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REFERENCE: HTW-18-23

PROPOSED WAITING RESTRICTIONS OLDFIELD PARK AND QUEENS ROAD AREA, WESTBURY

Purpose of Report

1. To:
 - (i) Consider the comments received following the formal advertisement of proposed waiting restrictions at Oldfield Park and Queens Road area, Westbury.
 - (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 outcomes set out in the Council's Business Plan 2022-2032.
 - Outcome 2 – Resilient society.
 - Outcome 3 – Thriving economy.
3. Outcome 2 – communicate with communities in a way that promotes constructive discussion, tailored to the communities needs and developing better solutions to these. To empower communities and groups to act in their local area. This outcome has been met through the development of the proposals (to which this report relates) with members of the local community through the Westbury Area Board via the Westbury 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.
4. Outcome 3 – Deliver infrastructure to enable local communities to live, work and play locally, businesses to invest and everyone to take responsibility for the environment. Helping to build an efficient and effective transport network, including viable alternatives to the car. This outcome 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.

Background

5. Requests were submitted by local residents to Westbury Town Council regarding concerns with inappropriate parking at the proposed locations, which led to a request submitted to Westbury LHFIFG for consideration and funding. The Westbury LHFIFG has allocated funding to allow these requests to be taken forward to address issues that were directly affecting the local community at these locations.
6. TROs proposing new waiting restrictions at several locations in the Oldfield Park and Queens Road area, Westbury were formally advertised for consultation on 10 February 2023. The Council's closing date for receipt of comments to the advertised TROs, together with the grounds on which they were made, was 13 March 2023.

Summary of Proposals

7. 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 8.30 – 9.30am and 3 – 4pm restrictions in Oldfield Park, Westbury (proposal can be viewed at **Appendix 1**).

Summary of Responses

8. A total of two items of correspondence have been received in response to the Council's proposals. Of the two items, one expressed support for the Council's proposals, and one objected to the Council's proposals.
9. A summary of the correspondent who wrote in support of the Council's proposals is attached as **Appendix 2**. A summary of the correspondent who outlined opposition to the Council's proposals is attached as **Appendix 3**. A full copy of the comments raised, together with officer responses, is attached as **Appendix 4**. Site notices were erected at the proposed locations throughout the consultation period, please refer to **Appendix 5**.
10. 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 correspondent who objected to the Council's proposals.
11. Support was given by the Town Council at proposal stage and comments of support were submitted in the formal consultation phase.

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. 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 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.
21. Of all the locations where new waiting restrictions are proposed, none are already subject to the provision of waiting restrictions and associated road markings and signs. However, the provision of existing road markings, signs, and other items of street furniture are present, so the impact from the Council's current proposals are considered to be minimal.
22. The Council will seek to minimise the impact on the visual aspect of the areas where new waiting restrictions are proposed by erecting, where possible, any new signs required because of its proposals on existing items of street furniture.
23. 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

24. Not proceeding with the Council's proposals, in particular those that were subject to the receipt of objection, 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

25. There is an allocation in the 2023-2024 Westbury LHFIG budget which allows for the introduction of the proposed waiting restrictions. Should this scheme not progress the funding would be returned to the Westbury LHFIG budget allocation and would be available to be put towards other schemes.

Legal Implications

26. 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

27. 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

28. 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.
29. The proposals are in accordance with outcomes 2 and 3 of the Council's Business Plan.
30. The proposals have been prioritised by the Westbury LHFIG as a project for 2023-24 and supported by the Area Board.

Proposals

31. 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