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Mr Edward Mountain MSP  
Convenor  
Net Zero, Energy and Transport Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP

30 November 2022

Dear Convenor,

## **Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022**

Thank you for the opportunity to provide oral evidence to the Committee on 1 November 2022 on the Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022. I agreed to provide further information on the budget associated with the National information campaign as discussed at the Committee. I have also laid out some further information on some of the other areas touched on during our discussions and they are headed separately below.

### **National Information Campaign**

Monica Lennon (Central Scotland) (Lab) requested further information on the national information campaign including the expected budget and duration. Work has already been progressed on the National marketing campaign, which will run for a number of months before enforcement of the National bans on pavement, dropped kerb & double parking commence later in 2023. It should of course be said that all Scottish Government spending is currently under review and is subject to an approval process.

In 2022/23, we estimate that £160,000 is required for creative development and production. This work will focus on developing an appropriate public messaging and media campaign. In 2023/24, we estimate that £407,000 will be required for media, public relations, partnership and stakeholders' toolkit, website and evaluation. The funding for this is being fully met by The Scottish Government and does not impact on the funding going to local authorities as discussed later in this letter.

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This investment will allow us to deliver a sustained media campaign to foster the change in mind set that is required to ensure drivers leave pavements clear for pedestrians. The exact duration, format and content of this campaign is still to be decided and we are being guided by communication and marketing advisors within the Scottish Government.

### **The Definition of Pavement Parking**

The Convenor raised the matter of clarity in the definition of pavement parking. The offence of pavement parking is defined within the Transport (Scotland) Act 2019 as ‘a motor vehicle is parked on a pavement if – (i) it is stationary, and (ii) one or more of its wheels (or part of them) is on any of the pavement’.

The Act does of course go on to lay out exceptions such as for the emergency services whilst responding to emergencies whereas the Exemption Order Procedures that were discussed at the committee lay out the procedures that a local authority must follow if they wish to exempt an area of pavement from the National ban.

There are a small number of existing parking bays marked on pavements in Scotland which leave greater than 1.5 metres of pavement for pedestrians and I can confirm that these will not require retrospective Exemption Orders if they were in place before the Exemption Orders Procedures come into force.

### **Dropped Footway Parking Prohibition**

The Convenor referred to dropped kerbs and if exemptions will be required in certain situations. The offence of parking at a dropped kerb will not be the subject of exemptions from local authorities and is not a matter considered under the Exemption Order Procedures.

I can also confirm that there is an exemption as laid out in the act that the dropped footway prohibition does not apply ‘where the footway has been lowered...for the purpose of access to a driveway or to a garage (whether on commercial or residential premises)’. The dropped kerb prohibition therefore is confined to known crossing points rather than every dropped kerb.

### **Funding for the Exemption Order Procedures**

Liam Kerr (North East Scotland) (Con) referred to costs for bringing in the process in the current financial climate. £2.4 million has already been allocated to local authorities, which is the full funding requested by COSLA to allow local authorities to undertake assessment of their streets in order to identify if they have any areas of pavement that they identify as requiring exemption from the National pavement parking prohibition.

Further funding for the implementation of any Exemption Orders will be the subject of discussions between the Scottish Government and COSLA and this will be reviewed once the number of required exemptions and associated costs, such as signing and lining of the exempted areas, is better understood.

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I hope that the Committee will find this further information helpful but if you require any further information please do not hesitate to contact me.

Yours sincerely

**Jenny Gilruth**

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