

<b>Title:</b> Pavement parking restrictions  <b>IA No:</b> DfT00419  <b>RPC Reference No:</b> <b>Lead department or agency:</b> Department for Transport  <b>Other departments or agencies:</b> [MHCLG, MoJ]	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 07/02/2020			
	<b>Stage:</b> Consultation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b>			
<b>Contact for enquiries:</b> Pavement.parking@df.gov.uk				

<b>Summary: Intervention and Options</b>	<b>RPC Opinion:</b> RPC Opinion Status
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Cost of Preferred (or more likely) Option (in 2016 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
N/A	N/A	N/A	Non-qualifying provision

**What is the problem under consideration? Why is government intervention necessary?**  
At some locations, e.g. residential areas with narrow roads, the pavement is the only place to park without obstructing the carriageway. However, parked vehicles can cause negative externalities including obstruction which can force pedestrians onto the carriageway, presenting a hazard for vulnerable road users, such as people with sight or mobility impairments. Pavement damage is also a financial burden to local authorities, both in terms of maintenance and responding to personal injury claims.

**What are the policy objectives and the intended effects?**  
The policy objective is to enable safe use of the pavement by all pedestrians and in particular people with sight and mobility impairments, or users of buggies and prams, and to prevent social exclusion by enabling these groups to make the journeys necessary to live their lives. The policy aim is enshrined in the Department for Transport publications: 'The Road Safety Statement 2019: A Lifetime of Road Safety'; 'The Inclusive Transport Strategy: Achieving Equal Access for Disabled People'; Cycling and Walking Investment Strategy: Safety Review. The policy also aims to reduce consequential costs to local authorities arising from damaged pavements and personal injury claims. Any legislative change must be proportionate.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**  
There is currently no preferred option at this consultation stage, a preferred option will be decided at the final stage. The Department is reviewing existing legislation under which local authorities can make Traffic Regulation Orders (TROs) to prohibit pavement parking; to establish the scope to streamline and modernise the process. This is described in option 0 – continue with TRO reform only. We will consult separately on this in 2020. In the meantime, this consultation will seek views on whether simplifying this process might be sufficient to tackle pavement parking without the need for further legislation. In 2018/19 the Department carried out a pavement parking evidence review; eliciting a range of qualitative evidence from a sample of stakeholders. However, sufficient evidence was gathered to produce two legislative options: (a) to allow local authorities with civil parking enforcement (CPE) powers to enforce an offence of 'unnecessary obstruction of the pavement', or (b) to introduce a London-style pavement parking prohibition across England, (except where specifically permitted by way of an administrative resolution, at locations indicated by traffic signs). Both options would include necessary exceptions for certain vehicle classes such as for emergency services.

<b>Will the policy be reviewed? It will be reviewed. If applicable, set review date:</b> TBC				
Does implementation go beyond minimum EU requirements?		N/A		
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	MicroYes	Small Yes	Medium Yes	LargeYes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)		Traded: N/Q	Non-traded: N/Q	

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister: Veru of Navbitor - Date: 20 June 2020

# Summary: Analysis & Evidence

# Policy Option 0

**Description:** The Department is reviewing existing legislation under which local authorities can make Traffic Regulation Orders to prohibit pavement parking; to establish the scope to streamline and modernise the process. Option 0 could be done in conjunction with either option 1 or option 2.

## FULL ECONOMIC ASSESSMENT

Price Base Year N/Q	PV Base Year N/Q	Time Period Years N/Q	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: N/Q

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	N/Q	Optional	Optional
High	Optional		Optional	Optional
Best Estimate	N/Q		N/Q	N/Q

### Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs for option 0 in this consultation stage impact assessment.

### Other key non-monetised costs by 'main affected groups'

Changes to the existing TRO legislation could lead to increased implementation of TROs including costs to local authorities i.e. cost of traffic signs and bay markings, sealing the order, publishing notices in the local paper and staff costs. At the same time, changes could reduce these costs on a per TRO basis for example by lowering the staff costs by decreasing the time it takes. LA's could also potentially face the cost of digitising traditionally paper based TRO data. Some of these costs could potentially be monetised at a later stage.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	N/Q	Optional	Optional
High	Optional		Optional	Optional
Best Estimate	N/Q		N/Q	N/Q

### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for option 0 in this consultation stage impact assessment.

### Other key non-monetised benefits by 'main affected groups'

If changes to TRO legislation lead to increased implementation of TROs, in particular TROs restricting pavement parking, there could be benefits similar to those set out in option 1. However, the relative scale of these benefits is uncertain. Benefits to pedestrians and vulnerable road users could include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility and health benefits from walking. Local authorities with CPE powers could experience benefits in the form of cost savings from spend on injury claim compensation and pavement repair.

### Key assumptions/sensitivities/risks

The process of reviewing existing legislation concerning the process under which local authorities can implement TROs is at an early stage. The exact form that any changes would make and hence the resultant impacts are uncertain.

### Discount rate

N/Q

## BUSINESS ASSESSMENT (Option 0)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/Q	Benefits: N/Q	Net: N/Q	
			N/Q

# Summary: Analysis & Evidence

# Policy Option 1

**Description:** To allow local authorities with civil parking enforcement (CPE) powers to enforce against an offence of 'unnecessary obstruction of the pavement', where necessary.

## FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -6.9	High: -3.4	Best Estimate: -5.2

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	3.5	Optional	3.4
High	7	Optional	5.9
Best Estimate	5.3	N/Q	5.2

### Description and scale of key monetised costs by 'main affected groups'

The cost to government of a nationwide multimedia campaign is estimated to be £3.5m in the first year and £1.75m in the second year. These are at the midpoint of estimated ranges. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

### Other key non-monetised costs by 'main affected groups'

The only non-monetised costs are familiarisation costs to local authorities. It is expected these familiarisation costs will be estimated at the final stage based on the number of LAs that would be expected to enforce.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	N/Q	N/Q	N/Q

### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for this consultation stage impact assessment. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

### Other key non-monetised benefits by 'main affected groups'

Benefits to pedestrians and vulnerable road users identified include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility and health benefits from walking. Local Authorities with CPE powers are expected to experience benefits in the form of cost savings for spend on injury claim compensation and pavement repair.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	3.5
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Seeing as enforcement of the new offence would be elective, the scale of benefits would depend on the number of CPE local authorities that decide to use it and how they enforce it. Due to the subjective nature of 'unnecessary obstruction' there is scope for local authorities to adopt different interpretations and enforcement practices. This may cause confusion for Civil Enforcement Officers (CEOs) and motorists. Some motorists could potentially receive unwarranted Penalty Charge Notices (PCNs). To mitigate this, the department will issue guidance to promote consistency in approach.

Scenario analysis undertaken has considered low (25%), medium (50%) and (75%) high levels of LAs electing to take on enforcement against the offence and the corresponding familiarisation cost.

## BUSINESS ASSESSMENT (Option 1)

<b>Direct impact on business (Equivalent Annual) £m:</b>	<b>Score for Business Impact Target (qualifying provisions only) £m:</b>	
Costs: N/Q	Benefits: N/Q	Net: N/Q
		N/Q

# Summary: Analysis & Evidence

# Policy Option 2

**Description:** To introduce a London-style pavement parking prohibition across England, except where specifically permitted by way of an administrative resolution, at locations indicated by prescribed traffic signs.

## FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -60.3	High: -16.8	Best Estimate: -38.7

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	17.6	Optional	16.8
High	62.7	Optional	60.3
Best Estimate	40.3	N/Q	38.7

### Description and scale of key monetised costs by 'main affected groups'

The cost to government of a nationwide multimedia campaign is estimated to be £3.5m in the first year and £1.75m in the second. These are at the midpoint of estimated ranges. The familiarisation cost to local authorities (LAs) for staff in parking and civil enforcement occupations is estimated to be £0.14m. The costs to LAs of an assessment of roads for exemptions and implementation of exemptions (signs and bay markings) are estimated to be £7.3m and £27.5m respectively. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

### Other key non-monetised costs by 'main affected groups'

Key non-monetised costs include costs to Local Authorities with Civil Parking Enforcement (CPE) powers including those associated with removal of redundant TROs. A potential cost to motorists is increased journey times. Less passing trade could be a cost to businesses.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	N/Q	N/Q	N/Q

### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for this consultation stage impact assessment. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

### Other key non-monetised benefits by 'main affected groups'

Benefits to pedestrians and vulnerable road users identified include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility, health benefits from walking and potentially improved townscape. CPE Local Authorities are expected to experience benefits in the form of cost savings for spend on injury claim compensation, pavement repair and fewer TROs.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate</b>	3.5
Potential risks: <ul style="list-style-type: none"> <li>- Some local authorities' assessments of the road network are not sufficiently comprehensive so that necessary exemptions are not made. A lot of parking is displaced with an increase in on-street parking causing congestion in some areas outside London. Origin to destination journey times are increased.</li> <li>- Under-enforcement of the national prohibition so that anticipated benefits are not met.</li> <li>- England campaign fails to reach the majority of the targeted audience so that a high level of pavement parking continues after the prohibition.</li> </ul>		

## BUSINESS ASSESSMENT (Option 2)

<b>Direct impact on business (Equivalent Annual) £m:</b>	<b>Score for Business Impact Target (qualifying provisions only) £m: N/Q</b>
Costs: N/Q	Benefits: N/Q
Net: N/Q	

A full list of Impact Assessment Consultation questions is set out in **Annex A**.

## 1.0 Policy Rationale

### Policy background

1. With increasing traffic levels and limited road space, parking is a contentious policy area generally, and there is the potential for policy conflict between maintaining traffic flow and the drive to promote healthier choices through active travel. Local authorities must strike a fine balance between the Network Management Duty, imposed on them by the Traffic Management Act 2004 (TMA) to secure the expeditious movement of traffic on their roads, while also ensuring the safety of pedestrians.
2. Many towns and cities were not designed to accommodate today's high levels of vehicle ownership. At some locations, especially in residential areas with narrow roads and no driveways, the pavement is the only convenient place to park for a motorist without obstructing the carriageway. However, pavement parking may be inconsiderate and potentially dangerous. The action of parking on the pavement can endanger pedestrians; as in the case of a four-year-old girl killed in 2016 by a van mounting the pavement. Obstructing vehicles can also force pedestrians onto the carriageway into the path of oncoming traffic, presenting a hazard for vulnerable road users, such as people with sight or mobility impairments. London has a pavement parking prohibition and organisations representing pedestrians have called for a similar regime for the rest of England.
3. Damage to the pavement and verges is also a financial burden to local authorities, both in terms of highway maintenance and possible personal injury claims.
4. In April 2019, the Transport Select Committee launched an inquiry into pavement parking. The TSC published its pavement parking report<sup>1</sup> on 9 September 2019, and subsequently published the Government's response<sup>2</sup> on 12th March 2020. The Chair requested a detailed timeframe and committed to a further evidence session 12 months thereafter. It recommended that the Government consult on allowing local authorities to enforce against obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004. It also recommended that, in the long term, the Government legislates for a nationwide prohibition on pavement parking across England, outside London, enforceable by local authorities.

### Problem under consideration

5. The Greater London Council (General Powers) Act 1974 prohibits parking on pavements and verges within Greater London, except where specifically permitted by way of an administrative resolution, at locations indicated by traffic signs.
6. The reverse currently applies elsewhere in England, where parking on pavements and verges is generally permitted, unless specifically prohibited by a local authority (either street-by-street or zonally), using powers under Part I of the Road Traffic Regulation Act 1984 (RTRA) to set restrictions or exemptions relating to parking via the use of Traffic Regulation Orders (TROs).
7. The TMA also allows local authorities to apply to the Secretary of State for civil parking enforcement (CPE) powers to enable them to take over responsibility for parking enforcement as a civil matter. At present, 314 out of 327 (96%) of English local authorities have been granted CPE powers<sup>3</sup>, which means they can enforce against pavement parking contraventions under paragraph 4(2)(b) in Schedule 7 to the Traffic Management Act 2004, without reliance on the police.
8. A 2014 YouGov poll of people aged 65 and over, commissioned by the UK charity Living Streets, found that pavement parking was a problem for 73% of older people in their local area; 50% of

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Pavement Parking: Thirteenth Report of Session 2017-2019  
<https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1982/1982.pdf>

<sup>2</sup> Pavement Parking: Government response to the Committee's Thirteenth Report of Session 2017-2019  
<https://publications.parliament.uk/pa/cm5801/cmselect/cmtrans/158/15802.htm>

<sup>3</sup> Civil parking enforcement in England, Areas in England where local authorities operate civil parking enforcement  
<https://www.gov.uk/government/publications/list-of-local-authorities-with-civil-parking-enforcement-powers>

respondents said that they would be more likely to walk outside if the pavements were clear of vehicles parked on them<sup>4</sup>. In 2018, a freedom of information request by Living Streets to local authorities in England revealed that 94% of them had received letters from members of the public complaining about pavement parking.

9. A TRO is a legal document that allows a local authority to restrict traffic or parking in their area. A Living Streets freedom of information request found that 37 percent of local authorities outside London that had responded had introduced TROs to prohibit pavement parking in the previous two years (2016-2018); suggesting that most authorities were still not making use of the available TRO regime<sup>5</sup>. Living Streets did not disclose the total number of responding authorities. A problem could therefore be the relatively low level of TRO take up. The Department is reviewing existing legislation under which local authorities can make TROs; to establish scope to streamline and modernise the process. We will consult separately on this in 2020. In the meantime, this consultation will seek views on whether simplifying this process might be sufficient to tackle pavement parking without the need for further legislation.
10. In 2019, Guide Dogs, a UK charity for the blind conducted a survey on the impact of pavement parking<sup>6</sup> with 1,920 respondents, including 481 people with vision impairments and 120 wheelchair users. It indicated that 95% of visually impaired respondents had had a problem with vehicles parked on pavements in the previous year; this figure was higher for wheelchair users with 98% of those responding having had a problem. Furthermore, 32% of respondents with vision impairments were less willing to go out on their own because of pavement parking. The figure was 48% for wheelchair users.
11. Separately, in 2018/19 the Department carried out a pavement parking evidence review; eliciting a broad range of qualitative evidence from a sample of stakeholders, although quantitative data was limited. However, sufficient evidence was gathered to inform two legislative options: (a) to allow CPE local authorities to enforce an offence of 'unnecessary obstruction of the pavement', or (b) to introduce a London-style pavement parking prohibition across England (except where specifically permitted by way of an administrative resolution, at locations indicated by traffic signs). Both options would include necessary exceptions for certain vehicle classes such as for emergency services.
12. The view of disability groups, and the active travel lobby, is that the law in London is clearer and more effective; and they would like to see a London-style default prohibition to be extended to the rest of England. A national pavement parking prohibition (with exceptions) was introduced in Scotland by the Transport (Scotland) Act 2019, which came into effect on 15th November 2019.
13. In addition to limiting accessibility, particularly for people with sight, hearing or mobility impairments, pavement parking can cause injuries by forcing pedestrians onto the carriageway and potentially into oncoming traffic. Pavement parking can also damage the pavement to impose maintenance costs onto local authorities and increase the risk of pedestrians tripping on the pavement. Personal injury claims due to pedestrian injuries are another cost faced by local authorities resulting from pavement parking.

## Rationale for intervention

14. Unnecessary pavement parking is a long-standing problem that will not resolve itself without action. Problematic pavement parking will not be resolved through any market or stakeholder lead changes. Pavement parking occurs because pavement-parking motorists do not face private costs equivalent to the external social costs (negative externalities) imposed by pavement parking. Pavement parking imposes undesirable costs on society including:
  - Causing an obstruction for pedestrians, forcing them onto the carriageway into oncoming traffic. These obstructions are a particular problem for vulnerable road users, such as people with sight, or mobility impairments.

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<sup>4</sup> Living Streets – Pavement parking  
<https://www.livingstreets.org.uk/policy-and-resources/our-policy/pavement-parking>

<sup>5</sup> Written evidence submitted by Living Streets to the Transport Select Committee inquiry into pavement parking  
[http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/pavement-parking/written/102252.html#\\_edn2](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/pavement-parking/written/102252.html#_edn2)

<sup>6</sup> Written evidence submitted by Guide Dogs to the Transport Select Committee inquiry into pavement parking  
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/pavement-parking/written/102038.html>

- Causing injuries due to poor pavement condition worsened by pavement parking. Vulnerable road users, particularly people with sight or mobility impairments are more prone to such injuries.
  - Reducing pavement accessibility and usage for trips. The Guide Dogs Survey discussed at paragraph 10 shows vulnerable road users are less likely to make journeys due to pavement parking obstructions.
  - A financial burden on local authorities in maintaining pavements and responding to personal injury claims. While our evidence review only managed to elicit limited data on damage directly attributable to pavement parking, we hope the consultation will provide more robust data.
15. Local authorities are responsible for managing and enforcing parking restrictions, but they rely upon legislative tools provided by government. A Living Streets' 2018 freedom of information request found that only 37% had used TROs to control pavement parking in the previous two years (2016-8). This suggests that the current TRO powers are not addressing the problem and so government intervention may be required to provide more effective tools.
16. The health and safety of vulnerable pedestrians is at stake. There are existing TRO powers available to local authorities to restrict pavement parking and we are taking forward a project looking at how this process can be streamlined and modernised. However, notwithstanding the outcome of that project, it is possible that further legislative restrictions on pavement parking would still be the most effective means of bringing about a permanent and effective nationwide shift in behaviour.

### **Policy objective**

17. The policy objective is to address problematic pavement parking, to enable safe use of the pavement by all pedestrians; and in particular people with sight or mobility impairments or those with buggies and prams, and to prevent social exclusion by enabling these groups to make the journeys necessary to live their lives. The policy aim is enshrined in the Department for Transport publications: 'The Road Safety Statement 2019: A Lifetime of Road Safety'; 'The Inclusive Transport Strategy: Achieving Equal Access for Disabled People'; and the Cycling and Walking Investment Strategy: Safety Review. The policy also aims to reduce consequential costs to local authorities arising from damaged pavements and personal injury claims. Any legislative change must enable proportionate enforcement by local authorities with CPE powers.

### **Impact of pavement parking in other countries**

18. Pavement parking is permitted in Northern Ireland except on clearways; and national prohibitions are in place the Republic of Ireland, France, Germany, Belgium, Netherlands, Denmark and Norway.
19. A national pavement parking prohibition was introduced in Scotland in November 2019. In the supporting consultation 81% of responses said that pavement parking was a problem in local areas; the majority encountering it daily.
20. At least 83% called for a national prohibition as it was noted that the definition of obstruction was dependent on a police officer's interpretation of the situation. But, although a blanket prohibition was the most preferred option, some felt that, in some small villages, this would be disruptive for the whole community; and that local authorities should carry out locally based exemptions based on specific criteria, such as road widths.
21. While 56% thought that a national prohibition would have no unintended consequences, 44% (276) suggested shortages of parking provision could cause displacement with congestion blocking access, which in turn could create conflict between residents. This could affect residents living in flats and tenements on narrow roads and near public institutions like hospitals.
22. A Taskforce Group is considering options to tackle pavement parking in Wales.

### **Options considered**

23. A preferred option has not been identified in this consultation stage impact assessment. The decision of a preferred option will be informed by consultation responses. Option 0 – continuing to develop potential TRO reforms could be done in conjunction with either option 1 or option 2. Each option is considered against a baseline where there are no further reforms to TROs.

## **Option 0 – ‘Do minimum’ – Continue with TRO reform only**

24. Highway authorities including local authorities can place temporary, experimental or permanent restriction on traffic or parking within their areas by way of a TRO. Existing legislation allows local authorities to introduce TROs to manage traffic; the requirements of which must be conveyed to the motorist via prescribed traffic signs and road markings. Amongst other things, TROs allow local authorities the freedom to decide if and how they wish to restrict or prohibit footway parking in their local area. The combination of a TRO with the necessary traffic signs and road markings creates a pavement parking restriction, which local authorities with CPE powers can enforce against by issuing Penalty Charge Notices (PCNs). Parking enforcement remains the responsibility of the police where a local authority does not have CPE powers.
25. Because it had become clear that the process for making TROs can be time-consuming and burdensome for local authorities, the Department announced in August 2019 that it would be reviewing the legislation associated with TROs. Since then the Department has worked with a broad range of stakeholders, looking at how the legislation could be changed and, where possible, simplified. The review will also look at how traditionally paper-based TRO data, which is a rich source of information, could be digitised to support the transport network of the future. The Department will consult separately on recommendations for TRO reform in 2020.
26. This option would remove the need to introduce legislation aimed specifically at pavement parking, while giving the Department the opportunity to observe and learn any lessons from the national pavement parking prohibition in Scotland, which was recently introduced in the Transport (Scotland) Act 2019. Scottish local authorities have powers to enforce the national prohibition, while the Act allows for exceptions, such as for emergency service vehicles and vehicles delivering goods.
27. While the Department’s ongoing work to improve the TRO progress aims to reduce the associated burden on local authorities of using the current regulatory regime, uncertainty surrounding the level of take up among local authorities means the extent to which this would reduce the problem of pavement parking remains questionable. Based on evidence gathered and the issues identified with existing legislation e.g. a 2018 Living Streets Freedom of Information request to local authorities which found that only 37% of responding LAs outside London introducing TROs, we believe Options 1 and 2 may be more effective means of improving enforcement of pavement parking and reducing the instances of obstruction.

## **Option 1 – Allow CPE local authorities to enforce against ‘unnecessary obstruction of the pavement’**

28. We understand that the view of many local authorities is that the high costs associated with placing the necessary traffic signs and road markings, mean a national pavement parking prohibition (Option 2) would be difficult to implement. Instead many would favour powers to issue Penalty Charge Notices (PCNs) to vehicles causing an ‘unnecessary obstruction’ of the pavement.
29. The offence of causing an unnecessary obstruction is currently a police matter in both London and the rest of England. This option would add the offence of unnecessary obstruction of the pavement to the list of contraventions subject to civil enforcement in Schedule 7 of the TMA. This could be done using secondary legislation. This would enable Civil Enforcement Officers to address instances of unnecessary pavement parking as and when they find it, without the need for a national prohibition. This option would also include exceptions for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer if the authority permits it). While it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, we do not propose to exempt Disable Badge holders or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible; and we believe that other exemptions would defeat this objective.
30. However, the definition of ‘obstruction’ is ambiguous so there is a risk of unfair penalties being issued and local authorities adopting differing interpretations when enforcing. To help mitigate this, we could recommend in guidance to LAs the use of warning notices on the first occasion a vehicle is identified as causing an obstruction. The Department would also need to work with stakeholders to refine the definition and the nature of the offence.



## **Option 2 - Introduce London-style national pavement parking legislation**

31. To introduce a default prohibition on pavement parking, except at locations where local authorities choose to permit it. This would extend the system in London (and Scotland) to the rest of England. Alternatively, the prohibition may apply only in built-up areas, or on some other basis. This option would require primary legislation.
32. Motorists would only be allowed to park on the pavement where indicated by traffic signs and bay markings; as in London, the local authority would be able to permit pavement parking by way of an administrative resolution, and issue Penalty Charge Notices (PCNs) to vehicles parking wholly or partially on the pavement outside of permitted bays. The legislation would include exceptions for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer of the authority permits it). While it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, we do not propose to exempt Disable Badge holders or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible and we believe that other exemptions would defeat this objective.

## 2.0 Costs and Benefits

### Option 0 – ‘Do minimum’ – Continue with TRO reform only

33. Currently pavement parking in England (outside London) may be prohibited by a local authority (either street-by-street or zonally); by the introduction of a formal Traffic Regulation Order (TRO).
34. TROs must be accompanied by prescribed traffic signs and road markings. Local authorities make TROs for many reasons, for example to restrict traffic manoeuvres (one-way or banned turns) or to set speed limits. TROs also allow local authorities the freedom to decide if and how they wish to restrict or prohibit pavement parking in their local area. The combination of a TRO with the necessary traffic signs and road markings creates a pavement parking restriction, which local authorities with CPE powers can enforce against by issuing PCNs. Parking enforcement remains the responsibility of the police where a local authority does not have CPE powers.
35. The process for making TROs can be time-consuming and burdensome for local authorities. Evidence given to the Transport Select Committee cited a Living Streets 2018 freedom of information request indicating that only 37% of responding LAs had used a TRO to control pavement parking in the years 2016-18. A simple TRO can take 14 weeks to process. The costs of putting in the signs and lines, sealing the order, publishing notices in the local paper and paying staff costs can be £2,500-3,000 per street. This data was derived from the Department's evidence review which included interviews with up to 80 local authority parking managers.
36. Consequently, the Department announced in August 2019 that it would be reviewing the legislation associated with TROs. Since then the Department has worked with a broad range of stakeholders, looking at how the legislation could be changed and, where possible, simplified. The review will also look at how traditionally paper-based TRO data, which is a rich source of information, could be digitised to support the transport network of the future. The Department will consult on recommendations for reform in 2020.
37. The benefits of this work could be a quicker and cheaper process for LAs. However, whether this will lead to sufficient uptake to adequately address the pavement parking problem is unknown.

### Option 1 – Allow CPE Local Authorities to Enforce Against an Offence of ‘Unnecessary Obstruction of the Pavement’

38. This section sets out an assessment of the expected costs and benefits of option 1 – to allow CPE local authorities to enforce an offence of ‘unnecessary obstruction of the pavement’. The costs identified at this stage include the cost to government of the nationwide multimedia campaign to raise awareness of the new offence and civil enforcement familiarisation costs to local authorities. Benefits to pedestrians and vulnerable road users identified include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility and health benefits from walking. Local Authorities are expected to experience benefits in the form of cost savings for spend on injury claim compensation and pavement repair. Seeing as enforcement of the offence would be elective, the scale of benefits would depend on the number of local authorities that decide to use it and how they enforce it. There is limited quantitative evidence at this stage.
39. For appraisal purposes we have assumed a Present Value base year of 2021.

#### Summary

There are no monetised benefits at this stage.

#### *Monetised Costs*

- Nationwide multimedia campaign cost to government (direct)

#### *Unmonetised Costs*

- Parking and civil enforcement occupations familiarisation costs to local authorities (direct)

#### *Unmonetised Benefits*

- Prevention of pedestrian injuries caused by pavement parking (direct)
- Prevention of pedestrian injuries caused by poor condition pavement (indirect)
- Fewer injury claims and compensation paid by local authorities (direct)
- Increased accessibility for pedestrians (direct)

- Health benefits from increased walking for pedestrians (indirect)
- Cost savings on pavement repairs for local authorities(direct)
- Slightly improved townscape for pedestrians (direct)

## Costs

### *Monetised Cost*

#### *Transition cost to Government*

40. **Nationwide Multimedia Campaign:** The introduction of a new pavement parking related offence would require significant public engagement in order to encourage the necessary behaviour change. A nationwide multimedia campaign to cover TV, radio, digital and printed formats would be the preferred approach for government to raise awareness. The financial memorandum for the Transport (Scotland) SP Bill 33 (now Transport (Scotland) Act 2019) gave an estimate of around £500,000 for a nationwide campaign based on previous campaigns of a similar scale in Scotland.
41. DfT Marketing estimates suggest the cost of a campaign in England could range from £2 to £5 million in the first year including developing a strategy, creating content, implementation and management of a campaign. To maintain behavioural shift, the cost of the campaign in the second year could range from £1.5 to £2 million. These cost estimates are specific to third party costs focused on communications i.e. production and media placement.

### *Unmonetised Costs*

#### *Transition cost to Local Authorities*

42. **Civil enforcement officer familiarisation costs:** in order to estimate the cost of civil enforcement officers learning new guidance, the number of relevant staff would be required. Specifically, the Local Authorities that would elect to enforce the offence and their respective staff numbers would be needed. We aim to quantify this cost at final stage based on responses.

Q. If your council has civil enforcement powers, and is permitted to enforce the offence of 'unnecessary obstruction', would your council elect to do this?

Q. If you answered "Yes", what number of staff, in your authority, would need to learn the new enforcement guidance?

Q. Can you foresee any additional, unfunded costs outside the normal issuing and processing of PCNs?

Q. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

#### *On-going cost to Local Authorities*

43. This new power would be elective - local authorities would not be obliged to use it. It represents an additional enforcement tool that CEOs could use to address ad-hoc instances of unnecessary pavement parking. We do not envisage LAs needing to recruit extra CEOs and in any case civil enforcement should be financed from penalty charge revenues. As a result, we have assumed LAs would not require additional staff and there would be no additional economic cost of CEOs patrolling for obstructive pavement parking. Enforcement costs are recovered through penalty charge notices issued at £60-70 per higher level offence.

#### *On-going costs to business*

44. The key businesses that are likely to be affected by this legislation are delivery firms/drivers. This option is expected to include exceptions for breakdown or emergency service vehicles, utility maintenance vehicles and vehicles that are loading and unloading goods. The latter exception would cover delivery firms and drivers. The loading and unloading exception is for 20 minutes, or longer if the LA permits. We would expect this to be sufficient for most deliveries to be carried out and therefore do not expect any costs arising for most businesses from this option.

45. Any costs to business in the form of PCNs or FPNs would depend on the level of parking done by business vehicles that is deemed to be causing unnecessary obstruction and exceeds the time allowance following the introduction of the offence. As these fines would be due to non-compliance with the law, they would not be classified as costs in an Impact Assessment under the Better Regulation Framework<sup>7</sup>.

Q. (For commercial businesses that make deliveries) Do you agree that 20 minutes of pavement parking would be adequate for a delivery?

Q. If not, why not?

Q. Of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed?

Q. In your opinion, what types of delivery that you make would require greater than 20 minutes?

### *On-going fines to private motorists*

46. Penalty charge notices (PCNs) issued to private motorists for unnecessary obstruction would not be classified as costs in an Impact Assessment as they are fines due to non-compliance. Local authorities outside London set PCNs according to guidelines in the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007<sup>8</sup>. Unnecessary obstruction would be a higher-level offence, £60-£70. The costs of non-compliance with this regulation have not been calculated at this stage as the potential level of non-compliance is not known. These costs are excluded from the Business Impact Target under the Better Regulation Framework.

## **Benefits**

### *Unmonetised Benefits*

47. **Benefits for pedestrians would be expected to include prevention of injuries caused by pavement parking.** Parked vehicles causing obstruction can force pedestrians onto the carriageway and into the path of oncoming traffic, presenting a hazard especially for vulnerable road users. Pavement parking also causes the condition of pavement to deteriorate at a faster rate than would have otherwise occurred. Poor pavement condition leads to more injuries due to pedestrians tripping.
48. DfT Transport Analysis Guidance (TAG) data book<sup>9</sup> Table A4.1.1 presents the average economic value of prevention per casualty by severity and element of cost in £ (2010 prices and values). In conjunction with estimates of the number of slight, serious and fatal casualties that could be prevented for this option, these values could be used to estimate the economic benefits of casualty prevention for this option.
49. **Fewer injury claims caused by pavement parking would reduce Local Authority administration and compensation costs.** The number of injuries on the pavement due to cars parking on the pavement is not known. However, a freedom of information request by the AA in 2018 revealed that over the 12 months ending 31 May 2018, 10,329 injury claims were made by pedestrians to local authorities in the UK<sup>10</sup> of which 10,200 claims were for trips and slips on pavements.
50. In the 18/19 DfT pavement parking evidence review, of the 81 responses from local authorities, the vast majority did not know approximately how many pedestrians had been injured in their

<sup>7</sup> Better regulation framework

<https://www.gov.uk/government/publications/better-regulation-framework>

<sup>8</sup> The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

<http://www.legislation.gov.uk/uksi/2007/3487/schedule/made>

<sup>9</sup> Department for Transport Analysis Guidance (TAG) Data Book

<https://www.gov.uk/government/publications/tag-data-book>

<sup>10</sup> Automobile Association, <https://www.theaa.com/about-us/newsroom/the-shocking-state-of-pavements>

area as a result of either being hit by a vehicle while using the carriageway to pass a pavement parked vehicle or by a vehicle driving on the pavement to park. Of the limited number of range estimates provided, ranges included 1 to 5, 6 to 10 and more than 10.

- Q. For each of the last 5 years (2015-2019), what was the:
- a. number of injury claims made to your local authority?
  - b. number of injury claims made due to pavement parking?
  - c. number of injury claims for which compensation was paid?
  - d. number of injury claims made due to pavement parking for which compensation was paid?
  - e. total compensation paid for injury claims?
  - f. total compensation paid due to pavement parking?

51. **Increased accessibility and more trips made.** Less pavement parking would make pavements more accessible for vulnerable road users such as people with sight or mobility impairments as well as pram users. We expect these vulnerable road users would be more inclined to make trips using the pavement and trips without obstruction would be higher quality. This would be expected to bring social inclusion benefits i.e. access to employment, services, friends, etc for people who may otherwise be deterred from going out alone due to the challenges they face from pavement parking. This would improve vulnerable road users' wellbeing. Pedestrians would be expected to experience health benefits of increased walking. In a 2014 poll carried out by Living Streets, 50% of older people said they would be more likely to walk outside if the pavements were clear of vehicles parked on them<sup>11</sup>.

52. **LAs would be expected to experience cost savings on spend to repair footways** due to reduced pavement damage caused by pavement parking. As an indicative figure, the Highways Manager at a south of England Council has estimated that 10–20% of the footway repair budget of £500,000 is spent repairing pavements damaged because of pavement parking each year.

- Q. For each of the last 5 years (2015-19), what was the:
- a. total spend on pavement repairs?
  - b. the percentage of this total spend due to pavement parking?

53. **Benefits due to improved landscape/townscape.** Reducing the level of pavement parking causing unnecessary obstruction could potentially improve the overall appearance and physical characteristics in areas where the offence is introduced.

54. DfT transport analysis guidance (TAG) provides information on the role of transport modelling and appraisal of transport schemes. It is also relevant in the context of these legislative options for restricting pavement parking. Sections 6 and 7 in TAG unit A3 environmental impact appraisal provide advice on the appraisal of impacts on landscape and townscape. Characteristics of landscape and townscape can make a significant contribution to local distinctiveness and community perception of value. They may also have strong cultural associations. Impacts on landscape and townscape are not readily monetizable but should be taken into consideration.

## Option 2 – A National Pavement Parking Prohibition

55. This section sets out an assessment of the expected costs and benefits of option 2 – national pavement parking prohibition. In addition to the cost to government of a nationwide multimedia campaign and local authority familiarisation costs identified for option 1, there would be costs to LAs including those associated with an assessment of roads for exemption, implementation of exemptions and removal of redundant Traffic Regulation Orders (TROs). All of the benefits identified for option 1 are relevant to option 2 although they are expected to be larger due to a more significant reduction in pavement parking. As well as these benefits, LAs would experience

<sup>11</sup> Living Streets – Pavement parking  
<https://www.livingstreets.org.uk/policy-and-resources/our-policy/pavement-parking>

cost savings associated with fewer Traffic Regulation Orders. There is limited quantitative evidence at this stage.

56. For appraisal purposes we have assumed a Present Value base year of 2021.

## Summary

There are no monetised benefits at this stage.

### *Monetised Costs*

- Nationwide multimedia campaign cost to government (direct)
- Parking and civil enforcement occupations familiarisation costs to local authorities (direct)

### *Unmonetised Costs*

- Local authorities' assessments for exemptions (direct)
- Implementation of exemptions including the cost of putting up signs and making bay markings by local authorities (direct)
- Removal of existing TROs by local authorities (direct)
- Increased journey times for motorists (direct)
- Potentially less passing trade for some businesses (indirect)

### *Unmonetised Benefits*

- Prevention of pedestrian injuries caused by pavement parking (direct)
- Prevention of pedestrian injuries caused by poor condition pavement (indirect)
- Fewer injury claims received, and compensation paid, by local authorities (direct)
- Increased accessibility for pedestrians (direct)
- Health benefits from increased walking for pedestrians (indirect)
- Cost saving on pavement repairs for local authorities (direct)
- Potential for improved landscape/townscape (direct)
- Cost saving from fewer Traffic Regulation Orders (TROs) required by local authorities (direct)

## Costs

### *Monetised transition costs*

57. **Nationwide multimedia campaign:** Similar to the offence of 'unnecessary obstruction of the pavement' option, national pavement parking prohibition would involve a systematic government campaign to raise awareness of the new legislation and its implications leading up to it taking effect. A campaign to cover the same mediums at a comparable scale would have similar costs i.e. £2 to £5 million in the first year and £1.5 to £2 million in the second year according to DfT Marketing estimates. These cost estimates are limited to third party costs focused on communications i.e. production and media placement.

58. **Civil enforcement officer familiarisation costs:** according to data from Labour Market Information (LMI) for All<sup>12</sup>, the total UK workforce employed in parking and civil enforcement occupations is approximately 17,918 with an average hourly pay of £10. Note that these figures may include staff not employed by or on behalf of local authorities. Assuming a similar number of staff at each local authority and adjusting for the number of local authorities with CPE powers excluding London i.e. 282<sup>13</sup> out of around 358 in the UK, the workforce is approximately 13,806. Assuming it takes an hour for each employee to learn the guidance for enforcing against the national parking prohibition, the cost of familiarisation would be approximately £138,000.

### *Unmonetised costs*

#### *Transition costs*

59. Local authorities would bear costs associated with assessment of their roads and implementation of the pavement parking prohibition.

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<sup>12</sup> Labour Market Information (LMI) for All  
<https://www.lmiforall.org.uk/>

<sup>13</sup> Civil parking enforcement in England, Areas in England where local authorities operate civil parking enforcement  
<https://www.gov.uk/government/publications/list-of-local-authorities-with-civil-parking-enforcement-powers>

60. **Assessment for exemptions:** LAs will be able to exempt certain footways where the prohibition on pavement parking is not deemed appropriate e.g. narrow residential streets or rural roads where pavement parking is necessary to maintain free-flowing traffic. LAs will need to assess the local road network and roadside footways to identify footways for exemption. Assessment could be demanding on local authorities' resources. Costs will depend on whether the assessment is carried out with site visits or desk-based e.g. using google maps/street view or a combination. This will allow the local authorities to create a road map and identify the roads and pavement to exempt from this legislation.

61. The financial memorandum for the Transport (Scotland) Act 2019 on pavement and double-parking estimated an average cost of full assessment (consisting of site visits) of the street network of £25,000 per local authority based on estimates of £40k and £10k for Edinburgh and Aberdeen councils respectively. It was noted this could be reduced if database surveys were used. Based on these estimates, the cost of an assessment of the network in the 293 local authorities in England excluding those in London could range from £2.9m to £11.7m with a midpoint estimate of £7.3m.

Q. In your authority area, estimate based on your total road network, on how much road is pavement parking necessary to ensure free-flowing traffic is maintained? Give the amount:

- a. in kilometres
- b. as a percentage of the total road length

Q. What do you expect an assessment of your road network, in order to identify exemptions, to cost overall and how do the costs break down individually (£)?

62. **Potential assessment of the need for new parking provisions.** Given that a national prohibition of footway parking may reduce the available parking for motorists and in turn possibly reduce passing trade for some businesses, there may be a need for an assessment of the need for new parking provisions. At a stakeholder event for the Transport (Scotland) Act 2019 on pavement and double parking:

The Confederation of Passenger Transport (CPT) acknowledged that the parking restrictions should be treated as part of a wider transport and land-use strategy which reduces the negative impact on town centre businesses through additional off-street facilities, efficient and affordable Park & Ride Schemes, affordable public transport systems and more designated stops for buses.

Q. Would your authority need to provide more parking provision to implement option 2?

Q. Please provide any evidence to support this view.

63. **Implementation of exempt roads or areas.** Following the road network assessment would involve purchase and installation of traffic signs and bay markings to indicate where parking would be permitted and the removal of any local restrictions previously in place.

64. The financial memorandum for the Transport (Scotland) Act 2019 estimated costs of signing and administering exemptions ranging from £38k to £150k per local authority. Based on these estimates, the cost of signing and administering exemptions in the 293 local authorities in England excluding those in London could range from £11.1m to £44m with a midpoint estimate of £27.5m. However, one authority in the north of England has estimated that exempting 10% of its roads would cost £666,000.

Q. Provide an estimate of the cost of implementing exemptions in your area including:

- a. staff costs
- b. traffic signing costs
- c. bay marking costs
- d. removal of signage for previously implemented TROs restricting pavement parking in your area

65. **Removal of existing TROs.** Following the national prohibition, existing TROs that prohibit pavement parking will no longer be necessary. LAs will bear the cost of removing signs for unnecessary TROs.

#### *On-going Costs*

66. Civil enforcement should be financed from penalty charge revenues, so we have not assessed any change in costs for LAs. Enforcement costs are recovered through penalty charge notices issued at £60-70 per higher level offence. The costs of non-compliance with this regulation have not been calculated as potential non-compliance is not known. Fines are excluded from the Business Impact Target under the Better Regulation Framework<sup>14</sup>.

67. For delivery firms and drivers, similar to option 1, this option will provide a 20 minute or longer allowance for loading and unloading goods. This should be sufficient for most deliveries to be carried out without significant costs.

Q. Can you foresee any additional, unfunded costs beyond the normal costs of issuing and processing PCNs?

Q. Give an explanation and breakdown of the number of additional:

staff for your council  
salary costs for your council  
hiring costs for your council  
training costs for your council

Q. What additional staff roles do you envisage?

68. **Increased journey times could be a cost of compliance for motorists.** In a location where pavement parking becomes prohibited there would be either a reduction in the effective width of the road for through traffic or a reduction in parking spaces available. Reducing the effective width of road for traffic could potentially create congestion and hence increase journey times. Similarly, fewer parking spaces could cause motorists to park further from their destination, leading to increased journey times and potentially use paid parking.

69. Motorists that do not observe the pavement parking prohibition, will face penalty charge notices (PCNs) or fixed penalty notices (FPNs). These would not be classified as costs in an Impact Assessment as these are fines. Local authorities outside London set PCNs according to guidelines in the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007<sup>15</sup>; £60-£70 depending on the offence band chosen.

Q. Do you expect any other non-staff costs to arise from a national parking prohibition?

Q. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

<sup>14</sup> Better regulation framework

<https://www.gov.uk/government/publications/better-regulation-framework>

<sup>15</sup> The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

<http://www.legislation.gov.uk/uksi/2007/3487/schedule/made>



70. **Potentially less passing trade for businesses currently accessible by pavement parking.** At a stakeholder event for the Transport (Scotland) Act 2019 on pavement and double parking:
- The freight industry acknowledged that local businesses in rural areas may experience issues with a parking prohibition if they cannot obtain passing trade by enabling customers to park.
  - In addition, the Chartered Institution of Highways and Transportation (CIHT) felt banning pavement parking may only have a marginal effect on such matters<sup>16</sup>.

## Benefits

### *Unmonetised Benefits*

71. The range of benefits for pedestrians and Local Authorities from a national prohibition would include the same benefits that would follow the new obstruction offence:
- **Fewer injuries caused by pavement parking.**
  - **Lower injury claim admin and compensation costs for LAs.**
  - Social inclusion benefits associated with **improved accessibility** i.e. access to employment, services, friends, etc for people who may otherwise be deterred from going out alone due to the challenges they face from pavement parking.
  - **Health benefits of increased walking.**
  - **Cost savings for LA spend on pavement repair:** LAs would be expected to experience cost savings on spend to repair footways due to reduced pavement damage caused by pavement parking. As an indicative figure, the Highways Manager at a south of England Council has estimated that 10–20% of the footway repair budget of £500,000 is spent repairing pavements damaged because of pavement parking each year i.e. £50,000-£100,000.
  - **Potential for improved landscape/townscape** i.e. less pavement parking could improve the appearance and physical characteristics in some areas. On the other hand, the signage necessary for exemptions could have an adverse effect on landscape/townscape.

A national pavement parking prohibition would be expected to lead to a greater reduction in pavement parking because it would apply across England outside London by default in contrast with option 1 which would be electable. For a given LA, the prohibition would be a more comprehensive restriction on pavement parking. For these reasons, the scale of these benefits common across options 1 and 2 could be larger than for option 2. However, this would depend on the level of enforcement.

72. **Fewer Traffic Regulation Orders (TROs) would result in a cost reduction for LAs.** A national prohibition of pavement parking would reduce the need for TROs for pavement parking restrictions and hence reduce the costs associated with them. There are a number of pieces of evidence that could inform estimates of reduced cost:
- Of the local authorities who responded to Living Streets' 2018 freedom of information request, 37% had used TROs to control pavement parking in the previous two years (2016-8).
  - Data from LAs and the Institute of Highway Engineers suggests costs average at £5,000 (or more) per street for putting in the signs and lines, sealing the order, notices published in the local paper and staff cost.
  - A CIHT survey in 2010 found that Highway Authorities in England alone are estimated to be spending £22.3 million per annum on statutory advertising.
  - In terms of time, TROs can take 14 weeks to introduce.

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<sup>16</sup> Pavement and double-parking prohibitions – Transport Scotland Bill, Final Business and Regulatory Impact Assessment  
<https://www.transport.gov.scot/media/43117/bria-final-august-2018-pavement-and-double-parking-transport-bill.pdf>

Q. Has your council introduced a TRO, or TROs, to implement pavement parking restrictions?

a. Yes or no?

b. If **'Yes'**, for each of the last 10 years:

i. How many?

ii. Typically, how long does a TRO take for you to put into place (in weeks?)

iii. What is the average monetary cost of implementing a single TRO? (Please provide a breakdown of costs i.e. overall, administration costs, legal costs, for advertising, for traffic signs purchase/installation and road marking creation).

c. If **'No'**, why not?

Q. Describe, including monetary estimates if possible, any potential benefits you think there will be for your authority from a national parking prohibition (such as existing costs being reduced)?

## Costs and benefits summary table

73. Options 1 and 2 could lead to both a reduction in the instances of pavement parking and greater enforcement, though Option 2 is expected to involve significant implementation costs which have not been monetised at this stage.

Impact	Expected scale of impact	
	Option 1	Option 2
<b>Monetised costs</b>		
Multimedia campaign in England cost to government (£m)	5.25	5.25
Civil Enforcement Occupations familiarisation costs to LAs (£m)	N/Q	0.15
<b>Unmonetised costs</b>		
LA assessments for exemptions	N/A	High
LA implementation of exemptions i.e. signs and markings	N/A	High
Removal of existing TROs by LAs	N/A	High
Increased journey times for motorists	N/A	Medium
Less passing trade for some businesses	N/A	Medium
<b>Unmonetised Benefits</b>		
Prevention of pedestrian injuries caused by pavement parking	Low	High
Prevention of pedestrian injuries caused by poor pavement condition	Low	High
Fewer injury claims and compensation paid by LAs	Low	High
Increased accessibility for pedestrians	Low	High
Health benefits from increased walking for pedestrians	Low	High
Cost savings on pavement repairs for local authorities	Low	High
Potential for improved landscape/townscape	Low	Uncertain
Cost saving from fewer TROs required by LAs	N/A	Medium

## Business Impact Target Calculations

74. No significant direct costs to business are expected from either enforcement against the offence of 'unnecessary obstruction of the pavement' or national pavement parking prohibition. This is because it is expected the unlimited time exemption for utility business vehicles and the 20-minute allowance for loading and unloading goods for delivery businesses would prevent direct costs from arising for both options. There are no plans to exempt any businesses that are not chiefly concerned with the delivery of goods to other business or residential premises. The overriding policy objective is to keep pavements free of obstructing parked vehicles as much as possible; and we consider that broadening exemptions further would defeat the policy objective.

75. An unintended indirect cost that may arise for either option 1 or option 2 is less passing trade for businesses that are currently accessible by pavement parking.
76. There could potentially be benefits to private parking businesses in the event that parking is displaced to private car parks. These potential benefits have not been estimated or monetised at this stage.

### Indirect Costs and Benefits

77. The first indirect benefit from option 1 includes prevention of injuries caused by poor pavement condition caused in part by pavement parking. The second indirect benefit is the health benefit from increased walking resulting from less pavement parking causing unnecessary obstruction.
78. Indirect benefits from option 2 also include prevention of injuries caused by poor pavement condition and health benefits from increased walking.

### Sensitivity Analysis

79. For option 1 – allowing CPE LAs to enforce against ‘unnecessary obstruction of the pavement’, the percentage of local authorities that will elect to enforce against the offence or the number of civil enforcement staff that will be enforcing it is not known. In order to gauge the scale of familiarisation costs for this option we have assumed low, medium and high scenarios set out in the table below.

Table 1

Scenario	Low	Medium	High
Assumption	25%	50%	75%
Cost (£), 2019 prices	35,000	69,000	104,000

## 3.0 Risks and unintended consequences

80. Option 1 is likely to be difficult to enforce consistently across the country. Due to the subjective nature of ‘unnecessary obstruction’ there is scope for local authorities to adopt different interpretations and enforcement practices. This may cause confusion for CEOs and motorists so that pavement parking causing unnecessary obstruction continues or results in some motorists receiving unwarranted PCNs. There is a risk that the distraction of challenging unwarranted PCNs could place a disproportionate burden on those businesses chiefly concerned with the delivery of goods.

81. Potential risks for option 2 include:

- Some local authorities’ assessments of the road network are not sufficiently comprehensive so that necessary exemptions are not made. A lot of parking is displaced with an increase in on-street parking causing congestion in some areas outside London. Origin to destination journey times are increased.
- Under-enforcement of the national prohibition so that there is not enough incentive for motorists to change their behaviour and the anticipated benefits are not met.
- England campaign fails to reach the majority of the targeted audience so that a high level of pavement parking continues after the prohibition.

## 4.0 Wider impacts

### *Small and Micro Business Assessment*

82. Both options 1 and 2 include an unlimited time exemption for utility business vehicles and a 20-minute exemption for vehicles loading and unloading goods that would prevent costs arising for relevant businesses.

83. BEIS business population estimates for the UK and regions 2019: detailed tables<sup>17</sup> include the following industry groups that could potentially be directly affected by restrictions to pavement parking:

- Freight transport by road and removal services: 83% micro and 14.1% small businesses;

<sup>17</sup> BEIS Business population estimates 2019  
<https://www.gov.uk/government/statistics/business-population-estimates-2019>

- Support activities for transportation: 74.8% micro and 18% small businesses;
- Postal activities under universal service obligation: 92% micro and 7.7% small businesses;
- Other postal and courier activities: 86.1% micro and 11.5% small businesses.

84. Industry groups that could potentially be indirectly affected by restrictions to pavement parking include:

- Restaurants and mobile food service activities: 79.3% micro and 18.9% small businesses;
- Event catering and other food service activities: 79.7% micro and 16.7% small businesses.

85. The options described apply to all businesses equally irrespective of size. We do not expect a disproportionate impact on small and micro businesses.

#### *Equalities Impact Assessment*

86. The consultation document asks specifically for information on how the options will affect those with protected characteristics and whether there may be any negative impact.

#### *Innovation Test*

87. Both options 1 and 2 are expected to have a low impact on, and due to, innovation. The options in play are limited to keeping the pavement free of parked vehicles beyond what is necessary for emergencies, highway works or deliveries. Emerging SMART parking initiatives are inherently focused on where vehicles are permitted to park and, as such, would be unaffected by these proposals beyond possible increased parking demand.

88. Future innovations towards carpooling and automation could have implications for the concept of vehicle ownership; potentially reducing the need to park at all. However, the proposed measures would have bearing on such innovation.

#### *Justice Impact Test*

89. A JIT will be completed if and when the government decides to proceed with one of the options.

#### *Trade Impact*

90. All of the options are purely domestic and have no impact on trade barriers.

#### *Rural Proofing*

91. Option 2 could have a disproportionate impact on rural areas if a nationwide prohibition was implemented. For this reason, we have asked whether any prohibition should be limited to only urban areas.

## 5.0 Post implementation review

92. We intend to carry out a review of the policy 5 years after it has commenced.

<b>1. Review status:</b> Please classify with an 'x' and provide any explanations below.									
<input type="checkbox"/>	Sunset clause	<input type="checkbox"/>	Other review clause	<input checked="" type="checkbox"/>	Political commitment	<input type="checkbox"/>	Other reason	<input type="checkbox"/>	No plan to review
Regulations to be reviewed every five years to ensure continued suitability.									

<b>2. Expected review date</b> (month and year, xx/xx):					
<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	Five years from when the Regulations come into force

<b>3. Rationale for PIR approach:</b>
As part of a PIR, local authorities, interest groups, businesses and the general public would be surveyed to determine:

- To what degree local authorities enforce against the unnecessary obstruction for option 1 or against pavement parking for option 2. This should include the number of penalty charge notices issued per year over the 5 years post implementation as well as how many of these were either paid or challenged. Qualitative evidence on enforcement would also be collected.
- Whether the policy has reduced the number of injuries each year due to pavement parking. This could be informed by the number of injury claims LAs receive due to pavement parking.

**Key Objectives, Research Questions and Evidence collection plans**

<b>Key objectives of the regulation(s)</b>	<b>Key research questions to measure success of objective</b>	<b>Existing evidence/data</b>	<b>Any plans to collect primary data to answer questions?</b>
Enable safe use of the pavement by all pedestrians and in particular people with sight, or mobility impairments as well as users of buggies and prams.	<p>Has problematic pavement parking decreased?</p> <p>Controlling for other factors, has there been a decrease in the number of injury claims caused by pavement parking?</p> <p>Controlling for other factors, has there been an increase in the number of trips made using the pavement across all road users generally and for vulnerable road users in particular?</p>	Existing evidence on these measures is limited. Consultation responses may inform estimates of the current levels of these measures.	TBC

## **Annex A: Full list of Consultation Questions**

### **Option 1 – Allow CPE Local Authorities to Enforce Against an Offence of ‘Unnecessary Obstruction of the Pavement’**

#### **Question 1**

If your council has civil enforcement powers, and is permitted to enforce the offence of ‘unnecessary obstruction’, would your council elect to do this?

If you answered “Yes”, what number of staff, in your authority, would need to learn the new enforcement guidance?

#### **Question 2**

Can you foresee any additional, unfunded costs outside of the normal costs of issuing and processing PCNs?

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

#### **Question 3**

(For commercial businesses that make deliveries) Do you agree the time of 20 minutes of pavement parking to be adequate for a delivery? If not, why not?

Of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed?

In your opinion, what types of delivery that you make would require greater than 20 minutes?

#### **Question 4**

For each of the last 5 years (2015-2019), what was the:

- a. number of injury claims made to your local council?
- b. number of injury claims made due to pavement parking?
- c. number of injury claims for which compensation was paid?
- d. number of injury claims made due to pavement parking for which compensation was paid?
- e. total compensation paid for injury claims?
- f. total compensation paid due to pavement parking?

#### **Question 5**

For each of the last 5 years (2015-2019), what was the:

- a. total spend on pavement repairs?
- b. the percentage of this total spend due to pavement parking?

### **Option 2 – A National Pavement Parking Prohibition**

#### **Question 6**

In your authority area, estimate based on your total road network, on how much road pavement parking is necessary to ensure free-flowing traffic is maintained, give the amount:

- a. in kilometres
- b. as a percentage of the total road length.

What do you expect an assessment of your road network, in order to identify exemptions, to cost overall and how do the costs break down individually (£)?

#### **Question 7**

Would your authority need to provide more parking provision to implement option 2? Provide any relevant evidence to support this view.

### Question 8

Provide an estimate of the cost of implementing exemptions in your area including:

- a. staff costs
- b. traffic signing costs
- c. bay marking costs
- d. removal of signage for previously implemented TROs restricting pavement parking in your area

### Question 9

Can you foresee any additional costs beyond issuing and processing PCNs?

Give an explanation and breakdown of the number of additional:

- a. staff for your council
- b. salary costs for your council
- c. hiring costs for your council
- d. training costs for your council

What additional staff roles do you envisage?

### Question 10

Do you expect any other, non-staff, costs to arise from a national parking prohibition?

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

### Question 11

Has your council introduced a TRO, or TROs, to implement pavement parking restrictions?

- a. Yes or no?
- b. If **'Yes'**, if possible, for each of the last 10 years:
  - i. How many?
  - ii. Typically, how long would implementation of a TRO take in weeks?
  - iii. What is the average monetary cost of implementing a single TRO? (Please provide a breakdown of costs i.e. overall, administration costs, legal costs, for advertising, for traffic sign or road marking creation and installation costs).
- c. If **'No'**, why not?

### Question 12

Describe, including monetary estimates if possible, any potential benefits you think there will be for your authority from a national parking prohibition (such as existing costs being reduced)?