

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**JOINT TRANSPORTATION BOARD**

**07 March 2022**

**Report of the Director of Street Scene, Leisure & Technical Services**

**Part 1- Public**

**Matters For Decision**

**1 KINGS HILL PARKING REVIEW**

**Summary**

**This report updates Members on the outcome of the recent formal consultation on a parking review for Kings Hill and makes recommendations to the Borough Council's Cabinet.**

**1.1 Introduction**

1.1.1 Parking on Kings Hill has been an issue of concern for residents for a number of years and is complicated by the number of adopted and private roads.

1.1.2 The majority of Kings Hill currently does not have any form of parking control and residents have been able to park in locations that are unsuitable and are contrary to the rules of the Highway Code. Levels of car ownership remains higher than any capacity for any privately facilitated parking.

**1.2 The Kings Hill Community Survey**

1.2.1 The Parish Council has previously conducted a significant survey of residents and life in Kings Hill in 2018 and the primary "traffic and transport" concern raised by residents was a lack of parking enforcement.

1.2.2 Local Members and the Parish Council then requested that the Borough Council bring forward a review of parking in Kings Hill to address those concerns.

1.2.3 Details of the Kings Hill Parish Community Survey are available on their website.

**1.3 Enforcement powers**

1.3.1 The Borough Council's powers stem from the decriminalisation of parking enforcement, where enforcement of parking moved away from the Police to Local Authorities. Our powers to manage parking allow us to enforce parking restrictions set out either in national legislation or by Traffic Regulation Order. Unfortunately, we do not have the full range of powers available to the Highway Authority, nor

those that remain with the police, that tend to relate to obstruction and moving vehicle offences.

- 1.3.2 As detailed in the Parish's survey, a frequent criticism was that there was never any parking enforcement in Kings Hill and people were parking wherever they wished, though it may significantly affect others. However, without appropriate restrictions in place the Borough Council are unable to intervene.

## **1.4 The Borough Council's proposals**

- 1.4.1 When initially developed and prior to adoptions, there were covenants put in place by developers that restricted how residents could use their properties and the road space nearby. These seemed aimed at preventing parking issues by requiring residents to manage their impact on their environment. However, those covenants cannot be applied to the public highway and expire once the road is adopted.
- 1.4.2 The Borough's proposals are based on simple principles based on the Highway Code – not to park at bends or junctions or where it would cause a hazard. In this initial phase we have considered all the distributor roads that have been adopted as public highway by Kent County Council. The intention of the proposals are to maintain access through the estate in a safe manner for residents, public transport providers and emergency services.
- 1.4.3 The proposals are based on the physical characteristics of the roads and take into consideration the numerous vehicle accesses that emerge to the public highway.
- 1.4.4 The proposals form a cohesive set of restrictions, based on the appropriate highway standards for 30mph roads, and where there is an opportunity to provide parking on one side of a road, restrictions have also been proposed to maximise that parking by deterring parking on the opposite side.
- 1.4.5 Further phases would then be considered to address the residential areas between the distributor roads.

## **1.5 Informal consultation**

- 1.5.1 We carried out informal consultation on proposals late in 2019, where frontagers were encouraged to comment on the proposals. The proposals produced responses, from residents, broadly concerned with displacement parking, the loss of facility and the protocols in place at the conception of the development.
- 1.5.2 Following the informal consultation there was support from the Borough Members, based on the principles of the Highway Code and the intended phased approach. The Parish Council commented in favour of the proposals (with minor amendments) and in September 2020 the Joint Transportation Board agreed that the proposals (amended in line with the Parish Council's comments) should proceed to formal consultation.

1.5.3 The proposals taken forward to formal consultation and for the invitation of objections are shown in Annex 1

## **1.6 Formal consultation**

1.6.1 We carried out formal consultation and the invitation of objections from 9<sup>th</sup> July 2021 to 1<sup>st</sup> August 2021.

1.6.2 This entailed letters to frontagers of the areas affected, documents on-deposit at the Council Offices, notices on-street and advertisements in the local press in line with the Local Authorities (Traffic Orders) (Procedures) England and Wales 1996. We also made the details available on our website, and took responses online, by email, by response paper form and in writing.

1.6.3 The TRO advertisement is shown in Annex 2

## **1.7 Consultation responses**

1.7.1 We received a large number of responses to the formal consultation. This consisted of 294 online responses, 92 email responses, 36 response forms and 2 letters giving a total of 424 responses.

1.7.2 These 424 responses represent the views of 186 discrete households or organisations, also many chose to comment on several areas or responded through several channels.

1.7.3 On reviewing the responses to the consultation, it is evident that those that were not in favour of the proposals often tended to comment on many of the locations or on the proposals in their entirety, whereas those that supported changes tended to comment on the specific proposals in their area.

1.7.4 Given the level of response, we will consider all of the consultation responses presented for each location, and in relation to the review in its entirety.

1.7.5 All of the online consultation responses (redacted of personal information) are provided in Annex 3.

1.7.6 All of the email, form and letter responses (redacted of personal information) are provided in Annex 4.

1.7.7 Overall, there were 424 responses, of these, 89 were in favour of the proposals, 330 raised objections and 5 responses that were unclear.

## **1.8 The Parish Council response**

1.8.1 Though Kings Hill Parish Council commented in support of the 2019 proposals and suggested minor alterations (with those revisions being taken forward), the Parish Council is now objecting to all the proposals that are being made.

1.8.2 A full copy of the Parish Council's latest response is shown in Annex 5

## **1.9 Analysis**

- 1.9.1 It is evident from the number of responses that there is a level of unhappiness with the proposals, but this stems primarily from perceived deficiencies in the design of the estate, the level of suitable parking provision per property and the perception that parking on-street can be relied upon, even though it may cause issues for others.
- 1.9.2 However, there is also a significant level of response that parking around roundabouts and junctions is a problem and needs to be addressed – though there is not consensus on how this should be achieved.
- 1.9.3 A significant subject that is regularly raised is the request for Fortune Way to be changed to a one-way street – possibly with Queen Street and Milton Lane being further included as this is suggested to improve traffic movements and resolve some traffic/parking conflict. However, this is outside the scope of the Borough Councils' proposals or powers and would need to be considered by Kent County Council as they are the Highway Authority.
- 1.9.4 Residents are also concerned that the introduction of any parking restrictions (even when considered necessary for safety purposes) are likely to lead to increased displacement into areas that they perceive would cause more problems or inconvenience. Another regular item raised through the consultation was the introduction of restrictions in the private Asda and Waitrose car parks, meaning that those areas could no longer be used for long-stay parking. This was frequently linked to requests to provide additional "overflow" car parks, though there was little suggestion as to where these should be.
- 1.9.5 Many of the items raised in the responses are issues outside the remit of the parking review, or the Borough Council as a whole, such as the introduction of one-way streets, or more traffic calming (or its removal – also requested) or re-routing of bus services.
- 1.9.6 There is a significant strength of feeling that the Borough's proposals will exacerbate the parking situation as parking will be displaced from areas where the Highway Code says that parking should not occur.
- 1.9.7 However, there were 89 respondents that were in favour of changes, and others were supportive of safety-related measures.
- 1.9.8 Members need to reflect on the level of need within the community to manage and regulate parking and consider the responses against the proposals. Many of those responses relate to the planning issues that have led to this situation, but the Borough's parking review will be unable to address these issues directly. It is noteworthy that the 89 responses in favour of changes tend not to cover the planning issues and focus on the parking problems themselves.

- 1.9.9 As the proposals are based on the Highway Code, the national standard that instructs drivers as to their expected behaviour, the proposals should be considered as one piece rather than piecemeal site-by-site basis, and the objections should be noted, but be set aside.
- 1.9.10 This would enable the restrictions to be introduced and effective parking enforcement be provided – to address the concerns raised through the Parish Council's 2018 survey.

## **1.10 Next Steps – Implementation**

- 1.10.1 Should the Board agree to set aside the objections, the proposed changes would be implemented as soon as practicable and will need to pay regard to the road conditions and weather.

## **1.11 Legal Implications**

- 1.11.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, Page 15 4 JTB - Part 1 Public 21 September 2020 section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.
- 1.11.2 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.

## **1.12 Financial and Value for Money Considerations**

- 1.12.1 Funding for the development of the Parking Plan is provided within existing revenue budgets.

## **1.13 Risk Assessment**

- 1.13.1 The comprehensive assessment and consultation process applied to Parking Action Plans provides the assurance that the Borough Council has the will and ability to adapt proposals brought forward, in the light of comment and circumstances, and to ensure that it achieves a best balance of local parking needs. A regular review of the schemes is crucial to ensure that the Council correctly and effectively manages on-street parking in these areas, as the proposals are either introduced for safety reasons or to provide a more appropriate balance of parking needs.

1.13.2 A major risk is that scheme proposals encounter significant lack of local support. This risk is mitigated by the considerable effort devoted to ensuring there is widespread consultation on proposals both informally and formally. There is also care given to ensuring that schemes are adjusted and adapted in the light of Page 16 5 JTB - Part 1 Public 21 September 2020 comments and observations received from the local community, without compromising safety.

## **1.14 Equality Impact Assessment**

1.14.1 Section 149 of the Equality Act 2010 requires that in the exercise of its functions the Council must have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.14.2 This is the “Public Sector Equality Duty” (PSED). Protected characteristics under the Act include age and disability.

1.14.3 Unlawful parking, such as “bumping up” onto footpaths, can significantly affect older people who walk with walking aids, or the visually impaired, disproportionately more than people who do not have these protected characteristics, and the introduction of parking controls may advance equality of opportunity for disabled and elderly persons. It should also be borne in mind, however that parking controls have the ability to negatively affect disabled or elderly people disproportionately over persons who are not disabled or elderly if, for example, they require that person to park at a greater distance from their home or a facility.

1.14.4 In making any decision on these proposals therefore, the Council must have regard to these issues and the requirement of the PSED.

## **1.15 Policy Considerations**

1.15.1 Asset Management

1.15.2 Communications

1.15.3 Community

1.15.4 Customer Contact

1.15.5 Health and Safety

## 1.16 Recommendations

1.16.1 It is **RECOMMENDED** to Borough Cabinet that-

It be noted that there were a significant number of responses, and objection to the proposals, and in light of these, the views of the local Members are sought as to how to proceed.

Background papers:

Annex 1 – Plans of proposals

Annex 2 – TRO Advertisement

Annex 3 – Redacted online consultation responses

Annex 4 – Redacted email, form and letter consultation responses

Annex 5 – Kings Hill Parish Council's consultation response

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