

INTRODUCTION

The Department for Communities & Local Government (DCLG) aspires to enable residents and businesses to challenge local authorities' parking policies through a new mechanism which is to be introduced as statutory guidance in the first instance. Local authorities are required under the Traffic Management Act 2004 to keep policies in relation to their road network under review, including provision of parking, charges and use of yellow lines, changes to which require public consultation.

Concerns have been raised at [evidence to the Transport Select Committee \(October 2013\)](#) specifically regarding the impact of parking policies and enforcement on local high street economies.

The Government propose to introduce a requirement for local authorities to respond to a petition, the details for which are to be discussed along the following three key topics:

Audience and Threshold for Valid Petition

The proposals consider the threshold to a valid petition as a **minimum of 50 signatures**, or **at least 10% of the affected local residents, local businesses**, or a combination of the two. Opinions are sought on a definition of this 'minimum', bearing in mind the affected area might range from small to large, encompassing very few or very many residents or businesses.

Form of Petition

Proposals require petition to include, as a minimum:

- A defined geographical area;
- A description and justification of the policy elements being challenged; and
- Details of petitioners and organiser.



Local Authority Management of Petition

Notwithstanding arrangements being decided at local level, authorities would be required, as a minimum;

- To issue a public statement on procedures of review, timescales, consultation requirements and decision making;
- To define invalid petitions, e.g. from vexatious petitioners, or within a stated minimum period after a previous review in the same area;
- To publicise details of all petitions received, targeted policy and timescales and outline of consultation;
- To provide the review and recommendations for vote by councillors;
- To update the petition organiser on progress and notify of consideration and outcome; and
- To publish the outcome of all reviews.

DISCUSSION

Current Parking Policy Issues

TPA's collective consultancy experience has uncovered a multitude of parking policies which go against principles set out as aims in the DCLG paper: consistency, fairness, or plain common sense:

- London Borough parking policies failing to align with London Plan policies, and national policy, generally, i.e. NPPF;
- Parking policies varying widely between neighbouring authorities, areas of similar character, density and car ownership, e.g. one Borough Council may have A1 retail standards of 1 space per 9m² GFA; and its neighbour has A1 retail standards of 1 space per 30m² GFA. So in the first a 400m² retail unit could be provided with 44 parking spaces and in the latter, the same unit could only have a maximum of 13 parking spaces. Interestingly, some standards also include a minimum which is higher than the maximum standards of their neighbours.
- Parking policy inconsistencies between land uses, e.g. school standards driven by pupils numbers, nurseries by staff numbers; and inconsistencies between land uses in the same land use category, e.g. pub (high ratios) and retail (low ratios);
- Parking policies often more shaped by political colours, rather than evidence, e.g. unwillingness of some councils to enter car-free agreements;
- Maximum car parking standards are often not accepted as such, i.e. a provision below the maximum is not considered acceptable; and
- Application of parking policies inconsistent depending on the applicant, e.g. standards are applied differently for public school development, compared to private school/academy developments.



Principal Points for Discussion

Would applicants be allowed to challenge the parking policy affecting live planning applications (as local residents, and businesses)? Does the petition route prevent local authorities from influencing travel behaviour in line with national policy, through setting of parking standards, but return to a predict-and-provide approach? Does the petition route carry the risk to increase the disparity of application of policy by responding to individual requests in small geographical areas, and therefore distort demand and supply of parking? What measures can be introduced to prevent this?

Detailed Points for Discussion

A) Audience and Threshold for Valid Petition

- A combination of a percentage of affected residents/ businesses is suggested, but why define a numerical minimum and how would you define affected residents, when parking restrictions often affect those travelling to a site as much as those who live / work in the area.
- When consulting on a business-dominated area, the audience should include customers, not the business owners only, who often anticipate parking to be more essential to trade than evidence suggests.

B) Form of Petition

- To prevent piecemeal application of policies, a minimum geographical area should be defined, e.g. a road section between two junctions at the least.
- Should a maximum geographical area be defined?
- Can a petition stretch across local authority boundaries, and how would the consultation be designed?
- Should the petition organiser be required to submit objective evidence to prevent challenges based upon anecdotal evidence?

C) Local Authority Management of Petitions

- Should there be a minimum period during which new parking policy cannot be challenged by petition for, say 2 years, provided the public was consulted during the policy making process?
- Should there be a maximum determination period set for formal responses to challenges?
- How would the exceptions, i.e. vexatious petitioners, be identified through objective criteria?
- The review report should be produced by Council parking policy officers, and provided to councillors to vote on.



DRAFT RESPONSE

A draft response is sought by 10 October 2014, to be issued to Catherine Canning (Town Centres and High Streets Team) at highstreets@communities.gsi.gov.uk.

Should you wish to discuss the DCLG consultation, the proposals paper or any of the related issues, please contact Nathan Hanks (01707 385200) or Thomas Derstroff (020 7681 6514) at TPA and we will be happy to assist.

