

# OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

4

## APPROVAL TO PROGRESS TRO

PREPARED BY: Traffic Management Team, Highways and Transport Group

<b>TITLE OF REPORT:</b>	<b>RPZ Lyme Gardens/Charmouth Rd</b>
<b>PROPOSAL:</b>	<b>Various Waiting and Loading and Parking Restrictions</b>
<b>SCHEME REF No:</b>	<b>22 – 023</b>
<b>REPORT AUTHOR:</b>	<b>Kris Gardom</b>

### 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:

<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 Councils 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 following area: an area which includes Lyme Gardens, Lyme Road, and Charmouth Road, Bath.

This RPZ will aim to prioritise on-street parking for residents and provide accessible parking near social hubs within the area including the school, 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 [17th May 2022 from 4pm to 8pm], and an in-person event [17th May 2022 from 4pm to 8pm at Weston Methodist Church] were held in order 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 86 responses to the proposed Residents' Parking Zone. 84 of these came through the online questionnaire with two replying by letter or email.

A total of 55 responses were from within the proposed Zone with a further 31 from outside the area. Respondents were split with 45% each stating support or object, overall. However, respondents who live within the proposed Parking Zone were significantly more likely to support the proposals than those who live outside the proposed Zone (58% compared to 23%).

There were differences in the levels of support shown for the proposals, more than three quarters (78%) of respondents who rate the current parking provision as bad, supported the plans. All 7 of the respondents who rated parking as good (n=7), objected to the proposals.

Overall support for the scheme is reasonably high for those respondents that live within the proposed zone. It is the opinion of the local Ward Councillors' that support does exist for a scheme which covers the area, however believe that amendments should be made to the proposals.

Amendments to be made:

- 1) On the east side of Charmouth Road amend the proposed bay to dual-use providing non-residents with parking for up to 30 minutes no return within 1 hour in this location.
- 2) On the west side of Charmouth Road amend the two proposed bays near its junction with Lyme Road to dual-use providing non-residents with parking for up to 30 minutes no return within 1 hour in this location.
- 3) On the south side of Lyme Road near its junction with Charmouth Road amend the proposed bay to dual-use providing non-residents with parking for up to 30 minutes no return within 1 hour in this location.

## **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.

## **Lyme Road Residents Parking Zone TRO – Public Consultation Findings**

**Responses Received: 51; of which  
Support – n=15, Partially Support – n=13, Object – n=23**

**From responses received within the proposed zone boundary, 31% of respondents were in support, 33% partially supported and 36% 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):**

Some respondents felt that the proposals will not be of benefit to residents of area as there is no problem with parking in the Lyme Road area.

*Typically, the roads within the proposed area including Lyme Gardens, Lyme Road and Charmouth Road are heavily parked with few available spaces. Contrary to the objectors stating that there are no current parking issues, 11 supporting respondents give support on the basis that current parking is problematic with a further 8 respondents stating that the problems with parking are caused by commuters.*

*“I welcome residents parking as this area is awash with commuters and non-residents dumping their vehicles here.”*

- **Permits are an additional expense / too expensive, and Cost of living crisis mentioned (n=13):**

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.

“There is no issue with parking at the moment but there is a big issue with the cost of living so we’ll just be paying unnecessarily when we can least afford it.”

*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.*

- **RPZ will not address the issue of school parking (n=5), and Concern the RPZs won't be managed properly (n=6):**

Some respondents felt that the proposals will not be effective unless properly enforced.

“The only issues with parking come at school drop off/ pick up times which these measures will have no impact on”

“whilst there is provision for the drop-off of school children it will only be effective if these temporary bays are policed”

“will inevitably see a high turnover of vehicles during the day and enforcement is required to ensure that the 30-minute limit is not exceeded. How will this be achieved?”

*The proposals impose a short 30-minute time limit on visitors that do not have a valid permit thereby removing from the area the long stay parking identified as being problematic.*

*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).*

*Moneys raised from the imposition of charges for a parking permit are intended to be used for management, maintenance, and enforcement of the proposed scheme.*

*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.*

- **Will just move parking issues to other areas / streets (n=4):**

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

*The proposed Zone is relatively small and proposals are intended to remove unwanted commuter parking and free up road space for residents to park near to their homes. 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. If only a section of a street is included within the zone boundary, the commuter vehicles displaced from the area within the zone will move into the next available area not within the zone. For this reason, areas of the City must be looked at on a zonal basis.*

- **Council criticism / money making scheme (n=4):**

Some 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=1), 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.*

*In addition, the proposals for the Residents Parking Zone includes limited waiting parking where visitors can stay without a permit for periods of up to 30 minutes in the vicinity of the identified local amenities (school).*

- **RPZ will not reduce the number of cars / guarantee a space (n=1), The RPZ will reduce the number of parking spaces (n=2), Does not address parking issues experienced in an evening (n=1):**

Some respondents felt that the changes will not be effective unless it guarantees a place to park next to their home. The proposals do not cover evenings and overall, “there is a loss of parking capacity”.

*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.*

*The proposals generally formalise current parking practice in the area and have as much as possible sought not to materially affect parking capacity. The proposals do introduce some additional DY parking restrictions however, predominantly at and on the junctions within the area. This is to improve intervisibility and ensure dropped crossing locations are kept clear of parked vehicles, aiding pedestrians.*

*“An essential scheme to reduce congestion and prevent unsafe parking by school parents, commuters etc. I strongly support the proposals particularly to stop parking on the corners, which have often led to larger vehicles being unable to make the turns.”*

### **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**

Newbridge: Cllr Mark Roper / Cllr Michelle O’Doherty

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 support this scheme progressing in this very residential area. The changes made between informal and formal consultation appear sound, and this is the logical next place in the area for an RPZ to stop commuter traffic using it.

## **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

Change the operating hours of the RPZ, 9am-9pm and not weekends

Recommendation

This would be a significant change to the proposals and therefore cannot be taken forward without re-consulting.

**9. RECOMMENDATION**

That the Traffic Regulation Order is 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>X</b>
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.  <i>specify minor amendment to Order here:</i>	

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 Councils 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.



Signature: ...

..

Date:...29/11/2022

Chris Major  
Director for Place Management