

Meeting:	Decision Session
Meeting date:	08/10/2024
Report of:	Annemarie Howarth
Portfolio of:	Councillor Ravillious Executive Member for Transport

Decision Report: Consideration of results received from the informal consultation to implement residents parking and limited waiting restrictions in the Heslington Road area to be known as ‘R66: Wellington Street’.

Subject of Report

1. To report the results of the informal consultation feedback received from residents in response to a proposal to implement Resident Parking (ResPark) restrictions (to be known 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) and determine what action is appropriate following the results.

Pros and Cons

2. Consultations relating to the implementation of new or extended residents parking zones are usually brought forward at the request of residents. In the case of this area a petition was received in April 2019 which included signatures from residents on Wellington Street, Wolsley Street, Willis Street, Barbican Road, and Gordon Street. In addition, a further separate petition was received in January 2021 from residents on Apollo Court and Apollo Street.
3. As these locations are in close proximity to each other and restricting parking in one area would affect the other, a proposed larger scheme was drawn up for [informal] consultation which covered both locations that the petitions had been received from along with Heslington Road

(part) and the surrounding streets including Belle Vue Street and Belle Vue Terrace.

4. The recommendation is to take no further action at this time due to the low number of responses received from the consultation area.
5. Progressing the recommended option to take no further action goes with officers' current approach when accessing consultation responses for proposed new residents parking schemes of not progressing to the next stages of statutory consultation and legal advertisement due to the proposal not receiving sufficient support by local residents.
6. Should a decision be made to progress the proposals for residents parking and limited waiting restrictions (as outlined in Annex D) then the proposals would progress to statutory consultation where residents and non-residents alike would have the opportunity to provide further written representations for or against the proposals, these would then be presented to the Executive Member for Transport for a further decision session to decide if the scheme should go ahead to implementation. This includes limited waiting bays on Heslington Road in addition to the residents only parking scheme. Removing non-resident parking would comply with CYC's Local Transport Plan's objectives as described below.

Policy Basis for Decision

7. 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 this is not supported by local residents.
8. However, should the decision be made to advertise restrictions, as per Annex D, then this could then comply with the Local Transport Plan (LTP) objective of *"the transfer of inward commuting and visitor trips to the Park & Ride service, combined with restricting the availability of city centre parking, will remain a key strategy for reducing trips in the urban area"*. Including reducing vehicle miles and creating high quality public realm for residents.

Recommendation and Reasons

9. It is recommended that approval be given to take no further action at the current time and remove the area from the resident's parking consultation waiting list.
10. The recommended option acknowledges the low response from residents and indicates a lack of support from the local community for such a scheme to be implemented.

Background

11. 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.
12. 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 Housing areas which would continue to be managed separately by CYC housing.
13. Due to both areas being in close proximity to each other, and the fact that any proposed restrictions, in either area, would also have an adverse impact on the surrounding streets it was deemed 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.
14. 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, by email wherever possible or to the Freepost address provided, by Friday 9th February 2024. The plan of the consultation area outlining which properties received the documentation is included as Annex C outlined in black. Three sections of CYC housing land, which would be excluded from any proposed restrictions and would continue to be

under the control of Housing Services, is annotated on the plan as black hatching.

Consultation Analysis

15. The consultation documentation is included within this report as:
 - **Annex A:** Consultation letter sent to residents of the proposed new R66 residents parking area.
 - **Annex B:** Questionnaire to be returned with preferred options.
 - **Annex C:** Plan of the consultation area and proposed new R66 boundary.
 - **Annex D:** Plan of proposed restrictions for Heslington Road.
 - **Annex E:** How a Resident Parking Scheme Works using entry/exit regulations, the then current cost of permits.
16. 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. Of the 72 responses in favour of a scheme 60 preferred a full-time restriction. The full table of returns is included within Annex G.
17. From the written representations received from the consulted area, 6 were against the proposed resident parking scheme, with the majority being concerned with the cost of permits. 7 representations were received in favour of restrictions being introduced mainly stating the amount of non-resident parking they believe is taking place reducing the ability for residents to park within close proximity to their properties. All representations received are included in full within Annex F.
18. Belle Vue Terrace was the only street that received a majority response in favour of introducing residents parking restrictions, however this would not be recommended to implement in isolation as residents did not originally request or petition to be included within a scheme and this could then increase parking on the surrounding unrestricted streets if residents did not wish to purchase permits to park on Belle Vue Terrace and instead decide to utilise the nearby non restricted parking within the surrounding area.
19. During internal consultation CYC waste services confirmed that their refuse vehicles and drivers did not currently encounter problems when accessing the areas located within the proposed residents parking area.

20. If approval to proceed to legal advertisement is granted, which is not the recommended option, in accordance with the applicable statutory process, further statutory consultation would be conducted. Notices would be placed on street, in The Press and delivered to properties in the affected area. An update letter would be sent to all consulted properties advising of the outcome and next stages once established. Should the decision be made to advertise restrictions the update letter would provide details on how residents can provide additional representations for consideration at a further decision session.

Options Analysis and Evidential Basis

Option 1 (Recommended Option)

21. No further action to be taken and the areas are removed from the residents parking waiting list.
22. This is the recommended option as it conforms with officers' current approach when accessing informal consultation results for proposed residents parking restrictions of not progressing to the next stage of statutory consultation and legal advertisement due to the proposals not being adequately supported by local residents and businesses who would be the most affected by restrictions being implemented.

Option 2

23. Advertise an amendment to the Traffic Regulation Order to introduce new Residents' Priority Parking restrictions for the whole of the consultation area, to be known as R66, to operate 24hours Monday to Sunday. In addition, progress the proposed separate restrictions on Heslington Road to statutory consultation and legal advertisement, as outlined on the plan included as Annex D.
24. This is not the recommended option as it does not consider the low response rate received from the local area.

Option 3

25. Advertise an amendment to the Traffic Regulation Order to introduce new Residents' Priority Parking restrictions on Belle Vue Terrace only, to be known as R66, to operate 24hours Monday to Sunday
26. This is not the recommended option as this will displace parking to the surrounding streets. Comments received from residents also indicate

that they would only want restrictions if the whole of the consultation area progressed to ResPark and not have restrictions in isolation.

Organisational Impact and Implications

27. This report has the following implications:
28. **Financial;** No financial implications would be presented by the recommended option. Should the proposals progress to advertisement then funds allocated within the core transport budget will be used to 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.
29. **Human Resources (HR);** If restrictions are progressed to advertisement and 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.
30. **Legal;** Any proposals advertised require amendments to the York Parking, Stopping and Waiting Traffic Regulation Order 2014:
 - 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:
The duty of the Authority (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) so far as practicable;

Factors which may point in favour of imposing a restriction on that movement. Such factors include the effect of such movement on the amenities of the locality and any other matters appearing to be relevant, including all the factors mentioned in

Section 1 of the Road Traffic Regulation Act 1984 as being expedient in deciding whether a TRO should be made; and;

The balance between these considerations must come to the appropriate decision.

- When considering any parking restrictions proposed, the Traffic Authority has to consider its duty (as stated above) against the factors mentioned in Section 1 of the Road Traffic Regulation Act 1984 and the implementation of the Local Transport Plan's objective of restricting commuter and visitor parking close to the city centre to encourage the use of Park & Ride and sustainable modes of transport in the urban area.
- During the statutory consultation process the applicable case law requires that in order for consultation to be lawful and fair, the following guiding principles must be followed:
 - Consultation must be undertaken at a time when the proposals are still at a formative stage.
 - Sufficient reasons for any proposal must be given to permit intelligent consideration and response.
 - Adequate time must be given for consideration and response.
 - The product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- The statutory notification process requires public advertisement through the placing of public notices within the local press and on-street. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police, and other affected parties.
- It is a requirement for the Council to consider any formal objections received within the statutory advertisement period of 21 days, and where it does not "wholly accede" to any objection, provide reasons for this in its notification of the making of an order to any person that has objected.

31. **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.

32. **Health and Wellbeing:** As the recommendation is to take no further action the health and wellbeing of residents will remain neutral.
33. **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.
34. **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.
35. 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.
36. **Equalities and Human Rights:** No direct equalities and human right implications have been identified.
37. 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.
38. **Data Protection and Privacy;** no issues identified.
39. **Communications;** no issues identified.
40. **Economy;** no issues identified.

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

Risks and Mitigations

42. 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.

Author

Name:	James Gilchrist
Job Title:	Director of Environment, Transport & Planning
Service Area:	Place
Telephone:	01904 552547
Report approved:	Yes
Date:	30/9/24

Co-author

Name:	Annemarie Howarth
Job Title:	Traffic Projects Officer
Service Area:	Network Management
Telephone:	01904 551337
Report approved:	Yes
Date:	17/09/2024

Background papers

N/A

Annexes:

- **Annex A:** Consultation letter sent to residents and businesses within the proposed new boundary.
- **Annex B:** Questionnaire to return with preferred options.
- **Annex C:** Plan of the consultation area and proposed new R66 zone

- **Annex D:** Plan of proposed restrictions
- **Annex E:** How a Resident Parking Scheme Works using entry/exit regulations, the current cost of permits.
- **Annex F:** precise of representations received.
- **Annex G:** table of consultation returns.
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