



# Delegated Decision report

Date **22 JULY 2024**

Title **PROPOSED PARKING RESTRICTIONS IN APPLEY RISE AND AMPHILL ROAD IN RYDE**

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

---

## EXECUTIVE SUMMARY

1. This report provides the details of recommendations for introducing new parking restrictions in Appley Rise and Amphyll Road in Ryde as detailed in **Appendix 1** (Proposals' plans).
2. The proposed 'No waiting at any time' permanent parking restriction was requested by the local residents and supported by the Ward Cllr and the Portfolio holder for Highways in order to resolve the persistent inconsiderate parking in the area which is not safe for the pedestrian, it causes access issues and traffic delays.
3. Though following a review of representations received from members of the public and local stakeholders during the public consultation to the original permanent parking restrictions (see the first plan in Appendix 1) a 'No stopping on Verge or Pavement' i.e. no stopping or parking with one or more wheels on or over a footpath or any part of a road other than a carriageway (which includes verges), experimental parking restriction was proposed by the Highways Contract Management Team as an alternative (see the third plan in Appendix 1) in order to still resolve the obstruction to the traffic flow and damage on the pavements and verges in the area caused by vehicles stopped and parked in an inconsiderate manner.
4. The choice of experimental type of order for the '/pavement/verge ban' restriction lays in the nature of the restriction – it has never been used on the Island previously and the level of compliance/enforcement required will need monitoring; the consultation process is integrated in the first six months of the order's 18 months lifespan. It might also need amendment within the first six months, in which case the consultation period can be extended i.e. gives more flexibility to tailor the restrictions based on its real impact. If the experimental order works well on the ground, it can be confirmed as permanent subsequently; if not, the order can be removed.
5. If these proposals are approved, new double yellow lines in Appley Rise and Amphyll Road in Ryde will be introduced and signposts at both entrances of the

area will be installed to mark the zonal pavement/verge ban, as per the plans in **Appendix 1**.

## RECOMMENDATION

6. Option 3: That the proposed parking restrictions in Appley Rise and Ampthill Road in Ryde which are subject to this report are approved with amendment, where the 'loading ban' is replaced with an experimental 'pavement/verge ban' restriction.

## BACKGROUND

7. 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.
8. 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, collision data and anticipated impact on the road safety.
9. As a result, improvements that will enhance safety on the highway are identified and added to the respective district's list for consultation and potential implementation on a two-yearly basis. In some cases the identified improvements cannot be delay due to the existing safety risk and they need processing as individual orders.
10. In this occasion, the submitted request was to resolve parking issues in Appley Rise and Ampthill Road in Ryde. This was assessed and a respective proposal for 'No waiting at any time' and 'No loading at any time' parking restrictions was designed by Island Roads (IR), ready for consultation in summer 2023. The proposals were prioritised and agreed with the Highways Contract Management Team (HCMT) in line with the IWC's TRO policy and obligations as a Local Highway Authority.
11. The subsequent public consultation's feedback was collected and analysed, the 'No loading' restriction was objected by disabled parents and it became clear that an alternative solution, which will achieve the goal for making road users in the area safe whilst keeping the traffic moving and also protecting the highway from damages, was needed.
12. After further consideration and discussions with Parking Services enforcement, as well as IR's highway engineers, HCMT agreed on a proposal for a 'No stopping on Verge or Pavement' i.e. no stopping or parking with one or more wheels on or over a footpath or any part of a road other than a carriageway (which includes verges), experimental restriction instead, which is proposed to be implemented at the same time as the 'No waiting' restriction.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

13. The proposed new regulations are in line with the IWC'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

14. 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).
15. The assessment has been reflected in the Climate and Sustainable impact assessment wheel below:



## Economic Recovery and Reducing Poverty

16. 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

17. 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

18. 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

19. Following the legal TRO making process and its requirement for a Formal Consultation, a public Notices, outlining the proposals and inviting public comments,

were published in the Isle of Wight County Press on 1 October 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). The closing date for representations was 29 October 2023.

20. The Authority received 6 valid representations, two of which were in support, one was neutral and three objected the proposals on the same ground – lack of adequate parking for parents (including disabled parents) to drop off and pick up their children.
21. The Authority’s response to the objections is that the extent of the proposed restrictions was kept to a minimum, in order to preserve as many parking spaces as possible. However, as the Highway Authority has a duty to ensure road users' safety and the movement of the traffic, these were prioritised above the preservation of parking spaces, where necessary.

#### FINANCIAL / BUDGET IMPLICATIONS

22. The total estimated cost of making of the TROs and implementing of the recommended changes on the highways would be in the region of £5,000 excl. VAT, and it will be covered by the Highways capital budget for 2024/25.
23. All new assets will be accrued after implementation, the estimated annual maintenance cost would be in the region of £600 excl. VAT for the next 14 years and it will be included in the Island Roads’ maintenance contract’s annual payment.

#### LEGAL IMPLICATIONS

24. 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).
25. Orders are progressed in accordance with the Local Authority's Traffic Orders (Procedure) (England and Wales) Regulations 1996.
  26. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
  27. 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.
  28. 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.
  29. 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.
  30. 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.
  31. 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.
  32. The Court has the power to suspend an order or any of its provisions until the final determination of the proceedings.

## EQUALITY AND DIVERSITY

33. 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.
34. 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.
35. 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 3** (EIA form).

## OPTIONS

36. Option 1: That all proposed parking restrictions that are subject to this report are approved as proposed.
37. Option 2: Not to approve the restrictions that are subject to this report and to abandon the proposal.
38. Option 3: That the proposed parking restrictions in Appley Rise and Ampthill Road in Ryde which are subject to this report are approved with amendment, where the 'loading ban' is replaced with an experimental 'pavement/verge ban' restriction.

## RISK MANAGEMENT

39. 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.
40. 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.
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. 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. 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.
44. To approve and implement the original proposal (Option 1) was not recommended in order to avoid the lengthy and costly process of public enquiry with no guaranteed outcome.
45. Not to approve and to abandon the proposals (Option 2) is not feasible because once a safety risk on the highway has been identified, the Local Highway Authority has an obligation to address it.
46. Option 3 to approve the original proposal with amendment i.e. to drop the 'loading ban' and to install a 'pavement/verge ban' instead, was recommended due to the availability of an alternative solution that can be trialled on experimental basis, and which had the potential to resolve the safety issues in this location in a similar manner as the original proposal.

## APPENDICES ATTACHED

47. Appendix 1 - Proposals' plans
48. Appendix 2 – Public Notices
49. Appendix 3 – EIA form
50. Appendix 4 – CSDIA form

Contact Point: Scott Headey, Strategic Manager Highways and Transportation  
☎ 821000 e-mail [scott.headey@iow.gov.uk](mailto:scott.headey@iow.gov.uk)

**COLIN ROWLAND**  
STRATEGIC DIRECTOR –  
COMMUNITY SERVICES

**CLLR PHIL JORDAN**  
CABINET MEMBER FOR INFRASTRUCTURE,  
HIGHWAYS PFI AND TRANSPORT