

Committee: **Regulatory
Planning Committee**

Date: **13 November 2019**

Report by: **Director of Communities, Economy and Transport**

Title of Report **Traffic Regulation Orders – Deferment of consideration of the objections to the revocation of the Lewes Town 2007 Traffic Regulation Orders**

Purpose of Report **To advise Planning Committee of the amended recommendation following the deferred consideration of whether or not to uphold the objections received to the revocation of the Lewes Town 2007 Traffic Orders**

Contact Officer: **Michael Blaney -Tel. 01424 726142**

Local Member: **Councillor O’Keeffe**

RECOMMENDATION

The Planning Committee is recommended to:

- 1. Uphold the objections to the revocation of the 2007 Orders; and**
 - 2. Recommend to the Director of Communities, Economy and Transport that the revocation of the 2007 Traffic Regulation Orders is not undertaken at this time and that the draft Traffic Regulation Order be made in part.**
-
-

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

- 1.1 At its meeting on 11 September 2019, East Sussex County Council’s Planning Committee considered a report detailing the objections received to the Traffic Regulation Orders (TROs) which proposed changes to parking controls in Lewes.
- 1.2 Item 15 of Appendix 2 to the report detailed objections to the revocation of the 2007 Traffic Orders (a copy of which is included in appendix 1 to this report). 13 objections were received to the revocation of these TROs. In addition, two public speakers were present at the September meeting and spoke to represent their views.
- 1.3 Having considered the objections and the views from the speakers the Committee decided to defer consideration of whether or not to uphold the objections to the proposed revocation of the 2007 Traffic Regulation Orders.

2. Comments and Appraisal

- 2.1 Officers have since re-considered the objections, along with the comments made by the public speakers and members of the Planning Committee.
- 2.2 It is recognised that the definition of ‘resident’ in the 2014 Map-based Order does need to be amended. This is of relevance to the revocation of the 2007 TROs as the 2007 Orders included a list of qualifying streets where residents of those streets were eligible to apply for

a permit. The 2014 Order replaced the list of streets with maps showing the permit zone areas, and under the 2014 Order, residents living within the permit zone areas shown on the maps would be eligible to apply for permits.

- 2.3 The definition of 'resident' in the 2014 Order says a resident is a person whose usual address is in a street or property with Permit Holders Parking Places, or Permit Holder or Pay and Display Parking Places as shown in the Order Plans. It is accepted that this definition does not include those streets within the permit zones where there are no parking places (such as Keere Street), and this definition does need to be amended to include those streets.
- 2.4 Although the wording of the new definition is yet to be confirmed, the introduction of any new definition would need to follow the legal TRO process to allow any member of public to make a representation. Officers will include the new definition (and any associated articles) in the next available parking review in Lewes.
- 2.5 The next Lewes parking review begins in December 2019 and will take around 12 to 14 months to complete. It is expected that informal consultation will take place in June 2020, with formal draft TRO proposals being advertised around September or October 2020.
- 2.6 All members of public will have the opportunity to object to the formal TRO proposals and any objection which cannot be resolved will be reported to planning committee for consideration in due course.
- 2.7 It is therefore recommended to uphold the objections to the revocation of the 2007 Traffic Regulation Orders and that the draft Traffic Regulation Order be made in part.

3. Conclusion and reasons for recommendation

- 3.1 Officers have reconsidered the objections made (as summarised in item 15 of Appendix 2 of the report considered at the September Planning Committee), as well as the comments made by the public speakers and Committee Members at the September Planning Committee meeting and now believe the definition of resident needs to be amended. This must follow the legal procedure and will be open to public consultation.
- 3.2 It is therefore recommended for the reasons set out in this report, that the Planning Committee upholds the objections to the revocation of the 2007 Traffic Regulation Orders and that the draft Traffic Regulation Order be made in part.

RUPERT CLUBB
Director of Communities, Economy and Transport

BACKGROUND DOCUMENTS

Lewes District Parking Review 2018/19 – report to Planning Committee 11 September 2019
<https://democracy.eastsussex.gov.uk/ieListDocuments.aspx?CId=157&MIId=3898>

Appendix 1 – Copy of item 15 in Appendix 2 to the report presented to Planning Committee on 11 September 2019

15. Objections to revoked orders

- 15.1 The parking scheme in Lewes town was introduced by way of Experimental TROs and in 2007 the TROs were made permanent. Since 2007 many changes to the scheme have been made through the parking reviews. In 2014 ESCC moved towards a more efficient way of making TROs by introducing Map-based TROs in Lewes town. These Map-based Orders essentially provide maps or plans showing the parking controls in place as opposed to the previous method of providing text descriptions depicting the controls. Around the time Map-based TROs were introduced, 'virtual' permits were also introduced, meaning no paper permits would be issued to residents.
- 15.2 This current parking review order lists all previous text-based TROs for Lewes town which will be revoked as they include articles or descriptions which are either no longer used, no longer operational, or are no longer as described.
- 15.3 13 objections have been received to the revocation of the 2007 TROs. These objections are essentially copies of each other and are based on the grounds that the 2014 TRO 'does not adequately replace the eligibility criteria for residents' permits contained within the 2007 Order. The objectors also say that Lewes town residents were not made aware that the eligibility criteria changed when the 2014 TRO was introduced and were not given adequate notice or opportunity to object, and that the changes to eligibility were not brought to the attention of the Committee. Full copies of the objections have been made available in the Members Room for the Committee to view.
- 15.4 Two of the objectors have also since written in saying they had parking rights which have now been removed, and as there are residents of Southover High Street who have two permits per property that this is discriminatory, that they are having difficulty letting out one of the flats in their property as they are finding it difficult to find a tenant who doesn't need a parking space.
- 15.5 The objectors all live in Priory Crescent, Lewes. Priory Crescent is a private street with on street parking available for around fifteen vehicles.
- 15.6 Historically, all our traffic regulation orders were text based, meaning that each stretch of yellow line or each parking bay needed a text description which specified the exact location of that parking control. We were aware of other local authorities who were operating map-based traffic orders. This is a different way of representing parking controls by showing them graphically on a map, and therefore easier to understand than text-based descriptions and is a more efficient way of managing the traffic orders. The 2014 order replaced all the text descriptions and consolidated all the previous articles into an easier to manage, map based, traffic order. It is ESCC's ultimate aim to replace all our traffic regulation orders in Eastbourne, Lewes district, and Hastings with map-based traffic orders.
- 15.7 The 2014 order has since been amended through our regular parking reviews and accurately portrays what is currently on-street in Lewes. This is the current operational TRO (as amended) and takes precedence over any previous Orders.
- 15.8 There were no new or amended parking restrictions being proposed by the 2014 order and therefore it followed a slightly different process to previous Orders while still meeting legal requirements. The change in the 2014 Order was to the way the order was managed (as map-based rather than text-based) with no material changes to on-street parking arrangements. It was not necessary to place copies of the advertised notice in every street in Lewes or to deliver letters to all addresses. It was however advertised in the local

newspaper. A report did not need to be presented to the Planning Committee because no objections were received.

- 15.9 The 2007 Order defined a resident (for the purpose of applying for a permit) as being a person whose usual address was included in a list of roads in 'Schedule G1' of that order. When the 2014 Order was introduced, a map of Lewes showing the permit zone areas replaced the list of roads so that the Council could manage the permit schemes more efficiently. This would allow, for example, newly built and eligible properties to become immediately able to apply for permits whereas under the previous 2007 TRO process they would have to wait possibly for a year or two until the next TRO review took place. The 2014 Order was changed to define a resident as being "*a person whose usual address is in any street or property with Permit Holders Parking Places, or Permit Holder or Pay and Display Parking Places as shown in the Order Plans*". Both of these definitions are correct when they relate to the content of their own Order.
- 15.10 Officers have not made a decision about the eligibility for permits. In making the change from listing addresses to providing a map showing the parking places, it came to light that the Council could not issue permits to residents of Priory Crescent as this is a private street and not public highway. It was, therefore, appropriate that the Council did not issue further permits in relation to Priory Crescent. Unfortunately at the time of the 2014 Order no instruction was given to NSL to stop issuing permits in the private street, and regrettably they continued to do so. This oversight was identified in January of last year and NSL were then instructed not to issue any further permits. The Council does accept that errors have been made in relation to the inclusion of Priory Crescent in the 2007 TRO. The Council also accepts that residents should have been notified when it was realised that this error had been made, rather than when applying for permits. The Council however reconfirms its' position that permits will not be issued to residents of private streets.
- 15.11 Previous correspondence with the Chair of the Priory Crescent Residents Committee (PCRC) also highlighted to us that none of the TROs prior to 2014 had been revoked. The current proposals reflect this - the revocation of previous, now redundant, traffic orders.
- 15.12 Officers have previously explained the above to the Chair of the PCRC. The Assistant Director and the Assistant Chief Executive have also written to the Chair of the residents committee to confirm these details.