STUDY INTO THE ADOPTION OF FOOTWAY AND GRASSED VERGE PARKING CONTROLS IN EAST HERTS

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CHAPTER ONE: HISTORIC CONTEXT, ISSUES AND PUBLIC PERSPECTIVES

1. Introduction

This chapter will give a succinct backdrop to the issue of vehicles being parked on footways and grassed verges. It will start by setting out the context within which such parking occurs, by outlining the impact of historic development, street patterns and the growth in car use, before then going on to consider more recent developments and planning policy for the future.

Finally, it will explore briefly some of the issues associated with footway parking, concluding with a reflection on national charity campaigns and local public perspectives on the matter.

2. Historic Context

(i) Historic development and street patterns

East Herts is a largely rural district, comprised of five historic market towns and over 100 villages and hamlets. The district's architectural and infrastructural history largely precedes the invention of the motor vehicle, resulting in a development pattern that was not built with cars in mind.

High density housing developments and narrow road widths, many built in the Victorian era, have been put under strain following a growth in car ownership, which is said to have doubled globally between 1975 and 1995 due to:

> *"Rising levels of income and affluence, the dispersal of urban activities, and the growth in urban population…compounded by the low costs of using the car and the perceived advantages inherent in the car" (Banister, 2005).*

Indeed, it is estimated that there are over 28 million cars on our streets, and 90% of the time they will be parked (Living Streets, 2010). This rapid rise in car ownership has left many residents and visitors in East Herts with no other choice than to park on footways and grassed verges.

(ii) Newer developments and more recent planning policy

Although housing developments built in the 60s and 70s tended to be more mindful of the need to supply car parking spaces, these were often located in separate garages or drives away from properties. This may also have compounded the issue of pavement parking as many residents rejected remote spaces in favour of the convenience and surveillance benefits of parking on streets outside their homes.

Furthermore, many streets also offer free parking, in contrast to purpose-built car parks that can incur a fee. This may deter vehicle owners from parking in car parks when visiting towns, subsequently encouraging a greater incidence of on-street parking. Indeed, Shroup (2011) argues that free parking itself contributes to greater auto-independence and the development of urban areas that are fit more for cars than for people.

(iii) Planning policy guidance for future developments

Within the current Local Plan (2007), there are restrictions on the amount of parking spaces allocated per dwelling in any new development. These reflect Planning Policy Guidance (PPG) Note

13, put in place in March 2001, which introduced a maximum parking standard of 1.5 car parking spaces per dwelling across the district.

Justification for this restriction is outlined in a Local Plan Second Review 2007 Supplementary Planning Document (2008):

> *"Car parking is space-hungry, costly to provide and reduces development density. So reducing the amount of car parking in new development is essential, as part of the packet of measures, to promote sustainable transport choices." (Planning Policy Team, 2008: p6).*

Whilst encouraging greater sustainability, limiting car parking spaces also results in a greater incidence of on-street parking, thereby increasing the likelihood of parking on footways and grassed verges. Furthermore, the maximum parking standard is implemented according to a zonal system, which stipulates that town centres are not required to provide the full extent of this standard, thus further exacerbating the issue in urban areas.

Nevertheless, this national policy has since been superseded. As a result, when the District Plan is implemented, the maximum parking standard will be overridden. This will give greater flexibility to provide more parking spaces in future developments and deter car owners from parking on-street.

3. Issues associated with footway/grassed verge parking

Issues associated with cars parking on footways and grassed verges include:

- The obstruction of vulnerable pedestrians who use the verge or footway, in particular wheelchair users, mobility scooters or people pushing prams;
- Causing a hazard for any pedestrian who is forced to step into oncoming traffic to avoid the obstruction, or whose visibility is reduced at junctions, bends and/or narrow roads;
- The obstruction of other road users who wish to enter or leave properties accessed via the footway/verge;
- Causing congestion by parking on narrow streets that cannot accommodate it;
- Causing costly environmental damage to footways and grassed verges, which are not built to withstand the weight of heavy vehicles;
- Causing damage to underlying drainage and utility services networks beneath the footway/verge

4. National charity campaigns

A number of charities are running campaigns to tackle the issue of pavement parking. Two charities most prominent in this campaign are:

a) **Guide Dogs** – who argue that parking on pavements is risking the lives of people who are blind or partially sighted, as they are forced to step into the road without being able to see oncoming traffic. They are campaigning for the Greater London law, which prohibits parking on pavements in all areas except those markedly exempt, to be expanded to the rest of the country. They argue that this would reduce regional disparity, improve clarity, empower local authorities and properly tackle the problem of pavement parking.

For more information, visit: http://www.guidedogs.org.uk/supportus/campaigns/streets-ahead/pavement-parking/#.VakKhqRViko (Accessed 17/07/15)

b) **Living Streets** – who argue that it is essential to ensure that a legal and enforcement framework exists to prevent pedestrians from being marginalised or endangered by inconsiderate parking. As with Guide Dogs, they are seeking to make pavement parking illegal throughout the UK.

For more information, visit: http://www.livingstreets.org.uk/sites/default/files/content/library/Policy_briefings/PB0110Parking(2).pdf (Accessed 17/07/15)

For a further list of charities, websites and/or blogs campaigning against parking on footways and grassed verges, see the reference list at the end of this report.

5. Public opinion in East Herts

East Herts District Council distributed a parking and transport survey with an edition of the council magazine in 2011. One of the questions asked residents about whether or not they would be in favour of a pavement and grassed verge parking ban. Their response is displayed below:

Would you be in favour of East Herts Council introducing a pavement and grassed verge parking ban, enforceable by issuing Penalty Charge Notices?			
Top number is the count of respondents and the bottom number is the percent	**Yes**	**No**	**No opinion**
On a street by street basis as needed	289	171	48
	57%	34%	9%
Across the district with limited exemptions	198	248	60
	39%	49%	12%

The most popular response, chosen by 57% of respondents, was in favour of implementing a ban in targeted 'hotspots' on a case by case basis.

CHAPTER TWO: STATUTORY CONTEXT

1. Introduction

As stated, there are no national restrictions against parking on footways or grassed verges, except for heavy commercial vehicles. However, there are a number of ways by which local authorities or the police can enforce pavement parking restrictions.

Until the 1990s, parking violations were considered a criminal offence and thus police traffic wardens were responsible for punishing offenders for committing these crimes. Following the introduction of the Road Traffic Act 1991, certain parking offences were 'de-criminalised' and became the responsibility of individual local authorities to enforce in application.

East Herts Council enforces on-street parking on behalf of Herts County Council under an Agency Agreement. However, it is important that any regulation implemented has been informed by the national legislative landscape within which it will be operating. It is also useful to look at the statutory context in Greater London, which has enabled enforcement action against footway and grassed verge parking since 1974.

This report gives an overview of the general legal position regarding footway parking, by detailing:

- The historic context from which national legislation has derived;
- The government's current position regarding the issue (including a couple of Private Members' Bills being introduced in Parliament), and;
- The differing characteristics of enforcement under civil and criminal law.

2. Historic statutory context

(i) Road Traffic Act (RTA) 1974

Section 36 of the RTA 1972 was first subject to amendments regarding footway and grassed verge parking in 1973, when a clause to ban the parking of heavy commercial vehicles on verges and footways was introduced. These vehicles are defined as goods vehicles with an operating weight exceeding 7.5 tonnes.

The Road Traffic Act 1974 sought to extend this restriction to all vehicles on urban roads with the following clause:

> **7** (1) After section 36A of the 1972 Act (prohibition of parking of heavy commercial vehicles on verges and footways) there shall be inserted the following section:
>
> 36B (1) Subject to the provisions of this section, a person who parks a vehicle, other than a heavy commercial vehicle, within the meaning of section 36A of this Act, wholly or partly-
>
> (a) on the verge of an urban road, or
> (b) on any land which is situated between two carriageways of an urban road and which is not a footway, or
> (c) on a footway comprised in an urban road,
>
> shall be guilty of an offence.

See pages 11-13 of the link below for further details of the legislation listed under this section of the RTA 1974, which includes clarification regarding: the nature of the offence; any circumstantial exemptions; and definitions of terminology:
http://www.legislation.gov.uk/ukpga/1974/50/pdfs/ukpga_19740050_en.pdf

This clause, however, was never brought into operation. The government's response to queries regarding its delay in being enacted was that implementation was unable to commence before local authorities had undergone work to identify necessary exemptions. This proved to be an insurmountable barrier to nation-wide restrictions being enforced, and the non-operational clause was eventually repealed by the RTA 1991.

(ii) Greater London Council (GLC) (General Powers) Act 1974

Whilst the RTA 1974 failed to enable the footway parking ban nationally, 'Part III, Highways, Section 15' of the GLC Act 1974 successfully enabled local authorities to take enforcement action against footway and grassed verge parking in Greater London:

> **15** As to parking on footways, grass verges, etc.
>
> (1) Subject to subsections (3), (4), (7) and (11) of this section and without prejudice to the provisions of any other enactment, any person who, on or after the appointed day in or on any urban road in Greater London parks a vehicle so that one or more of its wheels is resting on—
>
> (a) any footway;
> (b) any land (not being a footway) which is situated between two carriageways in any such road; or
> (c) any grass verge, garden or space not falling within the foregoing paragraph (a) or (b);
>
> shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [F1level 1 on the standard scale].

See the link below for further details of the legislation listed under this section of the GLC Act, which includes clarification regarding:

- the nature of the offence and subsequently the appropriate means of prosecution;
- any exemptions (regarding individual cases/areas);
- issuing notice; and
- definitions of terminology

Link: http://www.legislation.gov.uk/ukla/1974/24/section/15

(iii) Road Traffic Act (RTA) 1991

The RTA 1991 'de-criminalised' certain parking violations and gave powers to enforce parking regulations to individual local authorities. Section 83 and Schedule 8 also repealed the clause on footway and grassed verge parking from the RTA 1974.

Under the 1991 Act, parking contraventions committed on the public highway were no longer dealt with by the police and criminal courts, but by local authorities and an independent traffic tribunal (to hear appeals), with debts registered in a County Court and recovery by certified bailiffs. The responsibility for enforcement was thereby removed from police traffic wardens and given to 'civil enforcement officers' working on behalf of either a local authority or private firm.

Local authorities were given the power to issue Penalty Charge Notices (PCNs) and retain the income generated from these to finance further parking enforcement. Endorsable offences (offences that result in points on a licence) and offences relating to obstruction remained, however, under the responsibility of the police (see section 4 below).

(iv) Traffic Management Act (TMA) 2004

The TMA 2004 updated and revised the RTA 1991, which involved extending the civil enforcement powers of local authorities to enforce against certain driving and parking contraventions.

Significant changes included a couple of additional parking contraventions, which are listed in full in schedule 7, part 1 of the TMA 2004. Nine parking contraventions are referred to directly, including the parking of heavy goods vehicles (exclusively) on verges, central reservations or footways. However, the "appropriate national authority" is granted power to decriminalise further offences on the condition they consult appropriate representatives of chief officers of police and local authorities.

For the full legislation, see: http://www.legislation.gov.uk/ukpga/2004/18/contents

(v) The Secretary of State's Statutory Guidance to Local Authorities

'The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' is published by the Department for Transport under section 87 of the TMA 2004. Authorities *must have regard* to this Statutory Guidance when exercising their functions. It states:

(p6, 2.4) Enforcement authorities should design their parking policies with particular regard to:

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty;
- Improving road safety;
- Improving the local environment;
- Improving the quality and accessibility of public transport;
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car; and
- Managing and reconciling the competing demands for kerb space.

To see the full guidance document, see:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421131/final-statutory-guidance.pdf

3. Government's current position

(i) Parliamentary Notes

Current legislation gives local authorities the power to ban parking on footways and grassed verges by introducing tailored parking measures and prohibitions based on local needs in their area.

A Parliamentary Note (dated 17 November 2014) sets out the current Governments' position on the topic:

> There is no national prohibition against on-street or 'pavement' parking except in relation to heavy commercial vehicles. Local authorities and the police may act to tackle pavement parking in various ways, such as under legislation governing obstruction and dangerous parking; designating limited areas of 'no pavement parking' through a Traffic Regulation Order (TRO); or establishing a special parking area.

For the full Note, see: http://www.parliament.uk/briefing-papers/SN01170/parking-pavement-and-onstreet

For a Parliamentary Note (dated 17 October 2014) that summarises the history of parking policy in England, see the following link: http://www.parliament.uk/briefing-papers/SN02235/parking-policy

Furthermore, it is worth noting that on February 21 2011, the Regional and Local Transport Minister, Norman Baker, wrote to councils to encourage them to use their powers to prevent parking on the pavement where it is a problem. At the same time, the Department for Transport gave councils permission to use signs to indicate a local pavement parking ban, without having to gain special signs authorisation from the government as previously expected. More information can be found at: https://www.gov.uk/government/news/freeing-pedestrians-from-pavement-parking-blight

(ii) Highway Code

The Highway Code (https://www.gov.uk/browse/driving/highway-code) states in Rule 244:

> "You MUST NOT park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs."

Additionally, in Rule 243 it states:

> "DO NOT stop or park where the kerb has been lowered to help wheelchair users and powered mobility vehicles."

NB: Use of the phrase "DO/SHOULD NOT" in the Highway Code does not relate to an illegal practice but instead acts as a note of caution. "MUST NOT", on the other hand, does indeed refer to specific offences in law.

(iii) House of Commons Transport Committee 2006

The House of Commons Transport Committee issued an inquiry on parking in 2006. Although now slightly outdated, it made the following comment in reference to footway parking:

> "The Government must grip the problem of pavement parking once and for all and ensure that it is outlawed throughout the country, and not just in London. Councils should have the option of an 'opt-out' of a national pavement parking ban where this is vital, rather than relying on the use of individual Traffic Regulation Orders on specific streets and local Acts to impose a ban. That such an initiative will

> initially require additional resources to enforce is no excuse for allowing some pavements to continue to be swamped by cars and made inaccessible to large numbers of pedestrians. (Paragraph 262)".

For the full inquiry, see:
http://www.publications.parliament.uk/pa/cm200506/cmselect/cmtran/1641/1641.pdf

(iv) Private Member's Bill (England and Wales)

There has recently been renewed interest in introducing a nationwide 'blanket ban' against footway parking, led by charities such as Living Streets and Guide Dogs for the Blind. This has led to two Private Member's Bills relating to the issue in the 2014/15 Parliamentary session:

1. Mark Lazarowicz MP – submitted a bill to devolve powers to introduce a pavement parking ban to the Scottish government. The bill was withdrawn following its second reading in the House of Commons in September 2014, due to confirmation from the government in Westminster that action would be taken to ensure the devolved Parliament in Holyrood had the necessary powers to progress a bill on this issue.

2. Martin Horwood MP – submitted a bill to introduce a blanket pavement parking ban in England and Wales. The bill has yet to receive second reading, and the upcoming election is likely to delay this further. The likelihood of its success is limited. To see the bill and follow its progress, see: http://services.parliament.uk/bills/2014-15/pavementparking.html

4. Hertfordshire County Council's Position

A meeting was held on Wednesday 22 April with Steve Chappell, Senior TRO Officer at Herts County Council, to determine their position on implementing a footway and grassed verge parking ban in East Herts.

Steve's response to the inquiry was that the County Council see it as a matter for Borough and District Councils to decide upon and implement, given that they hold the responsibility for enforcement.

5. Criminal law

Although the RTA 1991 de-criminalised most parking contraventions, some parking offences can still be enforced by the police and are subject to criminal proceedings that could lead to points on the offender's driving licence. For example, parked vehicles that cause safety hazards or are parked in the approach to a zebra crossing are endorsable offences that are dealt with by the police (although a local authority may also issue a civil law Penalty Charge Notice (PCN) for this act of parking).

(i) Criminal law against driving on the footway

Under section 72 of the Highways Act 1835, it is an offence to drive (or ride) onto a pavement or footway, regardless of the length of time spent driving on it:

> It is an offence to: "wilfully ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot-passengers or shall wilfully lead or drive any carriage of any description upon any such footpath or causeway."

Given that it is necessary to commit this offence in order to park on the footway, many argue that parking on footways should also be subject to fines. However, clarification may be required as to whether this should be a criminal offence or a civil parking contravention, only the latter of which is enforceable by East Herts Council.

(ii) Criminal law against obstruction

The police have the power to remove vehicles if they are causing an obstruction, illegally parked or have been abandoned (granted by sections 99-102 of the Road Traffic Regulation Act 1984, as amended, and by the Removal and Disposal of Vehicles Regulations 1986 (SI 1986/183), as amended, made under sections 99 and 101 of the 1984 Act).

There are a number of statutes and regulations in place against obstructing the highway, including:

- Highways Act 1980, section 137 (wilfully obstructing the free passage of a highway);
- Town Police Clauses Act 1847, section 28 (wilfully causing an obstruction in any public footpath or public thoroughfare); and
- Road Vehicles (Construction and Use) Regulations 1986 (SI 1986/1078), regulation 103 (causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction of the road).

(iii) Public statement, Hertfordshire police

Hertfordshire police have issued a public statement on their website detailing their stance on illegal parking. The statement recognises that most parking restrictions are the responsibility of local authorities to enforce, however it also identifies that: "Hertfordshire Constabulary still has the power to act on obstruction offences, and where vehicles are parked on zig-zag approaches to pedestrian crossings."

When defining obstruction, they include a sentence on cars that have been parked across footways and are blocking free passage to pedestrians, particularly those using mobility scooters or with push chairs.

The statement also makes clear that borough/district councils are able to issue a PCN to vehicles that are obstructing a dropped kerb that serves a driveway, cycle track or pedestrian access – a power introduced in the TMA 2004.

Police also state that: "Inconsiderate parking alongside dropped kerbs can prevent residents, particularly people with disabilities and persons with pushchairs, from crossing the public highway in a safe manner, and also prevent the residents and businesses from getting their vehicles back on the road or in their driveway."

For full statement, see: https://www.herts.police.uk/advice/illegal_parking.aspx

6. Summary

There have been a few instances in recent legislative history whereby a national 'blanket' ban on footway and grassed verge parking has been proposed. Firstly, it was put forward as a clause on the RTA 1974, although this was never operationalised. More recently, Martin Horwood MP has

submitted a Private Members' Bill also advocating a national ban, but the likelihood of its success is uncertain.

Current legislation locates the power to ban parking on footways and grassed verges with local authorities, who are able to introduce tailored parking measures and prohibitions based on local needs in their area. This reflects the de-criminalisation of parking offences (now 'contraventions') following the RTA 1991. The police, however, are still responsible for certain related parking offences, such as driving on footways and obstruction.

CHAPTER THREE: CONSIDERING AVAILABLE OPTIONS

1. Introduction

This chapter outlines in greater detail five different ways of dealing with the issue of parking on footways or grassed verges. Each option is outlined and subject to an analysis regarding the pros, cons and resource implications that would ensue following implementation of the regime suggested.

Options considered include: a district-wide ban with local exemptions; a local ban issued on a case-by-case basis; an experimental order in prioritised areas; alternative options to a ban; and finally no action taken at all. Two different approaches to signage are then considered: an individual locational sign approach versus a zonal sign approach.

2. Available options

(i) District-wide ban with local exemptions

This option involves implementing a district-wide Traffic Regulation Order to ban parking on footways across the whole district. However, some areas – where parking on footways is essential to ensure the free-flow of traffic in the absence of alternative parking provision – will be made exempt from the ban. This approach has been adopted in London to prevent on-street parking.

Designating areas of exemption from the ban requires a robust methodology to ensure consistency in allocations across the district. A comprehensive set of criteria would be in operation for granting exemption status, so that narrow residential roads with a lack of off-street parking provision can be identified systematically.

Furthermore, in areas where an exemption has been formalised, it then becomes the responsibility of the council to identify and (where appropriate) protect any services running underneath the footway. An in-depth public consultation would also be required before action could be taken, through the promotion of a Traffic Regulation Order.

Areas that are identified for exemption would then need to be clearly marked, either through signage or by bays painted in white indicating where vehicles can park on the footway or grassed verge.

Pros	Cons	Resource Implications
Having a blanket ban on parking on footways and grassed verges across the district, except for areas chosen for exemption, would: • Enhance the uniformity of the ban in the district • Lead to pedestrians across the whole district having an equal, unrestricted access to footways from the outset of action, except where there is no alternative • Prevent damage to footways and the urban environment in all areas from the outset of action, regardless of road use • The need for in-depth consultation would enable more accurate predictions of residents' reactions	• A blanket ban would likely exceed organisational capacity – the Traffic Regulation Order would need to go live after all signage is in place and it would be difficult to estimate how long this would take • This option would require the largest, most arduous and most costly consultation effort of all the options – which would cover the entire district • It would result in a lengthy, time-consuming operation with a long lag-time between proposal and implementation – as well as taking up a high proportion of officer time	Costs involved in implementing this option include: • Public consultation and service survey costs • Commissioning Herts County Council to write the TRO • Highest signage costs than any other option (to cover all areas, including exemptions). See below for different signage options • Maintenance of signage every 2 years • Enforcement of the ban

(ii) Local ban issued on a case-by-case basis

This option would involve implementing small-scale, local Traffic Regulation Orders to ban parking on footways and/or grassed verges on a case-by-case basis. This approach has been adopted in areas such as East Sussex, Eastleigh, Shepway, Windsor and Maidenhead.

Again, a comprehensive set of criteria would need to be in operation for identifying which areas should be subject to the ban and which should not, including a survey to identify any services running underneath the footway or verge that would need to be protected in areas where footway/grassed verge parking is allowed.

There would also need to be a system of prioritisation in place with regards to *which* areas should be targeted *when*. This would involve considerable consultation with the public and with Members, as well as site visits to identify areas where damage and pedestrian obstruction are worst.

Once areas have been subject to a Traffic Regulation Order to ban footway/grassed verge parking in that particular locality, they must be clearly signed using one or both of the methods listed in section 3 below.

Pros	Cons	Resource Implications
• An approach that enables a system of prioritisation would mean that the most problematic areas can be targeted first • Both costs and staff resources will be required incrementally/ gradually to implement the ban, thereby reducing the impact of one 'big hit' • The need for fairly lengthy consultation would enable more accurate predictions of residents' reactions	• Producing and following a robust prioritisation framework to identify which sites would have the ban implemented first will be a long and laborious process • Although the consultation need for this project does not equal that of a district-wide ban, it will still require considerable resources	• Public consultation service survey costs • Commission Herts County Council to write the TRO • Signage costs for areas where ban is in operation. See below for different signage options • Maintenance of signage every 2 years • Enforcement of the ban

(iii) Experimental Order in prioritised areas

An experimental Order is, as suggested, a type of 'pilot' or 'trial' Traffic Regulation Order that can be implemented at chosen sites immediately and monitored/evaluated with regards to its cost and impact. It is not a means to avoid consultation, but acts as a means of consultation in itself.

An experimental Order can only take effect for a maximum of 18 months before it needs to be either revoked or made permanent. This approach has been adopted in Stevenage and Tunbridge Wells, both of which implemented experimental orders that have now been made permanent.

Again, a system of prioritisation would need to be in place to identify which area(s) the ban would be applied to. It would benefit from being an area, or areas, with demonstrable 'before' and 'after' implications. Similarly, it would be useful if the areas were representative of all three issues concerned: grassed verge damage; footway damage and obstruction issues.

Pros	Cons	Resource Implications
• An experimental Order can be put into action at chosen sites immediately, without need for lengthy/arduous consultation processes • The impact of the Order can be monitored and evaluated at a small scale before a decision is made	• Experimental Orders are more expensive than permanent orders • Although initial implementation will be quick at a small-scale, rolling out the ban further across the district will be a lengthier process than the	• Commission Herts County Council to write the TRO • Signage costs for areas where ban is in operation. See below for different signage options • Maintenance of signage every two years

about implementation across wider areas	other two options	• Enforcement of the ban

(iv) Alternatives to a ban

A variety of physical measures can be used to discourage residents from parking on the pavement, without the need for legislative measures. Government guidance is available to inform local authorities on these alternatives via the following link: http://webarchive.nationalarchives.gov.uk/20090505152230/http:/www.dft.gov.uk/adobepdf/165240/244921/244924/TAL_4-93

The document dates back to 1993, but is still relevant to the situation today. The guidance states that when determining which of these measures is most appropriate to context, the following considerations should be accounted for: Desired effect; location; funds available; safety factors; aesthetic considerations; access requirements; and need to consider requirements of disabled people and not cause obstacles to their movements. Key measures are summarised in the list below.

(a) Railings

There are three different types of railing to be considered: Guard rails are metal, fence-like structures that are erected on the edge of the footway. They are generally used for safety reasons to channel pedestrians to crossing points.

Amenity railings are open railings constructed from tubed structures 1.5m to 2.5m long, and around 1m high. Gaps (no wider than 1.5m) are provided between individual units to allow pedestrian movements.

Low railings are no more than 0.5m high, supported by posts 3m apart. They keep pedestrians away from the carriageway and deter cars from the footway.

(b) Bollards

Bollards can be erected on the edge of the footway with gaps no less than 1.2m between (to allow wheelchair users or people with double buggies to pass) and no greater than 1.5m (to prevent vehicles from mounting the pavement). The gap may need to be greater where pedestrians are intended to cross highways.

(c) High kerbs

The height and shape of double kerbs and trief kerbs can act as a preventative measure against footway parking. Double kerbs are characterised by a step-like structure, where a lower kerb is followed immediately by a higher kerb running alongside the pavement. Trief kerbs are specially-designed kerbs to enhance drivers' safety. They have a ramped 'toe' to provide a clear physical warning that prompts drivers to steer away and a concave recess to 'trap' the bulge in tyre sidewalls.

(d) Landscaping

Various landscaping approaches can be used to form an aesthetic and effective barrier to discourage vehicles from parking on footways and grassed verges. These include: fixed or movable 'raised planters'; textured surfaces (which take a variety of forms, such as large cobbles, specially designed paving, and brick on edge); and strategically positioned street furniture (with litter bins to reduce gaps).

Careful design is nevertheless required to ensure that: pedestrians can still see/be seen easily by oncoming traffic; people are discouraged from getting in and out of vehicles; and visually impaired pedestrians are not inconvenienced.

(e) Formalised on-street parking

In narrow streets where parking along the pavement is a necessity, special spaces can be marked out on one side of the carriageway. This will not solve the problem of pavement parking, but will make sure it is done in a safer and more controlled manner at minimal cost. It may also have the added benefit of slowing vehicle speeds.

Pros	Cons	Resource Implications
• Despite high initial set-up costs, these measures have the advantage of being self-policing and self-enforcing in the long run. • Many of the measures listed may also improve pedestrian safety by channelling them into safe crossing points	• Physical measures may cause further obstruction by limiting pedestrian access to footways. • Many of the options outlined above may also not be easily detected by visually impaired pedestrians. • High kerbs can make crossing roads and getting in or out of cars dangerous • Most of the options considered above would add clutter to the street scene, which would have significant aesthetic costs in East Herts' historic market towns. See reference below	• Costs vary according to the type, scale and extent of the measure used. • However, physical measures tend to have high initial set up costs followed by steady, low maintenance costs. • There are no signage or enforcement costs.

In addition to the note on street clutter – there has been a number of studies recently undertaken suggesting that de-cluttering streets and moving instead towards 'shared space' schemes can lead to better behaviour and safety for road users.

This idea, which is based around the notion that giving road users the responsibility for their own actions can improve safety by increasing perceived risk, has been introduced extensively in countries such as the Netherlands and, to a lesser extent, Germany and Denmark.

For a useful review of the simplified streetscape scheme idea, see:

Quimby, A. and Castle, J. (2006) *A Review of Simplified Streetscape Schemes*, Transport for London: Street Management Division [online] http://www.tfl.gov.uk/cdn/static/cms/documents/review-of-simplified-streetscape-schemes.pdf Accessed 13/05/2015

(v) No action

It is also important to consider the pros, cons, and resource implications of taking no action at all:

Pros	Cons	Resource Implications
Banning parking on pavements can create other problems, which would be avoided if no action were taken. These include: • Inhibiting the efficient movement of traffic and subsequently increasing the incidence of congestion • Loss of parking spaces and putting further pressure on other parking areas (eg. car parks, wider streets) • Creation of unsafe road uses for drivers and pedestrians • Restriction of access for emergency service and refuse/recycling vehicles • It may also be impractical to enforce in narrow residential roads with a lack of off-street parking provision	Cars will continue to park on footways as there would be no repercussions for doing so. This can lead to: • Pavement obstruction and potential loss of independence for vulnerable users, particularly those with visual/mobility impairments • Danger as pedestrians are forced on to the road and incoming traffic • Physical damage to the pavement, which has a negative impact on the aesthetic environment, may cause safety hazards and induces high maintenance costs • 'Clutter' on the street scene, which would have a negative aesthetic impact	• Increased maintenance costs to fix cracked or damaged pavements

3. Signage Options

(i) Individual locational signage approach

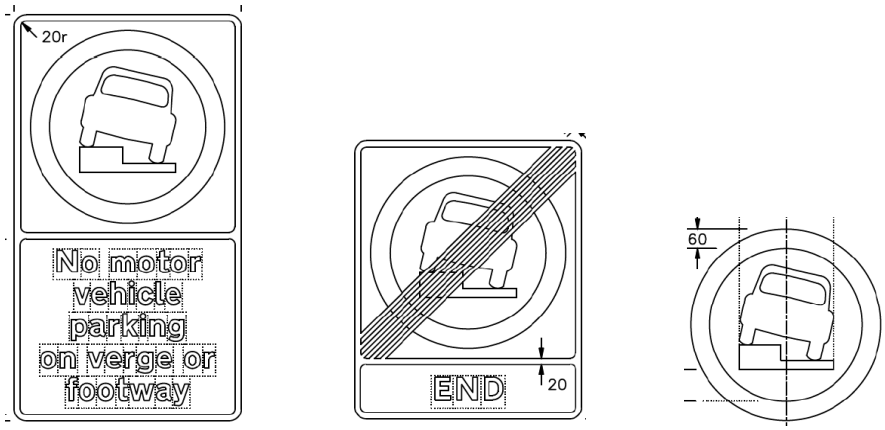
Individual signs, as displayed below, can be used to indicate an area where parking on footways and/or grassed verges is prohibited.

(Available online from the Department for Transport: https://www.gov.uk/traffic-sign-images)

Such signage is required every 30 metres within a restricted area, which can incur high costs and considerable maintenance work. Although it can be useful for isolated streets, it is not appropriate for larger areas.

(ii) Zonal signage approach

A zonal signage approach involves the erection of 'entry' and 'exit' signs at the start and end of the restriction zone, with repeater signs in between:



Entry sign Exit sign Repeater sign

The zonal approach works better for larger areas, as it requires less signage than the individual locational signage approach, given that repeater signs are only required every 300 metres. This also makes it a cheaper option.

These signs are non-prescribed regulatory road signs, therefore they require authorisation from the Secretary of State for Transport. Hertfordshire County Council has been authorised to use these signs for roads for which it is the highway authority.

4. Summary

This chapter has put forward five different ways of dealing with the issue of parking on footways or grassed verges and outlined the pros, cons and resource implications for each. Where possible,

estimated cost figures have been provided using case study examples from other councils, to aid quantitative comparison between the different options.

CHAPTER FOUR: CASE STUDIES AND EXAMPLES FROM OTHER COUNCILS

1. Introduction

In order to get an idea about the type of approaches to footway/grassed verge parking management adopted in other councils across the country, a survey was sent out in July 2015 with eight open questions for relevant officers to complete and return. The questions were aimed at establishing: the type of approach taken and why; challenges faced; Members' roles; costs and impacts.

The survey was initially sent out to 25 local authorities, identified (through an online 'customer classification' site called Mosaic) as having the most similar demographic profile to East Herts and hosting a population within 10% of East Herts. A further five councils were contacted following search engine research work, which identified them as councils that had already implemented some sort of enforcement against footway/grassed verge parking.

Where such enforcement was beyond the remit of the councils contacted, the survey was forwarded on to the relevant authority. Two authorities responded to say that they do not operate under CPE and four authorities responded that whilst they do operate under CPE, they are not considering any enforcement against footway and grassed verge parking at this time.

Ten surveys were returned completed, the results of which are summarised below. In addition, whilst Elmbridge Borough Council and Abingdon-on-Thames Town Council did not complete the survey, they gave some useful details about alternative methods of enforcement that have been included within the first question responses.

Finally, a meeting was held with the former parking enforcement manager at Stevenage Borough Council, as he played a key role in implementing a relevant experimental TRO in the borough. His responses are included in the summary below.

2. Survey results

Each box below presents the answers to each of the eight questions asked, with words taken directly from the returned questionnaires.

Please note, West Sussex County Council's responses have been extracted from a report (dated August 2011) that they forwarded in response to the survey. The Borough of Poole also wanted to make clear that the officer's responses were his personal view, not the council's policy.

1. Please describe the approach you have taken (or are planning to take) regarding the management of footway and grassed verge parking (ie. a 'whole area' approach with local exemptions or targeted 'hot spot' bans)

East Sussex County Council:
All requests received were ranked according to various criteria. The streets ranking highest were progressed as part of an Experimental TRO. Full details are in the report available on our website https://democracy.eastsussex.gov.uk/Data/Lead%20Member%20for%20Transport%20and%20Environment/20141013/Agenda/LMTE131014item8parking.pdf

Eastleigh Borough Council:
Targeted but minimal

Colchester Borough Council:
For *verges*: We have a piece of legislation in Essex (the Essex Act – peculiar to Essex) which, in the county, globally prohibits parking on mown and ornamental verges (amongst a great many other things), and the offence was decriminalised, with a PCN code to use, so as long as a few formalities have been checked (check on who owns the land; a check on the right for a district to enter the highway and keep the verge in the correct condition; road signage) then we can enforce. Where the land is owned by a parish or district, then we do not need the highway consent – only the district/parish consent. I expect a similar mechanism could be set up with a wide-area TRO. The signage we use is the "no vehicles on mown verge". We have considered the TRO route for footways, if nothing comes of the private bill presently passing through parliament.

Bedford Borough Council:
Whole area approach that will be implemented if the local ward councillor is in agreement.

Royal Borough of Windsor and Maidenhead:
The council has adopted the approach of targeted hot spot bans.

Borough of Poole:
We have one small area where we have applied a "Footway Parking Clearway". We would not normally use this approach, we would normally apply waiting or loading restrictions, but the specific location is alongside pedestrian crossing zigzags, and a bus stop clearway and so the footway would not otherwise have been protected. We applied a "No Stopping" restriction so that we could enforce with the camera car, but we cannot use that to enforce this restriction now. We have not used TROs to protect grass verges, we have used bollards in the most critical areas.

Surrey County Council:
Currently there is only one verge / pavement parking ban in the entire county - this is located in the borough of Epsom and Ewell. The local committee was asked to suggest areas within that borough that might be suitable for this type of scheme, so the parking team could investigate whether or not it would be reasonable to implement or not. Two or three areas were suggested, but only one met the criteria. The committee were asked to suggest areas rather than individual locations.

Tunbridge Wells Borough Council:
Tunbridge Wells Borough Council undertake civil enforcement of parking on behalf of, and through agreement with, the local highway authority – Kent County Council. We implemented an experimental (now permanent) prohibition on footway/verge parking in a limited number of streets, commencing in 2013.To date, we have only implemented a ban in 6 specific streets. This was done, initially as an experimental restriction (now permanent) to determine the effects of such a

restriction. It mainly dealt with situations where there was little need to park on a footway or verge and drivers were being either inconsiderate or copying each other without thought.

West Sussex County Council:
Do not currently engage in any enforcement activities. However, in a report outlining considerations for action, they propose the following options:

- Use of byelaws. Members of parish councils could request the provision of warning signs and posts to deter verge parking at specified locations, supported by a byelaw prohibiting parking. But the reliance on a byelaw means that enforcement is very difficult - it involves the Police taking action and comes at some financial cost.

- A TRO is a more efficient form of enforcement. Where a TRO is in place on the carriageway of a road, adjacent to the area where verge or footway parking takes place, and if the order prohibits or restricts waiting in any way, then a penalty charge notice (PCN) can be issued against a vehicle parked on the adjacent verge or footway. This is because a TRO applies not just to the carriageway, but across the highway from the centreline of the road to the back of the footway.

Where a TRO is not in place, other than under a byelaw, it is not an offence to park a vehicle on a grass verge or footway unless it is a heavy goods vehicle as these are prohibited by law nationally from doing so (a blanket ban).

Shepway District Council:
We have targeted hot spots and made TROs for these areas.

Stevenage Borough Council:
Put in place an 'experimental TRO' in Pin Green area, as this had the most verge damage and largest amount of complaints. A consultation letter was sent out to each household and majority were in favour. There were some against, but benefit of doing an experimental order is that the order can be put in place straight away without having to listen to objections. (However, that does not mean that it's a way to avoid consultation. 18 months after this experimental order was put in place, the council made it permanent. TROs are now spreading out across the town. The new town is practically covered, but the old town is more difficult as the roads are very narrow here and residents are already angry about town centre parking.

Elmbridge Borough Council:
We currently enforce footways/pavements but only where there are single or double yellow line restrictions in place and we use these to enforce the pavements. We don't have a specific order preventing footway parking though.

Abingdon-on-Thames Town Council:
Roads and footpaths are administered by the County Council. Grassed verges are mainly under District Council rather than the Town Clerk's office. Issues are handled by individuals having a quiet word or involvement of PCSOs if there is a safety concern such as parking on a corner or on a footway.

SUMMARY

The majority of respondents have implemented targeted bans in local, 'hotspot' areas. Three councils used an experimental order and just one is considering a blanket ban with local exemptions. Alternative methods, such as bollards, yellow lines and PCSO involvement, were raised by three councils.

One council said they opted for a 'no stopping' as opposed to 'no parking' ban to make it an instant offence, resulting in easier enforcement.

2. What are your main drivers for choosing to manage footway and grassed verge parking? (eg. public pressure, Members, cost of footway/verge damage)

East Sussex County Council:
Complaints from members of public and local councillors that parked vehicles were causing obstruction and damage.

Eastleigh Borough Council:
Obstruction (safety)/verge damage – public complaints, but committee decisions for any action.

Colchester Borough Council:
The Essex Act has had provisions to prohibit verge parking for some time – the Act is in its second or third iteration and dates back to at least 1958 (they were quite forward-thinking!). The prohibitions are invoked mainly because of cars driving over and damaging verges. The approach is usually by local residents/groups, sometimes via Councillors. The Act had remained dormant, probably since the 1980's

Bedford Borough Council:
Public and political pressure.

Royal Borough of Windsor and Maidenhead:
The main reason for targeting hot spots is due to public pressure in relation to blocked footways.

Borough of Poole:
The Footway Clearway TRO was driven by resident complaints, grass verge bollards have been driven by cost of repair

Surrey County Council:
All of the above - in the case of the one scheme that we have implemented. It was considered that the particular area we chose had wide enough carriageways to be able to comfortably accommodate vehicles parking on it, without causing any obstructions to emergency vehicles or any other road users. The area in question has very wide verges with 'run ins' to driveways, both of which were being parked on by residents and visitors - the verges were being damaged, which in turn was costing SCC a lot of money in maintenance costs, and in places footways were being obstructed.

Tunbridge Wells Borough Council:
The main pressure had been coming from members concerned about damage to the many brick footways in Tunbridge Wells, the high cost of repair and inconvenience to pedestrians. Although we had also received comments and complaints from the public, they were not that frequent.

West Sussex County Council:
The parking of vehicles on grass verges can cause many problems, including:

- Obstructing vulnerable road users who use the verge or footway;
- Obstructing road users entering and leaving properties;
- Causing congestion by parking on narrow streets without suitable provision (i.e. half on the footway, half on the carriageway;
- Reducing visibility at junctions, bends and narrow roads;
- Parking on footways is unsightly and can cause environmental damage;
- Causing damage to underlying drainage and utility services networks;
- Parking prevention measures such as bollards require maintenance and add to street clutter.

Shepway District Council:
Public pressure, pavements being blocked by motorists.

Stevenage Borough Council:
Decided to implement the ban because they were receiving a lot of complaints and spending a fortune top-soiling and seeding to repair verges.

SUMMARY

The response to this question was fairly consistent, with the main drivers for action most commonly referred to being:

- **resident complaints;**
- **public/political pressure; and**
- **costly damage**

3. Please outline any challenges you faced (or expect to face) whilst researching, proposing and/or implementing the controls

East Sussex County Council:
There are no road markings for this type of restriction. It must be adequately signed and this will lead to a visual intrusion of the environment.

Eastleigh Borough Council:
Objections from residents

Colchester Borough Council:

Not many challenges actually enforcing, as it's the same as we do for yellow lines, etc. We have only to put up signs for the areas to become enforceable.

Bedford Borough Council:
As we will only implement where there is local support, we do not face any challenges.

Royal Borough of Windsor and Maidenhead:
The main challenge faced is due to the majority of footway parking being done by residents who do not have parking of their own.

Borough of Poole:

1. We do not have an intention to widen our controls on footway or verge parking – there is Councillor inertia on this
2. The DfT say that they have given powers to Councils to deal with footway parking but they haven't really. The BPA has been taken in by this and are not pressing for any further changes.
3. Norman Baker wrote to Local Authorities outside London, in February 2011, urging us to use our powers to prevent parking on footways where this is a problem, but:
    a) The Council still has to go through a lengthy (and relatively expensive) process to make a specific TRO – This Council only has funds to make a very limited number of TROs per year.
    b) The Council has to consult road users quite widely and to formally consider any objections that it receives. Surrey Road is an example of a location where Council Members would be reluctant to confirm a TRO in the face of strong opposition.
    c) The Council has to erect enough signs to make it clear to drivers that parking is prohibited on the particular stretch of footway concerned – Drivers might start to feel that it is acceptable to park on any footways that do not have these signs.
    d) While the recent authorisations mean that Councils don't have to go through a lengthy application process to get authorisation for the signs, the rest of the process is still far from straightforward.

Surrey County Council:
When we are asked to look at an area, we have to consider whether or not it will be beneficial to residents and road users alike. If a verge / pavement parking van was put in place in an area with narrow roads and houses have little or no off street parking, it may be more beneficial not to implement a scheme. In this case, the county councillor for the area canvassed his constituents to assess the need for such a scheme before SCC carried out all of the legal procedures and advertising before implementation. All residents in the area were also notified at the statutory advertising stage that there were some parking proposals in the area and the implementation of the scheme depended on positive feedback from the residents.

Tunbridge Wells Borough Council:
The biggest challenge in this area is in streets where off-street parking is not widely available, car ownership high and there are no alternative parking facilities nearby. Many streets have vehicles parking regularly partly on footways. To remove or control that parking is highly controversial. The

streets chosen for an experimental ban were not, therefore, those where the problems were worst. The next step, should members wish to take it, would be much harder because it would displace some residents from their 'own' street. Other problems we have had with enforcing the restrictions are that, initially, we used a cctv car for enforcement in areas where we did not normally patrol and/or where it would be difficult to safely enforce on foot. The adjudicators took a very dim view of this and allowed appeals consistently, saying that we should not be using CCTV for that purpose even though we felt that it was within the guidelines. Obviously, changes to national legislation have meant that we can no longer use the car anyway. Another issue, and one which was mentioned in some appeal decisions was that signing was not adequate, even though we had followed guidelines. Because there are no road markings and only signs, it can be difficult to get the message across properly.

West Sussex County Council:
Several authorities have indicated that they are not interested in applying the new powers. The reasons for this are various, the most common being:

- The amount of officer time required to prepare, advertise and consult on possibly many new TROs at a time when resources are already stretched;
- The cost of manufacturing and installing the required new signage;
- The cost of engineering high kerbs and/or bollards;
- The added street clutter created by the new signage &/or bollards;
- Continuing doubts about the legitimacy of the new powers;
- There are no obvious contravention codes under which a PCN may be issued.

Shepway District Council:
The regulations require TROs to be made and signs must be erected. This is costly and time consuming.

SUMMARY

Two councils reported experiencing no challenges at all. The rest highlighted variations of the following:

- **Lack of road markings results in unsightly, costly signage that is time-consuming to erect,**
- **Lack of alternative parking options,**
- **Public objection,**
- **TROs are lengthy and expensive to make and require considerable officer time,**
- **Requires time-consuming and resource-intensive consultation with the public,**
- **A targeted ban may displace the problem elsewhere,**
- **Adjudicators consistently allowing appeals.**

4. What role did/will Members have in the process? (eg. in setting the policy framework)

East Sussex County Council:
Lead Member for Transport and Environment approved the report and the installation of the scheme.

Eastleigh Borough Council:
Area Committees decide priorities for any action.

Bedford Borough Council:
The Members were involved in approving the approach and associated TRO.

Royal Borough of Windsor and Maidenhead:
Members are involved in the decision making process in individual Wards.

Borough of Poole:
Members will need to set the policy (they have no current plans to do that) and to approve any Traffic Orders

Surrey County Council:
Members were involved in the entire process, from initial letter drops, through to giving SCC permission to advertise the proposals at local committee meetings. They are also involved in helping officers to assess the feedback from advertising and with making decisions on how the scheme ultimately progresses.

Tunbridge Wells Borough Council:
We have no specific policy, although our emerging parking strategy will provide a degree of guidance. Members were, however, advised of intentions to advertise an experimental restriction and subsequently make it a permanent one through reports to the Joint Transportation Board, which brings together Borough and County members. The Board has no decision making powers, however, and can only recommend that action be taken.

Shepway District Council:
The decision to implement new restrictions is made by Cabinet members.

SUMMARY

For the majority of councils, Members have held the role of 'approval' within decision-making processes. One council reported very high levels of Member involvement, from initial letter drops, through to giving the council permission to advertise proposals at local committee meetings and assessing feedback from this.

5. Could you give us an idea of the costs (or projected costs) of your approach?

East Sussex County Council:
£15000. Full details are in the report.

Eastleigh Borough Council:
HCC (Highway Authority) meets costs of TROs/bollards. This Council's policy is not to provide additional residential parking.

Colchester Borough Council:
Given that the Act already existed, the main cost was in simply getting the permission (formalised) to keep the areas ornamentally mown; after that the only costs were minimal, concerning signage and patrols.

Bedford Borough Council:
Costs of implementing a scheme will depend on whether it is street or area based approach. Costs can therefore vary from a few hundred pounds for an individual road or up to £10,000 for large area.

Royal Borough of Windsor and Maidenhead:
As the majority of hot spots are small areas costs are kept to a minimum due to the need for only 2 or 3 signs per area.

Borough of Poole:
N/A

Surrey County Council:
These type of schemes are included within the annual parking reviews. The committee is asked to allocate funds for these reviews in the reports that are submitted to local committee meetings - some funding is also allocated by the parking team manager from the parking teams central budget. Being part of a wider review, we are able to keep advertising and implementation costs down.

Tunbridge Wells Borough Council:
Cost has been limited to the advertising associated with traffic regulation orders plus signing. The former was about £1500 and the latter about £1000

West Sussex County Council:
The cost and environmental impact of any additional street signage and the availability (and also cost) of officer time in preparing new TROs should be fully assessed before proceeding.

Shepway District Council:
Cost of advertising the TROs and posts/signs for 5 locations was about £2500.

Stevenage Borough Council:
Difficult to quantify. The consultation newsletter was expensive. Other costs include the cost of setting up a TRO, signage, enforcement.

SUMMARY

Costs of implementing a ban are entirely dependent on the size of the targeted area. General consensus amongst respondents was that costs can vary from a few hundred pounds for an individual road or up to £10,000 for a large area. These costs accrue from: advertising, street signage, officer time, enforcement, making a TRO and public consultation.

6. If you have already implemented controls:

a) Did you carry out a post-implementation review, such as a report to committee? If so, is it published on your website?

East Sussex County Council:
We are still within the initial six-month period of the Experimental TRO. After six months a report will be presented to Lead Member to decide whether to modify, abandon, or make the ETRO permanent.

Eastleigh Borough Council:
Not specifically

Bedford Borough Council:
No

Royal Borough of Windsor and Maidenhead:
No

Borough of Poole:
No

Surrey County Council:
Councillors carried out preliminary consultations - a report was submitted to committee, at which the committee decided to allow us to advertise the proposals. The report is available on line - item 32/13: http://mycouncil.surreycc.gov.uk/ieListDocuments.aspx?CId=197&MId=2974&Ver=4

Tunbridge Wells Borough Council:
Because the first order was experimental, we had to report back to members prior to making the order permanent. The report detailing this is viewable at - http://democracy.tunbridgewells.gov.uk/documents/g3204/Public%20reports%20pack%2021st-Jul-2014%2018.00%20Joint%20Transportation%20Board.pdf?T=10

Shepway District Council:
Yes we did. The proposals were made as a package and there were other restrictions included. Cabinet reports are usually published on the websites.

b) What are the key effects or impacts resulting from your enforcement activities?

East Sussex County Council:
Pavements in the affected areas are no longer obstructed, grass verges will grow again, and damage to the pavements and verges will be minimal.

Eastleigh Borough Council:

Residents now park in driveways

Colchester Borough Council:
In the most recent trial area the verge parking was completely ceased within a few days. 9 PCNs were issued and since then the area has been virtually self-policing (though probably partially because we still patrol it).

Bedford Borough Council:
We have gained compliance with the new restrictions and costs of repairing damaged areas are now minimal.

Royal Borough of Windsor and Maidenhead:
Footways that were once blocked for all pedestrians are now clear.

Borough of Poole:
Very little obvious difference, particularly as this cannot now be enforced with the camera car.

Surrey County Council:
Damage to verges has been greatly reduced, making the area look more pleasing and significantly reducing the councils costs of verge repair in the area.

Tunbridge Wells Borough Council:
Generally, as detailed, there is less of a problem with footway parking in the areas where a restriction was imposed, although it is noticeable that where it is school related, many still ignore the restriction despite there being perfectly adequate carriageway width. In two streets where a ban was implemented, we have had some complaints that this leaves too little space in between two rows of parked vehicles for through traffic. There isn't much hard evidence to support the claims though.

Shepway District Council:
Not much impact as the locations the restrictions were introduced are part of an area that CEOs patrol daily. No additional enforcement resources needed.

Stevenage Borough Council:
Within the 18 month period during which the experimental order was in place, the verges were transformed

SUMMARY

The majority of respondents reported a visible reduction in pavement parking, which has led to reduced instances of obstruction and reduced footway/verge damage - resulting in a more aesthetically pleasing environment and lower repair costs.

Two councils reported limited impacts and one argued that there was some benefits resulting from the ban, but also some instances where restrictions are ignored and where complaints were received from residents regarding restricted space for through traffic.

8. Have you any further comments and/or recommendations for a local authority considering the implementation of footway/grassed verge parking controls?

East Sussex County Council:
Make sure there is adequate notice and consultation.

Eastleigh Borough Council:
Consideration of any action needs to be localised, rather than a blanket approach and supported by committees.

Borough of Poole:
Yes – We should all be pressing the DfT to make the situation in London (where a PCN can be issued to any vehicle seen parking on a footway) apply to the rest of the country – I'm getting no support from anyone

Tunbridge Wells Borough Council:
From our own experiences, the issues to be particularly aware of are displaced parking and disgruntled residents, the need to sign heavily and possible problems with enforcement. We opted for no stopping as opposed to no parking to make it an instant offence. Because the offence is often caused by people picking up/setting down or popping into a shop, we wanted something that was easy to enforce – after all, once a driver is on a verge or footway, the damage is done.

3. Overall Results Summary

In summary, amongst the 13 councils consulted, the most popular approach towards managing footway and grassed verge parking was a targeted ban in local 'hotspot' areas. The main drivers for action tended to be resident complaints, costly damage and public/political pressure. Indeed, Member involvement tended to be high in the decision-making process for this matter.

Challenges that councils have faced when implementing bans against footway/grassed verge parking tend to revolve around the time-consuming and resource-intensive processes involved in set-up. Some also experienced public objection, particularly where there was a lack of alternative parking options or the problem was displaced elsewhere.

Costs have proved difficult to quantify, due to the unique nature of approaches in each area, particularly with regards to the size of the area covered. Nevertheless, the majority of councils did report an overall reduction in footway/verge parking as a result of the measures they implemented.

These results have also been summarised in the table below.

Name of council	Approach taken	Drivers	Challenges	Role of Members	Costs	Post-implementation review?	Impacts	Other
East Sussex County Council	Experimental TRO	Public and political pressure, obstruction, verge damage	Visual intrusion from signage	Approval of report and installation	£15,000	Report coming after initial 6 month period of experimental TRO	No more obstruction, grass re-grown, verge damage minimal	Make sure there is adequate notice and consultation
Eastleigh Borough Council	Targeted hotspots	Public complaints, verge damage, obstruction	Public objection	Committees decide priorities for action	County Council meets costs	No	No more pavement/ verge parking	Action needs to be localised
Colchester Borough Council	Essex Act – blanket ban on verges only	Verge damage	No challenges	-	Costs of permission, signage, patrols	No	No more pavement/verge parking	-
Bedford Borough Council	Whole area approach (proposed)	Public and political pressure	No challenges	Approval	Vary from few £100 for individual roads to £10,000 for large areas	No	Costs of repairing damage now minimal	-
Royal Borough of Windsor and Maidenhead	Targeted hotspots	Public pressure, obstruction	No alternative parking available	Decision-making process	Hot spots are small areas so signage (and costs) minimal	No	No more pavement/ verge parking. No more obstruction	-
Borough of Poole	Bollards, waiting/loading restrictions, one small area with 'footway parking clearway'	Public pressure, cost of repair	Lengthy, expensive TRO process, public objection, displacement of issue elsewhere	Set policy and approval of TRO	-	No	Little difference	Need to make the situation in London apply to the rest of the country

Surrey County Council	Targeted hotspots	Verge damage, cost of repair, obstruction	No alternative parking available	Letter drops, permission for advertisement, feedback analysis, decision-making process	Part of wider review, so advertisement and implementation costs kept down	Yes	Verge damage (and costs) reduced	-
Tunbridge Wells Borough Council	Experimental TRO	Political pressure, verge damage, public inconvenience	No alternative parking available, public objection, adjudicators allowing appeals	Recommend action	TRO advertising (£1500) and signing (£1000)	Yes	Reduced footway parking but some ignore, complaints about narrow road width (but no hard evidence)	Be aware of displaced parking, disgruntled residents and need to sign heavily. Opted for 'no stopping' – easier to enforce
West Sussex County Council	Not yet enforcing	Obstruction, congestion, safety hazard, unsightly, verge damage	Resource intensive, costly, street clutter	-	Cost of street signage and officer time considerable	-	-	-
Shepway District Council	Targeted hotspots	Public pressure, obstruction	Costly, time-consuming	Decision-making process	Cost of TRO advertising and signage was £2500	Yes	Little difference	-
Stevenage Borough Council	Experimental TRO	Public pressure, verge damage, cost of repair	-	-	Expensive. Costs included consultation, TRO, signage, enforcement	-	Verges transformed	-

CONCLUSION AND SUMMARY

This report has explored the issue of parking on footways and/or grassed verges, situating it both in the local and national context. It began by outlining the contextual drivers that have led to the prominence of the issue in the UK today, which include:

- The nature of historic development;
- Street patterns;
- The growth in car use; and
- Planning policy regarding parking spaces in new dwellings

Secondly, the statutory context was addressed. Current legislation locates the power to ban parking on footways and grassed verges with local authorities, who are able to introduce tailored parking measures and prohibitions based on local needs. This reflects the de-criminalisation of parking offences (now 'contraventions') following the RTA 1991. The police, however, are still responsible for certain related parking offences, such as driving on footways and obstruction.

There has been some public and political support for the introduction of a national 'blanket' ban on footway and grassed verge parking in recent years, to imitate the legislation in place in Greater London. It was put forward as a clause on the RTA 1974 (but was never operationalised) and has been the subject of a couple of as-yet unsuccessful Private Members' Bills. Various national charity campaigns, most notably led by Guide Dogs and Living Streets, are also advocating this option.

Thirdly, the report outlined five different ways of dealing with the issue of parking on footways and grassed verges, all of which were analysed regarding their pros, cons and resource implications:

- A district-wide ban with local exemptions;
- A local ban issued on a case-by-case basis;
- An experimental order in prioritised areas;
- Alternative options to a ban; and
- No action taken at all.

Two different approaches to signage were then considered: an individual locational sign approach versus a zonal sign approach.

Finally, research was carried out amongst a number of other councils, chosen either for their demographic similarity to East Herts or for their known engagement with the issue, to get an idea about how other local authorities have approached the issue.

Out of the 13 councils consulted, the most popular approach towards managing footway/verge parking was a targeted ban in local 'hotspot' areas. The main drivers for action tended to be resident complaints, costly damage and public/political pressure, although challenges outlined included the time-consuming and resource-intensive processes involved in set-up and public objection.

In summary, it would appear that implementing a ban on parking on footways and/or grassed verges would be a very costly and arduous task. However, the general opinion of other councils who have implemented bans tend to suggest that on the whole, measures do lead to a successful reduction in footway/verge parking.

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Acts and Guidance (referred to in statutory context)

Section 36 of the Road Traffic Act 1974 (see p11-13): http://www.legislation.gov.uk/ukpga/1974/50/pdfs/ukpga_19740050_en.pdf

Part III, Highways, Section 15 of the GLC Act 1974: http://www.legislation.gov.uk/ukla/1974/24/section/15

Schedule 7, part 1 of the TMA 2004: http://www.legislation.gov.uk/ukpga/2004/18/contents

'The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' is published by the Department for Transport under section 87 of the TMA 2004: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421131/final-statutory-guidance.pdf

A Parliamentary Note (dated 17 November 2014) that summarises Government's position on pavement parking: http://www.parliament.uk/briefing-papers/SN01170/parking-pavement-and-onstreet

A Parliamentary Note (dated 17 October 2014) that summarises the history of parking policy in England: http://www.parliament.uk/briefing-papers/SN02235/parking-policy

Highway Code: https://www.gov.uk/browse/driving/highway-code

The House of Commons Transport Committee inquiry on parking, 2006: http://www.publications.parliament.uk/pa/cm200506/cmselect/cmtran/1641/1641.pdf

Progress of pavement parking bill: http://services.parliament.uk/bills/2014-15/pavementparking.html

Hertfordshire police statement: https://www.herts.police.uk/advice/illegal_parking.aspx

Traffic signage: https://www.gov.uk/traffic-sign-images

Charities/websites/blogs campaigning against parking on footways and grassed verges

- http://pedestrianliberation.org/
- http://www.disabledmotoring.org/news-and-features/news/post/64-pavement-parking-petition
- http://www.britishparking.co.uk/write/documents/bpa_response_to_tsc_report_-_dec_2013.pdf
- http://www.healthyplaces.org.uk/themes/enabling-active-travel/restricting-traffic/parking-restrictions/
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