



**Open Report on behalf of Andrew Crookham,  
Executive Director - Resources**

Report to:	<b>Highways and Transport Scrutiny Committee</b>
Date:	<b>08 March 2021</b>
Subject:	<b>Councillor Call for Action - Resolving obstruction of the Highway / Creation of Parking Spaces on West Street, Barkston</b>

**Summary:**

On 28 January 2021, the Overview and Scrutiny Management Board consider a Councillor Call for Action request from Councillor R Wootten in respect of West Street, Barkston, and agreed to refer it to the Highways and Transport Scrutiny Committee for final determination with advice.

**Actions Required:**

The Committee is requested to consider the Councillor Call for Action referred by the Overview and Scrutiny Management Board and determine one of the following courses of action:

- (a) To take no further action. The Committee is required to specify the reasons for this decision.
- (b) To decide that the Councillor Call for Action requires further investigation, and to seek more information. Following further investigation, the Committee may decide to make a report and recommendations on the matter.

## **1. Background**

### Legislation

Under Section 119 of the Local Government and Public Involvement in Health Act 2007, a councillor may submit a Councillor Call for Action (CCfA). This provides a councillor with an opportunity to raise a matter of local concern through the overview and scrutiny process. A Councillor Call for Action is a last resort, when the councillor has tried all other means of resolving the matter and everything else has failed.

## Role of Overview and Scrutiny Management Board

Councillor Calls for Action are considered by the Overview and Scrutiny Management Board in the first instance, who may then decide to refer the matter to the relevant scrutiny committee.

## Referrals to Overview and Scrutiny Committees

Where a referral from the Overview and Scrutiny Management board takes place to the relevant overview and scrutiny committee, the committee will consider the Councillor Call for Action, together with the advice from the Overview and Scrutiny Management Board, and decide what action to take:

- (a) The relevant overview and scrutiny committee may decide to take no further action. The committee is required to specify the reasons for this decision.
- (b) The relevant overview and scrutiny committee may decide that the Councillor Call for Action requires further investigation, and it may seek more information. Following further investigation, the Committee may decide to make a report and recommendations on the matter.

## Background to the Councillor Call for Action Request as Reported to the Overview and Scrutiny Management Board on 28 January 2021

On 31 December 2020, Councillor R Wootten, who represents the Grantham North division, submitted a Councillor Call for Action in relation to resolving obstruction of the Highway / Creation of Parking Spaces on West Street, Barkston. A location plan attached at Appendix A.

The reasons for this request are set out in the Councillor Call for Action form attached at Appendix B.

In summary, a farmer and businessman on West Street, Barkston has raised concerns with Councillor R Wootten over the obstruction of the road by parked cars, which in turn are restricting access to his private property. The situation has become worse during the Covid-19 pandemic due to increasing numbers of people following the Government's advice to exercise and this location has gained popularity as an area for countryside walking along the River Witham. There are no parking spaces along West Street and the passing point is also being used for parking.

Councillor R Wootten has attempted to resolve the matter by contacting the Lincolnshire Police Neighbourhood Team, Lincolnshire County Council officers in Highways and Countryside Services, the National Farmers Union, the local MP, and the Barkston and Syston Parish Council.

The matter is therefore now being brought forward as a Councillor Call for Action by Cllr R Wootten who has identified some potential options that Lincolnshire County Council could undertake to resolve the matter in his Councillor Call for Action at Appendix B.

## Response to the Councillor Call for Action from Highways and Countryside Services Submitted to the Overview and Scrutiny Management Board

Colleagues in both the Highways and Countryside Services have reviewed the submitted issues since they were first raised in May 2020, and the County Council's Traffic and Minor Works Team is currently looking to assist with the parking issues but this only centres on the parking within the two passing places. The Team is not currently looking at parking on any other areas at this end of West Street.

The farmer has placed white verge marker posts near to the entrance to his property and a sign in the verge asking people not to park in the passing places, all without formal permission. At this point in time, there are no immediate plans to have these removed, but the Team would not want to see more of either and it is not planning to place anything similar there.

With regards to the suggestion of a layby, the Council could bid for funding to do this, but it does not normally provide on-street parking laybys and does not have any allocated funding within current maintenance budgets to do this.

Displacement of the parking would cause significant issues elsewhere in the village including within the residential part of West Street.

The root cause of the problem is that the public are seeking to use the local Public Rights of Way network to undertake their exercise and there is little here that can be regulated by the Council. This is currently a nationwide concern as rural areas are being accessed by the public for exercise and recreation during the Covid-19 pandemic. It is unclear whether the significant increase in usage will be sustained once the pandemic restrictions have been relaxed. This can only be evaluated against summer usage when children are not at school and the weather is more conducive.

The suggestions submitted thus far mainly focus on road management solutions except for the suggestion of moving the Section 34 notice advising traffic that motor vehicle use is not allowable on a bridleway. Moving this signage will have no material effect on addressing the problem as the parking occurs at locations that could not be covered by that informative sign.

### Determination by the Overview and Scrutiny Management Board

On 28 January 2021, the Overview and Scrutiny Management Board unanimously agreed to refer the Councillor Call for Action to this Committee and has provided the following advice:

- The farmer must be able to carry out his job without any barriers to access. However, the importance of encouraging the public to take exercise, and not placing restrictions on this where possible, should also be acknowledged.
- Solutions should be cost effective and include any on-going maintenance.

- Parking in the passing place and on the verges of the road was a concern. The cost of providing the parking spaces requested was in the region of £30,000 - £40,000, which was not allocated for in the current budget. Prohibiting parking in the passing place would also require on-going enforcement.
- The impact on the verges had been exacerbated by the ditch which required maintenance by the landowner. The maintenance of the ditch by the landowner should be encouraged to mitigate the state of the verges.
- Remedial solutions, such as retractable bollards and widening the road, would be expensive, were not budgeted for and would incur on-going maintenance costs.
- Other potential solutions for consideration include:
  - the imposition of restrictions so that only residents could use the road;
  - a review of the use of verges generally in the County;
  - an additional passing place;
  - the introduction of grass verge meshing; and
  - relocation of the Section 34 notice on Drift Lane.

Response from Highways and Countryside Services to the advice from the Overview and Scrutiny Management Board

The parking on West Street, Barkston is not regulated through any civil parking enforcement the only means of enforcement is through the powers of the police concerning obstruction of the highway. Unfortunately the inconsiderate parking has the effect of restricting the available width of the road for the occupier at the end of the cul de sac carriageway and is exacerbated in wetter weather as car owners seek to avoid wholly parking on wet and muddy verges. It should be noted that a contributory cause of this is the unmaintained, riparian roadside ditch.

It should also be noted that any agreed resolution to this particular issue may be precedential given that similar instances are noted across the County and especially as a response to the current pandemic.

**a) Stopping up the carriageway reserving bridleway rights.**

Whilst this will criminalise vehicular access to all but those requiring access to property the means of stopping up is a Magistrates Court Order under the Highways Act 1980. Physical barriers would have to be installed and maintained by LCC for this to have any effect and such features would be considered encumbrances on the retained right of way network for equestrians. Officers consider that any such restrictions would only serve to displace parking into the residential area of the village along West Street where there is limited off street parking for households.

Costs for stopping up would be in the region of £3,000 with costs for gates or similar £5,000 alongside future maintenance costs and upkeep.

**b) Physical parking restrictions along the totality of West Street.**

Any method such as physical posts/bollards within the verges will need to be erected and maintained by LCC and would have limited benefit in stopping parking. As per a) above, it is likely that such measures will displace parking practices.

Initial costs of bollards would be c£2,000, alongside all costs for future maintenance and replacements.

**c) Legal parking restrictions along the totality of West Street**

Methods of legal restriction such as no parking orders or double yellow lines may also have a displacement effect and rely on appropriate levels of enforcement being available.

Costs of such an approach would be in the region of £2,000. However, to prohibit vehicular access into West Street would also require a significant management and enforcement input to ensure it was effective in its purpose of limiting access. It could also be seen as prejudicial if only resident were able to park to the exclusion of others such as those with protected characteristics as defined in the Equalities Act 2010. These costs would be in the region of £10,000

**d) Legal parking restrictions within the provided passing places**

Restrictions of this kind would, as per option c) above, rely on the available of enforcement officers to be at all effective. Costs would also be similar to option c)

**e) Widening the road**

Whist widening the carriageway surface may provide a greater area for passing it is not considered that this would represent value for money as there would be no guarantee that parking would not physically take up the same room albeit the need to use the verge would be lessened.

Costs of such an approach would be upwards of £60,000 and as yet no survey has been undertake to assess if there is sufficient available with to enable widening of the road sufficiently to resolve the problem.

**f) Review of Verges in the County**

There is a paper elsewhere on this Committee's agenda on wildflower planting on roadside verges. There may be a longer term opportunity to create the verge as a wildflower verge and with alongside appropriate signage demonstrate that parking will affect the natural habitat that has been created. This will, of course require consenting users to ensure that parking does not re-occur. There are insufficient resources to enable a full scale review of verge management across the totality of the highway network.

Financial costs would possibly be in the region of £2,000. However there is no evidence that such verge management would discourage inappropriate parking in either the short or longer term.

### **g) An Additional Passing Place**

Whilst this will have the effect of creating a further area for passing vehicles, unless there is a restriction applied to all three as per d) above it is likely that these will be used as further locations to park. In isolation this will not resolve the concerns regarding parking elsewhere on the verges. Costs would be in the region of £20,000 - £30,000, with future maintenance costs of c.£10,000 over a 10 year period.

### **h) Provision of additional parking areas**

The installation of hardstanding to accommodate addition parking or the use of geotextiles to stabilise the exiting verges to sustain the vehicle overrun and loadings of the parked cars can only be achieved if the riparian roadside ditch alongside the road is properly cleaned out and maintained. Whilst this may provide a practical solution there is a risk that it may only serve to encourage greater levels of parking and set a precedent for elsewhere. Costs of such an approach would be in the region of £20,000 - £40,000.

### **i) Moving the Road Traffic Act 1988 s.34 notice**

This non-standard signage indicates that vehicular usage, without lawful authority, of a public bridleway is an offence under TRA88 s.34. This is enforceable by the police only. Whilst the current signage is located at approximately point D on Appendix A the only location it may be moved to closer to West Street is point B and this will have a limited effect on the parking concerns on West Street itself.

## **2. Conclusion**

The Highways and Transport Scrutiny Committee is requested to consider the Councillor Call for Action request and decide whether to recommend any further action.

## **3. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Location Plan
Appendix B	Councillor Call for Action form from Cllr Ray Wootten 31-12-2020

## **4. Background Papers**

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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