

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

HIGHWAYS AND TRANSPORT SERVICE

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REFERENCE: HTW-06-19

**PROPOSED AMENDMENTS TO THE PARKING RESTRICTIONS
IN HILPERTON**

Purpose of Report

1. To consider the representations received following the formal advertisement of proposed amendments to the layout of the parking restrictions in Hilperton and to recommend an appropriate way forward.

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.
 - Priority 4 – Working with Partners as an innovative and effective Council.
3. Priority 2 has been met through the proposed introduction of new waiting restrictions and amendments to existing waiting restrictions that will address issues directly raised by members of the local community. The proposals will address road safety concerns and requests for additional parking. 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. A review of the parking restrictions in Hilperton was scheduled to take place following the opening of Elizabeth Way (also known as the Hilperton Relief Road) and the subsequent reduction in traffic flows through the village. The review was funded by developer contributions received through the planning process for the construction of Elizabeth Way.
6. A Traffic Regulation Order (TRO hereafter) proposing new, or amendments to existing, waiting restrictions in Hilperton was formally advertised for comment on 23 March 2018. The Council's closing date for the receipt of objections or other representations to the advertised TRO, together with the grounds on which they were made, was 16 April 2018.
7. 14 representations were received in response to the Council's proposal and based on these comments, a decision was made to amend the advertised TRO and re-advertise it.
8. The amended TRO was formally advertised for comment on 5 October 2018. The closing date for the receipt of objections or other representations, together with the grounds on which they were made, was 29 October 2018.

9. Plans outlining the amended proposals are provided in **Appendix 1**.
10. The individuals who wrote to the Council in response to the first advertisement, dated 23 March 2018, were contacted and asked to confirm if they wanted their comments to be carried over for consideration as part of the subsequent consultation process for the amended TRO (hereby referred to as the Council's proposal) that was advertised on 5 October 2018. Seven of these individuals did not reply and so their comments have not been considered as part of this report.

Summary of Responses

11. Having regard to the above, a total of 22 representations have been considered as part of this report. Of the 22 representations, 11 expressed support and 10 objected to the Council's proposal. A single representation made comments without indicating whether they supported or objected to the Council's proposal.
12. A summary of all representations, including officer comments, is attached in **Appendix 2**. Of these representations one individual submitted a report style document, comprising 20 pages and attached in **Appendix 3**, which raised the following substantive issues in objection to the Council's proposal that require further officer comment:

Procedural irregularities in the public consultation process

13. Part of the Council's proposal would involve the removal of a section of 'No Waiting At Any Time' (NWAAT) on Church Street and a section of NWAAT on Hill Street. The reason for this provided in 'The Statement of Reasons' reference: Road Traffic Regulations Act 1984 (RTRA) Section 1 (1) (f) states: '*...for preserving or improving the amenities of the area through which the road runs...*'. All other RTRA reasons listed in the 'The Statement of Reasons' applied to the other proposed amendments at different locations. Rather than the removal of NWAAT, these amendments related to the introduction of NWAAT. Concern was raised about how the reasons were reported, as it was perceived not to be clear which reasons related to each of the amendments at the various locations.
14. Officers clarify that there was no intention to confuse members of the public about the proposed amendments to the parking restrictions and the reasons for making them. Whilst it is acknowledged that allowing some additional parking on Church Street and Hill Street would help to control the speed of traffic, speeding vehicles was not the reason for proposing to remove the sections of NWAAT here. Moreover, following the completion of the Hilperton Relief Road, congestion is not considered to be an issue on Church Street and Hill Street either. Removing the sections of NWAAT at these locations was proposed to provide residents and visitors to St Michael and All Angels' Church with additional parking. It is therefore concluded that the correct procedures have been followed.

Braking distances due to parked vehicles on Church Street

15. The removal of NWATT on Church Street would allow for the parking of up to six vehicles on one side of the road. Concern was raised that allowing parking here would force vehicles onto the wrong side of the road on an approach to a bend and the insufficient breaking distances available would result in a collision. Travelling on the wrong side of the road to pass parked vehicles is a fairly commonplace activity, particularly in residential areas where parking typically occurs on one side of the road. Officers have subsequently re-assessed visibility and breaking distances, confirming that there would be sufficient visibility and distance to allow for vehicles to negotiate parked cars safely at this location.

Driver sightlines

16. The removal of NWATT on Church Street and Hill Street would allow for the additional parking of vehicles on the carriageway. Concern was raised that the visibility for drivers exiting The Knapp and St Michaels Close, respectively, would be reduced and this would increase the risk of an accident occurring. Officers have re-assessed visibility from these junctions, confirming that there would be sufficient visibility to allow for vehicles to exit safely.

Cyclists

17. The removal of NWATT on Church Street and Hill Street would allow for the additional parking of vehicles on the carriageway. Concern was raised that drivers may still try to pass cyclists through the narrower sections of the carriageway where additional parking is provided on one side of road. Officers have noted this concern and consider it unlikely that drivers would compromise the safety of cyclists in this way.

Safety/hazard assessment

18. Concern has been expressed that there is no documented evidence of a road safety assessment or any type of risk assessment having been carried out by the Council before or during the design phase of the proposal. Officers do not consider it necessary to have undertaken such a resource intensive and rigorous assessment for minor changes to the parking restrictions in a village setting, where a 30 mph speed limit applies.

Traffic calming measures

19. The Council would like to reiterate that the reason for proposing to remove NWATT on Church Street and Hill Street was to provide additional vehicle parking, thereby improving the amenities of the village for residents and visitors to the church; it was not directly for the purposes of traffic calming.

Pollution emissions and the effect on local air quality

20. Concern has been raised about the potential for the proposal to increase polluting emissions to air from idling vehicles, due to the removal of NWATT on Church Street and Hill Street and the lack of any air quality assessment. Officers do not consider it necessary to have undertaken such a resource intensive and rigorous assessment for minor changes to the parking restrictions. Polluting emissions to air from vehicles is not undertaken directly by the highways authority but is monitored by colleagues in the public health team, who have been made aware of the objector's concerns. However, it is not considered that the changes proposed would bring about any significant measureable change in air quality.

Main Considerations for the Council

21. To consider the representations received during the consultation period and whether changes should be made to the proposal. In doing so, the Council is required to balance its statutory obligations as the local highway authority, having regard to the requirements of highway law and the Highway Code, relating to the provision of parking on the public highway, with all representations received.
22. 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 rite of passage. There are no legal rights to park on the public highway, or upon the Council, as the highway authority, to provide parking. However, parking is condoned where the right of passage along the public highway is not impeded.

23. 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 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

24. There are none in this scheme.

Safeguarding Implications

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

Public Health Implications

26. The implementation of the proposal amendments to the parking restrictions may result in changes to air quality but it is not considered that these would be significantly measureable.

Corporate Procurement Implications

27. There are none with this proposal.

Environmental and Climate Change Considerations

28. There are none with this proposal.

Equalities Impact of the Proposal

29. There are none with this proposal.

Risk Assessment

30. There are none with this proposal.

Financial Implications

31. There are none with this proposal.

Legal Implications

32. There are none with this proposal.

Options Considered

33. To:
- (i) Implement the proposed amendments to the parking restrictions.
 - (ii) Amend the proposals in consideration of the representations received.
 - (iii) Abandon the proposals.

Reason for Proposals

34. The proposed amendments to the layout of the parking restrictions in Hilperton, which relate to the introduction of NWATT on Church Street and at the junction of Church Street and Devizes Road, and the removal of NWATT on Church Street and Hill Street to provide additional parking on the carriageway, is considered to improve highway and pedestrian safety, and amenity for local residents and visitors to the church. Officers consider that this accords with the relevant requirements of its statutory obligations, as the local highway authority, having regard to all representations received.

Proposals

35. That:
- (i) The proposed amendments to the parking restrictions be implemented.
 - (ii) The objectors be informed accordingly.

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

None