REPORT NO 113/01

ANGUS COUNCIL

ROADS COMMITTEE

25 JANUARY 2001

OSNABURG STREET, FORFAR – PROHIBITION OF VEHICLES

REPORT BY THE DIRECTOR OF ROADS

**ABSTRACT**

This report considers proposals to restrict the number of vehicles using Osnaburg Street, Forfar.

1 **RECOMMENDATION**

It is recommended that the Committee agree to the introduction of ‘no waiting at any time’ parking restrictions on Osnaburg Street, Forfar.

2 **INTRODUCTION**

Osnaburg Street provides a busy pedestrian link between the Vennel/Chapel Street and the Cross. Vehicular access is also available and parking takes place for the chip shop, public house, residents and the town centre in general. The footways are very narrow and cannot be negotiated by prams. Parked vehicles add to the difficulties for pedestrians. The situation was raised recently by the local member, and this report looks at how the situation can be improved.

3 **DETAILS**

Two options to improve matters have been considered and each is considered in turn:-

Option 1 - ‘No Waiting at any time’ (See attached Drawing No OSF1)

This would resolve the situation whilst allowing occasional loading and unloading. Residents would be unable to park. A number of motorists may risk parking for the chip shop and enforcement will be required.

Option 2 - Prohibition of Driving (See attached Drawing No OSF 2)

This would resolve the situation but would require the provision of a lockable bollard to provide occasional vehicular access. Servicing of premises would be difficult and access to the public utilities plant within the road would also be difficult. The issue and control of keys would also present difficulties. Residents would be unable to park.

In each case residents would be disadvantaged in terms of potentially available on-street parking, but initial indications are that residents would be in favour of some form of scheme.
With regard to the wider Forfar Town Centre improvement scheme this is still some way off and it is felt that Osnaburg Street can readily be dealt with in isolation.

4 FINANCIAL IMPLICATIONS

The estimated cost of the necessary signing and lining is £500 and this could be contained within the Traffic Revenue Budget for 2001-2002

5 HUMAN RIGHTS IMPLICATIONS

Article 1 of the European Convention on Human Rights is relevant to this report. If Osnaburg Street is typical of other public roads, the solum of the road may be included in the titles of the frontage properties. However, also like any other public road, and under the terms of the Roads (Scotland) Act 1984, Osnaburg Street vests in the council for the purposes of its functions as a roads authority. Thus although the frontagers may have ownership of the solum of the road they do not have possession of the road for practical purposes. This is demonstrated by the fact that ownership of the solum of the road does not confer on the frontage proprietors any territorial claim or special privilege with regard to the available on-street parking space on the public road ex adverso their property.

The recommendation is justified in relation to Article 1 by the qualification to this Article which allows the Council to take such action as it deems necessary to control the use of property in accordance with the general interest. Any such action must be proportionate i.e. there should be as little interference as possible by the Council to achieve the desired aim. It is considered that the recommendation in this report meets this requirement and that in taking such action the Council would not be acting in any way which is incompatible with Human Rights.

6 CONSULTATION

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

7 CONCLUSION

In order to improve conditions for pedestrians in Osnaburg Street, the preferred option is to introduce ‘no waiting at any time’ parking restrictions over the whole length of the street.

Dr Bob McLellan
DIRECTOR OF ROADS

NOTE

No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

DAM/JSG
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8 January 2001
Legend

Prohibition of Driving.