

Proposed Change to Restrictions at Aviator Park Recreation Ground Car Park –  
Review of Objections (Corporate Head of Customer, Digital and Collection Services -  
Linda Norman)

### **Synopsis of report:**

- 1. To report the objections received in response to the Council's Public Notice to make an Amendment Order to change the restrictions that apply in the Aviator Park Recreation Ground Car Park; and**
- 2. To request the Committee to consider these objections and to decide whether the Amendment Order should be confirmed.**

### **Recommendations:**

- i) The Committee considers the objections received to the Council's proposal to make an Amendment Order to increase for the period for no return in the Aviator Park Recreation Ground Car Park from two hours to five hours; and**
- ii) Having considered the objections, the Committee decides whether the Amendment Order should be confirmed and for the Corporate Head of Customer, Digital and Collection Services under delegated authority to approve up to six parking permits to be used at that location to permit all day parking for either residents or local businesses to apply for.**

### **1. Context of report**

- 1.1** At its meeting on 17 November 2021, this Committee was advised that the Parking Services team carries out periodic reviews of the Council's free car parks alongside the annual Car Parking Charge Review. This normally takes place every three to four years and was last carried out in November 2016. At that time, the Committee had resolved that there was no case for introducing charges in these car parks.
- 1.2** At the meeting on 17 November 2021, the Committee was advised that since the last review it had recently come to the attention of the Corporate Head of Customer, Digital and Collection Services that the car park at Aviator Park Recreation Ground was being used by the public to park their vehicles whilst they were at work rather than for visiting the park which was the original intention of that car park. If they used other car parks within the town centre, they would have to pay for parking at around £7 a day depending on which car park they used. The current restrictions which apply in the Aviator Park Recreation Ground car park are that vehicles may wait for a maximum period of three hours and a return is prohibited within two hours.
- 1.3** Surveys conducted by the Green Spaces Team in 2017/2018 on this car park concluded that the car park was not regularly being used by park visitors and that many were regular users of that car park, often being in place before the opening of the park in the morning. However, as no complaints had been received by park users that they were unable to park, no further consideration of changes to the parking restrictions had been recommended.

- 1.4 However, since the transfer of Parking Services from Community Services to Customer, Digital and Collection Services, enforcement of that area had been re-instated. It was clear that this particular car park had not been patrolled for many years as it was often difficult to prove the contraventions under the current parking restrictions, so resources had been targeted elsewhere. A consequence of this non-enforcement was that regular users of that car park had become complacent and continued to enjoy free parking for up to 6 hours each day. With the Civil Enforcement Officers (CEO) now visiting the car park, Parking Contravention Notices (PCN) were being issued which had resulted in several complaints from the owners of the vehicles who had challenged the legality of the notices.
- 1.5 The Committee was advised that discussions by Customer, Digital and Collection Services with Green Spaces staff confirmed that the results of their 2018 survey, users of the park rarely stayed for longer than two hours so by amending the parking restriction order to retain the current maximum waiting period of three hours but increasing the no return from 2 to 5 hours would not impact on current users but would ensure that the car park continued to be kept available for use by the public for recreational purposes and was in the spirit of the original intention for the car park. This change would be achieved through an amendment to the Borough of Runnymede (Off-Street Parking Places) Order 2008 (as amended). There would be minimal cost for these changes requiring improved signage and the installation of a machine which would work on a similar basis to that installed at Homewood Park which required users to display a ticket confirming time of entry, but no fees were payable. This would then mean enforcing of the parking restrictions would be more effective and that park users would be able to continue using the car park.
- 1.6 The Committee noted that enquiries from residents regarding overnight parking in the Aviator Park car park had been considered and discounted due to concerns from the Police and Community Safety about potential anti-social behaviour that may occur. The car park is poorly lit and there is no CCTV in that area. The Police recommended investing in such measures to mitigate any risk should the overnight parking restriction be lifted in the future. However, the Committee was advised that, as stated previously, the car park was not built to accommodate residents parking but to support visitors to the park for recreational purposes and therefore it would be unfair to allow residents free parking overnight when other residents across the borough did have to pay for resident parking permits in some areas.
- 1.7 Having considered the above information, the Committee agreed that the Council would advertise its intention to amend the Off-Street Parking Places Order in respect of the Aviator Park Recreation Ground Car Park to increase the period of no return from two to five hours to ensure that the car park remained predominantly for the benefit of the Recreation Ground users.

## **2. Report**

- 2.1 The Council placed a public notice in the Surrey Advertiser on 3 December 2021, arranged for copies of the public notice to be displayed in the car park and in the vicinity of the car park and advised by post local and statutory organisations of its intention to make an amendment Order. The public notice advised that a copy of the draft Order and Statement of the Council's reasons for proposing to make the Order were available for inspection during normal opening hours at the Civic Centre and that any objection should be sent in writing by post or by email to the Corporate Head of Law and Governance by 24 December 2021.

- 2.2 The Council has received seven objections to the proposed Amendment Order sent by email which are set out in Appendix 'A' attached. Six of the seven objections received are from people working for two businesses who use the car park to park their vehicle while they are at work. Three of these objectors work for one local company (Company A) and three of them work for another local company (Company B) Objection 7 is from a local resident. All of the objectors have been advised that their objections will be considered.
- 2.3 A summary of the main points made by the objectors and comments by officers on those points are set out below.

**Objection 1 – first objection - Company A, Objection 2 - Company A and Objection 4 - Company B**

- 2.4 The car park provides convenient parking for them. They regularly use it for periods of up to 3 hours before leaving for meetings and the inability to return within five hours would cause them significant issues.
- 2.5 They state that they would have to park in local streets if they did not use the car park as alternative parking in the town centre is too far away. Officers advise that the town centre is only a short drive or short walk away.
- 2.6 They contend that by making this change local streets which are already congested with parked vehicles will become more congested.
- 2.7 They contend that the car park is seldom used by people who use the Recreation Ground.
- 2.8 They report that the level of use of the car park is not great and that there is plenty of room in the car park to accommodate people who might wish to park there to use the Recreation Ground or park there for other purposes.
- 2.9 They state that the Council should not be seeking to prevent local residents and local workers from using the car park on a regular basis.
- 2.10 They contend that the Council must research the use of the car park and establish the level of usage by Recreation Ground users which they contend is very low.
- 2.11 They contend that there have been a number of different regulations which have applied in the car park. Officers advise that since the car park has been included within the Off-Street Parking Places Order only one set of regulations has applied, i.e. that vehicles may wait for a maximum period of three hours and a return is prohibited within two hours.
- 2.12 Objector 1 (Company A) and Objector 4 (Company B) advise that the business for which they work would be prepared to pay for permits to park in the car park and that they would require no more than three permits annually. This would also give the Council an additional revenue stream.

**Objector 1 – second objection - Company A**

- 2.13 This objector asked to receive the draft Order and Statement of Reasons for proposing to make the Order which were sent to them electronically. This objector then sent a second objection which relate to the Statement of Reasons (the Statement of Reasons is attached at Appendix 'B'). A summary of the points made by

the objector which are additional to the points made in this objector's first objection and officer comments on those additional points are set out below.

- 2.14 They suggest that the intention for use of the car park for leisure purposes should have been publicised in the car park. Officers advise that this has not been done for the following reasons. The Council is required to make it clear to users what the conditions are relating to the car park, i.e. at present that vehicles may wait for a maximum period of three hours and a return is prohibited within two hours. In doing this, it is not barring people from using the car park who are not using the Recreation Ground, it is allowing people to use the car park, for whatever purpose, provided that they comply with those conditions.
- 2.15 They contend that there has not been misuse by users and state that vehicles have been correctly parked in line with regulations.

### **Objector 3 – Company A**

- 2.16 They state that the car park provides convenient parking for them. They regularly use it for periods of up to 3 hours before leaving for meetings and the inability to return within five hours would cause them significant problems with trying to park and return to work.
- 2.17 They state that parking in local areas is already difficult and alternative parking in the town centre is too far away and would incur additional cost during a time when everyone is suffering as a result of the pandemic. Officers advise that the town centre is only a short drive or short walk away.
- 2.18 They suggest that the Council should review its proposed course of action and liaise with local businesses and residents with a view to devising a plan that will have the support of local businesses and residents.

### **Objector 5 – Company B**

- 2.19 This objector asked to receive the draft Order and Statement of Reasons for proposing to make the Order which were sent to them electronically.
- 2.20 They state that the car park provides convenient parking for them. They support the current timeframe for return which prevents local workers and commuters using the station from parking in the car park all day, but not the proposed no return within five hours amendment as they consider it is detrimental to local residents. They consider that the current parking rules are effective.
- 2.21 They object as PCNs have been issued in the car park which have been challenged. Officers advise that proposals to tackle this issue are set out in paragraph 1.5 of this report above.
- 2.22 They consider that the Council should provide signs stating that the car park is only for the use of Recreation Ground users and consider that, if that is what the Council intends, there should not be a no return policy. Officers advise that providing signs that the car park is only for the use of Recreation Ground users has not been done for the following reasons. The Council is required to make it clear to users what the conditions are relating to the car park, i.e. at present that vehicles may wait for a maximum period of three hours and a return is prohibited within two hours. In doing this, it is not barring people from using the car park who are not using the Recreation

Ground, it is allowing people to use the car park, for whatever purpose, provided that they comply with those conditions.

- 2.23 They contend that local people walk to the Recreation Ground in order to use it rather than parking in the car park and then using the Recreation Ground.
- 2.24 They contend that the Council should not be encouraging local residents to drive to the car park and park there in order to use the Recreation Ground as car use is not environmentally friendly.
- 2.25 They contend that the Council should demonstrate with evidence the numbers of people who use this car park in order to use the Recreation Ground.
- 2.26 They object to the use of the term “misuse” in the Statement of Reasons (the Statement of Reasons is attached at Appendix ‘B’). Officers advise that anyone who does not comply with the conditions for the use of the car park is misusing it.
- 2.27 They report that the level of use of the car park is not great and that there is plenty of room in the car park for all types of users.

#### **Objector 6 – Company B**

- 2.28 This objector states that they use the car park regularly for work and that if the change were made, they would have to park in local streets which are already congested. They state that the change would have an adverse effect on people that use the car park regularly for work purposes. Officers advise that the town centre is only a short drive or a short walk away.

#### **Objector 7 – From a local resident**

- 2.29 They suggest that the decision-making process should be deferred in order to allow more time for local residents to consider the Council’s reasons for proposing to make the Amendment Order. Officers advise that the Council has made the draft Order and Statement of Reasons for proposing to make the Order available for inspection during normal opening hours at the Civic Centre and the public were not precluded from visiting the Civic Centre to view the documents during the 21-day objection period. At the time of this meeting, it will have been almost 1 year since the public notice was published advising that a copy of the draft Order and Statement of the Council’s reasons for proposing to make the Order were available for inspection; no further representations have been received from Objector 7 having now had several months to consider the Council’s reasons for proposing to make the Amendment Order.
- 2.30 The local resident has objected to the Amendment Order on the basis that they state that the car park is never full and that it would be detrimental to local residents to increase the no return period.
- 2.31 They hope that the Council is not putting forward this proposal unless it is supported by substantial evidence and suggest that the proposed change might be motivated by the Council seeking to acquire more revenue.
- 2.32 Regarding paragraphs 4, 5 and 6 of these objections which relate to a suggestion from local residents that night parking should be allowed, officers propose to inform this resident of the reasons for not proceeding with night parking for residents which are set out in paragraph 1.6 of this report above.

- 2.33 Since the consultation concluded, court action was taken by local residents against the Council to close the skate park within Aviator Park due to excessive noise. The skate park was therefore temporarily closed until the outcome of the court case. The court case concluded on 7 September 2022 with a recommendation for the skate park to be open two days a week as from 5 October 2022. Corporate Management Committee has since decided to close the skate park indefinitely and install a new facility at Heathervale.
- 2.34 During the period of closure of the skate park, Parking Services have taken the opportunity to monitor the use of the car park to see whether suggestions for introducing parking permits for local businesses at that location could be accommodated without impacting on park users.
- 2.35 The car park consists of 12 parking spaces and 3 disabled parking spaces. Since the closure of the skate park, the car park is relatively empty albeit with the same six cars being parked most days. Occasionally, other cars have been seen there early in the morning but are gone within two hours which suggests these people are using the car park as intended.
- 2.36 However, the Council recognises that there has been a fundamental change to the facilities that Aviator Park offers since the consultation to change the parking order. With the closure of the skate park earlier in the year, this has affected the number of visitors to the park and the carpark is no longer being used to the same capacity as previously. There is now an opportunity for the Council to consider whether it is able to offer parking permits at that site to support local businesses or residents without impacting on people who still want to use the carpark as previously intended i.e. visiting the park.
- 2.37 The recent monitoring of the site has concluded that the Council could set aside up to six parking spaces which would require parking permits, leaving six spaces for others as well as three disabled parking spaces. The cost of an annual parking permit is £125 at the Council's smaller car parks, and this would raise approximately £750 a year which would go towards maintaining the car park which has been neglected in recent years.

### **3. Policy framework implications**

- 3.1 The Corporate Plan includes in its priorities "helping to stimulate the creation of a sustainable town, that reduces the need for residents to travel outside of the Borough to access retail, commercial and leisure facilities."

### **4. Resource implications/Value for Money**

- 4.1 If the Committee is minded to proceed with the Amendment Order, the Order will be made and confirmation of the making of the Order will be advertised.
- 4.2 If the Committee approve the addition of parking permits at the location, this will be advertised and a small revenue income of £750 will be received which can be invested back into the service to help maintain the Council's car parks.

### **5. Legal implications**

- 5.1 An amendment to the Off-Street Parking Order is required to increase the time period for which a return is prohibited from two hours to five hours in the Aviator Park Recreation Ground car park.

- 5.2 Under the provisions of the Road Traffic Regulation Act 1984 the Council has advertised its intention to make this proposed change. As objections have been received, they must be considered by this Committee who will then decide whether to proceed with the Amendment Order.
- 5.3 The Corporate Head of Customer, Digital and Collection Services has delegated Authority to issue parking permits at Council owned car parks.

## **6. Equality implications**

- 6.1 The Council has a duty under the Equality Act 2010. Section 149 of the Act provides that we must have due regard to the need to;
- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
  - b) to advance equality of opportunity
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.
- 6.2 The Equality Impact Assessment that was submitted to the 17 November 2021 meeting of this Committee is attached at Appendix 'C'.
- 6.3 No objections received were in relation to potential discrimination under the Equalities Act.

## **7. Environmental/Sustainability/Biodiversity implications**

There are none.

## **8. Other implications**

- 8.1 The objectors who use the car park to park their vehicle while they are at work (objectors 1 to 6) state that they regularly use the car park for periods of up to 3 hours before leaving for meetings and the inability to return within five hours would cause them significant problems with trying to park and return to work.
- 8.2 They state that they would have to park in local streets if they did not use the car park as alternative parking in the town centre is too far away. They contend that by making this change local streets which are already congested with parked vehicles will become more congested. Officers advise that the town centre is only a short drive or short walk away.
- 8.3 They contend that the car park is seldom used by people who use the Recreation Ground. They report that the level of use of the car park is not great and that there is plenty of room in the car park to accommodate people who might wish to park there to use the Recreation Ground or park there for other purposes, e.g. local residents or people parking there while at work.
- 8.4 They contend that the Council must research the use of the car park and demonstrate with evidence the level of usage by Recreation Ground users which they contend is very low.
- 8.5 One objector working for Company A and one objector working for Company B have advised that the businesses for which they work would be prepared to pay for permits to park in the car park and that for each business no more than three permits would

be required annually.

- 8.6 One objector has suggested that the Council should review its proposed course of action and liaise with local businesses and residents with a view to devising a plan that will have the support of local businesses and residents.
- 8.7 One objector contends that local people walk to the Recreation Ground in order to use it rather than parking in the car park and then using the Recreation Ground and that the Council should not be encouraging local residents to drive to the car park and park there in order to use the Recreation Ground as car use is not environmentally friendly.
- 8.8 A local resident (objector 7) has objected to the Amendment Order on the basis that they state that the car park is never full and that it would be detrimental to local residents to increase the no return period. They hope that the Council is not putting forward this proposal unless it is supported by substantial evidence. Regarding the night parking suggestion in this objection, it is recommended that officers inform this resident of the reasons for not proceeding with night parking for residents which are set out in paragraph 1.6 of this report above.

## **9. Timetable for Implementation**

- 9.1 The Amendment Order and parking permits should come into effect from 3 January 2023 to allow for minor works to be carried out at the car park such as new signage, parking machine and permit spaces to be identified.

## **10. Conclusions**

- 10.1 The Committee considers the objections received to the Council's proposal to make an Amendment Order to increase for the period for no return in the Aviator Park Recreation Ground Car Park from two hours to five hours.
- 10.2 Having considered the objections, the Committee decides whether the Amendment Order should be confirmed and for the Corporate Head of Customer, Digital and Collection Services under delegated authority to approve up to six parking permits to be used at that location to permit all day parking for either residents or local businesses to apply for.

**(To resolve)**

### **Background papers**

Objections received to the proposed Amendment Order (Attached at Appendix 'A')  
Statement of Reasons (Attached at Appendix 'B')  
Equality Screening (Attached at Appendix 'C')