

**ANGUS COUNCIL**

**ROADS COMMITTEE**

**23 AUGUST 2001**

**VISIBILITY IMPROVEMENTS AT VARIOUS ROAD JUNCTIONS**

**REPORT BY THE DIRECTOR OF ROADS**

**ABSTRACT**

This report advises the Committee on progress in providing the visibility improvements approved by the Roads Committee on 8 June 2000 (Report No 654/00) and recommends the serving of obstruction notices at two locations.

**1 RECOMMENDATIONS**

It is recommended that the committee agree to authorise the Director of Roads to serve obstruction notices (i) requiring the setting back of the fence to the east side of the C29/U373 junction at Nether Bow, and (ii) requiring alteration to the height of the wall on the east side of the C1/U30 Junction at the Railway Bridge Monikie.

**2 INTRODUCTION**

Report No 654/00 by the Director of Roads outlined a programme of visibility improvements at various junctions throughout the Angus Road Network. This programme has progressed well and in general landowners have agreed in principle to sell the required land to the council. However, at two of the junctions, there have been difficulties preventing the schemes from progressing.

**3 DETAILS**

**C29/U373 Junction at U373 at Nether Bow (Drawing No 1)**

Although the railway bridge over the disused Forfar-Brechin railway line has been removed, visibility to the right is still a problem. It is proposed to set back the fence line to improve visibility. However, the landowner is reluctant to give up the use of his land within the visibility splay. It is therefore proposed that an obstruction notice be served on the landowner in terms of the Roads (Scotland) Act 1984 – Section 83.

**C1/U302 Junction at the Railway Bridge, Monikie (Drawing No 2)**

Visibility is poor in both directions at this junction. It is proposed to lower the wing walls of the bridge and cut down trees/bushes where appropriate. While the landowner to the east has agreed to the lowering of the wall, the landowner to the west has not. It is therefore proposed that an obstruction notice be served on the landowner to the west in terms of the Roads (Scotland) Act 1984 – Section 83.

Concerns about pedestrian safety expressed by the landowner can be overcome by the provision of a wire fence above the lowered coping stone to prevent children climbing over the wall.

#### **4 FINANCIAL IMPLICATIONS**

The estimated costs of carrying out these visibility improvement schemes has already been allowed for within the Roads and Transport Renewal and Repairs Fund allocation for Traffic and Road Safety projects. (Report No 677/01 – Utilisation of the Roads and Transport Renewal and Repairs Fund approved by the Roads Committee on 14 June 2001 refers.

#### **5 HUMAN RIGHTS IMPLICATIONS**

The following Article of the European Convention on Human Rights must be considered in making a decision in respect of this report: Article 1 Protocol 1.

The owners of the two properties are entitled to peaceful enjoyment of their possessions, in this case the right not to be deprived of their land or possessions. However, Angus Council may take such action as it deems necessary to control the use of the property in accordance with the general interest.

In coming to its decision the Committee must firstly consider the legitimate aim it is attempting to achieve and determine whether there is proper justification for proceeding. Secondly, the Committee must decide whether its proposed actions are in accordance with the law. Finally, the Committee must weigh up the human rights of the landowners, considering proportionate effects on the parties involved. It is accepted that, if the recommendations are approved, the human rights of the landowners will be affected. However, it is considered that the Council is justified in taking this action because it is necessary for the general interest to improve the safety of the roads; that it is in accordance with law; and that the action would be proportionate to the aims of the Council because this is the minimum amount of intervention required to improve the safety of the road.

#### **6 CONSULTATION**

The Chief Executive, the Director of Law and Administration, the Director of Finance and the Chief Constable has been consulted in the preparation of this Report.

Dr Bob McLellan  
DIRECTOR OF ROADS

NOTE

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 851/96 – Improvements at Road Junctions – Roads Committee 17 October 1996

Report No 654/00 – Visibility Improvements at Various Road Junctions – Roads Committee 8 June 2000

Report No 677/01 – Utilisation of the Roads and Transport Renewal and Repairs Fund – Roads Committee 14 June 2001.

AGG/JSG

27 July 2001

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