

PARKING ISSUES AND ACCESS – PAPER FOR NATIONAL ACCESS FORUM - 27 SEPTEMBER 2017

Purpose

1. To consider whether, and if so how, NAF can contribute usefully to discussions about parking that is associated with the use of access rights.
To consider whether there are any generic national issues that are not covered by the existing legislation, guidance and management approaches that require further action.

Background

2. To provide context to our discussion, Scotland's People and Nature Survey (2013/14) states that 106.1 million outdoor visits are made by car. It is often a practical necessity for many outdoor access visits. Many local parking problems are addressed through discussions between land managers, access officers, Local Access Fora, Roads Authorities and other relevant interests. However, there does appear to be an increase in public use of certain popular hot spots which can bring management challenges especially with the recent decline in public sector budgets and more limited capital budgets than in the past. Some parking issues are more acute for certain groups of recreational user than others e.g. canoeists, cyclists, horse riders etc and at certain geographical locations.

Guidance and Relevant Legislation

3. The **SOAC** states that: "Access rights do not extend to any motorised activities. However, many people use their cars to get into the outdoors and parking a vehicle without regard to the other interests of other people can cause problems. Therefore, when you park your vehicle it is important not to cause any damage or create an obstruction." The corresponding advice to land managers states "Where appropriate, such as where there is a lot of informal parking causing local concerns, work with your local authority and other bodies to see if a formal car park could be provided".

The **Highway Code** also has relevant rules (e.g. do not leave your vehicle in a dangerous position or where it causes any unnecessary obstruction of the road; do not park near the brow of a hill or hump bridge, on a bend; do not park in front of an entrance to a property; at night vehicles must display parking lights when parked on a road or a lay-by on a road with a speed limit greater than 30 mph).

Road Traffic Act 1988 s34 states it is an offence to drive a motor vehicle without lawful authority on; land of any description not forming part of a road, or a footpath or bridleway except in an emergency. It is not an offence to drive a motor vehicle on land within 15 yards of a road for the purpose of parking the vehicle – although this does not confer any legal right to park the vehicle.

Earlier in 2017, the Scottish Government launched a consultation (now closed) on *Improving Parking in Scotland*. Although this focussed mainly on urban problems, the Ministerial Foreword said:

"Parking policies form an essential part of a local road authority's traffic management strategy to help reduce congestion and improve safety. Irresponsible parking can and does have a negative impact, particularly when inconsiderate, obstructive or even dangerous parking takes place thereby restricting access for emergency services or putting the safety of

pedestrians and other motorists in jeopardy by forcing people onto the road amongst moving traffic....

“Parking is regulated by a variety of primary and secondary legislation, including the Road Traffic Regulation Act 1984, the Roads (Scotland) Act 1984, the Road Traffic Act 1991 and numerous traffic regulation orders made for local purposes. It is recognised that the legal position on parking is complex and I am committed to making it clearer for all road users.”

Issues and Solutions

4. Parking has been raised at a number of recent NAF meetings. For example:
 - In September 2016, reference was made to problems arising for canoeists from the removal or blocking of parking areas near the River Spey in the Ballindalloch and Carron Bridge areas. This led to discussion about the implications of removing of laybys for various reasons and other roadside changes (such as new deer fencing) that could restrict parking opportunities and cause displacement of parking to other locations.
 - In May 2017, a question was raised about whether the revised Ministerial Guidance to Local Authorities and National Parks on operating their powers and duties under the Land Reform legislation included any coverage regarding vehicle access, given increasing pressure and the problems from irresponsible parking. It was noted that there is often limited or mixed information on where and how to park. Members were invited to submit examples of these issues to inform the preparation of this discussion paper.

There have been a number of places where parking problems have been or are being addressed. By way of example, these include:

 - Storr and the Fairy Pools in Skye where additional funding of £100,000 has been earmarked by Highland Council to improve car parking, roads and toilet facilities nearby.
 - Loch Arkaig Road end,
 - Linn of Dee where a modest flat rate parking fee £3 will fund footpath repairs,
 - Loch Lubnaig and other sites in LLTNP; small scale facilities and overnight parking for campervans and campers at relatively low cost.

Some of the above solutions will be applicable in other locations. Other solutions may be through innovative use of social media and mobile communications, for example to redirect or inform people where else to go by highlighting how busy an area is and promotion of alternatives during these busy periods.

Further detail

5. Following the request for input to this paper at the May NAF meeting, Mountaineering Scotland provided a paper with further detail on these matters. This is attached in the Annex to this paper. Other brief comments were received from Scottish Natural Heritage, Loch Lomond and the Trossachs National Park and Cycling Scotland and these have been incorporated.

Other information

6. In 2000, SNH published guidance on the design of car parks in the countryside. Whilst this was primarily design guidance it does include introductory sections on understanding the car parking problem, assessing the need for parking and taking a planned approach. The

guidance predates the access legislation but most of the content is still valid. It is available at <http://www.snh.org.uk/pdfs/publications/heritagemanagement/carparks.pdf>.

For discussion

7. The Forum is invited to discuss this paper and consider what further action in relation to generic national issues it might take.

Annex 1



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10 July 2017

Dear David

NAF 42/3: Traffic and Parking

Following an opportunity to consult with a sample of our members, I summarise below some examples of concerns relating to traffic and parking. These incorporate the comments made by our Access Officer, James Orpwood, which he sent to the NAF Secretary by email on 18 June 2017.

Policy position

In the context of mountaineering interests, our position is that we recognise that limited parking facilities or restrictive measures can result in road safety hazards, indiscriminate parking and damage to the land. We therefore encourage the provision of appropriately screened parking in areas of high public usage.

General comment

We understand that the provision of car parking facilities incurs a cost, and appreciate that reasonable charging for car parking is an appropriate mechanism to recoup some of the money invested in the provision of these facilities whilst also contributing to their upkeep.

However, we believe that where land is owned by the Scottish Government, local authority or government agency that car parking for outdoor activities should be provided at no charge or a small, affordable charge. Our rationale is that we believe that the government should be contributing to, and supporting, local economies, especially tourism as the main industry in Scotland. Low or no cost parking also supports government strategies relating to inclusivity, encouraging healthy living and preventative spend.

Forest Enterprise Scotland provision

We welcome provision of parking facilities by FES but we are concerned that charges could escalate towards the levels now seen in the Lake District. Parking charges which are too high simply encourage visitors to avoid designated parking areas, increasing verge parking with resultant safety risks to road users, and may even deter participation in outdoor activities. Relevant examples include FES parking at Loch Morlich and Glenmore.

Another concern with FES parking facilities is that car parks where charging is imposed, e.g. in the Northern Cairngorms, do not officially permit overnight stays, which puts even greater pressure on other overcrowded parking locations such as the forest road access adjacent to Glenmore Lodge.

We believe this issue needs to be addressed. Such restrictions deter hill walkers, long-distance walkers and wild campers who wish to access the hills for multi-day trips or bothy visits. A solution would be to provide more specific signage which permits overnight parking by vehicles which are unoccupied.

Campervans and motorhomes

Local authorities and government agencies have widely different approaches to campervans and motorhomes which are used increasingly by many who pursue a range of outdoor activities.

Some positively encourage visitors with these vehicles, such as Shetland and the Outer Hebrides which offer parking places for a very reasonable £10 per night. These facilities have been organised by local communities with some funding support to encourage tourism spend.

The tactics adopted by other local authorities and some government agencies, for example FES, contrasts with the welcoming approach seen on the islands, and in France and some other European countries. In the latter, there are free or low cost 'aires' offering free parking and facilities, such as taps, waste disposal and electric hook up. We believe that it would be reasonable for FES car parks, which are in public ownership and a national resource, to be available for people to park overnight. These car parks are often well away from houses and well screened, and therefore in ideal locations.

Risks to health & safety associated with popular informal parking locations

From our survey, we believe that the majority of popular Munros have adequate parking. Exceptions which are a risk to those parking and other road users, due to their location on trunk routes with fast moving traffic include Ben Cruachan at the falls of Cruachan railway station, and the access to Auch estate off the A82 near Bridge of Orchy, where people park on the verge. A solution would be for the local authorities to provide a simple layby to offer safe parking.

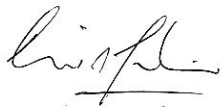
The worst location in Scotland for overcrowded parking, inconvenience to locals and safety risks to all road users is the Fairy Pools on Skye below the Cuillin; Neist Point and the Quiraing on Skye are also dangerous and disorganised.

Exorbitant parking charges

Argyll and Bute Council operate the park at Luss with a policy of pre-charging £1 per hour. Some hill walks in the area are totally dependent upon being able to park at Luss. Parking for an 8-hour hill walk costs £8, with the risk of further costs or sanctions if a walker is delayed and this time is exceeded. We consider this to be exorbitant as there is no alternative parking available.

Thank you for the opportunity to provide input to the NAF discussion paper.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Gibson', with a horizontal line underneath the name.

David Gibson

CEO, Mountaineering Scotland