

ABERDEEN CITY COUNCIL

COMMITTEE	Operational Delivery
DATE	9 June 2022
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Various Small-Scale Traffic Management and Development Associated Proposals (Stage 3 – Public Advert)
REPORT NUMBER	OPE/22/073
DIRECTOR	Rob Polkinghorne
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Dylan Jamieson
TERMS OF REFERENCE	1.1.1

1. PURPOSE OF REPORT

This report considers objections and comments received as part of the statutory consultation process with respect to proposed Traffic Regulation Orders (TROs).

2. RECOMMENDATION(S)

It is recommended that the Committee: -

- 2.1 Acknowledge the objections received as a result of the public advertisement of proposed traffic regulation orders;
- 2.2 In relation to “THE ABERDEEN CITY COUNCIL (ASHLEY ZONE) (ZONE T) (CONTROLLED PARKING AND WAITING RESTRICTIONS) ORDER 2011 (AMENDMENT) ORDER 202[X]” overrule the objection received and approve this order be made as originally advertised; and
- 2.3 In relation to “THE ABERDEEN CITY COUNCIL (DISABLED PERSONS’ PARKING PLACES IN ABERDEEN CITY) (REGULATORY PARKING PLACES) (REF. A) ORDER 202X” overrule the objections received and approve this order be made as originally advertised.

3. CURRENT SITUATION

- 3.1 This report deals with proposed TROs which, at the public advertisement stage, have been subject to statutory objections. The report presents the objections received and provides officers’ responses to the issues raised. Plans detailing each of the two schemes in question are included within the first and third appendices to this report. Redacted copies of the letters of objection received are within second and fourth appendices and the press notice (extract) for the proposals is included within Appendix 5.

3.2 THE ABERDEEN CITY COUNCIL (ASHLEY ZONE) (ZONE T) (CONTROLLED PARKING AND WAITING RESTRICTIONS) ORDER 2011 (AMENDMENT) ORDER 202[X]

3.2.1 Proposal

The proposed Traffic Regulation Order is to extend sections of prohibition of waiting at any time restrictions on Devonshire Road. This would involve the removal of 5m of 'pay and display' parking and 5m of non-restricted parking. This would extend the existing 5m of junction protection to 10m each side.

Concerns from a resident were raised with the Traffic Management and Road Safety team by a locally elected member. The concerns were regarding vehicles parking in proximity to the junction of Devonshire Road and St Swithin Street. This location is within Controlled Parking Zone T and therefore there are already existing restrictions on the ground. However, prohibition of waiting at any time restrictions (AATs) at this junction are only 5 metres and not the standard 10 metres as specified in the highway code. Vehicles which park in such a location cause difficulty for all road users by limiting visibility and obstruct safe pedestrian/vehicular movements at the junction. This is a busy area with a school in close proximity.

3.2.2 Objections

One statutory objection was received from a property owner on St Swithin Street. The objector provided an email covering the reasons for their objection. The full content of this objection can be read in Appendix 2. The plan for the original proposal is available in Appendix 1 and the press notice in Appendix 5. A summary of the main points of the objection are provided below, with points made by the objector highlighted in bold, which are thereafter followed by a response from a traffic management perspective:

3.2.3 **“Regarding the proposed change to the lines on the north side of Devonshire road, your change would put double yellow lines across the goods entrance to [REDACTED] obstructing the loading/goods hatch of a property which I own”**

There is an exemption provided by the Traffic Regulation Order that allows a vehicle to wait on 'at any time' restrictions while loading / unloading actively takes place. Currently there are no restrictions across the goods entrance, the introduction of 'at any time' restrictions will therefore make it an offence to park in front of the entrance, thereby ensuring this length of Devonshire Road is available for vehicular loading / unloading purposes at all times.

3.2.4 **“I feel that a single white line would be more appropriate as it's already being used across property entrances in this area. “**

Single white line 'Keep Clear H-markings' are non-enforceable and would essentially create a free parking space in an area of pay and display/permit parking.

3.3 **“THE ABERDEEN CITY COUNCIL (DISABLED PERSONS’ PARKING PLACES IN ABERDEEN CITY) (REGULATORY PARKING PLACES) (REF. A) ORDER 202X”**

3.3.1 **Proposal**

The proposed Traffic Regulation Order contains the latest batch of new disabled bays that are to be implemented in the city. The disabled bay which has been objected to is on Talisman Road. The space has been approved based on the applicant being in possession of a valid blue badge and providing evidence a car for their carriage is kept at the property.

3.3.2 **Objections**

Three statutory objections were received from residents on Talisman Road. The objectors have provided emails covering the reasons for their objection. The full content of the objections can be read in Appendix 4. The plan for the original proposal is available in Appendix 3. A summary of the main points of the objection are provided below, with points made by the objector highlighted in bold, which are thereafter followed by a response from a traffic management perspective:

3.3.3 **“Firstly, there are TWO other spaces 10 yards further down the same road! One of which for definite is no longer used as tenant has moved away. The other is used by some when there is nowhere else to park!”**

There may be a few established disabled bays on Talisman Road that are no longer actively used by a nearby resident. In this regard, the possibility of some of these bays being defunct will not affect the installation of a new bay, as that is a matter of providing a bay as practicable and in close proximity to the applicant as possible.

Since the objection has been placed, a review has been undertaken and one of the existing bays has been confirmed as being defunct and thereby removed.

3.3.4 **“Secondly, parking on this street is a nightmare normally. Every night there are cars parked on both sides of the road and pavement due to lack of parking! And yet you want to make this worse?! Fire Engines would not be able to get down this street most days due to the lack of parking!”**

The new disabled bay will make no difference to the current parking situation as we are not removing or adding any parking.

3.3.5 **“Thirdly, this is outside my property and I have not given nor will I give consent for this to happen! I wish to as much as possible park MY vehicle outside MY house!”**

With respect to a public road, Aberdeen City Council has a statutory duty to provide disabled parking bays for people who qualify under the Disabled Persons' Parking Places (Scotland) Act 2009. Thus, where a person that resides at a property holds a valid disabled persons' "Blue Badge", and a car is kept at the property, they will qualify for the installation of a 'Blue Badge' disabled parking bay in close proximity to their property. The parking bay concerned is installed in accordance with the Statutory Instrument "The Traffic Signs Regulations and General Directions 2016" and must be a minimum of 6.6 metres in length for a bay placed parallel to the kerbside.

- 3.3.6 **"Fourthly, the space that is being taken up by the markings suggests a huge space! One that could be taken up by one and a half cars! So not only are you taking away a space to make room for a disabled bay you are taking away a SECOND space that another car could use due to the size of the bay! Two cars less can park on the street!"**

The parking bay concerned is installed in accordance with the Statutory Instrument "The Traffic Signs Regulations and General Directions 2016" and must be a minimum of 6.6 metres in length for a bay placed parallel to the kerbside.

4. FINANCIAL IMPLICATIONS

- 4.1 Proposals will be funded through the Cycling, Walking and Safer Routes budget, Disabled Parking Revenue Budget, or by developers where related to new schemes.

5. LEGAL IMPLICATIONS

- 5.1 Should the recommendations of this report not be accepted and the proposals not progressed, any future request for restrictions at these locations would require officers to again undertake the steps outlined in The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 to progress the necessary Traffic Regulation Order.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct implications arising from the recommendations of this report.

7. RISK

The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Road safety levels and traffic management could be compromised if measures are not progressed, leading to continued public concern.	Officers propose measures that are deemed reasonable and appropriate to address the Road Safety and Traffic Management issues to reduce incidents of public objections	M	Yes
Compliance	Removal of the disabled bay may breach the Council's statutory obligations.	Officers propose that the disabled bay be implemented as planned to prevent any breach of statutory obligation	L	Yes
Operational	Junction protection which is below the highway code standard may pose a health and safety risk to pedestrians crossing and visibility for motorists.	Officers propose that junction protection at Devonshire Road be extended to mitigate these risks.	M	Yes
Financial	No significant risks identified			
Reputational	Proposals can be contentious and attract negative feedback.	Concerned parties would be provided thorough rationale as to the requirement for the proposal.	M	Yes
Environment / Climate	No significant risks identified			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Prosperous Place Stretch Outcomes	The proposals in this report support the delivery of LOIP stretch outcome 15 by creating a safer environment on the road network. Road safety measures help reduce accidents and can help increase walking and cycling.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Impact Assessment form completed for disabled bays
Data Protection Impact Assessment	Not required
Other	Not required

10. BACKGROUND PAPERS

10.1 N/A

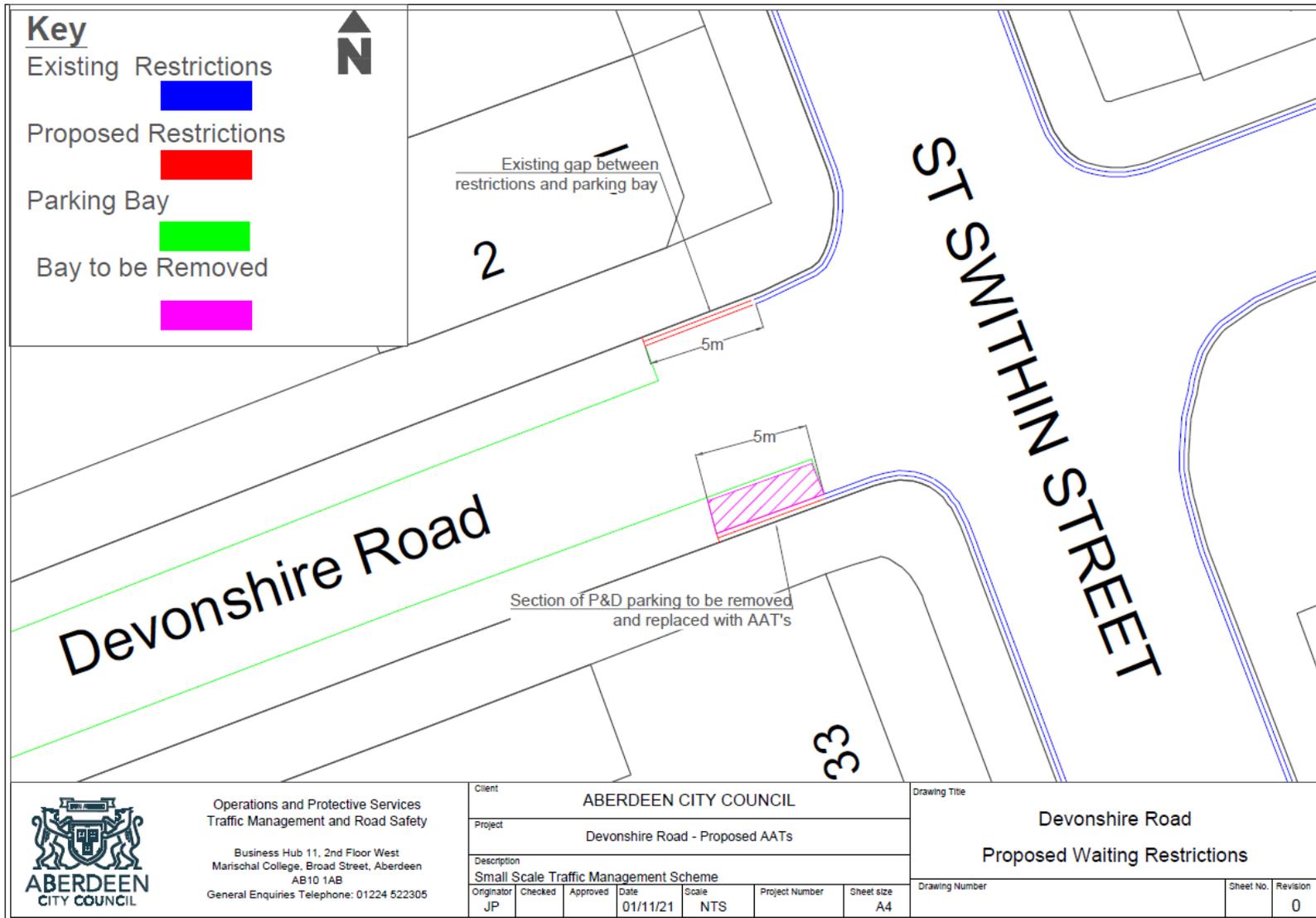
11. APPENDICES

- 11.1 Appendix 1 – Devonshire Road Plan
Appendix 2 – Devonshire Road Objections
Appendix 3 – Talisman Road Plan
Appendix 4 – Talisman Road Objections
Appendix 5 – Press Notice

12. REPORT AUTHOR CONTACT DETAILS

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APPENDIX 1 – DEVONSHIRE ROAD PLAN



Operations and Protective Services
Traffic Management and Road Safety

Business Hub 11, 2nd Floor West
Marischal College, Broad Street, Aberdeen
AB10 1AB
General Enquiries Telephone: 01224 522305

Client							ABERDEEN CITY COUNCIL	
Project							Devonshire Road - Proposed AATs	
Description							Small Scale Traffic Management Scheme	
Originator	Checked	Approved	Date	Scale	Project Number	Sheet size		
JP			01/11/21	NTS		A4		

Drawing Title			Devonshire Road Proposed Waiting Restrictions		
Drawing Number	Sheet No.	Revision			
		0			

APPENDIX 2 – DEVONSHIRE ROAD OBJECTIONS

From: [REDACTED]
To: [REDACTED] [TrafficManagement](#)
Subject: Objection town planning - Re. Zone T order no.202(x) - amendments to Devonshire Rd
Date: 05 April 2022 13:20:56

Dear planning department

Re. Zone T order no.202(x) - amendments to Devonshire Rd

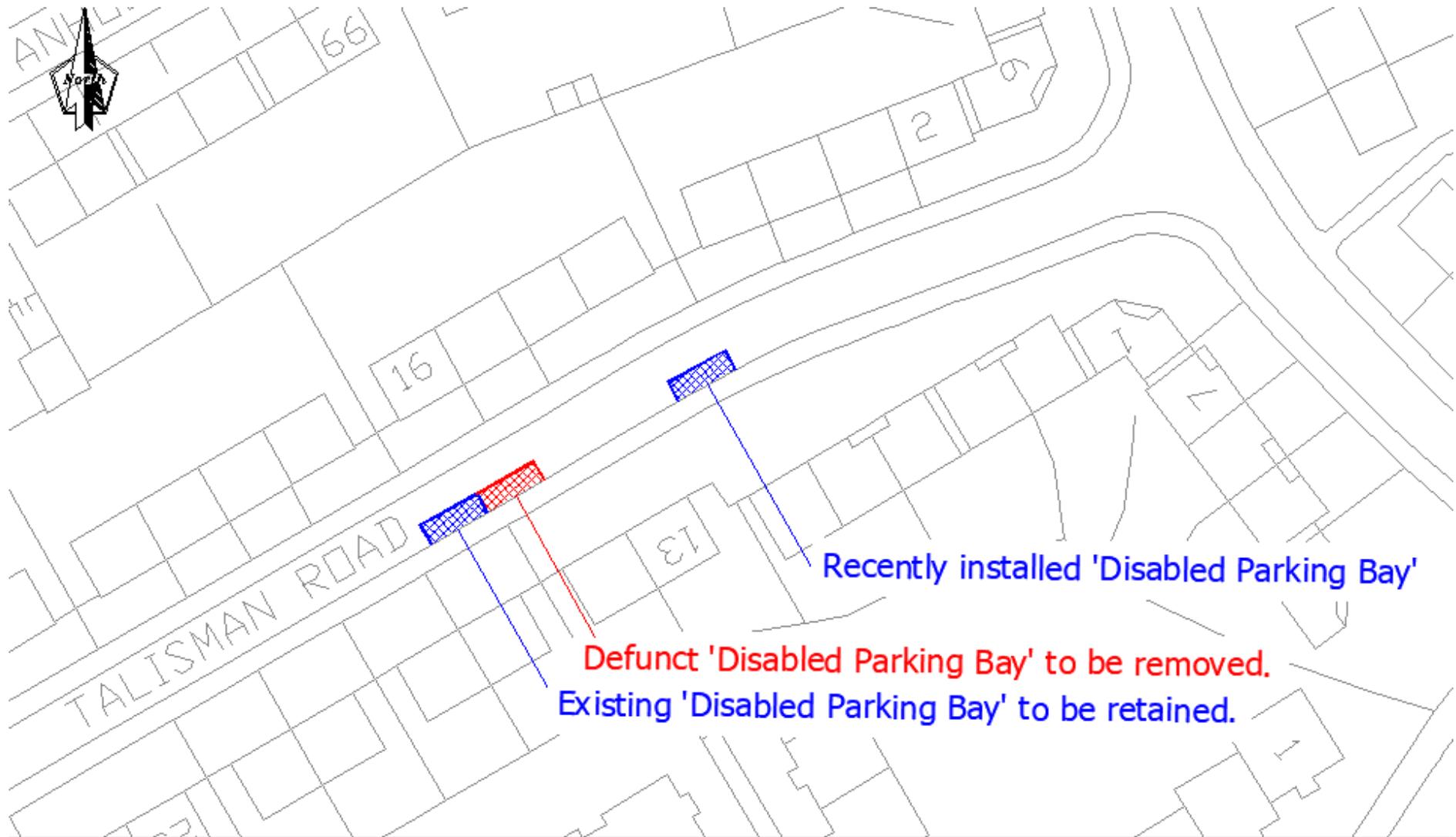
Regarding the proposed change to the lines on the north side of Devonshire road, your change would put double yellow lines across the goods entrance to [REDACTED] obstructing the loading/goods hatch of a property which I own.

I am uncertain of the legal implications and would need to be fully informed of these, as any correction of would be likely be expensive. I feel that a single white line would be more appropriate as it's already being used across property entrances in this area. This would likely reduce any potential legal problems with the regular operations of this building.

I look forward to hearing back from you regarding the potential legal ramifications of the proposed change and my alternative suggestion at the earliest convenience.

[REDACTED]

APPENDIX 3 – TALISMAN ROAD PLAN



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For background, the Council provides residential on-street disabled parking bays in accordance with the [“Disabled Persons’ Parking Places \(Scotland\) Act 2009”](#) (hereinafter referred to as “the Act”); this being a duty in terms of the Council acting as the Local Roads Authority.

In accordance with the Act, a disabled person can apply to have a residential disabled parking bay established in close proximity to their property; the qualifying criteria being: -

- they have a valid disabled persons’ badge (the “Blue Badge”); and
- they have a vehicle, suitable for their carriage, kept at their address.

In terms of the installation of the bay, the Council has followed due process where the bay is first established as an advisory facility, with a Traffic Regulation Order to follow. For reference, Section 9(1) of the Act specifies the onus on the Council to establish the parking bay as an advisory facility in the first instance: -

“If a local authority is required by section 5(3)(b) to start the statutory procedure for the making of a disabled street parking order in respect of a parking place, it must as soon as reasonably practicable designate the parking place as an advisory disabled street parking place.”

Therefore, given this is a duty under the Act, the Council do not consult neighbouring residents when establishing initial advisory disabled parking bays on the ground. The situation with regard to the Traffic Regulation Order process, however, is one where a resident has the opportunity to object to the order being made. Thereafter, following the end of the consultation, a report will be prepared that considers the objection(s) received and a relevant Council committee will come to a decision as to whether the proposed order should be made as originally envisaged, or modified, or rejected.

Kind regards

[Redacted Signature]

[Redacted Name]

Traffic Management

Operations and Protective Services

From: [REDACTED]
To: [TrafficManagement](#)
Subject: Disabled Parking Space Objection Order [REDACTED]
Date: 01 April 2022 23:03:11

Dear Sir/Madam

Firstly I would like to thank you for not informing me that the order is now out for the space we have been complaining about for the past few months as you said you would.

With regards to disabled parking space painted around my car while I was on Holiday in [REDACTED] on Talisman Road Garthdee, I would like the **name of the person** that authorized this to be done knowing that was a car legally parked therefore potentially causing damage to the vehicle.

Number [REDACTED] already had a space for a disabled [REDACTED] who moved away months ago leaving the space empty but you decided to put another one there anyway when its not 10yards from the one you painted?

The parking along this road is bad enough without putting an oversized space on it [REDACTED]
[REDACTED]
[REDACTED]

I have mental Heath issues and I need to park near my house also so no this is not acceptable to me in anyway shape or form.

I will also point out we have photographic evidence showing the space being painted around the car, this car also as NOT moved since it was painted around and should any attempt be made to extort money in the way of tickets either now or going forward legal action will be started immediately.

Please respond to this to acknowledge the official object please!
Others that live on the street also have objections and I'm sure they will be in shortly.

[REDACTED]

From: [REDACTED]
To: [TrafficManagement](#)
Subject: Order 202X
Date: 31 March 2022 18:40:59

As the order is now out and Aberdeen City Council appears to have forgotten to tell myself and my neighbours who have already complained . . I am now registering my complaint during the official consultation period! I object to the establishment of ANOTHER disabled space on Talisman Road in Garthdee.

Firstly, there are TWO other spaces 10 yards further down the same road! One of which for definite is no longer used as tenant has moved away. The other is used by some when there is nowhere else to park!

Secondly, parking on this street is a nightmare normally. Every night there are cars parked on both sides of the road and pavement due to lack of parking! And yet you want to make this worse?! Fire Engines would not be able to get down this street most days due to the lack of parking!

Thirdly, this is outside my property and I have not given nor will I give consent for this to happen! I wish to as much as possible park MY vehicle outside MY house! [REDACTED]

Fourthly, the space that is being taken up by the markings suggests a huge space! One that could be taken up by one and a half cars! So not only are you taking away a space to make room for a disabled bay you are taking away a SECOND space that another car could use due to the size of the bay! Two cars less can park on the street!

Fifthly, this could lower my property value and resale value due to lack of available parking on the street! Not only that but it has safety and theft of my vehicle implications due to my vehicle potentially being parked in another street! I would seek financial compensation should this happen on either count!

And finally, nobody else has moved into the street which means there is no need for ANOTHER space 10 yards further from the other two! [REDACTED]

Oh and a reminder that Aberdeen City Council illegally painted this disabled space around our car while we were out of the country!!

Remove this space and use the one that is already there first!

Please respond to this to acknowledge the official object please! My neighbours will also be in touch.

[REDACTED]

[REDACTED]

APPENDIX 5 – PRESS NOTICE (EXTRACT)

ABERDEEN CITY COUNCIL

ROAD TRAFFIC REGULATION ACT, 1984

THE ABERDEEN CITY COUNCIL (ASHLEY ZONE) (ZONE T) (CONTROLLED PARKING AND WAITING RESTRICTIONS) ORDER 2011 (AMENDMENT) ORDER 202[X]

Aberdeen City Council proposes to make "The Aberdeen City Council (Ashley Zone) (Zone T) (Controlled Parking and Waiting Restrictions) Order 2011 (Amendment) Order 202[X]" in terms of its powers under the Road Traffic Regulation Act 1984. The effect of the order will be to make minor adjustments to on street parking arrangements, including the removal of 5 metres of on street parking on Devonshire Road.

ABERDEEN CITY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE ABERDEEN CITY COUNCIL (DISABLED PERSONS' PARKING PLACES IN ABERDEEN CITY) (REGULATORY PARKING PLACES) (REF.A) ORDER 202X

Aberdeen City Council proposes to make the above-named order in terms of its powers under the Road Traffic Regulation Act 1984 and its duties under the Disabled Persons' Parking Places (Scotland) Act 2009. The effect of the order is to establish regulatory on-street parking places in the streets listed in the first schedule. In each case, a single on-street parking place – reserved for the exclusive use of any Blue Badge holder – will be established on the street in question. There will also be a regulatory disabled parking space established in the off-street car parking areas listed in the second schedule. Where there is a number in brackets this corresponds to how many spaces will be established.

First Schedule

(On-Street disabled persons' parking places)

Skelly Rock, Burnbank Place, Corthan Place, Kaimhill Road, Hillside Crescent, Sunnyside Road, Lee Crescent North, Alexander Terrace, Gairsay Drive, Rowan Road, Gardner Drive, Willowpark Crescent, Dill Road, Abbotswell Crescent, Burnbrae Crescent, Talisman Road, Loudon Place (2), Mount Street, Park Place, Marchburn Avenue, Raeden Crescent, Primrosehill Drive, Hallfield Crescent, Springhill Terrace, Clifton Road, Howes Drive

Second Schedule

(Disabled persons' parking places in off-street car parks)

Fountain Grange/ Western Road

Off-street car park serving properties 36-47 Fountain Grange.

Full details of the above proposals are to be found in the draft orders, which, together with maps showing the intended measures and accompanying statements of the Council's reasons, may be examined online via the website listed below or by scanning the QR Code. <https://consultation.aberdeencity.gov.uk/operations/tm-2022-q1> The consultation will run between 31st March and 28th April 2022. Should you wish to view these documents in

another way please contact us by e-mail (see below), or alternatively on Tel. 01224 522305, where we will endeavour to accommodate such requests.

Anyone wishing to object to the above order should send details of the grounds for objection, including their name and address, in writing to the address below, or, by e-mail to trafficmanagement@aberdeencity.gov.uk during the statutory objection period which also runs from 31st March and 28th April 2022 inclusively.

Any person who submits an objection to a proposed road traffic regulation order should be aware that any objection made will be available to members of the relevant committee considering the proposal, 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 names, addresses, telephone numbers and signatures removed from this correspondence. For information on why and how we use your data please see the Traffic Regulation Order privacy notice on our website <https://www.aberdeencity.gov.uk/your-data/why-and-how-we-use-your-data>.



**Traffic Management, Business Hub 11, Second Floor West, Marischal College,
Broad Street, Aberdeen, AB10 1AB**