

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

**HIGHWAYS AND TRANSPORT SERVICE**

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**REFERENCE:** HSB-010-14

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**PROPOSED PROHIBITION OF WAITING AT AIRMAN'S CORNER ROUNDABOUT**

**Purpose of Report**

1. To:
  - (i) Consider an objection to the proposed introduction of waiting restrictions on roads at Airman's Corner, Winterbourne Stoke.
  - (ii) Recommend the making of the Traffic Regulation Order (TRO) as advertised.

**Relevance to the Council's Business Plan**

2. The proposed TRO meets the following two key priorities of the Council's Business Plan:
  - 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. Officers have worked with English Heritage and its advisors to reach an agreed position in relation to the extent of parking restrictions near the Stonehenge Visitor Centre access, thereby achieving Outcome 2.
4. If implemented, the proposals would meet Outcome 6. The introduction of waiting restrictions on roads in the vicinity of Airman's Corner roundabout will ensure that 'fly parking' does not occur in the vicinity of the junction to the detriment of the safety of all road users, including visitors to Stonehenge.

**Background**

5. The Stonehenge Visitor Centre opened to the public in December 2013. It takes access from the A344 a short distance to the east of Airman's Corner roundabout. The roundabout junction, together with local road alterations, was completed as part of the Stonehenge Environmental Improvement Project, which includes the new visitor centre.
6. Planning permission for the Stonehenge Visitor Centre was subject to completion of a planning agreement. The Section 106 agreement provides, inter alia, for the implementation of parking restrictions in the vicinity of Airman's Corner roundabout.

7. The proposals for the visitor centre included a new charging regime, which would include a charge for parking at the visitor centre car park. The area around Airman's Corner roundabout was identified as particularly vulnerable to parking on both the local roads and the verges in order to avoid car parking charges (currently set at £5), and therefore a priority area to keep free of parking for the safety of highway users.
8. The extent of the parking restrictions was determined to be appropriately contained within the lengths of road that are subject to a 40 mph speed restriction.
9. The advertised TRO proposes no waiting at any time; there is no need to allow for any lesser restriction. Most of the yellow lines were applied by English Heritage's contractor, in anticipation of the making of an Order, as soon as the road surfacing had been completed. They are currently unenforceable.

### **Summary of Proposals**

10. The TRO was advertised to restrict parking on the A360 to the west and south of the junction, on the B3069 to the north, and on the A344 between the roundabout and the coach park access. The effect of the proposal would restrict waiting on both sides of the highway at all times. A copy of the advertised Order proposal is included at **Appendix 1**.

### **Summary of Responses received and Council's Response**

11. In a letter dated 10 March 2014, a single objection was received from an Amesbury resident. The objection grounds are quoted below in italics followed by the Council's response:

*"I am of the view that, by permitting English Heritage to discriminate against the general use of this county highway by the general public, Wiltshire Council is in contravention of its legal duties as the local highways authority – a matter which, if necessary, might be referred to the High Court for legal judgment. Effectively, Wiltshire Council appears to be favouring English Heritage in its pursuance of a profit-making venture, to the detriment of the general public in their desire to visit Stonehenge....."*

*"In the outlined circumstances I must object to the proposed 'Prohibition of Waiting Order' along the A344 highway for a distance of around 120 metres east of Airman's Corner. Since this roadway is not actually functioning as an effective section of the county's highway network, the proposed Order seems highly inappropriate – and potentially unlawful. In essence, this highway has become a private road which is under the unfettered control of English Heritage."*

Council's response: The statement of reasons sets out the Council's reasons for making the proposed TRO. The A344 remains public highway and part of the highway network; however, it is now subject to a permanent TRO prohibiting the use by unpermitted motor vehicles.

12. In a subsequent letter of objection, dated 12 March, the objector writes:

*"In my earlier letter I outlined my objection to the proposed No-waiting Order on the A344, east of the Airman's Corner roundabout. Here, I supplement this objection by expressing my parallel disquiet at the associated proposals on the A360 (south), A360 (west) and B3086 (north) – about 120 metres in each direction."*

*Firstly, no reasons have been stated for the proposed no-waiting restrictions – and, despite the length of our conversation, you never intimated why Wiltshire Council thought them necessary or desirable. Without any clear rationale for such exceptional measures on rural roads, the proposals are surely devoid of sensible justification. Conceivably, they may be prompted by concerns that, upon arrival at the EH visitor centre, motorists will find themselves in a stationary queue on the public highways, due to inadequate parking space at the EH centre. If that is the case, then this anticipated problem must surely be solved by the construction of a larger car park.*

Council's response: The statement of reasons sets out why the proposed no waiting restrictions are considered necessary by the Council.

*Secondly, there is no indication as to what invasive signs and road markings would be required to advise motorists about the no-waiting restrictions. It would surely be unacceptable to introduce such measures without onsite clarity of their existence.*

Council's response: The TRO double yellow line restrictions do not require supplementary plates.

*Thirdly, I find it very difficult to imagine how such restrictions could be legally enforced on these rural roads. It is surely inconceivable that police or traffic wardens would be posted in an area which is so far distanced from any urban centre. Without any genuine means of enforcement, the proposals would seem to be grossly deficient in sensible merit.*

Council's response: There will be appropriate enforcement of the TRO as there previously has been within the World Heritage Site.

*Fourthly, the length of each no-waiting zone (about 120 metres) seems somewhat 'arbitrary'. It is surely appropriate to specify a no-waiting area without any sensible justification for its extent."*

Council's response: The extent of each no-waiting restriction has been co-ordinated with the extent of the existing speed restrictions.

13. The A344 is a public highway now subject to a permanent TRO which prohibits the use of the road by motorised vehicles, except exempted vehicles and permitted vehicles. Under the provision of a legal agreement (the Section 106 planning agreement) English Heritage acts as the Council's agent to issue such permits.
14. There is a need to ensure that access to the visitor centre is not prejudiced by parked vehicles on the local roads, both in terms of safety of the users of the highway (both motorised and pedestrian) and the avoidance of obstruction, parking restrictions are therefore deemed necessary by officers. The extent of the restrictions has been restricted to an area generally consistent with the 40 mph speed restriction, for which an Order has previously been made. All arms of the roundabout, together with roadside verges, are considered to be potentially at threat of parking, with associated risks to safety and obstruction, if no restrictions are imposed. The new facility at Stonehenge is a new venture by English Heritage, and there will inevitably be a period of time where operational issues will potentially need to be identified and reviewed, and improvements and modifications introduced. It might therefore be considered to be necessary to review the extent of parking restrictions should operational issues arise in future, and if on-street parking becomes a regular and/or significant issue.

## **Main Considerations for the Council**

15. The proposed TRO would prohibit any parking and/or waiting on lengths of the highway at Airman's Corner. The relevant piece of legislation is the Road Traffic Regulation Act 1984. Sub-section 1(1)(a)(c) and (f) of the Act permits TROs to be made for the following reasons set out in italics below which are considered relevant in this case:
- (a) *For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising;*
  - (c) *For facilitating the passage on the road or any other road of any class of traffic (including pedestrians);*
  - (f) *For preserving or improving the amenities of the area through which the road runs.*
16. A TRO may provide for the prohibition, restriction or regulation of the use of a road, or any part of the width of a road, by vehicular traffic or by traffic of any class specified in the Order, either generally or subject to such exceptions as may be specified in the Order. This may be at all times, on certain days or during periods so specified.
17. Section 122 of the Road Traffic Regulation Act 1984 requires the authority to balance the conflicting demands of highway users, adjoining landowners who require access and the amenities of the area through which the highways run. In the case of the Stonehenge World Heritage Site, there will be increasing numbers of visitors accessing the new Visitor Centre by motor vehicles. The Council needs to ensure the safety of users of the highways, including pedestrians in the area, and further ensure the highway is not obstructed by the parking of vehicles on the highway verge. The Council has considered the conflicting demands of highway users and the potential effect on the amenities within the locality and takes the view that the no-waiting restrictions are necessary in this case.

Section 122(1) of the Road Traffic Regulation Act 1984 states:

*“(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.....”*

18. Consideration also needs to be given to the single objection received, and of its validity. The Council's response to the objection as set out in paragraphs 11–14 of this report.

## **Safeguarding Considerations**

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

## **Public Health Implications**

20. There are none in this scheme.

## **Environmental Impact of the Proposal**

21. The introduction of no waiting at any time restrictions requires yellow lines to comply with legal requirements. These have been substantially in place for some months, and have been provided in accordance with the permitted relaxations in relation to line width. No plates are required.

### **Equalities Impact of the Proposal**

22. There are none in this scheme.

### **Risk Assessment**

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

### **Financial Implications**

24. There is an agreement that the Council will meet the administrative costs of the TROs required for the Stonehenge Environmental Improvement Project. English Heritage will meet all physical works costs.

### **Legal Implications**

25. The introduction of new waiting restrictions requires the processing of a TRO. The process of making a TRO is statutory and governed by the Road Traffic Regulation Act 1984 and The Local Authorities Traffic Orders (Procedure)(England) Regulations 1996. Any person may challenge the Order under the Road Traffic Regulation Act 1984, Schedule 9, which gives a six week time period, after the Order is made, within which a legal challenge to the Order may be made. The Council's decision to make a TRO could also potentially be challenged in the High Court.

### **Options Considered**

26. To:
- (i) Implement the proposals as advertised.
  - (ii) Abandon the proposals.
  - (iii) Implement the proposals with modifications.

### **Reason for Proposals**

27. It is considered that the Council's proposal to put in no-waiting restrictions should now be progressed, as the reason for objection is not directly related to the proposed parking restriction outcomes sought in the Order, or its consequences.

### **Proposals**

28. That:
- (i) The Traffic Regulation Order be implemented as advertised.
  - (ii) The objector be informed accordingly.

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

Letters of objection