

WIRRAL COUNCIL

HIGHWAYS AND TRAFFIC REPRESENTATION PANEL 17 MARCH 2015

SUBJECT:	OBJECTION: PROPOSED WAITING & LOADING RESTRICTIONS - BIRKENHEAD MARKET SERVICE ROAD, BIRKENHEAD
WARD/S AFFECTED:	BIRKENHEAD AND TRANMERE
REPORT OF:	MARK SMITH, HEAD OF ENVIRONMENT AND REGULATION
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR STUART WHITTINGHAM
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report considers an objection submitted against the proposal to introduce waiting and loading restrictions along Birkenhead Market Service Road, Birkenhead.
- 1.2 The report recommends that the Panel notes the objection and that the proposals as shown on attached drawing no. TD0615b1 be recommended to Regeneration and Environment Policy and Performance Committee for approval and implementation.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The proposed waiting and loading restrictions along Birkenhead Market Service Road have been developed at the request of The Grange and Pyramids Shopping Centre and Birkenhead Market Hall Management teams following concerns about obstructive parking and accessibility for traders and customers wishing to load and unload.
- 2.2 The proposals would prohibit parking and loading along sections of Birkenhead Market Service Road and allow loading and unloading for vehicles within designated bays.
- 2.3 Historically, arrangements have been in place with the Grange and Pyramids Shopping Centre and Market Hall allowing traders to load and unload along the Service Road between 45 minutes to an hour. However, loading / unloading operations have gradually become more difficult for traders and customers due to obstructive parking.

- 2.4 Introducing this proposal would ensure the designated bays within the Service Road are kept clear for loading and unloading operations. This facility would assist both businesses and customers and improve vitality in the local area.
- 2.5 Birkenhead Market Service Road is primarily an unadopted road. The introduction of a traffic regulation order along the Service Road would provide legislative backing for enforcement by the Council and provide a visual deterrent to the motorist.

3.0 OBJECTION

- 3.1 The statutory advertising process for the proposal included publication of notices on the roads and in the press on the 9 July 2014, with an objection period from 9 July to the 1 August 2014. All party Spokepersons and Ward Members were informed.
- 3.2 Consultation letters providing details and extents of the proposals were delivered to businesses directly affected.
- 3.3 Following an administrative error which involved failing to deposit the necessary legal documents and plans showing the extent of the proposals at the Wallasey Town Hall One Stop Shop, a further consultation exercise was undertaken during the period of 3 September and 26 September 2014 to ensure anyone affected by the proposals had an opportunity to register any comments.
- 3.4 One letter has been received objecting to the proposed waiting and loading restrictions.
- 3.5 Following consideration of the objection, officers remain of the opinion that the proposed TRO is necessary to support the servicing of existing businesses. However, it has also been recognised that there is scope to make modifications without compromising the overall aims of the scheme. The modified proposal as shown on attached drawing no. TD0615b1 increases opportunities for loading particularly for smaller vehicles servicing the Market and also provides a greater distribution of loading facilities around the Service Road. The modified proposal would also allow vehicles of any class to load and unload within the loading only bays along the Service Road, making the proposals less restrictive.
- 3.6 A further consultation on the modified TRO was carried out in January 2015 with those who responded to the original advertisement in July and September 2014, however no objections were withdrawn. The Grange and Pyramids Shopping Centre and Birkenhead Market have been consulted on the modified proposal and support the changes. The content of the objector's concerns along with a detailed response are as follows:
- 3.7 The Traffic Regulation Order as proposed would prevent parking for blue badge holders in the Birkenhead Market Service Road (whether customers, market stall holders or others) and displace these drivers elsewhere.

Vehicles, except buses and for loading purposes, are currently prohibited from travelling through Birkenhead Bus Station, which provides access to Birkenhead Market Service Road, and therefore those vehicles which are not exempt and continue to proceed past this point are contravening an existing traffic order. The enforcement of this traffic order is the responsibility of Merseyside Police.

The proposed TRO would allow blue badge holders to park within the designated bays for loading and unloading purposes. Parking enforcement officers would apply longer observation periods and exercise discretion for vehicles displaying a valid blue badge, as it may take longer to load and unload due to mobility difficulties.

- 3.8 At the times when the shops are open it is often impossible for blue badge holder users to find one of the alternative parking spaces available in the area. It is clear looking at the numbers of disabled spaces in the car parks in Birkenhead (compared to the overall numbers) and the numbers of blue badges issued by Wirral Council that there is under provision of spaces for blue badges.

The existing number of disabled parking spaces within the town centre car parks currently meet approved parking standards set out in the Local Development Framework for Wirral Planning.

There are alternative disabled parking facilities available in the following car parks; Europa Square, Oliver Street, The Grange and The Pyramids multi storey car parks. On street disabled parking bays are also available along Conway Street and Burlington Street. Blue badge holders can park free of charge in any marked pay and display bay. This applies both on street and within Council car parks and applies to all bays not just the reserved disabled spaces. Shoppers can park all day for £2 and for free on Sundays in the Pyramids and Grange shopping centre multi storey car parks.

Officers consider there are sufficient parking spaces within existing Council and privately owned car parks in close proximity to the Market Hall to accommodate any displacement of blue badge holder parking from Birkenhead Market Service Road.

- 3.9 Some stall holders are in receipt of a blue badge, therefore can now park in some stretches of the Birkenhead Market Service Road for up to 3 hours. If the proposed TRO is agreed, these disabled stallholders will be restricted to only the hour they are now granted under the sublease.

The Grange and Pyramids Shopping Centre and Birkenhead Market Hall have requested the Council to introduce these restrictions to assist shop owners and their customers. No objections have been received from either organisation who represent the traders.

- 3.10 It is understood that a minority of careless drivers who do park in an obstructive way in the Birkenhead Market Service Road and that this can cause problems for commercial traffic wishing to load and unload. However, there are existing powers to traffic wardens and the Police to deal with such matters and the existing blue badge holders parking responsibly shouldn't be penalised for the actions of other drivers and forced to park elsewhere.

As this is a private road the existing bays within the Service Road are not currently subject to specific loading / unloading restrictions nor do they have compliant traffic signs / road markings. Wirral Council's Civil Enforcement Officers do not have powers to remove vehicles causing an obstruction.

- 3.11 Regulation 9 of SI 1996/2489 states that if a proposed TRO prohibits loading and unloading by vehicles of any class for a total distance of more than thirty metres out of fifty metres on one side of any length of road and an objection is made, then a public enquiry has to be held before making such an order.

As the modified TRO proposal includes the introduction of additional loading bays, the lengths of no waiting and loading at any time restrictions have been reduced, such that there would be no lengths of loading restriction greater than 30m in any 50m meaning the requirement for a public inquiry is not applicable.

- 3.12 Wirral Council has duties under various pieces of legislation (Equality Act 2010 etc) not to discriminate against the protected minority of disabled people in the way it carries out its procedures and policies. The TRO if agreed would prevent disabled shoppers in receipt of a blue badge parking in the Birkenhead Market Service Road.

Officers understand the objector's comments about equalities and note that the proposal would allow blue badge holders to park within the designated bays for loading and unloading purposes and exceptions would also apply to vehicles being driven by someone other than the badge holder for the purpose of picking up or dropping off the badge holder.

4.0 RELEVANT RISKS

- 4.1 The risks arising if this issue cannot be satisfactorily resolved may include impact on the servicing of existing businesses due to the lack of controlled loading facilities for traders and customers.

5.0 OTHER OPTIONS CONSIDERED

- 5.1 Take no action in relation to this issue. Obstructive / uncontrolled parking would continue to affect loading and unloading operations for traders and customers as outlined in 4.1 above.

6.0 CONSULTATION

- 6.1 As part of the consultation exercise for this scheme letters and large scale plans were delivered to The Grange and Pyramids Shopping Centre and Birkenhead Market Hall offices for public viewing.
- 6.2 In addition, consultation was undertaken with Party Spokepersons, Ward Councillors, Cycle Forum, Pedestrian Forum, Emergency Services, Freight Transport Association, Road Haulage Association and Merseytravel. Following receipt of the objection, discussions between the objector and Council Officers have taken place to try and resolve the objector's concerns. Those concerns have subsequently been carefully considered and are detailed in 3.5 – 4.0 above.

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 There are no specific implications under this heading arising from the recommendation of this report.

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 The cost of implementing the recommended waiting and loading restrictions is approximately £9500 and this will be funded by The Grange and Pyramids Shopping Centre and Birkenhead Market Hall.

9.0 LEGAL IMPLICATIONS

- 9.1 If the Highways and Traffic Representations Panel and Regeneration and Environment Policy and Performance Committee approve the authorisation of the scheme then a legal order will be introduced to implement the proposed waiting and loading restrictions, which will enable enforcement to be undertaken by Wirral Council's Civil Enforcement Officers.

10.0 EQUALITIES IMPLICATIONS

- 10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes – the impact review can be found at the link below.

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

- 11.1 There are no specific implications under this heading arising from the recommendation of this report.

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 12.1 There are no specific implications under this heading arising from the recommendation of this report.

13.0 RECOMMENDATION/S

13.1 The report recommends that the Panel note the objection and that the proposed traffic regulation order modification as shown on the attached drawing TD0615b1 be recommended to Regeneration and Environment Policy and Performance Committee for approval and implementation.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 The introduction of waiting and loading restrictions along Birkenhead Market Service Road will improve access for vehicles servicing the Grange and Pyramids Shopping Centre and Market Hall and prevent obstructive parking.

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APPENDICES

Appendix A – Plan TD0615b1 – Proposed Traffic Regulation Order Modification - Proposed Waiting and Loading Restrictions – Birkenhead Market Service Road, Birkenhead

BACKGROUND PAPERS/REFERENCE MATERIAL

- (i) Local Development Framework for Wirral which can be viewed at www.wirral.gov.uk/my-services/environment-and-planning/planning/local-development-framework
- (ii) Existing TRO which is held by the report author

BRIEFING NOTES HISTORY

Briefing Note	Date
None	

SUBJECT HISTORY (last 3 years)

Council Meeting	Date