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OUR REF:

YOUR REF:

Dear Councillor

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE - THURSDAY, 24TH NOVEMBER, 2016

I am now able to enclose, for consideration at next Thursday, 24th November, 2016 meeting of the Environment Overview and Scrutiny Committee, the following report that was unavailable when the agenda was printed.

Draft On Street Parking Guidance (Pages 3 - 10)

Yours sincerely

Scrutiny Officer

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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 has been developed to support the Council's outcomes and other community driven policies and strategies such as the Sustainable Community Strategy, Local Transport Plan, Health and Wellbeing Board and Road Safety Policies.

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:

- 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 (RTA) 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 allows for the provision of suitable and **adequate parking facilities** both on and off the highway.

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

Types of Restrictions

There are two main types of waiting restrictions:

- **Prohibitive Waiting Restrictions** and,
- **Permissive Waiting Restrictions.**

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 (except where loading restrictions apply) is permitted. Also, blue badge holders (disabled drivers or passengers) can lawfully park for up to three hours on yellow lines, except where there is a ban on loading or unloading, provided they do so safely and are not obstructing traffic.

Permissive Waiting Restrictions:

These are usually indicated by white parking bays and the times of the control are also indicated on the accompanying signs. The signs will also indicate who can use the parking bay and any limits on its use, such as length of stay or day of use. Sometimes designated use of the 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 turnover of vehicles, remove conflicts for parking in areas of high demand, provide a turnover of parking in locations such as outside shopping areas and overcome problems where residents have little or no available parking

Other Restrictions include:

School Keep Clear Markings and Zig Zag markings associated with pedestrian crossings:

These do not require a TRO but can only be installed in limited situations. No stopping in any circumstances are permitted on Zig Zag markings and School Keep Clear markings, this includes coaches and deliveries.

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 including blue badge holders.

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 having 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 wider 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 can be challenged and may be subject to 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 any TRO.

Issues raised can be categorised as follows:

Road Safety:

The highest proportion of issues raised by members of the public, town and parish 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 the local elected ward Members

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 volumes of traffic including the time periods.

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

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, or where charges apply, and conflict between adjacent residents and other road users for on street parking exists. It also includes requests for residents only parking zones.

Cheshire East will consider residents parking zones in locations that meet the current Residents Parking Criteria.

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

Amenity:

Issues can arise that affect the visual or environmental amenity of a particular area. These include 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 can have an impact on local communities and Cheshire East will work with the Amenity provider to promote sustainable travel planning and manage demand.

Cheshire East will consider parking restrictions in villages and town centres on an area wide basis that manages demand through better use of on street and off street parking.

School Parking:

Cheshire East recognises the issue of on-street parking near schools whereby a large number of parents and carers aim to park as close to the school gates as possible. This often results in inconsiderate parking and obstructions which causes great concern for local residents, school authorities, and other parents/carers who face safety concerns when crossing the road or driving past the school.

The number of schools across the borough means that daily enforcement by either the Police or civil enforcement officers is impractical. It is therefore vital that parents/carers understand their moral and civic responsibility to obey the regulations to avoid road-safety problems and congestion around their schools. This can be facilitated through implementing school travel plans and pro active 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 and Police may consider focussed and targeted efforts 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

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 causing wheelchair or mobility scooter users, parents with pushchairs, or pedestrians to have to squeeze past or walk in the live carriageway.

However, 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 therefore the number of available parking space is potentially halved.

Process

The Council will give consideration to, and prioritise new TROs as follows:

Priority 1

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

Priority 2

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

Priority 3

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

The making of a TRO follows an established procedure:

1. **Site observations** and collection of relevant traffic survey data.
2. **Formulation of a proposal** takes into account the identified problems and considers the impact on the wider area in order to mitigate transferring the problem on to adjoining roads.
3. **Consultation** - once a problem has been identified and proposals formulated, consultation is undertaken with ward councillors, parish councils and the Police. Local interest groups who are likely to be affected by the proposal may also be consulted at this time (where considered appropriate).
4. **Public advertisement** - in accordance with statutory requirements, the proposals are advertised using a notice in the local press and on site. Persons wishing to comment on the proposals should do so within 21 days of the notice,

which will provide details of the address to which comments should be sent and identify where a plan of the proposals can be viewed. Comments received are considered by the Council's Delegated Officer and Portfolio Holder. When considering these comments it must be decided whether to allow the proposals to proceed as advertised; whether to amend the proposals in some way to take account of the comments received or whether to abandon the proposals.

5. **Making the Order** - the TRO can only be implemented once all comments received have been considered. Modifications to the proposals resulting from these comments could require further consultation and advertisement.
6. **Implementing the Order** – Once the TRO is in place the works required to implement the order on the highway network will be programmed to be undertaken in a timely manner that provides efficient and effective service delivery for the Council and residents of Cheshire East.

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