



Our Ref: qA903695/1
Your Ref:

Date: 13 November 2012

Dear Sir/Madam,

**ROAD TRAFFIC REGULATION ACT 1984, SECTION 1.
SECRETARY OF STATE'S TRAFFIC ORDERS (PROCEDURE) (ENGLAND & WALES)
REGULATIONS 1990
THE A494 TRUNK ROAD (LOGGERHEADS, NR MOLD, DENBIGHSHIRE)
(PROHIBITION OF WAITING) ORDER 201-**

INTRODUCTION

1. The functions relating to Road Traffic Orders have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. The decision falls under the responsibility of Carl Sargeant, Minister for Local Government and Communities ("the Minister"), one of the Welsh Ministers.

BACKGROUND

2. These proposals follow representations made by Gwernymynydd Community Council who are concerned about people parking their vehicles on the footways adjacent to the carriageway when primarily visiting the Loggerheads Country Park. This indiscriminate parking both on footways and highway verge obstructs pedestrian movements and compromises road safety and up to 60 vehicles have been recorded as parking indiscriminately at peak weekends and over a 100 have been recorded on bank holidays. These parking restrictions would be in addition and enhance those currently in place by virtue of The Trunk Road (Loggerheads) (Prohibition of Waiting) Order 1976.

3. The draft Order was published on 19 May 2011 and in accordance with the Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations allowed 21 days for objections to be lodged.

SUPPORT

4. The initiative to publish the draft Order followed a request from Gwernymynydd Community Council which was supported by Darren Millar AM. Discussions were also held with representatives of Denbighshire and Flintshire County Councils and the Police prior to the publication of the draft Order with all intimating that they were supportive of the principle of introducing additional parking restrictions.

INITIAL OBJECTIONS

5. A total of 9 objection letters were received; 5 of which were from local residents fronting the highway; 1 from the local councillor o/b of these residents and 3 from local businesses. This included a petition signed by 161 customers of Caffi Florence. The main grounds of objection were:

i. Restricting parking in the lay-bys will affect the ability of local residents to park near their homes and customers to local shop.

ii. Will have serious impact on business of local shop.

iii. Will affect future of We Three Loggerheads Public House.

iv. Will affect viability of Café Florence.

vi. Restrictions should not be introduced until alternative provision has been provided at Loggerheads Country Park.

RESPONSE OF WELSH GOVERNMENT

6. Following consideration of the objections the layby restrictions have been reviewed and it is possible to remove these restrictions from the draft Order without compromising the safety intentions of the draft Order. The objectors were informed of this proposed modification and 6 objections were subsequently withdrawn leaving outstanding objections from one local resident and the proprietors of We Three Loggerheads Public House and Café Florence.

7. The Welsh Government is aware of the feasibility study instigated by Denbighshire's Countryside Services into future parking provision at Loggerheads which was written before the prohibitions subject to this Order were proposed. The Welsh Ministers have no powers to acquire land for parking spaces and responsibility for parking provision at Loggerheads Country Park rests with Denbighshire County Council (the Council). In light of the request that additional parking places be provided before the restrictions are brought in, the Welsh Government has asked the Council to consider again the issue of providing additional parking facilities at Loggerheads Country Park. While the Council have indicated they are looking at the feasibility of providing such facilities and are in the process of purchasing land to enable them to do so they advise that they still have to secure finance to proceed with the works.

8. In light of this response from the Council, the proposed restrictions have been reviewed adjacent to the quarry entrance and it is possible to also remove these from the draft Order, which will retain the current parking provision of up to 8 vehicles at this location.

9. The objectors' requests have been met as far as possible and to defer the other restrictions any further would compromise safety.

MINISTER'S CONSIDERATION AND DECISION

10. By virtue of the Secretary of State Traffic Orders (Procedure) (England & Wales Regulations) 1990, regulation 8 gives discretion as to whether to cause an inquiry to be held where there are objections. The Welsh Ministers therefore have the discretion to dispense with holding a public local inquiry, provided they are satisfied that one is unnecessary. In this case, while exercising that discretion the Minister has considered the nature of the objections and of the rebuttals given in response and concluded that he has sufficient information before him to give full consideration to the objections.

11. The Minister has a duty to monitor the safety of the trunk road network and gives high priority to schemes aimed at improving road safety. He has considered the published proposed restrictions and the objections to them and notes that these have been carefully addressed leading to the relaxations and modifications referred to in paragraphs 6 and 8 above. While the Minister notes the concerns of the proprietors of Café Florence and We Three Loggerheads Public House the issue of providing alternative parking is not one that falls within his responsibility and the current indiscriminate parking is not something he can continue to condone in view of the stated and accepted pedestrian and highway safety concerns.

12. Taking account of all the matters raised, including the proposed modifications that would meet the objections received in part, he is of the opinion that the proposed prohibition of waiting on this section of the A494 trunk road would improve safety for pedestrians and highway users generally. He is therefore satisfied that the safety benefits that the proposed modified Order would give, outweigh the outstanding points of objection. Consequently, he has decided to make the Order as advertised incorporating the modifications as reflected in paragraph 13. In reaching this decision the Minister has asked his officials to maintain contact with Denbighshire Council with regard to the issue of providing alternative parking particularly in light of the concerns of Café Florence and We Three Loggerheads Public House on this issue.

MODIFICATIONS

13. The draft Order will be revised to reflect the changes referred to in paragraphs 6 and 8 above. These changes are reflected in the Order schedule and are shown in the Annex to this letter.

MAKING OF THE ORDER

14. The Order will become operative on a date to be agreed by the Welsh Ministers, Denbighshire County Council and the Trunk Road Agency, which will be confirmed when the Public Notice announcing its making has been published.

RIGHT OF CHALLENGE

15. Within 6 weeks from the operative date, anyone aggrieved by the Order may apply to the High court and question the validity of the Order, or of any provision contained therein,

on the grounds:

- a) that the authorisation granted by the Order is not empowered to be granted
- or
- b) that his or her interests have been substantially prejudiced by failure to comply with any statutory requirements relating to the Order.

Yours faithfully

RICHARD MORGAN
Head of Asset Management and Standards

ANNEX

SCHEDULE

Lengths of the A494 Trunk Road at Loggerheads near Mold in the County of Denbighshire

That length of the northern side of the trunk road which extends from a point 60 metres east of the centre of its junction with the unclassified road to Cadole to a point 32 metres west of the centre of its junction with the said unclassified road.

That length of the northern side of the trunk road which extends from a point 15 metres east of the centre of its junction with the unclassified road Village Road to a point 33.5 metres west of the centre of its junction with the said unclassified road.

That length of the northern side of the trunk road which extends from a point 96.5 metres west of the centre of its junction with the unclassified road Village Road in a westerly direction for a distance of 895 metres

That length of the southern side of the trunk road which extends from a point 60 metres east of the centre of its junction with the unclassified road to Cadole to a point 54.5 metres west of the centre of its junction with the said unclassified road.

That length of the southern side of the trunk road which extends from a point 27 metres west of the centre of its junction with the unclassified road Village Road to a point 82 metres west of the centre of its junction with the said unclassified road.

That length of the southern side of the trunk road which extends from a point 107 metres west of the centre of its junction with the unclassified road Village Road in a westerly direction for a distance of 773 metres.