

Licensing Sub-Committee of the Regulatory Committee

9.45am, Tuesday, 5 March 2024

Proposed Parking Controls, Allanfield, Allanfield Place, and Dicksonfield

Executive/routine
Wards

Executive
12 - Leith Walk
13 - Leith

1. Recommendations

- 1.1 It is recommended that Licensing Sub-Committee:
- 1.1.1 Set aside the objections to the Traffic Regulation Order TRO/22/17 as previously advertised and authorised by the Transport and Environment Committee on 21 June 2021; and
 - 1.1.2 Approve the making of the TRO/22/17 as advertised to include Allanfield, Allanfield Place, and Dicksonfield, as part of proposed extension of the existing N1 Zone of the Controlled Parking Zone.

Paul Lawrence

Executive Director of Place

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Proposed Parking Controls, Allanfield, Allanfield Place, and Dicksonfield

2. Executive Summary

- 2.1 On 17 June 2021, Transport and Environment Committee authorised the commencement of the legal process to add Allanfield, Allanfield Place, and Dicksonfield to the existing N1 Zone of the Controlled Parking Zone (CPZ).
- 2.2 The draft Traffic Regulation Order (TRO) detailing the proposed changes was advertised on 24 March 2023 at which point those interested in the scheme were invited to make their views known to the Council.
- 2.3 Committee is asked to consider the objections received during the formal advertising of this Traffic Regulation Order (TRO/22/17), which are mainly themed around resident's title deeds and land adoption within Dicksonfield in particular, and to determine whether or not to proceed to make the order since more than six objections were received.

3. Background

- 3.1 Allanfield, Allanfield Place, and Dicksonfield are residential streets located within the general boundary of Zone N1 of the CPZ, yet presently only minor sections of Allanfield, Allanfield Place, and Dicksonfield are subject to double yellow line parking restrictions. Uncontrolled adopted sections of Allanfield, Allanfield Place, and Dicksonfield create a situation that allows unmanaged parking opportunities within the CPZ boundary.
- 3.2 Uncontrolled streets that lie within the boundary of the CPZ undermine the efficiency of a CPZ as a solution that supports Council policies, primarily in terms of discouraging commuting into the CPZ by private car in line with the Council's 2030 carbon neutral goal.
- 3.3 A TRO is required to add these streets to the existing N1 Zone of the CPZ. Based on this, Transport and Environment Committee authorised the commencement of the legal process to add these streets to the existing N1 Zone of the CPZ, with

the location plans showing the proposed extent of the parking controls for Allanfield, Allanfield Place, and Dicksonfield included in Appendix 1.

- 3.4 The TRO was made in terms of Section 1 of the Road Traffic Regulations Act 1984. The detailed process for making a TRO is set out in the Local Authorities Traffic Orders (Procedure)(Scotland) Regulations 1999. In terms of the Regulations given the scope of TRO/22/17 where there remain unresolved objections, it remains a matter for the Council as Roads Authority to determine whether to proceed to make each order as advertised.
- 3.5 In terms of the Council's statutory scheme of delegation the Executive Director of Place has the power to make TROs provided no statutory objections are received and no more than 6 material objections are received from the public.
- 3.6 Where the decision on whether to approve a TRO is referred to the Committee, it may either:
 - 3.6.1 Approve the TRO as advertised;
 - 3.6.2 Approve the TRO with minor modifications. Provided such modifications would not extend the application of the order or increase the stringency of any prohibition or restriction contained in it (Regulation 10 of the 1999 Regulations);
 - 3.6.3 Direct that a public hearing is to be held on the proposed TRO, in terms of Regulation 8 of the 1999 Regulations, chaired by an Independent Person.
 - 3.6.4 Approve making the TRO in part; or
 - 3.6.5 Refuse the TRO.

4. Main report

- 4.1 In accordance with legislative requirements relating to traffic orders, the Council carried out an initial consultation with statutory consultees in October 2022. The second stage consultation took place in March 2023, during which feedback and objections were invited, with such feedback forming the basis of this report.
- 4.2 The proposals to install Shared Use parking bays, Resident Permit Holders Only parking bays and yellow line restrictions at Allanfield, Allanfield Place, and Dicksonfield advertised under TRO/22/17, received seven objections. Six objections were received from Dicksonfield and one from Allanfield residents.
- 4.3 Main objection themes included land adoption, deed of declaration of conditions, and the effect on Dicksonfield and Allanfield residents' private unadopted parking areas as a result of proposals. Other objection themes raised by residents are noted in Appendices 2 and 3.

Land adoption and Deed of Declaration of Conditions

- 4.4 The Council received objections relating to carriageway adoption and parking areas within Dicksonfield where Permit Holders Only parking bays have been proposed. To clarify, the process leading to the adoption of any newly built road begins whilst the development is at planning stage, when the developer will apply to the Council for Road Construction Consent (RCC). That application process determines what parts of the development are considered “Roads”, as defined in the Roads (Scotland) Act 1984.
- 4.5 The RCC process automatically classifies any area covered by that RCC as being a road, regardless of its proposed adoption status. That classification in-turn means that all applicable powers provided for in legislation will also apply to that road. While there is generally no legal requirement for any road to be adopted, any person or persons who maintain a private road can apply to the Council to have that road formally adopted. Once adopted, it is the Council who assume responsibility for maintenance of that road.
- 4.6 In this case, as is common with other developments, the request for the Council to adopt Dicksonfield came from the developer. The developer formally applied to the Council to have the carriageway, including all associated footways, adopted for maintenance by the Council. Having concluded that the affected roads had achieved adoptable standard, the Council issued the adoption certificate on 17 December 2008, shown in Appendix 4.
- 4.7 With regards to land ownership, it should be considered that the Council rarely owns the land that lies under any road. Ownership of the land tends to rest in most, but not all, cases with the owners of adjacent properties. It is also not uncommon for there to be the Deed of Declaration of Conditions, such as the five objectors refer to, that ostensibly give parties specific legal rights in respect of the land. However, the Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984, state that, for all roads, the right to determine how that road may be used rests solely with the local road authority. No other person, persons or organisation is legally permitted to manage or control the use of any road, even if they own the land the road rests upon
- 4.8 As a road - defined in the Roads (Scotland) Act 1984 as a way over which there is a public right of passage - this part of Dicksonfield has been freely accessible by the public since the road was constructed. The proposed inclusion of this area into the CPZ does not materially impact upon the rights of the public to use or access this area.

- 4.9 The adopted status of this part of Dicksonfield does not extend to any shaded areas on the adoption plan (Appendix 4). Nor does it apply to any structures or boundary fences or walls. The adoption applies only to those areas detailed on the adoption certificate (Appendix 5), meaning that the Council has only assumed responsibility for maintaining the surface and fabric of the road itself, plus the surface drainage and street lighting, as detailed in the certificate.

Parking controls in unadopted areas of Allanfield and Dicksonfield

- 4.10 Another prominent objection theme relates to parking controls within the unadopted areas of Dicksonfield and Allanfield. Objectors claimed that there would be a loss of space in the unadopted parking areas as a consequence of drivers not applying for a Resident Parking Permit or utilising Pay and Display options:.
- 4.10.1 Two objectors raised this concern for Dicksonfield where there is currently a private parking contractor for the unadopted parking areas; and
- 4.10.2 One objector for Allanfield commented there is not a private parking contractor operating at this location.
- 4.11 It should be noted that there will still be areas of unadopted parking within Dicksonfield and Allanfield (Appendix 5). The Council can only control areas of road which are adopted, therefore any existing contractual agreements which are in place between residents and any contractor which currently manages the private unadopted parking areas will remain in place, as is the case in Dicksonfield. Allanfield does not have a parking contractor to monitor the unadopted parking areas.
- 4.12 Parking controls will promote better management of the available kerbside space, removing commuter vehicles and helping to enable all residents with permits to access local parking opportunities, whilst also enhancing parking opportunities for visitors and carers using visitor parking permits or through Pay and Display options.
- 4.13 It should also be noted that, following the Strategic Review of Parking, the surrounding area has since seen the introduction of a CPZ across large parts of Leith, through Zone N7 which borders with the existing N1 Zone and is fully operational. Strengthening controls in Allanfield, Allanfield Place, and Dicksonfield will therefore not only provide long-term protection against those who may currently, or in the future, seek free areas in which to park, but will ensure such streets are in-keeping with the broader parking controls in-place across this area of the city.
- 4.14 Parking controls also provide benefits for residents, their visitors, delivery vehicles and waste collection services. Regular patrols by Parking Attendants also address one of the points made by objectors in terms of safety and security, with such an enforcement presence serving to provide additional oversight at an on-street level.

More sustainable travel infrastructure requested as part of CPZ inclusion

- 4.15 An objection received from the Dicksonfield residents' association asked that the Council consider introducing more environmentally friendly infrastructure to assist

enhance the amenities and travel choices for residents' including the introduction of Electric Vehicle (EV) Charging points, Car Club parking bays, and cycle storage containers.

- 4.16 Whilst the Council supports the travel choice options above, upon investigation Dicksonfield is seen to already be well connected in terms of cycle storage containers, Car Club provision and EV chargers within a short walking distance to the development (Appendix 4).

5. Next Steps

- 5.1 Although objections have been received in response to this TRO/22/17 proposal, records confirm that the Council has legally adopted the car parking areas where parking restrictions are proposed in Allanfield, Allanfield Place, and Dicksonfield. The Council has also followed the legal requirements of the TRO process to date.
- 5.2 Officers consider the range of inherent benefits associated with incorporating these streets within the larger surrounding CPZ outweigh the number of issues raised, as detailed in this report and recommend that Committee:
- 5.2.1 Set aside the seven representations; and
- 5.2.2 Make TRO/22/17 as advertised;

Implementation

- 5.3 Should Committee authorise the proposals for Allanfield, Allanfield Place and Dicksonfield TRO/22/17, then all objectors will be contacted to advise them of this decision and the Council will conclude the legal process to introduce the aforementioned streets to the N1 zone of the CPZ.
- 5.4 Once the TRO has been made, then arrangements will be made to have the new restrictions introduced on-street. It is anticipated that the changes proposed by the Order will begin to be implemented by summer 2024.

6. Financial Impact

- 6.1 There will be costs involved in processing the TROs and introducing Permit Holder Only and Shared Use parking bays in Allanfield, Allanfield Place and Dicksonfield as well as for the introduction of signs and road markings associated with any new controls. These costs will be contained within existing Parking budgets.
- 6.2 The introduction of Shared Use and Permit Holder Only parking bay opportunities to Allanfield, Allanfield Place and Dicksonfield may result in a small increase in permit income to the Council, as well as Pay and Display income. This income will be allocated towards the operation of the Council's parking scheme and allocated to the funding of transport improvements, in accordance with the legislative requirements for income raised from parking charges.

7. Equality and Poverty Impact

- 7.1 The [City Mobility Plan](#) (CMP) sets out Edinburgh’s strategic framework for achieving sustainable and effective mobility across the city, with policy measure Movement 34 focused on parking controls: ‘Extend the coverage and operational period of parking controls in the city to manage parking availability for the benefit of local residents and people with mobility difficulties.’
- 7.2 The 2019 CMP had an Integrated Impact Assessment (IIA) undertaken, and in December 2023 a ‘Delivering Actions For Parking – Supporting Information: Controlled Parking Zones’ IIA was finalised as part of the broader CMP Implementation Plan. The [CMP](#) and the [Controlled Parking Zones](#) IIAs are published and publicly available on the Council’s website. The Controlled Parking Zones IIA assesses impacts on myriad service users associated with expanding Controlled Parking Zones. The Controlled Parking Zone IIA identifies the following positive impacts:
- The ability to keep streets clear of hazardous parking enabling the safe flow of traffic.
 - Discouraging commuter parking allows local residents to park closer to their homes.
 - Improved air quality within Edinburgh makes the city a more pleasant place to work particularly for those working outdoors.
 - Waiting or loading restrictions can help discourage private car use while encouraging the use of public transport as well as walking, wheeling and cycling.
- 7.3 Negative impacts that the IIA noted included the introduction of Pay and Display and Permit Holder Only parking bays would incur cost to existing residents who wished to purchase a permit or park their vehicle in new CPZ bays. Costs would also be experienced by trades workers, carers, delivery vehicles and visitors.
- 7.4 Mitigation measures include:
- 7.4.1 That low emission vehicle owners are entitled to a reduced permit price with more polluting vehicles paying more; and
- 7.4.2 That Blue Badge holders can:
- 7.4.2.1 Park free of charge in Pay and Display bays and Shared Use bays;
 - 7.4.2.2 Apply for a free resident’s permit; and
 - 7.4.2.3 Apply for double the amount of visitor parking permits usually allocated to other residents, at half the standard price.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. As part of the City Mobility Plan, a [Strategic Environmental](#)

[Assessment](#) was carried out, which concluded that the cumulative impacts of managing private car use and reducing commuting by private car travel, as enacted through parking controls proposed in this report, would have a positive impact on reducing environmental impact and responding to climate change.

- 8.2 The outcome of the TRO will allow proposals to progress and continue to be implemented which in turn is intended to positively support environmental and climate change requirements.

9. Risk, policy, compliance, governance and community impact

- 9.1 The Council's Strategic Review of Parking concluded the introduction of a Controlled Parking Zones to Leith in 2023. The proposals being promoted by TRO/22/17 are aligned to and strengthen the recent CPZ changes in the surrounding area, whilst also helping support the Council's City Mobility Plan policy Movement 34 focused on parking controls.
- 9.2 TROs are required to enable enforcement of parking restrictions, alongside appropriate road markings with accompanying signage. This process includes a pre-TRO consultation period, followed by a statutory consultation period.

Traffic Regulation Order Statutory Consultation

- 9.3 The legal processes associated with TRO/22/17 have been conducted in accordance with statutory requirements, including consultation with statutory bodies, Community Councils and local resident and amenity groups.
- 9.4 Formal advertisements of traffic orders to the general public are communicated online, and via local press which explains their opportunity to object or support the proposals. Comments received from the public are taken into consideration before determining whether to proceed with or abandon any proposals.
- 9.5 Ahead of the statutory TRO consultation commencement street notices were erected on street lighting at the entrance to Allanfield. Allanfield Place, and Dicksonfield as well as other street lights within each street.
- 9.6 There is no requirement to send letters to individual property owners within any of the three the developments as part of the TRO process.

10. Background reading/external references

- 10.1 [Proposed Parking Controls – Allanfield, Allanfield Place, and Dicksonfield, report to Transport and Environment Committee 17 August 2021](#)
- 10.2 [Delivering the City Mobility Plan - Parking Action plan 2023](#)
- 10.3 [Integrated Impact Assessment - Delivering Actions for Parking – Controlled Parking Zones](#)
- 10.4 [Strategic parking review \(Leith\) – The City of Edinburgh Council](#)

10.5 [Controlled Parking and Priority Parking Protocol](#)

10.6 [Residents Permits on Private Roads Protocol](#)

11. Appendices

Appendix 1 Proposed Restrictions and Location Plans

Appendix 2 A schedule of the main issues raised through material objections received against Traffic Regulation Order TRO/22/17

Appendix 3 A schedule of the main issues raised through non-material objections received against Traffic Regulation Order TRO/22/17

Appendix 4 Consultation data

Appendix 5 Road adoption certificates

Appendix 6 Road adoption plans for Allanfield, Allanfield Place, and Dicksonfield

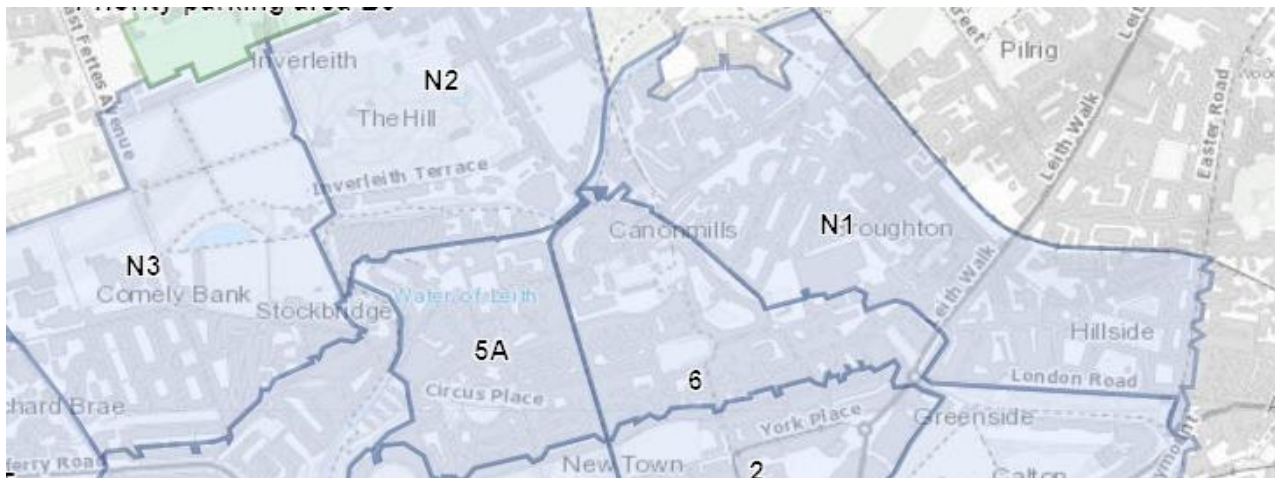
Appendix 7 TRO/22/17 Draft Traffic Regulation Order

Appendix 8 TRO/22/17 Statement of Reasons

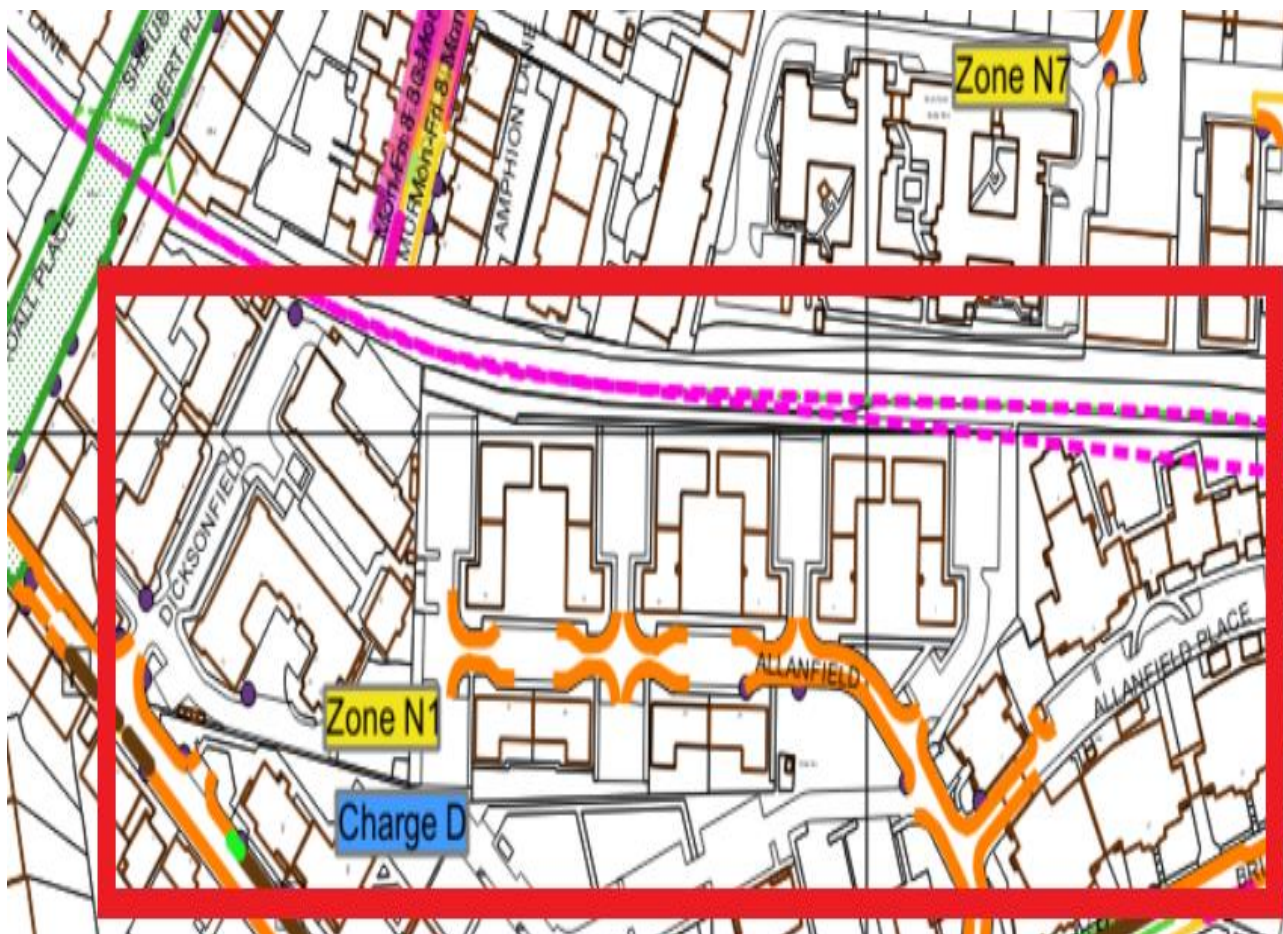
Appendix 9 Advertised Traffic Regulation Order drawings

Appendix 1 – Proposed Restrictions and Location Plans

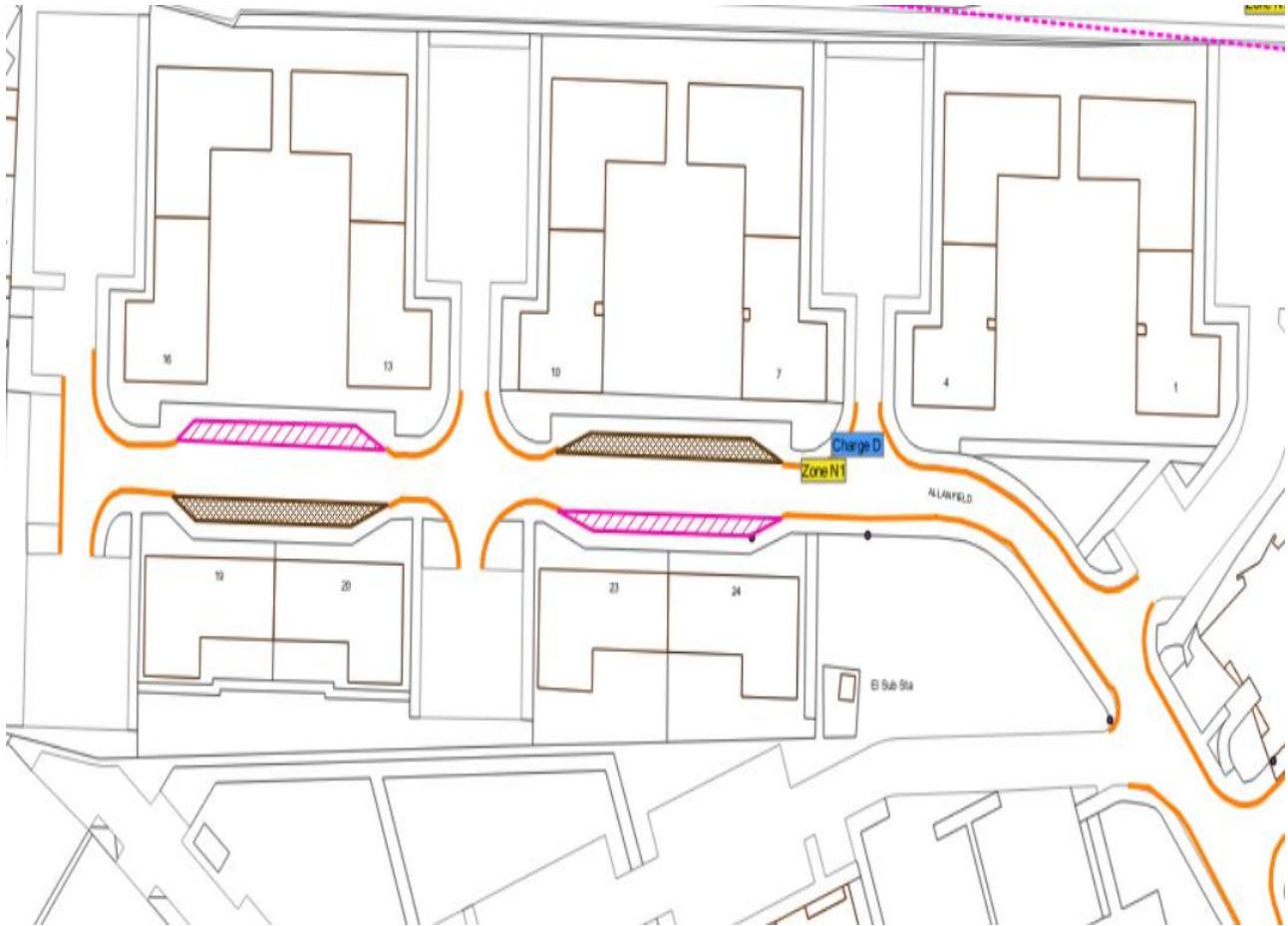
Overview of Zone N1 and its boundaries.



Area Location Plan showing Allanfield, Allanfield Place, and Dicksonfield already situated within the within the existing Zone N1 and new Zone N7 boundary with Zone N1.



Allanfield proposals



Shared Use bay



Permit Holders Only



Double Yellow Line



Allanfield Place proposals



Shared Use bay



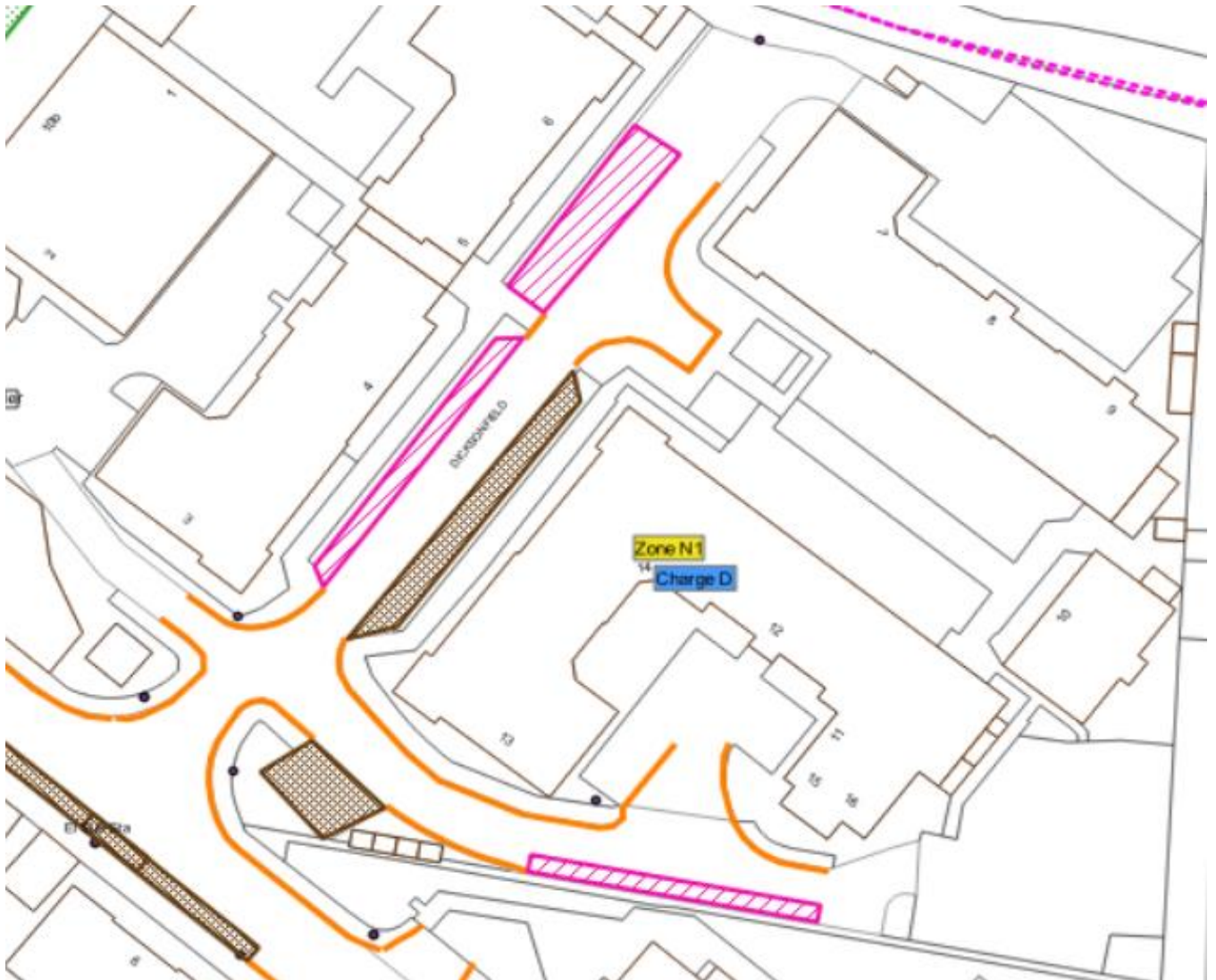
Permit Holders Only



Double Yellow Line



Dicksonfield proposals



Shared Use bay



Permit Holders Only



Double Yellow Line



Appendix 2 – A schedule of the main issues raised through material objections received against Traffic Regulation Order TRO/22/17

Issue	Objections	Response	Action	Related Objection Number(s) in Appendix 4
Dicksonfield			Number of Objections 3	
Deed of Declaration and Conditions and existing parking rights	<p>It is our understanding that residents have the rights to park in the development car parking spaces at Dicksonfield.</p> <p>The Deed of Declaration of Conditions defines the "Common Ground" as including any parking spaces serving the "Development Area". Dicksonfield residents have a right in common along with other proprietors within the development to the Common Ground. The Deed of Declaration Conditions was granted by Barratt Homes Ltd and recorded on 20 March 2000.</p>	<p>The proposed CPZ restrictions are proposed on an adopted road and the Roads authority control the parking, therefore there is no actual legal loss of parking in this case.</p> <p>Following completion of the RCC process in 2008 this land became an adopted road. The right to determine how the adopted road may be used rests solely with the Council as the local road authority. Regardless of any ownership rights owners may have to the underlying land, no other person, persons or organisation is legally permitted to manage or control the use of any road.</p>	No action required	2, 3, 5

Dicksonfield			Number of Objections 2	
Land adoption and Private land disputes.	The proposal to convert the existing development car parking spaces running along the front of Blocks 3 to 6 to permit holders only takes away parking bays from residents. Also removing the car parking spaces outside numbers 13 and 14 to install shared use parking bays will also take away parking spaces for residents.	The proposed bays are on adopted land maintained by the Council. By adding both permit holders only and shared use bays offers benefits to residents and visitors.	No action required	2, 6
Dicksonfield			Number of Objections 3	
Land adoption and Private land disputes.	The proposal to extend the existing double yellow lines in Dicksonfield which run along the southern edge of Block 13, and then extend north-eastwards along the rear of Block 13 will prevent the use of a number of the existing development car parking spaces at the rear of Block 13, Dicksonfield.	This is not the case; the proposed double yellow line will only apply on the outer edge of the private spaces on the adopted carriageway. Private spaces will remain in place, unaffected for use.	No action required	2, 4, 7

Dicksonfield			Number of Objections 1	
Effect on existing private non-adopted parking areas managed by private contractor	The factors for the development at Dicksonfield (James Gibb) have been contracted to among other duties issue parking permits to each property at Dicksonfield. The factors have contracted the services of a third party to patrol the development and issue parking fines in respect of vehicles parked in the development car parking spaces without a valid parking permit.	The private parking areas which are not adopted could still be managed by the private company however enforcement on the adopted carriageway could only be undertaken by Council Parking Attendants. This would assist with combatting non-residents' using these areas as an alternative to parking within the CPZ.	No action required	2
Allanfield			Number of Objections 1	
Effect on existing private non-adopted parking areas.	Within the Allanfield scheme you will end up pushing motorists into the residential parking spaces where there are no private parking restrictions in place for residents. People who are currently using the free spaces within the scheme and walk up to their workplace is an issue but the Council will exacerbate the problem and just push these	There would be no change to this parking arrangement. The private parking areas of Allanfield are not currently managed.	No action required	1

	motorists to the spaces directly outside the buildings.			
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Dicksonfield				Number of Objections 3
Effect on property value	The effect of the introduction of TRO/22/17 would be to interfere with existing parking rights by reducing the number of parking spaces in respect of which Dicksonfield owners/residents can exercise their parking rights and would therefore reduce the value of properties in Dicksonfield	No evidence is supplied which suggests newly implemented Controlled Parking Zones diminish property value in affected streets. It could be argued value may also be positively affected by the CPZ introduction as residents could benefit from quality of life improvements	No action required	2, 3, 5

Dicksonfield				Number of Objections 1	
More sustainable travel options should be included instead of normal parking bays	To improve amenity in Dicksonfield and the wider neighbourhood, and in line with the trend towards more environmentally responsible travel options, we would suggest that the area controlled by CEC within Dicksonfield should include one or two EV charging points and one or two car club spaces. Similarly some space could be given for secure cycle storage bins – existing cycle storage is susceptible to theft.	There is a selection of charging bays available within a short distance of the development as it stands. Montgomery Street has fast chargers and at East London Street there are rapid and fast chargers available. There are several Car Club locations nearby with vehicles in place, at Brunswick Road and MacDonald Road. If Committee thought the suggestions should be considered further this would be considered and investigated but not as part of this TRO.	No action required	4	
Dicksonfield				Number of Objections 1	
TRO proposal drawing	The drawing of the existing situation on shows no double yellow lines in Dicksonfield. There are already sections of double yellow lines in areas that are deemed unsuitable to park. These are satisfactory.	The TRO proposal drawing clearly outlines the extents of the proposed double yellow line waiting restrictions. Any existing waiting restrictions within Dicksonfield are not supported by an existing TRO, except those at the	No action required	6	

		junction with Brunswick Road.		
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Appendix 3 – A schedule of the main issues raised through non-material objections received against Traffic Regulation Order TRO/22/17

Issue	Objections	Response	Action	Related Objection Number(s) in Appendix 4
Allanfield			Number of Objections 1	
Planned Implementation Date	When do you plan to implement this change? I couldn't see this on your notice?	We are unable to provide TRO implementation dates during the consultation stage as we can only plan required works once Committee has approved the TRO to be finalised.	No action required	1
Dicksonfield			Number of Objections 2	
Ineffective notification of TRO proposals.	The proposal has only been attached to a single lamppost at the entrance to the Dicksonfield. This deprives them of their right of objecting. A letter to each neighbour should certainly be a more appropriate approach to guarantee an extended acknowledgment.	Street notices were erected in accordance with legislation. Street notices were erected at various locations at Dicksonfield, Allanfield, and Allanfield Place. All proposals are listed online and in local press.	No action required	3, 6

Appendix 4 – Consultation Data

Number	Objection	Location
(1)	<p>I'm objecting on the basis of the fact that within the Allanfield scheme you'll end up pushing motorists into the residential parking spaces where there is no private parking restrictions in place for residents. People who are currently using the free spaces within the scheme and walk up to their workplace is an issue but the Council will exacerbate the problem and just push these motorists to the spaces directly outside the buildings. When do you plan to implement this change? I couldn't see this on your notice?</p>	Allanfield
(2)	<p>Elements of TRO/22/17 being objected to</p> <ol style="list-style-type: none"> 1.The proposal, per map tiles 1163 and 1222, to convert the existing development car parking spaces running along the front of Blocks 3 to 6 at Dicksonfield into permit holders' parking spaces ("element 1"). 2.The proposal, per map tile 1222, to convert the existing development car parking spaces running along the front of Blocks 13 and 14 at Dicksonfield and to the south west of Block 13 at Dicksonfield into "Shared use parking places" (Permit holders / Pay and Display / Pay by phone) ("element 2"). 3.The proposal, per map tile 1222, to extend the existing double yellow lines in Dicksonfield which run along the southern edge of Block 13, so that those double yellow lines would extend north-eastwards along the rear of Block 13, thereby preventing the use of a number of the existing development car parking spaces at the rear of Block 13 at Dicksonfield ("element 3"). <p>Grounds for objecting to elements 1, 2 and 3 of TRO/22/17</p> <ol style="list-style-type: none"> 1.As explained further below in the "parking rights" section, elements 1, 2 and 3 of TRO/22/17 outlined above would interfere with the existing rights enjoyed by owners of properties at Dicksonfield, by virtue of the Deed of Declaration of Conditions applicable to the development (see below), to park private motor vehicles in the car parking spaces affected by those elements, as those affected car parking spaces are subject to those existing parking rights. 	Dicksonfield

2.Elements 1, 2 and 3 of TRO/22/17 are not necessary as there is an existing system of parking enforcement in place at Dicksonfield, to control and enforce parking in all of the existing development car parking spaces in respect of which owners of properties at Dicksonfield have rights to park (these are highlighted in yellow on the Title Plan attached to my second e-mail), including those car parking spaces affected by elements 1, 2 and 3.

The factors for the development at Dicksonfield (James Gibb) have been contracted to (among other duties) issue parking permits to each property at Dicksonfield. The factors have contracted the services of a third party (which I believe is National Parking Enforcement Limited) to patrol the development and issue parking fines in respect of vehicles parked in the development car parking spaces without a valid parking permit. This enforcement work also covers the development parking spaces affected by elements 1, 2 and 3. There are several prominent signs displayed at each block of development car parking spaces at Dicksonfield which indicate that this is private land subject to private parking. These signs give detailed terms and conditions and warn that parking a vehicle without a valid parking permit in these spaces will result in a fine.

Given that there is already an effective system of car parking enforcement in operation in respect of all of the development car parking spaces at Dicksonfield (including those spaces affected by elements 1, 2 and 3), then elements 1, 2 and 3 of TRO/22/17 are not necessary.

3.Furthermore, element 3 (i.e. the extension of the double yellow lines as described above in the “elements being objected to” section) would prevent the use of approximately 3 existing development car parking spaces to the rear of Block 13 at Dicksonfield. The Statement of Reasons for making TRO/22/17 notes that one of the reasons for making this TRO is to introduce “yellow lines in locations where it would be unsafe or inappropriate to allow parking”. Given that the Deed of Declaration of Conditions applicable to the development at Dicksonfield (and which established and identified the development car parking spaces) was recorded in the General Register of Sasines in March 2000, I understand that all of the development car parking spaces, including those affected by element 3, have existed and been in continuous use since that time, or at least since sometime in 2001 or early 2002 at the latest. These longstanding car parking spaces are both safe and appropriate places to park and therefore element 3 of TRO/22/17 is unnecessary.

4.The amenity value of the rights to park in the development car parking spaces at Dicksonfield, which rights are enjoyed by owners of properties at Dicksonfield by virtue of the Deed of Declaration of Conditions applicable to the development (see below), are already reflected in the prices of the properties in Dicksonfield. The effect of elements 1, 2 and 3 of TRO/22/17 would be to interfere with these parking rights by reducing the number of

	<p>parking spaces in respect of which Dicksonfield owners/residents can exercise their parking rights and would therefore reduce the value of properties in Dicksonfield.</p> <p>By virtue of a Deed of Declaration of Conditions granted by Barratt Homes Ltd and recorded in the General Register of Sasines (Midlothian) on 20 March 2000, the owner(s) of each property (referred to as “the Proprietor(s)”) at Dicksonfield has “a right in common along with the whole other proprietors within the development at Princess Square, Brunswick Road, Edinburgh [i.e. Dicksonfield] in and to the Common Ground pertaining thereto as defined in the said Deed of Declaration of Conditions” (i.e. the Deed of Declaration Conditions granted by Barratt Homes Ltd and recorded in the GRS (Midlothian) on 20 March 2000) (“the Deed of Conditions”). The Deed of Conditions defines the "Common Ground" as including any parking spaces serving the "Development Area" (i.e. Dicksonfield) as a whole and defines the "Parking Spaces" as being the parking spaces tinted yellow on the Title Plan. (Please see my second e-mail for a copy of the Title Plan, which shows the development car parking spaces tinted yellow) Condition SIXTEENTH of the Deed of Conditions prohibits “Proprietors” from parking or leaving cars in the Development Area other than in or on the designated car parking spaces.</p>	
(3)	<p>I reside with my wife and 2 year old daughter; and the present objection relates to the proposed regulation TRO/22/17 affecting the Dicksonfield state.</p> <p>First of all I would like to object how this has been notified (or more the lack of notification). The proposal has only been attached to a single lamppost at the entrance to the Dicksonfield state via Brunswick Road. However, there are three other access points to the state which have not been signposted. Any person using these or a vehicle, which probably is a majority, will not have been made aware of the proposal. This deprives them of their right of objecting. A letter to each neighbour should certainly be a more appropriate approach to guarantee an extended acknowledgment.</p> <p>Secondly I would like to intimate that I completely object to the proposal base on several grounds:</p> <p>A) Dicksonfield is solely a residents state (only flats). The inclusion of permit parking will inevitably bring non-residents users; people which has no business in Dicksonfield and that otherwise would not be here. An increased influx of people causes an increase deterioration of the state that we residents then pay for.</p> <p>B) This external use will certainly be frequent during weekends evenings/nights due to proximity to city centre and the lack of requirement to pay for permit parking during those periods. This will inevitably bring anti-social</p>	Dicksonfield

	<p>behaviour, noise, people using the state as a toilet, littering. Nuisance to a currently quiet and respectful area. This is going to disturb families like mine which currently enjoy living in a reasonable safe and enclosed state.</p> <p>C) A reduction in private land/parking will have a negative effect in the value of the properties for all residents. We (the owners) bought the properties with the premise to have access and vehicular use to the land of the state. Your proposal will not provide compensation or benefit to any owner/resident.</p> <p>Thirdly I would question how appropriate is for the council to one-sided take over this private land. Private land should be only be repossessed if it is in the interest of the public. Certainly, it is not in the interest of the residents, and it seems unconceivable that non-residents/non-visitors have the need to be able to park in our community grounds. One could think repossessing land would make sense when it has been abandoned or kept in a poor state. However, Dicksonfield has been maintained to a high degree of standard for years, effort that was paid with residents money.</p> <p>Since it was built in 2004 Dicksonfield has been solely a residents and owners state as appears on its Title Deeds. I fail to see how the order TRO/22/17 will bring anything positive to residents or the community.</p>	
(4)	<p>1 To improve amenity in Dicksonfield and the wider neighbourhood, and in line with the trend towards more environmentally responsible travel options, we would suggest that the area controlled by CEC within Dicksonfield should include one or two</p> <p>EV charging points and one or two car club spaces.</p> <p>2. Similarly some space could be given for secure cycle storage bins – existing cycle storage is susceptible to theft.</p> <p>3 We note the proposal to extend double yellow lines across the front of three residents parking spaces behind – that is, to the south-east of - Block 13. We do not believe that cars parked in those spaces cause, or are likely to cause, any form of obstruction, and request that new lines not be painted.</p> <p>4 We note that some residents may be confused by the existence of two distinct permits for parking in Dicksonfield. We would appreciate some assistance in making the situation clear to our residents.</p>	Dicksonfield
(5)	<p>Myself and my wife would like to object to this proposed traffic regulation order for the following reasons:</p>	Dicksonfield

	<p>1) The reduction of private parking spaces around my property could reduce the value of our property.</p> <p>2) The introduction of public/pay and display spaces in the car park will increase the risk of non permit holders taking private spaces when the pay and display sections are full, thus reducing the availability of spaces for myself and fellow residents.</p> <p>3) The reduction in private parking spaces in the development will increase the competition for the remaining spaces and could lead to residents having to pay for parking within the new pay and display spaces.</p> <p>Overall this proposal provides residents with no advantages, but several disadvantages in regards to their parking rights and property values within the development.</p>	
(6)	<p>I have a number of detailed comments, as follows:-</p> <p>1. The consultation process appears flawed as the owners should surely have been contacted by letter for such a legally important matter. It was only by luck that I became aware of the consultation, but with limited time to respond. I suspect you will only receive a few comments, due to your inadequate method of communication.</p> <p>2. The spaces are almost fully occupied by the residents' vehicles. I estimate that there are almost 120 spaces in total within Dicksonfield, of which about 108 are legally allocated to the owners of the Dicksonfield flats. The number of spaces is fewer than the number of flats - 126 according to the Registers of Scotland - so there is currently less than one space per flat. This ratio of spaces to flats is in accordance with the CEC Planning Policy for new residential property.</p> <p>3. Your 'Statement of Reasons' effectively states that the proposed introduction of restrictions is not in response to any complaints. It seems bizarre to introduce a measure, which will create many complaints, to address what is perceived as an issue to only CEC.</p> <p>4. The proposal would result in 21 of the 108 car parking spaces being removed from the Dicksonfield owners – 20%. Losing 32 of the almost 120 total spaces is a loss of 27% within the Dicksonfield boundary. The parking spaces to be removed are in the most convenient location for most of the residents. The residents who will be most affected are those living in block numbers 3, 4, 5 and 6 who would have to park to the north-west of the buildings, where access is narrow and sloping and difficult for longer cars to access.</p> <p>5. Increased pollution below windows in this residential area would be detrimental to the health of the residents. The proposal will increase pollution as residents will probably need to drive all around Dicksonfield to search for a free space, thereby creating congestion as cars have to reverse out from areas after failing to find a space, and also have to wait for vehicles to manoeuvre in the restricted north-west area. Some non-residents drivers</p>	Dicksonfield

	<p>entering Dicksonfield will no doubt have to turn a gear failing to locate a free space or wait with idling engines until a space becomes free.</p> <p>6. Creating a mix of resident car parking and permit/paid parking within Dicksonfield will create problems. It is almost certain to result in residents getting fines for parking in spaces that they may have parked in for over 20 years, whilst non-residents will occupy resident car parking to avoid paying a parking charge, or if they are unsure about which is permit parking and which is private resident parking. The result would be even more car parking spaces lost to residents.</p> <p>7. Your drawing of the existing situation on shows no double yellow lines in Dicksonfield. There are already sections of double yellow lines in areas that are deemed unsuitable to park. These are satisfactory and extending them further would remove perfectly usable parking spaces that do not interfere with traffic movements around Dicksonfield.</p>	
(7)	<p>1. The car parking within Dicksonfield is normally almost full, so the proposal to remove 20% of the spaces owned by the flat owners and 27% of the spaces within the Dicksonfield boundary will have a major, adverse impact on the ability of the residents and their visitors (utilising a flat's resident's permit) to park.</p> <p>2. The proposal is to remove the most easily accessed spaces. Many of the remaining spaces in the north-west corner of Dicksonfield are difficult to access in anything but the smallest of cars.</p> <p>3. Creating a mix of resident car parking and permit/paid parking within Dicksonfield will create problems. Non-residents are likely to occupy resident car parking spaces to avoid paying a parking charge, or because they are unsure about which is permit parking and which is private resident parking. The result would be even more car parking spaces lost to residents.</p> <p>4. Your proposal shows the removal of a length of parking 8.5m long outside block 13, which currently provides three parking spaces. This change appears to serve no purpose and seems totally un-necessary.</p> <p>5. Increasing sections of double yellow lines also appear un-necessary, as access around Dicksonfield appears to be adequate at present.</p>	Dicksonfield

Appendix 5 – Road Adoption Certificates

Allanfield

ROADS (SCOTLAND) ACT 1984

LIST OF PUBLIC ROADS

In accordance with the provisions of Section 1 (4) of the Roads (Scotland) Act 1984 as delegated to me by the Transportation Committee on 10 December 1984, I hereby authorise the addition of the road(s) as listed and described hereunder to the list of public roads.

Signed: *JR Edgar*
Director of Highways *AM*

Date: *25/2/91*

Copy to:-

- (1) Principal Engineer, HQ Unit
- (2) Assistant Director, Transportation Division
- (3) Works Controller
- (4) Principal, Lighting
- (5) Director of Cleansing, District Council
- (6) Director of Recreation, District Council
- (7) Area Engineer
- (8) Developer
- (9) Police HQ, Fettes Avenue

*1439
D4
2674NW
MDW
Forth Valley Homes.*

ROAD

Allanfield

DESCRIPTION

From Brunswick Road northwards and turning eastwards outside No 4, a cul-de-sac with turning head.

Including the footways adjacent to the carriageway.

Including the layby parking.

Including the footpaths serving the entrances to flats adjacent to the parking courtyards.

Including the footpaths serving Blocks 19, 20, 23 and 24.

Excluding the parking courtyards and accesses outside Nos 1, 4, 10 and 16.

Excluding all landscaped and grass areas.

Total length of carriageway 230m or thereby.

ED/84/0019

*Forth Valley Homes X
Feb 86*

C

ROADS (SCOTLAND) ACT 1984

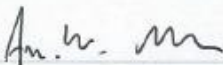
LIST OF PUBLIC ROADS

ALLANFIELD PLACE, EDINBURGH

In accordance with the provisions of Section 1 of the Roads (Scotland) Act 1984 as delegated to me by

The City of Edinburgh Council on 30 January 1996

I hereby authorise the addition of the road(s) as listed and described hereunder to the list of public roads.

Signed: 

Director of City Development

Date: 7/1/11

Copies to (with A4 coloured plan)

- 1) Steven Feist, Support and Co-ordination
- 2) Euan Kennedy, Roads Services Manager
- 3) Director of Services for Communities
- 4) John McFarlane, Street Lighting and Workshop Manager
- 5) Graeme Paget, Roads Manager (City Centre Area)
- 6) Developer - Barratts
- 7) Police HQ, Fettes Avenue, Edinburgh
- 8) Council Solicitor

ROAD
Allanfield Place, Edinburgh

DESCRIPTION
See attached

RCC No:
ED/03/0049



CITY DEVELOPMENT
TRANSPORT

ROADS (SCOTLAND) ACT 1984

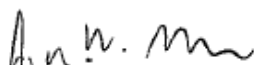
LIST OF PUBLIC ROADS

DICKSONFIELD, EDINBURGH

In accordance with the provisions of Section 1 of the Roads (Scotland) Act 1984 as delegated to me by

The City of Edinburgh Council on 30 January 1996

I hereby authorise the addition of the road(s) as listed and described hereunder to the list of public roads.

Signed:  _____

pn **Director of City Development**

Date: *17/12/18* _____

Copies to (with A4 coloured plan)

- 1) Steven Feist, Support and Co-ordination
- 2) Euan Kennedy, Roads Services Manager
- 3) Director of Services for Communities
- 4) John McFarlane, Street Lighting and Workshop Manager
- 5) Neil MacFarlane, Network Manager (North)
- 6) Developer – Barratts
- 7) Police HQ, Fettes Avenue, Edinburgh
- 8) Council Solicitor

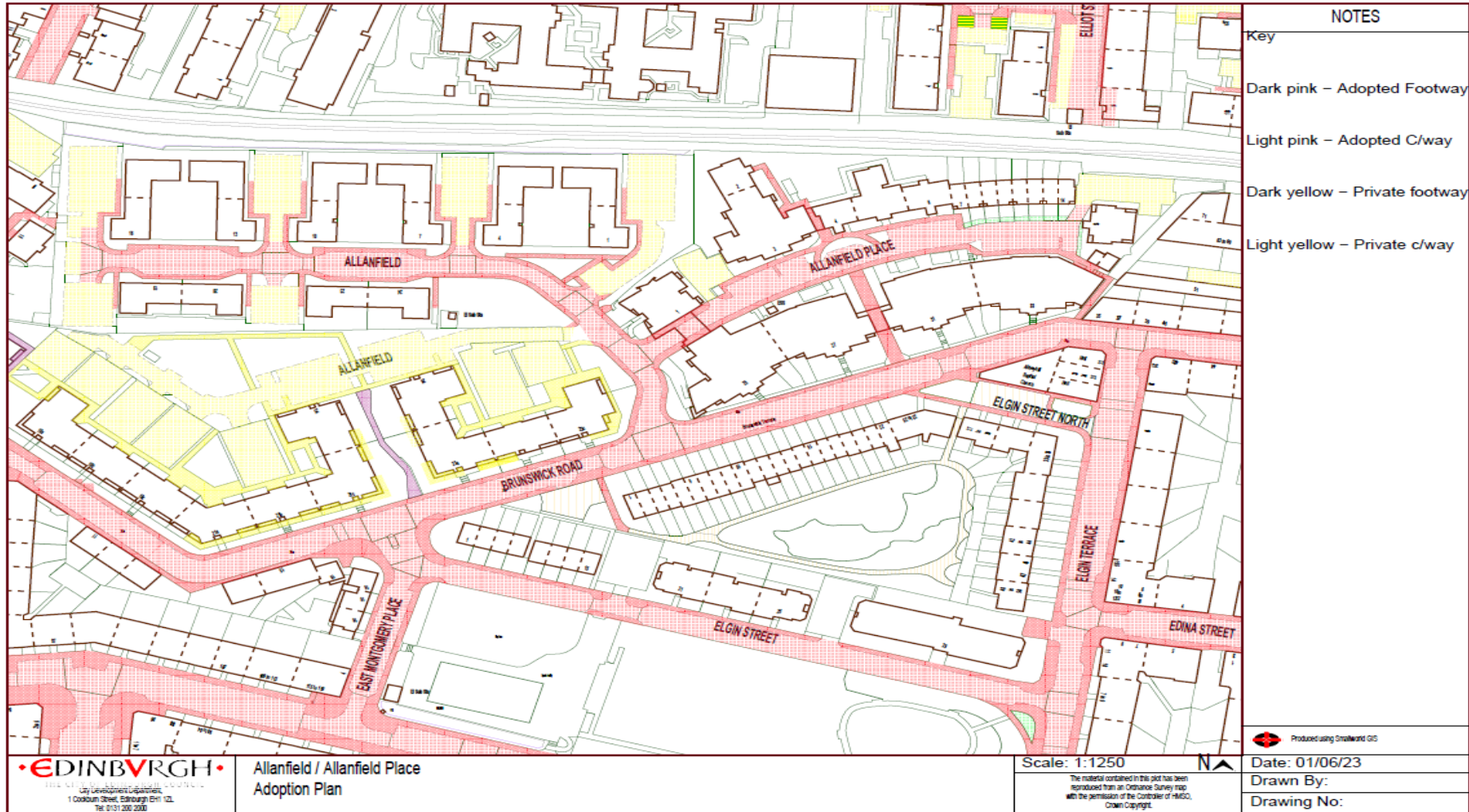
ROAD
DICKSONFIELD

DESCRIPTION
See attached

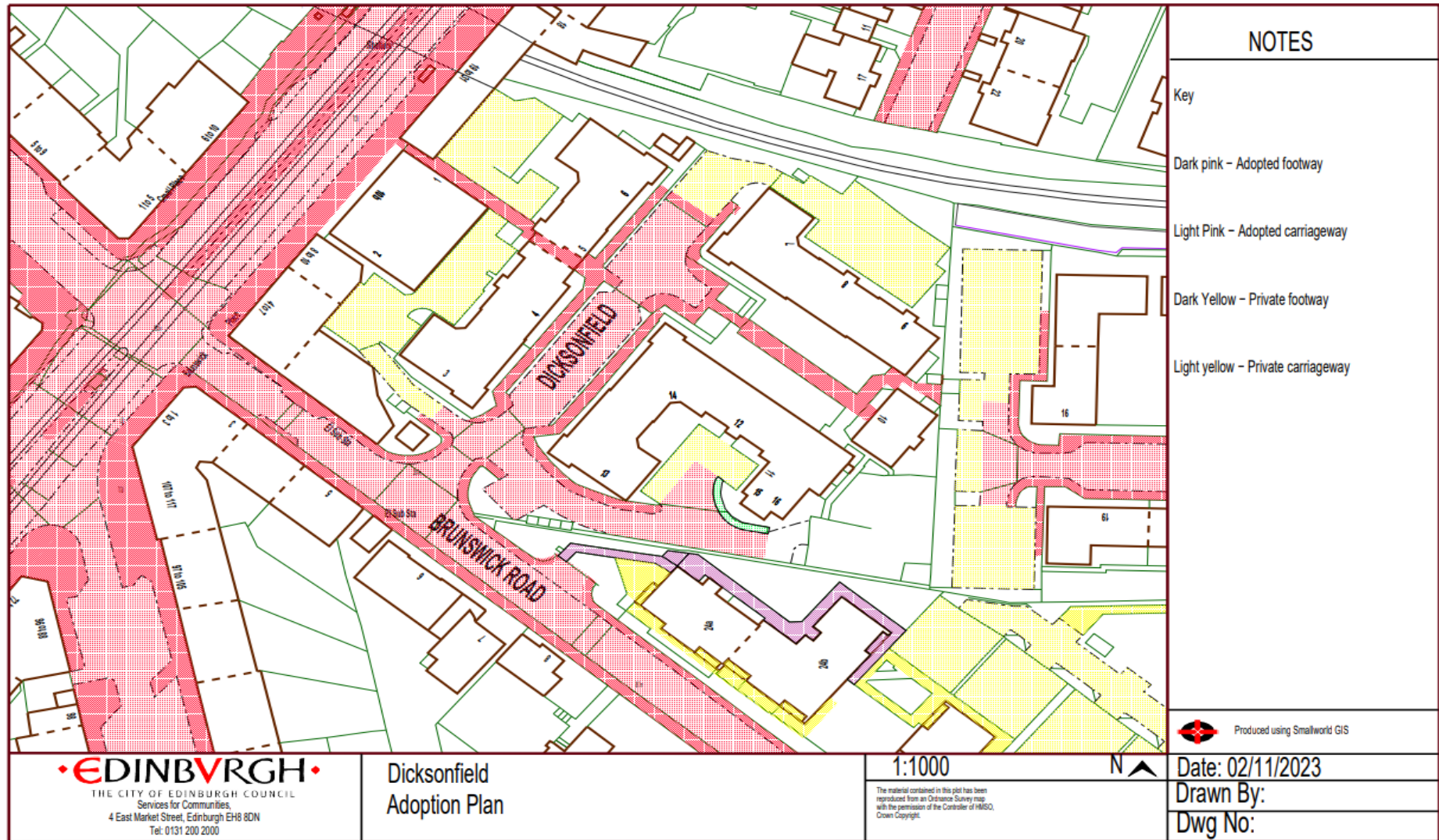
RCC No:
ED/99/0028

Appendix 6 – Road Adoption Plans

Road adoption plans Allanfield and Allanfield Place



Road adoption plan Dicksonfield



Appendix 7 – 22/17 Draft Traffic Regulation Order

DRAFT

THE CITY OF EDINBURGH COUNCIL

THE CITY OF EDINBURGH COUNCIL (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) (VARIATION NO _) ORDER 202_ - TRO/22/17

The City of Edinburgh Council in exercise of their powers under Sections 1(1), 2(1) to 2(3), 4(2), 32, 35, 45, 46, 49 and 53 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, as amended (which Act as so amended is hereinafter referred to as "the 1984 Act"), and of all other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:

1. This Order may be cited as "The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) (Variation No _) Order 202_" and shall come into operation on the day of Two thousand and .
2. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under the 1984 Act or by or under any other enactment.
3. In this Order, except where the context otherwise requires, the follow expressions have the meanings hereby respectively assigned to them:

"the 2018 Order" means The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places) Designation and Traffic Regulation Order 2018.
4. Designation of parking places and loading places and application of the 2018 Order thereto.
 - a) Each area on a road identified in a map tile as a parking place or loading place and, where applicable, by way of either a map tile label or the map schedule legend, or both, as an area marked out and signed for the use therein of specified classes of vehicles following the conditions specified in the 2018 Order in relation to that type of parking place or loading place, is designated as a parking place or, as the case may be, a loading place.
 - b) Unless otherwise so identified, a parking place or a loading place shall be bounded on one side of its length by the edge of the carriageway and be an area marked either by a traffic sign or by another method of indicating the extent of a parking place or loading place as specified in the Traffic Signs Regulations and General Directions 2016.
 - c) The provisions of the 2018 Order (other than Articles 3-1 and 7-1) shall apply to an area designated as a parking place by this Order as if in those provisions any reference to:
 - (i) a parking place included a reference to an area designated as a parking place by this Order, and

- (ii) a loading place included a reference to an area designated as a loading place by this Order.
5. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the 2018 Order shall have effect:
- a. as though any loading prohibition and/or waiting restriction identified in a map tile and, where applicable, by way of either a map tile label or the map schedule legend, or both, and marked out and signed as a loading prohibition and/or waiting restriction shall be construed as though it were a prohibited road and/or a restricted road referred to in the 2018 Order.
 - b. as if, in Schedule 2 to that Order: -
 - (i) the version number listed for the following map tiles will increase by one whole number:

1163	1222	1223
------	------	------

Executed by The City of Edinburgh Council this day of Two thousand and .

(witness) signed on behalf of Executive Director of Place

STATEMENT OF REASONS

THE CITY OF EDINBURGH COUNCIL (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, STOPPING AND PARKING PLACES) (VARIATION NO 3) ORDER 2021 - TRO/22/17

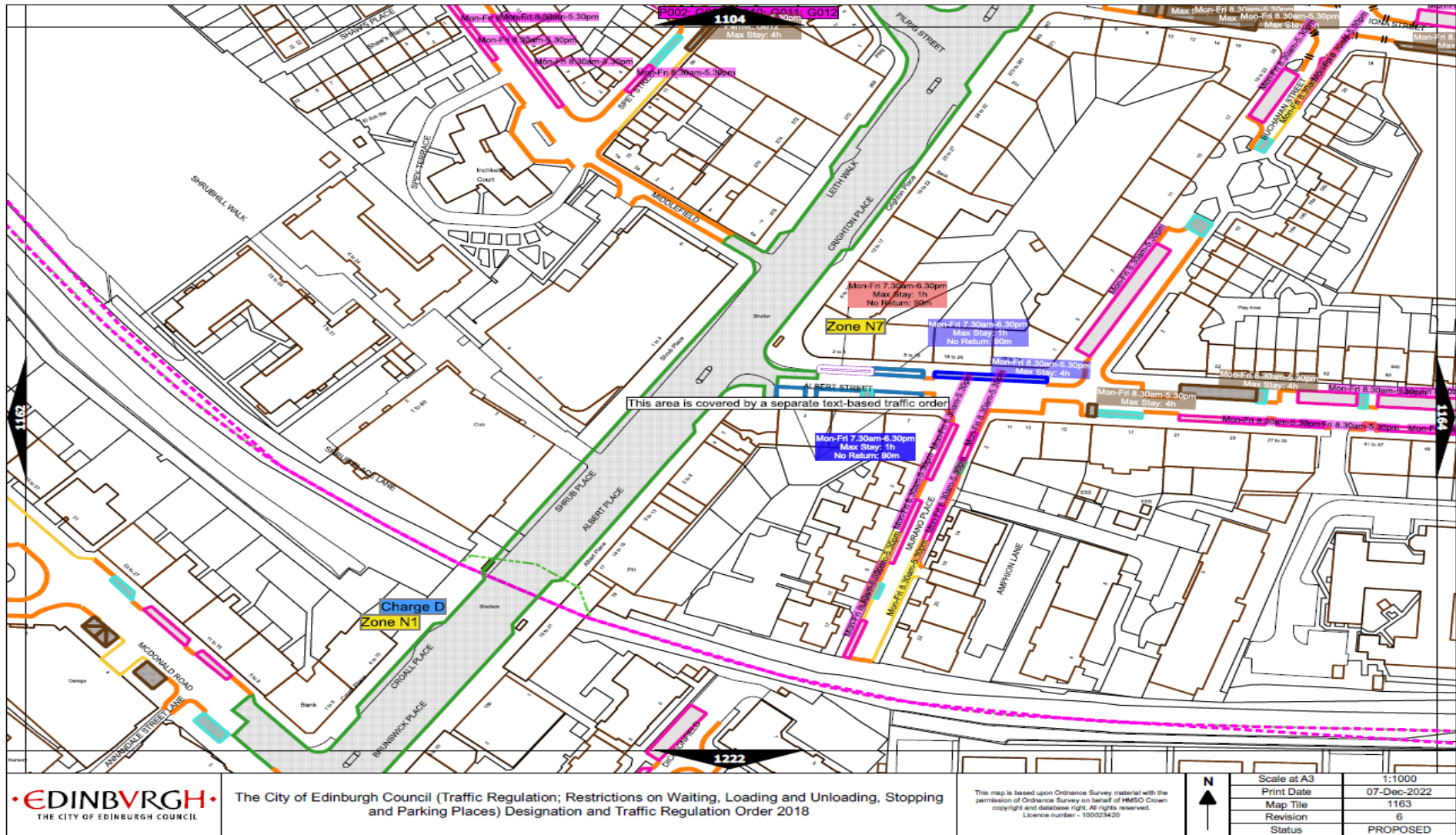
Allanfield, Allanfield Place and Dicksonfield

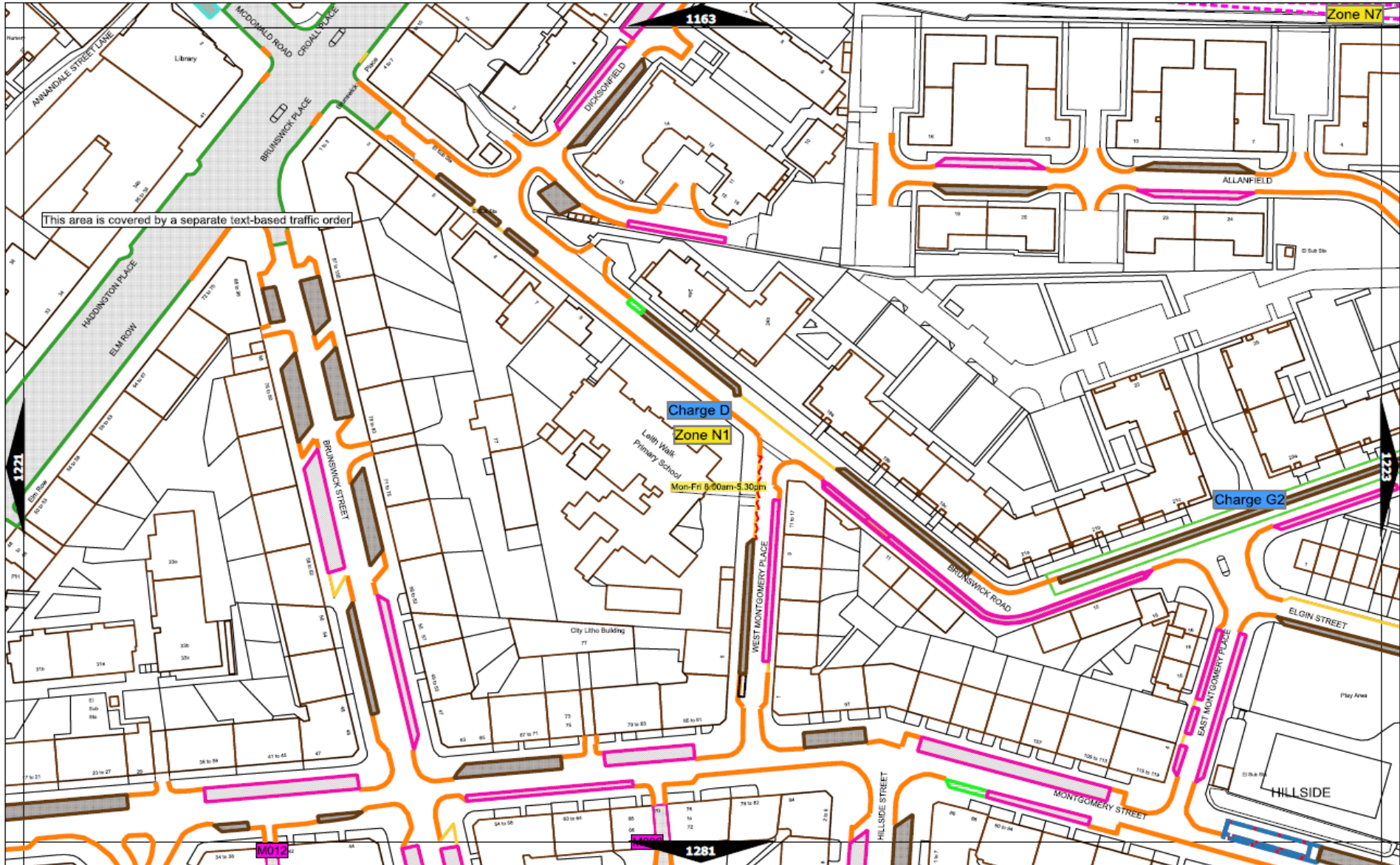
Allanfield, Allanfield Place and Dicksonfield are residential streets located within the general boundary of Zone N1 of the Controlled Parking Zone (CPZ). Although located within Zone N1 of the CPZ, only limited sections of carriageway within Allanfield, Allanfield Place, and Dicksonfield currently have parking restrictions in place,

While it might be the case that the Council would seek to introduce parking permit schemes only where there have been complaints from residents regarding parking provisions, it must also be considered that such schemes can also support the Council's Transport policy objectives. As such, it is necessary to ensure that parking is controlled across the entirety of Zone N1, by including Allanfield, Allanfield Place and Dicksonfield, to affect the same management of parking as exists in other streets within the CPZ boundaries.

On this basis, it is now proposed to commence the legal process to bring Allanfield, Allanfield Place and Dicksonfield into the CPZ, and to initiate the TRO consultation process to enable the introduction of a mixture of shared use and permit holder parking places, along with yellow lines in locations where it would be unsafe or inappropriate to allow parking.

Appendix 9 – Advertised Traffic Regulation Order drawings





This area is covered by a separate text-based traffic order

Charge D

Zone N1

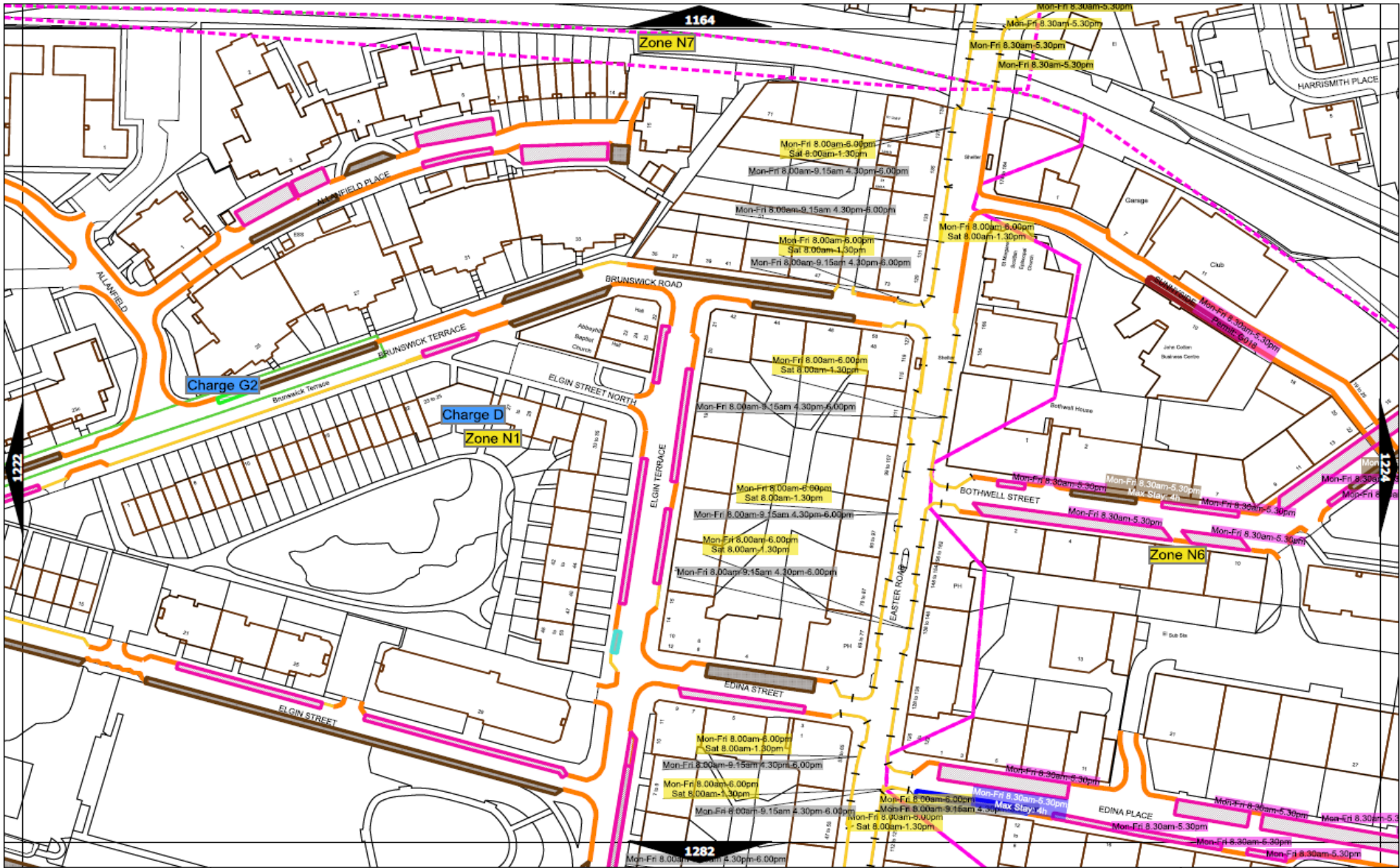
Mon-Fri 8:00am-5:30pm

Charge G2

Zone N7



Scale at A3	1:1000
Print Date	07-Dec-2022
Map Title	1222
Revision	8
Status	PROPOSED



<p>N</p>	Scale at A3	1:1000
	Print Date	07-Dec-2022
	Map Title	1223
	Revision	6
	Status	PROPOSED