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CLLR DR MARK McCLELLAND**

HIGHWAYS, TRANSPORT AND WASTE SERVICE

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REFERENCE: HTW-01-2022

**DEVIZES TOWN ORDER:
PROPOSED WAITING RESTRICTIONS**

Purpose of Report

1. To:
 - (i) Consider comments received to the advertised proposals for parking controls at various locations in the Devizes Town Order.
 - (ii) Recommend the making of the Traffic Regulation Order with minor amendments to the advertised proposals.

Relevance to the Council's Business Plan

2. The proposed scheme helps to meet key priorities of the Business Plan, as the local community worked together with Wiltshire Councillors and council officers on the proposals – making it an involved community scheme that was delivered together.

The restrictions will help protect vulnerable road users.

Background

3. Agreement to the proposed prioritisation of requests for Residents' Parking Schemes was considered and agreed in 2019. It was considered that adoption of the revised assessment process, together with a priority list, will allow the Council to efficiently manage the demand for Residents' Parking Schemes given the resources available. The continued engagement and involvement of the town and parish councils in the process will ensure that only those requests with overall community support are taken forward.
4. In 2020 the Covid-19 pandemic and associated lockdown regulations had a significant impact on people's parking behaviour and mobility patterns in general. Therefore, the Council paused the review of general parking restrictions and resident parking schemes in the knowledge that more people working from home resulted in lower commuter journeys.
5. Following representation from Devizes Town Council and local residents it was highlighted that a historic request had been missed from the prioritised list. Following the relaxation of restrictions associated with the pandemic, Council officers have been able to return to developing proposals and have included these additions.
6. Informal resident consultations took place prior to the formal consultation of the Traffic Orders to ensure there was still the level of support required to take the proposals forward. Additionally, Highway Engineers visited the sites to meet with residents to discuss various restriction options.

Detail

7. The Traffic Regulation Orders for the proposal were advertised from 23 September 2021 to 18 October 2021.
8. During the formal consultation period, eight items of correspondence were received, five expressed support for the Council's proposals, two objected to the proposals in its current form, and one outlined general comment. Both correspondences objecting related to the proposal for Colston Road. Appendix 2 details the comments received, along with the Officer response.

Main Considerations for the Council

9. Consideration needs to be given to the responses received and a decision made on the way forward. Statute states the highway is for the passage and repassage of persons and goods, and consequently any parking on the highway is an obstruction of that right of passage. There are no rights to park on the highway, but parking is condoned where the right of passage along the highway is not impeded. The consideration of the objections to the introduction of controls has to be considered in this context.

Safeguarding Considerations

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

Public Health Implications

11. There is none in this scheme.

Corporate Procurement Implications

12. There is none in this scheme.

Environmental and Climate Change Considerations

13. There is none in this scheme.

Equalities Impact of the Proposal

14. There is none in this scheme.

Risk Assessment

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

Financial Implications

16. There is an allocation in this year's Traffic and Network Management budget for design, implementation, supervision and monitoring works.

Legal Implications

17. All changes to existing parking restrictions require amendments to their Traffic Regulation Order. The process is governed by the Road Traffic Regulation Act 1984 and Associated Procedural Regulations. Failure to adhere to the statutory processes could result in the restrictions being successfully challenged in the High Court.

Options Considered

18. To:
- (i) Implement the proposals as advertised.
 - (ii) Not implement the proposals.
 - (iii) Implement the proposals with amendments.

Reason for Proposals

19. The comments set out in **Appendix 2** on the various objections received indicate that it is considered appropriate to introduce the scheme as advertised for Avon Terrace. With regard to the proposal for Colston Road, in light of the comments received further consideration has been given to the extent of No Waiting At Any Time Restriction and the impact upon residents. It is therefore recommended that the original proposal be amended to not proceed with the restrictions, except for its junction with Avon Terrace. A copy of the revised proposal is available in **Appendix 3**.

Proposals

20. That:
- (i) The restrictions be implemented as advertised, subject to the amendments detailed in **Appendix 3**.
 - (ii) The correspondents be informed accordingly.

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

Letters of representation