

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning and Infrastructure
DATE	11 September 2012
DIRECTOR	Director of Corporate Governance
TITLE OF REPORT	Traffic Orders at the Final Stage of the Statutory Process

- (i) The Aberdeen City Council (A96 / Old Meldrum Road / Mugiemoos Road, Aberdeen)(Shared Pedestrian / Cycle Path) (Amendment) Order 2012
- (ii) The Aberdeen City Council (Dubford/Greenbrae Area)(Various Footways)(Redetermination of Means of Exercise of Public Right Of Passage) Order 2012

REPORT NUMBER: CG/12/082

1. PURPOSE OF REPORT

This report deals with two orders at the final statutory stage; that is to say, the main statutory advertisement period is now over in respect of each of these orders and this report presents the objections (where relevant) in each case. The public notices are attached, from which members will be able to see the exact content of the proposals.

2. RECOMMENDATION(S)

It is recommended that the Committee:-

- (a) in relation The Aberdeen City Council (A96 / Old Meldrum Road / Mugiemoos Road, Aberdeen)(Shared Pedestrian / Cycle Path) (Amendment) Order 2012 to either:-
 - (1) approve the referral of the shared pedestrian/cycle path proposed order to the Scottish Ministers for determination; or
 - (2) accept that the objection is valid and instruct that the proposals be abandoned; and
- (b) approve The Aberdeen City Council (Dubford/Greenbrae Area)(Various Footways)(Redetermination of Means of Exercise of Public Right Of Passage) Order 2012, and agree that this order be made as originally envisaged.

3. FINANCIAL IMPLICATIONS

The proposals contained in the first order will be fully funded by CWSS budget and Nestrans, whilst the second order will be fully funded by Nestrans.

4. OTHER IMPLICATIONS

There are no other implications worthy of being identified in the abstract here, although, again, both Section 5 and the appendix rehearse concerns raised by objectors.

5. BACKGROUND/MAIN ISSUES

This section has been sub-divided into sub-sections corresponding to the two orders under consideration.

5.1 The Aberdeen City Council (A96 / Old Meldrum Road / Mugiemooss Road, Aberdeen)(Shared Pedestrian / Cycle Path) (Amendment) Order 2012

5.1.1 The Proposal

The proposal is part of a Strategic Transportation Project to provide dedicated facilities that will encourage cycling on the A96 Aberdeen to Blackburn Corridor. A Traffic Order has already been approved that will allow the conversion of existing lengths of footway to a shared facility from a point on the A96 just west of Sclattie Park to a point just east of the Haudigan Roundabout. These aforementioned lengths providing a dedicated connection to an existing shared path just west of Sclattie Park that provides links to Dyce Airport / Industrial Estates. The current proposal, as detailed in public notice which is appended to the report, is therefore to extend this facility further eastwards and allow cyclists access to the northern pavement on the A96 Great Northern Road to a point in the vicinity of the existing pedestrian crossing just east of Queen Street.

5.1.2 Objection to the Proposal

One statutory objection has been received. The objection from Ms Bruce raises a concern that the proposed extension of shared pedestrian / pedal cycle path will create safety issues for pedestrians, most notably elderly and disabled pedestrians.

Ms Bruce highlighted her current negative experiences with cyclists using footways which are not of shared use at great speeds and with no consideration for others. In light of this, she is anxious that should the Council establish shared footways the difficulties experienced between pedestrians and cyclists will intensify, with dangerous consequences for pedestrians. She feels that a cycle lane established as part of the carriageway would be safer proposal for all concerned.

She further explains that she believes, although this is incorrect, that the proposal is against the Highway Code and against the rights of local individuals.

A copy of the objection is appended to the report.

As part of the advertising of the proposal the Council's Disability Advisory Group have been consulted. The Group commented on the proposal during which they commented on the fact the path would be a completely shared route, rather than separating cycles from where people would be walking. In addition, they recommended that training of both primary and secondary schoolchildren was therefore vital to try to raise awareness of the difficulties a disabled person might face when using a shared path. Officers noted the concerns raised by the Disability Advisory Group and agreed that education and raising awareness of the appropriate use of shared paths was vital and would ensure this was undertaken. In addition, members of the Disability Advisory Group have agreed to be involved in the training provided to schools.

5.1.3 Response to the Objection

Ms Bruce raises genuine concerns about shared use which members will be aware have been raised by groups nationally. However, it is important also to recognise the positive benefits that the shared surfaces can bring to pedestrians as well as cyclists.

In relation to the points raised by Ms Bruce, officers have clarified that eastbound cyclists would rejoin the carriageway from the northern pavement prior to this crossing, while westbound cyclists would join the southern pavement just prior to this crossing. It is also proposed that the current pedestrian crossing be converted to a 'TOUCAN' type which then serves both pedestrians and cyclists. Accordingly, the westbound cyclist would utilise this new crossing and thereafter proceed on the northern pavement. A plan that highlights the aforementioned and also indicates the lengths of footway being considered for conversion is appended to the report for members' information.

It is recognised that the northern footway becomes significantly busier to the east of the existing pedestrian crossing at Queen Street, and therefore eastbound cyclists would have to rejoin the main carriageway. While the width of the southern pavement adjacent to Lloyds Pharmacy etc. is within the design specification that would allow westbound cyclists to use this small section and thereby cross to the northern pavement at the signal controlled crossing.

In terms of design guidance the width of these pavements falls within criteria set out in the Scottish Government publication 'Cycling by Design' and publications from other authorities, including the Department for Transport, that allows shared facilities.

With regard to highlighting shared facilities there are specific signs that would be installed at the entry points and thereafter installed at regular intervals. Signs advising cyclists to be courteous and to give way to pedestrians would also be installed on this route. When considering

shared pedestrian / cycle facilities the Highway Code also offers clear guidance to cyclists. Rule 62 with regard to cycle tracks states "...Take care when passing pedestrians , especially children, older or disabled people, and allow them plenty of room. Always be prepared to slow down and stop if necessary." Rule 66 also states "...be considerate of other road users, particularly blind and partially sighted pedestrians. Let them know you are there when necessary..."

As raised by Ms Bruce, officers recognise the possibility of a collision, and understand that this does cause some concern among some pedestrians, particularly elderly and disabled people. To alleviate such concerns, measures such as signs and surface markings, along with education through publicity, will be implemented. When considering existing facilities a scan of collisions recorded by Grampian Police since 2005 indicates there have been no collisions between a cyclist and a pedestrian on a shared roadside facility that resulted in injury. Nevertheless there are occasions where either a pedestrian or even a cyclist contacts this team to express concern over an incident where they felt the other path user showed no courtesy and thereby risked the possibility of a collision. Positively these aforementioned reports are relatively uncommon and have to be balanced against facilities that are promoting and encouraging cycling as a sustainable method of transport.

In addition to the above, it is worth highlighting that there are many facilities in the City such as the Westhill Cycle Route, the Deeside Way and lengths of the National Cycle Route that are shared and have been a great success, not only in encouraging cycling but also providing enhanced walking facilities; in the case of Deeside Way by way of new bridges, upgraded surfaces and improved drainage, and on the Westhill Cycle Route by providing new links. Disappointingly there is still on occasion some instances of conflict between users of these facilities due to a lack of courtesy, but such occasions are rare and as previously stated must be balanced against the overall benefits of such a facility.

In relation to the suggestion of creating dedicated cycle lanes, unfortunately this is not viable option at this location as the on-road lanes are not wide enough to accommodate such and the existing lengths of footway in this proposal, whilst wide enough for a shared facility, do not meet the criteria for a segregated facility.

5.1.4 Referral to the Scottish Government

The proposal has been carried out under section 152(2) of the Roads (Scotland) Act 1984 and in accordance with The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.

Orders to stop-up (close) a road, or to convert ("re-determine") an existing right of way by foot into a shared-use cycleway and footpath

are made under the Roads (Scotland) Act 1984. The regulations states that where there are sustained objections, then the matter shall be remitted to the Secretary of State (now the Scottish Ministers) for determination.

As detailed above, one objection has been received and therefore the Committee has two options:

1. agree to remit proposed The Aberdeen City Council (A96 / Old Meldrum Road / Mugiemoos Road, Aberdeen)(Shared Pedestrian / Cycle Path) (Amendment) Order to Scottish Ministers for determination; or
2. accept that the objection is valid and instruct that the proposals be abandoned.

5.2 The Aberdeen City Council (Dubford/Greenbrae Area)(Various Footways)(Redetermination of Means of Exercise of Public Right Of Passage) Order 2012

No statutory objections received.

6. SERVICE AND IMPACT

Section 5 above – and also the public notices attached – will allow members to consider the possible impact on communities compared with the intended virtue of the original proposals.

7. BACKGROUND PAPERS

No background papers were used as a point of departure for writing this report.

The statutory advertisements are published here for information, allowing members to see the import of each order as advertised.

8. REPORT AUTHOR DETAILS

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ABERDEEN CITY COUNCIL

ROAD SCOTLAND ACT 1984

**THE ABERDEEN CITY COUNCIL
(A96 / OLD MELDRUM ROAD / MUGIEMOSS ROAD, ABERDEEN)(SHARED
PEDESTRIAN / CYCLE PATH) (AMENDMENT) ORDER 2012**

Aberdeen City Council proposes to make the above-named order in terms of its powers under the Road Scotland Act 1984. The effect of this order will be to redetermine the means of exercise of public right of passage on further lengths of footway so as to establish the lengths of shared pedestrian / pedal cycle path as described in the schedule hereto.

Full details of the proposal are to be found in the draft order, which, together with maps showing the intended measures and an accompanying statement of the Council's reasons for promoting them, may be examined during normal office hours on weekdays between 18 July to 15 August 2012, in the offices of the roads officials in the Enterprise, Planning and Infrastructure Department, at 74-76 Spring Garden, Aberdeen.

It is recommended that anyone visiting Spring Garden to view any of the documents should make an appointment to do so, in order that a member of staff can be present to offer an explanation if necessary. Anyone unable to visit Spring Garden can telephone (01224 538069) to speak to one of the officials.

Anyone wishing to object to the proposed order should send details of the grounds for objection, including their name and address, in writing to the undersigned or to trafficmanagement@aberdeencity.gov.uk during the statutory objection period which also runs from 18 July to 15 August 2012, inclusively.

Any person who submits an objection to a road traffic order should be aware that any objection made will be available to members of the Committee, available for inspection by members of the public, distributed to the press, and will form part of the agenda pack which is available on the Council's website. To that extent, however, they are redacted, with e-mail addresses, telephone numbers and signatures removed from this correspondence.

Jane MacEachran, Head of Legal and Democratic Services, Aberdeen City Council, Town House, Aberdeen

Schedule

A96 Great Northern Road

North side from a point 167m east of its junction with Mugiemooss Road, eastwards to a point 39m west of its junction with Bank Street.

South side from its junction with Queen Street, eastwards for a distance of 30m.

Dear Mr Ritchie

I live in the Woodside area of Aberdeen and have been informed today of a plan by Aberdeen City Council to allow cyclists the use of the pavements on Great Northern Road. This concerns me greatly. I have a hearing impairment and wear two hearing aids and, have to date, had several near misses with cyclists coming up behind me at speed on the pavements of Great Northern Road, despite it currently being illegal to do so. If cyclists are given free rein to use the pavements, the situation will be unbearable and very, very unsafe for myself and for other pedestrians. I am only in my forties and have difficulty avoiding them due to hearing, but what about elderly and disabled individuals who cannot physically move out of their way quickly enough? How can your department even consider such a wreckless scheme, which is totally against the Highway Code and against the rights of local individuals?

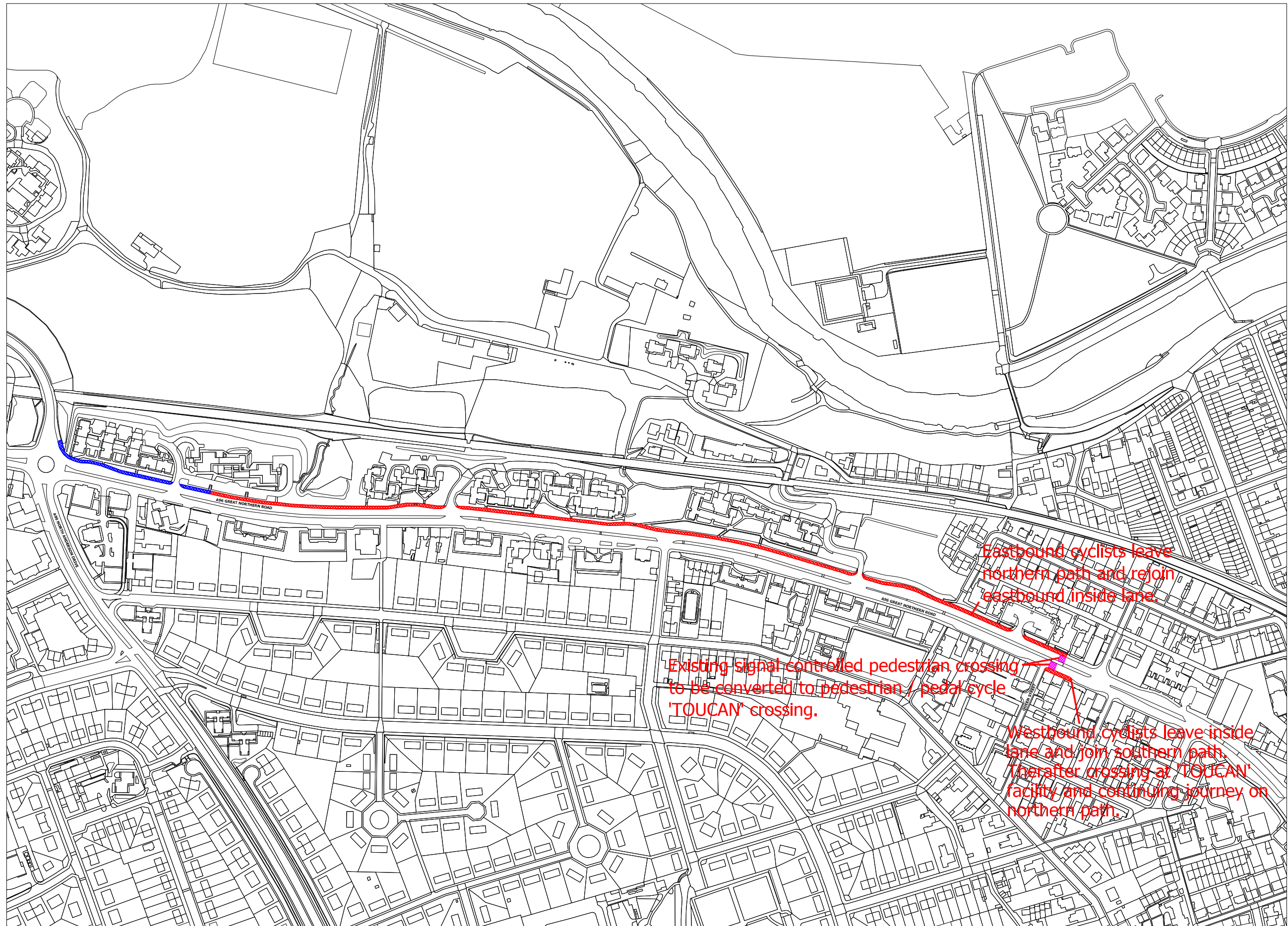
I have every sympathy with cyclists; I appreciate that roads can be busy and that many drivers are very inconsiderate, but please do not make that the problem of pedestrians. Frankly, it is the responsibility of Aberdeen City Council to make the roads - where every vehicle should be - safer, by providing cycle lanes. The pavement along Great Northern Road is wide enough to accommodate their creation, so I can only conclude that your department is choosing, yet again, to deal with the problem in a cost effective, as opposed to a safe and appropriate manner.

I would be very grateful if you could let me know the reasoning behind this scheme and how your department feels it can justify such measures.

Yours faithfully,

Frances Bruce

A96 Great Northern Road - Proposed additional lengths of shared pedestrian / pedal cycle path (Proposed length indicated in red hatch / approved length indicated in blue hatch)



ABERDEEN CITY COUNCIL

ROAD SCOTLAND ACT 1984

**THE ABERDEEN CITY COUNCIL
(DUBFORD/GREENBRAE AREA)(VARIOUS FOOTWAYS)(REDETERMINATION OF MEANS OF EXERCISE
OF PUBLIC RIGHT OF PASSAGE) ORDER 2012**

Aberdeen City Council proposes to make the above-named order in terms of its powers under the Road Scotland Act 1984. The effect of this order will be to establish *certain lengths* of shared pedestrian/pedal cycle path on the footways described in the schedule hereto.

Full details of the proposal are to be found in the draft order, which, together with maps showing the intended measures and an accompanying statement of the Council's reasons for promoting them, may be examined during normal office hours on weekdays between 11 July to 8 August 2012, in the offices of the roads officials in the Enterprise, Planning and Infrastructure Department, at 74-76 Spring Garden, Aberdeen.

It is recommended that anyone visiting Spring Garden to view any of the documents should make an appointment to do so, in order that a member of staff can be present to offer an explanation if necessary. Anyone unable to visit Spring Garden can telephone (01224 538069) to speak to one of the officials.

Anyone wishing to object to the proposed order should send details of the grounds for objection, including their name and address, in writing to the undersigned or to trafficmanagement@aberdeencity.gov.uk during the statutory objection period which also runs from 11 July to 8 August 2012, inclusively.

Any person who submits an objection to a road traffic order should be aware that any objection made will be available to members of the Committee, available for inspection by members of the public, distributed to the press, and will form part of the agenda pack which is available on the Council's website. To that extent, however, they are redacted, with e-mail addresses, telephone numbers and signatures removed from this correspondence.

Jane MacEachran, Head of Legal and Democratic Services, Aberdeen City Council, Town House, Aberdeen

Schedule

Dubford Park

Eastern footway from its junction with Dubford Road, southwards for a distance of 10m.

Dubford Road

Eastern footway from its junction with Dubford Park, northwards to its northern junction with Seaview Drive.

Western footway from its southern junction with Dubford Crescent, northwards, then in a clockwise direction following the perimeter of the turning circle, then southwards to its northern junction with Seaview Drive.

Greenbrae Drive

Southern footway from its junction with Dubford Road, eastwards for a distance of 167m.

Greenbrae Walk

Northern footway from its junction with Greenbrae Crescent, north-westwards to the point where it meets the car park situated between No.1 Greenbrae Walk and No.2 Greenbrae Drive.

Greenbrae Crescent

West side from its junction with Greenbrae Walk, southwards for a distance of 62m.