

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

HIGHWAYS ASSET MANAGEMENT AND COMMISSIONING

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REFERENCE: HSSF-05-24

PROPOSED WAITING RESTRICTIONS
ALFRED STREET, WESTBURY
BRATTON ROAD, WESTBURY

Purpose of Report

1. To:
 - (i) Consider the comments received following the formal advertisement of proposed waiting restrictions at Alfred Street and Bratton Road, Westbury.
 - (ii) Recommend the making of the Traffic Regulation Orders (TROs hereafter) on Bratton Road, Westbury as advertised.
 - (iii) Recommend the making of an amended TRO on Alfred Street, Westbury to omit the proposed restriction opposite the junction of Glovers Row.

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 Westbury Area Board via the Westbury 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 to Westbury Town Council regarding concerns with inappropriate parking on Alfred Street, which led to a request submitted to Westbury LHFIG for consideration and funding. The Westbury LHFIG has allocated funding to allow these requests to be taken forward to address issues that were directly affecting the local community at these locations.
6. The proposals for Bratton Road seek to limit on-street parking alongside the priority give-way system to ensure that the carriageway is not blocked when vehicles are waiting to enter the priority system.
7. TROs proposing new waiting restrictions on Alfred Street and Bratton Road, Westbury were formally advertised for consultation on 15 December 2023. The Council's closing date for receipt of comments to the advertised TROs, together with the grounds on which they were made, was 15 January 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:
 - The provision of No Waiting at Any Time restrictions on Alfred Street, Westbury and on Bratton Road, Westbury (proposal can be viewed at **Appendix 1**).

Summary of Responses

9. A total of ten items of correspondence have been received in response to the Council's proposals for Alfred Street, Westbury. Of the ten items, one expressed support for the Council's proposals, and nine objected to the Council's proposals.
10. One item of correspondence was received in response to the Council's proposals for Bratton Road, Westbury. This raised an objection to the proposal.
11. A list of the correspondents who wrote in support of the Council's proposals is attached as **Appendix 2**. A summary of the correspondent who outlined opposition to the Council's proposals is attached as **Appendix 3**. A full copy of the comments raised, together with officer responses, is attached as **Appendix 4**.
12. Substantive comments are considered to be comments that would result in the Council seeking to make changes to the proposals it advertised. It is considered that no substantive comments have been submitted by the correspondent who objected to the Council's proposals.
13. Support was given by the Town Council at proposal stage.

Main considerations for the Council

14. Consideration needs to be given to the comments received to the Council's advertised proposals and whether changes should be made to them. 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.

15. 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.
16. 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.
17. Subsequent to this consultation, representations have been made to Cllr Gordon King, the elected Wiltshire Councillor, and a request for a wider review of waiting restrictions and parking arrangements in and around Alfred Street has been submitted to Westbury Town Council. In light of this request, the comments received and discussion with Cllr King, it is recommended that the proposed restriction opposite Glovers Row junction is omitted and implementation of the proposed restrictions on the corners of the junction of Glovers Row and Alfred Street is taken forward to implementation. This offers a compromise to residents and should parking opposite the junction be considered an issue during any further review, this can be considered for future implementation.

Overview and Scrutiny Engagement

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

Safeguarding Implications

19. There are no safeguarding implications.

Public Health Implications

20. There are no public health implications.

Procurement Implications

21. There are no procurement implications.

Equalities Impact of the Proposal

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

Environmental and Climate Change Considerations

23. 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.
24. Of all the locations where new waiting restrictions are proposed, none are already subject to the provision of waiting restrictions and associated road markings and signs. However, the provision of existing road markings, signs, and other items of street

furniture are present, so the impact from the Council's current proposals are considered to be minimal.

Risk Assessment

25. Not proceeding with the Council's proposals, in particular those that were subject to the receipt of objection, would 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

26. There is an allocation in the current LHFIG Schemes budget which allows for the introduction of the proposed waiting restrictions. Should this scheme not progress the funding would be returned to the LHFIG budget allocation and would be available to be put towards other schemes.

Legal Implications

27. 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

28. To:
- (i) Implement the proposed TROs as advertised.
 - (ii) Amend the proposed TROs in consideration of the comments received.
 - (iii) Abandon the proposals.

Reasons for Proposal

29. 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.
30. The proposals are in accordance with outcomes 2 and 3 of the Council's Business Plan.
31. The proposals have been prioritised by the Westbury LHFIG as a project for 2023-24 and supported by the Area Board.

Proposals

32. That:
- (i) The Traffic Regulation Orders on Bratton Road, Westbury be implemented as advertised.
 - (ii) The TRO on Alfred Street, Westbury be amended to omit the proposed restriction opposite the junction of Glovers Row and the implement the proposed restrictions on the corners of Glovers Row/Alfred Street junction. No further consultation is required.

- (iii) 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