

REPORT TO: ENVIRONMENTAL SERVICES COMMITTEE ON 15 AUGUST 2007

SUBJECT: PROPOSED ROAD TRAFFIC REGULATION ORDERS NEW TESCO STORE, KEITH

BY: DIRECT OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

1.1 To invite the Committee to over-rule the outstanding objections and proceed to approve the following Road Traffic Order:-

“The Moray Council (New Tesco Store, Keith – Various Restrictions) Order 2007”.

1.2 To ask the Committee to note and approve the minor amendments to Schedule 6 in relation to Westerton Road, Keith.

1.3 This report is submitted to Committee in terms of Section E(16) of the Council's Administrative Scheme relating to the making of Orders for the regulation of traffic.

2. RECOMMENDATION

2.1 That, in light of advice from Officers, the Committee over-rule the outstanding objections received, approve the amended undernoted Traffic Regulation Order and authorise the Chief Legal Officer to make the Order:

“The Moray Council (New Tesco Store, Keith – Various Restrictions) Order 2007”.

3. BACKGROUND

3.1 Following consideration of the Environmental Services Committee on 7 March 2007 (para 13 of the Minute refers), it was agreed to approve a proposal to introduce Prohibition of Waiting Restrictions and One way Orders around the proposed Tesco store off A96 Moss Street, Keith, (see **Appendix B** for layout).

3.2 Authority was granted to the Director of Environmental Services and the Chief Legal Officer to carry out the statutory process to promote the Order.

3.3 The proposal was advertised in “The Banffshire Herald” on 6 April 2007 and the period for objections expired as at 4 May 2007. By the expiry of the objection period six written objections had been received.

3.4 In accordance with the requirements of the Local Authority's Traffic Orders (Procedure)(Scotland) Regulations 1999, Roads Officers have now contacted

all the objectors to the proposed Order with a view to discussing with them the terms of their objections.

- 3.5 Following discussions two of the objections were withdrawn and a third objection was removed following an agreement between Boreham Consultants, on behalf of Tesco, to undertake accommodation works to the objector's boundary.
- 3.6 Boreham Consultants, on behalf of Tesco, have negotiated additional off-site works to accommodate concerns raised verbally by three further parties, who did not submit objections and who wished to highlight concerns in relation to the proposed "Pedestrian Zone Except for Access, One Way Traffic" as indicated in Appendix B, Schedule 2 of the report as submitted to the Environmental Services Committee on 7 March 2007 (para 13 of Minute refers).
- 3.7 Following comments received relating to the "No Waiting At Any Time" restrictions proposed for Westerton Road, Roads officials have reconsidered the extent of the proposals for Westerton Road, Keith. It is proposed to reduce the extent of "No Waiting At Any Time" restrictions previously proposed to allow parking on Westerton Road from approximately 12 metres or thereby east of Westerton Court to the turning area at the east end of Westerton Road. A revised Schedule 6 relating to "No Waiting At Any Time" restrictions is shown on attached **Appendix A** and a revised plan **Appendix B**.
- 3.8 The remaining objectors have discussed their objections with Roads Officers and have stated that they do not wish to withdraw their objection.
- 3.9 The main grounds for each objection are summarised as follows together with the response thereto from the Transportation Manager.

Objector 1

- Pre-empting decision concerning the proposed new access and traffic control
- Undue disturbance to residents in proximity making the Auctioneers Lane one way
- Awkward for residents/users who use thoroughfare

Response 1

The proposed new access to Tesco's store and associated traffic control have been approved in terms of planning permission and are not part of the proposed Road Traffic Regulation Order. It is necessary, due to the proposed traffic signals on the A96 Moss Street, to promote One Way restrictions to the lane to the north side of 140 Moss Street (locally known as Auctioneer's Lane) and remove unnecessary traffic to limit the lane to vehicles who require access as this will be the main pedestrian link between Mid Street and the new store. Residents and businesses requiring access have been in discussions with Roads Officers relating to concerns with the lane being blocked in relation to deliveries/collections from the auction centre. Appropriate measures have been approved by Boreham Consultants on behalf of Tesco to create a pull-in area adjacent to the auction centre which will have the effect of keeping the lane free of vehicles doing business at the auction centre.

Objector 2

- Road Traffic Order should not be progressed until the A96 trunk road proposals are available for public inspection.
- Mainly concerned with trunk road. However traffic lights will increase use of existing lanes by vehicles
- Concern for pedestrians as vehicles exit from Tesco on to Westerton Road
- No unloading/waiting at any time restrictions will hinder some residents/visitors in Moss Street from parking at their doors.
- Planning application for a business park was refused outside Keith because of access on to trunk road. How can Tesco be allowed?
- Traffic lights will cause major tailbacks on Moss Street causing difficulty with access to lanes, and pollution from standing vehicles.

Objectors 2 and 3 have raised very similar points and therefore a joint response can be given.

Objector 3

- If lanes are pedestrianised the other lanes will get busier causing more disruption to residents
- Traffic lights will cause extra pollution from standing vehicles and tailbacks on Moss Street causing unnecessary delays, lanes being blocked and difficulty entering/leaving the car parks.
- The look of Moss Street will change forever if the houses are knocked down and to interfere with the lane beside 123 Moss Street would further deface the town's originality
- Proposed store location will cause accidents due to proximity to school and corner
- Why are Moray Council allowed to alter lanes in Keith to allow Tesco access to A96 when permission was denied for an industrial site outwith the town because it would link on to the A96.

- Not against the former mill being demolished and used for a suitable purpose, however we feel there is currently too much traffic, traffic lights would cause unnecessary dangers and alterations to the lanes would disrupt the present system.

Response 2/3

The existing lanes have only very small numbers of vehicles using them throughout the day. It is not anticipated that usage of the lanes by vehicular traffic will change by any significant amount. The existing lanes which are more heavily used by vehicles/pedestrians serving the car parks work very well with no recorded accident history or complaints relating to them. There is no vehicular access from the Tesco site on to Westerton Road. Moray Council have not proposed any restrictions for Moss Street (A96), the proposals relating to the trunk road will be promoted by BEAR (Scotland) Ltd on behalf of the Scottish Executive and are not included in this proposal. New accesses on to the trunk road are part of the planning process and are subject to consultation and approval by the Scottish Executive. The traffic signals on Moss Street are not part of this consultation and were previously approved subject to detailed design following the planning application relating to the development, part of the planning process included public consultation on the proposals. The statutory process in relation to the planning application is complete and approval for the development was granted. There is no requirement for the two Road Traffic Regulation Order proposals to be run in conjunction with each other and will always remain as independent orders.

3.10 There are now 4 options available to the Committee as follows:-

- i) over-rule the terms of the objections and proceed to confirm the proposed Road Traffic Regulation Order with the amendment to the proposed "No Waiting at Any Time" restrictions on Westerton Road.
- ii) decide the terms of the objections are "valid" and as a result of the objections the Committee do not proceed with the proposals and as a consequence the traffic signals approved for the A96 Moss Street would be compromised.
- iii) choose to hold an internal Traffic Regulation Order Hearing, similar to a Planning Hearing, to allow the objectors to be heard before reaching a decision on the proposal; or
- iv) choose to refer the matter to the Scottish Executive's Agency, Transport Scotland, to allow them to make the decision, in light of the objections received.

- 3.11 Of these 4 options Officers are recommending option (i) as they consider that in light of the nature of the objection and their response thereto, highlighted at para 3.9 above, it would be appropriate for Committee to over-rule the objection and confirm the proposed Road Traffic Regulation Orders as shown in the revised plan **Appendix A** and schedule **Appendix B** around the proposed Tesco store off A96 Moss Street, Keith.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan / Community Plan / Service Improvement Plan

The report encompasses the main aims of the Economic Development programme by maintaining suitable transport facilities and infrastructure for residents, visitors, businesses and workers.

(b) Policy and Legal

This proposal complies with the requirements of the Road Traffic Regulation Act 1984.

(c) Resources (Financial, Risks, Staffing and Property)

The cost of promoting the Traffic Regulation Order and the provision of all signing and lining works will be funded by the developer, Tesco Stores Ltd. There are no significant staffing or property implications arising from this report.

(d) Consultations

Councillors Coull, Cree and Shepherd have been consulted and any comments can be tabled at the meeting.

The proposals were advertised and the position on objections received is as highlighted in the report. The former local Member (prior to 3 May 2007), Grampian Police and the Head of Financial Services, were consulted and were in agreement with the original proposals.

The Principal Solicitor (Commercial & Conveyancing) has been consulted and is agreement with the content of the report.

The Head of Financial Services has been has been consulted and is in agreement with the financial implications.

5. CONCLUSION

- 5.1 In light of advice from Officers, the Committee over-rule the objection received and approve the undernoted Traffic Regulation Order with a minor amendment (reduction in length of “No Waiting at Any Time” on Westerton Road) to Schedule 6 and to authorise the Chief Legal Officer to make the Order.**

“The Moray Council (New Tesco Store, Keith – Various Restrictions) Order 2007”.

Author of Report: James Smith, Engineer
Background Papers: Committee report to Environmental Services Committee
and Minute of Meeting on 7 March 2007
Ref: GRH/JDS/PA

APPENDIX B**SCHEDULE 1****PROHIBITION EXCEPT FOR ACCESS
ONE WAY TRAFFIC**

Roads in Keith	Location	Permitted Direction of Travel
Lane to the north side 123 Moss Street	From the east kerbline of Moss Street in an easterly direction to the new access off Westerton Road leading to egress from Superstore, a distance of 63 metres or thereby	West to East

SCHEDULE 2**PEDESTRIAN ZONE EXCEPT FOR ACCESS
ONE WAY TRAFFIC**

Roads in Keith	Location	Permitted Direction of Travel
Lane to the North side 140 Moss Street	From the west kerbline of Moss Street in a westerly direction to the east kerbline of Mid Street, a distance of 97 metres or thereby	East to West

SCHEDULE 3**ONE WAY TRAFFIC**

Roads in Keith	Location	Permitted Direction of Travel
New access between Westerton Road and egress from Superstore	From a point 13 metres or thereby north of the realigned north west channel of Westerton Road in a northerly direction for a distance of 14 metres or thereby	South to North

SCHEDULE 4**NO RIGHT TURN FOR VEHICULAR TRAFFIC**

Roads in Keith	Restriction	Permitted Direction of Travel
New Access between Westerton Road and egress from Superstore	No right turn for vehicles heading in a northerly direction.	Northerly to westerly only

SCHEDULE 5**NO WAITING AND NO LOADING AT ANY TIME**

Roads in Keith	Description
New Store Access Road	<p>North Side From a point 7.5 metres or thereby east of the projected north kerbline of the new store access road on to the east kerbline of Moss Street in an easterly direction for a distance of 35 metres or thereby.</p> <p>South Side From a point 8.5 metres or thereby east of the projected south kerbline of the new store access road on to the east kerbline of Moss Street in an easterly direction to the projected west kerbline of the new access from Westerton Road on to the south kerbline of the new store access road, a distance of 49 metres or thereby</p>

SCHEDULE 6**NO WAITING AT ANY TIME****Roads in Keith**
Westerton Road**Description**

West/North Side

From the projected south channel line of the lane to the south side of No 70 Westerton Road on to the west channel of Westerton Road in a southerly direction for 10 metres or thereby

West/North Side

From the projected north channel line of the lane to the south side of No 70 Westerton Road on to the west channel of Westerton Road in a northerly direction to the intersection with the projected west kerbline of the new access between Westerton Road and the Superstore development, a distance of 22 metres or thereby

West/North Side

From the projected east kerbline of the new access between Westerton Road and the Superstore development on to the north channel of Westerton Road in an easterly direction to a point 18 metres east of the projected west kerbline of Westerton Court on to the north channel line of Westerton Road, a distance of 94 metres or thereby

Westerton Road

East/South Side

From the projected west kerbline of Westerton Court on to the south channel of Westerton Road, in a westerly and then southerly direction for a distance of 109 metres or thereby

East/South Side

From the projected east kerbline of Westerton Court on to the south channel of Westerton Road, in an easterly direction for a distance of 12 metres or thereby

Westerton Court

East Side

From the projected east kerbline of Westerton Court on to the south channel of Westerton Road in a southerly direction for 10 metres or thereby

West Side

From the projected west kerbline of Westerton Court on to the south channel of Westerton Road in a southerly direction for 10 metres or thereby