

## **FALKIRK COUNCIL**

Subject: THE FALKIRK COUNCIL (B903, BLACKNESS) (PROHIBITION OF

WAITING) ORDER 20\_

Meeting: PLANNING COMMITTEE

Date: 17 March 2021

Author: ACTING DIRECTOR OF DEVELOPMENT SERVICES

Ward: Bo'ness & Blackness (Ward 1)

**Local Members:** Councillor David Aitchison

Councillor Lynn Munro
Depute Provost Ann Ritchie

**Community Council: Blackness** 

Council Officer: Russell Steedman – Network Co-ordinator

#### 1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (B903, Blackness) (Prohibition of Waiting) Order 20\_\_, the purpose of which is to introduce double yellow line waiting restrictions to alleviate on-street parking issues on the B903, Blackness. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent reporter appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider their report and recommendation before making a determination.

#### 2. BACKGROUND

- 2.1 The Council currently provides waiting restrictions on parts of the public road where there is a road safety or congestion issue, enforceable by virtue of a traffic regulation order.
- 2.2 Concerns were expressed by members of the public and elected members regarding road safety and congestion due to parked vehicles on B903, Blackness entrance to the village. It was established that the B903 on the approach to Blackness was heavily parked on the south side. There is not

sufficient width on the B903 at this point to allow two-way traffic and have a line of parked cars present. The continuous line of parked vehicles cars made it impractical to function as a give and take system which resulted in vehicles encountering vehicles travelling in opposite direction and being forced to either reverse or mount footway/verge to pass. This affected road safety in a detrimental way.

#### 3. PROPOSAL

- 3.1 The statutory procedure for promoting a traffic regulation order was initiated. The extents of the proposed double yellow lines in the traffic regulation order is shown on Drg 200723/DS/TM8
- 3.2 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations, 1999, notices of intention were posted on-street and in the local press in the prescribed manner on 20 August 2020.

### 4. CONSULTATION

4.1 Five objections were received by e-mail dated 5 September 2020 (objection 1), 7 September 2020 (objection 2), 5 September 2020 (objection 3), 8 September 2020 (objection 4) and 10 September 2020 (objection 5) and one support letter 9 September 2020 respectively. The anonymised content of the objections and Development Services' responses of 26 January 2021 are attached in Appendix A. Objection 4 was subsequently withdrawn by email on 29 January 2021. Objection 2 was subsequently withdrawn by a letter dated 6 February 2021 emailed on 9 February 2021.

#### CONCLUSION

- 5.1 The Road Traffic Regulation Act 1984 requires local authorities to consider road safety and congestion as part of the scheme of waiting restrictions. The proposed location is considered to require waiting restrictions to resolve congestion and road safety issues caused by parked vehicles on B903.
- 5.2 A continuous "No Waiting at Any Time" is proposed on the north side of the B903 from the 30mph boundary to the village square. On the southside of the road a "No Waiting at Any Time" restriction is to be introduced on sections of this length of road which provides short sections without double yellow lines where parking is permitted. This arrangement of double yellow lines will provide a "give and take" system for traffic including cyclists when vehicles are parked on the areas without double yellow lines. The waiting restrictions extend some distance from the village centre to ensure that a parking issue does not simply move to the end of the double yellow lines.

### 6. RECOMMENDATION

6.1 Members are asked to consider the terms of the report including the remaining objections and determine whether the Order should be made.

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**Acting Director of Development Services** 

Date: 4 March 2020

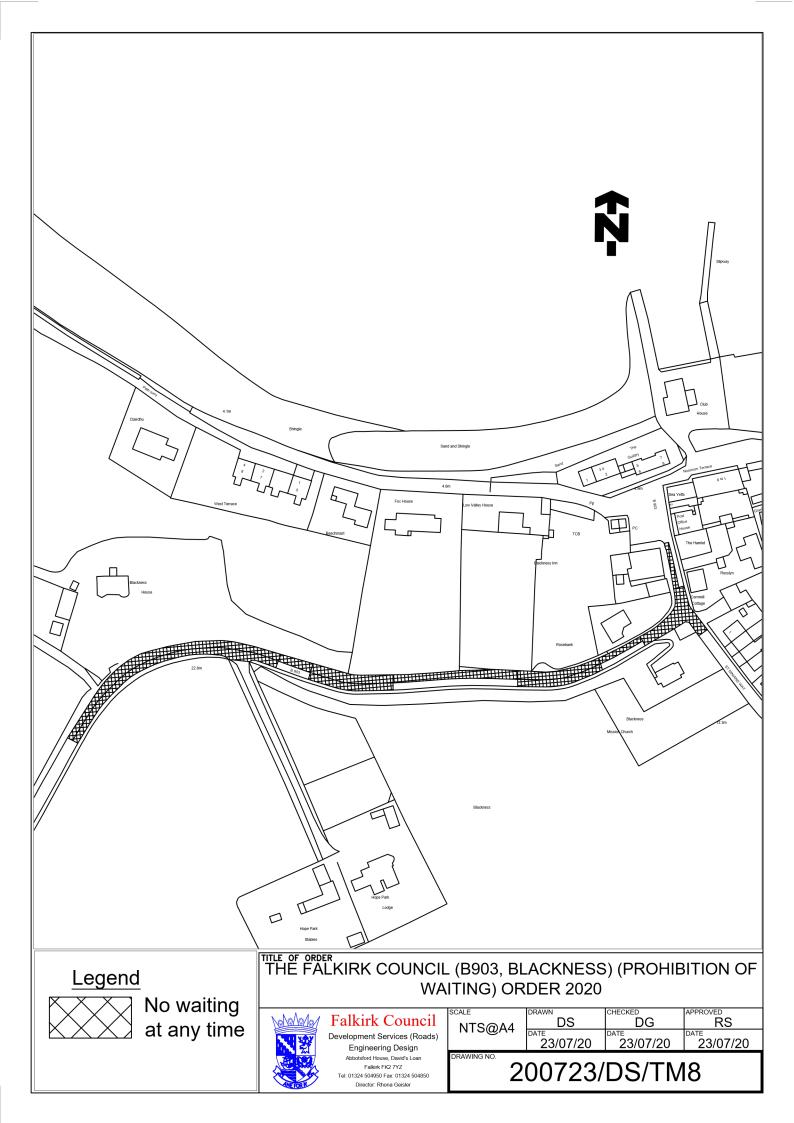
Contact Officer: Russell Steedman, Network Co-ordinator

Email: russell.steedman@falkirk.gov.uk

## **LIST OF BACKGROUND PAPERS**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

- 1. The Falkirk Council (B903, Blackness) (Prohibition of Waiting) Order 20\_\_\_
- 2. Letters of objection and correspondence



# APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

## **OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE**

## Objection 1 (received 5 September 2020)

I am writing to note my objection to the recent draft order: Blackness B903 Prohibition of waiting) Order 2020.

My objections to this order are based on the following:

- 1) The prohibition of waiting plans are excessive. Although I agree that some action and regulation is required to support the local residents and prevent irresponsible parking (over drives etc.) the restrictions do not need to continue up the hill away from the village.
- 2) By implementing such large restrictions the only local business open in the area would suffer greatly (and has already). In a time where financial hardship is rife we should be supporting jobs and businesses not adding to their demise. Further to this, many people would no longer be able to enjoy the coast something that all people should have access to.
- 3) The reasoning behind the prohibition appears to be flawed. To my knowledge there have been no road safety issues in the outlined prohibition area that would be a fault of parking. Furthermore, impeded flow of traffic is a rare occurrence albeit unacceptable. Flow could still be maintained if parking was prohibited up one side (logically the North) or better still, if further parking was made available in the village.

I understand parking has been a long-standing issue, which is why it is frustrating that a more equitable solution hasn't been identified. To save a local business and preserve freedom of access to the coast for all, this is something that should be high on the agenda.

# Development Services Response to Objection 1 of 26 January 2021

I refer to your e-mailed objection of 5 September 2020, to the above draft traffic regulation order and would advise as follows.

Vehicles were parking on the south side of the B903 on the approach into Blackness. This was causing major disruption to the flow of traffic along the B903. It was also raising road safety concerns and potentially restricting the passage of emergency vehicles. On this basis, waiting restrictions are considered to be an appropriate measure to address these issues.

The width of the B903 including the section adjacent to the Lobster Pot does not allow parking on both sides of the road whilst maintaining a flow of traffic. A continuous "No Waiting at Any Time" is proposed on the north side of the B903 from the 30mph boundary to the village square. On the southside of the road a "No Waiting at Any Time" restriction is to be introduced on sections of this length of

road which allows short sections of parking. The remaining sections of road will not be marked out as formal parking bays with white lines. This arrangement of double yellow lines will provide "give and take" system for traffic including cyclists when vehicles are parked on the areas without double yellow lines. The waiting restrictions extend some distance from the village centre to ensure that a parking issue does not simply move to the end of the double yellow lines.

There are spaces on-street allocated for parking within the boundary of Blackness. The introduction of the waiting restrictions will not affect these spaces. Residents' parking schemes are normally introduced coincident with areas containing pay and display parking bays and where frequent levels of enforcement can be achieved. Residents' permit parking is introduced in these areas to provide a cheaper alternative for residents compared to the pay and display parking. A residents' parking permit in Falkirk town centre currently costs £63.90 per annum.

There are, currently, no plans to extend on-street parking charges to areas outwith Falkirk town centre and hence there are no proposals to introduce a resident parking scheme in Blackness.

In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.

I would advise that should you decide not to withdraw your objection a report will be, placed, before the Council's Planning Committee requesting this matter to be determined. Any report will note your objections.

Alternatively, in view of the above, you may wish to withdraw your objection. Should you wish to withdraw your objection you can do so in writing by emailing adteam3.ds@falkirk.gov.uk.

## Objection 2 (received 8 September 2020) Objection withdrawn on 9 February 2021

We strongly object to the proposed yellow lines being put down in Blackness for the following reasons. (We own the Pub. Shop and the House adjoining the Pub)

- 1. The restrictions will push the traffic down into the village square, as the cones do now. This is causing havoc.
- 2.. The Pub and Village Shop will close as trade is being hugely affected by the existing Cones which like the Proposed Yellow Lines are putting visitors off coming to Blackness.

3. We are having to sell our House next door to the Pub due to the restricted trade caused by the cones. The plot of land will have to be sold off separately for development in order to pay off the mortgage. This is the land used by the Linlithgow Marches Annually and there is no other site in the village which can accommodate them.

The traffic jam which originated this proposal occurred when the Pub was Closed to Covid. The village urgently needs car parking even when the pub closes.

Thank you for reading our genuine and sincere objections.

## Development Services Response to Objection 2 of 26 January 2020

I refer to your e-mailed objection of 7 September 2020, to the above draft traffic regulation order and would advise as follows.

Vehicles were parking on the south side of the B903 on the approach into Blackness. This was causing major disruption to the flow of traffic along the B903. It was also raising road safety concerns and potentially restricting the passage of emergency vehicles. On this basis, waiting restrictions are considered to be an appropriate measure to address these issues.

The width of the B903 including the section adjacent to the Lobster Pot does not allow parking on both sides of the road whilst maintaining a flow of traffic. A continuous "No Waiting at Any Time" is proposed on the north side of the B903 from the 30mph boundary to the village square. On the southside of the road a "No Waiting at Any Time" restriction is to be introduced on sections of this length of road which allows short sections of parking. The remaining sections of road will not be marked out as formal parking bays with white lines. This arrangement of double yellow lines will provide "give and take" system for traffic including cyclists when vehicles are parked on the areas without double yellow lines. The waiting restrictions extend some distance from the village centre to ensure that a parking issue does not simply move to the end of the double yellow lines.

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Alternatively, in view of the above, you may wish to withdraw your objection. Should you wish to withdraw your objection you can do so in writing by emailing <a href="mailto:addeam3.ds@falkirk.gov.uk">addeam3.ds@falkirk.gov.uk</a>.

# Objection 3 (received 5 September 2020)

I am writing to lodge an objection to The Falkirk Council (B903, Blackness)(Prohibition of Waiting) Order 2020. At present, only a draft document is available online, therefore my comments below apply to this version.

As a local resident, my objection rests on three points. First, that the prohibition is excessive. Facilitating the passage of traffic in and out of Blackness could be achieved by restrictions on one side only (logically, the non-paved side) of the B903. Second, that the prohibitions will have a detrimental impact on the community and local businesses. Specifically, to give one example, it is clear from recent public discussions that The Lobster Pot, a vibrant hub in the centre of Blackness, will be negatively impacted by a reduction in available parking in the vicinity. Placing jobs and a small business in jeopardy, particularly in a period of national and global economic uncertainty, is irresponsible and against the best interests of the region. Third, while an admirable aspiration, that the justification on the basis of road safety is unsupported by evidence; there is to the best of my research no track record of concerning data of road traffic incidents in the affected area.

When we moved to the area, our perception of a vibrant and inclusive community was one of the reasons we chose the area for our family home. While we appreciate there are challenges with parking in and around Blackness, and as newer residents we are only partially familiar with historical discussions attempting to identify alternative parking areas, we would wish to see wider council-led consultation on a range of solutions prior to imposition of the proposed prohibition order.

Development Services Response to Objection 3 of 26 January 2020 I refer to your e-mailed objection of 5 September 2020, to the above draft traffic regulation order and would advise as follows.

Vehicles were parking on the south side of the B903 on the approach into Blackness. This was causing major disruption to the flow of traffic along the B903. It was also raising road safety concerns and potentially restricting the passage of emergency vehicles. On this basis, waiting restrictions are considered to be an appropriate measure to address these issues.

The width of the B903 including the section adjacent to the Lobster Pot does not allow parking on both sides of the road whilst maintaining a flow of traffic. A continuous "No Waiting at Any Time" is proposed on the north side of the B903 from the 30mph boundary to the village square. On the southside of the road a "No Waiting at Any Time" restriction is to be introduced on sections of this length of road which allows short sections of parking. The remaining sections of road will not be marked out as formal parking bays with white lines. This arrangement of double yellow lines will provide "give and take" system for traffic including cyclists when vehicles are parked on the areas without double yellow lines. The waiting restrictions extend some distance from the village centre to ensure that a parking issue does not simply move to the end of the double yellow lines.

There are spaces on-street allocated for parking within the boundary of Blackness. The introduction of the waiting restrictions will not affect these spaces. Residents' parking schemes are normally introduced coincident with areas containing pay and display parking bays and where frequent levels of enforcement can be achieved. Residents' permit parking is introduced in these areas to provide a cheaper alternative for residents compared to the pay and display parking. A residents' parking permit in Falkirk town centre currently costs £63.90 per annum.

There are, currently, no plans to extend on-street parking charges to areas outwith Falkirk town centre and hence there are no proposals to introduce a resident parking scheme in Blackness.

In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.

I would advise that should you decide not to withdraw your objection a report will be, placed, before the Council's Planning Committee requesting this matter to be determined. Any report will note your objections. Alternatively, in view of the above, you may wish to withdraw your objection. Should you wish to withdraw your objection you can do so in writing by emailing <a href="mailto:addcam3.ds@falkirk.gov.uk">addcam3.ds@falkirk.gov.uk</a>.

Objection 4 (received 8 September 2020) Objection withdrawn on 29 January 2021 Having looked at the drawings for the proposed yellow lines, I am largely in favour of the proposal. My only objection would be that provision has been made for some cars to park on the hill thus still causing a car or bike leaving the village to be forced onto the opposite carriageway and into the path of oncoming traffic. The road is barely wide enough for two vehicles and certainly not three.

As the national cycle route 76 also uses this road, cyclists leaving the village would ,on three sections of parked cars, be forced into the path of vehicles entering the village. There is no space for the safe passage of a cyclist between two cars. As someone who regularly cycles this route, I have had several near misses prior to the placing of the current cones which are continuous from St Ninians Way to Hope Park.

Development Services Response to Objection 4 of 26 January 2020 I refer to your e-mailed objection of 8 September 2020, to the above draft traffic regulation order and would advise as follows.

Vehicles were parking on the south side of the B903 on the approach into Blackness. This was causing major disruption to the flow of traffic along the B903. It was also raising road safety concerns and potentially restricting the passage of emergency vehicles. On this basis, waiting restrictions are considered to be an appropriate measure to address these issues.

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## Objection 5 (received 10 September 2020)

Dear Sir/Madam, we are residents of Blackness, living adjacent to an area which is partly subject of these proposed waiting restrictions.

We agree that traffic management measures are required within Blackness, however we believe the current proposal to be overly restrictive and likely to displace traffic issues elsewhere in the village rather than alleviating such issues. It appears that the proposed waiting restrictions have been rushed without adequate engagement with residents and businesses of Blackness, which may have helped identify wider issues.

We object to the proposed waiting restrictions which are the subject of the abovementioned TRO, on the following grounds:

1) They are unnecessarily restrictive – a priority is to ensure access at all times for emergency vehicles, we believe this can achieved with fewer restrictions. The proposal appears to give effect to areas of parking and areas of restricted waiting, the latter acting as passing places. The balance appears skewed towards areas of restricted waiting, whereas a more appropriate balance could provide for more parking, whilst also ensuring passing places can interact.

- The proposed arrangement would contribute towards the lack of parking in the village.
- 2) The lack of parking will displace congestion to other parts of the village. St Ninian's Way, for example, will likely experience increased traffic flow, with no throughway and insufficient width to allow passing. The majority of spaces available on St Ninian's Way are used by residents and parking effectively reduces available space to a single track. St Ninian's Way will quickly become congested. Other parts of the village will likely be similarly impacted.
- 3) A wider suite of traffic management measures are required alongside amended waiting restrictions. Residents parking on St Ninian's Way, for example, could be permitted, as well as appropriate signage, enforcement of restrictions by Falkirk Council, opening of the castle road and HES engagement (encouraging use of the castle car park) and crucially, Council provided parking areas on the outskirts of the village. On that final point, once heavy volumes of traffic enter the village, the only result can be congestion; that traffic needs to be removed from the village and parking on the outskirts appears the only option. Effective engagement by Falkirk Council is required to better understand the issues faced by residents and business, in order to identify an appropriate suite of measures.

The proposed TRO is however an improvement on the restrictions currently in place via the cones. We would remove this objection on the condition that the waiting restrictions contained within the TRO are implemented only on a temporary basis, with engagement along the lines of that suggested in points 2 and 3, above, progressed in order that an appropriate suite of measures be implemented by Easter 2021 (the point in the calendar at which the village would reasonably expect to see an increase in visitor numbers).

Development Services Response to Objection 5 of 26 January 2020 I refer to your e-mailed objection of 10 September 2020, to the above draft traffic regulation order and would advise as follows.

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# Support letter (received 9 September 2020)

As a resident of the Square in Blackness I would like to express my strong SUPPORT for the TRO. By helping to manage the parking on St Ninian's Way that has been taking place in a largely safe and responsible way for many years the TRO builds on what is already working and makes it better.

I must however object in the strongest terms to the inappropriate, divisive and damaging introduction of no waiting cones along the whole length of St Ninian's Road up to the end of the 30mph speed

limit. The cones could so easily have been placed to demonstrate the proposed permanent layout for the TRO parking locations. Instead the Council has imposed chaos on the village at a dreadful time when Historic Scotland have closed Blackness Castle Car Park. Residents are unable to park at their homes and trade at the local pub has suffered. There have been many negative comments and the attached sign in the village indicates the reputational damage the Council is suffering from such a poorly thought out response to a relatively minor problem.

As a resident I have counted the numbers of cars on peak days relative to a typical late evening (when only resident's cars are parked) and there appears to be a regular demand for about 50 visitor parking spaces, though up to 15 of these are currently displaced from the closed car park at Blackness Castle. Historic Scotland should be strongly encouraged to be more social in the way it manages the visitors to its site, recognising that people visit the castle grounds even when the castle is closed. However even with better car parking management by Historic Scotland and the new spaces identified in the TRO, there could still often be a need for spaces for up to 20 further vehicles. It might also be helpful when implementing the TRO proposals to mark out with white lining additional parking locations beyond the 30mph signs. It is not a problem for most visitors to walk down the hill into the village if they are confident that their cars are safely parked in approved roadside locations.

I hope this helps.

Development Services Response to Support letter of 26 January 2020 I refer to your e-mail of 9 September 2020 regarding the above. In terms of the legislation, this is not considered to be an objection to the proposed traffic regulation order. However, your comments about cones and other parking issues are noted.