

**CABINET MEMBER FOR HIGHWAYS & TRANSPORT, STREET SCENE & FLOODING –
CLLR NICK HOLDER**

PARKING SERVICES

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REFERENCE:HSSF-03-25

MALMESBURY ACTIVITY ZONE CAR PARK

Purpose of Report

1. To:
 - (i) Consider comments and objections to the advertised proposals for introducing a Traffic Regulation Order (TRO) applicable to Malmesbury Activity Zone, Malmesbury, Wiltshire.
 - (ii) Recommend the making of the Order.

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
3. Malmesbury Activity zone car park has previously been operating as an unrestricted car park. Over time due to use by those not using the facilities at the Activity Zone additional pressures have been placed on the car park. The implementation of a maximum stay of 3 hours on the car park would reduce those users parking all day and free up space for users of the Activity Zone.
4. To enable Wiltshire Council to operate the car park the following proposal was submitted:
 - To Implement a new TRO for this location
5. The public consultation exercise on the above proposal was held between 26th September 2024 and 21st October 2024.
6. 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 (Northern Wiltshire) (OFF STREET PARKING PLACES Order 2022 AMENDMENT NO.3) ORDER 2024.

Main Considerations for the Council

Consultation Comments

7. One response was received from Malmesbury Town Council.
8. The response was objecting to the maximum stay being implemented on the grounds that it would reduce the amount of parking for residents and visitors to Malmesbury.

Responses to Consultation Comments

9. Consideration needs to be given to all comments received and a decision made on the way forward.

10. The proposed TRO is to increase the availability of parking spaces to those users of the Activity Zone, this car park is not intended for visitors and residents.
11. Please see **Appendix A** for all comments received and officer comments.

Overview and Scrutiny Engagement

12. Not Applicable in this case.

Safeguarding Implications

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

Public Health Implications

14. 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.

Procurement Implications

15. None.

Equalities Impact of the Proposal

16. None.

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.

Risk Assessment

- 18.

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 their 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:
 - (i) Imposing a charge where one did not previously exist.
 - (ii) Introducing free parking areas into a charging carpark.
 - (iii) Changing the class of vehicle permitted to use a carpark.
23. Failure to adhere to the statutory processes could potentially result in:
 - (i) Any penalty charge notices issued in the location being successfully challenged.

Options Considered

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

Reason for Proposal

25. The Order be implemented to enable Wiltshire Council to enforce the 3 hour maximum stay of the car park, which in turn improves the availability of spaces for those wishing to use the facilities of the Activity Zone.

Proposal

26. That the following TRO be implemented as advertised:
 - The County of Wiltshire (Northern Wiltshire) (OFF STREET PARKING PLACES) Order 2022 AMENDMENT NO.3) ORDER 2024.

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

None