

ITEM No ...8.....

REPORT TO: FAIR WORK, ECONOMIC GROWTH AND INFRASTRUCTURE COMMITTEE – 25 SEPTEMBER 2023

REPORT ON: PAVEMENT PARKING EXEMPTION ORDER

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 255-2023

1 PURPOSE OF REPORT

- 1.1 This report seeks approval for the preparation and making of an Exemption Order to exempt roads from the forthcoming national footway parking prohibition.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee:

- a approves the preparation of an Exemption Order under Section 52 of the Transport (Scotland) Act 2019 to exempt the roads listed in paragraph 5.2 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;
- b 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by the Council in response to the publication of the proposals, or representations are received but are subsequently withdrawn; and
- c also approves the preparation of a Traffic Regulation Variation Order to affect changes to the waiting restrictions in the relevant Traffic Regulation Order for Dundee.

3 FINANCIAL IMPLICATIONS

- 3.1 The estimated cost of installing signage, road markings and undertaking localised footway improvements at the areas listed in paragraph 5.2 of this report is £525,000.
- 3.2 Dundee City Council are awaiting confirmation from Transport Scotland of grant funding to enable delivery of the infrastructure required. The Exemption Order won't be finalised, or infrastructure works carried out, until appropriate grant funding has been secured.

4 BACKGROUND

- 4.1 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.
- 4.2 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.
- 4.3 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.

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- 4.4 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.
- 4.5 In advance of the full secondary legislation being introduced, Dundee City Council requires to commence preparation of an Exemption Order for roads where footway parking will be permitted.
- 4.6 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.
- 4.7 Should Committee approve the preparation of the Order, the next step will be to publish the proposal to make an Exemption Order and to undertake statutory consultations. If no representations are received in response to the publication of the proposal to make the Exemption Order, then the Council would formally make the Order and proceed with installing the required road markings and signage. Should any representations be received, or it is proposed to modify the Order before it is made, then an item will be brought to a future Committee to decide whether to proceed with the making of the Order, with or without modifications.

5 EXEMPTION LOCATIONS

- 5.1 Dundee City Council has carried out a review of the local road network and consulted with Elected Members, emergency services, and bus operators on the roads eligible under the Act for exemption.
- 5.2 The following roads have been assessed as meeting the exemption criteria and are proposed for inclusion in the Exemption Order:

| Ward | Address | |
|----------------------|--|---|
| Strathmartine | Derwent Avenue | St Kilda Road |
| Lochee | Muirton Road | |
| West End | Abbotsford Place Ancrum Drive | Corso Street |
| Coldside | Alpin Terrace Barnes Avenue Brantwood Avenue Constitution Terrace Fleming Gardens East Fleming Gardens North Fleming Gardens South | Fleming Gardens West Laurel Bank Marryat Street Prospect Place Union Terrace Wedderburn Street |
| Maryfield | Broughty Ferry Road Forfar Road Kerrview Terrace | Mains Terrace Woodlands Terrace |

| Ward | Address | |
|----------------|---|---|
| North East | Fintry Drive | Fintry Road |
| East End | Arbroath Road Ballindean Road Balunie Avenue Broughty Ferry Road | Douglas Road East Haddon Road Happyhillock Road |
| Broughty Ferry | Long Lane | New Road |

Detailed plans showing the relevant locations for each street can be found via the link below:

https://www.dundee.gov.uk/sites/default/files/publications/footway_exemptions_dwgs_0.pdf

6 POLICY IMPLICATIONS

- 6.1 This report has been subject to an Integrated Impact Assessment to identify impacts on Equality & Diversity, Fairness & Poverty, Environment and Corporate Risk. A positive impact on one or more of these issues was identified. An appropriate Senior Manager has checked and agreed with this assessment. A copy of the Integrated Impact Assessment showing the impacts and accompanying benefits of/mitigating factors for them is attached to this report.

7 CONSULTATIONS

- 7.1 The Council Leadership Team have been consulted in the preparation of this report and are in agreement with its content.

8 BACKGROUND PAPERS

- 8.1 None.

Ewan Macnaughton
Head of Sustainable Transport and Roads

Author: James Mullen

Robin Presswood
Executive Director of City Development

Dundee City Council
Dundee House
Dundee

EM/JM/KM

22 August 2023



Integrated Impact Assessment

Committee Report Number: 255-2023

Document Title: Pavement Parking Exemption Order

Document Type: Other

Description: Report seeking approval to prepare and make an Exemption Order to exempt a number of pavements across the city from the forthcoming national footway parking prohibition.

Intended Outcome: Addressing inconsiderate parking and improving accessibility, particularly for vulnerable road users or those with mobility impairments. Provide sufficient clear running carriageway to allow for the access and safe passage and clearance for emergency, refuse vehicles and minimise impact on bus travel.

Period Covered: 26/09/2023 to 27/09/2024

Monitoring: Regular discussion with emergency services, bus companies and waste management. Feedback from members of the public, elected members and community groups.

Lead Author: James Mullen, Senior Manager – Transportation, City Development

james.mullen@dundee.gov.uk

01382 307921

50 North Lindsay Street, Dundee, DD1 1LS

Director Responsible: Robin Presswood

Executive Director of City Development, City Development

robin.presswood@dundee.gov.uk

01382 433610

Dundee House, 50 North Lindsay Street, Dundee, DD1 1QE

EQUALITY, DIVERSITY AND HUMAN RIGHTS

Impacts & Implications

Age: Positive

The key aim of the pavement parking prohibition is to improve accessibility, particularly for vulnerable road users including young and elderly people.

Parents with young children can find it difficult to navigate cars parked on the footway when walking with a pushchair and/or with young children. Elderly people, particularly those who rely on mobility aids can also find the pavement impassable when the footway width is reduced due to a parked car.

To mitigate against this, a minimum of 1.5m of unobstructed footway width will be maintained where exemptions are made, delineated with appropriate signing and lining in accordance with the Traffic Signs Regulations and General Directions 2016.

Where possible, one footway associated with the carriageway will also remain free from any form of pavement parking exemption to allow unhindered access for pedestrians along the length of a street with appropriate accessible crossing points.

It should be noted that in some circumstances, it may not be possible to maintain minimum footway widths and accommodate parking where the carriageway width necessitates pavement parking on at least one side to permit through movements for emergency vehicles.

Disability: Positive

People who park on pavements can often cause an obstruction and in some circumstances can force wheelchair users, visually impaired or the blind onto the road to get around parked cars. Providing signing and lining and allocating required pavement widths will help vulnerable users and improve route continuity by minimising the need to cross unnecessarily or to walk on the carriageway.

Gender Reassignment: No Impact

Marriage & Civil Partnership: No Impact

Pregnancy & Maternity: Positive

Those who have young babies or young children can be affected by cars parking on the footway as the narrowed pavements can force parents/carers with prams to walk on the carriageway.

To mitigate against this, a minimum of 1.5m of unobstructed footway width will be maintained, and where possible, one footway associated with the carriageway will also remain free from any form of pavement parking exemption to allow unhindered access for pedestrians along the length of a street with appropriate accessible crossing points.

Race/Ethnicity: No Impact

Religion or Belief: No Impact

Sex: No Impact

Sexual Orientation: No Impact

Are any Human Rights not covered by the Equalities questions above impacted by this report?

No

FAIRNESS & POVERTY**Geographic Impacts & Implications**

Strathmartine: No Impact

Lochee: No Impact

Coldside: No Impact

Maryfield No Impact

North East No Impact

East End No Impact

The Ferry No Impact

West End No Impact

Household Group Impacts and Implications

Looked After Children & Care Leavers: No Impact

Carers: No Impact

Lone Parent Families: No Impact

Single Female Households with Children: No Impact

Greater number of children and/or young children: No Impact

Pensioners - single / couple: No Impact

Unskilled workers or unemployed: No Impact

Serious & enduring mental health problems: No Impact

Homeless: No Impact

Drug and/or alcohol problems: No Impact

Offenders & Ex-offenders: No Impact

Socio Economic Disadvantage Impacts & Implications

Employment Status: No Impact

Education & Skills: No Impact

Income: No Impact

Caring Responsibilities (including Childcare): No Impact

Affordability and accessibility of services: No Impact

Fuel Poverty: No Impact

Cost of Living / Poverty Premium: No Impact

Connectivity / Internet Access: No Impact

Income / Benefit Advice / Income Maximisation: No Impact

Employment Opportunities: No Impact

Education: No Impact

Health: Positive

Preventing parking on the footway and maintaining minimum unobstructed widths will help encourage more people to choose walking as a mode of transport therefore having a positive impact on the health of the city's citizens.

Life Expectancy: No Impact

Mental Health: No Impact

Overweight / Obesity: No Impact

Child Health: No Impact

Neighbourhood Satisfaction: Positive Inconsiderate parking should be minimised.

Transport: Positive

By prioritising footways for walking this will encourage more active travel with benefits to reducing congestion from private cars.

Environment

Climate Change Impacts

Mitigating Greenhouse Gases: No Impact

Adapting to the effects of climate change: No Impact

Resource Use Impacts

Energy efficiency & consumption: No Impact

Prevention, reduction, re-use, recovery or recycling of waste: No Impact

Sustainable Procurement: No Impact

Transport Impacts

Accessible transport provision: Positive

Proposals will maintain footway passage for pedestrians supporting active travel.

Sustainable modes of transport: Positive

Cars that are parked wholly on a road can in some circumstances, such as reduced carriageway widths, obstruct buses. This can result in increased journey times or make some routes impassable that could lead to the removal or diversion of services within the area. Providing exemption orders, where minimum footway widths can be maintained, can also assist buses to progress unimpeded.

Natural Environment Impacts

Air, land & water quality: No Impact

Biodiversity: Positive

Providing parking exemptions, where appropriate, could minimise the risk of property owners converting their garden areas to driveways. Open & green spaces: Positive

Providing parking exemptions, where appropriate, could minimise the risk of property owners converting their garden areas to driveways. Removal of green areas can contribute to additional surface water run-off with impact upon sewer/drain capacity, increasing the risk of flooding.

Built Environment Impacts

Built Heritage: No Impact

Housing: Positive

Providing pavement parking when the footways are wide enough will assist residents living in high density areas with very little or no parking provision. Particularly around tenement areas that have an under-provision of parking availability.

Is the proposal subject to a Strategic Environmental Assessment (SEA)?

No further action is required as it does not qualify as a Plan, Programme or Strategy as defined by the Environment Assessment (Scotland) Act 2005.

Corporate Risk Impacts

Corporate Risk

Political Reputational Risk: Positive

The Transport (Scotland) Act 2019 makes provision for the prohibition of pavement parking. Significant consultation was undertaken as the Bill proceeded to be an Act of Scottish Parliament. This included evidence gathered in relation to parking on pavements and double parking from the Parking Stakeholder Working Group, Guide Dogs Scotland, Living Streets Scotland and the Mobility and Access Committee for Scotland.

Elected members, emergency services and bus operators have been consulted on the roads eligible under the act for exemption and the draft order will be subject to public advertisement with representations received and heard by members of the committee.

Economic/Financial Sustainability / Security & Equipment: No Impact

Social Impact / Safety of Staff & Clients: No Impact

Technological / Business or Service Interruption: No Impact

Environmental: No Impact

Legal / Statutory Obligations: No Impact

Organisational / Staffing & Competence: No Impact

Corporate Risk Implications & Mitigation:

The risk implications associated with the subject matter of this report are "business as normal" risks and any increase to the level of risk to the Council is minimal. This is due either to the risk being inherently low or as a result of the risk being transferred in full or in part to another party on a fair and equitable basis. The subject matter is routine and has happened many times before without significant impact.

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