

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 Chelsea Rd/Foxcombe Rd

PROPOSAL: Various Waiting and Loading and Parking Restrictions

SCHEME REF No: 22 – 024

REPORT AUTHOR: Kris Gardom

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 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 following area: an area which includes Chelsea Road, Kennington Road, Warwick Road, Foxcombe Road, and Park Road, Bath.

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

The implementation of the new RPZ will deter parking by non-residents who may currently use the area to park all day 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 338 responses to the proposed Residents' Parking Zone. A total of 334 of these came through the online questionnaire with four sent via letter or E-mail.

A total of 116 responses were from within the proposed Zone with a further 222 from outside the area. Those who live in the Parking Zone are more likely to support the proposals than those who live outside the Zone (43% compared with 7%). There is a more even split of opinion for those who live inside the Zone with 53% supporting or partially supporting and 47% objecting to the proposals.

165 respondents from outside the zone stated they believed it would directly impact negatively on local businesses, with these same respondents most likely to express objection to the proposals.

Whilst overall the figures show majority objection to the scheme, when considering only those respondents from within the proposed zone area, support for the scheme is much higher. It is the opinion of the local Ward Councillors' that support does exist for a scheme which covers the area however have suggested that amendments to the proposals (mainly changes to time limit on dual-use bays) may aid in garnering further support.

Amendments to be made:

- 1) On the east side of Chelsea Road outside property 8e provide 6m length disabled badge holders only.
- 2) Change proposed disabled bay outside property 20 Newbridge Road to 1 hour limited waiting
- 3) Change all the proposed permit only bays on Kennington Rd and Park Road east of Warwick Road to dual use – PH or 3 hours NR 1 hour.
- 4) Change redundant disabled badge holders only bay outside properties 14-15 Kennington Rd to dual use – PH or 3 hours NR 1 hour.
- 5) Change the proposed permit only bays on east side of Warwick Rd to dual use – PH or 2 hours NR 1 hour.

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.

Chelsea Road Residents Parking Zone TRO – Public Consultation Findings

Responses Received: 145; of which

Support – n=40, Partially Support – n=22, Object – n=83.

From responses received within the proposed zone boundary, 38% of respondents were in support, 18% partially supported and 45% objected to the proposals (Due to rounding to whole numbers, percentages may not total 100%)

Objections Main points raised:

- **Permits are an additional expense / too expensive (n=39), and Cost of living crisis mentioned (n=10):**

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.

“In general, I regard the Residents parking fee as taxation and I am taxed enough already. And in the present crisis things are going to get worse. To pay for a parking space with no guarantee I'll get one means I could end up paying for nothing.”

“Cost to households, larger families with 2 or more vehicles will be disadvantaged with no thought to the impact on them”.

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.

- **Directly impacts local businesses / amenities (n=32), Will cause residents/ businesses to move out of the area/ make it less desirable (n=4), Scheme doesn't include enough short-stay parking (n=3):**

Respondents felt that the proposals will negatively impact local businesses.

"I am worried about the detrimental effect parking limits will have for the shops on Chelsea Road - they are all in desperate need of support - and we don't want yet another decimated high street."

Limiting the availability of on street parking for long stay guests, where vehicles typically remain parked for long periods during the visitors stay, ensures a higher turnover of the limited parking availability in the area.

There is no charge for short term shopper or service users parking as both the limited waiting and the dual use bays are free for periods of up to 3 hours limited waiting in some locations.

Following comments received during the initial consultation and input from ward members, all bays within the zone have some element of non-permit provision in order to provide short term parking for visitors to retail premises.

- **Will just move parking issues to other areas / streets (n=31):**

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

"We understand the need for permits in the area but are concerned about the knock-on effect this will have on our road (Ashley Avenue). We already see a lot of cars parking on our road in order to avoid parking in town. Some cars are there for even longer stints when parking to use the train from Oldfeild Park. Essentially, parking is already difficult on our road and we feel permitting nearby will only spread the problem into surrounding areas."

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.

- **RPZ are unnecessary / there are no current parking issues (n=20):** Respondents felt that the proposals will negatively impact on residents of area as there is “no problem with parking here”.

Typically, the roads within the proposed area including both Chelsea Road itself and all the side roads off it are heavily parked with few available spaces. Contrary to the objectors stating that there are no current parking issues, 29 supporting respondents give support on the basis that current parking is problematic with a further 11 respondents stating that the proposals improve parking for residents.

- **Concern the RPZs won't be managed properly (n=13):**

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

The proposals impose time limits 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.

- **RPZ will not reduce the number of cars / guarantee a space (n=10):** 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.

- **Discriminates disabled / elderly (n=7):** Some respondents felt the proposals were unfair on vulnerable persons such as the elderly or disabled due to their need for a motor vehicle for transportation.

We completed an Equality Impact Assessments to assess and identify impacts to those groups with protected characteristics and those vulnerable individuals on low income and in deprived areas. This proactive first stage consultation allowed us to consider additional needs and feedback that we may not have considered, and we

have since published an updated a revised Equality Impact Assessment to ensure no group is disproportionately impacted.

Following consideration of feedback received from the public the Council introduced measures to mitigate the issues raised, including permits of short durations for 3 and 1 month which make the permits more affordable for residents who own more polluting vehicles.

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 - This has been a more challenging scheme as it includes more businesses inside an RPZ. However, the amendments made provide for a better throughout of shoppers by the introduction of time limited dual-purpose bays to stop all day Parkers blocking the spaces for those needing to pop in and do a quick shopping trip. Local residents have wanted this scheme for a long time, and the ward councillors are to be commended for their diligence in pursuing this. I support the scheme going ahead.

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, not weekends

Recommendation

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

Requested change

Parking bays must be for a longer period / it is confusing that the times fluctuate (n=9)

Recommendation

Some respondents felt that the different time limits are confusing. The differing level of non-permit provision were agreed with ward members so as to alleviate concerns expressed by local businesses. The proposals effectively split the zone into 4 distinct restriction types covering the different streets. Having all dual use bays with longer period for non-permit holder will not provide the expected benefits for residents. No changes to be made.

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.	X
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: ...

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Date:...29/11/2022

Chris Major
Director for Place Management