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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>26 October 2017</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>LP/090/17</b>
<b>Contact Officer:</b>	<b>Peter MacDonald</b>	<b>Contact No:</b>	<b>01475 712618</b>
<b>Subject:</b>	<b>The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm &amp; Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999</b>		

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## 1.0 PURPOSE

1.1 Further to the statutory consultation process undertaken in terms of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 on The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017 (the Proposed TRO), the purpose of this report is to:-

- Request that the Committee adopt the Rules of Procedure for the purposes of the special meeting;
- Advise the Committee in relation to the Proposed TRO of the discussion between Council Officers and the person who has, as part of the public consultation, objected to the Proposed TRO (the Objector); and
- Facilitate the effective, fair and proper hearing by the Committee of the Objector who has not withdrawn his objection in order that the Committee can consider his objection (the Objection) and come to a formal recommendation on the Proposed TRO.

## 2.0 SUMMARY

2.1 Local authorities are empowered to make orders under the Road Traffic Regulation Act 1984 as amended and under the Council's Scheme of Administration the Head of Environmental & Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.

2.2 Officers have undertaken a public consultation process in relation to the Proposed TRO as the result of which one Objection was received and maintained.

2.3 It is necessary that the Objector be given an opportunity to be heard before the Committee before it reaches a decision on whether or not to recommend the Proposed TRO for formal approval of the Inverclyde Council. The special meeting has been convened to provide such an opportunity.

2.4 Because of the requirements of the statutory process and the formal nature of the special meeting, it is vital that the Objector has a fair and impartial hearing and the Rules of Procedure provide for this.

## 3.0 RECOMMENDATIONS

It is recommended that the Committee:

3.1 Approve the Rules of Procedure as detailed in Appendix 1.

- 3.2 Consider the terms of Appendix 2 in relation to the Objection.
- 3.3 Allow the Objector an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 3.4 Consider the Objection and such oral representations on it made by the Objector and officers at the special meeting and thereafter **either**:
  - 3.4.1 Dismiss the Objection, approve the Proposed TRO as detailed in Appendix 3 and refer it to the next meeting of the Inverclyde Council recommending that the Inverclyde Council formally approve the Proposed TRO and remit it to the Head of Environmental & Commercial Services and the Head of Legal & Property Services to arrange for its implementation in accordance with the statutory procedure;
  - or**
  - 3.4.2 Uphold in whole or in part the Objection and remit it to the Head of Environmental & Commercial Services and the Head of Legal & Property Services to amend the terms of the Proposed TRO to deal with the part or parts of the Objection so upheld in accordance with the decision of the Committee and to report to a future meeting of the Committee with the Proposed TRO as further amended for approval.

all in accordance with the Rules of Procedure.

**Gerard Malone**  
**Head of Legal & Property Services**

## **4.0 BACKGROUND**

- 4.1 Local authorities are empowered to make Orders under the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. Under the Council's Scheme of Administration the Head of Environmental & Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 4.2 Officers proceeded with a public consultation process in accordance with the legislation. At its meeting of 31 August 2017 this Committee was updated as to the consultation process and it authorised officers to make arrangements for the holding of a public hearing in the form of this special meeting.
- 4.3 Officers have continued to engage with the Objector since that date to advise him of the arrangements for and proposed procedure at this special meeting. Officers have provided the Objector with a statement of case which sets out the position of the Head of Environmental & Commercial Services as regards the Proposed TRO; the statement of case is in Appendix 4.
- 4.4 Appendix 2 provides the full text of both the Objection and the correspondence with officers.
- 4.5 Before making a proposed TRO, the Council is, in terms of the Act and the Regulations, required to take into consideration any objections timeously received by them and to give any Objector an opportunity to be heard by them. This special meeting is therefore necessary to permit the Objector to be heard by the Committee in terms of the recommendations above.
- 4.6 As the hearing of objection is a statutory entitlement for Objectors, the Committee will be discharging legal responsibilities at the special meeting effectively as if it were a formal tribunal or board with the obligations which are already familiar to Elected Members as regards hearing and continuity of attendance.

## **5.0 PROPOSALS**

- 5.1 The form of the Proposed TRO which officers are recommending for approval is included at Appendix 3 of this report.
- 5.2 The special meeting will proceed effectively as if a formal tribunal or board. In the interests of fairness, openness and transparency it is therefore necessary that the basis on which the hearing element of the meeting will proceed be formalised. Officers have therefore prepared draft Rules of Procedure of this meeting per Appendix 1. These have been circulated to the Objector prior to this meeting and are recommended for approval by the Committee.
- 5.3 Because of the formality of the hearing process and the statutory process for making Management Rules, only certain decisions of the Committee in this matter are competent. Further it is vital that the Objector has a fair and impartial hearing and the Rules of Procedure provide for this. The decisions which the Committee can competently make are: to dismiss the Objection; to uphold the Objection; or to uphold part of the Objection and dismiss other parts of the Objection. If the Objection is upheld in part, it will be necessary for officers to report back to the Committee at a future date with detailed wording. These eventualities are addressed in the possible Committee outcomes specified in paragraph 3.4.
- 5.4 The Committee is asked to note that, if approved, the Proposed TRO may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984.

## 6.0 IMPLICATIONS

Finance

### 6.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if Applicable)	Other Comments
N/A					

### Legal

- 6.2 As a local authority, The Inverclyde Council has power in terms of the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Orders Procedure (Scotland) Regulations 1999 to make Traffic Regulation Orders. In accordance with the statutory procedure, the Proposed TRO has been publicised and one objection has been received and maintained. Before making the TRO, the Council must take into consideration any objections timeously received and give the Objector who maintains his Objection an opportunity to be heard by them.

### Human Resources

- 6.3 There are no Human Resources implications associated with the making of the Proposed TRO.

### Equalities

- 6.4 There are no Equalities implications associated with the making of the Proposed TRO.

### Repopulation

- 6.5 There are no Repopulation implications associated with the making of the Proposed TRO.

## 7.0 CONSULTATIONS

- 7.1 The Head of Environmental & Commercial Services has been consulted in the terms of this report.

## 8.0 LIST OF BACKGROUND PAPERS

- 8.1 None.

# APPENDIX 1

## **Appendix 1 – Rules of Procedure**

### **INVERCLYDE COUNCIL**

#### **ENVIRONMENT AND REGENERATION COMMITTEE**

#### **PROCEDURE AT PUBLIC HEARING INTO OBJECTIONS IN RELATION TO TRAFFIC REGULATION ORDER**

At the hearing, the order of the proceedings will be as follows:

- a) The Chair will conduct the hearing. Immediately after opening it, he will introduce the members of the Committee and the officer(s) present and identify and list those persons who wish to be heard during the hearing. It is therefore vital that any person who wishes to participate attends the opening.
- b) The Chair will outline the procedure, explaining that the hearing will take the form of a discussion which he will lead based on the agenda issued to those objectors who have indicated to the Council that they wish to attend and be heard at the hearing.
- c) The arrangements for the hearing have been designed to create the right atmosphere for discussion, to eliminate or reduce formalities and to give everybody a fair hearing.
- d) As each objection listed on the agenda is reached, the Chair will identify those persons who wish to engage in the discussion of the particular issue(s) raised by the objection. Several objectors with shared concerns may choose a spokesperson and this will be helpful to the process; in the event that a number of objectors decide to act together in this way, the Chair will allow a reasonable extension of the time limits set out below.
- e) The Council officer(s) will be invited to describe and present the case for the traffic regulation order in respect of which the objection has been made, to set the scene for the discussion, with a time limit of 5 minutes per objection.
- f) Each objector will be invited to speak to his objection and comment on the description/presentation by the Council officer(s), with a time limit of 5 minutes. Repetition of similar points is to be avoided and will be managed by the Chair.
- g) The Council officer(s) will be invited to reply to the speech of the objector (introducing no new material), restricted to a time limit of 5 minutes. The Chair will allow the objector the final word (introducing no new material), if he/she wishes it, restricted to a time limit of 5 minutes. The Chair will discourage repetitive or superfluous comments. He will indicate when he considers that sufficient clarification of a topic has been achieved, and the discussion will then move on to the next item on the agenda. At no time will cross examination be permitted.

h) The members of the Committee will then be invited by the Chair to ask questions of both the Council officer(s) and the objector. The role of the members of the Committee is only to hear, consider and make a decision on the evidence given by Council officer(s) and objectors.

i) The members of the Committee will then adjourn to consider their decision. The decision of the Committee will be intimated to the Council officer(s) and the objectors orally. Any votes will be held in public. It is anticipated that the decision of the members of the Committee will be intimated on the day of the public hearing but, if that is not possible for any reason, the public hearing will be re-convened. If the decision of the members of the Committee is to uphold an objection in whole or in part, the matter may be remitted to Council officer(s) to modify the traffic regulation order to deal with the objection in accordance with the decision of the members and report to a future meeting of the Environment and Regeneration Committee.

# APPENDIX 2



**APPENDIX 2**

3 Belmont Road  
Kilmacolm  
PA13 4LZ

3<sup>rd</sup> May 2017



The Head of Legal & Property Services  
Municipal Buildings  
Greenock  
PA15 1LX

Dear Sirs

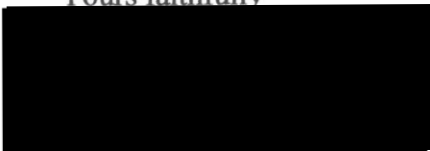
**The Inverclyde Council (various roads) (Port Glasgow,  
Kilmacolm & Quarriers Village)  
(Waiting Restrictions) (Variations No.4) Order 2017**

I write to object to the above order and variations on the following grounds.

- 1 Inverclyde Council have not presented an alternative plan or proposal to the removal of the above order.
- 2 What's to say that in 3/6/9/12 months' time Inverclyde Council will be presenting or proposing an alternative solution. (we are now on variation No. 4). How many more variations are they going to be?
- 3 It is well documented that the system of using the Parking Disc works when used correctly.
- 4 It is also well documented that the majority of the parking tickets being issued are for, (a) not displaying the parking disc, (b) parking on single or double yellow lines.
- 5 If this variation is implemented, what's to stop other towns and villages in the district making an approach to the Council to have their restrictions changed?
- 6 The representation made by some of the local shopkeepers is irrelevant. They cannot dictate that you must shop in the village. Again, the correct use of the Parking Disc system shows a continual movement of cars. Before, when there was no parking restrictions were in place, cars would park all day leaving little or no movement of cars/spaces.

Would it not be better to provide alternative long term parking facilities in the village? Currently there are only three long term facilities in the village.

Yours faithfully

  
Norrie Johnstone

Enquiries to: Joanna Dalgleish  
Telephone: 01475 712123  
E-mail: joanna.dalgleish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1466  
Your Ref:  
Date: 5 June 2017

Scott Allan BSc., C.Eng., M.I.C.E.  
Corporate Director  
Environment, Regeneration & Resources

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712762  
[scott.allan@inverclyde.gov.uk](mailto:scott.allan@inverclyde.gov.uk)

## **FIRST CLASS SIGNED FOR**

Mr. Norrie Johnstone,  
3 Belmont Road  
KILMACOLM  
PA13 4LZ



Dear Mr. Johnstone,

### **Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017**

I refer to your letter dated 3<sup>rd</sup> May 2017 objecting to the above proposed Traffic Regulation Order.

The Head of Environmental & Commercial Services has noted and considered your objections and would respond to your grounds for objection as follows:-

#### **Point 1**

*The Council do not propose to remove parking restrictions from Kilmacolm. The existing 2 hour limited waiting restriction will continue to apply on-street and this Order simply proposes the removal of the requirement to display a Parking Disc. Presently Parking Attendants visit the village and review the time displayed on the Parking Disc to determine if the person who parked the vehicle has overstayed their time. If Parking Discs are no longer required the Parking Attendants will make other observations to determine if the vehicle has been parked for too long.*

#### **Point 2**

*Although this is Variation 4, only 2 of these related to Kilmacolm. The first was to increase the duration of on-street limited waiting from 30 minutes to 2 hours and to introduce the use of Parking Discs. This is the second variation. We anticipate that any future variations would only be for minor changes such as the introduction of new waiting or loading restrictions at a location not already covered by a TRO.*

#### **Point 3**

*Traders in Kilmacolm have argued that a large number of visitors to the village are unfamiliar with the Parking Disc system and are unwittingly falling foul of this rule despite the signage being sufficiently clear and meeting the required regulations. Traders argue that they are losing trade as a result. The Council have considered the representations made to it by traders and are prepared to promote this TRO.*

**Point 4**

*(a) This is the reason traders are arguing that the Parking Discs should be removed, to allow visitors to park without fear of forgetting to display a Parking Disc or indeed not knowing that there is a requirement to display a Parking Disc despite the signage being sufficiently clear and meeting the required regulations; and (b) the removal of Parking Discs will have no impact on the issue of Penalty Charge Notices (PCNs) for this parking behaviour.*

**Point 5**

*There is nothing to stop other towns and villages from requesting this type of variation. It would then be the responsibility of the Council to consider if there is an argument for promoting a TRO in these areas to remove the requirement to display Parking Discs. If such a decision was made it would be subject to the due statutory legal process which would include public consultation and would be open to objection.*

**Point 6**

*Council Officers and Elected Members met with traders and community representatives and reported to the Environment & Regeneration Committee which decided to promote this TRO to remove the requirement to display parking discs. The due statutory legal process allows anyone to object to the TRO.*

**Final paragraph**

*The Council propose to undertake a study of off-street parking in the village this financial year. This study will seek to determine if additional parking is required, how much additional parking is required and if necessary, locations for new car parking. This study is not related to this proposed TRO.*

*I trust the above addresses all of your concerns and allows you to consider your position on your objection to this TRO.*

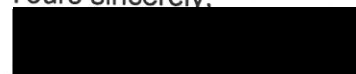
However, should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing to consider maintained objections.

I trust that the above is of assistance to you and addresses your queries, however, please do not hesitate to contact Elaine Provan, Supervisory Engineer – Traffic & Transportation (Tel: 01475 714800) should you require any further information.

If you maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. **Unless I hear from you to the contrary, within 14 days of the date of this letter, I will assume that your objection is being maintained.**

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter or a Special Meeting of the relevant Council Committee. If you wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any hearing which may be convened has the right to send written representations for the consideration of the Reporter or the Special Committee.

Yours sincerely,



**Gerard Malone**  
**Head of Legal and Property Services**

3 Belmont Road  
Kilmacolm  
PA13 4LZ  
13<sup>th</sup> June 2017

Mr Gerald Malone  
Head of Legal and Property Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY



Dear Sir

**The Inverclyde Council (various roads) (Port Glasgow,  
Kilmacolm & Quarriers Village)  
(Waiting Restrictions) (Variations No.4) Order 2017**

I refer to your reply letter dated 5<sup>th</sup> June 2017 regarding my objection to the removal of the Parking Disc currently being deployed in Kilmacolm.

Having read over your reply to my letter, I still wish to object to the removal of the Parking Disc on the same grounds made in my original letter dated 3<sup>rd</sup> May 2017.

I have also have added several points made by you to me in my reply.

- 1 The removal of the Parking Disc leaves the car owner into a false sense of security, not knowing when their time is up. Retention of the Parking Disc lets both parties know when their parking time limit is up.
- 2 You make reference to the Traders in Kilmacolm having argued that visitors are unfamiliar with the Parking Disc system and are unwillingly falling foul of this rule and are losing trade as a result. The Parking Disc system works well in other parts of Inverclyde and in particular Gourock, who will have many more visitors than Kilmacolm. Visitors to this town seem to have no difficulty in understanding the Parking Disc zone. It has never been produced in hard factual evidence that these traders are losing trade due to introduction of the Parking Disc system in Kilmacolm.
- 3 At the monthly meeting of Kilmacolm Community Council dated 29<sup>th</sup> November 2016. The Community Council voted by a majority not to support the abolishment of the Parking Disc zone in the village.

I have copied the Minutes from the Meeting of KCC dated 29<sup>th</sup> November 2016 and approved at their Meeting on the 31<sup>st</sup> January 2017

I look forward to your reply.

Yours sincerely

  
Norrie Johnstone

## Copy of the Minutes of the Kilmacolm Community Council Meeting held on 29<sup>th</sup> November 2016

7. Roads, Pavements, Street Lighting, Parks and Open Spaces The Secretary explain that the Inverclyde Environment and Regeneration Committee at their meeting on 27 October 2016 had agreed that the Environmental and Commercial Services officers would meet with the Kilmacolm traders and KCC to discuss the petition the traders had submitted. The petition was a request to abolish the parking disc zone in Kilmacolm. It had been decided that the KCC would clarify the request with the traders before discussing the matter at a meeting of the community council. The outcome of this discussion would be conveyed to the council officials. The meeting with the officials had been arranged for 13 December 2016. The Secretary reported that he had meet with Mr. James Kelly who had clarified that the traders wished for the abolition of the current parking time restrictions as they related to the designated on-street parking spaces in Kilmacolm. The Chair invited comments from those at the meeting. In the ensuing lively discussion the concerns, views and opinions of those present were expressed and noted by the community councillors who voted by a majority not to support the abolition of the current parking time. The KCC shares the concern about the decline of the footfall in some of the village shops and businesses and is sympathetic to the trading situation in the village. The majority view of the community councillors was, however, that the solution being proposed by the traders would be counterproductive and could exacerbate the current problems with inconsiderate parking.

Enquiries to: Jim Kerr  
Telephone: 01475 712617  
E-mail: jim.kerr@inverclyde.gov.uk  
Our Ref: JK/JD ECO1466  
Your Ref:  
Date: 4 September 2017

Corporate Director: Scott Allan BSc., C.Eng., M.I.C.E.  
Environment, Regeneration & Resources

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712762  
[scott.allan@inverclyde.gov.uk](mailto:scott.allan@inverclyde.gov.uk)

**FIRST CLASS SIGNED FOR**

Mr. Norrie Johnstone,  
3 Belmont Road,  
KILMACOLM  
PA13 4LZ

KX 5949 1110 9GB

COPY

Dear Mr. Johnstone,

**Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village)  
(Waiting Restrictions) (Variation No. 4) Order 2017  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order.

I write to confirm that a Special Meeting of the Environment and Regeneration Committee meeting is to be held in this connection and, as a person who has objected to the proposed Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that, if you so desire, an opportunity will be afforded to you to be heard at the Special Meeting of the Committee in support of your objection. Should you wish to accept this opportunity, you must respond to me **no later than 14 days of the date of this letter** to confirm your desire to attend the Special Meeting of the Committee. Thereafter, I will be in further correspondence with you to confirm the date of the Special Meeting of the Committee.

I would mention that it is open to you to withdraw your objection at any time before the Special Meeting of the Committee.

I look forward to hearing further from you.

Yours faithfully,

  
Gerard Malone  
Head of Legal and Property Services

**Jim Kerr**

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**From:** NORMAN JOHNSTONE [REDACTED]  
**Sent:** 08 September 2017 15:03  
**To:** Jim Kerr  
**Subject:** Proposed Traffic Regulation Order

Belmont Road

3

Kilmacolm

PA13 4LZ

September 2017

8th

Mr James Kerr  
Inverclyde Council  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Dear Mr Kerr

**Proposed Traffic Regulation Order**

In reply to you letter of the 4th September 2017

I wish the opportunity to be heard at the Special Meeting of the Environmental and Regeneration Committee regarding the above Traffic Order on a date to be confirmed by you.

I also have to advise you that I do not wish to withdraw my objection on this matter and look forward to the meeting.

Please confirm receipt of this email.

***Norrie Johnstone***

Enquiries to: Jim Kerr  
Telephone: 01475 712617  
E-mail: jim.kerr@inverclyde.gov.uk  
Our Ref: JK/JD ECO1466  
Your Ref:  
Date: 19 September 2017

Corporate Director: Scott Allan BSc., C.Eng., M.  
Environment, Regeneration & Resou.

Municipal Building,  
Clyde Square  
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Tel: 01475 712762  
[scott.allan@inverclyde.gov.uk](mailto:scott.allan@inverclyde.gov.uk)

**FIRST CLASS SIGNED FOR**

KX 2888 5548 9GB

Mr Norrie Johnstone  
3 Belmont Road  
KILMACOLM  
PA13 4LZ

Dear Mr Johnstone

**Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village)  
(Waiting Restrictions) (Variation No. 4) Order 2017  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I refer to our previous correspondence in relation to the above proposed Traffic Regulation Order and in particular to my letter of 4<sup>th</sup> September 2017 confirming that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection.

In accordance with Section 9(2) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, I hereby give you notice that the Hearing will commence at **2.00pm on Thursday 26<sup>th</sup> October 2017** in the Council Chambers, Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

Further, in accordance with the Code of Practice, Procedure for Hearings, I enclose a copy of the Council's Statement of Case in relation to the proposed Order to which the Council intends to refer at the Special Meeting.

As explained to you in my earlier letter of 15<sup>th</sup> June, I confirm that you have the right to send written representations for the consideration of the Committee. Should you wish to provide the Council with written representations, please ensure that these are delivered to the Council no later than **10<sup>th</sup> October 2017**. In addition, if you wish the Committee to have regard to any documents which support your case, please ensure that these are also delivered to the Council no later than **10<sup>th</sup> October 2017**.

**I would be grateful if you could confirm to me as soon as possible whether or not you will be attending the above Special Meeting.**

I look forward to hearing further from you.

Yours faithfully

  
**Gerard Malone**  
Head of Legal and Property Services



3 Belmont Road  
Kilmacolm  
PA134LZ

2<sup>nd</sup> October 2017

Mr Gerald Malone  
Head of Legal and Property Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY



Dear Sir

**Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village)  
(Waiting Restrictions) (Variation No 4) Order 2017  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

I write to advise you that I will be attending the hearing on Thursday 26<sup>th</sup> October 2017 at 2.00pm

**Written Representations**

I refer to the report by Gerry Farrington, a Reporter appointed by Inverclyde Council.  
Dated Thursday 29<sup>th</sup> May 2017.

**Chapter 7: REASONED ASSESSMENT OF THE FACTS AND MATTERS IN DISPUTE**

7.10 Parking discs allow the enforcement of the parking stay limit without having to charge for parking. The discs will be available free of charge from shops, banks and other businesses. They are reusable and may be kept in a car. They have a proven history of effective use throughout the country and I do not accept either that they are unworkable or that they are difficult to understand.

I made reference to the use of Parking Discs in my letter to you dated 3<sup>rd</sup> May 2017

3. It is well documented that the system of using Parking Discs works when used correctly.

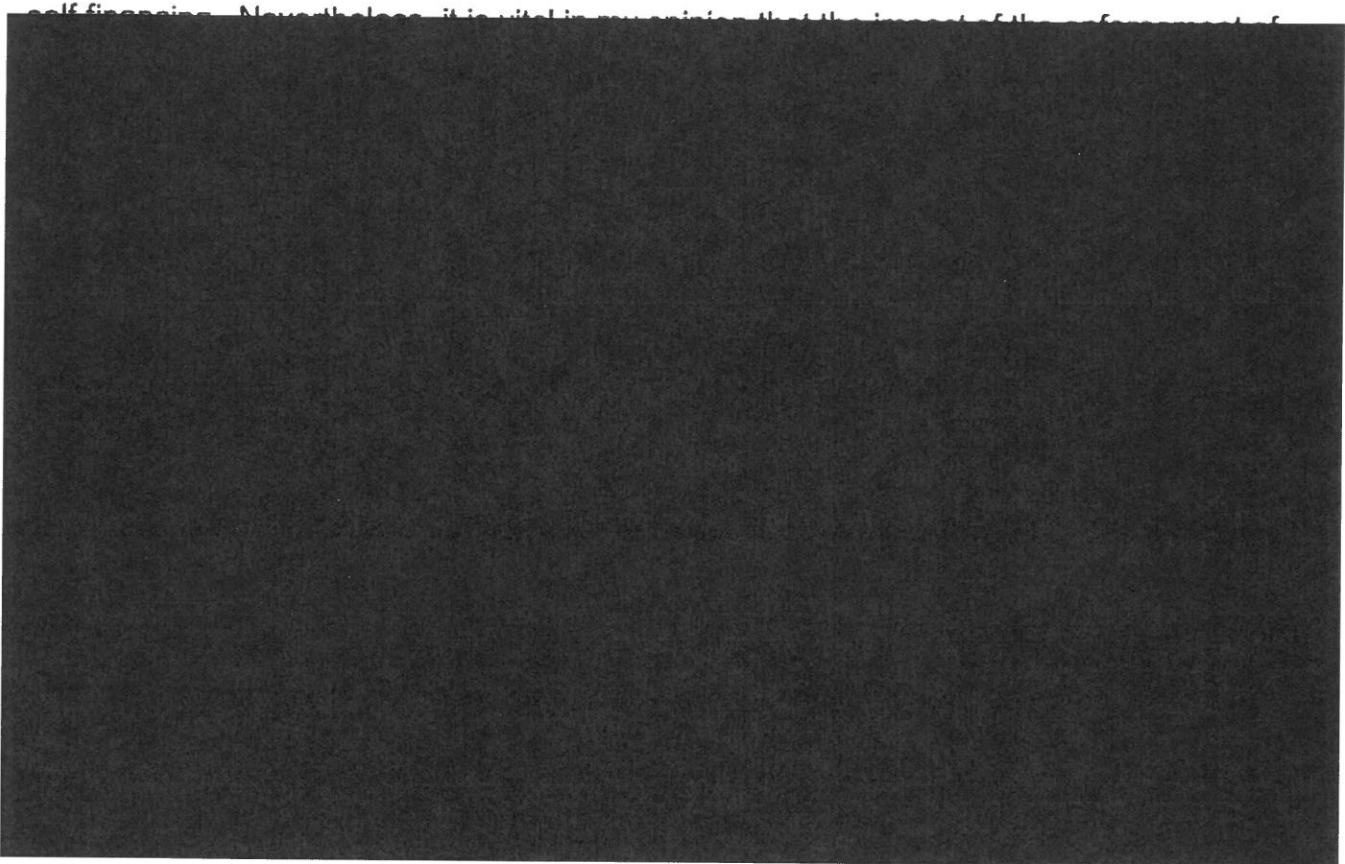
I have no further written representations to make other than those already submitted.

I look forward to hearing from you.

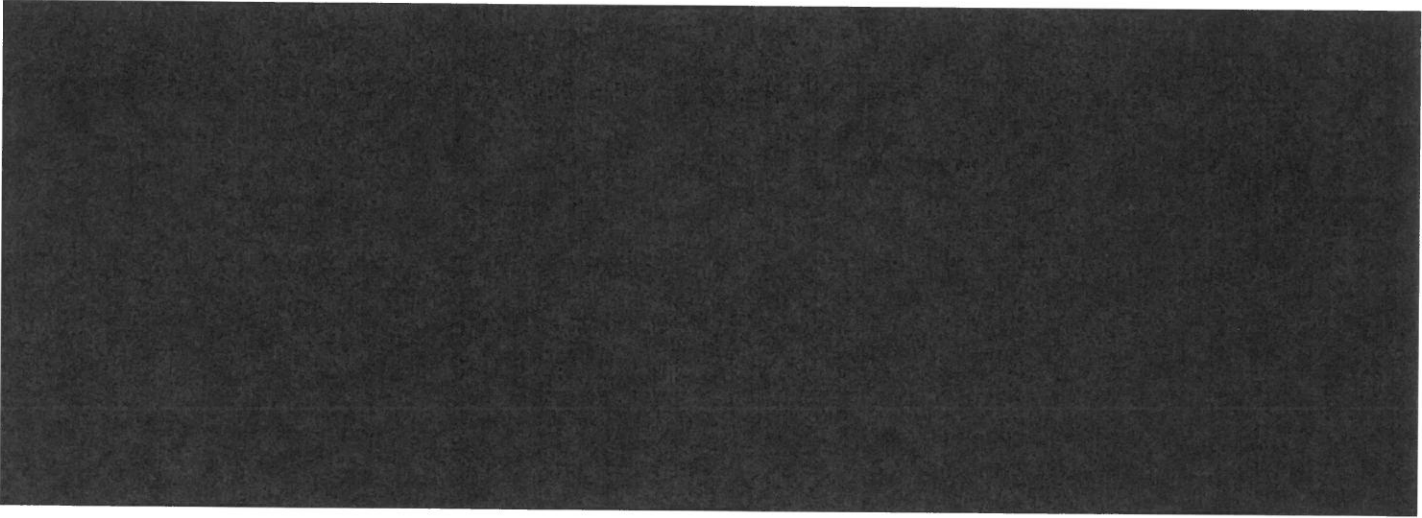
Yours faithfully

A solid black rectangular box used to redact the signature of Norrie Johnstone.

Norrie Johnstone



7.10 Parking discs allow the enforcement of the parking stay time limit without having to charge for parking. The discs will be available free of charge from shops, banks and other businesses. They are reusable and may be kept easily accessible in a car. They have a proven history of effective use throughout the country and I do not accept either that they are unworkable or that they are difficult to understand.



# APPENDIX 3

**Report To:** Environment & Regeneration Committee **Date:** 2 March 2017

**Report By:** Corporate Director Environment, Regeneration & Resources **Report No:** ERC/ENV/RG/16.301

**Contact Officer:** Steven Walker **Contact No:** 01475 714828

**Subject:** Implications of Removal of the Use of Parking Discs in Kilmacolm

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## **1.0 PURPOSE**

- 1.1 The purpose of this report is to advise the Committee of the implications of enforcing the existing two hour time limit in designated on-street parking locations in Kilmacolm without the requirement to display a parking disc.

## **2.0 SUMMARY**

- 2.1 On 12 January 2017 the Committee considered a report regarding the parking disc zone in Kilmacolm.
- 2.2 It was agreed that Officers would bring a further report to this Committee which would detail the implications of enforcing the existing two hour time limit, without the requirement to display a parking disc. This report describes the statutory process which would require to be followed, the practical implications for enforcement and the relationship of Kilmacolm to the wider parking strategy in the context of limited stay on-street parking.

## **3.0 RECOMMENDATIONS**

- 3.1 That the Committee:-
- 1) note the further investigations that have been carried out into enforcement of on-street 2 hour maximum stay parking in Kilmacolm,
  - 2) approve the drafting and promotion of a variation to the Traffic Regulation Order to remove the requirement to display parking discs,
  - 3) approve that a further report be brought back on the outcome of the consultation process associated with the variation to the Traffic Regulation Order which will inform the Committee of the extent of support for the proposal.

**Robert Graham**  
**Head of Environmental & Commercial Services**

## **4.0 BACKGROUND**

- 4.1 On 12 January 2017 the Committee considered a report regarding the parking disc zone in Kilmacolm which was in response to concerns raised by Kilmacolm Traders who proposed the abolition of the parking disc zone in the village.
- 4.2 One of the outcomes of the above report was that Officers would bring a further report to this Committee which would detail the implications of enforcing the existing two hour time limit, without the requirement to display a parking disc, on a permanent basis.

## **5.0 IMPLICATIONS OF THE ABOLITION OF THE PARKING DISC ZONE IN KILMACOLM**

- 5.1 With regard to the statutory process associated with the removal of parking discs, it would be necessary to promote a variation to the existing Traffic Regulation Order (TRO). This would involve public consultation on a proposed TRO for a period of at least 21 days, consideration of any objections received and, subject to any objections being resolved and withdrawn, submission of a report to the Environment and Regeneration Committee for consideration and any approval to make the TRO.
- 5.2 In terms of the practical operation of the existing 2 hour maximum stay designated on-street parking in Kilmacolm, it is a requirement that Parking Attendants know the arrival time of the vehicle in order to determine whether the vehicle has parked longer than the restriction allows. The current parking disc requirement readily indicates the arrival time of the vehicle as claimed by the vehicle's driver and the Parking Attendant is able quickly to ascertain whether it is appropriate to issue a Penalty Charge Notice.
- 5.3 In the circumstance where a 2 hour maximum stay restriction required to be enforced without a parking disc, the Parking Attendants would carry out enforcement of yellow line restrictions by noting the registration and tyre valve positions on vehicles in the 2 hour limited waiting area and then would leave the location to carry out enforcement duties in other areas. Approximately two hours later Parking Attendants would then require to return to Kilmacolm, carry out a second sweep of the 2 hour limited waiting area comparing registrations and tyre valve positions, and issue PCNs to those vehicles which have been parked for longer than the 2 hour limited waiting period as indicated by the comparison of tyre valve recording. This is a resource intensive step as proof is required of the duration of the stay as opposed to the time parked as claimed by drivers using parking discs as the basis of enforcement.
- 5.4 Officers understand that this tyre valve practice is carried out in some other local authorities. It has also been applied to a limited extent in a car park in Port Glasgow which currently has a restriction on the length of stay but does not require display of a disc.
- 5.5 Enforcement in this manner does carry some risk however as the position the Parking Adjudicator may take on an Appeal in respect of the evidence on tyre valve positions is not certain. If the use of tyre valve positions to determine excess stays is not sustainable through the Appeal process, the only remaining alternative would be to revert to enforcement through continuous observation. Essentially this would involve Parking Attendants witnessing the continuous parking of a vehicle for more than the two hour maximum.
- 5.6 Further consideration has been given to Kilmacolm in the context of location and the relationship to the wider parking strategy. There are a number of specific factors to consider in relation to parking enforcement in this village:
  - There is clearly continued community concern from traders in connection with the impact on businesses and customers,
  - It is recognised that Kilmacolm is separate from the urban area of Port Glasgow, Greenock and Gourock and its parking provision and usage is necessarily of a different nature,

- Designated on-street parking in the village centre is limited with only 32 spaces,
- The typical length of stay in respect of this parking reflects the mix of shops and in the village centre will typically be shorter than is the case in the urban area.

5.7 There is a justifiable case in these circumstances therefore for a different approach to parking enforcement of on-street 2 hour designated spaces than is the case elsewhere in Inverclyde. In essence, an exception could be made in view of the particular locational circumstances associated with Kilmacolm without compromising the wider strategy across the urban area. It would need to be recognised however that should a different approach be taken in Kilmacolm, enforcement would be less frequent in view of the increased resource requirement as described above.

5.8 As discussed in the previous report to this Committee on 12 January 2017, there are clearly mixed views amongst the community on the manner of on-street limited stay parking enforcement. If a permanent change to the current enforcement regime were to be pursued, this could be progressed through the promotion of a variation to the current Traffic Regulation Order. The process of promoting such a variation involves community consultation and the opportunity to make objections. For such a proposal to be successful, therefore, there would need to be a general consensus of support.

5.9 It is therefore recommended that in view of the circumstances as described above with respect to the ability to enforce the limited number of spaces, combined with the unique locational issues associated with Kilmacolm, that a variation to the Traffic Regulation Order to remove the requirement for discs, be drafted and promoted. Through the 21 day public consultation process, the views of the community will be captured and the outcome considered at a future Committee.

## 6.0 IMPLICATIONS

### 6.1 Finance

If the Committee agrees to remove the need to display a parking disc in Kilmacolm then there will be a modest saving in the cost of providing parking discs. At this time it is difficult to quantify the cost implications of the removal of the need for parking discs in Kilmacolm. In practical terms it is likely that the 2 hour maximum stay will be enforced less frequently resulting in a mostly neutral impact on resources.

If the Committee agrees to promote a variation to the existing TRO to accommodate the removal of the use of parking discs then there would be costs associated with the statutory process and the need to change existing signing within Kilmacolm. The removal of the use of parking discs would be achieved by the abolition of the parking disc zone in Kilmacolm.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Parking	Revenue	2017/18	5,000	-	-

### 6.2 Legal

If the Committee agrees to remove the need to display parking discs in Kilmacolm, Legal Services will require to promote a variation to the existing TRO.

### 6.3 Human Resources

There are no HR implications arising from this report.

#### **6.4 Equalities**

There are no equality issues arising from this report.

#### **6.5 Repopulation**

There are no direct repopulation implications arising from this report. The consideration of this item has arisen from local representations and the Council is considering its approach in the light of the relevant material factors.

### **7.0 CONSULTATIONS**

7.1 The Head of Legal and Property Services, Head of Safer & Inclusive Communities and the Chief Financial Officer have been consulted on this report.

### **8.0 LIST OF BACKGROUND PAPERS**

8.1 None.

**COPY**

**THE INVERCLYDE COUNCIL**  
**(VARIOUS ROADS) (PORT GLASGOW,**  
**KILMACOLM & QUARRIERS VILLAGE)**  
**(WAITING RESTRICTIONS)**  
**(VARIATION NO. 4) ORDER 2017**

**TRAFFIC REGULATION ORDER**



**THE INVERCLYDE COUNCIL  
(VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS  
VILLAGE)  
(WAITING RESTRICTIONS) (VARIATION NO. 4) ORDER 2017**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) (“the Act”) and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

**1.0 Commencement and citation**

1.1 This Order shall come into operation on the ## day of ##, Two Thousand and ## and may be cited as “The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017”.

**2.0 Interpretation**

- 2.1 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.
- 2.3 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.4 The On-Street Plans forming Schedule 1 to this Order and titled “The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017 On-Street Plans” are hereby incorporated into “The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013” and recorded in “The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013 Plan Index”.
- 2.5 The Plan Index forms Schedule 2.

2.6 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

*This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by*

**SCHEDULE 1**

**The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions)  
(Variation No. 4) Order 2017 On-Street Plans**



SCHEDULE 2

SCHEDULE 3

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) ORDER 2013 PLAN INDEX

Plan Reference	Effective date of original plan	Effective date of Plan Revision														
		1	2	3	4	5	6	7	8	9	10	11				
TR/TRO/C132-001	06/10/2014															
TR/TRO/C132-002	06/10/2014	11/04/2016														
TR/TRO/C132-003	06/10/2014	11/04/2016														
TR/TRO/C132-004	06/10/2014															
TR/TRO/C132-005	06/10/2014															
TR/TRO/C132-006	06/10/2014															
TR/TRO/C132-007	06/10/2014															
TR/TRO/C132-008	06/10/2014															
TR/TRO/C132-009	06/10/2014															
TR/TRO/C132-010	06/10/2014	11/04/2016	#####													
TR/TRO/C132-011	06/10/2014															
TR/TRO/C132-012	11/04/2016															
TR/TRO/C132-013	#####															

# **INVERCLYDE COUNCIL**

## **(VARIOUS ROADS)** **(PORT GLASGOW, KILMACOLM AND QUARRIERS VILLAGE)** **(WAITING RESTRICTIONS) (VARIATION 4) ORDER 2017**

### **WAITING RESTRICTIONS**

Statement of Reasons for proposing to make the above Traffic Regulation Order (TRO)

It is considered necessary to make the above TRO so as to preserve or improve the amenities of the area through which the roads run by removing the Parking Disc area and the requirement to display a Parking Disc in Limited Waiting Parking Places on Lochwinnoch Road, Port Glasgow Road, Bridge of Weir Road and Market Place, Kilmacolm.

It is also considered necessary to make the above TRO to avoid danger to persons and other traffic using the roads, facilitate the passage on the roads of any class of traffic and to prevent the use of the road by vehicular traffic in a manner which is unsuitable having regard to the existing character of the roads, by extending the existing "No waiting Monday to Friday 8am-6pm Saturday 8am-1pm" restriction on the east kerbline of Gryffe Road to allow large vehicles such as buses to turn safely at the junction of Lochwinnoch Road and Gryffe Road.

Robert Graham  
Head of Environmental & Commercial Services

1 Ingleston Park  
Cartsburn Street  
GREENOCK  
PA15 4UE

# APPENDIX 4

**THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
(PORT GLASGOW, KILMACOLM AND QUARRIERS  
VILLAGE) (WAITING RESTRICTIONS)  
(VARIATION NO. 4) ORDER 2017**

**TRAFFIC REGULATION ORDER**

**STATEMENT OF CASE**



## **Background**

### **Statement of Reasons**

It is considered necessary to make the above Traffic Regulation Order (TRO) so as to preserve or improve the amenities of the area through which the roads run by removing the Parking Disc area and the requirement to display a Parking Disc in Limited Waiting Parking Places on Lochwinnoch Road, Port Glasgow Road, Bridge of Weir Road and Market Place, all Kilmacolm.

It is also considered necessary to make the above TRO to avoid danger to persons and other traffic using the roads, facilitate the passage on the roads of any class of traffic and to prevent the use of the road by vehicular traffic in a manner which is unsuitable having regard to the existing character of the roads, by extending the existing "No waiting Monday to Friday 8am-6pm Saturday 8am-1pm" restriction on the east kerbline of Gryffe Road to allow large vehicles such as buses to turn safely at the junction of Lochwinnoch Road and Gryffe Road.

### **Introduction**

The Inverclyde Council (IC) introduced Decriminalised Parking Enforcement (DPE) throughout the area on 6 October 2014. Prior to the introduction of DPE, IC undertook an exercise to revoke all existing TROs in Inverclyde and promote five new TROs to cover the whole area. With the exception of Greenock Town Centre, the new TROs replicated the restrictions which were already in place. In Kilmacolm, the TRO simply reintroduced the existing 30 minute waiting restrictions which had been in place since 1988.

During the promotion of the original TROs relating to DPE, objections were raised for a variety of reasons. As a result a Public Hearing was heard by an Independent Reporter appointed by the Scottish Government. Having heard IC's evidence and that of the objectors and having visited Kilmacolm, the Reporter found that "Given the busy traffic conditions, it is obvious that the village is a place in need of an effective parking scheme and it is unrealistic for objectors to argue otherwise". He also found that "Along the shopping frontages the enforcement of the restrictions should improve the opportunities for short-term parking. Given the convenient distances in the compact village centre, the 30-minute waiting time applying to on-street parking bays should be adequate to allow shoppers to visit shops, banks and other facilities. The consequent increased turnover in the occupation of the available spaces should help to ensure the continuing vitality of the retail businesses." Extracts from the Reporter's Recommendations are contained within Appendix 1.

Following the introduction of DPE, some members of the community argued that the 30 minute waiting restriction did not provide sufficient time to run their errands and that it should be increased to be the same as Greenock Town Centre. Following consideration, a TRO was promoted and a 2 hour waiting restriction was introduced, along with the requirement to display a parking disc. This came into effect in April 2016.

In late 2016 a letter was received by IC from traders in the village seeking the removal of the requirement to display a parking disc. The Head of Service (HOS) spoke to the traders' spokesperson to learn more about the reasons for the request. The HOS also met with representatives of the Community Council.

Following these discussions, a report was submitted to the Environment and Regeneration Committee meeting on 2 March 2017 seeking Committee approval to promote a Traffic Regulation Order to remove the requirement to display a parking disc. As a result, the TRO entitled "The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm and Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017" was drafted and advertised.

## **Benefits**

IC consider benefits will be achieved as visitors to the village who are not familiar with the disc scheme will be able to park without falling foul of the parking disc rule.

## **Public Consultation**

The TRO was issued for public consultation on 18 April 2017 with responses invited by 9 May 2017.

A total of 2 objections were received. Officers wrote to both objectors to give reasons for the TRO and to address their objections and as a result 1 objector removed his objection and 1 objector maintained his objection.

## **Maintained Objection and IC's Responses**

The maintained objection raised key themes. It should be noted that the maintained objection does not relate to the extension to the existing "No waiting Monday to Friday 8am-6pm Saturday 8am-1pm" restriction on the east kerbline of Gryffe Road. The key themes are listed below and details of IC's responses to each of them are provided verbatim.

### **Alternative plan or proposal:**

**Objection:** Inverclyde Council have not presented an alternative plan or proposal to the removal of parking discs.

**Response:** The Council do not propose to remove parking restrictions from Kilmacolm. The existing 2 hour limited waiting restriction will continue to apply on-street and this Order simply proposes the removal of the requirement to display a Parking Disc. Presently Parking Attendants visit the village and review the time displayed on the Parking Disc to determine if the person who parked the vehicle has overstayed their time. If Parking Discs are no longer required the Parking Attendants will make other observations to determine if the vehicle has been parked for too long.

### **Future variations:**

**Objection:** What's to say that in 3/6/9/12 months' time Inverclyde Council will be presenting or proposing an alternative solution (we are now on variation No. 4). How many more variations are there going to be?

**Response:** Although this is Variation 4, only 2 of these related to Kilmacolm. The first was to increase the duration of on-street limited waiting from 30 minutes to 2 hours and to introduce the use of Parking Discs. This is the second variation. We anticipate that any future variations would only be for minor changes such as the introduction of new waiting or loading restrictions at a location not already covered by a TRO.

### **Parking Disc System:**

**Objection:** It is well documented that the system of using the Parking Disc works when used correctly.

**Response:** Traders in Kilmacolm have argued that a large number of visitors to the village are unfamiliar with the Parking Disc system and are unwittingly falling foul of this rule despite the signage being sufficiently clear and meeting the required regulations. Traders argue that they are losing trade as a result. The Council have considered the representations made to it by traders and are prepared to promote this TRO.

### **Penalty Charge Notices:**

**Objection:** It is also well documented that the majority of the parking tickets issued are for, (a) not displaying the parking disc (b) parking on single or double yellow lines.

**Response:** (a) This is the reason traders are arguing that the Parking Discs should be removed, to allow visitors to park without fear of forgetting to display a Parking Disc or indeed not knowing that there is a requirement to display a Parking Disc despite the signage being sufficiently clear and meeting the required regulations; and (b) the removal of Parking Discs will have no impact on the issue of Penalty Charge Notices (PCNs) for this parking behaviour.

**Other Towns:**

**Objection:** If this variation is implemented, what's to stop other towns and villages in the district making an approach to the Council to have their restrictions changed?

**Response:** There is nothing to stop other towns and villages from requesting this type of variation. It would then be the responsibility of the Council to consider if there is an argument for promoting a TRO in these areas to remove the requirement to display Parking Discs. If such a decision was made it would be subject to the due statutory legal process which would include public consultation and would be open to objection.

**Trader Representation:**

**Objection:** The representation made by some of the local shopkeepers is irrelevant. They cannot dictate that you must shop in the village. Again, the correct use of the Parking Disc system shows a continual movement of cars. Before, when there were no parking restrictions in place, cars would park all day leaving little or no movement of cars/ spaces.

**Response:** Council Officers and Elected Members met with traders and community representatives and reported to the Environment & Regeneration Committee which decided to promote this TRO to remove the requirement to display parking discs. The due statutory legal process allows anyone to object to the TRO.

**Further Comment:**

**Objection:** Would it not be better to provide alternative long term parking facilities in the village? Current there are only three long term facilities in the village.

**Response:** The Council propose to undertake a study of off-street parking in the village this financial year. This study will seek to determine if additional parking is required, how much additional parking is required and if necessary, locations for new car parking. This study is not related to this proposed TRO.

Following the Council's letter of response to the objector's representation, the objector made further comments in response. They are quoted in full below:

- 1. The removal of the Parking Disc leaves the car owner into a false sense of security, not knowing when their time is up. Retention of the Parking Disc lets both parties know when their parking time limit is up.*
- 2. You make reference to the Traders in Kilmacolm having argued that visitors are unfamiliar with the Parking Disc system and are unwillingly falling foul of this rule and are losing trade as a result. The Parking Disc system works well in other parts of Inverclyde and in particular Gourock, who will have many more visitors than Kilmacolm. Visitors to this town seem to have no difficulty in understanding the Parking Disc zone. It has never been produced in hard factual evidence that these traders are losing trade due to the introduction of the Parking Disc system in Kilmacolm.*

3. *At the monthly meeting of Kilmacolm Community Council dated 29<sup>th</sup> November 2016. The Community Council voted by a majority not to support the abolishment of the Parking Disc zone in the village.*

No further representation was made by IC. For the purposes of this Hearing we would make the following comments:

1. Drivers are responsible for noting what time they park and the time limit at any location at which they park. The use of Parking Discs may assist with this, however, there are many examples around the country of places with no Parking Discs or Pay and Display where drivers do this on a daily basis.
2. The Parking Disc system does work throughout Inverclyde, however, traders have made this claim, possibly through discussions with their customers. No details have been sought by IC from traders regarding evidence of loss of trade.
3. This was noted as part of the HOS' discussions with Kilmacolm Community Council.

Appendix 2 contains all correspondence from the objector and the Council's responses.

### **Conclusion**

IC submits that the objection should not be upheld and the TRO made as proposed.

APPENDIX 1 – EXTRACTS FROM THE REPORT OF THE PUBLIC HEARING

Directorate for Planning and Environmental Appeals

## Report to Inverclyde Council



### ROAD TRAFFIC REGULATION ACT 1984

### REPORT OF A PUBLIC HEARING UNDER SECTION 9(1) OF THE LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (SCOTLAND) REGULATIONS INTO OBJECTIONS TO TRAFFIC REGULATIONS ORDERS C130, C131, C132, C133 AND C134.

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Report by Gerry Farrington, a Reporter appointed by Inverclyde Council

- Inverclyde Council references: C130, C131, C132, C133 and C134

- Objections to:

The Inverclyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) Order 2013 [ref. C130];

The Inverclyde Council (Various Roads) (Outer Greenock) (Waiting Restrictions) Order 2013 [ref. C131];

The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013 [ref. C132];

The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013 [ref. C133]; and

The Inverclyde Council (Off-Street Parking Places) Order 2013 [ref. C134].

- Date of hearing: Tuesday 8<sup>th</sup> April 2014

Date of this report and recommendation: Thursday 29<sup>th</sup> May 2014

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**RECOMMENDATION:** I recommend that the Council confirm all of the Orders but with modification to the maximum periods of stay in the Bullring and Cathcart Street West medium stay car parks and the Cathcart Street and William Street on-street parking bays (Orders C134 and C130).



Directorate for Planning and  
Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk FK1 1XR

Mr Ian Moffat,  
Head of Environmental and  
Commercial Services,  
Inverclyde Council,  
71 East Hamilton Street,  
Greenock PA15 2UA

DPEA file reference: IQC/30/62-66

Dear Mr Moffat,

**Local Authorities' Traffic Regulation Orders (Procedure) (Scotland) Regulations 1999  
Report of a Public Hearing held to hear objections to proposed Traffic Regulation  
Orders C130, C131, C132, C133 and C134**

The Local Authorities' Traffic Orders Regulations require hearings to be conducted by an independent person appointed by the local authority from a list of persons compiled by Scottish Ministers. Further to my appointment by the Council on 12 December 2013, I held a public hearing to hear objections to five Traffic Regulation Orders proposed by Inverclyde Council. The hearing was held in the Ardgowan Room, West College Scotland, Finnart Street, Greenock on 8 April 2014. The hearing took the form of an informal structured discussion about the matters at issue. It commenced at 10.00am and concluded at 5.00pm generally in accordance with the hearing programme and agenda issued in advance.

Prior to the hearing I made myself familiar with the general area and, in particular, the roads and car parks directly affected by the proposed Orders. The day after the hearing, Wednesday 9 April, I concentrated in more detail on the Gourrock and Kilmacolm areas and on Thursday 1 May I spent the day observing parking patterns and pedestrian flows in Greenock town centre and adjacent areas. Those taking part in the hearing were:

Inverclyde Council: Robert Graham (Roads Service Manager) and Mark Higginbottom (Roads Service Team Leader) representing the Council.

Also present: Jim Kerr and Joanna Dalglish (Inverclyde Council Legal Department)

Greenock Objectors: Jillian Andrew (Cathcart Street), Blair Bulloch (Cathcart Street), Isabella Canning (Dellingburn Street) representing herself and her mother Helen Canning (Cathcart Street), Pauline Daisley (Sinclair Street), Alison Graham (Port Glasgow), John Jackson (Cathcart Street), Frances McFarlane (GCRAG), Don Shearer (Bow Road), Rev. Alan Sorensen (Wellpark Mid Kirk), and Helen Smith (Wellpark Mid Kirk).

Gourrock Objectors: Julie McIntosh (Cove Road) and Euan Caskie (Cove Road)

Kilmacolm Objectors: David Goddard (Secretary) represented Kilmacolm Community Council; and R N Cameron (Lochwinnoch Road) appeared as an individual objector.



Other persons recorded as attending the hearing were Helen Calvert (Kilmacolm), Margaret McCallum (Kilmacolm) and Elaine Provan (Greenock).

In addition to the oral and written evidence submitted by those taking part in the hearing, in reaching my conclusions and recommendations I have taken into account the written representations received from those persons with maintained objections who did not attend the hearing and the council's responses to these objections. It would have been impractical to assess every one of these written objections individually as this would have necessitated repetition of shared concerns and resulted in an unwieldy document. However, I have addressed all the main issues and dealt with individual concerns where these are of wider significance. I have also taken account of the consultation replies from public agencies and other organisations, which have been received during the consultation process. The documents submitted in evidence to the hearing are listed in appendix 1 to this report.

I am grateful to Martin Burrows, the Programme Officer appointed by the Council, who assisted me throughout with the running of the hearing.

Chapter 1 of the report outlines the general background to the proposed orders, including the pre-hearing procedures. Chapter 2 identifies the relevant strategic policy documents and summarises the Greenock Town Centre Parking Strategy and Business Case report. In Chapters 3 to 6 I summarise the written and oral exchanges in the sequence set out and followed in the hearing programme and agenda. Chapter 7 is structured to reflect the hierarchy of settlements and contains my reasoned assessments of the issues raised in the objections including my findings on the key facts and matters in dispute. In Chapter 8 I state my conclusion and my recommendation.



## CHAPTER 1: GENERAL BACKGROUND TO THE PROPOSED ORDERS

1.1 In 2010 a study was undertaken to review parking behaviour and demand in Greenock Town Centre. This study, the Greenock Town Centre Parking Strategy and Business Case (July 2010), was undertaken by the Atkins Transport Planning consultancy on behalf of Inverclyde Council (hereafter referred to as the Atkins study). The council commissioned the study with the possibility that the principles of the strategy could be applied council wide. The brief for the Atkins team was to determine and evaluate parking measures and construct a preliminary business case examining the costs and benefits for implementing and operating different parking measures and parking enforcement in Greenock town centre.

1.2 In Inverclyde, Strathclyde Police performed the enforcement of on-street waiting and loading restrictions until the Traffic Warden Service was withdrawn in May 2011. Since its withdrawal parking behaviour has deteriorated resulting in congestion and unsafe parking behaviour. In response to this deterioration, the Council have applied to the Scottish Ministers for permission to introduce decriminalised parking enforcement (DPE) within Inverclyde. This will allow the Council to enforce waiting and loading restrictions under civil law. The contravention of waiting and loading restrictions will cease to be a criminal offence on the introduction of DPE.

1.3 The Road Traffic Act 1991, as amended, provides the legislative framework for the decriminalisation of parking offences and provides local authorities with the opportunity to take over parking enforcement from the police. All of the Scottish local authorities are faced with administering the decriminalisation of parking enforcement.

1.4 In preparation for the introduction of DPE, Inverclyde Council is promoting five Traffic Regulation Orders (TROs), which will enable the Council's parking attendants to enforce the various restrictions. For the most part the TROs replicate the waiting and loading restrictions currently visible on the streets by way of road markings and traffic signs. In many cases the on-street limited waiting restrictions will not alter. The TROs also consolidate all the waiting and loading restrictions within the council area for ease of reference. With the exception of Inner Greenock, the proposed TROs would replicate the pre-existing restrictions.

1.5 Enforcement in off-street car parks operated by Inverclyde Council always has been and will remain the responsibility of the Council. The council is promoting the Inverclyde Council (Off-Street Parking Places) Order 2013 in order to enable its parking attendants to enforce the restrictions in these car parks.

1.6 The TROs were put out to public consultation from 15 July to 5 August 2013. As part of the consultation process a notice was placed in local newspapers informing the public where they could view the TROs and where to write to object within a specified period. The TROs were displayed at the council's customer care contact centre, in each of the libraries and on the council's web site. In addition to this statutory notice, the council held a workshop which residents' groups and others attended.

1.7 The council reviewed each of the objections received as a result of the consultation process and responded to them, sometimes offering concessions. Those objectors who have maintained their objections were notified of the public hearing.

## CHAPTER 2: RELEVANT STRATEGIC POLICY DOCUMENTS

### Scottish Planning Policy

2.1 Scottish Planning Policy (SPP) directs development to accessible locations to minimise the need to travel and to maximise opportunities for travel by sustainable modes wherever possible. SPP paragraph 52 states that town centres are a key element of the economic and social fabric of Scotland and make important contributions to sustainable economic growth. They should be the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses. Planning authorities should support a diverse range of community and commercial activities in town centres. The range and quality of shopping, wider economic and social activity, integration with residential areas and the quality of the environment are key influences on the success of a town centre. While SPP recognises that shopping and leisure uses are fundamental in attracting people and thereby allowing other uses to locate near by, paragraph 54 warns against overly retail-led development that can lead to homogeneity in a centre.

2.2 Paragraph 61 states that town and commercial centres should be accessible at all times to all sectors of the community. Accessibility for people and the delivery of goods, and for waste collection, is essential to the success of a town centre. The perception of convenience is also important, for example whether a location is easily accessible by foot, public transport or car with available short-term parking.

### The Development Plan and related documents

2.3 The approved Strategic Development Plan for the Inverclyde area is the Glasgow and the Clyde Valley Strategic Development Plan, 2012. The SDP sets out a land use development strategy for the Glasgow and Clyde Valley area and provides strategic direction in relation to green belt and the countryside, housing, business and industry, retailing, transport and infrastructure, and environmental protection. Together with the Adopted Inverclyde Local Plan, it forms the statutory Development Plan for Inverclyde.

2.4 The Inverclyde Local Plan 2005 was adopted on 31st January 2006. The document and accompanying maps set down a land-use planning and development framework designed to assist in promoting development and regeneration in the area.

2.5 On 29 November 2013, the Council submitted the Inverclyde Local Development Plan to Scottish Ministers for Examination. As the emerging plan for the area the LDP represents the council's view as to what the overall development strategy and land use planning framework should be to guide development and investment in Inverclyde over the next 5-10 years and beyond. LDP Policy SDS6 is aimed at the promotion and safeguarding of the three town centres for a variety of uses including business, civic, cultural, retail, entertainment, leisure and residential. LDP policy TRA3 supports the development of, and safeguarding of the land necessary for various roads and parking actions identified in the Local Transport Strategy. These include constructing a relief road off Kempock Street in Gourrock and identifying locations for park and ride provision near railway stations.

2.6 The Regional Transport Strategy for the West of Scotland 2008-21 identifies the complementary regional priorities that set the scene in working toward the four key transport outcomes of improved connectivity, access for all, reduced emissions and attractive, seamless and reliable travel. Amongst other strategies, the Inverclyde Local Transport Strategy (LTS) 2009-2014 aims to extend and diversify transport infrastructure, particularly for walking, cycling and public transport, and to provide better integration between modes.

**The Greenock Town Centre Parking Strategy And Business Case (The Atkins Study)**

2.7 In order to establish a robust understanding of the issues and opportunities associated with parking in Greenock town centre Atkins reviewed current policy documents, analysed available data sources and undertook a comprehensive programme of stakeholder consultation. The study overview was that Greenock suffers from a number of parking issues, which are having an adverse impact on the economic vitality of the town.

2.8 The study identified the following key issues.

- Due to the condition of the enforcement markings or supporting regulations parking restrictions within the town centre are ignored.
- Insufficient availability of short-stay car parking provision is having an adverse impact on local businesses.
- There is insufficient provision for loading in the town centre.
- Parking signage is inadequate and results in drivers not being directed to the most appropriate parking for their needs.
- Residents, commuters and students compete for the available parking in the town centre.
- Non-patrons use private car parks for long stay parking.
- The existing parking supply is managed inadequately to meet the needs of all users.
- Existing car parks need to be upgraded to improve access and ease of parking, especially for the mobility impaired.
- Inappropriate parking results in localised traffic congestion and accessibility issues for the elderly or mobility impaired.
- Inappropriate / illegal parking can restrict access for emergency vehicles.
- The sensitivity of the local economy to impacts of parking and restrictions.
- Parking provision / management associated with the future development of the town.

2.9 The following strategic and operational objectives were agreed with the council.

Strategic Objectives	
1	To provide inclusive safe, sustainable, healthy communities with a thriving prosperous economy, where everyone is encouraged to achieve their potential and make a positive contribution to the area.
2	Increase the overall attractiveness and competitiveness of Greenock as a place to live, work, shop and do business.
Operational Objectives	
1	To ensure adequate supply of loading and parking for all users of the town centre including the disabled, elderly, residents, commuters and businesses.
2	To ensure adequate enforcement of on-street /off-street parking and loading restrictions which balances the needs of users with financial constraints of the authority.
3	To ensure parking is accessible by all user groups and distributed effectively.
4	To improve traffic circulation in the town centre.
5	To encourage sustainable travel.

2.10 The study generated a series of options and these were developed into seven different schemes. Option 1 – Do Nothing was discarded. It was considered unsustainable, as uncontrolled parking would be likely to adversely affect the long-term economic vitality of the town centre through increased congestion and reduced accessibility. However, it was retained as a benchmark against which the other options were assessed.

2.11 Of the seven schemes, the following schemes are relevant to the hearing.

Scheme No.	Elements
2	Provide adequate parking provision using a non-charged method Implement parking monitoring Provide adequate parking signage Record and evaluate parking related complaints Implement travel plans and sustainable travel initiatives
4	As per scheme 2 but with: Resident parking scheme Ensure adequate enforcement using a charged method
5	As per scheme 4 with: Provide a Park and Ride within Greenock
6	As per scheme 4 with: Provide a Park and Ride outwith Greenock

2.12 A preliminary business case was presented for each of the schemes. Schemes 4 and 5 were identified as performing best against the operational objectives. Schemes 1, 2, 3 and 6 were rejected because they did not meet completely the operational objectives or offered non-practical solutions. It was considered that they did not offer significant enough benefit to warrant detailed assessment when compared with the relative merits of the remaining schemes. Both schemes 4 and 5 had been developed to include a charged parking system charging the user groups who were estimated to have the greatest contribution to the parking issues. As part of these schemes all core town centre area parking would be provided free of charge as part of an enforceable parking management system. This would encourage short stay parking within the town centre and should promote the economic vitality of the town by encouraging trade and local business. The provision of adequate enforcement of the core town centre area would be critical in ensuring the effectiveness of the schemes. After the completion of the strategy development, key stakeholders including local business representatives and resident action groups were invited to comment. The event was well attended and the response was unanimous support for either scheme 4 or 5 to be implemented.

2.13 The Atkins study contains much that is helpful in assessing the proposed TROs, including the following information [source paragraphs in the square brackets].

- (1) Greenock is an area with one of the lowest car ownership levels in Scotland [Atkins1.5].
- (2) The council operates the majority, some 59% in 2010, of all publicly accessible on and off street parking. Of this, on-street parking forms the greatest proportion (some 90% in 2010). By contrast, council operated off-street parking

- contributes a small proportion of the total available provision (some 8% in 2010). [Atkins 2.7-2.8]
- (3) The Bullring car park is the largest of the council owned car parks with a parking capacity of up to 95 vehicles. The nearby Tesco food store double-decked car park is the largest privately owned car park providing a capacity of approximately 800 vehicles. [Atkins 2.12]
  - (4) In 2010 Morrison's, the Retail Park and MECCA bingo with some 73% of the total private provision operated systems aimed at enforcing the terms of the use of their car parks. Oak Mall charged for its parking and Tesco employed automatic number plate recognition in order to seek to control the use of its car park. [Atkins 2.12]
  - (5) Provision for loading is incorporated within the on-street restrictions and consequently few dedicated loading areas were provided. The number of cars parked throughout the town centre reduces access for loading [Atkins 2.10]
  - (6) Braehead and Silverburn compete with Greenock town centre in regional shopping activities. [Atkins 2.27]
  - (7) The 2001 census indicated that some 53% of weekday travel to and within Greenock is undertaken by private car. It is thought that an abundance of free parking distributed throughout the town centre promotes travel by car and is contributing to the parking issues within the town. Travel by train accounts for some 20% of weekday travel. [Atkins 2.28]
  - (8) Two railway stations, Greenock Central and Greenock West, are located within the designated town centre. Both stations provide areas of station parking for railway commuters. Publicly accessible car parks free of charge and restriction are located near to both stations and in 2010 were operating beyond capacity for the majority of the weekday [Atkins 2.32 & 2.34]
  - (9) In 2010 parking demand within the town centre was generally at its highest during the weekday with some 84% of all spaces utilised. Parking demand on Saturday was only marginally less than the weekday (71% utilisation). Parking demand varies across the town centre. During weekdays the core town centre operates beyond capacity. [Atkins 2.39 & 2.40-2.44]
  - (10) Atkins noted conflicting on-street parking demands between residents and students / staff of James Watt College (now renamed West College Scotland) to the west of the core town centre. Most of the properties around the college are in terraced flats. Parking occurring at weekends continues to raise many of the weekday issues [Atkins 2.42 & 2.44]

## CHAPTER 3: GENERAL AND NON-AREA SPECIFIC OBJECTIONS

### *Inverclyde Council's strategic justification for the TROs*

3.1 Since the withdrawal of the traffic wardens by Police Scotland in May 2011, parking behaviour throughout Inverclyde has deteriorated with increased incidence of dangerous and obstructive parking, parking on footways or across dropped kerbs and parking too close to junctions, obstructing visibility. The principal reasons for the TROs are to avoid danger to persons or other traffic using the roads or for preventing the likelihood of any such danger arising and for facilitating the passage on the roads of any class of traffic (including pedestrians).

3.2 The council's town centre strategies, which include the aim to encourage the turnover of parking spaces, are dependent on the successful implementation of decriminalised parking enforcement throughout Inverclyde. The overarching benefit to Greenock town centre is expected to be the increased availability of short stay parking to shoppers and business visitors and the subsequent improvement in trade. The lack of available short-stay parking spaces, caused by long-stay commuters, is stifling the economic vitality of the town centre. The council is looking to the restrictions to encourage the long stay parker out of the town centre.

3.3 Essentially, the proposed TROs will return parking in Inverclyde to the pre - 2011 situation. The consolidation of the original TROs is aimed at ease of interpretation so that the car-parking attendants can enforce the restrictions effectively. However, the council has committed itself to reviewing the TROs in a year to see whether any changes are required.

### *General and non-area specific issues raised by the Objectors*

3.4 The Greenock Central Area Residents Action Group (GCRAG) agrees to most of the proposed parking strategy and the holding up the existing traffic regulations. However, no consideration has been given to the effects on the residents in the affected areas.

3.5 Many objectors believe that the scheme will have a negative impact on the town centres in the absence of residents' and business parking permits. It is argued that without residents' permits the scheme will have a disproportionately unfair impact on town centre residents and property owners.

3.6 Inevitably, the cost of parking tickets will deter shoppers and visitors to the town and rise over time. The long-stay parkers will not be deterred by the £1 parking fee and will occupy the parking spaces throughout the day forcing the residents and their visitors to park far away from their town centre homes. The cost of long-stay parking should be increased and this would help pay for the scheme.

3.7 has concerns regarding the implementation and the cost of the scheme. He considers that money allocated to the Travellers site should be directed to solving the parking problem. He believes that the town is failing to attract shoppers and visitors.

3.8 The Greenock Central Residents Action Group (GCRAG) compiled a petition raising the concern that there has been no consideration given to the effects of the TROs on the residents of the wider surrounding area.

3.9 Some objections refer to concerns about property values and the effect of the proposed restrictions on the saleability of the objectors' properties.

3.10 Others have asked who will enforce the TRO restrictions and whether an outside contractor would be employed.

3.11 Several objectors considered that the timescale for consultation was insufficient and inappropriately timed because it was held during the summer.

3.12 There is a view that, rather than making the roads less hazardous, the improved circulation will have the opposite effect of making the roads unsafe.

### ***Inverclyde Council's response***

3.13 Scottish Government will not approve the scheme if it is not self-financing. The national guidance document for the introduction of DPE is the Department of Transport's "Guidance on Decriminalised Parking Enforcement Outside London" (Local Authority Circular 1/95). The relevant guidance recommends that a DPE scheme should pay for itself as soon as possible, such that the scheme places no extra burden on the public purse. To allow this to be achieved, whilst promoting the turnover of spaces in the town centres, it is proposed to limit parking to a maximum two hour stay in the Bullring and Cathcart Street West public car parks and to introduce a charge of £1 per day for using the other town centre car parks. This is just enough to pay for the scheme, including the parking attendants' wages.

3.14 The council decided not to go ahead with a scheme involving meters and permits. This type of scheme would be too expensive and the parking charges would be too costly for the general public. The aim of the proposed scheme is to encourage the long-stay parker to park elsewhere and walk or to use public transport but the council is anxious also to avoid deterring the public from visiting the town centre.

3.15 The council, not a private company, will employ the 4 traffic wardens needed to police the scheme.

3.16 The council does not propose to issue resident's and business parking permits for a number of reasons:

- (1) The council has a management duty as the local roads authority to determine the means by which public rights of passage may be exercised. Residents must make arrangements for private off-street parking of their own if they wish to guarantee the continued availability of a parking space.
- (2) Potential exists for the limited number of on-street parking spaces to be occupied all day, reducing the turnover of parking spaces and returning the street to its current congested state.
- (3) Residents' parking permits would be prohibitively expensive or heavily subsidised contrary to government guidance that DPE should be self-financing.

- (4) If business parking permits were provided the customers may be unable to park and may drive to other districts for the same services.

3.17 The previous strategy, which offered residents parking permits, was part of a scheme that included the charging for on-street parking thus making residents' parking permit affordable. The current downsized scheme aims to provide as much free parking as possible. On-street parking is to be free of charge, albeit time limited. The proposed scheme breaks even financially without making any net demands on the public purse. To provide residents and business parking permits would put the scheme in deficit contrary to Government guidance.

3.18 The council officers met with GCRAG at a number of their meetings. In response to its concern as to the effect on the wider area, the council is committed to a review one year after the introduction of DPE. This year will give the scheme time to bed in and for parking behaviours to settle down. Following this review a decision will be made to determine if any further action is required.

3.19 The council is not aware of the presence of a waiting restriction outside a property having a significant impact on its market value. In any case, such an effect is not a relevant matter for a local roads authority when deciding to propose loading and waiting restrictions.

3.20 The council looked at various options about who would enforce the DPE and decided that the most cost effective option would be the use of members of the council's staff. An outside contractor will not be employed to enforce parking restrictions in Inverclyde.

3.21 The consultation period held from 15 July to 5 August 2013 accorded with the 21-day consultation period as required in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. The council delayed the consultation until after the traditional "Greenock Fair Holidays".

3.22 The current parking behaviour makes the roads dangerous. The TROs manage the way in which vehicles are allowed to use the roads for the safety of all road users by applying restrictions, many of which are unchanged from the days of traffic warden control. Amongst other things, the enforcement of the restrictions will help avoid people having to walk on the carriageway, will make crossing roads easier and improve junction visibility. They will reduce road hazards not increase them.



## CHAPTER 5: PORT GLASGOW, KILMACOLM AND QUARRIERS VILLAGE

### *The Proposed Traffic Regulations*

5.1 This area is affected by the following proposed TROs.

The Inverclyde Council (Off-Street Parking Places) Order 2013; [TRO C134] and

The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013 [TRO C132]

5.2 The general effect of the Off-street Parking Places Order is to set out the rules for the use of the public car parks in the area including details of any parking charges, time restrictions, use of a parking disc, where parking is permitted etc. It also sets out who can issue Penalty Charge Notices; suspend the use of parking places; etc.

5.3 The general effect of the Waiting Restrictions Order is to set out the rules for parking on the roads listed in the Order including details of any time restrictions, where parking is permitted etc. In the vast majority of locations there are no changes proposed to the existing Orders. The Order brings all of the waiting and loading restrictions, which apply within these areas, into one comprehensive document.

### *Inverclyde Council's justification for the TROs*

5.4 A new car park has been constructed in the heart of Port Glasgow, off Princes Street close to Port Glasgow train station. The long-stay car parking that has occurred in this new car park deprives those wishing to shop in the town centre from doing so, which does not help the town's economy. It is proposed that a 2-hour waiting limit should be introduced in this car park.

5.5 A study undertaken in January 2013 [Cargill Centre – Parking Duration of Stay Survey] into the use of the Lochwinnoch Road car park in Kilmacolm found that some two thirds of cars stay in this car park for less than two hours. About a fifth of cars, which enter the car park, leave within five minutes suggesting that they are unable to find a parking space. Based on this evidence Inverclyde Council proposed a 2-hour waiting limit for this car park.

5.6 The council considers that significant benefits will be obtained from the TROs, particularly when supported by decriminalised parking enforcement. The overarching benefit will be the retention of the existing restrictions in various locations, which have proved to be necessary in the past in order to safeguard pedestrians and other road users, prevent congestion and facilitate the safe passage of vehicles.

5.7 Pedestrians have been put at risk or inconvenienced by indiscriminate parking. Parking occurs on footways, which results in pedestrians being unable to walk past cars without walking on the road. Vehicles are also parked across dropped kerb crossings. Such parking prevents those with mobility problems or pushing prams from using these crossing points. The restrictions will prevent parking at these locations.

5.8 Uncontrolled parking in front of shops reduces the turnover of spaces desired by traders and parking on single yellow line loading restrictions denies the service vehicles this facility, causing them to double-park in order to make deliveries.

5.9 A significant number of individual objectors objected to the 2-hour waiting limit proposed for the car park behind the Cargill Centre. Inverclyde Council has withdrawn this proposal in the face of these objections.

### ***Issues raised by the Kilmacolm Community Council***

5.10 Kilmacolm Community Council suggested the following changes to the existing waiting restrictions to allow more parking in the village centre.

- (1) The *No waiting / No loading at any time* zone on the corner of Lochwinnoch Road and Elphinstone Court should be extended along the length of the east side of Elphinstone Court. This would assist traffic to move to /from Elphinstone Mews.
- (2) The *No waiting* zone immediately beyond the pavement "build out" on the south side of Lochwinnoch Road should be classified as Limited Waiting Type B.

5.11 The loading zone outside the fish shop in Lochwinnoch Road is insufficient to accommodate delivery vehicles larger than a small van. Consequently, they double park to unload. This outweighs any benefit of the loading zone and meanwhile the village is losing three car parking spaces.

5.12 Mr Goddard criticised Inverclyde Council for withdrawing the 2-hour waiting limit in the Cargill Centre car park in the absence of further consultation with the Community Council. He explained that the Community Council favoured a restriction of 3 hours with no return in 2 hours as this best reflected the requirements of the Cargill Centre and the interests of the village shopkeepers. 3 hours was the minimum and 4 hours would be ideal. The Community Council felt that it was representing the views of the silent majority in the village and that the decision to withdraw did not reflect well on the process. Whilst it may be that the statutory requirements in the TRO procedure have been followed, better channels of communication were needed.

5.13 Essentially, Mr Goddard concluded, there is not enough parking to suit the life style of the Kilmacolm residents and this needs to be addressed outside the processing of these TROs. The only reason the present off-street car parking may appear to be adequate is that there are cars parking illegally on the yellow lines. Enforcement of the on-street restrictions will show up the inadequacy.

### ***Inverclyde Council's response***

5.14 The Community Council's suggestion (1) requires separate consideration, as it would require an additional TRO requiring public consultation. Suggestion (2) is an adjustment that can be considered within the 12-month review. Cars parked on the yellow lines are causing the double-parking of delivery vehicles in Lochwinnoch Road and the enforcement of the waiting restrictions should ease this situation. If not, this issue can be re-examined in the review.

5.15 The 2-hour waiting limit proposed for the Cargill Centre car park had been withdrawn in the face of the majority opinion in favour of allowing stays of any duration up to a maximum of 24 hours. The Community Council proposal of restricting parking to 3 hours was the only alternative and, taking into account a survey that had indicated that the car park was of an adequate size, Inverclyde Council decided that it was best to leave it with the original 24-hour restriction. It would be happy to engage with the Community Council in monitoring what happens when the restrictions are enforced.

5.16 Before it was withdrawn, the 2-hours limit was proposed to improve the turnover of spaces in the village centre by encouraging medium stay parking, which it was considered would allow enough time for people to shop or attend other facilities in the village centre. To increase the 1-hour no return period would discourage people from returning. Persons who stayed for more than 2 hours e.g. shop employees, could park at the Station Road and Barr's Brae long stay car parks.

5.17 The statutory procedures had been followed to the letter throughout the process. There had been no need for further consultation with the Community Council prior to the decision to withdraw the 2-hour waiting limit. Inverclyde Council believes that the interests of the Community Council had not been prejudiced, as it had the opportunity of the hearing to promote the 3-hour alternative.

***Issues raised by the individual objector who appeared at the hearing***

5.18 \_\_\_\_\_ resides at \_\_\_\_\_. He acknowledged the sense of encapsulating the restrictions in one document. However, he criticised the TROs for failing to take into account the reality of life in Kilmacolm. The "20's plenty" signs slow down the traffic though the village. The double-parking by delivery vehicles only lasts 10 minutes. Kilmacolm is a rural village, not a town or part of a conurbation and is unsuitable for an urban parking scheme.

5.19 The demand from Kilmacolm and the surrounding area for car parking in the village centre has increased, whilst the parking provision has reduced. \_\_\_\_\_ had carried out his own investigation. This showed that the off-street car parks are full most of the time and people park wherever they can, including on the single yellow lines, because there is no alternative. A long-term car park right in the middle of the village at Smithy Brae and 30-minute on-street car parking would solve the parking problems in Kilmacolm.

5.20 \_\_\_\_\_ urged the council to carry out a critical examination of the necessity for the yellow lines. The double yellows make sense. Some single yellows are sensible where they are designed to keep accesses, pinch points clear. However, there was no reason for the yellow lines opposite the butchers, between the bakers and the "time capsule", from Market Place to Gibson Lane and on the bend opposite Saffron. Removing these yellow lines would provide 20 short-term parking spaces. He also questioned the necessity for the waiting restrictions in Port Glasgow Road, Moss Road and Gilburn Road.

5.21 The council should obtain the views of the Kilmacolm people by holding a well-publicised meeting.

### ***Issues raised by objectors in written submissions***

5.22 In her written submission on behalf of the New Surgery in the Cargill Centre the Practice Manager, Margaret Smyth, acknowledged that limiting waiting time in the Cargill Centre car park would deter people from parking all day, but the restriction to 2 hours would have a detrimental effect on the everyday working of the surgery. She requested the consideration of designated parking bays for doctors, or parking permits. Additional all-day, off-street parking reasonably close to the centre of the village is desirable for workers in the village centre and commuters to workplaces outside the village.

5.23 A number of objectors believe that on-street waiting and loading restrictions will affect trade in the village shops, cafés and businesses. As a retailer in the village ["Etoile" in Market Place] Annette MacKay believes that the proposed changes to the parking arrangements will dissuade people from shopping in Kilmacolm and will damage her business. Many of her customers come to the village for more than two hours at a time. The on-street waiting and loading restrictions will deter customers who pop in for a quick purchase. In other towns parking restrictions have been lifted. In Bothwell, double yellow lines have been removed and businesses report an increase in trade. This approach is increasing retail footfall in town centres in London and elsewhere.

5.24 Fernie and Florence, the florists, have objected stating that they need access to load a vehicle to make deliveries. They are not happy with the prospect of having to move their vehicle to avoid a parking penalty.

5.25 Some objectors believe that parking is difficult even without the proposed on-street restrictions, whilst others consider on-street restrictions area an irritation and dissuade shoppers from visiting local shops.

### ***Inverclyde Council's responses to the individual objections***

5.26 The parking restrictions are designed to help local businesses not hinder them. The restrictions are already in place. It is not proposed to change them, merely to update the format to make them readily enforceable using one comprehensive document. The time limit for on-street limited waiting remains unchanged with people being able to park for up to 30 minutes with no return within 30 minutes. This is sufficient time to make trips to shops, banks and the like and is consistent throughout Inverclyde. If people require more than 30 minutes to go about their business then cars should be parked in one of the three car parks in the village centre.

5.27 The restrictions may be an irritation but they are required to provide safe passage through the village for pedestrians and vehicles. Presently, parking may be difficult in the on-street bays because motorists outstay their 30-minute limit. Since the enforcement of parking has been significantly reduced in the village, parking on single yellow lines has become a habit. This has resulted in delivery vehicles double-parking in the village centre. This causes congestion and increases the risk of accidents. The enforcement of the TRO will remove the need for delivery vehicles to double-park or for deliveries to be missed.

5.28 The council will remove the proposed two hours stay limit from the Cargill Centre car park to allow stays of any duration up to a maximum of 24 hours.

5.29 It would be for the local councillors to promote the provision of a new car park within the framework of Inverclyde Council's annual review of projects. Such a scheme would be the subject of due processing and is a separate matter from the TROs.

5.30 Port Glasgow Road is "A" class and an emergency diversion route. The waiting restriction is on a bend. Parking could create congestion and cause problems during diversions. Moss Road and Gilburn Road are narrow. Parking could cause congestion.

5.31 The single yellow line opposite Fernie and Florence's shop will be available most of the day for loading. The TRO will allow loading provided the vehicle is not left unattended for more than ten minutes. The 30-minute waiting time will allow shoppers to park for up to 30 minutes to visit the florist and other shops in the village.

5.32 It may be that once the enforcement of the existing parking restrictions is resumed it emerges that they need adjusting. However, Inverclyde Council has a tight time frame within which to respond to the national move to decriminalised parking enforcement, hence the decision to keep the pre-existing restrictions unchanged and then to review the TROs in 12 months time. In the meantime, Roads Service is happy to keep the channels of communication open.

***Inverclyde Council's replies to the Reporter's questions***

6.54 The 2-hour limited stays enforced via the disc scheme will deter long-term parking in the Bullring and West Cathcart Street car park.

6.55 No arrangements are in place with the operators of private car parks for co-ordination of tariffs aimed at common objectives.

6.56 The various attempts made to secure a contribution to the council's parking strategy from the disused multi-storey car park in West Stewart Street, which is accessed off Kilblain Street, have failed. The car park is a 1960s construction. It would require considerable financial outlay and works to upgrade it to modern car parking standards and it is not part of the equation.

6.57 It has been estimated that the brown field site beside Greenock Central Station is capable of accommodating up to some 250 vehicles. However, there is no prospect of it being released for park and ride car parking without a compulsory purchase order. In any case it would be costly to make it into a car park.

6.58 The car park the subject of the concession at the rear of Cathcart Buildings is owned by the council and would accommodate a maximum of 30 cars.

6.59 Park and ride facilities are available at Port Glasgow Station, Gourock Station and Greenock Central. The car parks Station Avenue and Cathcart Street East will be charged at £1 per day and will be disc controlled.

6.60 Only Cathcart Street West and the Bullring of the town centre car parks will be free but they will be time-limited with a disc display system.

6.61 The baseline [2009] number of council employees working in Greenock town centre before the rationalisation of the office accommodation was 818. The projected figure following rationalisation (2015) is 747. [These figures were provided post-hearing by agreement with the parties attending the public hearing.]

6.62 The favoured parking strategy was chosen as the one that most closely fulfilled the council's brief that the scheme should minimise parking charges and most closely fulfilled Scottish Government's advice that the scheme should aim to break even. Given the degree of accuracy of the predictions in the business case it was considered that a small deficit of £5000 per year approximated to 'breaking even'.

6.63 The hearing date had coincided with the Easter holidays. A more representative time for the Reporter's inspection of Greenock town centre would be a Thursday morning and afternoon in the last week of April or the first week in May.

[I spent the morning and afternoon of Thursday 1 May observing the parking patterns and pedestrian flows in the town centre. GF]

## CHAPTER 7: REASONED ASSESSMENT OF THE FACTS AND MATTERS IN DISPUTE

### *The strategic justification for the TROs*

7.1 From the key issues that Atkins identified in 2010 (see 2.8 above) it is clear that the situation prior to the withdrawal of the traffic wardens by Police Scotland in May 2011 was far from satisfactory. The evidence suggests that since that time parking behaviour throughout Inverclyde has deteriorated even further with increased incidence of dangerous and obstructive parking occurring throughout much of the Inverclyde urban area.

7.2 In addition to the danger and inconvenience to road users resulting from the current unregulated parking, it is also evident that the lack of available short-stay parking spaces caused by long-stay commuters is stifling the economic vitality of the Inverclyde town centres and is therefore rendering them vulnerable to competition from modern purpose built retail centres that are well provided with highly accessible free of charge car parking.

7.3 Taking into account the general thrust of the strategic policies outlined in Chapter 2, I am in no doubt that the parking problems in Inverclyde are having a seriously damaging effect upon the vibrancy and sustainability of its urban centres. Therefore, whilst various operational aspects of the council's scheme remain to be assessed, I find that the case for parking regulation using decriminalised enforcement procedures is compelling and that the council's strategic justification for its traffic regulation scheme is robust.

### *General and non-area specific issues raised by the Objectors*

7.4 The most contentious operational aspect of the council's scheme is the absence of any provision for residents' and business parking permits. Because of the scale of the provision needed and the inevitable displacement of customer / client parking, I agree with the council that business parking permits would be impractical and counter productive to achieving improved town centre vibrancy. However, I have sympathy for the town centre residents, their relatives and carers, who fear that arbitrary enforcement of the parking restrictions could have a seriously harmful effect on their daily lives.

7.5 I suspect that the objectors are correct in asserting that the £1 all-day parking fee will not deter the long-stay parkers and that many will occupy the available parking spaces throughout the day. It may be that the charging for long-stay car parking should be increased but without parking permits this would make it more costly for town centre residents to park their cars. I understand that a scheme involving resident's permits would be expensive and that it may be difficult to obtain the funding to operate such a scheme. However, I am not persuaded that a residents' permits scheme should be ruled out on the grounds that it fails the self-financing criterion set in the national guidelines. Provided the level of charging is adequate there is no reason why such a scheme should not be viable. On the other hand, it may be that the parking fees necessary to ensure the viability of such a scheme may be too costly for the Inverclyde public and that this could have the negative effect strategically of deterring shoppers and the general public from visiting the town centre and thereby could defeat the main purpose of the scheme.

7.6 I accept that, as elected representatives equipped with local knowledge, the members of Inverclyde Council are well placed to judge what the level of parking charges should be so as not to deter shoppers and visitors and what kind of scheme is likely to be

self-financing. Nevertheless, it is vital in my opinion that the impact of the enforcement of the proposed TROs on town centre residents is reviewed in 12 months time and closely monitored in the meantime. If, at any stage, it is evident that the scheme is having a disproportionately harmful impact on the daily lives of the town centre residents the council should take urgent action to do all it can to relieve the situation and reconsider its decision not to introduce a scheme involving residents' permits.

7.7 Another contentious matter of particular concern to objectors is the impact of the proposed TROs on carers and the disabled. Since much of the discussion was set within the context of Inner and Outer Greenock I consider these issues under that heading.

7.8 I do not accept the view that, rather than making the roads less hazardous, the parking strategy will have the opposite effect of making the roads more dangerous for road users and pedestrians. It may be that the improved circulation will result in slightly higher vehicular speeds but I agree with the council that the enforcement of the restrictions and the improvements for junction visibility and pedestrian safety should reduce road hazards in the TRO areas significantly overall.

7.9 I have no reason to believe that the staffing level and day-to-day running of the parking scheme, including the enforcement of the regulations by the four parking attendants, would not prove satisfactory. The scheme has to be self-financing and therefore the issue as whether or not it should take priority over another project in the council budget should not arise.

7.10 Parking discs allow the enforcement of the parking stay time limit without having to charge for parking. The discs will be available free of charge from shops, banks and other businesses. They are reusable and may be kept easily accessible in a car. They have a proven history of effective use throughout the country and I do not accept either that they are unworkable or that they are difficult to understand.

7.11 The consultation period held from 15 July to 5 August 2013 accorded with the 21-day consultation period required in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and the procedural requirements have been adhered to throughout the process. In addition, there has been a commendable level of community involvement and the consultation avoided the traditional holiday fortnight in Inverclyde. There is no reason to believe that the choice of dates has prejudiced anyone unfairly.

7.12 The implications of a waiting restriction outside a property for its market value are not a relevant matter in assessing the merits of the TROs.



7.25 Whilst a 2-hour stay may be difficult to justify in the Cathcart Street on-street parking bays, increasing the 30-minute stay to 1-hour would provide more comfortable time for shopping and visits to banks and other services. In addition, extending the permitted stay to 1-hour would reduce the amount of parking manoeuvres generated by the on street parking bays, thereby reducing the hazards for motorists and pedestrians and increasing the efficient flow of traffic along Cathcart Street.

7.26 Similarly, it seems to me that there is no convincing reason why an increase in the duration of maximum stay in the Bullring car park from 2-hours to 3-hours should not be conceded as argued by objectors. The extra hour would allow a more comfortable time for comparison-shopping in the retail core and attending town centre business meetings.

7.27 None of these suggested increases in permitted stay would attract significant numbers of commuters to the designated free of charge medium-stay car parks. Instead, by increasing the available time for shopping and business related activities, the car parking regulations would increase the attraction of Greenock town centre as a shopping destination. This in turn would be significant in improving its performance in competition with purpose-built, car accessible regional shopping centres. Moreover, the additional time allowed for parking will reduce significantly the traffic and unsustainable car travel created by drivers searching the town centre for another parking location in order to comply with the regulations, with consequential benefits for road safety and the environment.

### ***Gourock, Inverkip and Wemyss Bay Objections***

7.28 There are 3 maintained objections in this area and all three relate to the proposals in Gourock.

7.29 Julie McIntosh and supporting petitioners object to the harmful impact that they believe the proposed no waiting restrictions on Cove Road and surrounding streets will have on her café business at the junction with Cardwell Road. After negotiating the new traffic signals several times and observing the parking patterns and traffic flows, I am satisfied that the yellow line restrictions are the minimum required to keep the approaches to this and the other junctions in the area free of parked vehicles and the heavily parked streets safe, accessible and free of congestion.

7.30 I agree with the council that to remove or reduce the restrictions in the Cardwell Road area as advocated by \_\_\_\_\_ would result in visibility being dangerously compromised due to vehicles being parked too close to junctions.

7.31 \_\_\_\_\_ objection is a separate legal matter involving his right to a loading bay within the Kempock Street car park and may be resolved with the construction of a new road.

### ***Port Glasgow, Kilmacolm and Quarriers Village***

7.32 There are sixteen maintained objections in this area and all sixteen relate to the proposals in Kilmacolm.

7.33 My inspection confirmed that Kilmacolm is an attractive settlement with a distinct village character. It is also evident that it enjoys a healthy range of local shopping provision

and other service facilities. The multi-purpose Cargill Centre is a focus for much of the community activity in the village. The retail and servicing vibrancy of Kilmacolm combined with the high car ownership in the area is reflected in the amount of traffic using its streets, the heavy demand for parking and the lack of observance of the parking restrictions. Given the busy traffic conditions, it is obvious that the village is a place in need of an effective parking scheme and it is unrealistic for objectors to argue otherwise.

7.34 Throughout the time that I spent in Kilmacolm the Cargill Centre car park was consistently full until late in the afternoon and motorists were fortunate if they found a parking space. Given the results of the 2013 Parking Duration of Stay Survey, it is surprising therefore that Roads Service has abandoned its proposed 2-hour waiting limit for this car park. Indeed, in view of the significant role of the community activities in the Cargill Centre and their likely duration, I see merit in the 3-hour restriction promoted by the Community Council. However, the concession abandoning the 2-hour limit has been made and persons who on the basis of the concession have withdrawn their objections to TRO C134 or decided not to attend the hearing could be prejudiced if the council were to reverse its decision without a further consultation procedure.

7.35 Along the shopping frontages the enforcement of the restrictions should improve the opportunities for short-term parking. Given the convenient distances in the compact village centre, the 30-minute waiting time applying to on-street parking bays should be adequate to allow shoppers to visit shops, banks and other facilities. The consequent increased turnover in the occupation of the available spaces should help to ensure the continuing vitality of the retail businesses. Observance of the restrictions should also address obstructive parking at junctions and kerb crossings; thus making for a much safer and convenient shopping environment.

7.36 The enforcement of the TRO will remove the illegal parking that forces delivery drivers to double-park in order to unload their vehicles. During my inspection I witnessed the obstruction to the traffic flow that occurs due to the frequent double-parking of delivery lorries. I saw how without the kerbside space to unload delivery drivers have to park their vehicles on the double yellow lines blocking the visibility for motorists exiting the Cargill Centre car park. It is imperative that the no waiting restrictions are enforced to prevent serious road accidents occurring at this location and elsewhere in the village centre.

7.37 During my time in Kilmacolm I noted the dearth of vacant spaces in all three of its car parks. It is likely that enforcement of the restrictions will generate further pressure on the roads authority to provide an additional car park in the village but this is a separate matter for the council to consider. The parking difficulties for the medical practitioners at the New Surgery may warrant investigation as part of the 12-month review.

7.38 Bearing in mind its role as an emergency diversion route, I share the council's concern to avoid on-street parking that could obscure forward visibility and lead to congestion on the Port Glasgow Road. Inspection confirms that Moss Road and Gilburn Road are both narrow and vulnerable to congestion caused by the parking of cars. Therefore I see no justification to remove the restrictions from these streets.

## CHAPTER 8: CONCLUSION AND RECOMMENDATION

8.1 I conclude that the council's proposals for the reintroduction of enforced car parking regulation in Inverclyde are strategically robust and that, subject to the operational modifications aimed at increasing the attractiveness of the medium stay parking facilities in Inner Greenock outlined at 7.24 – 7.27 above, the proposed Traffic Regulation Orders are worthy of support.

8.2 I recommend that Inverclyde Council confirm all five of the Orders with modification to the maximum periods of stay in the Bullring and Cathcart Street West car parks and the Cathcart Street and William Street on-street parking bays (Orders C134 and C130).

*Gerry Farrington*

Reporter

29<sup>th</sup> May 2014

## APPENDIX 1 DOCUMENTS SUBMITTED IN EVIDENCE TO THE HEARING

### Documents submitted on behalf of Inverclyde Council:

Inverclyde Council's Statements of Case for the five Traffic Regulation Orders

The 5 Traffic Regulation Orders and accompanying maps

A copy of the report to Inverclyde Council Safe, Sustainable Communities Committee dated 8 March 2011 advising the Committee of the recommendations of the Greenock Town Centre Parking Study and seeking approval to further develop the recommended schemes.

Greenock Town Centre Parking Strategy and Business Case July 2010 (the Atkins study)

Cargill Centre – Parking Duration of Stay Survey, Tuesday 15 January 2013

Extract from Local Authority Circular 1/95 Guidance on Decriminalised Parking Enforcement Outside London

A copy of the Local Authorities' Traffic Regulation Order (Procedures) (Scotland) Regulations 1999 (the 1999 Regulations)

The following information: (i) the dates of the publication of the proposals under Regulation 5 of the 1999 Regulations and (ii) the dates of any consultations under Regulation 6 of the 1999 Regulations

Copies of the notices and other publicity published under Regulation 5 of the 1999 Regulations

Copies of all the consultations and consultation replies from persons whom the council is required to consult under Regulation 6 of the 1999 Regulations

### Documents submitted on behalf of Wellpark Mid Kirk, Cathcart Square

Reverend Alan Sorensen's speaking notes

APPENDIX 2 – CORRESPONDENCE BETWEEN OBJECTOR AND IC

APPENDIX 2

3 Belmont Road  
Kilmacolm  
PA13 4LZ  
13<sup>th</sup> June 2017

Mr Gerald Malone  
Head of Legal and Property Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY



Dear Sir

**The Inverclyde Council (various roads) (Port Glasgow,  
Kilmacolm & Quarriers Village)**  
**(Waiting Restrictions) (Variations No.4) Order 2017**

I refer to your reply letter dated 5<sup>th</sup> June 2017 regarding my objection to the removal of the Parking Disc currently being deployed in Kilmacolm.

Having read over your reply to my letter, I still wish to object to the removal of the Parking Disc on the same grounds made in my original letter dated 3<sup>rd</sup> May 2017.

I have also have added several points made by you to me in my reply.

- 1 The removal of the Parking Disc leaves the car owner into a false sense of security, not knowing when their time is up. Retention of the Parking Disc lets both parties know when their parking time limit is up.
- 2 You make reference to the Traders in Kilmacolm having argued that visitors are unfamiliar with the Parking Disc system and are unwillingly falling foul of this rule and are losing trade as a result. The Parking Disc system works well in other parts of Inverclyde and in particular Gourock, who will have many more visitors than Kilmacolm. Visitors to this town seem to have no difficulty in understanding the Parking Disc zone. It has never been produced in hard factual evidence that these traders are losing trade due to introduction of the Parking Disc system in Kilmacolm.
- 3 At the monthly meeting of Kilmacolm Community Council dated 29th November 2016. The Community Council voted by a majority not to support the abolishment of the Parking Disc zone in the village.

I have copied the Minutes from the Meeting of KCC dated 29<sup>th</sup> November 2016 and approved at their Meeting on the 31<sup>st</sup> January 2017

I look forward to your reply.

Yours sincerely

  
Normie Johnstone

## Copy of the Minutes of the Kilmacolm Community Council Meeting held on 29<sup>th</sup> November 2016

7. Roads, Pavements, Street Lighting, Parks and Open Spaces The Secretary explain that the Inverclyde Environment and Regeneration Committee at their meeting on 27 October 2016 had agreed that the Environmental and Commercial Services officers would meet with the Kilmacolm traders and KCC to discuss the petition the traders had submitted. The petition was a request to abolish the parking disc zone in Kilmacolm. It had been decided that the KCC would clarify the request with the traders before discussing the matter at a meeting of the community council. The outcome of this discussion would be conveyed to the council officials. The meeting with the officials had been arranged for 13 December 2016. The Secretary reported that he had meet with Mr. James Kelly who had clarified that the traders wished for the abolition of the current parking time restrictions as they related to the designated on-street parking spaces in Kilmacolm. The Chair invited comments from those at the meeting. In the ensuing lively discussion the concerns, views and opinions of those present were expressed and noted by the community councillors who voted by a majority not to support the abolition of the current parking time. The KCC shares the concern about the decline of the footfall in some of the village shops and businesses and is sympathetic to the trading situation in the village. The majority view of the community councillors was, however, that the solution being proposed by the traders would be counterproductive and could exacerbate the current problems with inconsiderate parking.

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Our Ref: JK/JD ECO1466  
Your Ref:  
Date: 5 June 2017

Scott Allan BSc., C.Eng., M.I.C.E.  
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## **FIRST CLASS SIGNED FOR**

Mr. Norrie Johnstone,  
3 Belmont Road  
KILMACOLM  
PA13 4LZ



Dear Mr. Johnstone,

### **Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 4) Order 2017**

I refer to your letter dated 3<sup>rd</sup> May 2017 objecting to the above proposed Traffic Regulation Order.

The Head of Environmental & Commercial Services has noted and considered your objections and would respond to your grounds for objection as follows:-

#### **Point 1**

*The Council do not propose to remove parking restrictions from Kilmacolm. The existing 2 hour limited waiting restriction will continue to apply on-street and this Order simply proposes the removal of the requirement to display a Parking Disc. Presently Parking Attendants visit the village and review the time displayed on the Parking Disc to determine if the person who parked the vehicle has overstayed their time. If Parking Discs are no longer required the Parking Attendants will make other observations to determine if the vehicle has been parked for too long.*

#### **Point 2**

*Although this is Variation 4, only 2 of these related to Kilmacolm. The first was to increase the duration of on-street limited waiting from 30 minutes to 2 hours and to introduce the use of Parking Discs. This is the second variation. We anticipate that any future variations would only be for minor changes such as the introduction of new waiting or loading restrictions at a location not already covered by a TRO.*

#### **Point 3**

*Traders in Kilmacolm have argued that a large number of visitors to the village are unfamiliar with the Parking Disc system and are unwittingly falling foul of this rule despite the signage being sufficiently clear and meeting the required regulations. Traders argue that they are losing trade as a result. The Council have considered the representations made to it by traders and are prepared to promote this TRO.*



**Point 4**

*(a) This is the reason traders are arguing that the Parking Discs should be removed, to allow visitors to park without fear of forgetting to display a Parking Disc or indeed not knowing that there is a requirement to display a Parking Disc despite the signage being sufficiently clear and meeting the required regulations; and (b) the removal of Parking Discs will have no impact on the issue of Penalty Charge Notices (PCNs) for this parking behaviour.*

**Point 5**

*There is nothing to stop other towns and villages from requesting this type of variation. It would then be the responsibility of the Council to consider if there is an argument for promoting a TRO in these areas to remove the requirement to display Parking Discs. If such a decision was made it would be subject to the due statutory legal process which would include public consultation and would be open to objection.*

**Point 6**

*Council Officers and Elected Members met with traders and community representatives and reported to the Environment & Regeneration Committee which decided to promote this TRO to remove the requirement to display parking discs. The due statutory legal process allows anyone to object to the TRO.*

**Final paragraph**

*The Council propose to undertake a study of off-street parking in the village this financial year. This study will seek to determine if additional parking is required, how much additional parking is required and if necessary, locations for new car parking. This study is not related to this proposed TRO.*

*I trust the above addresses all of your concerns and allows you to consider your position on your objection to this TRO.*

However, should you feel that this information does not address your concerns, the Scottish Government has established a procedure under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 which provides for a Hearing to consider maintained objections.

I trust that the above is of assistance to you and addresses your queries, however, please do not hesitate to contact Elaine Provan, Supervisory Engineer – Traffic & Transportation (Tel: 01475 714800) should you require any further information.

If you maintain your objections, the Council will require to consider whether or not it is necessary to convene a Hearing in terms of the Regulations. **Unless I hear from you to the contrary, within 14 days of the date of this letter, I will assume that your objection is being maintained.**

If a Hearing is to be arranged, you will be notified of your right to be heard by or represented before the Independent Reporter or a Special Meeting of the relevant Council Committee. If you wish to exercise this right you will be given at least 21 days' notice of the date of the Hearing. Please also note that any person having an interest in the subject matter of any hearing which may be convened has the right to send written representations for the consideration of the Reporter or the Special Committee.

Yours sincerely,

  
**Gerard Malone**  
Head of Legal and Property Services

3 Belmont Road  
Kilmacolm  
PA13 4LZ

3<sup>rd</sup> May 2017



The Head of Legal & Property Services  
Municipal Buildings  
Greenock  
PA15 1LX

Dear Sirs

**The Inverclyde Council (various roads) (Port Glasgow,  
Kilmacolm & Quarriers Village)  
(Waiting Restrictions) (Variations No.4) Order 2017**

I write to object to the above order and variations on the following grounds.

- 1 Inverclyde Council have not presented an alternative plan or proposal to the removal of the above order.
- 2 What's to say that in 3/6/9/12 months' time Inverclyde Council will be presenting or proposing an alternative solution. (we are now on variation No. 4). How many more variations are they going to be?
- 3 It is well documented that the system of using the Parking Disc works when used correctly.
- 4 It is also well documented that the majority of the parking tickets being issued are for, (a) not displaying the parking disc, (b) parking on single or double yellow lines.
- 5 If this variation is implemented, what's to stop other towns and villages in the district making an approach to the Council to have their restrictions changed?
- 6 The representation made by some of the local shopkeepers is irrelevant. They cannot dictate that you must shop in the village. Again, the correct use of the Parking Disc system shows a continual movement of cars. Before, when there was no parking restrictions were in place, cars would park all day leaving little or no movement of cars/spaces.

Would it not be better to provide alternative long term parking facilities in the village? Currently there are only three long term facilities in the village.

Yours faithfully



Norrie Johnstone