ANGUS COUNCIL
ROADS COMMITTEE - 25 JANUARY 2001

ANGUS COUNCIL (VARIATION OF WAITING RESTRICTIONS) ORDER 2000

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This Report relates to the preparation of an Order for the purpose of varying the provisions of Traffic Orders relating to waiting restrictions in various towns of Angus and contains further information in connection with Manor Street, Forfar following deferral of the Report to the Roads Committee on 23 November 2000.

1. RECOMMENDATION

The Committee are asked to consider the objections and observations and to recommend to the Council the making of this Order.

2. INTRODUCTION

Reference is made to a number of articles of various minutes of meetings of the Roads Committee as detailed in the note to this Report authorising and instructing the preparation of an Order varying the provisions of Traffic Orders relating to waiting restrictions in Arbroath, Brechin, Carnoustie, Forfar, Kirriemuir and Montrose. The effect of the Order is to relieve traffic congestion, protect accesses, improve visibility sightlines at road junctions and to remove current waiting restrictions which are now considered to be unnecessarily severe.

3. CONSULTATION

During the statutory consultation period, a number of comments were made which were all satisfactorily answered and no adverse comments remained.

4. PUBLICATION

The proposed Order was duly advertised and ten letters of objection were received, a summary of these letters and observations are detailed below.

Donald M Thomson, 22A Eastbank, Brechin

Mr Thomson objects to the proposed no waiting at any time restriction in Eastbank, Brechin.

The Director of Roads advises that it is proposed to introduce the above restriction in Eastbank for a distance of approximately 10 metres on each side of the elbow in the road and on both sides of the road. The reason for the proposal is to prevent parking too close to this sharp bend which restricts traffic movement, particularly large vehicles such as refuse lorries.

The Chief Constable is in agreement with the views of the Director of Roads.

Mr and Mrs W Gibson, Kynnele, 4 Redfield Road, Montrose

Mr and Mrs Gibson object to the proposed relaxation of a short length of waiting restrictions in Northesk Road as this will narrow the road and they feel that there is already sufficient parking in the area.
The Director of Roads advises that while the proposal will narrow a short length of Northesk Road, it will not cause a problem for normal vehicular traffic and it is hoped that it may discourage larger vehicles from entering the town. In addition, a short section of kerbside parking can act as a traffic calming measure particularly on wide straight roads such as Northesk Road.

The Chief Constable is in agreement with the views of the Director of Roads.

Robson and Partners, 64 Northesk Road, Montrose

Robson and Partners, Veterinary Surgeons objects to the proposed additional restrictions in Northesk Road as this will stop clients of the practice being able to park to deliver animals or pets which are sick and injured.

The Director of Roads advises that the proposed waiting restrictions in Northesk Road are intended to improve visibility sightlines which are currently restricted by kerbline parking close to the junction. The proposed restrictions will allow persons to alight and board vehicles outside the Veterinary Surgeons.

The Chief Constable is in agreement with the views of the Director of Roads.

Andrew Shepherd & Sons Ltd, Taylor Shepherd Developments Ltd, Shepherd General Builders Ltd, Andrew Shepherd (Holdings) Ltd, A.B.P (Builders Merchants) Ltd, of Restenneth House, Old Brechin Road, Forfar

Letters of objection have been received from the above companies objecting to the proposed introduction of no waiting restrictions at the Old Brechin Road/Station Road junction on the grounds that with no roadside parking trade will be severely restricted.

The Director of Roads advises that the proposed restrictions have become necessary as a result of large vehicles having difficulty manoeuvring satisfactorily at this junction due to vehicles parking too close to the junction. The proposed restrictions are to be imposed on only one side of the Old Brechin Road with parking to remain outside Restenneth House. It is the view of the Director of Roads that the limited extent of the proposed restrictions will not significantly affect trade at this location.

The Chief Constable is in agreement with the views of the Director of Roads.

Mr and Mrs Baird, 11 Manor Street, Forfar
M J Gardner, 13 Manor Street, Forfar

Letters of objection have been received from the above residents in connection with the proposed removal of part of the no waiting at any time restrictions in Manor Street.

The Committee will recall that Mr Gardner, one of the objectors to the Order and a resident of Manor Street, spoke at the meeting of the Roads Committee held on 23 November 2000. Following his representations it was agreed that the matter would be deferred to allow further consultation on the proposals.

On 28 November 2000, a meeting was held between the residents of Manor Street, officers of the Roads Department and Councillor Glennis Middleton. It was agreed that a questionnaire would be circulated to all residents of Manor Street and Myre View and this was duly done on 4 December 2000.

The results of the questionnaire are as follows:-

1. Twelve households preferred Option 1 which was to retain the existing waiting restrictions.

2. Seventeen households preferred Option 2 which relaxed the existing waiting restrictions as proposed in the draft Order.
3. Two households preferred a variation of Option 2 which allowed limited waiting on the north side of Manor Street.

4. Seven households preferred Option 3 which relaxed the restrictions at the west end of Manor Street only.

The questionnaire shows that the favoured option of the residents is in support of the proposal. Following consideration of the results of the questionnaire, the Director of Roads recommends that the Order be made as drafted despite the two objections. The Chief Constable is in agreement with the views of the Director of Roads.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

6. HUMAN RIGHTS IMPLICATIONS

This Report recommends that the members make the Angus Council (Variation of Waiting Restrictions) Order 2000 notwithstanding the objections and observations detailed in the Report.

Article 1 of the first protocol of the European Convention in Human Rights is relevant to this Report namely that persons have a right to peaceful enjoyment of their possessions. It is considered arguable that by imposing restrictions, or removing restrictions which might result in greater inaccessibility to property, the Council could be held to be in breach of the Human Rights of the various proprietors. The legal basis for making the Order is in terms of the Road Traffic Regulation Act 1984 and the Council is complying with the necessary requirements laid down in that Act. The action proposed by the Council is however justified in relation to the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

It is also necessary to consider whether the action proposed by Angus Council is proportionate. There is as little intervention as possible to achieve the Council’s desired aims. It is considered that the Council’s action is proportionate in this matter, and that the Council would not be acting in any way which is incompatible with Human Rights.

7. CONSULTATION

The Chief Executive and the Director of Roads have been consulted in the preparation of this Report.

CATHERINE A COULL
DIRECTOR OF LAW AND ADMINISTRATION

The following 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 this report are:-

File TA/1/121;
Article 13 of the Roads Committee held on 6 June 1996;
Article 10(b) of the Roads Committee held on 27 November 1997
Article 7(b) of the Roads Committee held on 29 January 1998;
Article 18(b) of the Roads Committee held on 11 June 1998; and
Article 8(b) of the Roads Committee held on 27 August 1998.