

## **Summary of Representations – Birch Close, Freshwater**

As set out within the main report, the number of valid representations received by the Isle of Wight Council (IWC) during the consultation period was 48.

These were all objections which share the same basis i.e. the potential loss of on-street parking space and knock-on effect to the neighbouring streets.

The following is a summary of the nine key grounds set out within those 48 representations, and the Isle of Wight Council's response as a Highway Authority.

1. The proposed restrictions will remove on-street parking spaces for the residents, some of whom are elderly and disabled; it will also have a negative impact on their carers and visitors.

*The number of affected properties is five (5), and they all have private driveways for at least two vehicles. Furthermore, part of the Birch Close will remain unrestricted and available to park.*

2. These restrictions will have a negative impact on deliveries and emergency services.

*All vehicles are allowed to stop on double yellow lines for the purposes of dropping off/picking up passengers and to load/unload. The proposed restrictions will help the emergency services by keeping the road accessible at any time.*

3. The restrictions will have a negative impact on the church goers; they will start parking in the neighbouring streets, resulting in constant blockages, dangerous blind spots and restrictions for the emergency services.

*Due to the short length of Birch Close and the small number of parking spaces that are currently available there, along with the fact that some of that space will remain unrestricted and available to park, it is not anticipated that the proposed parking restrictions would have a knock-on effect for the area, or a severe impact on church attendance.*

4. This proposal was designed to enable the new development and not for safety reasons. There is no evidence that there are any existing dangers to current road users.

*The proposed restrictions will cover the junction and some of the driveways, and will regulate the parking at one side of the road, keeping it accessible at all times. Thus improving the existing visibility and safety for drivers, pedestrians and cyclists.*

*Also, a planning permission for the new development was granted in 2021, as such this Traffic Regulation Order (TRO) proposal will ensure the safety of all road users at a later stage when the development is built and the traffic has increased.*

5. This TRO does not conform to the restricted purposes for which a TRO can be granted and as defined by the British Parking Policy.

*The British Parking Association Limited is a trade association that focuses on the parking and traffic management fields; it is not a governing body for the Local Highways Authorities (LHAs).*

*The Statutory Authority for making new TROs is contained within the Road Traffic Regulation Act 1984. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996. The enforcement power of the LHAs is set in the Traffic Management Act 2004.*

*The proposed TRO is compliant with the requirements of the above acts and procedures.*

6. The proposed TRO serves no purpose and would fail to satisfy the pre-condition in 21/00357/FUL for a double yellow line, as the proposal is for a single yellow line.

*As outlined in the Notice of Intention and the accompanying drawing, the proposed parking restriction is "No Waiting at Any Time" i.e. a 24/7 parking restriction represented on site by a double yellow line; this satisfies the requirements of the planning permission.*

7. Freshwater Parish Council were not notified of this TRO application. The parish clerk confirmed that they were not previously aware of the application and that no correspondence on the matter had been received from IWC/LPA/IR.

*Freshwater Parish Council were notified of the TRO proposal via email on 13<sup>th</sup> May 2022, which is considered to be sufficient as this proposal is a result of a planning permission that the Parish Council was aware of, and no informal consultation is needed or required.*

8. This TRO is contrary to the determination of the administration, the clear expressions of the respective cabinet member and colleagues (Councillors) including the Leader, and the declared policy.

*The TRO proposal is a result of a separate planning permission granted by the IWC as the Local Planning Authority via its Planning Committee, which the Parish Council and the elected members are aware of, following a separate legal decision-making process. The IWC's Cabinet Members will now make a separate decision, representing the Local Highways Authority, on the implementation of the proposed TRO, in line with existing IWC's policies.*

9. This TRO is detrimental to the existing residents for whom it serves no purpose and for whom it affords no benefit. Councillors have a duty of care and should take decisions which are righteous and look after existing communities.

*The 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. In some circumstances, priority needs to be given to the road's safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.*

*In the development of all options, careful consideration has been given to the removal of parking spaces in this case. As mentioned above, the number of affected properties is five (5), and they all have private driveways for at least two vehicles. Furthermore, part of the Birch Close will remain unrestricted and available to park.*

*In line with the legal TRO process that includes a rigorous local decision-making process, the IWC's Cabinet Members will make a decision on the implementation of the proposal at the final stage, in line with the IWC's Policies.*