

**CABINET MEMBER FOR HIGHWAYS, STREET SCENE & FLOODING –
CLLR NICK HOLDER**

HIGHWAYS ASSET MANAGEMENT AND COMMISSIONING

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REFERENCE: HSSF-17-24

PROPOSED WAITING RESTRICTIONS
VARIOUS LOCATIONS, BRADFORD ON AVON

Purpose of Report

1. To consider the comments received following the formal advertisement of proposed waiting restrictions at the following locations in Bradford on Avon and to recommend a way forward:
 - Ashley Close
 - Ashley Road
 - Bridge Yard
 - Culver Road
 - Midland Close
 - Pound Lane
 - Springfield
 - Woolley Street (Lower (B3017))
 - Woolley Street (Luccombe Quarry)

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 Bradford on Avon Area Board via the Bradford on Avon 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 and businesses to Bradford on Avon Town Council regarding concerns with inappropriate parking at various locations across the town, alongside a request for residents parking to be introduced on Woolley Street (Lower), which led to a request submitted to Bradford on Avon LHFIG for consideration and funding. The LHFIG has allocated funding to allow these requests to be developed to address issues that were directly affecting the local community at these locations.
6. In addition to the above, Midland Close was included as an administrative exercise to rectify a previous omission in the legal orders. Midland Close has a No Waiting at Any Time restriction marked on the ground as required by the planning process during its development. Midland Close was omitted from the legal order during previous changes and such the existing markings are not enforceable at present.
7. The Traffic Regulation Orders (TROs) outlining the proposed restrictions at the aforementioned locations were formally advertised for consultation on 1 March 2024. The Council's closing date for receipt of comments to the advertised TROs, together with the grounds on which they were made, was 25 March 2024.

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:
 - Bridge Yard – three items of correspondence received, all in objection.
 - Culver Road – six items of correspondence received, all in objection,
 - Midland Close – nine items of correspondence received: seven in support and two in objection,
 - Springfield – one item of correspondence; comments only,
 - Woolley Street (Lower) – three items of correspondence, all in objection
 - Woolley Street (Luccombe Quarry) – one item of correspondence in support of proposal

Summary of Responses

9. A total of twenty-three items of correspondence have been received in response to the Council's proposals as outlined above.
10. A list of the correspondents who wrote in support of the Council's proposals is attached as **Appendix 2**. A full copy of the comments raised, together with officer responses, is attached as **Appendix 3**.
11. Substantive comments are considered to be comments that would result in the Council seeking to make changes to the proposals it advertised.
12. Support was given by the Town Council and local elected Members at the proposal stage.

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 the proposals. 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.
16. With the above statements and consultation responses being considered, it is proposed that the proposals for Bridge Yard be abandoned and further discussions between the businesses and Town Council be encouraged.
17. The proposal for Culver Road is to be amended to shorten the proposed length of waiting restrictions such that they end at a point fourteen metres north-east of its junction with Trowbridge Road. This considers the comments by residents whilst addressing issues raised regarding parking in close proximity to the junction and its impact on road safety.
18. All other proposals are to be implemented as advertised.

Overview and Scrutiny Engagement

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

Safeguarding Implications

20. There are no safeguarding implications.

Public Health Implications

21. There are no public health implications.

Procurement Implications

22. There are no procurement implications.

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

24. The Council's proposals would require the laying of road markings 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.

25. As there are existing road markings, signs, and other items of street furniture are present, the impact from the Council's current proposals is considered to be minimal.

Risk Assessment

26. Not proceeding with the Council's proposals, particularly those that were subject to the receipt of objection, may 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

27. The funding allocation for implementation is to be sought from Bradford on Avon LHFIFG with contribution from Bradford on Avon Town Council. Should this scheme not progress the funding would remain within the LHFIFG budget allocation and would be available to be put towards other schemes.

Legal Implications

28. 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

29. 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

30. 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.
31. The proposals are in accordance with outcomes 2 and 3 of the Council's Business Plan.
32. The proposals have been prioritised by the Bradford on Avon LHFIFG as a project for and supported by the Area Board.

Proposals

33. That:
- (i) The Traffic Regulation Orders listed below be implemented as advertised:
 - Ashley Close
 - Ashley Road
 - Midland Close
 - Pound Lane
 - Springfield
 - Woolley Street (Lower (B3017))

- Woolley Street (Luccombe Quarry)
- (ii) The proposed TRO on Culver Road be amended to reduce the length of waiting restrictions to cover a distance of fourteen metres from its junction with Trowbridge Road. No further consultation is required.
 - (iii) The proposed TRO for Bridge Yard be abandoned.
 - (iv) The correspondents who commented on the Council's proposals be informed accordingly.
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The following unpublished documents have been relied on in the preparation of this Report:

None