

<b>Meeting:</b>	Decision Session
<b>Meeting date:</b>	13/05/2025
<b>Report of:</b>	Annemarie Howarth
<b>Portfolio of:</b>	Councillor Ravilious Executive Member for Transport

**Decision Report:** Consideration of the representations received to the formal consultation to implement residents parking and limited waiting restrictions in the Heslington Road area advertised as 'R66: Wellington Street'.

## Subject of Report

1. To consider the representations received to the statutory consultation and Notice of Proposal for the amendment of the traffic Regulation Order, advertised on 15 November 2024, which proposed to implement Resident Parking (ResPark) restrictions (advertised as R66: Wellington Street) to include properties on Heslington Road (part), Wellington Street, Willis Street, Gordon Street, Wolsley Street, Apollo Street, Apollo Court, Alne Terrace, Belle Vue Street, Belle Vue Terrace and Barbican Road (part) along with mixed use limited waiting parking bays on Heslington Road and determine what action is appropriate following the results.

## Pros and Cons

2. Following the Executive Meeting on 8 October 2024, where it was approved to progress to statutory consultation for the proposal to implement new residents parking and limited waiting restrictions within the Heslington Road area, advertised as R66: Wellington Street, the statutory consultation process was followed, and the proposed restrictions were advertised on 15 November 2024.

3. This gave a 21 day consultation period for written representations to be received from both local residents and the wider community, to outline how the proposed changes may affect any current use of the unrestricted areas, which include Heslington Road (part), Wellington Street, Willis Street, Gordon Street, Wolsley Street, Apollo Street, Apollo Court, Alne Terrace, Belle Vue Street, Belle Vue Terrace and Barbican Road (part), as any restrictions implemented would remove the parking amenity in the area for non-residents and some businesses who currently utilise the unrestricted locations for parking of their staff and customers.
4. The advertised restrictions included mixed use bays for resident parking permit holders and limited waiting restrictions for non-permit holders (as per Annex C) along the advertised section of Heslington Road in addition to implementing resident parking only zones, working on entry/exit signage, on the remaining side streets.
5. Progressing the recommended option to take no further action is consistent with officers' current approach when assessing the initial consultation responses and further representations received to the statutory consultation due to the proposal not receiving sufficient support by local residents.

## **Policy Basis for Decision**

6. The recommendation not to progress the proposed scheme to statutory consultation and legal advertisement is in line with officers' current approach of generally not recommending progressing with a resident's priority parking scheme where there is either low turnout or a less than a 50% support rate from local residents and businesses.

## **Recommendation and Reasons**

7. It is recommended that approval be given to take no further action at the current time. The area could remain on the resident's parking consultation waiting list and if documentation of significant

support from residents of either the whole area or from individual streets is received then this could be reviewed and residents reconsulted.

8. The recommended option acknowledges the low response from residents.

## **Background**

9. A petition was received from the then York Green Party in April 2019 who canvassed residents of Wellington Street, Wolsley Street, Gordon Street and Willis Street requesting that the Council consider implementing residents only parking restrictions to prevent commuter parking. The petition included signatures from 45 properties out of a possible 188.
10. In addition, whilst the above streets were included on the residents parking waiting list a further petition was received from residents of Apollo Court in December 2020. At that time 10 of the 13 properties signed the petition in favour of introducing residents parking restrictions. It should be noted that any ResPark restrictions implemented on Apollo Court would not include the three sections of Housing areas which would continue to be managed separately by CYC housing.
11. Due to both areas being in close proximity to each other, and since any proposed restrictions, in either area, would also have an adverse impact on the surrounding streets it was considered reasonable to undertake informal consultation on a wider area which also included Alne Terrace, Apollo street, Heslington Road (part), Belle Vue Street and Belle Vue Terrace to ensure that any non-resident parking was not displaced to surrounding streets, from where the petitions were received from, and to gain the wider residents views for the whole area at the first consultation stage.
12. Once the combined areas reached consultation stage, we collated and posted the relevant consultation documentation (informal consultation) to all properties included within the proposed area in January 2024 requesting that residents and businesses return their questionnaires.

13. The results of the informal consultation were reported in October 2024 when a total of 485 consultation documents were posted via mail, of which 116 were returned with 72 in favour of introducing residents parking restrictions and 44 against any restrictions being implemented, and the decision was made to progress to statutory consultation to enable further representations to be received.
14. As such all of the proposed restrictions for both residents' priority parking and limited waiting restrictions were formally consulted on by legal advertisement of the Notice of Proposal on the 15<sup>th</sup> November 2024, asking for any representations to be received within the 21 day consultation period.

## **Consultation Analysis**

15. The legal notice relating to the statutory consultation was placed at several locations on street, listed within the press and copy was posted to residents and advised how to submit representations.
16. During the statutory consultation period we received 13 responses against the proposals (Annex A) and 11 in favour (Annex B).
17. The comments received against the restrictions advised that residents were concerned about the cost of permits and referred to the scheme being unnecessary due to the amount of residential vehicles which would still be required to park in the area. Concerns were also raised about the impact restrictions would have to local businesses. Some comments advised that they purposely did not vote in the informal consultation as they thought the scheme would then not progress as the response rate would be below the 50% threshold that officers usually require to recommend proceeding.
18. Representations in support of implementing resident parking restrictions raised concerns about the amount of non-local parking taking place for a variety of reasons including commuting and visiting nearby amenities such as the barbican, which caused a significant problem for residents to find parking and raised safety

concerns. Residents stated the cost of permits was reasonable to reduce congestion in the area and ensure space is available for residents.

19. In addition, after the consultation period had expired several representations were received via email either directly or via councillors expressing support for the scheme as residents were not aware that further representations should be submitted at the statutory consultation stage in addition to the initial consultation. Further comments stated that some residents had not received the documents relating to either the initial or statutory consultations so could not submit their preferences or comments. It should be noted that notices were also placed on street attached to lamp columns at several locations in the affected area during the statutory consultation which included details of the restrictions and how to submit comments.
20. Notwithstanding that it is considered that the statutory consultation process was duly carried out in accordance with legal requirements and that the consultation process has been fair and adequate, a further statutory consultation could be undertaken in view of the additional comments received from residents and local councillors relating to documentation not being received during both previous consultations. If a further consultation takes place residents would need to respond providing sufficient support for the scheme in order for it to be recommended for implementation. Documents would be hand delivered to properties to ensure all properties receive the information and have a further opportunity to provide final comments.
21. All representations received during the statutory consultation period are included in full within Annex A and Annex B.

## **Options Analysis and Evidential Basis**

### **Option 1 (Recommended Option)**

22. No further action to be taken and the areas are removed from the residents parking waiting list.

23. This is the recommended option as it conforms with officers' current approach when accessing both the informal consultation results and statutory advertisement representations received due to low response rate and the proposals not being adequately supported by local residents and businesses who would be the most affected by restrictions being implemented.

## **Option 2**

24. Extend the statutory consultation period by a further 21 days. Press notices, onsite notices and resident's letters advising of the extended consultation end date will be issued. Anyone who responded to the previous statutory consultation would not need to submit new representations. Details of the updated fees associated with purchasing permits for residents parking schemes would also be included so residents can make an informed decision.
25. This is not the recommended option as the statutory consultation process has been followed.

## **Organisational Impact and Implications**

26. This report has the following implications:
27. **Financial**; No financial implications would be presented by the recommended option. Should the proposals progress to readvertisement then funds allocated within the core transport budget will be used to again progress the proposed residents parking scheme to legal advertisement. If the scheme is then implemented the ongoing enforcement and administrative management of the additional residents parking provision will need to be resourced from the department's budget, funded through income generated by the new restrictions.
28. **Human Resources (HR)**; If restrictions are progressed to be re advertised and then implemented on street, enforcement will fall to the Civil Enforcement Officers adding a new Resident Parking area and limited waiting restrictions. New zones/areas also impact on the Business Support Administrative services as well as Parking Services. Provision will need to be made from the income generated from new schemes to increase resources in these areas as well as within the Civil Enforcement Team as and when required. As the proposed changes are for a new large ResPark

area, the impact of the proposed measures on workloads are likely to be significantly increased.

29. **Legal;**

- Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 apply.

When considering whether to make or amend a TRO, CYC as the Traffic Authority needs to consider all duly made objections received and not withdrawn before it can proceed with making an order.

A TRO may be made where it appears expedient to the Council to do so for the reasons set out in section 1 of the Road Traffic Regulation Act. These are:

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

In deciding whether to make a TRO, the Council must have regard to its duty as set out in section 122(1) of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) as well as the provision of suitable and adequate

parking facilities on and off the highway so far as practicable while having regard to the matters specified below:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)
- (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) any other matters appearing to the Council to be relevant.

The Council is under a duty contained in section 16 of the Traffic Management Act 2004 to manage their road network with a view to securing the expeditious movement of traffic on the authority's road network, so far as may be reasonably practicable while having regard to their other obligations, policies, and objectives. This is called the network management duty and includes any actions the Council may take in performing that duty which contribute for securing the more efficient use of their road network or for the avoidance, elimination, or reduction of road congestion (or other disruption to the movement of traffic) on their road network. It may involve the exercise of any power to regulate or coordinate the uses made of any road (or part of a road) in its road network.

- 30. **Procurement;** Any change, or additional signage has to be procured in accordance with the Council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015. The Commercial Procurement team will need to be consulted should any purchasing for additional signage take place.
- 31. **Health and Wellbeing:** As the recommendation is to take no further action the health and wellbeing of residents will remain neutral.
- 32. **Environment and Climate action:** As the recommendation is to take no further action the environment and climate actions will remain neutral. However, if the area is being utilised by



commuters, then implementing residents parking restrictions will restrict the number of vehicle movements looking to find on street parking and encourage the use of more sustainable transport modes for non-residents by reducing the opportunities to park in or close to the city centre, in line with Local Transport Plan objectives.

33. **Affordability:** As the recommendation is to take no further action the affordability on residents will remain unchanged. Should any restrictions progress residents requiring on street parking will be required to pay to purchase a resident parking permit (or other permit as applicable) along with any visitor permits which would also be required. The impact on residents is likely to be high as the area consists of terraced streets with no access to off street parking. In addition, businesses on Heslington Road would lose their ability to park unrestricted and remove any access to all day parking for staff. Short term parking would be available for customers.
34. The drivers which may currently park to utilise free on street parking for commuting purposes would be likely to have to find somewhere else to park, possibly at a cost (car parks, pay and display bays or Park & Ride), change transport mode or change destination.
35. **Equalities and Human Rights:** No direct equalities and human right implications have been identified.
36. Should the proposal progress then this would affect those residents living in and businesses operating in the proposed area and any other residents who may currently utilise the existing unrestricted parking available. However, Blue Badge holders are able to park in resident parking areas and limited waiting bays free of charge for unlimited durations.
37. **Data Protection and Privacy;** no issues identified.
38. **Communications;** no issues identified.
39. **Economy;** no issues identified.

40. **Specialist Implications Officers;** no issues identified.

## Risks and Mitigations

41. In compliance with the Council's risk management strategy there is an acceptable level of risk associated with the recommended option.

## Wards Impacted

Fishergate

## Contact details

For further information please contact the authors of this Decision Report.

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<b>Date:</b>	17/09/2024

## Background papers

[Consideration of results received from the consultation to introduce residents' priority parking restrictions within the Heslington Road area to be known as R66 Wellington Street](#)

## **Annexes:**

- **Annex A:** Representations against the advertised restrictions.
- **Annex B:** Representations in support of the advertised restrictions.
- **Annex C:** Advertised restrictions.
- **Annex D:** letter sent to residents.
- **Annex E:** Notice of proposals