

North Mid Sussex County Local Committee	Ref No: NMS09(18/19)
5 February 2019	Key Decision: No
Worth – Copthorne – Calluna Drive Proposed Traffic Regulation Order	Part I
Report by Director of Highways and Transport and Head of Highway Operation	Electoral Division: WORTH FOREST

Summary

Calluna Drive has experienced a growing parking trend from commuter and car sharing individuals who park in the road and then car share to gain access to the nearby A23. Situated close to Gatwick Airport, there is an attraction for some drivers to park and travel avoiding the airport car parking fees. Concerns have been raised by local residents about cars parking on Calluna Drive, restricting visibility for passing traffic and causing congestion. Resolving this issue has been prioritised by the North Mid Sussex County Local Committee. A new Traffic Regulation Order (TRO) is therefore proposed to avoid danger to persons or traffic using the affected length of road and to facilitate the safe passage of traffic.

The three week statutory consultation for the TRO ran between 22nd March and 12th April 2018. Nine comments of support were received. Six objections were received which have been summarised in Appendix B to this Report.

At the North Mid Sussex CLC dated 13 November 2018 members agreed and supported the introduction of a reduced version of the original TRO proposal. Keeping the extended double yellow lines on the junction affecting Calluna Drive off Brookhill Road, further reinforcing rule 243 of The Highway Code.

Following the CLC some residents voiced concern to the local Member suggesting there was wider support for the original advertised scheme. The residents wanted the full scheme implemented, rather than the agreed limited version of extending the junction protection. It was suggested those who supported the advertised scheme did not respond as they understood only objectors needed to respond.

As a result the proposed decision was withdrawn under Standing Order 5.12 of the County Council's Constitution. This allowed the CLC to notify the Director or Law and Assurance of its intention to reconsider the proposal.

Local Member(s) then allowed views to be expressed outside of the usual TRO consultation parameters. West Sussex County Council Highways Officers had no knowledge of which roads were included within this informal engagement and therefore had no evidence if this was a fair reflection to the statutory consultation or if it formed any basis to alter the original CLC decision.

The result of this informal consultation was an additional six comments of support.

Recommendation

That North Mid Sussex CLC, having considered the resulting benefits to the community outweigh the objections raised, authorise the Director of Law and Assurance to make the Order as detailed in the revised scheme at Appendix C.

Proposal

1. Background and Context

- 1.1 Obstructive and inconsiderate parking close to junctions is negatively affecting driver and pedestrian visibility.
- 1.2 The purpose of the proposed restrictions are to improve visibility for residents and visitors. There is concern that access for emergency vehicles could be impeded due to current parking practice in the road.
- 1.3 On 7th December 2016, the North Mid Sussex County Local Committee resolved to progress a new traffic regulation order in Calluna Drive, for an extension of double yellow lines.
- 1.4 The results of the public consultation were that 9 comments of support and 6 objections were received.
- 1.5 After acknowledgement of the objections received, further discussions were carried out with residents directly affected by the proposals. Despite efforts to reconfigure the proposals, their objections still stood. On that basis it was presented to the Local Member to make a final decision.
- 1.6 The Area Highway Manager for the Mid Sussex area met with the Local Member on 31st July 2018 to consider the situation. The Local Member made to final decision to remove the majority of the original proposals but decided to retain an extension of parking restriction near the Brookhill Road junction.

2. Proposal

- 2.1 The original proposal was to alleviate congestion and access difficulties with new lengths of double yellow line. It was proposed to introduce no waiting at any time restrictions, on sections of Calluna Drive and Kitsmead.
- 2.2 The original restrictions advertised included lengths of road that were the subject of the proposed Order, are shown on plans TQ3139SWS.

The original advertised plans are in Appendix A.

- 2.3 The Order is proposed to avoid danger to persons or traffic using the road or for preventing such danger from arising, to facilitate the safe passage of traffic and improve the amenity of the area through which the road runs.
- 2.4 Based on the decision made by the Local Member on 31st July 2018, the scheme has been redrawn to reflect the decision, as shown in Appendix C.

3. Resources

- 3.1 The cost to the Council for the installation of the TRO should be in the region of £500.00 to be met from the Community Traffic Order Regulation budget.

Factors taken into account

4. Consultation

- 4.1 **Members** - At the design stage, the local member for Worth Forest was consulted and supported the proposals.
- 4.2 **External** – Copthorne Parish Council supported the design of the proposed restrictions. Sussex Police were consulted at design stage and raised no objection.
- 4.3 **Public** - The three week statutory consultation for the TRO ran between 22nd March 2018 and 12th April 2018. Notification of this was sent directly to a range of stakeholders including the Police and emergency services, District and Parish Councils and motoring organisations. During this consultation period, notices were erected on site, a copy of plans and a statement of reasons were placed at the local library, and the advertisement placed in the local press and on the County Council's website.
- 4.4 During the consultation period, nine comments of support were submitted. Six comments of objection were received about the proposals. They have been summarised in Appendix B to this report together with comments from the Director of Highways and Transport.
- 4.5 The local County Councillor has confirmed their support for the revised proposals based on the objections received.
- 4.6 Following the CLC some residents were not content with this outcome and voiced their opinions and claiming wider support for the original advertised scheme. The residents wanted the full scheme implemented, rather than the agreed limited version of extending the junction protection. As a result the proposed decision was withdrawn under Standing Order 5.12 of the County Council's Constitution. This allowed the CLC to notify the Director or Law and Assurance of its intention to reconsider the proposal.
- 4.7 Local Member(s) wanted further engagement with the residents, therefore allowed these views to be expressed outside of the usual TRO consultation parameters. WSCC had no knowledge of which roads were included within the engagement, so WSCC had no evidence if this was a fair reflection to the statutory consultation or if it formed any basis to alter the original CLC decision.
- 4.8 The results of the informal consultation received 7 comments of which 1 had already expressed views during the statutory public consultation, so only 6 were additional to the statutory advert phase.

5. Risk Management Implications

- 5.1 Due to obstructive parking at junctions, should the proposed TRO not be made the risk to the County Council is that parked vehicles will continue to obstruct access for residents, refuse vehicles and emergency services.
- 5.2 Should the TRO be made, the risk to the County Council is that car drivers will need to find alternative parking provision and may migrate further into the residential area and into neighbouring roads.
- 5.3 Making a decision based on comments outside of the statutory public consultation does compromise the core value of the statutory consultation itself which gave all stakeholders an opportunity to voice their feedback regardless if it was positive or negative. There is a potential risk that it exposes the TRO process to further public challenge and risks diluting the impartiality and consistent approach TRO's are conducted within the agreed process.
- 5.4 There is no evidence to the extent of roads or area the informal consultation encompassed, nor did it demonstrate engagement with key stakeholders, therefore it risks lack of integrity that the statutory consultation emulates. Those residents who may be negatively affected by the full scheme proposal, could now attempt to challenge the rationale of the events which led to a change of decision and encourage a second informal consultation or even the scheme be re-advertised to ensure all residents have their voice shared fairly.
- 5.5 Implementing the scheme as per original CLC decision, only risks a future re-visit if there is evidence that the scheme had not adequately address the facts discovered during the original investigations, thus possibly incorporate a more strategic assessment of the area to aid any future improvement.

6. Other Options Considered

- 6.1 The proposed restrictions are considered the best option to ensure that the road junction is kept clear of obstruction and to discourage parking where it is not safe to do so.
- 6.2 To reduce the original scheme and to retain a section of junction protection near Brookhill Road, as discussed on 31st July 2018 and which the Local Member fully supported.

7. Equality Duty

- 7.1 The protected characteristics as defined in the Equality Act were duly considered in the course of the development and design of this TRO proposal

7.2 The comments and objections received about the proposals did not raise Equality Act issues but were assessed in relation to the protected characteristics and no relevant impact emerged.

8. Social Value

8.1 The proposals to deter obstructive parking at junctions, on pavements and verges, align with the County Council's policy on Social Value insofar as they aim to improve the local road environment for existing and future users.

8.2 It is acknowledged that loss of parking may be regarded as having an adverse impact on residential amenity but the primary concern of the Council must be to discharge its statutory duty to manage the highway network and ensure the safety of all road users.

9. Crime and Disorder Act Implications

9.1 The County Council does not consider there to be any foreseeable Crime and Disorder Act implications associated with this proposal. The view of Sussex Police has been sought, who confirm they believe there are no issues in relation to the Crime and Disorder Act.

10. Human Rights Implications

10.1 It is unlawful for a public authority to act in a way that is incompatible with a convention right. The policy objective to avoid danger to all road users and reduce congestion should then be set against these rights. Taking these points into consideration it is believed that the introduction of this Traffic Regulation Order is still justified.

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Appendices

Appendix A – plans of existing restrictions and advertised proposals
Appendix B – summary of objections
Appendix C – revised final proposal

Background Papers

None