

Subject:	Verge & footway parking restrictions		
Date of Meeting:	8 October 2013		
Report of:	Executive Director Environment Development & Housing		
Contact Officer:	Name:	Owen McElroy	Tel: 293693
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Ward(s) affected:	North Portslade, Patcham & Withdean		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to address representations and objections to the draft traffic regulation order detailed below.
- 1.2 The strategic city wide parking review (the review) commissioned by the Cabinet Member for Environment in October 2011 examined a wide range of parking issues raised by residents and other stakeholders including parking on grass verges and footways.
- 1.3 The review confirmed existing policy that the council does not condone parking on verges and footways due to safety, maintenance, access and environmental impacts. The final report was approved by Transport Committee in January 2013 and identified two areas of the city where verge and footway parking was of particular concern.
- 1.4 In 2010 the Department of Transport authorised new area based signing which allows council civil enforcement officers (CEOs) to issue penalty charge notices (PCNs) to vehicles parking on highway verges and footways.

2. RECOMMENDATIONS:

- 2.1 That having taken account of all duly made representations and objections Environment Transport & Sustainability Committee approve The Brighton & Hove (Various Roads) (Prohibition of Stopping and Waiting on Verges and Footways order 20** (TRO-15-2013) subject to the following amendments.
 - 2.2.1 Item 2 Schedule 1 shall be amend description to "From its junction with Surrenden Road to a point 88 metres south of the junction with Carden Avenue."
 - 2.2.2 Delete item 9 schedule 1 Varndean Road
- 2.3 In response to safety audit recommendations officers are to prepare measures to mitigate any adverse effects that have been identified in that audit subject to monitoring and evaluation of these locations.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Verge and footway parking is mainly experienced in residential areas outside of controlled parking zones due to vehicle oversubscription.
- 3.2 Footway parking can be inconvenient for pedestrians and especially hazardous for disabled and elderly people, those who are visually impaired and people with pushchairs and double buggies. Rule 218 of the Highway Code says: "Do not park partially or wholly on the footway unless signs permit it".
- 3.3 Parking on grass verges can be obstructive and dangerous, particularly at junctions but objections are often made on environmental and aesthetic grounds. Persistent parking on verges is unsightly and can lead to significant erosion. The erosion can undermine the adjoining road or footway. Replacing verges with tarmac can have a negative impact on surface drainage and bollards can also be unsightly, require upkeep and impede verge cutting.
- 3.4 Every year the council receives dozens of complaints from residents about parking on footways and verges. Sixteen representations were received on this subject during the Review.
- 3.5 Driving on the footway or verge, except over a properly constructed crossover is also an offence under both section 72 of the Highways Act 1835 and section 34 of the Road Traffic Act 1988. Obstruction of the verge or footway can amount to a criminal offence if the passage of pedestrians is significantly impeded. All these offences can only be enforced by the police or by Police Community Support Officers (PCSOs) whose resources are limited and priorities focused on other areas such as property crime.
- 3.6 The East Sussex Act 1981 is a local Act of Parliament containing provisions that allows local authorities in East Sussex to prohibit driving vehicles on grass verges. Notice must be given and traffic signs erected. A number of signs have been erected and maintained in areas of Patcham and Withdean including the proposed streets. This offence can again only be enforced by the police or PCSOs.

Physical survey

- 3.7 A site visit was conducted in the evening of 22nd October 2012 in the Mile Oak area accompanied by the ward councillors. Dozens of vehicles were found parked on grass verges in the area in particular in Chalky Road near the Sports Centre where vehicles were observed skidding across the verge onto the footway and mud was strewn over the footway and road. Several instances of obstructive footway parking were also noted in Mile Oak Road and Graham Avenue.
- 3.8 A site visit was conducted during the day in the Surrenden area on 3rd October 2012. Several dozen vehicles were parked on verges in the area; examples were near the school/college entrances in Surrenden Road, on verges in Surrenden Crescent and Braybon Avenue adjacent to properties with off road

parking, and at the bottom end of Varndean Road where there was significant soil erosion.

Road safety audits

- 3.9 A combined stage 1 & 2 Road safety Audit has been carried out on the proposals to assess any negative impact and possible mitigation (Appendix F). The following issues have been highlighted

Mile oak area

- 3.10 Chalky Road is a bus route with reduced carriageway width. There are some areas of unrestricted parking at the eastern end near the junction with Broomfield Drive and Hamilton Close. Should vehicles displace from verge areas onto these sections two way traffic flow could be impeded leading to a possible increase in collisions. Consideration should be given to extending existing no waiting at any time restrictions. Officer's response: Post implementation the sites should be monitored and measures prepared for this eventuality.

Surrenden Area

- 3.11 In Braybon Avenue there is a risk of displacement of vehicles from the verges to the vicinity of the unrestricted junctions of Old Farm Road/Braybon Avenue & Woodland way/Greenfield Crescent & Braybon Avenue. There is a risk of vehicles parking on the highway reducing visibility and carriageway width increasing the likelihood of vehicle collisions. Consideration should be given to introducing no waiting at any time restrictions at the unrestricted junctions. Officer's response: Post implementation the sites should be monitored and measures prepared for this eventuality.
- 3.12 In Varndean Road at eastern end a number of vehicles are parked on the verge. The carriageway width is not sufficient to facilitate safe two way passing movements over a 250 metre length. Given the likelihood that vehicles would be displaced onto the street consideration should be given introducing a number of lengths of no waiting at any time close to uncontrolled pedestrian crossing points. Officer's response: The reduction in parking could amount to over 20 spaces further reducing the already scarce parking in the area. It is proposed that Varndean Road should be removed from the order with further consultation to take place with ward councillors with a view to finding an appropriate solution for this location, subject to resources and priorities.

Displacement

- 3.13 It is accepted that some displacement of vehicles will occur but officers do not believe this will have an unduly negative effect on surrounding roads. It is also believed that some vehicles will transfer to private parking or to other transport modes.
- 3.14 In Mile Oak area it is expected that vehicles currently parking on verges outside the Sports Centre, Chalky Road will use the college car park 200 yards away which is currently under capacity. In other streets there is either capacity on street, in adjacent roads or on private driveways.

- 3.15 In the Surrenden area much of the verge parking is discretionary particularly in Surrenden Crescent, Braybon Avenue and parts of Surrenden Road with off street parking available. The council is working with the schools and colleges in the area to promote more sustainable means of travel which the colleges encourage. Disabled parking places are available for staff and students on the college grounds. There is a greater potential for displacement in Varndean Road with up to 20 vehicles using the verges. In this road there is only limited off street parking and there is little capacity in adjacent roads.. There is anecdotal evidence from residents that some vehicles are parked in order to make onward journeys by bus from London Road. Some of these vehicles may transfer to the Withdean Stadium Park and Ride or transfer the whole of their journey to public transport. However all of the objections to Varndean Road have come from local residents.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The first phase of the parking review consisted of officers attending 40 community meetings, addressing around 600 people such as resident groups, tenants associations and Local Action Teams. Parking on verges and footways was raised as an issue at several of these meetings.
- 4.2 The second phase comprised of an ongoing dialogue with stakeholders and ward members and this resulted in the two pilot areas being identified. The areas were selected on the basis of evidence of highway damage or obstruction, a long standing problem, significant evidence of community support and alternative parking being available whether on private drives, off street car parks or adjoining streets.
- 4.3 The principle of controlling verge and footway parking was discussed at two Overview and Scrutiny meetings and two special scrutiny panels in 2011/12. There were mixed views as to its impact across the city with some scrutiny members feeling it was a problem in their area and others not.
- 4.4 Parking on verges and footways was identified as a key issues raised by residents and resident groups at the October 2011 Environment Cabinet member meeting and in the Interim report on the city wide parking review at May 2012 Environment Cabinet Member Meeting.
- 4.5 The draft traffic regulation order was advertised on 30th July 2013 with the closing date for comments and objections of 21 August 2013.
- 4.6 The ward councillors for the areas were consulted, as were the statutory consultees such as the emergency services. The local PCSO for North Portslade notified officers of problem footway parking in Graham Avenue during school pick up/drop off and of problematic verge parking in the evenings in Chalky Road. .
- 4.7 There are a number of schools and colleges in the area and since the notice period was during the school holidays they were contacted in advance by officers to ensure that staff and students were aware and would have an opportunity to comment.

- 4.8 Notices were put on street and missing notices were replaced after one week. The notice was also published in the Argus newspaper on 30th July 2013. Detailed plans and the Traffic Regulation Order were available to view at Hove library, Jubilee Library, the City Direct offices at Bartholomew House and Hove Town Hall. A plan detailing the proposals is shown at appendix E.
- 4.9 The documents were also available to view and to respond to directly on the council website.
- 4.10 A total of 63 representations have been received over both areas. Representations are summarised in appendix D “summary table of representations to the draft traffic order”

Mile Oak area

- 4.10 A total of 8 representations were received, 4 in favour and 4 against. Three objections came from Mile Oak Road and one from Graham Avenue. The objections were mainly on perceived road safety grounds arguing that if the vehicles were to park wholly in the road rather than partly or wholly on the footway or verge they would cause a hazard to traffic (including buses). The road safety issues are addressed in paragraph *.
- 4.11 Two residents, the bus company and one of the local ward members wrote in support of the proposals. The bus company argued that car parking on the footway made it more difficult for passengers to access bus stops.

Surrenden area

- 4.12 A total 55 representations were received, 35 in favour (34 of which were from the area) and 20 against. Of the 209 against, 6 were mainly concerned with Braybon Avenue and stated that if vehicles were to park on the road then a hazard would be caused to traffic including buses. Two objectors were under the mistaken impression that this was a proposed clearway order.
- 4.13 13 objections have come from Grosvenor Court flats at the western end of Varndean Road. The main concern is the lack of alternative parking available. and this has also been expressed by two of the local ward councillors. Several years ago yellow lines were placed on the opposite side of the road and the wooden bollards installed to protect the verge but parking has now concentrated on the south side verges which are damaged after wet weather. Several residents have argued that these verges should be become formalised parking and two have asked for permit parking.
- 4.14 A local community group “Campaign to Save Grass Verges” have written in support of the measure as have the Surrenden Holt residents association. One local ward member from both Patcham and Withdean wards have also written in support. The local bus company has written in support.

General

- 4.15 Several representations have stated the lack of alternative parking and the possible impact on neighbouring streets of displaced parking as a reason not to proceed or instead to replace verges with tarmac suitable for vehicles or widen the carriageway. Displacement is dealt with in paragraphs 3.10 to 3.12 above. Replacing verges with tarmac can have a negative impact on surface drainage due to rapid run off. Also this would not meet the objective of preserving the amenity value of wide verges. "Grasscrete" or "meshcrete" has been suggested but this will not preserve the integrity of the verge and only works in areas of occasional use such as lay-bys for service vehicles and is not recommended for areas of regular parking.
- 4.16 Some objectors suggest cutting back footway or formalising parking on the footway with road markings. It is not recommended to proceed since this would significantly reduce the footway available to pedestrians.
- 4.17 Some objectors claim that they have acquired a right to park on the footway/verge on account of long standing use without enforcement. It is not possible in law to gain adverse possession or an easement to park on a public highway through long use.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 February 2013 Budget Council approved a £125,000 one off revenue contribution in 2013-14 to support verge parking restriction pilot schemes. It is now estimated that the scheme will cost less than budgeted as it has been confirmed that there are reduced signing requirements and the physical scope of the scheme has been reduced. Any variance to the budget will be reported as part of the Targeted Budget Management reporting process.
- 5.2 Savings could be expected in terms of long term reductions in maintenance costs for highway verges and footways and the adjoining carriageway although this is difficult to quantify in advance.

Finance Officer Consulted: Steven Bedford

Date: 03/09/13

Legal Implications:

- 5.3 The Council has power to make traffic orders in order to secure traffic management objectives under the Road Traffic Regulation Act 1984. The orders have been advertised in accordance with the relevant procedure regulations. As there are unresolved objections they are now referred to this meeting for consideration.
- 5.4 Relevant Human Rights to which the Council should have regard are the right to respect for family and private life and the right to protection of property. These are qualified rights and there can be interference with them in appropriate circumstances.
- 5.5 Other legal implications are considered in the body of the report.

Equalities Implications:

- 5.6 An equalities impact assessment has not been carried out. However the measure is expected to assist vulnerable road users in particular pedestrians using the footways and verges by improving access to these areas.

Sustainability Implications:

- 5.7 By preserving wide grass verges the proposed measures will support sustainable drainage, protect existing trees and shrubs and promote biodiversity.

Crime & Disorder Implications:

- 5.8 If approved the proposed traffic order will provide an additional method to deter and enforce existing road traffic offences by making parking on the verges and footways liable to a penalty charge notice.

Risk and Opportunity Management Implications:

- 5.9 Any risks have been identified and monitored as part of the overall project management

Public Health Implications:

- 5.10 There are no significant public health implications.

Corporate / Citywide Implications:

- 5.11 The proposed verge and footway parking restrictions will contribute to the following priorities in the 2011-15 corporate plans; tackling inequality and creating a more sustainable city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The main alternative is to do nothing. However the proposals were a specific recommendation of the city wide parking review approved by transport committee in January 2013.
- 6.2 A further option in respect of grass verges is to replace them with tarmac/concrete mesh or to widen the carriageway. Officers do not recommend this for the reasons given in paragraph 4.15.
- 6.3 A further option in respect of footways is to legally allow parking on them or to widen the carriageway. Officers do not recommend this for the reasons given in paragraph 4.16.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek approval of measures to manage verge and footway parking in the identified areas in accordance with the recommendations of the councils strategic city wide review of parking

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A Traffic Regulation Order public notice
2. Appendix B Traffic Regulation Order statement of reasons
3. Appendix C Draft Traffic Regulation Order
4. Appendix D Summary table of representations to the draft traffic order]
5. Appendix E Plan of proposed areas for verge and footway restrictions
6. Appendix F Stage1/2 combined safety audit (Mott McDonald)

Documents in Members' Rooms

None

Background Documents

1. Minutes of Environment Cabinet member meeting October 2011
2. Minutes of Environment Cabinet member meeting May 2012.
3. Minutes of Transport Committee meeting January 2013