

**OFFICER DECISION REPORT - PEDESTRIAN CROSSING & DYL's
Traffic Regulation Order (TRO) and 'Notice'**

5a

OUTCOME OF TRO PROCESS – DECISION (following objections)

PREPARED BY: Traffic Management Team, Highways and Traffic Group

TITLE OF REPORT: A367 Fosseway South, Midsomer Norton

**PROPOSAL: Zebra Pedestrian Crossing & No Waiting At Any Time
Parking Restrictions (DYLs)**

SCHEME REF No: 26-041

REPORT AUTHOR: Lewis Cox

1. DELEGATION

*The delegation to be exercised in this report is contained within **Part 2 Section 2.35** of the Constitution under the **Delegations of Functions to Officers**, as follows:*

Section A	<i>The Chief Executive, Executive Director - Chief Operating Officer, Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility....”</i>
Section B	<i>Without prejudice to the generality of this, Officers are authorised to: serve any notices and make, amend or revoke any orders falling within their area of responsibility.</i>
Section D	<i>An Officer to whom a power, duty or function is delegated may nominate or authorise another Officer to exercise that power, duty or function, provided that Officer reports to or is responsible to the delegator.</i>

For the purposes of this report, the Director of Place Management and the Head of Highways Delivery hold the delegated power to make, amend or revoke any Orders.

2. LEGAL AUTHORITY

This proposal is made in accordance with the Road Traffic Regulation Act 1984, which under Section 23 enables local highway authorities to establish crossings for pedestrians.

This proposal is also made in accordance with the Road Traffic Regulation Act 1984, which under Section 1 provides, generally, for Orders to be made for the following reasons, and in the case of this report specifically for the reason(s) shown below:

(a)	for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or	X
(b)	for preventing damage to the road or to any building on or near the road, or	
(c)	for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or	X
(d)	for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property,	
(e)	(without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or	
(f)	for preserving or improving the amenities of the area through which the road runs, or	
(g)	for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)	

3. **PROPOSAL**

To introduce a new zebra pedestrian crossing on the A367 Fosseway South, Midsomer Norton.

To introduce 'No Waiting at Any Time' parking restrictions in the vicinity of the proposed zebra pedestrian crossing.

The proposals are shown on the attached drawing TCN001/02/100.

4. **REASON**

Please refer to the Statement of Reasons.

The Council has had in mind and discharged the duty (as set out in section 122(1) of the Road Traffic Regulation Act 1984) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable. It has also had regard to the factors which point in favour of imposing a Zebra Pedestrian Crossing and No Waiting At Any Time parking restrictions. It has balanced the various considerations and concluded that it is appropriate to promote these measures. The Council has also considered and discharged its network management duty under section 16 of the Traffic Management Act 2004. It has concluded that the proposed Zebra Pedestrian Crossing and No Waiting At Any Time parking restrictions are consistent with that duty, having regard to its other policies and objectives.

5. IMPACT ON EQUALITIES

An Equality Impact Assessment has been undertaken in relation to the introduction of pedestrian crossing facilities, which is available upon request. The Council has had due regard to the needs set out in section 149(1) of the Equality Act 2010. It considers that the proposal is consistent with the section 149 public sector equality duty, which it has discharged.

6. IMPACT ON HUMAN RIGHTS

The proposals are considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property). However, the Council is entitled to affect these rights where it is in accordance with the law, necessary (in the interests of public safety or economic well-being, to prevent disorder and crime, to protect health, or to protect the rights and freedoms of others), in pursuit of a legitimate aim and proportionate to do so. The proposal(s) within this report are considered to be in accordance with the law, necessary, in pursuit of a legitimate aim and proportionate.

7. SOURCE OF FINANCE

This proposal is being funded through a Section 106 legal agreement via developer Barrett Homes.

8. CONSULTATION REQUIREMENT

The proposal requires consultation with the Chief Constable, Emergency Services, Road Haulage Association, Freight Transport Association (Logistics UK), Parking Services, Waste Services, Ward Members and the Cabinet Member for Sustainable Transport Delivery.

The responses to the informal consultation can be found in TRO report number 3.

9. OBJECTIONS / COMMENTS RECEIVED (following the public advertisement of the proposal(s))

One objection has been received, which is shown below, along with an officer response underneath.

Whilst I appreciate the Council's desire to improve pedestrian safety, I am concerned that the current proposal will in fact create a major road safety risk by materially affecting safe vehicular access to and egress from my property, number 16. The proposal appears to remove the ability for me to adhere in full to Highway Code rules 191 and 201, forcing a dangerous manoeuvre, detailed below my other observations. This issue may not be limited to just my property, so council engagement with other residents about this specific risk is essential.

The proposal also fails to provide a continuous safe passage for pedestrian traffic to the local amenities such as the Co-operative shop, or to one of the largest local schools to the new housing developments (Westfield Primary), Figure 1. Crossing Charlton Road remains a challenging task for pedestrians, with poor visibility of imminent traffic from the A367, parked vehicles outside the corner shop, buses stopping and the subsequent passing of these buses by other motorists. A pedestrian crossing near the two bus stops on Charlton Road would add greater value for pedestrians than the proposal's crossing, as well as improving the transport links to nearby cities, with the hopeful possibility of reducing individual vehicular commuting.

Currently, crossing the A367 at the roundabout is not a challenging task, as there are sizeable pedestrian refuge points, the visibility of traffic is good in all directions, and road users on the A367 and Charlton Lane can clearly see waiting pedestrians, Figure 2.

Furthermore, traffic at the roundabout is much slower than at the proposed crossing site.

It is noted the proposal reduces parking facilities in the layby. These are regularly used for school collections and residents' family/visitors. Reduction of these facilities will force further over-crowding in side streets and nearby junctions.

Installation of zig-zag markings in close proximity to a roundabout creates a challenge for delivery drivers, particularly for large parcels and deliveries, and especially any oversized or palletised goods such as building/DIY materials – not an unexpected, unreasonable, or irregular occurrence for the upkeep and aspiring modernisation of older properties.

A problem may also be created for public service vehicles such as black bin and recycling collection lorries if they are unable to stop on zig-zag markings or the crossing. Even stopping close to the crossing reinforces the roundabout pedestrian refuge points as a safer crossing option, as vehicles are unable to pass such lorries there on the wrong side of the road.

Visibility from driveways will be reduced with the additional road furniture, with flashing beacons causing an additional distraction, particularly at night, as well as creating light pollution for residents. Please confirm the beacons will be shielded to avoid light entering property windows.

The positioning of the crossing will cause additional and unwanted traffic noise. Heavy Goods Vehicles (HGVs) that have exited Charlton Lane and the roundabout will be accelerating, only to then immediately start braking on seeing pedestrians waiting to cross. HGVs moving off from a standstill right outside residential properties is not desirable, and the additional vehicle emissions (such as exhaust and brake dust) will reduce air quality. Please confirm the road surface will be strengthened to avoid degradation.

Property Access and Egress: At present, the existing road layout allows me to safely enter and leave my property in a manner that avoids unnecessary reversing movements onto the carriageway, fully complying with Highway Code Rule 201 – reverse in, drive out. Under the proposed arrangement, the zebra crossing and associated zig-zag controlled area will prevent vehicles from reversing onto my driveway – stopping/waiting on zig-zag lines being in breach of Highway Code Rule 191 (to conduct a reversing manoeuvre, it is sometimes necessary to stop completely and wait for a gap in oncoming traffic).

Whilst having to drive in is an inconvenience in a car, particularly in wet winter months when there is insufficient tarmac driveway to turn around without then dragging mud and grass out onto the pavement, road and crossing; the problem is far greater when dealing with a trailer which cannot physically be turned around on the property if driven in. An inability to legally reverse onto my driveway would leave me with no means of leaving the property other than reversing out blind across, and/or into the immediate approach to, a pedestrian crossing. That outcome would, in my view, create a major hazard for pedestrians, passing traffic and users of my driveway, but would be my only option. My concern is therefore not one of convenience, but of absolute road safety and the risk of conflict between vehicles and pedestrians arising from the proposed layout and the adverse impact it has on access to premises. In support of this representation, I ask the Council to consider the interaction between the proposal, and the Highway Code rules relevant to zebra crossings and reversing manoeuvres, including the requirement to keep zebra crossing controlled areas clear, and the general safety concern associated with residents reversing onto a main road. I am particularly concerned that the proposal may remove the ability to carry out the safest available manoeuvre and instead force a more dangerous one, causing significant and unnecessary stress for all involved. I respectfully request that, in addition to the queries, the Council:

1. Reassess the exact position and layout of the proposed crossing and its zig-zag markings in relation to residential property access.
2. Confirm whether the design has specifically considered the access requirements of residents whose driveways may be directly affected, and if so, what prompt mitigations are available given the desire for works to be conducted this summer.
3. Provide a copy of the relevant Stage 1 Road Safety Audit and confirm the Stage 2 Audit when conducted will explicitly account for the risk of a vehicle and trailer being forced to reverse out of 16 Fosseway South so close to the proposed crossing-controlled zone.
4. Consider whether the proposal offers the greatest enhancement to pedestrian safety in the local area, and consider relocating, amending, or otherwise redesigning the proposal so that pedestrian safety is not lowered from the current state¹ by the subsequent vehicle access hazard created.
5. Provide a copy of the Equality Impact Assessment

6. Confirm how many years maintenance will be funded by Barret Homes, see Annex C for examples of likely wear and tear.
7. Confirm the exact design proposal. The drawing on the online public consultation, dated 18th March at Revision '–' differs to that provided to residents dated June 2026 at Revision A. Please confirm why the difference, and which drawing has been shared with those whom have already provided comment. A crossing sited nearer to the new housing developments, with full-length paving on the East/Southbound side of the A367 would provide a more useful and safer alternative to the current proposal, example locations are shown at Annex A. As previously mentioned, a crossing on Charlton Road is likely to see far greater usage and be a better financial investment for pedestrian safety.

Please confirm receipt of this letter/email and advise me of any next stage in the consultation or decision-making process. I would welcome the opportunity for a site specific review if that would assist the Council in understanding the practical effect of the proposal on access to my property.

Officer response:

The Council recognises the importance of ensuring that any highway improvements balance the needs of pedestrians, residents, and road users.

Regarding the potential impact of the proposed crossing and associated zig-zag markings on access to your property, particularly in relation to reversing manoeuvres and compliance with the Highway Code, we note that Rule 191 of the Highway Code states that no parking is permitted within the zig-zag road markings. However, waiting to turn or reverse as advised in Rule 201 is not in breach of the Highway Code. The zig zag markings are installed to protect the required visibility to the crossing point.

The scheme design has considered access requirements, and a swept path analysis has been carried out for a vehicle travelling north-east and then reversing into your property. This demonstrates that vehicle manoeuvres will not impact the crossing point. Visibility when exiting your property has been assessed at 2.5 metres back from the edge of the carriageway, and 70 metres visibility in both directions is achieved, which meets the required standard.

The proposed beacon pole would not be considered an obstruction within the visibility splay. In addition, the proposed beacons and floodlighting will be fitted with shields to minimise light spill to nearby properties.

The primary objective of the scheme is to improve pedestrian safety and accessibility in the area. Your comments regarding pedestrian desire lines, particularly towards local amenities and Charlton Road, have been noted. However the proposed zebra crossing is intended to serve pedestrians travelling north to the school from the new development, and the selected location is on this desire line.

Providing a crossing nearer to the development would require a substantial length of new footway, which is beyond the scope of the current project. The existing pedestrian refuges are considered unsuitable for children crossing the A367, and a zebra crossing is therefore deemed a more appropriate solution.

A 50-metre length of buff high-friction surfacing will be laid on each approach to the proposed zebra crossing. High-friction surfacing reduces braking distances and skidding and is proven to reduce accidents. The existing road surface is in good condition; therefore, full carriageway resurfacing will not be carried out.

The general arrangement was revised to A 'issued for information' for the letter drop and shows the same design layout as the previous drawing.

Note: the above was issued by the scheme engineer when the objection was received, along with responses to follow-up questions which included queries regarding the relevant legislation and the proposed crossing layout.

10. ADDITIONAL COMMENTS FROM WARD MEMBERS AND CABINET MEMBER FOR SUSTAINABLE TRANSPORT DELIVERY (in response to the above)

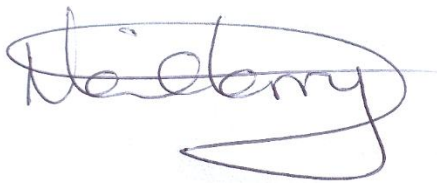
Councillors and Parish Council – No additional comments received.

Cabinet Member for Sustainable Transport Delivery

Councillor Lucy Hodge - I have reviewed the Officer's comments in the report and support this proposal for a zebra crossing to enable active travel.

11. RECOMMENDATION

That the proposal as advertised is implemented.

A handwritten signature in blue ink, appearing to read 'Neil Terry', with a stylized flourish at the end.

Neil Terry
Traffic Management & Network Manager

Date: 09/09/2026

12. DECISION

As the Officer holding the above delegation, I have decided that the objection / comment be not acceded to and the proposal as advertised be implemented.

The Council's policy framework has been used as the basis to develop the scheme with full engagement with stakeholders across the area.

I further note that the issue of deciding whether to implement any scheme is a matter of broad judgement, taking into account the wider transport and climate aims of the Council rather than a purely mathematical analysis on the numbers of positive or negative responses.

The arguments both for and against the scheme were clearly identified and were considered fully as part of the decision-making process before I made the final decision as set out above.

A handwritten signature in black ink, appearing to read 'Chris Major', with a large, sweeping flourish at the end.

Chris Major
Director for Place Management

Date:09/09/2026