

Agenda Item	5
Report No	SR/2/20

HIGHLAND COUNCIL

Committee: Isle of Skye & Raasay Committee

Date: 2 March 2020

Report Title: Consideration of Traffic Regulation Order Objections

Report By: Executive Chief Officer Infrastructure and Environment

1 Purpose/Executive Summary

- 1.1 Following the decision by member at the area committee of 11 September 2017 to introduce Pay & Display parking on Ford Road, Broadford and after publication of the recent Traffic Regulation Order "The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Four Order 2019" which included on street Pay & Display for Broadford and the Quiraing roadside. Objections have been received relating to the On-Street Pay and Display proposed for Ford Road, Broadford. As officers were unable to resolve these objections, members must now deliberate these.
- 1.2 As the main order covers restrictions across different Highland Council areas the items specific to this committee will be heard and any decision on these matters will not affect the overall competency of the Traffic Regulation Order and any decisions made or to be made by other committees.

2 Recommendations

- 2.1 The Traffic Regulation Order as advertised is made in so far as it relates to matters deliberated by this Committee and the objections to the Ford Road Pay & Display proposals as advertised, are set aside.

3 Implications

- 3.1 Resource – None, as any income from the proposal is not budgeted at this time. The proposals are a Traffic Management intervention.
- 3.2 Legal – No implications as all actions herein are pursuant to The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

- 3.3 Community (Equality, Poverty and Rural) – It is deemed that the provision of traffic management by the implementation of nominal on street Pay & Display will be of wider benefit to access facilities in the area and net revenues raised may be reinvested in infrastructure provision.
- 3.4 Climate Change / Carbon Clever – No change as we are not increasing infrastructure relating to traffic provision, only managing existing provision.
- 3.5 Risk – If no action is taken the area in question will not maximise access to services and facilities for customers.
- 3.6 Gaelic – No implications.

4 TRO Process

- 4.1 Subject to The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, unresolved objections made to a Traffic Regulation Order must be considered by the appropriate Committee and in making the Order in part, as per section 18 of the Act, the unresolved objections may be heard without delaying the bulk of the order.
- 4.2 Section 18 paragraph 2 - The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999:- Where an Order has been made in part in accordance with paragraph (1), the Authority may subsequently deal with the remaining proposals to which the order relates in any, or any combination, of the following ways:-
 - (a) abandon them;
 - (b) defer a decision on them; and
 - (c) make an order or orders giving effect to them in whole or in part
- 4.3 The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Four Order 2019 was advertised for public consultation via a Public Notice in the Press & Journal and on street notices detailing the proposals from the 10 Sept 2019 allowing for representations to be received by the 4 of October 2019. Three objections were received. Statutory consultees were sent the Draft Order in July 2019 ahead of the public consultation. No responses were received from them.

5 Unresolved Objections

- 5.1 The proposal as previously discussed at Ward level since 2017 is to introduce Pay & Display parking on Ford Road, Broadford, to increase turnover and prevent long stay vehicles that limit the availability of parking for customers and visitors using services in the area.

After previous public consultations on this issue included in “The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Three Order 2018”, the tariffs and charging times were further amended to take on board feedback and the proposal set aside and re-advertised as below in 2019.

Ref	Location of Parking Place	Current Restrictions	Proposed Charging Times	Scale of Tariffs	
PD017	Ford Road, Broadford	Unrestricted	Mon to Sun 8am to 6pm 3 hours Max Stay 1st March to 31st Oct	Up to 1 Hr Up to 2 Hrs Up to 3 Hrs	£0.00 £1.00 £2.00
PD018	The Quiraing, Roadside, Skye	Unrestricted	Mon to Sun 8am to 8pm 12 hours Max Stay	Up to 3 Hr Up to 6 Hrs Minibus per Visit	£3.00 £5.00 £5.00

The “free” parking period was increased from 0.5 hrs to 1hr, charging times were reduced from 12 to 8 months and the maximum stay increased from 2 to 3 hours. These changes were then included in the re-advertising of the TRO in September 2019.

5.2 Three letters of objection were received and can be read in their entirety in **Appendix 1**.

One objector works in a business and two objectors are operators of businesses on Ford Road.

The main points of objection are summarised as follows:-

- Workers would not be able to use the parking as the maximum stay of 3 hours was not long enough;
- It is unfair for staff to have to pay for parking;
- Inclement weather would be detrimental to staff having to walk from other nearby parking locations;
- The proposed Pay & Display used to increase turnover is an overreaction and not required as parking is never at capacity long enough; and
- Parking charges will affect us financially having to pay and may deter customers.

5.3 All objectors were contacted to address their objections. The officer responses can be read in their entirety in **Appendix 1**.

The main points offered in response are summarised as follows:-

- This area of parking on Ford Road is provided specifically to allow parking for use of adjacent facilities, i.e. for customers to access services. It is not provided for long stay parking for workers in those businesses. There are several other locations in Broadford offering free unrestricted parking that workers can use;
- The proposal to introduce charging is designed to specifically prevent long stay parking and ensure that there is a consistent availability for customers wishing to access services in Ford Road during the day. Use of Pay & Display is an effective tool to achieve this;

- There is no evidence across the UK that nominal charges for on street parking have an impact on footfall and in fact with the majority of users being visitors to Skye in the season they have accepted on street Pay and Display charges elsewhere on the island with no decrease in footfall. People are content to pay for the advantage of convenient parking next to services they wish to use and indeed this applies more so to visitors

5.4 It is the Services' view that the proposed Pay & Display parking is an effective tool to allow proper management of on street parking at this location and the amendments already made to the proposed timings and tariffs are reasonable.

Designation: Executive Chief Officer Infrastructure and Environment

Date: 7 February 2020

Author: Shane Manning, Principal Traffic Officer

Background Papers: Off Street Car Parks [Report](#) - 11 September 2017
Update on Car Parking in Skye [Report](#) - 3 June 2019

The Highland Council

The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Four Order 2019 (DRAFT)

Notice is hereby given that The Highland Council (“the Council”) in exercise of its powers under Sections 1(1), 2(1) to (3), 4, 19, 32, 35, 45, 46,47 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and the Road Traffic Act 1991 (hereinafter referred to as “the 1991 Act”) and of all other enabling powers proposes to make an Order entitled as above the general effect of which is as described in the Schedule below.

Details of the proposals, a copy of the proposed Order, Statement of Reasons and Plans may be inspected at the Council headquarters, Glenurquhart Road, Inverness, IV35NX during normal office hours. All documents may also be viewed online at <https://www.highland.gov.uk/parking> select “[Traffic order consultations](#)”. You may also visit Service Points for access to this information. Any objection you may have to these proposals must be submitted to the undernoted in writing by Friday 4th October 2019 and must contain the competent grounds upon which you object.

10th September 2019, Legal Manager, Council Offices, Glenurquhart Road Inverness IV3 5NX

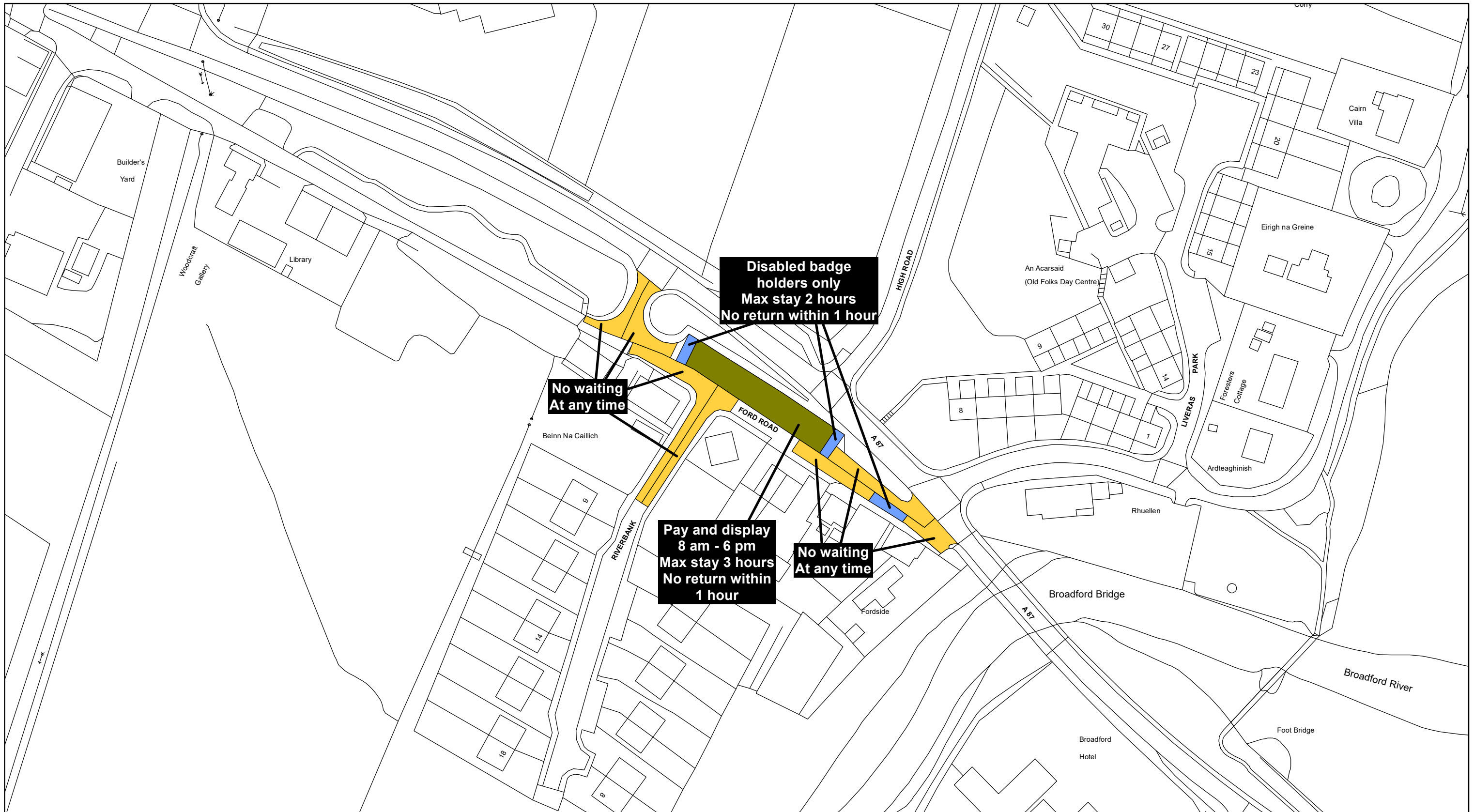
Schedule

This Order Variation affects roads at:

The Quiraing, Skye – Roadside Pay & Display, Waiting Restrictions
 Ford Road, Broadford – Roadside Pay & Display
 Station Road, Mallaig – Roadside Pay & Display
 Davies Brae, Mallaig – Roadside Pay & Display
 Millbank Crescent, Nairn – Permit Parking
 Acre Street, Nairn – Waiting Restrictions & Permit Parking
 Rose Street, Nairn – Waiting Restrictions & Permit Parking
 Mill Road, Nairn – Waiting Restrictions & Permit Parking

Consultation is also being notified to ensure that the public are aware of the details relating to proposed on-street Pay & Display and Waiting Restrictions to assist in the delivery of effective traffic Management.

Ref	Location of Parking Place	Current Restrictions	Proposed Charging Times	Scale of Tariffs
PD014	Station Road, Mallaig (Pay & Display)	Free, 30 minute Max stay.	Mon to Sun 10am to 5pm 1 hour Max Stay	Up to 0.5 Hrs £0.00 Up to 1 Hr £1.00
PD015	Davies Brae, Mallaig (Pay & Display)	Free, 30 minute Max stay.	Mon to Sun 10am to 5pm 1 hour Max Stay	Up to 0.5 Hrs £0.00 Up to 1 Hr £1.00
PD017	Ford Road, Broadford (Pay & Display)	Unrestricted	Mon to Sun 8am to 6pm 3 hours Max Stay 1st March to 31st Oct	Up to 1 Hr £0.00 Up to 2 Hrs £1.00 Up to 3 Hrs £2.00
PD018	The Quiraing, Roadside, Skye	Unrestricted	Mon to Sun 8am to 8pm 12 hours Max Stay	Up to 3 Hr £3.00 Up to 6 Hrs £5.00 Minibus per Visit £5.00



This is the map (DC616a) referred in the foregoing THE HIGHLAND COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING AND PARKING PLACES) (DECriminalISED PARKING ENFORCEMENT AND CONSOLIDATION) VARIATION FOUR ORDER 2019
 Proper Officer

The Highland Council
 Headquarters
 Glenurquhart Rd
 Inverness
 IV35NX

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Key		Key		Key		Key	
Shade	Restriction	Shade	Restriction	Shade	Restriction	Shade	Restriction
	No Waiting At Any Time		No Waiting At Any Time / No Loading		No Waiting At Any Time / No Loading At Any Time		No Waiting / No Loading
	No Waiting		Loading Restrictions		Taxi Ranks		Pay And Display
	Permit Holders Only		Limited Waiting		Miscellaneous Restrictions		Disabled Badge Holders Only
	No Stopping On Main Carriageway		No Stopping At Any time On Verge Or Footway		Zonal Restrictions (Excluding Pedestrian Zones)		Pedestrian Zones

SCALE 1:1,250
DATE 01/05/2018
MAP NUMBER DC616a



I would like to express my strong objection to the pay and display parking that is purposed on Ford road in Broadford. As the owner of the Isle of Skye Candle Co with 2 prominent buildings on the street, I was horrified to see the machines going up a couple of years ago with no consultation. This was made worse by the sudden painting of a one-way system that no one has requested and very few thinks is a good idea. We all know the road can get busy in the height of summer, but I've never been here where I can't find a spot somewhere on the road. It is also only anywhere near full in the absolute height of summer for maybe 2 hours in the middle of the day so feel it's a totally over reaction to make it pay and display for 6 months for just a couple of busy hours in the day.

With an already fragile retail environment the last thing we need is anything to put people of stopping in our street, which is exactly what they'll do when they see pay and display is in force. It's no use having an hour free for them to park as they simply will not see this until they've already decided they don't want to stop because of the machines and will instead pull over somewhere else, costing us valuable sales. It's also totally unfair for our staff to have to pay for parking when they drive to work as you'll be aware that up here the weather in even the summer can be awful and walking even relatively short distances can be horrible with the downpours we get. I would suggest that a far better alternative to pay and display would simply be a few prominent signs signalling that there is to be no overnight parking with threat of a fine to stop people taking the bus to inverness and Glasgow and just dumping their car there, taking up the spaces and making it crowded for the lunch time rush.

Having spent the past 8 years on the street I have a very good idea of all the goings on here and really think the Pay and Display is a bad idea and really hope you guys can see that it's just a knee jerk reaction to a slight bit of annoyance raised by one of the other business owners on the street.

Looking forward to hearing back from you.

James Robertson
Founder
Isle of Skye Candle Co

LEGAL SERVICES HQ
03 OCT 2019
RECEIVED

Jane Robertson
Isle of Skye Candle Co



Please ask for: **Shane Manning**
Email: communityservices@highland.gov.uk
Our Ref: 2019TROV4
Date: 28/11/19

Dear Jane

**The Highland Council (Prohibition and Restriction of Waiting and Loading and
Parking Places) (Decriminalised Parking Enforcement and Consolidation)
Variation Four Order 2019 (DRAFT)**

Further to your letter of objection received on the 3rd of October 2019 I have reviewed your points, namely that

1. the proposals are an overreaction to a minor problem
2. this would impact people choice to park at all
3. unfair on staff parking

The proposal to introduce charging is designed to specifically prevent long stay parking and ensure that there is a consistent availability for customers wishing to access services in Ford Road during the day. Use of pay & display is an effective tool to achieve this. The placement of signage only would require undeliverable enforcement in which an officer would be required to log vehicles once on arrival and return the next day to confirm the vehicle is still there and has not moved. In addition there is no legal sign that can be applied on street to ban "overnight parking".

There is no evidence across the UK that nominal charges for On Street parking have an impact on footfall and in fact with the majority of users being visitors to Skye in the season they have accepted on street pay and display charges elsewhere on the island with no decrease in footfall. People are content to pay for the advantage of convenient parking next to services they wish to use and indeed this applies more so to visitors. Following previous consultation on this subject the proposals were amended to include the 1 hour free and extending the max stay to 3 hours.

Community Services

This area of parking on Ford Road is provided specifically to allow parking for use of adjacent facilities, i.e. for customers to access services.

It is not provided for long stay parking for workers in those businesses. I am sure you would agree that without customers there would be no businesses.

There are several other locations in Broadford offering free unrestricted parking that workers can use.

In light of our response can you confirm if you are willing to withdraw your objections? If you do not then if required a report will be prepared and presented to your area committee to which members of that committee will decide whether to uphold or overrule your objections.

Yours sincerely

Shane Manning
Principal Traffic Officer
Traffic Management & Control Team

Community Services

The Highland Council, Glenurquhart Road, Inverness, IV3 5NX
Tel: 01349 886606 e-mail:communityservices@highland.gov.uk www.highland.gov.uk

EMAIL**From:** James Robertson**Sent:** 02 December 2019 17:29**To:** Community Services - Headquarters**Subject:** 2019TROV4

Thank you for your letter in response to my complaint.

I am not willing to withdraw my objection however as I believe street parking charges are 100% not necessary and despite "no evidence" about paid parking putting people off across the UK, I know from personal experience that it does. I know fine well that business need customers to operate but they also need staff, and like stated before, having to walk from the lower town car park, provided there is space, in the driving rain is far from ideal. There is not a problem with parking on the street at the moment so why change something that doesn't need fixed.

Kind Regards

James Robertson

Founder

Isle of Skye Candle Co

The Health Oasis
Centre for Complementary Therapies



Legal Manager
Council Offices
Glenurquhart Road
Inverness
IV3 5NX

Objections to “The Highland Council (Prohibition and Restriction of Waiting and loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Four Order 2019 (Draft)”

Ref PD017, Ford Road, Broadford (Pay & Display)

To whom it may concern:

I am running a small complementary therapy business at Riverbank (above Witte’s architects) with various therapists offering treatments and workshops at different times during the week.

Parking fees would not just affect us financially, it would also affect our work as the maximum stay of three hours wouldn’t allow us to fully focus on our clients. We would have to think about shifting cars during the day, which will prove difficult especially during the height of tourist season.

Elderly or vulnerable people who depend on volunteers to take them to their treatments and wait for them, might not choose to come for their treatment anymore.

I wonder, whether there would be a possibility for locals and businesses in that area to apply for a local parking permit.

I feel that small businesses in our area need to be encouraged to run successfully and I am looking forward to a positive response to my mail.

Kind Regards

(

Sonja Eckl-Riel

Owner

LEGAL SERVICES HQ
25 SEP 2019
RECEIVED

The Health Oasis
Therapy Centre



Please ask for: **Shane Manning**

Email: communityservices@highland.gov.uk

Our Ref: 2019TROV4

Date: 28/11/19

Dear Sonja

**The Highland Council (Prohibition and Restriction of Waiting and Loading and
Parking Places) (Decriminalised Parking Enforcement and Consolidation)
Variation Four Order 2019 (DRAFT)**

Further to your letter of objection received on the 25th of Sept 2019 I have reviewed your points, namely:

1. Would affect your business financially
2. Would impact on workforce parking
3. Would impact on client helpers waiting
4. Availability of a permit

There is no evidence across the UK that nominal charges for On Street parking have an impact on footfall and in fact with the majority of users being visitors to Skye in the season they have accepted on street pay and display charges elsewhere on the island with no decrease in footfall. People are content to pay for the advantage of convenient parking next to services they wish to use and indeed this applies more so to visitors. Following previous consultation on this subject the proposals were amended to include the 1 hour free and extending the max stay to 3 hours.

This area of parking on Ford Road is provided specifically to allow parking for use of adjacent facilities, i.e. for customers to access services.

It is not provided for long stay parking for workers in those businesses. I am sure you would agree that without customers there would be no businesses and they should take precedent when providing access to services.

There are several other locations in Broadford offering free unrestricted parking that workers can use.

Community Services

The Highland Council, Glenurquhart Road, Inverness, IV3 5NX

Tel: 01463 702217 e-mail:communityservices@highland.gov.uk www.highland.gov.uk

I would suggest that clients being supported in accessing your service have many alternatives in Broadford for free and unrestricted parking to allow them to park up and wait for clients to complete their treatment. Also if a client is in possession of a Blue Badge there is no charge to park or limit on stay in pay and display sites provided by the Council and they may also park on double and single yellow lines that or not subject to a loading restriction.

The highland council does not provide season tickets or permits for short stay parking sites. Any permits we do provide in long stay facilities are also subject to a fee and limited in availability.

In light of our response can you confirm if you are willing to withdraw your objections? If you do not then if required a report will be prepared and presented to your area committee to which members of that committee will decide whether to uphold or overrule your objections.

Yours sincerely

Shane Manning
Principal Traffic Officer
Traffic Management & Control Team

Community Services

The Highland Council, Glenurquhart Road, Inverness, IV3 5NX
Tel: 01349 886606 e-mail:communityservices@highland.gov.uk www.highland.gov.uk

2/10/19

Dear Sir / Madam,

Re: on street Pay & Display proposals.

I am writing to object to the proposed charges & maximum stay for Ford Road, Broadford (Ref PDO17) on the grounds that as I work at The Health Oasis, above Wittet's Architects (opposite the parking) for more than 3 hours at a time I would not be able to move my car to a different place; 3 hours is not long enough.

A local resident / worker permit system might solve this issue.

Yours sir

LEGAL SERVICES HQ

04 OCT 2019

RECEIVED

Helen McLoughlin
[REDACTED]

Please ask for: **Shane Manning**

Email: communityservices@highland.gov.uk

Our Ref: 2019TROV4

Date: 28/11/19

Dear Helen

The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Four Order 2019 (DRAFT)

Further to your letter of objection dated the 2nd October 2019 I have reviewed your points, mainly that you require a longer period for parking at work as the three hour max stay is not enough.

This area of parking on Ford Road is provided specifically to allow parking for use of adjacent facilities, i.e. for customers to access services.

It is not provided for long stay parking for workers in those businesses. I am sure you would agree that without customers there would be no businesses.

There are several other locations in Broadford offering free unrestricted parking.

The need to maintain access to readily available parking for customers is the reason the Highland Council has been asked to improve turnover and therefore availability on Ford Road.

In light of our response can you confirm if you are willing to withdraw your objections? If you do not then if required a report will be prepared and presented to your area committee to which members of that committee will decide whether to uphold or overrule your objections.

Yours sincerely

Shane Manning
Principal Traffic Officer
Traffic Management & Control Team

Community Services

The Highland Council, Glenurquhart Road, Inverness, IV3 5NX
Tel: 01463 702217 e-mail:communityservices@highland.gov.uk www.highland.gov.uk