



A STEP TOWARDS A

PAVEMENT PARKING

BAN IN

WALES

FOREWORD BY DEPUTY MINISTER FOR THE ECONOMY AND TRANSPORT, LEE WATERS AM



Parking on pavements has become commonplace, but it's a fairly recent phenomenon. Within just a few generations, residential streets have been transformed from places where children played freely, to places where cars dominate.

Whilst it's true to say that car dependency has multiple causes, it is clear that it has many consequences too.

The rising emissions which have contributed to our recently declared Climate Emergency have been

accelerated by the growth in car use. So too has our air quality crisis. The multiple harmful chemicals pumped into our atmosphere by car exhausts have seen safety regulations repeatedly breached and the Welsh Government subject to court action.

Car-dominated streets contribute to our obesity crisis. Heavily trafficked streets create what's become known as obesogenic environments – places that discourage physical activity and contribute to the problem of sedentary lifestyles. One in four Welsh adults are now classed as obese, but that number drops significantly amongst those who are physically active. Getting people out of their cars for short journeys produces multiple benefits, from cleaner air and less congested roads to improved mental health and busier local shops.

Cars that block pavements stop many people from leaving the house because they feel it can be too dangerous to navigate the streets. We know that this especially affects those with mobility and sight impairments, as well as families with young children.

This Living Streets Cymru report highlights the blight on communities caused by pavement parking. Survey



respondents say that it's a real issue for them and their families, especially around schools in Wales.

This is a familiar story across the UK. But the Welsh Government is taking a battery of actions to make our streets people friendly places again.

Ambitious climate change targets, and a hundred public commitments to make changes, form the heart of our low carbon plan. Our Well-Being of Future Generations (Wales) Act, and the Active Travel (Wales) Act, are both world-leading pieces of legislation aimed at changing the way we make decisions for the long-term, with the latter specifically focused on increasing the number of people walking and cycling in Wales.

I have established two taskforce groups. One to look at how we can best implement a default 20mph speed limit in residential areas, the other to consider how we tackle pavement parking. The Welsh Government must lead on this if we are serious about making walking safe and accessible for everyone.

The taskforce group and I will be looking very closely at what the respondents to the Living Streets survey have said, and we will use it as part of our evidence as we move closer towards tackling the problems caused by pavement parking. We will continue to work closely with Living Streets Cymru to make sure that together we create a better walking environment for everyone in Wales.



EXECUTIVE SUMMARY

Vehicles that park on the pavement and cause an obstruction and damage footway surfaces are a longstanding problem for pedestrians. In Wales, 83% of people say that pavement parking is a common, large, or very large problem. In addition to this, 80% of people express little or no confidence in their local authority's ability to deal with the problem and 83% support a ban on pavement parking in Wales.

Currently local authorities in Wales and England can use Traffic Regulation Orders to create street-by-street or area wide bans. This can be a time-consuming and costly exercise. The police can also prosecute drivers for causing an obstruction, but this is rarely enforced. Living Streets believes that making parking on pavements illegal – unless it is specifically exempted where it is safe and necessary to do so – is the only sensible solution.

The introduction of the Transport (Scotland) Bill led to a new law to ban pavement parking in Scotland which was approved in October 2019. This followed a Scottish Government survey on improving parking in Scotland in which 85% of respondents believed that parking enforcement should be applied consistently across the country. Similarly, a survey by Living Streets Cymru found that 83% of respondents were in favour of a nationwide ban. The Welsh Government has made a welcome commitment to introduce such a ban and has established a taskforce to investigate how it might be applied.



1. Introduction

Vehicles parked on pavements (footways) are as much of a problem in cities as they are in towns and rural villages because they take space away from pedestrians. This can cause an obstruction and restrict the independence of many vulnerable people, especially older and disabled people with visual or mobility impairments.

Pavement parking puts people in danger when, for example, families with pushchairs or people with guide dogs are forced to walk in the road and into the path of oncoming traffic. For a person in a wheelchair, an obstructed pavement can prevent them continuing their journey as there may not be a dropped kerb to allow them to cross the road. Pavement parking is a major concern for Living Streets supporters in Wales.

We asked people in Wales: How big a problem is pavement parking?

More than 1,000 people took part in our survey: 83% said that pavement parking is a common, large or very large problem (see table below). Some respondents suggested that it would take a death to result in any action.

Two respondents linked the death of toddler Esme Weir in Neston in the Wirral when a van mounted the pavement to make a delivery¹ to continued inaction on pavement parking. The latter demonstrates the complete lack of confidence in councils' (and the police's) ability or willingness to address the problem of pavement parking.

Pavement parking is a problem for the general public too. In 2018, a freedom of information request by Living Streets to local authorities in Wales revealed that 88% had received letters from members of the public complaining about pavement parking.²

¹ <https://www.liverpoolecho.co.uk/news/liverpool-news/delivery-driver-who-mounted-pavement-12782437>

² 88% of local authorities who responded to the survey, based on a 64% response rate (16 out of 22 local authorities).



We asked: “How big a problem is pavement parking in Wales?”

It's a very large problem	It's a large problem	It's a common problem	It's a small problem	It's not a problem
29%	25%	29%	10%	7%

The impact of pavement parking

“When I’m out walking with a pushchair and a dog, I often encounter real challenges with pavement parking. I have to put myself, my baby and my dog at risk to negotiate the cars that are parked on the pavement by going on the road as there isn’t enough space for me to pass.” - **Sally**

“I work at the Posture and Mobility Centre which hosts a wheelchair service. Our staff and patients have to travel along the road due to commercial vehicles parking on the pavements.” - **Adam**

“My active and mobile 93-year-old mum fell and broke her hip in two places when someone parked their car on the drop kerb at the corner of her road, blocking it from her access with her walker. She was forced to navigate her way uphill around the back of the car in order to cross the road and her walker toppled over the raised kerb section sending her crashing into the street. Emergency surgery, extended hospital stay, one and a half years of rehab and physiotherapy, and totally unnecessary pain, suffering and a lack of confidence that has rendered her virtually housebound ever since. I don’t care how precious drivers think their vehicles are: pavements are for pedestrians.” - **Ruth**

“My husband uses an electric powerchair to locate all areas. He faces many barriers daily with drivers blocking wheelchair/mobility scooters/ pushchair users. Often he has to drive around vehicles onto roads; he gets so frustrated. Drivers and delivery vehicles are so inconsiderate, and when approached are rude. Often dropped kerbs are also blocked so he cannot access a route.” – **Lynne**



Pavement parking is a longstanding problem. A YouGov poll of people aged 65 and over commissioned by Living Streets in 2014 found that pavement parking was a problem for 73% of older people in their local area; 50% of respondents said that they would be more likely to walk outside if the pavements were clear of vehicles parked on them. Similarly, a YouGov survey commissioned for the launch of the Living Streets State of our Streets report in 2012 found that the most commonly reported problems (two thirds of respondents) were litter and dog fouling, closely followed by people parking on the pavement.

Footway surfaces are not designed to carry the weight of vehicles and the damage caused increases the risk of trips and falls. A Transport Research Laboratory report estimated that in 2002 the number of admissions to Accident and Emergency due to ‘falls on public walking surface defects’ ranged anywhere from 20,000 to 190,000 for the whole of the UK. The same report calculated that a fall on the footway cost £5,606 (2005 prices; a UK inflation calculator shows that this is the equivalent of £8,300 in 2019³). While the authors recognised that ‘vehicle overrun’ (driving onto a pavement) was one of the causes of damaged pavements, they found no data to say what proportion of the damage was caused by the movement or parking of vehicles on footways.

It is not possible to know exactly how many people trip or fall on footways (or in indeed in the carriageway) because of cars parked on the pavement. Nevertheless, a freedom of information request by the AA in 2018 revealed that over the 12 months ending 31 May, 10,329 injury claims were made by pedestrians to local authorities in the UK⁴. The true number of falls could be much higher. In 2011, it was estimated that every pavement repair cost upwards of £80 (versus £52-£75 cost (2018) for planned/reactive pothole repairs in the carriageway)⁵. The maintenance cost of repairing cracked and damaged paving from pavement parking adds an unnecessary financial burden to already cash-strapped councils.

³ Using <http://www.in2013dollars.com/uk/inflation/2005?amount=5606>

⁴ See <https://www.theaa.com/about-us/newsroom/the-shocking-state-of-pavements>

⁵ From Age UK (2011) ‘Pride of Place’ <https://www.local.gov.uk/sites/default/files/documents/age-uks-pride-place-campa-fe3.pdf>



2. How is pavement parking managed?

Welsh local authorities are responsible for parking management. Highways authorities are recommended by the Government to use existing powers under the Road Traffic Regulation Act 1984. The Act enables them to restrict or prohibit pavement parking on individual streets or a defined area by making a Traffic Regulation Order (TRO). Experimental TROs may also be used to test out approaches to removing and/or regulating pavement parking (for example, where the pavement is wide enough, in marked bays). Once a TRO is in place, civil enforcement officers are able to issue a parking control notice – code 62 – and a fine to manage the problem.

Driving on pavements is illegal⁶, but in most places in the UK parking on pavements is considered ‘legal’. This could be challenged by section 137 of the Highways Act 1980, which states that it is an offence to wilfully obstruct the free passage of the highway. However, in practice this is often not enforced by the police.

In London, pavement parking is banned throughout the 32 London boroughs and the City of London under the Greater London (General Purposes) Act 1974. However, a highway authority “may by resolution... authorise” parking on the pavement – avoiding the expense of Traffic Regulation Orders. Exemptions are made on a street-by-street basis.

We asked: “How confident are you that authorities in your area can deal with pavement parking in your area?”

Very confident	Quite confident	Not sure	Not especially confident	Not at all confident
2%	5%	12%	22%	58%

⁶ Rule 145 of the Highway Code states: “You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency”.



Reflecting the observation in section one above, 80% of respondents express little or no confidence in their local authority's ability to deal with the problem.

Implementing TROs is a time-consuming and expensive process. It may take up to two years and requires extensive public consultation. However, at the time of our FOI request in 2018 only one local authority in Wales, Swansea City, said they had used a TRO to control pavement parking in the previous two years (2016-8). The TRO applied to one street and cost £500. Costs reported for England (as part of the same FOI request) varied from an average £250 per sign and post, to over £3,000 per street for putting in the signs and lines, sealing the order, notices published in the local paper and staff costs.

The situation in Scotland: The Transport (Scotland) Bill

In Scotland, the Responsible Parking Alliance, led by Living Streets Scotland, lobbied for the Responsible Parking Bill. The Member's Bill proposed by Sandra White MSP had cross-party support from 58 MSPs. It was delayed over uncertainty about devolved powers and was re-launched in 2015 by Sandra White as the Footway Parking and Double Parking (Scotland) Bill. Mark Lazarowicz MP's Private Member's Bill – the Responsible Parking (Scotland) Bill 2014-15 – sought to clarify the right of Scotland to legislate on parking matters. The Scotland Bill 2016 was amended to give the Scottish Parliament powers over parking in Part 4 of the Scotland Act 2016.

The introduction of the Transport (Scotland) Bill led to a new law to ban pavement parking in Scotland which was approved in October 2019. This followed a Scottish Government survey on improving parking in Scotland in which 85% of respondents believed that parking enforcement should be applied consistently across the country⁷. Final amendments to the Bill were voted on and a new law to ban pavement parking in Scotland was approved in October 2019.

⁷ See <https://www.transport.gov.scot/media/42239/improving-parking-in-scotland-may-2018.pdf>



3. Support for a national ban in Wales

In Wales, 83% of respondents to our pavement parking survey support a ban on pavement parking. We also asked people to tell us about their experience of pavement parking. Issues that are consistently raised when reporting the impact of pavement parking include:

The fear of walking in the road with young children or being knocked down by people driving onto the pavement (especially outside schools because small children may not see vehicles coming and may not be visible to drivers):

- The vulnerability experienced by the least able pedestrians being forced into the road;
- The aggression from drivers towards pedestrians who ask them not to park on the pavement;
- How it is a problem for all pedestrians, not just the most vulnerable;
- Injuries e.g. from vehicles obstructing the pavement;
- The risk and danger associated with driving on the footway in order to park; wider safety issues particularly around visibility, but also vehicle speeds when forced to walk in the carriageway;
- How it limits people's freedom to go outside;
- Inaction on the issue from relevant authorities.

Emerging from the comments we received was a clear sense of entitlement combined with a lack of understanding or empathy from drivers for the impact caused by pavement parking. Drivers' convenience and unwillingness to walk is causing injuries on the footway and forcing people (who rely on walking for transport) into the road. This is despite the fact that the Highway Code says that drivers 'should not' park on pavements.

A key objective of changing the law so that there is a clear presumption that pavement parking is not allowed (unless otherwise permitted), is to challenge the permissive culture of pavement parking.



Challenging the culture of pavement parking

“I nearly got run down when a driver pulled onto the pavement I was already walking on and parked in front of me. I had to walk into the road! When I complained to her, she said she was only parking there for 10 minutes; she didn’t have a clue.” - **Carol**

“My daughter has achondroplasia (a form of short-limbed dwarfism); a car driving down the road as fast as they drive wouldn’t see her until the last minute. Everyone parks on the pavements on the close where we live, so we have to walk on the road. They have drives for cars but use pavements. I just don’t get it.” – **Lorraine**

“If I walk along with my guide dog, I either have to stand and wait or go into the road which is dangerous. Often the people who park on pavements say they are doing it because they can’t walk far, but if they have a blue badge, they should realise the implications of what they do.” - **Jane**

“The problem in my area is with parents dropping off and collecting children from school. They seem to think they are entitled to park wherever and however they like because it’s ‘only for five minutes’”. – **Lloyd.**

Just 10% of respondents were against a pavement parking ban and a further 8% were uncertain. Numerous reasons were given, ranging from:

- Emergency and service vehicles need room to pass;
- Roads are too narrow and not designed for current levels of vehicle ownership;
- People need their cars and have nowhere else to park, what’s the alternative?
- If family visitors can’t park, less mobile residents could face social isolation;
- There should be more support for public transport as an alternative to cars;
- It’s not a problem if there is enough room for pedestrians with buggies;
- Irresponsible parking by a minority of drivers is the problem and education is the answer.



Why pavement parking should be allowed

“I’m a wheelchair user. I’m not against pavement parking if there’s room left to pass and not over dropped kerbs.” - **Elaine**

“If we don’t park on pavements, the emergency services can’t get through. Streets in Wales are old and narrow; people manage to get past parked cars as we only take up half the pavement to park. I know that some people, like the blind, have trouble but I think the emergency services take priority.” - **Susan**

These reasons reveal a common misconception that an outright ban would mean absolutely no parking would be allowed on a pavement, whereas it means turning the current situation on its head. Changing the law would require local authorities to use available powers to enable streets to opt-in for footway parking instead of opting-out. Pavement parking could be allowed on certain streets in marked bays, but it would be regulated and not the current free-for-all.

Similarly, the Transport (Scotland) Bill (as amended at Stage 2⁹) takes a pragmatic approach and states that pavement parking prohibition would be exempted where:

“no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).” (article 47(2)(c))

In other words, pavement parking would be allowed where pavements are still wide enough for pedestrians to walk safely and comfortably side by side, with buggies, wheelchairs or mobility scooters.

The other message that comes out of from the results of our survey is that it is essential for a ban on pavement parking to be accompanied by awareness raising and, critically, enforcement.



Enforcement is essential

“Careless drivers often park their cars diagonally on the pavement on my street and abandon them for several days, sometimes weeks. Something really needs to be done as reporting issues to the council and police is a waste of time and enforcement officers never seem to be around when this is going on.” - **Lesley**

“There seems to be a very loose approach to parking enforcement. No wardens patrol outside of the town centre with the result of dangerous parking all around the area. Parking on pavements and on double yellow lines is rife. Frequently people have to take prams onto busy roads because the pavements are blocked.” - **Roy**

“People are now parking completely on pavements to avoid double yellow lines as they are aware that local authorities cannot take any enforcement action and it is a low priority for the police.” - **Stuart**

“There is little point in putting measures in place unless they are policed. I feel powerless to do anything about people who park on pavements. I’m totally blind and I often collide with vehicles that are parked on pavements, especially large vehicles, as my white cane goes underneath them and the next thing I know my shoulder or face makes contact with painful results. I would be delighted if the law was clarified around pavement parking and a system was put in place to help pedestrians report violations so that you could see that action had been taken. There is nothing worse than reporting something and having no idea that anything happened as a result – why bother?” – **John**

“If legislation is passed, will it make a difference? A lot of pavement parking occurs over double yellow lines with no hope of a warden turning up and dealing with that offence.” – **Jocelyn.**



Case studies

Folkert Veenstra from

Montgomeryshire says that pavement parking is a big problem in her area. She is a wheelchair user and doesn't feel safe confronting drivers which means that she often has to call the police when a pathway is obstructed by a vehicle.

"People use the pavement as a car park and it's dangerous for everyone. I use a wheelchair and if the pavement isn't wide enough, I can't get past. It's particularly bad for blind people – at least I can see the cars. People just don't think. It shouldn't be like this: pavements should be for people."

Folkert would like to see legislation to ban pavement parking in Wales and thinks that parking wardens and the police should have the same powers to fine people who park illegally. She also thinks that more people should complain so that local authorities take action.

Rhian Morris lives in Bridgend with her seven-year-old son, Harley. Both of them are partially sighted so it's even more difficult to get around when vehicles park on pavements. She says that many people in her neighbourhood won't leave the house and don't have the confidence to report pavement parking.

"It's really difficult to navigate around parked cars and I have to plan ahead when I go out. It causes me a lot of anxiety because I don't always know that it's safe to cross the road. I want Harley to be able to get around when he's older, but obviously I struggle."

Cars park on the pavements outside Harley's school, in the street, and in the town centre, and Rhian thinks that local authorities need to provide more designated parking spaces. Rhian would like to see an outright ban and is campaigning in her area to raise awareness of the issue and help others who are affected.

"It impacts so many people whether you have a disability or not. No one should have to walk in the road; it's not fair."



4. How a ban could work in Wales

The simplest approach is to use available powers – Traffic Regulation Orders – to allow pavement parking on certain streets ('opting in' instead of banning it) on a street-by-street basis. For the reasons outlined above, this would be a time-consuming and expensive process. Another approach suggested in England is to decriminalise the offence of obstruction. This would allow local authorities to impose fines on vehicles blocking the footway. In our view this could be a useful interim measure while a national ban (which would regulate where pavement parking is allowed) is implemented.

Living Streets believes the law needs to be consistent across Wales. The London approach – which we lobbied for and has been adopted in the Transport (Scotland) Bill – could be rolled out in England (and Wales) too. Instead of requiring a TRO, councils would need to pass a resolution to exempt streets or places in order to allow pavement parking. Passing a resolution is quicker and avoids the need for expensive advertisements and consultations. It is responsive to local need.

It remains to be seen whether the Scottish Government will advise Scottish highways authorities to consult residents and/or businesses on permitting pavement parking. That, together with a national awareness raising campaign and the onus on highways authorities to ensure that pavement parking is only allowed where it is safe to do so, will incur some cost.

This is offset by offering huge financial savings to local councils who are charged with fixing footways damaged by the weight of vehicles, and the new freedom given to people in wheelchairs, parents with pushchairs and older adults.

5. Wider issues

Concerns were raised about the design of new housing estates where narrow drives and narrow streets provide insufficient space to park, forcing people to park on the pavement. This problem also emerged in responses to a Living Streets pavement parking survey in England. Restricted parking provision is not a solution without adequate active travel and public transport alternatives.



Respondents to our survey in Wales also raised wider issues around pavement maintenance and obstructions, such as overgrown hedgerows, wheelie bins and street clutter. Together with pavement parking, these were seen as indicative of the low priority given to pedestrians.

6. Conclusion

Living Streets fully supports the Welsh Government's intention to ban pavement parking. We have campaigned for safer and more accessible streets throughout our 90-year history. This latest survey of people's experiences of pavement parking in Wales demonstrates what we have learned along the way: we need to ban pavement parking.

Driving vehicles onto the footway is dangerous (and illegal) because pedestrians are not expecting it and young children may not be visible to the driver. Parking vehicles on the footway and causing an obstruction may prevent pedestrians in wheelchairs continuing their journey or force young families with buggies into the path of oncoming traffic. The majority of people who responded to our survey in Wales support changing the law.

Changing the law would still mean that local authorities have the option to allow pavement parking on streets where it is both safe for pedestrians and necessary to do so. The aim of creating a default ban is to turn the current situation on its head, by challenging the culture of permissiveness around pavement parking and regulating it. Existing tools such as Traffic Regulation Orders (TROs) can be used to permit parking on pavements in marked bays. The Welsh Government may also want to consider decriminalising obstruction and the use of council decisions (instead of TROs) to control pavement parking.

However, changing the law by itself is not enough. It is essential that the public is made aware of the changes and why they are happening. It is also necessary for these changes to be enforced. Many people commented on the lack of action and enforcement on pavement parking – but also on wider issues around pavement maintenance. The Welsh Government is in a position to take these issues forward and Living Streets looks forward to supporting its progress towards a positive outcome for everyone.





We are Living Streets, the UK charity for everyday walking. Our mission is to achieve a better walking environment and inspire people to walk more.

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