



Cabinet report

Date **12 JANUARY 2023**

Title **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, NETTLESTONE & SEAVIEW) (TRAFFIC REGULATION) ORDER NO 1 2022**

Report of **CABINET MEMBER FOR INFRASTRUCTURE, HIGHWAYS PFI AND TRANSPORT**

EXECUTIVE SUMMARY

1. Proposed Traffic Regulation Order - The Isle of Wight Council (Various Streets, Nettlestone & Seaview) (Traffic Regulation) Order No 1 2022.
2. This report provides the details of recommendation for introducing new parking restrictions, and making some of the existing parking restrictions enforceable, in various locations in Nettlestone & Seaview, as detailed in **Appendix 1** (Proposals' plans).
3. The proposals are aiming to ensure safety for all road users, whilst securing the emergency services' access and the movement of the traffic – by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways.
4. The extent of the proposed restrictions is kept to a minimum, in order to preserve as many parking spaces as possible. However, as the local highway authority, the Council has a duty to ensure road users' safety and the movement of the traffic, which means that these were prioritised above the preservation of parking spaces, where necessary.

RECOMMENDATION

5. That the proposed restrictions which are subject to this report in relation to The Isle of Wight Council (Various Streets, Nettlestone & Seaview) (Traffic Regulation) Order No 1 2022 be approved.

BACKGROUND

6. The Isle of Wight Council (IOWC), as a Local Highway Authority, has a duty to ensure the expeditious and safe movement of people, services, and goods on the island's highway.

7. Various requests for changes on the network, from residents, businesses, Parish / Town Councils and Ward Cllrs, are submitted daily to Island Roads (IR). All requests are assessed and prioritised by the Island Roads' highway engineers, applying appropriate engineering methods, traffic (collision) data, and potential impact on the road safety.
8. As a result, improvements that will enhance safety on the highway are identified each year, implementing of which would require review of the existing parking restrictions, traffic flow direction, and possibly width / weight restrictions.
9. The Council has previously adopted a two-year cycle of rolling reviews, called Traffic Regulation Order (TRO) reviews. The island was divided into 6 virtual areas known as Districts, and the aim is all districts to be reviewed by the end of the next financial year 2023/24 – ensuring that the whole Island will be reviewed using similar strategic approach and that the traffic regulations across the Island remain consistent.
10. In this occasion, all request for Nettlestone & Seaview in District 3, were assessed and respective proposals were designed by IR's highways engineers and TRO technician, ready for Consultation at the beginning of this year. The proposals were prioritised and agreed with the PFI Contract Management Team (CMT) in line with the IOWC's obligations as a Local Highway Authority.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

11. The proposed new regulations are in line with the IOWC's [Corporate Plan 2021 – 2025](#) and more specifically with its vision and clear aim to work together openly and with our communities to support and sustain our economy, environment and people.

Responding to climate change and enhancing the biosphere

12. The proposals, if implemented, is unlikely to have a measurable positive or negative effect on carbon emissions. There may be some minor reduction in local air pollution and carbon emissions owing to fewer cars idling in the area, but it would most likely be a very small impact. Likewise, if the recommendation is approved, it may encourage residents/visitors to adopt more sustainable modes of travel.

Economic Recovery and Reducing Poverty

13. It is not anticipated that the new regulations would have a direct impact on reducing the number of residents living in poverty.

Impact on Young People and Future Generations

14. The recommendation, if approved, would have a positive impact on young people and future generations living on the island, as the safety of all road users plays a big role in citizens' wellbeing on a daily basis – as pedestrians, drivers, cyclists and public transport users.

Corporate Aims

15. The key priorities within the plan, that this report is supporting are: 'Listen to people' – a 28-day island wide consultation was conducted; 'Encourage Sustainable

transport and Active travel' – the recommended option would encourage walking, cycling and use of public transport.

CONSULTATION

16. Following the legal TRO making process and its requirement for a Formal Consultation, a public Notice, outlining the proposals and inviting public comments, were published in the Isle of Wight County Press on 1 July 2022. Notice and plans were also displayed on-street for a period of 28 days, which is a week longer than the legally required 21 days, see **Appendix 2** (Public Notice). The closing date for representations was 29 July 2022.
17. The Authority received 61 representations for all three locations in Nettlestone & Seaview; the total number is broken down by locations in **Appendix 3** (Consultation results), outlining the support and the objections for each location. All locations received overwhelming support by the local residents.
18. All representations can be found in the Background paper (Representations).

FINANCIAL / BUDGET IMPLICATIONS

19. The total estimated cost of making of the TROs and implementing the recommended changes on the highways in the entire District 3, including Nettlestone & Seaview, would be approx. £19,390 excl. VAT, would be approx. £19,390 excl. VAT, and it will be covered by the Highways capital budget for 2022/23.
20. All new assets will be accrued after implementation, the estimated annual maintenance cost would be approx. £2,990 excl. VAT for the next 15 years and it will be included in the Island Roads' maintenance contract annual payment.

LEGAL IMPLICATIONS

21. The Statutory Authority for making new TROs is contained within the Section 1 (1) of the Road Traffic Regulation Act 1984:

(1) The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a "traffic regulation order") in respect of the road where it appears to the authority making the order that it is expedient to make it
 - (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, or
 - (b) for preventing damage to the road or to any building on or near the road, or
 - (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - (f) for preserving or improving the amenities of the area through which the road runs, or
 - (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
22. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
23. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
24. The council is under a duty pursuant to Section 16 of the Traffic Management Act 2004 to manage their road network, whilst having regard to their other obligations, policies and objectives at the same time, with a view to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and 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.
25. Consideration will need to be given to the duty under Section 122 of the Road Traffic Regulation Act 1984 when deciding whether to make, or to refuse to make a traffic regulation order.
26. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the council must have regard to the:
- (a) desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run;
 - (c) any strategy prepared under section 80 of the Environment Act 1995 (the national air quality strategy);
 - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
 - (e) any other matters appearing to the local authority to be relevant.
27. Regulation 13 of the 1996 Regulations confirms that before making an order, the traffic authority shall consider all objections duly made to the TROs that have not been withdrawn.

28. The validity of any traffic regulation order made by the council can be challenged by application to the High Court within six weeks following the date the order on the grounds identified in paragraphs 35-36 of Schedule 9 to the Road Traffic Regulation Act 1984.
29. The Court has the power to suspend an order or any of its provisions until the final determination of the proceedings.

EQUALITY AND DIVERSITY

30. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
31. Under the Equality Act 2010 the Council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies.
32. Due regard to the Council's responsibilities under the Equality Act 2010 has been given at the formative stage of this proposal. An Equality Impact Assessment form has been completed in **Appendix 4** (EIA form).

OPTIONS

33. Option 1: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Nettlestone & Seaview) (Traffic Regulation) Order No 1 2022 as proposed.
34. Option 2: Not to approve the restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Nettlestone & Seaview) (Traffic Regulation) Order No 1 2022, and to abandon the proposal.
35. Option 3: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Nettlestone & Seaview) (Traffic Regulation) Order No 1 2022 with amendment - to abandon the proposals in some locations, and to implement the rest of the restrictions.

RISK MANAGEMENT

36. A risk has been identified to pedestrians and cyclists, emergency access, safe and free movement of traffic.
37. The TRO proposals, if implemented, will ensure safety for all road users, whilst securing the movement of the traffic – by increasing visibility at junctions and bends and by removing parking that obstructs footways and limits access.
38. A risk has been identified for a loss of on-street parking space for the public if the proposed restrictions are implemented.

39. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.
40. The extent of the restrictions was kept to a minimum, in order to preserve as much parking spaces as possible.
41. Residents are encouraged to consider more sustainable ways of traveling such as walking, cycling and public transport, which would reduce the number of cars per household.
42. The Authority will monitor the impact of the changes and review the restriction if necessary.

EVALUATION

43. Option 1: To approve as proposed - The road safety and highway engineers in Island Roads strongly advised the approval on grounds of safety.
44. Option 2: Not to approve and to abandon the proposals – The road safety and highway engineers in Island Roads strongly advised against this option on grounds of safety: once a safety risk on the highway has been identified, the Local Highway Authority has an obligation to address it.
45. Option 3: To approve with amendment – As per Option 2 the road safety and highway engineers in Island Roads advised against this option on grounds of safety, as the extent of the restrictions was kept to a minimum.

APPENDICES ATTACHED

Appendix 1 - Proposals' plans
Appendix 2 – Public Notice
Appendix 3 – Representations
Appendix 4 – EIA form

BACKGROUND PAPERS

[Representations \(link\)](#)

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