

SOUTH ESSEX PARKING PARTNERSHIP SUB COMMITTEE

TUESDAY 1st NOVEMBER 2022 – 10.30AM

AGENDA ITEM 8

Subject	The Essex County Council (Maldon District) (Prohibition of Waiting, Loading and Stopping) And (On-Street Parking Places) (Civil Enforcement Area) (Amendment No.7) Order 202* Relating to Fitch’s Crescent, Maldon
Report by	South Essex Parking Partnership Manager

Enquiries contact:

Nick Binder, South Essex Parking Partnership Manager,
01245 606303, nick.binder@chelmsford.gov.uk

Purpose:

To report the receipt of representations made on part of The Essex County Council (Maldon District) (Prohibition of Waiting, Loading and Stopping) And (On-Street Parking Places) (Civil Enforcement Area) (Amendment No.7) Order 202*

Options

The Joint Committee has the following options available:

1. to agree that the proposed Order be made as advertised.
2. to agree that the proposed Order be made subject to modifications which result in less restrictive provisions or reduced scope.
3. to agree that the proposed Order be withdrawn in its entirety.

Recommendation(s)

1. The proposed Order should be made as advertised (‘No Waiting at Any Time’ restrictions).
2. The people making representations be advised accordingly.

Consulters

South Essex Parking Partnership

Policies and Strategies

The report takes into account the South Essex Parking Partnership Document setting out how the SEPP will deal with requests for parking restrictions requiring TROs.

1.	Background
1.1	The purpose of this Order is to amend The Essex County Council (Maldon District) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019 as set out below:
1.2	An application form was received in 2019 requesting that the existing restrictions on Fitch's Crescent, 'No Waiting 9am-7pm 1 May – 30 September', be replaced with 'No Waiting 7am-8pm' restrictions. It was outlined by Maldon District Council that parked vehicles, especially during large events at the Promenade, restrict traffic flow. It is likely that vehicles park at this location to avoid car park costs.
1.3	Following the receipt of this request, the SEPP carried out several site visits. During the site visits conducted, vehicles were observed parking on the single yellow line outside its operational hours, some parked on the bends and narrowing the carriageway. Although no evidence was gathered during event days, it is likely that access is difficult during these times due to the narrow carriageway.
1.4	Therefore, it was recommended by SEPP Technicians that due to the narrow carriageway and to always ensure access, 'No Waiting at Any Time' restrictions (double yellow lines) would be more appropriate at this location.
1.5	It was therefore agreed with the Lead Officer and SEPP Joint Committee Member for Maldon to cost the scheme on Fitch's Crescent to replace the existing 'No Waiting 9am-7pm 1 May – 30 September' restrictions with 'No Waiting at Any Time' restrictions 'the Proposal'. Furthermore, the request for funding was agreed in May 2021 to proceed with the necessary Traffic Regulation Orders. It was estimated at £2,000 but would be reduced if incorporated with other roads in Maldon to publish one Traffic Regulation Order.
2.	Relevant excerpts from SEPP Policy (Version 6 December 2020)
2.1	SEPP Policy – 1.6 'It is acknowledged that all requests for a parking restriction will carry some form of merit and may be beneficial to the particular area. The requests will be submitted for a variety of reasons and depending on the circumstance will be considered as a high or low funding priority to the Partnership. As the amount of funding available for new schemes is limited it is the intention of this policy to provide a criteria, which if met, will be considered a high priority scheme for the Partnership and therefore stand a greater chance of receiving the available funding. Schemes that do not meet all the criteria can still be progressed and considered by the Joint Committee, but schemes with a higher priority will take precedence. All schemes will be subject to available funding.'
2.2	SEPP Policy – 7.1 'The SEPP will receive all parking restriction requests that do not meet the criteria of ECC safety and congestion policies, detailed above. Although these schemes do not meet the ECC criteria the Partnership may decide to implement parking restrictions to improve safety and sight lines, if the Partnership consider that the restriction will be beneficial to the area.'
3	Traffic Regulation Order

3.1	The proposed Order was published in the Maldon and Burnham Standard and on a public notice erected on the affected parts of Fitch's Crescent on 31 March 2022. Copies of the draft Order were sent to a number of organisations including Essex Police, Essex County Council (Essex Highways, the highway authority), Essex Fire & Rescue Service, Essex Ambulance Service, the Road Haulage Association, the Freight Transport Association, and the Chamber of Commerce and Industry
3.2	When the Order was published on 31 March 2022, a 21-day period of formal public consultation commenced.
4	Comments
4.1	The details of the representations are summarised in Appendix 2 to this report together with the comments of the Technicians.
5	Conclusion
5.1	Although some correspondents have made several points which lead them to believe 'the Proposal' should not be pursued in part, the SEPP Joint Committee Member and Lead Officer for Maldon, and SEPP Technicians consider that none of them are of sufficient weight to warrant the proposed Order not being made.
List of Appendices	
Appendix 1 – List of people making representations	
Appendix 2 – Summary of objections or support and Technicians comments	
Appendix 3 – Photos	

APPENDIX 1

Ref	List of people making representations	Type
1	Online submission from resident of Fitch's Crescent dated 08/04/22	Support
2	Email from resident of Fitch's Crescent dated 19/04/22	Support
3	Letters from resident of Fitch's Crescent dated 14/04/22, 18/05/22, 05/06/22	Objection

APPENDIX 2

REPRESENTATIONS & RESPONSES FOLLOWING FORMAL ADVERTISEMENT – 31 March 2022 – 22 April 2022

Representations & responses relating to Fitch's Crescent, Maldon		
Ref	Representation -	Technician response -
1	<p>Very very happy that this has been proposed. As a resident I am fed up of this area being used as public car park throughout the summer months by visitors and during the winter months the football crowd. There are times that if the emergency services ever needed to attend a house in this crescent they would not be able to get through and cars parking on the pavement block the access of the pedestrians, parents with children in pushchairs, and disabled people on mobility scooters being forced to walk in the road. In 2009 a guest at my home was hit by a car driving out of the crescent as we had to walk in the road because visitors attending an event in the park had parked all over the pavement blocking pedestrians access. We have been campaigning for this for many years.</p>	<p>Support noted.</p>
2	<p>Hi, Just wanted state that I am 100% in favour of the proposed change. I work from home [REDACTED] and have witnessed a few collisions at the junction as my desk looks straight over. I have seen disability vehicles having to drive in the road to get round cars. To drive down the narrow two entry / exit roads to often you have to bump up on the high curb which is not to healthy for the the wheel trim. Cars often park on the grass which when wet chops up the ground.</p> <p>Vans often park across my drive (see attached) which means I have restricted view when parking and nearly knocked a child over recently because of this. It will not be too long before there is a serious injury or fatality. Cars shoot round the bend too quickly and with the two roads from Park Drive accidents are bound to happen. With this being a four way junction you are doing right thing in bringing these new restrictions.</p>	<p>Support noted.</p> <p>Image mentioned by the resident has been included in Appendix 3</p>

	Your proposal needs to go ahead for sound safety reasons,	
3	<p>Letter 1 I fully support your proposal to put double yellow lines in my road.</p> <p>May I suggest two minor amendments? Could you extend the lines a few metres across my drive? I have a double drive with my neighbour and the lines stop halfway access in the middle presently.</p> <p>And may I suggest in the “green” area in the middle as well as “No Waiting at Any Time”, also “No Parking on the grass or verge”. People do not know the Highway Code.</p> <p>Letter 2 I am in receipt of your reply regarding Amendment No. 7, Order 202 in relation to double yellow lines in the road where I live. You’ve asked me to confirm in writing whether my queries have been answered, unfortunately they haven’t.</p> <p>In regards to our “green” area, and yourselves being unable to put up any type of notice to prevent people parking on the green. Whether or not it is part of the highway, surely you can? I understand that if a person drives over the double yellow lines and parks on the grass area, they have committed the same offence as actually parking on the double yellow lines, because they have driven over them to get to where they are. Therefore, you are able to issue a penalty if they park on the grass, just the same as if they are actually on the double yellow lines. Therefore, it makes no logical sense that you cannot post a notice telling people not to park on the grass, but you can issue a penalty, the two are surely contradictory. Coupled with the fact that your posts for the signs are on private land, not the highway. Are you allowed to put your posts there?</p>	<p>Objection Noted.</p> <p>It is already part of the proposal to introduce ‘No Waiting at Any Time’ restrictions past the shared driveway in question.</p> <p>Restrictions imposed by yellow line markings apply from the centre of the road to the highway boundary. Any vehicle parked in contravention of parking restrictions could receive a Penalty Charge Notice. If a vehicle is parked in contravention, this can also be reported on our website.</p> <p>“The green” between the access roads of Fitch’s Crescent does not form part of the public Highway. As this area is private land, it is outside the remit of the South Essex Parking Partnership. It our understanding that this land belongs to Moat Homes Ltd.</p> <p>The SEPP does not have the authority to install any signage on private land without the landowner’s permission. Therefore, in this instance, it is the responsibility of the landowner/s to deal with any issues on “the green”.</p> <p>The parking restrictions on Fitch’s Crescent pre-date the SEPP which was formed in 2011. It is likely that these restrictions were installed by Essex County Council and that permission would have been granted by the landowner to install these posts at the time the restrictions were implemented.</p> <p>No signage is required for double yellow line restrictions.</p> <p>Vehicles driving over yellow lines are not in contravention of parking restrictions. Vehicles will only receive a Penalty Charge Notice if they are parked/waiting and in contravention of restrictions.</p> <p>The purpose of the proposal is to prevent parked vehicles from</p>

This is important to the residents because our "green" area is. The problem arises when people ignore or are ignorant of the Highway Code and park on the grass. I fear putting double yellow lines down may make the problem worse. Moat seem unconcerned and SEPP will be the ones issuing the penalties anyway if people park on the grass.

Again, this issue is important, at times the green has resembled a car park (and people have received tickets) and the problem is worst in the winter when the grass is churned up!

I hope this issue can be resolved. I look forward to your reply.

Letter 3

I thank you for your response re double yellow lines in Fitch's Crescent. I have considered your response and it raises more questions for me that answers unfortunately.

The reason anyone is for double yellow lines is to stop visitors parking on the grass and pavements. If yourselves cannot liase with the owners of the grass, I see little point in bothering with the whole scheme. There is little point in putting double yellow lines in the road either side of the green.

I have just been out and measured it, the road is approximately 12 foot wide and the average car is approximately 6 foot wide, therefore anyone parking just on the road will effectively block it!

Historically if you look back in your records, drivers have been penalized for parking on the grass and pavements. Has the law recently changed or have those penalties been issued in error??? I know this is right, tickets have been issues for parking on the grass, it is outside my house. Unless a solution can be found for stopping people on the grass or pavements, I see little point.

restricting traffic flow.

During previous site visits carried by the SEPP, vehicles were observed parking on the single yellow line outside its operational hours, narrowing the carriageway. Therefore, 'No Waiting at Any Time' restrictions have been proposed to always maintain access.

It should be noted that the SEPP is not funded by taxpayers, it is self-funded.

What is the point in putting double yellow lines in a road that is not wide enough to park in? A solution needs to be found before you proceed or the scheme needs to stop now. It is and will be a waste of taxpayers money if no signage is posted on the green.

Again, I hope this problem can be resolved.

APPENDIX 3

Photos

Image provided by resident of Fitch's Crescent (Rep 2)



Image taken by SEPP Technician in 2019

