



## Report to Leader (Logistics portfolio)

<b>Decision Date:</b>	9 October 2020
<b>Reference number:</b>	LG05.20
<b>Title:</b>	<b>Wye Dene, High Wycombe, Proposed Waiting Restrictions</b>
<b>Relevant councillor(s):</b>	Cllr J Wassell, Cllr M Knight, Cllr A Baughan, Cllr M Clarke and Cllr R Farmer
<b>Author and/or contact officer:</b>	Ian Thomas Tel: 01296 382694
<b>Ward(s) affected:</b>	Ryemead & Micklefield

### **Recommendations:**

It is recommended that:

**The Leader authorises the making of the Traffic Regulation Order (TRO) as set out in this report.**

**That the Traffic Regulation Order be made as advertised at Statutory Consultation but with the following amendments:**

- i. The two marked bus stops outside and opposite York House on Chequers Avenue be made 24 hour bus stop clearways to ensure these locations are kept clear of vehicles.

**That responders to the Statutory Consultation be informed of the decision.**

**Reason for decision:** These proposals were requested by the Development Management team at Buckinghamshire Council in cooperation with Berkeley Homes as part of the process of adopting the highway because the current informal restrictions will no longer be effective once the highway becomes publically maintained.

These new restrictions are designed to control parking where necessary to ensure access is maintained for the emergency services and the proposed bus route which includes bus stops on Chequers Avenue.

## **1. Executive summary**

- 1.1. The scheme is to formally impose no waiting at any time and bus stop clearway restrictions on the Wye Dene Estate in High Wycombe as part of the highway adoption. The scheme is designed to ensure access is maintained for the emergency services and bus stops remain clear, whilst creating additional kerb side parking where appropriate. As detailed in Appendices 3 (overview map), 4, 5 and 6.

## **2. Content of report**

- 2.1. Buckinghamshire Council is responsible for the highway network within its boundary; this includes the provision, management and enforcement of waiting, parking and loading restrictions.
- 2.2. The proposal is to introduce no waiting at any time and bus stop clearways to allow parking where possible and restrict parking where necessary to ensure access is maintained for emergency services vehicles and the scheduled bus service.

## **3. Other options considered**

- 3.1. Not to proceed with the proposed changes may result in access for the emergency services being blocked and would not address the issues raised by and residents in this location.
- 3.2. To partially implement the proposed changes, would only partly address the issues raised by residents of the area.

## **4. Legal and financial implications**

- 4.1. The proposed scheme is being linked to other amendments to the Traffic Regulation Order in the area of the former Wycombe District and aligns with funding available under the section 38 agreement.
- 4.2. Section 122 of the Road Traffic Act 1984 places a duty on Buckinghamshire Council to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 4.3. Regulation 14 of the TRO Regulations state that an Order making authority may modify an Order. Whether in receipt of any objections or otherwise, before it is made. However, before proceeding to make the modified order it must inform persons likely to be affected by the modifications, giving those persons an opportunity to make representations and ensuring that such representations are duly considered. In these instances, the respective councillors for the areas have been advised of the representations received and asked for feedback on the proposed recommended way forward in each case.

4.4. When the decision is taken and recommendations agreed, the Traffic Regulation Order will be made, and brought into operation. The respondents to the consultation and persons likely to be affected will be informed of the decisions made and representations considered.

## 5. Corporate implications

- 5.1. No property implications have been identified.
- 5.2. Equality and Diversity Issues – Equality Act 2010. This proposal will not have any disproportionate effect upon people with protected characteristics.
- 5.3. All works including this consultation are funded by the developer under a section 38 agreement.

## 6. Consultation and communication

- 6.1. These measures were advertised and promoted locally through a Statutory Consultation process carried out between Friday the 22<sup>nd</sup> November 2019 and Sunday the 15<sup>th</sup> December 2019 in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the TRO Regulations") copies of the Statutory Consultation Documents can be found in the Appendices below.
- 6.2. The Police, Fire and Rescue Service and Ambulance Service were made aware of the consultation. No response has been received for the proposal as advertised.
- 6.3. Details of the proposed scheme were placed on the authorities' web site (see appendix 7) and notices were placed on site informing the public of the formal statutory consultation and the road names affected and how they could obtain more information and provide feedback. The draft notice was also advertised in the local press.
- 6.4. The area falls in the Ryemead & Micklefield ward and the councillor for this ward at the time of the consultation was contacted with details of this consultation and Councillor Wassell commented:-

I am the Bucks County Councillor for Ryemead and Micklefield. Unfortunately, I have not been able to respond until now due to the Purdah timescale. I have had several concerns raised to me by residents which I have considered. I feel it would be beneficial to have an extension to the Consultation period for myself or possibly residents too. The concerns that have been raised with me are:

- 6.4.1. **Removal of the speed humps fitted by the developer at the request of residents** - I have been allocated 7k funding for 2 sets of BCC compliant speed cushions in the social housing / Genoa Road end of Sierra Road. These will need matched funding by the developer by the end of March 2020. They have been risked assessed and agreed on the basis of child protection risks and I believe are very necessary. In addition, I believe there may be a case for further speed

cushions in the stretch of Sierra Road adjacent to the new footpath and cycle way pending on the old Wycombe to Bourne End railway line. Sources of funding can be looked into.

- 6.4.2. **Parking shortages** - From the outset of discussions with Berkley Homes, they are well aware that parking on the Wye Dene Estate is extremely limited and have agreed to, and made a successful planning application for, 7 additional parking spaces in Genoa Way. Whilst I am very pleased with this progress I would like to see this scheme completed.
- 6.4.3. **Car Parking and Disabled Spaces** - I would like further clarification as to how many new parking spaces will be created once the proposed restrictions are in place. I am very concerned about this because a balance needs to be reached regarding resident need. And the likelihood of people parking and walking to the town and railway station for work. This is a growing trend in nearby areas such as Pinions and Bassetsbury. I have read the formal and advisory bay advice for disabled parking, however I am not convinced that all residents understand this guidance.
- 6.4.4. **Visitors Bays** - It is my understanding that these will not be subject to adoption but I do believe clarification is needed with ourselves and the developer about the intention for visitors. Were these visitors bays attached to any particular house number?
- 6.4.5. **Bus Route** - I am aware that the restrictions in Chequers Avenue are necessary for the bus route to be finalised. I would like final confirmation about the proposed start date of this bus service and whether there has to be full adoption for commencement of the service.
- 6.4.6. **Car Parking Spaces adjacent to the Fountain** - This idea was put forward to increase car parking spaces, however residents have expressed concern to me that further to the restrictions and DFS furniture store large vehicles might park here or this could be an unsighted accident hazard on the roundabout.
- 6.4.7. **Enforcement** - I am aware that restrictions we have placed in other areas such as Totteridge Drive have not been enforced very often. This has led to resident dissatisfaction and commercial vehicles parked in restricted areas. Can it be clarified how many weekly or monthly enforcement visits would be made? Or would this be on demand by residents.
- 6.4.8. **Picking up and dropping off passengers** - I believe that this has been addressed by Officers.
- 6.4.9. Finally, I am grateful to Officers for keeping in contact with adoption matters.

## 6.5. In response to the points raised by Cllr Wassell:-

Although national legislation requires for information relating to the proposal for restrictions on the public highway outside London to publish notice in a newspaper circulating in the area concerned with details of the consultation deadline this restriction is not held in relation to Councillor comments which if not already received are generally requested once the comments have been collated, therefore there is no requirement to extend the consultation to allow the councillor to comment.

- 6.5.1. **Removal of the speed humps fitted by the developer at the request of residents** – The issue of the speed bumps falls outside the legislative process for introducing waiting controls on the public highway and will be dealt with by the Development Management team negotiating the adoption of these roads. I am therefore unable to comment on this matter.
- 6.5.2. **Parking shortages** – This scheme has been designed in line with the councils “Vision for Parking” policy which states that schemes should be designed to provide parking where appropriate, control parking where necessary. Which replaces the outright ban on parking thereby creating additional parking on the estate.
- 6.5.3. **Car Parking and Disabled Spaces** - The newly created on-street parking space will be approximately 118m over 11 sites which could allow 18 to 22 vehicles to park subject to vehicles lengths. Please note that the Department for Transport states that a parking space should be no smaller than 4.5m.
- 6.5.4. **Visitors Bays** – These parking bays are remaining private land and will continue to be managed and enforced by a private contractor.
- 6.5.5. **Bus Route** – Unfortunately this falls outside the legislative process for introducing waiting controls on the public highway and will be dealt with by the councils Bus team. I am therefore unable to comment on this matter.
- 6.5.6. **Car Parking Spaces adjacent to the Fountain** – Due to the design of the area around the fountain parking spaces have been included to increase available parking on the estate for residents and to control the size of vehicles using this area for parking.
- 6.5.7. **Enforcement** – Wye Dene estate will be part of the normal enforcement patrols, officers are required to visit roads at different times of the day to ensure no set pattern of enforcement can be established. However, inappropriate parking on the restrictions can be reported directly to the enforcement contractor via telephone number 0343-208-5544 option 2, an officer will then be dispatched subject to priorities and resources.

- 6.5.8. **Picking up and dropping off passengers** – The “No waiting at any time” restriction allows for the pick up or drop off of passengers, loading or unloading of goods and holders of valid disabled badges to park for up to 3 hours.
- 6.6. From 1<sup>st</sup> April 2020 additional councillor now make up the ward of Ryemead & Micklefield, details of this consultation were forwarded to all councillors for this ward. Councillor Wassell responded and asked if the scheme will enable more on-street parking than currently exists to which I responded yes. This scheme removes all the current on-street privately enforced parking ban and replaces it with restrictions at Highway Code supported locations, however there will still be a number of privately enforced laybys.
- 6.7. From the formal consultation Transport for Buckinghamshire (TfB) received twenty four responses including one from Cllr Wassell to the consultation; the responses to the statutory consultation are contained in Appendix 1 – Comments.
- 6.8. A summary of the comments are:-
- 6.8.1. Eleven of the responses asked; for restrictions to be extended in some locations or across the whole estate.
- 6.8.1.1. Council policy as set out in the Parking Delivery Plan states that the council’s vision for parking is to provide parking where appropriate and control parking where necessary. It would therefore not be appropriate to restrict all parking unless it was supported by the Highway Code rule 243 which states where vehicles should not stop or park. This scheme is designed to support the Highway Code rule to ensure access is maintained for emergency services while allowing parking where possible.
- 6.8.2. Eleven of the responses commented that the consultation did not cover the speed bumps installed by the developer, as they had been advised that as part of the adoption process the speed bumps would be removed.
- 6.8.2.1. This consultation is in relation to the introduction of waiting restrictions which subject to the outcome of the consultation may require the amendment of the Traffic Regulation Order covering parking and waiting restrictions in this location, the introduction of speed bumps on the public highway is covered in legislation under “The Highways (Road Humps) Regulations 1999” and requires public consultation but does not need to be detailed on a parking and waiting restriction Traffic Regulation Order and therefore falls outside the remit of this consultation.
- Details of the comments will be forwarded to the project manager managing the adoption of the highway at this location.
- 6.8.3. Nine of the responses think that allowing any parking on the highway will impede access for the emergency services and larger vehicles.

- 6.8.3.1. Careful consideration has been given to ensuring access for both the emergency services and larger vehicles (including a proposed bus service) is maintained while ensuring the council's vision for parking is adhered to which requires parking to be allowed where possible.
- 6.8.4. Eight of the responses feel that the scheme may increase pollution, volumes and speeds of traffic on estate causing a safety issue.
- 6.8.4.1. Due to the proposed bus gate the number of vehicles on the estate will mainly be in relation to residents, there visitors or trade/delivery vehicles servicing the households on the estate. This scheme will have no influence on these, however by allowing parallel parking at the kurb side which will alleviate the current lack of parking for residents this will additionally reduce the speed of traffic and forms a safety barrier for pedestrians. In relation to pollution, the council is working to reduce its own out puts while helping residents reduce their out puts by promoting the use of public transport where possible, car share schemes and the replacement of petrol and diesel by electric vehicles with the introduction of public charging points at various location including along the kerb side.
- 6.8.5. Six of the responses felt that the introduction of the detailed scheme would be detrimental to residents and house values.
- 6.8.5.1. The Manual for Streets published for the Department of Transport, states that parking is a key function of many streets where off-street parking is limited and a balanced arrangement of on-street parking will provide convenient access to frontages and can could add to the vitality of the estate. It could also be said that a lack of available on-street parking could be detrimental to house values as private vehicle transport increases those areas with limited space may become less desirable.
- 6.8.6. Six of the responses advised that allowing parking on the highway will restrict line of sight for both drivers and pedestrians.
- 6.8.6.1. Although in some areas vehicles may restrict the longer line of sight the scheme is designed to ensure that all junctions, bends and pinch points maintain the line of sight to allow pedestrians to both see oncoming traffic and be seen by drivers. Which is in line with Highway Code guidance on where vehicles should not stop or park.
- 6.8.7. Six of the responses commented that the private parking bays on the estate would not be enforced in the future leading to abuse.

- 6.8.7.1. The private parking bays on the estate are not part of the adoption and will still be enforced by the same private parking enforcement company under the same parking rules.
- 6.8.8. Six responses commented that by allowing on-street parking will increase traffic on the estate and thereby resulting in an increase in danger to estate residents.
- 6.8.8.1. The allowance of on-street parking may increase traffic flow on the estate, however, the effect of parked vehicles will decrease the average speed of vehicles therefore reducing any potential danger.
- 6.8.9. Five responses commented that allowing on-street parking may result in footway parking, which is currently prohibited.
- 6.8.9.1. The scheme has been designed to remove any potential footway parking at strategic locations by the introduction of no waiting at any time restrictions and only allowing parking where adequate carriageway space is available. If vehicles do obstruct the footway in allowed parking areas it can be reported to the Police who have the power to enforce this as obstruction of the highway which includes the footway.
- 6.8.10. Four responses commented that households are subject to a covenant relating to commercial vehicles and limits on vehicles being kept on the estate.
- 6.8.10.1. The covenant is binding condition on the homeowners not the restrictions that are required on the public highway. The highway authority is required to comply with national legislation which does not include an automatic ban on commercial vehicles or the number of vehicles each person is allowed to park on the public highway. For these type of restrictions to be considered for the public highway, the highway authority for the location would need to undertake public consultation and consider all responses to that consultation.
- 6.8.11. Three responses commented that the proposals are in direct conflict with the original planning consent which restricted the number of parking places
- 6.8.11.1. Having reviewed the planning decision, there is no condition or informative relating to publicly maintained highway. The developer has implemented a no parking rules on the private roads except in marked bays however once these roads are adopted for public maintenance, these limitations are removed until a Traffic Regulation Order covering the location which detailing restrictions is made, this requires the highway authority to undertake public consultation and consider any objections to those restrictions.

- 6.8.12. Two responses commented that they were unable to contact the County Councillor for their area due to them standing as a Parliamentary candidate until the last few days of the consultation.
- 6.8.12.1. National legislation for introducing restrictions on the public highway does not require a political representative to be made available. This authority provides a point of contact for the public in relation to each individual scheme, who will answer questions or provide the information.
- 6.8.13. Two responses commented that the additional signage generated by this scheme will devalue the look and feel of the estate.
- 6.8.13.1. The restrictions being consulted on are “no waiting at any time” (double yellow lines) which does not require signage, therefore should this scheme be approved signage currently on site will be removed from the highway.
- 6.8.14. Two responses asked for a permit holder only scheme be introduced on the estate.
- 6.8.14.1. The introduction of an on-street permit holder only parking scheme on the public highway would require funding to be secured to undertake a full feasibility study to ascertain the practicality of such a scheme. If practicable the scheme would be subject to a separate public consultation before being implemented. These comments will be forwarded to the Community Board Manager to be included for consideration at the next meeting in line with Council policy.
- 6.8.15. Two responses commented that there is no need for a bus route through the estate and the bus gate should be blocked off.
- 6.8.15.1. The bus route was agreed as part of the planning permission to ensure that residents within the estate would have an alternative sustainable transport option, which will support the areas sustainable transport policy.
- The bus route also includes a bus gate which will stop Chequers Avenue from being used as a short cut for traffic, should the bus route be withdrawn the bus gate would need to be removed allowing the free flow of traffic along Chequers Avenue.
- 6.8.16. Two responses commented that the proposal did not make clear the speed limit for the estate and asked for it to be set to 20mph.
- 6.8.16.1. This consultation is in respect of waiting restrictions and therefore would not detail speed restrictions. There are national guidelines for speed limits which are detailed in the Highway Code. In order to change

these national standards a traffic authority would need to secure funding to undertake a full feasibility study to ascertain the practicality and if practicable the scheme would be subject to a separate public consultation before being implemented. These comments will be forwarded to the Community Board Manager to be included for consideration at the next meeting in line with Council policy.

6.8.17. A comment was submitted stating that they believe that the consultation period was inadequate and should have been longer.

6.8.17.1. National legislation requires that authorities allows a minimum period of 21 days for the public to comment or object on a scheme. The authority can use its discretion to extend this period, however there is no legal obligation and as the restrictions being consulted on are Highway Code supported it was felt that 24 days finishing prior to Christmas was more than adequate for this scheme.

6.8.18. A comment was submitted stating that dates were missing from some of the documents.

6.8.18.1. As part of the consultation documentation a draft copy of the amendment order is included, dates on this document cannot be added until it is signed. In relation to the title if it is unclear which year the order will be signed, this date will also be marked as pending.

6.8.19. A comment was submitted stating that they believe that the highway will not be maintained to the current level.

6.8.19.1. The council has a policy on highway maintenance which monitors all roads across the county. Subject to issues identified maintenance will be arranged as priorities and resources allow.

6.8.20. A comment was submitted asking if there will be any dedicated disabled parking bays.

6.8.20.1. Dedicated disabled bays are only introduced in locations where there is a high demand for the local facilities (e.g. a parade of shops or a town centre) or near to a blue badge holders home if they have no off-street parking (subject to a request being made from the blue badge holder).

6.8.21. A comment was submitted stating that they did not want to be stopped from loading or unloading outside their property.

6.8.21.1. The restriction no waiting at any time allows vehicles to stop for the purpose of loading or unloading goods or people for as long as the activity takes, subject to it being continuous.

- 6.8.22. A comment was submitted stating that the “No stopping except buses” should be extended to all bus stops on the estate.
- 6.8.22.1. This report recommends that the two marked bus stops outside and opposite York House on Chequers Avenue be made 24 hour bus stop clearways to ensure these locations are kept clear of vehicles.
- 6.8.23. A comment was submitted stating that the bus gate must be fully enforced, to stop it being used to bypass parts of the A40.
- 6.8.23.1. As part of the adoption process the council is looking to consult on the implementation of a bus gate restriction on Chequers Avenue which will prohibit vehicle access through the location. None authorized vehicles may be subject to a penalty.
- 6.8.24. A comment was submitted asking that the restrictions are strictly enforced.
- 6.8.24.1. Subject to this report being approved and the Traffic regulation order being made, the enforcement officers will be instructed to add the site to the daily regular enforcement patrols.
- 6.8.25. A comment was submitted stating that the scheme will have environmental impacts.
- 6.8.25.1. The introduction of yellow lines on the public highway will not have any long term environmental impact once installed, these restrictions are designed to ensure that emergency service access will be maintained and it is likely that vehicle speeds on the estate will reduce as parked vehicles may require motorists to wait to allow oncoming traffic to pass before pulling out around the parked vehicles. It will also reduce the need for residents and their visitors to undertake unnecessary additional journeys looking for available parking which will have a positive impact on the environment.
- 6.8.26. A comment was submitted stating vehicles are being driven the wrong way around the fountain.
- 6.8.26.1. Currently this location is private land and it is down to the land owner to ensure vehicles obey the rules they have set out. However once this location adopted the Highway Code guidance on parking and vehicle movement must be obeyed and any non-compliance of vehicle movement rules will be enforced by the Police.
- 6.8.27. A comment was submitted asking for all dropped kerbs to be protected by “No waiting at any time” (double yellow lines) restrictions.

6.8.27.1. The enforcement of dropped kerbs along the publicly maintained highway does not require restrictions, however many households find that access protection markings reduce the issue. These can be applied for via the council's website at <https://www.buckscc.gov.uk/services/transport-and-roads/licences-and-permits/apply-for-access-protection-markings/>.

Shared use or dropped kerbs that have been lowered specifically allow pedestrians to cross are enforced generally. However private dropped kerbs require permission from someone at the household before a ticket can be issued. The public can report/notify the enforcement team of these issues by calling 0343-208-5544 option 2, an officer will then be sent to the location subject to priorities and resources.

6.8.28. A comment was submitted asking that access be given for large delivery vehicles.

6.8.28.1. Once this location has been adopted the highway will be subject to the restrictions detailed on the Traffic Regulation Order covering the site, currently there is no intention of restricting access on these roads for large delivery vehicles. The only prohibition of movement will be at the bus gate which will prohibit all vehicles except buses, permit holders and the emergency services.

6.8.29. A comment was submitted asking that at the junction of Chequers Way a box junction is installed to ensuring the free flow of traffic.

6.8.29.1. This scheme is in relation to parking restrictions, which do not include box junction restrictions. In order to implement a keep clear box junction the traffic authority would need to secure funding to undertake a full feasibility study to ascertain the practicality and if practicable the scheme would be subject to consultation with the Police before being implemented. These comments will be forwarded to the Community Board Manager to be included for consideration at the next meeting in line with Council policy.

6.8.30. A comment was submitted asking that any visitor parking bays adopted by the council to remain permit holder only.

6.8.30.1. The visitor bays adjacent to the highway are remaining private land and will be subject to the current restrictions enforced privately.

6.9. All consultees and responders to the consultation will be contacted by either e-mail or letter and will be informed of the decision and where they can find the details of the statutory consultation and the decision taken. This report will be published on the Council's web page.

## **7. Next steps and review**

- 7.1. Transport for Buckinghamshire will, if this report is approved make the amendment to the Traffic Regulation Order covering this location and instruct our enforcement officers to include the Wye Dene Estate within their regular patrols. The Parking Services Manager will then review the location monthly in relation to complaints, penalty charge notices issued and income received from penalty charge notices.
- 7.2. If this report is rejected, no further action will be taken.

## **8. Background papers**

- 8.1. Appendix 1 - Comments.
- 8.2. Appendix 2 - Statement of Reasons.
- 8.3. Appendix 3 – Wye Dene Overview 2020
- 8.4. Appendix 4 - Map AF72.
- 8.5. Appendix 5 - Map AF73.
- 8.6. Appendix 6 - Map AG73.
- 8.7. Appendix 7 - Previous consultation details

## **9. Your questions and views (for key decisions)**

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk)