

Bristol Walking Alliance statement to the open consultation Pavement Parking: Options for Change

Bristol Walking Alliance (BWA) is a consortium of organisations and individuals campaigning to improve Bristol's walking environment. Our membership includes neighbourhood groups from across the city, voluntary sector representatives, disability rights organisations, academics, and local councillors. We want to create an environment for pedestrians that is welcoming, safe, convenient, and inclusive.

General approach to pavement parking

BWA welcomes the House of Commons Transport Committee 2019 report on pavement parking which concludes that any concerns raised about a ban on pavement parking "must be balanced against the serious negative consequences that pavement parking has on some of the most vulnerable in our society".

We find it unacceptable that parking on pavements, with certain exceptions, has been prohibited in Greater London for nearly 40 years while in the rest of England parking on pavements and verges is permitted unless specifically prohibited by a local authority.

We support the recommendation of the Transport Committee 2019 report that "the Government legislate for a nationwide ban on pavement parking across England, outside London".

We also support the recommendation that a public information campaign should surround this work to help the public understand where they can park, the effects of pavement parking, and where to report offences.

Pavement parking is a widespread problem that is known to put pedestrians at risk, especially more vulnerable pedestrians including the very young, the elderly and those with visual, mobility or cognitive impairments. The existing laws do not address the problem and there is confusion about how to report problems and who is responsible for enforcement.

BWA strongly supports a national ban on pavement parking. We believe this change in the law should be accompanied by a change to the Highway Code, as proposed by the Living Streets charity, so that it states: "You MUST NOT park partially or wholly on the pavement."

We welcome the Government's determination that our ageing population, those who identify as disabled, and those with young children should be able to travel easily, with confidence and without extra cost.

We do not accept that pavement parking is a solution to maintaining free-flowing traffic in narrow streets. We are concerned at comments in the consultation such as: "at some locations, especially in residential areas with narrow roads and no driveways, the pavement is the only place to park without obstructing the carriageway." This prioritises the movement of motor vehicles over the rights of pedestrians, especially vulnerable pedestrians, to safely access pavements.

As the consultation acknowledges, there are inherent dangers for all pedestrians forced onto the carriageway and it is particularly dangerous for people with sight or mobility impairments, and those with prams or buggies.

The following comments relate to the three options proposed in the consultation.

Option 1: to rely on improvements to the existing TRO system

Although we welcome ongoing work to improve the Traffic Regulation Order (TRO) process for local authorities for some transport initiatives, it is clearly insufficient to address the endemic problems associated with pavement parking.

Option 2: to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'

Legislative change to allow local authorities with Civil Parking Enforcement (CPE) powers to enforce against 'unnecessary obstruction of the pavement' will not be sufficient to resolve the problem of pavement parking.

Under this option, it is suggested that unnecessary obstruction of the pavement could be enforced by either the police service (via fixed penalty notices) or by local authorities (via penalty charge notices) although police intervention is expected to be the exception. This enables the current confusion over enforcement to continue.

The Department for Transport (DfT) acknowledges the concept of 'unnecessary obstruction' is inherently vague. To address this problem, the DfT suggests guidance to local authorities should include the use of warning notices on the first occasion an individual vehicle is identified as causing an obstruction. This would add an additional layer of complexity and confusion to the process, especially where offences by the same driver occur in different local authority areas.

We agree with the assertion that the difficulty in defining 'unnecessary obstruction' is a disadvantage of Option 2. It is vulnerable to misinterpretation and would require detailed assessment in each case. We do not believe secondary legislation and/or guidance to clarify the definition of an 'unnecessary obstruction of the pavement' would prevent inappropriate and inconsistent enforcement. Vulnerable pedestrians may find themselves responsible for reporting 'unnecessary obstruction' with the associated stress of becoming embroiled in disputes. Differences in interpretation and enforcement by local authorities may also increase the potential for drivers to appeal against enforcement measures.

In relation to the narrowing of streets where pavement parking is not permitted, we were concerned to read: "It might be reasonable for traffic to give way on quiet residential roads, but it could cause significant congestion on heavily trafficked roads of the same size, so there may be a case for vehicles being on the pavement." This illustrates the priority given to motor vehicles over pedestrians, including disabled and vulnerable pedestrians. If there is significant congestion, measures should be taken to reduce the number of motor vehicles rather than making pavements unusable by allowing pavement parking.

Option 3: a national pavement parking prohibition

BWA strongly supports this option to establish a general rule against pavement parking except where there is specific permission for it, in line with the London pavement prohibition.

We agree with the suggestion that motorists would benefit from a consistent rule, "you must not park on a pavement except where signs permit", with traffic signs and bay markings to show drivers where pavement parking is allowed.

Although Option 3 is described as "the most significant change to English parking law in several decades", we believe the government should be bold in addressing the problem and provide the necessary assistance to local authorities to prepare for it.

One disadvantage of Option 3 is stated as: "In many areas pavement parking is essential". We challenge this statement in the light of the ministerial foreword acknowledging that pavement parking can cause real problems for pedestrians, but particularly for wheelchair users, people with visual impairments and those with prams or buggies. While some local authorities have stated that they depend on pavement parking to preserve traffic flow, this is unacceptable. Motorised traffic flow should be addressed in ways other than restricting the movements of vulnerable citizens.

In relation to marked bays on pavements, this could only apply where there are wide pavements. Accessible, walkable streets require pavements to be an uninterrupted, useable width that allows

for the safe passage of wheelchairs, mobility scooters and double buggies. Taking Bristol as an example, if the streets are narrow then the pavements tend to be narrow and therefore do not have spare capacity for partial pavement parking in marked spaces. Consequently, the expense of signs and marked bays can be avoided in many narrow streets which are simply unsuitable for pavement parking.

Traffic flow should not be prioritised over pedestrian movements in narrow streets, as they are most likely to be residential streets required mainly for access. Road safety is an important issue and people tend to drive more carefully if the carriageway is constricted. Free-flowing traffic should be limited to wider arterial routes in towns and cities: if pavement parking in marked spaces is permitted in these roads, extra useable pavement width would be required to avoid pedestrians being hit or obstructed when car doors are opened. Unfortunately, on many wider roads, pavement parking serves to block the pavement and encourage excess speed on the carriageway.

We were concerned to read: “pavement parking is partly self-regulating and fluctuates in response to spikes of parking demand, such as community events, local festivals, etc.” It is not acceptable to make life difficult for pedestrians and residents in order to accommodate an influx of motor vehicles for occasional events. Furthermore, during special events, there may be an increase in the number of pedestrians needing to use the pavements safely.

BWA disagrees with the suggestion: “A national prohibition might be inappropriate in rural areas, such as country roads where pavement parking may be safer.” It can be extremely dangerous for pedestrians to be forced off the pavement and onto a country road.

We do not agree that “a national prohibition would also be particularly difficult in environmentally sensitive areas, such as historic towns and villages, where there is likely to be strong resistance to placing of traffic signs and bay markings to indicate where parking is permitted.” Pavement parking is detrimental to the streetscape of historic towns and villages. Such locations should be enhanced and protected by reducing the number of motor vehicles, removing pavement parking, and providing alternative options for essential parking. Option 3 may result in fewer traffic signs and road markings in historic towns and villages where pavement parking is usually undesirable.

Finally, the suggestion that London is more conducive to a pavement parking prohibition, because of much lower levels of car ownership per household and higher mode shares for public transport, is pertinent. We need to encourage and enable much lower levels of car ownership and higher mode shares for public transport across the country. Supporting and enabling walking, by banning pavement parking, is part of the solution and may also be a contributory factor persuading people to consider other modes of transport.

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On behalf of Bristol Walking Alliance

<https://bristolwalkingalliance.org.uk/>

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