

# Transport and Environment Committee

10.00am, Thursday, 17 May 2018

## Objections to Traffic Regulation Order (TRO/17/73) – Parking in the Dumbiedykes and Pleasance Areas

<b>Item number</b>	7.8
<b>Report number</b>	
<b>Executive/routine</b>	Executive
<b>Wards</b>	11 - City Centre 15 - Southside/Newington
<b>Council Commitments</b>	

### Executive Summary

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In May 2015 a private parking contractor stopped enforcing a permit scheme in the Dumbiedykes and Pleasance areas. Since then there has been no enforcement of the residents' parking places in these streets. A map of the streets concerned is provided in Appendix 1.

In August 2017 Committee approved the start of the statutory process to introduce parking controls in the Dumbiedykes and Pleasance areas. The proposals were advertised for public comment and two objections were received. A plan of the proposed parking places, as advertised, is included in Appendix 2.

This report considers the contents of those two objections, recommends that the objections are set aside and that the Traffic Regulation Order (TRO/17/73) is made as advertised.

## Objections to Traffic Regulation Order (TRO/17/73) – Parking in the Dumbiedykes and Pleasance Areas

### 1. Recommendations

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- 1.1 It is recommended that Committee:
  - 1.1.1 sets aside the objections received, and
  - 1.1.2 makes the Traffic Regulation Order as advertised.

### 2. Background

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- 2.1 Following the end of parking enforcement by the private parking contractor, the Council has been working with local people, residents' groups and elected members to develop a solution to address parking problems in the Dumbiedykes and Pleasance areas.
- 2.2 The proposals included the introduction of a Restricted Parking Zone to prevent commuter and non-residential parking in the area and to help residents park closer to their homes.
- 2.3 These proposals required a Traffic Regulation Order (TRO) to be made to include the area within the Controlled Parking Zone (CPZ). This report details the two objections received during the public consultation as part of the TRO process.

### 3. Main report

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- 3.1 The TRO to introduce parking controls in the areas concerned was advertised for public comment between 26 January and 16 February 2018.

#### **Objections**

- 3.2 Two objections were received to the proposals. The first was received from a resident of Viewcraig Gardens who was concerned about residents having to pay for parking permits. The second objection was received from a resident of Oakfield Place and included several points, but the main reason for objecting was the suggestion that the parking places are private land and not part of the road.
- 3.3 More detailed consideration of all the points raised in the two objections is contained within Appendix Three: Detailed Analysis of Objections.

- 3.4 Currently, since there is no enforcement of parking regulations in the parking places within the Dumbiedykes and Pleasance areas, these spaces are being used for non-residential and commuter parking which is preventing residents from parking near their homes.
- 3.5 To address inconsiderate parking problems and improve parking opportunities for residents, parking regulations require to be introduced and enforced. The purchase of residents' parking permits identifies vehicles which should be given priority to park in the area during the day and income from permits help contribute towards the running costs of the scheme.
- 3.6 Regarding the second objection, the roads around the area concerned were constructed under Roads Construction Consent (RCC) and this included the parking places. Therefore, by law, the parking places are part of the road network over which there is a public right of access and not private land. Only the Council, as roads authority, has the power to restrict the use of a road but this does not extend to the use of bollards which intend to reserve a parking place for one particular individual.
- 3.7 As the parking areas are part of the road then the Council is permitted to introduce the proposed restrictions, following the completion of an appropriate Traffic Regulation Order.

### **Restricted Parking Zone**

- 3.8 The report to Committee in August 2017 included proposals to introduce a Restricted Parking Zone (RPZ) in the area concerned.
- 3.9 However, it is now proposed to indicate the area as part of the existing Zone 7. No changes are required to the TRO and the same regulations would apply, the only difference being the way parking restrictions are marked on street. Residents would see no difference in how restrictions are enforced.
- 3.10 This approach would benefit from not having to remove significant lengths of yellow line and avoid the need to introduce signs to indicate the waiting restrictions due to the absence of the yellow lines, thereby significantly reducing street clutter.
- 3.11 Additional benefits of this approach would be to reduce implementation costs and expediate the introduction of the parking regulations to help residents.

## **4. Measures of success**

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- 4.1 The Measures of Success of this proposal includes:
  - 4.1.1 residents being able to park closer to their homes;
  - 4.1.2 improving parking opportunities for; visitors, disabled people, carers and trades people; and
  - 4.1.3 enhancing road safety for all users.

- 4.2 It is considered that Measure 4.3 from the report to Committee in August 2017 was achieved. Further engagement with the Dumbiedykes Residents Association (DRA) on the proposed design of parking places, resulted in changes being made and the DRA approving the amendments.

## **5. Financial impact**

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- 5.1 The cost of implementing the proposals is estimated to be £50K and this will be met from within existing Parking budgets.
- 5.2 The actual cost may be lower should the removal of yellow lines and the need for waiting restriction signs no longer be required.
- 5.3 Based on current permit prices, vehicle ownership in the area and typical permit purchasing patterns, income from the purchase of residents' permits is estimated to be £13,000 per year.
- 5.4 Pay-and-display and cashless parking income, in 2016, was approximately £25,000 in Viewcraig Street and Viewcraig Gardens. The introduction of parking controls may increase and prevent lost revenue from other areas as commuters are currently able to park free of charge in the residents' parking bays.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 There are no known risk, policy, compliance or governance impacts arising from this report.

## **7. Equalities impact**

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- 7.1 The introduction of parking controls will have a positive impact for disabled people. By ensuring that current advisory disabled parking places become enforceable and regularly monitored by Parking Attendants, accessibility will be improved.
- 7.2 The removal of commuter parking will generally increase parking opportunities in the area and make parking more accessible for visitors and carers making domiciliary visits in the area much easier. This will also have a positive impact on disabled people and those with additional care needs.

## **8. Sustainability impact**

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- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below.

- 8.2 There is expected to be a positive impact on reducing carbon emissions and tackling climate change by removing free parking for commuters in the city centre.
- 8.3 The proposals will help achieve a sustainable Edinburgh because removing commuter parking will improve the quality of life of local residents. Improving parking for carers and third sector workers will help to support people with additional support needs continue to live in their own homes.
- 8.4 Removing commuters will also prevent residents circling the streets looking for an available space and contributing to congestion and pollution. The introduction of a link between permit prices and vehicle emissions will encourage residents to consider the environmental impact of their vehicles.

## 9. Consultation and engagement

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- 9.1 Officers from Parking, Roads and Housing Teams have continued to work together to move these proposals forward and address further parking issues that have arisen in the area.
- 9.2 Discussions and meetings have continued with local residents, the DRA and elected members. In addition, numerous phone calls and e-mails have been exchanged on this matter.
- 9.3 An informal consultation between November 2016 and January 2017 sought the views of residents on parking problems in the area.
- 9.4 Further discussions with the DRA on the proposed parking places design produced positive feedback and changes were made as a result which received approval of the DRA.
- 9.5 The Scottish Government's Road Policy Team have also been kept informed of progress and remain satisfied.
- 9.6 The public consultation, as part of this TRO process, was widely advertised and only two objections were received. Due to the level of engagement with residents on this matter, this may be evidence that many residents are satisfied with the proposals and support the introduction of parking controls to address the current parking problems.

## 10. Background reading/external references

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- 10.1 Motion submitted to the Transport and Environment Committee by former Councillor Orr on 7 June 2016, Item 9, entitled '[Residential Parking](#)'.
- 10.2 Report to the Transport and Environment Committee on 10 August 2017, Item 7.3, entitled '[Parking in the Dumbiedykes and Pleasance Areas](#)'.

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**11. Appendices**

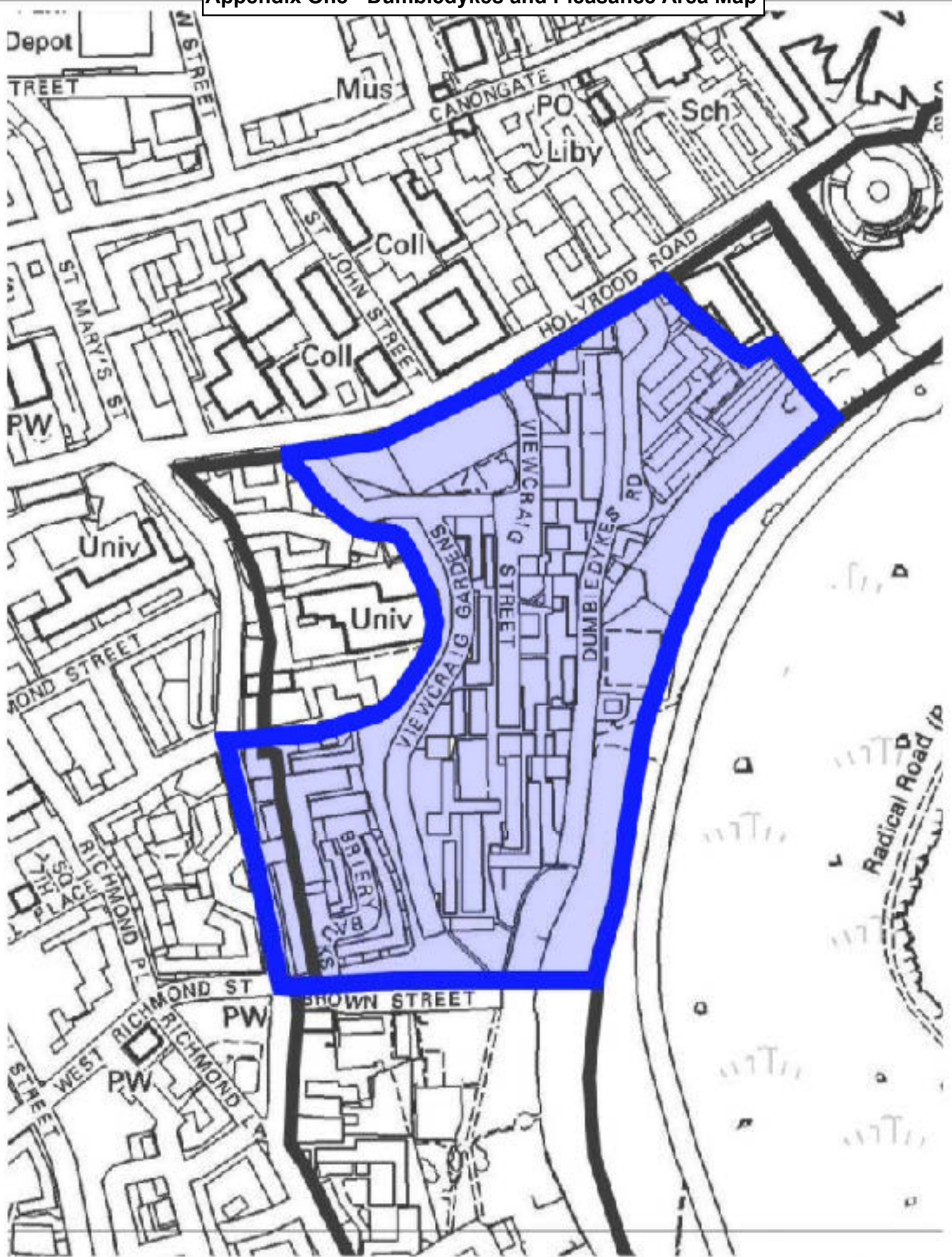
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Appendix 1 - Dumbiedykes and Pleasance Area Map

Appendix 2 - Proposed Parking Places in Dumbiedykes and Pleasance Area

Appendix 3 - Detailed Analysis of Objections

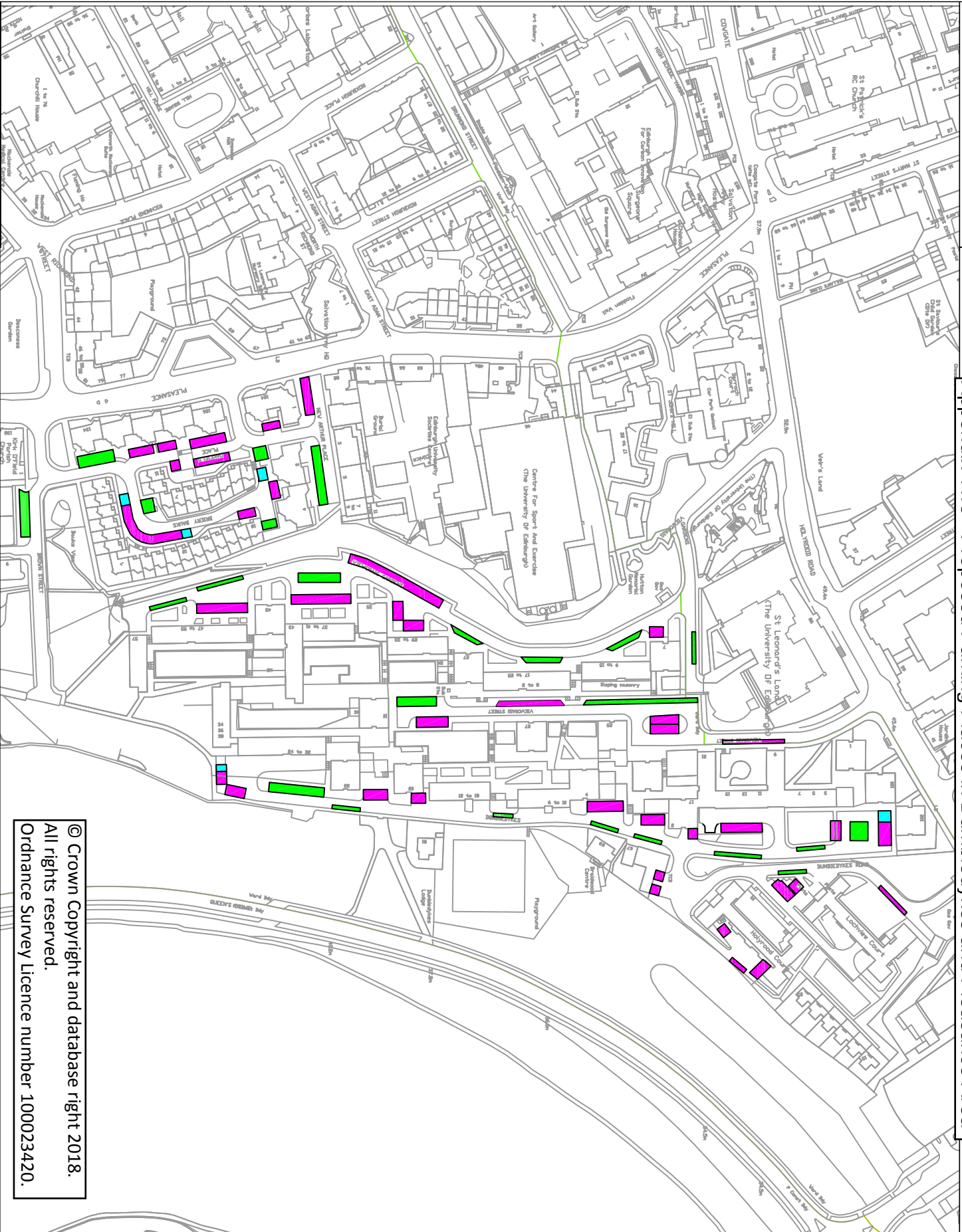
Appendix One - Dumbiedykes and Pleasance Area Map



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<b>• EDINBURGH •</b> THE CITY OF EDINBURGH: 19 JNC11	
Transport & Planning 329 High Street Edinburgh EH1 1YJ	PARKING OPERATIONS
DATE: SCALE: NTS	DRAWN BY: AJM CHECKED BY: AJM
Drg. No.	

# Appendix Two - Proposed Parking Places in Dumbiedykes and Pleasance Area



- Proposed Permit Holders Only
- Proposed Shared Use Bay
- Proposed Disabled Parking Place

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REVISION	DETAILS	BY	DATE

<p><b>EDINBURGH</b> THE CITY OF EDINBURGH COUNCIL</p>	<p><b>PARKING OPERATIONS</b> TRAFFIC ORDERS AND PROJECT DEVELOPMENT</p>
<p>Dumbiedykes Restricted Parking Zone Draft Proposals</p>	
<p>Date: DRG, NDI</p> <p>Scale: NTS</p>	<p>Drawn By: CS</p> <p>Checked By:</p>



## Detailed Analysis of Objections

Issue	Instance	Council Response
<p>Residents will need to purchase a parking permit to park in the parking places during the restricted hours. Permits were previously available free of charge and these costs will have an impact on household budget.</p>	2	<p>There are costs associated with the introduction, administration and enforcement of the proposed parking scheme. Permit holders are the main beneficiaries and permit charges help contribute towards these costs. Controlled parking applies in other areas of the city centre and residents help to pay for these services.</p> <p>The price of residents' parking permits is linked to the CO2 emissions of a vehicle. Therefore, residents who choose more environmentally-friendly vehicles can benefit from lower permit prices. Disabled persons' blue badge holders are entitled to a parking permit free of charge.</p>
<p>Oakfield Place parking places are on private land, it not a through road and property owners were sold individual parking spaces when they purchased their homes from the Council. Parking areas are restricted for residents only and previous management schemes (physical barriers and signs) have worked well in the past, without any cost to residents and should be reinstated.</p>	1	<p>The Roads team have confirmed that the parking places are included within the Road Construction Consent (RCC) for Oakfield Place so are part of the road and not private land. The Housing Team has confirmed that parking places were not sold along with houses.</p> <p>A road being a cul-de-sac, dead-end or not being a through road has no bearing on whether it is a road or not.</p> <p>It is likely that when Oakfield Place was being developed the parking places were intended only for the use of residents and their visitors. However, as the current non-residential and commuter parking problems demonstrate without an effective parking management scheme in place, the residential parking places are being misused.</p> <p>As the parking places are part of the road, over which there is a public right of passage, it is not possible to restrict their use by introducing bollards, since such features would aim to restrict the parking place for the sole use of one individual. Additional information signs erected by the Housing Team have no legal status and have not prevented non-residents parking in the area.</p>
<p>Residents do not want to pay for parking permits and have never</p>	1	<p>It is unlikely that any resident would choose to pay to park outside their own home. However, the current free parking also allows non-residents and commuters to park free of charge, preventing</p>

<p>had to, so this is a fixed situation which cannot be changed.</p>		<p>residents, their visitors and, in some instances, their carers from using the parking places. Parking controls are necessary to tackle such inappropriate parking and help residents park closer to their homes.</p> <p>Controlled Parking applies in other parts of the city centre where there are high demands for parking, such as from commuters and many residents choose to pay for a permit to park during the day.</p> <p>While residents have not paid for parking permits before this does not mean that circumstances cannot change. Provided the Council follows the correct legal procedures when making a TRO, parking controls and permits charges can be introduced. It is not the Council's intention to introduce parking permits where they are not needed or supported by residents, but many residents have complained about inconsiderate parking and parking controls are the most appropriate solution to resolve this problem.</p>
<p>Residents should not be expected to park elsewhere in the larger Zone 7.</p>	<p>1</p>	<p>It is not the aim of the proposals to require residents to park in other parts of Zone 7. Once parking controls are introduced, all-day non-residential and commuter parking will be prevented and more parking opportunities will become available for residents. Thus, it will become less likely, than at the current time, that they will need to park in other streets.</p>
<p>Purchasing a parking permit does not guarantee the holder a parking place. The Council issues more parking permits than spaces available – this is unbecoming.</p>	<p>1</p>	<p>The Council does not cap the total number of parking permits issued per zone. However, parking permits are limited to two per property to manage demand and are issued on a zonal basis to allow flexibility and improve parking opportunities locally.</p> <p>In some areas, such as densely populated streets with tenements, there can be more permits issued than parking places available. Reducing the number of parking permits in circulation would mean withdrawing permits from some residents which some may suggest is also unfair.</p> <p>In the Dumbiedykes and Pleasance areas, it is expected that there will be more parking places available to residents than the number of permits purchased.</p> <p>In addition, the Council intends to introduce additional shared use parking places around the city to address the current imbalance between permits and spaces.</p>
<p>Parking controls will create further problems by allowing University students to obtain permits.</p>	<p>1</p>	<p>Residents' parking permits are not available to students living within purpose-built student accommodation in Edinburgh. However, those living within private dwellings may apply for a permit. Permits are also not available to students commuting to their place of study if that is within the CPZ.</p>
<p>Residents have to pay for visitor parking, there is a limit on the number of visitors they can have each year and this will have a negative impact on disabled people or</p>	<p>1</p>	<p>Currently, due to free parking and the inconsiderate use of parking places by non-residents and commuters there is little opportunity for visitors to park.</p> <p>The introduction of parking charges will improve parking opportunities for visitors and residents will be able to purchase visitors permits for their guests. However, they do not need to as public parking will also be available for visitors to use. Therefore,</p>

<p>those with mobility impairments.</p>		<p>residents will not be limited to the number of visitors they can receive each year.</p> <p>Each household would be entitled to 150 visitors permits per year, with each permit allowing 90 minutes of parking. In addition, disabled persons' blue badge holders can apply for a residents' parking permit free of charge and are entitled to double the allocation of visitors' parking permits and at a reduced rate.</p>
<p>The consultation is inadequate as residents living in Oakfield Place were not aware of it.</p>	<p>1</p>	<p>As part of the TRO public consultation process, the Council must make copies of relevant documents available and place a public notice in the local press. Both actions were undertaken in this case, along with:</p> <ul style="list-style-type: none"> <li>• Street notices.</li> <li>• Informing elected members.</li> <li>• E-mailing residents.</li> <li>• Publishing information on the Council's website and on the public information notices portal - Tell Me Scotland.</li> </ul> <p>Therefore, it is considered that the consultation complied with legislation and that interested parties were given opportunities to participate in the consultation process.</p> <p>Further details regarding discussions with residents can be found in the Consultation and Engagement Section of this report.</p>