



EARLEY TOWN COUNCIL

Department for Transport's Pavement Parking Consultation

Pavement Parking is a nationwide issue which affects many local Town and Parish Councils who are not the Highway Authority. Where there is no Traffic Regulation Order (TRO) in relation to parking on the pavement, generally pavement parking is classed as an obstruction of the highway which falls to the Police to deal with. With already severely stretched resources the Police are unable to deal with the full extent of the problem.

Many Local Authorities, including our own, have Civil Parking Enforcement Officers. However they are only able deal with offences in breach of a Traffic Regulation Order, and therefore have no powers in relation pavement parking.

Earley, which is situated within the Wokingham Borough is primarily made up of residential roads and cul-de-sacs which experience a high level of on-street parking.

Like many other towns, Earley has seen an increase over the years in the amount of on-street parking which has resulted in more pavement parking issues due to:-

- The design of new developments not providing ample parking
- Road layouts being too narrow
- An increase in the number of Homes with Multiple Occupancy
- A continued increase in car ownership

Vehicles parking on pavements create obstructions for pedestrians, wheelchair/mobility scooter users, visually impaired people and people using pushchairs. Pedestrians are then forced to walk into the road to avoid vehicles parked on the pavement, putting them at the risk of being struck by a passing vehicle. This is also often true when vehicles are parked on grass verges, and this is to the detriment of the amenity of the area.

Parking on pavements also has a financial impact on the Local Highway Authority, as pavements are constructed differently from roads and are not intended for vehicles to travel on; therefore by parking on pavements vehicles cause significant and costly damage to the kerbs and pavement surface. Parking on grass verges often causes long-term damage to the grass, and frequently leads to unsightly and sometimes dangerous muddy ruts.

Whilst the options set out in the Department for Transport's Pavement Parking: Option for Change document try to tackle the problem, we believe that there are fundamental drawbacks to each of the options.

Option 1

The current Traffic Regulation Order process which is a statutory requirement for Local Authorities is a very lengthy and costly procedure and most would welcome a review of this process, to see it streamlined and made less burdensome on Local Authorities. However, to determine if a Traffic Regulation Order is required on a road, Local Authorities have to undertake detailed surveys and analysis. These surveys are time consuming and because Local Authority resources are always severely stretched, Councils will not introduce the full level of TROs which may be required. A similar outcome is assured in relation to the expense of having to erect signage and road markings to support TROs because Councils do not always have sufficient money. Therefore, unless there is an immediate danger to life, Local Authorities will continue to rely on their criteria set for introducing a TRO and the resources they have available.

Option 2

The proposal to allow Local Authorities who have Civil Parking Enforcement powers to enforce 'unnecessary obstruction' as a civil matter by issuing PCNs to vehicles found to be causing an 'unnecessary obstruction of the pavement' is too ambiguous, as what do you class as a unnecessary obstruction. Drivers are reliant on traffic signs and road markings which stipulate what a driver can and cannot do, so the term 'unnecessary obstruction' would just be interpreted differently by both CPE officers and drivers. This would then lead to a large amount of appeals against PCNs being submitted to Local Authorities, which would again be a stretch on resources.

Option 3

The thought of a national pavement parking prohibition as the default position except where pavement parking is allowed in clearly marked areas might be a preferred option for some and may appear to be the perfect solution. However we consider that this could have detrimental unintended consequences.

A huge amount of work in surveying road networks to consider where pavement parking is a necessity, such as narrow roads where pavement parking ensures that traffic flow is maintained, would have to be undertaken by Local Authorities and would come at a great financial cost. There would also be an additional financial impact in relation to the erecting of signage and the installing of road markings to prohibit pavement parking and the erection of signage, which goes against the Department for Transport's own advice to reduce the amount of traffic sign clutter.

Whilst ever Local Authority resources are stretched and the ownership of cars continues to rise, along with the lack of parking in new developments being permitted and the lack of public education in relation to sustainable transport, Earley Town Council fears that the issue of Pavement Parking is one that will never be fully resolved, even by introducing one of the above options. There may be changes to national legislation that would enable Local Highways Authorities to better address this important issue.

We have outlined our reasons why, in our Town and almost certainly many others, the three Options in the consultation are not supported, but we encourage the Government to continue to explore other legislative options. We also urge the Government to consider carefully the wide-ranging existing levers that it has at its disposal to address the reasons why pavement parking is a significant and growing problem, and to make more effective use of the tools and opportunities already available to it to help address these matters.

This concludes the comments of Earley Town Council

Dated: 18th November 2020