

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE – 21 OCTOBER 2003

ON-STREET PARKING – KILMARNOCK TOWN CENTRE

Report by Director of Development Services

1 PURPOSE OF REPORT

1.1 The purpose of this report is to:

- (a) advise the Committee of the procedure to be followed in dealing with formal objections to the draft traffic Order for the proposed on-street parking restrictions in Kilmarnock town centre;
- (b) seek the approval of the Committee to appoint a Reporter, if necessary; and
- (c) seek the approval of the Committee for the procedures to be used in determining approval of the traffic Order.

2 BACKGROUND

2.1 The draft traffic Order for the introduction of waiting and loading restrictions and parking controls in Kilmarnock town centre was advertised in the Kilmarnock Standard and Edinburgh Gazette on 23 May 2003, with objections to the proposals to be lodged with the Director of Development Services not later than 16 June 2003.

2.2 Copies of the draft Order, plans and associated documentation were made available for public inspection at London Road Headquarters, the Council Offices at Greenholm Street and Holmquarry Road, and the Dick Institute.

2.3 As a result of the publication of the draft Order a total of 38 letters of objection were received. Nine of these letters were received after the end of the objection period and therefore do not constitute formal objections in terms of Regulation 7 of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

3. RESPONSE TO OBJECTIONS

3.1 The issues raised in the letters of objections have been considered and a number of objectors have been contacted in person to:

- seek clarification from the objector on the nature of their objection;
- explain the proposals in more detail; and,
- attempt to resolve the issues informally.

- 3.2** Formal written replies are being sent to all objectors, giving detailed explanations of the reasons for promoting the Order and responding to the issues raised in their letters of objection. These letters also give each objectors 14 days in which to indicate whether or not they wish to maintain their objection.
- 3.3** Detailed written responses are also being sent to the nine correspondents referred to in paragraph 2.3 above, whose letters were received after the end of the objection period.

4. PROCEDURE FOR DEALING WITH OBJECTIONS

- 4.1** The procedures to be followed when promoting traffic Orders and dealing with objections are laid down in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, Regulation 12 of which requires the local authority to consider all objections that have not been withdrawn before making the Order.
- 4.2** Where there are maintained objections to certain type of provisions the Council must hold a public Hearing, conducted by a Reporter appointed by the Scottish Executive. In this case, a Reporter's Hearing will be necessary where there are objections to proposals to prohibit loading for more than peak traffic periods (Regulation 8).
- 4.3** There is no obligation to hold a Hearing into objections restricted to the introduction of charges for on-street parking. The Scottish Executive Inquiry Reporters Unit has advised, however, that where there are a number of maintained objections to an Order, some of which relate to issues which must be dealt with by a Reporter's Hearing under Regulation 8, it is accepted practice for the Reporter to hear all the objections. Legal advice has also indicated that any maintained objections to the scheme in general would also require a Reporter's Hearing on the grounds that a general objection can be construed as an objection to all provisions, including the proposed loading restrictions.
- 4.4** Where a Reporter's Hearing has been held, the Reporter will subsequently report his recommendations to the Council. The report will be considered by the Development Services Committee in determining the proposed Order for controlling on-street parking in Kilmarnock town centre. In reaching its decision, the Committee may accept or discount the Reporter's recommendations, as appropriate.
- 4.5** If the only objections remaining are of a kind which require the holding of a Reporter's Hearing, the council can determine the Order after consideration of the objections. Nonetheless, it has been a long standing practice of both East Ayrshire Council and Strathclyde Regional Council (the former road authority) to afford objectors the opportunity to attend the Committee and to put their case in person. It is proposed that this practice should continue.

5 FINANCIAL IMPLICATIONS

- 5.1 The costs associated with considering the objections to the proposed Order will be met from existing budgets.

6. LEGAL IMPLICATIONS

- 6.1 The procedures which will be followed in dealing with objections and determining the Order will be in accordance with the requirements of the Road Traffic Regulation Act 1984, as amended and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

7. RECOMMENDATIONS

- 7.1 It is recommended that the Committee:

- (a) note the progress of the Kilmarnock town centre on-street parking proposals, the number of objections received and the procedure being followed;
- (b) approve the appointment of a Scottish Executive Reporter to hear maintained objections, should this become necessary; and
- (c) agree to invite objectors to address a meeting of the Development Services Committee if a Reporter's Hearing is not required.

Stephen Chorley
Director of Development Services
3 October 2003
AJD/YK

BACKGROUND PAPERS

- 1 Report to Development Services Committee – 6 March 1997: "Kilmarnock Town Centre Car Parking".
- 2 Report to Development Services Committee – 11 April 2000: "On-Street Parking - Kilmarnock Town Centre".
- 3 Report to Development Services Committee – 21 November 2000: "On-Street Parking - Kilmarnock Town Centre".
- 4 Report to Development Services Committee – 7 May 2002: "On-Street Parking - Kilmarnock Town Centre".

- 5 Report to Development Services Committee – 17 December 2002: “On-Street Parking - Kilmarnock Town Centre”.

For further information on the contents of this report please contact Keith Orton or Andrew Davidson on 01563 576310.

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