

Transport and Environment Committee

10.00am, Thursday, 15 August 2024

Implementing the Footway Parking Prohibition

Executive/routine
Wards

Routine
All

1. Recommendations

- 1.1 It is recommended that Committee notes:
 - 1.1.1 The update provided in relation to footway parking enforcement;
 - 1.1.2 The advice from Legal Services that enforcement of the new parking prohibitions applies to all roads and pavements in Edinburgh, including on privately maintained footways;
 - 1.1.3 That mitigation measures have been proposed across the city to ensure the safe and efficient movement of all road users across the city whilst supporting the Council's agreed policy regarding the enforcement and implementation of the new parking prohibitions;
 - 1.1.4 That a suite of appropriate mitigation measures to provide the safe and efficient movement of all road users across the city is being developed which supports agreed Council policies. Elected Members and relevant stakeholders will be engaged on these measures; and
 - 1.1.5 That a further report will be submitted before the end of this calendar year, as requested by Committee, with proposals for the Bangholm area and other similar areas.

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Implementing the Footway Parking Prohibition

2. Executive Summary

- 2.1 This report provides an update on the ongoing enforcement and implementation of parking prohibitions introduced by the [Transport \(Scotland\) Act 2019](#) and updates Committee on the steps taken to resolve related problems in streets where parking problems persist.

3. Background

- 3.1 The [Transport \(Scotland\) Act 2019](#) introduced new parking prohibitions to give Scottish local authorities additional enforcement powers to address footway parking, double parking and parking at pedestrian dropped crossings.
- 3.2 In August 2022, the Council [committed](#) to implement a complete ban on pavement parking with no exemptions other than those mandated by the Scottish Government. The legislation also bans parking at dropped kerbs and double-parking.
- 3.3 On 16 November 2023, Committee received a [report](#) on the incoming parking regulations and [agreed](#) that it was likely that some streets would require Traffic Regulation Order (TRO) or other intervention to assist with orderly management of the changes. Committee requested information on where TROs and other interventions were planned and the timeline for TROs and other interventions.
- 3.4 This report confirmed that there were 556 roads classed as 'Red Streets'. These were roads which had significant levels of footway parking taking place and where mitigation measures may be required to ensure road safety, the free flow of traffic and provide for residential parking.
- 3.5 The report outlined the proposed actions to be taken by the Council to direct resources and encourage positive driver behaviour change to ensure compliance with the new parking rules.
- 3.6 The necessary [Regulations](#) required to commence enforcement of the new powers came into effect in December 2023 and the Council started enforcement on 29 January 2024.

- 3.7 Drivers have responded well to publicity campaigns, awareness raising activities and targeted warning flyers. Compliance has increased throughout 2024 and is overall very high, with positive outcomes being delivered for those walking, wheeling and cycling and for communities across the city.
- 3.8 However, there are a small number of streets where parking problems have continued.
- 3.9 A [Business Bulletin](#) update was provided in June 2024. In response, Committee requested the investigation of options for increasing patrols, particularly in the evening.
- 3.10 Committee also heard a petition for exemption to the pavement parking ban in the streets of Bangholm. Committee requested a report in the second half of 2024 outlining potential measures to improve safety and accessibility for those walking, wheeling and cycling in the streets of Bangholm.
- 3.11 Committee also requested a list of streets across the city where officers have identified that the pavement parking prohibition measures have resulted in issues (including road safety and disruption to bin collections) which are still ongoing and briefly detail what measures are being considered at each location.

4. Main report

Incorrect Parking - Enforcement

- 4.1 The numbers of parking tickets issued for contraventions associated with all three parking prohibitions continues to fall from a high in March 2024. The continuing enforcement of the contraventions demonstrates that Parking Attendants are both proactive in enforcement action and reactive to reports of inconsiderate parking raised by the public.
- 4.2 The table below provides an update on the number of parking tickets issued since January 2024 by reason.

Parking tickets issued				
Month	Footway parking	Double Parking	Dropped Crossings	Total
January	74	9	1	84
February	488	114	38	640
March	548	186	191	925
April	385	157	122	664
May	366	119	170	655
June	399	85	124	608
Totals	2,260	670	646	3,576

- 4.3 This is also supported by the total number of enforcement requests, received through the [report incorrect parking online form](#), which peaked in February (likely to be because national publicity was at its highest) and has continued to fall

throughout the year. This form has also recently been upgraded to allow members of the public to submit a photograph of an incorrectly parked vehicle along with their report.

Enforcement Requests				
Month	Footway parking	Double Parking	Dropped Crossings	Total
January	230	21	16	267
February	1,123	107	86	1,316
March	693	59	70	822
April	595	56	36	687
May	599	42	58	699
June	493	36	59	588
Totals	3,733	321	325	4,379

- 4.4 Committee is asked to note that the tickets issued, and enforcement requests received are not recorded by Council ward and it would take considerable time to review each ticket and request to identify the ward.

Adopted and Un-adopted Roads

- 4.5 The Transport (Scotland) Act 2019 introduced new parking prohibitions and places a duty on Local Authorities to enforce the prohibition. The parking prohibitions apply to all roads (carriageways and footways) in Scotland over which there is a public right of passage.
- 4.6 In some streets within Edinburgh, footways which form part of the road network are privately maintained. Based on advice received from the Council's Legal Services team, it is considered appropriate to enforce the new prohibitions on all such areas of the city, regardless of condition, to ensure consistency.
- 4.7 The Council's enforcement contractor has therefore been instructed to extend enforcement to private roads and footways around the city.

Evening Parking

- 4.8 At Committee in June, concerns were raised about the reemergence of parking problems around the city in evenings.
- 4.9 The Council's enforcement contractor has conducted multiple surveys in a sample of 'Red Streets' and selected other areas where concerns have been raised (66 in total) about the return of footway parking. Surveys were conducted during the evenings in early July.
- 4.10 The surveys identified footway parking in only three streets: Lochend Road, Newcraighall Road and along Ferry Road. Mitigation measures are currently being progressed for Lochend Road whilst Newcraighall Road and Ferry Road will be considered in a further report.
- 4.11 In addition, four streets were identified where, although no footway parking was observed, access would be restricted for smaller vehicles (for example cars). These

four streets are: Bangholm Avenue, Bangholm Park, Bangholm Place and Bangholm Road.

- 4.12 The survey also considered each location in the context of whether access for larger vehicles may now be hindered after the introduction of the new legislation and related changes to parking patterns. In some streets, the survey suggested that access for larger vehicles could be affected, but mitigation measures are either already being considered or proposals are being brought forward to address changes in parking habits.
- 4.13 The results of the surveys did not suggest that footway parking was starting to return to many of the city's streets which were most affected by this prior to the start of enforcement. Unfortunately, footway parking may still occur from time to time but there does not appear to be persistent problems and regular enforcement will continue to tackle such ad hoc contraventions.
- 4.14 The surveys did not identify any significant issues of footway parking in the evenings which would require to be addressed by the additional enforcement.

Mitigation

- 4.15 For those streets identified prior to the Regulations coming into effect as 'Red Streets', targeted interventions and regular monitoring has allowed behaviour changes to be tracked, with many becoming 'Green Streets' as parking patterns and conditions have improved over time.
- 4.16 Feedback from Lothian Buses has been invaluable in identifying areas where permanent TROs are proposed to mitigate against the unintended consequences of the footway parking prohibition.
- 4.17 Waiting restrictions, in the form of single and double yellow line restrictions, have been proposed in the following streets to ensure access is maintained for local bus services: Craigour Avenue, Lochend Avenue, Lochend Drive, Loganlea Drive, Pennywell Gardens and Seafield Place.
- 4.18 Feedback from residents and other Council services has identified further streets where mitigation measures may be required due to ongoing inconsiderate parking.
- 4.19 Proposals to introduce waiting restrictions are being developed for some additional streets, including:
- Bavelaw Green / Road;
 - Belmont Gardens;
 - Craigour Avenue;
 - Craigour Grove;
 - Ferry Road;
 - Gillespie Crescent;
 - Granton Medway;
 - Granton Terrace;
 - Lochend Avenue;

- Lochend Drive / Lochend Quadrant;
- Loganlea Drive / Craigentenny Road;
- Loganlea Place;
- Murrayburn Road;
- Newcraighall Road;
- Observatory Green;
- Pennywell Gardens / Muirhouse Loan;
- Queensferry Road (Kirkliston);
- Rosebank Grove;
- Seafield Place / Boothacre Cottages;
- Wardie Park; and
- Western Gardens.

4.20 The TRO processes for these proposals has started and will be prioritised for completion, but as these proposals are subject to public consultation, a date for possible introduction cannot yet be determined.

4.21 In addition to the measures outlined above, a Temporary Traffic Regulation Order (TTRO) was used to introduce temporary waiting restrictions in Marlborough Street and Regent Street (in Portobello) in response to road safety concerns. These streets are part of the proposed Controlled Parking Zone (CPZ) for Portobello, so could benefit from permanent parking controls in the long term. The TRO for this CPZ is due to be advertised later this year.

4.22 A suite of other potential mitigation measures to support the Council's policy on parking prohibitions is being developed to address the majority of circumstances that have arisen in the city. Elected members and relevant stakeholders will be engaged on these measures.

Red Streets

4.23 Six streets are still considered to be 'Red Streets', where mitigation actions have yet to be determined. These form two separate areas:

4.23.1 Bangholm Avenue, Bangholm Park, Bangholm Place, Bangholm Road (Ward 4) and Ferry Road (Ward 5); and

4.23.2 Newcraighall Road (Ward 17).

5. Next Steps

5.1 Officers will continue to consider all possible mitigation solutions, including taking forward proposals in the 21 locations listed in paragraph 4.19 and other locations where monitoring of the impact of the new regulations identifies that further action is required. Elected Members and relevant stakeholders will be engaged on this.

5.2 As outlined in paragraph 4.22, there are six streets which are still considered to be 'Red Streets' and officers will engage with elected members and relevant

stakeholders on proposed mitigations and a report will be presented to Committee before the end of this calendar year with recommendations for next steps.

6. Financial impact

- 6.1 The necessary traffic order processes and any on-street implementation work referred to in this report can be accommodated within the existing parking budget.

7. Equality and Poverty Impact

- 7.1 The Transport (Scotland) Act 2019 introduced the footway parking prohibition and placed a duty on Councils to enforce this and mitigate against any impacts. Equalities impacts were considered as part of the legislative process when the Act progressed through the Scottish Parliament.
- 7.2 The introduction of additional waiting restrictions will help improve road safety and accessibility for disabled people in Edinburgh.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions, and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

Environmental Impacts

- 8.3 There are no known environmental impacts arising as a result of this report.

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

- 9.1 These impacts are covered in the main section of this report.

10. Background reading/external references

Communication and Awareness Raising

- 10.1 Since the Regulations came into effect in December 2023, the Council has prioritised raising awareness with residents and drivers in the city, including drivers working on behalf of the Council.
- 10.2 The Scottish Government also ran a national publicity campaign, with press articles, radio adverts, social media promotion and on-street advertising, e.g. adverts on phone boxes around the city centre. In addition, there was significant TV interest in Edinburgh being the first Scottish city to start enforcement (with items on BBC Breakfast and other news bulletins).
- 10.3 Information was also displayed on the Council's website homepage, at the car pound, and on lamp post wraps around the city. Thousands of warning flyers were also issued to vehicles in advance of the start of enforcement. The following information was also available on the internet:
<https://roadsafety.scot/campaigns/pavement-parking/>,
<https://www.edinburgh.gov.uk/newparkingrules>,
<https://www.edinburgh.gov.uk/parking/new-parking-rules/2>
- 10.4 More details on the awareness raising activities undertaken for drivers working on behalf of the Council was provided in response to [Council Question 1](#) on 21 March 2024.

11. Appendices

None.