

**TRAFFIC MANAGEMENT AND PARKING REVIEW UPDATE  
LUSS TRAFFIC REGULATION ORDERS**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 In May 2014 the Council took on the responsibility for enforcing parking restrictions across Argyll and Bute. By assuming this responsibility we are able to ensure effective traffic management in our town centres. This is known as decriminalised parking enforcement (DPE).
- 1.2 This move was as a result of Police Scotland no longer employing traffic wardens.
- 1.3 Effective traffic management has a number of benefits, including supporting the local economy by ensuring parking turnover, safeguarding access for blue badge holders, for deliveries, for loading and for emergency vehicles as well as ensuring road safety by managing inconsiderate and irresponsible parking.
- 1.4 Our amenity wardens patrol all areas of Argyll and Bute where parking restrictions are in force. These include, but are not limited to, areas with yellow lines, pay and display bays, loading and unloading areas, disabled bays, limited waiting areas and off-street parking areas.
- 1.5 Following a reasonable bedding-in period for DPE it was always intended to carry out a parking review across the Council area; this is the process we are currently going through.
- 1.6 A number of meetings with the various parties (Community Council, public, businesses) were held in 2016 and 2017.
- 1.7 The draft TRO has been to public advert and a significant number of objections were submitted in response to the TRO.
- 1.8 This report details the TRO objections and proposed recommendation for members.

## **Recommendation**

Officers consider that there are five options available to the Area Committee in regards to the proposed TROs, these are:-

1. Do nothing: this is in reflection to the strength of feeling and significant number of objections to the Council proposals. It is unlikely that a legally deliverable solution acceptable to residents could be reached.
2. Refer the draft TROs as they stand to a Reporter: There is a significant cost attached to this. The Reporter then refers the recommendations back to the Area Committee.
3. Refer the draft TRO with changes to a Reporter: There is a significant cost attached to this. The Reporter then refers the recommendations back to the Area Committee for final decision. There are only a few options available without re-starting the TRO process
4. Start again with a new TRO: It is unlikely a legal solution could be reached which meets the expectations of the objectors
5. Implement an experimental TRO: the Draft Experimental TROs are very similar to the original draft TRO. This may be unpopular with those who objected to the draft TROs.

Options two to five above would require, to varying degrees, a significant Officer resource to progress and may meet similar objections to the draft TRO.

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## **2.0 INTRODUCTION**

- 2.1 This report provides a summary of the parking review process to date. The report also provides a number of options available to Members for consideration.

## **3.0 RECOMMENDATIONS**

Officers consider that there are five options available to the Area Committee in regards to the proposed TROs, these are:-

- 3.1 Do nothing: this is in reflection to the strength of feeling and significant number of objections to the Council proposals. It is unlikely that a legally deliverable solution acceptable to residents could be reached.
- 3.2 Refer the draft TROs as they stand to a Reporter: There is a significant cost attached to this. The Reporter then refers the recommendations back to the Area Committee.
- 3.3 Refer the draft TRO with changes to a Reporter: There is a significant cost attached to this. The Reporter then refers the recommendations back to the Area Committee for final decision. There are only a few options available without re-starting the TRO process
- 3.4 Start again with a new TRO: It is unlikely a legal solution could be reached which meets the expectations of the objectors
- 3.5 Implement an experimental TRO: the Draft Experimental TROs are very similar to the original draft TRO. This may be unpopular with those who objected to the draft TROs.

Options two to five above would require, to varying degrees, a significant Officer resource to progress and may meet similar objections to the draft TRO.

## **4.0 DETAIL**

Parking Review

4.1. Members will be aware that a review of car parking throughout Argyll and Bute is currently being progressed. This process involved holding a series of workshops with Members and Officers to discuss the provision of parking in all four administrative areas of Argyll and Bute. Following the workshops an informal public consultation was carried out on a series of draft parking proposals prior to member approval. This has been followed by a statutory consultation process on the proposed changes to the existing Traffic Regulation Orders.

4.2. The Process for the Helensburgh & Lomond parking review (Luss Village) is summarised as follows:-

- *Member Workshop.*
- *Public consultation exercise.*
- *Report to the Area Committee with a list of proposals for statutory consultation. (Any changes to charges which reduce income to be reported to the EDI Committee in line with the Council's parking policy).*
- *Advertise drafts of any TROs as part of the statutory consultation process.*
- *Representations considered by Area Committee.*
- *Finally, consideration will be given to any representations received and Traffic Regulation Orders will be progressed as part of the legal process.*

*The process is currently at bullet point five & six above.*

4.3. Following implementation of any changes, a review will be carried out to ensure any alterations have had a positive effect.

The parking reviews are being undertaken in line with the Council's Parking Policy Framework which seeks to:

- *Improve road safety for all road users.*
- *Improve traffic management to reduce pollution, conserve fossil fuels, contribute to sustainable development and reduce the environmental impact that multiple motor vehicles have.*
- *Ensure that all adopted measures contribute positively towards the economic viability of our towns. Including suspension of charges for specific events aimed at encouraging economic and community growth; such as Festivals.*
- *Encourage modal shift to non-car enabled journeys with a view to reducing the amount of space in our town centres occupied by parked vehicles.*

- *Ensure adequate provision is maintained for disabled drivers, whose dependence on cars is often critical to their quality of life.*
- *Encourage the use of peripheral parking areas away from town centres and the use of park & ride where practical.*
- *Establish and exercise a consistent approach to parking provision across Argyll and Bute.*

4.4. The proposals for Luss Village, including the Old A82 Road, were published as two separate Orders, one for speed limit changes and the other dealing with parking/loading restrictions.

4.5. The draft TRO for the change to speed limits for the Old A82 Road included:-

- A 20mph speed limit from the north A82 junction to south of the Loch Lomond Arms Hotel.
- A 30mph speed limit from south of the Loch Lomond Arms Hotel to beyond the show ground;
- A 40mph speed limit from beyond the show ground to the south A82 junction.

4.6. The draft TRO for the restriction of parking and loading for Luss Village and the Old A82 included:-

- A restricted parking zone (RPZ) covering Pier Road, Church Road and School Road (between Pier Road and Murray Place) with permits limited to one per residence or business.
  - Ten standard bays and three disabled bays were included to allow visitor parking on Church Road. The permitted stay in the standard bays was limited to 2 hours with no return within one hour. This restriction applied between 08.00 and 20.00 hours. The disabled bays were unrestricted.
  - Nineteen standard bays and one disabled bay were included to allow visitor parking on Pier Road. The permitted stay in the standard bays was limited to four hours with no return within one hour. These bays were pay and display. This restriction applied between 08.00 and 20.00 hours. The disabled bays was unrestricted and free.
  - Blue Badge holders were permitted to park within the RPZ out-with marked bays provided they did not cause an obstruction.
- A no loading & no waiting restriction from the north junction with the A82 to Luss Sports Ground.
  - Seven bays were provided opposite Luss Primary School. The permitted stay in these bays was limited to 30 minutes with no return for one hour. This restriction applied between 08.00 and 20.00 hours.
  - Unrestricted free parking was available opposite Luss Sports Ground.

- 4.7. The extent of each speed limit was agreed on-site between a Council Officer and Police Scotland.
- 4.8. Officers held a public meeting for Objectors to attend on 3 October 2017 to explain the Council TROs and offer a comparison between the Council and the alternative proposals. A summary of the comparison can be seen in Appendix 1.
- 4.9. Officers have completed Consultation 3 (public advert stage) for the Speed Limit TRO and we received 289 objections to the draft TRO. Officers have, following the meeting held on 3 October 2017, written to the objectors to further explain the proposals, however; no confirmation from any of the objectors has been received stating that they wish to withdraw their objection. A summary of the objections can be found in Appendix 2.

Officers have completed Consultation 3 (public advert stage) for the RPZ TRO and 292 objections to the draft TRO were received. Officers have, following the meeting held on 3 October 2017, written to the objectors to further explain the proposals, however; no confirmation has been received from any of the objectors stating that they wish to withdraw their objection. A summary of the objections can be found in Appendix 3.

- 4.10. There has been a number of comments on road safety issues within Luss Village. The accident database held by Argyll and Bute Council and populated by Police Scotland data highlights that the last reported incident occurred on 2 July 2011. The report indicates that the incident involved two vehicles only and was the result of a poor turning manoeuvre.
- 4.11. Due to the high number of objections and strength of feeling against the Council proposal it is unlikely that a legally deliverable solution acceptable to residents could be developed.
- 4.12. Andrew Carrie Traffic & Transportation Limited carried out the traffic assessment "Traffic Management Scheme for Luss" November 2016 for Luss Estates. Although the schemes are broadly comparable (refer to Appendix 1 table) it was the view of Roads Officers that this alternative scheme would rely on a significant enforcement commitment by Police Scotland to operate effectively.
- 4.13. The Council's Legal Services had commented on issues they had with the Andrew Carrie Traffic & Transportation Limited report and proposals. These included questions as to which users if any would be prevented from using the roads if the roads became "access only" roads, how and by whom such an "access only" proposal could be enforced, the apparent lack of evidence supporting the use of "access only" restrictions, and the compliance or otherwise of the recommendations with equalities legislation. An opinion was obtained from Scott Blair, Advocate, who is a specialist with many years' experience in local government law, and he was of the opinion that the concerns of Legal

Services were well founded. He was of the view that the proposals within the Andrew Carrie report were likely to be problematic in terms of (i) pure vires (that is whether the Council could competently proceed as proposed) and also (ii) expediency *even if competent*. He agreed that there were issues which included the enforceability of what was proposed, policing considerations which ought to be a factor taken into account, safety and accessibility issues for emergency and other vehicles, lack of evidence of a disability impact assessment having been carried out, the practicability or otherwise of a key pad system of access in relation for example to delivery services, the particular requirements of a pedestrianised zone, etc.

4.14. Officers consider that there are five options available to the Area Committee in regards to the proposed TROs, these are:-

1. Do nothing:

- This would involve making minimal changes in and around the village. In order to minimise the number of vehicles entering the village, signage could be installed including:
  - Additional signs on the Old A82 directing visitors to the off-street car park;
  - Signage advising that Luss Village is a conservation village with narrow streets and not suitable for traffic.

2. Refer the draft TROs as they stand to a Reporter:

- There would be a significant cost incurred to do this;
- Any recommendations the Reporter makes are then referred back to the Area Committee for consideration. The final decision still rests with the Committee.
- This is unlikely to reduce the significant opposition to the Councils draft TRO.

3. Refer the draft TRO with changes to a Reporter:

- There would be a significant cost incurred to do this;
- The possible changes are limited to:
  - Reducing the restricted period from 08.00 – 20.00 to something less onerous, e.g. 08.00 – 18.00;
  - Making the pay & display bays on Pier Road free;
  - Increasing the number of Permits available. The Draft Order restricts the number of permits to one per business or residence.
  - Removing the no loading restriction on the Old A82.
- Any recommendations the Reporter makes are then referred back to the Area Committee for consideration. The final decision still rests with the Committee.
- This is unlikely to fully address the significant opposition to the Councils draft TRO.

4. Start again with a new TRO:

- Any TRO developed for the Village of Luss would require a degree of compromise in order to meet the competing demands (businesses, villagers, visitors).
  - It is difficult to envisage an Order which all these groups would be able to accept and which would be enforceable by Argyll and Bute Council and/or the Police.
5. Implement an experimental TRO. This option is likely to take additional enforcement, monitoring and communication with the community in terms of feedback on the enforcement and monitoring. This process differs slightly to a conventional TRO in that following initial consultation, an order is made that can be left in place for up to 18 months during which time its effectiveness is monitored. This would involve additional communications with stakeholders and community with a final decision having to be reached at the end of the 18 month period as to whether or not parts of the order are made permanent.
- Speed Limit to include Luss Village (20mph). Speed Limit plan shown in Appendix 4.
  - Luss RPZ Option 1 is the same as the current draft RPZ TRO except that:
    - The pay & display charges have been withdrawn on Pier Road.
    - The limit of the RPZ has been extended to include the end section of School Road and Murray Place;
    - The no loading/unloading restriction on the Old A82 has been removed.
  - Luss RPZ Option 2 is similar to the draft RPZ TRO, except for the following:
    - All bays within the village have been removed. No parking is permitted except for permit holders and Blue Badge holders.
    - The limit of the RPZ has been extended to include the end section of School Road and Murray Place;
    - The no loading/unloading restriction on the Old A82 has been removed.

4.15. Options two to five above would require, to varying degrees, a significant Officer resource to progress and may meet similar objections to the draft TRO.

## **5.0 CONCLUSION**

**5.1** This report provides detail of the objections to the draft Speed Restriction and RPZ Orders. The numbers of objections received and the strength of feeling amongst the objectors is significant. This report details the options available for Members to consider in terms of next steps for these Orders.

## **6.0 IMPLICATIONS**



6.1	Policy	Parking Policy 2014
6.2	Financial	Any physical work required to be carried out on the road network, i.e. signing and lining will be funded by the roads revenue budget. Car parking revenues are budgeted as income; the overall financial impact of the proposals in this report cannot be quantified at this time, however, the implications are, broadly speaking, expected to either be cost neutral or lead to increase in parking income. There will be a review of parking management at the end of 2018, or earlier should cost pressures become apparent.
6.3	Legal	That the TRO be implemented as published.
6.4	HR	None
6.5	Equalities	None
6.6	Risk	Safer roads for all road users.
6.7	Customer Service	None

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