

TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

04 March 2024

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.
- 1.1.3 Due a procedural issue on the timing of the implementation of the proposals, Members decided at the September meeting of the Joint Transportation Board that we would embark on another set of statutory consultation.

1.2 Formal consultation

- 1.2.1 We carried out formal consultation and the invitation of objections from 22nd September to 15th October 2023.
- 1.2.2 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.
- 1.2.3 The TRO advertisement is shown in **Annex 1**

1.3 Consultation responses

- 1.3.1 We received a large number of responses to the formal consultation. This consisted of 405 online responses and 56 email, form or letter responses giving a total of 461 responses.
- 1.3.2 Of these 461 replies there were 84 duplicates, so the responses represent the views of 378 discrete households or organisations, also many chose to comment on several areas or responded through several channels.
- 1.3.3 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.
- 1.3.4 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.
- 1.3.5 All of the responses (redacted of personal information) are provided in **Annex 5**.
- 1.3.6 Overall, there were 461 responses, of these, 125 were in favour of the proposals (with 14 of those being duplicates), 336 raised objections (with 70 being duplicates).
- 1.3.7 The responses have been reviewed and categorised as follows

Issue	Frequency	Rank
Concerns about displacement parking	146	1
Concerns over lack of parking	129	2
The proposals are not needed or not necessary	56	3
Parking problems are all down to poor Planning permissions	54	4
Parking restrictions will increase speeding	30	5
Comments in the visual impact of yellow lines that might affect the aesthetic of Kings Hill and depress property prices	19	6
One way system needed	15	7
School drop-off & collection issues	14	8
Verges should be changed to provide parking places & laybys	14	8
Concerns over how are the restrictions going to be enforced (I never see a traffic warden)	13	10
Concerns about the impact of the parking restrictions on local businesses, delivery drivers, contractors or the disabled	9	11
Request for residents' parking facilities to stop non-resident parking	7	12
Provide residents parking in supermarket car parks	7	12
Better public transport required	4	14
Traffic calming needed	2	15
Should not be an opportunity for council to make money	2	15

Issue	Frequency	Rank
There are parking issues in my road, though its not included in the proposals	1	17
Suggestion that residents who don't use their allocated parking could allow others to use it	1	17

1.4 The Parish Council response

1.4.1 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 raised objection at the previous formal consultation stage, and has again re-iterated its position, with an emphasis on addressing parking issues near crossing points and roundabouts, and exploring considerate parking initiatives.

1.4.2 A copy of the Parish Council's latest response is shown in **Annex 8**

1.5 Regent Way and Pearl Way Petition and e-Petition

1.5.1 A petition was submitted by residents of Pearl Way and Regent Way when the previous consultation was carried out, and this was included in the consultation responses at the time.

1.5.2 With the need to re-consult on the proposals the Petition organizers re-submitted their petition (shown in **Annex 7**) as an e-Petition. Accordingly it was placed on the Council's website on 1st October 2023 to 15th November 2023 for others to view and consider adding their support.

1.5.3 Although it was placed on the website for public review and expressions of support, there were no signatories to this e-Petition. The e-Petition is shown in Annex 6

1.5.4 However, this is obviously an issue for the residents of Regent Way and Pearl Way, with 14 responses from Regent Way (3 expressing support, 11 against) and 11 responses from Pearl Way (all against the proposals).

1.6 Analysis

1.6.1 Concurring with the previous consultations, 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.

1.6.2 However, there is again a significant level of response that parking around roundabouts and junctions is a problem and needs to be addressed – though there is not a consensus on how this should be achieved.

- 1.6.3 The Council's proposals are based on the requirements of the Highway Code – to provide – to deter or prevent parking where it would cause a problem or safety issue to users of the public highway, whether they be drivers, pedestrians or other vulnerable road users. The proposals are intended to maintain access on the main public Highway routes through the estate.
- 1.6.4 It is worth noting that the consultation responses once again commented that there should be a one-way system introduced for Fortune Way and Milton Lane (encompassing part of Queen Street), even though this was discussed in the consultation documents as an issue that is being reviewed separately by Kent County Council as this falls within their remit as the Highway Authority, and was not an issue for the Borough Council to consider.

1.7 Recommendation

- 1.7.1 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.
- 1.7.2 With this in mind, the objections should be noted, but be set aside.
- 1.7.3 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.
- 1.7.4 However, in light of the specific comments relating to Regent Way and Pearl Way, it is recommended that the proposals relating to Regent Way and Pearl Way be deleted from the current proposals. Should there be an evident need for these then they could be considered for inclusion in a later phase of the Parking Review should Members wish to proceed in that manner.

1.8 Next Steps – Implementation

- 1.8.1 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.

1.9 Legal Implications

- 1.9.1 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 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.

- 1.9.2 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.

1.10 Financial and Value for Money Considerations

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

1.11 Risk Assessment

- 1.11.1 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.
- 1.11.2 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 comments and observations received from the local community, without compromising safety.

1.12 Equality Impact Assessment

- 1.12.1 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.
- 1.12.2 This is the “Public Sector Equality Duty” (PSED). Protected characteristics under the Act include age and disability.
- 1.12.3 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.

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

1.13 Policy Considerations

1.13.1 Asset Management

1.13.2 Communications

1.13.3 Community

1.13.4 Customer Contact

1.13.5 Health and Safety

1.14 Recommendations

It is RECOMMENDED to Borough Cabinet that

- (1) It be noted that there were a significant number of responses to the consultation and that the proposed restrictions should be introduced as advertised, save for the omission of restrictions on Regent Way and Pearl Way.

Background papers:

Annex 1 Draft Traffic Regulation Order

Annex 2 TRO Intends Notice

Annex 3 Plans

Annex 4 Statement of Reasons

Annex 5 Redacted responses

Annex 6 e-Petition relating to Regent Way & Pearl Way

Annex 7 Petition relating to Regent Way & Pearl Way

Annex 8 Parish Council response

contact: Andy Bracey
Parking Manager

Robert Styles

Director of Street Scene, Leisure & Technical Services