

## ABERDEEN CITY COUNCIL

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COMMITTEE	Enterprise, Planning and Infrastructure
DATE	19 March 2013
DIRECTOR	Director of Corporate Governance
TITLE OF REPORT	The Aberdeen City Council (The Bush, Peterculter, Aberdeen) (Prohibition of Driving) Order 201()
REPORT NUMBER:	CG/13/031

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### 1. PURPOSE OF REPORT

This report deals with above-named order at the final statutory stage; that is to say, the main statutory advertisement period is now over in respect of this order and presents the four objections received. The public notice is attached, from which members will be able to see the exact content of the proposal.

### 2. RECOMMENDATION(S)

It is recommended that the Committee overrule the objections and approve The Aberdeen City Council (The Bush, Peterculter, Aberdeen) (Prohibition of Driving) Order 201() and agree that this order be made as originally envisaged.

### 3. FINANCIAL IMPLICATIONS

The implementation of the proposed closure would be funded from the Cycling, Walking, Safer Streets grant funded budget. The estimated implementation cost of the works is £6,000 and requires minimal maintenance costs.

### 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

### 5.1 The Aberdeen City Council (The Bush, Peterculter, Aberdeen) (Prohibition of Driving) Order 201()

#### 5.1.1 Background

Members will recall that at its previous meeting, the Committee considered a report on traffic proposals and consultation at the Bush, Peterculter, and for the reasons contained within that report agreed, to instruct officers to undertake the necessary statutory consultation to promote the proposal to revoke a prohibition of driving on the Bush, Peterculter, (approved by the Committee on 31 May 2012) and to introduce this measure at an alternative location (shown in appendix A) on this length of road.

#### 5.1.2 Proposal

Over a number of years, residents whose properties take access from The Bush, Peterculter, have been expressing concern over the volume and speed of 'through traffic' on the road. The road is very narrow, of poor layout, and with no footway on either side there are safety concerns for pedestrians negotiating this route. Another consideration is the road is privately maintained and the actual road surface is very poor. Given the aforementioned, it was appropriate to consider a proposal to close the road to 'through traffic' and maintain access only for residents and visitors. A closure would enhance road safety for pedestrians, cyclists and residents/visitors, whilst limiting further damage/wear to the carriageway surface.

After a series of informal meetings and consultation, two specific sites were identified as being suitable for the closure. Thereafter, a small majority of residents who were present at an informal meeting expressed a preference for the site shown in Appendix A, and the subject of the recent statutory consultation.

It is of note that both the sites identified for the point of closure have previously been subject to statutory consultation during the course of 2012. Unfortunately, the site shown in Appendix B was prescribed at the first statutory consultation in error and subsequently approved at this Committee on the 31 May 2012. It is therefore necessary to revoke the element of an existing Traffic Order pertaining to this site.

Similarly, the site which is the subject of this report was advertised previously in September 2012. However, as highlighted in the background above, this committee agreed that the process should be repeated to be sure the process has been 'fair and open' and that no uncertainty remains amongst residents as to the specific site of the proposed closure.

### 5.1.3 Objection to the Proposal

Four statutory objections have been received. Two objections specifically advise of the negative impact the proposed closure at this location would have on their access to their properties.

Firstly, Mr Yule advises that the implementation of the proposed closure will block access to his garage from the front of his property and the negative impact this would have on him. As a result he would have to undertake a journey of approximately 1 mile along North Deeside Road, School Road and Hillside Road, to access his garage instead of 0.1 mile at present.

Secondly, within his objection Mr Batchelor advised that as a resident of The Bush he was very disappointed to see the proposed closure at his location. He explained that the proposal would prevent him accessing his property from the road on which he resides and as a result he would have to travel around half a mile to reach a main road instead of the current exit which is 250m. This would also be further compounded by the fact that he would have to turn right across the traffic on the North Deeside Road at the bottom of School Road during rush hour. He also poses questions regarding the impact on refuse and re-cycling vehicles and the suitability of this route in adverse weather conditions.

On the basis of the concerns detailed above, both objectors recommend that the original closure previously approved by the Committee be implemented.

Both these objections also raised concerns regarding the consultation process and communication with residents regarding the proposal. Specifically, they feel they have been disadvantaged by not being able to attend the informal meeting where a small majority of residents opted for the current site of proposed closure.

A third objection from Mrs Ainsley McKenzie, highlights that in the event of an accident or a hold up on certain lengths of the North Deeside Road/Malcolm Road, there is no practical alternatives beyond 'The Bush' to getting in and out of Culter.

Similarly, the fourth objection from [REDACTED] raises the issue of increased congestion in the proximity of the school if the measure is implemented and the problems associated with this, as well as concerns regarding the existing hazards of turning right at the bottom of School Road and onto the North Deeside Road and the increased likelihood of accidents as a result of the increased congestion as a result of this closure.

On the basis of the concerns detailed above, the third and fourth objectors wish for the Bush to remain open to all vehicles.

Complete copies of all four objections are appended to the report.

#### 5.1.4 Response to the Objections

In relation to the objection by Mr Yule, road officers have explained that the proposal would lead to the situation where he could no longer access his garage from the front of his property. Nevertheless, with forward planning, Mr Yule would have a choice on returning to his property, from which route he wishes to gain access to The Bush. The extra distance travelled, while disappointing, is not excessive.

With regards Mr Batchelor's objection, roads officers have advised that this measure would require him to travel a further three-quarters of a mile to get to the same point on Malcolm Road, when considering his usual commute to work. Although, this could be seen as an inconvenience, there would be a minimal increase in overall journey time.

When considering refuge and re-cycling vehicle access after the closure, there would be the road space for these vehicles to manoeuvre safely and service properties on The Bush. The closure and the necessity for such vehicles to enter The Bush twice would be less convenient, but nonetheless still a situation in which these vehicles could function.

With regard to winter maintenance vehicles, the location of a Council Depot on this road, where gritting vehicles are based, has enabled the road to be treated. However, under normal circumstances such a privately maintained road would not be treated by the Council. Looking to the future, should the closure go ahead, only the length of road from Malcolm Road to the Depot entrance would receive attention. As such, any adverse effects due to winter weather must be considered against the limited number of days when such conditions occur, and also the situation where residents can park outwith The Bush at nearby locations where the road gradient is not so severe.

As to the concerns over the informal consultation process, it is disappointing that Mr Yule and Mr Batchelor never had the opportunity to attend the informal meeting where the current site of closure was favoured. However, the formal statutory consultation process does provide all parties with the opportunity to express their views on this proposal. Accordingly Mr Yule's and Mr Batchelor's objections are receiving due attention in the context of this report.

In response to Mrs Mckenzie's comments, roads officers have highlighted that The Bush is not considered an appropriate diversionary route. The narrow road layout is wholly inappropriate for any significant volume of traffic and in the event of a temporary issue

closing the North Deeside Road/Malcolm Road, a wider diversion route would be put in place.

Finally, when considering [REDACTED] comments, roads officers have advised that the extra volume of traffic that will have to use School Road following the closure of The Bush would not cause any significant issues. When comparing School Road against The Bush, it has footways to serve pedestrians, good visibility splays, adequate room for passing vehicles and waiting restrictions in the vicinity of the school to keep areas clear where pedestrians are likely to cross. Indeed, when considering other schools in the City, there will be situations where there is a similar or greater volume of traffic passing a school, with records indicating, from a road safety perspective, no long standing history of incidents. Another factor to consider is the school commute occurs at a later period in the morning peak and it is likely that the bulk of work related commuting trips will have passed, likewise in the afternoon period there would be few, if any, work related commuting trips passing the school. [REDACTED] also expresses concern with regard to turning right from School Road on to the North Deeside Road during peak periods. Again, it is expected the junction would cope with a modest increase in traffic volume and in this regard it would be monitored following the closure of the Bush. Likewise, the junction of the North Deeside Road with Malcolm Road could also accommodate any additional vehicles displaced by the proposed closure and would also be monitored.

It is also worth highlighting that in addition to the support intimated by residents of the Bush at the informal meeting referred to above two letters of support have also been received.

#### 5.1.5 Petition

The Traffic Management Team has also received a petition submitted by Mr Gilbert opposing to the proposed closure on The Bush, the petition has been signed by 156 residents of the community. The petition is based on the concern that should the residents require to reroute via the School Road / North Deeside Road junction it would be very difficult for them to exit onto and subsequent requests for a signalised junction could occur, allowing vehicles to travel through The Bush takes pressure off the already busy North Deeside Road.

The petition from residents of Peterculter highlights the volume of traffic frequently using this route and therefore corresponds with the safety concerns for pedestrians negotiating this route which instigated this proposal. It must also be noted that the measure is proposed on a privately maintained road, which the residents who have signed this petition do not contribute to the maintenance of.

The statutory advertisement inviting objections to the intended traffic order does make it clear that an individual should object individually by

sending details of their grounds for objection, including their name and address, in writing. As such, standard forms and petitions will not ordinarily be counted as objections. However, it is only fair and transparent that elected members are aware that a petition has been 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

'Various, small scale traffic management and development associated proposals (New Works)' - Enterprise, Planning and Infrastructure Committee, 31 January 2012.

<http://committees.aberdeencity.gov.uk/mgConvert2PDF.aspx?ID=18330>

Four Traffic Orders – Outcome of Main Statutory Advertisement Stage - Enterprise, Planning and Infrastructure Committee, 31 May 2012

The Bush, Peterculter – Proposed Road Closure - Enterprise, Planning and Infrastructure Committee, 22 January 2013

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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(01224) 522822

## **ABERDEEN CITY COUNCIL**

### **ROAD TRAFFIC REGULATION ACT 1984**

#### **THE ABERDEEN CITY COUNCIL (THE BUSH, PETERCULTER, ABERDEEN) (PROHIBITION OF DRIVING) ORDER 201(X)**

Aberdeen City Council proposes to make the above-named order in terms of its powers under the Road Traffic Regulation Act 1984. The effect of the order will be to: (a) revoke an existing enactment providing for a prohibition of driving, except for access, on a length of The Bush, Peterculter, and (b) establish a prohibition of driving, except for access, between The Bush at the boundary of house No's 35 and 37 to the junction with Hillside Road.

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 30 January to 20 February 2013, in the offices of the roads officials in the Enterprise, Planning and Infrastructure department, at 74-76 Spring Garden, Aberdeen.

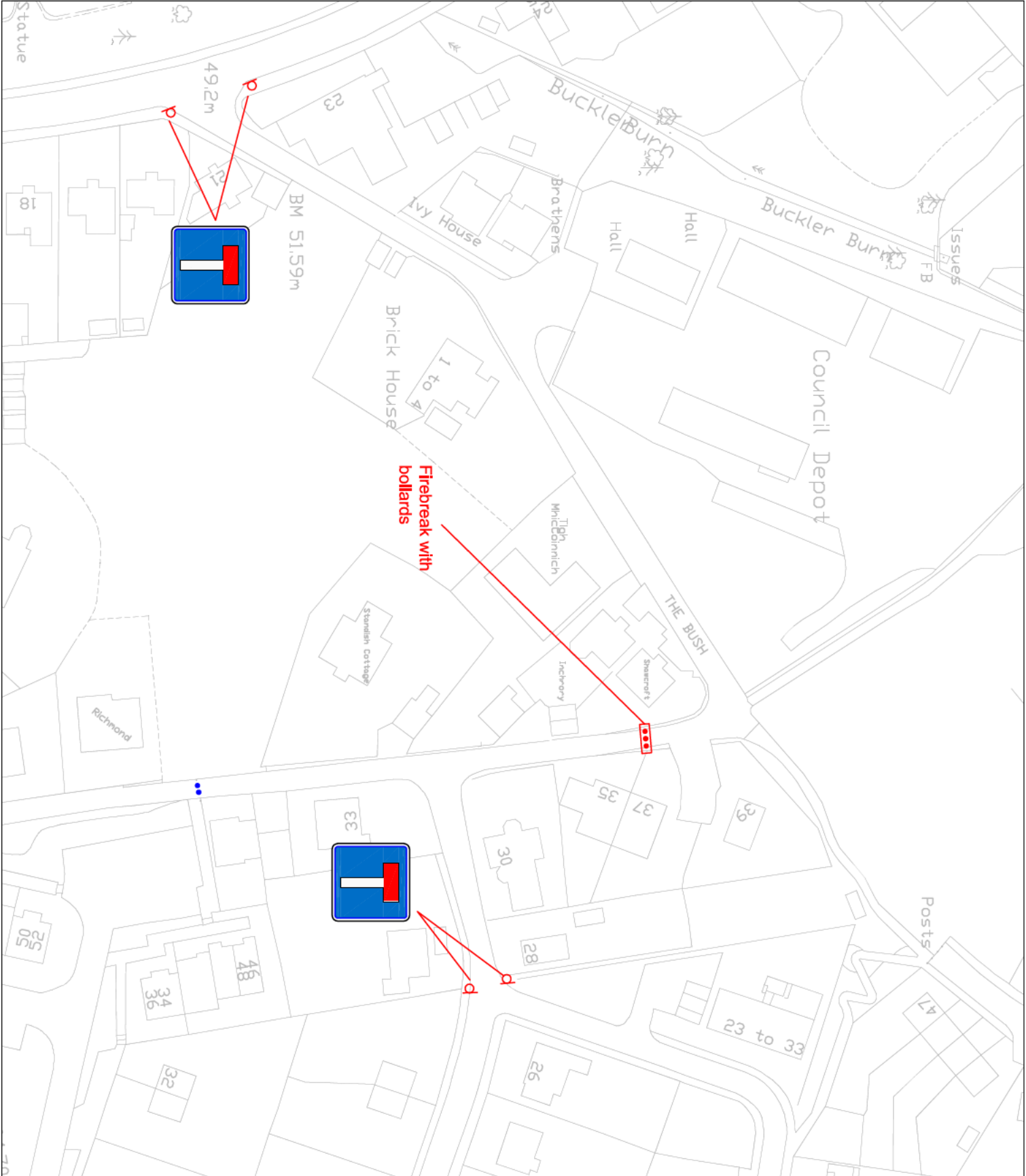
It is recommended that anyone visiting Spring Garden to view any of the documents should make an appointment to do so, in order that a member of staff can be present to offer an explanation if necessary. Anyone unable to visit Spring Garden can telephone (01224 538069) to speak to one of the officials.

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](mailto:trafficmanagement@aberdeencity.gov.uk) during the statutory objection period which also runs from 30 January to 20 February 2013, 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

**NOTES**



Rev:	Drawn (init./date)	Checked (init./date)
Revised:		

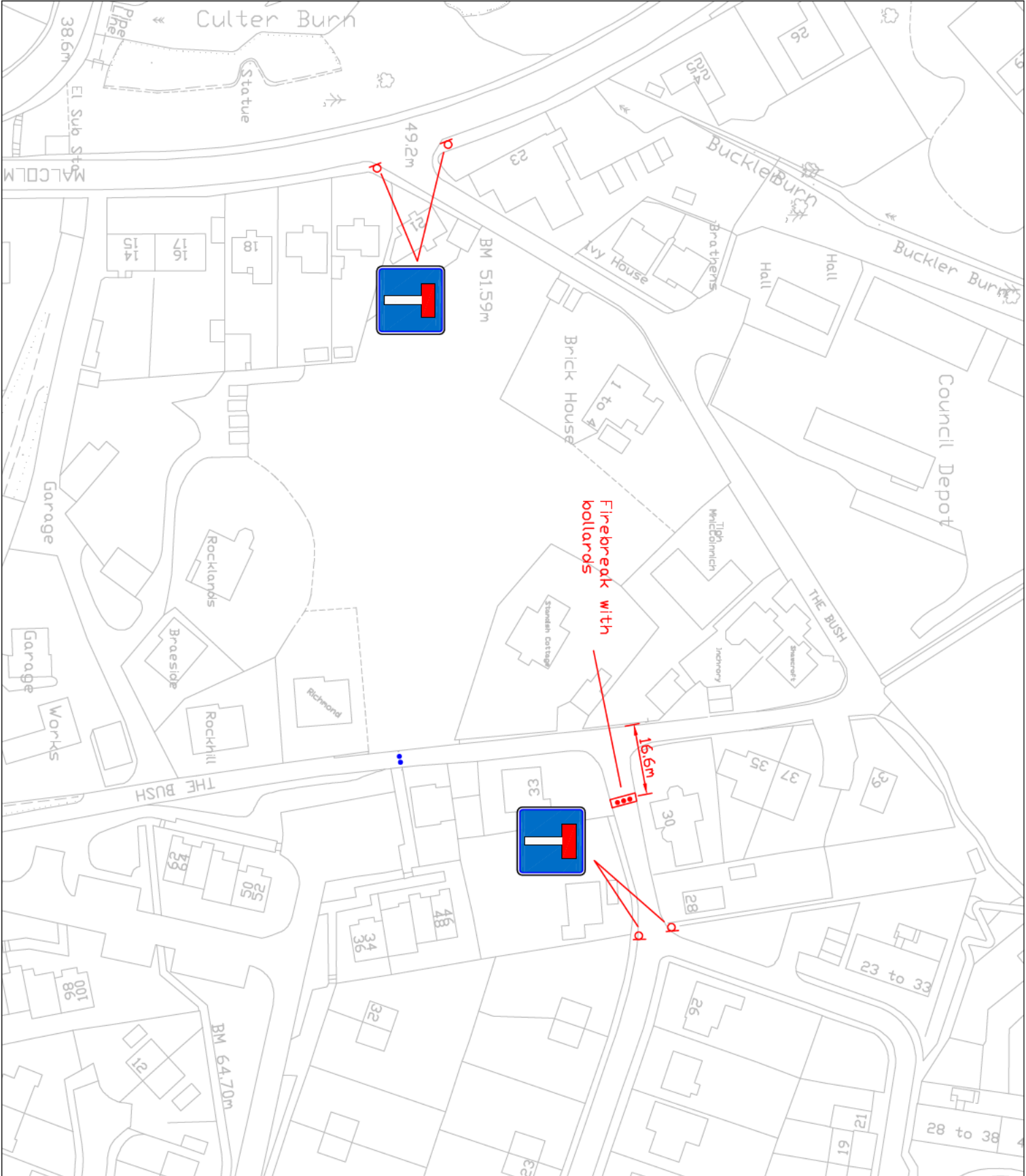


**ABERDEEN  
CITY COUNCIL**

Enterprise, Planning & Infrastructure  
Road Safety and Traffic Management Team

Client:	ABERDEEN CITY COUNCIL	
Project:	The Bush, Peterculter	
Title:	APPENDIX A	
Drawn (init./date)	File Location	
MC (17/04/12)	Drawing No.	
Checked (init./date)		
Scale & sheet size		
NTS		





**NOTES**

Rev.	Drawn (init./date)	Checked (init./date)

  
**ABERDEEN CITY COUNCIL**  
 Enterprise, Planning & Infrastructure  
 Road Safety and Traffic Management Team

Client: **ABERDEEN CITY COUNCIL**

Project: **The Bush, Peterculter**

Title: **APPENDIX B**

Drawn (init./date)	File Location
<b>MC (17/04/12)</b>	Drawing No.
Checked (init./date)	Scale & sheet size
NTS	NTS

Dear Sir / madam,

I wish to air an objection to the proposed location of the closure of The Bush, Peterculter. Please see below my previous correspondence with Councillor Marie Boulton.

As a resident of The Bush who couldn't make the last meeting due to work commitments I am very disappointed to see the proposed closure now being touted as the "preferred option". As a "top road" resident and one of the majority who want to exit via Malcolm Road the location of the closure makes a huge difference to me as I live at Siglavik, which is already bounded by the existing bollards. If this closure goes ahead I will now effectively be blocked in on two sides and have to travel around half a mile to reach a main road when one exists within 250m. This is further compounded by the fact I will have to turn right across the traffic on the North Deeside Road at the bottom of School Road during rush hour, a very difficult thing to do, not to mention the increased volume of traffic passing the school which was surely something we were trying to minimize?

What about the effect on the refuse and re-cycling vehicles? They will now be forced to travel up a dead end negotiate a reversing manoeuvre in a road too narrow for a vehicle of that weight not once but twice, this beggars belief. What about the safety of the people walking this route during that operation?

Surely the more sensible option would be the originally voted for closure on Hillside Road adjacent to No.30 and 33.

Can you supply me the results of the vote carried out on the new proposed location and the reasons for the change?

I do not want to be the next William Walton but I feel very strongly that my opinion wasn't sought before something that directly effects me is put in place, when as far as I was concerned the closure location was agreed by the majority with the poll.

I look forward to your response.

This was sent on the 16/02/12 and I thought the proposal would be reconsidered and the people affected by the proposal contacted to hear their views. I then found out from My Gary Yule that new notices had been posted, as the old ones were removed, with the same proposal with no formal notification whatsoever.

To summarize. I live on The Bush but I would be prevented from accessing my house from the road on which I live. I already live at the end of a cul-de-sac, on which I am forced to clear of snow manually after every fall and then dig through the mound the plough creates at the end of the cul-de-sac as it travels up Hillside

Road. I will now be forced to leave my house and turn right up a 45 degree hill, which will be untreated in winter and then travel at least half a mile to reach a point 250m from my door. If the weather is very bad then potentially we would be unable to reach our front door due to the increased risk of negotiating a steep untreated road with the increased potential of careering across the Hillside Road / The Bush junction.

The location for the closure should be at either the top or the bottom of the short section of Hillside Road. The Bush should remain open to residents of The Bush.

Kind Regards,

**George Batchelor**

Dear Ms MacEachran:

Re: The 2012 order for prohibition of driving, except for access, between The Bush, Peterculter at the boundary of house no.s 35 and 37 to the junction with Hillside Road.

I would like to object to the proposed order on the following grounds:

- The proposed closure will block access to my garage from the front of my property. (My house is located on the corner, across from no. 35)

Currently, my garage is located 0.1 miles from Malcolm Road, after the closure it will require a 0.9 mile journey along North Deeside Road, School Road and Hillside Road. This route includes 2 pedestrian crossings.

Please also note that in my opinion, there have been a number of communication failures during the consultation process. Though invited to attend the original discussions in 2010 (at Peterculter primary school), I was not invited to a second meeting in March/April 2012, and was therefore unable to voice my concerns with the proposal. When I enquired as to the reason for this, I was told that it was because my letterbox could not be located. This is rather confusing, as the letterbox had obviously been located for the first invitation. In any case, if the letter could not be hand delivered, surely it could have been sent via the royal mail.

In addition, I am led to believe that the revised order notices (that were pinned to the lamp-posts in early October) were installed on the same day that the previous notices were removed, thus it was not clear that new information had been installed.

Based on the above observations I would ask you to consider rejecting the proposed, or at least, extending the public consultation process in order for the views and considerations of all interested parties to be voiced.

Yours faithfully,

Garry Yule

Mrs. Ainsley McKenzie,  
Westhill,  
Aberdeenshire.  
AB32 6XZ

Hi

I am writing with concern to the fact that the council are considering closing the bush in Peterculter. At the moment they are building flats on the old Police Station site therefore there have been temporary lights set up, trying to get on to the main North Deeside Road in a morning is a nightmare, they are also building on the old Culter Car Centre site, again I would imagine at some point there will be temporary lights set up, at least with the bush open there is another opinion to clear the back log of traffic.

Just before christmas there was a lorry coming down from Banchory he tried to turn up Malcolm Road and got stuck every thing came to a stand still, the traffic that was coming down Malcolm Road could take the bush road as a diversion, if this road is closed there is no other way of getting in or out of Culter if there is an accident or hold up on the main road.

I hope this gives you some idea as to why the bush should be left open.

Dear Sir/Madam,

I am writing to express my concern regarding the closure of the Bush Road in Peterculter. I started using this road some time ago as I was becoming quite concerned about the hazards of turning right at the bottom of school road and onto the North Deeside road.

Turning right at the bottom of school road is, in my view, dangerous due to the high volume of traffic using North Deeside road. This involves 'playing chicken' with the oncoming traffic which will inevitably result in an eventual accident or the alternative, to wait until the lolly pop lady crosses the road and holds up the traffic, then if there is enough room to squeeze past the sitting traffic and the school children, it is possible to get out of the junction onto North Deeside road.

For this reason, I chose to use the bush road, this also avoided hold ups at the junction between North Deeside road and Malcolm road, also a dangerous junction.

Whilst the condition of the Bush road is not the best, the majority of commuters pass through here at times when the school children are not there. There are a minority of people, usually parents, who use the bush for the school run, there is not a large number of children on this road, the drivers are very aware of them and drive slowly around school times.

If the council wish to close the Bush road under the road traffic act, measures should be in place to deal with the junction between school road and north deeside road and the traffic congestion before the Bush is closed. There is also a high volume of children outside of the school on School road and closure of the Bush road will direct the majority of traffic past the school which, I'm sure you will agree, is not desirable and presents a bigger danger to the higher number of children outside the school.

I strongly feel that the closure of the Bush would be counterproductive and worsen the congestion around the school on school road, as well as increase the likelihood of accidents caused by people trying to join the traffic on the North Deeside road. The bush road also provides an alternative route through the village should North Deeside road be blocked, I noted that the council had directed traffic along this route whilst the resurfacing of school road was ongoing. As far as I am aware, this caused no problems and I am not aware of any incidents as a result of this.

I fully understand that there is no easy solution here, however, closing the Bush road is not a suitable option unless alternative provisions are put in place first to deal with the traffic situations that exist along School road and North Deeside road.

I am happy to discuss this matter and should you wish to contact me, please do so by calling -----

I look forward to hearing from you soon.

Kind Regards,

A solid black rectangular box used to redact the signature of Peterculter.

Peterculter