

Yarm Parking

A brief history

Complaints about parking and congestion in Yarm High Street started at least as early as the late seventies and were voiced during the consultation on the Yarm Area Action Plan of 1980. A disc parking zone was introduced by Cleveland County Council in 1983 (Stockton High Street central reserve was already a disc parking zone at this time except on market days). The disc parking zone has been extended several times from the original scheme to give greater priority to shoppers/visitors. It now has just over 200 disc spaces and 122 long stay spaces. The disc zone is limited to 2 hour stays with no return within 1 hour, 8am – 6pm, Mon - Sat.

The recent debate is a culmination of work that actually commenced with the White Young Green study in 2003/4 which, following analysis of comprehensive parking surveys conducted in 2002, recommended a long stay car park on the Brickyard Allotments (behind Yarm Medical Centre) for around 250 vehicles and charging on the High Street. That failed because of lack of support for the housing plans for the Yarm Prep School site and concern about the combined access onto The Spital. The allotments had an unkempt appearance and 50% of the plots were untended at that time.

A consultation on the proposal to expand Yarm Medical Centre and the need for additional land from the Brickyard Allotments for car parking led to a review during 2006 by Arup and confirmation of the previously suggested preferred site for a long stay car park but with the access shared with the existing Health Centre on Worsall Road. That review was based on comprehensive parking surveys carried out in 2006.

During 2008, with the agreement of the Town Council, a survey of the Brickyard Allotments and adjacent cemetery extension land was conducted in order to draw up a master plan which included a pocket park, around 200 long stay spaces and 80 half-size allotments that could be consulted upon in 2009.

In March 2009, the Town Council had discussions with Yarm Chamber of Trade and heard from traders that “the two hour limit was bringing Yarm to its knees”. It agreed to submit proposals including pay and display to the April Town Council meeting. At that meeting the Town Council rejected pay and display in favour of a 3 hour disc zone. The consultation leaflet was therefore amended to include a further option on 3 hour disc parking and it was agreed to give greater weighting to responses from those local to Yarm.

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The results of the public consultation were that there was little support for a 3 hour disc zone and that a long stay car park funded by short stay charges was the way forward. Cabinet, on 26 November 2009, approved the principle of the introduction of charging for short stay car parking in Yarm High Street.

A public meeting, arranged by the Town Council, but not actually attended by them, took place on 25 January 2010. At that meeting it was agreed to seek alternatives to the Brickyard allotments site for car parking and bring forward two other 'quick win' proposals, namely, a Traffic Regulation Order (TRO) to remove the worst cases of obstructive parking and medium stay pay and display parking in two off-street car parks to address the small but important demand for longer than two hour stays.

The subsequent TRO was advertised in January 2011 and led to over 800 objections including those from Yarm Town Council and the Yarm Chamber of Trade. Those objections were referred to the Appeals and Complaints Committee for detailed consideration and that Committee on 15 March 2011 deferred consideration of the TRO for 6 months to enable the Town Council and Borough Council to bring forward alternative solutions for the provision of off-street long stay car parking.

Concurrently, following an EIT Scrutiny recommendation by the Council's Environment Select Committee on 1 December 2010 that charging for parking in Yarm be introduced as part of a wider review of car parking charges across the Borough, Cabinet on 16 December 2010 agreed this recommendation and a Borough Wide review looking at the 4 Town centres and Norton commenced. The July 2011 draft review document recommendedThat, subject to consultation, 'Pay and Display' be introduced on the High Street cobbles in Yarm at a tariff equitable to the on street charges in Stockton Town Centre and that Market Research be carried out in Yarm to better inform the process. In view of the positive dialogue at the time it was decided, in discussion with the Chairman, not to reconvene the 2011 Appeals and Complaints Committee.

The proposal to conduct Market Research into the parking requirements of Yarm was discussed with Yarm Town Council in July and August 2011. They were initially very complimentary with regard to the scope of the brief and the questions. This then led to the NEMS survey published in October 2011 which confirmed that parking issues were stifling economic growth in Yarm and that a further 80-100 visitor spaces could boost the economy by up to 15%. Yarm Town Council was unhappy with the findings and has since tried to discredit the study.

Other interesting conclusions of the market research were that:-

- Average spend was £78 per visit (cf £38 in Stockton)

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- The estimated cost of each High Street space used by a commuter was £20 - £40k pa.
- 24% of visitors by car arrive without a disc and 13% have received a parking ticket.
- Only 2% of all visits (4% visitors) mentioned free parking was a reason for choosing Yarm to visit.
- The main attractions of Yarm were good ambience, a good place to eat and for evening entertainment and a good range of shops.
- Car parking availability and restrictions on the length of stay were significant barriers to more visits. The estimated potential growth if this barrier were removed was £15% or £12m pa.
- An increase in visitor spaces should also lead to an improvement in traffic flow.

Challenges to the Disc Zone

The first challenge to the legality of the Disc Zone occurred in the summer of 2010 from a local businessman. The challenge related to a lack of clear bay markings in some parts of the cobbled High Street. It is difficult to maintain markings to exacting Department of Transport specifications on such uneven surfaces. Enforcement of that part of the zone was suspended whilst a sustainable solution was sought to address the issue.

In early 2011, use of white blocks to delineate parking bay markings was trialled in an uncontrolled area on the east side of the High Street near Atlas Wynd and subsequently extended to Central Street. On 28 February 2011, the Chair of Yarm Town Council mounted his first challenge to the legality of enforcement of the Disc Zone. This followed a judgement whereby Neil Herron was granted leave to appeal to the High Court over the validity of a controlled zone in Sunderland.

In March 2011, a further challenge was made by the Chair of the Town Council who had consulted the DfT over special authorisations for the blocks.

On 30 March 2011, parking enforcement was suspended (until 10 August 2011) whilst special authorisation was obtained from the Department of Transport for the layout of parking bays/yellow lines using white/yellow blocks instead of thermoplastic markings. During this time, complaints were received from traders about reduced turnover and a parking was carried out (in June). The survey revealed more than a third of the Disc Zone was taken up with all day parking reducing the turnover by up to 700 visits per day.

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A leaflet was subsequently produced inviting any motorist issued with a penalty charge notice in the Disc Zone to contest the penalty charge on grounds of legality. A number of such appeals were lodged.

The Chair of the Town Council then pursued a detailed legal challenge to the disc zone via the Traffic penalty Tribunal initially via a resident (the Palmer case) and then by himself deliberately inviting a ticket for non-display of a parking disc. In allowing that appeal on the basis that two of the Disc Zone terminal signs were not ideally located to inform motorists of the commencement of the zone, all other legal arguments by the appellant were dismissed. Subsequently, the signs had to be relocated nearer the carriageway resulting in the loss of two parking bays.

The Judicial Review process

Cabinet resolutions of 8th December 2011 relevant to parking in Yarm were:

- (a) the Council continue to prioritise the provision of additional long stay car parking in Yarm;
- (b) Cabinet note the results of the independent market research in Yarm which suggest that the economic performance of Yarm is being restricted by long stay parking by commuters;
- (c) The NEMS research be utilised to design parking solutions for Yarm which will include pay and display on the High Street and increase the provision of short stay spaces to improve availability
- (d) Proposals in respect of Yarm be approved and that details regarding further consultation, charging tariffs and the practicalities of extending the disc zone be delegated to the Corporate Director of DaNS in consultation with the Cabinet Member for Regeneration and Transport; and
- (e) Cabinet note the need to evaluate the change in arrangements and that the impact is considered after 12 months.

Following a Call-in of the Cabinet decision by 6 Conservative councillors, Executive Scrutiny reviewed the decision on 19 January 2012 and confirmed that there were no grounds to refer the decision back to Cabinet. An information gathering survey was commissioned whereby NEMS surveyed all 603 residential properties contained within the horseshoe central area of Yarm in March 2012 on their parking availability and needs, 279 (51% of occupied properties) responded. A series of residents meetings were arranged for May to discuss the findings and enable a suitable residents' permit scheme to be designed.

However, on 6 March 2012 Yarm Town Council had applied to the High Court to seek leave to Judicially Review the Cabinet Decision. Initially a judge granted the application and said that 'No Steps' should be

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taken to introduce pay & display in Yarm. Therefore the residents meetings were cancelled. The Council sought leave to have that Order varied and were successful in the Leeds Crown Court on 22 June enabling us to commence talks with residents again in July. A total of 23 residents, from the 148 that expressed an interest in attending, accepted invitations.

The full Hearing was heard on 24 August 2012. The decision to introduce parking charges in Yarm was challenged by Yarm Town Council on 4 grounds:

1. Inadequate consultation with Yarm Town Council including failure to give the Town Council opportunity to comment on relevant information and ask correct questions.
2. Lack of due regard to Statutory criteria and relevant considerations.
3. It is irrational
4. The criteria is irrelevant, not based on proper evidence

The challenge was dismissed on the merits and the judicial review was dismissed. The merits for dismissal of each of the above grounds are as follows:

1. Adequate information was given in the Borough Wide Car Parking Strategy 2011 to enable effective consultation to take place as it was a formative document. The Head of Technical Services attended a meeting of Yarm Town Council on 30 August 2011 when the Strategy was discussed. Yarm Town Council were given opportunity to participate in the questions asked by NEMS but did not avail itself to the opportunity. The consultation period was perfectly adequate. Yarm Town Council were represented at the Cabinet meeting on 8 December 2011 and were permitted to make representations.
2. The reasons given are aimed at fulfilment of a Statutory purpose – the provision of suitable and adequate parking facilities on and off the highway. Section 122 (2) (d) entitles a Local Authority to take into account any matter it considers relevant which may be interpreted as including but not limited to; the cost of provision of on-street and off-street parking, the cost of enforcement and the need to restrain competition for on street parking.
3. There is nothing illegal or irrational about a desire to achieve approximate parity between different area within a borough. The Council did not intend that the tariffs would be equal throughout the borough. There is nothing irrational about the imposition of pay and display parking before the introduction of further long stay parking. The Cabinet decision on 8 December 2011 was not irrational.

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4. The cost of enforcement is a matter that a local authority can take account of. The criticism of the NEMS research does not mean that Cabinet were wrong to take it into account, only that Yarm Town Council disagree with its conclusions.