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HIGHWAYS AND TRANSPORT SERVICE

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REFERENCE: HSB-019-13

PARISH OF MELKSHAM WITHOUT: PROPOSED WAITING RESTRICTIONS

Purpose of Report

1. To:
 - (i) Consider objections to the advertised proposals for parking controls at various locations in the Parish of Melksham Without.
 - (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 meets the three key priorities of the Business Plan, as the local community worked together with Wiltshire Councillor and council officers on the proposals, the restrictions will help protect vulnerable road users and in the case of the Hampton Park proposals, will support the local businesses by protecting their accesses.

Background

3. A new procedure for dealing with requests for Parking and Waiting Restrictions was agreed in 2011 [Decision - HT-030-11](#). In order to appropriately manage the demand for changes to parking controls it is necessary to engage the Town and Parish Councils in the prioritisation of local demand for new controls in their area, so that the limited resources of the Council are directed to deal with the demands which are supported by Town and Parish Councils and identified locally as a priority.
4. Requests from Town and Parish Councils were received in 2012 and were assessed and scored by officers. The first locations approved to proceed to review were agreed in November 2012 [Decision - HT-055-12](#) and Parish of Melksham Without was among those selected to progress.
5. Proposals for all of these sites have been developed and have been advertised as part of the statutory procedure for making Traffic Regulation Orders. As a result of the public advertisement 13 letters of representation were received. There were 7 comments of support and 6 of objection. These are listed in **Appendix 1**, together with a summary of their comments and officer comments on the points raised.

Detail

6. Melksham Without Parish Council and Wiltshire Councillor, Roy While, had raised concerns over a number of sites within the Parish and these were investigated, together with other outstanding requests for amendments.

7. Wiltshire Police officers agreed with the concerns of the Parish Council regarding the parking, particularly on Halifax Road and the stretch between Mitchell Drive and Bader Park, where parking on the bend was repeatedly causing an issue. They were also in agreement with the proposals to aid visibility from the two residential closes, Stirling Close and De Havilland Place.
8. In March 2012 a meeting to discuss lorry parking on Hampton Park West was called by Wiltshire Councillor, Roy While. Wiltshire Police officers, local business representatives, a Parish Councillor and Wiltshire Council officers were in attendance. HGVs parking inconsiderately were causing a hazard to traffic, and blocking visibility from the business accesses was discussed and parking restrictions were requested.
9. Subsequent site investigations by Engineers, during detailed investigation of the requests, noted that HGV parking was not the only issue. Workers parking further west towards the Semington Road junction were causing visibility issues for the business accesses also.

Main Considerations for the Council

10. 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

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

Public Health Implications

12. There is none in this scheme.

Environmental Impact of the Proposal

13. The introduction of the parking controls will involve the laying of lines and installation of a small number of signs. This will have an impact on the visual aspect but has to be balanced against the need to ensure that safe access and visibility is provided.

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 the 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 1** on the various objections received indicate that it is considered appropriate to introduce the scheme with the minor amendments detailed in **Appendices 2 and 3**.

Proposals

20. That:
- (i) The restrictions be implemented as advertised, subject to the minor amendments detailed in **Appendices 2 and 3**.
 - (ii) The objectors be informed accordingly.

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

Letters of representation