



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 22 MARCH 2022**

**SUBJECT: HOPEMAN WAITING RESTRICTIONS TRAFFIC REGULATION
ORDER**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

1.1 To ask the Committee to consider an objection to the proposed Road Traffic Regulation Order;

“Moray Council ((Prohibition of Waiting – Harbour Street and Adjoining Streets, Hopeman) Order 1998 (Amendment No. 1)) Order 2021”

1.2 This report is submitted to Committee in terms of Section III (F) (17) and (20) of the Council's Scheme of Administration relating to traffic management functions including the preparation and implementation of traffic management schemes and the making of Orders for the regulation and management of traffic.

2. RECOMMENDATION

2.1 It is recommended that Committee:

(i) over-rules the outstanding objection as outlined in APPENDIX 3 and approve the Traffic Regulation Order; and

(ii) authorises the Head of Environmental and Commercial Services and Legal Services Manager to make the undernoted Order:

“Moray Council ((Prohibition of Waiting – Harbour Street and Adjoining Streets, Hopeman) Order 1998 (Amendment NO. 1)) Order 2021”

3. BACKGROUND

3.1 The Transportation Team received representations from Hopeman Community Association in 2020 regarding road safety concerns related to parking on Harbour Street, Hopeman. This primarily related to illegal parking on existing restrictions which created pinch points for larger vehicles.

- 3.2 In addition to illegal parking there is a narrow section of Harbour Street adjacent to the play park prior to the Harbour which creates conflict with a significant pinch point and narrowing near the bridge over the old railway line. Measures, in terms of additional restrictions, were agreed to try and address the concerns raised and the issues being experienced. The proposals are detailed in **APPENDIX 1** and shown in plan **APPENDIX 2** to the report.
- 3.3 As part of the local liaison between Hopeman Community Association, Police Scotland and the Council, Police Scotland undertook to provide additional monitoring of parking compliance when possible, particularly during known busy periods.
- 3.4 Under the Scheme of Delegation with approval of the Chair, Deputy Chair and relevant Ward Members, officers within the Transportation and Legal Teams undertook the statutory process for the promotion of the Road Traffic Regulation Order to address the issues identified within Harbour Street as agreed with the Hopeman Community Association.
- 3.5 The consultation process highlighted concern from one resident directly affected and the proposals were amended accordingly to accommodate their concerns.
- 3.6 Prior to the statutory consultation being completed Moray Councils Roads Maintenance Team surface dressed Harbour Street. When they came to reinstate the existing Waiting Restrictions the lining team picked up on the marks associated with the proposed restrictions which were at this time under public consultation. Unfortunately the lines laid omitted 16 metres on the west side of Harbour Street, to the south of the old railway bridge.
- 3.7 This then gave the impression that parking would remain unrestricted in front of a property on Harbour Street. The additional 16 metres of “No Waiting at Any Time” restrictions which are still to be laid are required as an essential part of the overall traffic management proposal.
- 3.8 The “Has made Order” was then advertised and reflected what was actually laid in error and not what was consulted on and advertised in the original schedule, **APPENDIX 1**. The omission of the additional 16 metres of restrictions has the effect of removing any potential waiting area on the lead in to the narrow section of Harbour Street - this is required as an integral part of the proposal. Forward visibility is also restricted by parked vehicles making the waiting area essential for traffic management and road safety.
- 3.9 In theory the traffic order process was completed but the reality is that what has been set out on the ground and confirmed in the order differs from what was proposed, consulted on and advertised. These anomalies need to be resolved.
- 3.10 Given the background set out above it was reasonable for the residents of Harbour Street to assume the proposals, as laid on the carriageway, were those that were originally advertised.

- 3.11 Given the anomaly was immediately adjacent to one particular residential property, officers from the Transportation team decided to visit the resident to explain the situation. Following such a visit, the resident has objected by email to the proposal.
- 3.12 This objection was not received during the public consultation period for the proposed Order. Under other circumstances this would not be accepted as a valid objection, however, given the potential confusion caused by the difference between the Order as consulted on and the Order as confirmed and lines laid on the ground, it is recommended that the objection is treated as if it had been received in time, and this report is written on that basis.
- 3.13 On this basis, this report brings forward that objection for consideration by Committee in line with the process for determining Traffic Regulation Orders, whereby unresolved objections must be brought to Committee where officers recommend that the proposed Traffic Regulation Order should still be confirmed.
- 3.14 The resident's concerns and officer's response are detailed in **APPENDIX 3**. Officers are recommending the objection is over ruled and the full restrictions originally consulted on confirmed as necessary for the proposed Traffic Regulation Order to achieve its full benefits and address the safety concerns raised initially. A full copy of the objection will be circulated to Members of the Committee and any Ward Members not on the committee prior to the meeting.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The report encompasses the main aims of the Economic Development programme by maintaining suitable transport facilities and infrastructure as designated for their intended use. The improvements will contribute to improving Safety on the roads specified within **APPENDIX 1** and help to grow a diverse and sustainable economy, which is a priority in the 10 year plan.

(b) Policy and Legal

The proposal complies with the requirements of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

(c) Financial implications

The cost of completing the promotion of the Road Traffic Regulation Order and providing the small length of additional lining is estimated at £400 and will be funded from the New Signs and Road Markings Capital Budget 2022/23.

(d) Risk Implications

If the prohibition of waiting restrictions is not implemented as originally proposed there is a risk of injury to vulnerable road users and damage to vehicles due to inappropriately parked vehicles.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

The proposal will assist in promoting equality of opportunity and access for people with mobility and / or sensory impairments, elderly people, visitors and residents with young children. Motorists currently park on this section where the restrictions are proposed half on the road and half on the footway causing an obstruction for people with mobility issues. It is acknowledged that the proposal will remove the opportunity to park a vehicle in front of a property where the current resident has some health related issues, this will undoubtedly be an inconvenience. However, the public road is first and foremost there for the movement and management of traffic, the proposed restrictions are being introduced to manage this situation and in the interests of road safety.

(h) Climate Change and Biodiversity Impacts

No significant climate change implications have been determined for this activity. Vehicle emissions will be reduced in the area covered by the Order, which may have a positive effect on biodiversity and local air quality.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services, Principal Accountant (P Connor), Climate Change Strategy Officer (G Gunn), Legal Services Manager, Equal Opportunities Officer and Committee Services Officer (L Rowan) have been consulted and any comments taken into consideration.

The Ward Members for Heldon and Laich have been advised of the proposals and any comments that they have may be tabled at the meeting.

5. CONCLUSION

5.1 It is recommended that the Committee over-rule the outstanding objection received, approve the Road Traffic Regulation Order as detailed within “Moray Council ((Prohibition of Waiting – Harbour Street and Adjoining Streets, Hopeman) Order 1998 (Amendment N0. 1)) Order 2021” and authorises the Head of Environmental and Commercial Services and Legal Services Manager to make the Order.

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Background Papers:

Ref: SPMAN-524642768-652