

---

**ARGYLL AND BUTE COUNCIL**

**OBAN, LORN AND THE ISLES  
AREA COMMITTEE**

**DEVELOPMENT & INFRASTRUCTURE  
SERVICES**

**12<sup>TH</sup> SEPTEMBER 2018**

---

**MULL PARKING**

---

**1.0 EXECUTIVE SUMMARY**

- 1.1 The Area Committee requested further information on the Traffic Regulation Order process in general and the timescales for this process in particular regard to the Mull off-street parking TRO.
- 1.2 This report provides an update on the TRO process and it is recommended that the Area Committee notes the content of the report.

## **MULL PARKING**

---

### **2.0 INTRODUCTION**

2.1 This report provides an update on the TRO process.

### **3.0 RECOMMENDATION**

3.1 That the Area Committee notes the content of the report.

### **4.0 DETAIL**

4.1 Traffic Regulation Orders (TROs) are made under the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.

4.2 There are three main stages to a TRO; Consultation 1, Consultation 2 and Public Notification. In cases where the TRO is simple (for example, off-street car parking) then Consultation 1 & 2 are often combined.

4.3 Consultation 1 runs for a minimum of 14 days to allow consultation to take place and may take longer than this if significant comments are submitted. The consultees for Consultation 1 are:

- Police Scotland;
- Scottish Fire & Rescue;
- Scottish Ambulance Service;
- Strathclyde Partnership for Transport
- Local Multi Ward Elected Members;
- Chair of Area Committee for information;
- Public Transport Officer;
- Strategic Transport and Infrastructure Manager;
- Development Policy and Housing Strategy Manager.

4.4 Consultation 2 runs for a minimum for 21 days to allow consultation to take place and may take longer than this if significant comment are submitted. Consultation 2 will take in other statutory consultees along with others that it may be considered appropriate to include. Consultation 2 may include the following:

- Taxi groups;
- Freight Transport Association;
- Public Utilities;
- Community Councils;
- The Road Haulage Association Ltd;
- Royal Mail;
- Forestry Commission Scotland;
- Local groups (e.g. Harbour Associations, Trusts, Friends of “”)

4.5 Comments submitted at Consultation 1 and 2 are considered and changes may be made to the original plan if considered necessary or appropriate. The TRO is then drafted and published for the Public Notification stage. The draft TRO will be advertised in the appropriate local newspaper. In addition to this, the TRO will normally be available to view in the following ways:

- The Head of Service Governance & Law will make the TRO available at Kilmory for public inspection as required;
- The local Technical Officer (Traffic & Development) will arrange for their display (typically by notice) in the area affected;
- The Web Team will display the TRO on the Traffic Order Page;
- The Customer Service Point for the area will make the TRO available for public inspection as required;
- A copy of the TRO will be provided to the local library and/or other suitable public building in the vicinity if required, for public inspection.

4.6 The Public Notification stage runs for 21 days and any person, group or organisation may submit objections to the TRO at this point.

4.7 If objections are submitted then these need to be dealt with in line with the legislation. At this stage there will be further correspondence / discussions between the Traffic & Development Manager and the objectors in order to try to resolve the objections. If an objector is satisfied then they must formally withdraw their objection in order for it to be discarded. If all objections are withdrawn then the TRO can be made. If a single objector maintains their objection then there are four options available:

1. If the objection can be resolved with an amendment to the TRO then this can be considered by the Area Committee. If the Area Committee agree to the amendment then TRO can be made; or
2. If no amendment is possible or desirable and the objection is one that can be decided upon by a local authority, then the Area Committee can agree to overrule the objection(s) and make the TRO; or
3. If the objection is out-with a local authorities gift to decide upon

then it may be referred to an independent reporter for consideration. There are specific types of restrictions within the legislation that are not delegated for local decision where objections are maintained, for example, a restriction in vehicle classes that may use a road. Note that the independent reporters decision is then referred back to the Area Committee for consideration and action; or

4. The Area Committee can agree to stop the process (that is drop the TRO).
- 
- 4.8 Once a TRO has been agreed to be made by the Area Committee then the TRO is passed to the Head of Legal Services for signing. The TRO is then re-advertised where further objections may be submitted on procedural grounds (i.e. valid objections would have to demonstrate the TRO legislation had not been complied with). Where no objections are submitted during this stage then the TRO is made and comes into effect 6 weeks after signing.
  - 4.9 A straightforward TRO will normally take a minimum of 28 weeks to process, even where there are no comments or objections raised at any stage.
  - 4.10 All permanent TROs must be made within 2 years of the date of the first Public Notice or the proposal will fail by default, unless an application for an extension has been made by the authority to the Scottish Ministers and granted. If the TRO still requires to be made and extension is granted, the process must start again.
  - 4.11 The Mull parking TRO arose from the February 2018 Council Budget decision. For the off-street parking TRO Consultation 1 & 2 have been combined as it is of a simple type. The proposed TRO will list all off-street (Council) car parks on Mull on a single order and will allow enforcement to be carried out. The proposed TRO will cover the following car parks:
    - Fionnphort (Iona Ferry 1-3) – remain P&D;
    - Fionnphort (Columba Centre) – moving from free to P&D;
    - Bunessan – remain free
    - Craignure Toilets – remain P&D but with 1 hour free;
    - Craignure (long stay) – moving from free to P&D;
    - Ledaig – moving from free to P&D

The charging periods for the “new” pay & display are being considered at the moment following comment arising in Consultation 1 & 2. This will be determined prior to the draft TRO being advertised.

- 4.12 A small number of comments have been submitted as a result of the consultation. These are being considered prior to the draft TRO being produced.

- 4.13 It is expected that the draft TRO for the Mull off-street parking will be advertised at the Public Notification stage by the end of September 2018.
- 4.14 The Mull on-street parking consultation is expected to begin in September 2018.
- 4.15 Members should note that the STAG appraisal for the proposed new pier at Craignure may impact on parking arrangements.

## **5.0 CONCLUSION**

- 5.1 That the Area Committee notes the content of the report.

## **6.0 IMPLICATIONS**

- 6.1 Policy Following current policy specification
- 6.2 Financial None
- 6.3 Legal None
- 6.4 HR None
- 6.5 Equalities / Fairer Scotland Duty None
- 6.6 Risk None
- 6.7 Customer Service None

**Policy Lead:** Cllr McCuish

**Executive Director of Development and Infrastructure Services:** Pippa Milne  
September 2018

For further information please contact:  
Stuart Watson, Traffic and Development Manager  
Tel: 01546 604889