

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE - 20 JANUARY 2009

ANGUS COUNCIL (FORFAR TRAFFIC MANAGEMENT) ORDER 2009

REPORT BY THE DIRECTOR OF CORPORATE SERVICES

ABSTRACT

This report relates to the making of an Order for the purpose of replacing two Tayside Regional Council Traffic Orders. At the same time, it is proposed to introduce various amendments to the current traffic management provisions in Forfar.

1. RECOMMENDATION

The Committee is asked to consider the objections to the proposed Order and approve the making of the Order as drafted.

2. INTRODUCTION

Reference is made to Article 9 of the minute of meeting of the Roads Committee held on 24 January 2002 instructing and authorising the preparation of the draft Angus Council (Forfar Traffic Management) Order to replace two Tayside Regional Council Traffic Orders and introduce new provisions and amendments.

3. CONSULTATION

The initial statutory consultation was undertaken early in April 2007. However, because of a significant number of subsequent amendments to the original draft Order, consultation was repeated in late June 2008 with a revised draft and fresh plans being sent out to those parties earlier consulted.

4. PUBLICATION

4.1 The Notice of Proposals was published in both the "Forfar Dispatch" and "Courier & Advertiser" on 31 July and 1 August 2008 respectively. In addition, 80 public notices were posted at locations throughout Forfar.

4.2 In response to the Notice, letters objecting to a small number of the proposals were received, some of which were subsequently withdrawn. In respect of those that were not, the schedule **annexed** to this report details the proposed restrictions with reference to plans, brief details of the objectors, the grounds for their concern and the response made on behalf of the Head of Roads which, in all cases, contained a request for the addressee to indicate whether or not they wished to withdraw their objection. Copies of all correspondence in connection with outstanding objections have been placed in the Members' lounge for consideration.

5. FINANCIAL IMPLICATIONS

The estimated cost of implementing the proposals is £20,000 which will be met from the 2009/2010 Infrastructure Services' Roads Division (Traffic) Revenue Budget. Additional maintenance costs will amount to £2,000 per annum and this will require to be provided for in future Revenue Budgets.

6. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising from this Report.

7. EQUALITIES IMPLICATIONS

The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

8. CONSULTATION WITH TAYSIDE POLICE

The amendments to the terms of the draft Order have been noted and approved by Eastern Division's Roads Policing Unit acting on behalf of the Chief Constable.

9. DEPARTMENTAL CONSULTATION

The Chief Executive, the Director of Infrastructure Services, the Head of Law and Administration and the Head of Finance have been consulted on the content of this Report.

10. CONCLUSION.

Since reorganisation in 1995, Angus Council has systematically replaced old Tayside Region Traffic Regulation Orders with new Angus Council Orders covering all traffic management issues in the various former Burghs. This Order relates to Forfar and incorporates a significant number of changes to the original restrictions which have arisen in the intervening period.

Having taken into account the views expressed by those objecting to the proposals in respect of Castle Street, Lour Road, Station Place and St James Road, the Head of Roads considers that the terms of the draft Order are reasonable and appropriate and that the Council should note the objections as lodged and proceed with the Order as currently drafted.

COLIN McMAHON
DIRECTOR OF CORPORATE SERVICES

NOTE: The following background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), was relied upon to a material extent in the preparation of this report - Report 115/02 by the Acting Director of Roads.

L&A/SCH/MD

SCHEDULE - REPORT NO 53/09

a) Proposals for Castle Street shown detailed on the attached [PLAN A](#) -

No Loading at Any Time

No Waiting at Any Time

No Waiting, Monday to Saturday, 8.30 AM to 5.30 PM

Limited Waiting - 30 Minutes in Any One Hour Monday to Saturday, 8.30 AM to 5.30 PM

Business Proprietrix, Castle Street - noting her disquiet with the loss of kerbside parking in Castle Street and suggesting a one way system with additional parking in that street. She was also concerned with the effect upon deliveries to her premises.

Response on behalf of the Head of Roads:-

“The only changes to the waiting restrictions proposed for Castle Street are adjacent to the Access office and Town & County Hall in anticipation of the proposed environmental improvements at this location. The pedestrian area opposite Woolworths is to be widened following which the carriageway will be too narrow to permit parking on both sides of the road. This requires the current daytime waiting restrictions (No waiting, 8.30am - 5.30pm, Mon - Sat) being changed to ‘No Waiting at Any Time’. This will result in the loss of very few spaces which, at the moment, are unavailable for day time parking.

The current waiting restrictions on the west side of the street are to be retained as at present. However, a build out has been formed on the east leg of Castle Street to assist with entry to the Access office and the ‘No Waiting at Any Time’ restrictions require to be introduced at this location to avoid parking on both sides of the road at this narrowed section.

The waiting restrictions in the vicinity of your premises will remain unchanged. Please be aware that legislation relating to ‘No Waiting at Any Time’ restrictions (double yellow lines) does permit vehicles to stop to allow persons to board or alight from a vehicle, as well as permitting goods vehicles to wait for loading and unloading. Disabled persons, provided they hold a valid Blue Badge, may park on any waiting restrictions provided the vehicle does not represent an obstruction to free traffic flow.

The Council have no current proposals to introduce a one-way arrangement in Castle Street.

The loss of parking and the general impact in Castle Street arising from these proposals is minimal, particularly during commercial business hours”.

b) Proposals for Station Place shown detailed on the attached [PLAN B](#) -

The No Waiting at Any Time restrictions were initially intended to apply to both sides of the street for its entire length. However, following representations, the proposals were made less onerous as shown on PLAN B.

Business Proprietor, Station Place - his concern with the proposed waiting restrictions in the street was that their introduction would affect the viability of his business and the value of his premises.

Response on behalf of the Head of Roads:-

“The extension of the waiting restrictions into the main body of Station Place was marked in error when the original restrictions at the entrance to the industrial estate were being refreshed. However, as a result of complaints in relation to parking of HGV’s overnight causing noise and nuisance, it was felt that these served a purpose and should be retained.

The majority of the proposed double yellow lines within the estate extend over off-street parking areas and around the turning head at the end of the estate which should be kept clear of parked vehicles.

He is aware of your concern in respect of servicing of your premises but asks you to note that legislation relating to 'No Waiting at Any Time' restrictions (double yellow lines) does permit goods vehicles to wait whilst loading and unloading".

c) Proposals for Station Place shown detailed on the attached [PLAN B](#) -

The No Waiting at Any Time restrictions were initially intended to apply to both sides of the street for its entire length. However, following representations, the proposals were made less onerous as shown on PLAN B.

Director, Limited Company, Station Place - whilst agreeing that restrictions at the Market Street/Station Place junction were necessary, he noted that the proposals were too severe and asked that they be reviewed.

Response on behalf of the Head of Roads:-

As **b)** above.

d) Proposals for Lour Road shown detailed on the attached [PLAN C](#) -

No Waiting at Any Time

Resident, Lour Road - in his initial letter he suggested that the priority for improvement should be traffic calming to improve the environment for residents and non motorised traffic rather than what he termed the speeding up of traffic which is already travelling too fast for the environment.

Response on behalf of the Head of Roads:-

"The Head of Roads confirms that there are no proposals to alter the existing situation in Lour Road between St James Road and Mount Feredith. In respect of the stretch extending southwards beyond that, he has received adverse reports from local residents in connection with on-street parking in the vicinity of Beech Hill House and, in addition, there is a history of complaints about speeding vehicles on Lour Road.

Existing parking in the vicinity of Beech Hill House creates a number of safety issues including insufficient forward visibility, lack of suitable passing places and difficulty in accessing or exiting affected residential subjects by both owners and callers to their properties. Following consideration of the existing issues on Lour Road by Angus Council Roads Division and Tayside Police, it was agreed that there was a significant problem with on-street parking in the vicinity of Beech Hill House.

It is proposed to provide additional waiting restrictions in the form of double yellow lines (no waiting at any time) on both sides of Lour Road, extending from Mount Feredith to a point approximately 100m south of the access to Beech Hill House. However, it is proposed to retain approximately 6 spaces on either side of the access to Beech Hill House. This will provide a traffic-calming feature with vehicles having to give way to oncoming traffic in a "give and take" system.

In respect of your suggestions regarding the provision of traffic calming, a 20MPH speed limit, footway widening and cycle lanes on Lour Road, each item has been considered and the following responses are given:-

Lour Road varies in width, from 7m approx on the lower section from St James Road, to 6m and 5.5m on the upper section from Kirkriggs to Beech Hill House. There is a footway only on the east side over much of its length. It would not be possible to either widen the existing footway or provide dedicated cycle lanes on the upper section of Lour Road, as both measures would leave insufficient carriageway width to accommodate two-way traffic.

As already stated, the proposed waiting restrictions at Beech Hill House, will provide a degree of traffic calming. The remainder of Lour Road has limited forward visibility and traffic should be aware of both the road geometry and the potential presence of other road users, mainly cyclists and pedestrians and drive accordingly.

In line with current national guidance, Lour Road is not suitable for physical traffic calming measures or a 20MPH speed limit because it is a through route.”

Resident, Lour Road - in a further letter he confirmed that he had no wish to remove his objection and added some further comments as well as seeking clarification as to the definition of “through road” and the minimum acceptable width of a footway.

Second response on behalf of the Head of Roads:-

“Lour Road is designated a through road because it is an arterial route for the town. Although use is relatively light compared with the other routes serving Forfar, it does carry a full range of traffic including light farm vehicles. The Scottish Government provides Councils with guidance on the use of speed limits and states that within 20MPH zones, traffic calming features are required to reduce speeds so that the limit becomes, effectively, self enforcing.

These zones are expensive to create and are generally only justified around schools or where there have been a significant number of accidents. A recent example is in Service Road and Fyfe Street where speed cushions have been installed and where the reduced speed limit covers only a specific self-contained area in the vicinity of Whitehills Primary School.

The guidance also provides that individual mandatory 20MPH speed limits with no associated speed reducing traffic calming measures should only be introduced where vehicle speeds are already low. In addition, 20MPH speed limits should not be used where there is no realistic expectation that they will achieve the required decrease in traffic speeds or where police are unable to give an undertaking to provide an effective level of enforcement. The Head of Roads does not consider that Lour Road could be included as part of a 20MPH speed limit zone or merit the significant expense of traffic calming features which would allow the introduction of that limit.

In connection with your enquiry about footways, the new build recommendation is a width of 1800mm. However, in an older location such as Lour Road, the recommendation, so as to accommodate an adult and toddler, is in the region of 1150mm. Of course, it is necessary to maintain a suitable width of carriageway to allow two vehicles to pass without the necessity of one having to mount the footway. Lour Road carries comparatively light foot traffic and, although the footways are relatively narrow, pedestrians can generally pass each other safely without having to step into the carriageway. He does not consider this to be giving motorists priority over other road users but merely an effective use of the limited space available.

The Head of Roads accepts that the horizontal geometry of Lour Road does result in restricted forward visibility in places. Nevertheless it is the responsibility of drivers to proceed at a speed which is appropriate to the road conditions and layout and does not accept that this is a naïve and idealistic expectation. He does agree that parked cars can have a traffic calming effect but believes that it would be entirely inappropriate to locate parked cars near a bend where they may restrict forward visibility.”

Resident, Lour Road - a further letter was received in the following terms:-

“Thank you for your response passing on the comments of the Head of Roads. I note that many of the responses are somewhat subjective and without giving numerical definitions.

He has not defined an arterial route. Despite this, in terms of traffic flow and type of vehicle, I am certain that Hill St. in Arbroath (20mph limit) has higher flows, with larger vehicles, and carries traffic from a larger population. Similarly the 20mph stretch of Gallowden Road in Arbroath would be the natural trunk route between North West Angus and many important facilities in Arbroath (ie Station, College, Sports Centre) were it not for the traffic calming introduced in order to move traffic onto Westway. As such he has failed to give a robust defensible reason to justify the definition of Lour Road as an arterial road, rather than a residential street similar to those already deemed suitable for traffic calming and 20mph limits in Angus. In addition Lour Road is the access road to a primary school so I can see no reason that it shouldn't be treated in a similar way to Fyffe St. and Service Road

With regard to pavement width, at its narrowest, between Mount Feredith and Rose Terrace is 750mm, considerably below your recommended minimum width of 1150mm and from previous experience barely wide enough to accommodate a small push chair. I can also report that traffic coming around this bend is frequently not behaving "reasonably". Road narrowing with priority for oncoming vehicles and an adequate pavement sounds more likely to produce a safe environment at this point.

He fails to justify how his assertion that in the absence of an adequate footway it "is necessary to maintain a suitable width of carriageway to allow two vehicles to pass without the necessity of one having to mount the footway" is not "giving motorists priority over other road users". It would be perfectly possible to engineer the road to provide adequate "passing places" that would allow flow in both directions and still slow traffic. Once the pavements are wide enough, then the easiest way to do this might be by double yellow lines at house drive entrances with parked cars in between.

In summary I believe that the council have failed to give a robust definition that explains why Lour Road should not be treated in a similar manner to other streets within Angus that have traffic calming. You accept that footpaths in Lour Road are narrow and by your own definition in some places far too narrow. Similarly you accept that there are problems with speeding and reduced forward visibility on Lour Road. You accept that parked cars have a traffic calming effect but at the same time wish to stop cars from parking without provision of any alternative traffic calming. The only logical explanation for the Councils actions is therefore that they are happy to sacrifice the safety of other road users to allow vehicles to continue to speed. This appears cavalier.

I therefore wish to add these comments to my existing objection."

Third response on behalf of the Head of Roads:-

"The Head of Roads has noted the content of your e-mail message dated 5 November 2008 and has now instructed me to respond on his behalf

The proposals for Lour Road relate to waiting restrictions which have been requested in connection with general congestion in the street and maintenance of access to, and, more particularly, egress from, premises. While he appreciates your various comments on this matter he suggests that your views on traffic calming and reduced speed limits are not directly related to the Order as drafted.

There is no footway on the west side of the affected section of Lour Road and the high boundary walls on either side of the driveways of many of the houses make it difficult for cars to emerge safely onto the street. Parked vehicles opposite these houses force southbound traffic onto the opposite carriageway resulting in the manoeuvre being even more precarious. He believes that the proposals as drafted will improve the position for residents while allowing some on-street parking for visitors to Beech Hill House, the effect of which will provide a calming effect on through traffic.

The matter will now be placed before the Infrastructure Services Committee at its meeting on Tuesday 20 January 2009. Copies of letters of objection which have not been withdrawn, together with copies of all subsequent correspondence, will be available for consideration by Members well in advance of the meeting."

e) Proposals for St James Road shown detailed on the attached [PLAN D](#) -

No Waiting at Any Time.

Residents of four properties in St James Road - the terms of their letter of objection indicated that they understood that the proposed restrictions would be extensive. However, as the response below shows, the restrictions only affect three junctions, none of which are adjacent to their homes. A letter asking if they wish to maintain their objection remains unanswered.

Response on behalf of the Head of Roads:-

"The Head of Roads wishes to confirm that there is no intention to place blanket parking restrictions along the entire length of the street. The proposals are in respect of short sections of double yellow lines on either side of the junctions of Lynninghills, Lynninghills Lane and Viewmount with St James Road so as to improve visibility for drivers emerging from these junctions."