

Traffic Regulation Order (TRO) Statement of Reasons

Bath and North East Somerset Council

(OLDFIELD PARK AND WESTMORELAND, BATH) (ZONE 28) (LIMITED WAITING ON- STREET PARKING PROVISION) ORDER 202-

STATEMENT OF REASONS

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.

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 a Single Member Decision Report which was considered by the 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.

Reasons

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 report E3524. 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.

The Council has considered article 8 within Schedule 1 to the Human Rights Act (Right to respect for private and family life, home and correspondence) and Protocol 1 Article 1 (Peaceful enjoyment of possessions). Both of these rights are qualified rights, and the Council does not consider that the measures proposed under the TRO amount to a

deprivation of possessions as the right to access property has not been extinguished. The proposals are considered to have a minimal impact on human rights. However, the Council is entitled to affect these rights where it is in accordance with the law, necessary (such as 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 proposals within this report are considered to be in accordance with the law, necessary, in pursuit of a legitimate aim and proportionate.

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.

Road Traffic Regulation Act 1984

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 Order specifically for the reason(s) shown and marked 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)	

In making this proposal the Council has discharged its duty under section 122 of the Road Traffic Regulation Act 1984.

The Council is under a duty pursuant to section 122(1) of the Road Traffic Regulation Act 1984 (as amended) to exercise its duties under the Act (so far as practicable having regard to the subsection (2) matters), to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

As for the subsection 122(2) matters:

- a) the desirability of securing and maintaining reasonable access to premises.
 Comment: the proposals will generally assist to secure the safer movement of vehicular traffic by providing available short-term parking within dedicated bays that do not obstruct the flow of traffic on the highway and will not impact on property access.

- b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run.
 Comment: the proposals will prevent vehicles of all types from parking where it is unsafe to do so when popping into local shops or community premises by providing

available short-term parking to ensure the free unobstructed flow of traffic on the highway.

- bb) The strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)
Comment: the proposals will provide additional short-term parking in the Oldfield Park / Westmoreland area, preventing customers of local businesses and visitors from circling the area looking for parking, reducing CO₂ emissions.
- c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
Comment: the proposals contained within this Order will prevent drivers from parking around junctions and along narrow sections of the highway on Double Yellow Lines where it is not appropriate to do so by providing additional short-term parking, which in turn will improve the passage for public transport vehicles on the highway if required on these routes.
- d) Any other matters appearing to the local authority to be relevant.
Comment: N/A

Having balanced the various matters and considerations, the Council has concluded that it is appropriate to progress the proposed Order.

The Council has also discharged its duty under section 16 of the Traffic Management Act 2004. It has concluded that the proposed Order is consistent with that duty, given its other policies and objectives.

Neither section 16 nor section 122 of the 1984 Act precludes the making of the proposed Order.

Date: 11/12/2024