

8 March 2018**Agenda Item: 11****REPORT OF CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (BIRD'S LANE, MAIN ROAD AND
SWIFTS VIEW, KIRKBY WOODHOUSE) (PROHIBITION OF WAITING) TRAFFIC
REGULATION ORDER 2017 (4201) AND BUS STOP CLEARWAYS****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. To consider the objections received in respect of the above proposed Traffic Regulation Order and bus stop clearways and whether it should be implemented as advertised.

Information

2. Kirkby Woodhouse Primary School is located on Main Road in Kirkby Woodhouse, Main Road is a local distributor road and bus route, Nottinghamshire County Council has received complaints from the local bus operator regarding obstructive parking by parents/carers at school pick up and drop off times along Main Road in the vicinity of the school. This includes parking in close proximity to junctions, at bus stops and on both sides of the carriageway. This is impeding the passage of vehicles and pedestrians and the ability of the bus to pull in at stops. The obstructive parking has caused significant problems to the operation of the bus service, inhibiting the bus from stopping to set down and collect passengers and in travelling along the route.
3. In response, the County Council proposes to introduce waiting and stopping restrictions to prevent obstructive parking and ensure the safe and efficient movement of vehicles and pedestrians on the highway. The proposed restrictions consist of:
 - Single yellow line (No Waiting Mon – Fri, 8am – 4.30pm) on the northern side of Main Road;
 - Double yellow lines (No Waiting At Any Time) around the bend on the southern side of Main Road and around the junctions of Bird's Lane and Swifts View;
 - Bus stop clearways (No Stopping except buses – at any time) at stops AA0272, AS0273, AS0274, AS0275 situated on Main Road.
4. The proposed restrictions are designed to ensure buses and other users can travel freely along Main Road in the vicinity of Kirkby Woodhouse Primary School and ensure that visibility is maintained at its junctions with Bird's Lane and Swifts View. An initial consultation was undertaken between 21st September and 9th October 2017, as shown on drawing

H/JMR/2540/1. Four responses to the initial consultation were received, including one from the Headteacher of Kirkby Woodhouse Primary School. All the responses were supportive and / or made comments on the proposals. Also, in response to comments received the length of the double yellow line on the southern side of Main Road was extended west along Main Road, beyond a new residential access road.

5. The statutory consultation and public advertisement of the proposals, detailed on the attached drawing H/JMR/2540/02 was undertaken between 22nd November and 20th December 2017.
6. Eleven responses were received to the formal consultation; four of which were supportive and/or made a comment on the proposals; these included:
 - Question on how the restrictions will be enforced;
 - Suggestion that additional waiting restrictions / traffic calming measures be introduced on other residential roads.
7. The remaining seven responses are considered outstanding objections to the proposals.

Objections received

8. Objection – loss of on-street parking availability

Four respondents objected to the loss of on-street parking near the school, which they considered would make it more difficult for parents to drop off children at school and travel to work afterwards. A range of additional comments were also made in the objections, these included that working parents were being discriminated against and should be given permits to park on-street nearest to the school. A suggestion was made that a pavement be removed to increase road width and so facilitate parking. Also, that school start and finish times should be staggered and a parking or drop off area should be provided for parents.

9. Response – loss of on-street parking availability

The proposed restrictions are designed to facilitate the safe operation of junctions and wider highway network for drivers, cyclists and pedestrians. Obstructive parking in close proximity to junctions invariably impedes visibility for pedestrians when crossing and for vehicle movements into and out of junctions and, where this causes an obstruction or danger to other highway users, is already an offence.

The demand for on-street parking in the vicinity of schools is recognised, therefore the restrictions have been kept to the minimum required to ensure the efficient and safe operation of the Highway. Current parking patterns are impeding the operation of the highway. When vehicles are parked, either fully or partially on the carriageway, on both sides of Main Road, it leaves only a single running width of carriageway. This has resulted in instances where the road is effectively impassable for larger vehicles such as buses.

There is no right to park on the public highway and it is the responsibility of the vehicle owner to ensure their vehicle is not parked in such a way as to cause an obstruction. This may require drivers to park further away from their destination to ensure their vehicle is parked appropriately. Unrestricted on-street parking remains available on Main Road and the wider network. It is recognised that this may cause inconvenience to drivers and require them to leave earlier to reach their destination for school start and finish times. The County Council has no duty to provide parking or drop-off areas at or near schools for parents and carers but

does have a duty to maintain the movement of traffic on the network. School start and finish times are set at the discretion of the school and are not a matter for the County Council.

There is always a balance to be struck between competing demands for a finite resource; it is considered that the proposed scheme offers the best solution improving highway operation whilst retaining some on-street parking facility.

10. Objection – Parking migration

Three objections were made on the basis that the proposed waiting restrictions would result in parking migration to Swifts View, which is a cul-de-sac approximately 200m south-east of the Primary School. Respondents commented that parents/carers already park on the road and they expressed concern that this would increase and lead to residents' drives being obstructed. They requested additional waiting restrictions along the length of Swifts View access road, to the start of the residential property frontages.

11. Response – Parking migration

It is recognised that there is likely to be some element of displaced parking with any new highway waiting restriction. The junction of Swifts View and Main Road is 200m away from the school entrance and it is considered that any parking displacement will be dispersed over the wider network and will not significantly affect this location.

The concerns expressed by residents of Swifts View are understood but this must be weighed against the negative effects of additional waiting restrictions. The introduction of additional parking restrictions on Swifts View access road would be likely to move any non-resident parking further into Swifts View; beyond the access road and onto the highway directly outside residences. It is considered that the extent of the restrictions proposed provides the best balance between addressing the problem of obstructive parking at junctions and on Main Road whilst maintaining a level of on-street parking provision.

There is always a balance to be struck between competing demands for a finite resource; it is considered that the proposed scheme offers the best solution improving highway operation with minimal anticipated migration of parking.

It should be noted that where parking constitutes an obstruction, such as parking over a vehicle access, it is a matter for the Police, who are empowered to enforce on this matter. An appropriate additional measure to help alleviate residents' difficulties with vehicle access / egress to properties is the provision of advisory 'H bar markings' and these can be provided in line with the County Council's charging policy (£185) on request from residents.

Other Options Considered

12. Other options considered relate to the length of the waiting restrictions proposed, which could have been either lesser or greater. The restrictions are considered to strike a reasonable balance between the need to maintain the safe operation of the highway and recognition of the demand for on-street parking.

Comments from Local Members

13. No comment was received from Councillor Madden.

Reason/s for Recommendation/s

14. The proposed scheme offers a balanced solution to mitigate road safety concerns and facilitate the safe operation of the junction with minimum loss of parking availability. The measures are considered appropriate taking into account a balanced view of the needs of all sectors of the community, including non-drivers.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

16. Nottinghamshire Police made no comments on the proposal. No additional crime or disorder implications are envisaged.

Data Protection and Information Governance

17. There are no data protection and information governance implications arising from this proposal going forward.

Financial Implications

18. These proposals are being funded through the 2017/18 Local Transport Plan Bus Improvements capital budget at an estimated cost of £2,500.

Human Rights Implications

19. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

Public Sector Equality Duty implications

20. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:
 - Eliminate unlawful discrimination, harassment and victimisation;
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;

- Foster good relations between people who share protected characteristics and those who don't.
21. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions / changes to policy could have on the community and those with protected characteristics as a means of ensuring this. An EIA may also identify potential ways to reduce any impact that a decision / policy change could have, and if it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
 22. An EIA has been undertaken to assess the potential impact of the proposal, the results of the consultation and any appropriate mitigation. This EIA is included as a background paper to this committee report. Decision makers must give due regard to the implications for protected groups the potential implications of their decisions on people with protected characteristics.

Safeguarding of Children and Adults at Risk Implications

23. The proposals are intended to have a positive impact on all highway users but being in close proximity to the primary school, they should also help to safeguard and promote the welfare of children.

Implications for Sustainability and the Environment

24. The proposals may, in conjunction with the implementation of the school Travel Plan, help to promote sustainable transport choices for staff and pupils accessing the school, and may thereby reduce travelling by private transport.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Bird's Lane, Main Road and Swifts View, Kirkby Woodhouse) (Prohibition of Waiting) Traffic Regulation Order 2017 (4201) and bus stop clearways are made as advertised and the objectors informed accordingly.

Adrian Smith
Corporate Director, Place

Name and Title of Report Author

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For any enquiries about this report please contact:

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Constitutional Comments [SLB 12/02/18]

25. Communities and Place Committee is the appropriate body to consider the content of this report.

Financial Comments [GB 06/02/18]

26. The financial implications are set out in the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Equality Impact Assessment: Main Road, Kirkby Woodhouse
- All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, Nottingham.

Electoral Division(s) and Member(s) Affected

Kirkby in Ashfield South ED

Councillor Rachel Madden