

Transportation Planning : Infrastructure Design

Lawrence Buildings
2 Mount Street
Manchester
M2 5WQ

T: 0161 832 4400
F: 0161 832 5111
E: info@scptransport.co.uk
www.scptransport.co.uk

JA/LK/15188/L1
03 July 2015

Mark Smith
Head of Environment and Regulation
Cheshire Lines Building
Canning Street
Birkenhead
Wirral
CH41 1ND

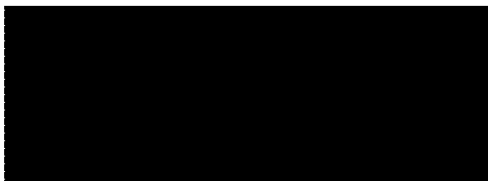
Dear Mark

TRO Notice – Fort Perch Rock. Reference SA

On behalf of my client, Wilkie Leisure Group, please find enclosed a note providing reasons for objecting to the proposals for implementing parking charges at the Fort Perch Rock car park in New Brighton. The grounds for this objection are as follows:

- the reasons for implementing the charges are likely to be illegal under the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004;
- they are against Wirral Council parking policy;
- there is no traffic management reason for their implementation.

Yours sincerely




Principal Transport Planner
On behalf of SCP
@scptransport.co.uk



TECHNICAL NOTE

Proposed Implementation of Parking Charges

Fort Perch Rock, New Brighton

JA/LK/15188/TN01 - 30 June 2015

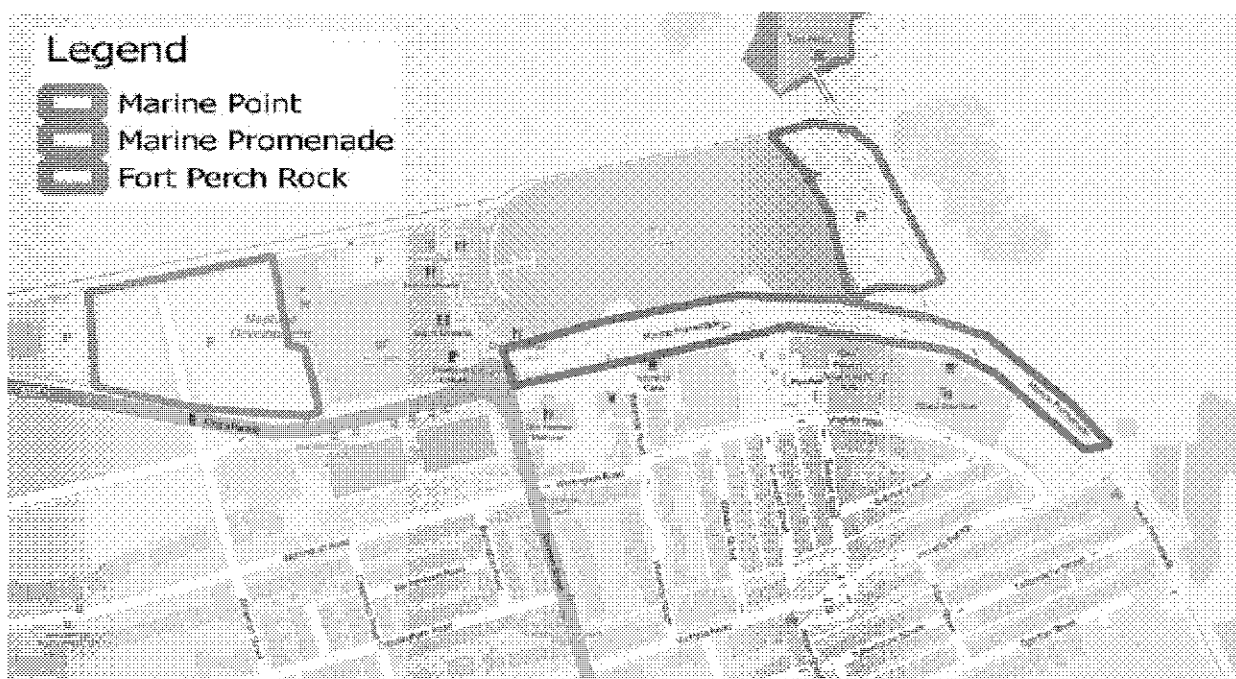
Introduction

1. SCP has been commissioned by Wilkie Leisure Group Limited [WLG] to prepare this technical note as a formal objection to the proposed implementation of parking charges at the Fort Perch Rock car park in New Brighton.
2. The local authority, Wirral Council [the Council] is currently consulting with regards the implementation of the charges via a Traffic Regulation Order [TRO] under sections 32 (1)(a) and 35 of the Road Traffic Regulation Act 1984.
3. This note comprises a literature review containing relevant pieces of legislation, guidance and local policy, followed by a technical assessment of the current operation of the Fort Perch Rock car park and neighbouring car parking available on Marine Promenade and demonstrates that parking charges should not be introduced at this location.

Details of the Scheme

4. The proposed scheme is for the introduction of parking charges at the Fort Perch Rock car park, located on the seafront in New Brighton, which is controlled by the Council. The car park contains some 170 spaces which are currently free to use at all times. The car park primarily serves as a parking for nearby leisure sites, notably Fort Perch Rock, New Brighton Beach and leisure attractions located on or around Marine Boulevard.
5. Other nearby parking facilities include on street parking along Marine Promenade, which is also under the control of the Council and at Marine Point, a mixed use leisure and shopping site with a privately owned car park.
6. The plan at **Figure 1** below shows the location of these areas.

Figure 1 – New Brighton Car Parks



7. The scheme proposes the introduction of parking charges based on the following terms of operation:
- Monday to Sunday;
 - 08:00 to 18:30;
 - Applicable to motor cars, motor cycles, goods vehicles and disabled persons vehicles.
8. The charging regime proposed is provided in the table below:

Table 1 – Charging Regime

Time Period	Charge
Up to 1 hour	60p
Up to 2 hours	£1.20
Up to 3 hours	£1.80
Up to 4 hours	£2.40
All day	£2.50
Annual Permit	£150.00

Literature Review

National Policy and Legislation

9. The proposed parking charges are being implemented via a TRO under sections 32(1)(a) and 35 of the Road Traffic Regulation Act [RTRA] 1984¹. Section 32(1)(a) states the following:

Where for the purpose of relieving or preventing congestion of traffic it appears to a local authority to be necessary to provide within their area suitable parking places for vehicles, the local authority, subject to Parts I to III of Schedule 9 to this Act—

(a) may provide off-street parking places (whether above or below ground and whether or not consisting of or including buildings) together with means of entrance to and egress from them

10. Further to this, section 35(1) states:

As respects any parking place—

(a) provided by a local authority under section 32 of this Act, or

(b) provided under any letting or arrangements made by a local authority under section 33(4) of this Act,

the local authority, subject to Parts I to III of Schedule 9 to this Act, may by order make provision as to—

(i) the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it,

(ii) the conditions on which it may be used,

(iii) the charges to be paid in connection with its use (where it is an off-street one), and

(iv) the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle

11. As can clearly be seen from the above, the Council has the powers necessary to implement parking spaces, along with ability to charge for their use. However 32(1)(a) makes it clear that the provision of such spaces should be for the purpose of relieving or preventing congestion.

12. Further to section 32(1)(a) and 35, section 55 explicitly sets out where any surplus revenue from parking (that is above and beyond the cost of operating the car park) can be spent:

¹ <http://www.legislation.gov.uk/ukpga/1984/27/contents>

(i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services,

(ii) the purposes of a highway or road improvement project in the local authority's area,

(iii) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them,

(iv) the purposes of environmental improvement in the local authority's area,

(v) in the case of such local authorities as may be prescribed, any other purposes for which the authority may lawfully incur expenditure;

13. It should be noted that the above is a list of areas where surplus revenue may be spent but is explicitly not a list of justifications for the introduction of charges.
14. Therefore it can be demonstrated under the RTRA, that the Council has the powers to operate, and charge for the use of parking spaces provided that it is for the relief or prevention of congestion and that any surplus revenue is directly to one of the 5 areas outlined in paragraph 11.
15. Further legislation is provided within the Traffic Management Act 2004. Section 16 of the Traffic Management Act [TMA] ² sets out the duties of a local traffic authority as follows:

²<http://www.legislation.gov.uk/ukpga/2004/18/part/2/crossheading/general-duties-relating-to-network-management>

(1)It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—

(a) securing the expeditious movement of traffic on the authority's road network; and

(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

(2)The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing—

(a) the more efficient use of their road network; or

(b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority;

and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).

16. As with the RTRA, the introduction of parking charges would be permissible under the TMA, provided the reason is to prevent or relieve congestion. The supporting guidance document³ "Operational Guidance to Local Authorities: Parking Policy and Enforcement" [PPE] sets out the policy background and best practice guidelines within which the Government believes all local authorities should set their parking and enforcement policies.

17. Of pertinence to this note is Chapter 14 – Financial Assessment, in particular paragraph 14.7 which states:

Authorities should never use parking charges just to raise revenue or as a local tax. However, where the demand for parking is high, the delivery of transport objectives with realistic demand management prices for parking may result in surplus income. In such cases local authorities must ensure that any on-street revenue not used for enforcement is used for legitimate purposes only and that its main use is to improve, by whatever means, transport provision in the area so that road users benefit. The authority's auditor may decline to certify the accounts of a local authority that has used on-street parking income (and all enforcement income) in a way that is not in accordance with the provisions of section 55 of the RTRA.

18. Therefore it can be seen that the guidance document advises that parking charges should never be used as a mechanism to raise revenue. Where a demand management case is present, any

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416617/operational-guidance.pdf

surplus income must be used for legitimate purposes only, but the purposes in themselves are not a reason for the implementation of charging.

Local Policy and Documentation

19. The Council, in conjunction with the other Merseyside authorities (Sefton, Knowsley, Liverpool and St. Helens) and Merseytravel have prepared a joint Local Transport Plan. The third iteration (LTP3)⁴ sets out the strategy for enhancing and improving transport across Merseyside.
20. The LTP3 also provides a detailed plan setting out how the strategy will be delivered, with regards to individual schemes and goals. Of particular relevance to this note is Goal 5: *Ensure the transport network supports the economic success of the city region by the efficient movement of people and goods*. Within Part 2 of the LTP3, car parking management is discussed in the context of demand management with paragraph 5.34 stating the following:

For LTP3 therefore it can be assumed that car parking management may be used for demand management purposes if it can be shown to be consistent with the approved strategy and be a requirement for the successful implementation of that strategy.

21. Therefore, should demand management be considered, then it must be alongside an approved strategy.
22. The Council has prepared a document entitled "Car Parking Scrutiny Review" [CPSR]⁵. This sets out that a review of parking be carried out to inform an evidence based, car parking strategy. Paragraph 4.1 states the following:

It was agreed that the focus of the review would concentrate on the development of an evidence based car parking strategy which considered how best to maximise income from Car Parks whilst minimising the effect on the local economy.

23. Therefore it can clearly be seen that the objectives of the Council with regards to parking, are not to relieve or prevent congestion as required under the RTRA, but to maximise revenue, which is in direct violation of the guidance contained within PPE and suggests that the Council are intending to generate a surplus from parking revenue. This is in violation of Section 55 of the RTRA.

⁴ http://www.letstravelwise.org/content206_Local-Transport-Plan-3.html

⁵ The Regeneration and Environment Policy and Performance Committee September 2014.

24. Notwithstanding the above, the CPSR sets out a number of objectives which would guide the development of the strategy, of which the following is relevant to the proposals:
- P06 to ensure adequate numbers of parking spaces are available in areas of demand, particularly for visitors to the borough's tourist destinations.
25. The implication of this objective would be that should insufficient capacity be available at a tourist destination, such as the seafront at New Brighton, then additional capacity be provided to accommodate the excess demand rather than the implementation of demand management by way of parking charges.
26. Furthermore, the proposed principle 6 within the CPSR adds further weight to this argument.
- 6 – Look for opportunities to create more parking facilities where there is demand
27. It is clear that the Council's own policy states that where there is a demand for additional parking, then providing extra capacity should be explored.
28. The CPSR references consultation with Council officers within which it was indicated that many centres in Wirral have weak economies and that more stringent parking controls could have a negative economic impact. Specifically it refers to the Wirral's Town District and Local Centres Study and Delivery Framework, June 2011⁶, which forms part of the Local Development Framework Evidence Base.
29. This document assesses the economic status of a number of local centres within Wirral, including Victoria Road, in New Brighton, located approximately 300m to the southwest of the Fort Perch Park car park.
30. The Victoria Road area of New Brighton is described as:
- a once thriving seaside resort that has declined substantially over recent years. The retail offer was limited and there was a relatively high vacancy level although the majority of the units were attractive, in good condition and the centre is clean, tidy and well maintained with adequate car parking.*
31. It summarises by saying the area could benefit from additional visitors and prosper if it attracts people to use the shops and restaurants.

⁶ <http://democracy.wirral.gov.uk/documents/s19961/Wirral%20Town%20Centre%20Strategy.pdf>

32. It is therefore concluded that the Local Development Framework Evidence Base suggests that the Council should be trying to attract new visitors to New Brighton and that adequate parking is available.

Conclusion

33. This literature review has considered a number of pieces of statutory legislation, best practice guidance documents and local policy and has concluded the following points:
- The Council is entitled to create and charge for the use of parking spaces;
 - The Council should only charge for use of parking spaces for demand management purposes;
 - Parking charges may generate a surplus of revenue which can be directed to certain, legitimate uses, however the intention of charges should not be to increase revenue, or generate a surplus of revenue;
 - No mention is made in local planning or transport policy to addressing parking capacity issues on New Brighton seafront;
 - The Council's objective is clearly to increase general revenue from parking charges;
 - The Council's objectives and principles for the proposed parking strategy indicate that should parking demand be an issue at a tourist destination such as New Brighton, then increasing capacity should be the aim, rather than demand management.
 - The Wirral Town Centres Study indicates that the Council should be attempting to attract more visitors to New Brighton, due to a weaker than desirable local economy.

Operational Assessment

34. To further inform this objection, a series of independent car parking surveys were commissioned to assess the current demand for parking both at the Fort Perch Rock car park, and on the adjacent parking on Marine Promenade. The specific locations surveyed are presented in **Figure 2** below.

Figure 2 – Parking Survey Location



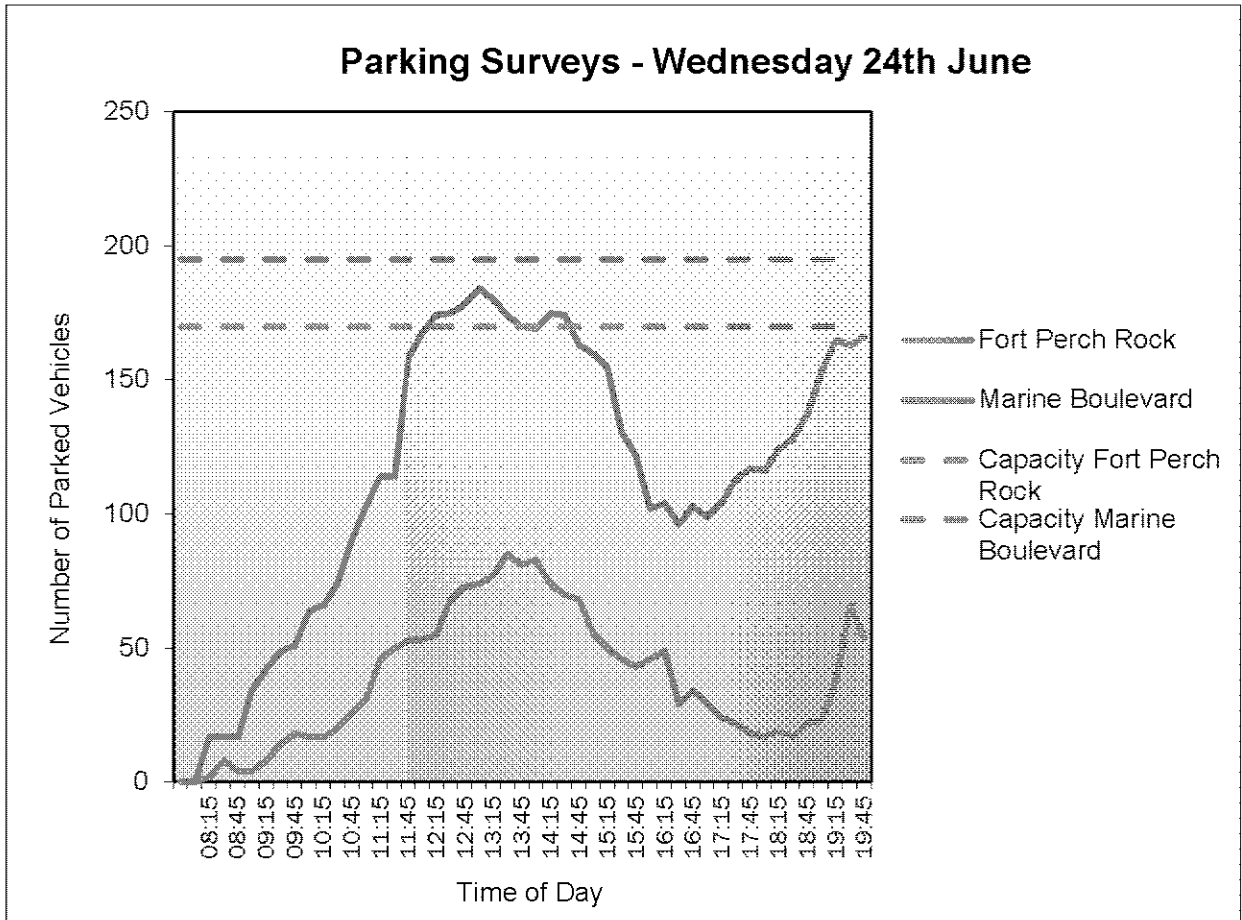
Imaging © Google

35. The blue area highlighted in the plan above is the Fort Perch Rock car park, whilst the red area is the parking located along Marine Boulevard.
36. Surveys were under taken at 15 minute intervals between 08:00 and 20:00 on the following days:
 - Wednesday 24th June 2015; and
 - Saturday 27th June 2015.
37. These dates were chosen to coincide with popular events at the nearby Floral Pavilion. The weather on both days was largely dry and sunny.

Weekday Survey Results

38. The results to the Wednesday survey are presented in **Figure 3** below:

Figure 3 – Results to Wednesday Parking Survey

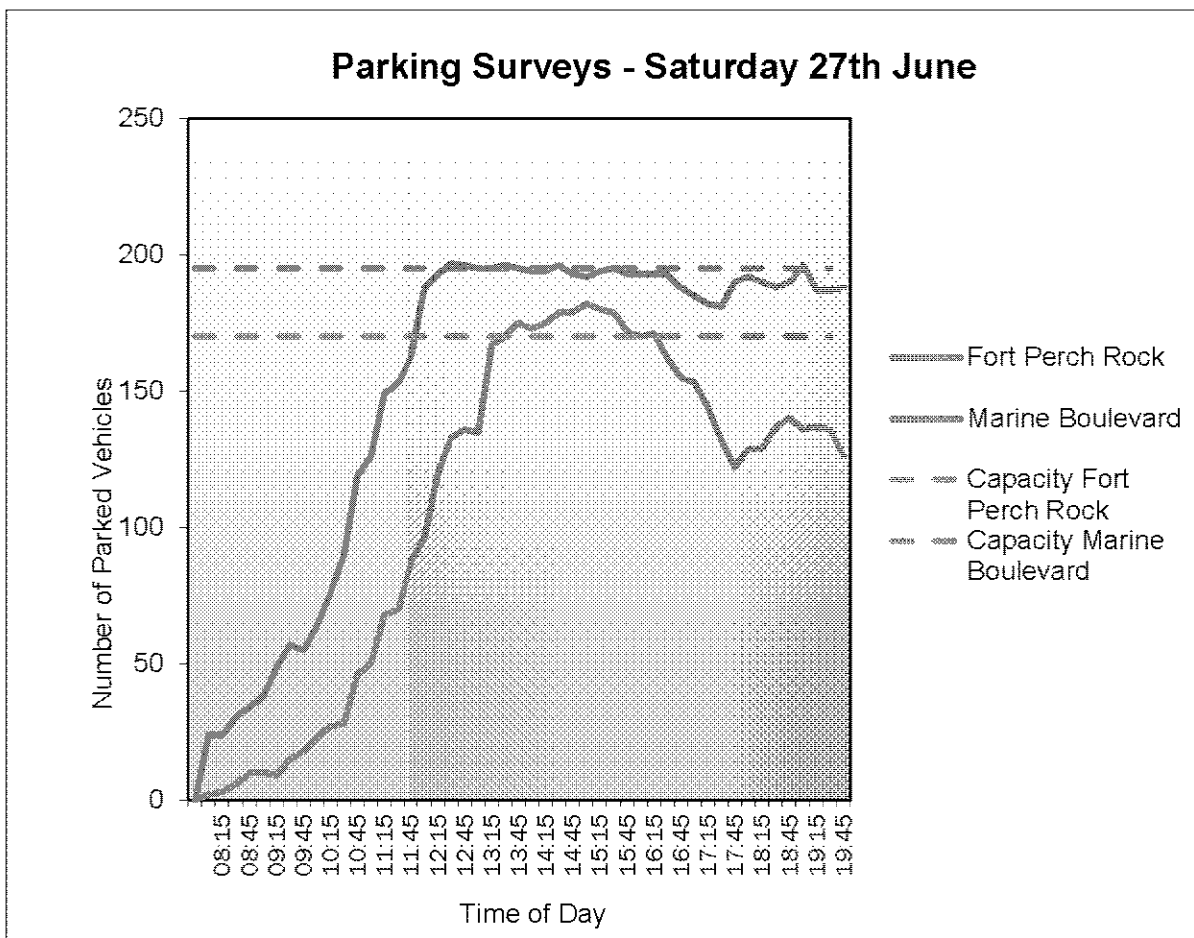


- 39. As can be seen from **Figure 3**, demand for parking was not sufficient for either parking area to be recorded as full at any point throughout the day. Whilst the Marine Boulevard parking area is clearly the busiest, the Fort Perch Rock car park was never more than 50% full across the day, making it clear that Marine Promenade is the preferred parking location.
- 40. Furthermore, the weather on the survey day was good, and although outside school holidays, it would still be expected that the area be busy.
- 41. Therefore it can clearly be seen that there is no issue with parking congestion during a typical weekday period.

Saturday Survey Results

- 42. The results to the Saturday survey are presented in **Figure 4** below:

Figure 4 – Results to Saturday Parking Survey



- 43. As would be expected of a coastal area, the car parking is clearly more in demand on a Saturday than during the week. For much of the afternoon the Marine Boulevard parking areas are around capacity, with the Fort Perch Rock car park exceeding capacity for a short period, however this is attributable to parking on the access road to Fort Perch Rock to the east of the formal parking area.
- 44. The parking doesn't begin to approach capacity from approximately 13.15 until early evening indicating the demand is largely arising from leisure users. Similarly to the weekday survey, it is the Marine Boulevard parking which is occupied first indicating a clear preference for visitors to leave their vehicles in this location.
- 45. Therefore it can clearly be seen that during a Saturday afternoon, demand for parking in the area is at, or exceeding capacity.

Summary

46. The results to the parking surveys indicate that demand for parking is much higher at weekends, as would be expected for a coastal town. Demand on the Wednesday was low, despite being recorded during a sunny, summer day. This is likely to be even lower during the off peak season, or during poor summer weather, potentially to the point where the Fort Perch Rock car park is lightly used. Therefore it is concluded that there is no demand management issue during a weekday.
47. On the Saturday, the parking areas are around capacity from late morning through to early evening indicating that demand is higher than capacity, which may lead to congestion issues along Marine Promenade from vehicles trying to find spaces.
48. It is also clear that the spaces on Marine Promenade are preferred to those in Fort Perch Rock, most likely due to their greater proximity to local amenities.

Conclusions

49. The literature review undertaken has concluded the following points relating to the principle of charging for parking:
 - The Council is entitled to create and charge for the use of parking spaces;
 - The Council should only charge for use of parking spaces for demand management purposes;
 - Parking charges may generate a surplus of revenue which can be directed to certain, legitimate uses, however the intention of charges should not be to increase revenue, or generate a surplus of revenue;
50. Therefore it can be seen that if there is a clear demand management reason for implanting parking charges then the Council has the powers to do so. However it should be noted that the literature review found no mention to parking in New Brighton being an issue, with reference made to the availability of parking in the Local Centre being a strength when attracting new visitors. Whilst the parking survey undertaken by SCP indicates that demand for parking may be an issue for short periods at weekends, this is not reflected in surveys undertaken during the week.
51. The Council's objectives and principles for the proposed parking strategy indicate that should parking demand be an issue at a tourist destination such as New Brighton, then increasing capacity should be the aim, rather than demand management. On this basis, the Council should be exploring opportunities to maximise the level of parking available within New Brighton, to both

accommodate current and attract new visitors rather than introduce parking charges which may serve to discourage visitors, particularly during off peak times.

52. Furthermore, the surveys indicate that the parking located along Marine Boulevard is clearly the preferred location. Therefore by introducing charges to the Fort Perch Rock car park, it is likely that congestion would increase along Marine Boulevard as people try to find free parking, hence resulting in an exacerbation of existing traffic issues.
53. It is therefore concluded that the introduction of parking charges at Fort Perch Rock are against local policy and there is no sound technical justification for their introduction.
54. Notwithstanding the above, the Council has clearly set out that the reason for introducing parking charges at Fort Perch Rock is to raise revenue, which is contrary to both statutory legislation and government guidance.
55. On the basis of the evidence presented in this note, it is therefore concluded that the introduction of parking charges is against local policy, unnecessary in traffic management terms and if used as a means of revenue likely to be illegal. Therefore it is the professional judgement of SCP that parking charges should not be introduced at the Fort Perch Rock car park.