



Agenda item:

[No.]

Cabinet

On 23 March 2010

Report Title. **Report of Statutory Notification Woodside area CPZ**

Report of **Niall Bolger, Director of Urban Environment**

Signed : *Niall Bolger* 11th March 2010

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Wards(s) affected: **Woodside**

Report for: **Key**

1. Purpose of the report

- 1.1. The purpose of this report is to inform the Cabinet of the representations received during statutory notification for the introduction of the Woodside CPZ and to seek approval to proceed with the recommendations as set out in section 4 of this report.

2. Introduction by Cabinet Member (if necessary)

- 2.1. This report details the representations received during the statutory period for the introduction of a Woodside CPZ and extension of the Wood Green CPZ to include Perth Road. The scheme has been developed following consultation with local

residents and Ward Councillors regarding parking issues in the area.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1. The Council's Local Implementation Plan (LIP) sets out the Council's intention to improve parking conditions in the borough, which includes the allocation of on-street kerb space within the defined hierarchy of parking need. It also seeks to maximise road safety throughout the borough through the fair and consistent enforcement of parking restrictions. The plan contains the policy framework for both parking and road safety and is summarised below.

3.2. Local Implementation Plan (LIP)

Parking: Section 7.0 of the Parking and Enforcement Plan (the 'PEP'), which forms part of the LIP, reiterates the Council's intentions to improve parking conditions in the borough. The overall aim of the PEP is to support a better and safer environment in the borough.

Key PEP policies include:

- The Council will assess the need for parking controls at junctions.
- The Council will allocate on-street kerb space in accordance with the Council's defined hierarchy of parking need.
- The Council will monitor, manage and review on-street pay and display parking to help manage long-stay commuter parking and promote short stay and visitor parking.
- The Council will maximise road safety throughout the Borough through the fair and consistent enforcement of parking restrictions.
- The Council recognises the need for a robust, systematic framework for future CPZ implementation in the Borough.

3.3. **Road Safety:** Section 6.0 of the LIP contains the Council's Road Safety Strategy, which details initiatives to make borough roads safer for all road users. The Council's Unitary Development Plan (UDP) also contains strategic transport policies for the benefit of road safety. The key policies include:

- To tackle congestion by reducing the level and impact of traffic in town centres and residential areas.
- To make the borough's streets safer and more secure, particularly for pedestrians and other vulnerable road users through traffic management measures
- To manage better use of street spaces for people, goods and services, ensuring that priority is allocated to meet the objectives of the strategy.
- To improve the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas.

- Encourage the use of more sustainable modes of transport

4. Recommendations

- 4.1. That the Cabinet agrees to proceed with the measures as proposed through statutory notification and below based on the representations summarised in this report and a further update on representations to be presented by the Cabinet Member for Environment and Conservation on the night of the meeting.
- 4.2. **Measures to be approved**
- 4.3. Extension of the Wood Green CPZ to include: (operational between 8am-6:30pm, Monday to Saturday)
 - Perth Road
 - Fife Road
- 4.4. Introduction of the Woodside CPZ to include: (operational between 8am-6:30pm, Monday to Friday)
 - Eldon Road
 - Granville Road
 - Saxon Road
 - Paisley Road
 - Melrose Avenue
- 4.5. Introduction of :
 - double yellow lines to several junctions throughout the Woodside area to facilitate turning movements and the visibility for all road users.
 - Two bus stop markings outside 91-97 and 52-60 Perth Road.

5. Reason for recommendation(s)

- 5.1. The Council has already conducted a formal consultation process to identify parking issues in a defined area. Subsequently, the Council carried out statutory consultation and the statutory period expired on the 4 March 2010, which is outside the submission date for this report. It will therefore be necessary to provide an additional update of all representations received during the statutory period to the Cabinet at its meeting before a final decision is made.
- 5.2. The feedback to this consultation so far has indicated support for the introduction of parking measures as proposed through statutory notification. The representations received during the statutory process, at the time of submission of this report, has not provided any objections that would alter the intention of the Council to introduce the measures as proposed. 7

- 5.3. Because of the informal consultation carried out previously and the fact the consultation period is nearly finished, while the officer recommendation is unlikely to change, it must be recognised that the consultation period closed on 5th March 2010. Officers are required to keep an open mind and consider all objections made during the consultation period before being able to make a final recommendation. Should the officer recommendation change as a result of submissions this will need to be dealt with by a supplementary report.

6. Other options considered

- 6.1. N/A

7. Summary

- 7.1. The Council formally consulted residents, in an agreed consultation area of the Woodside Ward, in September /October 2009 to find out views on parking issues and, to see if there was support for the introduction of parking controls in the form of a CPZ.
- 7.2. The feedback confirmed support from a number of roads within the consultation area. Approval was subsequently provided to proceed to statutory notification for the introduction of a Woodside CPZ and extension of the Wood Green Outer CPZ to Perth Road.
- 7.3. Whilst it was recommended to proceed to statutory notification, as set out above, there were three roads within the proposals that demonstrated opposition during public consultation. These were Fife, Saxon and Eldon Road. As explained earlier Fife Road is a cul-de-sac off Perth Road and is likely to experience displacement if omitted. Saxon and Eldon Road are both being included in the proposed Woodside CPZ, as their inclusion will result in a more cohesive area. It is also important for the residents of these roads to be given a further opportunity to consider the potential displacement that could occur should their road be omitted.
- 7.4. Statutory notification took place in February/March 2010. This report summarises the views received as part of this process and recommends the introduction of parking controls to a section of Perth Road, Eldon Road, Elm Road, Granville Road, Melrose Avenue, Saxon Road and Paisley Road.

8. Chief Financial Officer Comments

- 8.1. A budget of £40,000 has been allowed within the 2010-11 Parking Plan capital budget for implementation of this scheme if agreed. The costs of running this

scheme will be contained within existing revenue budgets

9. Head of Legal Services Comments

- 9.1. Before reaching a decision to make the necessary Traffic Management Order to implement a CPZ scheme, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act ("RTRA") 1984 and the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996. All objections received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory powers.
- 9.2. The Council's powers to make Traffic Management Orders arise mainly under sections 6, 45, 46, 122 and 124 and schedules 1 and 9 of the RTRA 1984.
- 9.3. When determining what paying parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to: (a) the need for maintaining the free movement of traffic, (b) the need for maintaining reasonable access to premises, and (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.
- 9.4. By virtue of section 122, the Council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters:-
- (a) the desirability of securing and maintaining reasonable access to premises.
 - (b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
 - (c) the national air quality strategy.
 - (d) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
 - (e) any other matters appearing to the Council to be relevant.

- 9.5. The statutory consultation detailed in this report complies with the requirements of the Local Authority Traffic Orders (Procedures) (England and Wales) Regulations 1996. It is noted that under the regulations before making the order the Council must consider all objections duly made and not withdrawn. The decision maker must give careful consideration to the matters set out in paragraphs 9.3 and 9.4 before making a decision on this proposal.
- 9.6. The Council has the power to modify an order in consequence of any objections or otherwise before it is made. Where the changes are considered substantial, the Council must take the steps it considers appropriate to inform persons likely to be affected by the modifications and give those persons the opportunity of making representations. The Council must consider those representations.

10. Equalities & Community Cohesion Comments

- 10.1. Statutory Notification affords any interested party the opportunity to make a representation on the proposals regardless of where they live or work.
- 10.2. The statutory notification documents were distributed to all households and businesses within the agreed area.
- 10.3. The consultation document included a section offering translation into minority languages.

11. Representations received during statutory notification.

- 11.1. Following approval to proceed to Statutory Notification in January 2010, Statutory notification took place in February/March 2010. This section summarises the views received as part of this process
- 11.2. A total of 1270 statutory notification leaflets were distributed, by hand, to all properties within the original consultation area between 9-11 February 2010. The deadline for representations was 4 March 2010.
- 11.3. At the time of submission of this report we had received 176 representations. Of these representations, 67 were in support of the proposals (including 33 standard letters) and 89 were opposed (43 were standard leaflets). A total of 17 representations were received from residents outside the proposed CPZ boundary requesting inclusion in the zone. The further remaining 3 representations were making comments on the scheme.
- 11.4. In addition to the representations above we received 2 petitions. One contained

132 signatures and supported the introduction of the CPZ and provided the following reasons.

- Problems with non-residents parking and preventing residents and their visitors from parking and preventing residents and their visitors from parking in these roads since the extension of the CPZ last March have had a detrimental effect on their lives.
- I don't expect to park outside my own house every day but find it unacceptable not being able to park in my own road, especially as there would be more than enough space for residents cars, if non residents were not allowed to park here.
- It has led to more traffic in our road as people drive around looking for parking spaces.
- When I have visitors they cant find anywhere nearby to park.
- People have to double park in order to take in shopping or when vans make deliveries, which didn't happen before.

11.5. The other petition received was objecting to the Woodside CPZ and contained 358 signatures objecting to the Woodside CPZ. This petition did not contain a reason why they were objecting. On closer analysis, the petition contains 158 signatures from roads within the Proposed CPZ areas and represents 44% of the total number of signatures obtained.

11.6. The list of the salient representations received at the time of submission of this report along with the Council's response can be found in Appendix II of this report.

11.7. As detailed analysis is still underway, a full list of all representations received during the statutory period, along with the Council's response, will be provided by the Cabinet Member for Environment and Conservation at the cabinet meeting of 23 March 2010. The representations will be grouped as to what grounds the objection is being made.

11.8. **Statutory Bodies** - As part of the statutory notification process the views of the following bodies were sought: AA, London Transport, Police (local), Fire Brigade, London Ambulance Service, Freight Transport Association, Road Haulage Association, RAC, Metropolitan Police (traffic), Haringey Cycling Campaign, Enterprise. None of these statutory bodies provided comment.

12. Service Financial Comments

12.1. If the measures proposed through statutory notification are approved, the cost of implementing the scheme will be met from £40k budget allocation identified within 2010/11 parking capital budget provision. The total spend on this scheme will equate to £58k factoring £18k spent in 2009/10.

- 12.2. The annual running cost of the scheme after implementation will be £32k and the estimated revenue to be generated will be approximately £48k. The payback of set up costs in years is 3.6 years.

13. Use of appendices /Tables and photographs

- 13.1. Appendix I Statutory notification documents
13.2. Appendix II List of representations received at the time of submission of this report.
13.3. Appendix III Summary/minutes of meetings with Businesses/Eldon Road Baptist Church

14. Local Government (Access to Information) Act 1985

- Returned survey documents
- The Council's Local Implementation Plan

15. Background and Statutory Notification Process

- 15.1. Following the extension of the Wood Green Outer CPZ in March 2009, residents of the uncontrolled section of Perth Road and roads to the east of Perth Road, approached their local Ward Councillors to highlight their concerns with displacement parking.
- 15.2. To enable the issue to be discussed with the community, Focus Group meetings attended by local resident representatives, council officers and Ward Councillors were held. It was agreed to formally consult the wider community to identify parking issues and support for parking controls. Public consultation subsequently took place in September/October 2009.
- 15.3. On consideration of the feedback made during public consultation it was approved in January 2010 to proceed to statutory notification for the proposed extension of the Wood Green Outer CPZ and the introduction of the Woodside CPZ.
- 15.4. The consultation document clearly stated that the council is not proposing the introduction of a CPZ to the whole area. The objective of the consultation was to identify roads that would support parking controls and any scheme developed would be based on feedback analysed on a road-by-road basis.
- 15.5. As the southern section of Perth Road is already within the Wood Green CPZ it was recommended to include the remaining uncontrolled section and Fife Road (cul-de-sac of Perth Road) in the existing CPZ.

- 15.6. It was further recommended to propose a new Woodside CPZ to cover Eldon Road, Elm Road, Granville Road, Melrose Avenue, Saxon Road and Paisley Road. The operational days/hours indicate support for Monday to Friday 8:00am – 6:30pm.
- 15.7. **Statutory Notification process**
- 15.8. Statutory notification is the legal part of the process required before modifying or implementing parking controls. In summary, before making an order to modify or implement parking controls, the council must notify its intentions in the London Gazette and local press providing a period of 21 days for any interested party to make representation. In addition, although not a requirement, it is also good practice to advertise on site where the measures are proposed.
- 15.9. As part of the statutory process, the views of the following bodies are also sought: AA, London Transport, Police (local), Fire Brigade, London Ambulance Service, Freight Transport Association, Road Haulage Association, RAC, Metropolitan Police (traffic), Haringey Cycling Campaign, neighbouring boroughs and Enterprise.
- 15.10. Before making the relevant Traffic Management Orders, the council must consider all duly made objections submitted in response to the statutory notification.
- 15.11. If the Council is satisfied that it has addressed all objections received, a Notice of Making can then be published in the London Gazette and local press notifying of the date the Traffic Management Order will come into operation. At this time, notification letters will also be distributed to all properties within the road/roads where parking controls are to be implemented. The notification letters will provide information of when the works will take place, operational date of the new parking controls and how to apply for a permit.
- 15.12. It should be noted that statutory notification differs from the formal consultation process that is usually conducted first to assess level of support for parking controls. Statutory notification is open to any interested party wishing to make representation regardless of where they live / work. The representations received are also analysed based on their content rather than a yes/no vote. It should be further noted during this process the majority of representations are normally objections to the proposals, as those in support may not feel the need to make representation.

Appendix I

Statutory notification documents

Appendix II

List of representations received at the time of submission of this report

Objection- A CPZ would have a bad effect on our social and family life, discouraging visitors. A CPZ would isolate those who rely on visitors-everyone will have to pay for permits for visitors and carers, not just people with cars and the number of cars will be limited. A CPZ would cause disruption to normal routines giving nowhere to park for traders who we want to call.

Council's Response- If a CPZ is introduced in the area residents can purchase visitor vouchers for use during the operational times of the CPZ. The charges for visitor vouchers are considerably less than on street pay and display.

Objection- A CPZ would damage local shops and businesses discouraging passing trade and making it hard for local workers.

Council's Response- Shared use resident, business and pay and display bays have been proposed in several roads within the Woodside area including the side roads off Lordship Lane. These parking bays will facilitate parking for visitors to the area. Businesses are entitled to apply for permits for their staff provided they meet the relevant criteria. A number of meetings were held with businesses along Lordship Lane details of the discussion will be contained within Appendix III.

Objection- A CPZ would be bad for the community turning neighbouring streets into overspill car parks whilst allowing less parking within the CPZ. A CPZ is not needed in this area. It will set one street against another as the council expands their schemes.

Council's Response- Prior to carrying out Public Consultation we held several community Focus Group meetings, which were attended by local resident representatives, council officers and Ward Councillors. It was agreed to formally consult the wider community to identify parking issues and support for parking controls. Public consultation subsequently took place in September/October 2009. The feedback from this public consultation demonstrated that there was an area in favour of parking controls, which would form the basis of future statutory consultation.

Objection- The council is responsible for causing the parking problems in this area by extending the CPZ in the Noel Park and Scotch Estates.

Council's Response- The extension of the CPZ was introduced as a direct result of requests from local residents for protection against long stay commuter parking. The review carried out in November 2006 confirmed that the existing Wood Green CPZ scheme was meeting the needs of residents of the zone. Overall the feedback received from the existing Wood Green CPZ Review indicated that 53% of respondents are either Very or Fairly Satisfied with the CPZ.

Objection- The council does not appear to have undertaken an independent survey to determine the true scale of the problems of commuter parking, and associated traffic flows in the area, relying instead on anecdotal evidence to determine policy.

Council's Response- The Council conducted a public consultation to gauge the views of residents in an agreed consultation boundary the feedback received indicated that a number residents felt that non-resident parking was an issue and were in favour of parking controls for their roads.

Objection- The council has apparently failed to consider alternative solutions to the problems of parking commuter vehicles.

Council's Response- The council is constantly working towards more sustainable modes of transport. To date we have introduced 27 Car Clubs bays throughout the borough and will shortly be consulting on the proposed introduction of 42 extra spaces which include a location along Leith Road off Perth Road.

Objection- The council has failed to consider the rights of the voters, instead pursuing implementation of an anti-car owner policy.

Council's Response- The proposals considered in this report are in accordance with the objectives of the Council's Local Implementation Plan. This plan contains the policy framework for both parking and road safety and is summarised below.

Local Implementation Plan (LIP)

Parking: Section 7.0 of the Parking and Enforcement Plan (the 'PEP'), which forms part of the LIP reiterates the Council's intentions to improve parking conditions in the Borough. The overall aim of the PEP is to support a better and safer environment for the borough.

Key PEP policies include:

- The Council will assess the need for parking controls at junctions.
- The Council will allocate on-street kerb space in accordance with the Council's defined hierarchy of parking need.
- The Council will monitor, manage and review on-street pay and display parking to help manage long-stay commuter parking and promote short stay and visitor parking.

Road Safety: Section 6.0 of the LIP contains the Council's Road Safety Strategy which details initiatives to make borough roads safer for all road users. The Council's UDP also contains strategic transport policies for the benefit of road safety. The key policies include:

- To tackle congestion by reducing the level and impact of traffic in town centres and residential areas.
- To make the borough's streets safer and more secure, particularly for pedestrians and other vulnerable street users through traffic management measures.

- To manage better use of street spaces for people, goods and services, ensuring that priority is allocated to meet the objectives of the strategy.
- To improve the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas.
- Encourage the use of more sustainable modes of transport

Objection- The Local Consultation was flawed in several respects: The council has failed to consult democratically in the first instance at the voters in the ward. Surveys have shown the document was not received by every household nor by every voter.

Council's Response- The public consultation extents were discussed with the resident focus group and with ward councillors. In developing the consultation boundary consideration was given to the possible displacement.

Objection- The Local Consultation was misleading in the following respects *"The aim of a CPZ is to prioritise parking for residents by restricting non resident and commuter parking"*. Unless specifically designed, a CPZ does not provide the number of parking spaces that would be needed by residents

Council's Response- The proposals are clear in their aims of prioritising parking in line with the council's hierarchy of parking need and will maximise the parking space available.

Objection- *"Better traffic management-by reducing illegal and disruptive parking"*
There is no evidence that there is illegal parking in the area, which requires parking restrictions which at present do not exist. Disruptive parking is not defined in the text, but while there is shortage of space, no disruption can occur except in a process.

Council's Response- From site observations it is clear that obstructive parking takes place, particularly close to junctions. This manner of parking can hinder visibility for pedestrians and motorists in the area. It is proposed to introduce double yellow lines to several locations throughout the area.

Objection- *"Improving access for emergency vehicles and waste collection vehicles"*
The roads in Woodside Ward are narrow, and if the CPZ addresses this issue by removing parking from one side of the roads, then over half of all the residents' cars will be forced out of the area.

Council's Response- There is no proposal to remove parking on one side of any road throughout the proposed other than directly at junctions or to create turning heads at the end of roads.

Objection- *"Improving safety for all road users, including pedestrians and cyclists through improved visibility"* There is no evidence of accidents in the Ward

Council's Response- As part of the CPZ Double yellows have been proposed to junctions and areas require severe traffic management measures. The purpose of

proposing double yellow lines is to prevent potential accidents by improving visibility for all road users and not waiting to take action reactively.

Objection- *"The feedback received from the consultation will be presented in a report to the December 2009 meeting of the Council's Cabinet, which will consider the consultation results, along with other factors such as safety implication and the need to ensure traffic flow is maintained, when making a decision on the way forward"* This suggested that the results would be considered by the Cabinet. In the event not only did the December meeting of the Cabinet not discuss the feedback, the decision to proceed to statutory consultation seems not to have been taken by Cabinet.

Council's Response- The feedback of the public consultation carried out in September/October 2009 was originally scheduled to be presented to the council's Cabinet on 15 December 2009. Unfortunately, due to the postal strike in October 2009, the deadline for responses was extended and, a request for a further Focus Group meeting in late November, meant that it was not possible to report back to the December Cabinet. Regardless of whether the decision was taken by Cabinet or under delegated authority, the decision process is transparent and any decision made will be available to the public.

Objection- The Council's consultation has been incomplete. The council has not published full data on the returns. In particular the choices and numbers to question 4. *If a CPZ were introduced in your area, what do you think would be the most appropriate operating hours for parking control?* have not been published

Council's Response- The council has published full data on the responses to the September/October public consultation as appendix of II the Delegated Report. approved on 28 January 2010. This is available on the council's website.

Objection- The council has based the decision to proceed to statutory consultation on incorrect information. Surveys show that many more people than responded are opposed to the CPZ, particularly in the roads identified as part of the statutory consultation. There is anecdotal evidence that the results do not reflect the actual polling response, some households being recorded as voting for the proposals, when in fact the vote was against.

Council's Response- The council will consider all responses made to the public consultation before considering whether to proceed with any proposals under statutory consultation. During public consultation, we did not receive any surveys indicating more people than responded are opposed to the CPZ.

Objection- The council has selected a group of roads from which majority responses were for the CPZ. The low level of returns however makes these proposals self-serving the council failed to confirm if the real majority are supportive, in contravention of democratic principles

Council's Response- It was stated on page 3 of the Public Consultation document that the consultation is not a vote on whether the whole area should receive a controlled parking zone and that the feedback will be analysed on a road by road basis to identify roads or areas that are in favour of measures and those roads that are not in favour. It was also outlined that the feedback will also be enabled to determine the way forward regarding the possible introduction of a zone or zones to address identified parking problems.

Objection- The council has arbitrarily decided full day parking restrictions, when commuter parking could be controlled by a restricted number of hours, requiring less costly administration. In addition residents will be parking outside the zone unless adequate parking bays are provided, and this is unlikely due to inadequate survey of car ownership.

Council's Response- Question four of the Public Consultation document asked respondents to consider four different time periods or suggest another. On analysis of the feedback to question four regarding the possible timings for a CPZ it was seen that from the roads comprising of the proposed Woodside CPZ that a majority supported at least 'all day' operational times with 32 of 105 respondents in favour of this period. The operational times of a CPZ do not affect the administration costs. In all CPZs all parking bays will be marked out where it is safe to do so taking into account the need to maintain traffic and road safety.

Objection- I am worried it will cause environmental impact when front gardens are changed into off street parking.

Council's Response- In February 2007, a revised policy for vehicle crossovers was introduced which imposed more stringent criteria on crossover applications. The new guidance included the following for consideration *'in considering an application, the council will assess the need for safe and efficient operation of an existing operation of an existing CPZ. Applications will be refused where it is deemed that the construction of a crossover and subsequent loss of parking spaces would have a detrimental impact to an on-street parking within a CPZ.'*

Objection- I will have to renew and pay again each time I change my vehicle.

Council's Response- As permits are registration specific to the vehicle there is a £10 administration fee for amending a permit due to the change in vehicle, this fee does not apply to renewal.

Appendix III

Summary/minutes of meetings with Businesses/Eldon Road Baptist Church

IN PROCESS OF ANALYSIS