

OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

5a

OUTCOME OF TRO PROCESS – DECISION (following objections)

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.

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))

The objections received have been summarised with the technical responses below. Full responses and supporting comments can be found in the attached **Appendix 2**.

Wholly Object– 6, Partially Object– 2, Neither– 1, Partially Support– 2, Wholly Support– 5,

Objections main points raised:

- I object to the removal of the dual use bays in Oldfield Lane, which are proposed to be permanently replaced by 3hr stay only bays. The current parking provision for residents in Second Avenue is such that it is often the case that a number of residents' cars need to be parked in Oldfield Lane and having these spaces also available to residents, as was originally proposed and consulted on, would be very helpful. It is also the case that they would be very helpful as occasional overspill parking options for our temporary guest permit holders. The current limitation of these bays to 3hrs only means that they often stand empty for significant portions of the day. I do not believe that making these bays dual use, as was originally proposed, would significantly reduce the amount of bays available to non-permit holders, but it would ease the occasional lack of spaces in Second Avenue for resident permit holders - after all, it is a Residents Parking Zone and was put forward by yourselves as a means of improving the availability of parking for the residents.
- Our impression in Second Avenue is that the parking available in the avenue itself is about the same as before but our occasional fallback spaces nearby in that part of Oldfield Lane are no longer available to us, so our parking provision overall is actually a little worse than before the scheme was implemented, which I'm sure wasn't the council's intention. I am also aware that some neighbours have received fines for parking in these spaces, not having realised that the RPZ scheme had not been implemented in accordance with the original proposals.
- I object to the 3hr free parking places outside 6-13 St Kilda's Road. These spaces should revert to resident permit holders only. The reasons are that they attract traffic / creates disturbance and pollution when shoppers' vehicles access these spaces. Additionally, the lower part of St Kilda's Road is used by residents of 1-5 St Kilda's Road who don't have spaces directly outside their homes. That part of the road is also used by residents of the flats on Moorland Road and homes on Beckhampton Road who only have parking on one side of their road. Since the ETRO the co-op car park is now back in service and

available to shoppers so there are plenty of alternative parking spaces for shoppers.

- I object to this as we are already struggling to park in the spaces, we have been forced to pay for by having a permit. There are a lot of students using spaces as well as traders. I accept that traders need to be able to use for their work but, given the nature of the one-way system, we are used heavily, there are at least 8 who use our road daily. It is often impossible to park after 3pm once free places kick in as they know they will not be caught. It would be fairer if these free spaces were allocated amongst all roads.
- I'd like to know how the proposed 3-hour zones would be policed, particularly the "no return within an hour" part. I rarely see any traffic wardens in the area. Are there any statistics available on how often the zones are checked?
- The experimental time limited parking bays have demonstrated that it badly affects residents of St Kilda's Rd, often making it difficult to find parking near their homes. This particularly impacts families at the lower end of the road but has a knock-on effect right to the top at busy times and when the students are back in residence. I therefore object to making the current temporary arrangements permanent.
- It's hard to park on Second Avenue where I live. We live at the end of Second Avenue near the 3-hour parking bays on the end of Second Avenue. Often those bays are filled with visitors which means there are not enough parking spaces for residents of the street (even though we are now paying £200 plus a year to be able to park. I object to the visitor only parking outside the St Alphege church as sometimes it is needed for overspill for residents who can't park on Second Avenue. Oldfield Lane is always filled with cars for the pub, school and church and now you are planning to make the bays only free parking it means residents can't even use them as they have to move their car after 3 hours. They should be 3 hours and permit holders that way it would be easier for actual residents who are paying for the permit zone to park.
- The proposals on St Kilda's Road are outside the frontages of 7 properties. This section of resident parking is in high demand as the surrounding streets have DYL and SYL, parking restrictions for buses and junction protection. Also there are inappropriate dual use bays outside frontages in Beckhampton Street. Available parking fills quickly in St Kilda's Road, especially at the bottom. I object to your temporary trial 3hr limited waiting / dual use bays.
- The 2hr / dual use bays opposite, outside businesses are fine, without additional limited waiting. 3hr dual use bays are now the premium bays sought in Oldfield Park. Out of hours parking in resident bays is 6pm to 8am. 3hr bays extends this by 6hrs. so anyone can park here 3pm to 11am. Some non-residents choose to park in these bays all day, as the risks of a second visit by traffic enforcement officers in the 11am to 3pm window is negligible. I have noticed changes to the parking behaviours since this trial was implemented. Already, I'm back to playing hunt the parking space in the evenings. Your intension to introduce additional 3hr bays at the expense of

residents parking will increase the evening parking problems yet again. When you installed the additional 3hr parking bays in the area, evening parking suddenly became harder for residents. It was stated that this was a trial and would be subject to further consultation. This hasn't happened. I object to the existing and the proposed 3hr bays. Such bays should be limited to areas NOT in front of house frontages. Sides and opposite dwellings and in front of commercial premises only.

- I object to the parking on Oldfield Lane between the Moorfield pub and Second Avenue being changed from dual use to Free parking. This has resulted in insufficient parking space on Second Avenue. These spaces were previously used by residence as an overflow area. Since the council have issued a large number of houses with two residential permits it means that there is no longer space on the road for people with just one permit. Make these spaces dual use to allow residents to use these parking spaces.
- I am a single female. I was reluctant to support RPZ initially, but it was inevitable, so I pay annually for this scheme and hoped that I would be able to park near my home at all times especially in the evenings. This has not been the case. I still find myself having to park in another street when I return after dark. As you can imagine this is not comfortable for me and not what I paid for. Parking at the bottom of St Kilda's Road is always in high demand as the surrounding streets have DYL and SYL parking restrictions for buses. When you installed the additional 3hr parking bays in the area, evening parking suddenly became harder for residents. It was stated that this was a trial and would be subject to further consultation. I believe that non-residents park in the 3-hour bays, stay overnight, and at 11.00 am stay on knowing that at 3.00 pm they are again free to do so. The risks of being caught between 11.00 - 3.00 are far less and require rigorous policing. I am keen to support businesses in Moorland Road. Shoppers are well catered for in the daytime and I see that there are always empty parking bays in Moorland Road. I am unhappy to be searching for parking places in the evenings. I am very nervous to be walking back in the dark to my home. I am paying for a service that is not supporting me. The RPZ has been partly successful. Daytime parking has improving. Businesses have been supported. I object to the 3hr bays in this street and others when they are in front of house frontages. Such bays should be limited to sides and opposite dwellings and in front of commercial premises only.
- I am writing to object to the additional visitor parking bays on St Kilda's Rd. The street remains very congested with parked cars and with many HMOs and with easy access to Moorland Rd. Residents at the bottom of the street paying for permits are being pushed further up the street to find a place. Residents throughout the street are therefore affected and pushed out. St Kilda's Rd is not a car park for Moorland Rd and the residents should benefit from the permit scheme. The Scala carpark is very underused since the refurbishment of the store and more local shoppers parking cars on the street. The bottom of St Kilda's is very busy with through traffic and frequent dangerous parking on Shaftesbury Road at the corner of Moorland Rd.

Additional visitor parking bays on St Kilda's Rd makes this worse to the detriment of its residents.

- My objection is to the 3-hour visitor zones. In my view they should be 2hrs maximum. 1) People shopping in Moorland Road don't need 3 hours free parking, 2 hours is sufficient. 2) People visiting family and friends in the area can easily purchase cheap visitor permits. 3) 3 hours is open to abuse and is extremely difficult to enforce by the infrequent visits by the traffic wardens on foot. Please would you seriously reconsider making this change permanent. Parking for permanent residents has become increasingly more difficult as more and more students are obtaining resident parking permits.

Support main points raised:

- In the daytime the resident's Parking Zone is effective. I can take my car, return and find a place relatively close to my home. If I return later than 8pm to St Kilda's I typically have to park in another street. The 3-hour bays are always full from 3pm and occupied by people who know that they will not be penalised until 11am. In addition they know that they can park for free again from 3pm. There is a 4-hour interval between 11am and 3pm. In order to prosecute a non RPZ driver overstaying their permitted 3 hours a traffic warden would need to visit twice in this window and the risk to the driver being prosecuted is low, so they can in effect stay for extended periods. The 2-hour spaces are also always full from 6pm onwards, and occupied by people who know that they are safe to park till 10am the next day. I fully support that there needs to be a parking system that supports local businesses. There are streets nearby that do not experience our problem as they do not have any bays for shoppers. I would like to see the distribution of the 2 and 3 hour bays made more evenly across the streets nearby.
- The parking permit is very useful on Sunday and other days of meeting.
- It is important to be able to park in the vicinity of my church. I live at the top of the hill and although I could walk down, walking back up is not possible.
- The temporary measures should stay, as they make parking in the area for shopping, attending church on Sunday and other days for other activities. Even though I do not live far away most of the time I have to drive to Moorland Road due to my health. I have found parking much better than it used to be thanks to these measures. Going back to a more restrictive scheme would make it much harder for me to be able to use the facilities in the area. Also, the church and business there would suffer from not having parking for those making use of their facilities. So please keep the scheme as it is now Thank you.
- I am a church member at Oldfield Park Baptist church and have found the Experimental Traffic Regulation Order (ETRO) extremely helpful when planning midweek and weekend activities. They have also been of great importance and use for those of us who don't live in Oldfield Park on a Sunday where we hold meals for the church and community. The spots have

certainly helped us who don't live in Oldfield Park continue to work and support in the life of the church and in the community. We would love to see these temporary measures become a permanent one so that we can continue to operate as we normally do. Failure to acquire these measures means that we cannot continue to provide some of the services that we have for years. It will also make it hard for those of us who live further away than the immediate area to continue to meet and worship at the church if these measures are removed which is detrimental to the life of the church. Please consider these points as we are and continue to be extremely grateful for the ETRO, but we do need them to continue so that we can continue operating to our current standards.

- I grew up in Bath attending Oldfield Park Baptist Church which is situated in the Triangle in Oldfield Park. With family still living in the area, I often visit and attend the church on a Sunday. The 3-hour parking bays have really benefitted the church and have meant that people have been able to park whilst attending not only regularly on a Sunday but for groups throughout the week which aim to support various types of people and for special occasions. I am getting married in the summer and these parking bays would prove so beneficial to us on the day, as without them I can't imagine where our guests will park on that day. It's for one of occasions like this that there needs to be consideration of.

Response:

The table below provides a breakdown of the themes which arose from the objections, with some respondents mentioning more than one theme.

Comment	Number
Bays on St Kilda's Road are outside properties, are used for non-permit holders/people living on other roads to stay from 3pm until 11am, reduces capacity for residents in road.	5
Objection to the replacement of dual use bays in Oldfield Lane with limited waiting bays	4
Need for more enforcement, enforcement of 3-hour bays is more challenging	3
Objection to additional 3-hour bays (above what is already in situ), all 3-hour bays	3
No changes are required – current operation is working	1
Bays on Triangle North are outside of properties	1
Would like short stay bays spread over a wider area	1

Table: Summary of themes shared in objections

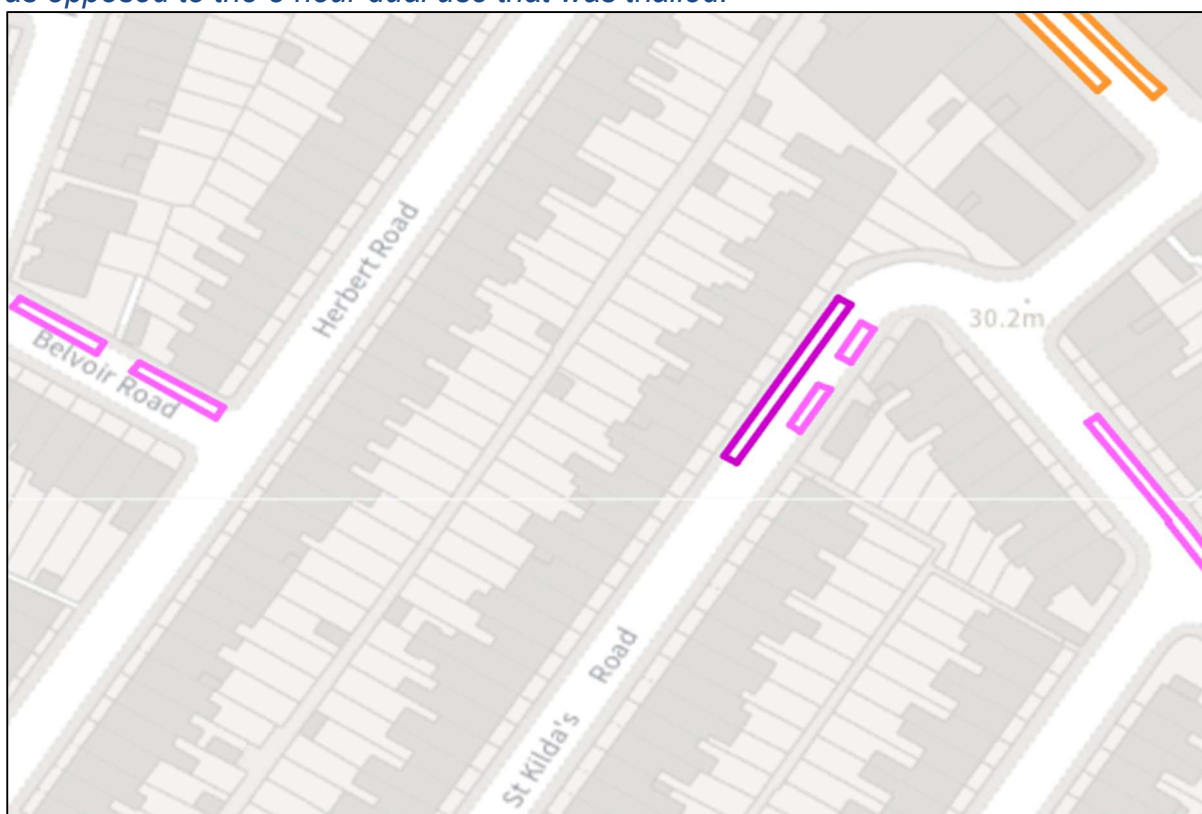
Bays on St Kilda's Road:

- 5 responses were shared in objection to the 3-hour dual use bays at the northern end of St Kilda's Road relating to:

- Occupancy of bays by non-permit holders or residents living in other streets from 3pm until 11am the following day
- Reduction in parking capacity for those living on St Kilda's Road

Response: As of 10 February, the demand for kerb space by permit holders (assuming 5m per space) across zone 28 was at 77% of total the available space. This calculation does assume that every permit is being used at the same time, and whilst it doesn't account for the occupancy of dual use spaces by visitors for limited waiting, or guests using visitor permits, it does indicate a significant number of spaces remaining available across the zone. A permit provides authorisation to park in bays across the zone area. While purchasing a permit does not guarantee a space in any specific location, the Council is supportive of reducing the limited waiting time of these dual use bays to 1 hour. Usage data shows that there is capacity within the trial bays for short stay visitors, in addition to an increase in paid for parking locally Moorland Road.

Recommendation: It is the recommendation of this report that the bay trialled on the western side (purple in the map below) of St Kilda's Road is made 1 hour dual use, as opposed to the 3 hour dual use that was trialled.



Bays on Oldfield Lane:

- 4 responses were shared in objection to the limited waiting bays at the western end of Oldfield Lane in relation to reducing access to parking for residents of Second Avenue.

Response: *Occupancy data shows that these bays are used by both permit holders and non-permit holders in addition to those people holding Community Organisation permits. This suggests that they are providing support to those members of the public using the facilities at The Moorfields Public House, St Alpheges Church and also St Johns RC Primary School but are also useful for residents.*

Recommendation: *It is the recommendation of this report that the proposed restrictions are implemented as advertised.*

Request for more enforcement of 3-hour bays or objection to 3-hour bays:

- 3 responses indicated that the respondents felt more enforcement of 3-hour dual use/limited waiting bays was required
- 3 responses suggested that respondent did not feel more or the existing 3-hour dual use/limited waiting bays were required

Response: *Whilst a longer use limited waiting period does require more officer resource to manage than those allowing a shorter duration of parking, the council's Civil Enforcement Officers are regularly deployed across the zone 28 area to ensure that motorists are parked in compliance with advertised restrictions.*

The council welcomes intelligence from the local community where people believe vehicles may be parking selfishly on a regular occasion and will use this alongside other information to ensure that officers are proactively deployed where they are needed.

Occupancy data suggests that these bays are used by a mixture of residents and visitors and therefore serve both populations well.

Recommendation: *It is the recommendation of this report that the proposed restrictions are implemented as advertised.*

Objection to bays on Triangle North:

- 1 response indicated that these bays should not be dual use as they are outside of residential properties

Response: *Due to the location of these bays close to the retail area of Moorland Road, there is greater usage by non-permit holders, particularly in Triangle West, Triangle North, West Avenue and Crandale Road. Overall, the occupancy rate suggests that the bays are well used.*

Recommendation: *It is the recommendation of this report that the proposed restrictions are implemented as advertised.*

Would like short stay bays to be spread out more:

- 1 response indicated that the respondent would like dual use/limited waiting bays to be spread out over more roads

Response: *Short-stay visitor bays are currently in situ on approximately 27 roads in the Zone 28.*

Recommendation: *It is the recommendation of this report that the proposed restrictions are implemented as advertised.*

Support:

In total, 5 respondents responded in support of making short-stay bays permanent and the common reasons for support are outlined below:

Comment	Support (number)
Allows community venues to continue to run community events, allows access to worship and attend community events	3
Improves accessibility for those with disabilities or reduced mobility	1
Allows people to access Moorland Road shops	1

Table: Summary of themes shared in support responses.

Response: Parking Manager: As of 10 February, the demand for kerb space by permit holders (assuming 5m per space) across zone 28 was at 77% of total the available space. This calculation does assume that every permit is being used at the same time, and whilst it doesn't account for the occupancy of dual use spaces by visitors for limited waiting, or guests using visitor permits, it does indicate a significant number of spaces remaining available across the zone. A permit provides authorisation to park in bays across the zone area.

Whilst a longer use limited waiting period does require more officer resource to manage than those allowing a shorter duration of parking, the council's Civil Enforcement Officers are regularly deployed across the zone 28 area to ensure that motorists are parked in compliance with advertised restrictions.

The council welcomes intelligence from the local community where people believe vehicles may be parking selfishly on a regular occasion and will use this alongside other information to ensure that officers are proactively deployed where they are needed.

10. ADDITIONAL COMMENTS FROM CABINET MEMBER FOR HIGHWAYS (in response to the above)

Cabinet Member for Highways (Councillor Manda Rigby):

Having thoroughly read all the documents; I support this TRO. I thank the officers for their work on this, and note the comments made by those responding, who I also thank.

11. RECOMMENDATION

That the Traffic Regulation Order as advertised is adjusted as described below and sealed.



Gary Peacock
Head of Highways Delivery

Date:18/02/2025

12. DECISION

As the Officer holding the above delegation, I have decided that the objections / comments be acceded to in part and the following adjustments, being of minor significance; be included in the Order to be sealed.

specify minor amendment to Order here:

St Kilda's Road: It is the recommendation of this report that the bay trialled on the western side (purple in the map above) of St Kilda's Road is made 1 hour dual use, as opposed to the 3 hour dual use that was trialled.

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 small flourish at the end.

Chris Major
Director for Place Management

Date: 19/02/2025