.

### **Corporate Procurement Implications**

10. There is none in this scheme.

### **Environmental and Climate Change Considerations**

11. The introduction of the parking controls will involve the laying of new lines. This will have an impact on the visual aspect but has to be balanced against the need to ensure that safe access and visibility is provided.

### **Equalities Impact of the Proposal**

12. There is none in this scheme.

### **Risk Assessment**

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

### **Financial Implications**

14. There is an allocation in this year's Traffic and Network Management budget for design, implementation, supervision and monitoring works.

### **Legal Implications**

15. 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**

16. To:
  - (i) Implement the proposals as advertised.
  - (ii) Not implement the proposals.

- (iii) Implement the proposals with amendments.

### **Reason for Proposals**

- 17. The comments set out in **Appendix 2** on the various objections received indicate that it is considered appropriate to introduce the scheme with the minor amendments detailed in **Appendix 3**.

### **Proposals**

- 18. That:
  - (i) The restrictions be implemented as advertised, subject to the minor amendments detailed in **Appendix 3**.
  - (ii) The objectors be informed accordingly.

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

Letters of representation