

OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

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APPROVAL TO PUBLICLY ADVERTISE THE TRO

PREPARED BY: Traffic Management Team, Highways and Traffic Group

TITLE OF REPORT:	Oldfield Park and Westmoreland, RPZ 28
PROPOSAL:	Additional Limited Waiting Parking Provision
SCHEME REF No:	24-039
REPORT AUTHOR:	Traffic Management Team / KG

1. DELEGATION

The delegation to be exercised in this report is contained within **Part 3, Section 4** of the Constitution under the **Delegation of Functions to Officers**, as follows:

Section A	The Chief Executive, Strategic Directors, Divisional Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility....”
Section B	Without prejudice to the generality of this, Officers are authorised to: serve any notices and make, amend or revoke any orders falling within his/her area of responsibility.
Section D9	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.

For the purposes of this report, the Director of Place Management and the Head of Highways Delivery holds 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 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	
(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	
(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	X
(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**

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.

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 additional dual use (Permit Holder / Limited Waiting Bays) and dedicated Limited Waiting only parking bays for between 2 and 3 hours, for visitors to local businesses and organisations on a number of streets within the Oldfield Park / Westmoreland Resident Parking Zone 28 area as indicated on **Appendix A** and **Appendix B** plans attached.

These proposals were advertised via an Experimental Traffic Regulation Order (ETRO) 23-021. The ETRO process included a six-month public consultation period to receive feedback about the scheme. During this time, anyone could raise comments, objections or statements of support regarding the scheme.

The key benefit for a local authority in using the ETRO process is so that restrictions can be trialled in a live environment on the ground and an assessment made of their effectiveness after the initial 6-month consultation period has concluded. The authority can then make the best-informed decision possible whether to make the restrictions permanent or not.

The feedback received from the 6-month public consultation of ETRO 23-021 which ran between the 31st August 2023 to the 3rd March 2024 was consolidated within Single Member Decision Report E3524 which was considered by Cabinet Member for Highways, Councillor Manda Rigby on the 2nd December 2024. The decision was taken to provide people with further opportunity to comment ahead of a final decision being made whether to make these proposed parking restrictions permanent.

This TRO consultation 24-039 will provide members of the public with a further 21-day consultation period to make comment on the additional Limited Waiting parking provision in Oldfield Park and Westmoreland, which is currently still in place on an experimental basis under the provisions of the ETRO which has a life span of up to 18 months unless revoked, amended or made permanent. The ETRO expires on the 1st March 2025. If the decision is taken to approve and seal the proposed restrictions contained within this TRO consultation (24-039) then this TRO will come into force on the day the ETRO expires.

All comments from this consultation will be collated within a final report for consideration by the Director of Place Management who will make the final decision whether to abandon, reduce or approve these proposed limited waiting parking bays.

4. REASON

Please also refer to the separate Statement of Reasons (SOR) document attached to this report.

Resident Parking Zone 28 was one of seven RPZs introduced in Bath as part of the council's Liveable Neighbourhoods programme in 2022/23.

The purpose was to reduce commuter parking, prioritise parking for residents, and ensure there is adequate short-term parking available to support local businesses.

RPZs also support wider council policies (including the council's Journey to Net Zero ambitions) that aim to reduce vehicle emissions, encourage the use of public transport, reduce congestion, and ensure fair consideration and street space is given to those that wish to walk, wheel or cycle.

The original Traffic Regulation Order for the Oldfield Park and Westmoreland RPZ28 was sealed on 8 December 2022. It followed a formal TRO public consultation in June 2022.

Since the TRO was sealed, the council received requests from the community and ward members/councillors to provide more short-stay bays for visitors/customers who are unable to purchase permits because they do not live in the zone.

The council recognised the importance of providing parking for people visiting the local shops, GP surgery, faith and community groups, and agreed to accommodate the community's wishes on a trial basis using an Experimental Traffic Regulation Order (ETRO).

The feedback received from members of the public during the 6-month consultation of this ETRO was considered via the Single Member Decision (SMD) process as seen in Appendix 1. The decision was taken to allow the trial Limited Waiting restrictions to remain in situ for the remainder of the ETRO life span which runs until

the 1st March 2025 and carry out a further consultation process via the Traffic Regulation Order (TRO) process providing the public with a further opportunity to comment or make objections to the additional Limited Waiting parking provision after considering the feedback from the ETRO consultation and Officers responses in the Single Member Decision Report E3524 (Appendix 1).

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 additional dual use (Permit Holder / Limited Waiting Bays) and dedicated Limited Waiting only parking bays for between 2 and 3 hours, for visitors to local businesses and organisations on a number of streets within the Oldfield Park / Westmoreland Resident Parking Zone 28 area. It has balanced the various considerations and concluded that it is appropriate to promote these restrictions via this TRO. 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 additional Limited Waiting parking provision is 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 additional Limited Waiting parking provision 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 proposed Order 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

The proposal is being funded through the Oldfield/Westmoreland RPZ budget code: TC9012S18.

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 Highways.

9. INFORMAL CONSULTATION FEEDBACK

Chief Constable

It is understood that, unlike Traffic Regulation Orders, Experimental Traffic Regulation Orders invite feedback from consultees within 6 months of their introduction, and I will circulate the attached to my operational colleagues for any feedback they may have, to enable an informed response on behalf of the Chief Constable.

Enforcement of waiting restrictions within the Bath and North East Somerset Council area rests with Bath and North East Somerset Council Parking Services. Consideration regarding the potential displacement of existing parking, and the enforcement needs of these proposed restrictions should be of importance.

Emergency Services

No comment.

Road Haulage Association

No comment.

Freight Transport Association

No comment.

Parking Services

No comment.

Waste Services

No comment.

Ward Members:

Oldfield Park:

Cllr Ian Halsall – No comment.

Westmoreland:

Cllr June Player – Councillor Blackburn and I agree that the 24-039 - Oldfield Park

and Westmoreland, RPZ 28 TRO be made permanent as is. We are, however, concerned about the temporary permit situation as we have recently discovered that our local church has had 1/2 of its permit provision reduced which we were not informed about from the Council, and which is causing concern and worries for this church.

The five-day reply period given on this matter has made us unable to contact all the businesses and organisations in time for a proper response however, we do know that there is further concern amongst other businesses and organisations about these permits in our Ward. We feel delaying the decision about the permit provision is far from acceptable as it is causing a lot of uncertainties and fears.

We notice that the tweaks we requested have not been done but are reassured by Paul Garrod that they will be picked up separately.

Response: As stated in the recent Single Member Decision (E3524), para 3.6, upon the introduction of the RPZ and in response to concerns from businesses and organisations, temporary parking permits were provided to retail, hospitality and other organisations to assist in them adapting to the introduction of the RPZ. A review of their ongoing usage and whether they will continue to be provided in the future, will take place by March 2026. This decision is entirely separate to the TRO process.

As part of the operational management of the permits, the Council will monitor their ongoing usage and ensure that an appropriate number of permits are provided to meet the needs of each business and organisation.

Cllr Colin Blackburn – As above.

Cabinet Member for Highways:

Cllr Manda Rigby – No comment.

10. RECOMMENDATION

As no significant objections and/or comments have been received following the informal consultation described above, the public advertisement of the Traffic Regulation Order should progress.



Paul Garrod
Traffic Management & Network Manager

Date: 6th January 2025

11. DECISION

As the officer holding the above delegation, I approve the progression of this Traffic Regulation Order.

A handwritten signature in black ink, appearing to read 'Chris Major', is written over a light grey rectangular background.

Chris Major
Director for Place Management

Date:07/01/25