

## 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:** Variation for Chew Magna & Midsomer Norton (Leisure Centre) car park TRO removal

**PROPOSAL:** Removal of rural car parks no longer under the management or control of the Council from the North East Somerset Off Street Parking Places Order

**SCHEME REF No:** 25-002

**REPORT AUTHOR:** Andrew Dunn, Team Manager - Parking

#### 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 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 32 provides for Orders to be made to provide off-street parking places.

#### 3. PROPOSAL

A variation to the Off-Street Parking Places North East Somerset Order to remove The Pelican, Chew Magna, and Leisure Centre, Midsomer Norton, car parks from schedule 3.

This will remove all formal restrictions from both car parks and complete the process of handing back full operational responsibility of each site to the respective owners.

**4. REASON**

The council no longer has authorisation from the landowner for management or operational control over these privately owned locations.

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 removing the restrictions from these locations. It has balanced the various considerations and concluded that it is appropriate to promote these proposals. 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 removal of these restrictions 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 removal of these restrictions, 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**

Implementation of this proposal is to be funded from existing revenue budgets.

**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))**

**A similar objection was received from 4 sources.** This objection is shown below with an officer response in italics underneath.

- I am writing to formally object to the proposed changes regarding the operational management of the Chew Magna known as the Pelican, under reference TRO 25-002, currently managed by the Council and now set to be transferred to the landowner under the Road Traffic Regulation Act 1984. While I appreciate the legal framework under which this transfer is being conducted, I have several serious concerns about both the process and the potential negative impact this change could have on our local community:
  - Lack of Proper Notification and Transparency - The public notice claims it was displayed on 20th March. Impacted individuals, including myself, only became aware of the existence of the notices in the last couple of days/very recently; in my case on Tuesday (08.04.2025). I use the carpark during working days and did not see them personally until the 09.04.2025. Thus, I think at the least that the notices are unclear/improperly signed and therefore easily missed. I moreover have some doubts so to when the notices were first displayed, and thus if they have been displayed for long enough, as the 20th March is a long time for them to be up without them being noticed by myself or others I associate with in the village. Consequently, this raises serious concerns about whether the legal requirement for public consultation has been properly fulfilled and whether this process can be considered valid.
  - Inaccessible Supporting Information - The notice states that further information can be obtained from locations not within our village, making it difficult for many residents—particularly those without easy access to transport—to view the details of the proposal. Why are the particulars not available online for example? This undermines the principle of an accessible and fair consultation, especially given the significant implications for local parking, and obfuscates the process.
  - Potential Introduction of Parking Charges - If the landowner introduces parking charges, this will have a detrimental effect on: Local businesses: Shoppers, Pub goers and Restaurant Diner's may choose to go elsewhere with free parking. Community services: Many

residents/locals rely on this car park to access the local pharmacy, dentist, post office, financial firms and community events. Residents and visitors: The area lacks alternative free parking options, especially those that are not short stay and charges could create further financial burden, especially during the current cost of living crisis. Traffic and safety: Drivers may park on nearby roads to avoid charges, increasing congestion and reducing road safety amongst already tight and windy roads. Especially when there are already congestion issues in the area, this could have significant affect to the Chew Magna Avon Fire & Rescue Service being unable to access parts of the village or further afield posing a fire risk to a large number of constituents. This of course applies to other emergency services and particularly, ambulance services with an aging population in the area. Local Faith: Those that rely on the car parking facility for prayer and religious events may not have the same level of access or ability to attend as often with charges implemented.

- Loss of Community Benefit - The car park has been a vital shared resource for many years, supporting local life and accessibility. Transferring its operation to a private party risk prioritising profit over community interest.
- Importance of Comprehensive Public Consultation - Effective public consultation is crucial when considering changes to parking management - ensuring community input is thoroughly considered.

Given these points, I urge the Council to reconsider this proposal or, at the very least, to extend the consultation period to allow for meaningful community input—especially given the questionable notification process. I would appreciate confirmation that this objection has been received and that it will be included in the formal record.

### **Officers Response –**

*The Road Traffic Regulation Act 1984 is the regulatory framework used to implement the legal order on the car park in Chew Magna only, the site having been previously leased to the council. Following the sale of this site to the new owner in the summer of 2024 and initial negotiations between the new owner and the council, the council was on 20 June 2024 served with formal notice terminating the tenancy at will and requiring vacant possession of the site by the council to the new landowner. These proposals do not aim to achieve a transfer of responsibility or management of the site itself as the council has retained no operational management or authority over the site since notice was served.*

*Council records indicate that four notices were installed across the site on 19<sup>th</sup> March in locations and at a height to facilitate their being seen by pedestrians and other site users and remained in place during the consultation period, noting that they were observed by consultation responders on 9<sup>th</sup> April, 20 days later.*

*The impact that the loss of this free parking provision may have on the local community is noted; however, as private land, the council is no longer authorised by the landowner to manage the site.*

*Free to use time limited on street parking, managed by the council and enforced by Civil Enforcement Officers, remains available adjacent to this site and the council is committed to increasing patrols to the area to ensure that the spaces are used appropriately to maintain turnover.*

*Motorists are free to park on the public highway where advertised restrictions allow if it is safe to do so. Vehicles parked in unrestricted locations on the public highway in a manner which may be causing an obstruction to the safe movement of vehicles or pedestrians may be liable to further enforcement action from the Police, who retain the legal powers to act against obstruction of the highway. Cases can be reported to the Police directly online via <https://www.avonandsomerset.police.uk/report/parking-issues/>*

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

**Ward Members**

**Chew Valley:**

Cllr Anna Box – No comment.

Cllr David Harding – No comment.

**Midsomer Norton North:**

Cllr Michael Auton – No comment.

Cllr Shaun Hughes – No comment.

**Midsomer Norton Redfield:**

Cllr Sarah Evans – No comment.

Cllr Tim Warren – No comment.

**Cabinet Member for Highways:**

Cllr Manda Rigby – No comment.

**11. RECOMMENDATION**

That the Traffic Regulation Order as advertised is sealed.



Paul Garrod  
Traffic Management & Network Manager

Date: 1<sup>st</sup> May 2025

**12. DECISION**

As the Officer holding the above delegation, I have decided that the objections / comments be not acceded to and the Order as advertised be sealed.

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.



Chris Major  
Director for Place Management

Date: 02/05/2025