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PROPOSED WAITING RESTRICTION AMENDMENTS
VARIOUS LOCATIONS, SALISBURY

Purpose of Report

1. To:
 - (i) Consider the comments received following the formal advertisement of proposed amendments to the layout of waiting restrictions at various locations in Salisbury.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO hereafter) as advertised.

Relevance to the Council's Business Plan

2. The proposal meets two of the priorities set out in the Council's Business Plan 2017-2027.
 - 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 waiting restrictions that will address issues directly raised by members of the local community. The proposed waiting restrictions will address road safety concerns and help the Council fulfil statutory obligations placed upon it in its role as the local highway authority. 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 the Salisbury Area Board via the Salisbury Community Area Transport Group (CATG hereafter) which is made up of elected members and officers from both Wiltshire Council and Salisbury City Council, as well as representatives of local interest groups.

Background

5. Requests for new or amendments to existing waiting restrictions can be made by any member of the local community through the Council's approved waiting restriction process. All of the proposed restrictions consulted upon were drawn up in response to requests submitted through the Council's approved waiting restriction process between 2017-2020.

6. Requests submitted through the Council's approved waiting restriction process are held on a list awaiting the allocation of funding to allow them to be taken forward for implementation. The Salisbury CATG has allocated funding to allow the aforementioned requests to be taken forward to address issues that were directly affecting the local community.
7. A TRO proposing new or amendments to existing waiting restrictions at 18 locations in Salisbury was formally advertised for comment on 17 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 12 July 2021.

Summary of Proposals

8. Plans, showing the Council's advertised proposals, are attached as **Appendix 1**. The proposals listed below are those consulted upon that were subject to the receipt of comments:
 - The provision of additional 'No Waiting At Any Time' (NWAAT hereafter) restrictions in Finchley Road (proposal can be viewed on Page 1 of Appendix 1).
 - The provision of additional NWAAT restrictions in Longlands (proposals can be viewed on Page 2 of Appendix 1).
 - The removal of two sections of a residents parking bay in Endless Street (proposal can be viewed on Page 5 of Appendix 1).
 - The removal of a section of a residents parking bay in Fairview Road (proposal can be viewed on Page 7 of Appendix 1).
 - The removal of a residents parking bay in Wessex Road (proposal can be viewed on Page 8 of Appendix 1).
 - The removal of a section of a residents parking bay in Cornwall Road (proposal can be viewed on Page 11 of Appendix 1).
 - The addition of a residents parking bay in Devonshire Road (proposal can be viewed on Page 12 of Appendix 1).
 - The removal of three sections of a residents parking bay in Donaldson Road (proposal can be viewed on Page 13 of Appendix 1).
 - The removal of a section of a residents parking bay in Hulse Road (proposal can be viewed on Page 15 of Appendix 1).
 - The removal of sections of two residents parking bays in Victoria Road (proposal can be viewed on Page 17 of Appendix 1).

Summary of Responses

9. A total of eleven items of correspondence have been received in response to the Council's proposals. Of the eleven items one expressed support for the Council's proposals, seven objected to the Council's proposals and three offered comments on the Council's proposals without specifically supporting or opposing them.
10. A summary of the correspondents who wrote in support of the Council's proposals is attached as **Appendix 2**. A summary of the correspondents who wrote in opposition to or commenting on the Council's proposals is attached as **Appendix 3**. A full copy of the comments raised by objectors and those correspondents who offered comments on the proposals without specifically supporting or opposing them, together with officer responses, is attached as **Appendix 4**.

11. Substantive comments are considered to be comments that would result in the Council seeking to make changes to the proposals it advertised. It is considered that no substantive comments have been submitted by the correspondents who objected to the Council's proposals.

Main considerations for the Council

12. Consideration needs to be given to the comments received to the Council's advertised proposals and whether changes should be made to them in light of the comments received. The Council must 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.
13. Highway law states the public highway is for the passage and repassage of persons and goods. There is no legal right for motorists to park on the public highway, nor obligation upon Wiltshire Council (as the local highway authority) to provide parking. Parking within the confines of the public highway is accepted so long as it does not impede the right of passage along it. Where parking does impede the right of passage along a public highway the Council has a statutory duty to consider the introduction of measures to ensure that any obstruction of that right of passage is removed.
14. 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 enable turning manoeuvres to be undertaken 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

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

Safeguarding Implications

16. There are no safeguarding implications.

Public Health Implications

17. There are no public health implications.

Procurement Implications

18. There are no procurement implications.

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

20. The Council's proposals would require the laying of road markings and the erection of signs on the public highway. Doing so would have an impact on the visual aspect of the areas where they are to be introduced. The impact would vary on a location-by-location basis.
21. Of the 18 locations where new or amendments to existing waiting restrictions are proposed 16 are already subject to the provision of waiting restrictions and the associated road markings and signs. As such, the impact from the Council's current proposals would be minimal. Of the two locations where there are not currently any waiting restrictions present both are subject to the provision of road markings, signs, and other items of street furniture, so the impact from the Council's current proposals would again be minimal.
22. The Council will seek to minimise the impact on the visual aspect of the areas where new or amendments to existing waiting restrictions are proposed by erecting, where possible, any new signs required because of its proposals on existing items of street furniture.

Risk Assessment

23. Not proceeding with the Council's proposals, in particular those that were subject to the receipt of objections, would result in the Council failing to meet its statutory duty of ensuring that the right of passage along the public highway is not impeded. Doing so would risk undermining the Council's reputation and its engagement of the local community.

Financial Implications

24. There is an allocation in the 2021-2022 Salisbury CATG budget which allows for the introduction of the proposed waiting restrictions. Should this scheme not progress the funding would be returned to the Salisbury CATG budget allocation and would be available to be put towards other schemes.

Legal Implications

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

Options Considered

26. 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

27. The proposed waiting restrictions will help the Council to meet its statutory duty of ensuring that the right of passage along the public highway is not impeded.

28. The proposals are in accordance with Priorities 2 and 4 of the Council's Business Plan.

Proposal

29. That:

- (i) The proposed TRO be implemented as advertised.
- (ii) The correspondents who commented on the Council's proposals be informed accordingly.

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

None