

Pavement, Double and Dropped Kerb Parking Restrictions

Report by Derek Oliver, Chief Officer, Place

1 Recommendations

- a) Council notes inconsiderate and obstructive parking on pavements, footways, dropped kerbs and double parking causes inconvenience and accessibility issues; and
- b) Approves that pavement, footway, double and dropped kerb parking restrictions, as introduced by The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023, be enforced effective from 1st April 2024.

2 Purpose of Report/Executive Summary

The purpose of this report is to update Council on the introduction of new parking prohibitions for pavement, double and dropped kerb parking. The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 came into force on 11 December 2023.

It is recommended that Council enforce these new Regulations utilising its decriminalised parking powers with effect from 1st April 2024, prioritising locations where public safety and accessibility are impacted. There will be a graduated approach, with a short introductory period to allow the public to adjust to the new rules. A targeted, awareness campaign will be launched during this period, where behavioural change will be the focus and compliance with the prohibitions will be encouraged.

Date: 8 March 2024
Report Contact: Robbie Beattie Neighbourhood Services Senior Manager
Email: Robbie.Beattie@midlothian.gov.uk

3 Background

- 3.1** The Transport (Scotland) Act 2019 part 6 provided powers for local authorities to prohibit pavement parking, double parking, and dropped kerb parking. These powers became live when the Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 came into force on 11 December 2023.
- 3.2** There are two main reasons for introduction of these parking powers a) Damage to infrastructure. Pavements are not normally designed to accommodate vehicles driving or parking on them. This leads to damaged surfaces, higher maintenance costs and increasing the risk of trips and falls and b) Accessibility. The Government's Inclusive Transport Strategy (July 2018) aimed to create a transport system that provides equal access for disabled people by 2030.
- 3.3** Inconsiderate and obstructive parking on footways and at dropped kerbs as well as double parking causes inconvenience and accessibility issues. It particularly affects those with mobility issues, parents with pushchairs and older people. It also causes difficulties for those, such as children, trying to cross a road due to impaired visibility caused by inconsiderate parking. Enforcement of the regulations will improve accessibility for these groups.

4 Main Report

- 4.1** In preparation for the introduction of the regulations 2,097 roads were assessed in May 2023 by the Project Centre. The assessment aimed to provide an understanding of parking behaviour in Midlothian and in particular, the potential impact of the legislation where footway parking currently exists.
- 4.2** A robust set of criteria were used to assess each road. A Red classification was given where there was a significant level of pavement parking currently taking place (pavement parking on >25% road's length). Amber where there were moderate levels of pavement parking currently taking place (pavement parking on between 1% and 25% road's length). Green, where there was negligible pavement parking taking place (pavement parking on <1% road's length).
- 4.3** For those roads where an amber classification was assessed they were further to determine if the resulting unobstructed footway width where footway parking is taking place was less than 1.5metres
- 4.4** Following the assessment 151 roads or 7.2% of the total were classified red requiring further assessment. 162 roads that were private or under development were unclassified.

Midlothian		
Classification	Number	Percent
Red	151	7.2%
Amber	5	0.2%
Green	1779	85%
Unclassified	162	7.7%
	2097	100%

Table 4.4

- 4.5 The 151 roads classified as red were assessed against criteria in table 4.5 to determine the likely impact of enforcement of pavement parking.

Impact Parking Displacement	Assessment
No impact	0% of identified footway parking will be likely to be displaced to nearby roads. Sufficient on-carriageway space on the same road
Minor	<25% of identified footway parking will be likely to be displaced to nearby roads AND 100% of parking displacement can be accommodated on surrounding roads without introducing additional parking pressures (i.e. available parking spaces on nearby roads will likely be reduced by <25%)
Moderate A	<25% of identified footway parking will be likely to be displaced to nearby roads AND 100% of parking displacement can be accommodated but leading to 'Moderate' parking pressures on surrounding roads (i.e. available parking spaces on nearby roads will likely be reduced by 25%-50%)
Moderate B	25-50% of identified footway parking will be likely to be displaced to nearby roads AND Up to 50% of parking displacement could be accommodated on surrounding roads without introducing additional parking pressures (i.e. available parking spaces on nearby roads will likely be reduced by <25%)
Significant A	<25% of identified footway parking will be likely to be displaced to nearby roads AND 100% of parking displacement can be accommodated but leading to 'Significant' parking pressures on surrounding roads (i.e. available parking spaces on nearby roads will likely be reduced by >50%)
Significant B	25-50% of identified footway parking will likely be displaced to nearby roads AND Up to 50% of parking displacement could be accommodated but 'Moderate' parking pressures will be introduced on surrounding roads (i.e. available parking spaces on nearby roads will likely be reduced by 25%-50%)
Significant C	>50% of identified footway parking will be likely displaced to nearby roads AND 100% of parking displacement can be accommodated on surrounding roads without introducing additional parking pressures (i.e. available parking spaces on nearby roads will likely be reduced by <25%)
Significant D	>50% of identified footway parking will be likely displaced to nearby roads AND 100% of parking displacement can be accommodated but leading to 'Significant' parking pressures on surrounding roads (i.e. available parking spaces on nearby roads will likely be reduced by >50%)

Table 4.5

- 4.6 Of the 151 red classified roads only 8 or 5% were suspected of causing a significant impact which may require mitigation measures to be introduced such as double yellow lines. The eight significant impact roads represent 0.4% of the roads in Midlothian.

Red Classification		
Impact	Number	Percent
None	130	86%
Minor	8	5%
Moderate	5	3%
Significant	8	5%
Total	151	100%

Table 4.6

- 4.7** The eight streets where significant impact on pavement parking displacement is anticipated are listed in table 4.7.

Street	Town
Almond Crescent	Bonnyrigg
Argyll Place	Bonnyrigg
Auld Coal Grove	Bonnyrigg
Harlaw Grove	Penicuik
North Wynd	Dalkeith
Park Avenue	Loanhead
Park Crescent	Easthouses, Dalkeith
The Avenue	Hunterfield, Gorebridge

Table 4.7

- 4.8** It is hoped that parking behaviour change will deliver the necessary improvements and avoid the introduction of mitigation measures. A targeted, awareness campaign will also be launched during the transition period where behavioural change will be the focus and compliance with the prohibitions will be encouraged.
- 4.9** If enforcement and introduction of mitigating measures impact on the wider road network, road safety or servicing cannot be resolved using parking restrictions and prohibitions then an Exemption Order from the regulations may be considered. If such a measure is contemplated an Exemption Order will be submitted to Council for approval. Any approval would require the budget for marking of formal parking places and the installation of associated signage.
- 4.10** It is known that inconsiderate and obstructive parking on pavements, footways, dropped kerbs and double parking causes inconvenience and accessibility issues. Therefore, it is recommended to Council that pavement, double and dropped kerb parking restrictions, as introduced by The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023, be enforced effective from 1st April 2024, prioritising locations where public safety and accessibility are impacted.

5 Report Implications (Resource, Digital and Risk)

5.1 Resource

No additional financial resource is required to enforce the Regulation through the council decimalised parking contractor who will enforce as part of normal routine.

If mitigation measures such as introduction of double yellow line restrictions are required this may require £5k to £15K of revenue funding to deliver.

5.2 Digital

There are no Digital Services issues associated with any aspect of this project.

5.3 Risk

Displacement of parking could potentially result in the inefficient operation of the road network, associated delays to public transport and emergency services, parking pressures in nearby streets and road safety issues.

6 Ensuring Equalities (if required a separate IIA must be completed)

The project aims to address equality-related access to the pavement. The parking prohibition was introduced by the Scottish Government to reduce obstruction of pavements for pedestrians, and in particular those with mobility issues or visual impairments, or parents pushing prams and buggies.

Appendices

Appendix A – Report implication

Appendix B – Frequently asked questions

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious
- None of the above

A.4 Delivering Best Value

The report does not directly impact on Delivering Best Value.

A.5 Involving Communities and Other Stakeholders

Transport Scotland/Scottish Government carried out a consultation exercise before introducing the new regulations.

<https://www.transport.gov.scot/consultation/scotland-s-pavement-parking-prohibitions-consultation-on-enforcement-regulations-for-local-authorities/#:~:text=As%20part%20of%20this%20work,to%20enforce%20these%20new%20provisions.>

A.6 Impact on Performance and Outcomes

The report does not directly impact on Midlothian Council's performance and outcomes.

A.7 Adopting a Preventative Approach

Applying enforcement will improve pavement accessibility and avoid those with mobility issues, visual impairments, or parents pushing prams and buggies going on to the road to avoid vehicle obstruction on pavements.

A.8 Supporting Sustainable Development

Not applicable.

APPENDIX B - Frequently asked questions:

Am I likely to be issued with a fine (PCN) if I park on the pavement, double park or park across a dropped kerb?

Yes, Parking Attendants will be patrolling and Penalty Charge Notices may be issued at any time of the day. Please make sure you observe these rules to assist other road users, including wheelchair users and children in buggies to travel safely.

What is the value of the fine?

The fine is £100 reduced to £50 if paid within 14 days of issue.

There is nowhere else to park, what can I do?

In some locations, some residents may feel they have had no option but to park on the footway/pavement. This is no longer legal. You will need to find an alternative location to park.

If I park on the road, I will block the traffic – what I am supposed to do?

In most cases, parking with all four wheels of your vehicle on the road carriageway should not block the road to other traffic. If that is the case, it would be advisable to park elsewhere because it is an offence to block traffic and Police Scotland may take action. It is recognised that more vehicles on the carriageway may serve to reduce overall traffic speed in some streets.

Can I park on a grass verge or grass strip?

No, the pavement parking ban includes grass verges so these must be avoided. As a rule of thumb, if a pedestrian can walk on it, it should be avoided.

I heard the rules did not apply when loading?

There is an exception in the rules that seeks to support some traders to continue making deliveries. This only applies to activity in the 'course of business' so does not apply to personal activities like unloading shopping or lifting young children out of a car. Delivery drivers can only park on the pavement when the following two conditions apply - 1) There must be no reasonable place to park fully on the road, and 2) there is still 1.5m of pavement width between their vehicle and any wall, fence or bush. If these two conditions apply, then the maximum length of time for the delivery driver being parked on the pavement is 20 minutes.

Can I drop a passenger off, or collect, on the pavement?

No, you shouldn't drive on to the pavement to allow a passenger to board or alight your vehicle. If you are observed sitting behind the steering wheel, while parked on a pavement, a Parking Attendant will ask you to move before issuing a Penalty Charge Notice.

I only had one wheel on the pavement – will I get penalised?

Potentially yes, the law states that even one wheel on the pavement is enough to result in a Penalty Charge Notice being issued to your vehicle. Make sure you park with all four wheels on the road.

My pavement is wide with room for both cars and pedestrians – why can't I park there?

The guidance with the new legislation explains that exemptions should only be given in certain circumstances and pedestrians should be prioritised. If there is sufficient space on the carriageway for drivers to park, and still allow vehicles to pass, it is not appropriate to allow an exemption. Most pavements have not been designed to take the weight of vehicles and can be damaged by persistent pavement parking.

I live in a cul-de-sac and there are very few pedestrians – do the rules apply everywhere?

Yes, the new rules apply in all streets, irrespective of their design, length or purpose.

Do the rules apply on private roads or privately owned pavements?

Yes, if the road is available to pedestrians to use, the rules will apply irrespective of ownership.

I am a Blue Badge holder. Do these new rules apply to me?

Yes, all these rules apply. There are no exceptions for Blue Badge holders.

Is there going to be signage to show me where I can't park?

No, the default position is that parking on the pavement is banned. Parking across dropped kerb crossing points is also banned. Signage will only be provided where there is a formal exemption to the rules.

Can I park across my own driveway?

Potentially yes, if you are sure that the dropped kerb for the driveway does not also serve as a crossing point for pedestrians. You should not park across someone else's driveway.

How can I tell if the dropped kerb is used as a crossing point?

Generally, it will be clear because there will be no corresponding driveway or garage for a vehicle to enter. You should consider how a wheelchair user might want to cross from one pavement to another. If you are in doubt, it would be advisable to avoid the dropped kerb and park elsewhere.