

Cabinet Report

Purpose: For Decision

Date	8 FEBRUARY 2024
Title	THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, NEWPORT) (TRAFFIC REGULATION) ORDER NO 1 2023 THE ISLE OF WIGHT COUNCIL (RESIDENTS' PARKING PLACES) ORDER NO 1 2023 THE ISLE OF WIGHT COUNCIL (PARKING PLACES) ORDER NO 4 2023
Report of	CABINET MEMBER FOR INFRASTRUCTURE, HIGHWAYS PFI AND TRANSPORT

1. Executive Summary

- 1.1. 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 Newport, as detailed in **Appendix 1** (Plans).
- 1.2. 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.
- 1.3. 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.

2. Recommendation(s)

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| 2.2 | Option 1a: That the decision on the proposed parking restrictions in Wellington Road, Newport which are subject to this report in relation to *The Isle of Wight Council (Various Streets, Newport) (Traffic Regulation) Order No 1 2023 is postponed, pending the outcome of the public inquiry. |
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- 2.3 Option 1b: That all other proposed parking restrictions which are subject to this report in relation to *The Isle of Wight Council (Various Streets, Newport) (Traffic Regulation) Order No 1 2023; *The Isle of Wight Council (Residents' Parking Places) Order No 1 2023; * The Isle of Wight Council (Parking Places) Order No 4 2023 are approved as proposed.

3. Background

- 3.1. 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.
- 3.2. Various requests for changes on the network, from residents, businesses, Parish / Town and Community 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 surveys data and collision data, and potential impact on the road safety.
- 3.3. 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.
- 3.4. 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 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.
- 3.5. In this occasion, all requests for Newport in District 2, were assessed and respective proposals were designed by IR's highways engineers and TRO technician, ready for consultation at the beginning of last 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.

4. Corporate Priorities and Strategic Context

- 4.1. 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

- 4.2. 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.

- 4.3. Due regard to the Council’s commitment to the Climate and Environment Strategy 2021 - 2040 has been given at the formative stage of this proposal. The Climate and Sustainable Development Impact Assessment Tool has been used to complete **Appendix 4** (CSDIA form).
- 4.4. The assessment has been reflected in the Climate and Sustainable impact assessment wheel below:



Economic Recovery and Reducing Poverty

- 4.5. 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

- 4.6. 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.
- 4.7. In this case, some of the proposed changes on the highway will improve safety outside schools including parking and students’ road crossings, as well as school runs; thus contributing to creating safer routes to and from schools for pedestrians and cyclists.

Corporate Aims

- 4.8. 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.

5. Consultation and Engagement

- 5.1. An informal consultation with the Community Council and Ward Councillors took place in June 2023. The feedback was reviewed and the proposals were amended where appropriate.
- 5.2. Following the legal TRO making process and its requirement for a Formal consultation, public Notices outlining the proposals and inviting public comments were published in the Isle of Wight County Press on 6 October 2023. These Notices and accompanying 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). The closing date for representations was 3 November 2023.
- 5.3. The Authority received 272 valid representations for Newport the total number is broken down by locations in **Appendix 3** (Consultation results), outlining the number in support and the number of objections for each location.
- 5.4. A summary of all representations can be found in the **Background paper** (Representations’ summary).

6. Financial / Budget Implications

- 6.1. The total estimated cost of making of the TROs and implementing all recommended changes on the highways in District 2 would be approx. £ 45,000 excl. VAT, and it will be covered by the Highways capital budget for 2023/24.
- 6.2. All new assets will be accrued after implementation, the estimated annual maintenance cost would be approx. £7,000 excl. VAT for the next 15 years and it will be included in the Island Roads’ maintenance contract’s annual payment.

7. Legal Implications

- 7.1 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).

- 7.2 Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
- 7.3 The authority must consider all objections made and not withdrawn 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)).
- 7.4 The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
- 7.5 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.
- 7.6 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.
- 7.7 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.

7.8 The Statutory duty of Authority for conducting public enquiries prior to making new orders is contained within the Section 9 (1) – (5) of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996:

(1) The order making authority shall cause a public inquiry to be held before making an order to which paragraph (3) applies and may cause such an inquiry to be held before making any other order.

(2) A public inquiry shall be held by an inspector appointed by the order making authority and selected from a panel of persons chosen by the Secretary of State to hold such inquiries.

(3) Subject to paragraphs (4) and (5), this paragraph applies to an order if—

- (a) its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week—
 - (i) at all times;
 - (ii) before 07.00 hours;
 - (iii) between 10.00 and 16.00 hours; or
 - (iv) after 19.00 hours, and an objection has been made to the order (other than one which the order making authority is satisfied is frivolous or irrelevant) and not withdrawn; or
- (b) its effect is to prohibit or restrict the passage of public service vehicles along a road and an objection has been made to the order in accordance with regulation 8—
 - (i) in the case of a road outside Greater London, by the operator of a local service the route of which includes that road; or
 - (ii) in the case of a road in Greater London, by the operator of a London bus service the route of which includes that road or by London Regional Transport.

(4) For the purposes of paragraph (3)(a), an order shall not be taken to have the effect of prohibiting loading at any time to the extent that it—

- (a) authorises the use of part of a road as a parking place, or designates a parking place on a road, for the use of a disabled person's vehicle as defined by section 142(1) of the 1984 Act;
- (b) relates to a length of the side of a road extending 15 metres in either direction from the point where one road joins the side of another road, unless the effect of the order taken with prohibitions already imposed is to prohibit loading and unloading by vehicles of any class at the time in question for a total distance of more than 30 metres out of 50 metres on one side of any length of road.

(5) Paragraph (3) does not apply to an order—

- (a) if it is an experimental order;
- (b) made under section 84 of the 1984 Act (speed limits on roads other than restricted roads); or
- (c) to the extent that it relates to a road which forms part of a priority route designated by the Secretary of State pursuant to section 50 of the Road Traffic Act 1991 (designation of priority routes in London).

7.9 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.

7.10 The Court has the power to suspend an order or any of its provisions until the final determination of the proceedings.

8. Equality And Diversity

8.1. 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.

8.2. 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.

8.3. 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 5** (EIA form).

9. Options

9.1. Option 1a: That the decision on the proposed parking restrictions in Wellington Road, Newport which are subject to this report in relation to *The Isle of Wight Council (Various Streets, Newport) (Traffic Regulation) Order No 1 2023 is postponed, pending the outcome of the public inquiry.

9.2. Option 1b: That all other proposed parking restrictions which are subject to this report in relation to *The Isle of Wight Council (Various Streets, Newport) (Traffic Regulation) Order No 1 2023; *The Isle of Wight Council (Residents' Parking Places) Order No 1 2023; * The Isle of Wight Council (Parking Places) Order No 4 2023 are approved as proposed.

9.3. Option 2: Not to approve the restrictions that are subject to this report in relation to *The Isle of Wight Council (Various Streets, Newport) (Traffic Regulation) Order No 1 2023; *The Isle of Wight Council (Residents' Parking Places) Order No 1 2023; * The Isle of Wight Council (Parking Places) Order No 4 2023, and to abandon the proposal.

- 9.4. Option 3: To postpone the decision on the proposals in Wellington Road, Newport and to approve the other proposed restrictions that are subject to this report in relation to *The Isle of Wight Council (Various Streets, Newport) (Traffic Regulation) Order No 1 2023; *The Isle of Wight Council (Residents' Parking Places) Order No 1 2023; * The Isle of Wight Council (Parking Places) Order No 4 2023 with amendment.

10. Risk Management

- 10.1. A risk has been identified to pedestrians and cyclists, emergency access, safe and free movement of traffic. 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.
- 10.2. A risk has been identified for a loss of on-street parking space for the public if the proposed restrictions are implemented. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces. The extent of the restrictions was kept to a minimum, in order to preserve as much parking spaces as possible.
- 10.3. 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.
- 10.4. The Authority will monitor the impact of the changes and review the restriction if necessary.

11. Evaluation

- 11.1. 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.
- 11.2. In some cases a balance needs to be made between the requirement for a TRO for the reasons provided above and the need to take account of the impacts to any loss of residential on-street parking, especially in areas of parking stress, when set against the benefits of the proposed TRO and to ensure endeavours are taken to minimise the net loss of parking where possible.
- 11.3. Please refer to **Appendix 6** (Rationales) which sets out the respective reasoning for the TRO proposals made by Island Roads as the Isle of Wight Council's Highways Service Provider and is based upon the Traffic Management Act 2004, the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the Road Traffic Regulation Act 1984 and the Traffic Signs Regulations and General Directions 2016, as laid out in the Legal Implications' section of this report. It is on this basis that the recommendations have been developed in respect of this report and should be considered when arriving at a decision on each proposal.
- 11.4. Section 9 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 rules that any loading ban proposal before 7am, between 10am and 4pm, after 7pm or 'at any time' attracts a public inquiry if objected, unless the

restriction is less than 30m long and starts less than 15m from a junction or the objection can be seen as frivolous or irrelevant.

- 11.5. The proposed loading ban in Wellington Road, Newport is subject to Sec 9(3)(a) and cannot be exempt by Sec 9 (4)(b) because it's 113m long. Therefore, a public inquiry will need to be conducted before making the order.
- 11.6. Option 1a: Due to objections to the loading ban proposed in Wellington Road, the Authority will need to conduct a public inquiry for this specific location; the outcome of the inquiry will inform a further decision on the implementation of the proposed restrictions.
- 11.7. Option 1b: To approve all other parking restriction as proposed - The road safety and highway engineers in Island Roads strongly advised the approval of all proposals on grounds of safety.
- 11.8. 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.
- 11.9. 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. However, reducing the extent of the proposed restriction/s in some locations that were strongly objected by the local residents may give an opportunity for exploring other options for these locations by reviewing the situation in the wider area at a later date. In addition, due to objections to the loading ban proposed in Wellington Road, the Authority will need to conduct a public inquiry for this specific location; the outcome of the inquiry will inform a further decision on the implementation of the proposed restrictions.

12. Appendices Attached

Appendix 1 - Plans
Appendix 2 – Public Notices
Appendix 3 – Consultation results
Appendix 4 – CSDIA form
Appendix 5 – EIA form
Appendix 6 – Rationales
Appendix 7 – Representations' summary

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