

10 February 2019

Dear Sir or Madam

**Statutory Consultation: Proposed Off-Street Parking Order 2019**

In accordance with The Road Traffic Regulation Act 1984, The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and as instructed by the meeting of Aberdeenshire Council on 17 January 2019, please find enclosed information relating to proposals for changes to the Off Street Parking Order including Schedules.

The reason for the changes to the wording within the Order is to address issues which have arisen, technological changes or unnecessary procedural detail that have come to light since the last revision. The changes to charges are to address an ongoing budget deficit of £244,000 per year, encourage longer dwell time in town centres to support economic activity and reduce confusion of differing charging periods and tariffs.

The proposed changes are attached. Further information about the proposals to change the tariffs and a copy of the Draft copy of 'The Aberdeenshire Council (Off-Street Parking) Order, 2019' are available at <http://www.aberdeenshire.gov.uk/parkingtariffchanges>.

You are invited to submit any comments on these proposals, and I would be grateful if you could do so by no later than **Monday 11 March 2019**.

In the meantime if you have any queries about the information enclosed, please do not hesitate to contact me on the number, email address or at the address above.

Yours sincerely



**Lorna Hogg**  
**Parking Officer**

**Enc.**

**cc.**

**List of Statutory Consultees**

Aberdeenshire Disability Action  
Cyclists Touring Club  
Aberdeenshire Council Public Transport Unit  
Royal Automobile Club (RAC)  
The Automobile Association (AA)  
Freight Transport Association  
Road Haulage Association  
Scottish Fire and Rescue Service  
Scottish Ambulance Service  
Police Scotland

**Local Community Safety Groups**

Banff and District Community Safety Group  
Fraserburgh and District Community Safety Group  
Buchan Community Safety Group  
Formartine Community Safety Group  
Garioch Community Safety Group  
Kincardine and Mearns Community Safety Group  
South Marr Community Safety Group

### **Community Councils**

New Aberdour, Tyrie and Pennan  
Alvah and Forglen  
Banff and Macduff  
Cornhill and Ordighuill  
Fordyce/Sandend and District  
Fraserburgh  
Invercairn  
King Edward and Gamrie  
Portsoy and District  
Rathen, Memsie and District  
Rosehearty  
Whitehills and District  
Boddam  
Buchan East  
Cruden  
Deer  
Longside and District  
Mintlaw and District  
New Pitsligo  
Peterhead  
Strichen and District  
Auchterless and Inverkeithny  
Belhelvie  
Slains and Collieston  
Ellon  
Foveran  
Fyvie, Rothie and Monguhitter  
Meldum and Bourtie  
Methlick  
Tarves  
Turrit and District  
Udny  
Ythan  
Bennachie  
Cluny, Midmar and Monymusk  
Echt und Skene  
Fintray and Kinellar  
Inverurie  
Kemnay

Kintore and District  
Newmachar  
Westhill and Elrick  
Arbuthnott  
Benholm and Johnshaven  
Catterline, Kinneff and Dunnottar  
Crathes, Drumoak and Durris  
Gourdon  
Mearns  
Newtonhill, Muchalls, Cammachmore  
North Kincardine  
Portlethen and District  
Royal Burgh of Inverbervie  
St Cyrus  
Stonehaven and District  
Ballater and Crathie  
Banchory  
Birse and Ballogie  
Braemar  
Cromar  
Donside  
Feughdee West  
Finzean  
Huntly  
Lumphanan  
Mid Deeside  
Strathbogie  
Tap O'Noth  
Torphins

#### **Access Panels**

#### **Business Associations**

Ellon Traders  
Huntly Business Association  
Huntly & District Tourism Action group  
Inverurie Business Association  
Turriff Business Association  
Westhill Business Network  
Stonehaven Towns Partnership  
Stonehaven Business Association  
Laurencekirk Development Trust  
Banchory Business Association  
Ballater Business Association  
Huntly and District Development Trust

#### **Business Improvement Districts**

WeAreInverurie

### **Detail of changes**

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This Consultation is on changes to the following Off Street Parking Orders:

- The Aberdeenshire Council (Banff and Buchan) (Off-Street Parking) Order 2014
- The Aberdeenshire Council (Buchan) (Off-Street Parking) Order 2014
- The Aberdeenshire Council (Garioch) (Off-Street Parking) Order 2014
- The Aberdeenshire Council (Formartine) (Off-Street Parking) Order 2014
- The Aberdeenshire Council (Kincardine and Mearns) (Off-Street Parking) Order 2014
- The Aberdeenshire Council (Marr) (Off-Street Parking) Order 2014
- The Aberdeenshire Council (Oldmeldrum) (Off-Street Parking) Order 2014

These are to be replaced with a single 'The Aberdeenshire Council (Off-Street Parking) Order, 2019'.

The area based Orders were introduced to allow for more flexibility to adapt car parking regimes to local needs. In practice this has caused confusion for the public and unrest between communities.

The changes to the content of the Order is as follows

#### **1) Article 2**

- a. Wording altered for definition of "*Cashless Parking*".
- b. Definition of "*ticket*" has been altered to allow for virtual tickets issued by electronic means.
- c. Definition of "*blue badge holder*" amended to take account of updated legislation.
- d. Addition of definition of "*initial charge*".
- e. Addition of definition of "*pool car*".

#### **2) Alteration of wording in Article 3(1) to include reference to Article 17.**

3) Deletion of Article 4(5) "*If a ticket issued by the ticket issuing machine is obtained for the vehicle by payment of the initial charge or is in respect of a free parking period, the ticket shall be exhibited on the vehicle, in accordance with the provisions of Article 4. No other ticket issued by a ticket issuing machine shall be exhibited on the vehicle.*"

4) Addition in revised Article 4(5)(b) to state that the correct vehicle registration is shown on the ticket, for the vehicle which is parked.

5) Article 5(1) – deletion of reduced payment rates for Excess Charge Notices. These have been removed from being detailed within the Order and will instead be covered by separate associated guidance.

6) Article 5(2) addition of wording to accommodate for Excess Charge Notice to be handed to driver.

7) Article 5(2)(c) wording regarding reduced payments deleted.

8) Article 5(3) - addition of details on the process followed should a vehicle drive away, or refusal of the excess charge to the vehicle or handing to the driver.

9) Insertion of a new Article 7 covering appeals of Excess Charge Notices.

10) Deletion of previous Article 10

"No Additional Coins to be inserted after Payment of Initial Charge"

*Persons wishing to park for more than the minimum charge period must make payment of the appropriate charge at the time of first parking"*

11) Article 11(1) deletion of *"and subject to the approval of the relevant Area Committee"*

12) Insertion of Article 11(2) *"Changes to zoned areas will be subject to approval by the relevant Area Committee"*

13) Article 11(6) deletion of *"There shall be endorsed on any residential exemption permit the vehicle registration number relating to the vehicle for which the permit was granted, and"* with remaining text changed to read *"Any residential exemption permit shall be valid only in respect of the vehicle that the permit was issued for."*

14) Article 11(7) deletion of *"thirty pounds from 1 June 2014, forty pounds from 1 April 2015, fifty pounds from 1 April 2016 and"* and date of 1 April 2017 to be changed to reflect date new order will come into place. Addition of *"The cost of residential exemption permits shall be subject to review."*

15) Deletion of previous Article 11(9) *"The Council will maintain a database of all residential exemption permit holders pertaining to off-street car parks."*

16) Alteration of wording in Article 11(10) from:

*"Residential exemption permits are not required to be displayed."*

to

*"Residential exemption permits will be electronic and will not be required to be displayed."*

17) Insertion of Article 11(11) & (12) as follows:

*(11) All residential exemption permits shall be issued at the discretion of the local authority and any refusal will be issued in writing with accompanying reasons.*

*(12) Any decision to refuse a residential exemption permit may be appealed in writing and will be subject to the appeals process outlined in guidance produced by the local authority.*

18) Article 12 amended from:

*"Traders Exemption Permits"*

*(1) An application for a traders exemption permit can be made to the Council in writing by traders. Applicants must demonstrate that:-*

*(a) they provide a service that is not currently provided by shops in the local town centre.*

*(b) there is persistent difficulty in getting parked on the streets in the local town centre.*

*(c) there is parking available in the local town centre car parks.*

*(2) A traders exemption permit shall be payable at a cost of two hundred and fifty pounds per annum and will permit commercial activities to be held by traders in off-street car parks in specified towns."*

to:

*"Traders Exemption Permits"*

*(1) An application for a traders exemption permit can be made to the Council in writing by traders. Applicants should meet the general principles of:-*

*(a) provision of a service that is not currently provided by premises in the local town centre.*

- (b) *there is persistent difficulty in getting parked on the streets in the local town centre.*
- (c) *there is parking available in the local town centre car parks.*
- (2) *Applications will be determined in accordance with guidance produced by the local authority.*
- (3) *A traders exemption permit shall be payable at a cost of two hundred and fifty pounds per annum per car park (where charges apply as specified in the Schedule to this Order) and will permit commercial activities to be held by traders in off-street car parks in specified towns.*
- (4) *The appropriate officer of the Council shall require sight of any suitable documentation in connection with the need to determine whether or not an application to hold a traders exemption permit is eligible to do so.*
- (5) *In the event of failure to produce the necessary relevant documentation then the Council shall be entitled to refuse to issue a traders exemption permit for that person.*
- (6) *Traders exemption permits will be electronic and will not be required to be displayed.*
- (7) *All residential exemption permits shall be issued at the discretion of the local authority and any refusal will be issued in writing with accompanying reasons.*
- (8) *Any decision to refuse a residential exemption permit may be appealed in writing and will be subject to the appeals process outlined in guidance produced by the local authority."*

19) Article 13 amended from:

*"Manner of Standing in Off-Street Car Parks*

*Every vehicle left in an off-street car park where stalls are marked shall only use that off-street car park by parking within a stall, and shall so stand that every part of the vehicle is within the limits of that stall."*

to:

*"Manner of Standing in Off-Street Car Parks*

- (1) *Vehicles, including motorcycles, left in an off-street car park where stalls are marked shall only use that off-street car park by parking within a stall, and shall so stand that every part of the vehicle is within the limits of that stall.*
- (2) *Where the vehicle is larger than the stall an exception will be made providing the vehicle is still parked considerably.*
- (3) *Exceptions will be made for Blue Badge Holders parked within standard bays to allow users additional space to fit their needs."*

20) Article 14(3) "displaying" changed to "holding"

21) New Article 14(4) inserted "Any vehicle with the permission of any person duly authorised by, or on behalf of, the Council."

22) Deletion of previous Article 8 *“No person shall operate any audio equipment either in or outwith a vehicle while in an off-street car park.”*

23) Amendment of Article 17(9)(d) from:

*“use a skateboard, or roller blades, or suchlike.”*

to

*“act in an antisocial manner such as to cause alarm or distress; or”*

24) Insertion in Article 17(9)(e) of *“hold or permit to be held upon the premises any political canvassing or meetings.”*

25) Article 20(1) amended from:

*“An annual list of local events shall be agreed by the relevant Area Committee to be held in specified off-street car parks and requiring the suspension or reserved use of the car park.”*

to

*“An annual list of local events to be held in specified off-street car parks and requiring the suspension or reserved use of the car park shall be circulated to the relevant Area Manager and Ward Members.”*

26) Article 20(2) amended from:

*“For all other events including one-off events any person duly authorised by the Council may suspend or reserve the use of an off-street car park, or any part thereof, whenever and for such period as is considered reasonable and shall duly inform the local Ward Members and the Chair of the relevant Area Committee.”*

to

*“For all other events including one-off events any person duly authorised by the Council may suspend or reserve the use of an off-street car park, or any part thereof, whenever and for such period as is considered reasonable and shall duly inform the local Ward Members and the relevant Area Manager.”*

27) Article 22(2) amended from:

*“The Council may reserve in any of the car parks affected by this order a suitable number of spaces for vehicles displaying in each case a disabled person’s badge issued by a local authority in exercise of its powers under Section 21(1) of The Chronically Sick and Disabled Persons’ Act, 1970, and no person shall cause or permit any vehicle to wait in such a space, at any time, without displaying such a badge.”*

to

*“The Council may reserve in any of the car parks affected by this order a number of spaces for the charging of electric vehicles. An electric vehicle may only be left in a space reserved for such vehicles during the period taken to charge the vehicles battery. An appropriate ticket will be required where the space reserved is within a car park where parking restrictions or charges apply.”*

28) Addition of Article 22(3) & (4) as follows:

(3) *The Council may reserve in any of the car parks affected by this order a number of bays for use by Pool vehicles. Pool vehicles must be registered electronically with the appropriate officer of the Council. Any pool car bays are only to be used by the registered pool vehicles.*

(4) *The Council may reserve in any of the car parks affected by this order a number of bays for use as loading bays, coach/bus parking, motorcycle parking, lorry parking or any other specified reason.*

**Chargeable hours:**

Monday to Saturday

8am to 5pm

<b>Time Band/ Parking Period (per day – no carry over)</b>	<b>Parking Charge</b>
0 - 1 hours	£0.50
1 - 2 hours	£1.00
2 - 5 hours	£3.00
> 5 hours	£5.00

The proposed changes by area are as follows:

**1) Banff and Buchan****a. Banff**

Car parks:

- Carmelite Street
  - Market Close
  - St Mary's (West)
  - Trinity
- 
- Remove the free 60-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
  - Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
  - Introduce a new parking period and tariff for 2-5 hours of £3.00. This would replace the existing parking period and tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
  - There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
  - The chargeable period from 8am to 6pm Monday to Saturday will be reduced to 8am to 5pm, except for St Mary's (West) where free car parking on Saturdays will be removed and will also change to 8am to 5pm.
  - The tariffs will be inclusive of the cashless parking convenience charge.

**b. Fraserburgh**

Car parks:

- Hannover Street South (North Section)
  - Mid Street
  - Saltoun Square
- 
- Remove the free 60-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
  - Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
  - Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
  - There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
  - Change in the chargeable period from 8am to 6pm Monday to Fridays and 8am to 10am on Saturday to 8am to 5pm Monday to Saturdays
  - Removal of free parking in all car parks on the 4 Saturdays before Christmas being written into the Schedule to the Off Street Parking Order.
  - The tariffs will be inclusive of the cashless parking convenience charge.

**2) Buchan**



#### **a. Peterhead**

##### Car parks:

- Broad Street
  - Maiden Street
  - Prince Street
  - Threadneedle Street
- 
- Remove the free 60-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
  - Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
  - Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
  - There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
  - Change in the chargeable period from 8am to 3pm Monday to Saturday to 8am to 5pm Monday to Saturday.
  - The tariffs will be inclusive of the cashless parking convenience charge.

##### Car Park:

- Transport Interchange
  - To be added to the (Off-Street Parking) Order. This will be a free car park.

#### **b. Other**

##### Car Park:

- The Square, New Deer
  - To be removed to the (Off-Street Parking) Order as it is no longer managed by Aberdeenshire Council

#### **3) Formartine**

##### **a. Ellon**

##### Car parks:

- Ellon Square (East)
  - Ellon Square (West)
  - Market Street
  - Schoolhill
  - Station Road (East)
- 
- Remove the free 30-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
  - Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
  - Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
  - There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
  - Change in the chargeable period from 8am to 6pm Monday to Saturday to 8am to 5pm Monday to Saturday.
  - The tariffs will be inclusive of the cashless parking convenience charge.

##### Car Parks:

- Ellon Park & Ride
  - To be added to the (Off-Street Parking) Order. This will be a free car park.

#### **b. Other**

##### Car Parks:

- Fyvie Bus Hub
  - To be added to the (Off-Street Parking) Order. This will be a free car park.
- Oldmeldrum Transport Mini-Hub

- To be added to the (Off-Street Parking) Order. This will be a free car park.
- Victoria Terrace (Crown Street)
  - Renamed from Crown Street to be more reflective of location.

#### 4) Garioch

##### a. Inverurie

Car parks:

- Burn Lane (the current Pay and Display sections)
- High Street
- Market Place
- Station Road
- The Square

- c. Remove the free 30-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
- d. Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
- e. Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
- f. There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
- g. Change in the chargeable period from 8am to 6pm Monday to Saturday to 8am to 5pm Monday to Saturday.
- h. The tariffs will be inclusive of the cashless parking convenience charge.

Car Parks:

- Railway Station
- Victoria Street
  - To be removed from the (Off-Street Parking) Order. These car parks are no longer managed by the Transportation Service of Aberdeenshire Council.

#### 5) Kincardine and Mearns

##### a. Stonehaven

Car parks:

- Market Square
- Remove the free 30-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
- Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
- Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
- There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
- Change in the chargeable period from 8am to 6pm Monday to Saturday to 8am to 5pm Monday to Saturday.
- The tariffs will be inclusive of the cashless parking convenience charge

#### 6) Marr

##### a. Banchory

Car parks:

- Bellfield (North)
  - Scott Skinner Square
- 
- Remove the free 45-minute parking period (with no return within 2 hours included in the conditions) and replace with a 50 pence charge for 0-1 hour.
  - Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
  - Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
  - There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
  - Change in the chargeable period from 8am to 6pm Monday to Saturday to 8am to 5pm Monday to Saturday.
  - The tariffs will be inclusive of the cashless parking convenience charge.

#### Car park:

- Bridge Street
  - *To be removed from the (Off-Street Parking) Order as a car park with parking charges/restrictions as this has never been made operational on the ground.*
  - *To be added to the (Off-Street Car Parking) Order as a car parks without parking charges.*

#### b. Huntly

#### Car parks:

- The Square
  - Replace the current parking tariff for 0-1 hours of £0.60 with a £0.50 charge for 0-1 hour.
  - Introduce a new parking tariff for 1-2 hours of £1.00. This would replace the existing tariff for 0-2 hours of £1.20.
  - Introduce a new parking tariff for 2-5 hours of £3.00. This would replace the existing tariffs for 2-3 hours of £2 and over 3 hours of £5.00.
  - There will be no increase to the tariff in Pay and Display car parks for periods exceeding 5 hours as the existing parking period and tariff for over 3 hours for £5.00 will be replaced with a parking period and of over 5 hours for £5.00.
  - Change in the chargeable period from 8am to 6pm Monday to Saturday to 8am to 5pm Monday to Saturday.
  - The tariffs will be inclusive of the cashless parking convenience charge.

#### c. Other

#### Car Parks:

- Ballater, Station Square
  - To be detailed in the (Off-Street Parking) Order as Station Square (Front) and Station Square (Rear) as they are two separate car parks but previously only referred to as one.
- Tarland
- Torphins
  - To be added to the (Off-Street Parking) Order. These will be free car parks. These car parks were omitted from the 2014 Order

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Dh'fhaodadh fiosrachadh sochair, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan