

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

03 June 2008

**Report of the Director of Planning Transport and Leisure
and the Cabinet Member for Planning & Transportation**

Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken
by the Cabinet Member)**

1 PARKING ACTION PLAN - PROGRESS REPORT

Summary

The Board is invited to confirm its views on the form of Zone P following a consultation of residents in Mann Square and part of Tudeley Lane and Lodge Oak Lane.

The programme of adoption for the remaining Zones is reviewed.

The implementation stage of the Borough Green Local Parking Plan is underway and the programme is described.

The overall Parking Action Plan is rescheduled in the light of urgent work that has to be accommodated arising from the development of West Kent College.

The amendment to the off-street parking places order needed to introduce pricing at Haysden Country Park has been advertised and representations have been received.

1.1 Introduction

1.1.1 The current work on the Parking Action Plan is focused on the following schemes

- Adjusting and confirming the details of Zone P of the Tonbridge Local Parking Plan**
- Implementing the Local Parking Plan for Borough Green**
- Assessment and investigation of parking problems at individual locations on the Phased Programme**

- Accommodating urgent work in the streets around West Kent College arising from the proposed development at the College in accordance with the planning permission
- Preparing advanced publicity for the review of parking in Snodland
- Bedding in the new arrangements arising from the Traffic Management Act that came into effect on 31 March 2008.

1.2 Tonbridge Local Parking Plan – Zone P

- 1.2.1 The experimental order for Zone P is due to be reviewed at the end of its trial 18 month period. This has already been the subject of an earlier report to both this Board and the Joint Transportation Board following the receipt of a petition from a group of residents in part of Tudeley Lane and Mann Square and a short length of Lodge Oak Lane expressing their dissatisfaction with the resident preferential parking arrangements (RPP).
- 1.2.2 The decision of both Boards was that the experimental period should be allowed to run its course to give residents a chance to judge the scheme over a reasonable length of time.
- 1.2.3 In view of the earlier petition and continued expressed disenchantment about the scheme from a number of residents, we sought in conjunction with the local members to ascertain what the overall wishes of residents in this particular area was as far as the RPP scheme was concerned. In the past few weeks, we circulated a questionnaire to all the householders in the area concerned asking each of them to confirm what they wished the Council to do with the resident preferential parking scheme.
- 71 questionnaires were circulated and we received 44 replies
 - 41 of the householders do not want the RPP scheme to be confirmed as part of the Order, and
 - 2 do wish the scheme to be confirmed with this area as part of it.
 - One questionnaire was returned without being completed.
- 1.2.4 The result of the consultation is that the overwhelming majority of those who replied do not want the parking arrangements that are now in place. The original parking work included some double yellow lining to protect the turning head at the end of Tudeley Lane and at Mann Square to prevent parking on the junction and obstruction of through traffic in the eastern section of Lodge Oak Lane. These were introduced for highway safety and manoeuvrability reasons and we do not recommend that these should be altered.

1.2.5 It is clear that the RPP arrangements do not have the support of local residents and, as was always made clear to the residents, if they do not want a scheme at that location, it will be removed. With that in mind, we recommend that this Board advises the Joint Transportation Board, where parking management is formally dealt with, that it considers the RPP arrangements in the relevant part of Tudeley Lane and Lodge Oak Lane and Mann Square should be removed when the experimental order for Zone P is confirmed and a full refund be made on current permits.

1.2.6 In coming to these conclusions there are some particular issues that we would draw to the attention of the Board.

- The views of the local residents are clear on the issue of the RPP arrangements and that should guide how the Council responds. In parallel with the Council's survey of resident views, some of the residents themselves have conducted a survey and this confirms that the majority of the residents do not want either the RPP scheme or the waiting restrictions in the turning head at the end of Tudeley Lane and the lengths of yellow lining in Mann Square that were installed to prevent carriageway and footway obstruction by parking cars.
- During the time that the experimental order has been in place observations **Annex 1** have indicated a good availability for residents parking in these areas. Members should be aware that there is some possibility that the pressure for parking could return. In the past this has largely arisen from the parking practice associated with the nearby school and we would recommend that a dialogue be continued with the school in order to keep this matter under review and to see how their parking needs might be best managed in practical terms.
- A number of local residents here objected strongly to the restrictions in the turning head at the end of Tudeley Lane. Indeed, some say that this is not a turning head. Nevertheless, it performs that function in practice and although the parking restrictions here curtailed its use for parking we believe this remains the most appropriate approach. An unfortunate effect of this seems to have been the parking of vehicles from time to time on the adjacent grassed areas. In view of all of this officers are reviewing the functioning of the turning head with the police to establish whether or not there is any compromise that could be achieved to reintroduce some parking bays. We hope to report on this at the meeting but if that is not possible we will deal with it at the Joint Transportation Board.
- Suggestions have been made that the grassed area adjoining Tudeley Lane be considered for additional parking. This had not been considered in the original parking plan which was essentially concerned with managing and balancing existing parking by using well tried methods to create capacity for local residents. It is something that could be considered

although clearly it would attract additional cost if such an approach were considered to be justified and was supported locally.

1.3 Tonbridge Local Parking Plan – other Zones

- 1.3.1 Other Zones in Tonbridge will be reaching their due date for confirmation in the next few months. **Annex 2** illustrates where we are on each of the neighbourhoods. The next area to be considered is Zone K and from the brief description the Board will be pleased to see that there are no objections outstanding so confirming this Zone is a formality.
- 1.3.2 However, the Board may recall that, at the time of introducing Zone K, there was considerable concern from a group of residents in Ashburnham Road to RPP arrangements in Zone K generally and in Ashburnham Road, Manor Grove and the nearby stretch of Shipbourne Road in particular. As a result, these three locations were removed from the original experimental order after additional public consultation and there are no RPP arrangements in these roads.
- 1.3.3 After Zone K was introduced we received some representations that at least some of these roads should be included in the RPP scheme. However, it is not clear now if this has broad support among all the residents for doing so. For that reason we suggest that there should be a further consultation of the residents before the order is confirmed and it should simply ask the question “do you wish to be part of the Zone K RPP scheme”. In the meantime, parking conditions in this area will continue to be monitored.

1.4 Borough Green Local Parking Plan

- 1.4.1 Between last November and the start of March, we gathered a great deal of information from local residents, businesses and visitors in Borough Green to build up a detailed picture of local parking patterns and to identify what local people considered to be the significant parking issues in the area. Out of 1800 questionnaires delivered to all registered properties over 300 responses were returned. The responses were mainly from residents and businesses in the roads concentrated around the village centre. The suggestions and ideas from local people were used to produce a draft outline parking plan and this was circulated to local Members, the Parish Council, and Village Hall representatives and also to all householders and businesses who submitted a questionnaire with their contact details on it.
- 1.4.2 Following this wide circulation during the month of March, we received a further series of comments from those interested in parking management in the village. We carried out a further refinement of the proposed actions in the light of the comments received and the draft document was scrutinised by a steering group consisting of the local members, the Parish Council Chairman, the Chairman of this Board and the Cabinet member for Planning & Transportation.

- 1.4.3 With a few adjustments, the member steering group reached a consensus on the contents of the action plan and this has now been drawn up in the definitive statement contained at **Annex 3** – the Borough Green Local Parking Plan. It would be appropriate for the Board to lend its endorsement to the Plan so that, together with a similar endorsement from the Joint Transportation Board, it has some weight in local transportation terms.
- 1.4.4 The resolved position from the last JTB meeting reflected the desire that the works in Borough Green should proceed expeditiously if the steering group was content with the proposals. The JTB wished to avoid delay if the steering group was content with the parking plan and if the order making stage of the scheme attracted no objections. Therefore the Board resolved as follows:
- give delegated power to the Director of Planning, Transport & Leisure, in consultation with the Chairman, to proceed with the Borough Green Local Parking Plan when it has been amended to reflect the results of public consultation and the views of local Members and the Parish Council
- 1.4.5 Equally, it could be possible, as with all such schemes irrespective of how well the consultation proceeds, that objections to the proposals could be received at the statutory advert stage. With that in mind, the traffic regulation orders needed to give effect to the Local Parking Plan have been advertised and the end of the notice period is 9 June. This is the same day as the JTB and, if any objections are received, this will allow them to be considered in June rather than having to wait for a full cycle till the next meeting of the JTB in September.

1.5 Haysden Country Park

- 1.5.1 Introducing charges in Haysden Country Park, which has been approved by the Council, requires an amendment to the Off-Street Parking Places Order and the statutory adverts for this had a period for objections ending on 19 May.
- 1.5.2 Two objections have been received, both of which record opposition to the principle of introducing charges in this car park. The Council was fully aware of such issues when it initially proposed introducing the charges and it took the decision to do so based on a broad assessment of current financial circumstances as it is duty bound to do. It also considered another point of principle that people benefitting directly from services should make some direct financial contribution towards a proportion of the cost.
- 1.5.3 In considering the introduction of charges, the Council has taken considerable care to consult with users and has agreed measures such as season tickets for frequent users and some dispensations to properly and fairly manage the charging regime.
- 1.5.4 The Council has the capacity to introduce such charges and the move to do so is within a wider and proper financial strategy. Consequently, objections that question the ability to introduce charging or whether the right should be exercised

carry limited weight, particularly as the Council has considered this matter carefully in the light of all the material considerations. Bearing all of this in mind, we consider that the amendment to the Order should be confirmed.

1.6 The Parking Action Plan – Programme

- 1.6.1 The established programme of work on parking management contains a series of projects on local parking plans and, in parallel, a schedule of works at a number of sites throughout the Borough. As far as local parking plans are concerned the next focus is Snodland, followed by a review of the Plan already drafted for West Malling, then East Malling and a return to Hadlow where work is in abeyance at the Parish Council's request.
- 1.6.2 We need to revisit this schedule to accommodate an urgent and unavoidable commitment arising from proposed development work at West Kent College. One of the planning conditions requires careful consideration of parking generated by development at the college and its effects on the neighbouring residential area. A sum of up to £40,000 is to be furnished by the developer to carry out work on the surrounding roads aimed at mitigating the effects of such parking.
- 1.6.3 The obligation to provide "details of arrangements for the establishment of a residents' preferred parking scheme" rests with the developer and the timing of the submission is linked to "no later than one month from the commencement of any material operation".
- 1.6.4 Given the strong interest that parking proposals can engender, it is essential that the Council retains a close working steer of all aspects of the obligation stemming from the planning condition. The scale and nature of public consultation will be critical. Analysing the results and devising and implementing workable solutions that have the support of the local community will be vital. All of this points to officers of this Council being closely involved in this project.
- 1.6.5 Information from the developer indicates that the programme of work on the College will require the resident parking scheme to be devised during the summer months. The practical implication of this is that officers will have to concentrate for some two or three months on the parking proposals around the college just as soon as the Borough Green Local Parking Plan has been implemented. It means that work on the other schemes mentioned above must be replanned to accommodate this new commitment in the programme.

1.7 The Parking Action Plan – Phased Programme

- 1.7.1 Work on Phase 4A was recently completed and progress is now being made on Phase 4B and Phase 5. The flow of service requests for parking management remains consistent and significant. **Annex 4** contains an updated working list of Phases 4A, 4B and phase 5 indicating the locations where parking problems have been raised. It should be borne in mind that Phase 5 is an unrefined working list of matters that have yet to be considered so descriptions of locations or the nature

of the parking issue are sketchy at this stage. These will be refined once some assessment and investigations has been undertaken.

1.8 Traffic Management Act

- 1.8.1 Part 6 of the Traffic Management Act (TMA) was introduced on 31 March 2008. On the surface, there has been little change but for a new name for the parking attendants, now civil enforcement officers, and tiered penalty charges. However, behind the scenes, gearing up for the new act and the associated regulations has required an enormous amount of work.
- 1.8.2 This has not been helped in the least by woeful drafting of the legislation which has given rise to a number of last minute alterations on the various notices and procedures to ensure that these accord strictly with the legal requirements of the Act and the associated Regulations. For example, it was only late in the day that it became apparent that two-tier shire districts engaged in parking enforcement needed to separately identify either the district or the county council as the appropriate “the enforcing authority” on PCNs depending on whether it was issued on or off-street. The district councils of Kent have been working together through the Kent Parking Managers Group on this and a number of other unforeseen aspects of the new legislation and our processes and procedures have been adapted to reflect the shared knowledge and experience of the wider group.
- 1.8.3 Another unforeseen consequence of the new legislation that was only picked up late in the day is that the National Parking Adjudication Joint Committee, a corner stone of Decriminalised Parking Enforcement under the Road Traffic Act 1991, cannot continue to function under the TMA.
- 1.8.4 This has required all decriminalised parking authorities to set up a new legal entity with great urgency over the past few weeks to enable the civil parking enforcement outside London to function on a proper legal basis with a national adjudication service in place. Time was of the essence in signing the required Memorandum of Participation as it had to be signed and returned to the lead National Parking Adjudication Service authority by 15 May. This has been done and we recommend that the action be endorsed retrospectively by Cabinet. The recommendation at the end of this paper has been framed accordingly so that Cabinet has the views of this Board and the JTB to assist it in doing so.
- 1.8.5 In parallel with having the necessary parking systems in place to administer Civil Parking Enforcement, there has also been significant attention to the underlying set of traffic regulations orders that the Act is intended to enforce. During the last quarter of 2007/08 the on-street parking orders have been completely reconsolidated to create a fresh document with no variations and updated to ensure that it matches the requirements of the Traffic Management Act.
- 1.8.6 The off-street parking places order has been similarly updated for the start of Civil Parking Enforcement on March 30, though from the mention of Haysden Country

Park earlier in the report, it will be seen that it already due for its first amendment, subject to Cabinet confirming the Order.

- 1.8.7 What we now have is a good foundation for civil parking enforcement and the intention is that we will stay that way by consolidating the traffic regulation orders regularly to avoid long lists of variations and amendments.

1.9 Legal Implications

- 1.9.1 The legal implications are considered at the appropriate section in the main body of the report. Note that the Borough Council's powers to carry out parking management derive from the existing contractual arrangement with the traffic authority, Kent County Council. The activity must be carried out according to the provisions of the Traffic Management Act 2004, its associated Regulations, Statutory Guidance and Operational Guidance.

1.10 Financial and Value for Money Considerations

- 1.10.1 The cost of implementing the works on the Parking Action Plan described in the paper are to be met within existing Borough Council capital and revenue budgets

1.11 Risk Assessment

- 1.11.1 There are significant financial and reputational risks arising from the operation of Civil Parking Enforcement (CPE) and a series of things that local parking authorities either must do or have regard to under the TMA. The two essential elements in dealing with this risk are having the right equipment and computer systems in place from the start of CPE and properly skilled and trained staff in place to operate the systems. Significant effort is being devoted to both of these factors.
- 1.11.2 There are two factors that merit consideration when considering implementing the Parking Action Plan. The first is whether the schemes have achieved the aim of promoting a well ordered parking environment and the second relates to the extent to which the support of the local community has continued throughout the experimental period.
- 1.11.3 To address the first of these, implementation using an experimental Order procedure has provided a degree of flexibility within the scheme arrangements to enable the schemes to be adapted and refined in the light of how the scheme works in practice and also to reflect feedback from the local community.
- 1.11.4 The second factor has been addressed through a consistent and robust concentration on public consultation. There was high community support for the details of the scheme and where that was not the case those elements of the scheme were subject to further consultation with local residents. This should provide the assurance that the Council has the will and ability to adapt the Parking Plan in the light of comment and circumstances to ensure that it achieves a best

balance of local parking needs. The review and confirmation of the experimental orders is crucial to ensure that we can correctly and effectively manage on street parking in these areas. The proposals are either introduced for safety reasons or to provide a more appropriate balance of parking needs.

1.12 Recommendations

1.12.1 That the following recommendations of this Board be conveyed to Cabinet:

- 1) The proposals for introducing charges in Haysden Country Park **BE ADOPTED** as advertised in the advertised amendment to the Order for off-street parking places and the objectors advised accordingly.
- 2) The rescheduling of the Parking Action Plan to include the resident preferential parking scheme in the area around West Kent College **BE ENDORSED**.
- 3) That the urgent action in signing the Memorandum of Participation for a newly constituted National Parking Adjudication Service Joint Committee **BE APPROVED**.

1.12.2 That the following recommendations of this Board to Cabinet be enjoined with the recommendations of the Joint Transportation Board;

- 1) The Resident Preferential Parking arrangements in the relevant part of Tudeley Lane and Lodge Oak Lane and Mann Square **BE REMOVED** when the experimental order for Zone P is confirmed.
- 2) The Borough Green Local Parking Plan **BE ENDORSED**.
- 3) That parking arrangements in Zone K **BE CONFIRMED** to reflect the views of residents of Ashburnham Road, Manor Grove and the relevant part of Shipbourne Road as described in the report.

The Director of Planning, Transport & Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Karole Reynolds
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File P3/Zone M – Zone M Review

File P4/6 – Borough Green Parking Review draft

TMBC On Street Parking Places Order 2008

TMBC Off-Street Parking Places Order 2008

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