

On Street Parking Guidance

2017

On-Street Parking Guidance

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1. Introduction

Cheshire East Council as Traffic Authority is responsible for making Traffic Orders that regulate on street parking.

The Cheshire East road network needs to support a local transport system that promotes economic growth, is safe for all road users and is not detrimental to the quality of life in our communities.

Cheshire East Council recognises the importance of its highway infrastructure and how an effectively maintained and managed network contributes to the accessibility and safety of its users. This Guidance for On Street Parking Restrictions has been developed to support the Council's outcomes and other community driven policies and strategies. The aim of the Guidance is to manage the level of on street parking and bring in a consistent approach across the Borough.

2. On Street Parking Regulations

There are a number of pieces of national legislation that impose statutory obligations and duties on the Council in relation to on street parking including:

- The *Traffic Management Act 2004* (TMA) places a duty on all local traffic authorities to secure the **expeditious movement** of traffic on their road networks.
- The *Road Traffic Act 2006* (RTA) requires local authorities to prepare and carry out a programme of measures designed to promote **road safety**.
- Waiting restrictions are indicated on the road network by road markings and signs which can only be implemented or changed via Traffic Regulation Orders (TROs) which involves a legal process governed by strict legislation. The *Road Traffic Regulation Act 1984* (RTRA) defines under what circumstances a TRO can be introduced. These are:
 - Avoiding danger to persons or traffic;
 - Preventing damage to the road or to buildings nearby;
 - Facilitating the passage of traffic;
 - Preventing use by unsuitable traffic;
 - Preserving the character of a road especially suitable for walking or horse riding;
 - Preserving or improving amenities of the area through which the road runs;
 - For any of the purposes specified in paragraphs (a) to (c) of the Environment Act 1995 in relation to air quality.

The RTRA also requires the Traffic Authority to exercise these powers to secure the **expeditious, convenient and safe movement** of vehicular and other traffic and the provision of suitable and **adequate parking facilities** on and off the highway.

Any decision to restrict vehicles from parking on the road network must have due regard to these objectives.

3. Types of Restrictions

There are two main types of waiting restrictions:

- Prohibitive Waiting Restrictions and
- Permissive Waiting Restrictions.

3.1 Prohibitive Waiting Restrictions

Generally, prohibitive waiting restrictions are indicated by yellow road markings and the times of the control are indicated by accompanying signs (except for double yellow lines, where restrictions apply 24 hours per day and cannot have supporting signs).

Zonal restrictions can be applied to parking on the highway, footways and verges. These are indicated by zonal entrance signs and repeater signs.

It should be noted that the setting down of passengers and loading/unloading is lawfully allowed, except where the following loading restrictions apply:

- Bus Stop Clearways,
- Bus Lanes,
- Clearways,
- School Keep Clears,
- Box junctions
- Doctors Bays.

Also, blue badge holders (disabled drivers or passengers) can lawfully park for up to three hours on Single or Double yellow lines during the hours of operation provided they do so safely, are not obstructing traffic and the badge and clock are clearly displayed with the correct time of arrival.

3.2 Permissive Waiting Restrictions

These are usually indicated by zonal entry signs or white parking bays with accompany signs. The signs indicate who can park and any limits on length of stay or times of use. Sometimes designated use of a parking bay can be indicated on the carriageway in white lettering, such as 'disabled', 'doctors', 'loading' or 'permit holders only'.

Permissive bays manage the demand for parking, encourage a turnover of vehicles, assist in addressing conflicts for parking in areas of high demand, provide a high turnover of parking in locations such as outside shopping areas and overcome problems where residents have little or no available parking.

3.3 Other Restrictions

3.3.1 School Keep Clear Markings and zig zag markings associated with pedestrian crossings.

Stopping under any circumstances during the hours of operation is prohibited on School Keep Clear markings and this includes coaches, deliveries and blue badge holders. The purpose of providing School Keep Clear markings is to keep the space outside of schools free from parked vehicles so that children can be seen more easily when crossing the road.

3.3.2 Loading and Unloading Restrictions

These are indicated by yellow “tabs” on the kerb and can be at all times or for a prescribed period as indicated on accompanying signs. No vehicles are permitted to park in these locations during the hours of operation, including blue badge holders.

3.3.3 Controlled Footway Parking

Legislation is available to allow footway parking to be created using line markings and signs to delineate when parking is allowed. However, it is necessary to ensure there is a minimum of 1.2 metres of remaining footway for wheelchair users etc. These parking bays can be enforced by the Council’s Civil Enforcement Officers.

A street can be designated a footway parking zone. In this circumstance there will be a requirement to sign the street either by local signs or zonal signs but there are no formal markings on the footway and residents are left to park appropriately. This does not necessarily prevent parking causing an obstruction of the footway and where this occurs it can only be enforced by the Police.

4. Parking Issues

The Council receives numerous complaints and requests each year from residents who are experiencing local parking issues.

The types of issues that are reported include:

- Streets being clogged up by parked vehicles affecting the free flow of traffic
- Access to residential properties being restricted and hampered visibility on exiting;
- Parking around junctions;
- Parking on bends;

- Indiscriminate parking around schools;
- Residents have no off street parking and there is limited on street parking available.

In the majority of cases the criteria defined under the RTRA is not met and other methods need to be considered. But in making that decision the following needs to be considered:

- What is the evidence?
- Who or where is the source of the evidence?
- What actual safety risks are there?
- What is the potential impact of the TRO?
- Does it meet with local and National Guidance?
- Is it enforceable?

It is important to consider each issue to identify if it is a real problem and NOT a perceived one. Contentious TROs are often challenged and can be the subject of an Ombudsman investigation, it is therefore important that the powers available under the RTRA are used appropriately and that there is clear evidence to support the decision to implement the TRO.

Issues raised can be categorised as follows:

4.1 Road Safety

The highest proportion of issues raised by members of the public, parish and town councils and Ward Councillors relate to the perceived potential for risk to safety, particularly at junctions or where parking is considered hazardous. These issues are frequently close to amenity areas such as rail stations.

However, this can only be considered as a reason for a TRO if collisions are occurring or where a formal risk assessment carried out by qualified road safety professionals indicates a high risk that should be mitigated.

Cheshire East will consider parking restrictions in locations where collisions may be reduced or where the Police have raised concerns and where all other options have already been considered in consultation with local elected Ward Councillors.

4.2 Accessibility

These are issues where parking contributes to problems that affect through traffic.

However, consideration has to be given to the frequency and the effects on the volume of traffic, including the time periods.

Cheshire East will consider parking restrictions on classified roads where parked vehicles are proven to have a detrimental effect on capacity.

4.3 On Street Parking Capacity

This is where there is a conflict in demand or capacity for parking in an area. Most relate to where off-street parking is limited and conflict between residents and other road users for on street parking exists. It also includes requests for residents only parking zones.

Cheshire East will consider requests for residents parking zones in locations that meet the criteria detailed within the current Residents Parking Permit Guidance.

Cheshire East will consider other forms of parking restrictions where equivalent additional parking capacity can be provided.

Cheshire East will consider the installation of individual disabled person's parking bays in residential locations where eligibility is identified through a Community Care Assessment.

4.4 Amenity

Issues arise that affect the visual or environmental amenity of a particular area. This includes parking on grass verges or where parking is considered to be a visual intrusion rather than a safety or accessibility issue, such as in conservation areas.

Cheshire East will consider restrictions in conservation areas where the equivalent additional parking capacity can be provided.

Cheshire East will consider the formal restriction of parking on footways and verges on an area wide basis

When introducing or renewing yellow lines in Conservation Areas Cheshire East will use Primrose Yellow and 50mm wide lines

When introducing new restrictions in rural and Conservation Areas Cheshire East will consider the use of Zones involving signs only at entrances

Demand for access to retail facilities and transport hubs and the associated parking capacity available can have a detrimental effect on the surrounding area and community.

Cheshire East will consider parking restrictions in villages and town centres on an area wide basis that will take in to consideration on street and off street availability and time restrictions.

4.5 School Parking

There is a particular issue regarding on-street parking near schools associated with the transport of children to and from school whereby a large number of parents and carers aim to park as close to the school gates as possible. This can often result in inconsiderate and illegal parking and obstructions which cause great concerns for local residents, school authorities, and for other parents/guardians who face safety concerns when crossing the road or driving past the school.

The number of schools across the borough means that regular enforcement by either the Police or the Council's Civil Enforcement Officers is impractical. It is therefore vital that parents/guardians understand their moral and civic responsibility to obey the regulations to help avoid creating road safety problems and congestion around their schools. This can be facilitated through the implementation of school travel plans and proactive action by the school to encourage responsible parking.

The Council actively supports and encourages a responsible approach to parking and driving outside and around schools through its road safety education which is delivered into the schools by its road safety education provider, Cheshire Fire & Rescue Service. The Council is also committed to the roll out of advisory 20 mph zones outside all its schools in the borough through a three year delivery programme from 2015-2018.

Where there are persistent and protracted problems with parking outside a school the Council's Civil Enforcement team and the Police may consider focussed and targeted patrols and other educational activities to reinforce the message in partnership with the school.

Cheshire East will assist Schools where requested in developing plans to tackle parking issues related to the school start and finish times

4.6 Footway and Verge Parking

Footways and verges are not constructed to take the weight of vehicular traffic and can be easily damaged by vehicles parking on or running over them. Although driving on a footway is unlawful, parking is not unless it is causing an obstruction. For example by causing wheelchair or mobility scooter users, parents/guardians with pushchairs or other pedestrians to have to squeeze past or walk in the live carriageway to get around parked vehicles.

Measures to formally prevent parking on the footway/verge and only allow parking on the road may restrict parking on both sides of the road and have an impact on the number of available parking spaces.

Cheshire East will consider the introduction of hardened verges to cater for localised parking provision where appropriate funding is available.

5. TRO Process

The Council will consider a Traffic Regulation Order only with the aim of improving Network Management, Road Safety and Accessibility for all road users and will prioritise new TROs as follows:

Priority 1 - Urgent

Those cases where there are urgent access issues, such as emergency services or other vehicles, refuse collection vehicles unable to travel along a highway, or where a specific safety issue has been evidenced.

Priority 2 – Non Urgent

These are cases where residents are frequently competing with commuters/local workers for limited on street road space for parking. Those requests that meet the criteria specified in the guidance will be considered and focus on an area wide solution.

Priority 3 – Non Urgent

These are non-urgent cases where alternate on-street parking or off-street parking is readily available elsewhere in the locality.