



Cabinet report

Date **13 JULY 2023**

Title **TRAFFIC REGULATION CHANGES PROPOSAL RELATED TO THE NEWPORT HIGH STREET HAZ IMPROVEMENT SCHEME**

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

EXECUTIVE SUMMARY

1. Proposed Traffic Regulation Orders – The Isle of Wight Council (High Street, Newport) (Traffic Regulation) Order No 2 2023; The Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 2 2023; The Isle of Wight Council (Designated Loading Bays) Order No 2 2023; The Isle of Wight Council (High Street, Newport) (Parking Places) Order No 2 2023.
2. This report provides the details of recommendation for changing the existing parking arrangements in High Street in Newport, as detailed in **Appendix 1** (Proposal's plan).
3. If the proposed changes are approved and implemented, we will see amendment to the existing pay and display, loading and disabled drivers' parking bays in High Street in Newport.
4. The proposal is aiming to ensure safety for all road users and secure movement of the traffic, whilst enabling improvements to the pedestrian environment and street scene to be made as part of the Newport High Street Heritage Action Zone's improvement scheme.

RECOMMENDATION

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| <ol style="list-style-type: none">5. That the proposed restrictions which are subject to this report in relation to The Isle of Wight Council (High Street, Newport) (Traffic Regulation) Order No 2 2023; The Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 2 2023; The Isle of Wight Council (Designated Loading Bays) Order No 2 2023; The Isle of Wight Council (High Street, Newport) (Parking Places) Order No 2 2023 be approved. |
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BACKGROUND

6. The Isle of Wight Council (IWC), 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 network.
7. The Newport Highstreet Heritage Action Zone (HAZ) is a partnership of the IWC's Regeneration department, The Historic Buildings and Monuments Commission for England (Historic England) and the Newport & Carisbrooke Community Council. The partnership was created to deliver a programme of activity to improve the condition of the town centre conservation area and regenerate the town centre. A key element of this work is a High Street improvement scheme extending from St James Square to Holyrood Street.
8. The aim of the scheme is to revive the shopping and pedestrian environment in the area by improving the heritage landscape of St. James' Square and the High Street, and providing more space for pedestrians.
9. The design of the scheme maximises the width of the current footways through use of existing carriageway space, reorganising of street furniture, greening and repaving them - effectively creating new public realm areas.
10. The scheme requires some changes to the parking arrangements in the area and therefore a new Traffic Regulation Order (TRO) to make those changes lawful and enforceable is needed – hence the proposal subject of this report.

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 proposal, 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.

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 improvement of the local amenities and 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. An extensive programme of engagement has taken place throughout the development of the project, as well as a formal public consultation on the scheme. This engagement has led to some design changes to respond to feedback, including enhanced provision of parking for disabled people. Informal engagement with the Newport and Carisbrooke Community Council and Ward Councillors took place in the process of developing the improvement scheme last year, including this TRO proposal. The community council supports the scheme and the TRO proposal.
17. Following the legal TRO making process and its requirement for a formal consultation, public notices, outlining the TRO proposal and inviting public comments, were published in the Isle of Wight County press on 14 April 2023. Notices 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 Notices). An online consultation facility was made available for comments from the public. The closing date for representations was 12 May 2023.
18. The Authority received 62 valid representations in total, see **Appendix 3** (Consultation feedback). 32 of them supported the proposal and 26 objected it on the following grounds:

- 1) Removing Pay & Display (P&D) parking space could be detrimental to Newport town centre and its shops/businesses as it might have negative impact on the footfall in the high street.

Response: It's considered that there is sufficient parking provision in the Newport town centre given the overall number of on-street and off-street car parks in the area. It is anticipated the footfall to increase after implementation of the improvement scheme as the area will become more pleasant, pedestrian friendlier and safer.

- 2) Possible increase of the traffic in the surrounding streets as a result of the proposal.

Response: This proposal only includes changes to parking and loading arrangements, no changes to the moving traffic regulations form part of this proposal. As such, no displacement of traffic to other local streets is expected.

FINANCIAL / BUDGET IMPLICATIONS

19. The cost of making of these TROs and implementing the recommended parking changes on the highways will be met by the Heritage Action Zone Programme, using existing agreed funding from a Historical England grant match funded by Newport & Carisbrooke Community Council and Isle of Wight Council regeneration capital funding.

20. Any additional cost for maintenance of the affected part of the highway (any additional signs and lines) for the remaining 15 years of the PFI contract will be covered by the same funds.

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. In this case, the new order is proposed on the grounds of Section 1 (1) Para (a), (c) and (f) - to ensure safety for all road users and secure movement of the traffic, whilst enabling improvements to the pedestrian environment and street scene to be made.
23. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
24. The authority must consider all objections made before making a Traffic Regulation Order (regulation 13) and, where it does not "wholly accede" to any objection, provide reasons for this in its notification of the making of an order to any person that has objected (regulation 17(3)).
25. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.

26. 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.
27. 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.
28. No residential on-street parking will be lost if this proposal and the improvement scheme are implemented.
29. 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.
30. The Court has the power to suspend an order or any of its provisions until the final determination of the proceedings.

EQUALITY AND DIVERSITY

31. 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.
32. 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.
33. 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

34. Option 1: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (High Street, Newport) (Traffic Regulation) Order No 2 2023; The Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 2 2023; The Isle of Wight Council (Designated Loading Bays) Order No 2 2023; The Isle of Wight Council (High Street, Newport) (Parking Places) Order No 2 2023 as proposed.
35. Option 2: Not to approve the restrictions that are subject to this report in relation to The Isle of Wight Council (High Street, Newport) (Traffic Regulation) Order No 2 2023; The Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 2 2023; The Isle of Wight Council (Designated Loading Bays) Order No 2 2023; The Isle of Wight Council (High Street, Newport) (Parking Places) Order No 2 2023, and to abandon the proposal.
36. Option 3: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (High Street, Newport) (Traffic Regulation) Order No 2 2023; The Isle of Wight Council (Disabled Drivers' Street Parking Places) Order No 2 2023; The Isle of Wight Council (Designated Loading Bays) Order No 2 2023; The Isle of Wight Council (High Street, Newport) (Parking Places) Order No 2 2023 with amendment.

RISK MANAGEMENT

37. This proposal, if implemented, will improve the safety for all road users and secure the movement of traffic, whilst enabling improvements to the pedestrian environment, street scene and shopping experience to be made.
38. The Authority will monitor the impact of the changes and review the restrictions if necessary.

EVALUATION

39. Section 122 of the Road Traffic Regulation Act 1984 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. No residential on-street parking will be lost if this proposal and the improvement scheme are implemented.
40. The HAZ is funded until March 2024 and all works which are part of the improvement scheme must be commissioned by the end of March 2024, including the delivery of the physical works. The necessary TROs also need to be delivered within this time frame.
41. Therefore the implementation of the proposed new TRO will occur once the associated physical works are completed. The physical works are programmed to commence in January 2024, as to not impact on the Christmas shopping period.
42. Option 1: To approve the TROs as proposed – following the approval of the proposed TROs the improvement scheme in the Newport town centre can be delivered on site on time and its aims would be achieved.

43. Option 2: Not to approve the proposed TROs and to abandon the proposal – the agreed improvement scheme would need to be re-designed and a new TRO proposal might be needed. The time needed for re-designing and consulting on any changes is longer than the available time, therefore, the overall scheme might need to be abandoned.
44. Option 3: To approve with amendment – the agreed improvement scheme would need to be re-designed and a new TRO proposal might be needed. The time needed for redesigning and consulting on any changes is longer than the available time, therefore, the overall scheme might need to be abandoned.

APPENDICES ATTACHED

Appendix 1 – Proposal's plan

Appendix 2 – Public Notices

Appendix 3 – Consultation results

Appendix 4 – EIA form

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