

PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee

8 March 2017

RE-DETERMINATION OF TAY STREET FOOTWAYS FOR SHARED USE

Report by Director (Environment)

PURPOSE OF REPORT

This report seeks approval to commence the legal process to propose to re-determine the adjacent footpath on the river side at Tay Street, Perth to shared use for pedestrians and cyclists. The report indicates where shared use is proposed and seeks approval to commence the legal process required to implement these proposals.

1. BACKGROUND

- 1.1 At its meeting on 1 June 2016, the Enterprise and Infrastructure Committee agreed to promote a Traffic Regulation Order (TRO) to increase the parking provision on Tay Street, Perth (Report No.16/249 refers).
- 1.2 At its subsequent meeting on 19 August 2016, the Executive Sub-Committee of the Enterprise and Infrastructure Committee agreed to set aside the objection received, approving the TRO to increase the parking provision on Tay Street.
- 1.3 The introduction of additional car parking bays on Tay Street was taken forward in response to concerns raised by local businesses regarding parking provision in Perth city centre. To accommodate these additional bays, some of the key cycle route through the centre of Perth, which forms part of the Perth Circular Cycle Route, had to be removed.
- 1.4 The Council has received a number of concerns from both cyclists and cycling groups regarding road safety for cyclists using Tay Street following the removal of the designated cycle lane. In order to improve road safety for cyclists in Tay Street, the Council has considered the use of the adjacent footpath as a shared-use facility.
- 1.5 Transport Scotland's cycling infrastructure guidance (Cycling by Design 2010, Revision 1, June 2011) states that the desired height of a bridge parapet immediately adjacent to a cycle route is 1.4m.
- 1.6 There are sections of the wall in Tay Street adjacent to the proposed shared use path where the height varies between 0.9m and 1.2m. There are also sections where the height of the wall exceeds 1.4m.

- 1.7 It would not be cost effective to increase the height of the wall. In addition, given the decorative nature of the wall, it would not be desired to add anything to the existing wall to simply reach a guidance height.
- 1.8 The guidance in Cycling by Design allows a departure from standards where there is existing informal use, where the path is segregated, or where future use of the path will be monitored for a period of 12 months. It also states that aesthetics should be considered when arriving at an appropriate height and treatment.
- 1.9 It has been noted that there is currently informal shared use of the route along its full length. It is also proposed to segregate the new route by the use of signing, and thereafter monitor the shared use path for 12 months from implementation.
- 1.10 It has been observed that Riverside Drive, Dundee has a shared use facility adjacent to the Tay which has a wall between the cycle route and the river. The height of this wall has been measured as being as low as 0.7m at some locations. The path forms part of the National Cycle Network Route 77 and has been developed in association with Sustrans. Having consulted with Dundee City Council, they have confirmed that there have been no reported incidents since the introduction of the shared use facility adjacent to the river.

2. PROPOSALS

- 2.1 It is proposed that the adjacent footpath on the river side at Tay Street is re-determined as shared use for pedestrians and cyclists.

3. CONCLUSION AND RECOMMENDATION

- 3.1 Following on from the re-introduction of parking spaces in Tay Street, concerns have been expressed about the road safety of cyclists. There have also been objections raised to the lack of a shared use foot/cycle way, particularly from ByCycle, the Perth Cycle Campaign. It is, therefore, proposed to introduce a shared use for pedestrians and cyclists.
- 3.2 It is recommended that the Committee approves the commencement of the legal process for the promotion of a Redetermination Order, under Section 152(2) of the Roads (Scotland) Act 1984, to allow the footway identified in this report to be converted to shared use for pedestrians and cyclists.

Author

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Approved

Name	Designation	Date
Barbara Renton	Director (Environment)	10 February 2017

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes/No
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- (i) Giving every child the best start in life
 - (ii) Developing educated, responsible and informed citizens
 - (iii) Promoting a prosperous, inclusive and sustainable economy
 - (iv) Supporting people to lead independent, healthy and active lives
 - (v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

2. Resource Implications

Financial

Capital

- 2.1 There are no capital resource implications arising directly from the recommendations in this report.

Revenue

- 2.2 There will be costs for advertising the necessary Order in the press. It is proposed that one Order be promoted to cover all the listed locations. The estimated cost of advertising an Order is £300. These costs will be met from the Road Safety and Design budget in 2017/18.
- 2.3 The estimated costs of £500 for all new posts and signs will be met from the Road Safety and Design budget in 2017/18.

Workforce

- 2.4 There are no workforce implications arising from this report.

Asset Management (land, property, IT)

- 2.5 There are no land and property, or information technology implications arising from the contents of this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA.

Strategic Environmental Assessment

3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging lower traffic speeds.

Legal and Governance

3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

Risk

3.7 There are no significant risks associated with the implementation of this project.

4. Consultation

4.1 The Head of Legal and Governance, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

4.2 Police Scotland, the local Elected Members and Community Councils have also been consulted and support the proposal.

5. Communication

- 5.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. Should objections be raised, these will be reported back to Committee, with appropriate recommendations.

2. BACKGROUND PAPERS

- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:
- Enterprise and Infrastructure Committee 1 June 2016 proposed Variation to Waiting Restrictions Within the City Centre Area, Perth. (13/16/249) refers

3. APPENDICES

- 3.1 The proposal is shown at Appendix 1.