

Annex C

Comments received during the consultation

Lengthy letter below (copied verbatim) is from a resident with many objections who would like consideration given to a policy change

1. The reason for the re-consultation / community support is inconsistent with the purpose of the ResPark scheme

My Freedom of Information requests issued to York Council revealed no complaints or issues regarding available parking space for residents. This accords with my own observations. I have never experienced difficulty in parking on Broadway West and nor have any of my visitors.

I have been carrying out frequent checks of the numbers of cars parked on Broadway West since the re-consultation letters were issued and I have not recorded a single incident of the street being at greater than two thirds of its reasonable on-street parking capacity, and it is often at much lesser levels. This is not surprising, as almost all homes on Broadway West have off street parking available for 2-3 cars residents (i.e. residents do not need priority parking on Broadway West).

Instead the only disclosed complaint related to "a number of incidents of obstruction on Broadway West ... culminating this morning in the bin lorry being unable to collect rubbish on any of the streets".

I have not observed any incidents of obstruction on Broadway West, and nor have any of my visitors.

As per the York Council website, ResPark "gives priority parking within a particular zone to residents, residents' visitors, property owners, local businesses". There is no mention on York Council website (or on any of the documents disclosed to me through Freedom of Information requests asking for policies and procedures relating to ResPark) of ResPark being used as a tool for highway obstruction management in circumstances where residents priority parking is not required.

To the extent that the issues on Broadway West relate to highway obstruction or highway safety, then these should be assessed by the Highway Authority based on evidence and monitoring and the most appropriate solution identified (which may not be ResPark, for example using yellow lines to restrict parking to one side of Broadway West could eliminate any obstruction issues).

2. The Council must adopt a suitable Policy for ResPark before consultation continues

In response to my Freedom of Information requests, York Council has not disclosed any written policies on how ResPark decisions are made, other than that decisions are traditionally made based on the majority views of the residents.

From the video of the 25 October 2018 decision session (<https://www.youtube.com/watch?v=92pqLj2ovX4>), the following statements were made (which are consistent with that approach):

- “our policy in York, don’t necessarily do any monitoring as to what traffic is using those roads and whether we feel it [the Respark Scheme] is justified” (around 42.40)
- “we never refuse residents who have petitioned and voted for a scheme on the grounds you have all got off-street parking and therefore you can’t have it, which they do in some other authorities” (around 42.45)
- “from a highway authority we take action on a street due to safety on a street ... residents parking is more about recognising a community asset and in the use of the community asset local residents will have a greater weight in council’s deliberations as they live there and closest affinity with those assets”, with additional words that sound like the Council’s policy as a listening Council is to look at how use of community assets best reflects those who are immediately impacted, a community decision, not one we always agree with.

Apologies if the sound quality means that is not exactly recorded. However, this approach to policy represents a misunderstanding of the Council’s duties and responsibilities.

Broadway West is a highway and needs to be treated as such under the law. It is not a “community asset”. The Council should not make decisions that it does not consider are justified or which it does not agree with (or else are not supported and justified by objective evidence or reasons) simply because the residents of a particular street have asked for it.

The Council has statutory duties in respect of the considerations it must take into account in assessing ResPark schemes (e.g. s45 and s122 of the Road Traffic Regulations Act 1984) as well as general requirements as a public authority to make decisions that are reasonable, rational and proportionate.

None of this is evidenced in the policy statements above. The Council has not informed residents of the matters that statute requires to be considered when assessing a ResPark scheme, so there can be no reasonable or rational reason to suppose that residents have voted with those considerations in mind.

Nor, as evidenced by the statements referred to above, does the Council enquire into whether the reasons that have caused the residents to vote in a particular manner justify a ResPark scheme (i.e. whether they are reasonable, rational or proportionate).

The Council cannot effectively delegate its decision-making responsibilities to residents. Where the Council gives substantial weight to, and adopts, the views of residents then the Council is making a decision based on views that have not taken into consideration the relevant statutory and public law requirements. This approach does not adequately discharge the Council's duties to consider and act in accordance with those requirements.

The Council must adopt a lawful policy on the assessment of ResPark schemes, consistent with its legal obligations, that duly takes account of its statutory and public law obligations, before proceeding with this matter.

3. The Council will likely lose money from the Scheme

In the Council's 20 June 2019 Decision Session relating to Danesmead Estate, it was stated that:

"Because the majority of properties in this zone have off street parking amenity, the level of income from permits is unlikely to be sufficient to cover maintenance, enforcement and administration costs at the time of implementation or in the future". The stated mitigation for this was that "The ResPark schemes as a whole raise sufficient income to enable ongoing costs to be met".

Broadway West is similar to Danesmead Estate in that the majority of properties have off street parking amenity, and so I assume that the level of income from permits is unlikely to cover the Council's costs.

If so (and irrespective of whether the cost can be covered by ResPark schemes elsewhere in York) a Broadway West ResPark scheme will likely be a net cost to the York Council public, compared to the situation where the Broadway West ResPark scheme does not exist. Given that there is no objectively reasonable need for ResPark on Broadway West, this represents an unreasonable, wasteful and disproportionate use of public funds.

This further demonstrates why any Council policy that the local residents views are prioritised and enacted is clearly misconceived, as it cannot be that one street can decide to use Council funds that are meant to be for the benefit of the entire City of York in a way which is objectively unnecessary or unreasonable. This demonstrates why York Council must objectively assess whether a given ResPark scheme is justified via evidence, analysis and monitoring, and I am confident that if any objective analysis or monitoring were carried out then it would show that Broadway West is not suitable, or at best low priority, for ResPark.

4. Visual impact of signage at Westfield Drive

Westfield Drive voted 80-20% against ResPark in 2018 and expectations must be that it will vote against it again.

If a Scheme were to be implemented at Broadway West but not Westfield Drive, then it would require intrusive signage to be placed at the entry to this narrow street, dominating and affecting its character and the view from the homes on Broadway West that are opposite this entrance.

5. Negative consequences for Westfield Drive

If Broadway West is included in the ResPark scheme but Westfield Drive is not, then it must be expected that Westfield Drive will suffer from displacement parking.

This would be a particular disadvantage to Westfield Drive as it is a narrow street (requiring some cars to park partly on the pavement), which would likely lead to more acute highway obstruction issues than are observed on the wider Broadway West. Westfield Drive is also prone

to flash flooding. It is a much less suitable highway for on-street parking than Broadway West.

This leads to one of two undesirable outcomes: (a) Westfield Drive residents being unfairly prejudiced by displacement parking due to the introduction of a Scheme at Broadway West; or (b) Westfield Drive being forced into ResPark despite having shown very strong opposition to the scheme.

6. Displacement parking will cause greater highway issues

Broadway West is very capable of taking the levels of parking it experiences. It is a wide road with plenty of off-street parking, in a dead end system with light traffic flow.

Displacement parking to any available neighbouring street (i.e. those without existing parking restrictions) is likely to cause greater issues and so would be an irrational decision by the Council from a highway and traffic management perspective. For example:

(a) Westfield Drive (see above);

(b) St Oswalds Road - this is a narrower street, where parking is much harder to find and many residents do not have off-street parking available;

(c) Broadway - this is a road used by buses and heavier vehicles, as well as being a through road to the University and Broadway shops. It can experience heavy traffic at the junction with Fulford Road. Cars parked on the street can cause more acute obstructions to greater amounts of traffic than is experienced on Broadway West. Displacing parking to Broadway also means additional persons crossing the busy Fulford Road.

(d) Fulford Road - Fulford Road is one of York's busiest roads and obstructions can cause very significant traffic flow issues. Whilst some parking spaces are available, it is often difficult to open the driver side door once parked. Broadway West is a much safer street to park on.

7. Community issues on the street

At the moment, there are no restrictions on how cars are parked on the verge-side entranceway to each property.

If a ResPark scheme is introduced, cars will only be able to park in these spaces if not overhanging the footpath or the road.

This is technically difficult to achieve (requiring time to get right, which may lead to anxiety in some residents) and my observations are that this will be impossible to achieve for some of the longer vehicles that are currently parked in those locations on the street.

Further, all residents will be provided with a Parking Hotline Number to report illegally parked cars, leaving us with the possibility of residents reporting one another for being centimetres over the allowed space. This may damage community relations.

8. Additional car movements

Residents with two or more cars will likely park behind one another to avoid ResPark charges. For our household, this will require a number of additional car starts. This is because (in normal times) the person who returns from work first typically leaves first the following day.

At the moment, where one of our vehicles can park on the street, there would be four car movements each day both adults go to work (each leaving once, and each returning). With ResPark this increases to seven (one to back the second car out to the street, one to back the first car out to the street, one to return the second car back to off-street parking, one to leave with the first car, one to leave with the second car, one to return with the first car and one to return with the second car).

This creates additional engine starts with air quality effects, and safety issues with additional movements across footpath and backing on to roads.

9. Loss of green spaces

As an alternative to 8, some residents may pave over the green spaces in their front yard to minimise egress issues. This is what our household may do to avoid the inconvenience of carrying out the above vehicle movements, whilst busy trying to get young children ready for school in the morning.

Others may do likewise, leading to a less attractive street and with associated environmental impact.

10. Equalities

The proposed ResPark scheme is less likely to affect households who (a) have no cars, or one car; or (b) are not at home between the proposed hours of 9-5 Monday to Friday (e.g. because they are at work).

Based on (a), this means that the persons most likely to be affected are multi-occupancy households and their visitors (which are more likely to be people of a younger adult age, and people who are not married). The people least likely to be affected would live on their own (most likely elder residents).

Based on (b), people who are not at work 9-5 Monday to Friday are more likely to be women and their visitors (specifically those who are pregnant, in a maternity phase or else married and being the primary carer) or religious residents (e.g. any current or future Jewish residents who need to return home before sunset in Winter on Fridays, or any current or future Muslim residents who may not work on Friday's in order to attend the York mosque) or younger adults whose studies or working arrangements do not fit a 9-5pm model.

Officer Comments

The comments above received from one resident include some valid points. It is accepted that displacement parking will take place.

Currently any vehicle overhanging the carriageway or footway when parking on the hard standing access could be enforced for obstruction by North Yorkshire Police.

Historically, Resident Parking is only introduced at the request of Residents. We ask for a 50% return of expressed resident preferences and a majority of those returns to be in favour. There is no written Resident Parking Policy on record. For clarity and to avoid further misunderstanding this is something that could be considered in the future.

Equality Issues raised

Any vehicle displaying a blue badge can park in any of the Resident Parking areas or bays throughout our authority.

There are permits available to residents (free of charge) who require visits by carers on a regular basis. Visitor permits are available at a discounted cost for elderly and residents who receive identified benefits.

We have only received one specific indication within the returns received that any resident of either street believes resident parking will be detrimental to their religious beliefs, age or health. A student in a rented property on Westfield Drive has expressed concern about buying an annual permit for a high turnover property. Permits can be purchased for shorter periods. Refunds are made for any full months outstanding if a permit is returned. A resident parking scheme is not considered to be detrimental to this equality group. Any disabled student with a blue badge can park on street without a need to purchase a resident parking permit.

Additional comments received from residents of Broadway West

There should be no restrictions whatsoever. Residents should use their own driveway for parking - one property has four vehicles

Restriction should apply 7 days a week. Parking occurs on a weekend for events on the Knavesmire.

Inconsiderate parking occurs both sides of the road and leave no access for emergency vehicles. The refuse wagon has been blocked from collection.

Double yellow lines is our preferred option – how do we prevent and report vehicles parking on the verge (*officer: any vehicle parking on the verge without displaying a resident parking permit can be issued a penalty charge notice. Residents can phone the parking hotline*)

Cars are continually parking on and damaging the verges.

Parking has been noticeably worse since the Danesmead scheme was implemented

My drive is regularly blocked by people driving, parking and then walking the dog. This would not be prevented by a 30 minute restriction.

The cycle route is regularly blocked

I'm not in favour, I'm disappointed we're being asked again so soon. In general all these schemes do is move the problem and pay money to the council for what we currently have for free. I don't think it should've been granted for Danesmead as they only had issues when the school had

events which could've been amicably resolved (I've lived in both streets), plus they nearly all have wide driveways with lots of space so it seemed unnecessary.

Main objection- I don't want to pay for a permit if we have more than one car, and I don't mind dog walkers and people temporarily parking on the street if they park sensibly.

Secondary objection- what happens with carer's vehicles? Would an elderly person need to pay for a permit for them if the apron was taken/they arrived in more than one vehicle? They tend to still have the older narrow driveways so you can't get a car in.

I have difficulty accessing my drive when cars park opposite and near to it. This causes difficulty when bringing my mobility impaired father to visit as I need to be able to park on my drive. Additional yellow lines would be beneficial.

Additional comments received from residents of Westfield Drive

No need for the scheme, we do not have a problem

Disagree with having to pay for visitors or tradesmen to work

If car parking in York was cheaper perhaps workers in the city would be able to park closer to work

Unfair to students – having to buy permits when turnover is high (*officer; permits can be purchased for 3, 6, 9 or 12 months*).