CABINET MEMBER FOR TRANSPORT, WASTE, STREET SCENE & FLOODING – CLLR CAROLINE THOMAS

HIGHWAYS ASSET MANAGEMENT AND COMMISSIONING

OFFICER CONTACT: Rhiann Surgenor / 01722 434201 / rhiann.surgenor@wiltshire.gov.uk

REFERENCE: HTW-03-23

PROPOSED WAITING RESTRICTION AMENDMENTS VARIOUS LOCATIONS, AMESBURY, DURRINGTON AND BULFORD

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 Amesbury, Durrington and Bulford.

   (ii) Recommend the making of the Traffic Regulation Orders (TROs 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 Stonehenge Area Board via the Stonehenge Local Highways & Footways Improvement Group (LHFIG hereafter) which is made up of elected members and officers from both Wiltshire Council and relevant Town and Parish Councils, 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 2017-2022.

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. As part of the change in operation from Community Area Transport Group (CATG) to LHFIG in April 2022 these requests can now be allocated funding and actioned through the 2022 LHFIG process. The Stonehenge LHFIG has allocated funding to allow the aforementioned requests to be taken forward to address issues that were directly affecting the local community in a variety of locations.

7. TROs proposing new or amendments to existing waiting restrictions at five locations in Amesbury, nine locations in Durrington and two locations in Bulford were formally advertised for consultation on 20 October 2022. The Council's closing date for receipt of comments to the advertised TROs, together with the grounds on which they were made, was 21 November 2022.

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 No Waiting Mon-Fri 8am-6pm restrictions in Holders Road, Amesbury (proposal can be viewed on Page 1 of Appendix 1).
- The provision of School Keep Clear Mon-Fri 7.30-9.30am and 2.30-4.30pm restriction in Holders Road, Amesbury (proposal can be viewed on Page 1 of Appendix 1).
- The provision of NWAAT restrictions on Archers Way, Amesbury (proposals can be viewed on page 4 of Appendix 1).
- The provision of additional NWAAT restrictions in Mills Way access Road to HRC, Amesbury (proposals can be viewed on Page 5 of Appendix 1).
- The provision of additional NWAAT restrictions on Bulford Road, Durrington (proposals can be viewed on pages 6, 9, 10, 11 and 14 of Appendix 1).
- The provision of additional NWAAT restrictions on Church Street, Durrington (proposals can be viewed on page 10 of Appendix 1).
- The provision of additional NWAAT restrictions on The Ham, Durrington (proposals can be viewed on page 10 of Appendix 1).
- The provision of NWAAT restrictions on Salisbury Road, Bulford (proposals can be viewed on page 16 of Appendix 1).

Summary of Responses

9. A total of 38 items of correspondence have been received in response to the Council's proposals. Of the 38 items nineteen expressed support for the Council's proposals, seventeen objected to the Council's proposals and two 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 outlined opposition to, or made general comment 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.

12. Support was given by the Parish Councils at proposal stage, but no comments supporting or against were raised in the formal consultation phase.

Main considerations for the Council

13. Consideration needs to be given to the comments received to the Council's advertised proposals and whether changes should be made to them. 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.

14. 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.

15. 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

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

Safeguarding Implications

17. There are no safeguarding implications.

Public Health Implications

18. There are no public health implications.

Procurement Implications

19. There are no procurement implications.

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

21. The Council's proposals would require the laying of road markings and the erection of signs on the public highway. Doing so could be considered to 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.
22. Of the 16 locations where new or amendments to existing waiting restrictions are proposed 9 are already subject to the provision of waiting restrictions and associated

road markings and signs. As such, the impact from the Council's current proposals is considered minimal. Of the 6 locations where there are not currently any waiting restrictions present all are subject to the provision of existing road markings, signs, and other items of street furniture, so the impact from the Council's current proposals would again be minimal.

23. 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.

24. The provision of the proposal would seek to reduce congestion at all locations, and consequently this may aid traffic flow and improve air quality.

Risk Assessment

25. 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 it 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

26. There is an allocation in the 2022-2023 Stonehenge LHFIG budget which allows for the introduction of the proposed waiting restrictions. Should this scheme not progress the funding would be returned to the Stonehenge LHFIG budget allocation and would be available to be put towards other schemes.

Legal Implications

27. The implementation of the proposed waiting restrictions requires the processing of TROs. The process of introducing TROs is governed by the Road Traffic Regulation Act 1984 and associated procedural regulations. Failure to adhere to the statutory processes could result in the TROs being successfully challenged in the High Court.

Options Considered

28. 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

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

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

31. The proposals have been prioritised by the Stonehenge LHFIG as a project for 2022-23, and supported by the Area Board

Proposal

32. That:

(i) The proposed TROs 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