

## Bath & North East Somerset Council

DECISION MAKER:	Cllr Manda Rigby, Cabinet Member for Highways		
DECISION DATE:	Not before 29 November 2024	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	3524
TITLE:	Residents' Parking Zones: Experimental Traffic Regulation Order (ETRO) for additional visitor parking in Oldfield Park and Westmoreland		
WARD:	Oldfield Park and Westmoreland		
<b>AN OPEN PUBLIC ITEM</b>			
<b>List of attachments to this report:</b>			
Appendix A: Plans showing locations of additional parking bays as part of the ETRO			
Appendix B: Public consultation responses			
Appendix C: Analysis on the use of the additional parking bays			

### 1 THE ISSUE

- 1.1 After extensive consultation, a Traffic Regulation Order (TRO) to implement a Residents Parking Zone (RPZ) for Oldfield Park and Westmoreland was made in December 2022. Representation from the local community requested adjustments to the final design to mitigate any impacts of the scheme on local businesses and organisations within the community.
- 1.2 In responding to these requests, an Experimental Traffic Regulation Order (ETRO) was introduced on 31 August 2023, to coincide with the enforcement of the RPZ. The aim of the ETRO was to trial approximately 60 additional dual use bays (which could have unlimited use for residents with parking permits and be used by visitors within a time limit) and limited waiting bays (where all users are subject to a time limit) in the zone. The additional bays are located close to key organisations such as churches, GP surgeries and retail areas (Appendix A). In tandem, temporary parking permits were made available to businesses to support them in adapting to the RPZ, whilst it embedded.
- 1.3 A decision must now be made on whether the trial should be made permanent and incorporated into a Traffic Regulation Order for the RPZ.

## **2 RECOMMENDATIONS**

### **The Cabinet member is asked to;**

- 2.1 Note the information provided in the above appendices relating to the public consultation responses and analysis on the use of the additional parking bays.
- 2.2 Based upon the above information, confirm the support of the Cabinet Member to make the scheme permanent as soon as possible. If support is given, this will be reflected within the formal statutory TRO decision-making process, noting that the final sign-off is via a delegated decision made by the Director of Place Management within which the Cabinet Member and ward members will have the opportunity to give formal comment.
- 2.3 Note that a review of the temporary parking permits will take place by March 2026.

## **3 THE REPORT**

- 3.1 Following the creation of a TRO to implement a RPZ in Oldfield Park and Westmoreland, the council received representations from businesses and community organisations about the possible detrimental impact of the RPZ. Organisations were concerned that commuting staff and volunteers who required their vehicle for work would struggle to find adequate parking for the required period of time. This could then have a detrimental impact on staff retention, recruitment and access to their organisation.
- 3.2 Following collaborative working with the Oldfield Park Community Alliance and local ward councillors, it was agreed to introduce an ETRO to trial approximately an additional 60 parking bays (Appendix A) which would be designated for dual use and limited waiting to coincide with the launch of the Residents Parking Zone on 31 August 2023.
- 3.3 During the 6-month public consultation period (31 August 2023 - 29 February 2024), feedback from the public was collected via an online survey and also paper copies which were distributed throughout businesses and organisations in the area (survey analysis is shown in Appendix B). Data was also collected on the use of the additional bays (analysis is shown in Appendix C).
- 3.4 The public consultation shows that the majority of respondents in all categories supported making the trial bays permanent.
- 3.5 An exercise to monitor the usage of the additional bays was completed over 6 days (including both weekday and weekends) throughout a period of 4 months (from November 2023 until January 2024). Whilst this monitoring can be considered as indicative, it has demonstrated that all the bays were utilised, with most consistent usage being in the bays located in Lower Oldfield Park.
- 3.6 Upon the introduction of the RPZ and in response to concerns from businesses, temporary parking permits were provided to retail and hospitality businesses in the RPZ to support their staff, who commuted to their place of work and required parking for a vehicle in the RPZ. These permits are intended to be

temporary in nature and a review of their ongoing usage will take place by March 2026.

#### **4 STATUTORY CONSIDERATIONS**

- 4.1 The additional parking bays have been introduced using a ETRO which has allowed public consultation to be undertaken whilst the scheme is trialled. Once an ETRO comes into force, there is a six-month period in which objections can be made. If the ETRO is subsequently modified, objections can be made in this period starting from the date of the changes. The decision to remove the ETRO or make the intervention permanent must be made within 18 months of initial implementation. If the ETRO is to be made permanent, a TRO notice will then need to be made.
- 4.2 A public inquiry could be required, depending on the nature of the objection, if it is received within the first six months of making the ETRO and not withdrawn, and the authority intends to make the order permanent without any modifications to address it. Making modifications or the withdrawal of the objection following correspondence with the objector will remove the need for an inquiry.
- 4.3 Should a decision be made to make the ETRO permanent with consideration of all objections, it would be made under a new TRO. If this happens, the Council will make any permanent order (which gives effect to the ETRO) in accordance with Regulations 6,7,8,16 and 17 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, as opposed to the abridged procedure set out in Regulation 23 in relation to ETROs.
- 4.4 This means that any person wishing to object to the permanent order can do so in accordance with Regulation 8 and/or bring a Judicial Review claim within six weeks of the Traffic Regulation Order being made under Part IV Schedule 9 Paragraph 35 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 4.5 It must be noted that whilst Cabinet Member support is a key part of the decision-making process, there are other factors that influence the decision, and final confirmation cannot be given until the statutory process referred to in para 4.1 is completed.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 Funding to implement and complete the ETRO process has been sourced from within Council revenue budgets. The operation of the RPZ will generate income for the Council which is ringfenced to support transport related schemes.

#### **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

## 7 EQUALITIES

- 7.1 Equalities impacts are assessed both at a programme level and from the preliminary design stage, as part of the individual scheme design process.
- 7.2 A programme level joint equalities impact assessment has been developed for the Liveable Neighbourhoods and Resident’s Parking Zone programmes. This is available here <https://beta.bathnes.gov.uk/equality-impact-assessments> under the 2024 section and entitled ‘Overarching Liveable Neighbourhood EIA’.
- 7.3 In addition, a specific equalities impact assessment has been developed for the RPZ and is published with this report. It will also be made available at the above link.

## 8 CLIMATE CHANGE

- 8.1 A Climate Emergency was declared in March 2019 along with an Ecological Emergency in July 2019. In response to this B&NES Council has pledged to achieve carbon neutrality by 2030. Liveable Neighbourhoods are part of a package of measures to mitigate the climate crisis through the adoption of more sustainable and healthy transport options.
- 8.2 Permits available to residents that authorise them to park their vehicles within designated spaces within the RPZ area are chargeable based on the vehicles emissions to improve air quality. As noted in the National Air Quality Strategy, measures designed to address air quality issues will often have a positive effect on climate change.
- 8.3 Whilst emission-based permit charges are not justified on climate change grounds, it is anticipated that charges, which are designed to (1) improve air quality in order to secure the safer movement of pedestrian traffic on the highway, and (2) meet traffic management purposes, will also reduce the level of emissions that drive climate change, as a result, for example, of encouraging a switch to low emission vehicles or more sustainable modes of transport.

## 9 OTHER OPTIONS CONSIDERED

- 9.1 None.

## 10 CONSULTATION

- 10.1 Consultation has been undertaken with the Director of Place Management, together with the relevant Cabinet members and Cabinet project lead.
- 10.2 This report has been agreed by the s151 Officer and Monitoring Officer.

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<b>Background papers</b>	None
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