

Report to Director of Highways Transport and Planning

September 2021

Ferring: South Drive & Various Roads - Proposed Waiting Restrictions

Report by Head of Local Highway Operations

Electoral division: East Preston and Ferring

Summary

A public consultation was undertaken in June/July 2021 on a proposed Traffic Regulation Order relating to roads in South Ferring to introduce waiting restrictions in the South Drive area (including West Drive, Ferring Close, Ocean Drive and Florida Road). These residential roads are very close to the beach and it has been reported that the regular local bus service has been obstructed by vehicles parked carelessly on both sides of the road, particularly in the summer months. The proposals include a prohibition of waiting at any time on the bends at each end of South Drive and at its junctions, as well as a seasonal daytime prohibition of waiting on one side of this road and West Drive to better manage the parking. Five objections to the proposals were received but most of the 12 messages of support for the proposals specifically highlighted the need for these measures to maintain vehicular access and help pedestrians and cyclists to feel safer, as there are no footways in these roads.

Recommendation

That the Director of Highways, Transport and Planning, having considered the objections to the proposals, authorises the Director of Law and Assurance to make the Traffic Regulation Order as advertised and for the restrictions to be implemented.

Proposal

1 Background and context

- 1.1 The residential roads in South Ferring are almost exclusively privately maintained, mostly by the Ferring Roads Scheme Association (FRSA), on behalf of the property owners. Nevertheless, members of the public have had unhindered access to most of the road network in this area for many years and they are considered to have public highway status. These roads are located close to a popular beach and, when the seafront car park is full, there is a regular demand for parking on-street that appears to have increased in recent years.
- 1.2 Concerns have been raised by Ferring Parish Council, who had received reports from residents, that inconsiderate parking is creating access problems for the No 8/8A bus services that operate in South Drive and West Drive and for the

emergency services attempting to access the roads in South Ferring closest to the beach.

- 1.3 The bus operator, Compass Travel, subsequently confirmed that, particularly during the summer months, careless parking was making it difficult for buses to follow the prescribed route and that there have been occasions when the service had been unable to continue, as the route was obstructed. The operator has explained that the lack of any existing restrictions allows drivers to park on both sides of South Drive and West Drive. Whilst neither road is wide enough to accommodate parked cars directly opposite each other, motorists frequently leave too short a chicane between cars parked on alternate sides of the road for a bus to get through.
- 1.4 Ferring Parish Council subsequently wrote to 59 properties in what were considered to be the worst affected lengths of road. The responses received from residents also highlighted safety concerns relating to parking on the bends at each end of South Drive and at its junctions.
- 1.5 On 23 November 2020, the Director of Law and Assurance, in consultation with the Chairman of the Joint Eastern Arun Area Committee and the Chairman of the Environment and Communities Scrutiny Committee, used his delegated powers under Standing Order 3.45 to agree to progress the two highest scoring Traffic Regulation Orders (TROs) requested during the previous 12 months, one of which was a request to introduce waiting prohibitions in the following private streets in Ferring: West Drive, South Drive, Ocean Drive and Florida Road, along a local bus route, the build to be funded by residents.

2 Proposal details

- 2.1 The effect of the advertised proposals for the southern side of South Drive and for the southernmost 200 metres of the eastern side of West Drive is to introduce a seasonal daytime prohibition of waiting, that would apply between 8am and 6pm each day from 1st April until 30th September each year. Constraining the parking to a single side of the road in this manner will ensure that traffic, including large vehicles such as buses, fire engines and refuse collection vehicles will be able to service these roads.
- 2.2 To address the residents' concerns, shared by the bus operator, about parking on the bends and adjacent to the junctions in South Drive, some short lengths of double yellow line are included in the advertised scheme.
- 2.3 These proposals are shown on the drawing attached as Appendix A ([TQ0901NWN](#) (PDF, 1MB) and [TQ0901NWS](#) (PDF, 1MB)).

3 Other options considered (and reasons for not proposing)

- 3.1 In the summer of 2020, following the lifting of some of the restrictions introduced by HM Government to counter the coronavirus pandemic, beaches throughout southern England experienced a huge increase in the number of visitors, compared to previous years, with a corresponding increase in reported parking issues, including obstruction of roads in South Ferring that prevented the bus service from operating. In response to that, consideration was given to the feasibility of introducing an emergency waiting prohibition order.
- 3.2 However, doubts were raised about the legality of such a course of action and particularly that the presence of an existing "temporary" restriction might

compromise the statutory consultation that would be required for the permanent measures that had been requested as the long-term solution. It was decided instead to introduce clearways at the bus stops in South Drive as these did not require a TRO to be made, so could be introduced quickly. The locations of these bus stops are close to the bends at each end of this road, so this also offered the benefit of deterring potentially hazardous parking there.

- 3.3 Whilst the bus stop clearways helped to keep short lengths of South Drive clear of obstruction, parking along this road and West Drive continued to obstruct access for large vehicles, so it was evident that additional restrictions would be needed for the bus service to continue and to maintain access for delivery and emergency vehicles, so it was considered necessary to retain these within the advertised scheme.

4 Consultation, engagement and advice

- 4.1 The statutory TRO consultation opened on 24 June 2021 and ran until 22 July 2021. This is a week longer than the statutory minimum period, to give more opportunity to comment on the proposals while there were pandemic restrictions in operation. To ensure that all the frontagers were aware of the proposals, even those who may have been staying at home due the pandemic, notices were delivered to each property as well as being published in the local newspaper and erected on site. Documents showing the proposed restrictions were available on the TRO Team webpage during the consultation period. Because the use of libraries was limited by the pandemic restrictions, it was not practicable to enable the public to have access to paper copies of the documents at Ferring Library. Instead, the public notices directed those without internet access to telephone the Highways Hub, so that paper copies could be sent to them by post.
- 4.2 Consultation documents were sent to Ferring Parish Council, Arun District Council, the emergency services and all local bus companies. No objections were received from these statutory consultees.
- 4.3 The local member, Cllr Elkins, supported the scheme and Sussex Police responded to confirm they had no objection.
- 4.4 During the public consultation five messages of objection were received from residents of Ferring along with 12 messages in support of the advertised scheme.
- 4.5 A summary of the objections and messages of support is included in [Appendix B](#) (PDF, 61KB), which also includes an officer response to the points made. The local member has confirmed his continued support for the proposal and is content that the objections are progressed through the Delegated Officer Reporting procedure.

5 Finance

- 5.1 The roads that are the subjects of the proposed TRO are not maintainable by West Sussex County Council. The FRSA, which has indicated its support for the current TRO proposals, carries out this function and has undertaken to fund and appoint a contractor to install and maintain the road markings required for this TRO.

- 5.2 There are no footways or highway verges along these roads, with the adjacent land being generally owned by the frontagers. Ferring Parish Council has obtained consent from the relevant landowners for time plates (and posts where required) within their property and adjacent to the carriageway. The Parish Council has also undertaken to install and maintain the posts and time plates required for the seasonal restrictions within the proposed TRO.
- 5.3 The proposal represents good value for West Sussex County Council as it benefits a subsidised bus route at no additional works cost to the authority.
- 5.4 The proposal will be processed within existing staff resources.

6 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
If this TRO is introduced there is a risk that the restrictions may lead to displaced parking causing issues at new locations in nearby roads, requiring management with further measures in the future.	This scheme is primarily designed to better manage parking, by constraining it to a single side of the road, rather than to reduce the number of spaces in the affected roads. However, the local roads do have sufficient capacity to take the small number of cars that are likely to be displaced from the junctions where parking (that would be against the guidance in The Highway Code) is to be prohibited on both sides of the carriageway.
If the TRO is not made there is a risk that parking at the junctions and along the roads where the restrictions are proposed will continue to obstruct the passage of buses and other essential large vehicles along this road.	The existing 7am – 7pm bus stop clearways will continue to offer some minor benefit at each end of South Drive and the stopping prohibition could be extended beyond these hours if necessary, without the need for a TRO.

7 Policy alignment and compliance

- 7.1 Waiting prohibitions are subject to civil enforcement; it is not considered that the modest increase in their extent proposed will introduce any significant legal implications for the County Council.
- 7.2 It is considered that the proposal does not raise issues under the Crime and Disorder Act. Sussex Police has been consulted and raised no concerns in this respect.
- 7.3 Anyone who holds a disabled persons' Blue Badge would be able to park on the proposed yellow lines for up to three hours, if they do not cause an obstruction to other road users. It is considered that any remaining effect of this proposal on those with protected characteristics under the Disabilities or Equality Acts is minor in nature and is justified by the need to preserve safety and access in the area through which the affected roads run, particularly in the event of an emergency.

- 7.4 There are no human rights, climate change or public health implications associated with this proposal.
- 7.5 There is social value to this scheme, which complies with the Council's policy of providing a Strong, Safe and Sustainable Place, as it seeks to address an issue that has safety implications for all residents of the affected roads.

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Appendices

Appendix A – Plan showing the existing and advertised restrictions ([TQ0901NWN](#) (PDF, 1MB) and [TQ0901NWS](#) (PDF, 1MB))
[Appendix B – Summary of comments and objections](#) (PDF, 61KB)

Background papers

None