

# Babergh & Mid Suffolk District Councils **Joint Area Parking Management Plan**

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## About Babergh and Mid Suffolk

1. Both districts are predominantly rural where most of the population live in villages or small market towns. The two districts have been working in partnership for several years and share a single headquarters based in the County-town of Ipswich.
2. Babergh is the southernmost district in Suffolk and shares a common boundary with Essex along much of the River Stour. The River Orwell is the other important river in the district. Babergh has a population of just over 90,000. Babergh is also home to 'Constable Country' attracting visitors from around the globe to the Dedham Vale conservation area and the well-preserved 'wool town' villages of Lavenham, Long Melford and Kersey. Sudbury and Hadleigh are the largest settlements in the district.
3. Mid Suffolk is currently the largest and most rural of the Suffolk districts with a population of around 101,000. The market town of Stowmarket is the largest area of population although most habitation is based in village settlements. Mid Suffolk has the lowest population density in Suffolk but also the highest car ownership rate in Suffolk. Its car ownership is ranked 11<sup>th</sup> in local authority areas in England and Wales according to RAC figures.

## National Framework for Parking

4. The Department for Transport (DfT) expects every local authority to 'have a clear idea of what its parking policy is and what it intends to achieve by it'. It also requires local authorities to keep these policies up to date and to reflect wider strategic priorities, changes in development and land use and to accommodate changes in legislation and national guidance.

## Legislative background

5. **The Road Traffic Regulation Act 1984** (as amended) (RTRA) makes it the duty of the traffic authority (in this case Suffolk County Council) to "secure the expeditious, convenient and safe movement of traffic and the provision of suitable and adequate parking facilities so far as this is practicable". The Act empowers the traffic authority to control waiting and loading and to provide parking places on the highway. The Act gives powers for local authorities (usually District/Borough Councils) to provide off-street parking places.
6. Part VIII of the RTRA deals with the enforcement of on-street and off-street parking restrictions which are applicable where Civil Parking Enforcement (CPE) does not operate. The police are responsible for enforcing waiting, limited waiting, and loading restrictions on the highway. Local authorities are responsible for enforcing permit holder and paid parking bays on the highway and off-street parking places. Police Parking Offences are criminal proceedings enforced through the Court process; this is the current operating situation in Babergh and Mid Suffolk).
7. **The Traffic Management Act 2004** (TMA) imposes an explicit duty on local highway authorities (in this case the County Council) to manage their network to reduce congestion and disruption and to appoint a traffic manager. Part 6 of the

TMA provides additional powers for parking, including increased scope to take over the enforcement of some driving and parking offences from the Police.

### Taking over Parking Powers from the Police

8. The Government believes that the enforcement of waiting, loading and parking restrictions should be a civil matter carried out by local authorities – this power is known as Civil Parking Enforcement (CPE). Under CPE, first tier authorities have control over parking and traffic policy and may take over parking patrols from the Police.
9. Most councils in England already operate CPE, leaving under twenty, at the time of writing after the recent mergers of districts, which do not. Out of these, four are in Suffolk.

### Civil Parking Powers for Suffolk

10. Only the County Council (as highway authority) can apply for CPE powers.
11. Suffolk Public Sector Leaders and local authorities, together with the Police, have agreed that CPE will be adopted for the whole of Suffolk and an application has been made by the County Council to the Department for Transport (DfT) to grant the extension of these powers.
12. The only CPE powers in the County to date are in Ipswich where, since in 2005, powers passed to Ipswich Borough Council under an agency agreement with the County Council. It is proposed that the enforcement of CPE powers will be devolved from the County Council to the Districts/Boroughs under agency agreements.
13. Under CPE, parking becomes a civil, rather than a criminal matter. All parking rules on the public highway and in public car parks are then patrolled by Council Civil Enforcement Officers (CEOs), who may issue Penalty Charge Notices (PCN) to vehicles found to be in contravention of parking rules.
14. Part 6 of TMA and the Secretary of State for Transport's Statutory Guidance sets out the process for handling PCNs. Motorists who receive a PCN and believe it to have been issued incorrectly can challenge the penalty, with the process including access to an independent Parking Adjudicator (whose decision is legally binding on both parties), rather than being taken to Magistrates Court. Failure to pay can result in enforcement action following a streamlined County Court process where cases may be registered as a debt.
15. Income from the issue of PCNs is retained by the enforcement authority to support the cost of the operation. Authorities who operate CPE set out to operate in a revenue-neutral state, and the use of any surplus income is regulated by section 55 of the **Road Traffic Regulation Act 1984** (RTRA).

## Parking Policies

16. It is necessary both for the DfT application and for the wider community that local authorities set out their parking policies and strategies with respect to CPE. The County Council has adopted the **Suffolk Parking Management Strategy 2018** (SPMS) which provides a high level, over-arching strategy for CPE, which was formally adopted by the County Council on the 6th November 2018: <https://committeeminutes.suffolk.gov.uk/Committee.aspx?Refinablestring10=The%20Cabinet>
17. The decision to adopt CPE powers for the whole of Suffolk has provided an opportunity for the County, Districts and Boroughs to review their current parking policies, and their approach to its implementation and management.

## Local policy

18. This document has been produced to set out the policies to be adopted for the management of on- and off-street parking for Babergh and Mid Suffolk District Councils.
19. Parking policies need to be integral to, and support, the County Council's Transport Strategy. The Department for Transport's Guidance on Local Transport Plans (July 2009), expects local authorities to set policies/strategies to contribute to the national transport goals: –
  - Support economic growth;
  - Reduce carbon emissions;
  - Promote equality of opportunity;
  - Contribute to better safety, security and health;
  - Improve quality of life and a healthy natural environment.
20. **The Suffolk Local Transport Plan** has a small section on parking. This has been expanded by the SPMS which is the over-arching, high level, strategic document setting out the County Council's local transport plan strategic objectives with respect to the operation of County-wide CPE.

The County Council has also produced the **Suffolk Guidance for Parking** which provides guidance for developers and planning authorities and can be viewed at: – <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/parking-guidance/>
21. What is Positive Parking? Babergh & Mid Suffolk District Councils have signed up to, the Positive Parking Agenda, an initiative started by a group of local authorities supported and assisted by the British Parking Association. The aim of the Positive Parking Agenda is to change perceptions and challenge misconceptions about the parking sector as well as local government's role and make the parking experience a better one for all concerned. The Agenda looks to provide effective and positive

communications, promoting innovation and the use of technology, for the benefit of all.

The Agenda addresses a range of key priorities including: congestion, safety, air quality, accessibility, technology, working together and fairness. Babergh and Mid Suffolk is looking to align its parking strategy, including its policies and operations, to this agenda through a Positive Parking Framework. The Positive Parking Agenda is looking to its founder members to set a benchmark standard for other local authorities to follow. Find out more at [www.positiveparkingagenda.co.uk](http://www.positiveparkingagenda.co.uk)

## This Document

22. This document helps the authorities achieve their economic, social and environmental objectives, aligned to the Positive Parking Agenda priorities: –

1. **Congestion** – Reducing congestion, helping drivers find spaces quickly and easily
2. **Safety** – Improving road safety, reducing the severity and number of traffic collisions.
3. **Air quality** – Improving air quality, reducing congestion and dwell time in finding spaces
4. **Accessibility** – Improving access to services and the economic vitality and vibrancy of town centres and high streets
5. **Technology** – Supporting a more mobile society by embracing new technology
6. **Working Together** – Providing a more efficient and accessible road network
7. **Fair** – Delivering a more effective, efficient and consistent parking management service

## Parking in Car Parks - The District Council's policies

23. District Councils have the power to provide off-street car parks, and in doing so must take account of conflicting demands for parking space for residents, visitors, business and workers; councils must balance this with the effects that unrestricted and free parking can contribute to increased congestion, obstructions, pollution and spaces being occupied by the wrong users at inappropriate times.

### **Policy 1 – Babergh and Mid Suffolk Councils' joint 'Vision for Parking'**

The Vision for Parking is "to allow parking where possible and control parking where necessary".

24. Accommodating the needs of all road users, particularly in historic towns and villages, is not always possible and will remain a challenge for local authorities, and an effective parking management plan will be required to help resolve these issues.

### **Policy 2 – Off-Street Parking Places**

Off-street parking places will be regulated in order to assist with traffic management on the road network, in a way that supports and promote our communities.

25. In Babergh, the Council provides or manages 24 car and lorry parks, of which only the Pin Mill car park, one car park in Hadleigh and two car parks in Sudbury make any charges; the majority make no charge.

Details of the car and lorry parks can be viewed at:

<https://www.midsuffolk.gov.uk/communities/parking/babergh-car-and-lorry-parks/>

26. In Mid Suffolk, the Council provide or manage 14 car and lorry parks of which only the Stowmarket car parks make charges; the other 7 car and lorry parks have no charges.

Details of the car and lorry parks can be viewed at:

<https://www.midsuffolk.gov.uk/communities/parking/mid-suffolk-car-and-lorry-parks/>

27. Car park tariffs are only applied in a limited number of the Districts' car parks with most parking provided at no cost. Charges can be found on the Council's website.
28. The last car park charging review was carried out for Babergh in 2011 and for Mid Suffolk in 2014. The DfT no longer stipulate that local authorities must operate their parking accounts so they are at least self-financing but they do advocate that this is good practice: "The Secretary of State will not expect either national or local taxpayers to meet any deficit".
29. Tariffs will continue to be periodically reviewed, considering the need to manage traffic and parking on the road network more generally.
30. As part of the CPE implementation process, however, the car park orders, terms and conditions of use must change to align them with the different legislation. These planned changes will be advertised in accordance with national regulations.

### **Policy 3 – review of off-street car park operation**

Car park tariffs and operational arrangements will continue to be reviewed in future as required.

The Car Park Order terms and conditions will also be reviewed as part of the CPE implementation process to make them compliant with the revised legislation and be advertised in accordance with the traffic order procedure regulations.

## Parking on the Highway - The County Council's Powers

31. In the Babergh and Mid Suffolk area, the County Council manages On-Street parking, much of which is unrestricted and uncharged. In built up areas some limited waiting controls are in operation. These range from 30 minutes, one- or two- hour restrictions with 'no return' generally set at two hours. These arrangements have generally been in place for a considerable number of years without change or review.
32. In preparation for adopting CPE the County Council has carried out a review of all existing waiting, loading and parking restrictions on the highway and compared them with the legal description in the traffic regulation orders. During 2018/19, any discrepancies were resolved and new traffic regulation orders were advertised reflecting the restrictions as they appear on the highway. A consolidation order will include any other changes necessary to reflect the CPE legislation.

## Parking Service Delivery in Babergh & Mid Suffolk

33. The intention in Suffolk is that parking operations will be carried out by the second-tier Districts/Boroughs, under agency agreements with the County Council. Babergh and Mid Suffolk Councils took the decision at a very early stage not to ask to operate the parking services in our area.
34. The predominantly rural makeup of the Districts would make it inefficient and costly for us and the model produced by the County Council's consultants predicted an operational financial deficit if we were to undertake these operations ourselves.
35. Instead, enforcement will be carried out in Partnership with neighbouring authorities where the economies of scale make this method of operating more efficient, also being financially underwritten by the County Council.
36. Whilst not carrying out the operation directly, we will, in Partnership with the other District and County Councils, set out the guiding policies and objectives of how this will operate.
37. The implementation of CPE will bring a greater consistency and level of parking patrols on the highway network. A possible consequence may be that the current restrictions are no longer considered fit for purpose and need to be amended. Any On-Street Parking Reviews will be undertaken by the County Council and are dependent on the availability of a budget to pay for the review, consultation and implementation. The process for undertaking a review is set out below.

## Making a change to restrictions – and the right to petition

38. **The Right to Challenge Parking Policies 2015** is Guidance which requires local authorities to adopt specific policies for the acceptance and management of parking petitions over and above the local authority's general petition policy.
39. The Department for Communities and Local Government (DCLG – now Ministry of Housing, Communities and Local Government) produced Duty Guidance in 2015 under section 18 of the **Traffic Management Act 2004** requiring local authorities to set policies for petitions challenging parking policies. The guidance recognises that local authorities should already have policies for petitioning about council run services but requires specific and additional policies and procedures to be published with respect to parking policies.
40. DCLG guidance sets out best practice advice on what policies should be adopted and provided illustrative examples. The County Council sets out this policy, encompassing:-
  - The minimum number of signatures for a valid petition;
  - Information that needs to be provided by and about the petitioners;
  - How the petition will be managed on receipt;
  - The timeframe for a review;
  - The circumstances when a petition will not be considered;
  - Definition of vexatious petitions.

41. In addition, this Area Parking Plan provides a toolkit for investigating requests or reviewing the need for waiting, loading and parking controls when and if they occur. It also sets out how the Councils plan to engage with the local community and seek the views of local councils, businesses and residents.

#### **Policy 4 – parking petitions**

The COUNTY COUNCILS' PETITION SCHEME will be used for the handling of parking petitions.

BMSDC will be a conduit to assist in petitions being submitted within the districts. A parking review may take 12 months before the report is finalised and considered by Councillors.

Parking petitions will not be considered under some circumstances where a review or new scheme has just been finalised.

### Footway and Verge Parking

42. Footway and verge parking is neither desirable and nor encouraged but except for heavy vehicles or where there are other parking restrictions adjacent, by itself is not an offence except in cases of Obstruction where an offence may be being committed. Driving on the footway however, does constitute an offence.
43. Under current legislation, vehicles parked on the footway or verge are covered under different laws depending upon the situation.
- Where a yellow line restriction is in place it covers the entire highway from carriageway centre line including the footway and/or verge and can usually be enforced up the property line.
  - Where no restrictions are in place, CEOs cannot enforce unless there is a specific footway parking restriction in place (unless the vehicle is a lorry), or the parking is at a dropped kerb, raised area or an area of tactile paving.
  - In all other cases, the matter – even after CPE – remains one for the Police.
  - The Government has indicated its intention to carry out a review of the current arrangements for footways and verges – and obstructive parking in general – which could result in the sharing of nationwide footway parking powers.
  - The DfT announced in April 2018 that they are considering options to give local authorities shared obstructive parking powers with a Review starting in 2019, expected to last up to two years.
44. The 2016 edition of the traffic signs regulations allowed the option to create an area-wide footway/verge parking ban which is signed on a zonal basis, although this offers few benefits over pre-existing powers.
45. There are certain locations where vehicles have traditionally parked, partly or fully on the footway to maintain a wide enough thoroughfare on the carriageway or where the footway is sufficiently wide that footway parking would not cause a problem for pedestrians.
46. Where it is considered appropriate to allow footway parking, certain tests will need to be applied before allowing the practice to continue, including checking for sub-surface utilities and surface damage.

47. It is proposed that a 'four foot rule' will be applied whereby a double buggy, blind person's sweep of their white stick, or wheelchair can easily pass a parked vehicle – the unobstructed footway width between parked vehicle and property boundary would be around 1,230mm (4 foot).
48. In some locations where the footway and carriageway is particularly narrow, consideration will be given to allow footway parking on one side of the road provided the other footway is unobstructed. Verge parking will not be allowed.
49. Care must be given to situations where prohibiting footway parking might otherwise lead to more carriageway parking and the consequent congestion issues that may arise; this is perhaps no more desirable than the original issues we sought to resolve, and could simply result in additional restrictions becoming necessary; both situations to be avoided with careful planning and local consultation.

#### **Policy 5 – footway parking**

Footway parking is not encouraged. Allowing footway parking will only be considered in exceptional circumstances and where local consultation supports it and only if the footway construction and underground services are unlikely to be compromised and only with agreement from local councillors.

### Signage for restrictions

50. Further work needs to be done to produce a clear design guidance for Babergh and Mid Suffolk but the principles will be an aim to:-
  - reduce the number of signs to a minimum;
  - combine signs where possible;
  - fix signs to existing street furniture;
  - avoid marking lines on cobbles or granite setts – instead use restricted zones;
  - Conservation signing and lining where appropriate.

#### **Policy 6 – reducing street clutter**

Parking schemes will be designed and implemented with the aim to reduce street clutter, minimising the number of signs used whilst maintaining compliance; Fix signs wherever possible to existing street furniture with any new signposts positioned at the back of the footway; Wherever possible. and especially in environmentally sensitive areas, consider using zoned restrictions to reduce the need for lines and signage

### Managing parking around schools

51. The DfT National Travel Survey (2014) estimated that 46% of primary school pupils and 23% of secondary travel to school by car. Child casualties around schools are thankfully very rare in Babergh and Mid Suffolk but like all schools across the country managing the increased traffic and stressed behaviours around the 'school-run' can be a challenge. Residents living close to a school where such behaviour is a regular occurrence understandably wish the problem to be resolved.
52. The County Council is introducing school keep clear zigzag restrictions to the pedestrian entrance to a school. These restrictions are aimed at reinforcing safe

lines of sight for pedestrians and motorists. If pedestrians are likely to be crossing the road at the same point it is usual to include waiting restrictions on the opposite side of the road to balance the need for sight lines. School entrance zigzags are generally well respected and do not need constant active enforcement by civil enforcement officers (CEOs) to keep the area clear of parked vehicles.

### Requests for new restrictions or amendments to existing waiting restrictions

53. Requests for new on-street restrictions or amendments to existing will remain the responsibility of the County Council.
54. The need for community engagement and consultation before any proposals are introduced is essential. In Babergh and Mid Suffolk this will be a collaborative approach between the Districts and the County Council including the Districts providing the patrol services in our area.
55. It is expected that the prioritisation and delivery of new or revised restrictions will be carried out in consultation with the Districts by the County Council.
56. The County Council's policies for managing parking on the highway will apply.

#### **Policy 7 – parking consultation**

In developing new parking schemes the County Council will use local engagement with Opinion Survey, Detailed Design consultation and Statutory Consultation as the standard procedure.