

**MORAY COUNCIL (PAVEMENT PARKING EXEMPTION) ORDER 2023**

Moray Council propose to make the above Order under Section 51 the Transport (Scotland) Act 2019. The general effect will be to exempt from the enforcement of Pavement Parking locations on Burghead Road, Alves (east side); Sutherland Street, Buckie (west side); Seatown, Cullen (south side), Queen Street, Dufftown (west side), Academy Street, Elgin (east side); Mitchell Crescent, Elgin (north side); Park Street, Hopeman (both sides); Thom Street, Hopeman (north side) and Farquhar Street, Hopeman (north side) as specified in the Schedule to the Order. The proposed exemptions will cover specific areas as defined on street by road markings and signage where pavement parking will be exempt from enforcement, in the interest of maintaining access for emergency and service vehicles.

**STATEMENT OF REASONS**

In order to improve footway and carriageway accessibility for pedestrians, particularly vulnerable road users or those with mobility impairments, the Scottish Government is addressing inconsiderate parking through improved parking legislation. The Transport (Scotland) Act 2019 prohibits pavement parking, double parking and parking at known crossing points. Section 51 of the Transport (Scotland) Act 2019 enables Roads Authorities to introduce Exemptions to enable pavement parking within specific areas defined on street by road markings and signage. The Parking Standards guidance which accompanies the Act states that a footway, or the carriageway with which it is associated with, must have the following characteristics to be considered for an Exemption Order:

Either;

- a) The footway is of sufficient width to enable 1.5 metres (down to an absolute minimum of 1.2 metres over a short distance to take account of street furniture) to be available for the passage of non-vehicular traffic (including pedestrians, wheelchair users and mobility scooters) when a vehicle is parked on the footway;

Or:

- b) The carriageway associated with the footway is of sufficient restricted width or access that it would be rendered unpassable by emergency vehicles when one or more vehicles are parked on the carriageway, but would be possible to access if vehicles were permitted to park on the footway.

A Pavement Parking Assessment has been undertaken which identifies that the locations set out in the Schedule to have one of the above characteristics.

**MORAY COUNCIL**

**UNDER SECTION 51 OF THE TRANSPORT (SCOTLAND) ACT 2019**

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**SCHEDULE**

<b><u>No</u></b>	<b><u>Location</u></b>	<b><u>Description</u></b>
1	Burghead Road, Alves (East Side)	From a point 7 metres or thereby south of the extended building line of Number 9 Burghead Road southwards for a distance of 16 metres. This exemption is applicable over a footway width such that an effective width of 1.5 metres of footway is maintained from the existing back of footway.
2	Sutherland Street, Buckie (West Side)	From a point 6 metres north from the extended northern kerb line of Alexander Street northwards for a distance of 30 metres or thereby
3	Seatown, Cullen (South Side)	From a point 3 metres west or thereby of the extended building line of Number 85 Seatown westwards for a distance of 65 metres or thereby to a point 1.5 metres east of Number 79 Seatown.
4	Queen Street, Dufftown (West Side)	From the extended northern building line of Number 5 Queen Street, south for 45 metres or thereby to the extended northern building line of Number 1 Queen Street
5	Academy Street, Elgin (East side)	From 1.5 metres north of the extended northern building line of the pend at Number 18 Academy Street northwards for 5 metres or thereby.
6		From 3 metres or thereby south of the extended southern building line of the pend at Number 18 Academy Street southwards for 5 metres or thereby.
7		From the extended southern building line of Number 22 Academy Street northwards for 10 metres or thereby.

8		From a point 16 metres south of the extended southern carriageway extents of Maida Place southwards for a distance of 8 metres or thereby
9		From a point 2 metres south of the extended northern boundary line of Number 34 Academy Street southwards for a distance of 6 metres or thereby
10		From a point 8 metres north of the extended northern kerb line of Alma Place northwards for a distance of 11 metres or thereby
11	Mitchell Crescent, Elgin (North Side)	From a point 7 metres west or thereby from the extended western building line of Number 1 Mitchell Crescent, eastwards for 63 metres or thereby to a point 5 metres west of the extended eastern building line of Number 11 Mitchell Crescent.
12	Park Street, Hopeman (Both sides)	From a point 10 metres south of the extended kerb line of Duff Street, for a distance of 125 metres or thereby to a point 10 metres north of the extended kerb line of Cooper Street
13	Seatown, Cullen (South Side)	From the extended eastern building line of Number 21 Bayview Court westwards for 16 metres or thereby. This exemption is applicable over a footway width such that an effective width of 1.5 metres of footway is maintained from the existing back of footway.
14	Thom Street, Hopeman (North Side)	From a point 10 metres or thereby east of the extended kerb line of Harbour Street eastwards to a point 5 metres or thereby west of the extended eastern building line of Number 29 Thom Street.
15		From a point 5 metres or thereby east of the extended western boundary line of Number 27 Thom Street eastwards to a point 5 metres or thereby west of the extended eastern boundary line of Number 13 Thom Street.
16		From a point 5 metres or thereby east of the extended western boundary line of Number 11 Thom Street eastwards to a point 10 metres or thereby west of the extended eastern kerb line of School Road.

17	Farquhar Street, Hopeman (North Side)	From a point 10 metres or thereby east of the extended kerb line of Harbour Street eastwards to a point 7 metres or thereby west of the extended eastern boundary line of Number 31 Farquhar Street.
18		From a point 5 metres or thereby east of the extended western boundary line of Number 27 Farquhar Street eastwards to a point 5 metres or thereby west of the extended eastern boundary line of Number 23 Farquhar Street.
19		From a point 5 metres or thereby east of the extended western boundary line of Number 21 Farquhar Street eastwards to a point 5 metres or thereby west of the extended eastern boundary line of Number 13 Farquhar Street.
20		From a point 5 metres or thereby east of the extended western boundary line of Number 11 Farquhar Street eastwards to a point 10 metres or thereby west of the extended eastern kerb line of School Road.