



**WOKINGHAM
BOROUGH COUNCIL**

Process for managing parking on verges, footways and footpaths

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PARKING ON VERGES, FOOTWAYS AND FOOTPATHS

Introduction

Verges, footways and footpaths are, like roads, all part of the highway. It is the statutory duty of Wokingham Borough Council and Thames Valley Police to keep all highways clear and free from obstructions and to ensure safe and expeditious movement of traffic, including pedestrians. The public has a legal right of way to pass along such highways in travelling from place to place but has no legal right to park vehicles on the highway.

Policy Statement

Wokingham Borough Council is aware that demand for parking space often exceeds availability of off-street facilities and believes that it is appropriate to accept a degree of parking on the highway where this is safe and does not cause an obstruction and does not damage the highway or any services buried within the highway. However the Council will always prefer motorists to provide or to find off-street parking space wherever this is possible.

Background

The parking of vehicles on grass verges, footways and footpaths is increasingly widespread and can create significant problems in some areas of the borough for residents, highway users and for the Council itself. The circumstances of each case vary widely and thus it is extremely difficult to identify a single method that can be applied universally to stop this.

Footway parking is potentially a far greater problem than verge parking. Where there are verges adjacent to the carriageway there is usually a footway as well which is the main route for pedestrians. Currently there is no national law that makes it an offence for cars to be parked on the footway. Where vehicles are indiscriminately left on the footway they can constitute a significant obstruction, forcing pedestrians on to the carriageway creating particular difficulties for people with mobility problems, visual impairment or pushchairs.

Indiscriminate vehicle parking can cause a number of safety issues. If the parking interferes with driver sight lines a major safety issue can arise. Utility services are buried beneath verges and these are not designed to carry the load of vehicles and therefore there is a danger of damage to these which could lead to a safety issue.

Various physical measures can be used to deter footway and verge parking including: guard rails, bollards, trip rail fence, raised planters, small trees, high safety kerbs, etc., but these can be costly options which should only be utilised at specific locations. There may be locations where verge and footway parking could be acceptable, particularly where footways or verges are wide enough to segregate pedestrians and vehicles. In such circumstances detailed evaluation of the road safety implications would have to be carefully considered as part of the overall scheme evaluation process.

Wokingham Borough Council has determined that the treatment of verge and footway parking needs to take into consideration road safety, the expeditious movement of traffic, the effect on the street scene, and the available resources. Depending on the prevailing conditions and community views, the Highways and Transport team will work with residents and local organisations where necessary to determine the appropriate course of action, if any, to be taken.

Solutions will be considered on a neighbourhood by neighbourhood basis focusing on areas of greatest need and will be dependent on a consensus of support from the local community and from partner agencies; usually 75% or more of the affected area showing positive support for a solution would be required to demonstrate a consensus. The introduction of legally enforceable parking controls to deal with verge, footpath and footway parking problems will need to have the support of the Police.

LEGISLATION & LOCAL BYELAW

Parking Legislation

Within Wokingham Borough, the enforcement of parking offences on footways and grass verges is the responsibility of Thames Valley Police. In some neighbouring areas such as Reading and Bracknell this responsibility has been passed to the local authority to enforce, but this is not currently the case within Wokingham Borough.

The following are some key facts for people to remember:

There is no legal right for anyone to park on a public road or outside their property.

It is not an offence to park a motor vehicle (other than a Heavy Goods Vehicle (HGV)) on a grass verge or footway unless:

- it causes an obstruction
- a local byelaw is in force prohibiting it, or
- there are waiting restrictions on the road (which also apply to the highway verge)

There is no blanket legislative prohibition on parking on verges. However, a particular incident of verge parking may be considered dangerous, obstructive or causing damage and may constitute a criminal offence when:

- wilfully causing an obstruction to any public footpath or public thoroughfare.
- vehicles are causing unnecessary obstruction of the road (including verge).
- leaving vehicles in a dangerous position on the road (including verge).
- wilfully obstructing the free passage along a highway.
- driving on any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers.
- depositing anything whatsoever on a highway so it would damage the highway

Driving on a footway is illegal unless:

- accessing/exiting properties via a dropped kerb;
- specifically signed bays are provided; or
- specific signs allow it.

Allegations concerning any of the above possible offences would be a matter for the police to investigate and enforce, rather than the Council.

It is also an offence to:

- advertise for sale two or more motor vehicles on the highway (including the footway & verges); and
- abandon a motor vehicle on any land forming part of the highway.

Both of these offences are dealt with by the Council. Should you need to report a concern regarding vehicles for sale then you should contact the Councils Trading Standards Team. Contact details are available on the Councils web site. With regard to abandoned vehicles details

regarding the council's policy and how to report an abandoned vehicle are available via at following internet address <http://www.wokingham.gov.uk/transport/reportit/abandonedvehicle/>

BYELAW

Under a local byelaw, verge parking in Wokingham Borough is an offence and offenders are liable to prosecution through the Magistrates court.

In order to secure a conviction under the byelaw, appropriate signs have to be erected which, if subsequently contravened, would require the collection of evidence by way of photographs and witness statements. This means that no action can be taken if the driver has not been seen to commit the offence.

In each case the Council will assess the quality and admissibility of the evidence and, if satisfied with the evidence would have to issue a summons within 6 months of the alleged offence at the Magistrates Court. The byelaw allows a fine of up to a maximum of £50. In deciding whether to issue a summons the Council will also assess the cost effectiveness of this approach to remedy a parking offence.

This byelaw was introduced at a time when vehicles parked on verges were a rarity. Due to its current levels, the council will not prosecute under this bylaw as it is not practicable to do so and is not an effective or efficient solution.

PROCESS FOR DEALING WITH PARKING ON VERGES

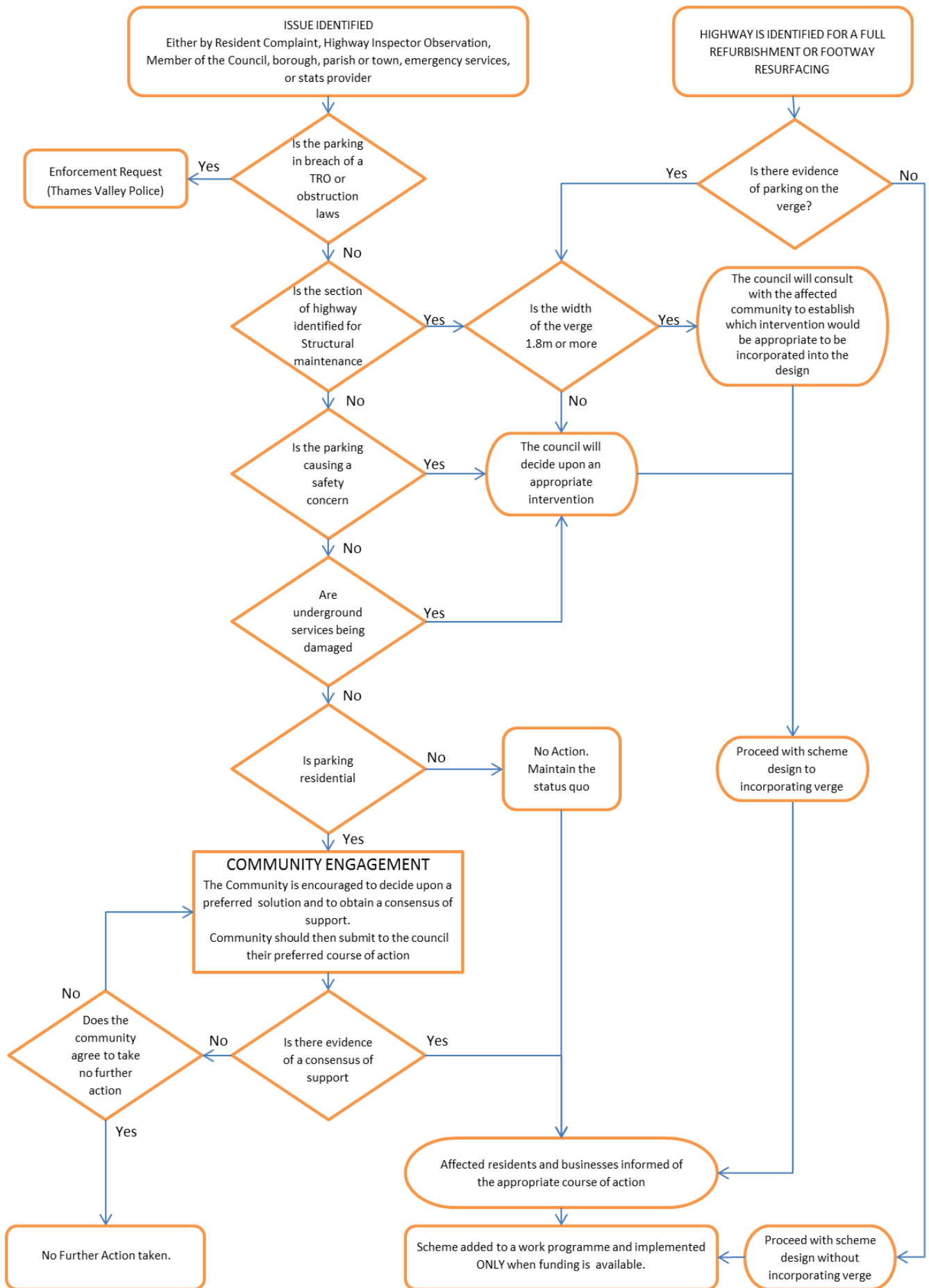
Criteria for Prioritising Complaints

The process for dealing with parking issues on verges, footways and footpaths is shown in the diagram on the following page.

Any parking on verge or footway issues identified to the council will be investigated and direct action will only be taken by the council should one or more of the following criteria be met.

- are there any laws being broken? Is there any parking restriction on the carriageway adjacent to the area of verge/footway parking?
- is there a safety issue for the council to address? Either by way of demonstrable evidence of a real safety problem i.e. are there any recorded injury accident, or have the emergency services or police made representation on an issue that should be addressed.
- are there any underground services being damaged as a result of verge or footway parking?

Process for dealing with parking issues on verges, footways and footpaths



Should the assessment of the issue not meet any of the three criteria above then it will be assumed that the issue is a local community concern.

In this situation the Council will ask that the community work together to identify a preferred solution. The community is also encouraged to assist with the control of this type of inconsiderate parking through positive engagement and dialogue with potential offenders. This will be supported by the Council, if required, through the issuing of correspondence to all households within a selected area advising of the inappropriateness of verge or footway parking and the council's intention to follow up by taking action against damage caused in the worst cases.

In common with other authorities the Council encourages residents to create off-street parking areas in their own property. This can either be through the creation of a parking space in the front garden or rear garden via a rear access road. Any hard standing created should use permeable materials. In this instance it is for the resident to meet the cost of the works required, including those in the highway to form any access. This practice should continue since it is the most effective way of increasing the parking stock. It is important to note that where off street parking is provided this is exclusive to the resident if it's on their property. If verges are hardened then these will be available for general parking as they cannot be reserved for a particular person.

An application form for a dropped kerb can be found on the Council website at the following web address <http://www.wokingham.gov.uk/planning/services/kerb/>

Grass verges will not be hardened to provide parking areas if off-street parking can be provided within residents curtilage.

Grass verges will not be hardened where this will encourage people to park in contravention of a Traffic Regulation Order or where it will encourage people to park in such a manner as to obstruct either vehicles or pedestrians.

Highway Structural Maintenance

Where the Council are undertaking a full refurbishment of the highway or the footway is due for resurfacing and there is evidence that the verge/footway/footpath is being used for parking the Council will where possible incorporate it within the scheme;

- grass verges less than 1.8m wide will automatically be considered for incorporation into the footway
- for verges of 1.8m or more the Council will consider all potential options and will consult with residents affected on the preferred option

Schemes will only be implemented when sufficient budget is available.

It is recognised that soft landscaping within an area can have significant visual benefits for the community therefore any proposals to reduce or remove grass verges will be considered carefully in relation to the existing street-scape and consultation will be had with the planning authority before any decision is made.