

Report to Economy, Skills, Transport and Environment Scrutiny Board

9 October 2024

Subject:	Grass Verge Parking Policy
Director:	Director of Place Alan Lunt
Contact Officer:	Interim Assistant Director - Highways, Mervyn Bartlett Mervyn_bartlett@sandwell.gov.uk

1 Recommendations

- 1.1 That the Board considers and comments upon the current position of the Council in relation to Grass Verge Parking.
- 1.2 That the Cabinet Member for Environment and Highways be recommended to consider the development of a Grass Verge Parking Policy.

2 Reasons for Recommendations

- 2.1 Grass verge parking is becoming an increasing issue of concern across Sandwell as vehicular ownership and use continues to rise. Such parking can be unsafe and typically results in unsightly damage to the verges.
- 2.2 Enforcement against grass verge parking can only be undertaken effectively where there are yellow lines present. There have been some limited efforts to tackle the issue using physical measures, such as bollards, but these can be costly and impinge on current grass cutting arrangements.
- 2.3 National legislation to assist in enforcement by introducing a presumption against pavement / grass verge parking, except where Local Authorities make specific exemptions (as in London) has been

anticipated for several years, but has not yet been forthcoming. In light of this, some Local Authorities have established their own policy (see Background Paper with an example from Leeds City Council), and it is considered timely that Sandwell reviews its position and considers developing its own policy which will allow a more rigorous and consistent approach to be taken in tackling grass verge parking.

3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	n/a
Living in Sandwell	The highway environment plays an important role in the life of Sandwell's communities, including through the provision of properly managed and safe on-street spaces for vehicle parking as part of a balanced transport strategy that helps the promotion of social inclusion and interaction.
Thriving Economy in Sandwell	n/a
Healthy in Sandwell	n/a
One Council One Team	n/a

4 Context and Key Issues

- 4.1 The purpose of this report is to provide an update around the issue of grass verge parking in Sandwell, and what our options are in trying to address the problem when it happens. Appendix 1 contains an extract from the Council's 2017 parking policy document that provides an update on the situation at the time when a change in legislation was anticipated, which was expected to result in such parking being banned, except in locations where authorities specifically permitted it (as takes place in London). In the event no legislative change has yet been made, and other authorities outside London have developed their own policies (see background paper with an example from Leeds City Council).
- 4.2 Due to limited road width and increasing car ownership there are many locations in Sandwell where we have persistent problems with motorists parking and driving across grass verges. Repairs to damaged grass verges where the underlying problem of vehicles continuously impacting the locations are challenging, because any repairs are destroyed almost immediately, wasting money and resources.

- 4.3 Under the Traffic Management Act 2004, Parking Enforcement do have the powers to enforce against vehicles who park on grass verges, but only if the area in question forms part of the adopted highway and there is an appropriate Traffic Regulation Order (TRO) in place, which covers to the highway boundary including the grass verge area. As with any TRO to be enforceable it must be supported by clear and correct road markings, kerb markings and the applicable kerb signage.
- 4.4 Apart from the above a review of legislation and the activities of other local authorities has not identified any legislative support for an enforcement approach that could work effectively. There is currently no offence for parking on the verge, unless it is dangerous or causes an obstruction, or we can prove it is causing damage to the Highway (which includes the verge). It will then be a matter for the Police. The only enforcement action we could take as a Local Authority relates to damage to the verge, and in order to do this we would need to prove beyond reasonable doubt the offence for each vehicle present. This is very difficult to do for a single occurrence, even more so if there was existing damage already present.
- 4.5 Currently, officers do contact the occupiers of properties adjacent to where parking is causing damage to verges and advise them of their responsibilities. Very wet winter weather makes matters worse and verge encroachment by even small vehicles will churn up grass areas as the ground is saturated; however, with drier weather the verges will start to recover.
- 4.6 There are a number of engineering options available to prevent parking on grass verges. Physical bollards or similar have been installed in some locations e.g. Salters Lane in West Bromwich. However, these then have both a cost and a maintenance liability themselves, plus they disrupt grass cutting adding to the cost of that operation. Other options, such as grasscrete or a geotextile surfacing that facilitates parking but preserves some of the grass, are available, but are not affordable within the current revenue budget. Finally, the grassed area can be converted to tarmac, or even a permeable surfacing, but again this has financial implications that go beyond the capacity of existing budgets.
- 4.7 The background paper to this report provides further details on options that are similarly available in Sandwell and it is considered that a Sandwell Grass Verge parking Policy could be developed along very similar lines, although the Council will need to give careful consideration to how such a policy is to be funded.

5 Implications

Resources:	None at this stage, but there will be financial and staff resource implications of adopting any policy that formalises grass verge parking.
Legal and Governance:	None at this stage other than those mentioned in the report
Risk:	Risk of insurance claims due to poorly maintained grass verges
Equality:	Parking on grass verges can prevent wheelchair users and those with wide buggies or prams from accessing the highway network. Grass verge parking can also hinder the mobility of blind and partially sighted road users. Other road users, such as vehicle occupants and cyclists, rely on there being sufficient road width for them to travel safely
Health and Wellbeing:	No implications.
Social Value:	No implications.
Climate Change:	There are implications in terms of the impact of existing grass verge parking which can destroy or severely damage the grass. Any measures introduced under a new policy will have some environmental impact on grass verges to a greater or lesser extent.
Corporate Parenting:	No implications.

6 Appendices

Appendix 1 – Extract from Sandwell 2017 Parking and Traffic Enforcement Policy

7 Background Papers

Existing Leeds City Council Policy on Protecting Grass Verges