

Forward Plan reference number: Not applicable

Report title: Proposed 'No Waiting at Any Time' Restrictions, Gleneagles Way, and B1137 The Street, Hatfield Peverel, in the District of Braintree	
Report to: Councillor Tom Cunningham, Cabinet Member for Highways, Infrastructure and Sustainable Transport	
Report author: Mark Ash, Executive Director: Climate Environment & Customer	
Date: 05 January 2024	For: Decision
Enquiries to: Julia Johnson, Head of Design, Essex Highways Julia.Johnson@essexhighways.org ; Louise Dark – Traffic Regulation and Licencing Officer, Essex Highways – Louise.Dark@essexhighways.org ;	
County Divisions affected: Witham Southern	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out four strategic aims and twenty commitments for Essex County Council to deliver over the next four years. As part of the high-quality environment strategic aim and a good place for children and families to grow, a key commitment is to deliver a step change to sustainable travel across the country, by maintaining safe and sustainable transport infrastructure. The implementation of the proposal will help to provide junction protection and safety for drivers.
- 1.2 Essex County Council has formally advertised the proposed implementation of a 'No Waiting at Any Time' Restriction, on Gleneagles Way, and B1137 The Street, Hatfield Peverel, in the District of Braintree (the "Proposal") which will provide junction protection, safety for drivers, and help to ensure that B1137 The Street and its junction with Gleneagles Way is kept clear of parked vehicles, aiding traffic movement, which will aid safety for residents, drivers, and other road users.
- 1.3 The Proposal has undergone formal consultation to the public, particularly for residents within the vicinity of the proposed changes. As seven objections have been received the Cabinet Member is asked to decide whether the Proposal should be implemented.

2. Recommendations

- 2.1 To approve the implementation of 'No Waiting at Any Time' Restriction on Gleneagles Way, and B1137 The Street, Hatfield Peverel, in the District of Braintree, as formally advertised and set out in Appendix 1.

3. Background

- 3.1 Due to a new development being introduced off Birkdale Rise it has been requested by the developer, Barratt & David Wilson Trading Limited (hereinafter referred to as "the Developer"), that additional parking restrictions be added to B1137 The Street, and its junction with Gleneagles Way in order to provide junction protection and safety for drivers. B1137 The Street is popular with commuters parking their vehicles and walking to the station.
- 3.2 B1137 The Street is a busy road due to it being the only access to Hatfield Peverel for southbound traffic, this means that there are fast approaching cars from the A12. Due to the increase in traffic generated by the new development, it is believed that these restrictions will ensure that B1137 The Street and its junction with Gleneagles Way is kept clear of traffic, which will provide safety for residents, drivers, and other road users.

Consultation

- 3.3 On the 1 September 2022, the Council advertised the Proposal in the Braintree and Witham Times newspaper, and it was also made available on the Essex Highways website. At this time a consultation letter was also sent to all affected properties where residents and businesses were invited to comment on the Proposal. In addition to this, public notices were placed on the affected lengths of roads.
- 3.4 Essex County Council undertook specific consultation for the Proposal. The results of this consultation were as follows:
- Traffic Management (Essex Police) approved of the Proposal.
 - County Councillor Derrick Louis approved of the Proposal.
 - North Essex Parking Partnership had no comment.

The standard consultees including the County Councillor were notified via email on 19 August 2022. The Consultee Consultation Email can be found in Appendix 4.

- 3.5 Seven objections were received during the consultation undertaken by Essex County Council. A summary of the comments can be found in Appendix 2.

Objections and Responses

- 3.6 Five of the objectors stated that residents and visitors to the residents' dwellings will no longer be able to park outside their properties, two of which suggested Permits.
- 3.7 The Council responded saying the restrictions have been advertised due to the new development which was approved by the planning inspectorate in 2019. Following a design process, the restrictions have been advertised as per the statutory guidance. Due to a new development being introduced off Birkdale Rise

it has been requested that additional parking restrictions be added to The Street and its junction of Gleneagles Way.

- 3.8 This section of The Street is popular with commuters parking on this section of road and walking to the station. Due to the increase of traffic brought on by the new development it is believed that these restrictions will ensure that The Street and its junction with Gleneagles Way is kept clear of traffic and will increase safety for local residents. The Street is a busy road due to it being the only access to Hatfield Peverel for southbound traffic, this means there are fast approaching cars from the A12 onto The Street. As Gleneagles Way is the closest junction to the slip road the introduction of these restrictions will provide overall safety in the area.
- 3.9 Further estate wide restriction would need to be managed and advertised by the North Essex Parking Partnership (NEPP) as they are not part of the developers' requirements under Planning.
- 3.10 The sixth objector stated that the implementation of the proposal will encourage drivers to park along Gleneagles Way and the other roads on the estate. With the new building development currently underway off Birkdale Rise, this would exacerbate the number of parked vehicles on these streets resulting in double parking on narrow roads.
- 3.11 The Council responded saying due to a new development being introduced off Birkdale Rise it has been requested that additional parking restrictions be added to The Street and its junction of Gleneagles Way. This section of The Street is a popular location with commuters parking on this section of road and walking to the station. Due to the increase of traffic brought on by the new development it is believed that these restrictions will ensure that The Street and its junction with Gleneagles Way is kept clear of traffic and will increase safety for local residents. The Street is a busy road due to it being the only access to Hatfield Peverel for southbound traffic, this means there are fast approaching cars from the A12 onto The Street. As Gleneagles Way is the closest junction to the slip road the introduction of these restrictions will provide overall safety in the area.
- 3.12 The seventh objector stated that even though the basic premise is good, the Proposal has not been thought through properly. Commuter parking needs to be resolved at the same time as putting in the proposed restrictions, because the parking will just move around the village until everywhere within walking distance of the station has yellow lines.
- 3.13 The Council responded saying the station parking is outside the scope of the developers scheme so cannot be included as part of these restrictions. You can contact your local Councillor to request that a proposal is put forward. Like all parking restrictions, these are open to review, and we would expect them to be reviewed after any changes to the slip road.

3.14 A full objection report and the Council's responses can be found in Appendix 2.

4. Links to our Strategic Ambitions

4.1 This report links to the following aims in the Essex Vision:

- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world

4.2 This report links to the following strategic priorities in the Organisational Strategy - 'Everyone's Essex':

- A strong, inclusive, and sustainable economy
- A high-quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

5 Options

Option A – Continue with the Proposal as advertised.

5.1 This option would be of benefit for residents of Gleneagles Way, and B1137 The Street, Hatfield Peverel, in the District of Braintree as it could provide junction protection and provide safety for residents, drivers, and other road users.

5.2 Although the objectors feel that the Proposal would limit parking in the area, it is hoped that it will discourage visitors from parking on Gleneagles Way, and the B1137 The Street, using up the resident parking spaces.

Option B – Abandon the Proposal

5.3 This option could potentially satisfy the objectors as it is felt that the Proposal will mean that the residents and visitors to the residents' dwellings, will not be able to park outside their property.

6 Issues for consideration

6.1 Financial implications

6.1.1 It is estimated the cost of this Proposal will be £2500. The proposal set out within this report will be funded through the Developer's budget previously allocated within Essex Highways. Therefore there are no additional financial implications as a result of this Proposal.

6.2 Legal implications

6.2.1 The Road Traffic Regulation Act 1984 (as amended) gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient, and safe movement of traffic of all kinds, including pedestrians, and

to provide suitable and adequate 'No Waiting at Any Time' Restrictions. So far as practical the Council is also required to have regard to:

- (a) The desirability of securing and maintaining reasonable access to premises.
- (b) The effect on the amenities of any locality affected so as to preserve or improve the amenities of the areas through which the roads run.
- (c) The importance of facilitating the passage of buses and their passengers.

6.2.2 Justifiable 'No Waiting at Any Time' Restrictions assist with the expeditious, convenient, and safe movement of traffic and pedestrians.

6.2.3 Whilst there appears to be no real legislative requirement to hold a public Inquiry in view of the objection received, the decision to make the Order may be subject to judicial review. Whilst judicial review is a risk, there have been clear and reasoned considerations put forward by the Council as to why it is still going to make the Order. These clear and reasoned considerations ought to have alleviated objector concerns.

6.2.4 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulation 1996 ("the Regulations") provides that, before making an Order, the Council is required to publish a notice of the Proposal. Any person or Authority required to be consulted by the Council may object to the making of an Order by the date specified in the notice, or, if later, the end of the period of 21 days beginning with the date on which the Council has complied with all the requirements of the Regulations. Any objections must be made in writing, state the grounds on which it is made and be sent to the address specified in the notice of proposals.

7 Equality and Diversity Considerations

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

Appendix 1 – Proposed Scheme Drawing
Appendix 2 – Objection Report
Appendix 3 – Equalities Comprehensive Impact Assessment
Appendix 4 – Consultee Consultation Email

9 List of Background papers

None

I approve the above recommendations set out above for the reasons set out in the report.	Date 05/01/2024
Councillor Tom Cunningham, Cabinet Member for Highways, Infrastructure and Sustainable Transport	

In consultation with:

Role	Date
Executive Director: Climate Environment & Customer	04/01/2024
Mark Ash	
Nicole Wood – Executive Director for Finance and Technology	Consent not needed
Director, Legal and Assurance (Monitoring Officer)	6.4.23
Katie Bray on behalf of Paul Turner	
Head of Network and Safety	03/02/2023
Jo Heynes	
Head of Design	14/03/2023
Julia Johnson	