

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

**HIGHWAYS ASSET MANAGEMENT AND COMMISSIONING**

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**REFERENCE:** HTW-26-21

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**AMENDMENTS TO WAITING RESTRICTIONS IN SALISBURY CITY CENTRE**

**Purpose of Report**

1. To:
  - (i) Consider comments received following the formal advertisement of a Traffic Regulation Order (TRO hereafter) proposing amendments to waiting restrictions in Salisbury City Centre.
  - (ii) Recommend the making of the TRO as advertised.

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

2. The proposal meets one of the priorities set out in the Council's Business Plan 2017-2027.
  - Priority 2 – Strong Communities.
3. Priority 2 has been met through the proposed introduction of restrictions that will address concerns around road safety and obstruction of the public highway directly raised by members of the local community. Addressing issues raised by members of the local community will contribute towards the building of a stronger community.

**Background**

4. To help local authorities to restart local transport as part of the Government's Covid-19 recovery roadmap, the Department for Transport (DfT) announced a £250 million Emergency Active Travel Fund in May 2020. This fund was released to local authorities in two tranches. Tranche 1 for temporary projects during the Covid-19 pandemic and Tranche 2 for longer-term projects.
5. On 25 June 2020, the DfT confirmed that Wiltshire Council had been awarded £227,000 to implement short-term measures to encourage walking and cycling. One of the schemes implemented by the Council using this funding was a cycle lane along Brown Street, St. Ann Street and Exeter Street in Salisbury. The cycle lane was introduced on the ground in September 2020.
6. To enable the cycle lane to be introduced it was necessary to make a number of amendments to the waiting restrictions present in the aforementioned (and other) roads. Those amendments were introduced by way of a Temporary Traffic Regulation Order (TTRO).

7. Following a public consultation in December 2020 and January 2021 to determine whether the cycle lane should be kept on a permanent basis the former Cabinet Member for Highways determined that it should be removed. Cabinet Member Report HTW-03-21 considered the results of the consultation. The report can be viewed here - <https://cms.wiltshire.gov.uk/ieDecisionDetails.aspx?ID=1732>. The cycle lane along Brown Street, St. Ann Street and Exeter Street was removed in March 2021.
8. As a result of the removal of the cycle lane the TTRO, required to amend the waiting restrictions to allow for its introduction, has been revoked. The consequence of which is that the waiting restrictions amended to enable the cycle lane to be provided must be reinstated as they were prior to its introduction. However, the Council has determined that it would be beneficial to keep a number of the waiting restriction amendments introduced by the TTRO on a permanent basis. To enable that to happen, a permanent TRO amendment process must be completed.
9. A TRO proposing amendments to several waiting restrictions in Salisbury City Centre was formally advertised for comment on 3 June 2021. 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 28 June 2021.

### **Summary of Proposals**

10. The advertised TRO proposed:

#### **Brown Street (section between Winchester Street and Milford Street)**

- Retention of No Waiting At Any Time (NWAAT hereafter) and No Loading At Any Time restrictions on the eastern side of the road
- Retention of a Goods Vehicle Only Loading Bay operating between the hours of 8.00am and 6.00pm on the western side of the road

#### **Brown Street (section between Milford Street and Ivy Street)**

- Retention of NWAAT restrictions on the eastern side of the road

#### **Brown Street (section between Ivy Street and St. Ann Street)**

- Retention of NWAAT restrictions on the western side of the road

#### **Carmelite Way**

- Retention of a Residents Parking Monday to Saturday 8.00am to 6.00pm Zone F Permit Holders Only parking bay on the northern side of the road
- Retention of NWAAT restrictions on the southern side of the road

#### **Friary Lane**

- Retention of Residents Parking Monday to Saturday 8.00am to 6.00pm Zone F Permit Holders Only parking bays on the eastern and western sides of the road
- Retention of time limited parking bay with Parking Limited to 2 Hours, No Return Within 4 Hours Monday to Saturday 8.00am to 6.00pm Expect Zone F Permit Holders on the eastern side of the road

### Ivy Street

- Retention of a Pay and Display Monday to Saturday 8.00am to 6.00pm, Sunday 10.00am to 4.00pm 1 Hour, No Return Within 2 Hours Except Zone E Permit Holders parking bay on the southern side of the road

### St. Ann Street

- An administrative change to the Map Based TRO schedule for St. Ann Street the effect of which is to extend the length of the No Waiting Monday to Saturday 8.00am to 6.00pm restriction on the southern side of the road in the TRO schedule so that it corresponds with the length of the restriction as currently marked on the road. No change will take place on the ground because of this amendment.

11. Plans showing the Council's advertised proposals are attached as **Appendix 1**.

### **Summary of Responses**

12. One item of correspondence has been received in response to the Council's proposals. The item of correspondence objected to the proposed retention of NWAAT restrictions on the western side of the section of Brown Street, between Ivy Street and St. Ann Street and requested that the existing No Waiting Monday to Saturday 8.00am to 6.00pm restriction be retained to enable overnight and Sunday parking to take place. As only one item of correspondence has been received in response to the Council's proposals the remainder of this report relates to the comments made by that correspondent.
13. A summary of the correspondent who wrote in opposition to the Council's proposals is attached as **Appendix 2**.
14. Substantive comments are considered to be those which would result in the Council seeking to alter the proposals advertised. It is considered that no substantive comments have been submitted by the correspondent who objected to the Council's proposals.

### **Main considerations for the Council**

15. Consideration needs to be given to the comments received to the Council's advertised proposals and whether changes should be made in light of them. A full copy of the comments raised by the correspondent, together with the officer response, is attached as **Appendix 3**.
16. The basic principle of highway law is that users have a legal right to pass and repass over land recorded as maintainable at public expense. There is no legal right to park on the public highway or for the Council, in its role as the local highway authority, to provide parking on it. However, parking on the public highway is condoned where it does not obstruct the right of passage.
17. Any decision to retain the No Waiting Monday to Saturday 8.00am to 6.00pm restriction, which would allow overnight and Sunday parking to take place, must be considered in the context of the legal principles outlined in paragraph 16.

### **Overview and Scrutiny Engagement**

18. There is none required as part of this scheme.

### **Safeguarding Implications**

19. There are no safeguarding implications.

### **Public Health Implications**

20. There are no public health implications.

### **Procurement Implications**

21. There are no procurement implications.

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

22. There is no impact upon people who share protected characteristics.

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

23. No Waiting restrictions require the erection of signs on the public highway advising motorists of its hours of operation. NWAAT restrictions do not require the erection of signs on the public highway. The Council's proposals would result in the need for fewer signs and signposts on the public highway which would be concordant with the Department for Transport aims for local highway authorities to reduce sign clutter and would result in a minor visual improvement to the Brown Street street scene.

### **Risk Assessment**

24. Not applicable.

### **Financial Implications**

25. There is an allocation in the 2021-2022 Integrated Transport budget which allows for the introduction of this scheme. Should the scheme not progress, the funding would be returned to the Integrated Transport budget allocation and would be available for allocation to other schemes.

### **Legal Implications**

26. The implementation of the proposed 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 TRO being successfully challenged in the High Court.

### **Options Considered**

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

### **Reason for Proposal**

28. The retention of the NWAAT restrictions in the section of Brown Street between Ivy Street and St. Ann Street will enhance road safety by improving visibility for motorists exiting the private car park of the White Hart Hotel. The improved visibility at this location will reduce the likelihood of a collision occurring between vehicles exiting the car park and vehicles travelling along Brown Street.
29. The parking options, detailed in **Appendix 3**, are considered to provide local residents with sufficient alternative parking arrangements to make use of in lieu of not being able to park on the length of No Waiting Monday to Saturday 8.00am to 6.00pm restriction in the section of Brown Street between Ivy Street and St. Ann Street.
30. The proposals are in accordance with Priority 2 of the Council's Business Plan.

### **Proposal**

31. That:
    - (i) The proposed TRO be implemented as advertised.
    - (ii) The correspondent who commented on the Council's proposals be informed accordingly.
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### **The following unpublished documents have been relied on in the preparation of this Report:**

None