

AGENDA ITEM NO: 13

Report To: Environment and Regeneration Da

Committee

Date: 18 January 2024

Report By: Head of Physical Assets

Report No: ENV001/24/SW/EP

Contact Officer: Eddie Montgomery Contact No: 01475 714800

Port Glasgow and Kilmacolm Waiting and Loading Traffic Regulation

Orders (Variation Nos 8 and 9 of 2022) - Reporter's Recommendations

1.0 PURPOSE AND SUMMARY

Subject:

1.1 ⊠ For Decision ⊠ For Information/Noting

- 1.2 The purpose of this report is to inform Committee of the recommendations of the independent Reporter concerning the Traffic Regulation Orders (TROs) relating to proposed waiting and loading restrictions in Port Glasgow and Kilmacolm.
- 1.3 Local Authorities are empowered to make Orders under the Road Traffic Regulation and Roads (Scotland) Acts 1984 and under the Council's Scheme of Administration the Head of Physical Assets is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.

2.0 RECOMMENDATIONS

2.1 It is recommended:

- 1. That the Committee note the recommendations of the independent Reporter in relation to the proposed TROs (Variation Nos. 8 and 9 of 2022)
- 2. That the Committee accept the Reporter's recommendations in full in relation to both of the above TROs.
- 3. That the Committee agree to the making of "The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 8) Order 2022" and "The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 9) Order 2022" and remit it to the Head of Physical Assets and the Head of Legal, Democratic, Digital & Customer Services to arrange for their implementation.

Eddie Montgomery Head of Physical Assets

3.0 BACKGROUND

- 3.1 The Inverclyde Council introduced Decriminalised Parking Enforcement throughout Inverclyde in 2014. Since that time numerous requests have been received to introduce waiting and loading restrictions at various locations in Port Glasgow and Kilmacolm.
- 3.2 The Port Glasgow Variation No. 8 TRO was issued for public consultation on 08 September 2022 with responses invited by 29 September 2022. At the end of this consultation period, 43 valid objections were received. Officers entered into correspondence with each of the objectors and all but one of the objectors did not respond therefore their objections were considered to be maintained. The objector who did respond to officer correspondence stated that they wished to withdraw their objection to the Port Glasgow TRO.
- 3.3 The Kilmacolm Variation No. 9 TRO was also issued for public consultation on 08 September 2022 with responses invited by 29 September 2022. At the end of this consultation period, 2 valid objections were received. Officers entered into correspondence with both of the objectors and both of the objectors responded to advise that their objections should be considered to be maintained.
- 3.4 At its meeting on 12 January 2023 the Environment and Regeneration Committee agreed that an independent Reporter be appointed to consider the maintained objections to both TROs.
- 3.5 An independent Reporter considered the objections made and not withdrawn in relation to both TROs. The Reporter undertook unaccompanied site visits on 22 September and 11 October 2023. A Public Hearing was held on 11 October 2023 and the Reporter published his recommendations on 10 November 2023. Officers have considered the Reporter's recommendations (contained in Appendix 1 of this report) and this report includes Officers' recommendations, along with the proposed TROs (contained in Appendix 2 of this report) for approval.

3.6 The Reporter published his report on 10 November 2023 and recommended that the Council make the Port Glasgow Variation No. 8 and the Kilmacolm Variation No. 9 TROs without modification. Officers recommend that the Reporter's recommendations be accepted.

4.0 IMPLICATIONS

4.1 The table below shows whether risks and implications apply if the recommendations are agreed:

SUBJECT	YES	NO	N/A
Financial	Х		
Legal/Risk		Х	
Human Resources		Х	
Strategic (LOIP/Corporate Plan)		Х	
Equalities & Fairer Scotland Duty			Х
Children & Young People's Rights & Wellbeing			Х
Environmental & Sustainability			Х
Data Protection			Х

Appendix 1 & 2

4.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
02506	Parking Strategy Revenue	23/24	£10k		Road markings and signs. The road markings are subject to weather conditions and may run beyond the 23/24 financial year end.

4.3 Legal/Risk

The Committee is asked to note that, if it agrees to the making of the TROs, the Orders may not be implemented until the making of the Orders has been advertised to allow any persons who so wishes a period of six weeks to challenge the validity of the Orders in accordance with the terms of the Road Traffic Regulation Act 1984.

4.4 Human Resources

None.

4.5 Strategic

None.

5.0 CONSULTATION

- 5.1 This report is a result of a public consultation on the TROs associated with waiting and loading in Port Glasgow and Kilmacolm. It notes the outcome of the consultation undertaken between 08 September and 29 September 2022 and the recommendations of an independent Reporter.
- 5.2 The Head of Legal and Democratic Services and the Chief Financial Officers have been consulted on this report.

6.0 BACKGROUND PAPERS

6.1 A report entitled "Port Glasgow and Kilmacolm Waiting and Loading Traffic Regulation Orders (Variations 8 and 9) – Maintained Objections" was considered by the Environment and Regeneration Committee at its meeting on 12 January 2023 at which the Committee agreed the appointment of the independent Reporter.

Planning and Environmental Appeals Division
Hadrian House, Callendar Business Park, Falkirk, FK1 1XR



Report to Inverclyde Council

ROAD TRAFFIC REGULATION ACT 1984

Report by Lance R Guilford, a Reporter from the Scottish Government appointed by Inverclyde Council

- Planning and Environmental Appeals Division case reference: TRO-280-5 and 6
- Location: Port Glasgow and Kilmacolm
- Traffic Regulation Orders: Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation Nos 8 and 9) Orders 2022
- Report on objections made to the orders
- Date of hearings: 11 October 2023; date of site visits: 22 September and 11 October 2023

Date of this report and recommendations: 10 November 2023

Recommendations

Variation Order No 8

The traffic regulation order should be made as proposed by the council.

Variation Order No 9

The traffic regulation order should be made as proposed by the council.

Scottish Government
Planning and Environmental
Appeals Division
Hadrian House
Callendar Business Park
Falkirk FK1 1XR

File reference: TRO-280-5 and 6

Mr Iain Strachan Head of Legal, Democratic, Digital and Customer Services Inverclyde Council Municipal Buildings, Clyde Square Greenock PA15 1LX

Dear Mr Strachan,

Road Traffic Regulation Act 1984 Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation Nos 8 and 9) Orders 2022

1. Introduction

- 1.1 In accordance with the above Regulations, I was appointed by Inverclyde Council on the 2 June 2023 to hold public hearings in the light of the objections made to the above proposed orders and report with recommendations. I held the public hearings (subsequently referred to in this report as "the hearings") within the New Parish Church, Port Glasgow on 11 October 2023. I undertook unaccompanied inspections of the sites and the surrounding area relating to the orders on 22 September 2023, before the hearings commenced, and also following the hearings on 11 October 2023.
- 1.2 I have considered all the evidence submitted to the hearings, and the written submissions made before the hearings. My report firstly sets out the factual background, including the details of the proposed orders, a description of the sites and the surrounding area relating to the orders and the legislative and administrative background including the objections lodged. The report then sets out a summary of the case for the council and the objectors, my reasoning and finally my recommendations to the council. Persons appearing at the hearings to give evidence and parties who have relied on written submissions are listed in Appendix 1. Documents before the hearings are listed in Appendix 2.

2. Factual Background

Details of the orders

2.1 The proposed orders vary existing orders by introducing additional waiting and loading restrictions on various roads within Port Glasgow and Kilmacolm. Those in Port Glasgow are introduced through Variation Order No 8, and those in Kilmacolm are introduced through Variation Order No 9. I held a separate hearing for each of the proposed orders.

- 2.2 The reason for the proposed orders is 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.
- 2.3 There are two schedules in the orders, although Schedule 2 also includes a subheading for "Schedule 3", which relates to the terms of the existing parent order, and has no content. I find that this is somewhat confusing and the council agreed at the hearings that this should probably be clarified. However, since this has no bearing on the matters raised in the objections, I make no recommendation and leave this to the discretion of the council.
- 2.4 My report only examines the proposed waiting and loading restrictions in respect of which objections have been lodged and maintained, which are as follows:

Port Glasgow (Variation Order No 8)

Dubbs Road Access road to Ferguson Marine and Coronation Park

Kilmacolm (Variation Order No 9)

Bridge of Weir Road

Description of the sites and surrounding area

Port Glasgow – Dubbs Road

- 2.5 Dubbs Road extends to the south from its roundabout junction with the A761 Port Glasgow Kilmacolm. Waiting restrictions are proposed on a service road (also named Dubbs Road to the west of the main Dubbs Road), which runs one-way from Boglestone Avenue (which in turn joins the roundabout access with the A761) in the north to Dubbs Road in the south. This service road provides access to various shops and other commercial facilities on the ground floor, with residential or storage use above.
- 2.6 The service road is generally very busy during the day with vehicles parked on both sides. On the east side some of the parking is in designated bays at right angles to the carriageway. The service road is not currently subject to any waiting or loading restrictions. At the time of my site inspection there were few or no spaces available, although this was to some extent variable, as there appears to be a high turnover of parking spaces along the service road. There are around 40 on-street spaces available for vehicles to park. Vehicles probably include both commercial vans (serving premises) and customer/resident cars.
- 2.7 Several areas of waiting restrictions are proposed on the east side of the service road. These are in the form of no waiting at any time on the bend (2 spaces), no waiting at any time at a pedestrian access to the service road from the main Dubbs Road opposite the access road to the community centre (2 spaces), and no waiting at any time at the southern vehicular exit to Dubbs Road (3 spaces). There are also 2 proposed disabled only parking spaces. However, my understanding is that the objection applies specifically to the proposed waiting restrictions at the bend in the service road.

- 2.8 The access road to Ferguson Marine and Coronation Park extends from an existing vehicular access from the A8 dual carriageway, which is only available to eastbound traffic along the A8, and which is already the subject of no waiting and no loading at any time through an existing traffic regulation order. Firstly, the access road extends northwards to the entrance to the car park at Ferguson Marine, and secondly, the access road extends westwards as far as a small car park serving Coronation Park, sculptures known as the "Skelpies" and a slipway at the waterfront.
- 2.9 The northwards and westwards extension of the access roads are not currently subject to any waiting or loading restrictions. Both are extensively parked throughout the working day. Most of the parking is related to employees of and other visitors to Ferguson Marine, the details being set out in the evidence below. There is no controlled pedestrian crossing across the A8 at this access point, such only being available some 200 metres to the west which provides access to/from Port Glasgow Town Centre. There is also other off-street parking nearby which is used by employees of Ferguson Marine.
- 2.10 On the access road to the Ferguson Marine car park, cars are parked along the full length of the access road on both sides of the carriageway. The width of the road in such circumstances requires parking across the footway, to an extent that it would not be possible for wheelchairs to use the access road without traversing the carriageway itself. At the time of my site inspections, all cars were parked across the footway.
- 2.11 On the access road to Coronation Park and the slipway, cars are parked along the full length of the north side of the access road as far as the small car park, which is itself also generally full with few, if any, vacant spaces. The width of the carriageway prevents parking on the south side of the access road, as it would not be possible for vehicles to negotiate the access road if both sides of the access road were parked. In any event, even with one side only of the access road subject to parking, it is not possible for moving cars to pass each other, resulting in the need for vehicles to reverse in order to allow other vehicles travelling in the opposite direction to pass. Details of this are set out in the evidence below.
- 2.12 The proposed order introduces no waiting and no loading at any time along both sides of the access road to the Ferguson Marine car park, and along both sides of the access road to Coronation Park and the slipway (apart from a small section towards the western end with a capacity of around 7 spaces, where it is deemed that some parking would be acceptable in terms of sightlines and the avoidance of reversing).

Kilmacolm – Bridge of Weir Road

- 2.13 Bridge of Weir Road, south of its junction with Lochwinnoch Road, is already the subject of no waiting and no loading at any time, and south of that no waiting Monday to Friday 8am to 6pm and Saturday 8am to 1pm (under an existing order). The proposed order seeks to extend the latter on the west side of the road to include both entrances to a doctor's surgery, thus removing some 2-3 spaces of on-street parking. One of the entrances is already subject to the existing order.
- 2.14 Beyond what is proposed, there is on-street parking available on both sides of Bridge of Weir Road, up to the junction with Glebe Road, where a further area of no waiting at any

time is proposed. In addition, there are areas of single white lines (advisory no parking) across existing entrances to properties on Bridge of Weir Road.

Legislative and administrative background

- 2.15 The council is the roads authority for its area for the purposes of the Road Traffic Regulation Act 1984. Part 1 of the Act provides that a local authority may make a traffic regulation order where it appears to the authority that it is expedient to do so, in order to (amongst other things) avoid danger to persons or other traffic using the road, and preserve or improve the amenities of the area through which the road runs.
- 2.16 On 12 January 2023, a report was submitted to the Environment & Regeneration Committee with respect to the consultation process undertaken for these proposed variation orders. The orders were both issued for public consultation on 8 September 2022, with responses invited by 29 September 2022. A total of 43 valid objections were received to the Port Glasgow (Variation 8) order and 2 valid objections were received to the Kilmacolm (Variation 9) order. Officers entered into correspondence with each of the objectors and one objection to the Port Glasgow order was withdrawn, leaving 42 valid objections. Of these, 41 relate to the access to Ferguson Marine and Coronation Park, and one (from a local elected member of the council) relates to Dubbs Road.
- 2.17 All objectors were given an opportunity to participate in the hearings. One objector stated his intention to participate in the hearing with respect to the access to Ferguson Marine and Coronation Park, and furthermore also submitted an alternative proposal for discussion at the hearing. However, this objector was unable to attend the hearing, and he was represented by another objector who attended the hearing in his place. All the remaining objectors are deemed to rely on their original written submission objections. Whilst the local elected member also stated his intention to participate in the hearing with respect to Dubbs Road, he was unable to attend and is also deemed to be relying on his original written submission objection.
- 2.18 Both objectors to the Kilmacolm variation order stated their intention to participate in the hearing. One is the local elected member referred to above, and the other is a representative of Kilmacolm Community Council. However, neither was able to attend the hearing, and they are therefore also deemed to be relying on their original written submission objections. Nevertheless, both the hearings were duly held under Regulation 8 and following the procedures set out in Regulations 9 and 10 of the 1999 Regulations. There were no relevant responses with respect to either variation order from statutory consultations under Regulation 4 of the 1999 Regulations.

3. Summary of the Evidence

Variation Order No 8

Dubbs Road - Port Glasgow

The case for Inverclyde Council

3.1 For Inverciyde Council it is submitted that the council introduced decriminalised parking enforcement throughout Inverciyde in 2014. Since that time numerous requests have been received to introduce waiting and loading restrictions at various locations in Port

Glasgow. The proposed variation order promotes various restrictions to address some of these requests. For the avoidance of doubt, this also applies to the proposed restrictions on the access to Ferguson Marine and Coronation Park, and the proposed restrictions in Variation Order No 9 on Bridge of Weir Road, Kilmacolm.

- 3.2 The "no waiting at any time" restrictions proposed on Dubbs Road follow requests from local elected members, including a wheelchair user. The requests were made to stop vehicles parking on the exit to the shopping area and to improve access around the bend near the Post Office. This has been corroborated by general observation, and no formal survey was considered to be necessary.
- 3.3 Whilst it is understood that parking is at a premium at this location, the manner of parking has at times led to the road becoming blocked by larger vehicles using the road to deliver to the businesses on this section of road. Whilst most people park well, some drivers park further from the pavement than others or at a slight angle. In addition to causing inconvenience, this is considered to constitute a road safety issue. The proposed restriction on the bend would remove only 2 parking spaces and would make it easier for vehicles to use the road, in particular by maintaining sufficient road width for large vehicles servicing the shops.
- 3.4 There is a car park with 7 marked parking spaces accessed from Boglestone Avenue (to the rear of Chan's Carry Out). This car park is not fully utilised and would likely accommodate the vehicles which would be displaced by the proposed restrictions adjacent to the Post Office. It is however accepted that this car park is not managed by the council, and that its future availability for use in connection with the Dubbs Road shops is not necessarily within the council's control. The car park for the community centre to the east of the main Dubbs Road is unrestricted and therefore also available for public use.

The case for the objector

3.5 The objection is to restrictions at the bend outside the Londis/Post Office. There is not enough parking near the shops, and the current spaces must not be removed. There are very few large delivery vans and they are only 3 times a week to the Co-Op.

Access to Ferguson Marine and Coronation Park – Port Glasgow

The case for Inverclyde Council

- 3.6 For Inverciyde Council it is submitted that in December 2019 Ferguson Marine requested that yellow lines be introduced on the access road which leads to and from their "West Gate", to prevent employees from parking on this road. It is believed that this parking causes difficulty with large vehicles entering the yard. This is the reason for the proposed waiting and loading restrictions on the access road to Ferguson Marine.
- 3.7 Parking on the pavement is also a concern. The council has not yet considered its overall approach to the provisions of the Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 under the Transport (Scotland) Act 2019, which provides for enforcement (amongst other things) for parking on pavements. So there remains a requirement for the restrictions contained in proposed order in this context as well.

- 3.8 The proposed waiting and loading restrictions on the access road to Coronation Park were included in the order following concerns from users of the park (visitors and maintenance) who have encountered difficulties when entering or exiting the park in their vehicles. When cars are fully parked along the access road, drivers are unable to see to see oncoming vehicles. There are no passing places available for one of the vehicles to pull over and let the other pass. Instead, one of the vehicles has to reverse a significant distance to allow the other to pass. This is a road safety concern, particularly being within a public park where young children may be playing or dogs may be off their leash and could go onto the road without supervision. The proposed restrictions would enable all vehicles to use the access road without the need for multiple manoeuvres including reversing.
- 3.9 With respect to the alternative proposal put forward on behalf of the objectors, whilst it is recognised that there would be an improvement in sightlines from cars being parked on the other side of the access road, it remains the council's view that such parking would still have an adverse effect on road safety. One gap to be used as a passing place would be insufficient. There would need to be 4 passing places, 29 metres long. So, there would not actually be many spaces left. There need to be full waiting and loading restrictions along the full length of the access road as set out in the proposed order.
- 3.10 It is accepted that there is no direct demand for the loading and unloading of vehicles, but loading restrictions have been included with the waiting restrictions because the terms of the original order (which also apply to the variation order) would allow waiting under the definition of loading, where this is not also restricted, which would not be acceptable here. So, no loading is included in the circumstances and for consistency.
- 3.11 Parking on both the access to Ferguson Marine and Coronation Park is primarily for employment or other activities relating to Ferguson Marine. No formal parking surveys were considered necessary, as the use of these access roads for parking is clear from general observation. The council accepts the assessment provided on this matter on behalf of the objectors. In addition, the use of the car park at the slipway (west of the Skelpies), which has capacity for about 30 cars, is mostly fully used during the working day in relation to the activities of Ferguson Marine. It is recognised that there are also car parks to the east of Ferguson Marine which are significantly used in relation to such activities.
- 3.12 The on-street capacity for parking of the access to Ferguson Marine is around 10 cars, and that of the access to Coronation Park is around 30 cars, meaning that the proposed restrictions would result in the overall loss of around 40 on-street car parking spaces, which it is acknowledged are mostly fully used during the working day in connection with Ferguson Marine.
- 3.13 Inverclyde Council is not responsible for providing parking for Ferguson Marine or any other employer in their area. However, the council leased land forming part of Coronation Park to Ferguson Marine in 2017 for a car park. In addition, Ferguson Marine has not yet constructed parking spaces proposed in a recent planning application for development. A link relating to this is provided within the council's hearing statement. Such parking provision could accommodate the vehicles removed by the proposed waiting and loading restrictions around Ferguson Marine and Coronation Park.
- 3.14 Ferguson Marine is also well placed to encourage sustainable transport owing to the location of the yard in relation to public transport links and the cycle network, and could assist travel by employees with car share or dedicated public transport schemes.

3.15 Whilst the council accepts that there may be some displacement of car parking related to Ferguson Marine within residential and other areas (possibly including town centre car parks) to the south of the A8, this should be mitigated by additional parking provision within Ferguson Marine's operational area, and the encouragement given to employees of Ferguson Marine to use more sustainable means of transport. Any increase in pedestrians crossing the A8 dual carriageway (other than using the controlled crossing point 200 metres to the west) would be outweighed by an improvement in road safety from the removal of parked vehicles on the access to Ferguson Marine and Coronation Park. However, no consultation has been undertaken with Transport Scotland on this matter.

The case for the objectors

- 3.16 For the objectors it is submitted that Ferguson Marine is one of the few large-scale employers left in Port Glasgow. The objector at the hearing referred to the high capacity for people on the site of Ferguson Marine, both employees and contractors. These people are not necessarily all there at one time, but nevertheless reflect a major source of the on-street and off-street parking in area.
- 3.17 Parking on the access to Ferguson Marine and Coronation Park is almost all related to the employees of Ferguson Marine. Most of the parking in the car park adjacent to the slipway at the waterfront is also so related. The objector at the hearing suggested that the objections submitted relate more to the parking restrictions on the access to the car park through Coronation Park, rather than the access to Ferguson Marine.
- 3.18 In addition, car parks to the east of Ferguson Marine are used by employees of Ferguson Marine. One car park with capacity for around 40 cars adjacent to Newark Castle (and intended for visitors to the castle) is about 50-75% used by employees of Ferguson Marine, and another smaller car park for around 10 cars just to the west of that is fully used by employees of Ferguson Marine. Owing to the lack of available alternative parking, it is contended that the proposed waiting and loading restrictions would cause major issues for employees of the company.
- 3.19 At the hearing, and with respect to the council's assertion that more encouragement should be given to promote the use of sustainable transport, the objector indicated that people use buses and (from further afield) trains already, and practice car sharing. Whilst the objector acknowledged the road safety concerns, traffic along the access road to Coronation Park is considered to be slow moving, causing no major road or pedestrian safety problems. It is also contended that drivers can generally see when another car is coming in the opposite direction.
- 3.20 One of the objectors has submitted an alternative proposal, which is to remove parking against the north side (pavement side) of the access road and instead have fixed distance parking spaces along the south side of the road with a passing gap in the middle.
- 3.21 This would solve the issue of cars meeting part way and having to reverse, as it would be possible to see the full length of the road, and if there are oncoming cars, it would be possible use the passing section. It would also make it safer for pedestrians using the pavement, as it would be possible to see the full length of the pavement, which would not be be obstructed by parked cars.

3.22 Cars that currently park along the access road during business hours would otherwise have to park elsewhere, including in other nearby residential roads or along Glasgow Road, which would be dangerous in the dark, and would result in crossing the A8 in low light with no formal crossing point, leading to the potential for more accidents.

Variation Order No 9

Bridge of Weir Road – Kilmacolm

The case for Inverclyde Council

- 3.23 For Inverciyde Council, it is submitted that in October 2019, and in March and October 2021, the Practice Manager of the Dorema Surgery requested the extension of the parking restrictions on Bridge of Weir Road to cover the accesses/exits from the surgery's car park, as drivers find it difficult to see vehicles approaching from the southeast due to parked vehicles. They reported that as a result there was a collision between a vehicle exiting the surgery and a vehicle on Bridge of Weir Road.
- 3.24 Whilst it is recognised that parking in Kilmacolm can be challenging, the council considers that benefits would be achieved in road safety terms by improving visibility when vehicles exit the surgery's car park on to Bridge of Weir Road. Although the surgery may have private off-street parking, there is no control over who uses this parking. Even if the car park is used fully by staff and patients, there is potential for other vehicles to park adjacent to the access and exit reducing visibility on a relatively busy A-class road resulting in a road safety concern. Parking provision in the village should provide encouragement for sustainable transport, and the removal of 2 or 3 parking spaces would not significantly impact the village.
- 3.25 No formal survey was required; just general observation enabled the council to make an appropriate judgement on the effect of this minor extension of the waiting restrictions. Residents could still park on both sides of the road to the south of the proposed restrictions. White lines in the area are used to discourage people from parking across driveways, but they are not enforceable, and in this case the road safety issue justifies an extension of the formal waiting restrictions.

The case for the objectors

- 3.26 The local elected member contends that there is no necessity for waiting restrictions Monday to Friday and Saturday morning. The surgery has private parking for some 10-12 staff cars and none for patients. It is selfish to stop customers parking on Bridge of Weir Road outside the surgery. In an earlier consultation comment the local elected member vigorously opposed the proposed waiting restrictions also citing the prevention of those with mobility problems from parking close to the surgery and chemist. In essence, parking should not be restricted until a relief car park for Kilmacolm has been provided.
- 3.27 Kilmacolm Community Council refers to the ongoing pressure within Kilmacolm on parking. Most of the proposed changes should improve safety for road users and pedestrians, particularly at junctions. However, the community council objects to the proposed extension of the waiting restrictions on Bridge of Weir Road. Specifically, feedback on the proposed order is based on responses from the community around the lack of availability of parking close to the doctor's surgery and chemist.

4. Reasoning

Variation Order No 8

<u>Dubbs Road – Port Glasgow</u>

- 4.1 The service access at Dubbs Road is for a busy local shopping centre, which generates a significant demand for parking, most of which appears to be short term and has a high turnover. The one-way traffic system appears to work well, although with vehicles parked on both sides of the road, large commercial vehicles may have difficulty negotiating this access road. At my inspections of the site, I only observed cars and small commercial vehicles. I recognise that parking adjacent to the shops, which include a pharmacy and a post office as well as general stores, cafes and hairdressers, needs to be maintained as far as is possible, whilst bearing in mind the need to also promote the use of active travel.
- 4.2 However, this needs to occur with appropriate road and pedestrian safety measures, and the avoidance of unnecessary congestion. There are potential conflicts at the bend in the service road, and at a pedestrian link from Dubbs Road and the vehicular exit onto Dubbs Road. In addition, I find that it is desirable to provide facilities for disabled parking proportionate to the scale of the shops and commercial facilities in the area.
- 4.3 I therefore find that the waiting restrictions proposed through the variation order are commensurate with the overall needs of the area, and particularly that the proposed "no waiting at any time" on the bend of the service road is appropriate. I find that the loss of around 2 parking spaces is in the circumstances outweighed by the likely improvement in the avoidance of congestion and the general road and pedestrian safety of the area.

Overall conclusion

4.4 I conclude that the variation order, in so far as this relates to the proposed waiting restrictions at Dubbs Road, including the provision for "no waiting at any time" at the bend in the service road, should be made as proposed by the council.

Access to Ferguson Marine and Coronation Park – Port Glasgow

Context

- 4.5 The examination of this matter substantially relates to the interests of the company, employees and other parties with an interest in Ferguson Marine. This is a major industry and employment generator within Port Glasgow, and the objections predominantly relate to the concerns of those who travel to work at Ferguson Marine.
- 4.6 This however has to be examined in terms of the council's responsibility as roads authority for the area, under the Road Traffic Regulation Act 1984, with appropriate consideration being given to the safety of road users including pedestrians, and the amenity of the area.

Demand for car parking in the area

4.7 The demand for car parking in the area is largely driven by the needs of Ferguson Marine. There is an existing large car park within the premises, beyond the access to

Ferguson Marine. However, this appears to be insufficient to meet the demand for parking, as the parking on the access road (to Ferguson Marine and Coronation Park) appears to be mainly related to Ferguson Marine.

- 4.8 Furthermore, the evidence at the hearing is that the car park at the slipway (in Coronation Park), and indeed other car parks to the east of the premises of Ferguson Marine, are also predominately (or at least significantly) used for parking in connection with Ferguson Marine. To some extent, this is beyond the purpose of these car parks.
- 4.9 I accept that the council is not responsible for providing parking for Ferguson Marine or any other employer in their area. However, in my view, the council has responsibility to take into account the effect of such parking in considering road and pedestrian safety, and the amenity of the area.

Road and pedestrian safety

- 4.10 Following the evidence at the hearing referred to above, and my inspection of the area, I consider this matter separately with respect to (i) the access to Ferguson Marine, and (ii) the access to Coronation Park and the slipway at the waterfront, and the Skelpies.
 - (i) The access to Ferguson Marine
- 4.11 On-street parking occurs during the working day on both sides of the carriageway, to an extent that cars also park across the pavement. I recognise that the council has not yet resolved its approach to this under the under the provisions of the Transport (Scotland). Act 2019, and that therefore the proposed variation order is the most appropriate means of addressing this matter.
- 4.12 I find that there are significant adverse road safety implications arising from this parking, as set out in the evidence above, and that these significantly outweigh the loss of some 10-12 on-street parking spaces which would result from the implementation of the proposed variation order. In making this finding, I am conscious of the evidence at the hearing that the objections are considered to relate more to the access to Coronation Park than the access to Ferguson Marine. I am also conscious of the request to the council on this matter by Ferguson Marine.
 - (ii) The access to Coronation Park
- 4.13 With respect to the access to Coronation Park, I find that the situation is not as clear cut. I generally accept the appraisal of the road safety concerns by the council which is set out in the evidence above. At my site inspections, I experienced a situation where it was necessary to reverse in order to allow another vehicle to pass. I also viewed such a situation occurring whilst walking the area. Nevertheless, I recognise that any potential road/pedestrian conflict is limited by the very slow speed of traffic along the access road.
- 4.14 In addition, I have considered the alternative proposal provided by an objector and set out in the evidence above. I agree with the objector that the sightline difficulty would be significantly reduced if cars were parked on the southern side of the access road, and restricted on the northern side, by the pavement. However, it is likely that the need for reversing would still occur, depending upon when oncoming vehicles became visible.

- 4.15 I also recognise that the council would wish to implement its normal standard for passing places, as stated in the evidence above, in which case the number of parking spaces along the access road would be significantly reduced in any event. I find that there would be adverse road safety implications if the proposed waiting and loading restrictions were not included within the variation order, although this could be mitigated to some extent if a modification to the order were introduced along the lines suggested by the objector.
- 4.16 With respect to the inclusion of "no loading at any time", whilst I consider this to be somewhat illogical given that there are no premises on the service road to which the no loading order could apply, I recognise that it is important to maintain consistency with the parent order. I also consider that the inclusion confirms the intention of the order, which is to ensure that there is no parking on the access road at any time.

The potential natural displacement of car parking

- 4.17 The potential for displacement of parking is a key theme of the objections. This is understandable to the extent that there appear to be no other opportunities for parking on the northern side of the A8 in the vicinity of the parking spaces lost, which would be in the order of 40 spaces. All other public off-street parking appears to be fully used already.
- 4.18 The most obvious available alternative parking would be south of the A8 in the vicinity of Bay Street and the surrounding area. However, I have no evidence relating to the effect of more on-street parking in this area, and more importantly, this would require pedestrians to cross the A8 dual carriageway in order to access Ferguson Marine. At this point there is no formal controlled crossing, so this may increase the risk of accidents.
- 4.19 Alternative parking is available in Port Glasgow Town Centre, which is reasonably accessible on foot, and pedestrians would be able to use the formal crossing point on the A8 to the west of Ferguson Marine. However, I have some doubts that this would be an attractive alternative, even with the promotion of active travel in the area (also see below).
- 4.20 I note that Transport Scotland has not been consulted with respect to the effect of the proposed variation order on the A8 Trunk Road, and I am not aware whether Transport Scotland would have any appropriate input at this stage. Nevertheless, and with respect to any future action by the council to improve the transport infrastructure in the area, it is worth mentioning that future discussions could take place with Transport Scotland on this matter, if this is considered appropriate by the council and/or Transport Scotland.

Initiatives to provide alternative parking and encourage more sustainable travel

- 4.21 I have noted the council's evidence with respect to various development proposals at Ferguson Marine, and potential additional car parking which may be provided in this context. I have also noted the council's view as to how the company could assist in promoting sustainable travel. However, since Ferguson Marine has not been involved in this hearing process, and has not had the opportunity to respond on these matters, I have no basis to make any findings, other than to say that further discussions should take place.
- 4.22 Nevertheless, I am satisfied that the council is able to pursue the promotion of sustainable transport initiatives, alternative parking provision where appropriate, and to implement (in consultation with Transport Scotland where appropriate) measures to improve road and pedestrian safety where any significant conflict becomes evident.

Overall conclusions

- 4.23 In overall terms, I conclude that the current adverse road safety concerns, arising from parked cars along the access to Ferguson Marine and Coronation Park, outweigh any adverse effects resulting from the introduction of "no waiting and no loading at any time" as proposed in the variation order. Furthermore, I do not consider that the alternative proposal put forward by the objector would be sufficient to alter this conclusion, and I therefore conclude that no modification to the proposed order in this respect would be appropriate.
- 4.24 I also conclude that there is significant potential for the mitigation of any adverse effects from the displacement of parking to the south side of the A8. This would be through alternative parking provision, sustainable transport initiatives, and measures to improve road and pedestrian safety where any conflict becomes evident. The council could hold further discussions with Transport Scotland, Ferguson Marine, and any other relevant stakeholders in this respect. However, I leave this to the discretion of the council and do not make any specific recommendation on this matter.
- 4.25 I conclude that the variation order, in so far as this relates to the provision for "no waiting and no loading at any time" on the access to Ferguson Marine and Coronation Park, should be made as proposed by the council.

Variation Order No 9

Bridge of Weir Road - Kilmacolm

- 4.26 The variation order includes a small extension to the "no waiting Monday to Friday 8am to 6pm and Saturday 8am to 1pm" on the west side of Bridge of Weir Road. This would remove up to 3 on-street parking spaces. I acknowledge that there appears to be significant demand for on-street parking in Kilmacolm, and on-street parking should only be restricted where there is a significant road/pedestrian safety reason for doing so.
- 4.27 The request to extend the restrictions in this case relates to sightline difficulties caused by parked vehicles adjacent to the southernmost access/egress to the doctor's surgery. The northernmost access is already covered by the existing waiting restrictions. With respect to the single white line "advisory" markings, I accept that such are not enforceable, and in the case of a road safety issue, I find that formal waiting restrictions would be more appropriate.
- 4.28 I find that the need for the proposed extension to the existing waiting restrictions in the circumstances outweighs the relatively limited loss of on-street parking, particularly since there are on-street parking spaces available to the south of the proposed extension. I recognise the importance of providing disabled parking spaces, but I have insufficient evidence to suggest that any modification to the proposed variation order to provide for such should be made in the circumstances of this case.

Overall conclusion

4.29 I conclude that the variation order, in so far as this relates to the proposed extension to the "no waiting Monday to Friday 8am to 6pm and Saturday 8am to 1pm" on the west side of Bridge of Weir Road, should be made as proposed by the council.

5. Recommendations

Variation Order No 8

5.1 The traffic regulation order should be made as proposed by the council.

Variation Order No 9

5.2 The traffic regulation order should be made as proposed by the council.

Yours Sincerely,

Lance R Guilford
Reporter

Appendix 1

Persons appearing at the hearings

For Inverclyde Council:

Ms Emma Peacock - Solicitor

Mr Gordon Leitch – Team Leader, Consultancy, Roads and Transportation Service

Ms Elaine Provan - Supervisory Engineer, Traffic and Transportation, Service as above

Objector (Access to Ferguson Marine and Coronation Park)

Ms Jennifer MacKay

Parties relying on written submissions

Cllr David Wilson (Dubbs Road Port Glasgow, and Bridge of Weir Road Kilmacolm)
Mr Ben Kitchen (Access to Ferguson Marine and Coronation Park)
40 other objectors (Access to Ferguson Marine and Coronation Park)
Kilmacolm Community Council (Bridge of Weir Road Kilmacolm)

Appendix 2

Documents for Inverclyde Council

- (i) Report to Environment and Regeneration Committee dated 12 January 2023
- (ii) Draft variation orders, schedules and relevant plans
- (iii) Statements of case for the hearings
- (iv) Photographs showing parking relating to the proposed variation orders
- (v) Map showing car parks to the east of Ferguson Marine

Document for Mr Ben Kitchen

(i) Alternative proposal and plan for the access to Coronation Park

THE INVERCLYDE COUNCIL

(VARIOUS ROADS)
(PORT GLASGOW,
KILMACOLM &
QUARRIERS VILLAGE)
(WAITING
RESTRICTIONS)

(VARIATION NO. 8) ORDER 2022

TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) (VARIATION NO. 8) ORDER 2022

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. 8) Order 2022".

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. 8) Order 2022 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" and which are recorded as current for the purposes of interpretation of this Order in the 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 ##, Proper Officer and an authorised signatory, at ## on ##.

SCHEDULE 1

The Inverciyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 8) Order 2022 On-Street Plans



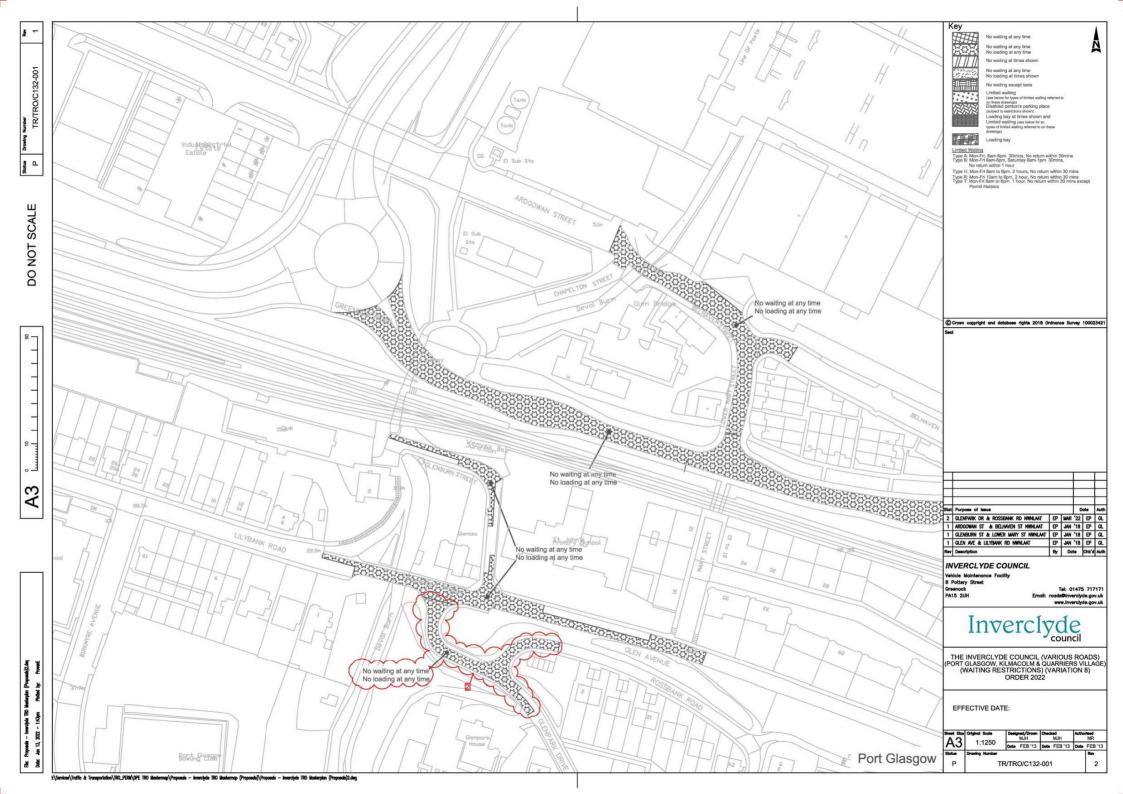
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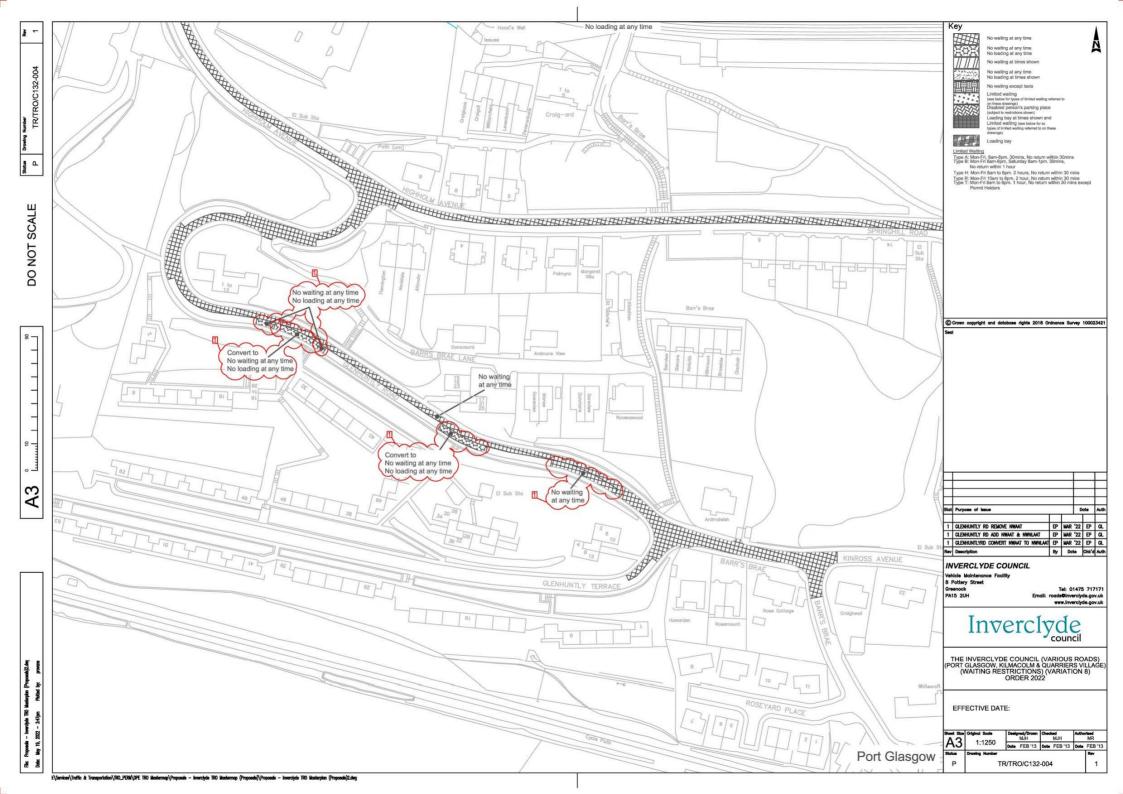
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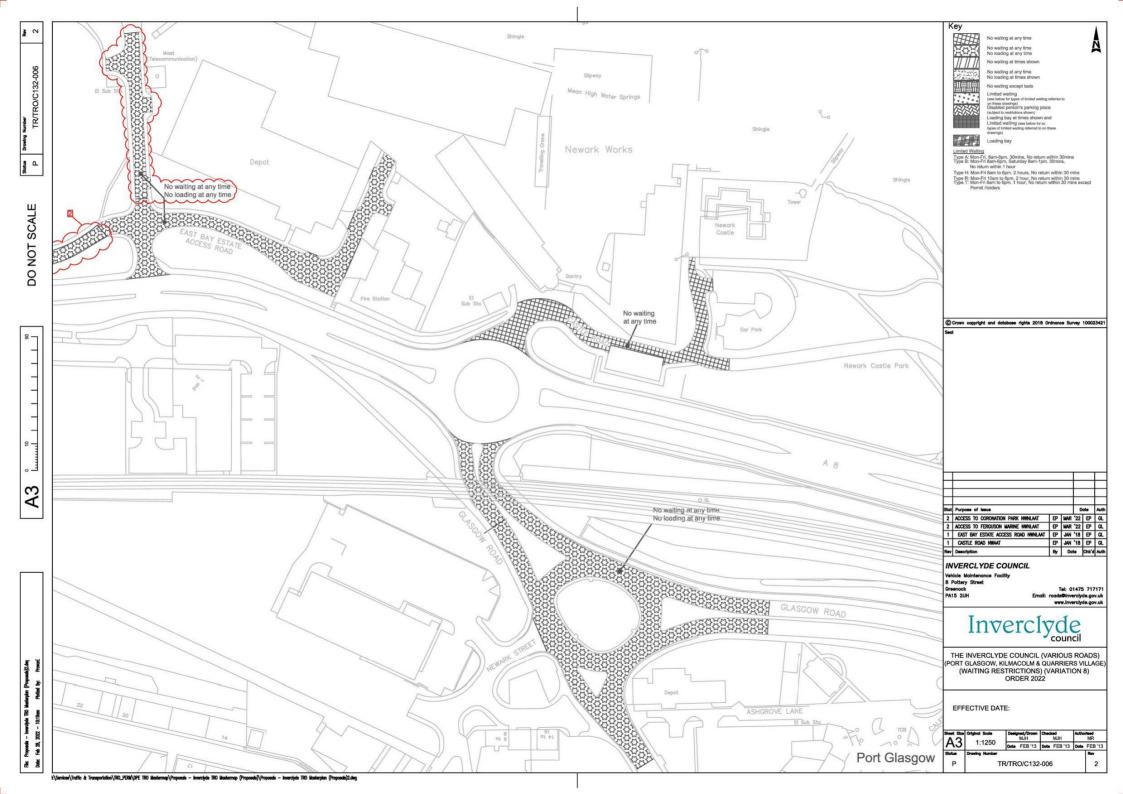
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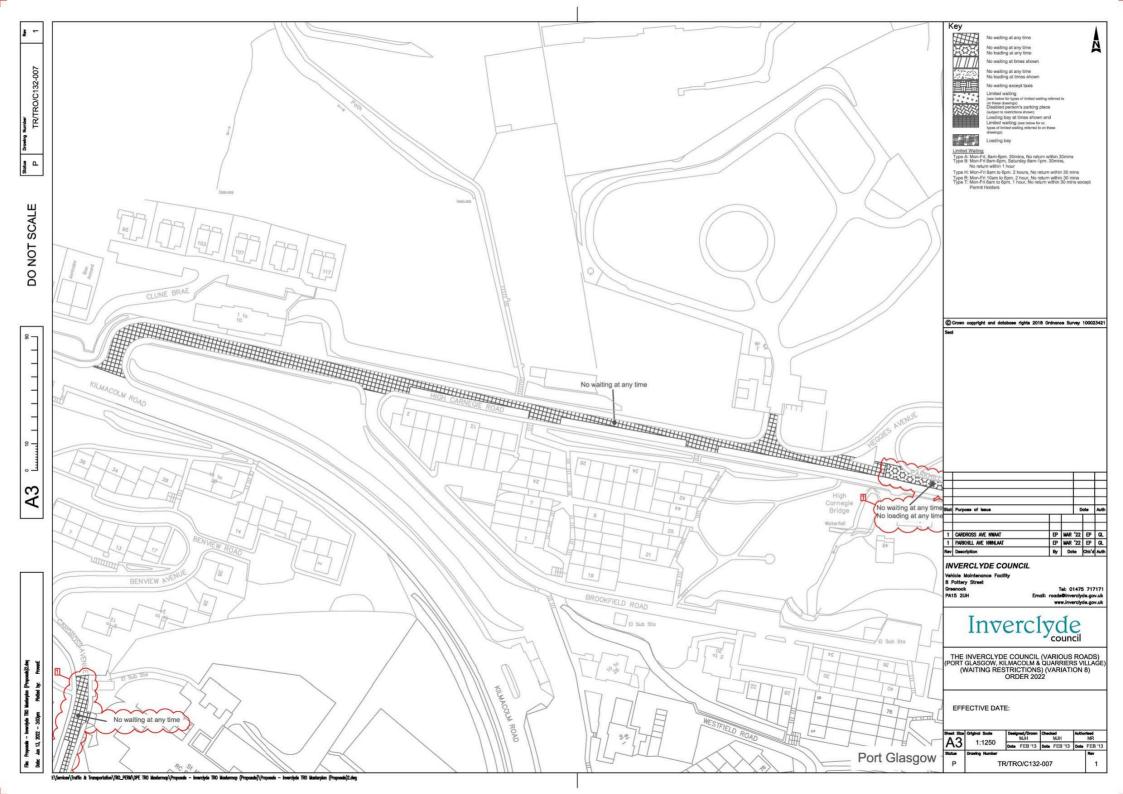
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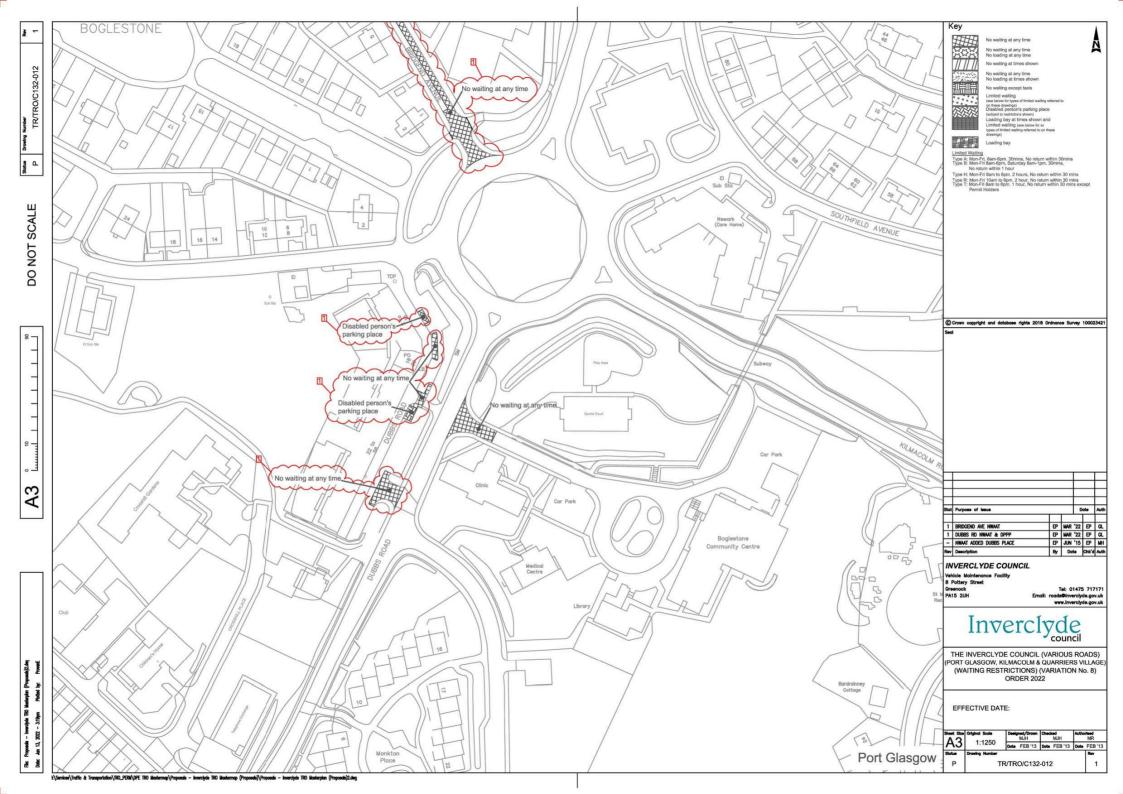
ECO1631 The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 8) Order 2022

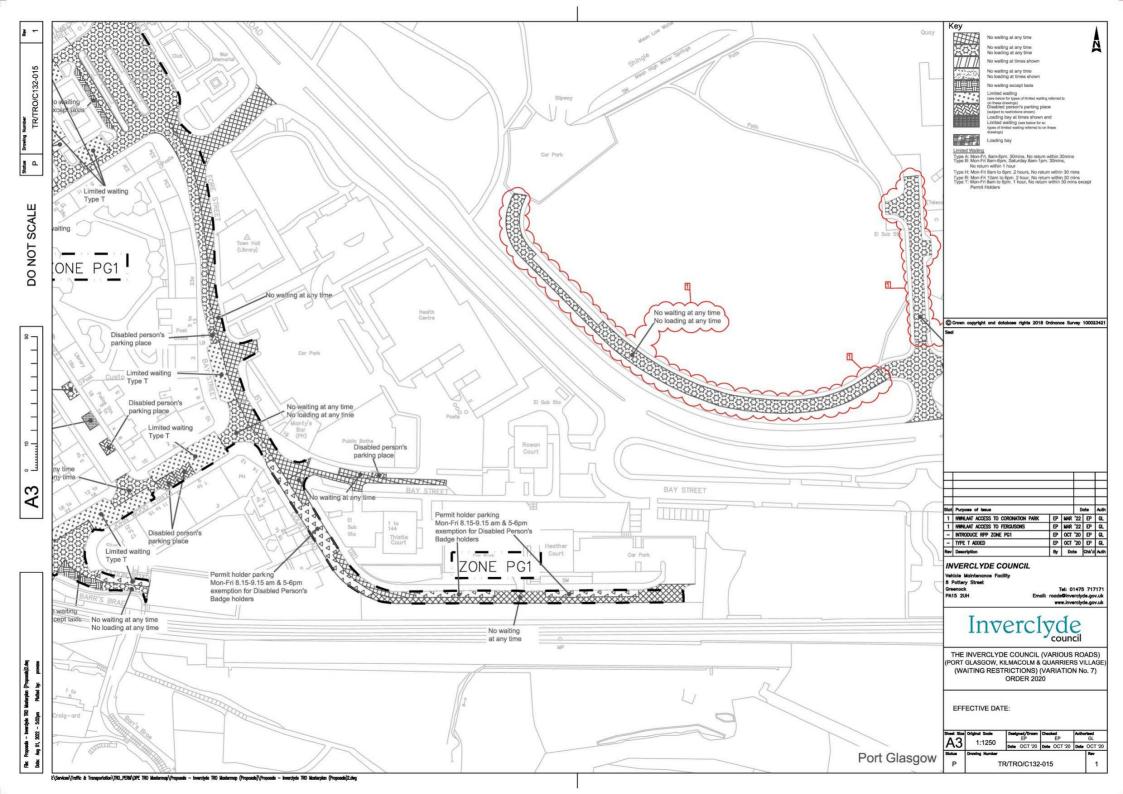


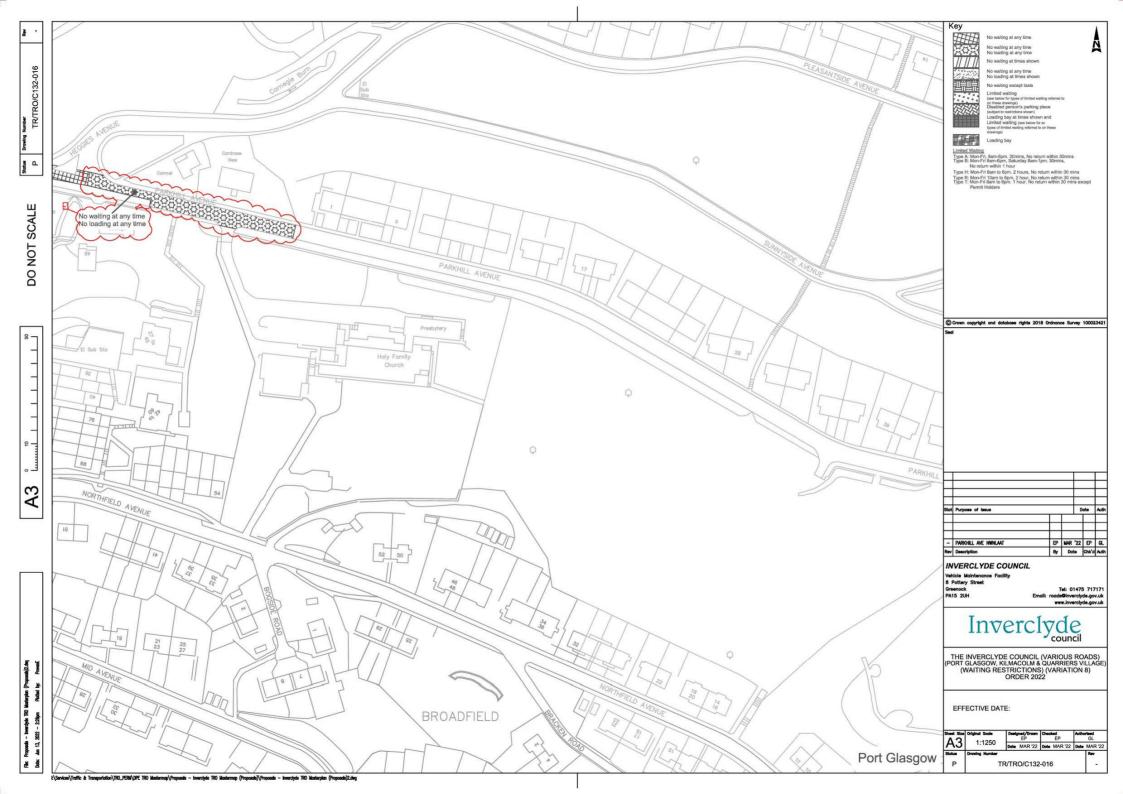


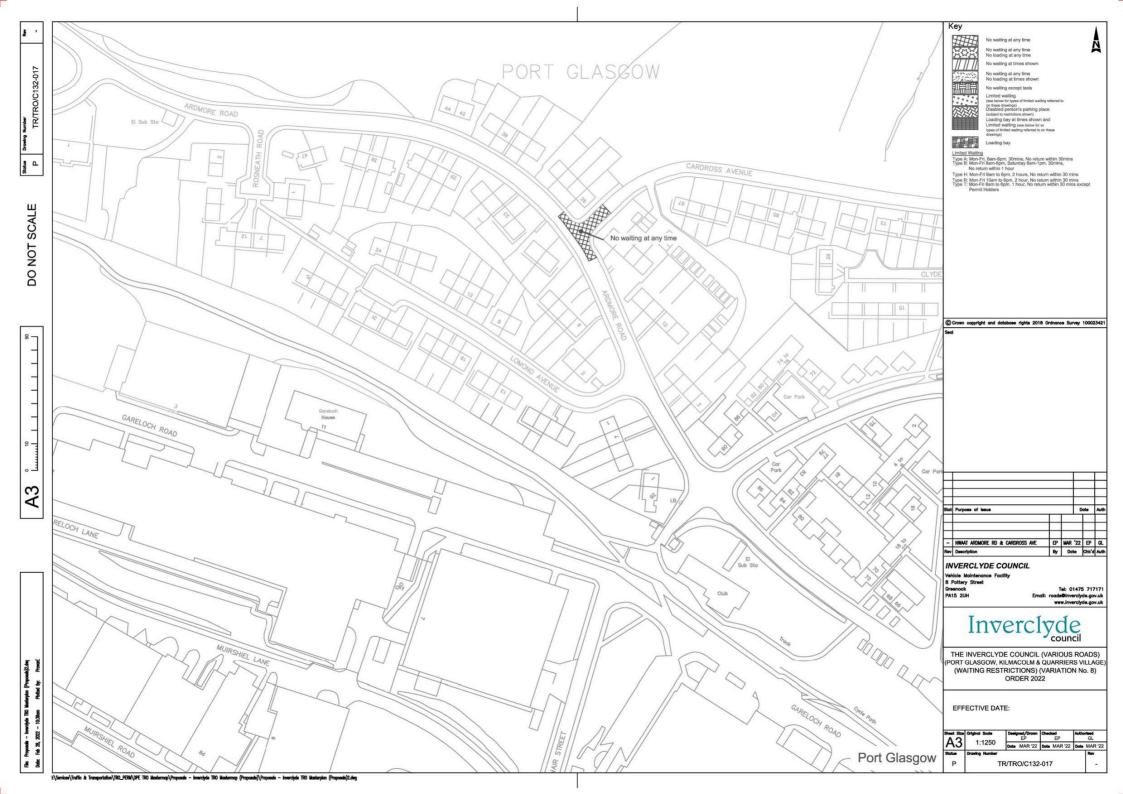


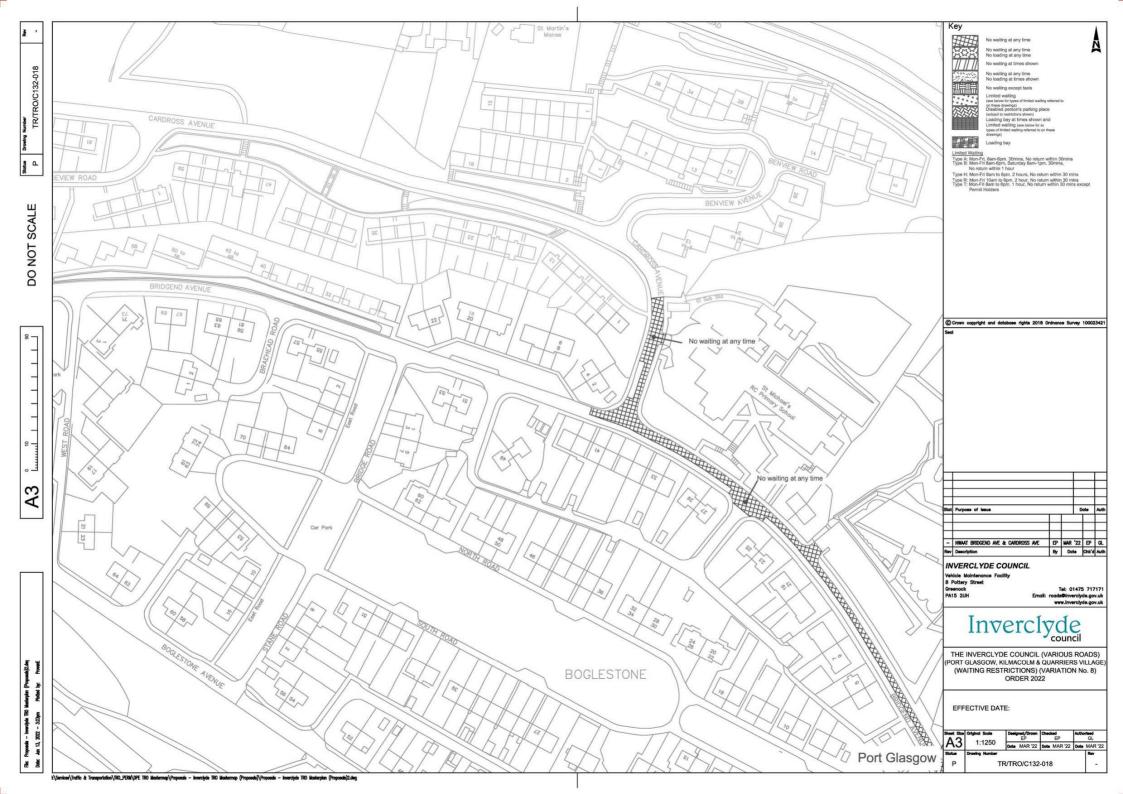












THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & **QUARRIERS VILLAGE)** (WAITING RESTRICTIONS) (VARIATION NO. 9) **ORDER 2022**

TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (PORT GLASGOW, KILMACOLM & QUARRIERS VILLAGE) (WAITING RESTRICTIONS) (VARIATION NO. 9) ORDER 2022

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. 9) Order 2022".

2.0 Interpretation

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- 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. 9) Order 2022 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" and which are recorded as current for the purposes of interpretation of this Order in the Plan Index.
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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 ##, Proper Officer and an authorised signatory, at ## on ##.

SCHEDULE 1

The Inverciyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 9) Order 2022 On-Street Plans



SCHEDULE 2

SCHEDULE 3

The Inverciyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) Order 2013 PLAN INDEX

Plan Reference	Effective	Effective date of Plan Revision										
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ECO1635 The Inverclyde Council (Various Roads) (Port Glasgow, Kilmacolm & Quarriers Village) (Waiting Restrictions) (Variation No. 9) Order 2022

