

# Executive

## PARSONS STREET PEDESTRIANISATION SCHEME TRAFFIC REGULATION ORDER

11 May 2009

### Report of Head of Economic Development and Estates

#### PURPOSE OF REPORT

To confirm modifications to the revised draft Parsons Street/Market Place traffic regulation Order (TRO), Banbury and to progress amendments to the traffic regulations Orders for High Street, Broad Street and Butchers Row, Banbury and Sheep Street, Bicester.

This report is public
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#### **Recommendations**

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The Executive is recommended to:

- 1) Agree that the Bridge Street, Market Place, Cornhill and Parsons Street Traffic regulation Order, as modified on 2 March 2009, be made.
- 2) Agree that the Council enter into a revised agency agreement with OCC, authorising the Council to make the TRO as modified, and to promote amendments to the existing High Street, Broad Street and Butchers Row Banbury TRO, and the Sheep Street Bicester TRO, in order to ensure that the arrangements for the issue of exemption certificates are consistent.
- 3) Agree that the Council enter into an Agreement with OCC under s278 of the Highways Act 1980, authorising the Council to undertake the works for Parsons Street/Market Place, Bridge Street and Church Walk/Church Lane.
- 4) Promote amendments to the existing High Street, Broad Street and Butchers Row Banbury TRO, and the Sheep Street Bicester TRO, in order to ensure that the arrangements for the issue of exemption certificates are consistent.

## **Executive Summary**

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### **Introduction**

- 1.1 The Executive on 2 March 2009 resolved to modify the draft traffic regulation Order following the Inspector's Report in January 2009. Subsequently the modified Order was advertised and went out for 3 weeks of consultation, ending on 2 April 2009.
- 1.2 There was one verbal objection to the modifications. This was from Mr Davies at the Thai Garden restaurant in Parsons Street, regarding the deletion of the evening core period.
- 1.3 This report sets out the objection received, and indicates why it is recommended that the order be made as currently modified on 2 March.
- 1.4 The Council's existing agency granted by OCC relates only to the original draft order, and consequently a revised agency is required in order to make the modified order, and to make orders amending the other orders referred to, in order that they may be consistent so far as the provisions relating to exemption certificates are concerned.
- 1.5 The report also seeks approval to enter into an s278 Agreement with Oxfordshire County Council authorising the implementation of the physical works to be carried out on the highway in all the above affected areas.

### **Proposals**

- 1.6 That the Bridge Street, Market Place, Cornhill and Parsons Street Traffic regulation Order, as modified on 2 March 2009, be made.
- 1.7 That the Council enter into a revised agency agreement with OCC, authorising the Council to make the TRO as modified, and to promote amendments to the existing High Street, Broad Street and Butchers Row Banbury TRO, and the Sheep Street Bicester TRO, in order to ensure that the arrangements for the issue of exemption certificates are consistent.
- 1.8 That the Council enter into an Agreement with OCC under s278 of the Highways Act 1980, authorising the Council to undertake the works for Parsons Street/Market Place, Bridge Street and Church Walk/Church Lane.
- 1.9 To promote amendments to the existing High Street, Broad Street and Butchers Row Banbury TRO, and the Sheep Street Bicester TRO, in order to ensure that the arrangements for the issue of exemption certificates are consistent.

### **Conclusion**

- 1.10 Whilst there has been one objection to the modifications to the draft traffic regulation Order it is not seen as sufficient enough to outweigh the making of the TRO as modified. Although the Council originally resolved to include an evening core period when Parsons Street would be closed to traffic, in order to reflect the high percentage of evening economy businesses in the area, the inspector has recommended that this be omitted from the order. If the Council were not minded to accept the Inspector's recommendations, and wished to

proceed with the order including the evening core period, it would be necessary to seek the consent of the Secretary of State. He is likely to be concerned by any refusal to accept the Inspector's recommendations. The Inspector's view was that the implementation of the day time core period, the physical works to the street, and the no parking at any time provisions will be sufficient to create the improvements sought during the evening period. It is proposed therefore that the deletion of the evening core period be implemented, and in the event that the Council's objectives are not achieved, it will be possible to seek an amending order to introduce the secondary evening core period at a later date.

- 1.11 In order for the traffic regulation Order for Bridge Street, Market Place, Cornhill and Parsons Street to be implemented by Cherwell District Council an agency agreement is required with Oxfordshire County Council. In order for the physical works to be carried out to the highway an s278 is required with Oxfordshire County Council. This report seeks the authority of the Executive to enter into these agreements.
- 1.12 In order for the TRO in Parsons Street to take effect it also has to be accepted by Oxfordshire County Council and Cherwell District Council that Market Place car park will provide a circulation route for vehicles who have parked on the highway on Market Place and Bridge Street.
- 1.13 In order to facilitate the pedestrianisation works, parts of market place car park will need to be closed in a staggered approach.
- 1.14 In order to provide a space for the contractors' huts, a part of the southern section of North Bar car park will be closed for the duration of the pedestrianisation works.
- 1.15 Once the works have been completed and a new car park layout created any necessary amendments to the market place vehicle parks Order will be made.

## **Background Information**

- 2.1 Full details of the proposals were set out in my report to the Executive dated 2 March 2009.
- 2.2 It is proposed that tenders for the works be sought in April 2009 through to May 2009 so that a start can be made on site in early July 2009. The detailed programme for the works will not be finalised until a contractor is in place, following consultation with occupiers for premises in the affected streets, which is ongoing.

## **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 Whilst there has been one objection to the modifications to the draft traffic regulation Order for Parsons Street/Market Place Banbury, it is not seen as introducing any issues which have not been considered already.
- 3.2 The agency agreement with the County Council is required in order to make the new traffic regulation Order with modifications and to amend the existing Orders. A s278 Agreement is required in addition, as the agency agreement does not extend to carrying out the works on the highway.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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| <b>Option One</b> | Make the Traffic Regulation Order with modifications as presented to the Executive on 2 March 2009. Agree the agency agreement with the County and revisions to the existing traffic regulation orders in Banbury and Bicester and to enter into the s278 agreement with OCC. |
| <b>Option Two</b> | In light of the one objection, reject the earlier Inspector's recommendations, and ask the Secretary of State to make the Parsons Street order as originally drafted.   |

## **Consultations**

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| <b>Mr Davies</b> | There was one objection received to the statutory and public consultation undertaken from the 12 March to the 2 April 2009. This was from Mr Davies from the Thai Garden Restaurant on Parsons Street, with regard to the deletion of the evening core period. He felt that the evening core period was required to keep Parsons Street safe and useable by pedestrians in the evening. He was also concerned that the lack of the evening core period may also mean that there will not be any outside seating for restaurants, bars and pubs available |
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## Implications

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**Financial:** The matters set out in this report do not affect the capital budget of £2m set aside for this project. Under the s278 Agreement costs agreed at £4000 will be payable to OCC, but these costs can be contained within the capital approved.

Comments checked by Eric Meadows, Service Accountant 01295 221552

**Legal:** Should the Council choose not to accept the Inspector's recommendations, it is unlikely that the consent of the Secretary of State would be obtained unless valid grounds could be shown for not doing so. There would also be the risk of an application for judicial review being made by the objectors. The existing agency granted by OCC does not permit the making of the amended Order, or the proposed amending orders required for the other street mentioned in the report.

Comments checked by Malcolm Saunders, Senior Legal Assistant 01295 221692

**Risk Management:** Should the Council choose not to accept the Inspector's recommendations, there is a significant risk that the requirement to secure the consent of the Secretary of State will lead to delay to the project.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

## Wards Affected

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All wards in Banbury

## Corporate Plan Themes

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A District of Opportunity

## Executive Portfolio

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**Councillor Norman Bolster**  
Portfolio Holder for Economic Development and Estates

## Document Information

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Appendix No	Title
None	
Background Papers	
None	
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