

Dear Mr Potter

Thank you for your letter informing local residents about the proposed closure of the NL(E) Car Park. TRANEH objects to the proposed closure of the NL(E) Car Park and would like to see it remain open. No reasonable and rational case has been made that justifies the proposal to close the NL(E) Car Park and no reasonable and rational case in highways and parking terms has been made for the proposal to close the NL(E) Car park.

There is a general requirement in public law for local authorities, both committees and officers, to act reasonably and rationally when taking decisions. No statutory legislation can take this obligation away. We have set out in this objection where we believe that this obligation has not been met, or where it appears not to have been met, and have asked for information to be provided that allows it to be assessed whether this obligation has been met.

This council service has been in place for a long time, it seems since before 1985. In proposing to close the service the authority therefore needs to set out a reasoned and rational case for ceasing to provide the service having taken account of the effect of stopping doing so. This needs to be considered in highways and parking terms.

There seems to be a misconception that the NL (East) car park is little used, this may be because cars parked are hidden by the hoarded off area. In fact, the car park is constantly used, especially by residents but also by visitors to the local shops and businesses in Broad Street, commercial vehicles and Elleray Hall users.

The following pictures show daytime use levels;



NL East Car Park July

NL (East) use - daytime examples



Examples over several months.
Note trolleys used, loading of cars,
and commercial vehicles



It is constantly used during the day by shoppers at Tesco's, commercial vehicles and residents.

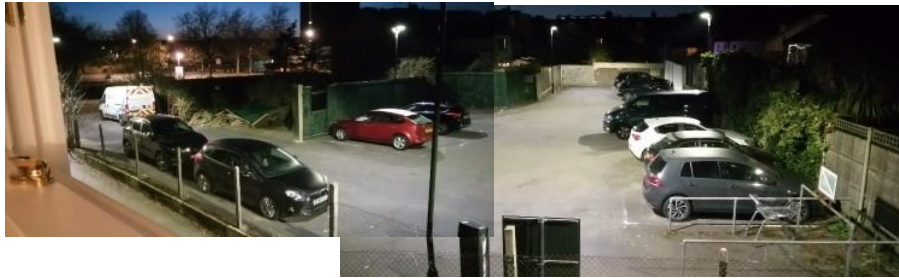
Parking in surrounding streets is already full – for example North Lane and North Place. It is not clear yet if the new T2 CPZ, with reduced spaces and limited operation hours, will make this situation worse or better.

Typical Parking in North Lane and North Place



The following pictures show typical overnight use of the North Lane East car park earlier in the year;

NL (East) use - evening



Various evenings
- note different
car positions



And more recently with lighter evenings;

NL (East) use – summer evenings



The council surveys of parking in the NL(E) provided to residents are based upon snapshots and do not properly describe the usage of the car park and the existing parking stress in adjoining roads. We hope you can see why local residents do not want to have the car park closed and you can understand the subsequent impact on parking stress in the local roads that would result.

We would like to make the following points;

1. The granting of planning permission does not provide a reasonable justification for closing the car park. The primary reason given for the closure is invalid and it is unreasonable and irrational to propose closure for this reason.

The granting of planning permission for the land that is used for the NL(E) car park does not affect this obligation. As the Head of Planning has confirmed there are often other legal obligations or regulations that need to be complied with and dealt with before a development can take place. These are quotes from an official email we received;

"..... Orders sit outside of the planning process This is often the case where there is other legislation which has to be complied with for example licensing or building regulations, which dovetail with planning but on which the planning process does not rely although the implementation of the scheme requires compliance with that separate regulation....it is not unusual to have other legislation which may have requirements which need to be met before a scheme can be implemented."

'...the ability to implement that permission is not an inherent part of determining whether or not to grant. whether the car park use will be extinguished and whether other matters may intervene – any of these things may result in complications for the implementation of any planning consent Granting permission does not mean, in itself, that the development or any part thereof will be implemented.'

Given that the car park has been created using the Road Traffic Regulations Act any case to close the car park needs to set out in a proposal and provide information on highways matters that shows that the proposal is rational reasonable and justifiable.

The Road Traffic Regulations Act under which the Order was made does not provide local authorities with a specific power to justify closure on grounds of community benefit. Therefore, the council cannot claim that the granting of planning permission justifies closure of this long-established service.

2. The council has not set out any justification in the notice or the letter to residents for the closure in highways terms. No information has been provided other than references to the Planning Committee report of the 9th March 2022. The consultation process is therefore flawed and invalid as it does not provide the public with information upon which to make an informed decision.

3. As the car park is operated under regulations from the Road Traffic Act and as this is a parking and highways matter the council should have provided information on parking and highways matters to explain and support its proposals for the closure of the car park. It has not done this.

4. The procedures for closure includes the requirement for a statutory consultation period. The council in making a proposal to close this long-established service needs to set out a case as to why the service that has been provided since before 1985 should be discontinued and what will be the effects and implication of closure in parking and highways terms on the locality. The council has failed to provide any relevant information as to the justification for closure. Without the provision of this information there is not sufficient information for the public to evaluate the proposal and therefore the process being used is invalid as it does not meet the minimum requirements for fair and valid statutory consultation.

5. If the council were to make a decision to close the car parking it would have done so without properly meeting the requirements for statutory consultation as the procedure used is invalid and unreasonable.

6. In addition it would have behaved irrationally and illogically, as what information is available to the public shows that the closure will make a poor street parking situation worse. The information that is available to consultees does not justify the closure of the car park in parking and highways terms. In fact, it indicates the opposite: that it needs to remain open.

7. Although the council has provided no information there is information that is available to the public and therefore available to the authority that can be reviewed to inform a response to the consultation. These are the results of the surveys and the sections of the Planning Committee Report of the 9th March 2022 that relate to parking and highways. The March 2022 Report concludes that in highways terms there would be an increase in parking stress as a result of the closure of the NL(E) Car park. It is therefore irrational and unreasonable for the council to propose the closure of the car park.

The Planning Report does not provide an accurate picture of the parking situation. Problems include firstly it's inaccuracy and omissions, and secondly when data was collected. The information provided in the report is inaccurate (see below) and was collected either prior to the pandemic or during the pandemic and is out of date.

Significant concern has been raised in the representations regarding additional parking demand generated by the development, and the loss of the existing North Lane car park, which is pay and display with a maximum stay of three hours between 08.00 and 18.30. Representations also raise concerns as to the validity of the parking surveys which have been submitted by the applicant.

The report refers to an overnight parking survey in 2019. This recorded on average 8 vehicles parked in the car park overnight. In addition, 12 vehicles were parked between the hours of 10:00hrs and 11:00hrs and 9 vehicles were parking between 17:00hrs and 18:00hrs. As has been shown by the photographs supplied post pandemic the overnight parking level is generally much higher than this.

The report looks at the potential parking impacts which might arise from there being a shortfall of parking spaces from the new development (15) and the loss of the NL(E) car park. The on street vehicular surveys quoted were carried out on the 12 May 2019, 14 May 2019 and 15 May 2019. This identified 142 on-street vehicular parking spaces of which, on average across the three official nights, 108 were occupied, giving an average existing stress level of 76%. If up to 15 vehicles to be parked on the surveyed streets overnight because of the proposed residential development, the on-street parking stress level would increase to 87% overnight. This exceeds the recommended 85% set out in the Local Plan and the LBRuT's Parking Survey Methodology Supplementary Planning Document: this states that LBRuT will consider appropriate extant planning permissions in the area and if stress levels are calculated at 85% stress* or more LBRuT will raise an objection on the grounds of saturated parking, highway safety and undue harm to neighbour amenity. However, the survey erroneously included 21 on-street parking bays on Broad Street The report states that "*Discounting these bays gives a total of 121 usable existing on-street parking bays and, if the worst-case scenario for overspill parking from the residential development is included, 123 vehicles needing to park on-street overnight. This gives a worst-case scenario on-street parking stress level of 102% of total existing on-street vehicular parking capacity, which would potentially lead to **saturated parking, highway safety and undue harm to neighbour amenity.***"

The report states that representations have been raised on the basis that 9 spaces have been erroneously included in the parking survey on St Marys Avenue as since then these have been removed and no longer exist. The report mentions that the Transport Statement refers to this and that it was reasonable to include them as these were present on the days of the survey! The report then states "... however the reduction in available spaces has been accounted for in the reporting of parking stress." No figures are quoted as a result of this. However, this would mean a reduction from 121 to 112 giving a parking stress level of 110%.

The report then explains that the figure of 15 could be 8 when considering the profile of probable tenants, the site's location club car membership (but only for three years) etc the report states *"Therefore, applying the parking standards, the displacement of parking could result in an on-street parking stress of 102% and applying the census data 96%."* This however still fails to take account of the 9 places lost so the figures should be 110% and 104%.

The report then goes onto consider the proposed new CPZ. This has now been agreed but there is, as yet, no implementation date. The report claims that as the residents of the housing development will not be able to apply for permits, they will be deterred from owning cars, by the 2-hour operation of the CPZ. The report refers to operational hours of 9.00-11.00. In fact, the hours are to be 10.00.-12.00, The report states "... it is considered that even if the implemented CPZ is a short-time frame, 9.00-11.00, this will be sufficient to deter car ownership to an acceptable degree....." no calculation is provided of what this acceptable degree will be. Experience of residents who live in Elleray Road (operational hours 8.30-22.00, 365 days per year) is that car ownership is not deterred by much longer operational hours. Even with these hours the residents of the flats over the shops in Broad Street (who cannot apply for Z1 permits) and even further afield regularly begin to park their cars in the Z1 CPZ from 21.45 and move them between 8.00 and 8.45 in the mornings. It is therefore reasonable to include the stress levels of 110% and 104% once the housing development is completed.

This of course does not take account of the displacement of those season ticket holders from the NL(E). These season ticket holders are not just overnight parkers. They are able to park for unlimited time, day and night in the NL(E). Daytime is needed because of proximity to homes in the pedestrianised part of Middle Lane and those on North Lane opposite Tesco where there are double yellow lines, and the Tesco loading bays.

The report then turns to the North Lane West Car Park. This has the same pay and display hours of operation as the North Lane East Car Park, however, does not operate a season ticket system. Therefore, any motorist that parks in it overnight must move their vehicle by 8am the next day to avoid a parking ticket. The applicant's survey showed that this car park has a total of 82 spaces and that one vehicle was parked overnight. As such, the displacement from the North Lane East car park could be accommodated within the North Lane West car park. This contradicts the statements previously in the report that in calculating parking stress on street parking these places should not be included. It also ignores the fact that any season ticket for NL(E) will be invalid once the CPZ is operational as these season tickets are to be withdrawn. Using even the low figure of 8 vehicles this would result in an increase in overnight and daytime parking of 8 vehicles. This would mean parking stress of 117%.

The report then looks at the parking situation when the new Elleray Hall community centre is in place. This results in the potential overspill of 1 vehicle during the day in comparison to the former community centre, plus up to 27 vehicles resulting from the loss of the existing car park. The submitted on-street parking beat survey shows that, during the daytime, there is already an average level of on-street parking stress of 89% of existing on-street vehicular parking capacity between 10-11am, and 85% between 5-

6pm. Therefore, any additional on-street vehicular parking demand would exceed the 85% level.

The report states that the survey identified only 62 vehicles were parked in the North Lane West car park between 12-1pm on Saturdays, a time of peak stress, (once again this seems contrary to the experience of those who live next to this car park where there are regular queues on Saturdays. It feels to residents that parking stress is now rapidly returning to pre-pandemic levels) that this left a total of 20 vehicular parking spaces. Therefore, 20 vehicles could be displaced to North Lane West Car Park and the remaining 7 vehicles could park on the street (resulting in a parking stress of 93%) This is not logical as the NL(W) has a 3-hour maximum stay and the displaced users would include those who may wish to park longer than three hours because they could do so in the Elleray Hall car park, and season ticket holders.

The report states that even the lower figure of 93% can be acceptable because the Lambeth Parking Survey Methodology (which the Council uses) suggests a wider catchment area of 500m for parking surveys when assessing commercial developments, given people are willing to be park further away and leave their vehicles for short time periods during the day than at night. Therefore, it can be reasonably expected that motorists would park in other areas of Teddington further from the site during the day. This is illogical because it fails to take account of the reduced level of on street parking as a result of additional double yellow lines due to the new CPZ and the effect that the new CPZ will have. No calculation is provided as to what degree this will mitigate parking stress. However, the NL West car park is also known as the TESCO car park (even though most of it is council run). This is because people park to do their shopping which can be heavy and bulky so many TESCO shoppers are unlikely to park further away. If this happens there will be a knock-on effect on other nearby roads. This increased pressure on other roads has not been taken into account when proposing the closure of the NL(E) Car Park.

The reports states that the Transport Addendum provided some updated figures that showed similar levels of parking stress as the original and that the calculations above were still relevant. This confirmed the level of day time parking stress (93%) well above the 85% level even before taking into account other relevant developments that were not included in the calculation that have been set out above.

The Report suggests that CPZ introduction may mitigate the impact of parking stress in the area. As shown below and elsewhere in this submission this is incorrect based on the information in the report and when this is updated the stress level is even higher.

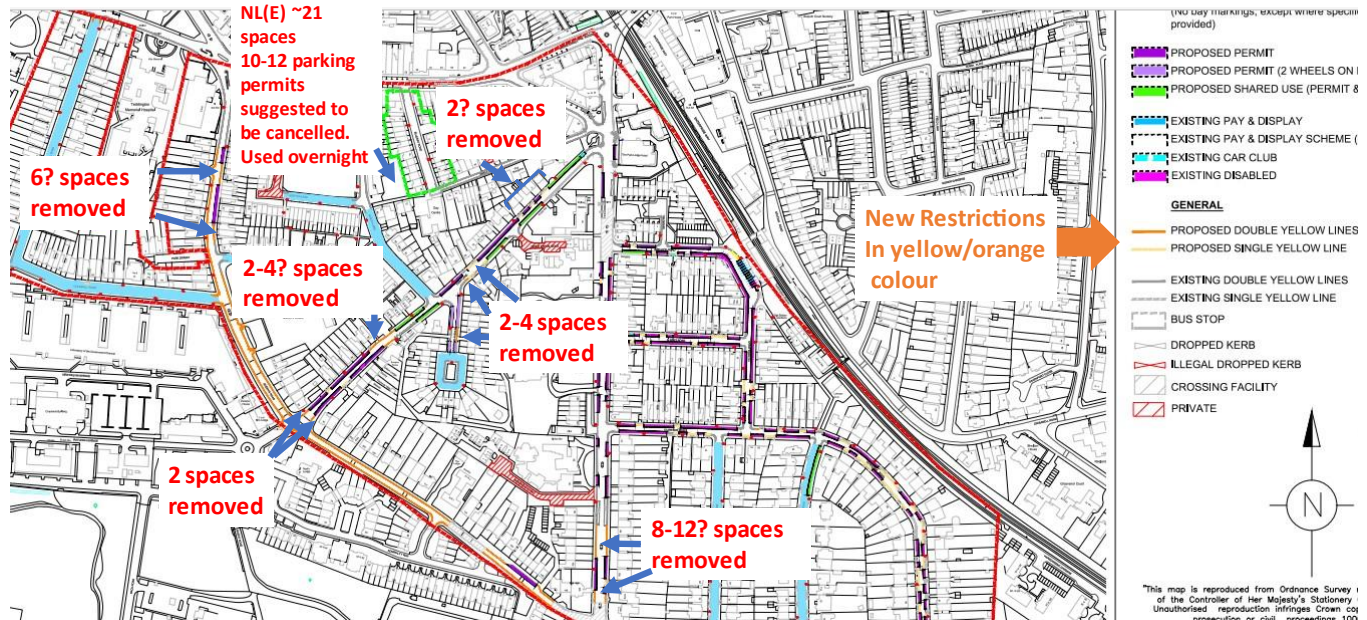
'8.262 As stated previously, subject to consultation, the Council may be implementing a CPZ in this area within the next 12-18 months, which would assist in mitigating the impact of any daytime and night-time overspill parking.'

Based on available evidence the statement that CPZ will improve night and day time parking stress is wrong and will mean that residents with parking permits for NL East car park would have to be given parking permits in the NL West car park otherwise severe overnight and daytime parking stress will result in the local area. The council proposal is that the NL(E) season ticket holders use on street parking as they will be eligible for permits for the new T2. They may temporarily be given season tickets for the NL(W) but these will be withdrawn when the CPZ is implemented. The council suggests that overnight and day long parking in the NL(W) is not viable given its a short stay car park. Therefore, those parking overnight and during the day will simply increase the on-street parking and the existing level of parking stress. The claim of mitigation is irrational and not supported by any factual date.

In addition, the mitigation claim is illogical and irrational as new CPZ means the loss of multiple parking places due to safety and access restrictions; that is the increased length of double yellow lines in the T2 area which have already started to be implemented.

Safety and Access Improvements removing spaces where cars presently park

- Key question what is the reduction in parking spaces planned with CPZ



The new yellow lines in the roads adjoining the NL(E) have already reduced the amount of on street parking available. The reduction in parking spaces has not been stated but looks to be of order 10-15. We also know from the second submitted survey;



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TRANSPORT STATEMENT ADDENDUM

Author:	Paul Mew Associates
Date:	November 2021
Project:	P2379: Elleray Hall & North Lane East Car Park/Depot, Teddington, TW11
Subject:	Transport Assessment Addendum

1.0 INTRODUCTION

1.1 Paul Mew Associates (PMA) is instructed by the London Borough of Richmond upon Thames in relation to the proposed developments at Elleray Hall and North Lane East Car Park/Depot, Teddington, TW11.

That there are no non-residents using the overnight parking;

Teddington and Strawberry Hill Consultation Area
TABLE 2: DETAILS OF PARKING SUPPLY, DEMAND AND STRESS BY ROAD (AND USER TYPE)
 Weekday Surveys

Road Name	STANDARD BAYS	RESIDENT TOTAL VEHICLES (in PCUs)			NON-RESIDENT TOTAL VEHICLES (in PCUs)			TOTAL VEHICLES PARKED (in PCUs)			TOTAL PARKING STRESS		
		BEAT 1 OVERNIGHT	BEAT 2 1000-1200	BEAT 3 1700-1900	BEAT 1 OVERNIGHT	BEAT 2 000-1200	BEAT 3 1700-1900	BEAT 1 OVERNIGHT	BEAT 2 1000-1200	BEAT 3 1700-1900	BEAT 1 OVERNIGHT	BEAT 2 1000-1200	BEAT 3 1700-1900
Broad Street *	27	3	0	0	0	15	10	3	15	10	11%	56%	37%
Elfin Grove *	4	4	4	4	0	0	0	4	4	4	100%	100%	100%
Elleray Road *	25	26	16	15	0	0	1	26	16	16	104%	64%	64%
Little Queens Road *	14	19	15	14	0	3	3	19	18	17	136%	129%	121%
Middle Lane *	0	0	0	0	0	0	0	0	0	0	-	-	-
North Lane *	19	21	16	18	0	8	4.4	21	24	22	111%	126%	118%
North Place *	11	10	8	6	0	2	5	10	10	11	91%	91%	100%
Park Lane *	75	49	39	39	0	40.4	22	-	-	-	-	-	-
St Mary's Avenue *	26	24	21	8	0	4	6	24	25	24	92%	96%	92%
The Causeway *	12	1	0	0	0	4	7	1	4	7	8%	33%	58%
	213	157	119.0	114.0	0	76.4	58.4	Incorrect Calcs - blanked					

* Data collected in June 2021

Numbers not transferred across

No Non Resident Parking Overnight
 CPZ will not help overnight parking stress

The LPA in the Planning Report of March 2022 has pointed out that the overnight parking stress calculation should exclude parking where there are daytime restrictions. The survey incorrectly includes these when coming to its conclusions. This is misleading and has led to the council to underestimate the level of parking stress in the area. This error was also made in the earlier report (3342589). This earlier report also was undertaken before reduced parking was implemented in St Mary's Avenue rendering it out of date. Although the 2nd parking report accounts for the changes in St Mary's Avenue, it does not consider the knock-on effects into the car parks and more importantly it has a fundamental error in its assessment by missing out 49 cars parked in Park Lane in the excel spreadsheet as shown above. Since then, the number of on street parking spaces has been further reduced by the new double yellow lines.

A correct analysis of overnight parking stress should be the following;

Latest Survey June 2021 – now shows severe parking stress in Residential Roads overnight – in line with Residents Experience

(spaces without overnight restrictions or need to move cars before other restrictions come into force e.g. at 8.30am)

Table 1. Overnight Parking Survey Results

Road	Inventory Total Parking Spaces	Weekday Survey		Weekend Survey	
		Number of Cars Parked	Parking Stress	Number of Cars Parked	Parking Stress
Broad Street	27	3	11%	3	33%
Elfin Grove	4	4	100%	4	100%
Elmery Road	25	26	104%	18	72%
Little Queens Road	14	19	136%	17	124%
Middle Lane	0	0	-	0	-
North Lane	19	21	111%	23	121%
North Place	11	10	91%	10	91%
Park Lane	75	49	65%	55	73%
St Mary's Avenue	26	24	92%	27	104%
The Casseway	12	1	8%	3	42%
Total	213				

Source: Richmond Council

Missing number in report

Incorrect calc blacked out

	Inventory	Weekday night	Stress	Weekend night	Stress
Elfin Grove	4	4	100%	4	100%
Little Queens Rd	14	19	104%	17	124%
Middle Lane	0	0	-	0	-
North Lane	19	21	111%	21	111%
North Place	11	10	91%	10	91%
Park Lane	75	49	65%	55	73%
St Mary's Ave	26	24	92%	27	104%
Total	149	127	85%	134	90%

Thus, overnight parking is already stressed and will not be alleviated with the new CPZ as no non-residents parking in the area is shown by the 2nd survey.

The council's current proposal is that the NL East car park close with existing resident permit holders able to get permits to park in the new T2 zone. (Temporarily existing season ticket holders will be offered places in the NL(W) if the new CPZ has not been implemented by the time the NL(E) were closed) This will result in totally unacceptable overnight parking stress as shown below;

Latest Survey June 2021 with potential future impacts

(spaces without overnight restrictions or need to move cars before other restrictions come into force e.g. at 8.30am)

	Inventory	Weekday night	Stress	Weekend night	Stress
Elfin Grove	4	4	100%	4	100%
Little Queens Rd	14	19	104%	17	124%
Middle Lane	0	0	-	0	-
North Lane	19	21	111%	21	111%
North Place	11	10	91%	10	91%
Park Lane	75	49	65%	55	73%
St Mary's Ave	26	24	92%	27	104%
Total	149	127	85%	134	90%
Loss of spaces with CPZ	-10?				
Impact of lost spaces with CPZ	139	127	91%	134	96%
Increased parking on street if NL (E) closes		+11?		+11?	
Impact of possible NL(E) closure	139	138	99%	145	104%

There does not appear to be another viable option to keeping the NL(E) open. The only other option that we have identified would not be viable as it would produce unacceptably high parking stress in the NL(W). This option would have the NL(E) season ticket holders transferred to the NL West car park and permits offered to an additional 10-15 car owners. In this way overnight parking stress might be brought back under the acceptable 85% level after the introduction of the CPZ.

But any such scheme would have a number of problems. It would mean the implementation of a season ticket scheme for the NL(W). So firstly, who would be eligible for the scheme. It would need to be restricted to residents in adjoining roads and a cap would need to be placed on the number of season tickets that would allow overnight parking. Such a scheme would make the NL West car park stressed during the day and at busy times. This may be the reason that such a scheme has not previously been introduced. For example, 8.260 of the planning report states 62 cars are parked on Saturday between 12-1pm (and this is before the reduction of parking spaces in St Mary's Avenue etc the new yellow lines and the new CPZ). Approx 12 existing permits would have to be transferred and 1 overspill from the Elleray hall operation (see 8.261 as the proposed new Elleray car park is smaller). In 8.251 the planning reports says there are 82 spaces so the stress level would be $(62+12+1) = 75/82 = 91\%$. This means the NL West car would become over stressed and jammed on this basis. This situation is experienced already at certain times. The 91% stress level is an underestimate as i) it's based on numbers before parking was reduced in surrounding roads such as St Mary's Avenue, ii) does not include additional residential permits which look to be required to manage overnight stress and iii) does not take account of increased use of a new hall and so could be expected to be higher than 100%.

Despite the information and data to the contrary in the report it is then concluded that the increased parking stress set out in the report will be "...adequately mitigated through parking controls and imposing restrictions on future occupiers from accessing parking permits in existing or future CPZs in the area." This assertion takes no notice of the information provided in the report and is contrary to the data that is provided. No quantification is given and no explanation as to how this will happen is provided.

The report then accepts that the ".....potential impact of the development in relation to parking on street has been assessed and there is potential for harm to be caused in the worst-case scenario where demand for parking exceeds the number of spaces available." The provision of car club for three years and the removal of the ability to apply for CPZ permits is mentioned again, but this had already been taken into account previously. The report concludes that "...it is acknowledged that the development will place increased pressure on on-street parking, which is identified as a harm.....". The report then claims that there will not be an "... unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe." No data or information on road safety was provided in the report and the level of parking stress was inaccurately calculated. The definition of severe harm rather than harm is not provided and so there is no way of judging whether this assertion is accurate or not. In the final part of the report it is accepted that there are many shortcomings in the proposals including ".....the increased parking pressures which arise from greater demand for on street parking and the shortfall in parking on site for the new residential development." Without any data or information to justify or explain it the following assertion is then made "...the proposed development would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe." The two conclusions in the same paragraph contradict each other and for the second one no data or information is provided.

The council has produced no rational case to close the car park and based on the information available there does not seem to be a rational basis to the closure proposal. In making the proposal to close the car park the council has used inaccurate and misleading data. It is therefore illogical and unreasonable to proceed with this proposal, especially as this has been pointed out on a number of occasions. It is also worthwhile pointing out the Planning permission decision was made using inaccurate data.

8. The need for a new parking Survey

The council's claim that the implementation of the new T2 CPZ will offset the effects of the closure. Presently this can only be an assertion without knowing how the CPZ will work. The information in the Planning report does not explain how CPZ will offset effects. It is not clear how the CPZ controls which will only operate for 2 hours per day 5 days a week whereas the closure of the car park will adversely affect the area around it 24 hours a day 7 days a week. In addition, the proposed CPZ will have significant zones of joint resident or paid parking shown as 'shared use' during the operational hours so many non-residents may continue to use the roads for daytime parking and pay the charge. Only once the CPZ is in operation can an assessment be made whether the NL East car park can be closed.

In TRANEH's submission to the planning application based on the 2nd survey this situation has already been pointed out;

*'We do not know the impact of CPZ's the only way to confirm the new situation, and if the NL(E) can be closed, would be with a survey once Covid restrictions have been lifted and CPZ is in place **but present information shows the NL(E) should not be closed.** The planning application should be rejected on this basis. The attempt to change the parking levels in St Mary's Rd in the 'updated report' included in the planning documents but not include any displacement in the updated parking report is non-sensical.*

An up-to-date survey is needed before any planning decision is made. Any planning decision should be put on hold until this can be undertaken. '

The council should carry out a new parking survey after the T2 has been implemented to provide the authority with information upon which to base any proposals for the future of this car park. The existing surveys are out of date and relate to the pre-pandemic or pandemic period. To have sufficient data to base a proposal on the council should carry out the new survey after T2 is implemented because without this the council is not taking a rational decision as it is using data that it knows is out of date. That data already shows that the existing high level of parking stress will increase further. An up-to-date survey is likely to show an even higher level of parking stress. Given the above and the information later in this objection it is irrational to proceed with this proposal without a new survey.

In order to access what would be the effect of closing the NL(E) and introducing the CPZ and the traffic flows to the new Elleray Hall car park a new parking survey needs to be done. Preferably after the implementation of the CPZ. It would need to include modelling and forecasts. It would also need to include an updated overnight survey. Only if this has been carried out and the authority has data as to the effect of the closure proposals would it be reasonable to put forward the proposal to close the NL(E) if the survey showed there would be acceptable level of parking stress.

Can the council please confirm that it will do a new survey and when? Please can this be carried out after the implementation of T2 CPZ? Closing the NL(E) before the CPZ has been implemented and its impact evaluated is irrational and illogical. It is clear that the operation of the new CPZ needs to be evaluated before any decision to close the NL East car park can be made.

If the council does not carry out a new survey then TRANEH will be considering the appointment of consultants to carry out a new survey and we are confident that this will confirm the predicted high levels of parking stress and the unreasonableness and irrationality of the proposal to close the car park.

9. Timetable. The timetable for these proposals has been set by the one in the FP&R Report of the 27th June 2022 for the appointment of a contractor and the start on site date rather than one based on highways and transport needs. This is irrational and illogical.

Logically the timetable should be determined by the implementation of T2 as it is rational to wait until then and then do the survey and use the data from that to determine whether there is a case to propose the closure of the NL(E) car park. This would draw a base line from which rational decisions can be made based on highways needs.

10. Information on outcome of public consultation. It is reasonable for the public to be given information on what the feedback was, both in terms of volume, number objecting and supporting etc. Please can we be provided with this information? Without this the public cannot judge whether the council has been reasonable and rational in evaluating the feedback and coming to any decision about the future of the NL(E) car park and the closure proposal. Please provide a written report setting out the data requested in this objection.

11. Evaluation. Transparency is important in public sector decision making, and based upon the comments received, number for and objecting etc. The council has not provided any information as to how it will evaluate the responses received as part of the statutory consultation. The council has not provided any information on the criteria by which it will use to evaluate the responses received as part of the statutory consultation. As this is a significant decision using delegated authority the officers should provide a file note of how this delegated authority has been exercised to allow proper public scrutiny of the decision-making process.

Please confirm that as well as publishing the data on the feedback received the council will set out;

a) how it has evaluated the data received

b) what criteria has been used to evaluate the feedback

c) what is the decision-making process?

d) How has the council determined the outcome of the consultation and any action it has decided to take.

It is reasonable for the public to be given information on how the officers exercised their delegated authority when taking any decisions as a result of that feedback, in terms of how it was decided whether to close or leave the car park open. Please can we be provided with the report that set out how this delegated authority has been exercised including information on response received and how it has been analysed and a justification for any outcomes/decisions taken.

12. When will the outcome of the consultation be determined and how will it be communicated to those directly affected and the public? How will the public know the outcome, where is to be published, who is to be informed etc.

As well as sending the information requested above, please send us the outcome of the consultation exercise and whether the order is to be revoked or not.

Procedural irregularities

13. In order to close the car park the council need to comply with the procedures for revoking an Off-Street Parking Order. Stating in the Notice that proposes the revocation of the order that the decision to close the Car Park has already been taken before the statutory consultation required has started is procedurally incorrect and makes the process that was started by the order advertised on the 4th August 2022 invalid.

The paragraph numbered 2. states My highlighting of the relevant wording

*"2. The objective of the Order is to revoke the provisions of the Off-Street Parking Places Order where they relate to the North Lane (East) Car Park, Teddington, **following the decision to close the car park.**"*

14. The email and postal addresses for representations in the Notice is; Trafficorders@richmond.gov.uk, and Nick O'Donnell, Assistant director Traffic and Engineering Civic Centre, 44 York Street, Twickenham, TW1 3BZ but in the letter it is; parkingpolicy@richmondandwandsworth.gov.uk and Head of Engineering (Traffic) and Parking Policy) Civic Centre 44 York Street Twickenham, TW1 3BZ There is inconstancy which means that the council, has made a procedural error that invalidates the consultation process.

Although the council take the view that they are only required to put the notice in the local press our understanding is that there is a requirement and it is good practice to also use other means such as letters to inform those immediately affected and post copies of the notice (for example on lamp posts in the area) so members of the public more generally can be aware of the proposal and respond. It is normal council practice to post the notices on lamp posts in the areas affected. Why has the council chosen not to do so this time? is this because the council want to minimise the response to the consultation?

Both the council parking surveys and the Planning Committee Report included Park Lane, St Mary's Avenue and the North Side of Broad Street. It is irrational and procedurally incorrect to not have included these areas in the leaflet drop.

15. The Order dated 4th August 2022 states (AMENDMENT No *) Order 202*. The order there is therefore not correctly formulated as it should have an amendment number where the asterisk is and it should state 2022 not 202*. The order is therefore not valid and cannot be used to revoke the existing order.

For the reasons stated above our view is that the Notice issued on the 4th August is invalid and the statutory consultation required for the consideration to be given to the rescinding of the existing order has not been started. The council cannot use the information gathered as a result of the proposal to progress the revocation of the order.

TRANEH has made it clear in our objections to the planning application that rather than starting with the planning application then turning to the parking issue the council should have started by considering the effect upon the local highways and parking situation along with a full- service review of the services offered at Elleray hall, the options for providing the service and whether a new hall or a refurbished hall or the provision of the service in one of the existing halls in the area was a better option. In failing to do this the council approached this whole issue the wrong way round and created this problem of pursuing an irrational project of a new hall, despite the detriment to the local parking situation, neighbour amenity, and the more viable solutions of a refurbished hall or

rebuilt hall on the same site and social housing in the hoarded off part of the old depot site.

The planning decision that permission could be granted despite these problems because of community benefit does not remove the obligation to act rationally and reasonably when considering a proposal to end a long-established council service by closing the car park especially when by doing the stressed parking and highways situation will be made worse. The council should have first evaluated if the car park could be closed before moving ahead with the planning proposal.

The situation is now that the closure proposal should be rejected and the Elleray Hall reprovion scheme properly reconsidered based on factual information including parking, service provision, actual numbers of users and the high and escalating costs associated with the hall reprovion scheme.

16. Statutory Consultation and the "Gunning "Principles

Where Statutory consultation is required and embarked upon it must be carried out fairly. What is 'fair' will obviously depend on the circumstances of the case and the nature of the proposals under consideration. Unless there are statutorily prescribed procedures, and subject to the overall requirements of fairness, the decision-maker will usually have a broad discretion as to how a consultation exercise should be carried out; and what should be consulted upon. The decision-maker's discretion is not unbounded, however, as it is commonly accepted that certain fundamental propositions must be adhered to. These propositions are known as the Gunning (or Sedley) principles,

The Gunning principles are that:

- (i) consultation must take place when the proposal is still at a formative stage;*
- (ii) sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;*
- (iii) adequate time must be given for consideration and response; and*
- (iv) the product of consultation must be conscientiously taken into account.*

(i) consultation must take place when the proposal is still at a formative stage;

A decision-maker can consult on a 'preferred option' even a 'decision in principle', so long as the decision maker's mind is genuinely ajar. Decision makers have the choice as to what is to be consulted on but need to be careful to show that they have formed a provisional view as to the course to be adopted, or is 'minded' to take a particular course subject to the outcome of consultations. Those being consulted should be informed of this.

In this case there is no evidence that the proposal is at a formative stage. The Notice states in one place that the decision has been taken and in another place that the decision has been taken by reason of the grating of the planning permissions. It is therefore clear that the decision maker has already decided the outcome of any consultation.

In-fact the proposal is misleading as it erroneously claims that the grating of planning permission is a justification for closure the reasons given for closure are false and misleading. The consultation fails to meet the first of the Gunning principles.

(ii) sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response

No reasons have been given for the closure other than that the granting of planning permission which is not a justifiable reason or rational reason for closure. Sufficient

parking and highways data should have been provided for intelligent consideration and response. None was provided. On this basis the proposal fails to meet the second of the Gunning principles.

So, in the absence of any data and information being provided to support the proposal because of the reference to planning permission the information in the planning report of the 9th March and other data published by the authority has been analysed as this may be the basis upon which the proposal is being made. However, this shows that the proposal to close the car park would result in increased and unacceptably high level of parking stress. It is therefore unreasonable and illogical for the authority to propose that the car park be closed given the information that is available to the public for consideration.

Consultees should be made aware of the basis on which a proposal for consultation has been considered and will thereafter be considered. Those consulted should be aware of the criteria that will be applied when considering proposals and what factors will be considered 'decisive' or 'of substantial importance' at the end of the process.

It is good practice to summarise and publish the outcome of the consultation as happens with planning applications so that the Consultees and the public can see what submissions have been made and the information upon which the final decision will be taken. No information has been provided on this and the TRANEH view is that a report similar to that provided by the LPA for a planning application should be provided. TRANEH has provided more information on this elsewhere in this submission.

(iii) adequate time must be given for consideration and response;

The authority has met this requirement and has given more than the minimum 3-week period.

(iv) the product of consultation must be conscientiously taken into account

So far, the authority has not provided any information on how this will be done or how the outcome will be provided. As TRANEH has pointed out this is a decision delegated to officers so needs to be rational and reasonable and it is to be expected that a file note will be provided as to how this delegated authority has been exercised in order to demonstrate this.

TRANEH has requested that a copy of this note be provided as there appears to be no adverse consequences to doing this and it will increase public confidence in the decision-making process. Given the public interest in this proposal it is reasonable for this process to be adopted in this case.

So far, the authority has already failed to comply with the first 2 Gunning principles and it is yet to be seen whether it will comply with the fourth one.

17. Public Sector Equality Duty (PSED) and Equality Analysis

In making this proposal the authority has failed to comply with its obligations with regard to the PSED and the authority's own Equalities Policies. The authority needs to show that it has had proper regard to these obligations. It should have published an equalities analysis along with the proposal to close the car park. Without doing this the authority cannot demonstrate that it has had due regard to its PSED obligation. In addition, consultees need to have this information as part of the consultation process in order to make an informed judgement about this proposal.

Although Equality Impact Assessments are not a legal obligation an equality analysis is required by legislation and the authority's own equalities policies require that the impact of proposal to change or cut services must be taken into account as part of the decision-making process.

The PSED has an obligation to respond to the specific needs of disabled people; 'The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities' (Equality Act 2010, section 149, 4). The area around the NL(E) Car Park is particularly poorly served in terms of facilities for disabled people. There is only one disabled bay in North Lane and this will be removed when the new CPZ is implemented as the Authority's policy is not to provide disabled bays in CPZs. This policy appears to be discriminatory. The removal of the NL(E) is likely to impact especially upon disabled drivers as the overall amount of parking will be reduced and make it even more difficult for them to find somewhere to park given the lack of disabled spaces.

There is no evidence of any consultation with organisations who represent disadvantaged groups or of those residents who will be directly affected, for example blue badge holders.

This consultation exercised is fatally flawed because of this failure to meet the PSED. The authority cannot proceed as it has failed to meet this obligation as part of its statutory duty in carrying out consultation. The authority needs to demonstrate that it is complying with this obligation and must publish an equalities analysis of this proposal and provide this to the public if it decides to go any further with this proposal.

18. Please acknowledge receipt of this email.

19. For the avoidance of doubt where we have asked for information to be provided these are FOI requests. Please confirm that these will be treated as such and that responses will be provided in line with the council's corporate policy.

20. Please can you respond to the objections that have been set out in this document to the secretary of TRANEH. Please can you let us know when you expect to be able to do this?

Submitted by Roger Hackett (Secretary) on behalf of the committee of the local Teddington Residents Association – Neighbours of Elleray Hall (TRANEH)

Sept 8th 2022