

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

HIGHWAY AND TRANSPORT SERVICE

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REFERENCE: HTW-33-18

WAITING RESTRICTIONS – WYCHURCH HILL (HOLLOWAY), MALMESBURY

Purpose of Report

1. To:
 - (i) Consider the comments received following the formal advertisement of proposed waiting restrictions on Wychurch Hill (Holloway), Malmesbury.
 - (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 residents and walkers and cyclists who use this length of Wychurch Hill. The proposed waiting restrictions will address road safety concerns raised by the community by allowing the construction of a new footway. 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

Background

5. The request for formal pedestrian walking facilities on Wychuch Hill has been a longstanding aspiration of Malmesbury Town Council. The Town Council has received a number of requests and concerns as to a lack of walking facility and severance from the town centre from outlying residents. Whilst current recorded pedestrian flows are considered to be moderate, the Town Council has been clear in its view that there is a substantial suppressed demand and that if a pedestrian provision was to be made then it would provide a worthwhile link to the town centre for outlying residents and that as a result the number of users would increase.

6. Malmesbury Town Council raised a request through the Community Area Transport Group (CATG) to investigate the provision of improved pedestrian facilities on Wychurch Hill. A number of options were investigated but the current proposal for a physical footway on the south eastern side linking to the existing footway on Holloway Hill is the only practical and deliverable solution. In order to create room within the existing highway to accommodate the proposed footway it became apparent that the majority of the existing on-street parking could not be retained and would need to be removed. It is proposed to achieve this through the provision of waiting restrictions (double yellow lines).
7. A TRO proposing the waiting restrictions on Wychurch Hill was formally advertised for comment on 12 July 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 6 August 2018.

Summary of Proposals

8. A plan, outlining the extents of the proposed footway and associated waiting restrictions, is provided in **Appendix 1**.

Summary of responses

9. A total of 50 items of correspondence have been received in response to the Council's proposals. Of the 50 items, 40 expressed support for the Council's proposals and 10 objected to the Council's proposals.
10. Details of those who support the proposals are included in **Appendix 2** with objectors set out in **Appendix 3**. A summary of the points of objection, together with officer comments, is included at **Appendix 4**.

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 users 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.

Council's Response to Substantive Issues

Impact on St Joseph's School employees

13. Concern has been raised by 7 school employees about the removal of their ability to park on Wychurch Hill and the impact this would have on them and other school volunteers. Concerns include the additional costs involved in having to park in public car parks, additional length of walking time / distance to the school, and that a traffic calming scheme would be preferable solution. Suggestion has been made that a permit

scheme be introduced to allow free school employee parking to take place. Concern is also raised about the parking of daily hire commercial vans on Wychurch Hill by a nearby local business which is taking up space that could be used by school employees.

14. The need to remove parking is as a result of the proposal to provide a footway on the south-east side of Wychurch Hill. There is insufficient width to provide both the footway and retain the ability to allow parking to take place. Limited on street-parking is being retained in the area to the north of the Spice Merchant access, although it is accepted this will only accommodate approximately 5 vehicles.
15. The parking of commercial rental vehicles on Wychurch Hill is in itself not illegal as long as the vehicles are taxed and insured. How Hyams Auto's chooses to run its business is a matter for them, not the Council.
16. It is suggested that an opportunity exists for school employees to use the car park belonging to the Spice Merchant. There appears to be an arrangement already in place that allows Hyams Auto's vehicles to park in this area so it appears that a precedent has been set. The school could make a direct approach to the Spice Merchant or seek the assistance of the Town Council to help make representation on its behalf.
17. The nearest long-stay car park available is at Station Road. Walking routes from the car park to the school are available. As such, it would be up to individuals to find the most suitable route and crossings points for their journey to and from school. In comparison to parking on Wychurch Hill the time and distance required is considered to be no different. Measured time in both cases being approximately 5 minutes. Comment is made that the cost of parking is £4.50 per day and that over a 5 day week, 40 week term, this equates to an annual cost of £900. Season tickets for the car park are currently available from the Council at a current annual charge of £184.
18. The highway authority is not able to provide a permit system to facilitate free daytime parking for employees of the school either on or off-street. Parking on the highway cannot be regulated in such a way as to reserve spaces specifically for employees of local businesses and schools.
19. The aim of the proposed footway scheme is to provide improved pedestrian provision on Wychurch Hill. The suggestion of a traffic calming scheme has not been formally raised as a community issue and is not under consideration at this time. Suggestions of measures to control vehicle speeds directly outside the school can be addressed through an update of the School Travel Plan. With an updated plan the school is able to apply for an advisory 20mph speed limit incorporating wigwag lights.

Overview and Scrutiny Engagement

20. There are none in this scheme.

Safeguarding Implications

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

Public Health Implications

22. There are none with this proposal.

Corporate Procurement Implications

23. There are none with this proposal.

Equalities Impact of the Proposal

24. There are none with this proposal.

Environmental and Climate Change Considerations

25. The Council's proposals would require the construction of a new footway and the laying of road markings. Doing so is not considered to be overly detrimental to the environment in this area.

Risk Assessment

26. 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

27. There is an allocation in the 2018-2019 Substantive CATG budget which allows for the design and introduction of this scheme. Should the scheme not progress, the funding would be returned to the Substantive CATG budget allocation and would be available to be put towards other schemes.

Legal Implications

28. 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

29. 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 Proposals

30. The proposal is intended to improve road and pedestrian safety by the provision of a new footway and the removal of a length of on-street parking. The proposals will also be in accordance with both Priority 2 and Priority 4 of the Council's Business Plan. Whilst the potential impact on the employees of St Joseph's school is noted it is not considered to be substantive enough to amend the proposals given the alternative parking provision available.

Proposals

31. That:

- (i) The proposals be implemented as advertised.
 - (ii) The objectors be informed accordingly.
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The following unpublished documents have been relied on in the preparation of this Report:

None