

Committee:	Rights of Way Committee
Meeting Date:	14 January 2014
Lead Councillor/s:	Councillor Graham Newman
Local Councillor/s:	Councillor Michael Gower
Director:	Mark Hardingham, Chief Fire Officer, Suffolk Fire and Rescue Service & Public Protection, Highways and Transport
Assistant Director or Head of Service:	Andrew Guttridge, Assistant Director (Highways and Transport), Economy Skills and Environment
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Proposed New Waiting & Parking Restrictions in (Various Roads near Saxmundham Primary School) Saxmundham

Brief summary of report

1. To consider an objection to the advertised Traffic Regulation Order (TRO) for the introduction of new waiting restrictions for various roads in Saxmundham, all within close proximity to Saxmundham Primary School.
2. There has only been one objection to the new restrictions and we have also received one letter in support. This report is intended to help the Committee consider the objections received.

Action recommended

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| <ol style="list-style-type: none"> 3. That the Cabinet Member for Roads, Transport and Planning be recommended to approve the making of the Suffolk County Council (Ashfords Close, Brook Farm Road, Kingfisher Rise and Wordsworth Close, Saxmundham) (Prohibition of Waiting) Order 201- as advertised. |
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Reason for recommendation

4. Suffolk County Council as the Highway Authority carries out reviews of all towns and villages on a regular basis to amend the waiting restrictions to account for current traffic flows and road traffic usage which can change over a period of time. The measures proposed in this Order arise from information gathered from the Saxmundham Primary School Head Teacher and board of School Governors, the Saxmundham Town Council, the emergency services, transport companies and the local residents of the area.
5. The proposed introduction of waiting and parking restrictions in Brook Farm Road and the entrance to Ashfords Close, Kingfisher Rise and Wordsworth Avenue side roads, will improve road visibility in general for pedestrians and

cyclists moving around the vicinity of the Saxmundham Primary School and the nearby road junctions, in particular for those escorting children.

6. The Head Teacher and School Governors wish to improve pedestrian safety for all attending the Saxmundham Primary School. It is expected that the current congestion problems will become worse, as a result of the closure of Saxmundham Middle School and Saxmundham Primary School now taking additional children.
7. To reduce traffic congestion along Brook Farm Road and allow an unrestricted 2-way flow of traffic. Enabling clearer passage for emergency services, public transport and other larger vehicles passing through.
8. As well as parking restrictions considered under this Traffic Regulation Order, the proposals have been designed to accommodate repositioning of the existing Ashfords Close bus stop (south carriageway) in Brook Farm Road. A new bus clearway (with a no waiting except for buses restriction) will be provided in the new location.
9. To reduce parking around the school entrance gates and over the existing 'School Keep Clear' and zig-zag road markings.

Alternative options:

10. Reducing the waiting restrictions to specific peak times during the day, rather than 'no waiting at any time' throughout. This would only provide a limited benefit to road safety conditions and visibility at school times. It has been noted that parking congestion increases during the afternoon period. As well as on days when, school sports days, theatrical productions and seasonal events take place, or when parent/teacher evenings are being held.
11. Do nothing and allow vehicles to continue parking under the existing conditions, meaning child road safety levels remain as existing and access difficulties remain for emergency services, local transport services and i.e. larger delivery vehicles. This would mean that complaints from residents regarding road congestion, obstructive parking and child road safety, will continue. It has been observed that during periods of inclement weather, parking problems have increased. The problems exist primarily, but not exclusively, during school term start/finish times.

Who will be affected by this decision?

12. All road users within Brook Farm Road, Saxmundham and adjoining side roads, will be affected to some degree by these proposals.
13. Those most affected will be residents who live in the roads where the restrictions will apply, who may not have off-street parking, or require additional parking space for regular visitors.
14. All pedestrians will be affected, as will any children/parents who cycle to school. As many older children cycle to school, particularly in the summer term.
15. Parents who currently have children attending Saxmundham Primary School, who regularly use Brook Farm Road and the nearby side roads to park and leave their vehicle, in order to drop off, or collect their children, usually during peak school and commuter working hours throughout the day.

Main body of report

Background

16. Brook Farm Road and the side roads close to the Saxmundham Primary School, currently have no parking restrictions. Motor vehicles currently park on both sides of the road, in the adjoining side roads and over a set of 'school keep clear' zig-zag road markings at an entrance gate to Saxmundham Primary School. The parking congestion restricts 2-way traffic flow, blocks residents in their own property, in particular if they share a drive with other property owners, reduces road visibility for pedestrians and cyclists and undermines child road safety conditions. Parking has become a major issue and the County Council, Police and the Head Teacher and School Governors, have received several complaints from residents and anecdotal evidence that accidents have occurred at this location.
17. In a response to comments from residents the Saxmundham East Area Highways Office commissioned a Road Safety Audit, which was undertaken in November 2013. The Road Safety Audit report recommended that a speed survey be carried out in the vicinity of the bend to assess how high the speeds were along Brook Farm Road (refer to Appendix D). If the speed was significantly high, it was recommended that traffic calming measures be provided, such as those already in place close to the school. The traffic speed survey was completed in January 2014. The data was recorded between 11 and 17 January (Sat-Fri). For the eastbound flows the average 85 percentile speed was recorded at 28 mph. For the westbound flows the average 85 percentile speed was recorded at 30 mph (refer to Appendix E). From the combined evidence of both surveys, the Audit Team concluded that the proposed Traffic Regulation Order could be implemented as planned without the need to install any traffic calming measures west of the Saxmundham Primary School.
18. Parking on both sides of Brook Farm Road, in particular in the vicinity of the Saxmundham Primary School, has caused difficulties for emergency vehicles, bus transport services and other large vehicles. The Saxmundham Constabulary have had to deal with several complaints and traffic incidents in this vicinity and the Head Teacher of the Saxmundham Primary School has had to field several complaints from angry drivers and residents.
19. For details of the draft Traffic Regulation Order (TRO), including the schedule of advertised proposals, statement of reasons and advertised notice refer to Appendix A. For drawing details showing the advertised proposals refer to Appendix B.

Consultation

20. Members of the public were consulted by means of an informal consultation letter and drawing showing proposals for waiting restrictions on the south carriageway of Brook Farm Road and access to Ashfords Close. This consultation ran between 31 March and 25 April 2014 and included liaising with the Police, Primary School and other statutory organisations. Overall there were 13 responses in support and 4 objections to the preliminary

proposals. For details of the Informal Public Consultation report refer to Appendix F.

21. In response to the collective comments from the informal consultation and further consultation with Suffolk Police, the waiting restrictions were also extended into the entrance of Kingfisher Rise and Wordsworth Avenue.
22. The statutory organisations were formally consulted by means of a letter and updated drawing outlining proposals, during the weeks between 18 July and 7 August 2014. Full support was again given by Suffolk Constabulary. Refer to Appendix G for collective comments from consultations with the Suffolk Police. County Councillor Gower strongly supports the proposals.
23. The TRO formal advertisement period was between 15 October – 6 November 2014 and during this period an objection was received from two individual residents living in the same property. Refer to Appendix C for the objection letter.

Objections

24. The following people are considered to have formally objected to all or part of the proposals. Mr. Mick Russell and Mrs. Terasa Russell, who are both, residing at 11 Kingfisher Rise, Saxmundham (also responded to the earlier informal public consultation). Their objection raises concerns about the following issues:
 - a) They state that “a successful implementation will only serve to push the parking problem further west along Brook Farm Road (and into the bend) and into adjoining roads, causing disruption to a higher number of residents.”
 - b) Also stated “However, from the evidence of other attempts to implement parking restrictions at Suffolk schools, they are only effective during the few times an enforcement officer is visible.”
 - c) Commented that “the proposed parking restrictions are at all times, not just covering the school start and finish times, they are over draconian and restrictive to residents and their visitors parking.”
 - d) They further suggest that as “only one out of 4 possible scheduled route 64 bus services could pass the Primary School at opening and closing times”, adjusting a specific No.64 bus service time “by about 10 minutes either way would alleviate the situation”.
 - e) They have observed that “the drivers of the cars displaced at school opening/closing times look for the next nearest available parking in Kingfisher Rise, Wordsworth Close and Ashford Close. All these roads are narrow and are not designed for non-Resident parking. Indeed residents will likely be boxed in and unable to drive to or from their properties for about 30 minutes twice a day in term time. Already several couriers have said that any worsening of the access to properties in Kingfisher Rise will result in parcels being undelivered returned to sender. A great inconvenience to those affected.”
 - f) Have noticed that “there is already illegal parking at Saxmundham Primary School on the zig-zag white lined areas outside of the School opposite Kingfisher Rise and also further along Brook Farm Road at the pedestrian crossing during the School arrival and departure times.”

- g) Feels the school should “Educate the parents driving to school on road safety and putting the Highway Code rules into practice.” That “very often they get their school children and younger siblings out of their vehicles on the roadside rather than safely on the path.” That “placing yellow lines in the marked areas will do very little to change the habits of those parents.” As “many of the parents driving their children to school are well within walking distance and should be encouraged to leave their cars at home.”
 - h) Concluding that the “education of parents in their road sense and possibly reducing their use of cars to travel to school will be of most help, not painting yellow lines on the roadside.”
25. In summary; of the one objection letter received, the objectors are solely against the proposals in principal.

Officer comments

26. The Police have fully supported the proposals and if drivers offend, their staff will be happy to carry out enforcement with fixed penalty tickets when required. The Saxmundham Safer Neighbourhood Team has spent a lot of time dealing with multiple complaints regarding issues with parked vehicles and obstructions relating to this area, especially at peak times. They have commented that the proposed waiting restrictions would give clear indications to drivers and may prevent future incidents from occurring. Refer to Appendix G for collective comments from consultations with the Suffolk Police and Appendix H and I for notes from Council meetings, which the Police have been invited to attend.
27. The Head Teacher and Governors of Saxmundham Primary School have made several attempts to communicate and work with parents, in order to reduce the parking congestion. By method of sending letters out to parents, urging them to ‘car share’, or alternatively, to walk their children to school and by promoting specific ‘Walk to School’ weeks. Finding a solution to the parking congestion issues, became even more critical as the numbers attending the school recently increased after closure of the Saxmundham Middle School.
28. Brook Farm Residents Association has been actively involved in discussions with Council Officers and the Primary School, regarding finding a solution to the historic and current pedestrian road safety and parking congestion issues around the vicinity of the Primary School. It was agreed in some previous meetings which their representatives had attended (refer to Appendix H and I), that altering the waiting restrictions to specific times of the day, or seasons, would not be practical, as the School ran various events which could not be included in any specific times or seasons, therefore defeating the purpose of the proposed TRO.
29. It has been recorded in Council meeting minutes, that there have been a number of incidents when the First Group Bus Service 64 has been prevented from passing the Primary School due to an obstruction caused by parked vehicles. Those vehicles belonged to parents who were taking their children into the Primary School. When parked vehicles have caused an obstruction to the Bus service, the timetable for the remaining day has been disrupted. Alteration of the Bus Service timetable to avoid obstructions at peak times, was deemed not possible as the route through Brook Farm Road, is only part of a much wider complex of Bus Routes, serving Ipswich,

Saxmundham, Aldeburgh, Snape, Rendlesham, both originating and terminating at Ipswich.

Support for the proposals

30. The following people and organisations are considered to have formally supported all or part of the proposals to date. Refer to Appendix C for letter of support.
31. A Mr. Giles Peile of 28 Brook Farm Road, Saxmundham, who shares a dropped kerb drive entrance with three other houses (and also responded to the earlier informal public consultation), commented about the following issues:
 - a) Mr Peile has “emailed before on this subject and 'wholly agrees double yellow lines are definitely needed.”
 - b) Comments that “our house shares a drive with 3 other houses and access is required at all times.” He reports that “selfish parents are leaving their cars unattended whilst they collect and drop off their children. They completely block the drive entrance and also park on the zig-zag lines of the zebra crossing. Parking across a dropped kerb is an offence, as is parking on the zig-zag lines nearby and committing parking offences.”
 - c) Feels “that the parking will get a lot worse when the restrictions are in force and it is making all 4 householders lives a constant misery and worry.”
 - d) Asks “please as a matter of urgency, could double yellow lines be painted across our driveway, and up to the zig-zag lines.”
32. In summary; of the one support letter received, the resident is solely in support of the proposals in principal.

Officer Comments

33. Once in place, including dealing with the obstruction to driveways (shared or otherwise), the proposals as advertised are supported in full by the Saxmundham Town Council and Head Teacher of Saxmundham Primary School. There has also been full support from the Suffolk Constabulary throughout, who will be happy to enforce the new restrictions once in place. This may help resolve some of the issues that Mr. Peile has highlighted.

Human Rights Act 1998

34. The objections need to be considered in the light of the Human Rights Act 1998, s. 6 of which prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Two specific convention rights may be relevant:
 - a) Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6) which includes property rights and can include opportunities to be heard in the consultation process; and
 - b) Peaceful enjoyment of possessions (including property), subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest (First Protocol Article 1).

Other rights may also be affected including individuals' rights to respect for private and family life and home.

Regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a traffic authority. Any interference with a Convention right must be necessary and proportionate.

The Council is required to consider carefully the balance to be struck between individual rights and the wider public interest. In this case, officers consider that the interference with Convention rights, if there is any, will be justified in order to secure the significant benefits in improving access and road safety.

Sources of Further Information

Appendix A – The draft Traffic Regulation Order, including schedule of Advertised proposals, statement of reasons and advertised Notice.

Appendix B – A Plan showing advertised proposals.

Appendix C – Comments of objection and support received from residents during Advertised period.

Appendix D – Scheme Safety Audit Report.

Appendix E – Traffic Speed Survey Data.

Appendix F – Informal Public Consultation report.

Appendix G – Comments resulting from consultations with Suffolk Police.

Appendix H - 02/10/2013 Meeting Minutes

Appendix I - 23/06/2014 meeting Minutes

