



Cabinet report

Date **16 DECEMBER 2021**

Title **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES), (TRAFFIC REGULATION) ORDER NO 1 2021**

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

EXECUTIVE SUMMARY

1. Proposed Traffic Regulation Order (TRO) - **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021**
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 East Cowes, as detailed in Appendix 1.
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.

RECOMMENDATION

4. Option 1: To approve the proposed restrictions that are subject to this report in relation to **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021** as proposed.

BACKGROUND

5. 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.
6. 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.

7. 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.
8. 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 3 districts to be reviewed each year – ensuring that the whole Island will be reviewed using similar strategic approach and that the traffic regulations across the Island remain consistent.
9. In this occasion, all request for East Cowes in District 1, were assessed and respective proposals were designed by IR's highways engineers and TRO technician, ready for Consultation at the end of March 2020. 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. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.

STRATEGIC CONTEXT

10. The proposed new regulations are in line with the IOWC's Corporate Plan 2021-25 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.
11. Some of the key priorities in the new plan, that this report is supporting are: Listen to people; Work with the Parish and Town Councils; Encourage Sustainable transport and Active travel; Complete Island wide speed assessment; Develop Island wide Parking Strategy.
12. The recommendation will also have a positive impact on the aim to protect island's community, 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.

CONSULTATION

13. Under normal circumstances, the CMT alongside Island Roads, would have conducted an Informal Consultation by holding an exhibition of the proposals in the Town Hall. Due to the unforeseen start of the pandemic and related lockdowns at the time, the consultation was delayed and as a mitigation, a direct engagement was sought with the Town Council and Ward Councillors online and on site, as soon as the social distancing restrictions allowed - from August 2020 to January 2021.
14. Following the legal TRO making process and its requirement for a Formal Consultation, a public Notice, outlining the proposals and inviting public comments, was published in the Isle of Wight County Press on 14 May 2021. Notices and plans were also displayed on-street for a period of 35 days, which

is two weeks longer than the legally required 21 days. The closing date for representations was 18 June 2021.

15. The total number of representations received during the consultation period is 36, containing six supporting views and 33 objections to various proposals; most objections were made on similar grounds – loss of parking space.
16. Summaries of the objections, broken down by location, are detailed in Appendix 2.

FINANCIAL / BUDGET IMPLICATIONS

17. The total estimated cost of making of the TRO and implementing the recommended changes on the highways would be approx. £8,417.20 excl. VAT, the estimated maintenance cost for the next 18 years would be approx. £9,764.45 excl. VAT.
18. All costs will be covered by the IOWC's Capital budget for highways.
19. The recommended option would have a positive financial impact by reducing the potential liability issues for the IOWC as a Highway Authority, should collision occur in the locations in need of safety improvement, as identified in the proposals.

IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

20. In long term, the recommended decision is likely to have a positive impact on young people and future generations health, as the proposed parking restrictions encourage more residents to walk, cycle, or use public transport.

CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

21. The recommended decision is likely to have a positive impact on Island's environment, by reducing the carbon emissions over time, as the proposed parking restrictions encourage use of more sustainable means of transport.

LEGAL IMPLICATIONS

22. The Statutory Authority for making new TROs is contained within the Road Traffic Regulation Act 1984.
23. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
24. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
25. 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.

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. All representations were placed for consideration before the IoWC's Highways and Transportation Strategic Manager. A summary of all objections containing the rationales behind the objected proposals, are attached to this report as Appendix 2, for further consideration by the IOWC's Cabinet.

EQUALITY AND DIVERSITY

29. 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.
30. 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.

31. 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 (EIA) form has been completed in Appendix 3.

OPTIONS

32. Option 1: To approve the restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 as proposed.
33. Option 2: To approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 with amendments – to abandon some of the restrictions, and to implement the rest of the restrictions as proposed.
34. Option 3: To not approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 and to abandon the proposal as a whole.

RISK MANAGEMENT

35. A risk has been identified to pedestrians, drivers, emergency assess and free movement of traffic.
36. The proposals are aiming to ensure safety for all road users by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways.
37. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.
38. The proposed changes would reduce the available parking space in some locations, thus resulting in less parking space than the number cars which currently park there.
39. The Authority will monitor the impact of the changes and review the restrictions if necessary.
40. 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. Introducing Residents Parking Schemes could also help with removing the commuter's parking in residential areas.

EVALUATION

41. Option 2: To approve the proposal with amendments, abandoning some of the restrictions and implementing the rest of them – this option was discounted, despite the high number of objections on the grounds of losing parking space

in some of the locations, as the highways safety engineers in Island Roads considered the proposed new regulations to be essential on grounds of safety.

42. Option 3: To not approve the proposal – this option was discounted because a risk has been identified to pedestrians, drivers, emergency assess and free movement of traffic, and the 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.

APPENDICES ATTACHED

43. Appendix 1 – Proposed parking restrictions
44. Appendix 2 – Summary of objections
45. Appendix 3 – Equality Impact Assessment

BACKGROUND PAPERS

46. Local Authority’s Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996

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