Introduction

Living Street Scotland is part of the UK charity for everyday walking, and has been so since 1929 when we were first founded as the Pedestrians’ Association. We want to see a Scotland where all generations benefit from streets fit for walking. Living Streets Scotland welcomes the opportunity to comment on the Transport (Scotland) Bill Financial Memorandum. Our submission focuses on the section concerning Part 4: Footway and Double Parking.

Comments on the memorandum

Living Streets Scotland, previously carried out research to assist Sandra White MSP in the development of the financial memorandum for Footway and Double Parking (Scotland) Bill 2015. Our conclusions in 2015 were similar to those set out in the 2018 financial memorandum prepared by the Scottish Government.

The set up costs cited by Edinburgh and Aberdeenshire Council offer a good benchmark for both rural and urban councils. The costs are within parameters we would expect based on research into English councils implementing measures to tackle footway parking. The committee should question any local authorities that dispute these figures, and seek evidence to establish why delivery costs are higher. We note wide variations in how local authorities account for costs such as signs and lines, whilst localised costs can be difficult to disaggregate.

Direct costs to local authorities

1. It is difficult to say with any certainty what the actual costs of implementing the footway parking provision in the bill will be.
2. However, all the available and reliable evidence indicates that set up costs will be very low, especially in the context of overall transportation budgets.
3. Costs relate to: identifying, documenting, and where appropriate exempting streets will be limited. Recent figures collated by Aberdeenshire and City of Edinburgh Councils offer the only accurate basis for estimating likely costs.
4. Few streets are likely to be exempt hence the costs will be low. Only streets with unusually wide pavements + 2.5m are suitable for exemption. This approach used in London allows for a degree of pavement parking whilst protecting space for disabled people and parents with buggies. 1.5m is recommended minimum space that needs to be maintained for safe and convenient movement by wheelchairs and buggies.

5. Lower standards for exempt streets would not only run counter to obligations under equality law, but also greatly increase the costs to local authorities. This would essentially involve creating a parking subsidy that disadvantages older and disabled people as well as parents with young children.

6. Enforcement costs will not be significant in controlled parking zones (towns and city centres) where parking patrols already operate.

7. There are options for councils to cost effectively redeploy patrols in a targeted way beyond town centres. A strategic intelligence led approach is likely to maximise the impact patrols whilst reducing costs. In areas where problems persist penalty income will be high (multiple vehicles) offsetting any enforcement action.

8. The rollout of national footway parking ban shouldn’t be held up by failure of some councils, to develop an effective strategy for managing parking in there area.

9. Income from penalties related to footway parking should be monitored (and separate from other parking offences) to determine the effectiveness of the legislation and associated publicity.

10. The £500,000 commitment to a national publicity campaign is a sound investment that if spent wisely will help to secure the benefits of the legislation.

11. A system using committee resolutions, in line with national standards, offers an efficient and cost effective way to bring exemptions into force. As long as the Government’s guidance and the standards underpinning the bill are robust the expense of traffic resolution orders can be avoided.

**Alternative approaches: costs**

It is our strong belief that the only alternative to the proposed national ban, with limited exemptions, is to sign and line every known local street with a footway parking problem. This will be far more expensive to implement and beyond the resources of most local authorities. We note that the high costs of this approach are a factor in the failure of councils to take action against known footway parking problems.

In terms of publicity, implementation on a local rather than a national basis would be more expensive and less effective.
National funding for a national ban

We believe the costs of a national ban should be met by the Scottish Government. This in line with principles set out by the then Transport Minister and now Finance Sectary Derek MacKay to the Local Government and Regeneration Committee on the 02 December 2015 when legislation was previously discussed in the Scottish Parliament.

Derek Mackay:

“I know that a number of respondents have complained about a lack of resources to proceed with the measures in the bill, and I want to get a deeper understanding of that. Every year, the negotiating body for local government, COSLA, discusses finances with the Scottish Government and reaches a financial settlement. The Scottish Government’s practice is to fully fund any new legislative burden on local authorities, so a discussion would have to be had on that.”

Conversely, any alternative locally led approach should be met, as at present, from each council’s own resources. These costs could be considerable as the bill has increased public awareness and demands for action. Failure to use existing powers on account of lack of resources is potentially challengeable under equalities legislation. For example, blocked footways could leave people with protected characteristics unable to exercise some of their basic human rights. Any legal challenge would need to demonstrate that the costs of action would be a reasonable and proportionate response. We believe that local authorities have failed to account for these costs.

Indirect financial benefits

The financial memorandum doesn’t discuss the benefit to local authorities and the health service. We believe there are obvious benefits which will be significant, albeit difficult to quantity. These benefits include:

- Increased walking levels by older and disabled people who would otherwise be discouraged because parked vehicles force them to walk on the road. Encouraging older adults to walk is proven to deliver multiple health benefits and future treatment savings as set out the National Walking Strategy.
- Fewer unscheduled repairs to damaged slabs and covers, especially on shopping streets where large delivery vehicles have used pavements for parking repairs to damaged slabs and covers, especially on shopping streets where large delivery vehicles have used pavements for parking. Footway parking is also known to cause service trenches to collapse, dislodge kerbs stones and surfaces to break up.
- Preventing cumulative long-term surface damage to pavements (not designed for vehicle movement) which require early replacement and renewal.
- Reducing preventative costs including building pavements to higher standards to prevent future vehicle damage or deploying bollards. A single bollard can cost £80 and £260 for installation although economies of scale could reduce these costs. Installing bollards also creates a long term maintenance liability.
The Indirect benefits of preventing damaged to pavements that create trip hazards and subsequent hospital admissions, as well potential claims for liability.

Conversely, we believe special treatment for delivery vehicles that allows loading on pavements for 20 minutes will greatly diminish the financial savings for local authorities. We recommend that further research is undertaken to verify these costs and to assist in monitoring the impacts of any legislative changes.

Conclusions

There will be a modest cost in bringing forward a national on footway parking based on recent data collected from local authorities. This should be paid for centrally by the Scottish Government as a national policy initiative. This would avoid detriment to local roads budgets.

Overall, this initiative is likely to beneficial public finances by reducing the burden on council road maintenance and renewal budgets. Further benefits will accrue from more people walking, and fewer trips and falls.

However, permitting delivery vehicles to park on pavements for 20 minutes will negate many of the financial benefits to local authorities, unless the bill is amended to drop this exception.

Overall, national footway parking legislation could be one of the most cost effective ways of realising the aims set out in the Scottish Government’s National Walking Strategy. Conversely, existing and alternative approaches (locally led action) are more expensive, less effective and less beneficial.

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Impacts of footway parking on walking related research evidence

Living Streets commissioned YouGov to explore the experiences of UK adults aged over 65 in December 2014. The Scottish sample was broadly in line with the UK as a whole. Of the views expressed:

- 65% of people were worried about obstructions on the pavement (e.g. cars parked on the pavement, engineering works etc.)
- 63% of people were angry about obstructions on the pavement (e.g. cars parked on the pavement, engineering works etc.)
- 48% of people would be more likely to walk outside if pavements were clear of vehicles parked on them
- 45% of people were discouraged from walking outside by people parking on the pavement

Physical inactivity contributes to over 2,500 premature deaths in Scotland each year (that is around 7 a day) and costs the NHS in Scotland around £94.1 million annually (within a sensitivity range estimated at £91.8 million to £96.4 million). Research illustrates that physical inactivity is the second biggest cause of global mortality (joint with smoking, after high blood pressure. Furthermore it is estimated that getting Scotland active would increase life expectancy by more than a year given our current inactivity levels. Walking, given its accessibility, has been highlighted as the most likely way all adults can achieve the recommended levels of physical activity

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