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PROPOSED WAITING RESTRICTIONS IN LOWER BEMERTON, SALISBURY

Purpose of Report

1. To:
 - (i) Consider objections to the proposed introduction of 'No Waiting At Any Time' (NWAAT) restrictions at various locations in Lower Bemerton, Salisbury.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO) with minor amendments to the advertised proposals.

Relevance to the Council's Business Plan

2. The proposed TRO meets two key priorities of the Council's Business Plan. Those priorities being:
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them; and
 - Outcome 6 – People are as protected from harm as possible and feel safe.
3. Outcome 2 has been met through development of the proposals in conjunction with the local elected Wiltshire Council Member and the local elected Salisbury City Council Members for the Fisherton and Bemerton Village ward. Local residents have also been involved in developing the proposals through originally requesting the introduction of NWAAT restrictions and through the TRO consultation process.
4. If implemented, the proposals would meet Outcome 6. The introduction of NWAAT restrictions in Lower Bemerton has been requested by local residents to address road safety concerns centred on poor visibility and difficulties undertaking turning manoeuvres at a number of junctions in the area due to parked cars, address difficulties pedestrians have walking through the area at locations where no footway is provided and to help preserve the free flow of traffic along Lower Road. The provision of the proposed waiting restrictions would help to maintain and, at a number of locations, improve road safety and serve to directly address residents' concerns.

Background

5. Lower Bemerton is to the west of Salisbury City Centre. The main road running through Lower Bemerton is Lower Road. Lower Bemerton, and in particular Lower Road, is subject to rat-running traffic seeking to access Churchfields Industrial Estate or to avoid the A36(T) Wilton Road. Lower Bemerton is covered by a 7.5 tonne weight limit restriction and is served by an ABC bus service. Lower Road, along with Church Lane, serves as the main pedestrian and vehicular access to Bemerton St. John's Primary School.

6. In 2010, following an incident where an ambulance trying to attend an emergency call in St. Andrew's Road was prevented from accessing the road due to parked vehicles at its junction with Skew Bridge Road, a local resident contacted the then local elected Wiltshire Council Member, Mr. Chris Cochrane, requesting the introduction of NWAAT to prevent a similar situation from occurring again.
7. In response to these comments Councillor Cochrane invited residents of Lower Bemerton, through his local newsletter, to inform him of other locations within the area that they felt NWAAT restrictions were required and that he would ask officers to investigate any locations identified and produce draft proposals. Between April 2010 and November 2011 officers, in conjunction with Councillor Cochrane, developed proposals for the introduction of waiting restrictions in Lower Bemerton.
8. Funding to allow the proposals for Lower Bemerton to be progressed was allocated in January 2012. In February 2012 a TRO proposing the introduction of NWAAT restrictions in Lower Bemerton was formally advertised for comment. The Council's closing date for receipt of objections or other representations to the advertised TRO, together with the grounds on which they were made, was 19 March 2012.
9. As a result of the local council elections in May 2012 a change of elected members took place with Councillor John Walsh replacing Councillor Cochrane. This change, and the subsequent need to brief Councillor Walsh on the proposals and allow him time to confirm his support for the proposals, has led to the delay in producing this report.

Summary of Proposals

10. One TRO was advertised as part of this scheme and proposed the introduction of NWAAT restrictions at the following locations:
 - The junction of Church Lane and St. Andrew's Road
 - The junction of St. Andrew's Road and Skew Bridge Road
 - The junction of Skew Bridge Road and Lower Road
 - The junction of Hadrians Close and Lower Road
 - Lower Road outside No. 71
 - Lower Road outside Nos. 85-87
 - Lower Road opposite Nos. 123-139
 - Lower Road at the southern end of Salisbury Footpath 47 (Right of Way adjacent to St. Andrew's Church)
11. A plan showing the Council's advertised proposals is attached as **Appendix 1**.

Summary of Responses

12. A total of three items of correspondence have been received objecting to the proposals contained within the advertised TRO. A summary of the correspondents who wrote in opposition to the TRO is attached as **Appendix 2**. A full summary of the comments raised by objectors, together with officer comments, is attached as **Appendix 3**. The substantive issues raised by the objectors are detailed below.

Reduction in the Number of Parking Spaces Available for Residents

13. Two of the items of correspondence opposed the Council's proposals on the grounds that the proposed NWAAT restrictions would reduce the number of parking spaces available for residents. The concerns specifically focused on the proposed NWAAT restrictions outside No. 71 Lower Road and in the vicinity of St. Andrews Road.

Proposed Bus Stop in the Vicinity of Nos. 78-82 Lower Road

14. One of the items of correspondence opposed the positioning of a bus stop on the southern side of Lower Road in the vicinity of Nos. 78-82 on the grounds that the bus stop would be sited against a dropped kerb which would be against design standards and impractical for passengers, particularly elderly ones, to use.

Council's Response to the Objections

Reduction in the Number of Parking Spaces Available for Residents

15. The proposed restrictions outside No. 71 Lower Road are on a blind 'S' bend situated between Nos. 65 and 83 Lower Road. A small amount of parking takes place on part of the north-eastern side of the 'S' bend. Given the physical characteristics of the 'S' bend, parking on it is potentially hazardous. Parking at this location can also block access to/egress from the private driveway of No. 71 Lower Road. The proposed use of NWAAT restrictions at this location is to address the issues outlined above.
16. The proposed NWAAT restrictions in the vicinity of St. Andrew's Road are specifically to protect visibility and turning manoeuvres at junctions in Lower Bemerton and have been proposed in direct response to the incident described in paragraph 6.
17. The correspondent's comments focus on the fact that the provision of NWAAT restrictions would reduce the number of parking spaces available in Lower Bemerton and the impacts doing so may have. However, it is important to consider such comments in the context of what both highway law, and the Highway Code, state on the provision of parking on the public highway. Highway law states the public highway is for the passage and repassage of persons and goods, and consequently any parking on the highway is an obstruction of that rite of passage. There are no legal rights to park on the highway, or upon the Council (as the local highway authority) to provide parking on the public highway, but parking is condoned where the rite of passage along the highway is not impeded.
18. The Highway Code (to which 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 turning manoeuvres at junctions. Therefore, whilst it is proposed to introduce NWAAT at a number of junctions, it should be remembered that motorists should not be parking at such locations anyway.
19. Discussing the results of the consultation with local Wiltshire and Salisbury City Council Members for the Fisherton and Bemerton Village ward they are keen the provision of NWAAT in Lower Bemerton is kept to an absolute bare minimum, and asked that officers consider amending the proposals reduce the amount of NWAAT restrictions to be introduced to both maintain the semi rural look and feel of Lower Bemerton and retain as much parking as possible for local residents.
20. In particular, local members questioned the need for the proposed NWAAT restrictions at the southern end of Salisbury Footpath 47 and whether the whole length of NWAAT restrictions proposed outside No. 71 is required, given that parking currently takes place at this location and has not resulted in any collisions occurring.
21. The Council is acutely aware of the pressure on parking spaces in residential areas and has tried to take this factor into account in developing its proposals. The Council has tried to minimise the amount of NWAAT restrictions used to achieve the best balance possible between retaining parking spaces and addressing the road safety concerns raised. At junctions, wherever practical, the Council has proposed the introduction of less than 10 metres of NWAAT restrictions. One specific example of this approach is in

St. Andrew's Road at its junction with Church Lane where the proposed NWAAT restrictions are less than 10 metres in length. Therefore, it is not possible to reduce the amount of NWAAT restrictions at junctions in the area any further without impinging on their intended purpose of protecting visibility and turning manoeuvres.

22. With specific regard to the proposed NWAAT restrictions at the southern end of Salisbury Footpath 47 it is considered that these waiting restrictions could be removed from the Council's proposals. Use of the footpath is limited and appears not to be subject to any specific complaints that parked vehicles are obstructing access to it. Removing the proposed NWAAT restrictions would help preserve the look and feel of the area and, should problems arise at this location in the future, an access protection (white bar) marking could be provided to address the situation.
23. With regard to the section of NWAAT restriction proposed outside of No. 71 Lower Road, the removal of the whole length of NWAAT restriction cannot be justified. With parking taking place on the north-eastern side of the bend the remaining carriageway width is reduced to a single running lane. The result of which is that cars travelling in opposite directions can meet whilst travelling around the bend. When this situation occurs, one of the vehicles travelling around the bend has to yield to the other and doing so usually results in the vehicle having to reverse back around a blind 'S' bend to allow the other to pass by. Having a situation where vehicles are forced to reverse around a blind 'S' bend is obviously not desirable.
24. However, it would be possible to reduce the length of NWAAT restrictions proposed outside No. 71 Lower Road. As pointed out by the local ward members parking currently takes place at this location and despite being a potentially hazardous location to park there are no collisions resulting in personal injury recorded as having occurred in the last five years on the Police database. Reducing the length of NWAAT restrictions used at this location will allow some parking to take place whilst the remaining length of NWAAT restrictions will provide an area for a vehicle to pull over onto if they meet a vehicle travelling in the opposite direction and thereby remove the need for a vehicle to have to reverse back around a blind 'S' bend. Additionally, allowing some parking at this location will, in part at least, address the objection raised concerning the proposed introduction of NWAAT restrictions at this location.

Proposed Bus Stop in the Vicinity of Nos. 78-82 Lower Road

25. The plan accompanying the Council's TRO advertisement (please refer to **Appendix 1**) showed the provision of two bus stop clearways (one on either side of the road) in the vicinity of Nos. 78-82 Lower Road. The introduction of bus stop clearways on the public highway does not require the processing of a TRO and consequently their introduction does not form part of TRO advertised.
26. However, in response to the correspondent's comments it is not proposed to move the bus stop on the southern side of Lower Road so that it is adjacent to a dropped kerb. The proposed position of this bus stop would be against a full height kerb that is present between Nos. 78-82 and 84-86 Lower Road and accordingly would meet relevant design guidance.
27. From a practical point of view the proposed position of the bus stop on the southern side of the road (as shown in **Appendix 1**) would mean that passengers would board and alight onto a full height kerb with a portion of the bus stopping in front of a dropped kerb. This situation is exactly the same as would occur if the bus stopped at the location proposed by the correspondent.

28. Currently, there is no bus stop flag or defined stopping point for the bus on the southern side of Lower Road, unlike the northern side of the road where a bus stop flag clearly defines where the bus stops. The position of the bus stop on the southern side of the road has been chosen to move it further away from the junction of Skew Bridge Road and Lower Road. Given that there is currently no defined bus stopping point on the southern side of the road, rather than providing a bus stop clearway a NWAAT restriction could be laid instead which would allow buses to stop at any location in the vicinity of Nos. 78-86 Lower Road, depending on the traffic conditions within the road on any given day.

Main Considerations for the Council

29. Consideration needs to be given to the responses received and a decision made on the way forward. As previously stated, there are no legal rights to park on the public highway or upon the Council to provide parking on the public highway. The Council's statutory duty, as the local highway authority, is to ensure that the rite of passage along the highway is not impeded. However, the Council has to balance meeting its statutory obligations against the wishes of local residents in allowing parking to take place. The consideration of the objections to the proposed introduction of NWAAT restrictions in Lower Bemerton has to be considered in this context.

Safeguarding Considerations

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

Public Health Implications

31. There are none in this scheme.

Environmental Impact of the Proposal

32. The introduction of NWAAT restrictions will require the laying of yellow lines on the public highway. Doing so will have impact on the visual aspect of the area but has to be balanced against the need to ensure that safe access and visibility is provided.

Equalities Impact of the Proposal

33. There are none in this scheme.

Risk Assessment

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

Financial Implications

35. There is an allocation in the 2013-2014 Local Transport Plan (LTP) Integrated Transport Budget which allows for the design and introduction of this scheme. Should the scheme not progress, the funding would be returned to the Council's LTP Integrated Transport budget allocation and would be available to be put towards other schemes.

Legal Implications

36. The introduction of new waiting restrictions requires the processing of a TRO. The process of introducing a TRO 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

37. To:
- (i) Implement the proposals as advertised.
 - (ii) Abandon the proposals.
 - (iii) Implement the proposals with minor amendments.

Reason for Proposals

38. In consideration of the comments made by objectors to the Council's advertised proposals, and the wishes of the Wiltshire and Salisbury City Council ward members to see the minimum amount of NWAAT restrictions introduced, it is considered appropriate to introduce the scheme with the minor amendments.
39. By removing the proposed NWAAT restrictions at the southern end of Salisbury Footpath 47, reducing the length of the proposed NWAAT restrictions outside No. 71 Lower Road and replacing the proposed bus stop clearway outside Nos. 78-82 Lower Road with NWAAT restrictions the intended purpose of introducing the waiting restrictions would not be unduly diminished. Making these changes would serve to address some of the issues raised by objectors, meet the wishes of the local Wiltshire and Salisbury City Council ward members and ultimately offer a balanced response in terms of the Council meeting its statutory obligations and addressing local concerns.
40. Attached as **Appendix 4** is a plan showing the amended layout of NWAAT restrictions proposed for the Lower Bemerton area.

Proposals

41. That:
- (i) The Traffic Regulation Order be implemented as advertised, subject to:
 - The proposed NWAAT restrictions at the southern end of Salisbury Footpath 47 being removed from the scheme.
 - A section of the proposed NWAAT restrictions outside No. 71 Lower Road being removed from the scheme.
 - The proposed bus stop clearway outside Nos. 78-82 Lower Road be replaced by NWAAT restrictions.
 - (ii) The objectors are informed accordingly.

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

Letters of objection