

**MULL OFF-STREET TRAFFIC REGULATION ORDER**

---

**1.0 EXECUTIVE SUMMARY**

- 1.1 At the February 2018 Council Budget meeting it was agreed to progress a number of Traffic Regulation Orders (TRO) to promote changes to parking tariffs and to introduce charging in existing free car parks controlled by Argyll and Bute Council. As part of the February 2018 proposals, a number of locations were considered. One of these locations was Mull, which is the subject of this particular report.
- 1.2 Vehicle traffic on the island of Mull has increased following the introduction of Road Equivalent Tariff (RET) which has seen a significant reduction in the cost to take a vehicle between Oban and Craignure. The increased vehicular traffic on Mull is creating a greater demand on the off street car parks, additional demand on the road infrastructure and also creating demand pressures on the vehicle freight decks of the ferries. Council officers had also received representations from individuals and groups on Mull regarding additional traffic and the Council's ability to manage this traffic, particularly in car parks. The car parks in Tobermory and Fionnphort together with the car parks at Craignure have been areas where concern has been raised. Particular concerns have been raised regarding the use of Ledaig car park in Tobermory which has been used by campervans during various Tobermory based events. The representations and concerns that have been received relate to the potential of multiple vehicle fires due to stoves, heaters etc. in campervans and from perceived anti-social behaviour.
- 1.3 With the exception of the small car park to the rear of the public convenience in Craignure, none of the Mull car parks have traffic orders which means that the Council has no ability to effectively manage vehicles that are parked. This is a particular issue in Tobermory for the reasons mentioned above. In order to effectively manage car parks and provide a positive parking experience for both island residents and visitors, a set of management rules delivered via a TRO are considered necessary. This would align Mull's car parks with the majority of other car parks across the Council area. It is proposed that the TRO not only introduces management rules but also makes provision for car parking revenues to be recovered to help offset costs the Council incur at car parks (Non-Domestic Rates, utility charges, maintenance costs) as well as contributions towards other core council services, some of which may include measures linked to assisting with the increased traffic.

- 1.4 The draft “Argyll and Bute Council (Off-street Parking Places and Charges) (Isle of Mull) Order 201” (henceforth the “Mull off-street TRO”) was published on 25 October 2018. Objections were invited in regards to the making of the Order, the closing date for submissions was 16 November 2018. Roads and Amenity Services received 258 objections to the proposals; none of which were withdrawn. It should be noted that if an objection is not formally withdrawn then it must be considered to be maintained.
- 1.5 The original TRO, as advertised, proposed charges in line with the majority of other Council car parks. One of the exceptions being that through earlier representation a free period had been proposed. Having given consideration to the wider representations, it is proposed to offer a 12 month parking permit at both Fionnphort and Craignure at a discounted rate.
- 1.6 It is recommended that Members:
- 1) Agree to progress the TRO as advertised and detailed in paragraph 4.5.1 but with the following amendments:
    - a. Offer a 12 month parking permit for residents of Iona at the rate of 60% of the Council’s standard annual permit charge for use at Fionnphort off street car park as shown on drawing number T460 of Appendix 1.
    - b. Offer a 12 month ‘sail and park’ permit at 60% of the full price when paid in full for use at the long stay Craignure car park (former lorry park) as shown on drawing number T463 of Appendix 1.
  - 2) Note that officers have engaged with Scottish Government regarding the impact assessments carried out.

## MULL OFF-STREET TRAFFIC REGULATION ORDER

---

### 2.0 INTRODUCTION

- 2.1 At the February 2018 Council Budget meeting it was agreed to progress a number of Traffic Regulation Orders (TRO) to promote changes to parking tariffs and to introduce charging in existing free car parks controlled Argyll and Bute Council.
- 2.2 This report provides detail of the process to date and recommendations for the Area Committee.

### 3.0 RECOMMENDATIONS

- 3.1 It is recommended that Members:

- 1) Agree to progress the TRO as advertised and detailed in paragraph 4.5.1 but with the following amendments:
  - a. Offer a 12 month parking permit for residents of Iona at rate of 60% of the Council's standard annual permit charge for use at Fionnphort off street car park as shown on drawing number T460 of Appendix 1.
  - b. Offer a 12 month 'sail and park' permit at 60% of the full price when paid in full for use at the long stay Craignure car park (former lorry park) as shown on drawing number T463 of Appendix 1.
- 2) Note that officers have engaged with Scottish Government regarding the impact assessments carried out.

### 4.0 DETAIL

- 4.1 The car park proposals within the February 2018 Budget Public Document Pack (reference TB08) were to "Increase parking charges & introduce additional parking charges to places currently not charging, to keep traffic moving, manage demand for parking, and contribute to the maintenance of roads infrastructure".

## **4.2 Road Equivalent Tariff (RET)**

4.2.1 From the introduction of RET on the Oban-Craignure route in April 2016 through to March 2018, there has been a 35% increase in the number of car journeys by ferry. Coaches have seen an increase of 13% and passenger numbers have increased by 17%. The increase of vehicular traffic has had an impact on the road network and off-street parking which requires to be managed as far as practicable.

## **4.3 TRO Process**

4.3.1 The draft TRO does not contain any provision that would require a mandatory hearing to be held in respect of it prior to it being made. The decision to agree to make the Order, or otherwise, is delegated to the Oban, Lorn & the Isles Area Committee.

4.3.2 Traffic Regulation Orders are promoted and made under a specific statutory process. Under the process there is an initial consultation carried out with prescribed statutory bodies (blue light services etc.). Following this a TRO is advertised and publicised. Representations are invited from any interested party, the Council as Traffic Authority formally responds to all representations. Before making an order the Council requires to consider all objections made and not withdrawn. In this instance the Area Committee have the ability to either:

1. Confirm the TRO as advertised
2. Confirm a TRO with reduced restrictions
3. Decide not to progress the Order, with the option of promoting an alternative TRO which would need to be re-advertised.

## **4.4 Approach to developing the proposals**

4.4.1 The Council has listened to the issues raised by representatives of the Mull and Iona Communities in connection with a Community Participation Request and taken on board feedback received from local residents regarding their concerns e.g. the use of Ledaig car park by campervans during the annual music festival. The professional judgement of officers has then been used to develop proposals that best address concerns raised. The council's policy on parking is set out in The Parking Policy Framework which can be found here <https://www.argyll-bute.gov.uk/moderngov/documents/s90831/Parking%20Policy%20Framework%20-%20July%202014.pdf>. This was developed having regard to Scotland's National Transport Strategy which can be found here <https://www.transport.gov.scot/publication/national-transport-strategy-nts/>.

4.4.2 The Council's Parking Policy is predicated on ensuring car parks can be managed effectively and safely. This proposal is to transform the way in which parking in the area is managed to reflect the market and demand for car parking.

Charges will also reflect the support required to manage the various levels of local parking and roads infrastructure that in the main reflects visitor numbers and economic activity. Parking will provide a mechanism of securing contributions to support local infrastructure from visitors to the area and also manage demand to stimulate parking turnover for positive economic benefit.

4.4.3 The consultation period has also provided an opportunity for feedback from residents and local businesses based on how they use or are affected by car parking on the island. All parking arrangements need to be kept under review as driver behaviour will change overtime, other changes such as a building change of use can also impact on the effectiveness of parking arrangements.

## **4.5 TRO Proposals**

4.5.1 The draft Mull off-street TRO proposes the following:

1. Introduction of parking charges in Ledaig Car Park, Tobermory. The first two hours will be free with standard charges applying thereafter (no charges to apply to buses parking within the bus parking area).
2. Introduction of parking charges in the Columba Centre Car Park, Fionnphort.
3. Introduction of parking charges in the Long Stay Car Park, Craignure.
4. Removal of lorry parking, Craignure (this effectively will provide additional car parking capacity).
5. Alter the charging regime in Craignure Toilets Car Park to allow one hour free parking with standard charges applying thereafter.
6. Classes of vehicles permitted within all the car park reviewed and amended.
7. Does not permit motorhomes to park within Ledaig, Tobermory or Craignure Car Parks.
8. To introduce charging to all car parks, with the exception of Bunessan Car Park, Monday to Sunday, 9a.m. to 6p.m.

Appendix 1 contains car park location plans covered by the TRO.

4.5.2 The implementation of the Mull off-street TRO would introduce the ability to effectively manage the car parks through enforcement. Under existing arrangements the wardens are unable to issue Penalty Charge Notices within Ledaig, Tobermory, Craignure Long Stay, Bunessan and Columba Centre, Fionnphort Car Parks.

## **4.6 Proposed amendments to the TRO**

4.6.1 The original TRO, as advertised, proposed charges in line with the majority of other Council car parks. One of the exceptions being a free period had been proposed following earlier representations. Having given consideration to the wider representations, it is proposed to offer a 12 month parking permit at both Fionnphort and Craignure at a discounted rate and this would be as follows:

- a. Offer a 12 month parking permit for residents of Iona at the rate of 60% of the Council's standard annual permit charge for use at Fionnphort off street car park as shown on drawing number T460 of Appendix 1.
- b. Offer a 12 month 'sail and park' permit at 60% of the full price for use at the long stay Craignure car park (former lorry park) as shown on drawing number T463 of Appendix 1.

#### Fionnphort Permits for Iona Residents

- 4.6.2 These permits would be available for Iona residents but limited to 2 permits per household for residents of Iona. The current cost for this would be £285 (60% of full price) and payable by Direct Debit. This equates to 71p per day. It is also proposed that normal parking tariffs would apply for anything other than the annual permit.
- 4.6.3 Iona is unique in Argyll and Bute being the only island where the Council issue island vehicle permits allowing vehicles to go onto the island. This permit system is in place to protect the infrastructure on the island and also to preserve the amenity value of this historic location. This means that those residents of Iona who rely on a vehicle are generally unable to take the vehicle onto Iona and therefore are required to leave their vehicle at Fionnphort. This form of residents permit is being offered having taken consideration of the unique circumstances of the island and the needs of Iona residents.

#### Craignure Permits

- 4.6.4 It is proposed that additional annual permits are offered at the long stay car park at Craignure (former lorry park) at 60% of the full price and payable by Direct Debit. The permits would be available to any individual seeking to leave a vehicle at Craignure rather than taking the vehicle on the ferry.
- 4.6.5 The rationale for this is to encourage people to leave vehicles at Craignure whilst travelling across to the mainland to free up capacity on the ferry vehicle deck during peak periods of demand.

### **4.7 Objections to the TRO**

- 4.7.1 Appendix 2 provides a summary of the 258 objections and the Council's response. In addition to the objections to the formal order process, a number of additional contacts have been made which have been responded to.
- 4.7.2 Officers have considered the objections and, having given due cognisance to the February 2018 Council budget meetings decision, would recommend that the Mull off-street order progress with the alterations detailed above. The order will allow the effective management of the Council's off-street car parking asset on Mull and produces an income stream which meets the costs associated with the car parks (Non-Domestic Rates, utility charges and maintenance) as well as contributions

towards other core council services.

- 4.7.3 Following the advertisement of the TRO, and the formal objections received as part of that process, various correspondence has been received and sent on this matter.

#### **4.8 Complaint regarding TRO Process Received and Internal Audit Investigation**

- 4.8.1 Further to the 258 objections to the TRO detailed in this report, a complaint regarding the TRO process was received by the Council. As part of this complaint, the Chief Executive instructed an audit review to be carried out to establish if assurance can be given to confirm that the Council's policies and procedures for implementing TROs are consistent with relevant legislation and were implemented in relation to the Mull TRO. That audit review has been completed and has concluded that the complaint has not been upheld and that the TRO has followed the Council's policies and procedures. On this basis, the TRO process to date is considered to be competent. A copy of the anonymised complaint response is attached to this report at Appendix 3.

#### **4.9 Islands Act and Equality and Socio Economic Impact Assessment**

- 4.9.1 The decision to proceed with the TRO was taken prior to Part 1 of the Equality Act 2010 coming into force on 1 April 2018 and before the enactment of the Islands (Scotland) Act 2018. Part 3 of the Act which relates to island impact assessments is yet to come into effect.
- 4.9.2 The council undertook an Equality Impact Assessment prior to the February 2018 budget decision. This is attached to this report in Appendix 4.
- 4.9.3 Equality and Socio-Economic Impact Assessments (EQSEIA) are carried out in relation to policy proposals which enable the officers who are designing a new proposal to check that they have given due regard to all equalities implications, including socio-economic inequalities, as well as impacts on island communities. Due regard does not mean that there is an obligation to achieve a result. Public bodies are not required to reduce inequalities of outcomes as part of any decision made under the duty. However, the public authority should be able to demonstrate that it has considered options and why a decision has been made. The Scottish Government did not implement Island Community Impact Assessments in October 2018 as expected as part of the Islands Act. To respect the intent of the Act the Council has carried out a further Equalities and Socio-Economic Impact Assessment specifically on this TRO to consider and evidence the impact on the affected island communities of Mull, Iona and Ulva. This now picks up a range of additional issues and some of the positive outcomes that the TRO will provide, including improved facilities for disabled parking. This assessment is attached to the report in Appendix 5.
- 4.9.4 Scottish Government wrote to Mull and Iona Community Trust regarding the Islands (Scotland) Act 2018 in relation to the Mull Off Street TRO. A copy of the

letter was forwarded to the Council. Scottish Government have offered to assist Argyll and Bute Council Officers with any assessment. Officers have written back to Scottish Government setting out that the TRO was part of a Council decision in February 2018 and was subject to an Equalities Impact Assessment and a Health and Safety Impact Assessment at that time. Subsequently an Equality and Socio-Economic Impact Assessment has been completed. Whilst the Equality and Socio-Economic Impact Assessment has highlighted some issues these have been mitigated as much as is possible by offering discounted rates for annual parking permits.

- 4.9.5 The Head of Roads and Amenity Services and the Head of HR and Organisational Development held a teleconference with Erica Clarkson, Islands Team - Rural Communities and Economy and Don Morrison, Islands Officer, Scottish Government on 29 April 2019. The teleconference was held to discuss the EQSEIA carried out by the Council in relation to the Mull TRO and the Islands Impact Assessment. It was explained that the EQSEIA and the Equality Impact Assessment were based on the Equality Act 2010 and the 9 protected characteristics. The EQSEIA is the Council's document which ensures that the Equality Act is complied with, this having been used for the 2019/20 budget process and the Mull TRO. Colleagues from Scottish Government were approving of the EQSEIA process. Erica Clarkson confirmed that Scottish Government had not yet developed an Islands Impact Assessment which was currently subject to a consultation exercise.

## **5.0 CONCLUSION**

- 5.1 This report sets out the rationale of why a TRO has been promoted for off street car parks on Mull. The reason being the increase in vehicular traffic onto the island following the introduction of RET, to introduce management rules through a TRO that enables enforcement and car park management to be carried out to safeguard the users of the Council's car parks.

## **6.0 IMPLICATIONS**

- 6.1 Policy – none
- 6.2 Financial – if the estimated income is not met this may result in further service cuts being made.
- 6.3 Legal – none.
- 6.4 HR – none known
- 6.5 Equalities / Fairer Scotland Duty – Through the areas identified from the assessments carried out mitigation has been provided in part by offering discounted annual season tickets.
- 6.6 Risk – If not progressed there will be an inability to effectively manage



parking through the peak tourist season.

6.7 Customer Service – none.

**Executive Director of Development and Infrastructure, Pippa Milne**  
**Policy Lead Councillor, Roddy McCuish**  
February 2019

**For further information contact:** Stuart Watson, Assistant Network & Standards Manager

## **APPENDICES**

Appendix 1 – Car Park Location Plans:

Drawing no. T457 Fionnphort 1

Drawing no. T458 Fionnphort 2

Drawing no. T459 Fionnphort 3

Drawing no. T460 Fionnphort 4

Drawing no. T461 Tobermory Ledaig

Drawing no. T462 Craignure Toilets

Drawing no. T463 Craignure Long Stay

Drawing no. T464 Bunessan

Appendix 2 – Summary of objections received

Appendix 3 – Anonymised response to complaint following Audit Review

Appendix 4 – Equality Impact Assessments

Appendix 5 – Equality and Socio-Economic Impact Assessment