

Executive

Parsons Street Pedestrianisation Scheme Traffic Regulation Order

2 March 2009

Report of Head of Economic Development and Estates

PURPOSE OF REPORT

To consider amendments to the draft Parsons Street/Market Place traffic regulation order.

This report is public

Recommendations

The Executive is recommended:

- (1) That the draft Parsons Street, Bridge Street and Market Place Order be amended to delete the evening core period between 8.00pm and 1.00am each day, in accordance with the Inspector's recommendation.
- (2) To amend the draft order to make it clear that the exemption for vehicles delivering mail extends to all Licensed Postal Operators, as defined by the Postal Services Commission, following de-regulation of postal services.
- (3) To vary the arrangements relating to the issue of residential exemption certificates issued to residents having private off-street parking spaces within the area, to enable them to have two certificates per space which can be used by residents or visitors.
- (4) To vary the arrangements relating to commercial exemption certificates similarly, so that two certificates can be issued in respect of each private business parking space.
- (5) To vary the arrangements relating to commercial exemption certificates issued to the owners of private business parking spaces, street and market traders, to entitle them to enter the pedestrianised areas during the core period, for the purposes of accessing their premises or stall.
- (6) To seek the County Council's authority to make an amendment order to amend the existing High Street and Sheep street Orders, to make similar provisions for commercial exemption certificates.

- (7) To make other minor adjustments to the wording of the draft order recommended by the Inspector to clarify the Council's intentions.
- (8) To advertise the Council's intention to make these amendments, and consider any objections received at a future meeting.

Executive Summary

Introduction

- 1.1 The Inspector appointed to consider the objections received to the Council's draft traffic regulation order has issued his report, and has made a number of recommendations.
- 1.2 This report sets out in some detail the recommendations received, and other issues which have arisen through the Inquiry process, and suggests amendments to the draft order.

Proposals

- 1.3 That the draft order be amended to omit the proposed evening core period.
- 1.4 That other amendments be made to assist the holders of exemption certificates, and ensure that market and street traders are able to continue to operate.

Conclusion

- 1.5 Whilst the Council 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. It is suggested that the no waiting at any time provisions in the order, together with the environmental improvements, will be sufficient to produce a safe and attractive environment, without unduly affecting residents and businesses who want to have vehicular access to the area during the evening. It is proposed that this change 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.

Background Information

- 2.1 Before deciding to make a draft traffic regulation order as part of the Parsons St environmental improvement scheme, the Council consulted the public and stakeholders on the provisions to be contained within the order. In particular, two alternatives were put forward for the pedestrianised period(s), firstly a daytime period between 10.00am and 4.30pm, and secondly, both a daytime core period as above and an evening core period between 8.00pm and 1.00am. The second option gained more support from those responding, and the Council's draft Order was made on this basis.
- 2.2 A public Inquiry was held in December to consider objections to the draft Order before an Inspector appointed by the Planning Inspectorate. The

Inspector's report has now been received, and he has recommended that the Council should amend the draft Order to omit the evening core period. His principal reasons are that he considers the evening core period would have an overly detrimental effect on residents living in the area, and bearing in mind the no waiting at any time provisions also contained within the order, that it is likely to be unnecessary. His advice is that the Council proceed on the same basis as in High Street, with a daytime core period only, and review the situation in the future. A copy of the Inspector's report is attached at annexe 1 to this report. It is proposed that the Council proceed as recommended by the Inspector.

- 2.3 A number of other minor amendments to the draft order were agreed at the Inquiry, in order to address objections presented, and these are summarised as follows:-
1. an amendment to the draft order to make it clear that the exemption for vehicles delivering mail extends to all Licensed Postal Operators, as defined by the Postal Services Commission, following de-regulation of postal services;
 2. to vary the arrangements relating to the issue of residential exemption certificates issued to residents having private off-street parking spaces within the area, to enable them to have two certificates per space which can be used by residents or visitors. Currently only one certificate is permitted, which makes it difficult for a visitor to use the space when a resident's vehicle is out;
 3. other minor adjustments to the wording of the draft order recommended by the Inspector to clarify the Council's intentions.

It also became clear during the Inquiry that there is a potential conflict between the times of the daytime core period, which extends until 4.30pm, and the terms of the market management contract, which does not require traders to remain on the market after 3.45pm. If the order were made as drafted, this inconsistency could prove problematical. The market operator, Hughmark, is now in administration, so an opportunity to renegotiate this contract exists, but it is unlikely that a 4.30pm time before which vehicles are allowed back into Market place will be acceptable to traders. Indeed, currently traders frequently pack up before 3.45pm, particularly in bad weather.

- 2.4 The situation so far as the monthly farmer's market is concerned is similar, as that market usually finishes very early in the afternoon. It is unlikely that traders would attend if they were unable to leave before 4.30pm.
- 2.5 In both cases it is felt that, in order to encourage these markets to continue, it will be necessary to amend the Order, to enable access by traders before the end of the core period.
- 2.6 A similar problem exists already with street traders operating in the currently pedestrianised areas in High Street and Butcher's Row, Banbury, and Sheep Street, Bicester. These traders are issued with Exemption Certificates, which allow them to leave the pedestrianised areas after 10.00am, but not to return before 4.30pm. In practice traders are not observing this restriction, and frequently return before 4.30pm to re-stock or pack up. In particular, the weekly market in Sheep Street is, in law, a street trading operation, and the traders are issued with these Exemption Certificates. It is not considered

practical to require these market traders to remain until 4.00pm, notwithstanding the terms of the existing order.

- 2.7 The proposed solution is to amend the draft Parsons St, Bridge St and Market Place order, so that exemption certificates issued to market and street traders legally entitle them to enter the pedestrianised area during the core period in order to access their stalls. As similar certificates are issued to businesses who have a private parking space, for consistency, this relaxation will also apply to them. However, the number of such spaces is very small, and it is not considered that this relaxation will undermine the aims of the order to produce a safe, attractive environment for pedestrians. Indeed, this change will address some of the objections received to the draft order. For consistency, it will be necessary to amend the existing High Street and Sheep Street orders. It will be necessary to secure the permission of the County Council to make such amending orders.
- 2.8 The scope of the amendments now proposed to the draft Parsons Street/Market Place order are such that it is necessary to undertake public consultation on the amendments, and to consider any objections received. However, as these changes make the effect of the order less onerous, further objections would not trigger the need to hold a further public inquiry. Also, the omission of the evening core period reduces the length of time during which the highway is to be closed to vehicular traffic sufficiently to remove the need to refer the order to the Secretary Of State for consent. If the evening core period continued to apply, this consent would be necessary.
- 2.9 Although it will not be possible to consider any further objections to the amended order, and confirm the order, until mid May, it is considered that there is sufficient certainty to proceed with the associated resurfacing and environmental improvement works, as planned. It is proposed that tenders for the works be sought this month, so that a start can be made on site in May. 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

- 3.1 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 advice.
- 3.2 If no amendments to the order are made to permit the markets to operate as they currently do, and the order does not allow traders to access market place until 4.30pm, it is considered likely that this will have a detrimental affect on the market.

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

- Option One** Accept the Inspector's recommendations, and amend the draft order as proposed, including amendments to the provisions relating to exemption certificates.

Option Two Reject the Inspector's recommendations, and ask the Secretary of State to confirm the order as drafted.

Option Three Accept the Inspector's recommendations, but make no changes to permit market traders into the area before 4.30pm.

Consultations

Various The responses received to the statutory public consultation undertaken when the draft order was published, were reported to the Executive in August 2008, when the draft order was confirmed.

Implications

Financial: The matters set out in this report do not affect the capital budget of £2m set aside for this project. If no alterations are made to address the issue of access by market traders, it is possible that the Council's income from the market may decline, but this cannot be quantified.

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. Under the terms of the agency agreement, the Council must consult with OCC on any proposed modification of the draft Order.

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. If the Inspector's recommendations are adopted, it will be necessary to re-consult on the amendments, and consequently the detailed design and procurement of the physical works will proceed before the order is in place. However the risk of an acceptable traffic regulation order not being made is sufficiently low to justify the continuation of this work.

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

Market Contract The Market contract is subject to a report to the Executive on 16 March 2009.

Exemption Certificates The application process for these will be tightened up to ensure clarity on legal entitlement and liability.

Access Control The Parson St environmental improvements will also include need for access control. Members have previously directed that a rising/sinking bollard system be included. Its management is being discussed with the Head of Urban and Rural Services. Members should be aware that there will be additional revenue cost implications that will need to be considered in the financial and service planning process.

Comments checked by Chris Rothwell, Head of Urban and Rural Services 01295 221712

Wards Affected

All wards in Banbury

Corporate Plan Themes

A District of Opportunity

Executive Portfolio

Councillor Norman Bolster
Portfolio Holder for Economic Development and Estates

Document Information

Appendix No	Title
Appendix 1	Inspector's Report
Background Papers	
None	
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