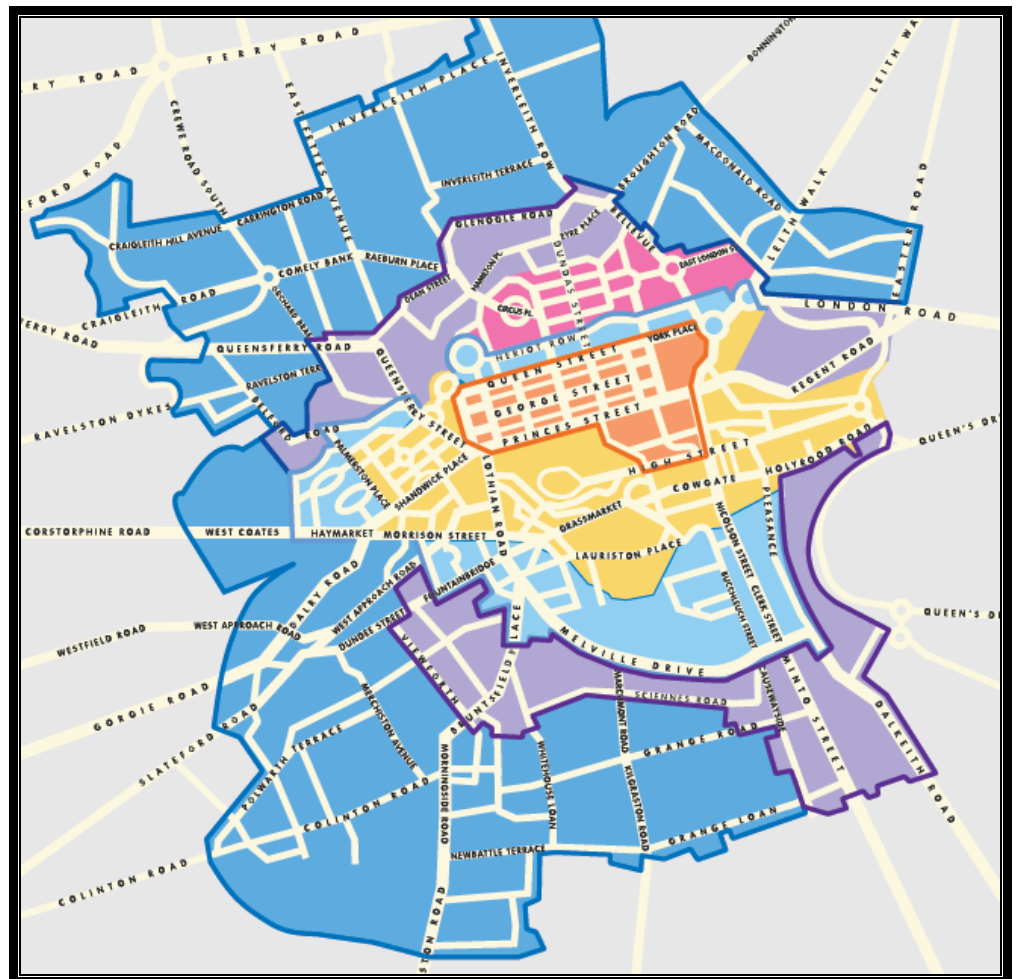


# ISSUE OF RESIDENTS' PERMITS ON PRIVATE ROADS PROTOCOL



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## INTRODUCTION

The Controlled Parking Zone (CPZ) is governed by a traffic order which sets out how parking restrictions work and also the terms and conditions that apply for the issue of various types of permits, including permits that are available to residents of the CPZ.

Under the terms of the CPZ traffic order any “qualifying resident” may apply for a permit to park their vehicle within the CPZ. To be a “qualifying resident”, you must be able to prove that you reside at an address listed as being part of the CPZ.

Privately maintained roads subject to no parking controls, are not described in the traffic order and are not part of the CPZ. This means that residents of these roads are not entitled to permits that would allow them to park in permit holder or shared-use parking places within the CPZ.

With many of the zones of the CPZ being oversubscribed in terms of the ratio between permits issued and space available, it is considered that the inability of residents of privately maintained roads to obtain permits provides protection for CPZ permit holders from further oversubscription and increased demand.

This protocol determines the circumstances in which the Council will issue permits to the residents of privately maintained roads, with the primary aim of ensuring that such permit issue does not result in any further pressure being placed on the availability of kerbside space.

This scope of this protocol is to:

- determine under what conditions the Council will issue permits to the residents of private roads.

The purpose of the Protocol is to ensure:

- a consistent approach when dealing with requests from residents of privately maintained roads;
- that the operation of the CPZ and the benefits it provides to a range of users is not undermined by additional parking pressures;
- that requirements and policies are clear to members of the public, elected members and all Council officers who work within the Parking function or who might deal with parking-related enquiries from members of the public;
- that there is clear guidance available for Community Councils and other resident's groups on the processes and requirements for issuing permits to residents of privately maintained roads; and
- that there is a single point of reference for the City of Edinburgh Council and members of the public.

## Section 1 – Proposed Permit Issue Restrictions

Before the Council will consider issuing permits to the residents of uncontrolled, private roads certain conditions or criteria will need to be met. This section explains the criteria that will need to be met in situations where there is either low or high demand upon available permit space.

The level of demand will be established from an assessment of the number of permit holders and the number of spaces available to permit holders in the:

- **zone** of the CPZ in which the privately maintained road, where the Council has been asked to issue a permit or permits, is located; or
- **area** comprised of adjacent roads which surround the privately maintained road where the Council has been asked to issue a permit or permits.

### 1. Areas where there is low demand

For the purposes of this protocol, “Low Demand” will be where:

- the ratio of permits to spaces is less than 1:1 in both the **zone** AND the **area** where the privately maintained road is situated;
- an analysis of available parking usage data indicates that issuing permits equal to the number of properties within the privately maintained road would have no detrimental impact upon parking availability within the immediate area.

In instances meeting the above criteria the Council will determine the extent of existing or potential parking opportunities on the privately maintained road. Where the existing or potential parking spaces on the privately maintained road are:

- equal or greater than the number of households, residents will be offered the opportunity to have the road brought into the CPZ and adopted by the Council, subject to the road being of adoptable standard. Where the road becomes part of the CPZ, all residents will be entitled to purchase:
  - No more than two resident permits per household;
  - Visitor Permits
- fewer than the number of households, or where residents do not wish their privately maintained road to become part of the CPZ, residents will be entitled to purchase:
  - No more than **one** resident permit per household.

## Section 1 – Proposed Permit Issue Restrictions

### 2. Areas where there is high demand

For the purposes of this protocol, “High Demand” will be where:

- the ratio of permits to spaces exceeds 1:1 in either the **zone** or the **area** where the privately maintained road is situated; or
- there is quantifiable evidence of high levels of demand from:
  - residents; or
  - pay-and-display customers.

In instances meeting the above criteria it will continue to be the case that residents of privately maintained roads which are subject to no parking controls will remain ineligible for parking permits.

## Section 2 – Notes

1. The approach detailed within this protocol will ensure:
  - that, in areas of high parking demand, no additional demands should be placed upon surrounding streets;
  - that privately maintained roads that are already well-served by on-street parking provision, where there is sufficient space to accommodate at least one vehicle per household, will either:
    - need to become part of the CPZ in order to gain a two permit per households, in which case the net impact upon surrounding streets will be no more than one permit per household; or
    - remain free of CPZ control, in which case the impact on surrounding streets will be no more than one permit per household;
  - that in situations where privately maintained roads have restricted availability of on-street parking provision, the potential impact on surrounding streets will be no more than one permit per household.
  - That where there is available capacity, accessibility for the residents of privately maintained roads will be improved, but without significant impact on surrounding areas.
2. In order to:
  - a. allow the resident of any privately maintained road the ability to obtain a permit, or
  - b. add a privately maintained road to the CPZ,the traffic order that governs the operation of the CPZ must first be amended or updated. That legal process can take several months to complete. It will not be possible to issue permits to a privately maintained road until that process has been fully and successfully completed.
3. In all instances where either resident or visitors' permits are issued, the eligibility and usage requirements as stated in the governing traffic order will apply.

## **Appendix A – Current Legislative Criteria**

The legislation that determines what rights of management or control local authorities have upon roads within their area makes little differentiation between a road that is maintained by the Council (a “Public Road”) and a road that is maintained by another party (a “Private Road”).

As the roads authority for Edinburgh, the Council is solely responsible for the management of roads within its area. That responsibility includes both restrictions on moving traffic (one way roads, banned turns, restrictions on vehicle types etc), but also restrictions on how kerbside space may be used (yellow lines, parking bays etc).

In general, roads authorities have the same rights of management or control over a privately maintained road as they do over a publicly maintained road, subject to the completion of a traffic order to introduce the necessary restrictions.

Where the legislation differs is with any restriction on parking that requires the payment of a charge. In any instance where it is proposed to introduce paid for parking, whether in the form of pay-and-display or permit parking, it is a legal requirement that the roads authority must seek the permission of the person or persons responsible for the maintenance of the road.

While there are instances where residents of private roads have asked the Council to introduce restrictions as a means of restricting parking, the majority of private roads are subject to no parking controls. There is little evidence to suggest that residents of those roads wish parking on their road to be managed by the Council.

From the requests that are received, there is evidence to show that some residents of uncontrolled, private roads would like the Council to issue resident permits to their properties.