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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>14 March 2019</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration and Resources</b>	<b>Report No:</b>	<b>LP/041/19</b>
<b>Contact Officer:</b>	<b>Peter MacDonald</b>	<b>Contact No:</b>	<b>01475 712618</b>
<b>Subject:</b>	<b>Proposed Traffic Regulation Order – The Inverclyde Council (Various Roads) (Gourock, Inverkip &amp; Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018. 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) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018 (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 persons who have, as part of the public consultation, objected to the Proposed TRO (the Objectors); and
- Facilitate the effective fair and proper hearing by the Committee of the Objectors who have not withdrawn their objections in order that the Committee can consider their objections (the Objections) and come to a formal recommendation on the Proposed TRO.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 Service – Roads and Transportation 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 a result of which two Objections were received and maintained.

2.3 It is necessary that the Objectors 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 Objectors have 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 Objections.
- 3.3 Allow the Objectors an opportunity to be heard at the special meeting in accordance with the Rules of Procedure.
- 3.4 Consider the Objections and such oral representations on it made by the Objectors and officers at the special meeting and thereafter **either**:
  - 3.4.1 Dismiss the Objections, 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 Service – Roads and Transportation and the Head of Legal and Property Services to arrange for its implementation in accordance with the statutory procedure;
  - or**
  - 3.4.2 Uphold in whole or in part the Objections and remit it to the Head of Service – Roads and Transportation and the Head of Legal and Property Services to amend the terms of the Proposed TRO to deal with the part or parts of the Objections 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 and 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 Service - Roads and Transportation 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 17 January 2019 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 Objectors since that date to advise them of the arrangements for and proposed procedure at this special meeting. Officers have provided the Objectors with a statement of case which sets out the position of the Head of Service – Roads and Transportation as regards the Proposed TRO; the statement of case is in Appendix 4.
- 4.4 Appendix 2 provides the full text of both the Objections 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 Objectors an opportunity to be heard by them. This special meeting is therefore necessary to permit the Objectors to be heard by the Committee in terms of the recommendations above.
- 4.6 As the hearing of Objections 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 Objectors 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 TROs, only certain decisions of the Committee in this matter are competent. Further it is vital that the Objectors have 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 Objections; to uphold the Objections; or to uphold part of the Objections and dismiss other parts of the Objections. If the Objections are 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
Decriminalised parking	Traffic signs	19/20	£1,000	N/A	Contained within overall Decriminalised Parking budget

### 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 two Objections have been received and maintained. Before making the TRO, the Council must take into consideration any Objections timeously received and give the Objectors who maintain their Objections 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 Service – Roads and Transportation has been consulted on 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



71 Cloch Road  
Gourock  
PA19 1AU

21 November 2018

SUBJECT: OBJECTION to TRAFFIC REGULATION ORDER - The Inverclyde Council  
(Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6)  
Order 2018

FAO Gerard Malone

I am writing to object to the above mentioned Traffic Regulation Order.

I object to this order as it currently stands due to the negative effect it will have on my family and other residents of Cloch Road, Gourock.

Cloch Road has become increasingly busy with parked cars who are passengers of the Western Ferries. This has made it increasingly difficult for residents to park their own cars and results in residents having to park some distance from their homes. This problem has steadily gotten worse since the Western Ferries were denied planning permission to reclaim land and build a car park for their customers. As a result the residents of Cloch Road have been severely negatively affected by the amount of people parking to use the Western Ferries.

I accept that I may not be able to park directly outside my house however the increasing distances we have to park away from our house will only get worse when this order is brought in, meaning we are facing having to park 0.4 miles or more away from our home on a regular basis because parking nearer our house will be monopolised by Western Ferries customers. My sister in particular will struggle with this as she has a chronic autoimmune condition which affects her mobility at times and I feel having to consistently park a significant distance away from our home is unacceptable.

This traffic regulation order will severely negatively impact the residents of Cloch Road and will likely leave us with no parking at all whilst Western Ferry customers use all available parking space. I do not feel this is fair that we should have to suffer for our proximity to the ferry business as this is our home.

Therefore this regulation order in its current form is not suitable for purpose as it affects Cloch Road, Gourock, and as such I must strongly object to its introduction without substantial modifications being made as mentioned above.

I look forward to your response.

Yours Faithfully

Gemma Brown



Enquiries to: Joanna Dalgleish  
Telephone: 01475 712123  
E-mail: joanna.dalgleish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: 27 November 2018

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712123  
[joanna.dalgleish@inverclyde.gov.uk](mailto:joanna.dalgleish@inverclyde.gov.uk)

**FIRST CLASS**

Ms. Gemma Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU

COF

Dear Ms Brown,

**Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018**

I acknowledge safe receipt of your letter of 21<sup>st</sup> November, received by me on 23<sup>rd</sup> November, in which you object to the above proposed Traffic Regulation Order.

I have today forwarded your letter of objection to the Head of Environmental & Public Protection for consideration and upon receipt of his comments, I will provide you with a full response.

I will be in further contact in due course.

Yours sincerely,

  
Gerard Malone  
Head of Legal and Property Services

Enquiries to: Joanna Dalgleish  
Telephone: 01475 712123  
E-mail: joanna.dalgleish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: 6 December 2018

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712123  
[joanna.dalgleish@inverclyde.gov.uk](mailto:joanna.dalgleish@inverclyde.gov.uk)

## **FIRST CLASS SIGNED FOR**

Ms. Gemma Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU



Dear Ms Brown,

### **Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018**

I refer to my letter of 27<sup>th</sup> November 2018.

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

*I have noted that you feel the proposed restrictions will have an adverse impact on your family and their ability to park near the family home.*

*Whilst we recognise that parking may be difficult at times, our proposals are not intended to exacerbate the parking issues for residents of Cloch Road. The intention of the proposed waiting restrictions is to improve road safety on this section of road for all road users i.e. pedestrians, cyclists and vehicles. Cloch Road is not wide enough to accommodate parking on both sides and this has led to vehicles parking on the shared footway/ cycleway. Parking on the shared footway/ cycleway has in turn led to complaints and requests for action from members of the public.*

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.

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.

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.**

1.

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.

Inverclyde Council's Privacy Notice explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process and a copy of this Notice is attached for your information.

I look forward to hearing further from you in this connection.

Yours sincerely,



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

Enquiries to: Joanna Dalglish  
Telephone: 01475 712123  
E-mail: joanna.dalglish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: 18 January 2019

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

**FIRST CLASS SIGNED FOR**

Ms. Gemma Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU

KX 5949 1367 4GB

COPY

Dear Ms. Brown,

**Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting  
Restrictions) (Variation No. 6) Order 2018  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

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

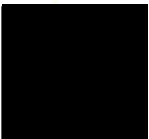
I write to confirm that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection and, as a person who has objected to the proposed Traffic Regulation Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 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 take this opportunity to attach a copy of Inverclyde Council's Privacy Notice which explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process.

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 in this connection.

Yours faithfully,



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

## Permanent Traffic Regulation Order Privacy Notice

### How to contact us

Inverclyde Council will act as the 'Data Controller' in regard to the personal data you provide to us. The 'Data Controller' is based at Inverclyde Council, Information Governance, Municipal Buildings, Clyde Square, GREENOCK, PA15 1LY.

The Council's Data Protection Officer is Andrew Greer who can be contacted at [dataprotection@inverclyde.gov.uk](mailto:dataprotection@inverclyde.gov.uk) and by telephone on 01475 712498.

### What information do we need?

Unless specifically agreed with you, we will only collect personal data about you which does not include any special categories of personal information about you. The information will however include details such as:

- name
- address
- previous address
- date of birth
- email address
- telephone number

### Why we need this information?

You are giving the Council your personal information to allow us to make fully informed decisions when carrying out the statutory process in line with 'The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999'. The Council also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

### Legal basis for using information

The Council provides these services to you as part of our statutory function as your local authority. You can find more details of our role on the [Council's website](#).

Processing your personal information is necessary for the performance of a task carried out in the public interest by the Council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

### **What we will do with your information?**

All of the information we collect from you will be processed by staff in the United Kingdom.

The Council is legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. The Council may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes. The Council are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. The Council will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information will be shared with other Council departments, such as Roads and Legal Services. It will form part of any relevant Inverclyde Council Committee Report(s) in respect of the proposed Order and may also be shared with an independent Reporter, should a Reporter require to be appointed by the Council to hold a Public Hearing to consider the proposed Traffic Regulation Order and your information could therefore form part of any Report issued by an independent Reporter.

The Council analyses your information internally to help us improve the Council services. This data sharing is covered in the Council's full privacy notice on the Council's website. It also forms part of the Council requirements in line with the Council Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

In general the Council does not transfer personal data outside either the UK or the European Union and on the rare occasions when it does so the Council will inform you. The Council will only transfer data outside the UK and the EU when it is satisfied that the party which will handle the data and the country it is processing it in will provide adequate safeguards for personal privacy.

### **How long will we keep your information?**

The Council maintains a Policy for the Retention and Disposal of Documents and Records Paper and Electronic which sets out how long we hold different types of information for. This is available on the Council's website at <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information> or you can request a hard copy from the contact address previously stated above.

### **Your Rights**

When you provide information to the Council, you will have the following rights:

- To withdraw consent at any time, where the "legal basis for using information" specified above is consent
- To request access to your personal data
- To object, where the legal basis specified above is: i) performance of a task carried out in the public interest or ii) legitimate interests
- To data portability, where the legal basis specified above is i) consent or ii) performance of a contract
- To request rectification or erasure of your personal data, as so far as the legislation permits

**Automated Decision Making**

Not Applicable

**Complaints**

In addition, if you are unhappy with the way the Council have processed your personal data you have the right to complain to the UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, 08456 30 60 60, Email: [www.ico.gov.uk](http://www.ico.gov.uk) but you should raise the issue with the Council's Data Protection Officer first.

**More information:**

For more details on how the Council processes your personal information visit [www.inverclyde.gov.uk/privacy](http://www.inverclyde.gov.uk/privacy)

If you do not have access to the internet you can contact the Council via telephone to request hard copies of our documents.



Nissa and Gemma Brown  
71 Cloch Road  
Gourock  
PA19 1AU

28<sup>th</sup> January 2019

Legal and Property Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Dear Sir/Madam

**RE: Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting  
Restrictions) (Variation No. 6) Order 2018  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

With reference to your letter dated 18<sup>th</sup> January 2019, we write to confirm our attendance at the Special Meeting of the Committee and await confirmation of the details of this meeting.

Yours faithfully

Nissa and Gemma Brown



Enquiries to: Joanna Dalgleish  
Telephone: 01475 712123  
E-mail: joanna.dalgleish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: 7 February 2018

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

**FIRST CLASS SIGNED FOR**  
Ms Gemma Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU

Dear Ms. Brown,

**Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting  
Restrictions) (Variation No. 6) Order 2018  
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 18<sup>th</sup> January 2019 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 **3.00pm on Thursday 14<sup>th</sup> March 2019** 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 18<sup>th</sup> January 2019, 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 **25<sup>th</sup> February 2019**. 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 **25<sup>th</sup> February 2019**.

I have noted from our previous correspondence that you will attend the above Special Meeting.

I look forward to hearing further from you.

Yours faithfully,

  
Gerard Malone  
Head of Legal and Property Services

71 Cloch Road  
Gourock  
PA19 1AU

21 November 2018

SUBJECT: OBJECTION to TRAFFIC REGULATION ORDER - The Inverclyde Council  
(Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6)  
Order 2018

FAO Gerard Malone

I am writing to object to the above mentioned Traffic Regulation Order.

I object to this order as it currently stands due to the negative effect it will have on my family and other residents of Cloch Road, Gourock.

Cloch Road has become increasingly busy with parked cars who are passengers of the Western Ferries. This has made it increasingly difficult for residents to park their own cars and results in residents having to park some distance from their homes. This problem has steadily gotten worse since the Western Ferries were denied planning permission to reclaim land and build a car park for their customers. As a result the residents of Cloch Road have been severely negatively affected by the amount of people parking to use the Western Ferries.

I accept that I may not be able to park directly outside my house however the increasing distances we have to park away from our house will only get worse when this order is brought in, meaning we are facing having to park 0.4 miles or more away from our home on a regular basis because parking nearer our house will be monopolised by Western Ferries customers. I in particular will struggle with this as I have a chronic autoimmune condition which affects my mobility at times and I feel having to consistently park a significant distance away from our home is unacceptable.

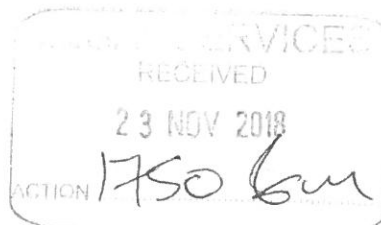
This traffic regulation order will severely negatively impact the residents of Cloch Road and will likely leave us with no parking at all whilst Western Ferry customers use all available parking space. I do not feel this is fair that we should have to suffer for our proximity to the ferry business as this is our home.

Therefore this regulation order in its current form is not suitable for purpose as it affects Cloch Road, Gourock, and as such I must strongly object to its introduction without substantial modifications being made as mentioned above.

I look forward to your response.

Yours Faithfully

Nissa Brown



Enquiries to: Joanna Dalglish  
Telephone: 01475 712123  
E-mail: joanna.dalglish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: 27 November 2018

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712123  
[joanna.dalglish@inverclyde.gov.uk](mailto:joanna.dalglish@inverclyde.gov.uk)

**FIRST CLASS**

Ms. Nissa Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU

COPY

Dear Ms Brown,

**Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018**

I acknowledge safe receipt of your letter of 21<sup>st</sup> November, received by me on 23<sup>rd</sup> November, in which you object to the above proposed Traffic Regulation Order.

I have today forwarded your letter of objection to the Head of Environmental & Public Protection for consideration and upon receipt of his comments, I will provide you with a full response.

I will be in further contact in due course.

Yours sincerely,

  
Gerard Malone  
Head of Legal and Property Services

Enquiries to: Joanna Dalgleish  
Telephone: 01475 712123  
E-mail: [joanna.dalgleish@inverclyde.gov.uk](mailto:joanna.dalgleish@inverclyde.gov.uk)  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: 6 December 2018

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Tel: 01475 712123  
[joanna.dalgleish@inverclyde.gov.uk](mailto:joanna.dalgleish@inverclyde.gov.uk)

## **FIRST CLASS SIGNED FOR**

Ms. Nissa Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU



Dear Ms Brown,

### **Proposed Traffic Regulation Order - The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018**

I refer to my letter of 27<sup>th</sup> November 2018.

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

*I have noted that you feel the proposed restrictions will have an adverse impact on your family and their ability to park near the family home.*

*Whilst we recognise that parking may be difficult at times, our proposals are not intended to exacerbate the parking issues for residents of Cloch Road. The intention of the proposed waiting restrictions is to improve road safety on this section of road for all road users i.e. pedestrians, cyclists and vehicles. Cloch Road is not wide enough to accommodate parking on both sides and this has led to vehicles parking on the shared footway/ cycleway. Parking on the shared footway/ cycleway has in turn led to complaints and requests for action from members of the public.*

*I am sorry to hear of your ill health and we do not wish to exacerbate your situation. I would advise that if you hold a blue badge you may be eligible to apply for a Disabled Persons' Parking Place to be located close to your property which could assist you with parking. The application process takes approximately 12 months so an early application is recommended if this is something which you think you would be beneficial to you. Please do not hesitate to contact me further should you wish to commence the application process for a Disabled Persons' Parking Place.*

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.

1.

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.

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.

Inverclyde Council's Privacy Notice explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process and a copy of this Notice is attached for your information.

I look forward to hearing further from you in this connection.

Yours sincerely,



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

Enquiries to: Joanna Dalglish  
Telephone: 01475 712123  
E-mail: joanna.dalglish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: **18 January 2019**

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY



**FIRST CLASS SIGNED FOR**

Ms. Nissa Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU

COPY

Dear Ms. Brown,

**Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting  
Restrictions) (Variation No. 6) Order 2018  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

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

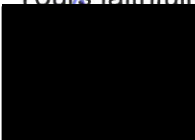
I write to confirm that a Special Meeting of the Environment and Regeneration Committee is to be held in this connection and, as a person who has objected to the proposed Traffic Regulation Order, in accordance with Section 9(1) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 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 take this opportunity to attach a copy of Inverclyde Council's Privacy Notice which explains how the Council will use any personal data you have provided as part of the Traffic Regulation Order process.

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 in this connection.

Yours faithfully,



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

## **Permanent Traffic Regulation Order Privacy Notice**

### **How to contact us**

Inverclyde Council will act as the 'Data Controller' in regard to the personal data you provide to us. The 'Data Controller' is based at Inverclyde Council, Information Governance, Municipal Buildings, Clyde Square, GREENOCK, PA15 1LY.

The Council's Data Protection Officer is Andrew Greer who can be contacted at [dataprotection@inverclyde.gov.uk](mailto:dataprotection@inverclyde.gov.uk) and by telephone on 01475 712498.

### **What information do we need?**

Unless specifically agreed with you, we will only collect personal data about you which does not include any special categories of personal information about you. The information will however include details such as:

- name
- address
- previous address
- date of birth
- email address
- telephone number

### **Why we need this information?**

You are giving the Council your personal information to allow us to make fully informed decisions when carrying out the statutory process in line with 'The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999'. The Council also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

### **Legal basis for using information**

The Council provides these services to you as part of our statutory function as your local authority. You can find more details of our role on the [Council's website](#).

Processing your personal information is necessary for the performance of a task carried out in the public interest by the Council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.



## **What we will do with your information?**

All of the information we collect from you will be processed by staff in the United Kingdom.

The Council is legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. The Council may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes. The Council are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. The Council will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

Your information will be shared with other Council departments, such as Roads and Legal Services. It will form part of any relevant Inverclyde Council Committee Report(s) in respect of the proposed Order and may also be shared with an independent Reporter, should a Reporter require to be appointed by the Council to hold a Public Hearing to consider the proposed Traffic Regulation Order and your information could therefore form part of any Report issued by an independent Reporter.

The Council analyses your information internally to help us improve the Council services. This data sharing is covered in the Council's full [privacy notice](#) on the Council's website. It also forms part of the Council requirements in line with the Council Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

In general the Council does not transfer personal data outside either the UK or the European Union and on the rare occasions when it does so the Council will inform you. The Council will only transfer data outside the UK and the EU when it is satisfied that the party which will handle the data and the country it is processing it in will provide adequate safeguards for personal privacy.

## **How long will we keep your information?**

The Council maintains a Policy for the Retention and Disposal of Documents and Records Paper and Electronic which sets out how long we hold different types of information for. This is available on the Council's website at <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information> or you can request a hard copy from the contact address previously stated above.

## **Your Rights**

When you provide information to the Council, you will have the following rights:

- To withdraw consent at any time, where the "legal basis for using information" specified above is consent
- To request access to your personal data
- To object, where the legal basis specified above is: i) performance of a task carried out in the public interest or ii) legitimate interests
- To data portability, where the legal basis specified above is i) consent or ii) performance of a contract
- To request rectification or erasure of your personal data, as so far as the legislation permits

**Automated Decision Making**

Not Applicable

**Complaints**

In addition, if you are unhappy with the way the Council have processed your personal data you have the right to complain to the UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, 08456 30 60 60, Email: [www.ico.gov.uk](http://www.ico.gov.uk) but you should raise the issue with the Council's Data Protection Officer first.

**More information:**

For more details on how the Council processes your personal information visit [www.inverclyde.gov.uk/privacy](http://www.inverclyde.gov.uk/privacy)

If you do not have access to the internet you can contact the Council via telephone to request hard copies of our documents.

Nissa and Gemma Brown  
71 Cloch Road  
Gourock  
PA19 1AU

28<sup>th</sup> January 2019

Legal and Property Services  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Dear Sir/Madam

**RE: Proposed Traffic Regulation Order  
The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting  
Restrictions) (Variation No. 6) Order 2018  
The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999**

With reference to your letter dated 18<sup>th</sup> January 2019, we write to confirm our attendance at the Special Meeting of the Committee and await confirmation of the details of this meeting.

Yours faithfully

Nissa and Gemma Brown



Enquiries to: Joanna Dalglish  
Telephone: 01475 712123  
E-mail: joanna.dalglish@inverclyde.gov.uk  
Our Ref: JK/JD ECO1511  
Your Ref:  
Date: **7 February 2018**

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

Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

## **FIRST CLASS SIGNED FOR**

Ms Nissa Brown  
71 Cloch Road  
GOUROCK  
PA19 1AU

Dear Ms. Brown,

### **Proposed Traffic Regulation Order**

**The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018**  
**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 18<sup>th</sup> January 2019 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 **3.00pm on Thursday 14<sup>th</sup> March 2019** 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 the proposed Order to which the Council intends to refer at the Special Meeting.

As explained to you in my earlier letter of 18<sup>th</sup> January 2019, 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 **25<sup>th</sup> February 2019**. 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 **25<sup>th</sup> February 2019**.

I have noted from our previous correspondence that you will attend the above Special Meeting.

I look forward to hearing further from you.

Yours faithfully,



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



# APPENDIX 3

**THE INVERCLYDE COUNCIL**  
**(VARIOUS ROADS) (GOUROCK, INVERKIP &**  
**WEMYSS BAY) (WAITING RESTRICTIONS)**  
**(VARIATION NO. 6) ORDER 2018**

**TRAFFIC REGULATION ORDER**

**THE INVERCLYDE COUNCIL  
(VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY)  
(WAITING RESTRICTIONS) (VARIATION NO. 6) ORDER 2018**

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, 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) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018”.

**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) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 6) Order 2018 On-Street Plans” are hereby incorporated into “The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013” and recorded in “The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (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.

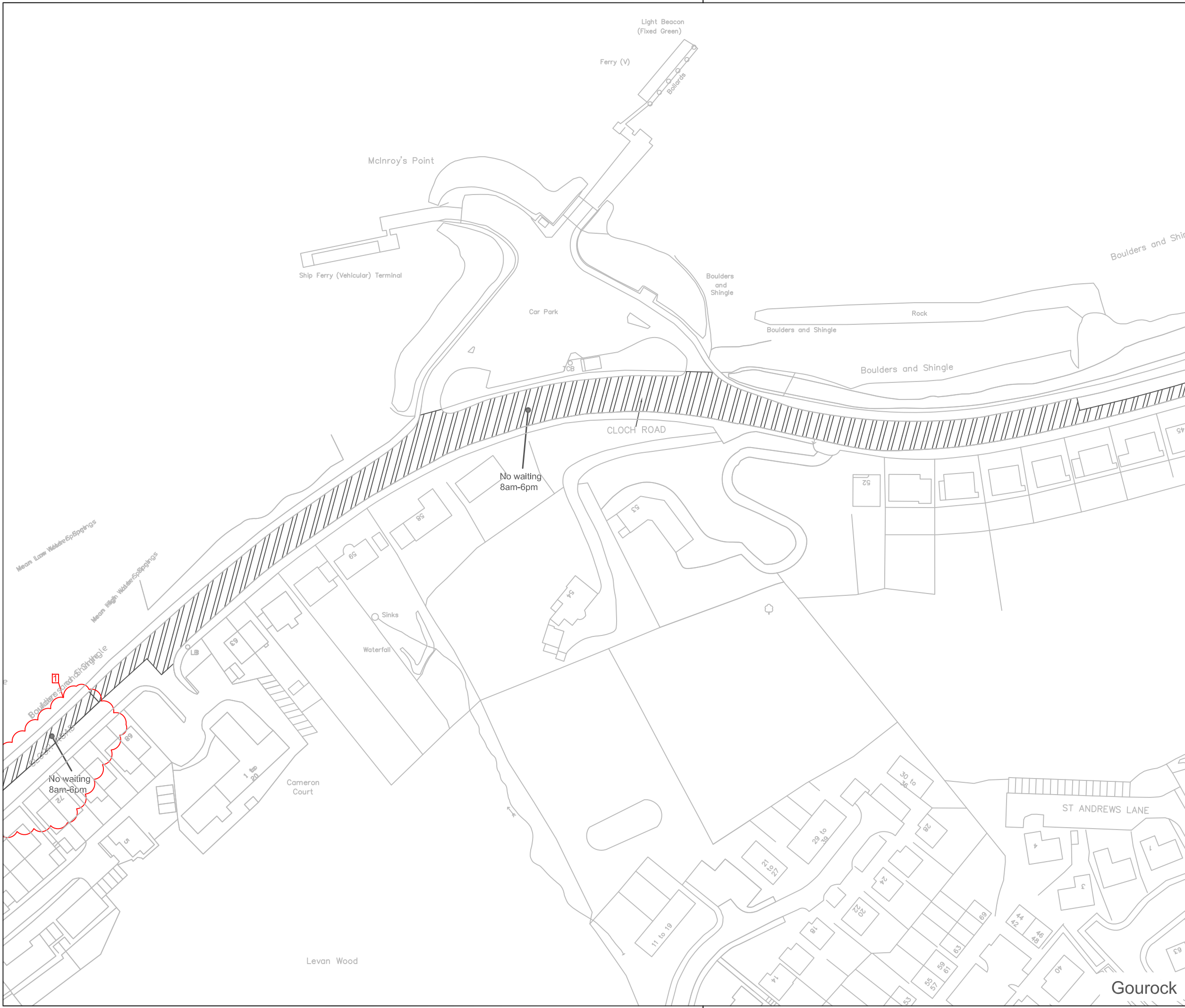
*This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##.*

**SCHEDULE 1**

**The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions)  
(Variation No. 6) Order 2018 On-Street Plans**



DO NOT SCALE



**Key**

- No waiting at any time
- No loading at any time
- No waiting at times shown
- No loading at times shown
- No waiting except taxis
- Limited waiting (see below for types of limited waiting referred to on these drawings)
- Disabled person's parking place (subject to restrictions shown)
- No waiting at times shown and Limited waiting (see below for types of limited waiting referred to on these drawings)
- Loading bay at times shown and Limited waiting (see below for types of limited waiting referred to on these drawings)
- Electric Vehicle Parking Space
- Parking Disc Area

**Limited Waiting**  
 Type A: Mon-Fri, 8am-6pm, 30mins, No return within 30mins  
 Type C: Mon-Sat 8am-6pm, 30mins, No return within 1 hour  
 Type F: Mon-Sat 8am to 6pm, 1 hour, No return within 30 mins  
 Type J: Mon-Sat 8am to 6pm, 1 hour, No return within 1 hour  
 Type L: Mon-Sat 11am to 6pm, 1 hour, No return within 1 hour  
 Type M: Mon-Sat 8am to 6pm, 3 hours, No return within 1 hour

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Seal

Stat	Purpose of Issue	Date	Auth

Rev	Description	By	Date	Chk'd	Auth
1	EXTEND NW 8AM-6PM ON CLOCH RD	EP	JAN '18	EP	GL

**INVERCLYDE COUNCIL**  
 Vehicle Maintenance Facility  
 8 Pottery Street  
 Greenock  
 PA15 2UH  
 Tel: 01475 717171  
 Email: roads@inverclyde.gov.uk  
 www.inverclyde.gov.uk

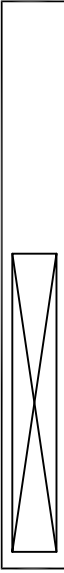


THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
 (GOUROCK, INVERKIP & WEMYSS BAY)  
 (WAITING RESTRICTIONS) (VARIATION 6)  
 ORDER 2018

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	MJH	MJH	MR
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-001	FEB '13	FEB '13	FEB '13
Rev				
				1

DO NOT SCALE



**Key**

- No waiting at any time
- No waiting at any time
- No waiting at times shown
- No waiting at any time
- No waiting except taxis
- Limited waiting (see below for types of limited waiting referred to on these drawings)
- Disabled person's parking place (subject to restrictions shown)
- No waiting at times shown and Limited waiting (see below for types of limited waiting referred to on these drawings)
- Loading bay at times shown and Limited waiting (see below for types of limited waiting referred to on these drawings)
- Electric Vehicle Parking Space
- Parking Disc Area

**Limited Waiting**  
 Type A: Mon-Fri, 8am-6pm, 30mins, No return within 30mins  
 Type C: Mon-Sat 8am-6pm, 30mins, No return within 1 hour  
 Type F: Mon-Sat 8am to 6pm, 1 hour, No return within 30 mins  
 Type J: Mon-Sat 8am to 6pm, 1 hour, No return within 1 hour  
 Type L: Mon-Sat 11am to 6pm, 1 hour, No return within 1 hour  
 Type M: Mon-Sat 8am to 6pm, 3 hours, No return within 1 hour

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Seal

Stat	Purpose of Issue	Date	Auth		
-	NO WAITING 8AM-6PM CLOCH RD	EP JAN '18	EP GL		
-	NWAAT CLOCH RD/ FARM RD	EP JAN '18	EP GL		
Rev	Description	By	Date	Chk'd	Auth

**INVERCLYDE COUNCIL**  
 Vehicle Maintenance Facility  
 8 Pottery Street  
 Greenock  
 PA15 2UH  
 Tel: 01475 717171  
 Email: roads@inverclyde.gov.uk  
 www.inverclyde.gov.uk



THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
 (GOUROCK, INVERKIP & WEMYSS BAY)  
 (WAITING RESTRICTIONS) (VARIATION No. 6)  
 ORDER 2018

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1250	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C133-018	JAN '18	JAN '18	JAN '18
Rev				

**SCHEDULE 2**

**SCHEDULE 3**

**THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (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/C133-001	06/10/2014	#####										
TR/TRO/C133-002	06/10/2014											
TR/TRO/C133-003	06/10/2014	12/11/2018										
TR/TRO/C133-004	06/10/2014											
TR/TRO/C133-005	06/10/2014	04/04/2016	12/11/2018									
TR/TRO/C133-006	06/10/2014	04/04/2016	14/11/2016	12/11/2018								
TR/TRO/C133-007	06/10/2014	04/04/2016										
TR/TRO/C133-008	06/10/2014	04/04/2016	12/11/2018									
TR/TRO/C133-009	06/10/2014	04/04/2016	12/11/2018									
TR/TRO/C133-010	06/10/2014	12/11/2018										
TR/TRO/C133-011	06/10/2014											
TR/TRO/C133-012	04/04/2016	12/11/2018										
TR/TRO/C133-013	04/04/2016	14/11/2016	12/11/2018									
TR/TRO/C133-014	04/04/2016	12/11/2018										
TR/TRO/C133-015	04/04/2016											
TR/TRO/C133-016	04/04/2016	12/11/2018										
TR/TRO/C133-017	12/11/2018											
TR/TRO/C133-018	#####											

# APPENDIX 4

**THE INVERCLYDE COUNCIL (VARIOUS ROADS)  
(GOUROCK, INVERKIP & WEMYSS BAY) (WAITING  
RESTRICTIONS) (VARIATION NO. 6) ORDER 2018**

**TRAFFIC REGULATION ORDER**

**STATEMENT OF CASE**

## **Background**

### **Statement of Reasons**

It is considered necessary to make the above Traffic Regulation Order (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 roads by vehicular traffic in a manner which is unsuitable having regard to the existing character of the roads by introducing the proposed TRO which will have the following effects:-

- Introduce a “No waiting at any time” restriction on part of Cloch Road and part of Farm Road, all in Gourrock; and
- Extend the existing “No waiting Monday to Sunday 8am to 6pm” restriction on part of Cloch Road, Gourrock.

### **Introduction**

The Inverclyde Council (IC) introduced Decriminalised Parking Enforcement (DPE) throughout the area on 6 October 2014. Since this time requests have been received from various sources for new or varied waiting restrictions throughout Inverclyde. This TRO seeks to introduce the waiting restrictions listed above.

During the promotion of this TRO two maintained objections were received in relation to the proposed waiting restrictions on Cloch Road. The Council has regarded the objections as being to both of the proposed waiting restrictions bullet pointed above.

The restrictions at Cloch Road are proposed following requests from residents who use Farm Road (south kerbline of Cloch Road) and find that vehicles park too close to the junction and block their visibility of traffic coming along Cloch Road. The residents were concerned that there would be an accident.

The footway on the northside of Cloch Road is a shared footway/ cycleway and forms part of the National Cycle Network Route 753. There is a waiting restriction on a length of the road adjacent to McInroy’s Point, however, this stops to the west of the access to Cameron Court. Over time, drivers have begun to park on the northside of Cloch Road where the waiting restrictions come to an end. They park partially on the footway/ cycleway which reduces its width. Requests have been received from members of the public concerned about the impact of this parking on road safety on the footway/cycleway and road.

### **Benefits**

IC consider benefits will be achieved in road safety terms by preventing vehicles from parking too close to the junction of Farm Road and by removing parked vehicles from the shared footway/ cycleway.

### **Public Consultation**

The TRO was issued for public consultation on 5 November 2018 with responses invited by 26 November 2018.

A total of two objections were received. The two objections are generally identical in their terms, however, one of the objectors advises they have a medical condition which can affect their mobility at time and is concerned they will be forced to park further away from their home. Officers wrote to both objectors to give reasons for the TRO and to address their objections however both objectors have maintained their objections.

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

The maintained objections raised key themes. The key themes are listed below and details of IC's responses to each of them are provided verbatim.

### **Difficulty for residents parking:**

**Objection:** Cloch Road has become increasingly busy with parked cars who are passengers of the Western Ferries. This has made it increasingly difficult for residents to park their own cars and results in residents having to park some distance from their homes. This problem has steadily gotten worse since the Western Ferries were denied planning permission to reclaim land and build a car park for their customers. As a result the residents of Cloch Road have been severely negatively affected by the amount of people parking to use the Western Ferries.

They accept that they may not be able to park directly outside their house however the increasing distances they have to park away from their house will only get worse when this order is brought in, they feel this means they will face having to park 0.4 miles or more away from their home on a regular basis because parking nearer their house will be monopolised by Western Ferries customers. One of the two objectors advises they will struggle with having to park further from their house as they have a chronic autoimmune condition which affects their mobility at times and they feel having to consistently park a significant distance away from their home is unacceptable.

They feel the traffic regulation order will severely negatively impact the residents of Cloch Road and will likely leave them with no parking at all whilst Western Ferry customers use all available parking spaces. They do not feel this is fair that they should have to suffer for their proximity to the ferry business as this their home.

Therefore the traffic regulation order in its current form is not suitable for purpose as it affects Cloch Road, Gourock, and as such they strongly object to its introduction without substantial modifications being made as mentioned above.

**Response:** I have noted that you feel the proposed restrictions will have an adverse impact on your family and their ability to park near the family home.

Whilst we recognise that parking may be difficult at times, our proposals are not intended to exacerbate the parking issues for residents of Cloch Road. The intention of the proposed waiting restrictions is to improve road safety on this section of road for all road users i.e. pedestrians, cyclist and vehicles. Cloch Road is not wide enough to accommodate parking on both sides and this has led to vehicles parking on the shared footway/ cycleway. Parking on the shared footway/ cycleway has in turn led to complaints and requests for action from members of the public.

I am sorry to hear of your ill health and we do not wish to exacerbate your situation. I would advise that if you hold a blue badge you may be eligible to apply for a Disabled Persons' Parking Place to be located close to your property which could assist you with parking. The application process takes approximately 12 months so an early application is recommended if this is something which you think you would be beneficial to you. Please do not hesitate to contact me further should you wish to commence the application process for a Disabled Persons' Parking Place.

## **Council Comments**

For the purposes of this Special Meeting, Roads officers would make the following additional comments:

1. Observations have found that, whilst there may not always be parking spaces on the southside of Cloch Road between Farm Road and the access to Cameron Court, there are occasions when there are spaces available.
2. Observations also found that there are generally parking spaces available on the southside of Cloch Road to the west of Farm Road. Although it may be inconvenient to some residents not to be able to park directly outside their property, the distance to available parking is relatively short, approximately 150m away.

Appendix 1 contains observations and photos from site visits in late summer 2018 which shows vehicles parking on the footway on the northside of Cloch Road where the proposed restrictions would apply and parking availability on the southside (houses side) of the road.

## **Conclusion**

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



## APPENDIX 1 – SITE OBSERVATIONS

**Observation - Tuesday 14<sup>th</sup> August 2018 at 14.30 hours**

10 cars were parked half on and half off the footway on the north side of Cloch Road.  
8 spaces available on the south side of the road plus approximately 90m of available parking between Levan Place and Farm Road.





**Observation - Wednesday 15<sup>th</sup> August 2018 at 09.00 hours**

5 cars were parked half on and half off the footway on the north side of Cloch Road.  
8 spaces available on the south side of the road plus approximately 120m of available parking between Levan Place and Farm Road.







**Observation - Thursday 16<sup>th</sup> August 2018 at 10.30 hours**

5 cars were parked half on and half off the footway on the north side of Cloch Road.  
5 spaces available on the south side of the road plus approximately 70m of available parking between Levan Place and Farm Road.









**Observation - Friday 17<sup>th</sup> August 2018 at 10.15 hours**

3 cars were parked half on and half off the footway on the north side of Cloch Road.  
3 spaces available on the south side of the road plus approximately 130m of available parking between Levan Place and Farm Road.





**Observation - Tuesday 21<sup>st</sup> August 2018 at 10.15 hours**

5 cars were parked half on and half off the footway on the north side of Cloch Road.  
1 space available on the south side of the road plus approximately 140m of available parking between Levan Place and Farm Road.





Overall it is noted that the availability of parking spaces on the south side (houses side) of Cloch Road varies throughout the day. Generally there are spaces available between Cameron Court and Farm Road and there are always spaces available between Farm Road and Levanne Point which is approximately 150m away.

The average number of vehicles parked half on and half off the footway is 6.. These vehicles could be accommodated between Farm Road and Levanne Point, however, it is noted that they may park between Cameron Court and Farm Road if spaces are available.