

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 21 NOVEMBER 2023

PAVEMENT PARKING PROHIBITION

REPORT BY GRAEME DAILLY, DIRECTOR OF INFRASTRUCTURE AND ENVIRONMENT

ABSTRACT

This report updates Committee on the road assessments that have been undertaken relating to the Pavement Parking Prohibitions under the Transport (Scotland) Act 2019. The Committee are asked to consider and approve the roads where exceptions to pavement parking prohibition and double-parking prohibition will apply. The report further seeks approval for the preparation and making of an Exemption Order to exempt roads from the forthcoming national footway parking prohibition.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) Notes the results of the assessment of the Pavement Parking Prohibitions part of the Act;
- (ii) approves the preparation of an Exemption Order under Section 52 of the Transport (Scotland) Act 2019 to exempt the roads listed in **Appendix 1** of this report from the forthcoming national footway parking prohibition and to thereafter publish the proposed Order in accordance with the Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022;
- (iii) approves the making of the Exemption Order in the event that no representations are received by the Council in response to the publication of the proposals, or if representations are received but are subsequently withdrawn;
- (iv) approves the preparation of a Traffic Regulation Variation Order to affect changes to the waiting restrictions in the relevant decriminalised parking enforcement Traffic Regulation Order for Angus and to thereafter publish the proposed Order in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999;
- (v) approves the making of a decriminalised parking enforcement Variation Order in the event that no representations are received by the Council in response to the publication of the proposals, or if representations are received but are subsequently withdrawn;
- (vi) approves the preparation of a Variation Order to affect changes to one-way traffic arrangements in Southmuir, Kirriemuir in the relevant Traffic Management Order for Kirriemuir and to thereafter publish the proposed Order in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999; and
- (vii) approves the making of a Traffic Management Variation Order for Kirriemuir in the event that no representations are received by the Council in response to the publication of the proposals, or if representations are received but are subsequently withdrawn.

2. ALIGNMENT TO THE COUNCIL PLAN

This report contributes to the following Angus Council priorities contained within the Angus Council Plan 2023-2028:

Caring for our People:

- We will protect those in our communities who are at risk of or have experienced significant harm.

Caring for our Place:

- We will maintain our roads, pavements, lighting, and other infrastructure efficiently and will focus on our priority routes and infrastructure.

3. BACKGROUND

- 3.1 The Transport (Scotland) Act 2019 (forthwith referred to as the Act) was passed by the Scottish Parliament on 10 October 2019, and received Royal Assent on 15 November 2019. Part 6 of the Act introduced a statutory framework for a national ban on pavement parking, double parking, and parking at dropped kerb pedestrian crossing points to make it easier for local authorities to ensure pavements and roads are safer and more accessible to all.
- 3.2 Section 50 of the Act defines a vehicle as being parked on a pavement if the vehicle is stationary and one or more of its wheels are on any part of the pavement. A stationary vehicle is defined by the Act as parked whether or not the driver of the vehicle is in attendance, or the engine is running.
- 3.3 The prohibition does not apply to vehicles being used by the emergency services and armed forces, or in the undertaking of roadworks, waste collection, breakdown assistance, emergency health care, postal services, or loading / unloading goods for up to 20 minutes.
- 3.4 Committee Report [47/22](#) recommended that Committee approved the criteria to be used in the road assessments relating to the Pavement Parking Prohibitions part of the Act. The roads that have been assessed as meeting the exemption criteria and are proposed for inclusion in the Exemption Order are listed in **Appendix 1** of this report. Plans showing the roads to be included in the Exemption Order are shown in **Appendix 2**.

4. PROPOSALS

- 4.1 A suite of secondary legislation is required prior to the national prohibition of footway parking commencing. The final outstanding element is the enforcement regulations which Transport Scotland advise is currently targeted to be published in December 2023.
- 4.2 In advance of the full secondary legislation being introduced, Angus Council requires to commence preparation of an Exemption Order for roads where footway parking will be permitted.
- 4.3 An Exemption Order can only be considered where a minimum 1.5m width of unobstructed footway can be maintained, or the layout of the carriageway associated with the footway is such that the passage of an emergency vehicle would be impeded by the presence of a vehicle parked on the carriageway.
- 4.4 In association with the proposed exemptions to the pavement parking prohibition it will be necessary to introduce waiting restrictions to ensure traffic safety is maintained at the exempted locations. (See plans in **Appendix 2**).
- 4.5 It will also be necessary to reverse the one-way traffic arrangements in Henry Street, Kirriemuir in order to ensure free traffic flow and to maintain traffic safety. A plan of the proposed reversal of the one-way traffic arrangements in Henry Street is provided in **Appendix 3**.
- 4.6 Should Committee approve the preparation of the Orders, the next step will be to publish the proposals to make an Exemption Order and associated variation orders and to undertake statutory consultations. If no representations are received in response to the publication of the proposals, then the Council would formally make the Orders and proceed with installing the required road markings and signage. Should any representations be received and not withdrawn, or it is proposed to modify the Orders before they are made, then an item will be brought to a future Committee to decide whether to proceed with the making of the Orders, with or without modifications.
- 4.7 Councils are awaiting guidelines for operational enforcement of the Act from the Scottish Government (via Transport Scotland). However, if the Orders are successfully made enforcement of subsequent parking contraventions will be undertaken by the current team of Community Enforcement Wardens and will form part of their parking enforcement patrols.

5. FINANCIAL IMPLICATIONS

- 5.1 The estimated cost of installing signage, road markings and undertaking localised footway improvements in the roads listed in **Appendix 1** of this report is £170,000. These costs will be contained within the existing Capital Plan and will be fully funded from a Transport Scotland Grant.

6. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment has been prepared for this report and is attached as **Appendix 4** to the Report.

7. CONSULTATION

- 7.1 The Chief Executive, Deputy Chief Executive, Director of Finance, Director of Legal, Governance and Change and the local Police Commander of Tayside Division were consulted in the preparation of this report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report [47/22](#)- Pavement Parking Prohibition - Roads Assessment Criteria – Communities Committee Meeting of 22 February 2022.

REPORT AUTHOR: Graeme Dailly, Director of Infrastructure & Environment
EMAIL DETAILS: Communitites@angus.gov.uk

List of Appendices:

Appendix 1 - List of Roads proposed for Inclusion in the Exemption Order.

Appendix 2 – Exempted roads plans

Appendix 3 – One-way traffic arrangements in Henry Street, Kirriemuir

Appendix 4 - Equality Impact Assessment

List of Roads proposed for Inclusion in the Exemption Order.

WARD	STREET TO HAVE PAVEMENT PARKING EXEMPTION	LOCATION
Carnoustie & District	Balfour Place	Parts of East & South Sides
Carnoustie & District	Collier Street	Parts of South Side
Carnoustie & District	Maule Street	Parts of South Side
Carnoustie & District	Millar Street	Parts of South Side
Carnoustie & District	Terrace Road	Parts of North & South Side
Arbroath East & Lunan	A92 Marywell	Part of East Side
Kirriemuir & Dean	Henry Street	Parts of Southeast Side
Kirriemuir & Dean	Kirk Wynd	Parts of Southeast Side
Monifieth & Sidlaw	Milton Park	Part of Southwest Side