

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

HIGHWAY AND TRANSPORT SERVICE

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REFERENCE: HTW-29-18

**WAITING RESTRICTIONS – NO WAITING MONDAY – FRIDAY 8AM TO 6PM
BROOK ROAD, TROWBRIDGE**

Purpose of Report

1. To:
 - (i) Consider the comments received following the formal advertisement of proposed waiting restrictions on Brook Road, Trowbridge (no waiting Mon-Fri 8am-6pm).
 - (ii) Recommend the making of the Traffic Regulation Order (TRO hereafter).

Relevance to the Council's Business Plan

2. The proposal meets 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 the proposed introduction of waiting restrictions that will address issues directly raised by the nearby primary school and members of the local community. The proposed waiting restrictions will address road safety concerns raised by the school. 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 Council's formal waiting restriction process and Walwayne Court Primary School, following the Taking Action on School Journeys process.

Background

5. This request has been progressed primarily through the Taking Action on School Journeys process. This is a process by which schools produce a Travel Plan and promote ideas to encourage walking, cycling and other means of travel to school, avoiding the use of the private car. Through this process, schools often come across barriers to walking and cycling, such as road safety concerns.

6. In producing its Travel Plan, Walwayne Court Primary School identified the lack of visibility when crossing Brook Road and the need to improve pedestrian and road safety by removing inappropriate and inconsiderate parking along Brook Road. Currently, cars park on both sides of the road; therefore, the proposals to introduce waiting restrictions will also aid the free flow of traffic along Brook Road.
7. A TRO proposing new waiting restrictions on Brook Road, Trowbridge was formally advertised for comment on 20 April 2018. 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 14 May 2018.

Summary of Proposals

8. Proposals are to provide a section of waiting restrictions (no waiting Mon-Fri 8am-6pm) on Brook Road, opposite and either side of the junction with Acacia Crescent. A plan outlining the extents of the proposed waiting restrictions is provided in **Appendix 1**.

Summary of responses

9. A total of three items of correspondence have been received in response to the Council's proposals. Of the three items; one expressed support for the Council's proposals and two objected to the Council's proposals.
10. A summary of the issues raised and officer comments are included in **Appendix 2**. Details of the commentator are provided in **Appendix 3**.

Main Considerations for the Council

11. Consideration needs to be given to the comments received on the Council's advertised proposals 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, allow parking to continue to take place. It is important to consider the comments received in the context of what both highway law and the Highway Code states on the provision of parking on the public highway.
12. Highway law states the public highway is for the passage and re-passage 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.
13. 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 turning manoeuvres 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.

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 proposals would require the laying of road markings and the erection of one sign on the public highway. Doing so would have a minimal visual impact on the area.

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 2018-2019 TAOSJ budget which allows for the design and introduction of this scheme. Should the scheme not progress, the funding would be returned to the TAOSJ budget allocation and would be available to be put towards other schemes.

Legal Implications

22. 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

23. To:
- (i) Implement the proposed waiting restrictions as advertised.
 - (ii) Amend the proposals in consideration of the comments received.
 - (iii) Abandon the proposals.

Reason for Proposal

24. The proposal is intended to improve road and pedestrian safety by removing inappropriate and inconsiderate parking and provide a positive impact upon pedestrian and road safety. 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 proposals be implemented as advertised
- (ii) The objectors be informed accordingly

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

None