

DEPUTY LEADER AND CABINET MEMBER FOR HIGHWAYS, STREETSCENE AND BROADBAND – COUNCILLOR JOHN THOMSON

HIGHWAYS AND TRANSPORT SERVICE

OFFICER CONTACT: Paul Shaddock 01722 434671 Email: paul.shaddock@wiltshire.gov.uk

REFERENCE: HSB-08-14

PROPOSED WAITING RESTRICTIONS IN KINGSLAND ROAD AREA, SALISBURY

Purpose of Report

1. To:
 - (i) Consider objections to the proposed introduction of waiting restrictions at various locations in the vicinity of Kingsland Road, Salisbury.
 - (ii) Recommend the making of the Traffic Regulation Order (TRO) as advertised.

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 Headteacher of Sarum St. Paul's Primary School. Local residents have also been involved through the formal TRO consultation process.
4. If implemented, the proposals would meet Outcome 6. The introduction of waiting restrictions in the Kingsland Road area has been requested by the Headteacher of Sarum St. Paul's School 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, and to address difficulties that pedestrians have walking along Westminster Road (along which the school is situated) as a result of vehicles obstructing the footway by parking on it. The provision of the proposed waiting restrictions would serve to address the problems outlined above.

Background

5. Kingsland Road is to the north-west of Salisbury City Centre in the Salisbury St. Paul's ward. The main access to Kingsland Road is off of the A360 Devizes Road. Kingsland Road serves as the access road to four other roads - Kensington Road, Old Richmond Road, Westminster Road and Coldharbour Lane – all of which are essentially cul-de-sacs. The four aforementioned roads are all primarily residential roads; however, all do provide access to a local facility. Most notably, Westminster Road serves as the main access to Sarum St. Paul's Primary School and the local community hall (Dennis Marsh House) and Coldharbour Lane serves as an access to two local allotments, a sports field, a tennis club and a children's playground. Kingsland Road (and the four roads it leads to) is within an existing 20 mph speed limit zone.

6. In May 2011 the Headteacher for Sarum St. Paul's Primary School, through the school travel plan process, raised the need for waiting restrictions to be introduced into Westminster Road to address a number of problems. The problems included:
 - Parking at the junction of Westminster Road and Kingsland Road was making it extremely difficult, and on occasions impossible, for large vehicles delivering to the school to enter or exit the road.
 - Parking at the junction of Westminster Road and Kingsland Road would make it impossible for a fire engine to access the school in the event of an emergency.
 - Parking on the footways in Westminster Road was obstructing use by pedestrians and on occasions forcing parents to walk along the road whilst trying to access the school.
7. In response to these comments, Councillor Clewer, the local Wiltshire Council Member, asked officers to investigate the problems raised and identify solutions to address them. In investigating the problems in Westminster Road, officers identified parking taking place at Kingsland Road junctions with Kensington Road, Richmond Road and Coldharbour Lane resulting in marking it difficult for large vehicles, such as delivery and refuse collection vehicles, to access those roads. It was therefore prudent to consider solutions to the issues at these junctions at the same time as considering solutions to the problems in Westminster Road.
8. Between May and September 2011 officers, in conjunction with Councillor Clewer, and the Headteacher of Sarum St. Paul's School, developed proposals for the introduction of waiting restrictions in the Kingsland Road area to address the problems highlighted in paragraphs 6 and 7 of this report.
9. Funding to allow the proposals for Lower Bemerton to be progressed was allocated in the 2013-2014 financial year. In July 2013, a TRO proposing the introduction of waiting restrictions in the Kingsland Road area 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 July 2013.

Summary of Proposals

10. One TRO was advertised as part of this scheme and proposed:
 - The introduction of 'No Waiting At Any Time' (NWAAT) restrictions at Kingsland Road junctions with Westminster Road, Kensington Road, Richmond Road and Coldharbour Lane.
 - The introduction of NWAAT restrictions in the turning head at the northern end of Westminster Road.
 - The introduction of NWAAT restrictions at the northern end of Richmond Road.
 - The introduction of lengths of 'No Waiting' restrictions operating Monday-Friday 8.00 am - 6.00 pm in Westminster Road and Kingsland Road.
 - A reduction in the length of the NWAAT restrictions at the junction Kingsland Road and A360 Devizes Road.
 - A reduction in the length of the NWAAT restrictions at the junction Coldharbour Lane with Ashley Road.
11. A plan showing the Council's advertised proposals is attached as **Appendix 1**.

Summary of Responses

12. A total of ten items of correspondence have been received in response to the proposals contained within the advertised TRO. Of the ten items of correspondence received, three expressed support for the Council's proposals, including a letter with 144 signatories from Sarum St. Paul's Primary School. The signatories of the letter from the school comprise a mix of members of staff, parents of children attending the school and pupils of the school. The remaining seven items of correspondence objected to or offered comments on the Council's proposals.
13. A summary of the correspondents who wrote in support of the TRO is attached as **Appendix 2**. A summary of the correspondents who wrote in opposition to, or commenting on, the TRO is attached as **Appendix 3**. A full summary of the comments raised by objectors, together with officer comments, is attached as **Appendix 4**. The substantive issues raised by the objectors are detailed below.

Reduction in the Number of Parking Spaces Available for Residents

14. All of the items of correspondence opposed to the Council's proposals on the grounds that the proposed waiting restrictions would reduce the number of parking spaces available for residents in the area. The concerns focused on two distinct areas:
 - The proposed NWAAT restrictions at the junctions of Westminster Road, Kensington Road, Richmond Road and Coldharbour Lane with Kingsland Road.
 - The proposed waiting restrictions in Westminster Road.

Council's Response to the Objections

Reduction in the Number of Parking Spaces Available for Residents

15. The correspondents' comments focus on the fact that the provision of NWAAT restrictions at the aforementioned junctions would reduce the number of parking spaces available in the Kingsland Road area and what the impact of 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 re-passage of persons and goods, and consequently any parking on the highway is an obstruction of that right 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 right of passage along the highway is not impeded.
16. 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. Any residents parking 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. Therefore, whilst it is proposed to introduce NWAAT at a number of junctions in the Kingsland Road area, it should be remembered that motorists should not be parking at such locations anyway.
17. The Council is acutely aware of the pressure on parking spaces in the Kingsland Road area and has taken this into account in developing its proposals. The Council has proposed the use of the minimum amount of NWAAT restrictions considered safe and practical to provide a balance between retaining parking spaces and meeting its obligation as the local highway to maintain a right of passage. One specific example of this approach is in Richmond Road at its junction with Kingsland Road where the proposed NWAAT restrictions are only 5 metres in length.

18. The Council's proposals also include shortening existing lengths of NWAAT restrictions at the junctions of Kingsland Road with A360 Devizes Road and Coldharbour Lane with Ashley Road with the specific aim of providing as much parking as possible in the area, whilst maintaining a right of passage.

Proposed Waiting Restrictions in Westminster Road

19. Aside from the NWAAT restrictions proposed at the junction of Westminster Road and Kingsland Road, and in the turning head at the northern end of Westminster Road, it is proposed to introduce lengths of 'no waiting' restrictions operating between Monday-Friday 8.00 am - 6.00 pm. The aim of the 'no waiting' restrictions is to keep access available to the school for deliveries and in the event of any emergency.
20. Again, the Council is acutely aware of the pressure on parking spaces in the area and has taken this into account in developing its proposals. The proposed hours of operation of the 'no waiting' restrictions in Westminster Road have been designed to operate when access to the school is needed and to allow a greater level of parking to take place in the evenings and at weekends when access to the school is either not needed or only required on ad-hoc occasions (i.e. parents evenings) with the specific aim of providing as much parking as possible in the area whilst maintaining a right of passage.
21. The Council's proposals also, where possible and practical, allow parking to take place on both sides of Westminster Road. Where parking on both sides of the road can take place, it is governed by the position of the dropped kerb accesses in Westminster Road but the aim of allowing parking to take place on both sides of the road is to retain as many parking spaces as possible during the daytime.

Main Considerations for the Council

22. 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 right 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. Consideration of the objections to the Council's proposals needs to be undertaken in this context.

Safeguarding Considerations

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

Public Health Implications

24. There are none in this scheme.

Environmental Impact of the Proposal

25. The introduction of NWAAT restrictions will require the laying of yellow lines on the public highway, Doing so will have an impact on the visual aspect of the Kingsland Road area but has to be balanced against the need to maintain a right of passage. It should also be noted that, as referred to elsewhere in the report, there are already existing waiting restrictions marked on the ground in the Kingsland Road area.

Equalities Impact of the Proposal

26. There are none in this scheme.

Risk Assessment

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

Financial Implications

28. 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

29. 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

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

Reason for Proposals

31. It is felt that the Council's proposals offer a balanced approach between addressing problems accessing Sarum St. Paul's School and maximising the amount of parking available in the context of the Council meeting its statutory duty to maintain a right of passage along the public highway.

Proposals

32. That:
- (i) The Traffic Regulation Order be implemented as advertised.
 - (ii) That supporters and objectors be informed accordingly.

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

Letters of support
Letters of objection