

PERTH AND KINROSS COUNCIL

Environment, Enterprise and Infrastructure Committee

14 June 2017

**RE-DETERMINATION OF FOOTWAYS / FOOTPATHS FOR SHARED USE AT
MARY FINDLAY DRIVE AREA, LONGFORGAN**

Report by Director (Environment)

This report seeks approval to commence the legal process to propose to re-determine the footpath at Mary Findlay Drive, Longforgan 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 this.

1. BACKGROUND

- 1.1 Over a number of years, the Council has developed a network of cycle routes in and around Perth. In Perth, the National Cycle Network (NCN) Route 77 runs along the North Inch and then travels eastwards along the Carse towards Dundee. NCN 77 passes Longforgan along the C484. In addition, in 2015, it was linked to Longforgan when Green Routes on the U143 and U145 were introduced. By joining this network of paths and Green Routes together, a comprehensive cycle network is being developed, and will continue to be further progressed over the coming years.
- 1.2 In addition to the redetermination of the existing paths, engineering work is planned to be carried out to widen and expand the cycle network in and around Longforgan. This work will develop a network of routes to link residential housing areas to key destinations including the primary school, post office and NCN 77. Some of this work will include the upgrading and widening of a number of existing paths as well as the provision of new paths.
- 1.3 Where this work will be undertaken on existing footways for cycle use, the footways will required to be re-determined for shared use by pedestrians and cyclists. This requires the promotion of a Redetermination Order.

2. PROPOSALS

2.1 It is proposed that the following footpaths/footways at Mary Findlay Drive, Longforgan are re-determined as shared use for pedestrians and cyclists:

LOCATION	DESCRIPTION
Footpath at Mary Findlay Drive to Main Street	From its junction with Mary Findlay Drive eastwards then northwards to its junction with Main Street for a distance of 150 metres or thereby as shown in Appendix 1.
Footway on Main Street	South side thereof from its junction with the Smiths Court eastwards for a distance of 65 metres or thereby as shown in Appendix 1.
Footpath on U146	From its junction with Mary Findlay Drive southwards then westwards to Janet Forbes Avenue and eastwards to Castle Road for a distance of 115 metres or thereby as shown in Appendix 2.
Footpath at Mary Findlay Drive to U146 – West Leg	From its junction with Mary Findlay Drive northwards to its junction with the U146 for a distance of 125 metres or thereby as shown in Appendix 3.
Footpath at Mary Findlay Drive to U146 – East Leg	From its junction with Mary Findlay Drive northwards to its junction with the footpath from Mary Findlay Drive to U146 for a distance of 75 metres or thereby as shown in Appendix 3.
Footpath at U146 to A90	From its junction with the U146 northwards then eastwards to its junction with the A90 for a distance or 25 metres or thereby as shown in Appendix 3.
Footway on Janet Forbes Avenue	From its junction with the U146 south-westwards then southwards on the east side thereof of Janet Forbes Avenue for a distance or 100 metres or thereby as shown in Appendix 4.
Footway on U146	South side thereof from its junction with Smiths Court south-westwards, westwards then north-westwards for a distance of 250 metres or thereby as shown in Appendix 5.

2.2 Therefore, it is proposed to include the sections of footpaths/footways listed in the above table in the Redetermination Order to allow for shared use. See also plans at Appendices 1, 2, 3, 4 and 5.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The report outlines the background to the introduction of shared use for pedestrians and cyclists in the Mary Findlay Drive area, Longforgan.
- 3.2 It is recommended that the Committee approves the legal process for the promotion of a Redetermination Order under Section 152(2) of the Roads (Scotland) Act 1984 to allow the footways identified in Appendix 1-5 to be converted to shared use for pedestrians and cyclists.

Author

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Approved

Name	Designation	Date
Barbara Renton	Director (Environment)	2 May 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 an Order be promoted to cover 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 £32,000 for the widening of the footway will be met from the Cycling Walking and Safer Streets budget (£16,000) and Sustrans Grant funding (£16,000) 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 Council 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 generate a 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;
- Report to Enterprise and Infrastructure Committee 7 June 2017, Cycling, Walking and Safer Streets (CWSS) Projects 2017/18

3. APPENDICES

- 3.1 The proposal are shown in Appendices 1-5.