

Part I

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Executive Member: Councillor Stephen Boulton
Hatfield East Ward

WELWYN HATFIELD BOROUGH COUNCIL CABINET PLANNING AND PARKING PANEL – 17TH DECEMBER 2019 REPORT OF THE CORPORATE DIRECTOR (RESOURCES, ENVIRONMENT AND CULTURAL SERVICES)

INTRODUCTION OF VERGE PROTECTION ORDER IN VARIOUS ROADS, FRENCH HORN LANE AREA, HATFIELD EAST WARD

1 Executive Summary

- 1.1 Within the next year work is due to start on the redevelopment of Hatfield Town Centre, including proposals to construct a new multi-storey car in The Common car park. The redevelopment is likely to cause a degree of parking displacement both during and after the construction of the new car park. Residents and businesses in the roads surrounding the town centre are now being consulted on parking restrictions on how to minimise the effect of any displacement. The consultation area of “French Horn Lane” initially covered 23 roads to the south and east of the town centre. The consultation area was later expanded to include Oaklands Wood and St Albans Road East.
- 1.2 The French Horn Lane Area was subsequently divided into five separate areas for further consultation and detailed parking designs. The entire consultation area numbers includes 880 properties.
- 1.3 All five areas have now been separately consulted on waiting restrictions, with a new range of measures recently approved for implementation. The initial consultation letters included the fact that all properties would be consulted at a later date on a proposal to create a Verge Protection Order (VPO) to prevent parking on grass verges and pavements.
- 1.4 The Council are receiving more and more requests all over the borough, to address vehicles parking on the verge and pavements. Until recently, enforcement of parking on the footway was within the remit of the Police as this could be classed as obstruction; however this is now regarded as a low priority for the Police due to other work pressures. Without a VPO in place, vehicles who park on the verge and green areas are reported through to the Council and the Street Warden team who will monitor and place notices on vehicles parking in such areas, requesting that they refrain from doing this. The introduction of a VPO will provide the Civil Enforcement Officers with the means to effectively and robustly enforce vehicles parking on the verge or footway, by issuing a Penalty Charge Notice.
- 1.5 A VPO covers the limits of the public highway, extending from the centre of the road to the highway boundary, which in many cases is the boundary of the private property, this could include verges and/or pavement. Yellow line waiting restrictions also share the same boundary.
- 1.6 On 25th September 2019, Parking Services wrote to all properties and businesses within the French Horn Lane consultation area informing them that the drafting of the legal documents pertaining to the proposed verge protection

order were now complete and would be advertised on 9th October 2019. Included in the letter were A3 plan drawings illustrating the extent of the proposed restrictions.

1.7 This report sets out the results of the informal consultation, the statutory consultation and the recommended course of action.

1.8 One objection has been received relating to the proposed verge protection order; please see **Appendix A**

2 Recommendation(s)

2.1 That the Panel considers the objection received in 4.1 and in addition the issues raised in Section 15 around equalities and diversity. Having considered all the detailed issues in this report including any proposed mitigating actions; recommends to Cabinet to proceed with the creation of a traffic regulation order for the reasons set out in this report.

3 Explanation

3.1 As mentioned earlier in Para 1.4, the Council now receive an ever growing number of requests from all over the Borough to deal with parking on the footway or verge. This was recently borne out by a large number of responses to a leaflet on the subject sent out with the waste collection calendars.

3.2 The Council respond to all such requests with the information that verge protection orders are now routinely consulted upon, together with other waiting restrictions on a ward by ward basis. They form part of the Parking Services work programme which is recommended by Cabinet Planning and Parking Panel and agreed by Cabinet.

3.3 Upon receipt of the below objection pertaining to a section of Old French Lane, Parking Services were of the opinion to remove this section of carriageway from the Order. Letters were sent to the nine properties affected by this decision. Parking Services subsequently received a letter from one of those properties complaining against the removal of this area from the verge protection order, citing pedestrian safety; in consideration of which Parking Services rescinded their decision and re-instated this area into the verge protection proposal. All properties were again notified by letter of this development.

3.4 At present, a blanket ban on all footway and verge parking exists only in Greater London. The Commons Transport Committee has called for an outright ban on pavement parking across England. This has been backed by the Local Government Association. A response from the Depart for Transport is imminent.

3.5 Traffic Regulation Order (TRO)

On the 9th October 2019 the public notice proposing **“The Borough of Welwyn Hatfield (Various Roads, Hatfield) (Prohibition of stopping and waiting on verge or footway) Order 2019”** was advertised in the Welwyn Hatfield Times. Notices were also erected in the lengths of roads affected and letters delivered to residents and businesses. Plans illustrating these proposals are attached to this report. See **Appendix B.**

4 Objections

- 4.1 One objection has been received in relation to the proposed waiting restrictions. The objection is summarised below:

'The road is narrow, 4.37m wide; unless you park with two wheels on the footway, no delivery vans or emergency vehicles will be able to pass. Our car has already been damaged by a rubbish truck on passing. Our road frequently has deliveries due to online shopping and a prohibition to park on the footway would mean our road is not accessible.'

- 4.2 Response to 4.1

- All the affected properties in this area benefit from off-road parking.
- There is only the one footway available for pedestrian use which may be obstructed by parked vehicles.
- There is an existing Mon-Fri 8am-10am waiting restriction in force during which times refuse vehicles make their collections.

5 Legal Implication(s)

- 5.1 TROs are created under the Road Traffic Regulation Act 1984. Consultations follow a statutory legal process as set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. No other legal implications are inherent in relation in to the proposals in this report.

6 Financial Implication(s)

- 6.1 The cost of the TRO recommended in this report will be funded through existing Parking Services revenue and capital budgets.

7 Risk Management Implications

- 7.1 Changing the parking conditions in the above mentioned roads could generate negative publicity. Some parking may be displaced into nearby roads.

8 Security & Terrorism Implications

- 8.1 There are no known security & terrorism implications in relation to the proposals in this report.

9 Human Resources

- 9.1 There are no known Human Resources implications in relation to the proposals in this report.

10 Communication and Engagement

- 10.1 When making any changes to parking restrictions there is a statutory consultation process set out in the Local Authority Traffic Orders (Procedures) (England and Wales) Regulations 1996 which the Council needs to adhere to. This includes consulting directly with all affected parties and a number of statutory consultees, such as the Police and Hertfordshire County Council.

- 10.2 In addition, Notices are required to be erected within all roads affected and advertised in the local newspaper, in this case the Welwyn Hatfield Times.
- 10.3 This process has been carried out and there are no known implications in relation to the proposals in this report.
- 10.4 Ward Member have been consulted as part of this process and not objections have been received.

11 Health and Wellbeing

- 11.1 There are no known Health and Wellbeing implications in relation to the proposals in this report

12 Procurement Implications

- 12.1 There are no known procurement implications in relation to the proposals in this report.

13 Climate Change Implication(s)

- 13.1 There are no known climate change implications in relation to the proposals in this report.

14 Link to Corporate Priorities

- 14.1 This report is linked to the Council's Corporate Priority Protect and Enhance the Environment, and specifically to the achievement to Deliver Effective Parking Services
- Protect and enhance the environment and deliver effective parking services;
 - Engage with our communities and provide value for money

15 Equality and Diversity

- 15.1 I confirm that an Equality Impact Assessment (Equal) has been carried out.
- 15.2 The EqIA found that there is potential for a positive impact on Disability. There is an inbuilt exemption to the Verge Protection Order which allows for the unloading and loading of goods and passengers. Members of the public with mobility or visual impairments would also benefit from the prohibition of parking on the footway.

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Background papers to be listed (if applicable)