

EAST RENFREWSHIRE COUNCIL

24 September 2014

Report by Director of Environment

THE EAST RENFREWSHIRE COUNCIL
(CLARKSTON AND BUSBY AREA) (ON-STREET) (WAITING AND LOADING)
ORDER 20^[**]

PURPOSE OF REPORT

1. The purpose of the report is for the Council to consider the maintained objections and approve the making and confirmation of the East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) Order 2014.

RECOMMENDATIONS

2. It is recommended that the Council approve the making and confirmation of the East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) Order 2014 and delegate to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

BACKGROUND

3. The Council introduced Decriminalised Parking Enforcement (DPE) in April 2013 and became the Parking Authority for East Renfrewshire. Prior to DPE becoming effective, however, all Traffic Regulation Orders had been consolidated into 9 operational Orders.

4. A commitment was given that once the Council became the Parking Authority, the waiting and loading regulations within each area would be reviewed and, if required, proposals to alter the restrictions brought forward for consideration.

5. The Clarkston and Busby area is the first area to be examined. The current Order in force is the East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) (Consolidation) Order 2013.

6. The Council has consulted widely. An informal consultation was held from Monday 19th August to Monday 16th September 2013. Exhibitions, showing the proposed restrictions, were held in Clarkston and Busby libraries. Over 900 questionnaires were posted to frontagers directly affected by the suggested changes and to those whose property lay within 50 metres of a proposed change. The questionnaire was also available on the Council's website. A total of 384 responses were received.

7. The main issue that the respondents were concerned with was the economic well-being of shops and other local amenities in Clarkston and Busby. They considered the current waiting and loading restrictions too severe and damaging to local businesses. However, there was support for the enforcement of parking restrictions at certain times. Respondents commented that traffic flowed more freely during peak hours when enforcement took place and that there was less congestion and delay. Others commented that whilst there is a need for peak hour restrictions from Monday to Friday, there is no need for many of the restrictions to be enforced during the weekend.

8. The consultation also asked respondents whether they thought that time restrictions should be introduced on the Clarkston Goods Yard Car Park. However, there was no consensus on this issue. It was, therefore, decided to concentrate on the revised on-street waiting restrictions and to monitor off-street usage once the new restrictions came into force.

REPORT

9. Following consideration of the responses to the consultation the draft on-street Order was prepared.

10. The **key** proposals in the draft Order are:

- Peak hour waiting and loading restrictions on Busby Road between Clarkston Toll and Sheddens' Roundabout;
- 90 minute limited waiting Monday – Saturday 9am – 5pm on Busby Road between Clarkston Toll and Sheddens' Roundabout;
- Removal of some Saturday restrictions for loading on Busby Road and waiting on side roads;
- Peak hour restrictions on Eastwoodmains Road, Busby Road and Eaglesham Road;
- Protection of corners from indiscriminate parking by using no waiting and no loading at any time restrictions;
- Extension of existing limited waiting from 60 minutes to 90 minutes;
- No waiting and no loading at any time on part of Aidan's Brae;
- Extension of no waiting restrictions on Stewart Drive;
- Extension of the length of roads where limited waiting is permitted;
- New waiting restrictions at Printers Land;
- Retention of the taxi ranks but increased powers to enable Parking Attendants to enforce waiting and loading (currently only the Police can enforce taxi rank misuse);
- Additional powers enabling the Council to suspend parking bays (e.g. in relation to organised events, temporary building works etc.)

11. The above list is not comprehensive. The full details are contained within the draft Order. **Copies of the Order are available in the Members Lounge.**

12. It should be noted that there are no new disabled persons' only bays proposed on-street. This is because Blue Badge holders have extensive exemptions from the waiting and loading restrictions. The details of these arrangements are set out in the Scottish Government's publication "The Blue Badge scheme: rights and responsibilities in Scotland" which is sent to all badge holders when a Badge is issued or renewed.

13. The Draft Order was processed in accordance with the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and issued for consultation.

14. None of the Statutory Consultees, including Police Scotland, offered any objection. As part of this exercise, a total of 900 letters, including the notice advising of the draft Order, were sent to all properties within 50 metres of a restriction. The notice advising of the draft Order was also published in The (Eastwood) Extra on 20 March 2014 which invited those wishing to comment or object to do so by 14 April 2014. The draft Order together with the Notice, Statement of Reasons and existing Traffic Order were also available for the public to view on the Council's website and at Giffnock Library, Busby Library, Eastwood HQ and at the Roads and Transportation Services' office at Spiersbridge.

15. The Council received a total of 99 letters / e-mails commenting on the proposals. Of these, 52 were in support of the proposals and 47 objected to the proposals. All 47 letters of objection were considered and each objector received a response from the Council outlining, where appropriate, any amendments that we were prepared to make to the Order.

16. Following this there were 12 maintained objections. This included examining an objection that was maintained through an MP (instead of directly to the Council in accordance with the notified procedures). Notwithstanding this, this objection was considered and is included in the Appendix. There was also 1 new objector. Although this objection was beyond the time limit for objections it was examined but it was concluded that no further alterations would be recommended. The nature of this objection is included in the Appendix.

17. A summary of the basis of the maintained objections and the response / proposed action is attached as Appendix 1. It should, however be noted that many of the grounds for objection are not within the scope of this waiting and loading Order.

18. In response to the initial and maintained objections a number of minor amendments were made to the Draft Order. The amendments have sought to address the concerns which were mainly brought forward by residents. However, none of the amendments made the Order more restrictive as this would have required the Council to re-advertise the Order.

19. In accordance with the statutory procedures, none of the maintained objections, when considered, require the Council to hold a Hearing by an independent Reporter.

FINANCE AND EFFICIENCY

20. The financial implications of implementing the Traffic Regulation Order will be met from the Parking Account. This is an account held under the terms of the Road Traffic Regulation Act 1994 and it is a requirement under Section 55 of the Road Traffic Regulation Act that the Parking Account income and expenditure are reported annually to the Scottish Government.

21. There will be a requirement to renew / refresh lining and signing, update the parking attendants' hand held computers and carry out publicity. There will also be the normal maintenance costs associated with occasional lining and signing replacement which is estimated to be in the region of £500 every 8-10 years. All these requirements will be met from the Parking Account.

CONSULTATION

22. The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 sets out the statutory requirements for consultation. The Council has met the procedural requirements. In addition, prior to publishing the draft Order, the Council has carried out extensive consultation in excess of these requirements.

PARTNERSHIP WORKING

23. The Council's parking enforcement is a joint working arrangement between Roads & Transportation Services and Corporate & Community Services. The Service departments have worked closely on the preparation of the draft Traffic Regulation Order to ensure that the new restrictions can be effectively enforced and incorporated into the work programme.

IMPLICATIONS OF THE PROPOSALS

24. There will be no property, IT, equalities or sustainability implications arising from the proposals.

CONCLUSIONS

25. The main conclusion is that the Council should approve the responses to the objections and proceed to make and confirm the East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) Order 2014.

RECOMMENDATIONS

26. It is recommended that the Council approve the making and confirmation of the East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) Order 2014 and delegate to the Director of Environment the implementation of the Order in accordance with the associated statutory procedures.

Director of Environment

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September 2014

BACKGROUND PAPERS

East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) (Consolidation) Order 2013

East Renfrewshire Council (Clarkston and Busby Area) (On-Street) (Waiting and Loading) Order 20^[**]

KEY WORDS

Decriminalised Parking Enforcement

Clarkston and Busby

Traffic Regulation Order

Traffic Regulation Order Review

APPENDIX 1

SUMMARY OF MAINTAINED OBJECTIONS

Objection		Response
General <ul style="list-style-type: none">• A general unhappiness with the Council enforcing the waiting and loading restrictions.• The enforcement being seen as a money making exercise		It is unfortunate that previously enforcing the waiting and loading restrictions was a low priority, as it is clear that non enforcement leads to congestion and delay which in turn compromises road and pedestrian safety. The enforcement of the restrictions is policy led and not financially led.
<ul style="list-style-type: none">• ERC has a duty to ensure adequate residents parking• Council tax is paid to ensure ERC provide parking		ERC do not have a duty to provide parking for residents.
<ul style="list-style-type: none">• Residents did not respond to the consultation as they felt it was not relevant.• Process is purely academic		82% of respondents were residents. The consultation has been more extensive than required by the statutory procedures. The proposals have to balance the needs of all interested parties and this is what the revised waiting restrictions have sought to do.
<ul style="list-style-type: none">• Too much emphasis on support for businesses and residents are ignored.		Throughout the town centre the proposals seek to provide a balanced approach to waiting and loading. Many of the very prohibitive restrictions are being replaced with limited waiting and the existing limited waiting is being extended from 60 minutes to 90 minutes.
<ul style="list-style-type: none">• Negative effect on future house prices• Taking legal action against Council for drop in house price		Not a matter for the TRO

<ul style="list-style-type: none"> • Objection by residents that they cannot park outside their home which as Council Tax payers they feel is unacceptable • Failure of ERC duty of care if women are attacked because they cannot park outside their home. 		<p>No one has the exclusive right to park outside their property. Most of the objections have come from residents where there are already restrictions and these are likely to have been in place when the properties were purchased by their present owners.</p>
<ul style="list-style-type: none"> • Request for residents' only parking 		<p>The Council's does not provide residents' only parking schemes. This is due to the relative costs involved in administering a low volume scheme in an area where there are no other parking charges to offset the costs. In addition, contrary to residents' perception, on-street-parking spaces would not be guaranteed as the demand would inevitably outstrip supply.</p>
<ul style="list-style-type: none"> • Cannot understand why there is no consensus on restricting Goods Yard Car Park to 4hr max • Dissuade commuters from using car park 		<p>The results of the consultation show a wide variation in views. It was decided to concentrate on the revised on-street waiting restrictions and to monitor off-street usage once the new restrictions came into force. This would be contained within a separate off-street Traffic Regulation Order.</p>
<ul style="list-style-type: none"> • Concerns regarding safety using Clarkston Goods Yard car park at night, vandalism of car and effect on insurance. • Request for CCTV in Clarkston Goods yard to enable safer residential overnight parking. 		<p>There is no funding available at the present time for CCTV but it is an option that we shall keep under review.</p>
<ul style="list-style-type: none"> • Council only concerned about free flow of traffic. 		<p>The A727 is a main arterial route through East Renfrewshire. The efficient operation of the main carriageway and its junctions are important to ensure that traffic flows are maintained and that road safety is not compromised. The changes to the waiting and loading restrictions during off peak periods will assist access to both residents and businesses along the route.</p>
<ul style="list-style-type: none"> • Special provision for taxis but not residents. 		<p>The taxi ranks already exist but rely on the Police regarding enforcement. The provisions within the Order give additional powers to the Council to deal with this.</p>

<ul style="list-style-type: none"> • Cars parked on footway • Cost of parking enforcement. 		<p>Not in the scope of this Order.</p>
<ul style="list-style-type: none"> • Arthur Street • 90 minute limited waiting stops residents from Busby Road flats parking • Baptist Church create additional parking demand • Arthur St is potholed. 		<p>Arthur Street is adjacent the Eaglesham Road Shopping area and much of the parking is longer term. To assist the residents some waiting restrictions have been removed on Busby Road south of Arthur Street.</p> <p>Agreed, but the Church is another town centre use whose needs must be taken into account.</p> <p>Not in the scope of this Order</p>
<p>Busby Road</p> <p><u>Helena Place</u></p> <ul style="list-style-type: none"> • No need for 90 minute (Monday - Friday) restrictions at Helena Place. • Parking bays at Helena Place and Hawthorn Bank do not impede flow of traffic therefore there is no need for parking restrictions <p><u>Busby Road</u></p> <ul style="list-style-type: none"> • Taxi bay being used as a loading bay. • No loading bays for shops so using taxi bay instead. 		<p>Helena Place is part of the mixed residential and commercial area and the Monday to Friday limited waiting is proposed to facilitate turnover of space.</p> <p>This TRO would enable to Council to enforce non taxis using the bay.</p> <p>Shops will be able to load during the off peak period & others have made their own arrangements.</p>

<ul style="list-style-type: none"> • Congestion at rooftop car park access & suggesting a no right turn. • Double yellow line at no loading area to side of shops ignored • U-turn signs ignored. • The restrictions should only apply 8.15 – 9.15 & 4-6pm & no benefit to restricting parking to 90 minutes. • Should be limited waiting at Clarkston Halls 		<p>This would require an Order under a different section of the Act.</p> <p>Outwith the road boundary and not enforceable.</p> <p>This is a Police matter.</p> <p>The current restrictions prohibit waiting during the day and waiting and loading in the peak hours. The proposed restrictions seek to ensure that peak hour traffic is managed efficiently by prohibiting waiting and loading. Throughout the day the proposed restrictions also will encourage a turnover of space</p> <p>Not in the scope of this Order</p>
<p><u>Carolside Gardens</u></p> <ul style="list-style-type: none"> • I am a Clarkston resident and these restrictions apply directly outside and around my house. • The restrictions impinge on my quality of life. • Limited waiting should not apply to residents • Restrictions cause congestion on surrounding residential streets • Volume of traffic – lower than previously so no need for restrictions. • Proposals worse than historic restrictions 		<p>The proposed waiting and loading restrictions respect the status of the A727 arterial route by prohibiting waiting and loading during the weekday peak hours and relaxing the restrictions throughout the rest of the day to enable parking to take place for up to 90 minutes with the exception of those lengths of road immediately adjacent to the junctions, the bus stop and the pedestrian crossings. Limited waiting will discourage displacement of long stay parking which would inevitably take place should the restrictions be completely relaxed.</p>

<ul style="list-style-type: none">• Parking restrictions should not apply on Saturdays Sundays or public holidays • No consultation on lengthening bus stop or pointless Zig zag lines & bus stop [length should be reduced. • Speed of traffic too high & 20mph demanded. • Breathtaking contempt by ERC to suggest that the residents use their lane / garages.• Acknowledgment that lane is used to access garages but wants the Council to resurface lane		<p>The waiting restrictions apply on the days and times noted within the Order. This may include Saturday and / or Sunday. There is no exception for public holidays.</p> <p>The bus stop has been in place since December 2000. Its length was increased to cater for the needs of buses using the bus boarder. There is no requirement to consult on this matter.</p> <p>The zig-zag lines are required as part of the pedestrian crossing.</p> <p>The weekday 85th percentile speed was 26.5mph northbound and 30.3mph southbound. During the peak hours this fell northbound to 18.9mph in the am peak and 22.2mph in the pm peak. Southbound the 85th percentile speeds were 28.6mph in the am peak and 27.6mph in the pm peak. The speed limit is beyond the scope of this Order.</p> <p>Some residents of Carolside Gardens have used the lane to the rear of the properties to gain access to garages. It was suggested that residents could consider whether improvement to the lane and creation of off street parking to the rear would address some of the points raised about lack of parking. The lanes are privately owned by the residents and maintenance is their responsibility.</p>
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Busby Road / Viaduct Road / Lower Mill Road

- Suggestion that restrictions should be altered to enable parking close to the junction but restrict parking to one side of Viaduct Road to the end of number 9 where it is narrower.

A number of alterations to the original proposals have been made including reducing the severity of the restriction on Viaduct Road and proposing unlimited parking on Busby Road just south of Arthur Street towards the gas governor.

Viaduct Road is similar to many other residential streets where width is restricted and we rely on the experience of drivers who will be familiar with the principles set out in the Highway Code, to park in a manner that does not cause an obstruction. We rarely introduce waiting restrictions on such roads. However as Viaduct Road has a junction with the A727 Busby Road we are of the opinion that it is necessary to control the junctions of Busby Road / Viaduct Road / Lower Mill Road:

- to prevent vehicles parking within 10 metres of the main junction with Busby Road;
- to protect visibility at the junctions of Viaduct Road / Busby Road & Lower Mill Road / Viaduct Road;
- to enable vehicles turning from Busby Road into Viaduct Road to manoeuvre around any vehicle waiting to turn into Lower Mill Road;
- to enable vehicles (particularly anything larger than a car that may be accessing the garage) turning from Busby Road into Viaduct Road then Lower Mill Road to have sufficient space to make the manoeuvre;
- to enable vehicles turning from Busby Road into Viaduct Road to have a safe place to waiting unimpeded off the main carriageway of Busby Road should there be a vehicle approaching from Viaduct Road
- to facilitate vehicles turning out of Lower Mill Road.

Not permitted at this stage of the Order procedure to agree to make the restrictions on any length of road more severe.

<p>Cecil Street</p> <ul style="list-style-type: none"> • No need for 90 minute limited waiting 	<p>At the present time the only section of Cecil Street where parking is permitted during the day Monday to Saturday is partly on the north side. To offer consistency with the proposed restrictions on Busby Road and adjacent side streets we considered that the introduction of limited waiting would provide a turnover of space for those wishing to park to visit the surrounding facilities.</p>
<p>Eastwoodmains Road</p> <ul style="list-style-type: none"> • Restrictions to be removed to enable residents to park all day. 	<p>Order amended to make the restriction on the southwest side of Eastwoodmains Road between Clarkston Toll and 10 metres southeast of Golf Road (southwest side): No waiting 8am – 6pm Monday – Saturday and No loading 8-9am & 5-6pm Monday to Friday This is less severe than originally proposed.</p> <p>Golf Road & Drumby Crescent junctions will be protected with a no waiting & no loading at any time restriction. This is because for many years the Council has been made aware of the potential road safety hazard caused by inconsiderate parking.</p> <p>Restrictions on the section of road between 107 & 121 Eastwoodmains Road were considered. However we decided that this would be more unpalatable to the residents than maintaining the status quo of no restriction.</p> <p>To the southeast of 121 Eastwoodmains Road we have relaxed the restrictions. The proposal will keep the area free of traffic during the weekday peak hours but allow limited waiting during the day Monday to Saturday. This will create turnover of space for those wishing to access the town centre and surrounding facilities.</p>

<p>Hillview Drive</p> <ul style="list-style-type: none"> • No need for 90 minute limited waiting. • Utter nonsense to impose restrictions on Hillview Drive & Cecil Street <ul style="list-style-type: none"> • Length of permitted parking area too short. <ul style="list-style-type: none"> • Dangerous parking at bottom of Hillview Drive <ul style="list-style-type: none"> • Wants speed humps on Hillview Drive 		<p>Hillview Drive is adjacent to the mixed residential and commercial area and the Monday to Friday limited waiting is proposed to facilitate turnover of space.</p> <p>Length of road for limited waiting increased by removing waiting restriction.</p> <p>Additional restrictions proposed for the junction of Hillview Drive / Busby Road.</p> <p>Not within the scope of this Order</p>
		<p>During our informal consultation on the proposed changes to the waiting and loading restrictions we received representations to both lengthen the area covered by the restrictions and to remove them completely.</p> <p>Both arguments were considered and the following issues reviewed:</p> <ul style="list-style-type: none"> • Stewart Drive is a residential road but very close to the town centre. • There is a demand for on street parking along Stewart Drive. • Waiting and loading restrictions were first introduced in 1978 and then lengthened in 1986. • The existing restrictions sought to keep the area close to the junction with Benview Road free from parked vehicles.

		<ul style="list-style-type: none">• Introducing waiting and loading restrictions where there are residential properties not only affects the residents but visitors and others accessing the properties.• Waiting & loading restrictions are not used to facilitate reverse exiting from driveways.• The forward visibility along Stewart Drive. <p>The assessment took cognisance of all the above points and concluded that the restriction be lengthened as per the draft Order. Any further lengthening of the restriction would require the Order to be readvertised.</p>
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