

# OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

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## APPROVAL TO PROGRESS TRO

PREPARED BY: Traffic Management Team, Highways and Transport Group

**TITLE OF REPORT:** RPZ Entry Hill

**PROPOSAL:** Various Waiting and Loading and Parking Restrictions

**SCHEME REF No:** 22 – 022

**REPORT AUTHOR:** Kris Gardom

### 1. DELEGATION

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

<b>Section A</b>	The Chief Executive, Strategic Directors, Divisional Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility....”
<b>Section B</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.
<b>Section D9</b>	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 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	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	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**

To implement various parking, waiting and loading restrictions, including designated parking bays reserved for disabled badge holders only and permit holders only.

### 4. **BACKGROUND**

Bath and North East Somerset Council's Traffic Management Team has been developing with the support of local Ward Councillors and in relation to the Council's policy to improve the parking situation for local residents and help communities to create healthier, safer streets (Low Traffic Neighbourhood Strategy – July 2020 & Residents' Parking Schemes July 2020) a scheme to introduce a Residents' Parking Zone (RPZ) covering the Entry Hill area; An area which includes part of the east side of Wellsway A367, Entry Hill, Entry Hill Gardens, Lynbrook Lane, Entry Hill Drive, Entry Hill Park, Ivy Bank Park, Longthorne Place, and part of Hawthorn Grove, Bath.

This RPZ will aim to prioritise on-street parking for residents and provide accessible parking near social hubs within the area including places of worship, and local businesses.

The implementation of the new RPZ will deter parking by non-residents who may currently use the area to park and commute into the City Centre or other facilities in the neighbouring areas where parking may be limited, restricted, or charged for. The initial proposal was produced as a draft to be shared with the public during a 28-day public consultation. The consultation took place between the 5th May to 2nd June 2022.

A virtual online event [2 May 2022 from 4pm to 8pm], and an in-person event [25th May 2022 from 4pm to 8pm at St Luke's Church] were held to provide further information and enable consultees to talk to an advisor, view the proposal plans, ask questions, and submit a questionnaire.

In total, there were 186 responses to the proposed Residents Parking Zone. 184 of these came through the online questionnaire with two replying by letter or email. 139 responses were from within the proposed Zone with a further 47 from outside the area, one respondent did not state their location.

Over half (61%) of all respondents' object to the proposals for the Residents Parking Zone with just under a quarter (22%) supporting them. A quarter (25%) of those who live in the Parking Zone support the proposals and just over half (57%) object to them. There were differences in the levels of support shown for the proposals, just over half (58%) of respondents who rate the current parking provision as bad supported the plans, compared to 1% of those who currently feel current parking provision is good.

Whilst overall support for the scheme is low, it is the opinion of the local Ward Councillors' that support does exist for a scheme which covers a smaller area encompassing the northern end of Entry Hill and adjacent streets only albeit with some further amendments.

Amendments to be made:

- 1) Confirmation that the triangle of properties bound by Wellsway, Devonshire Villas and Greenway Lane to be added to the existing Zone 18.
- 2) Proposed bay on Wellsway to be extended to supersede a section of the DY o/s 133.
- 3) Greenway Crescent properties to be changed from Bear Flat Zone to new Entry Hill Zone .
- 4) Revise RPZ boundary on Entry Hill to its junction with Longthorne Place, on Wellsway up to and to include property 243.
- 5) Entry Hill Gardens to be signed as a permit parking area.
- 6) Lynbrook Lane to be signed as a permit parking area.
- 7) Bay outside properties 145-155 Wellsway to be signed for use by resident permit holders only rather than the dual-use.
- 8) Entry Hill proposed bay outside property 12 to be removed from the proposals.
- 9) Entry Hill proposed bay outside property Brishella to be dual-use.

## **5. SOURCE OF FINANCE**

This proposal is being funded by RPZ capital budget TCRP001.

## **6. INFORMAL CONSULTATION REQUIREMENT**

Informal consultation was carried out with the Chief Constable, Ward Members and the Cabinet Members for Transport.

The responses to the formal consultation can be found in TRO reports numbers 1/2/3.

## **7. OBJECTIONS / COMMENTS RECEIVED (following the public advertisement of the proposal(s))**

The objection / comments received have been summarised below with the technical responses in italics underneath each one.

The objection / comments received to the 28-day public consultation have been summarised below with the technical responses in italics underneath each one.

## **Entry Hill Residents Parking Zone TRO – Public Consultation Findings**

**Responses Received: 84; of which  
Support – n=49, Partially Support – n=11, Object – n=24.**

**From responses received within the proposed zone boundary, 73% of respondents were in support, 9% partially supported and 18% objected to the proposals (Due to rounding to whole numbers, percentages may not total 100%)**

**Objections Main points raised:**

- **RPZ are unnecessary / there are no current parking issues (n=11):**  
Respondents felt that the proposals will negatively impact on residents of area as there is “no problem with parking here”. Some respondents stating that with the overall scheme proposals it seems like they're being punished “for living in such a pleasant area”, and that the proposals are as a direct consequence of the unpopular new bike park development.

*Typically, the roads within the proposed area including both Entry Hill and Wellsway are heavily parked with few available spaces. Contrary to the objectors stating that there are no current parking issues, 39 supporting respondents give support on the basis that current parking is problematic with a further 7 respondents stating that the proposals improve parking for residents.*

- **Permits are an additional expense / too expensive, and Cost of living crisis mentioned (n=11):**  
Some respondents felt that the proposals are unfair on lower income residents and unwelcome at a time when there is a cost-of-living crisis.

*It is recognised that the timing of any proposed increase in costs is never welcome and that it has been a challenging time for many due to the impacts of Covid-19 and subsequent increases on household bills due to the energy price hikes resulting from the Ukraine conflict. One cannot ignore the need to act to progress measures which aim to improve air quality. No charges are applied retrospectively as the new charges will only apply at the point of purchase or renewal of a resident parking permit. It should also be noted that the purchase of a permit is optional as residents may choose to park in unrestricted areas outside of their residents parking zone or on their driveways where it is not possible for us to charge for parking.*

*The proposed charging structure for emissions based resident permits aligns with the Vehicle Excise Duty (VED), (commonly known as car or road tax) bands based on CO2 emissions, used by the DVLA.*

*Permits with shorter durations of 3 and 1 months are available in order to help spread the cost. This will provide greater flexibility for the purchase and management of permits, whilst also helping to ensure they are not accidentally left to expire (subject to payment card details remaining valid).*

*Air pollution can cause or contribute to a variety of health conditions, particularly amongst the young and elderly. Each year in the UK, around 40,000 deaths are attributable to exposure to outdoor air pollution which plays a role in many*

*of the major health challenges of our day. It has been linked to cancer, asthma, stroke and heart disease, diabetes, obesity, and changes linked to dementia. The health problems resulting from exposure to air pollution have a high cost to people who suffer from illness and premature death, to our health services and to business. In the UK, these costs add up to more than £20 billion every year. Source: Royal College of Physicians – “Every breath we take: the lifelong impact of air pollution” <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>.*

*There are over 300 premature deaths a year in the West of England due nitrogen dioxide emissions (Joint Local Transport Plan 4, West of England Combined Authority, 2020), whilst in B&NES 92% of nitrous dioxide emissions are from road traffic (Transport Delivery Action Plan for Bath Phase 1: Current and Future Report, Bath and North East Somerset Council, 2020). The proposals therefore seek to improve air quality through the application of the polluter pays principle.*

- **Will just move parking issues to other areas / streets (n=6):**

Some respondents felt the proposals would displace parking congestion into roads outside the borders of the proposed zone.

*The Zone boundary was amended following fervent objections from residents living further south. Whilst there is a likelihood that some non-permit holders will move into the next available area not within a zone, this has been highlighted during the consultations as something to bear in mind.*

- **Overwhelming negative response to previous consultation, undemocratic proposal (n=6), Don't support the new boundary / changes to the RPZ (n=3):**

Some respondents felt the process has been undemocratic, some not happy with the revised boundary.

*The proposals have been well publicised with each address in the area sent two separate mailings outlining the details. Two public open events have been held to provide further information. All information has been available online. The local ward councillor has been very proactive in visiting the majority of properties to discuss the proposals. Following the initial consultation and comments received the proposals were amended. Further amendments have been made at this stage to address individual concerns raised.*

- **Council criticism / money making scheme (n=5):**

A number of respondents felt that the scheme is being implemented to generate revenue for the local council.

*Parking permit charges cannot be introduced for the purpose, whether primary or secondary, of raising revenue, even if this revenue was intended to be applied to fund projects meeting the purposes set out in The Road Traffic Regulation Act (1984) (RTRA 1984). The proposals are themselves the measure to address risks to pedestrian safety from air pollution and achieve its duty under s122 of the RTRA 1984.*

*Any surplus raised from on street charges must be applied for a purpose specified in section 55(4) of the RTRA 1984 and will be allocated to support the development of sustainable transport schemes in accordance with statutory obligations, such as Safer Routes to Schools.*

- **Negatively impacts local businesses / amenities in the RPZ (n=2), Unfair on visitors (n=1):**

Some respondents also expressed concerns that the proposals may have a negative impact on local businesses or visitors to the area.

*The council provides a limited number of visitors permits (1000 hours in all except the central zone, when 100 are available) to residents to allow visitors to park close to their homes. This helps to ensure, particularly amongst residents that are vulnerable or living alone, that they can receive guests.*

*Permits are available for use by guests at any hotel or B&B in the area.*

*In addition, the proposals for the Residents Parking Zone includes limited waiting parking where visitors can stay without a permit for periods of 1 hour in the vicinity of the identified business properties.*

- **RPZ will not reduce the number of cars / guarantee a space (n=2):** Some respondents felt that the changes will not be effective unless it guarantees a place to park next to their home

*A Residents' Parking Permit does not guarantee a parking space on the street. The cost of the permit is a fee for membership of the scheme, not a payment for parking. Having a Residents' Parking Permit does not allow you to park illegally, for example on yellow lines.*

### **Chief Constable**

There are no further observations to add to those already expressed, and shown on the "Officer Decision Report, Approval to progress TRO" provided.

### **Parking Services**

No comment.

### **Ward Members**

Widcombe & Lyncombe:

Cllr Winston Duguid – "Whilst I signed off [on the proposals] knowing only small changes could be made I did so knowing that all the objectors and comments would be addressed. Two sets of objectors just want the status quo and would be happy to have no change to the white lines. By putting in DYLS we actually reduce the number of car parking places which was not the objective of the RPZ. If the council insist on keeping the DYLS then I will submit an amendment to the next TRO asking for them to be taken out.

*Further amendments have been made at this stage to address the individual concerns raised and bays have now been proposed to extend across almost all driveways and garages with 1026.1 keep clear markings used within the bays. This is to aid keeping accesses clear however permitting the residents to block their own driveway albeit still needing to have a valid permit.*

*In response to this the reply from Cllr Duguid was – “Excellent, once again many thanks for your diligence on this—it means a lot to residents and I suspect takes our support level above the 80% mark!”*

Cllr Alison Born

*Following meetings with ward councillors to understand and discuss the concerns arising from the consultation and to address these concerns where practical to do so in revised plans, they are supportive of the scheme and have no further comments.*

### **Cabinet Member for Transport**

Cllr Manda Rigby - I am pleased to see that with the amendments done between informal and formal consultation, the level of local support has risen. I commend the work of the local councillors and support this scheme as it both provides a zone supported locally and hits our overall policy to lessen car journeys.

## **8. AMENDMENTS TO THE PROPOSALS**

During the consultation some suggestions for minor changes to the proposals were made. It is not possible to make significant changes to the proposals without re-consulting. However, minor changes can be taken forward. It is recommended that, if the decision is taken for the scheme to go ahead, the following minor changes should be made:

### Requested change

Cllr Duguid asked to remove proposals for DY lines across driveways on Wellsway o/s 213, 223 & 225, 227 and 229, extend parking bays, and install advisory keep clear markings

### Requested change

Cllr Duguid asked to remove proposals for DY lines across driveways on Entry Hill o/s Indaba and Brishella, extend parking bays, and install advisory keep clear markings

### Recommendation

Residents have stated that they would prefer to have bays extended across their accesses so that they can then park blocking their own driveway or garage, thereby generating additional capacity on the road. The accesses should be identified with an advisory keep clear marking which should deter other drivers from causing an obstruction but does not guarantee a parking space outside a home. Implement o/s 213, 223 & 225, 227 and 229 Wellsway.

### Recommendation

Residents have stated that they would prefer to have bays extended across their accesses so that they can then park blocking their own driveway or garage, thereby generating additional capacity on the road. The accesses should be identified with an advisory keep clear marking which should deter other drivers from causing an obstruction but does not guarantee

a parking space outside a home. Implement o/s Indaba and Brishella on Entry Hill.

Requested change

To ensure consistency throughout the zone, extend parking bay and install advisory keep clear markings across garage access at 15 Entry Hill.

Recommendation

Residents have stated that they would prefer to have bays extended across their accesses so that they can then park blocking their own driveway or garage, thereby generating additional capacity on the road. The accesses should be identified with an advisory keep clear marking which should deter other drivers from causing an obstruction but does not guarantee a parking space outside a home. In order to ensure consistency throughout the zone implement o/s 15 Entry Hill.

Requested change

Introduce more traffic calming measures

Recommendation

Entry Hill area is currently being looked at as part of ongoing Liveable Neighbourhoods work and proposals may well include some traffic calming measures. No action required.

**9. RECOMMENDATION**

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



Signature:

Date: 28/11/2022

Paul Garrod  
Traffic Management & Network Manager

**10. DECISION**

As the Officer holding the above delegation, I have decided that the objections / comments be:

a)	not acceded to and the Order as advertised be sealed.	
b)	acceded to in full and the proposal(s) withdrawn.	
c)	acceded to in part and the following adjustments, being of minor significance; be included in the Order to be sealed.	<b>X</b>



	<p><i>specify minor amendment to Order here:</i></p> <ul style="list-style-type: none"> <li>• Wellsway – remove DY and extend bay across driveway o/s 213. Provide advisory keep clear marking.</li> <li>• Wellsway – remove DY and extend bay across driveway o/s 221. Provide advisory keep clear marking.</li> <li>• Wellsway – remove DY and extend bay across driveway o/s 223 &amp; 225. Provide advisory keep clear marking.</li> <li>• Wellsway – remove DY and extend bay across driveway o/s 227. Provide advisory keep clear marking.</li> <li>• Wellsway – remove DY and extend bay across driveway o/s 229. Provide advisory keep clear marking.</li> <li>• Entry Hill – remove DY and extend bays across driveways o/s Indaba and Brisshella. Provide advisory keep clear marking.</li> <li>• Entry Hill – remove DY and extend bays across garage access o/s #15. Provide advisory keep clear marking.</li> </ul>	
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In taking this decision, I confirm that due regard has been given to the Council's public sector equality duty, which requires it to consider and think about how its policies or decisions may affect people who are protected under the Equality Act.

The Council's Liveable Neighbourhood Policy has been used as the basis to set out our approach in developing the schemes with full engagement with stakeholders across the area.

I further note that the issue of deciding whether to implement Residents Parking Schemes 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 decision as set out above.

A handwritten signature in black ink, appearing to be 'Chris Major', written in a cursive style.

Signature: ...

Date: 29/11/2022

Chris Major  
Director for Place Management