

REPORT TO: East Lothian Council

MEETING DATE: 27 February 2024

BY: Executive Director for Place

SUBJECT: Update Report on Parking Management Traffic Regulation Order for North Berwick

1 PURPOSE

- 1.1 The purpose of this report is to update East Lothian Council on the status of the North Berwick Parking Management Traffic Regulation Order, recommend next steps and a proposal to accelerate the programme for delivery.

2 RECOMMENDATIONS

Council is recommended to:

- 2.1 note the responses received to the original Traffic Regulation Order and objections made, and, in light of the misinterpretation of key themes by the public, withdraw the current Order;
- 2.2 approve officers commencing work to promote new Traffic Regulation Orders, to simplify the proposals and to take cognisance of the objections made to further modify the proposed scheme; and
- 2.3 to note the intention to accelerate the parking management review; to consult on the 5 remaining towns concurrently; and to draft and publish Orders introducing parking restrictions in due course.

3 BACKGROUND

- 3.1 The Council published THE EAST LOTHIAN COUNCIL (VARIOUS ROADS – NORTH BERWICK) (PROHIBITION & RESTRICTION ON WAITING, LOADING & UNLOADING ETC), VARIATION ORDER No: 2. on 28 August 2023. The period for objections to this Order closed on 22 October 2023.
- 3.2 The draft Traffic Regulation Order generated 659 recorded responses. A sample of 140 pieces of written correspondence produced 443 individual points of objection and concern covering 73 different themes. Analysis identified the viability of the High Street (12.5%) as the greatest concern. Second was that objectors believed there was no problem with parking in North Berwick (9%) and third, that more parking was needed and should be provided by the Council elsewhere (6%). In addition, concern was raised that the scheme would encourage motorhome parking, would displace parking onto St Baldred's Road,

that the proposals inconvenienced residents, that specific visitor parking was required, and that vehicle height restrictions were being removed.

- 3.3 The Order, as published, included 43 supporting documents, including the statement of reason, existing orders, Frequently Asked Questions, and maps of the proposals. The volume of information was large and technically challenging, which drew negative feedback from the public, with some expressing the view that the information was incomprehensible. This criticism, albeit somewhat unfair, does raise concerns that throughout all the messaging, explanation and rationale of the scheme, the justification and nuances of the proposals were lost. This is further evidenced from the level of objections and criticism received. In most cases, representations were based on personal perspective of how the proposals will impact the individual objector and did not challenge the proposals against the current parking strategy or the manner in which the Order was presented or progressed.
- 3.4 The process for progressing a traffic order is outlined in the "*The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999*". The procedures require that, where an objection is made, there should be a written statement of grounds for that objection. The procedure also contains a requirement to consider objections which have been made and not withdrawn or, where a hearing has taken place, the authority shall consider the report and recommendation made by the Reporter.
- 3.5 The key point in respect of objections is that they must be properly considered and, in the case of a hearing, the report and recommendations, also need to be considered. There is no specific obligation not to proceed with a scheme if there are unresolved objections, as long as the authority has properly and fully considered the objections.
- 3.6 Key to delivering a successful outcome is the full and thorough consideration of constructive representation with, where appropriate, appropriate mitigation being proposed to address the objectors' concerns. In order to achieve this, the Council must enter into constructive and meaningful dialogue with interested parties. However, there remains a balance between mitigations and diminishing the proposals such that they deliver a poor scheme that does not deliver the target outcome.
- 3.7 In consideration of the very high number of different grounds for objection and the possible mitigations that might be required to address these, there is a significant risk that the changes required to address objectors' concerns would lead to an entirely different solution, or number of solutions, which must be consulted on over and above the original scheme and re-advertised.
- 3.8 Withdrawing the current Order and working to redesign alternative Orders would allow officers to incorporate additional restrictions sought by objectors; to simplify the restrictions and the content with a distinction drawn between on- and off-street parking; and to address motorhome parking provision. Further opportunity will be taken to clarify the statement of reason linking through to parking policies, thus removing invalid objections from the process.
- 3.9 The benefit of publishing new Orders allows us to introduce reasonable modifications but also design a template from the lessons learnt after the North

Berwick consultation and objection process. This can then be used to accelerate delivery of town centre parking schemes across East Lothian. It is anticipated the process can be reduced to 27 months to finalise all necessary Orders, subject to anticipated public hearing process.

4 POLICY IMPLICATIONS

- 4.1 The policy context at a national, regional and local level supports a move to increase existing and to implement new parking demand management processes across the county.
- 4.2 At a national level the development and publication of the National Transport Strategy (NTS), National Planning Framework (NPF4) and the Scottish Transport Projects Review (STPR2) all support moving towards more sustainable town centres. The NTS vision is that 'we will have a sustainable, inclusive, safe and accessible transport system, helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors'.
- 4.3 The national strategy outlines how the 'the benefits of place-making and sustainable and active travel infrastructure/modes will also play an important role in helping to re-vitalise town centres'.
- 4.4 At its meeting on 29 March 2022 Council was asked to approve the outline of the 2022–2027 Council Plan. The 2017–2022 Council Plan set out the vision of 'an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy, that enables our people and communities to flourish'.
- 4.5 New and increased management of parking across the county supports the overarching objective of reducing inequalities within and across our communities, and with the development of the four thematic objectives: Growing our Economy, Growing our People, Growing our Communities and Growing our Capacity.
- 4.6 East Lothian's Climate Change Strategy was adopted in 2020 in response to the climate emergency. The strategy has a significant emphasis on the need to manage journeys made by the private car across the county.
- 4.7 East Lothian Council – Local Transport Strategy (2018–2024). In 2018, East Lothian Council published a Local Transport Strategy sets out the challenges that town centres within East Lothian, particularly in the town of North Berwick, have been facing in the context of the wider transport network. Accessing town centres and the management of parking is a key challenge articulated throughout the strategy document.
- 4.8 East Lothian Council – Local Parking Strategy (2018–2024). There are a number of actions set out within the strategy to achieve many objectives when it comes to managing parking including that East Lothian Council will implement a parking management hierarchy in towns. The parking management hierarchy model states that 'in general, on-street parking will be for the purposes of short-stay parking, especially in our town centres, as it is essential that people have easy access to shops and services to maintain the economic vitality of our

towns. Medium and long-stay parking will be accommodated in off-street car parks but these are more likely to be at the edge of the town centre.'

- 4.9 East Lothian Council – Economic Development Strategy covering a ten-year period from 2012 to 2022, was published by East Lothian Council and was refreshed in 2018. One of the main work-streams identified within the strategy is to energise East Lothian's town centres and rural economy. A key action to achieve this includes efforts to 'enhance East Lothian's town centres, improve the retail and visitor experience, and make improvements to street scenes, parking provision, amenities, etc'. The proposals contribute to this key action by providing greater accessibility to shops for visitors which can increase spend within our town centres as, if parking alongside safe active and sustainable travel is made more accessible, shoppers will be more likely to visit rather than go to another retail destination where access including parking may be more readily available.
- 4.10 Further, the proposals contribute to the Economic Development Strategy by offering 'the potential for increasing resident spend by improving town centres in East Lothian'. With short-stay parking freeing up spaces close to shops, residents would be able to quickly access shops and services, thereby supporting local and independent shops within North Berwick.
- 4.11 East Lothian Council – Town Centre Strategies (2017–2022). Town Centre Strategies have been prepared for each of the 6 main settlements in East Lothian. The purpose of the town centre strategies is to adopt a strategic approach to guide the improvement of town centres.
- 4.12 The vision for North Berwick town centre as articulated is 'North Berwick town centre is a vibrant heart of the town with an excellent and well used shopping and café scene. Improvement and enhancement of the town centre seeks to create a greater sense of place for all its users. The town centre is a favourite destination for visitors.
- 4.13 In 2017 a design charrette was held in North Berwick to examine in detail the issues of the town centre. The results provide an informed public view expressed at a point in time. The charrette covered improving walking with wider footpaths and access at the east end of High Street; improvements to help people get around; street and public realm improvements; traffic and parking; character of the town centre; quality and amenities; sustainable and active travel; safer streets that reduced the feeling of threat from moving vehicles; and making the town centre more orientated towards people. North Berwick High Street is busy with vehicles and there is opportunity to provide a new car park to increase capacity and reduce cars circulating the town centre searching for parking.
- 4.14 The Citizen's Panel Survey (2018) identified a need for a wider range of shops, more parking and a more attractive town centre environment.
- 4.15 Action 3 from the North Berwick town centre strategy looks to progress the reorganisation of town centre car parking with the introduction of specific waiting times to off street facilities.

- 4.16 East Lothian Council – Active Travel Improvement Plan (2018–2024). The Active Travel Improvement Plan, published by East Lothian Council in 2018, aims to ‘support and enable people to choose active travel as part of their everyday lives’. It highlights how active travel can be encouraged and facilitated across the local authority area and includes a focus on ‘introducing active and sustainable travel options in our town centres to promote economic growth enabling East Lothian and Scotland to flourish, through increasing sustainable economic activity’.

Climate Change and Road Safety Benefits

- 4.17 Nationally vehicular traffic accounted for 35.6% of emissions in 2018. It remains the largest CO2 producing sector and presents a singular challenge to mitigate the transport sector to meet net zero targets. Transport is a derived demand, driven by the essential need to move people, goods, and services to drive economic growth. National objectives seeks to promote walking, cycling and public transport over private car use as these present the greatest benefits to communities allowing improved mobility, safety, health and accessibility enhancements to be delivered through place making initiatives. Management of demand for parking provides a push behavioural change approach which can be incentivised with other pull initiatives to enhance the place for all users, over time.
- 4.18 Road collision incidents in East Lothian’s towns are generally low with 21 serious injuries being recorded over the last 5 years (2017–2021). However, within the built environment an unacceptable risk remains due to the high demand of parking space and constant search for parking opportunity close to the driver’s destination. On-street parking contraventions or restricted parking abuse during busy times can place the public at risk. The use of Traffic regulation orders to prohibit waiting and unloading is well understood but regrettably bad practice remains prevalent. Increasing turnover of designated parking spaces and heightened enforcement will help to change driver behaviour and safety concerns.

Legislation

- 4.19 The Road Traffic Regulation Act 1984 – the legislation laid out in the Act provides powers to local authorities to implement parking demand management processes including tariffs for on and off street facilities.
- 4.20 Provision 32 within the Act describes the powers local authorities have where for the purpose of relieving or preventing congestion provision of parking spaces can be provided.
- 4.21 Provision 33 within the Act goes on to detail the additional powers of local authorities in connection with off-street parking places.
- 4.22 Provision 45 within the Act details that a local authority may by order designate parking places on roads in their area for vehicles or vehicles of any class specified in the order; and the authority may make charges for vehicles left in a parking place so designated.

5 INTEGRATED IMPACT ASSESSMENT

- 4.1 An Integrated impact report has been undertaken on the original scheme; any further changes will have to be reviewed in the context of IIA reporting.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the provision of £500,000 from the Council’s Transformational Fund will be used to finance consultancy technical service support to accelerate delivery over financial years 2024/2025 and 2025/26.
- 6.2 Personnel - None
- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Report to Council on 25 April 2023 – Town Centre Parking Management: Introduction of Parking Management Proposals in North Berwick
- 7.2 Report to East Lothian Council on Tuesday 28th June 2022 – Town Centre Parking Management: Consultation
- 7.3 Members’ Library Report – Economic Impact Assessment Report (Ref: 34/23, April 2023 Bulletin)
- 7.4 Members’ Library Report – Consultation Report (Ref: 35/23, April 2023 Bulletin)
- 7.5 Integrated Impact Assessment
- 7.6 Report to East Lothian Council on Tuesday 30th October 2018 – East Lothian Council Proposed Local Transport Strategy
- 7.7 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Parking Strategy, Members’ Library Ref: 142/18 (October 2018 Bulletin)
- 7.8 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Active Travel Improvement Plan, Members’ Library Ref: 141/18 (October 2018 Bulletin)
- 7.9 Policy and Performance Review Committee – 04 Roads Asset Management – Annual Status and Options Report

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