

**CABINET MEMBER FOR HIGHWAYS & TRANSPORT, STREETSCENE & FLOODING–
CLLR CAROLINE THOMAS**

PARKING SERVICES

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OFF-STREET PARKING TRAFFIC REGULATION ORDERS FOR WILTSHIRE

Purpose of Report

1. To:
 1. Consider comments and objections to the advertised proposals for amendment to the Traffic Regulation Orders (TROs) applicable for Melksham Community Campus Car Park, Melksham, Wiltshire
 2. 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. Melksham Community Campus car park is intended for use by Campus users. This car park is quite unique as whilst it has a valid TRO with tariffs applied, the charging regime was never implemented. It was decided at the time to monitor the car park for evidence of misuse and take the appropriate steps if necessary. Since implementation there has been considerable evidence of misuse of the parking facilities by members of the public using the car park for prolonged periods of time whilst not visiting the campus. This is a town centre car park which is attractive to those working in the town to obtain free parking.
5. To address the above ongoing issues the following proposal was submitted:
 - To remove the scale of tariffs and to implement a 3-hour maximum stay to the car park.
6. The public consultation exercise on the above proposal was held between 25 August 2023 and 18 September 2023.
7. The following TRO was proposed to be amended under the Traffic Regulation Act 1984 and the Traffic Management Act 2004.

Off-street TROs:

- The County of Wiltshire (Western Wiltshire) (Off Street Parking Places) Order 2022 (Amendment No.1) Order 2023
8. 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 TRO between 25 August 2023 and 18 September 2023.

Main Considerations for the Council

Consultation Comments

9. The overall summary of the comments made in eight submissions to the advertised TRO is as follows:

Comment	Number
Objection to the max stay	7
Supportive of the proposal	1

Responses to Consultation Comments

10. Consideration needs to be given to all comments received and a decision made on the way forward.
11. Concerns were raised by the sports clubs present at the site; however, permits would be available for members of those clubs to ensure they are not impacted by the maximum stay. Further provision would be made for large events with the suspension of enforcement to ensure minimal disruption to the running of these clubs.
12. Permits would be issued for Campus staff and tenants within the building.
13. Please see **Appendix A** for all comments received and officer comments.

Safeguarding implications

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

Public Health Implications

15. A potential impact of implementing the TRO 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

16. Not applicable.

Environmental and Climate Change Considerations

17. 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 is not taken

18. The parking area will continue to be used by non-campus visitors.

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
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

19. None.

Legal implications

20. 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.

21. 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.

22. For these purposes, a significant change would include:

1. Imposing a charge where one did not previously exist.
2. Introducing free parking areas into a charging carpark.
3. Changing the class of vehicle permitted to use a carpark.

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

1. Any penalty charge notices issued in the location being successfully challenged.

Options Considered

24. To:

1. Implement the TROs as advertised.
2. Not implement the TROs.
3. Implement the TROs with amendments.

Reason for Proposal

25. The Order to be implemented to prevent long-stay parking for non-campus users.

Proposal

26. That the following Traffic Regulation Order be implemented with amendment, specifically that the maximum stay of the car park will be applied Monday – Friday 8am- 6pm.

Off-street TROs:

- The County of Wiltshire (Western Wiltshire) (Off Street Parking Places) Order 2022 (Amendment No.1) Order 2023

The following unpublished documents have been relied on in the preparation of this Report:

Appendix A