

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 22 FEBRUARY 2022

PAVEMENT PARKING PROHIBITION - ROADS ASSESSMENT CRITERIA

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

This report relates to the progress to date on the criteria used in the road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) notes the progress of road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019, which will allow consideration of exceptions to pavement parking prohibition and double parking prohibition;
- (ii) approves the criteria to be used in the road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019; and
- (iii) notes that a further report will come to Committee in due course on the resulting road assessments relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019 to consider and approve any roads where exceptions to pavement parking prohibition and double parking prohibition will apply.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/COUNCIL PLAN

This report contributes to the following local outcomes contained within the Council Plan 2019-2024 and Community Plan 2017-2030:

- safe, secure, vibrant and sustainable communities; and
- enhanced, protected and enjoyed natural and built environment.

3. BACKGROUND

- 3.1 The Transport (Scotland) Act 2019 (the “Act”) includes provision in Part 6 for Parking Prohibitions.
- 3.2 These provisions relate to pavement parking prohibition, double parking prohibition and dropped footway parking prohibition.
- 3.3 The Act provides for exemptions to pavement parking prohibition and double parking prohibition. There are also provisions for enforcement of parking prohibitions, and removal, moving and disposal of motor vehicles. The pavement parking prohibitions effectively provide for a ‘blanket ban’ on motor vehicles being parked partly or wholly on footways. Where certain criteria are met, however, exemptions to the ban are permitted, via Exemption Orders, which would then require traffic signs to be placed and maintained. There will also be exceptions for certain vehicles and users.
- 3.4 Transport Scotland established a Parking Standards Working Group, made up of local authority and other organisations, including COSLA and SCOTS, as a forum for the development of the Bill. This Group continues to meet in order to collaborate on the development of the Regulations and guidance that will be required for the Parking Prohibitions part of the Act. This will require further review of and preparation of financial assessments on the costs of implementing and enforcing the prohibitions, which are yet to be determined.

4. CURRENT POSITION

Road Assessment Criteria

- 4.1 A desk top study is being carried out on all of the streets in each Angus town, village or hamlet that have footways, using street view imaging to assess any problem streets where vehicles habitually park on footways or block access for pedestrians. Local knowledge from Roads & Transportation staff is also being used in collating a list of streets that need further investigation and site walkovers to allow for a more detailed assessment to determine whether or not the full pavement parking prohibition should be introduced, or an exemption could be applied. Roads & Transportation staff will seek the input of local elected members as the road assessments continue.
- 4.2 A three-tiered assessment has been proposed by the Parking Standards Working Group as follows:
- **GREEN** - Low impact of pavement parking prohibition being introduced. A change in driver behaviour would be required where they would have to park at locations other than on the footway. This is the **default position** assumed when assessing the streets.
 - **AMBER** - Medium impact of pavement parking prohibition being introduced - A change in driver behaviour would be required as above but other potential mitigation measures would be required. This **may be where vehicles are habitually parked on the footway and there is no suitable alternative within walking distance**, but to re-locate them to the adjacent carriageway would create unacceptable congestion or road safety issues. The construction of a lay-by at the same location as where the drivers were parking for example could be a satisfactory mitigating measure providing a suitable footway could be provided as well.
 - **RED** - High impact of pavement parking prohibition being introduced - **Exemptions to the pavement parking prohibition** would be required plus other potential mitigation measures **where there is no alternative to pavement parking** practice. This may be formalising pavement parking on one side of a street where the carriageway and footways are narrow but the other side of the street would be protected from parking on by a No Waiting restriction to allow one clear footway along the street.
- 4.3 A Parking Standards Site Appraisal sheet template that is used in when collating site data that aids in the determination of which category a particular street falls into can be found in **Appendix 1**. A worked example is enclosed in **Appendix 2**.
- 4.4 The appraisals will be used in the road assessment to establish the need for physical mitigation measures for 'Amber' streets and physical mitigation measures and formal Exemption Orders for 'Red' streets.

5. PROPOSALS

- 5.1 It is proposed that the road assessment criteria detailed in section 4 above relating to the Parking Prohibitions part of the Transport (Scotland) Act 2019 is adopted as practice in Angus.
- 5.2 It is further proposed that a report be brought to a future committee on the resulting road assessments seeking approval where physical mitigation measures and/or exceptions to pavement parking prohibition and double parking prohibition are to be considered. Such exemptions would require a formal Exemption Order to be processed and made in due course, and the provision of appropriate signing and lining. There may also be a need for other Traffic Regulation Orders for other physical mitigation measures.

6. FINANCIAL IMPLICATIONS

- 6.1 The cost for undertaking the road assessments has been subject to funding from Scottish Government in the amount £77,000.

6.2 The estimated cost of implementing the Parking Prohibitions, such as physical mitigation measures, signing and lining, and including processing and making Exemption Orders, are still to be calculated and will be clearer on completion of the road assessments. These will be subject to funding discussions from Scottish Government with Transport Scotland through COSLA and SCOTS. The financial implications of implementation costs will be included in the report on the resulting road assessments and approval of roads where physical mitigation measures are required and those to be subject to Exemption Orders.

7. EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment has been completed for this report – see **Appendix 3**.

7.2 The Assessment concludes that there are either neutral or positive impacts on protected characteristic groups for the proposals contained in this report.

8. CONSULTATION

8.1 The Chief Executive, Deputy Chief Executive, Director of Finance, Director of Legal and Democratic Services and the local Police Commander of Tayside Division were consulted in the preparation of this report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Appendix 1 – Parking Standards – Site Appraisal Sheet Template

Appendix 2 – Parking Standards – Site Appraisal Sheet Worked Example

Appendix 3 – Equality Impact Assessment