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Date: 4 November 2015



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Environment Department  
Roads & Transportation Services  
2 Spiersbridge Way  
Thornliebank  
G46 8NG

Dear Sirs,

**Footway Parking & Double Parking (Scotland) Bill – Consultation**

Thank you for the opportunity to comment on the above Bill.

Whilst we do not condone footway parking, parking at dropped kerbs or double parking, we recognise that this is a complicated issue. The Parking Authorities have to strike a balance between the management of demand and supply of suitable parking to service properties and those properties and road space which may be disadvantaged as result of displaced parking.

The promotion and enforcement of the Bill's provisions are likely to be cumbersome, controversial and costly to Local Authorities and the Police. Preparing the case to promote the appropriate Orders will require significant input from the Local Authority and unforeseen traffic management issues may arise resulting in further resource burdens being placed on the Local Authority.

We have addressed a number of points in detail below but, in summary, we believe that the Bill as presented is not appropriate as:

- The enforcement of the legislation would be impracticable;
- The costs associated with the implementation of the Bill to local authorities have been grossly underestimated;
- Legislation already exists to control waiting & loading, obstruction and driving on the footway;
- The development management implications of existing and new developments have not been considered;
- Public expectation versus the ability of the local authorities to enforce the provisions cannot be met;



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Andrew Cahill, Director of Environment, 2 Spiersbridge Way, Thornliebank, G46 8NG

- The detail drafting of the Bill contains vague and unconventional terminology relating to the promotion and enforcement of traffic orders.

Our comments are as set out below.

### **Section 1 Extent**

The definition of public roads in built up areas does not apply to any A or B class roads in Scotland unless these have been classified as restricted roads by the appropriate Order.

Many of the provisions of the Bill can already be addressed through existing legislation such as the Roads (Scotland) Act, Road Traffic Regulation Act and Roads Vehicles (Construction & Use) Regulations.

### **Section 2 Prohibition of Parking on Footways**

The definition of parking should be prohibition of waiting, loading or stopping to align with other legislative terminology and conventions when drafting traffic orders. Similarly the use of "footway" rather than "pavement" is preferable.

2(2) & (3) This Section is too vague. It does not adequately address any exceptions that are generally included in traffic regulation orders designed for waiting and loading. These generally except from the restrictions vehicles in connection with emergency services and maintenance operations for the road, utilities and adjacent premises and for processional vehicles in connection with weddings or funerals.

### **Section 3 Prohibition of Parking at Dropped Footways etc.**

Section 3(2)(b) This is completely unenforceable.

Section 3(2)(c) This Section is too vague and does not adequately address the exemptions that are generally included within traffic regulation orders for emergency services and maintenance operations for the road, utilities and adjacent premises.

Section 3(2)(d) The definition of loading, any period of observation for loading taking place and the maximum time to complete that loading should be for the local authority to determine. This will ensure consistency in enforcement of similar restrictions across each local authority area.

Section 3(2)(e) This Section is too vague. The reference to waste should also recognise that there are many private operators collecting waste from premises. It is also noted that there are no exceptions, that are generally included in traffic regulation orders, designed for waiting and loading. These would include for vehicles in connection with emergency services and maintenance operations for the road, utilities

and adjacent premises and for processional vehicles in connection with weddings or funerals.

Section 3(3) The definition of parking should be prohibition of waiting, loading or stopping to align with other legislative terminology and conventions when drafting traffic orders.

This Section is too vague. It does not adequately address any exceptions that are generally included in traffic regulation orders designed for waiting and loading. These generally except from the restrictions vehicles in connection with emergency services and maintenance operations for the road, utilities and adjacent premises and for processional vehicles in connection with weddings or funerals.

#### **Section 4 Prohibition of Double Parking**

This Section is already covered by existing legislation as recognised in the Explanatory Notes.

Section 4(1) This Section is unenforceable and has implications for the calibration of measuring instruments required to corroborate a contravention taking place and challenges to any enforcement action thereafter.

#### **Section 6 Power to Specify Exempt Areas**

This has serious implications for existing and new roads, particularly in residential areas.

Many existing roads have narrow carriageways and footways and were designed at a time when car ownership was very low. As a consequence there is limited or no off road residential or visitor parking. As a result a lot of on street parking takes place. In many instances, as demand significantly exceeds road space to accommodate parked vehicles, they are often parked partly on the footway. Implementation and enforcement of these regulations in such areas will be extremely unpopular. There will also be significant vehicle displacement to the surrounding road network which will exacerbate disputes and tensions between residents about the availability of parking spaces and may lead to unforeseen traffic management issues arising.

This Council has already experienced these issues as a result of our enforcement of historical waiting restrictions following our designation as the Parking Authority.

For new residential developments in particular, this Bill conflicts with Designing for Streets. The implications of the Bill are that the visitor parking provision would have to be significantly increased, which will have an impact on the road layout and a knock on effect to the overall cost of the development.



As stated earlier, preparing the case to promote the appropriate Orders to exempt areas will be expensive, draining on very limited staff & time resources, will cause significant public outcry (even from those who support the principle) and lead to increased neighbourhood disputes.

There will also be a requirement to provide a 24/7 enforcement service for footway parking at times when those Council's with DPE redeploy their Parking Attendants to other duties or do not have them available at all. This would undoubtedly lead to a rise in objections to the Council from those persons with particular issues relating to footway parking in residential areas at night and weekends.

We trust that you will find our comments helpful.

Yours sincerely,

Shona Fraser  
Environmental Services Manager