

Item 13 on the Agenda of the Highland Council Transport, Environmental and Community Services Committee held on Thursday, 20 September 2012 concerned Removal of “No Overnight Parking” Signs. The history of the signs was described as follows and the committee then voted whether or not to remove them.

Following representation from a member of the public to both Transport Scotland and the Council, a report had been circulated dated 7 September 2012 by the Director of Transport, Environmental and Community Service inviting Members to approve that the “No Overnight Parking” signs located in rural laybys be removed and that the removal of these signs be carried out when the Highland Council had resources working in the area to minimise any additional costs.

Responding to questions it was confirmed that a member of the public had requested that both Transport Scotland and the Council remove the signs on the basis that they did not comply with Traffic Signs Regulations and Directions and were, therefore, not approved for use on public roads. Transport Scotland had reviewed the legal position and had concluded that the signs should be removed from the trunk road network. Retaining the signs could leave the Council open to legal challenge.

During discussion, Members raised the following issues:-

- the signs had been erected to reassure landowners who had been asked to release land for tourist car parks that they would not be occupied by travelling people permanently and to avoid the problem of unsightly litter being left;
- the signs were only advisory and the Council should save its scarce resources and leave them in situ;
- the legal advice received was useful but not necessarily fully informed and the Council should seek its own legal advice in this regard;
- given that caravan and motorhome users frequently parked in many of the laybys overnight, the signs clearly did not act as a deterrent;
- it would be helpful to ascertain if the Council could introduce a Road Traffic Order on economic grounds as removing the signs could have a negative economic impact on established caravan sites and the Highland economy;
- if laybys were occupied by motorhomes, long-distance lorries drivers, who currently used these laybys for rest periods, might have difficulties in finding somewhere to park; and
- Road Traffic Orders were costly and time consuming to put in place.

Conversely, other Members commented that:-

- if Road Traffic Orders could be put in place, it might be helpful for a list to be compiled where a Road Traffic Order might be appropriate;
- it was accepted that currently the signs did not pose a deterrent to overnight parking, but it was clear that they were unlawful and so must be removed – full legal advice had already been received;
- not removing them would be unlawful and leave the Council open to legal challenge which would be unsustainable and costly – this should also be considered in the context of saving scarce resources; and
- it would nonetheless be helpful to consider other ways in which overnight parking and occupying laybys for lengthy periods could be discouraged and if there were opportunities to erect signs to highlight the availability of local caravan sites this should be looked into.

Responding to these and other comments, it was confirmed that the subject of the report applied to rural laybys and not to the urban environment. The challenge to remove these signs had also been received by Transport Scotland and Transport Scotland’s legal advice

was that the signs carried no legal standing and should be removed. It was considered that the Council would have little chance of winning any legal battle if it were not to implement any change. If there were any specific areas for which removal of the signs could pose a particular problem, the Council could seek a Road Traffic Order. However, any such Order would require the support of the Police as it would require to be enforced. It was confirmed that where a layby was within the adopted area then it was legally considered to be part of the road and legislation would apply. The Council was governed by Traffic Signs Regulations and Directions as to the wording of signs and it would not therefore be possible to direct potential overnight stays to local caravan sites in this context.

Following discussion, the Committee approved the recommendation that the “No Overnight Parking” signs located in rural laybys be removed and that the removal of these signs be carried out when the Highland Council had resources working in the area to minimize any additional costs and that positive options to discourage overnight parking be considered.