REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

**ABSTRACT**

This report deals with the proposals to introduce a Prohibition of Driving Order on a section of Blairfield Road Birkhill.

1. **RECOMMENDATIONS**

   It is recommended that the Committee agree that the proposal to prohibit driving over a length of Blairfield Road Birkhill be abandoned and that the proposed Traffic Regulation Order not now proceed.

2. **INTRODUCTION**

   Reference is made to Article 1 of the minute of meeting of the Roads Committee held on 14 June 2001 when the Committee did not accept the Director of Roads recommendation not to promote a Traffic Regulation Order to prohibit driving on the unadopted section of Blairfield Road Birkhill and authorised the preparation of such an Order.

3. **BACKGROUND INFORMATION**

   The proposed closure of a section of Blairfield Road to vehicular traffic was the subject of a previous proposed Traffic Regulation Order in 1996 but after considering objections to the proposals the Director of Roads, in consultation with Tayside Police, recommended that the Order should not proceed and the Order was abandoned. (Report No.29/96 - 16 January 1996 Roads Committee of Tayside Regional Council)

   The matter of inappropriate traffic speeds, etc was again raised by local residents in 2001. The local member issued an informal questionnaire to residents on the affected roads and the results appeared to indicate support for a closure.

   On this basis preliminary comments on the possible restriction of traffic on the unadopted section of Blairfield Road were sought from the local Community Council. Following a formal meeting the Community Council responded that the majority opinion was for the road to be left open to all traffic.

   In order to clarify the apparently conflicting information from the local community the Director of Roads carried out a formal consultation exercise in the form of a questionnaire issued to all local residents. From the results of the questionnaire it was clear that despite a majority in favour of the proposed closure there was significant opposition to it, particularly by those residents most directly affected by the closure.

   This was similar to the view which had prevailed at the time of the previous attempt to introduce a closure Order in 1996 when the Order had subsequently been abandoned.

   The Director of Roads therefore concluded that there were insufficient traffic and road safety reasons to support the closure to traffic of the affected section of road in the face of objections and submitted a report to the Roads Committee outlining the issues and recommending that the proposed Order not proceed. This was considered at the Roads Committee on 14 June 2001 when the Committee, after hearing the local member, authorised the promotion of a suitable Traffic Regulation Order.
4. **CONSULTATION AND PUBLICATION.**

An appropriate Order was drafted and during the statutory Consultation period one letter raising comments was received. This was from the Cycling Touring Club requesting that the prohibited vehicles be restricted to ‘motor vehicles’ which was agreed and the draft Order amended accordingly.

The amended Order was duly advertised and a number of objections were received. Many of the objections related to access to premises or maintenance of boundary enclosures of properties located adjacent to the affected length of Blairfield Road. It was clear that certain exemptions to the prohibition of driving would be necessary to permit such access which could not be unreasonably denied. As a result the effectiveness of the proposed closure would be significantly diluted whilst its enforcement by Tayside Police would be more difficult.

Whilst it can be argued that the restriction to traffic in Blairfield Road has some merit the speed and volume of traffic is low and the conflict with other users (ie pedestrians and horse riders etc) is fairly infrequent.

The Director of Roads is therefore of the view that there are no strong reasons in terms of road safety or traffic management to proceed with the Order.

Taking all of the above matters into account along with the apparent lack of consensus amongst the local community on the proposals, the Director of Roads recommends that the proposal to prohibit the driving of motor vehicles on a section of Blairfield Road Birkhill be abandoned and the proposed Order not now proceed.

Discussions have however taken place between the Director of Roads and the local member regarding concerns relating to pedestrian safety in Blairfield Road. As a result new warning signing has been erected to advise drivers of the potential presence of pedestrians in the road ahead. New SLOW road markings have also been provided in Blairfield Road.

5. **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this Report.

6. **HUMAN RIGHTS IMPLICATIONS**

There are no human right implications arising from this report.

7. **CONSULTATION**

The Chief Executive, the Director of Roads, the Director of Finance and the Chief Constable have been consulted in the preparation of this report.

Background Papers

The following background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report :-

Report No.29/96 - The Tayside Regional Council (Blairfield Road Birkhill) (Prohibition of Driving) Order 1995 - Tayside Regional Council Roads Committee ,16 January 1996

Report No.679/01 - Blairfield Road Birkhill - Angus Council Roads Committee , 14 June 2001