



accidents don't have to happen

Managing Pavement Parking

RoSPA's response to the Department for Transport's consultation

Date: November 2020



Response to Department for Transport's consultation: Managing Pavement Parking

Introduction

This is the response of The Royal Society for the Prevention of Accidents (RoSPA) to the Department for Transport's managing pavement parking consultation. It has been produced following consultation with RoSPA's National Road Safety Committee, but does not necessarily reflect the views of all committee members.

The Department for Transport's consultation document asks whether a change of existing pavement parking legislation should occur.

Three options are proposed:

1. Improving the Traffic Regulation Order (TRO) process, under which local authorities can already prohibit pavement parking.
2. A legislative change to allow local authorities with civil parking enforcement powers to enforce against 'unnecessary obstruction of the pavement'.
3. A legislative change to introduce a London-style pavement parking prohibition throughout England.



Response to Department for Transport's consultation: Managing Pavement Parking

Personal details

Name?

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Are you responding as an individual or on behalf of an organisation?

On behalf of an organisation.

Organisation details

What is the name of your organisation?

The Royal Society for the Prevention of Accidents (RoSPA).

Is your organisation a commercial business?

No.



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Problem

Do you think vehicles being parked on the pavement is a problem in your area?

RoSPA response

Yes.



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Proposals

We are researching ways that we can address pavement parking problems and, as part of this, are already working to simplify the process for Traffic Regulation Orders (TROs), making them less time-consuming and burdensome to implement.

TRO's can be used by a council to prohibit pavement parking locally.

We are suggesting 3 options to address the problem of pavement parking, although we are not limited to these.

Option 1

This involves completing the simplification work on TRO's but no additional action beyond this. TRO's allow councils to restrict pavement parking and set their own conditions for exceptions to these rules.

Option 2

In addition to option 1 we would allow councils to enforce against 'unnecessary obstruction of the pavement'. This is not a general pavement parking prohibition like option 3, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option, would include a suggested 20-minute exception, for business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

Option 3

In addition to option 1 we would introduce an England-wide pavement parking prohibition. Unlike option 2 which allows for enforcement of individual instances of obstructive pavement parking, this would prohibit pavement parking nationally, while allowing councils to implement local exemptions (such as for narrow streets where pavement parking is essential to ensure traffic flows) which would be shown by use of traffic signs and bay markings. We also propose including a 20 minute exception, for business vehicles, allowing them to pavement park up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

Your preferred option is:

RoSPA response

Option 3. In addition to option one, introducing an England-wide pavement parking prohibition.



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View on options

As part of our research we are asking for your views on options 2 and 3, irrespective of what you chose as your preferred option.

Option 2: allow councils to enforce against 'unnecessary obstruction of the pavement'

Option 2 - in addition to option 1 we would allow councils to enforce against 'unnecessary obstruction of the pavement'. This is not a general pavement parking prohibition, but instead empowers councils to issue Penalty Charge Notices in individual instances. However, this option would include a suggested 20 minute exception, only applicable to business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

How would you define an 'unnecessary obstruction of the pavement'?

RoSPA response

RoSPA believes that this term is extremely difficult to define, as 'unnecessary obstruction' does not lend itself to a simple definition that works in all circumstances.

'Obstruction' could be determined by whether the pavement width between the vehicle and the backline of the pavement is sufficiently wide so as not to obstruct the passage of a wheelchair user or person with a pram or buggy. Leaving a minimum width of 1.5m between the parked vehicle and the back edge of the pavement could be deemed to be not causing an obstruction of the pavement.

The challenge is then defining whether the obstruction is necessary. We would define an unnecessary obstruction of the pavement, as parking on the pavement, in such a way as to cause obstruction to other road users, where pavement parking is deemed to be avoidable. Pavement parking could be considered to be avoidable when there is sufficient space to park on the road. However, this would not work in all scenarios. 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.

If the Department opt for option 2, extensive guidance will need to be provided to local authorities to ensure that there is a clear understanding of what constitutes an unnecessary obstruction of the pavement. RoSPA is concerned that this guidance would not be able to cover all possible scenarios and therefore may not be consistently enforced.



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Do you think a warning notice should be given for first time offences of causing an unnecessary obstruction by parking on the pavement?

RoSPA response

Yes, for a limited period of time. A communications campaign will be required to ensure that all road users are aware of the new rules, should option 2 be implemented, and for a short introductory period, first time offenders should receive a warning rather than a FPN.

What do you think are the advantages and disadvantages associated with this option 2?

RoSPA response

The main advantage of this approach is that enforcement against this offence would be more targeted than a general prohibition of pavement parking. Local authorities would be able to penalise pavement parking where the pavement has been blocked unnecessarily.

Another of the key advantages of option 2, is that it would require secondary legislation, rather than primary legislation and therefore could be implemented relatively quickly.

RoSPA believes that the main disadvantage of this approach is that the term 'unnecessary obstruction of the pavement' is vague and extremely difficult to define. Parking offences currently subject to local authority civil enforcement are violations of clearly defined restrictions indicated by traffic signs and road markings, for example, yellow lines or white bay markings. By contrast, 'unnecessary obstruction' is more difficult to define. Unlike most other parking offences, there would be no traffic signs or bay markings informing motorists of local regulations: 'obstruction' is a general offence that may occur anywhere so it cannot be indicated by traffic signs or bay markings. Extensive advice will need to be given to local authorities to ensure that there is a clear understanding of what constitutes an unnecessary obstruction of the pavement.

There is also potential for motorists to misunderstand, although this would be to some extent mitigated if first time offenders are given a warning notice. This approach lacks the consistency that option 3 offers.



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Option 3: an England-wide pavement parking prohibition

Option 3 - in addition to option 1 we would introduce an England-wide pavement parking prohibition. This would prohibit pavement parking as a default position, while allowing councils to implement local exemptions (such as for narrow streets where pavement parking is essential to ensure traffic flows) which would be shown by use of traffic signs and bay markings. This option would include a suggested 20 minute exception, only applicable to business vehicles, allowing them to pavement park for up to this time in order to load or unload goods when no other choice exists, in places such as narrow streets. Standard exceptions would also apply for emergency service and utility vehicles.

Do you think a national prohibition should apply:

- **on no roads (since you are against the proposal)?**
- **on all public roads within the country?**
- **only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities)?**
- **in an alternative way of your description?**

RoSPA response

As is the case in London, RoSPA believes that a national prohibition should apply only on roads with speed limits up to 40mph, as the restrictions are primarily intended to tackle the issue in urban areas where pavement parking is widespread.

Should a national prohibition apply to pavements only or pavements and verges?

RoSPA response

As is the case in London, the national prohibition should apply to both pavements and verges.

Councils would exempt certain areas, where pavement parking remains essential such as narrow terraced streets with no off-street parking availability, by use of traffic signs and bay markings.

These signs and markings would be used to indicate to motorists where they were allowed to park.

What are your views on the impact this would have on the built and historic environment?

RoSPA response

RoSPA is not in a position to comment.



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What do you think are the advantages and disadvantages of option 3:

For rural areas including villages?

RoSPA response

A national prohibition may be less appropriate in rural areas, such as country roads where pavement parking may be safer. Due to the nature of rural areas, which often have narrower roads, signage would be required to permit pavement parking on these roads.

For suburban areas?

RoSPA response

Residential areas may have narrow roads, and in these instances the pavement is the only place to park without obstructing the carriageway. Significant exemptions may be required in these areas.

For towns and city centres?

RoSPA response

Towns and cities are likely to be more conducive to a pavement parking prohibition, as there are often higher mode shares for public transport.

Overall?

RoSPA response

There is no doubt that a national ban on pavement parking would be beneficial for pedestrians, particularly for those with visual impairments, mobility aid users, wheelchair and mobility scooter users, young children and people with prams and pushchairs. This benefit will be realised in terms of pedestrians not being forced into the road, where there is potential for conflict with other road users as a result of pavement obstructions and could include the prevention of injuries caused by pavement parking. This could also result in an increase in the number of people walking and its associated health benefits due to an increase in perceived levels of safety and could promote independence amongst vulnerable groups, such as those with visual and mobility impairments.

It would also reduce the level of damage to pavements and kerbs caused by vehicles, and so reduce the risk of pedestrians tripping and falling.

A 2014 YouGov poll of people aged 65 and over, commissioned by Living Streets, found that pavement parking was a problem for 73% of older people in their local area; 50% of respondents said that they would be more likely to walk outside if the pavements were clear of vehicles parked on them.



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Similar results were found in the Department's review of surveys carried out by organisations representing disabled people, cyclists and pedestrians. The surveys indicated that 95% of visually impaired people had had a problem with vehicles parked on pavements in the previous year. This figure rose to 98% of wheelchair users. A survey also found that 32% of respondents with vision impairments were less willing to go out on their own because of pavement parking. The figure was 48% for wheelchair users. Correspondence submitted by members of the public also provided anecdotal evidence of pedestrians being injured or very nearly injured, because of vehicles parking on pavements.

RoSPA also sees a benefit in the consistency of this approach. Motorists would benefit from a consistent rule: 'you must not park on a pavement except where signs permit'. Traffic signs and bay markings would show drivers where pavement parking was still allowed.

Taking this approach would also mean that local authorities could introduce exemptions to permit pavement parking by the simpler means of administrative resolution instead of promoting TROs to prohibit pavement parking. This is because the default position is an enforceable pavement parking prohibition whereas the exemption is a simple 'permission' that requires signing but no enforcement.

However, RoSPA recognises that in contrast to option 2, which could be implemented fairly quickly, a ban on pavement parking would be the most significant change to English parking law in several decades, and local authorities would need to undertake a substantial amount of work to prepare for it. This approach would require local authorities to carry out audits of their road networks and for them to place traffic signs and bay markings to indicate where pavement parking would need still to be permitted. Despite this, these disadvantages must be balanced against the serious negative consequences that pavement parking has on some of the most vulnerable in our society.



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Environmental impact

Do you believe option 2 would have an impact on the environment?

RoSPA response

RoSPA is not in a position to comment.

Do you believe option 3 would have an impact on the environment?

RoSPA response

RoSPA is not in a position to comment.



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Exceptions

For both options 2 and 3 we propose exceptions for:

- fire brigade purposes
- police purposes
- parking in accordance with a direction given by a constable
- ambulance purposes
- the provision of, or in connection with, urgent or emergency health care, by a registered medical practitioner, registered nurse or registered midwife
- the purpose of saving life or responding to another similar emergency
- the purpose of providing assistance at an accident or breakdown
- postal services (within the meaning of section 125(1) of the Postal Services Act 2000)
- delivery, collection, loading or unloading of goods to, or from any premises, in the course of business (where this cannot reasonably be carried out without the vehicle being parked on a pavement; and the vehicle is so parked for no longer than is necessary for these purposes, and in any event for no more than a continuous period of 20 minutes)
- collection of refuse by, or on behalf of, the council
- street cleansing purposes by, or on behalf of, the council
- gritting or salting or the clearance of snow by, or on behalf of, the council
- road works by, or on behalf of, the council
- road maintenance (including street furniture) by, or on behalf of, the council
- street works by, or on behalf of, the council or statutory undertakers, including utility companies
- to comply with the duty in section 170 of the Road Traffic Act 1988 to stop after an accident

For option 3, we also propose an exception for any vehicle authorised by the council to be parked in a specified



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place at a specified time.

What, if any, other additional vehicles or services would you like to exempt and why?

RoSPA response

RoSPA does not believe that any further vehicles or services should be exempted, although the delivery 20 minute exemption may prove problematic, for example, for much larger deliveries such as a house move.



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Equality

In developing its pavement parking policy, the department will give due regard to the objective of:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

between people who share protected characteristics of:

- age
- disability
- gender reassignment
- pregnancy or maternity
- race
- religion or belief
- sex
- sexual orientation

How do you think option 2 will affect people who share the following protected characteristics of?

	Elimination discrimination? (Positively/Negatively/No effect/Don't know?)	Advancing equality of opportunity? (Positively/Negatively/No effect/Don't know?)	Fostering good relations between people? (Positively/Negatively/No effect/Don't know?)
Age, in respect of:	Don't know	Positively	Don't know
Disability, in respect of:	Don't know	Positively	Don't know
Gender reassignment, in	Don't know	Don't know	Don't know



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respect of:			
Pregnancy or maternity, in respect of:	Don't know	Positively	Don't know
Race, in respect of:	Don't know	Don't know	Don't know
Sex, in respect of:	Don't know	Don't know	Don't know
Sexual orientation to:	Don't know	Don't know	Don't know

How do you think option 3 will affect people who share the following protected characteristics of?

	Elimination discrimination? (Positively/Negatively/No effect/Don't know?)	Advancing equality of opportunity? (Positively/Negatively/No effect/Don't know?)	Fostering good relations between people? (Positively/Negatively/No effect/Don't know?)
Age, in respect of:	Don't know	Positively	Don't know
Disability, in respect of:	Don't know	Positively	Don't know
Gender reassignment, in respect of:	Don't know	Don't know	Don't know
Pregnancy or maternity, in respect of:	Don't know	Positively	Don't know
Race, in respect of:	Don't know	Don't know	Don't know
Sex, in respect of:	Don't know	Don't know	Don't know
Sexual orientation to:	Don't know	Don't know	Don't know

Final comments



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Do you have any other comments to make?

RoSPA response

RoSPA believes that any change to legislation and simplification of the TRO process will only be effective in deterring pavement parking if it is enforced and well publicised. A survey found that only 5% of drivers know fully about all aspects of the law on pavement parking, meaning campaigns for public awareness would be required¹. Enforcement is also key. It is only likely to be effective if drivers perceive that they will indeed be subject to a fixed penalty notice if they choose to park in places where they should not park.

RoSPA has no further comments to make on the consultation process, other than to thank the Department for Transport for the opportunity to comment. We have no objection to our response being reproduced or attributed.

¹ Living Streets, Pavement Parking,
<https://www.livingstreets.org.uk/policy-and-resources/our-policy/pavement-parking#faq>



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