



# Delegated decision report

## DECISION UNDER DELEGATED POWERS

**DECISION CANNOT BE TAKEN BEFORE THURSDAY, 9 SEPTEMBER 2010**

Title	<b>OBJECTIONS TO THE ISLE OF WIGHT COUNCIL (DESIGNATED LOADING BAYS) ORDER NO 1 2010</b>
Report Author	<b>REPORT TO THE CABINET MEMBER FOR ENVIRONMENT, TRANSPORT &amp; CORPORATE SERVICES</b>

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### PURPOSE

1. To approve The Isle of Wight Council (Designated Loading Bays) Order No 1 2010, in light of the objections received to amend the loading restrictions in High Street, Sandown.

### OUTCOMES

2. The creation of a dual use loading bay, with time restrictions in the above road; in order to enable goods vehicles to load and unload safely to premises in the High Street from 7am until 10am, whilst retaining on street parking throughout each day from 10am – 7pm.

### BACKGROUND

3. The amendments to the parking restrictions in Sandown were advertised during March / April 2010 which required the creation of a Loading Bay after consultation with the police, Sandown Town council and local councillors. The loading arrangements have been in place under a temporary order since July 2009, however this report seeks to make this order permanent.

### STRATEGIC CONTEXT

4. The recommended orders will contribute to the delivery of the Isle of Wight's Sustainable Community Strategy particularly priorities:
  - 2 - Create wealth and reduce our carbon footprint at the same time and
  - 6 - Improve health, emotional wellbeing and life expectancy across the Island - to reduce the number of people killed or seriously injured in road accidents by 40% by the end of year 2010 - to cut the number of short car journeys.

## CONSULTATION

5. Consultation has been undertaken in accordance with the Road Traffic Regulation Act 1984, as amended, and the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996.
6. A public notice outlining the draft proposals, and inviting public comment was advertised in the Isle of Wight County press on 26<sup>th</sup> March 2010 and displayed on-street, and on the Council's web site for an additional period of 28 days; the closing date for representations was 23<sup>rd</sup> April 2010.
7. A further copy of the draft proposals was held at County Hall reception so that members of the public could view the full details of the proposals.

The proposals have also been circulated to all statutory consultees, including:

- Local Isle of Wight councillors
- Sandown Town Council
- Ambulance Control
- Parking services
- Bartlett's Garage
- Navteq
- Chamber of Commerce
- EXEL
- Fire
- Fire and Rescue
- Freight Transport Association
- IW Taxi Association
- County Transport
- Public Transport Officer
- Post Office
- RAC
- Ramblers Association
- Road Haulage
- Southern Co-op Stores
- Southern Gas Networks
- SVOC

8. In addition, consultants acting on behalf of Sainsbury's supermarkets have delivered a presentation to the Town Council, who subsequently indicated their support for the proposals.
9. [Two representations](#) were received; one from Cllr Ian Ward, requesting that the loading bay operate between 7am and 9am and one from Sandown Town Council, who have received representation from local traders who are concerned that delivery access has been made more difficult since the introduction of the loading bay; in addition pedestrians are worried that vehicles passing the loading bay travel very close to the south/eastern footway.

## FINANCIAL/BUDGET IMPLICATIONS

10. The costs associated with the introduction of the proposed order have been identified, and are to be covered by the s106 monies, developer contributions, connected with the Sainsbury's development in Sandown.

## LEGAL IMPLICATIONS

11. The relevant powers are contained in the Road Traffic Regulation Act 1984, as amended. The procedure for introducing Traffic Regulation Orders is set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996.
12. The local authority must consider any objection that has not been withdrawn. This is considered in the risk and evaluation below.
13. It is recognised that restrictions on road users may represent an interference with an individuals human rights under Article 8 and protocol 1 of the European Convention on Human Rights. Any such interference is considered necessary and proportionate due to positive enhancement of road safety for other users in the area.
14. It is the statutory duty of every local authority to secure the flow and safe movement of all traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The local authority must at least consider the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of any locality affected and, 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 roads run, and any other matters appearing to be relevant.

## EQUALITY AND DIVERSITY

15. Following advertisement of all traffic orders which are subject to 28 days consultation, members of the public are entitled to raise any representations within that period.
16. The service is required to undertake an equality impact assessment. This has not identified any negative impact on the local community. An equality impact assessment has been undertaken to ensure that all those who use any nearby facilities to the proposed traffic regulation orders, including visitors, are taken into account for any possible disadvantages. Please note that road safety implications are paramount in any decision to implement traffic orders.

## OPTIONS

17. Option a) - Do not implement proposed restriction.
18. Option b) - Implement proposed restriction.
19. Option c) - Implement proposed restriction with amendment.

## RISK MANAGEMENT

20. If the proposed loading bay was not introduced there is the potential that delivery vehicles would not be able to park at, or close to their intended delivery address; in turn this could result in such vehicles parking at locations where an obstruction to other road users is inevitable. Such an activity would both increase the risk of personal injuries to

delivery personnel, due to the need to carry goods from the vehicle to the delivery address, and increase the potential for personal injury collisions on the highway, which on average cost the local community £89,820 per incident (Department for Transport 'Highways Economics Note No 1 2005 – Valuation of the Benefits of Prevention of Road Accidents and Casualties Issue Date January 2007). This would also affect the Isle of Wight Council's ability to achieve its targets for casualty reduction by 2010.

## EVALUATION

### **High Street, Sandown**

21. To introduce a designated 'Goods Vehicles Loading Only, 7am to 10am' bay in High Street, Sandown, on the north-west side, from a point 16 metres south-west to a point 37.5 metres south-west of its junction with Wilkes Road.
22. The amendment is aimed at increasing the number of specific areas for goods vehicles to load and unload goods thus reducing delay and congestion. It is linked to the Isle of Wight Council (Various Streets, Sandown) (Traffic Regulation) Order No 1 2010 which aims to introduce 'No Waiting At Any Time, No Loading at Any Time' in the High Street on the south-east side, from a point 2 metres south-west to a point 58 metres south-west of its junction with Wilkes Road. This will enable the free flow of traffic through the High Street whilst a goods vehicle is using the loading bay.
23. [Two letters of objection](#) was received, for the Goods Loading Bay in High Street, Sandown – the main points being:
  - Pedestrians feel vulnerable due to the nearness of large vehicles passing very close to the pavement while delivery vehicles are using the loading bay.
  - The bay should be amended to allow parking from 9am rather than 10am as the delivery vehicles have always left by 8.30am.
24. During the summer of 2009 the previous Woolworth's store in Sandown High Street was acquired by Sainsbury's for a local convenience store; as part of the re-development an assessment of the delivery arrangements to the store was undertaken with a number of options considered to ensure the safe and expedient delivery of goods to the premises.
25. Having considered the limited number of available options, draft plans were prepared to install a loading bay outside the store that has a joint use as a loading bay from 7am to 10am and for 30 minute limited waiting from 10am to 7pm; this joint use bay required special authorisation from the Department for Transport, which has subsequently been approved on a non-variable basis. Sainsbury's, the applicant, subsequently attended a meeting of Sandown Town Council and were able to obtain support for the proposals.
26. The representations received raises two principal areas of concern, one being the safety of pedestrians using the footway opposite the loading bay when large vehicles pass and the second recommending a reduction to the operating time of the bay such that the limited waiting period starts at 9am with the duration being increased from 30 minutes to 1 hour. The carriageway width on-site is marginally over 6 metres and as such large vehicles passing the stationary delivery vehicles do need to approach the area at an appropriate approach angle to prevent footway overrun; this can be adversely affected by vehicles unlawfully parking on the section of highway to the north of the store. Never the less the absence of any physical footway build out to the west of the loading area

does enable delivery vehicles to stop in such a position so that the risk of footway overrunning is significantly reduced; the level of risk will continue to be assessed and, if necessary, additional street furniture will be installed to further reduce the potential for vehicles to over run the southern footway.

27. The request by Cllr Ward to reduce the period of operation for the loading bay and extend both the period of limited waiting and the time that such restrictions are applicable, is not considered appropriate due to the potential impact on delivery access to the store; given the distance that such deliveries travel and the potential delays on the highway network, and cross Solent travel, the proposed loading bay arrangements provide limited potential for delivery vehicles operating behind schedule. In addition such an amendment would require a re-application to the Department for Transport for special authorisation of the signs and carriageway markings.
28. To implement a designated 'Goods Vehicles Loading only, 7am to 10am' bay in High Street, Sandown, on the north-west side, from a point 16 metres south-west to a point 37.5 metres south-west of its junction with Wilkes Road.
29. It is proposed that the loading bay is implemented in conjunction with the Isle of Wight Council (Various Streets, Sandown) (Traffic Regulation) Order No 1 2010 and both need to be approved and implemented for this section of High Street to work and keep the road safe for all road users.
30. Having considered the objections raised and the existing site characteristics and the balancing exercise within s122 of the Act, it is recommended that the proposed order is necessary.

#### RECOMMENDATION

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| 31. Implement proposed restriction (17b) |
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STUART LOVE  
Strategic Director  
Environment and Neighbourhoods

COUNCILLOR EDWARD GILES  
Cabinet Member  
Environment, Transport and Corporate Services

Decision

Signed

Date