

Parking Partnership

Traffic Regulation Orders – General Policy

Introduction & Background

Traffic Regulation Orders (or “TROs”) are legal documents developed by the traffic authority, or its agents such as the Parking Partnership, allowing the police and / or local authorities (e.g. Civil Enforcement Officers) to enforce various matters to do with the speed, movement, parking and other restrictions of pedestrians and vehicles, by law.

Legislation was changed in March 2015 to enable greater transparency and understanding of the purpose of parking policies, the reasons for putting in place TROs and an avenue to challenge whether existing TROs are required – by setting up a process for considering anything from minor to area-wide reviews.

A Review can be called where there is enough weight of support for doing so and the system for calling for a Review is described in Part 1 of this document, with the process for making a change described in Part 2.

The North Essex Parking Partnership Policy

As a part of the Network Management Duty, The North Essex Parking Partnership has developed and published its parking Strategy covering on- and off-street parking.

The Strategy is set out in four levels, the Parking Enforcement Policy, Parking Operational Protocols, Discretionary, Cancellation and Permits Policy.

The Parking Partnership operates these through Local Enforcement Plans. The Local Enforcement Plans are linked to local objectives and circumstances.

In addition, the Parking Development Plan (the main Strategy document) takes account of planning policies and transport powers as well as considering the needs of all road users in the area, the appropriate scale and type of provision, the balance between short and long term provision and the level of charges.

The parking strategy is not just about restricting parking. It covers all aspects of parking management in the best interests of road users, communities and businesses.

The parking rules set out clear, fair and transparent enforcement rules and the levels of parking charges which will encourage the best use of the available parking space to support town centres, taking into consideration the cost of living, vibrancy of local shops and make it practical for people to park responsibly and go about their everyday lives.

Context

Making the best use of our current road network is important for both the local economy and society. Potential conflicts will need to be carefully handled. The new system recognises the responsibility of Councils to put in place parking strategies that reflect the needs of all road users. This includes pedestrians, cyclists and people with disabilities, and the needs of residents, shops and businesses.

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Part 1 – Right to Challenge Parking Policies

Traffic Management Act 2004: Network Management Duty Guidance

March 2015

Introduction & Background

Councils in England have a duty to manage the road network in order to reduce congestion and disruption, and the Traffic Management Act provides additional powers to do with parking.

When using these Network Management Duties in relation to parking, Councils that manage traffic must have regard to statutory guidance issued under the Traffic Management Act.

Reviewing Parking Policy and Restrictions

In the past, the processes for considering and implementing parking strategies were not easily understood and were difficult to access by local people and organisations.

In order to have more of a say in the way parking management policy is developed and implemented, and to enable the Council to make parking respond to changes in local circumstances, the Government has introduced a new power to challenge decisions on parking policy.

A new system makes it easier for local residents and firms to challenge any unfair, disproportionate or unreasonable parking arrangements. This could include the provision of parking, parking charges or the use of yellow lines.

National guidance describes in more detail how the system should work, and advises Councils on best practice. The new system proposes to use petitions to give local residents, community groups and businesses the ability to ask for changes to local parking arrangements.

Broad Principles

Parking Bays and Yellow lines are backed up by legal regulations called Traffic Regulation Orders (TRO). Combinations of these yellow lines and parking bays are often part of much wider schemes. Councils often review these schemes on a planned basis, and these reviews may amend or revoke orders that are no longer suitable for local conditions. When making any changes Councils consult as widely as is necessary to ensure that all of those affected by the orders have the opportunity to comment.

It is important that the local community can raise issues to tackle changed circumstances or unintended consequences at other times. It is of course the right of any individual or business to contact their local authority about any aspect of parking in their area. To enable this, there is a new petition scheme that allows people and businesses to raise petitions to see if the parking restrictions in place for a specified location can be changed.

The purpose of a petition scheme is to make it easy for local residents, businesses and other groups within the community to engage with local government and raise issues, confident that their voice will be heard. To achieve this the North Essex Parking Partnership has a scheme which is designed to be accessible.

The scheme has some particular requirements:

- **The minimum requirements for a valid petition.** The minimum number of signatures and the information that must be provided, both about the issue being raised, and about the signatories.
- **The circumstances where a petition will not be considered.** Vexatious petitions will not be accepted, and there is also a minimum period after the introduction or review of a traffic regulation order before a further review will be carried out.
- **How the local authority will manage petitions** received, how petitioners will be kept up to date, how the Council will manage the review and consider and report the outcomes. Elected Councillors have the final role in considering any reviews triggered by a petition.

NEPP has used the National Guidance in developing the scheme.

Minimum Threshold for the Number of Signatures for a Valid Petition

All petitions need to demonstrate that their challenge is supported by:

- other local residents,
- businesses and/or
- others affected by the parking policy.

The number of signatures required for the local authority to take action depends upon the location. The threshold in most cases is:

- for Stage 1, a minimum of 50 signatures where the issue relates to a facility or specific location, or at least 75% support in an area*, where this relates to residential area, or businesses in an area; the location or area to be identified on the application.
- Residence addresses, rather than number of residents, will be the measure to be considered.
- In extreme cases, the council will dis-apply the threshold if the number proves impossible to comply with, or on other grounds, for example (but not exclusively) where it is necessary to review a wider area due to displacement of parking which may occur.

The Council may also use its discretion in relation to petitions which directly affect a particularly small number of people – for example residents on a particular street.

The Council will take this into account when considering such petitions. This means that where the issues raised are of concern to a minority, those affected are able to engage.

** - a scheme will require at least 50% support in the application, and at least 75% of responses must be in favour.*

This percentage applies to the initial application; different thresholds apply to the wider informal consultation process in Stage 2.

Minimum Requirements for a Valid Petition – Information

Petitioners can fill in an application form in order to provide all the information for the Council. This will accurately identify the area addressed by the petition, and the issue they would like the Council to review. Petitioners should also provide contact details, so that the local authority can liaise on further information and on progress.

The application also allows petitioners to state what aspects of the Traffic Regulation Orders in place they feel need to be reviewed, if it is possible to provide this information (failure to provide some or all of this information will not be treated as a reason for ruling that a petition is invalid).

If the location or point for review is not clear to the Council, it will ask petitioners to clarify; the Council realises that many petitioners will not be experts on the legal regulations relating to parking.

In cases where the information is not clear, the Council will assist petitioners to accurately define their challenge and ensure that the Council and petitioners have an agreed understanding of what aspects are being challenged.

The Council gives clear guidance in the Application Form as to the information that should be provided by anyone signing the petition, in order to satisfy the Council that the signatures are valid, and that they demonstrate relevant and sufficient support for the challenge. This includes name, address and contact details.

Management of Petitions – Inappropriate Reviews

Councils have a responsibility to manage their resources to the best effect in performing all aspects of their duties, and to do this they must balance the resources necessary to review policies with their ongoing responsibilities.

Repeated or inappropriate petitions from vexatious individuals or groups can impact negatively on this and will therefore be disallowed.

The Council has indicated the grounds upon which a petition will be considered as vexatious. For example, petitions calling for a review of many Traffic Regulation Orders over a wide area, or a series of petitions from a small or non-resident group addressing a particular aspect of the parking policies over a number of areas would be considered vexatious.

In some cases it would be inappropriate to review a policy, most usually because it has recently been reviewed or consulted on. The Council will provide details to petitioners as soon as possible where their petition is refused on such grounds (and where applicable, will advise on when a petition could be validly submitted).

The Council will be flexible, particularly where a policy may have been substantially affected by an external change since the last review (for instance, major housing or commercial developments or population shifts).

Management of Petitions – Review of Parking Policies in Response to a Petition

Once it has accepted a petition, the Council will ensure that the petitioner has a clear understanding of what aspects of its parking policies will be reviewed,

and what that review will involve, including any requirement for public consultation.

Large or complex reviews could take a considerable time, and the Council will only be able to manage and progress schemes within available resources. The Council will ensure that petitioners have a clear understanding of the timescale, provide regular progress updates and in particular provide details on the timing and nature of any public consultation.

As in all aspects of their services, the Council has a basic responsibility to ensure that their community understands what they are doing and why, even if some members of the community do not agree with their decisions.

Following a review of a parking policy, the local authority will provide a clear report, with plain English reasons for all the changes. **The petitioner will be provided with a copy of their report, and have an opportunity to consider and respond before a final decision is made.**

The Council will use the arrangements in place for exercising executive functions, which will include consideration of the outcome of a review of a parking policy, arrangements that are transparent and accessible.

Wherever possible, the Council will ensure that:

- decisions on the local authority's response to a petition will be made by Councillors who are accountable to the local electorate. Decisions will not normally be delegated to officers or a single executive member.
- where the governance arrangements mean that the initial decision is not made by councillors, petitioners will be able to escalate decisions. Clear guidance sets out how long petitioners have to escalate a decision with which they disagree, and how they can do so.
- decisions will normally be made in a publicly accessible forum, the Joint Committee, where the petitioner will have the opportunity to witness the discussion, have their say, and defend their challenge if necessary.

In all cases, the Council will ensure that reports and decisions are published, so that the community can see what areas of parking policy have been challenged, scrutinise the decisions of their local authority, and hold them to account.

Decisions will be published on the website, **www.parkingpartnership.org**

Part 2 – New Parking Restrictions Policy

1: Introduction

This Policy sets out how the North Essex Parking Partnership will deal with requests for parking restrictions requiring TROs.

Essex County Council (ECC) has an Agreement with the North Essex Parking Partnership (NEPP) which gives NEPP the power to carry out on street parking enforcement and charging, maintaining relevant signs and lines and to make relevant traffic regulation orders (TRO) in accordance with the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984.

This document sets out how the arrangements work and outlines the ECC and NEPP policies which will determine the implementation of future TRO schemes across the Partnership area.

Our aim is to demonstrate a fair, consistent and transparent approach throughout the Partnership areas when considering requests for new parking schemes and to ensure the Partnership's traffic management objectives are achieved.

It is acknowledged that all requests for a parking restriction will carry some form of merit and may be beneficial to the particular area. Requests may be submitted for a variety of reasons and depending on the circumstance will be considered under a scheme of priority to the Partnership.

The amount of funding available for new schemes is limited and this Policy provides the criteria, which if met, will be enable a particular scheme to be considered to be progressed to the Partnership Joint Committee and therefore stand a chance of receiving adoption onto the forward programme of works, subject to statutory consultation.

Schemes that do not meet all the criteria can still be progressed and considered by the Joint Committee, but schemes with a higher priority will take precedence. All schemes will be subject to available funding.

2: The requirement for waiting restrictions

Waiting restrictions requiring a Traffic Regulation Order (TRO) may be required for a variety of reasons and generally these will fall into four categories:

- Safety - required in identified areas to reduce known personal injury collisions involving vehicles and pedestrians
- Congestion – required in situations where the flow of traffic on key routes is impaired by parked vehicles
- New development/improvement schemes – where restrictions are required to complement other measures such as traffic calming schemes or to assist with new developments such as new roads

Local concerns where restrictions are required to manage commuter, shopper or residents parking

There is an increasing demand across the Partnership area for parking restrictions to be implemented. As more vehicles are introduced onto the road network there is an ever increasing demand for kerb space parking and members of the public and organisations may experience what they consider

a parking problem and will seek to have some form of parking restriction implemented.

The aim is to avoid introducing unnecessary parking restrictions and to concentrate the limited funds available to the NEPP on essential schemes where major parking issues exist.

NEPP will only commence the process of introducing a parking restriction if the request is considered to be absolutely necessary and where it meets the criteria set out in this document.

3. Arrangements for dealing with waiting restriction (TRO) requests

The implementation of permanent TROs is subject to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. These impose various legal requirements prior to making an order. From receiving an initial request to full completion of the TRO process can take between 12 to 18 months to complete.

The TRO process flow chart (see Appendix 1) details the arrangements.

All new requests for parking restrictions must be submitted on the required application form which can be found on-line at www.parkingpartnership.org/north or **on page 19** of this document. Details of where to send the form are included on the form.

Note: When requesting a new parking restriction it is advisable to gain as much local support from people affected by the perceived parking problem before submitting the request. Gaining support from local Councillors and the parish council is also advisable. Requests received from individuals will be considered as the view of only one person and not a view shared with a wider group.

The NEPP Technical Service will initially review and considered the application on the grounds of safety and congestion in accordance with the ECC policy criteria.

If the request meets the ECC safety and congestion policy criteria, ECC will take the necessary action to implement a parking scheme (subject to available funding).

Essex County Council has a commitment to identify and fund any TROs required for safety reasons, in line with its implementation criteria (detailed in **on page 12** of this document).

The County Council will fund (subject to budget availability) the cost of any TRO required to address a congestion issue on the PR1 and PR2 network or bus route (detailed **on page 12** of this document).

ECC will also fund waiting restrictions required as part of a new development (via the Section 106 process) or as part of an improvement scheme (in consultation with NEPP).

If the request for a parking restriction has no safety or congestion implications, NEPP will consider the scheme.

Once the NEPP TRO team receives the request the first stage is pre-feasibility work.

One of the Team's Technicians will gather information related to the Application Request for a New Restriction. This may include site visits or, where appropriate, informal consultation with Local Interest Groups such as residents, traders and community groups to gauge opinion on whether or not there is considered to be a parking issue that needs to be regulated.

For stage 2, for the purpose of the consultations with Local Interest Groups, a process is in place whereby a 50% response rate to all consultation letters sent will be required. Of the responses received, 50% must be in favour of the change. If the response rates meet these criteria a scheme will be costed and a report will be submitted to the NEPP Joint Committee for consideration to provide the necessary funding to proceed with a proposed Traffic Regulation Order. If a response rate of lower than 50% is received by either criterion, this will be reflected as a lack of support for the scheme and will be considered a low priority and may result in no further action being taken.

The outcome of a consultation may result in different levels of support in any individual road dependent on the location of the property to the initial parking problem. In this case it may be necessary for the Partnership to implement a scheme in part of the road and monitor the effects of any vehicle displacement.

The NEPP, regardless of the outcome of informal consultation, reserves the right to implement a scheme when it is deemed essential. For example to address concerns of the emergency services specific traffic management needs or on a temporary basis.

The Partnership may also be approached by local Town and Parish Councils who wish to fund schemes and request the Partnership to implement TROs on their behalf. In all cases this would be a decision of the Joint Committee in full consultation with the relevant Lead Officer and Member representative.

The NEPP Technical Team will produce a report for each request received with a recommendation to accept or decline the proposal. The report will also include full details of any site visits and the outcome of any informal consultations, if conducted as part of the assessment. These reports contain a formal quantitative score (see **on page 22**) and qualitative details relating to social need. These reports will then be discussed with the relevant Parking Partnership lead officers and elected Member representative for a local decision on whether to proceed with the scheme.

All Schemes agreed locally to progress will then be presented to the Joint Committee to decide to commit the necessary funding to proceed with a proposed Traffic Regulation Order, subject to formal consultation.

A report will be created for the Joint Committee to consider and either Agree, Defer or Reject the scheme. Funding options for the implementation of new parking restrictions are outlined **on page 16** onwards in this document

If funding is agreed a TRO will be drafted and statutory consultation must be undertaken. This involves obtaining the views of local stakeholders such as:

- Local City/Borough/District Council, Parish Councils and County Councillors
- The Highway Authority
- The Emergency Services
- Freight Transportation Association and Road Haulage Association
- Local public transport operators.

If NEPP agrees to proceed with the TRO, the scheme must be advertised (including on site and at least one notice in the local press). NEPP will usually display notices in any roads that are affected and, if it is deemed appropriate, may deliver notices to key premises likely to be affected.

For at least 21 days from the start of the notice, the proposal and a statement of reasons for making the TRO can be viewed at a nominated council office during normal office hours, in appropriate libraries, or on the NEPP website.

Objections to the proposals and comments of support must be made, in writing, to the address specified in the Notice, or submitted online during this period.

Any person may object to a proposed TRO. Objections must be in writing and an email can be sent to techteam@colchester.gov.uk to the North Essex Parking Partnership, PO Box 5575, Colchester CO1 9LT, stating the reasons for the objection.

If there are unresolved objections, which cannot be resolved by a senior officer, a report will be submitted to the Joint Committee. An Order may be made in part while other objections are being considered.

For the purpose of considering representations, a report may be made to the Joint Committee which will Approve or Reject the objections, or may ask for an order to be Modified. Modifications to the proposals resulting from objections could require further consultation.

This procedure can take many months to complete and the advertising and legal fees can be substantial. For this reason schemes requiring a TRO normally need to be included in the Annual Programme and cannot be carried out on an ad-hoc basis.

Following Committee approval the TRO will be formally sealed and published in a local newspaper with an operational date. The signs and lines are then installed by our contractors, following which, the restrictions become enforceable.

4. Implementing TROs once the Order is made

For TROs agreed by and funded by ECC for restrictions to address issues of safety, congestion or new development ECC will either:

- approach NEPP with a fully designed scheme ready for implementation; or
- approach NEPP with a known issue to discuss and reach an agreed solution for design and implementation, including sufficient funding for a scheme to be developed and implemented. The NEPP TRO Team will then either:

- implement the scheme (including design (as necessary); draft TRO; consult/advertise TRO; consider objections/seal TRO; install signs and lines); or
- decline to undertake the work on the scheme, in which case ECC will commission this from elsewhere.

For TROs Agreed by and funded by the NEPP (or funded by an individual authority or other local panel) to address local concerns, social need, or strategic matters, the NEPP Technical Team may implement the scheme (or commission from other service providers).

TROs will only be progressed after approval of the Joint Committee or a relevant Sub-Committee.

5: Types of TROs

TROs can be introduced onto any road to which the public has access. The status of the route is immaterial and can include footpaths, bridleways and byways open to all traffic, as well as other highways (such as main carriageways). The road does not have to be a highway or maintained by the highway authority; but if it is not, then the consent of the owner of the land will be required.

A TRO can include restrictions on the type of user, extent of road affected, and the period during which the TRO is effective. The different types of TROs (Permanent, Temporary, Experimental and Urgent) are explained **on page 20** onwards.

6. ECC criteria for determining requests for new Parking Restrictions

This section details the ECC criteria for considering requests for parking restrictions on safety and congestion grounds.

Essex County Council safety and collision intervention criteria

When considering the need for a restriction on safety grounds, ECC identifies 'Single Sites' or 'Clusters' where there have been five or more Personal Injury Collisions (PICs) within a 50m radius of the requested area over a three year period.

Safety Engineers study the collisions and identify any treatable patterns. Where a safety need is identified, the sites are prioritised for funding through the relevant Local Highways Panel.

Essex County Council congestion criteria

ECC has adopted a functional route hierarchy. This splits the road network into three classifications. Priority one (PR1) County Routes, priority two (PR2) County Routes (PR1 and PR2) and local roads.

PR1 roads have been identified as high volume traffic routes which are essential to the economy of Essex. PR2 routes perform an essential traffic management distributor function between the local network and the PR1 routes.

Delays to the movement of traffic on the PR1 and PR2 network will be minimised and restrictions considered if required to achieve this aim.

Further detail on the functional route hierarchy is explained **on page 22** onwards.

7. NEPP criteria for determining requests for new Parking Restrictions

The NEPP will receive all parking restriction requests that do not meet the criteria of ECC safety and congestion policies, detailed above. Although these schemes do not meet the ECC criteria the Partnership may decide to implement parking restrictions to improve safety and sight lines, if the Partnership consider that the restriction will be beneficial to the area.

The NEPP is likely to receive requests for restrictions to deal with the following issues:

- Commuter parking in a residential street (preferred parking).
- Short term invasion parking (outside schools, organisations, etc.).
- Provision of customer on street parking for local shops and businesses.
- Obstruction of driveway (difficulty getting vehicle on and of driveway).
- Parking around industrial areas
- Parking on verges, pavements and green areas.

Historically many parking restrictions have been introduced with the aim of resolving particular local issues. However it should be remembered that the highway is intended for the purposes of passing and re-passing and that no right of parking exists.

Parking provision is therefore a concession and, however desirable, should not be at the expense of the purpose of the highway. Where it is safe and desirable parking can be allowed.

The NEPP will avoid introducing unnecessary parking restrictions to combat minor short stay invasion parking problems or to address a preferred parking situation. The allocated funds will be concentrated on essential schemes where major parking issues exist.

Commuter parking in a residential street (preferred parking)

The majority of residential estates were not designed for the level of car ownership or the volume of traffic using them today. Requests for parking restrictions to tackle a parking problem are sent to the Partnership in many forms. It is necessary to investigate and prioritise each request so that those areas in most need are given greater priority. The criteria set out below provides the basis for priority.

The preferred traffic management solution for parking issues in residential areas is the introduction of a residents parking scheme. This type of scheme will only allow residents and their visitors to park within a designated area throughout the period of the restriction and exclude all other vehicles.

The criteria for prioritising requests for restrictions in residential areas is as follows:

- The parking by non-residents must be sufficiently severe to cause serious inconvenience to residents.
- Vehicles parked for the whole length of the road taking all available space for long periods of the day will be considered sufficiently severe.
- Any parking which is deemed as short term invasion (school drop off / pick up etc.) will not necessarily be considered.
- The majority of residents have no off-street parking facilities available to them.

If the majority of properties have no off-street parking then clearly any amount of parking by non-residents will have an impact on the available space for residents of the area.

If the majority of properties have off street parking, any parking on the highway will not impact on the available off street parking for residents. If the resident with off-street parking finds they are in a position where they request to have a parking restriction implemented to prevent vehicles parking in the street, but are happy for relatives of visitors to park in the area this will be considered as preferred parking and therefore a recommendation to decline the requested scheme.

- The majority of residents are in favour of such a scheme.
- Any proposed parking scheme will require a consultation with all parties involved including residents of the street or streets affected. If there is no overall majority in support of the scheme it is highly unlikely that the scheme will progress. See paragraph 3.8.
- The introduction of a scheme would not cause unacceptable problems in adjacent roads.
- When surveying an area it is essential that the displacement of vehicles does not cause unacceptable problems in adjacent roads. The restriction of vehicles from one location will not necessarily make the perceived problem go away but do no more than move the problem.
- The Partnership is satisfied that a reasonable level of enforcement can be maintained.

For every new restriction that is introduced a level of enforcement will be required.

This can have an effect on the amount of resource available and the cost of the overall enforcement account. Therefore the future price structure of resident permits will need to reflect the overall operation.

Short term invasion parking (outside schools, organisations, etc).

Short term invasion parking is parking for the purpose of dropping of and picking up passengers or goods at a known organisation such as a school, convenience store etc. and will only be for short periods of time.

If this type of parking restriction request does not meet ECC's safety or congestion criteria it is highly unlikely that NEPP will propose the introduction of parking restrictions. This is classed overall as very low priority.

The enforcement of any restriction that is introduced to tackle a short term parking issue requires a concentrated enforcement presence and is therefore not practical and cost effective.

Provision of customer on street parking for local shops and businesses.

Designated areas of on street parking can be created to serve the needs of local businesses and the retail sector. To ensure these areas are not subjected to all day commuter parking NEPP would consider introducing a limited waiting scheme or an on-street pay and display scheme.

The Partnership's preferred method of traffic management for this type of request is a pay and display scheme. Enforcement of a pay and display scheme is more effective and ensures the necessary turn over of parking space for customer availability. The by product of a pay and display scheme is income which can help financially support the daily enforcement operation.

An important of the criteria for assessing such a request would include the capital cost of implementing a pay and display scheme including revenue costs including cash collection and daily maintenance. Consultation with local traders and other local interest groups would also form part of the pre-feasibility work.

Obstruction of driveway (difficulty getting vehicle on and of driveway)

If a vehicle is parked across an approved dropped kerb and obstructing the driveway a Civil Enforcement Officer (CEO) can issue a Penalty Charge Notice (PCN) for obstruction of a dropped kerb, provided the vehicle is not parked in a designated parking place. Enforcement of this type will only take place if the resident of the property reports the obstruction to NEPP.

A white H bar marking can be placed on the highway indicating the access to the driveway. This type of marking is advisory only. NEPP will offer this option to residents – it is optional and is chargeable to the customer.

In all cases Essex Police is the responsible authority to deal with obstructions of the highway and have the necessary powers to remove vehicles that are considered to cause an obstruction.

Parking around industrial areas

There are areas within industrial sites where the workforce rely on long stay parking on the highway. Provided ECC confirm that the parking in these areas does not cause concerns on safety or congestion grounds then NEPP will consider this type of parking as acceptable. This will be a very low priority for any restrictions.

Cars parked in these types of area can act as a natural speed calming measure. Any introduction of parking restrictions in these types of areas will do no more than to potentially displace parking to an alternative location.

Parking on verges, pavements and green areas

There are many variations of this type of parking issue and each case will have to be taken on its individual merit.

Enforcement of verges, pavements and green areas can only be enforceable under the Traffic Management Act 2004 if the area is confirmed as public highway and is supported by a relevant TRO.

It is impractical to provide a TRO and the relevant signage for every instance of verge or pavement parking. This would result in unnecessary street furniture clutter and unacceptable administration costs.

Until such time legislation permits a blanket order for this type of issue then NEPP advice will be for alternative solutions to be pursued as follows;

- If the parking is causing damage to the surface / green area and the area is public highway ECC to be approached to consider the introduction of a waiting restriction.
- Once it is determined who is responsible for the land in question preventative measures may be installed to prevent vehicles accessing the area (wooden posts, bollards etc.). ECC will be responsible for this decision and confirmation of ownership of land.
- If it is deemed obstruction of a footpath / pavement Essex Police can issue a Fixed Penalty Notice and remove the vehicle if necessary.
- If the land is being maintained by a local authority, and area is ornamental or is a mown area maintained to a high standard, the relevant licenses are in place, Notices installed under the Essex Act may be a practical alternative.

Taxi Ranks

Requests for taxi rank provision will be considered on their individual merits and will need to complement the wider aims and interests of:

- Local transport development plans.
- Planning criteria and new development (s106 funding).
- Maintain the safe free flow of traffic.
- Taxi associations.

Overall NEPP will prioritise the requests according to need and will rely highly on local input from Lead Officers and Member representatives.

Loading and unloading provision

To ensure the vitality of local business and retail, NEPP has a commitment to ensure that delivery and goods vehicles have the opportunity to deliver goods in suitable locations.

The introduction of loading and unloading provision will be considered on its individual merit but overall will have a high to medium priority to match the NEPP's objectives. Each request will need to complement the wider aims and interests of:

- Planning criteria and new development (s106 funding)
- Maintain the safe free flow of traffic.
- Local transport development plans.
- Local business and retail organisations

8. Funding for TRO Schemes

ECC has a commitment to fund any schemes that meet the criteria of the ECC safety and congestion criteria and this is likely to be through the new Local Highways Panels.

ECC will not provide funding for all other parking related schemes and will therefore need to be either funded by the Parking Partnership account or from other avenues.

Funding can potentially be sourced from the following areas;

- The Parking Partnership account. (Allocated by the Joint Committee or relevant Sub Committee – schemes will need to meet the criteria of NEPP to receive funding and this will be subject to the availability of funds).
- The Local Highway Panels. (Will have funding available for highway improvements. Any schemes would have to be presented to the local panel and funding for the scheme would have to be agreed by them and the ECC Cabinet Member. Limited scope within tight budgets).
- The borough / district and parish councils. (Local councils can contribute to any schemes that are considered beneficial to the local area that do not receive funding from NEPP)
- Pump / Prime fund (for self financing schemes demonstrated by a business case).
- Section 106 funding for new developments. (Funding will be agreed at the planning development stage following consultation with NEPP)

The aim is for the Parking Partnership account to create sufficient surplus to be able to invest back into the TRO function. An annual business case will determine the amount of available funding.

As mentioned on page 9 the NEPP Technical Team will produce a report for each request received with a recommendation to accept or decline the proposal. The report will include full details of site visits and informal consultation outcomes. These reports will then be discussed with the relevant Parking Partnership lead officers and elected Member representative for a local decision. A copy of the assessment form to be used is shown at **on page 22** onwards.

9. Types of parking restriction and the responsible authority

NEPP will be responsible for the implementation and ongoing maintenance of the following type of parking restriction:

- No waiting
- No Loading and unloading
- School Keep Clear
- Limited waiting
- On-street pay and display
- Resident Parking Schemes
- Taxi ranks
- Loading and goods vehicle bays

ECC will continue to be responsible for the implementation and ongoing maintenance of the following type of parking restriction:

- On-street blue badge spaces
- Bus stops
- Pedestrian crossings

10. Contact Details

Address:

North Essex Parking Partnership
Technical Team

TRO enquiries
North Essex Parking Partnership
Technical Team
PO Box 5575
Colchester
CO1 9LT

Email:

techteam@colchester.gov.uk

Appendix 1

TRO flow chart – process

See separate document.

Appendix 2

Request for parking restriction information form

A form is available to complete.

See separate document.

Appendix 3 Types of TROs

Permanent TROs

A TRO can be permanent. There may be formal objections to Permanent TROs which must be addressed (and may ultimately be resolved at a Public Inquiry).

A Permanent TRO stays in place unless it is revoked or a new Order is introduced to replace/amend it.

Temporary and Experimental TROs

Occasionally temporary orders or experimental orders are introduced which require a slightly different process which still gives people an opportunity to put forward their views.

The requirements for consultation on temporary and experimental Orders are somewhat different from Permanent TROs.

A Temporary Traffic Order is made under Section 14 (1) of the Road Traffic Regulation Act 1984.

Temporary Orders: –

- may be used when works affecting the highway require short-term traffic restrictions;
- are usually short-term but may last up to a maximum of 18 months; and
- are generally used to allow for works, protect the public from danger, to conserve, or allow the public to better enjoy a route.

A Temporary Order under s16A can be made for special events such as cycle races, carnivals etc. These can introduce, suspend or change parking restrictions both on the road on which the event is taking place and/or other roads which are affected by the event. These Orders may be for up to three days but are limited to one occurrence in any calendar year for any length of road.

An Order made under s.14/16A is required to be advertised (for 14 days in the local press) as given in s.16(2)/16C(2) – to notify the public of such regulations by virtue of Part II of The Road Traffic (Temporary Restrictions) procedure Regulations 1992, unless intention is given by Notice only, under Part III

An **Experimental Order** is like a Permanent TRO in that it is a legal document which imposes traffic and parking restrictions such as road closures, controlled parking and other parking regulations indicated by double or single yellow lines etc. The Experimental Traffic Order can also be used to change the way existing restrictions function.

Experimental orders can be introduced quickly and are used to test the success of a scheme before deciding whether to make it permanent.

Experimental Orders: –

- are used in situations that need monitoring and reviewing.
- usually last no more than eighteen months before they are either abandoned, amended or made permanent.
- may be made for any purpose to which permanent TROs can be made as such experimental orders cannot be made for speed or parking places.

An Experimental Traffic Order is made under Sections 9 and 10 of the Road Traffic Regulation Act 1984.

Changes can be made during the first six months of the experimental period to any of the restrictions (except charges) if necessary, before the Council decides whether or not to continue with the changes brought in by the Experimental Order on a permanent basis.

It is not possible to lodge a formal objection to an Experimental TRO until it is in force. Once it is in force, objections may be made to the TRO being made permanent and these must be made within six months of the day that the Experimental Order comes into force.

If feedback or an objection is received during the period that suggests an immediate change to the experiment that change can be made and the experiment can then proceed.

If the Experimental TRO is changed, then objections may be made within six months of the day that it is changed.

Temporary and Experimental Orders may be made either by NEPP or ECC (Contact Essex 0845 743 0430).

There is another type of Order called an Urgency Order, a type of temporary order which may be carried out when urgent work requiring restrictions must be carried out immediately.

Appendix 4

Functional Route Hierarchy

The Traffic Management Strategy adopted by the County Council in 2005 identified and defined a Functional Route Hierarchy divided into County Routes and Local Roads.

The County Routes provide the main traffic distribution function in any area and give priority to motorised road users. The Traffic Management Strategy splits County Routes into Priority 1 and Priority 2.

Priority 1 County Routes may be inter-urban or connecting routes, radial feeder or town centre access routes. What is important is the need to maintain free flowing traffic movement on them due to the function they perform within the network. Priority 2 County Routes are all those County Routes which do not fall into the Priority 1 category.

The Traffic Management Strategy defines Local Roads as being all non-County Routes, further subdividing into developed (generally residential) roads and rural (unclassified routes linking developed areas) roads.

Local roads support a different balance of motorised and non-motorised road users. Account must be taken of the differences in form and function of local urban roads and local rural roads.

The following web site link provides access to a map of the Essex County road network which details the road network forming the Functional Route Hierarchy

<http://www.essexworkstraffweb.org.uk/>

Appendix 5

Assessment System & Scoring Methodology

See separate document.