

**CABINET MEMBER FOR TRANSPORT, WASTE, STREET SCENE AND FLOODING –
CLLR DR MARK MCCLELLAND**

PARKING SERVICES

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REFERENCE: HTW-17-22

OFF-STREET PARKING TRAFFIC REGULATION ORDERS FOR WILTSHIRE

Purpose of Report

1. To:
 - (i) Consider comments and objections to the advertised proposals for amendments to the Traffic Regulation Orders (TROs) for applicable off-street car parks in Wiltshire.
 - (ii) Recommend the making of the Orders.

Relevance to the Council's Business Plan

2. The off-street parking TROs can help deliver many of the Business Plan outcomes that are relevant to the Wiltshire Local Transport Plan (LTP) Car Parking Strategy:

Priority: Growing the economy

The car parking strategy can:

- Support the local economy (e.g. by making it easy for shoppers and visitors to park) and facilitate development growth (e.g. by enabling the planned housing and employment growth set out in the Wiltshire Core Strategy to 2026).
- Enhance the built and natural environment (e.g. by reducing the amount of land required for parking and by improving the look of streetscenes through the appropriate enforcement of parking contraventions).
- Manage residents' needs for car parking near their homes (e.g. by introducing residents' parking zones).
- Improve journey time reliability for road users (e.g. by designing and managing on-street parking facilities to reduce traffic conflicts and delays).
- Help fund public transport provision through the income generated on council owned car parks.

Priority: Strong Communities

The car parking strategy can:

- Enable community groups to take over (ownership and/or management) identified off-street car parks in accordance with the Council's Community Asset Transfer (CAT) Policy.
- Enable community groups to run identified car parking services in accordance with the Council's Delegation of Services to Town and Parish Councils and Funding of Delegated Services Policy.

- Make Wiltshire a safer place (e.g. by ensuring that car parks are ‘safer by design’).
- Encourage the use of sustainable travel modes and reduce reliance on the private car (e.g. by setting parking charges at appropriate levels).

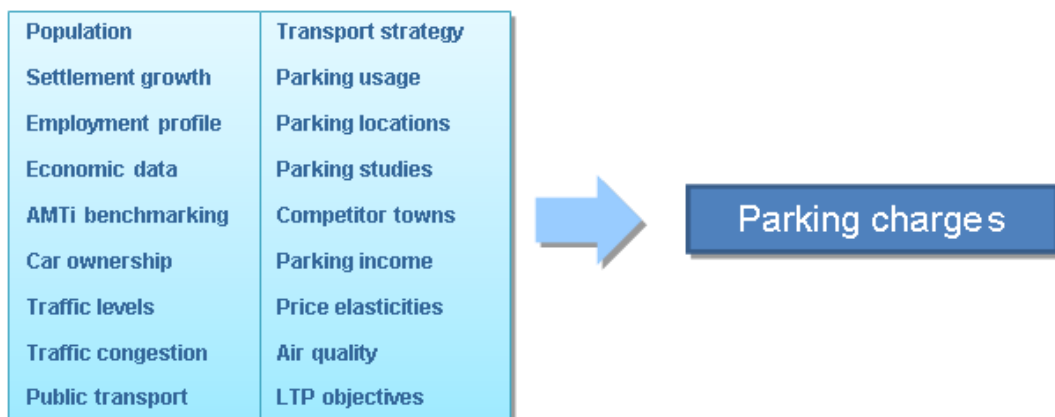
Priority: Protecting the Vulnerable

The car parking strategy can:

- Provide access to key services and facilities for special needs groups and mobility impaired (e.g. by providing appropriate Blue Badge spaces).

Background

3. The current Wiltshire LTP Car Parking Strategy was approved by Cabinet at its meeting on 17 March 2015. The strategy sets out how parking management, including charging, is undertaken in Wiltshire. The strategy focused on three key factors:
 - **Regeneration:** using parking measures to support town centre regeneration.
 - **Restraint:** using parking controls as a means of restraining / managing traffic and improving environmental quality, or to encourage the use of sustainable transport modes.
 - **Revenue:** securing sufficient revenue to cover the costs of providing car parking and using any surplus revenue to fund other important local services.
4. In order to help find the right balance between the above factors, relevant economic, social and environmental data was used to inform the strategy. A key outcome of this process was a move to a more ‘fine grained’ approach to car parking management, and in particular charges, based on the local circumstances of each car park / settlement (see below).



5. A Review of charges, with a full TRO consultation, was undertaken in 2017, with new charges being introduced in 2018. The charges were based on a fine-grained approach in compliance with the LTP Car Parking Strategy outcomes.
6. The 2018 charges were based on an assumed inflation increase for four years for which time TRO parking charges would not be increased. The inflation in 2021/ 22 was far higher than forecasted. Inflation rates remain high, and the costs of the

Parking Services have increased accordingly. The Council has also undertaken a number of initiatives which have increased spending or reduced income this includes the removal of the convenience charge on mobile payments and the replacement of its payment machines. The change in visitor behaviours has changed the type of demand for parking, be this shopping habits or tourist visits to rural car parks. To meet the changes in demand, there has been a need to look at all council services and consider where further efficiencies can be made, and/or where there is an opportunity to generate income.

7. To address the above ongoing operational and financial pressures four possible charging options were identified and included in a public consultation exercise:
 - Option 1 Apply an inflation increase to car park charges
 - Option 2 Apply an inflation increase to car park season tickets
 - Option 3 Introduce a charge in Dunns Lane car park Castle Combe
 - Option 4 Remove the exemption for payment from Blue Badge holders in 'off street' car parks
8. The public consultation exercise on the above proposed options was held between 28 April and 24 May 2022 hosted on the Wiltshire Consultation Portal. In total there were 389 responses.
9. Full Council considered the four options at its meeting on 15 February 2022 as part of the budget setting process and decided to proceed with the 'off-street' TRO public consultation.
10. As a result of the budget setting process the following TROS were proposed under the Traffic Regulation Act 1984 and the Traffic Management Act 2004 for consultation:

Off-street TROs:

 - The County of Wiltshire (Eastern Wiltshire) (Off Street Parking Places) Order 2022.
 - The County of Wiltshire (Western Wiltshire) (Off Street Parking Places) Order 2022.
 - The County of Wiltshire (Northern Wiltshire) (Off Street Parking Places) Order 2022.
 - The County of Wiltshire (Southern Wiltshire) (Off Street Parking Places) Order 2022.
11. The above proposed TROs were advertised in accordance with the requirements of the Road Traffic Regulation Act 1984 and Traffic Management Act 2004. The associated public consultation exercise was undertaken on the amended TROs between 28 April and 24 May 2022. There were 389 responses received.

Main Considerations for the Council

Consultation Comments

12. The overall summary of the comments made in 390 submissions to the advertised TROS is as follows:

Comment	Number
Objection to charging Blue Badge Holders	205
Impact on local businesses	151
Objection to increase in hourly charges	81
Bad timing – cost of living crisis	74
Impact on mobility impaired	66
Objection to Sunday charge	38
Need for free parking	38
Objection to introduction of charging in Castle Coombe	30
Impact on residential streets	18
Need to harmonise parking charges across Wiltshire	14
Objection to increase in season tickets	10
Need for simplification of charges	10
Need for a more holistic approach to parking and transport	10
Concerns about ability to pay by cash	8
Impact on Sunday worshipping	5
Other	41

13. Full details of the comments received are provided in **Appendix 1**. As the proposals relate to all of Wiltshire, except for Option 3 (charges in Castle Combe), we have not broken down the comments received into areas.

Further representations were made by Cllr Allison Bucknell, full details can be found in Appendix 3.

Responses to Consultation Comments

14. Consideration needs to be given to all comments received and a decision made on the way forward. The theme of responses received were all of a similar vein and therefore we have summarised in the table below.

Comment	Officer Response
Objection to charging Blue Badge Holders	<p>The Statement of Wiltshire Council's reasons for proposing to make the Orders set out the following:</p> <ol style="list-style-type: none"> 1. Charging for parking in blue badge bays will discourage mis-use of the blue badge scheme by removing the option to park without payment by ineligible users and ensure the sufficient availability of wider parking spaces for people with disabilities or mobility impairment. 2. To reflect the approach of neighbouring authorities who have introduced parking charges for Blue Badge Holders.

Comment	Officer Response
	<p>3. Blue Badge Holders will continue to receive concessions for 'on-street' parking areas which are often more accessible than car parks.</p>
Impact on local businesses	<p>In setting car parking charges, the Council needs to find a balance between three key factors:</p> <ul style="list-style-type: none"> • Regeneration • Restraint • Revenue <p>Policy PS3 in the Wiltshire Local Transport Plan (LTP) Car Parking Strategy reflects the above approach by taking into consideration a variety of economic, social and environmental factors in setting car parking charges.</p>
Objection to increase in hourly charges	<p>The Statement of Wiltshire Council's reasons for proposing to make the Orders set out the following:</p> <ol style="list-style-type: none"> 1. It maintains the Council's established position as set out in the Wiltshire Council 2017 Parking Review (implemented in 2018) incorporating long stay and short stay charging differentials. 2. The charges will continue to encourage and incentivise drivers to go to the most appropriate car park through charging differentials and duration limits. 3. Season tickets will continue to remain good value for workers and people requiring longer or more regular stays by offering a considerable discount. 4. The proposal establishes a measure of certainty for customers over the next four years, during which the Council's wider Parking Strategy is being reviewed as part of developing Wiltshire's 4th Local Transport Plan. 5. The fixed increase will remove the annual administration costs required were charges to occur annually. 6. Car parking rates remain comparable with neighbouring authorities. 7. The increase in parking charges reflect the inflationary pressures on the costs of providing the parking service.
Bad timing – cost of living crisis	See response above, in particular points 3, 4, 6 and 7.
Impact on mobility impaired	An Equality Analysis was developed to support the Council's budget setting process (see Agenda for Council on Tuesday 15 February 2022, 10.30 am Wiltshire Council). Appendix 2
Objection to Sunday charge	Charging on Sundays at all relevant Wiltshire Council car parking facilities was not part of this current TRO consultation. This decision was taken by the Cabinet Member for Highways, Transport and Waste in October 2018 following a similar TRO consultation process, and the Order made but not implemented until 1 April 2022.

Comment	Officer Response
Need for free parking	<p>Car parking charges are based on Policy PS3 in the Wiltshire LTP Car Parking Strategy and broadly reflect the need to balance the following three key factors:</p> <ul style="list-style-type: none"> • Regeneration • Restraint • Revenue <p>Car parking rates in Wiltshire remain comparable with neighbouring authorities and key competitor towns/cities.</p> <p>The Strategy also includes the following provision:</p> <p><i>Enable community groups to fund charging exemptions in identified car parks to offer as free or subsidised parking (e.g., as part of a 'First hour free' or 'Free after 4pm' parking initiative).</i></p> <p>Therefore, subject to legal and other relevant considerations, the Council will consider proposals from local community groups related to the above.</p>
Objection to introduction of charging in Castle Combe	Proposed charges are comparable with other Wiltshire tourist destinations and will contribute to an enhanced enforcement service for 'on-street' and 'off-street' parking.
Impact on residential streets	Any displacement of parking onto streets will be monitored by the Council. Any requests for new or amended residents' parking schemes should be sent to the relevant town council in the first instance. Similarly, any requests for waiting restrictions should be sent to the relevant town council in the first instance. Should any additional waiting restrictions be required, these will be assessed as part of a whole town review.
Need to harmonise parking charges across Wiltshire	A more 'fine grained' approach to car parking management (based on the local circumstances of each car park / settlement) and, in particular charges, was supported and introduced as a result of the review of the LTP Car Parking Strategy in 2014. The development of the LTP4 will provide the opportunity to consider this matter again.
Objection to increase in season tickets	Season tickets will continue to offer good value for money when compared to the all-day charge, it also provides a degree of certainty for users for the next four years.
Need for simplification of charges	A more 'fine grained' approach to car parking management (based on the local circumstances of each car park / settlement) and, in particular charges, was supported and introduced as a result of the review of the LTP Car Parking Strategy in 2014. The development of the LTP4 will provide the opportunity to consider this matter again.
Need for a more holistic approach to	This is recognised by the Council and will be considered as part of the development of the forthcoming new LTP4

Comment	Officer Response
parking and transport	which is to be developed and finalised by Spring 2024.
Concerns about ability to pay by cash	A programme to renew our pay and display machines is underway with payment options being cash, card and mobile/app payments.
Impact on Sunday worshipping	Charging on Sundays at all relevant Wiltshire Council car parking facilities was not part of this current TRO consultation. This decision was taken by the Cabinet Member for Highways, Transport and Waste in October 2018 following a similar TRO consultation process, and the Order made but not implemented until April 2022. An Equality Analysis was developed as part of the TRO process in 2018 which included consideration of the potential impacts on all the relevant Protected Characteristics including religion and belief.

Safeguarding implications

15. There are no direct safeguarding implications as a result of the proposals put forward in this report.

Public Health Implications

16. A potential impact of implementing the TROs is reduced car trips and circulating traffic, and possibly encouragement for people to use more sustainable transport modes such as walking, cycling and buses. In turn this may have a positive impact on air quality, carbon emission, reliance on fossil fuels, activity levels and communities.

Equalities Impact of the Proposals

Equalities impact assessment can be seen as Appendix 2

Age

17. Issue: Young people and the elderly are more likely to be on low incomes and are therefore more likely to be adversely impacted by any higher parking charges.

Response: Surplus revenue from parking charges supports other transport measures including non-commercial, but essential local bus services. This is one of the main reasons why the Council has been in a position to retain the vast majority of these bus services, in contrast to other local authorities which have seen significant cuts to services.

Disability

18. Issue: The introduction of charges for Blue Badge Holders could deter disabled users from using car parks:

Response: Blue Badge Holders will continue to receive concessions for 'on street' parking areas which are often more accessible than car parks.

Other

19. Issue: People on low incomes are more likely to be adversely impacted by any higher parking charges.

Issue: People living in rural areas with little public transport and who therefore need to use a car to access shops and services in the towns, are more likely to be adversely impacted by any higher parking charges.

Issue: Increased parking charges may have some influence on reducing the numbers of people accessing local towns and businesses (i.e., increased charges may result in people not visiting certain areas so often).

Response: Surplus revenue from parking charges supports other transport measures including non-commercial, but essential local bus services. This is one of the main reasons why the Council has been in a position to retain the vast majority of these bus services, in contrast to other local authorities which have seen significant cuts to services.

If the implementation of the TROs is not agreed, then this could have the following possible impacts on each identified Protected Characteristic group:

Age / Disability/ Other

20. Issue: The loss of additional parking revenue may impact on the Council's ability to support some non-commercial local bus services which provide access to essential services and facilities.

Environmental and Climate Change Considerations

21. A potential impact of implementing the proposed options is reduced car trips and circulating traffic, and possibly encouragement for people to use more sustainable transport modes such as walking, cycling and buses. In turn, this may have a positive impact on air quality, carbon emission, reliance on fossil fuels, activity levels and communities.

Risks that may arise if the proposed decision and related work is not taken

22. Failure to meet the Council's budget requirement.
23. Reductions in supported bus services as a result of lower surpluses in off-street parking income.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

Risk	Action to mitigate the risk
Adverse impact of proposals on businesses and local economies.	The public consultation undertaken this year and the TRO consultation provided the opportunity for comments to be made by all interested parties.

	<p>The impact of approved proposals will be monitored by the Council. The LTP Car Parking Strategy states that:</p> <p><i>“A full review of parking charges will be undertaken by the council at approximately five-year intervals based on the factors outlined in Policy PS3. Annual interim reviews of parking charges (at a car park or town level) may also be carried out based on some or all of the factors outlined in Policy PS3 [Parking charges]”.</i></p>
Adverse impact of increased parking charges on some Protected Characteristic groups.	An Equality Impact Assessment Appendix 2
Increase in inappropriate parking (e.g., in residential streets) as a result of the proposals.	Town parking reviews will continue in line with a prioritised programme.

Financial implications

24. Accountancy is supportive of the proposals. Due diligence on the assumptions has been undertaken. Future income levels and impact will be monitored through the budget monitoring process.

Legal implications

25. Any significant changes to the terms and conditions applicable to car parks will require the processing of a TRO under the Road Traffic Regulation Act 1984 ('the 1984 Act') and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. In deciding whether or not to make a TRO, and exercising any of its powers under the 1984 Act, the Council also has a duty to (having regard to the matters specified in s.122 (2)) secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The matters referred to in s.122 (2) are the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of any locality affected, the importance of regulating and restricting the use of roads by heavy commercial vehicles, the national air quality strategy, facilitating the passage of public service vehicles including the safety and convenience of persons using public service vehicles and any other matters the Council considers to be relevant. Failure to adhere to any of the statutory processes could potentially result in the proposed changes being successfully challenged in the High Court.
26. The making of a TRO includes a statutory public consultation process over a period of 21 days to permit responses including any objections to be made. Any objections must then be considered before an Order is made. The Order may be modified before it is made, in light of any objections or representations that have been received.
27. For these purposes, a significant change would include:
- (i) Imposing a charge where one did not previously exist.
 - (ii) Introducing free parking areas into a charging car park.

(iii) Changing the class of vehicle permitted to use a car park.

28. Failure to adhere to the statutory processes could potentially result in:

- (i) The new charges being successfully challenged in the High Court resulting in loss of income and/or loss of reputation for the Council.
- (ii) Delay arising from the Council being unable to increase the charges on the anticipated implementation date.

Options Considered

29. To:

- (i) Implement the TROs as advertised.
- (ii) Not implement the TROs.
- (iii) Implement the TROs with amendments.

Reason for Proposal

30. To satisfy the requirements of the decision of Full Council at its meeting on 15 February 2022.

Proposal

31. That the following Traffic regulation Orders be implemented as advertised:

Off-street TROs:

- The County of Wiltshire (Eastern Wiltshire) (Off Street Parking Places) Order 2022.
- The County of Wiltshire (Western Wiltshire) (Off Street Parking Places) Order 2022.
- The County of Wiltshire (Northern Wiltshire) (Off Street Parking Places) Order 2022.
- The County of Wiltshire (Southern Wiltshire) (Off Street Parking Places) Order 2022.

The following unpublished documents have been relied on in the preparation of this report.

None