

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

**HIGHWAYS, TRANSPORT AND WASTE SERVICE**

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**REFERENCE:** HTW-33-21

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**Proposed Waiting Restrictions – Bellefield Crescent, Trowbridge and  
Proposed Pedestrian Crossings – Hilperton Road, Trowbridge**

**Purpose of Report**

1. To:
  - (i) Consider the comments received following the formal advertisement of proposed No Waiting at Any Time restriction on Bellefield Crescent and the introduction of two new signal-controlled Toucan crossings on Hilperton Road, Trowbridge.
  - (ii) Recommend the making of the Traffic Regulation Order (TRO hereafter) as advertised.

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

2. The use of consultation to help inform decision making aligns to the Business Plan – Strong Communities. “We want people in Wiltshire to be encouraged to take responsibility for their well-being, build positive relationships and to get involved, influence and take action on what is best for their own communities - we want residents to succeed to the best of their abilities and feel safe where they live and work”.

**Background**

3. In May 2020 the Secretary of State for Transport announced additional statutory guidance under the Traffic Management Act in response to the Covid-19 pandemic and stated the Government’s expectation that traffic authorities make significant changes to road layouts to make more space for pedestrians and cyclists.
4. It was announced that there would be funding to introduce such measures to enable social distancing and to encourage and sustain the increase in active travel as we emerge from the Covid-19 restrictions. This was initially called the Emergency Active Travel Fund and funding was split into two tranches.
5. The basis of the Tranche 1 schemes was that they were introduced as a temporary measure on a public transport corridor to enable users to have a choice of travel mode. The DfT guidance at the time stated that Authorities should monitor and evaluate any temporary measures they install, with a view to making them permanent, and embedding a long-term shift to active travel.
6. On 25 June 2020, DfT confirmed that the Council had been awarded £227,000 to implement short-term measures to encourage walking and cycling. As a result, Wiltshire Council delivered the following five pedestrian and cycling schemes:
  - Brown Street and Exeter Street, Salisbury - Cycleway
  - Winsley to Bradford on Avon - Cycle/footway
  - A420 Bristol Road, Chippenham - Cycleway
  - A361 Hilperton Road, Trowbridge - Cycleway
  - Monkton Hill, Chippenham – Cycle/footway

7. Wiltshire Council undertook a public consultation in December 2020 regarding the Tranche 1 and Tranche 2 schemes. The aim of this consultation was to determine the level of support for making permanent the temporary schemes installed as Tranche 1 as well as identifying which of the Tranche 2 schemes to take forward as permanent installations. More information on this consultation process can be found here: [Decision - HTW-03-21 - Emergency Active Travel Schemes Results of Consultation | Wiltshire Council](#)
8. A total of 1,724 responses were received during the consultation. Of those, 534 specifically commented on the Hilperton Road, Trowbridge temporary scheme, with 67% stating a preference for the introduction of a permanent cycle facility at this location to replace the temporary scheme.

#### Summary of proposals

9. The proposed improvements provide a 'missing link' between the residential areas to the north and south of Hilperton Road in relation to the Trowbridge Town Cycle network (which can be found here:) <https://www.wiltshire.gov.uk/transport-town-cycle-networks>
10. It is proposed to widen the northern footway to create a two-way cycle track alongside the footway. The cycle track will be at footway level, providing separation from vehicles, with cyclists also being segregated from pedestrians.
11. In addition to the cycle track, the improvement scheme will provide two new signal-controlled crossing facilities to link the areas to the north and south of Hilperton Road, completing links within the Trowbridge Town Cycle Network. Signal controlled crossings, to be used by both pedestrians and cyclists, are proposed close to the County Way roundabout and to replace the pedestrian refuge island near Stancomb Avenue. These proposed crossings have been subject to formal advertisement and the comments received are considered within this report. See **Appendix 1** for the advertisement plans.
12. The provision of crossings on Hilperton Road will not only assist with the cycle network, but will also provide safe crossing opportunities for pedestrians, particularly for those walking to and from the nearby primary schools.
13. Data collected in 2021, combined with site observations and feedback from pedestrians, highlighted that cyclists regularly use the existing footway on Hilperton Road between Stancomb Avenue and Bellefield Crescent. Providing a cycle track segregating cyclists from pedestrians and vehicles provides a safe and convenient route for cyclists while reducing the conflict with pedestrians, who will have their own dedicated space. This improves the route along Hilperton Road for both pedestrians and cyclists.
14. Facilitating the link to the existing shared use path on County Way, with access to the underpass, provides an off-road route for cyclists travelling to and from the town centre and removes the need for cyclists to negotiate traffic at the County Way/Hilperton Road roundabout.
15. As part of the proposed scheme, the Council have advertised, and received no objection to, the intention to convert the existing Right of Way on Quarterway Lane to allow cycling. This will complete the link to the existing shared use paths around Larkrise and Paxcroft schools. Quarterway Lane will also be resurfaced to ensure a smooth, trip-hazard free surface for users.

16. Cyclists currently use the existing footpath linking Bellefield Crescent and Hilperton Road. This can cause conflict with pedestrians due to the narrow width. The improvement scheme includes the creation of a cycle link adjacent to the existing footpath to facilitate cycle access. Cyclists will be segregated from pedestrians and it is proposed the link will exit onto the carriageway in Bellefield Crescent reducing interaction between pedestrians and cyclists.
17. To enable cyclist to join Bellefield Crescent, waiting restrictions are required to ensure this part of the carriageway is kept clear of parked vehicles. These restrictions have been formally advertised and the comments received are considered within this report. See **Appendix 1** for the advertisement plans.
18. Whilst it is within the permitted development rights of Wiltshire Council to provide a widened path through the existing grassed open space, a further legal advertisement process is required to enable the path to become maintainable public highway, and subsequently useable by cyclists. This legal process will take place in early 2022. This is not a legal process for which comments by members of the public are actively sought.

#### Summary of responses

19. The proposed legal orders were subject to formal consultation between 15 October 2021 and 15 November 2021. A copy of the advertisement plans can be found in **Appendix 1**.
20. During the consultation period a total of fifteen items of correspondence were received in response to the Council's proposals. Of those fifteen items, nine objected to the Council's proposals for waiting restrictions in Bellefield Crescent, five objected to the provision of a signal controlled crossing near Stancomb Avenue and one offered general comment on the Council's proposals without specifically supporting or opposing them. Comments were also included in the above responses relating to the overall cycle scheme proposal and the proposed cycle link with Bellefield Crescent.
21. A summary of the correspondents who submitted comments to the Council's proposals is attached as **Appendix 2**. 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 3**. This includes petitions signed by residents of Bellefield Crescent.
22. The elected Wiltshire Council Members for the Adcroft and Paxcroft wards were included in the consultation. Cllr Kirk (Adcroft) expressed concern regarding the proposed waiting restrictions and cycle scheme and has made representation to the Cabinet Member. Cllr Jacob (Paxcroft) has indicated support of the proposal during initial discussions. Neither have formally commented on the advertised proposals.
23. Trowbridge Town Council submitted an objection to overall proposed cycle scheme on Hilperton Road, specifically objecting to the link to Bellefield Crescent and proposed waiting restrictions.
24. 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.
25. The common themes from the comments received are concerns relating to:
  - loss of parking for residents
  - pedestrian safety
  - loss of the right turn facility into Stancomb Avenue

- the removal of trees

### **Main Considerations for the Council**

26. 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.
27. 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.
28. 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.
29. A number of comments were received raising objection to the proposed cycle link between Hilperton Road and Bellefield Crescent. These comments have been included and addressed in the officer responses; however, this element does not form part of the statutory consultation.
30. The concerns raised regarding the proposed crossing near Stancomb Avenue predominantly relate to the perceived difficulty vehicles will experience as a result of removal of the existing right turn lane along with the impact upon the trees in this area.
31. The current right turn facility has been provided due to the provision of a pedestrian refuge island. The facility utilises the approach road markings to permit an area for a vehicle to position itself when seeking to turn into the side road; however, the lane is below the width recommended by the Design Manual for Roads and Bridges and was not provided on the basis that turning facility was needed to assist vehicles making that movement. The other junctions accessed from Hilperton Road do not have a similar facility in place and are subject to the similar numbers of passing vehicle movements.
32. Alterations to the layout of the Stancomb Avenue junction as part of the proposed cycle scheme have been designed such that the impact upon the existing mature trees is minimised. This includes a no dig construction to ensure tree roots are not impacted to limit any future issues as a result of these works. However, there is a requirement to remove one mature Silver Birch at the northern most point of the grassed area on the east side of Stancomb Avenue. This tree will be affected by construction to create a new footway at this location and cannot be mitigated against. Consultation has been undertaken with the Landscape Engineer responsible for trees in the public highway, who has given approval for this removal. Replacement with a suitable alternative will be provided.

### **Overview and Scrutiny Engagement**

33. Overview and Scrutiny Committee has not yet been involved in this project or had oversight of the proposals. A report on Active Travel is on the forward plan for the Environment Select Committee.
34. The Active Travel Steering Group, formed of senior officers and the Cabinet Member for Highways, Transport, Waste, Street Scene and Flooding, has overseen each DfT funding bid and the development of the associated proposals.

### **Safeguarding Implications**

35. There are no safeguarding implications relating to this proposal.

### **Public Health Implications**

36. The introduction of measures which promote sustainable measure of travel can lead to improved health through active travel and improvements with air quality through reductions in vehicle emissions.

### **Procurement Implications**

37. There are no procurement implications for the Council associated with this proposal as work will be undertaken by the authority's appointed term contractors.

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

38. These improvements for both pedestrians and cyclists are intended to provide local residents with sustainable and safer access to local services while improving links to the wider cycle and walking network.
39. In addition to improving the route for pedestrians and two wheeled cycles, the improvements will benefit wheelchair/mobility scooter users, those who use tricycles and recumbent cycles.
40. The most likely protected characteristic groups to be affected by the proposal are age and disability. The impacts of the proposal are likely to be positive rather than negative as the schemes objectives is to improve the highway environment for vulnerable users including these protected groups.

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

41. The introduction of measures which promote sustainable measure of travel can lead to improved health through active travel and improvements with air quality through reductions in vehicle emissions.
42. The Council's draft Climate Change Strategy commits to promoting and developing active travel networks to assist with its aims to achieve a zero-carbon mobility and transport system.

### **Risk Assessment**

43. Not proceeding with the Council's proposals would impact upon the effectiveness of any active travel improvement scheme implemented on Hilperton Road.
44. With regard to the proposal for waiting restrictions on Bellefield Crescent to facilitate cycle access, not proceeding with the Council's proposals 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.

### **Financial Implications**

45. A funding allocation has been from the Council's Integrated Transport Block with additional funding from S106 developer contributions. Should this scheme not proceed, and the decision be taken to not progress the active travel improvement as a whole, the funding would be reallocated to other projects.

### **Legal Implications**

46. 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**

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

### **Reason for Proposal**

48. 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.
49. The proposed crossings and waiting restrictions are integral to the active travel improvement scheme and form a safety improvement for pedestrians and cyclists.
50. The proposals are in accordance with Priorities 2 and 4 of the Council's Business Plan.

### **Proposal**

51. That the proposed TRO's be implemented as advertised.

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

None

