

**CABINET MEMBER FOR TRANSPORT, WASTE, STREET SCENE & FLOODING –
CLLR DR MARK McCLELLAND**

HIGHWAYS AND TRANSPORT

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REFERENCE: HTW-24-2021

**ROAD TRAFFIC REGULATION ACT 1984
TRAFFIC MANAGEMENT ACT 2004**

- 1. THE COUNTY OF WILTSHIRE (MALMESBURY AND MALMESBURY WITHOUT)
(PROHIBITION AND RESTRICTION OF WAITING, TAXI RANK CLEARWAYS AND ON
STREET PARKING) CONSOLIDATION ORDER 2017 (AMENDMENT NO.5) ORDER 2020**
- 2. THE COUNTY OF WILTSHIRE (WEBBS WAY/SNELL AVENUE, MALMESBURY)
(PROHIBITION OF MOTOR VEHICLES) ORDER 2020**

Purpose of Report

1. To consider the representation by a member of the public, which was omitted from the formal consultation dated 29 January 2021, proposing the implementation of 'No waiting at any time' restrictions at Carnival Close (see **Appendix 2**).

Relevance to the Council's Business Plan

2. The Wiltshire Council Business Plan prioritises Strong Communities as part of its vision. This proposal will provide better access to services by encouraging and improving walking and cycling by reducing the conflict between cycles and cars, as well as helping to deliver safe communities by reducing the potential for road casualties.

Background

3. The proposal site is a recently built residential development in Malmesbury that is accessed directly off the B4014 Tetbury Road. Parking on the footway and within the turning head of Carnival Close (possibly to gain access to a neighbouring public open space and playground) has led to resident complaints. Highway officers have observed inconsiderate parking in these locations which has led to difficulties for access for passing vehicles and negatively impacted on access to footways for pedestrians, especially those most vulnerable such as wheelchair and pushchair users.
4. The Section 38 agreement (Highways Act 1980) between the Highway Authority and the developer commits the developer to fund waiting restrictions, supported by a Traffic Regulation Order (TRO). The proposal aims to prevent parking where there may be conflict with pedestrians along Carnival Close and Devereux Mews, and to allow private access to be maintained on Gilmore Road. The proposal will prevent conflict between cyclists, pedestrians and parked cars by preventing motor vehicles driving along the junction of Snell Avenue and Webbs Way.
5. As part of the consultation (which ran from 13 August 2020 to 7 September 2020) comments were submitted to the Council by a resident, dated 22 August 2020 (via the email address advertised). During the processing of the consultation, this representation was missed, and the consultation progressed without the comments being considered by the processing officer.

Main Considerations for the Council

6. At the time of the consultation, 11 comments were received and in response a change was proposed to a length of waiting restriction along the eastern section of Carnival Close between numbers 25 and 27. In accordance with due process, a report outlining the objections was prepared for the Cabinet Member with a Delegated Decision made to implement the proposal with an amendment shortening the length of restriction on Carnival Close approximately to the boundary between numbers 23 and 25 (see **Appendices 1, 1a, 1b, 1c and 1d**).
7. When the developer notified residents of the marking of the waiting restrictions (yellow lines) via a letter drop the resident in question approached the Council with an enquiry about the consideration of their comments. This highlighted an administrative error in the processing of the TRO that had led to the resident's comments being overlooked.
8. The resident's concern was that the proposed waiting restrictions would cause the loss of visitor parking adjacent to their property. The submitted comments have now been properly considered and it is recommended that it is appropriate to remove a proposed length of waiting restriction adjacent to the parking area of Number 7 Carnival Close. Officers are satisfied that the six metre length to be removed will not adversely impact the original objective of stopping inconsiderate parking but will afford the resident some visitor parking along the lines afforded to neighbours.
9. The implementation of the restrictions proposed will mitigate the impact of inconsiderate on-street parking for all users of the public highway, including children and other vulnerable road users. The proposed restrictions around Carnival Close will prevent the ad-hoc parking which takes place in connection with use of the adjacent public open space, as well as residential parking located on footways and on the junction. These measures will improve the safety of all users of the highway.
10. It is recommended that the lines remain as advertised with the exception of the amendment of the removal of a six metre length of restrictions adjacent to the length of the dropped kerb adjacent to Number 7 Carnival Close (see **Appendix 3**).

Safeguarding Considerations

11. Not applicable.

Public Health Implications

12. Not applicable.

Corporate Procurement Implications

13. Not applicable.

Environmental and Climate Change Considerations

14. There may be some benefit for the local community as walking and cycling may be encouraged by the introduction of parking restrictions and encourage sustainable alternatives to car trips.

Equalities Impact of the Proposal

15. Not applicable.

Risk Assessment

16. Not applicable.

Financial Implications

17. All costs, associated with the consultation and implementation of the scheme, have been met in full by the developer.

Legal Implications

18. There are none.

Options Considered

19. To:
- (i) Implement the proposals as previously advertised.
 - (ii) Not implement the proposals.
 - (iii) Implement the proposals with a further amendment.

Reason for Proposal

20. The proposed waiting restrictions are required to ensure that full and unfettered vehicular access can be maintained to Carnival Close (for cars, cyclists and emergency vehicles) and to promote the safety of all road users, including pedestrians (particularly children) through the removal of parked vehicles on the footway.
21. However, during the period of consultation a resident submitted a representation. Due to an administrative error, the submission was not considered and processed in line with the statutory requirements. This decision addresses that error and provides for an amendment to the advertised Order that will remove a short length of waiting restriction adjacent to the private parking area of Number 7 Carnival Close. This will allow the occupants to have visitor parking adjacent to the property in line with that afforded to adjacent properties.

Proposal

22. The proposals be implemented with amendments as approved by the previous Cabinet Member with the additional removal of a length of six metres length of waiting restriction adjacent to Number 7 Carnival Close.

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

Photographs taken by officer on site visits are available upon request