

Title of meeting:	Cabinet Member for Traffic & Transportation Decision Meeting
Date of meeting:	23 rd September 2015
Subject:	Ferry Road, northern end off-street areas (non-public highway): TRO 36/2015
Report by:	Director of Transport, Environment and Business Support
Wards affected:	Eastney & Craneswater
Key decision:	No
Full Council decision:	No

1. Purpose of report

To consider the response to the public consultation on the proposal under TRO 36/2015. When objections are received to proposed Traffic Regulation Orders, it is a statutory requirement to consider them at a formal decision meeting.

Page 4: Public consultation notice detailing the proposal

Pages 5-6: Summary of responses to public consultation

Appendix A: photographic examples of unauthorised vehicles using the area

2. Recommendation

2.1 That the Order is made as proposed, with an exemption for Permit Holders (permits to be managed by the Property & Housing Service)

3. Background

3.1 The proposed restriction on evening and overnight parking is part of continuing attempts to clean up and maintain the off-street areas at 'Eastney Point', which are owned and managed by Portsmouth City Council's Housing and Property Service (formerly Corporate Asset Management). Enforcement of the 1-hour maximum stay restriction operating 6pm-6am would be carried out by Transport, Environment & Business Support's Civil Enforcement Officers.

3.2 The beach and other off-street areas at 'Eastney Point' are frequently used for long-term parking, which is currently unrestricted, causing difficulties for people trying to access the area. It is evident that some people store boats (including

houseboats) and park alongside them to avoid parking charges on Hayling Island or paying for harbour moorings. Considerable time and resources are used to arrange the removal of unauthorised boats, and there are currently no restrictions on the area to enforce or to deter overnight parking. Complaints are regularly received by the Community Wardens about campervans in particular, and currently the only way to move the vehicles is via a Court order, which takes considerable time to obtain. Legal action has proved to be a slow and expensive process, ultimately unsuitable for the location and its problems.

3.2 The area has occasionally been 'advertised' by campers via social media as an unofficial free campervan site, available for evening and overnight use. This type of use has led to fly-tipping, general littering and disposal of waste (including chemical waste) into the sea.

4. Reasons for recommendation

4.1 The comments received in response to the formal consultation on the proposals (Page 5) have been taken into consideration.

4.2 A restriction on parking will enable the area to be better managed. The evening and overnight restriction aims to prevent unauthorised parking within the area, particularly on a long-term basis, so that they can be used by more people for short-term parking and access to the waterfront. Daytime parking is unaffected.

4.3 There is a car park further south on Ferry Road that remains open and can be used by fishermen and visitors etc. including on an overnight basis. The car park has a height restriction barrier that would affect larger vehicles only.

4.4 The public consultation has helped to identify the legitimate users of this area, and therefore permits will be available for authorised parking for those who need it. With regard to commercial fishermen, permits would only be issued in exceptional circumstances if no alternative unloading options are available, and whose activities are appropriately licensed.

4.5 It was suggested that 3 hours maximum stay be allowed instead of 1 hour. However, taking into consideration the reasons behind the proposal and the required outcome, 1 hour is the most suitable. Should 3 hours' free parking be allowed, those abusing the current arrangement would quickly realise that parking any time after 6.30pm would be likely to avoid enforcement within regular shift patterns.

5. Equality impact assessment (EIA)

An equality impact assessment is not required as the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010. These include Age, Disability, Race, Transgender, Gender, Sexual orientation, Religion or belief, relationships between groups, and other socially excluded groups.

6. Legal Implications

- 6.1 Under powers contained in the Road Traffic Regulation Act 1984 local authorities may provide off-street parking places and may by order make provisions as to the conditions on which it may be used.
- 6.2 A proposed TRO must be advertised and the public given a 3 week consultation period where members of the public can register their support or objections. If objections are received to the proposed order the matter must go before the appropriate executive member for a decision whether or not to make the order, taking into account the comments received from the public during the consultation period.

7. Director or Finance Comments

- 7.1 The recommended proposed restrictions on evening and overnight parking as detailed within TRO 36/2015 require works to be carried out which are estimated to be £1,800. These costs include advertising the order, the costs of signage and new posts.
- 7.2 This expenditure will be funded from the existing Housing and Property Service's revenue budget.

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Signed by:
Alan Cufley
Director of Transport, Environment & Business Support

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
8 emails	Transport Planning, 4 th floor, Civic Offices

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by:
Cllr Ellcome
Cabinet Member for Traffic & Transportation



Copy of public notice detailing the proposal under TRO 36/2015:

Dated: 15 June 2015

THE PORTSMOUTH CITY COUNCIL (FERRY ROAD - NORTHERN END) (OFF STREET PARKING PLACES) (NO.36) ORDER 2015

Notice is hereby given that the Portsmouth City Council proposes to make the above Order under Sections 32-35 of the Road Traffic Regulation Act 1984. The effect would be to introduce restrictions on parking within the PCC-owned areas at the northern end of Ferry Road:

A) PROPOSED PARKING RESTRICTION



Name of Parking Places
Ferry Road Parking Areas

Days and Hours of Parking Place Operation
6pm - 6am, 7 Days a Week

Maximum Stay
1 Hour (No Return Within 2 Hours)

Note: Ferry Road itself is subject to a "No Waiting" restriction, indicated by double yellow lines, which is not affected by this Order.

REASON FOR THE ORDER

To introduce a restriction on the time permitted to park in the parking areas accessed from the northern section of Ferry Road (in the vicinity of the lifeboat station) so that they may be used by more vehicles for short-term parking and access to the waterfront. The restriction aims to prevent long-term parking and overnight parking within the areas.

A copy of the draft Order and a plan may be examined at Main Reception, Ground Floor, Civic Offices, Portsmouth during normal office hours. A copy of this Public Notice can be viewed on Portsmouth City Council's website - visit and search 'traffic regulation orders 2015'

Persons wishing either to object to or support these proposals may do so by sending their representations in writing via email to engineers@portsmouthcc.gov.uk or a letter to Nikki Musson, Transport Planning, Portsmouth City Council, Civic Offices, Portsmouth PO1 2NE, quoting ref: TRO 36/2015 by the 6 July 2015 stating the grounds of objection / support.

Under the provisions of the Local Government (Access to Information) Act 1985, any letters of representation that are received may be open to inspection by members of the public.

Alan Cufley, Director of Transport, Environment and Business Support
Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth PO1 2NE

Summary of public consultation responses to TRO 36/2015

Objections
<p><u>Fisherman</u> The majority of those parking in the area are working in tidal conditions, and therefore the proposed curfew will not always tally correctly with working hours. There should be an extension of the consultation in order to allow further discussion.</p>
<p><u>Boat Owner</u> Boat owners pay harbour dues and should have unrestricted parking rights. Charter boats also rely on nearby parking for their clients, and the current proposals would have a disastrous effect on their ability to trade as they go out for several hours at a time. Issuing parking permits could be a solution.</p>
<p><u>Institute of Marine Sciences, Ferry Road</u> Staff and PhD students will be prevented from staying beyond 7pm - a frequent requirement for those conducting experiments. There is also no justification for the proposal, as someone who arrives early most days she rarely witnesses more than two vehicles parked overnight.</p>
<p><u>Long term visitor and boat user</u> Fishermen frequently go out overnight and need to be able to park close to their boats; otherwise the long history of fishing from Ferry Point will be at risk. Agrees that the campervans which park along the road are a problem, and suspects that the lack of official waste disposal provisions leads to campervan owners disposing of waste in the sea.</p>
<p><u>Long term mooring holder</u> Objects to proposed restrictions because boat owners and mooring holders (including commercial fishermen) going out at night need access to parking near to the dinghies at the very northern tip of the point, for longer than the restriction would allow. Signage restricting overnight camping on the peninsular has been ignored in the past so this latest restriction might negatively affect long term users without achieving its prime objective. There is no shortage of short term parking on the peninsula. The lack of sanitation facilities for camping is an issue, causing waste overspill and a generally unhygienic environment, but the proposed solution will cause hardship to fishermen who are already feeling hardship.</p>
<p><u>Fisherman</u> The proposal is not suitable when fishing overnight for up to 12 hours and having lots of heavy equipment that needs to be moved between vehicle and pontoon. Concerned about security of equipment and catch during transport if car was parked far away.</p>
<p><u>Local Resident, Horse Sands Close</u> One hour parking is not long enough for visitors and residents to enjoy beach, fish and visit Hayling Island. Proposals will negatively impact local business and the area will lose visitors.</p>

Objections continued

Fisherman

The proposal would represent a significant obstacle to commercial fishing activities as the need for a nearby parked vehicle in which to unload equipment and days catch is crucial. Hours spent at sea are dependent on many factors and the proposed timings do not accommodate this. Fisherman have worked out of Langstone Harbour for decades and unrestricted parking for them is a key factor in their ability to continue with their livelihoods. Many months of the year there are only fishermen's vehicles parked at the point anyway. Suggests a permit system for legitimately parked vehicles.

Portsmouth City Council's response

Fishermen - Boat owners pay Harbour Dues to LHB (Langstone Harbour Board) - Havant, not Portsmouth, and unrestricted parking rights or use of land for parking are not included. This is common: when paying the berthing fees in Gosport, for example, clients have no rights whatsoever to park near their boat except for a 30 minute allowance for the purposes of loading and unloading.

The location does not have commercial status, meaning there are no rights to using the area for business purposes. If there were, non-domestic business rates would apply.

Fishermen do not park close to their boats, which are moored out in the harbour; small tenders are brought to shore for loading. Pontoons are available for rent or the facilities at Hayling Island can be used. Larger fishing boats with trailers use the public slipway next to the public car park off Ferry Road. The slipway has no height restriction.

There is no free long-term parking on the Hayling Island side of the water, nor anywhere else along Portsmouth and Southsea seafront, resulting in the current migration by some to the small 'free' area at the northern end of Ferry Road. Fisherman would continue to be able to use the free car park further south off Ferry Road, to use the northern end during the daytime and for up to 1 hour at night (for loading/unloading for example). Enforcement officers are unlikely to issue Penalty Charge Notices to people actively loading and unloading under normal circumstances.

Vehicle Safety - Vehicles are parked at the owners' risk, as the site is not manned on a permanent basis and only has street lighting. The safety of a vehicle and its contents cannot be assured when its owner is out at sea on a boat, fishing, wherever it is parked.

Essential Users - Permits for the University, and for the Lifeboat Station, use could be considered if the parking on their own sites is unavailable. The photographs of vehicles parking in the area (Appendix A) indicate the scale and frequency of the problem: these vehicles are reported by people trying to use the area and council officers are obliged to investigate.

General Beach Users - The 1-hour maximum stay would only apply after 6pm; parking during the daytime will remain unrestricted.

Portsmouth City Council's response

Charter Boats & Ferries - The Hayling Island ferry will no longer be running from the pontoon due to the extensive repairs that are needed and appear unaffordable. However, should it resume, the parking restriction is proposed to operate outside of the times that the ferry ran. If there are any authorised evening/overnight charters operating from Ferry Road beach, their clients may use the car park further south on Ferry Road. Those operating during the daytime will continue to be unaffected.

(End of Report)