

Committee: Planning, Highways and Transport

Date: 7 March 2023

Title: Double Yellow Lines – Bay Hill

Purpose of Report

To consider double yellow lines along Bay Hill following a request from members of the public.

Recommendation:

Members may wish to consider the following resolutions:

- a) Members resolve to support the introduction of double yellow lines from the current no waiting restrictions on Townsend along Bay Hill ending at where the current H Bars end for a distance of approximately 42 metres.
- b) Members resolve to instruct officers to carry out consultation into the proposed amended parking restriction and send this through to Somerset Highways for their consideration.

Background:

1. At the Planning, Highways and Transport (PHT) meeting held on the 1 February 2022 members discussed a letter from a member of the public requesting that double yellow lines be implemented along Bay Hill.
2. A report was produced and this has been included with this report as **Appendix 9A**. In addition the original request from the members of the public has been included as **Appendix 9B**. As a result of the ensuing discussion at the meeting the minutes record the following discussion along with the resolution that was passed:

Bay Hill double yellow lines

Members discussed replacing the current h bars on Bay Hill with double yellow lines. Discussions included the residents who currently park on the H Bars will need to park somewhere else if there are double yellow lines Parking on the H bars is currently unenforceable. Will removing the cars that park on the h bars create a speeding issue as currently cars have to reduce their speed due to cars being parked on both sides of the road and it acts as natural traffic calming. If the cars are parked on the h bars then they are not parking correctly.

The Deputy Clerk contacted the local PCSO to request data on any serious accidents in that area and they had no reports of any major accidents (for information, the police data only includes accidents where there have been serious injuries or fatalities).

Mr Perks clarified that the residents were only requesting double yellow lines where the existing h bars are currently located and not the length of Bay Hill Members were mindful that if they support the proposal whilst some residents support the idea, others may not.

Members discussed if all parking issues in the town should be reviewed at the same time.

Members were advised that to change the h bars to double yellow lines a Traffic Regulation Order would need to be applied for and that will involve a public consultation period.

*Members **RESOLVED** unanimously to support **in principle** the proposal to replace the current h bars on Bay Hill with double yellow lines.*

***Proposer** Cllr Taylor **Seconded** Cllr Swann*

3. Following the meeting contact was made with Highways and this resulted in a number of emails over the following months into the installation of yellow lines. On the 5 August 2022 an email was sent by officers detailing a response by Highways to the request. This response forwarded from Highways to the residents is detailed below:

Good morning

Apologies for the delay in replying to your email, I have been waiting to see who was going to take responsibility for traffic management within the new Somerset Council, as things stand it will remain with traffic management and not be delegated to a more local level.

I have been trying to plead your case with Highways but unfortunately I have had little success.

Please see the responses I have received below,

We no longer install advisory H-bars to address parking problems to protect a single private access to the highway. H-bars are only permitted to be installed across an access to multiple properties or to protect pedestrian crossing points. They are not permitted to be installed on the highway to create or protect a private accesses visibility splay.

When providing the advisory white H-bar road markings, we aim to ensure that they are kept to an absolute minimum. This ensures that drivers recognise other H-bar road markings and respect them. Over proliferation of advisory H-bar markings tends to lead to misuse. They should, therefore, only be used where the kerb is dropped at a pedestrian crossing point, or where the Police request them to deal with sites where they have been repeatedly called to deal with actual obstruction occurring.

These markings should not be used for private accesses where it is obvious to the motorist that vehicular access is required. Any parking in front of a vehicular access is an obstruction under the Road Traffic Act and the matter should be referred to the Police to be dealt with. Residents can erect a 'please keep clear' sign off the highway, or 'access required at all times' sign on a gate or wall.

In the first instance we would advise the resident to discuss the issue of inconsiderate parking with the neighbouring property/owner of the vehicle which is causing an obstruction.

If the Town Council consider that current parking behaviour is causing a safety or congestion issue, we could consider introducing new parking restrictions. If new restrictions are introduced, this will cause displacement of parking and could create a problem where previously it did not exist. In a residential area, losing parking space may be an issue for people trying to park near their home and will be of concern. This could also impact nearby shops and local businesses by displacing residential parking. Removing parking can also result in higher vehicle speeds. All residents would need to be in support of the new restrictions to avoid objections.

AGENDA ITEM 9

- *If a short section of double yellow lines were introduced either side of the private entrance, it could cause displaced vehicles to park further towards the junction of Townsend. In doing so, this would cause both a safety and congestion issue. Therefore, the parking restrictions would need to cover the length from the existing H-bar at the bottom of the image below, to join with the existing No Waiting At Any Time restrictions protecting the junction of Townsend with Bay Hill. The new restriction would cover a length of approximately 42 meters in length. Please note, in a residential area, losing parking spaces may be an issue for people trying to park near their homes and will be of concern. This could also impact nearby shops and local businesses by displacing residential parking. Removing parking can also result in higher vehicle speeds.*



- *When Parish and Town Councils are considering a proposal to amend an existing Traffic Regulation Order (TRO) or, to introduce a new TRO, they have used various methods to gauge public opinion. In the past this has been done by directly discussing the proposal with local residents, by placing a notice within the Parish/Town newsletter, and by placing a notice on village/town Facebook pages. To introduce parking restrictions, we have to go through a statutory consultation process to introduce a Traffic Regulation Order (TRO) which, if successful, is a legally sealed order. We would require the full support from the Town Council and local residents to proceed. Any objections received during the TRO process would have to be addressed fairly. At present, it would not appear that a safety or congestion issue exists, therefore, if objections are received during the formal consultation period, it would be difficult to justify the amendment*

Please can you let me know how you wish to proceed?

4. This email brought a response on the 22 August 2022 from the members of the public looking for the implementation of the yellow lines (the comments in red being the residents responses):

AGENDA ITEM 9

I have now canvassed all residents and with the support of Ilminster Town Council, we would like you to press ahead to see if we can obtain a Traffic Regulation Order. Our comments are:

- 1. The entrances are not to a private dwelling, there are multiple dwellings (see attached) as stated by Highways*
- 2. The crossing point is on a National Cycle Path (No 33 see attached) and many cyclists cross here – this is a safety concern even though Highways do not seem to think so*
- 3. The crossing point is a Designated National Footpath and many walkers cross here – this is a safety concern even though Highways do not seem to think so*
- 4. When cars are parked on the H bars, residents from each house cannot see properly to turn onto Bay Hill. This is like pulling out onto a 30mph road blind – this is a safety concern even though Highways do not seem to think so*
- 5. The Police have been called many times when residents cannot get onto Bay Hill safely. The Police agree that the parking is dangerous and have told us they are supportive. I am unable to give data, but no doubt Highways can obtain this.*

To address the points made by Highways – please see our comments in Red:

- If a short section of double yellow lines were introduced either side of the private entrance, it could cause displaced vehicles to park further towards the junction of Townsend. In doing so, this would cause both a safety and congestion issue. Therefore, the parking restrictions would need to cover the length from the existing H-bar at the bottom of the image below, to join with the existing No Waiting At Any Time restrictions protecting the junction of Townsend with Bay Hill. The new restriction would cover a length of approximately 42 meters in length. **We agree that as no one EVER parks there, this would be simply enforcing what happens now. This would not speed up traffic.***

*Please note, in a residential area, losing parking spaces may be an issue for people trying to park near their homes and will be of concern. This could also impact nearby shops and local businesses by displacing residential parking. Removing parking can also result in higher vehicle speeds. **The White H Bars were originally put there to stop parking there. Adding Yellow lines IN PLACE of the H bars will not be losing parking spaces where parking is allowed and therefore no displacement will occur.***

- When Parish and Town Councils are considering a proposal to amend an existing Traffic Regulation Order (TRO) or, to introduce a new TRO, they have used various methods to gauge public opinion. In the past this has been done by directly discussing the proposal with local residents, by placing a notice within the Parish/Town newsletter, and by placing a notice on village/town Facebook pages. **As Ilminster Town Council (ITC) supports this proposal, we would ask that ITC places the notices as soon as possible. This may have to be agreed at the next ITC Meeting, however the Notes show support.***

*To introduce parking restrictions, we have to go through a statutory consultation process to introduce a Traffic Regulation Order (TRO) which, if successful, is a legally sealed order. **This is what we require. Is there an existing TRO for the Town/ Bay Hill – we assume there must be as Highways refer to it and otherwise how did the H Bars come about? Please could you let me know where I should look to see it?***

*We would require the full support from the Town Council and local residents to proceed. Any objections received during the TRO process would have to be addressed fairly. At present, it would not appear that a safety or congestion issue exists, therefore, if objections are received during the formal consultation period, it would be difficult to justify the amendment **ITC already has given its full support and as a result of the Consultation (, ... by placing a notice on village/town Facebook pages") ITC would soon be able to gauge any objections.***

5. On the 19 October the Town Clerk sent the following email to the residents.

Dear Mr Perks,

My sincere apologies for the fact that I have not responded earlier.

I had quite a lengthy meeting where a range of topics were discussed in respect of Ilminster. This included looking at not just the yellow lines, H Bars and parking issues but also speeding, implementation of Speed Indication Devices SIDS and other road sign matters.

With reference to your request for double yellow lines, and after consulting the local police, Traffic Management are unable to progress your request further. They are of the belief that applying these lines would increase traffic speed, the lines would cause the loss of parking spaces all along the road and those cars would need to find alternative parking, which would cause an issue further along the road.

They were however able to confirm that revised H Bar markings could be implemented. It is worth pointing out that their current policy H bars means that any changes would see the existing lines removed and bars inserted just across the dropped kerbs. These H bars will not be legally enforceable.

Highways would place any consultation notices on lampposts and other street furniture for any changes that are to be considered for implementation.

I appreciate that this is not the outcome that you would have hoped for but at this moment in time this would appear to be the only changes that Highways will consider making.

6. In order to seek further clarity a Freedom of Information Request was submitted on the 26 October 2022 from a member of the public to the Town Council asking the following information.

Clearly we will challenge the Town Council and Highways. In order for us to have exactly the same information that you have, please, as a Freedom of Information request, provide:

- 1) *Notes of your '**lengthy meeting with Traffic Management/Somerset Highways**' including all emails and letters (dated) that are appropriate.*
- 2) *The notes produced plus the Police notes '**after consulting the local police**' and their comments and whatever emails and letters (dated) are appropriate*
- 3) *How the information was communicated to you '**They are of the belief that applying these lines..**' including all emails and letters (dated) that are appropriate.*
- 4) *Please explain the statement '**They were however able to confirm that revised H Bar markings could be implemented. It is worth pointing out that their current policy H bars means that any changes would see the existing lines removed and bars inserted just across the dropped kerbs.**'*
- 5) *Please could you point me to a link to '**their current policy H bars**' as it is not on their website.*

7. A response to the FOI was sent on the 22 November 2022 and the covering letter has been included as **Appendix 9C**. This elicited the following response on the 24 November 2022:

Thanks you for this information. I am preparing our response but in the meantime, please could you give me details of the Consultation that is stated was ‘... just about to start.. in Vicky Freeman’s email to Traffic Management on 23rd August 2022 at 10.37.

I have contacted the Police to ask for their qualification of PCSO John Martin’s view that the official Police stance is that yellow lines rather than white H Bars are not a hazard and his evidence of how this would ‘..allow[ing] vehicles to speed even faster’. If a survey has been carried out by this Support Officer, then we need the facts. Once I have these two pieces of information, I will of course reply in detail.

8. A further response was then received by officers on the 30 January 2023:
I spoke to John Martin the Police Officer referred to. He stated categorically that he is NOT opposed to yellow fines replacing the white H Bars. He said the Council must have been mistaken and he has since, visited your offices to make the point clear.

The Freedom of Information reply was simply a print out of my email trail with you, plus a handwritten sheet which only mentions “speed limit’ but does not refer to the yellow lines application.

So to summarise,

- *Ilminster Town Council supports the application for yellow lines to replace the white H bars (see Notes of Meeting of Tuesday 1st February 2022).*
- *The local Police do not object and are supportive (reference my phone call to John Martin) of yellow lines.*
- *Rebecca Vaughn at Traffic Management for SCC has not decided matters either way and states “I will await the results of Ilminster Town Council’s consultation regarding this matter.”. See email 23rd August 2022.*

Therefore, please could Ilminster Town Council now start its consultation period as originally planned. I would like to attend and speak briefly at the Planning, Highways and Transport meeting booked for 7th March 2023. Please do let me know if I can attend.

Report

9. At the PHT meeting in February 2022 the Members agreed in principle to support the replacement of the H-Bars with double yellow lines. It is clear that this request will not be agreeable to Highways and that in fact if the current H bars are removed they will in fact be replaced with new bars that only cover the entrance splays and not elongate them either side of the entranceway.
10. Highways have proposed that double yellow lines might be considered on a longer stretch of road:

Therefore, the parking restrictions would need to cover the length from the existing H-bar at the bottom of the image below (This image can be seen earlier in the report), to join with the existing No Waiting At Any Time restrictions protecting the junction of Townsend with Bay Hill. The new restriction would cover a length of approximately 42 meters in length.

11. In several discussions with the PCSO before he left the force, officers established that whilst the police would not object to the replacement of the actual H Bars with double yellow lines they had severe reservations about the implementation of double yellow lines that covered a longer stretch of the highway. Additional concerns were also raised over the implementation of double yellow lines being introduced on both sides of the road as this would in their opinion lead to potential increases in the speed of traffic travelling along the road.
12. There have also been visits to the office from residents voicing concerns over the application of yellow lines on this stretch of road. Clearly these concerns would need to be put in writing for them to be considered as part of any consultation.
13. At this point the Town Council has not committed itself to carrying out any consultation on this matter. Highways have stated they would not carry it out in the first instance and that the onus would be on Ilminster Town Council to initiate this. This would then trigger the Traffic Road Order Process.
14. If members wish for consultation to be instigated it is proposed that members of the public be asked to write to the council during a “Four-week consultation window” to express their thoughts on;

“The proposed introduction of double yellow lines from the current no waiting restrictions on Townsend along Bay Hill ending at where the current H Bars end.”
15. The consultation could be through social media, local press (if agreeable) and notices on the lampposts. We would ask people to confirm their names and addresses so that the level of response from people local to the proposal could be gauged along with responses from other users of the area. Responses would then be passed onto Highways for them to make a final judgement over the introduction of a TRO.
16. Somerset Highways have stated that any objections to this proposed implementation of yellow lines would render the scheme “difficult to justify”.
17. Members may wish to consider the following resolutions:
 - c) Members resolve to support the introduction of double yellow lines from the current no waiting restrictions on Townsend along Bay Hill ending at where the current H Bars end for a distance of approximately 42 metres.
 - d) Members resolve to instruct officers to carry out consultation into the proposed amended parking restriction and send this through to Somerset Highways for their consideration.

- 18.** Members may wish to suggest their own resolutions or not to pass any resolution.

**Mark Tredwin
Town Clerk
March 2023**