



**TRANSPORT  
SCOTLAND**  
CÒMHDHAIL ALBA

# **Pavement, Double & Dropped Kerb Parking Standards Guidance**

## **Pre-Enforcement Chapters**

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# CHAPTER 1

## Introduction

The Transport (Scotland) Act 2019 (“the Act”) was passed by the Scottish Parliament on 10<sup>th</sup> October 2019, receiving Royal Assent on 15<sup>th</sup> November 2019. The Act provides local authorities the powers to enforce the new National parking prohibitions introduced by the Act. The new prohibitions place restrictions upon pavement parking, double parking and parking at dropped kerbs (at known crossing points).

Under the Act, local authorities have a duty to carry out assessments to identify any areas of pavement where an exemption from the pavement parking prohibitions is deemed appropriate.. It should be noted that this is a national pavement parking prohibition and exemptions can only be made in certain circumstances, defined in legislation, where a roads authority identifies a need. As part of their assessments, local authorities should pay particular attention towards the role of walking and wheeling as an alternative for short journeys and as a component in journeys with public transport and must undertake an Equality Impact Assessment to ensure that their proposals do not inadvertently discriminate any protected groups.

This guidance is designed to be the first of two initial documents and gives advice on the areas local authorities need to consider if they wish to exempt areas of pavement. The second guidance document will be released along with the enforcement regulations (later in 2023) and will give guidance on the process of issuing and enforcement of PCN notices.

This guidance has been developed in association with the Parking Standards Group which was set up by Transport Scotland in 2018 as an advisory group for the purpose of designing the new parking prohibitions. This group includes representatives from a wide range of stakeholders including local authorities, COSLA, SPT, Living Streets Scotland, Cycling Scotland and the Mobility and Access Committee Scotland (MACS).

## Purpose

The key aim of the Act is to improve accessibility, particularly for vulnerable road users, by allowing walkers and wheelers the ability to use footways and dropped kerbs without being impeded by parked vehicles.

As part of the parking prohibitions contained in the Act, provision was made for Ministers to issue written guidance to LAs following consultation with such persons as they consider appropriate. This “Parking Standards” publication sets out Ministerial guidance to local authorities to aid consistent operation and enforcement of the pavement parking, double parking and dropped kerb parking prohibitions. It should also be viewed in association with the Ministerial Directions which have been published at the same time. The Directions confirm the type of streets which local authorities can consider when looking at exemptions.

The Act states that a local authority must have regard to any written guidance given by Scottish Ministers about the exercise of functions conferred on them. It also states that Scottish Ministers must publish any such guidance in such a manner as they consider appropriate as soon as reasonably practicable after it is given. The relevant sections of the Act which contain the powers to make Ministerial Directions & issue Guidance are shown in figure 1 below:

*Ministerial directions and guidance*

**67 Ministerial directions**

(1) *The Scottish Ministers may direct local authorities in connection with the exercise of their functions under this Part.*

(2) *A direction under subsection (1) may, in particular—*

- (a) specify assessments to be carried out in connection with the making of exemption orders,*
- (b) make provision relating to uniforms to be worn by authorised enforcement officers,*
- (c) specify information to be published by local authorities in connection with this Part.*

(3) *A direction under subsection (1)—*

- (a) may be general or relate to a particular function or local authority,*
- (b) may be given to—*
  - (i) each local authority,*
  - (ii) a particular local authority in relation to the whole or part of the area of the local authority,*
  - (iii) local authorities of a particular description,*

*(c) must—*

- (i) be in writing,*
- (ii) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.*

(4) *The Scottish Ministers may revise or revoke a direction under subsection (1).*

(5) *The Scottish Ministers may, in particular, revise a direction under subsection (1) which is given to each local authority so that it—*

*(a) ceases to apply to—*

- (i) a particular local authority in relation to the whole or part of the area of the local authority,*
- (ii) local authorities of a particular description,*

*(b) applies with modifications to—*

- (i) a particular local authority in relation to the whole or part of the area of the local authority,*
- (ii) local authorities of a particular description.*

*(6) Subsection (3)(c) applies to the revision or revocation of a direction under subsection (1) as it applies to such a direction.*

*(7) In subsection (2)(b), “authorised enforcement officers” has the meaning given by section 58(6).*

### **68 Ministerial guidance**

*(1) The Scottish Ministers may, following consultation with such persons as they consider appropriate, issue written guidance in relation to the exercise of functions conferred on a local authority (whether as a local authority or as a traffic authority) by virtue of this Part.*

*(2) A local authority must have regard to any written guidance given by the Scottish Ministers about the exercise of functions conferred on it (whether as a local authority or as a traffic authority) by virtue of this Part.*

*(3) The Scottish Ministers must publish any such guidance in such manner as they consider appropriate as soon as reasonably practicable after it is given.*

**Figure 1**

## CHAPTER 2

### Legislation

#### Existing legislation

Parking in Scotland is currently regulated by primary and secondary legislation, including the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984, the Road Traffic Act 1991, the Road Vehicles (Construction and Use) Regulations 1986, the Road Traffic Act 1988 as well as Traffic Regulation Orders (TROs) made by local authorities for local purposes.

Because of the wealth of legislation, there was often confusion as to what was prohibited and who was responsible for enforcement in certain areas. For example it was illegal to drive on a pavement but not illegal to park there unless causing an obstruction.

#### Provisions in the Transport (Scotland) Act 2019

##### **Pavement Parking Legislation**

The Act includes provision to restrict the parking of a vehicle on footways and footpaths. This is commonly referred to as a ban on parking on the “pavement” or “footway” and this national ban covers all of Scotland. The Act also makes provision for local authorities to apply exemptions to certain footways in their area if certain criteria are met. Local authorities cannot put in place blanket exemptions but must consider each street on individual merits while considering it in the context of the immediate area. The powers to make exemption orders are set out in section 51 of the Act, supported by regulations made under Section 52 of the Act which govern the process for making such orders. Chapter 5 of this document provides further guidance.

In addition to the possibility of making Exemption Orders, there are also some exceptions to the parking prohibitions set out in the Act as detail below.

##### **Exceptions**

It has been recognised through the development of the Act that there may be circumstances in which it is necessary or expedient for motor vehicles being used by certain bodies, or in certain circumstances, to park on the footway. Therefore, the Act to ensures that the motor vehicles and trailers being used as described below in figure 2 are excepted from the restriction:-

##### *55 Exceptions to pavement parking prohibition and double parking prohibition*

*(1) This section sets out exceptions to the pavement parking prohibition and the double parking prohibition.*

*(2) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle—*

*(a) is being used—*

- (i) for police purposes, including for the purposes of the National Crime Agency,*
- (ii) for ambulance purposes or for the purpose of providing a response to an emergency at the request of the Scottish Ambulance Service Board,*
- (iii) for or in connection with the exercise of any function of the Scottish Fire and Rescue Service or Her Majesty's Coastguard, or*
- (iv) for naval, military or air force purposes,*

*(b) the achievement of the purposes, or the exercise of the function, would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1), and*

*(c) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).*

*(3) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle—*

*(a) is being used for or in connection with—*

- (i) the undertaking of works in roads,*
- (ii) the removal of an obstruction to traffic,*
- (iii) the collection of waste by or on behalf of a local authority,*
- (iv) postal services (within the meaning of section 125(1) of the Postal Services Act 2000),*

*(b) cannot reasonably be so used without being parked on a pavement or, as the case may be, as mentioned in section 54(1),*

*(c) is so parked for no longer than is necessary for that use, and*

*(d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).*

*(4) In subsection (3)(a)(i), “works in roads” includes—*

*(a) road works within the meaning given by section 107(3) of the New Roads and Street Works Act 1991,*

*(b) works for roads purposes within the meaning given by section 145(2) of that Act,*

*(c) major works for roads purposes with the meaning given by section 145(3) of that Act,*

*(d) cleaning, placing, removing or adjusting by or on behalf of a roads authority (within the meaning given by section 151(1) of the Roads (Scotland) Act 1984) of any equipment or structure which is placed on or over a road.*

*(5) The pavement parking prohibition and the double parking prohibition do not apply where—*

*(a) the motor vehicle is being used by a registered medical practitioner, registered nurse or registered midwife for or in connection with the provision of urgent or emergency health care,*

*(b) the provision of the care would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1),*

*(c) the vehicle is so parked for no longer than is reasonable in connection with the provision of the care, and*

*(d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).*

*(6) The pavement parking prohibition and the double parking prohibition do not apply where—*

*(a) the motor vehicle is, in the course of business—*

*(i) being used for the purpose of delivering goods to, or collecting goods from, any premises,  
or*

*(ii) being loaded from or unloaded to any premises,*

*(b) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a pavement or, as the case may be, as mentioned in section 54(1),*

*(c) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded),*

*(d) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.*

*(7) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle is parked wholly within a parking place that is—*

*(a) authorised by order under section 32(1)(b) of the Road Traffic Regulation Act 1984, or*

*(b) designated by order under section 45 of that Act.*

*(8) The pavement parking prohibition and the double parking prohibition do not apply where the motor vehicle is parked in accordance with permission given by a constable (within the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012) in uniform.*

*(9) The pavement parking prohibition and the double parking prohibition do not apply where—*

*(a) the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,*

*(b) the achievement of that purpose would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1), and*

*(c) the vehicle is so parked for no longer than is necessary for that purpose.*



- (10) *The pavement parking prohibition and the double parking prohibition do not apply where—*
- (a) *the person has parked the motor vehicle for the purpose of providing assistance at an accident or breakdown,*
  - (b) *the assistance could not be safely or reasonably provided if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 54(1),*
  - (c) *the vehicle is so parked for no longer than is necessary for that purpose, and*
  - (d) *no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).*
- (11) *In this section, “carriageway” has the meaning given by section 51(6).*
- (12) *The Scottish Ministers may by regulations modify this section.*

## **Figure 2**

### **Ministerial Directions**

Scottish Ministers have issued the following Ministerial Directions, known as The Transport (Scotland) Act 2019 (Pavement Parking Prohibition) (Footway and Associated Carriageway Characteristics) Directions 2022, to all Scottish Local Authorities under the powers conferred by Section 67(1) of the Act. These Ministerial Directions detail the characteristics which a footway must have in order to be considered for an Exemption Order as shown below in figure 3:

#### ***THE TRANSPORT (SCOTLAND) ACT 2019 (PAVEMENT PARKING PROHIBITION) (FOOTWAY AND ASSOCIATED CARRIAGEWAY CHARACTERISTICS) DIRECTIONS 2022***

*The Scottish Ministers give the following Directions in exercise of the powers conferred by section 67(1) of the Transport (Scotland) Act 2019(1) and all other powers enabling them to do so.*

#### ***Citation and Commencement***

*These Directions may be cited as the Transport (Scotland) Act 2019 (Pavement Parking Prohibition) (Footway and Associated Carriageway Characteristics) Directions 2022 and come into force on [ ].*

#### ***Interpretation***

*In these Directions—*

*“the Act” means the Transport (Scotland) Act 2019,*

*“carriageway” and “footway” are to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984(2),*

*“emergency vehicle” means a vehicle used for fire brigade, ambulance, police or coastguard purposes,*

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(1) 2019 asp 17.  
(2) 1984 c.54.

*“exemption order” means an order made under section 51(1) of the Act.*

### **Characteristics**

*(1) A footway may not be specified in an exemption order unless—*

- (a) its layout or character would allow for a width of 1.5 metres of the footway to remain unobstructed when any part of a vehicle is parked on it, or*
- (b) the layout or character of the carriageway associated with the footway is such that the passage of an emergency vehicle would be impeded by the presence of a vehicle parked on the carriageway.*

*The width of 1.5 metres mentioned in paragraph 1(a) is to be measured from the footway edge which is furthest away from the centre of the carriageway (however that edge is bounded).*

### **Figure 3**

Point 1(a) allows a local authority to consider an exemption order for an area of footway where there is deemed to be sufficient space to maintain non-vehicular traffic flow whilst still allowing space for vehicles to park safely on the footway. The above directions state that a minimum of 1.5 metres of footway must be left unobstructed.

Point 1(b) would allow a local authority to exempt an area of footway from the prohibition to allow the safe passage of emergency vehicles on a carriageway. For example, this could be in relation to historic/narrow streets where there are existing footways of insufficient width and access for emergency services needs to be considered.

These criteria must be met where a local authority is considering excepting an area of pavement from the National pavement parking prohibition.

### **Double Parking Legislation**

The Act includes provision to restrict parking on the carriageway otherwise than adjacent to the “edge” of the carriageway. This parking is commonly referred to as “double parking”. Within the Act a vehicle is classed as double parked if no part of the vehicle is within 50 centimetres of the edge of the carriageway.

The legislation restricts “double parking” across Scotland although, as with the pavement parking restriction, certain specified motor vehicles being used in a specified manner will be excepted from the double parking restriction. Those exceptions are the same as the pavement parking prohibition and are outlined in figure 2 shown above.

### **Dropped Kerbs Legislation**

The Act also includes provision to restrict parking at dropped kerbs (at known crossing points).

The legislation restricts a vehicle being parked on a carriageway adjacent to a footway where, for the purpose of assisting pedestrians or cyclists to cross the carriageway, the footway has been lowered to meet the level of carriageway, or the carriageway has been raised to meet the level of the footway. This does not apply to dropped kerbs which form the entrance to a driveway or a garage whether on commercial or residential premises.

It is acknowledged that there may be circumstances in which it is necessary for motor vehicles being used in certain circumstances, to park adjacent to a dropped kerb. The Act therefore ensures the prohibition does not apply in the circumstances described below:

***57 Exceptions to dropped footway parking prohibition***

*(1) This section sets out exceptions to the dropped footway parking prohibition.*

*(2) The dropped footway parking prohibition does not apply where the footway has been lowered or the carriageway has been raised as described in section 56(1) for the purpose of access to a driveway or to a garage (whether on commercial or residential premises).*

*(3) The dropped footway parking prohibition does not apply where—*

*(a) the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,*

*(b) the achievement of that purpose would be likely to be hindered if the vehicle were not parked as mentioned in section 56(1),*

*(c) the vehicle is so parked for no longer than is necessary for that purpose.*

**Figure 4**

## CHAPTER 3

### Local Authority Powers

#### Existing Powers

As set out in chapter 2 above, statutory responsibility for local roads is conferred by the Roads (Scotland) Act 1984. Local roads authorities have powers under section 1 of that Act to determine the means by which the public right of passage over a road may be exercised. Section 32 of the Road Traffic Regulation Act 1984 provides a power for local authorities to make provision for off-street parking and section 45 provides a power to designate, by order, parking places on roads in their area.

In addition, local authorities are responsible for the implementation of their own parking strategies, setting out their parking policies including plans for provision, management and maintenance of on and off street parking, provision of disabled parking, enforcement regimes (for local authorities with Decriminalised Parking Enforcement (DPE) powers), parking charges, parking permit allocation and overall traffic management.

#### Additional functions conferred on local authorities by the Transport (Scotland) Act 2019

The prohibition of pavement parking was introduced by section 50 of the Act. In addition, the prohibition of double parking was introduced by section 54 of the Act while the prohibition of dropped footway parking was introduced by section 56. These provisions are to be supplemented by associated regulations providing important detail on such matters as the form and procedure to be followed when making exemption orders, penalty charges, removal of vehicles etc.

This regime is further supplemented by the Ministerial Directions setting out the characteristics that the footway or carriageway must have before it can be considered for inclusion in an exemption order.

Lastly, the Parking Standards Guidance sets out best practice for local authorities to have regard to when exercising their functions under the Act.

In order to prepare for, support and facilitate the overall implementation of the prohibition on pavement parking, and in order to give effect to the new parking prohibitions contained in the Act, local authorities should consider taking the following action with regard to the guidance published by Scottish Ministers:

- Undertake a detailed assessment of the roads in their areas which could, taking account of the characteristics specified by Ministerial Directions, be suitable for exemption from the prohibition.
- Promote, consult on and make any exemption orders they consider appropriate following the procedure set out in the Exemption Order Procedure regulations.

- Undertake an appropriate Equality Impact Assessment on their proposals to ensure that their proposals do not inadvertently discriminate against any protected groups.
- Implement the terms of those orders by ensuring that the appropriate lines and signs are placed in accordance with Traffic Signs Regulations and General Directions 2016 and The Traffic Signs Manual.
- Ensure that all relevant traffic management and parking policies take account of the implementation of the prohibition of pavement parking.

## CHAPTER 4

### Road Assessments

This chapter details the considerations that will be relevant for local authorities in relation to their powers to carry out a road assessment and associated order making powers in the Act to exempt footways from the pavement parking prohibition.. It is acknowledged that a one size fits all approach may not work everywhere, given the different circumstances which may prevail across local authority areas, different regions and towns in Scotland. That is why the Act provides local authorities with the opportunity to promote exemption orders in relation to specific individual areas of footway where that is appropriate.

#### **Ministerial Directions**

Ministerial Directions accompany this guidance. These specify the characteristics that the footway, or carriageway associated with it, must have before it can be specified in an exemption order. No footway can be included in an exemption order if it does not meet those minimum characteristics.

If a local authority considers that those minimum characteristics have been met, a full evidence based road assessment should be carried out, prior to promoting any exemption orders to exempt the footway. Even if the minimum characteristics have been met, not all those roads will require to be exempted and other considerations or mitigations may be relevant and should be considered by the local authority.

Please refer to [figure 3](#) for the wording of the Transport (Scotland) Act 2019 (Pavement Parking Prohibitions) (Footway and Associated Carriageway Characteristics) Directions 2022.

More general information about the nature of the road assessments and what should be considered is detailed below.

#### **Other Considerations**

It is important to recognise that exemptions to the pavement parking prohibition are not the norm and will indeed be the exception. They should only be deployed in areas where it is absolutely necessary to do so and no alternative solution can be used to maintain vehicular access, using traditional Traffic Regulation Order methods such as one way streets and appropriate parking restrictions such as double yellow lines.

When looking to exempt an area of pavement, local authorities must give consideration to leaving one footway associated with a carriageway free from any form of pavement parking in order to allow unhindered access for pedestrians along the length of a street with appropriate accessible crossing points.

## **Road Assessments Methodology**

Transport Scotland in conjunction with our specialist consultants, Jacobs, produced an in depth Parking Provisions Study report to aid local authorities with their road assessments. A copy of the full report is attached in pdf format in Annex A of this document. The methodology which Jacobs used, and Transport Scotland consider is apt for local authorities to assess footways, is as follows:

- Local authorities should consider initially undertaking a desktop review using satellite mapping such as Google Street view, Bing Maps etc. to help identify streets that may need to be reviewed further by carrying out a site visit to see if it may be suitable to be exempted from the parking prohibitions. While carrying out a desktop review of their streets, local authorities should take into account each street's characteristics e.g. type of street, speed limit in force, proximity to schools, waiting restrictions etc.
- Local authorities should also consider roads that are known and have been reported to have pavement parking issues.

Once a street has been identified as needing a further review, local authorities should consider the following:

- Undertake a site visit during the daytime to record main parameters (e.g. pavement width, carriageway width, housing density), parking demand and behaviour;
- Undertake a site visit during the evening to record parking demand and behaviour; and
- Collate all information to allow ease of data assessment and to take an evidence based approach.

In addition, when undertaking site visits on identified streets it is considered the following impacts of the pavement parking ban should be assessed:

- Impact on traffic flows;
- Accessibility considerations for both road users and pedestrians;
- Road safety considerations;
- Functionality of the road;
- Availability of parking facilities in the area and prioritisation (e.g. residential areas); and
- Displacement issues (characteristics of surrounding streets).

If a local authority follows a similar procedure to the above for their road assessments, we would expect it to take up to 12 months to complete a full assessment.



Within the report, there are a number of examples of 'problem roads', as identified by local authorities at the invitation of Transport Scotland. These were generally streets with narrow footways and narrow roads including historic streets which would not meet the minimum characteristics.

Below are some examples that are contained in the report which represent the low, medium and high impact of the pavement parking prohibition, which have been classified as green, amber and red. Please note that although The Scottish Government has provided its views, local authorities will be responsible for investigating and devising appropriate mitigation measures, where necessary, for roads on which the prohibition of pavement parking will have the most significant impact within their respective areas. It is recognised that local authorities are best placed to make decisions at a local level as they will know the circumstances of their own streets.

A pro-forma for assessing streets was created which the consultants which can be used to assess the streets identified by local authorities.



## Green Classification – Low Impact of Pavement Parking Prohibition

					
<p><b>Effective footway observed due to footway parking</b></p>	<p><b>One side, footway parking at entrance to school</b></p>				
<p><b>Road Characteristics</b></p>					
<p>Nature of road</p>	<p>Traffic calmed residential access street with low traffic flow within close vicinity of a school. However, entrance/exit of The Avenue is constrained and therefore informal give way onto the B9106 is evident.</p>				
<p>Carriageway width (kerb to kerb)</p>	<p>4.8 (minimum 4.2) metres</p>				
<p>Footway width(s)</p>	<table border="1"> <thead> <tr> <th data-bbox="667 1099 1082 1137">West</th> <th data-bbox="1082 1099 1503 1137">East</th> </tr> </thead> <tbody> <tr> <td data-bbox="667 1137 1082 1200">1.6 metres</td> <td data-bbox="1082 1137 1503 1200">1.4 metres</td> </tr> </tbody> </table>	West	East	1.6 metres	1.4 metres
West	East				
1.6 metres	1.4 metres				
<p>Clear footway observed with two-wheel parking</p>	<table border="1"> <tbody> <tr> <td data-bbox="667 1200 1082 1279">0.8 metres</td> <td data-bbox="1082 1200 1503 1279">0.8 metres</td> </tr> </tbody> </table>	0.8 metres	0.8 metres		
0.8 metres	0.8 metres				
<p>Instances of footway parking observed during auditing</p>	<p>Five cars were observed parked with two wheels on the footway.</p>				
<p>Bus route</p>	<p>No</p>				
<p>Existing parking restrictions</p>	<p>None</p>				
<p>Alternative parking/displacement</p>	<p>Potential to create off road parking</p>				

### Impact of Pavement Parking Prohibition

Moving pavement parked cars onto the carriageway would lead to narrow pinch points in small areas where the road width is at the minimum 4.2 metres. There is potential to create parking bays on the northern section of The Avenues if deemed necessary.

### The Scottish Government's View

Based on the evidence recorded by Jacobs, currently we wouldn't envisage the need to deviate from the national prohibition on parking on the pavement in this instance. The effect of the pavement parking prohibition would be minimal given that it appears two cars cannot currently pass each other at the same point where another is parked on the footway. We would suggest that no mitigation measures in general are required in this instance, but the local authority would be better placed to fully assess the impacts. Where there are pinch points where the carriageway narrows, there may be a necessity to consider other parking prohibitions such as double yellow lines.

### Mitigation Options (if deemed necessary by roads authority)

a) Formally make street one way	<b>Advantage(s):</b> <ul style="list-style-type: none"><li>• No enforcement costs</li><li>• Improved flow and reduced vehicle conflict</li><li>• Maintains clear footway</li></ul>
	<b>Disadvantage(s):</b> <ul style="list-style-type: none"><li>• Potential to frustrate residents</li><li>• Potential for increased vehicle speeds</li></ul>
b) Provision of off road parking area	<b>Advantage(s):</b> <ul style="list-style-type: none"><li>• Alleviate pressure on The Avenue</li></ul>
	<b>Disadvantage(s):</b> <ul style="list-style-type: none"><li>• Costs</li><li>• Risk of not being utilised due to distance from residents' properties</li></ul>

Figure 5

## Amber Classification – Medium Impact of Pavement Parking Prohibition

			
<b>West footway to west of Grassie Avenue</b>		<b>West footway opposite Klondyke Street</b>	
<b>Road Characteristics</b>			
Nature of road	Distributor road		
Carriageway width (kerb to kerb)	7.6 metres		
Footway width(s)	<b>West</b>		<b>East</b>
	Varies 4.4m to 5.4m		2.2 metres
Effective footway observed with two-wheel parking	>1.5 metres	1.4 metres	
Instances of footway parking observed during auditing	During the day 13 vehicles were observed parking on the west footway and by the evening this increased to 15.		
Bus route	Yes		
Existing parking restrictions	School zig zags outside primary school		
Available parking/displacement	West footway could be adapted to provide parking bays		

<b>Impact of Pavement Parking Prohibition</b>	
Parking on the carriageway would constrain movement of through traffic and parking on one side could result in giving way when an HGV passes.	
<b>The Scottish Government's View</b>	
Given the width of footway in this area there may be scope for changing the footway to provide additional parking. This could either come in the form of an exemption and signing and lining in the area of footway nearest the carriageway or to provide bays.	
<b>Mitigation Options (if deemed necessary by roads authority)</b>	
a) Construct parking bays within footway	<b>Advantage(s):</b> <ul style="list-style-type: none"> <li>• Clear footways of sufficient widths</li> <li>• Parking bays prevents driving and mounting of footway</li> </ul>
	<b>Disadvantage(s):</b> <ul style="list-style-type: none"> <li>• TRO/Redetermination Order, enforcement and maintenance costs in addition to initial construction costs</li> </ul>
b) Exemption Order	<b>Advantage(s):</b> <ul style="list-style-type: none"> <li>• Maintains carriageway width for emergency and service vehicles</li> <li>• Sufficient footway available to pedestrians</li> </ul>
	<b>Disadvantage(s):</b> <ul style="list-style-type: none"> <li>• Status quo continued with vehicles mounting and driving on footway with risk to pedestrians and vulnerable road users</li> <li>• Signing and lining would be required to ensure that vehicles were only parking in suitable marked bays to ensure they are not traversing the whole of the footway.</li> </ul>

**Figure 6**

## Red Classification – High Impact of Pavement Parking Prohibition



**Narrow carriageway with parking restrictions**

**Footway parking observed during day visit**

Road Characteristics		
Nature of road	Residential access road with low traffic that effectively operates as one way.	
Carriageway width (kerb to kerb)	6.5 (minimum 5.3) metres	
Footway width(s)	West	East
	0.7 (minimum 0) metres	0.7(minimum 0) metres
Clear footway observed with two-wheel parking	0 metres	0 metres
Instances of footway parking observed during auditing	There were 10 vehicles parked with two wheels on the west footway. This increased to 13 by the evening visit.	
Bus route	No	
Existing parking restrictions	Double yellow lines at Union Place and parking bay only usable by those associated with distillery.	
Alternative parking/displacement	None	

<b>Pavement Parking Prohibition</b>	
Moving pavement parked cars onto the carriageway would lead to narrow pinch points in small areas where the road width is at the minimum 5.3 metres. Some small sections of King Street are currently without footway and a shared space scenario already exists.	
<b>The Scottish Government's View</b>	
Due to narrow width of the road and lack of available displacement, we would suggest exemption from the pavement parking prohibition may be required in this instance, but the local authority would be better placed to make a fuller assessment of the impacts. We would envisage that some sort of formalisation of the shared space may be required.	
<b>Mitigation Options (if deemed necessary by roads authority)</b>	
a) Parking Prohibitions at pinch points	<b>Advantage(s):</b> <ul style="list-style-type: none"> <li>Flow of traffic maintained, and pavement parking prohibition achieved.</li> </ul>
	<b>Disadvantage(s):</b> <ul style="list-style-type: none"> <li>Signing and lining costs.</li> </ul>
b) Formalised shared space	<b>Advantage(s):</b> <ul style="list-style-type: none"> <li>Flow of traffic and pedestrian movement maintained and allows for the removal of redundant pavements.</li> </ul> <b>Disadvantage(s):</b> <ul style="list-style-type: none"> <li>Associated costs of removing existing pavement and making a formalised shared space.</li> </ul>

**Figure 7**

The full list of examples like those shown above and information on why and how the assessments were carried out of the streets highlighted by local authorities, can be found on the full Jacobs Parking Provision Study Report in Annex A of this document.

Once local authorities have collated the information from their desktop surveys and site visits, they will be able to undertake detailed analysis and assessments on the information to understand where they will be required to promote exemptions and what type of mitigating options will be applied for each exemption.

### **Emerging Themes From Case Studies**

From the case studies and the overall conclusions of all site surveys, there were clear emerging themes for mitigation options. These potential options were looked at on the basis that this is a national pavement parking prohibition and that the prohibition will be the default position.

As indicated previously, roads should be considered on their own merit including any mitigation deemed necessary, however, the following emerged as preferred options:

- **TROs and restrictions to manage traffic flow and provide clear footways**

While the Act prohibits pavement parking, and current legislation (Roads (Scotland) Act 1984) prohibits an obstruction of the road, the use of TROs may be of merit where on street parking requires a degree of control to maintain through traffic flow while prohibiting pavement parking e.g. linear sections of parking with informal give way opportunities.

- **Exemptions with signing and lining (on the footway) to maintain a 1.5m footway width**

Pavement parking permitted up to the delineation provided to maintain an appropriate width for pedestrians. Signing and lining should be implemented in line with The Traffic Signs Regulations and General Directions 2016 (TSRGD). Further detail on this can be found in chapter 6.

- **Exemptions for severely restricted roads where minimum footway widths could not be maintained**

This could apply to one or both footways where the carriageway width necessitates pavement parking on at least one side to permit through movements for all traffic. Signing and lining should be implemented in line with The Traffic Signs Regulations and General Directions 2016 (TSRGD).

The next chapter details the exemption order form and process which local authorities are required to follow once they have a list of footways they are considering making exempt, if any, identified by their road assessments.

## CHAPTER 5

### Exemption Orders

Section 51 of the Act enables local authorities to make an exemption order which has the effect of exempting a section of footway from the national prohibition on parking on the footway. The Act states:

#### **51 Exemption orders**

*(1) A local authority may make an order (in this Part, an “exemption order”) providing that the pavement parking prohibition does not apply to a footway within the local authority’s area which is specified in the order.*

*(2) A footway may not be specified in an exemption order unless it, or the carriageway with which it is associated, has the characteristics specified by the Scottish Ministers in a direction under section 67(1).*

*(3) An exemption order—*  
*(a) may apply to all or part of a footway,*  
*(b) must apply— (i) at all times, and (ii) to all motor vehicles,*  
*(c) may not be subject to conditions.*

*(4) If the local authority is not the traffic authority for the footway to which an exemption order is to apply, the local authority may not make the order unless the traffic authority for the footway consents to the making of the order.*

*(5) Subsection (4) applies to an order amending or revoking an exemption order as it applies to an exemption order. (6) In subsection (2), “carriageway” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984.*

**Figure 8**

### Exemption Order Making Process

The Act allows Scottish Ministers to make provision in connection with the making, amendment and revocation of exemption orders. This detail of the procedure is set out in the regulations made under the Act. Section 52 states:

#### **52 Exemption orders: form and procedure**

*(1) The Scottish Ministers may by regulations make provision in connection with the making, amendment and revocation of exemption orders.*

*(2) Regulations under subsection (1) may, in particular, make provision about—*  
*(a) the form of an exemption order (or an order amending or revoking an exemption order),*  
*(b) the procedure to be followed in connection with the making, amendment or revocation of an exemption order,*  
*(c) publication of a proposal for the making, amendment or revocation of an exemption order (a “proposal”),*  
*(d) persons who must be consulted about a proposal and the manner and timing of that consultation,*



*(e) the process for making objections to a proposal,  
(f) the process for considering any such objections, including the holding of inquiries and the appointment of a person to hold an inquiry,  
(g) modification of a proposal (whether in consequence of an objection or otherwise),  
(h) notice to be given or published of the making, amendment or revocation of an exemption order and the effect of the exemption order (or its amendment or revocation).*

## **Figure 9**

This chapter examines in more detail the exemption process, which will follow a similar format to that of a Traffic Regulation Order. Local authorities have powers under section 1 of the Road Traffic Regulation Act 1984 to introduce Traffic Regulation Orders (TRO). The procedure for making such an order is set out in The Local Authorities Traffic Order (Procedure) Scotland Regulations 1999<sup>3</sup>.

A TRO is commonly used by local authorities to give effect to traffic management measures (e.g. yellow lines or restrictions for parking) on specific roads within their area. They can cover particular hotspots or larger areas and can have effect at all times or during specific periods, and may impact certain classes of vehicle or exempt them from the TRO. It all depends on the wording of the TRO being promoted by the local authority.

The pavement parking prohibition is a national ban on parking on the pavement and any exemptions from this need to be carefully thought out and considered in that context. It is important that there is a consistency of application of exemptions across and between local authority areas, so that road users understand and comply with the pavement parking ban.

Additionally, Local Authorities must undertake an Equality Impact Assessment (EQIA) to ensure that they have taken account of the effects or impacts of their proposal or policy on removing barriers to equality.

The Equality Act 2010 introduced a public sector equality duty which requires public authorities to try and eliminate discrimination; promote equality and good relations across a range of protected characteristics. An EQIA is therefore an important tool to ensure public policies meet these legal requirements.

Local authorities are of course entitled to make decisions in their council area, however, the following process should be followed to ensure procedural fairness and consistency of application whilst allowing local circumstances and characteristics of streets to be recognised.

The Exemption Order process is set out in The Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022 and the relevant sections are shown below:

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<sup>3</sup> <http://www.legislation.gov.uk/uksi/1999/614/contents/made>

## Part 2 – Consultation, publication and representations

### **Consultation and publication of proposals**

2.—(1) Before making an exemption order under section 51 of the Act, a local authority must—

- (a) publish on the local authority's website a "notice of proposals" containing the information specified in Part 1 of schedule 1,
- (b) publish on the local authority's website an outline of the proposed exemption order, including the information required under regulation 11(a) and (b) (a "proposal"),
- (c) publish on the local authority's website a statement setting out the reasons why the proposed exemption order should be made,
- (d) make a copy of the information and notice mentioned in sub-paragraphs (a) to (c) available for inspection at their offices during normal office hours, and (if the local authority thinks fit) at such other places within its area and during such times at those places as it may determine,
- (e) consult the persons specified in paragraph (3),
- (f) display notices containing the information set out in Part 1 of schedule 1, and displayed in accordance with paragraphs 1 and 2 of schedule 2, in any footway to which the proposal relates,
- (g) take such other steps as it considers appropriate for ensuring that adequate publicity about the proposal is given to persons likely to be affected by it.

(2) When consulting the persons specified in paragraph (3) a local authority must provide those persons with the notice mentioned in paragraph (1)(a) and the documents mentioned in paragraph (1)(b) and (c).

(3) The persons to be consulted are—

- (a) the chief constable of the Police Service of Scotland,
- (b) any Transport Partnership, established by order under section 1 of the Transport (Scotland) Act 2005<sup>(4)</sup>, to whose region the proposal relates,
- (c) the appropriate Crown Authority where the proposal relates to a Crown Road,
- (d) any Health Board, constituted by order under section 2 of the National Health Service (Scotland) Act 1978<sup>(5)</sup>, to whose area the proposal relates,
- (e) the Scottish Fire and Rescue Service, where it appears to the local authority that the proposal is likely to affect the passage of fire fighting vehicles on any road or place,
- (f) the traffic authority, where the proposal relates to a road for which it is not the traffic authority,
- (g) such other persons as the local authority considers appropriate.

(4) In this regulation, "Crown road" and "appropriate Crown Authority" have the meanings given in section 131(7) of the Road Traffic Regulation Act 1984<sup>(6)</sup>.

### **Figure 10**

The extract above from the Regulations details the steps a local authority must undertake when publishing a proposal to make an Exemption Order. This takes into account a move to a more modern online approach however local authorities will not

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<sup>(4)</sup> 2005 asp 12.

<sup>(5)</sup> 1978 c. 29; section 2 was relevantly amended by paragraph 1 of schedule 7 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 28(a)(i) and (ii), (b) and (c) of the National Health Service and Community Care Act 1990 (c. 19), paragraph 1(2)(a) and (b) of schedule 1 of the National Health Service Reform (Scotland) Act 2004 (asp 7), and paragraph 2(2) of schedule 2 of the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13).

<sup>(6)</sup> 1984 c. 27. Section 131(7) was amended by paragraph 75(3) of schedule 8 of the New Roads and Street Works Act 1991 (c. 22) and by S.I. 2017/524.

be limited to this. There is the ability to also post notices in the traditional press where a local authority sees fit to do so.

Regulation 2(1)(g) above details that a local authority must take such other steps as it considers appropriate for ensuring adequate publicity of a proposal, in addition to publishing on the local authority's website and displaying notices in relevant areas.

For example, additional publishing arrangements could be online publication such as websites, online newspapers, email communication and social media, leaflet distribution or letter delivery by post or otherwise. If a local authority decides to undertake leaflet distribution, it would be best practice to consider leafleting schools, places of worship, etc. if they think the Exemption Order may affect them.

In addition, it would be good practice for local authorities to keep an archive of all their current Exemption Orders on their website. This would allow members of the public to be able to view any Exemption Order that may have an impact on them at any time. Additionally, it allows anyone access to see what Exemption Orders already exist in an area when reviewing any new proposals.

Regulation 2(3) a-g above from the Regulations, lists who a local authority must consult with before making an Exemption Order. Section 2(3)(g) above also gives a local authority the power to consult with other parties they consider appropriate.

### ***Representations***

**3.—***(1) Before the end of the period specified in accordance with paragraph 5 of Part 1 of schedule 1, any person may make representations in writing in relation to a proposed exemption order.*

*(2) Representations under paragraph (1) must—*

- (a) contain a statement of the grounds on which the representations are made, and*
- (b) be intimated to the local authority as set out in the notice published under regulation 3(1)(a) and paragraph 5 of Part 1 of schedule 1.*

*(3) A local authority may consider whether it is appropriate to take account of representations made under this regulation which are received by it after the end of the period specified in the notice of proposals.*

### **Figure 11**

Under Schedule 1, Part 1 of Exemption Order Procedure Regulations, local authorities will be required to run a statutory period for representations (objections and notices of support) for a minimum of 28 days, beginning on the date of when the notice of proposal was published. A local authority may hold a longer period for representations if they deem it to be necessary.

## Part 3 – Hearings

### **Hearing**

4.—(1) Before making an exemption order, a local authority may appoint a person (a “reporter”) to conduct a hearing in relation to the proposal or any aspect of it.

(2) A reporter appointed under this regulation must be—

- (a) a member of the staff of the Scottish Ministers, or
- (b) selected from a panel provided by the Scottish Ministers.

(3) A hearing must be held in public.

### **Notice of hearing**

5.—(1) Where a hearing is to be held the reporter must give notice in writing to that effect to—

- (a) each person consulted under regulation 3(1),
- (b) each person who made representations under regulation 4(1),
- (c) any other person from whom the reporter wishes to hear in relation to specified matters at the hearing.

(2) Within 14 days of the date of receiving a notice under paragraph (1) anyone intending to appear at the hearing must inform the reporter of that intention in writing.

(3) A notice sent under paragraph (1) must include confirmation that if those persons do not reply to the reporter in terms of paragraph (2) they will not be entitled to appear at the hearing,

### **Appearances at hearing**

6. The persons entitled to appear at a hearing are those who have informed the reporter of their intention to appear under regulation 6(2).

### **Date and notification of hearing**

7.—(1) The reporter must fix the date and time for the holding of the hearing and the manner in which the hearing will be conducted, including its location (if appropriate), all or any of which may subsequently be varied by the reporter.

(2) The reporter must give those persons entitled to appear at the hearing written notice of—

- (a) the date and time fixed for the holding of the hearing,
- (b) the manner of the holding of the hearing, including its location, if appropriate,
- (c) any subsequent variation of the details mentioned in sub-paragraphs (a) and (b).

### **Procedure at hearing**

8.—(1) Except as otherwise provided in this Part, the procedure at a hearing is as the reporter determines.

(2) The reporter is, having considered any submission by the persons entitled to appear at the hearing, to state at the commencement of the hearing the procedure the reporter proposes to adopt.

(3) Any person entitled to appear at the hearing may do so on their own behalf or be represented by another person.

(4) Where there are two or more persons having a similar interest in the issues being considered at the hearing, the reporter may allow one or more person to appear on behalf of some or all of those persons.

(5) A hearing is to take the form of a discussion led by the reporter and cross-examination is not permitted.

*(6) The reporter may from time to time adjourn the hearing and, if the date, time and place of the adjourned hearing are announced before the adjournment, no further notice is required, otherwise regulation 8 applies as it applies to the variation of the date, time or place at which a hearing session is to be held.*

## **Figure 12**

The above extract from the Regulations details the process a local authority can take to refer a proposed Exemption Order to a reporter for a hearing.

This process will be similar to other local authority orders such as Redetermination Orders, Traffic Regulation Orders etc. The reporter will have the ability to decide on how best to proceed with a hearing, be that by attendance at a hearing in person, virtually or written submissions.

## **Part 4 – Making an Exemption Order**

### ***Consideration of representations and report following hearing***

**9.** *Before making an exemption order, a local authority is to consider—*

- (a) any representations made in accordance with regulation 4(1),*
- (b) in a case where a hearing has been held, the report and recommendations (if any) of the reporter.*

### ***Modifications***

**10.—(1)** *A local authority may determine —*

- (a) to make an exemption order which gives effect to a proposal without modification,*
- (b) to make an exemption order which gives effect to a proposal with modifications,*
- (c) not to make an exemption order.*

*(2) Where a local authority proposes to make an order giving effect, with modifications, to the proposals, being modifications which in its opinion make a substantial change to the proposals, they are—*

- (a) to notify any person who appears to the local authority to be likely to be affected by the change,*
- (b) to give that person an opportunity to make representations about the modifications within such period as may be specified in the notification, and*
- (c) before making the order, to consider any representations timeously made to the local authority by that person.*

### ***Form of exemption order***

**11.** *An exemption order must—*

- (a) specify the footway (or part of a footway) to which it relates,*
- (b) be accompanied by a map which indicates the footway (or part of a footway) to which the order relates,*
- (c) specify the date on which the order comes into effect.*

### ***Notice of making of an exemption order***

**12. (1)** *Within 14 days of making an exemption order under section 51 of the Act a local authority must—*

- (a) give notice in writing of the making of the exemption order to the chief constable of the Police Service of Scotland,
- (b) give notice in writing to each person consulted under regulation 2(3), and to each person who made representations under regulation 3(1), of the local authority's reasons for making the exemption order,
- (c) publish on the local authority's website a notice of the making of the exemption order containing the information specified in Part 2 of schedule 1,
- (d) publish the exemption order and accompanying map and, where applicable, the report following the holding of a hearing under regulation 5, on the local authority's website,
- (e) make a copy of everything mentioned in sub-paragraphs (a) to (d) available for inspection at their offices during normal office hours, and (if the local authority thinks fit) at such other places within its area and during such times at those places as it may determine,
- (f) display notices containing the information set out in Part 2 of Schedule 1, and displayed in accordance with paragraphs 1 and 3 of schedule 2, in any footway to which the exemption order relates,
- (g) take such other steps as it considers appropriate for ensuring that adequate publicity about the making of the exemption order is given to persons likely to be affected by it.

#### **Amending and revoking exemption orders**

13. The requirements of regulations 2 to 12 apply to proposals to amend or revoke an exemption order as they do to proposals to make an exemption order.

#### **Figure 13**

The above extract from the Regulations details the process for making an Exemption Order, including the consideration of representations and report following a hearing (if applicable), modifications, form of an Exemption Order, notice of making an Exemption Order and the amending and revoking of Exemption Orders.

#### **Form of an Exemption Order**

In addition to the above for the form of an Exemption Order, it would be good practice to follow a similar format to that of TROs. An example of a TRO can be found on the Tell Me Scotland website at:

<https://www.tellmesotland.gov.uk/notices/moray/traffic/00000244851>.

Formats can vary slightly between local authority however it is essential that all Exemption Orders include the content which is required by Regulation 11.

#### **Notice of Making and Exemption Order**

Local authorities are required to take the steps set out in Regulation 12(1)(a) to (f) upon the making of an order. In terms of Regulation 12(1)(g), and similarly to Section 3 of the Regulations, we would consider it best practice for local authorities to decide, on a case by case basis, whether it would be appropriate to make any additional publishing arrangements as it might see fit, such as taking steps to notify schools, places of worship, disability groups etc and leaflet drops in the appropriate areas.

## CHAPTER 6

### Signs & Lines

Areas of pavement where a local authority has applied an exemption order to the pavement parking prohibition must be clearly marked, by both the relevant signs and lines so that it is clear to both drivers and pedestrians that vehicles are permitted to park in that area.

Signs and lines will be particularly important in making sure that drivers know where they are permitted to park. If they park on a pavement outside of these clearly marked areas then they may receive a penalty charge notice.

Local authorities should consider the need to keep signs and lines in good order and as simple and clear as possible. Whether this be through a regular signs and lines maintenance routine and a simple method of reporting problems with signs and lines which a patrol officer can use to report issues as they encounter them.

The Act has a specific section relating to traffic signs which stipulates:

#### **53 Exemption orders: traffic signs**

*(1) This section applies where a local authority (the “exempting authority”) makes an exemption order in relation to all or part of a footway.*

*(2) The traffic authority for the footway must—*

- (a) place, or secure the placement of, traffic signs in connection with the exemption order, and*
- (b) maintain, or secure the maintenance of, those signs.*

*(3) Where the traffic authority for the footway is not the exempting authority, the traffic authority may enter into an arrangement with the exempting authority under which the exempting authority is to—*

- (a) exercise the functions under subsection (2), or*
- (b) assist the traffic authority in connection with the exercise of those functions.*

*(4) Where the exempting authority enters into an arrangement mentioned in subsection (3) (a), section 65(1) of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs) applies to the exempting authority as it applies to the traffic authority for the footway. (5) In subsection (2), “traffic signs” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs).*

**Figure 14**





### Signs

The [Traffic Signs Regulations and General Directions 2016 \(TSRGD\)](#) already has existing signage in place related to parking on the footway and it is not envisaged that any new signage designs will be required for the purposes of these exemptions. This is further explained and detailed in the Traffic Signs Manual (TSM) in [Chapter 3](#).



It should be noted that the TSRGD also contains signage to allow pavement parking only at certain times but this is **NOT** permitted under the Act.

When introducing new signage, local authorities should consider minimising street furniture/clutter, where possible. This could include using a suitable wall or other piece of street furniture to mount a sign on rather than erecting another pole. In addition, we would envisage it only to be necessary to install signage at the start and end point of an exemption, accompanied with the relevant road markings.

All pavement parking exemptions in Scotland must be in place on a full time basis and the example signage in the figure below reflects this:

TSRGD Reference	Existing Signage
<p><b>TSRGD Schedule 7, Part 2, Item 12</b> Vehicles may be parked partially on the footway.</p>	
<p><b>TSRGD Schedule 7, Part 2, Item 14</b> Vehicles may be parked partially on the footway in marked bays only.</p>	
<p><b>TSRGD Schedule 7, Part 2, Item 16</b> End of area where vehicles may be parked partially on the footway.</p>	
<p><b>TSRGD Schedule 7, Part 2, Item 13</b> Vehicles may be parked wholly on the verge or footway.</p>	



<p><b>TSRGD Schedule 7, Part 2, Item 15</b> Vehicles may be parked wholly on the footway in marked bays only.</p>	
<p><b>TSRGD Schedule 7, Part 2, Item 17</b> End of area where vehicles may be parked wholly on the footway.</p>	

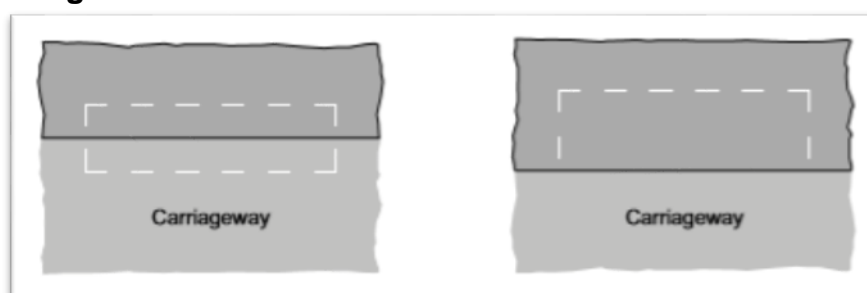
**Figure 16**

## Lines

Carriageway markings are required to give drivers guidance as to where they can park in instances where a pavement parking prohibition exemption has been applied. This is also invaluable in alerting pedestrians to the fact that vehicles are permitted to park in that area. The ultimate goal is to ensure there is a minimum of 1.5 metres of clear footway space, from the outside of the line to the back of the footway, to allow for the safe passage of pedestrians. The provision of carriageway markings will also make it clear for enforcement officers as to whether a vehicle is parked appropriately or not.

The Traffic Signs Manual contains existing examples of carriageway markings which can be used for the purpose of defining areas where an exemption to parking prohibition has been applied. The below diagram gives examples of both partially on carriageway and footway parking and fully on footway parking.

**Figure 17**



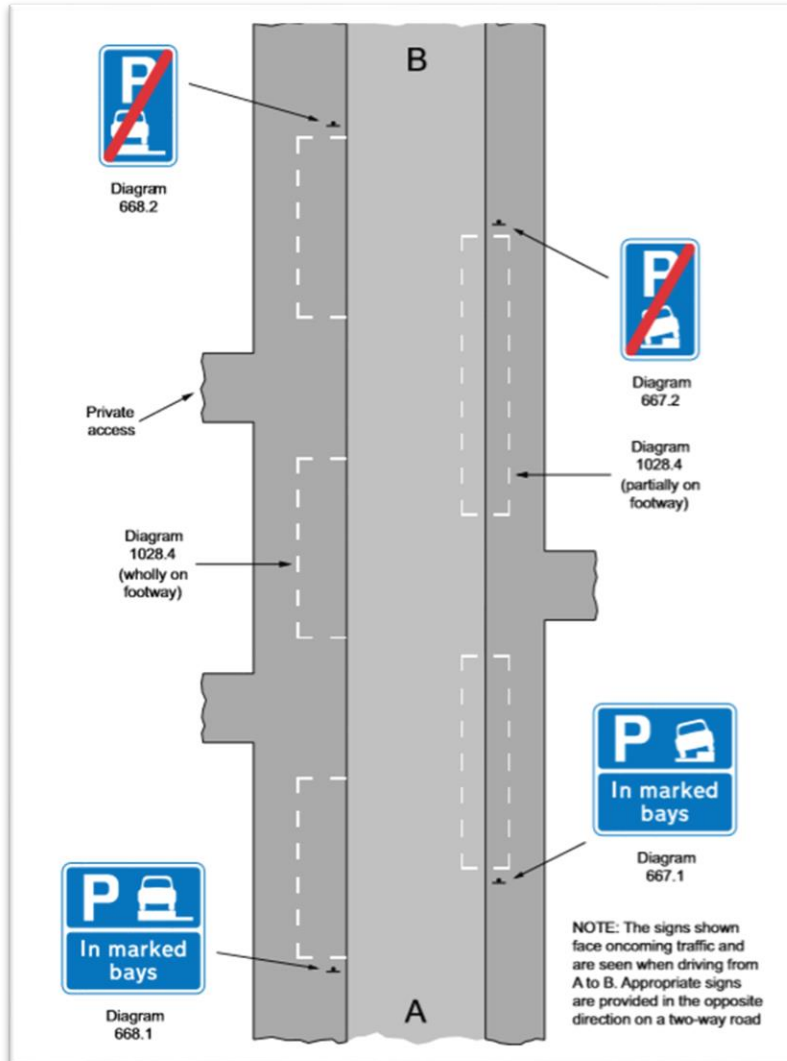
**Partially on Carriageway and footway**

**Fully on footway**

The Traffic Signs Manual also contains a specific example of how a street would look. TSM Figure 13-59 shows how we would envisage a street to look in circumstances where a pavement parking prohibition exemption was applied to allow either parking partially on a carriageway and footway or fully on the footway.

The beginning and end of a marked section should have the relevant signage in place as shown in TSRGD. These should face oncoming traffic at the appropriate side of the carriageway and be clearly visible.

**Figure 18**



**TSM 13-60**

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## Annex A – Jacobs Report



Jacobs Parking  
Provisions Study Report

## Annex B – Road Assessment Checklist

Parking Standards - Road Assessments						
Data Requirements/Checklist						
	Day Visit	Night Visit <i>(after 1900 preferably)</i>				
Date:						
Time:					General Width (m)	Minimum Width <i>(if different)</i> (m)
Town:				Carriageway		
Street:				Footway North <i>or</i> West <i>(delete as applicable)</i>		
				Footway South <i>or</i> East <i>(delete as applicable)</i>		
Functionality of Road						
Feature	Yes	No	Comments/Details			
Bus Stops						
School vicinity						
Residential Only						
Shopping/ Commercial						
Mix of Residential/Other						
Road Characteristics						
Current Footway Furniture <i>(please specify e.g. post box, electricity box, bins, A-boards)</i>				Nature of road <i>(e.g. local access road, distributor road)</i>		
Cycle Lane(s) <i>(please provide details e.g. location and if continuous)</i>				Speed Limit (mph)		
Traffic Calming <i>(please provide details e.g. speed bumps, vehicle activated)</i>				Two Way or One Way		
Current waiting restrictions	Single Yellow	Double Yellow	Double Yellow at Junction	White H-Bars	None	Comments
North <i>or</i> West						
South <i>or</i> East						
		No. of Bays			Restriction	
Parking Bays	North <i>or</i> West					
	South <i>or</i> East					
Loading Bays	North <i>or</i> West					
	South <i>or</i> East					
Disabled Bays	North <i>or</i> West					
	South <i>or</i> East					
Usage						
Parking	Day		Night			
	North <i>or</i> West	South <i>or</i> East	North <i>or</i> West	South <i>or</i> East		
Two-wheel Footway Parking						
No. of Observed Vehicles						
Type of Vehicle(s)						
No. of Instances Where <1.5m Usuable Due to Footway Parking						
Minimum Clear Footway (m)						
Four-wheel Footway Parking						
No. of Observed Vehicles						
Type of Vehicle(s)						
No. of Instances Where <1.5m Usuable Due to Footway Parking						
Minimum Clear Footway (m)						
Double Parking <i>(parking more than 50cm from edge of carriageway)</i>						
No. of Vehicles						
Type of Vehicles						
Driver in Attendance						
Please indicate if any of the above vehicles were parked on/across a dropped kerb <i>(please specify type of parking and no. of instances)</i>	Residential Driveway		Commercial Access		Pedestrian Crossing Point	
Nature of Observed Traffic Flow <i>(e.g. too low to observe two way flow or free-flowing but need to give way at pinchpoints)</i>	Day			Night		
Do Parked Vehicles Currently Affect Traffic Flow? <i>(e.g. restricts two way flow)</i>	Yes <i>(please, provide details)</i>				No	
Additional Comments on Observations <i>(e.g. presence of vulnerable road users)</i>						
General Comments Following Night Visit <i>(e.g. decrease in parking likely due to opening hours of industrial park)</i>						
Impact of Bill and Potential Options						
Impact of Footway Parking Legislation <i>(e.g. need for displacement of vehicles onto neighbouring roads)</i>						
Is there available capacity to accommodate vehicle displacement? <i>(If yes, please provide details e.g. location(s), capacity and if pay and display)</i>						
Potential Options <i>(e.g. waiting restrictions, formalise parking, maintain status quo and exempt)</i>						

## Road Assessment Checklist – Excel Version



Pro-forma of  
parking standards c