

Portfolio Holder Decisions

Friday 10 November 2023

Minutes

Attendance

Committee Members

Councillor Peter Butlin

Councillor Jan Matecki

1. Rugby CPE Var.7 - Central Park Drive

Resolved that the Portfolio Holder for Transport and Planning approves that the following proposed Variation Order be made as advertised:

“The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents’ Parking) (Consolidation) (Variation No. 7) Order 2023”.

2. S278 Application A423 Southam By Pass Aldi access

Resolved that the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following section 278, fully developer-funded, highway improvement scheme to the Capital Programme for 2023/24:

a) A423 Southam Bypass access bellmouth, ghost island and associated works for Aldi Store. Approximate value estimated at £ 1,086,400.

This page is intentionally left blank

Portfolio Holder Decision

The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 7) Order 2023

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	10 November 2023
	<p>Signed</p> 

1. Decision taken

- 1.1 That the Portfolio Holder for Transport and Planning approves that the following proposed Variation Order be made as advertised:

“The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents' Parking) (Consolidation) (Variation No. 7) Order 2023”.

2. Reasons for decisions

- 2.1 The statutory consultation upon the proposed Variation Order comprised of the following proposals which are shown on the accompanying plan which can be found in Appendix B:
- i.) No waiting at any time restrictions upon Castle Mound Way, Central Park Drive, Coton Park Drive, and Bryant Road, Rugby;
 - ii.) Limited waiting restrictions on Mondays to Fridays between 7am and 5pm, 1 hour, no return within 2 hours upon Central Park Drive; and
 - iii.) No stopping restrictions on Mondays to Fridays between 8am and 5pm on the school keep clear markings upon Central Park Drive.

- 2.2 Located on Central Park Drive, Rugby, are a number of industrial units, as well as a primary school. There are often multiple Heavy Goods Vehicles (HGVs) parked in the carriageway, with high volumes of traffic flow and short-term parked vehicles at school pick up and drop off times.
- 2.3 Double yellow lines have been installed previously on sections of Central Park Drive, but there have continued to be longstanding reports of traffic flow difficulties at peak times and issues around visibility when parked HGVs are present. Further double yellow lines were advertised in 2020 but withdrawn having received multiple objections, which were considered and upheld by the Portfolio Holder for Transport & Planning.
- 2.4 Following further correspondence with Councillors and other interested parties, revised proposals were informally consulted upon in May/June 2023, incorporating further double yellow lines and a 3 hour Limited Waiting restriction on the remaining available parking places.
- 2.5 96 responses were received to the informal consultation, of which 19 were not in favour. Approximately 80% were in favour, including some offering suggested minor amendments. A common theme amongst responses was concern that HGVs could still be present in significant numbers during the peak traffic times (both vehicular and pedestrian) around school opening and closing.
- 2.6 Taking into account the reasoning behind the majority of responses which were not in support, the proposals were revised further to replace the proposed 3 hour limited waiting with a proposed 1 hour limited waiting, with hours of operation as such that vehicles parking overnight would have to move on before school opening and could not arrive before school closing times.
- 2.7 The revised proposals were advertised and consulted upon in accordance with statutory procedure. A public notice was published in the Rugby Observer on 14 September 2023, with the consultation open until the 6 October 2023.
- 2.8 One objection was received during the statutory consultation which is detailed below along with an officer's response and recommendation.

Emails/letters	
Total objections	1

Ref	Objections and comments received	Total number of responses containing the comment
A	<p>The scheme is centred around Central Park Drive and may displace vehicles into other streets, specifically Castle Mound Way which already has issues with HGV parking.</p> <p>Whilst many lorry / van drivers are considerate, a number are not and they cause hazards for both pedestrians and drivers by blocking junctions, parking on both sides of the road and parking in locations which restrict visibility for traffic.</p>	1

Ref	Officer Comments
A	<p>The primary driver for proposals in and around Central Park Drive is on safety grounds, reducing conflict where HGVs are parked in areas which see substantial vehicular and pedestrian traffic at school opening and closing times.</p> <p>It is accepted that some vehicles may be displaced into nearby streets including Castle Mound Way, where there are lower levels of vehicular and pedestrian traffic. While this may increase demand for limited available parking places, drivers (including HGVs) still need to abide by the terms of the Highway Code, which states:</p> <p><i>“You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road. [Laws CSDPA sect 21 & RTRA sects 5 & 8]”</i></p> <p>In such a case the Police may issue a Fixed Penalty Notice or arrange removal / relocation of the vehicle.</p> <p>Following implementation, the effects of the introduction of waiting restrictions and parking places will be monitored, and should the need arise restrictions in other nearby streets could be considered subject to further Traffic Regulation Order consultation.</p>
Recommendations	
<p>It is recommended that the Portfolio Holder for Transport and Planning approves that the following proposed Variation Order be made as advertised:</p> <p>“The Warwickshire County Council (Borough of Rugby) (Civil Enforcement Area) (Waiting Restrictions, On-Street Parking Places and Residents’ Parking) (Consolidation) (Variation No. 7) Order 2023”.</p>	
Members Comments	
<p>Councillor Simpson-Vince engaged with the previous informal consultation and assisted with formulating the revised proposals as advertised.</p>	

3. Background information

- 3.1 The statutory criteria for decisions on making Traffic Regulation and Parking Orders are included as Appendix A.
- 3.2 Drawings showing the published proposals are in Appendix B.
- 3.3 A copy of the published Statement of Reasons can be found in Appendix C.
- 3.4 A copy of the objection received is available as background information in Appendix D.

4. Financial implications

- 4.1 All work (Traffic Regulation Order process and implementation) will be carried out within existing allocations from the Local Member's Delegated Budget.

5. Environmental implications

- 5.1 It is anticipated that the presence of waiting restrictions and parking places would not have a significant adverse effect on air quality, with no predicted increase in traffic volumes or noise levels as a result of the schemes.

Report Author	Phil Mitton philmitton@warwickshire.gov.uk,
Director	Scott Tompkins Director of Environment, Planning & Transport
Executive Director	Mark Ryder Executive Director for Communities
Portfolio Holder	Councillor Jan Matecki Portfolio Holder for Transport and Planning

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Members and officers consulted and informed

Portfolio Holder – Councillor Jan Matecki
 Corporate Board – Mark Ryder
 Legal – Serena Cammish, Caroline Gutteridge
 Finance – Caroline Jones, Andrew Felton
 Equality – Delroy Madden
 Procurement – John Hopper
 Democratic Services –
 Councillors – Leaders of the Party Groups
 Local Member(s): Councillor Jill Simpson-Vince

Portfolio Holder Decision

S278 Application A423 Southam By Pass Aldi access

Portfolio Holder	Portfolio Holder for Finance and Property
Date of decision	10 November 2023
	Signed 

1. Decision taken

That the Portfolio Holder – Deputy Leader (Finance and Property) gives approval to the addition of the following section 278, fully developer-funded, highway improvement scheme to the Capital Programme for 2023/24:

- a) A423 Southam Bypass access bellmouth, ghost island and associated works for Aldi Store. Approximate value estimated at £ 1,086,400.

2. Reasons for decisions

- 2.1 On 16th May 2023 Council reconfirmed the delegated power to the Leader, or body nominated by them, to approve the addition to the capital programme of projects costing less than £2.0 million, which are fully funded from external grants, developer contributions or from revenue.
- 2.2 Under the Constitution, the power is delegated onwards to the Portfolio Holder for Finance and Property.

3. Background information

3.1 A423 Southam Bypass - Proposed Aldi Store bellmouth access and associated works

A planning application was submitted to Stratford-on-Avon District Council by Aldi Stores Limited for the demolition of existing buildings and the erection of a Class E (Formerly Class A1) Food Retail Store, with associated highways access, car parking, servicing and landscaping.

- 3.2 Planning consent was granted (Ref 21/00070/FUL) on 11th April 2023 which stipulates that the development shall not be brought into use until access for vehicles, cycles and pedestrians has been provided from the public highway at

A423 Southam Bypass, as illustrated in drawing 19030-SK20220825.1, and public highway at A425 Banbury Road and C21 Banbury Road have been improved so as to provide improved access to the site.

- 3.3 The applicant / developer must enter into a Highway Works Agreement made under the provisions of section 278 of the Highways Act 1980 for the purposes of completing the works.

4. Financial implications

- 4.1 As the new highway assets which are being created through this scheme will come on to the Council's balance sheet once completed, the costs incurred by the Council need to be treated as capital expenditure.
- 4.2 Section 278 schemes are fully funded by developer contributions which are ring-fenced for the scheme described in the above. There are no alternative uses for the contributions and the addition of this scheme will not affect the overall level of available capital resources.
- 4.3 The applicant/developer has already committed to funding the technical review work by accepting the Council's fee estimates. The Council's fees for technical review are always collected in advance of the section 278 agreement being signed.
- 4.4 Procurement and subsequent award of construction contracts will only take place subject to the applicable section 278 agreement being signed, which will provide 100% of the funding. The section 278 agreement will also require the applicant / developer to provide a bond or cash security. The commencement of the works is dependent on the completion of the technical review, procurement, and contractor mobilisation processes. Any slippage or increase in costs due to changes in the scope of the works will be reported in the normal quarterly monitoring process.

5. Environmental implications

- 5.1 The environmental impacts of developer-funded highway schemes are considered through the planning approval process.
- 5.2 The contractors on the Council's Framework Contract for the Provision of Engineering and Construction Works are currently being evaluated. The new contract will demonstrate that all contractors hold a certificate of compliance with BS EN ISO 14001 (or equivalent) or have otherwise satisfactorily demonstrated their policies and arrangements for the management of construction-related environmental issues.

Report Author

Chris Harris, Paula Jobson
chrisharris@warwickshire.gov.uk,
paulajobson@warwickshire.gov.uk,

Director

Executive Director	Executive Director for Communities markryder@warwickshire.gov.uk
Portfolio Holder	Portfolio Holder for Finance and Property peterbutlin@warwickshire.gov.uk

Urgent matter?	No
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

Members and officers consulted and informed
<p>Portfolio Holder – Councillor Peter Butlin</p> <p>Corporate Board – Mark Ryder</p> <p>Legal – Caroline Gutteridge</p> <p>Finance – Andrew Felton</p> <p>Equality – n/a</p> <p>Democratic Services – Amy Bridgewater-Carnall</p> <p>Councillors – Warwick, Singh Birdi, Boad, Feeney and W Roberts</p> <p>Local Member(s): Cllr Andy Crump (Southam, Stockton & Napton)</p>

This page is intentionally left blank