Agenda Item	9
Report No	CIA/38/21

# HIGHLAND COUNCIL

Committee:	City of Inverness
Date:	18 November 2021
Report Title:	Ballifeary Residents Permit Scheme
Report By:	Executive Chief Officer Infrastructure, Environment & Economy

1

# Purpose/Executive Summary

1.1 Due to increased usage of Ballifeary Road by non-residents as free parking to access nearby facilities officers have had lengthy discussions with residents and the Community Council since 2017. We have recently promoted a Traffic Regulation Order to introduce waiting and loading restrictions including a Resident Permit parking scheme on Ballifeary Road and Ballifeary Lane. Officers have written to consultees to discuss their objections. As officers were unable to resolve all outstanding objections Members must now deliberate these.

# 2 Recommendations

- 2.1 Members are asked to support the making of the Traffic Regulation Order amended as follows:
  - i. Reduce the Permit Scheme to only cover that length of Ballifeary Road from its junction with Bishops Road and its junction with Ballifeary Lane.
  - ii. Reduce the restricted hours to Monday Friday 10am to 5pm.
  - iii. Abandon the Permit Scheme proposed for Ballifeary Lane.
  - iv. Abandon the waiting and loading restrictions from a point in line with the boundary of number 28/30 Ballifeary Road Southwards to its junction with Glenurquhart Road.

# 3 Implications

- 3.1 **Resource** implementation will be funded from existing Service Budget.
- 3.2 **Legal** Subject to The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

- 3.3 **Community (Equality, Poverty and Rural)** The scheme was generated from community representations. The proposed permit scheme will introduce a financial cost to any subscribers as per the Highland Councils Permit Scheme Policy.
- 3.4 **Climate Change / Carbon Clever -** No implications.
- 3.5 **Risk** No implications.
- 3.6 **Gaelic -** No implications.

# 4 TRO Process

- 4.1 Subject to The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, unresolved objections made to a Traffic Regulation Order must be considered by the appropriate committee. Members may deal with the proposals as follows:-
  - (a) abandon them;
  - (b) defer a decision on them; or
  - (c) make an order or orders giving effect to them in whole or in part.

Members may make the order amended from the advertised order with regard to:-

- (1) The authority shall not make the order with modifications where:-
  - (a) any of the modifications would involve a departure from the order in the form to which the Secretary of State or Crown authority has given his or its consent; or
  - (b) in a case where under paragraph 1 and 2 of Schedule 9 to the Act the Secretary of State has directed the authority to make the order, any of the modifications would involve a departure from the form in which he has directed the order to be made; or
  - (c) in a case where the consent of the Secretary of State is not required by or under paragraph 13 of Schedule 9 to the Act, any of the modifications would extend the application of the order or increase the stringency of any prohibition or restriction contained in it.

but subject as aforesaid the authority may make the order with modifications, whether in consequence of any objections or otherwise.

4.2 The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Six Ballifeary Order 2021 was submitted to all Statutory Consultees without objection and was also advertised for public consultation via a Public Notice (see Appendix 1) in the Press & Journal and on street notices detailing the proposals from 6 July 2021 allowing for representations to be received by 27 August 2021. In addition, consultation information was hand delivered to all properties on two separate occasions. Officers consulted extensively with the Community Council and held an open public meeting.

# 5 Residents Permit Parking Schemes

5.1 For the benefit of Members permit parking spaces are not allocated to individual permit holders. A Residents Parking Scheme does not guarantee the availability of a parking space or a space outside the permit holder's residence. The permits entitle residents to park their vehicles if space is available. Permits are a tool used by local authorities at the request of residents to "exclude" vehicles. The number of permits issued is determined by the number of eligible users. There is a definite number of permits issued, therefore numbers are not unlimited and are never considered an exercise in income generation - www.highland.gov.uk/parkingpermits

# 6 Advertised Traffic Regulation Order

- 6.1 The advertised Traffic Regulation Order contained waiting & loading restrictions to ensure the safe passage of vehicles by preventing parking/waiting and the definition of Permit Holder Only Bays in certain locations (see Appendix 2).
- 6.2 The Permit Scheme would be subject to the Council's existing terms and conditions. It was proposed to operate 7 days per week between 10am and 8pm.
- 6.3 Twelve objections were received within the advertised objection period **(see Appendix 3)**.

# 7 Objections

- 7.1 Officers contacted all 12 objectors to discuss their objections. All written Objections are attached but are summarised as follows:
  - i. 5 objectors are willing to withdraw their objections on the condition that the Permit Scheme operating hours are reduced to 10am to 5pm Monday to Friday.
  - ii. One objection was not accepted as it did not define clear grounds for objection.
  - iii. One objection agreed with the principal of the scheme but did not agree with the cost which is not considered competent grounds to object.
  - iv. Three further objections from the same household agreed with the principal but objected on the grounds of affordability which is not considered competent grounds to object. However, the removal of this section of Ballifeary Road would negate their objection.
  - v. One objection focuses on the south section of Ballifeary Road "There is no problem to address, and the scheme would restrict access. The restricted hours are too long and over too many days." However, the removal of this section of Ballifeary Road would negate their objection.
  - vi. One objection suggested that due to changes following Covid it was no longer required and was never needed on the south end of Ballifeary Road. Signage would be a visual intrusion and a reduced number of vehicles parking would increase through speeds. They are unwilling to withdraw their objection asking that the scheme be deferred for 12 months to see if there is still a parking problem post Covid.

Officers feel that the reduction of the restricted hours and length of road covered by the scheme will resolve a great many of the issues (see Appendix 4).

7.2 In summary there is one unresolved objection if the scheme is amended. See item (vi.) above.

Designation:	Executive Chief Officer Infrastructure, Environment & Economy
Date:	26 October 2021
Author:	Shane Manning, Principal Traffic Officer
Background Papers:	Appendix 1 – Notice Appendix 2 – Advertised Plans Appendix 3 – Objections Appendix 4 – Amended Plans

OFFICIAL



# The Highland Council NOTICE

# The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Six Ballifeary Order 2021

Notice is hereby given that The Highland Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4, 19, 32, 35, 45, 46,47 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984") and the Road Traffic Act 1991 (hereinafter referred to as "the 1991 Act") and of all other enabling powers proposes to make an Order entitled as above the general effect of which is as described in the Schedule below.

Details of the proposals, a copy of the proposed Order, Statement of Reasons and Plans may be inspected online <u>https://www.highland.gov.uk/troconsultations</u> or by appointment at the Parking Services offices at the Multi Storey Car Park, Faraline Park, Inverness, IV11NH during normal office hours. Telephone 01463 239786 to make an appointment.

Any objections to the proposals must be submitted to the undernoted in writing by Friday 30th July 2021 and must contain the competent grounds upon which you object. You may also provide your written objection by email to <a href="mailto:parking@highland.gov.uk">parking@highland.gov.uk</a>

01/07/2021, Shane Manning, Principal Traffic Officer, Highland Council, Multi Storey Car Park, Faraline Park, Inverness, IV11NH

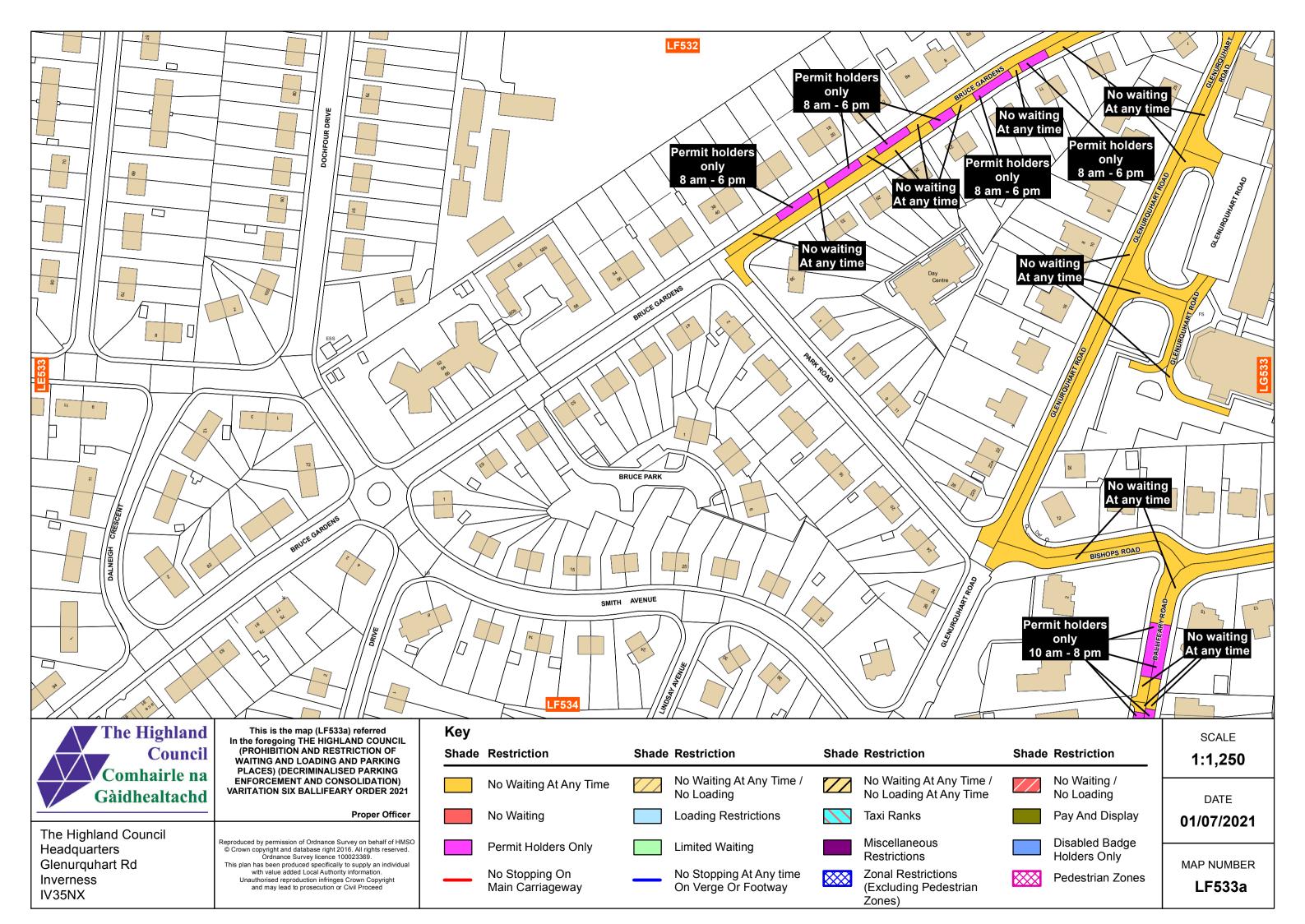
#### Schedule

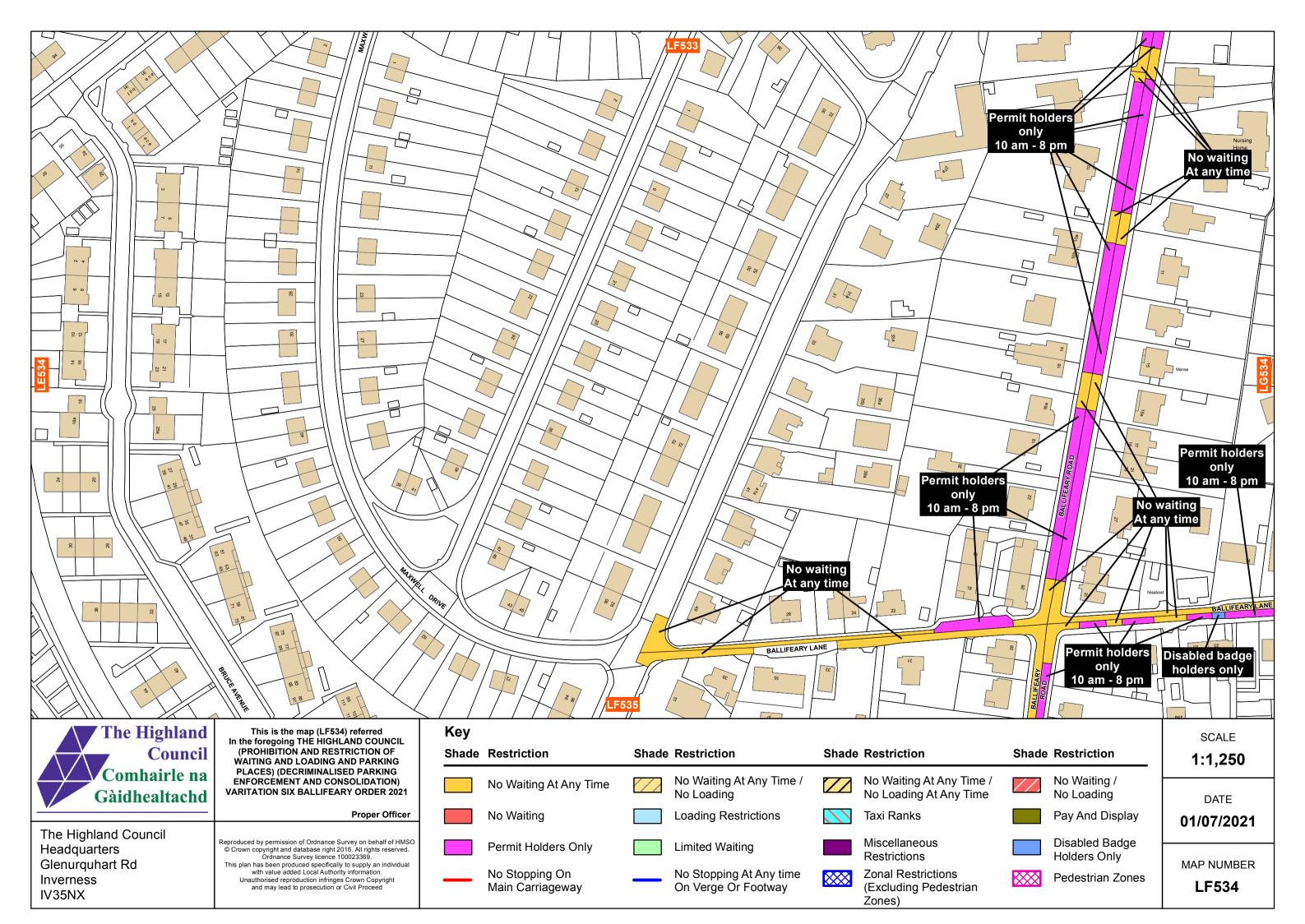
This Order Variation affects the road at:

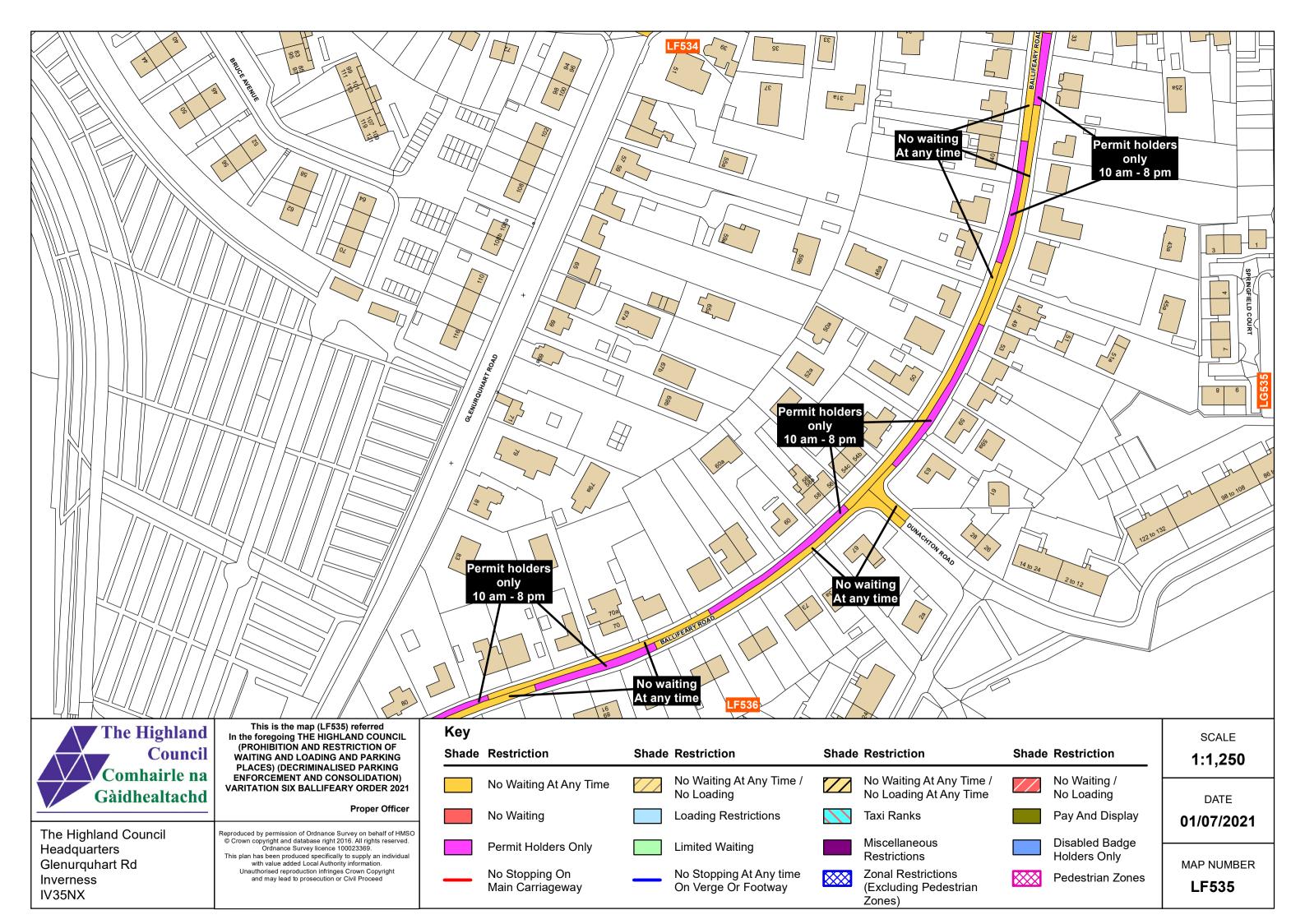
Ballifeary Lane and Ballifeary Road, Inverness. Introducing Waiting Restrictions and Permit Holder Only Bays.

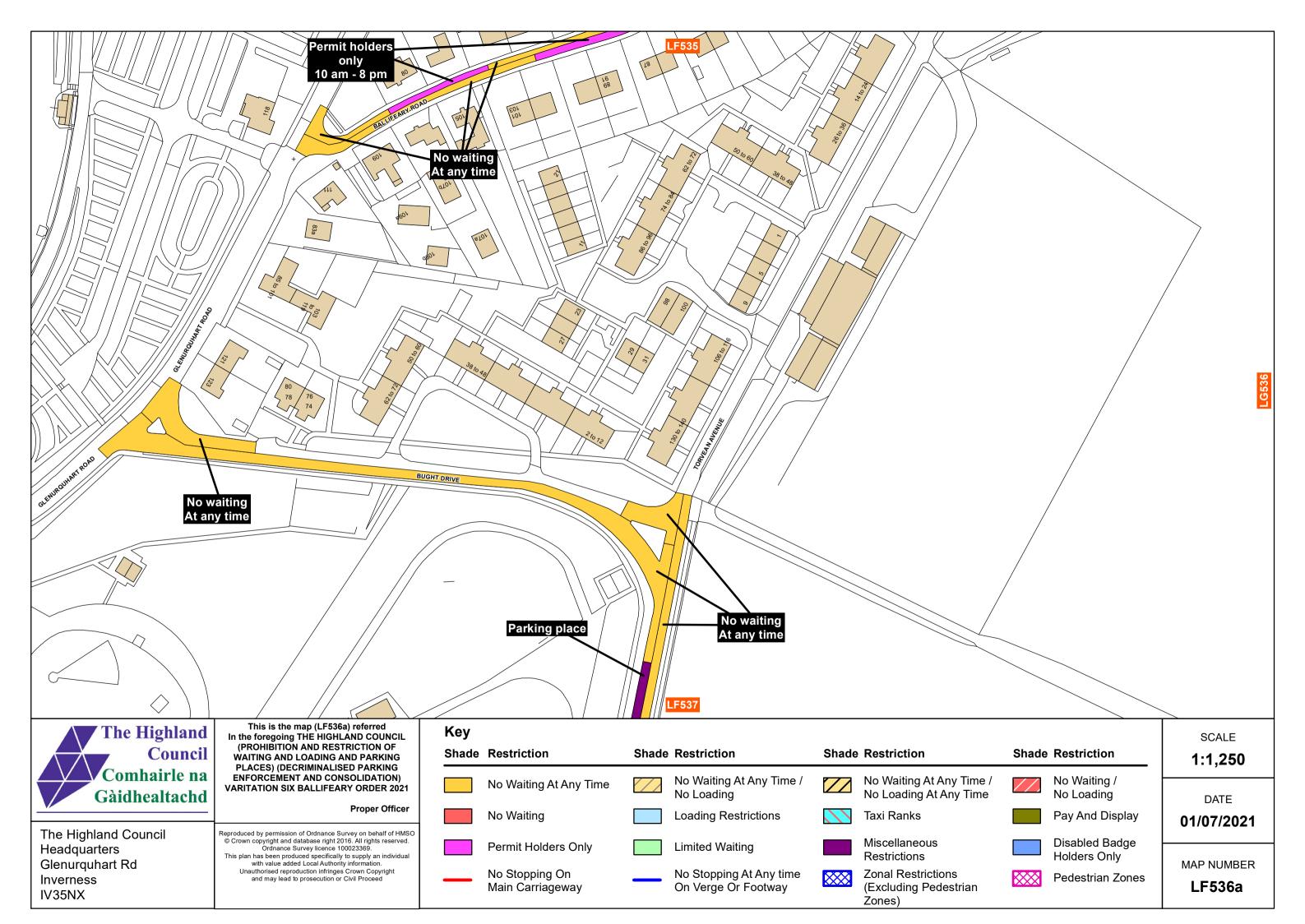
Permit fees – All Conditions of use available at <u>https://www.highland.gov.uk/parkingpermits</u>

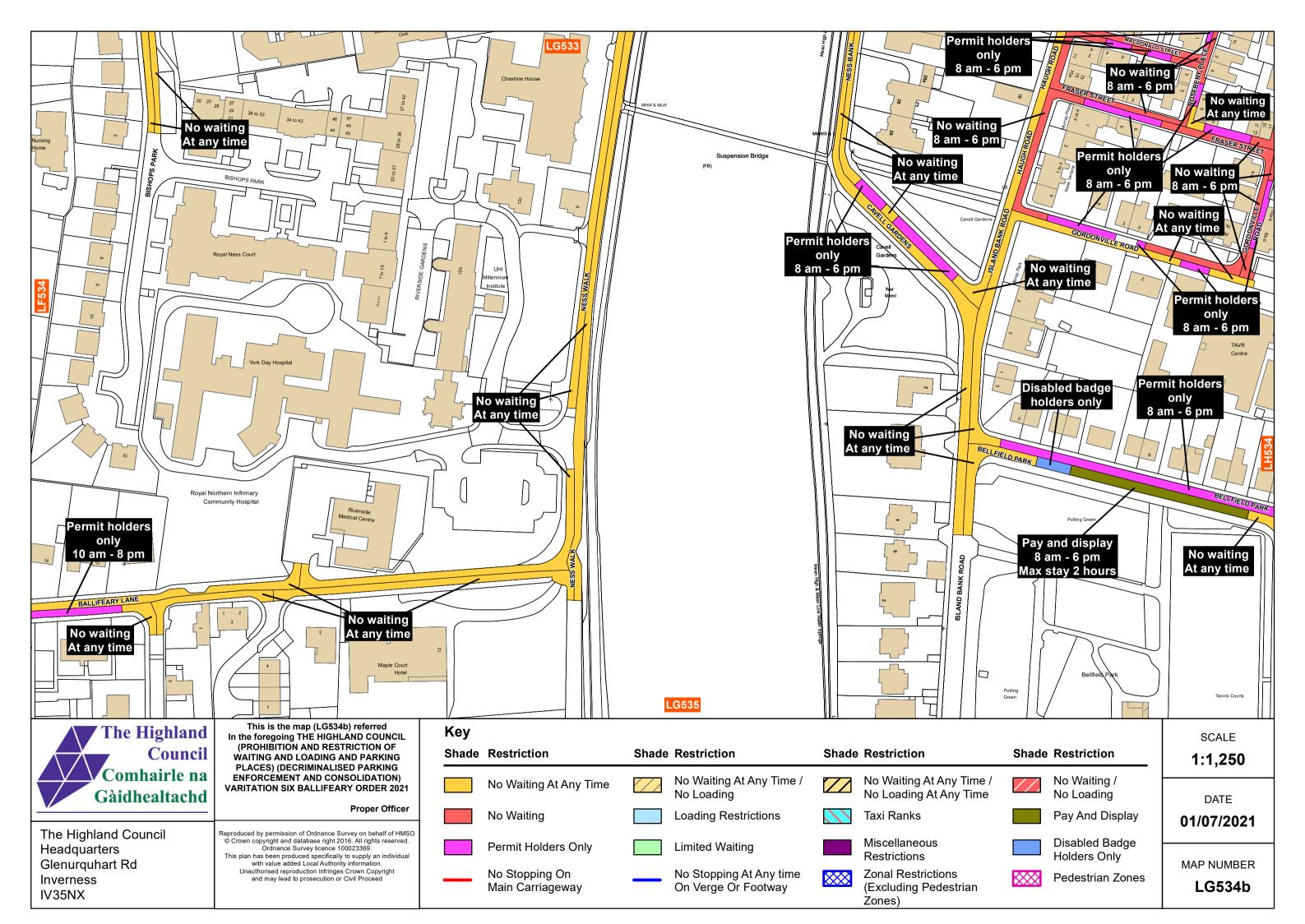
Permit Type	Class of vehicles Excluded	Frequency	Fee
Resident's or visitor permits (RP, RVP)	PSV, OGV1, OGV2, TRAILER, CARAVAN, MOTORHOME	annual	£58.00
Senior Citizens resident's permit	PSV, OGV1, OGV2, TRAILER, CARAVAN, MOTORHOME	annual	£28.00
Lost or damaged permits	PSV, OGV1, OGV2, TRAILER, CARAVAN, MOTORHOME	single fee	£28.00
Business and business visitor permits (BP, BVP)	PSV, OGV1, OGV2, TRAILER, CARAVAN, MOTORHOME	annual	£185.00











# APPENDIX 3 - Objections received by the public relating to the proposed Traffic Management scheme for Ballifeary Road & Lane.

Although I am in favour of this proposal in principal, I wish to object to the hours of permit parking only : the proposal is for permit only holders between the hours of 10am and 8pm.

In line with other residential streets in the area, I feel it would be fairer to implement permit parking only during the hours of 10am and 6pm.

#### Kind regards OBJECTOR 1 (Unknown Location)

I am agreeing in principle re introduction of permits however not to the times being allocated. I think 8pm is far too late. Could it not be in line with most of inverness at 6pm finish time. This would allow for evening visiting and support from my family and friends visiting in the evening without having to purchase multiple permits which I cannot afford.

I feel 6pm is sufficient as a finish not 8pm.

I have already written an objection but would like to add to it. The parking restrictions all around the area are 10am -5pm. This is perfectly sufficient. Namely Ardross terrace, ardross street and bishops road. Please do not impose this restriction until 8pm. It is wholly unfair to those without off street parking especially the ballifeary lane flats where already families and individuals are struggling financially and require support from family and friends who can ill afford 1 or 2 permits to allow for evening visiting to residential properties.

#### **OBJECTOR 2 (NORTH Ballifeary Road)**

I wish to object to the new proposed parking regulations for Ballifeary Road and Ballifeary Lane.

I am against the long proposed time 10 AM to 8PM. I do not understand why Ballifeary Road and Ballifeary Lane should be different to the surrounding roads which have a time zone of 10AM to 5PM eg. Bishops Road, Ardross Street and Ardross Terr. there several other streets none that have such a late zone terminating time.

I hope you will reconsider and adopt the times on the surrounding streets which is 10AM TO 5PM .

#### **OBJECTOR 2.1 (Unknown Location)**

I am writing to object to the introduction of parking permits and visitor parking permits on Ballifeary Lane and Ballifeary Road. My sister lives there and this will have a negative impact on me, and our other family members, when we visit.

I hope you will reconsider this change or at the very least make the timings shorter.

Thanks,

#### **OBJECTOR 2.2 (Unknown Location)**

I am objecting to these proposals as I do not agree with them in principle.

I particularly and strongly object to the very long time proposed for the parking enforcement which is much longer than in other areas in the town of Inverness.

Why is it proposed to only end the enforcement at 8pm? I have family in the area needing support and visiting will now become very difficult.

Tomnahurich Street is from 10am to 5pm so why is it proposed to have such a long day of parking restrictions when the roads are further from the town centre?

I would like to reiterate that I strongly object to these proposals.

Please reconsider,

#### **OBJECTOR 2.3 (Unknown Location)**

I am very concerned that this appears to be going ahead. There was never a proper public consultation-very few houses received the original flier (I for one didn't nor did several neighbours).

As an active travel route, the cars parked during the day slow down the traffic making it safer for pedestrians and cyclists. Interesting how much faster the traffic is at the w.end.

People will be concreting their front gardens to provide parking which some have already.

One person who cannot park outside her house has pushed this through which is v disappointing.

I hope enough people who are now aware of the proposals will object

#### **OBJECTOR 6 (NORTH Ballifeary Road)**

I am a home owner for the last 12 years at 29 Ballifeary Road IV3 5PJ. I have no driveway so rely on street parking.

I agree in principle with permits but object to residents requiring to pay for permits at £58 per year as in my view this would be an additional expense I would find difficult to pay.

I work for the council myself (as, a Mental Health Officer) and due to increased cost of living and no increase in salary I am finding it increasingly difficult to pay my existing bills.

already.

Please could I request that permits are considered in a different way. I am of the view that each household without a driveway (this would be the less affluent residents like me) should be provided with one free permit per household.

Also, I provide theatre digs for Eden Court folk (not over the last year due to Covid-19) and what arrangements would be made for visitors parking?

In short, why should I be required to pay to park outside my own house when this is the only parking I have access to?

#### **OBJECTOR 7 (NORTH Ballifeary Road)**

Re: The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Six Ballifeary Order 2021

As a long- time resident of Ballifeary Road, I am writing to **submit my objections** to the proposed Order Variation to introduce waiting restrictions and Permit Holder Only Bays in Ballifeary Lane and Ballifeary Road, Inverness. These objections are as follows:

- 1. Pre-COVID the number of non-residents parking in the Ballifeary area had significantly increased, triggering complaints from some residents in the Ballifeary area. This increase coincided with the decision by Highland Council to charge for parking at its HQ in Glenurquhart Road and was particularly bad on the days that out of town councillors attended meetings. With more council work now being done from home and/or via Zoom the parking situation has normalised and no longer presents problems for residents. Should councillors return to working in the HQ in greater numbers, the Council will need to review its parking policy at Glenurquhart Road whilst instructing councillors not to park in nearby residential areas. The introduction of Permit Holder Bays in Ballifeary is not the solution to this problem; it will only move it elsewhere.
- 2. Whilst there may be some occasional obstructive and indiscriminate parking caused by non-residents at the northern end of Ballifeary Road due to its proximity to the town centre, there is generally no such obstructive or indiscrimate parking on the rest of Ballifeary Road and particularly south of the intersection with Ballifeary Lane (see attached photographs showing typical parking during the working week). The introduction of Permit Holder Bays throughout the whole of Ballifeary is a heavy-handed solution to a problem affecting a very small number of residents at the northern end of Ballifeary Road.
- 3. The proposed design plan very much reflects the current parking patterns on Ballifeary Road south of the intersection with Ballifeary Lane. Thus the introduction of Permit Holder Bays south of the junction will not bring any benefits to residents who will be charged for something they currently can do for free, and could be viewed as simply income generation by Highland Council.
- 4. Most houses on Ballifeary Road between the junction with Bishops Road and the intersection with Ballifeary Lane have driveways and their owners do not park on the road. The introduction of empty Permit Holder Bays on both sides of this long, wide, straight section of road will turn Ballifeary Road into a rat run with cars, HGVs and motorbikes speeding along to by-pass traffic delays on the busy A82, causing noise and disturbance to

residents and endangering the lives of the groups of school-children who use Ballifeary Road on their way to school and the Leisure Centre.

- 5. Yellow lines are not needed on Ballifeary Road or Ballifeary Lane as there is currently no obstructive parking on junctions (see attached photographs).
- 6. The signs and road markings that are required for such a scheme to function will be visually obstructive and affect the character and appearance of a neighbourhood which adjoins the Riverside Conservation Area. Furthermore, these signs and road markings will adversely affect the setting of two Listed Buildings in the area, namely 1 Ballifeary Road and 15 Bishops Road.

The solution to the problem of indiscriminate parking caused by non-residents in Ballifeary, and elsewhere, is not to simply charge house owners to park in front of their homes in a residential area, but for the Council to provide free and frequent Park and Ride buses at all four entrance points to Inverness. This works well in other cities and would be a positive step in encouraging more Active Travel in Inverness.

#### **OBJECTOR 8 (Ballifeary Road)**

Dear Mr Manning,

We write to object to: The Highland Council (Prohibition and Restriction of Waiting and Loading and Parking Places) (Decriminalised Parking Enforcement and Consolidation) Variation Six Ballifeary Order 2021 on the following grounds:

**1. Wholly unnecessary** – as residents of Ballifeary Road we can see no reason to introduce parking enforcement when typically the Road is not under pressure in terms of on-street parking, and parking is working well and effectively 'self-policed'. As residents living on Ballifeary Road at the narrowing section beyond the junction with Ballifeary Lane and towards the Canal side of town, we feel this 'self policing' works well with neighbours acting sensibly, thus ensuring that parking is not obstructing access to driveways on either side of road etc. There seems to be no rationale for this enforcement other than to generate income from permits.

**2. Safety** – looking at the map and plans for designated permit parking areas, the proposed plans appear to introduce new or additional risks in terms of road safety. On this part of Ballifeary Road, where it narrows, and parking is only possible due to road width on one side of the Road, the plans introduce new or additional risks e.g.

Forcing residents and particularly those with young children to cross the road where they would now be forced to park on the other side of the street from their residence. This introduces unnecessary crossing of the road. For residents like us who have young children this is a particular concern. Under the current arrangement, residents can decide which side of the road to park on, and as commented above this works well with residents acting sensibly and ensuring that there are no blockages or restrictions on access to driveways.
Restricting driveway access - the designation of permit parking areas on many occasions is immediately opposite resident driveways. This is the case for us at No.32 and our neighbours at No.34, and on many other occasions along Ballifeary Road. This does not appear to take any account of the width, and narrowing of the Road as it continues, and

therefore the practical space required to ensure residents can access their own driveway. Beyond the obvious inconvenience, this may well create additional risks in terms of accidents and incidents with more difficult parking manoeuvres required to access driveways. All the more so for those with larger vehicles, and in our case a motorhome, where the plans would effectively make it impossible to access or exit the driveway if cars were parked immediately opposite. The plans give no consideration to the practicalities and rights of residents to be able to safely and easily access their own driveways. Repeating again what we have said above, these issues do not exist at present with residents acting sensibly and not typically parking opposite others driveways at this end of Ballifeary Road. That would be wholly reversed under these plans. There would also then be a compound effect with those unable to easily utilise driveways, then forced to use on-street parking, and unnecessarily parking additional vehicles on the road.

There are also what appear (or can only be) errors with zoned permit parking areas that are right across and block existing driveways. No.33 Ballifeary Road being an example where the proposed zoned area *does not* take account of the existing driveway, which would now be blocked.

**3. Duration** – it is unclear what time period parking permits would operate for, and what rationale there is for that. Notwithstanding our comments above about the lack of parking pressure as we see it, in our view where there is any parking on street that is not by residents, that is typically only during normal working hours, and office or other workers using the Road nearest Eden Court for parking. So this is only Monday to Friday 9-5/6. Any visit to Ballifeary Road outwith those times would clearly show no pressure on parking and an abundance of parking spaces. Why then, the time of the proposed permit parking applies from 10am-8pm is unclear? All the moreso, as on other parts of the plan it only applies 8am – 6pm? The plan is also unclear as to whether permits apply 5 or 6/7 days per week. As above, there is absolutely no need for any enforcement at weekends and to do so would be both unnecessary and a significant inconvenience for residents and the small businesses/ B&Bs on the street.

**4. Implementation** – there is no clear rationale for how the enforcement applies to different sides of the Road as it narrows from the Ballifeary Road junction onwards. It seems wholly arbitrary as to why one side of the street would be zoned for parking permit to a point, before then switching to the other side. There does not appear to be consistent lengths or gaps, as to how or why it changes sides, and as above given there seems to be no full consideration of the location of designated permit parking areas relative to existing driveways, that doesn't appear to be factored in either. This then creates the practical and safety issues as described above. One would assume a survey has underpinned these plans but no data is provided in the consultation to indicate what volume of vehicles the zoned permit parking areas would support, or how in turn that compares to existing use.

#### **Outcome sought**

Cease the plans for parking enforcement along Ballifeary Road for the reasons outlined above, in summary, the lack of clear need or rationale for enforcement, the safety risks the plan would create, and the impracticalities and impact on residents including reduced use of and access to existing driveways.

Any plans can and should only be introduced where there is a clear rationale, and they improve parking, access and safety, rather than have negative impacts.

We will be alerting our local Ward Councillors to this objection, and would also request that residents are informed of the outcome of this consultation and next steps. Yours sincerely,

#### **OBJECTOR 9 (SOUTH Ballifeary Road)**

I am writing to object to the plans to enforce parking restrictions including the introduction of paid resident parking permits for the residents of the area. Me and my family have no choice but to have cars and introducing a change of £58 a year for three of us is unaffordable and unreasonable given that all of us have no choice but to have a car to commute to work often at short notice (paramedic and health service manager) In addition our looked after child is a resident of Caithness and she requires a car to commute back and forward to maintain family contact. We would require 3 parking permits at a total cost of £174 on top of our council tax and additional costs for garden waste to be collected. I can accept the majority of proposals to implement no parking areas but this should not be at the expense of existing residents of Ballifeary Road.

## **OBJECTOR 10 (SOUTH Ballifeary Road)**

## **OBJECTOR 10.1 (SOUTH Ballifeary Road)**

I am writing to object to the plans to enforce parking restrictions including the introduction of paid resident parking permits for the residents of the area. I live with foster parents but I am originally from Caithness and I am a student at UHI. The cost of paying an additional £58 on top of expensive car costs is unfair. I need a car to be able to return to Caithness regularly and at short notice to support my family. I should not have to pay extra to have a car particularly when the public transport to and from Caithness is limited and unusable for this reason. Improving congestion in Ballifeary should not be at the expense of existing residents.

## **OBJECTOR 11 (SOUTH Ballifeary Road)**

