

**PROPOSED LUSS TRAFFIC REGULATION ORDER**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 Traffic issues in Luss have been a cause of concern for residents for a number of years and have generated much discussion and, at times, national media interest. Despite various attempts to find proportionate, balanced and sustainable solution to the issues raised which meets the needs of residents, businesses, visitors, and is fair to road users who **all** have a right to use the public road, no solution has yet been agreed.
- 1.2 Over the past two years officers have engaged positively with the Community Council and other key stakeholders in an effort to arrive at an agreeable solution. The extent of this work and the intensity of the debate on the matter over the years is a clear indication that the issue is complex and a solution is not simple to arrive at.
- 1.3 In response to COVID-19 and the significant influx of visitors to the village as lockdown and travel restrictions were eased, a Temporary Traffic Regulation Order was progressed. The recent changes – the main thrust of which was the introduction of a temporary permit zone – appear on the face of it to be working reasonably well, although there does appear to be an issue in terms of people’s understanding of the restrictions, which will require additional clarity by way of further signage etc.
- 1.4 Following on then from the developmental work of the past two years and the important learnings from the recent changes put in place in response to COVID-19 and associated pressure on the local infrastructure, this report sets out a set of proposals to go forward for consideration in a formal Traffic Regulation Order process e.g. to be advertised. These proposals were produced by lawyers acting for the Community Council with input from the Council – a strong example of positive partnership working. The format of the draft orders is slightly different from the template Members will be familiar with for that reason. On the whole these are considered to meet the test set out at 1.1 and are commended to members for consideration with a view to providing a proportionate, balanced and sustainable solution to the recurring traffic issues in Luss.

## RECOMMENDATIONS

### 1.5 Members are asked to:

- Note the complexities of the issue and endorse the work to reach this point
- Note the success of the recent changes taken forward in response to COVID-19 in the Temporary Traffic Regulation Order (TTRO)
- Agree that both of the draft Orders produced by the Community Council appended to this report should be the basis on which the proposed TRO is taken forward via the formal Traffic Regulation Order process, a key part of which involves a full community consultation, with the following amendments:
  - Permit charges to be adjusted in line with the Council's current scheme of fees and charges
  - Reference to PCNs removed.
- Delegate authority to the Head of Roads and Infrastructure Services to, prior to advertising, make any such technical changes to the forms of control in the draft Orders as he considers would be appropriate and competent, while retaining the principles contained within the current draft.
- Note that Officers will engage with ACHA in respect of the car parking area within Murray Place, which is not under the Council's ownership or control.
- Note that advertising the draft Orders is the start of the process and that final proposals will come back to the Area Committee for approval.

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**ARGYLL AND BUTE COUNCIL**

**HELENSBURGH AND LOMOND AREA  
COMMITTEE**

**ROADS AND INFRASTRUCTURE  
SERVICES**

**17 SEPTEMBER 2020**

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### **2.0 INTRODUCTION**

2.1 This report provides an update on the development of new proposals for the traffic issues in Luss and proposes to Members two draft Orders, one covering traffic management and one on speed restrictions, to go forward into the formal TRO process.

### **3.0 RECOMMENDATIONS**

3.1 Members are asked to:

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- Note the success of the recent changes taken forward in response to COVID-19 in the Temporary Traffic Regulation Order (TTRO)
- Agree that both of the draft Orders produced by the Community Council appended to this report should be the basis on which the proposed TRO is taken forward via the formal Traffic Regulation Order process, a key part of which involves a full community consultation, with the following amendments:
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- Note that Officers will engage with ACHA in respect of the car parking area within Murray Place, which is not under the Council's ownership or

control.

- Note that advertising the draft Orders is the start of the process and that final proposals will come back to the Area Committee for approval.

## 4.0 DETAIL

### Previous Council Proposals

- 4.1 As part of a wider parking review across Argyll and Bute, Officers developed two proposals for Luss in 2017; one for speed limit changes and the other dealing with parking/loading restrictions.
- 4.2 The draft speed limit TRO on the old A82 Road proposed:
1. A 20mph speed limit from the north A82 junction to south of the Loch Lomond Arms Hotel.
  2. A 30mph speed limit from south of the Loch Lomond Arms Hotel to beyond the show ground;
  3. A 40mph speed limit from beyond the show ground to the south A82 junction.
- 4.3 This proposal received 289 formal objections. Most of the objectors objected in principle to the proposals. A particular point of concern raised was:
- That the speed limit changes should have included the core village roads
- 4.4 The draft restriction of parking and loading TRO for the Old A82 and Luss Village proposed
1. A restricted parking zone (RPZ) covering Pier Road, Church Road and School Road (between Pier Road and Murray Place) with parking permits limited to one per residence or business.
    - Ten standard bays and three disabled bays were included to allow visitor parking on Church Road. The permitted stay in the standard bays was limited to 2 hours with no return within one hour. This restriction applied between 08.00 and 20.00 hours. The disabled bays were unrestricted.
    - Nineteen standard bays and one disabled bay were included to allow visitor parking on Pier Road. The permitted stay in the standard bays was limited to four hours with no return within one hour. These bays were pay and display. This restriction applied between 08.00 and 20.00 hours. The disabled bays was unrestricted and free.
    - Blue Badge holders were permitted to park within the RPZ out-with marked bays provided they did not cause an obstruction.
  2. A no loading & no waiting restriction from the north junction with the A82 to Luss Sports Ground.
    - Seven bays were provided opposite Luss Primary School. The permitted stay in these bays was limited to 30 minutes with no

return for one hour. This restriction applied between 08.00 and 20.00 hours.

- Unrestricted free parking was available opposite Luss Sports Ground.

4.5 The RPZ TRO received 292 objections. Most of the objectors objected in principle to the proposals. Particular points of concern were:

- Disabled access to the RPZ.
- The cost of permits.

4.6 Consultants acting on behalf of Luss Estates has produced alternative proposals around the same time, and many of the objections made reference to these alternative proposals. Although aspects of the proposals were similar, there were also specific issues. In particular the Council's view on the proposal to restrict access to the village by way of a barrier across the public road, with access being provided to residents only was not competent. This view was arrived at primarily on the basis of that all road users have a right to access the public road, and that while it might be possible to promote a prohibition of access for certain vehicle classifications, it would not be competent to sub-divide that to individual vehicles within that classification.

4.7 Due to the significant number of objections, Officers held a public meeting for objectors to attend on 3 October 2017. This provided the opportunity to objectors to engage with Officers and discuss their concerns. Officers produced a comparison between the Council and the Luss Estates proposals and this is available at Appendix 1 of this report.

4.8 Following this meeting Officers wrote to the objectors, however, none of the objections were withdrawn.

4.9 The proposals were presented to Members for consideration at the Helensburgh and Lomond Area Committee on 21 December 2017. The committee made the following decision:

The Helensburgh and Lomond Area Committee notes:

- The number and range of objections
- The different and often competing desires of different sectors of the community
- The identification that the real issue in the village centre is traffic movement through the village streets and the limited number of on street parking spaces available.
- The legal advice from council officers and external and independent counsel that it is not possible under current legislation to restrict access to a public road to certain classes of road users although it is possible to restrict it to certain types of vehicles only, for example buses or taxis.
- The extensive consultation carried out.
- The council owns no land in the area which could be used for another public car park.

- The possible impact on local businesses who employ staff from out with the village if the draft proposals were to proceed.

4.10 In light of the above, the Helensburgh and Lomond Area Committee agrees:

- NOT to progress the current draft TRO.
- To write to Transport Scotland requesting the rationalisation of signage by removing signs directing traffic from the A82 into the south end of Luss village. Thus reducing the traffic flow into the village and bringing traffic in to arrive first at the public car park.
- To arrange for the erection of additional signs directing traffic to the public car park, reducing potential for visiting traffic to continue on to the residential areas of the village.
- To note that the Council does not own any developable land in the immediate vicinity of the village and if the community wish to seek to acquire land ,under the community right to buy provisions ,to invite them to contact the Scottish Government Community Land team to seek advice on the process required
- To promote a twenty mile an hour speed limit on parts of the old A82 and in the residential areas of the village in the interests of road safety.
- To progress a TRO to introduce the drop off bay to be advertised in due course for public consultation.
- To ask officers and Police Scotland to monitor and evaluate the impact of these changes on traffic movement in the village.

### **Temporary Traffic Regulation Order**

4.11 Since the above decision there have been ongoing discussions between the Council and Luss Community Council (as the most appropriate local representative body) with a view to developing a TRO which can be broadly agreed on. The TTRO recently introduced in response to COVID-19 has fulfilled its primary purpose of providing a mechanism to manage the visitor traffic into the village as lockdown restrictions have been eased. It has also provided an opportunity to effectively test proposals in a live environment. A copy of this order is available at Appendix 2.

4.12 The temporary order has effectively introduced a permit zone in the village. While that does appear to be working reasonably well, a significant number of PCNs have been issued which would suggest that road users would benefit from further clarity on the restrictions.

### **New Proposals**

4.13 The new proposals for Luss are summarised below. These have been developed through close working with the local community council and are in fact drafted by lawyers acting on their behalf. While this is unusual, it is perhaps further indication of the complexities, and of the Council's continuing commitment to ensure a community-led solution.

4.14 For ease of reference a summary of the proposals has been provided alongside a summary of the 2017 Council proposals, with associated commentary.

Proposal	2017 TROs	Draft TROs	Comments and recommendations
Amendment to Speed Restriction	<p>A 20mph speed limit from the north A82 junction to south of the Loch Lomond Arms Hotel.</p> <p>A 30mph speed limit from south of the Loch Lomond Arms Hotel to beyond the show ground;</p> <p>A 40mph speed limit from beyond the show ground to the south A82 junction.</p>	<p>A 20mph speed limit on the old A82 from its north junction with the A82 to Luss Highland Games Field.</p> <p>A 20mph speed limit in the core village roads.</p>	To progress the 20mph speed limit as noted in the draft TRO. Note that this is subject to agreement with Police Scotland, in accordance with the Councils "Road Speed Limit Policy Framework 2017"
Parking within Core Village	<p>A restricted parking zone (RPZ) covering Pier Road, Church Road and School Road (between Pier Road and Murray Place) with parking permits limited to one per residence or business. This included a number of marked bays for non-permit holders to use. Blue Badge Holders permitted to park within the zone.</p>	<p>A Prohibition of Waiting at any time except vehicles displaying valid permits (effectively and RPZ). This would apply on Pier Road and Murray Place in their entirety. This restriction would apply to Church Road except for the section where there is a no waiting/no loading restriction due to narrow carriageway width. Exemptions include: permit holders, Blue Badge holders, emergency services, delivery of mail, undertakers, local authority activities and furniture removal</p>	That Members agree that Officers can progress a TRO which has the effect of restricting parking in-line with the principles laid out in the Draft Order, however, that the exact form of restriction is delegated to the HoS
Old A82 Restrictions	A no loading & no waiting restriction from the northern junction with A82 to	A restriction on the Old A82 to allow short stay parking (30 minutes) in	To progress this element as noted in the Draft TRO.

	Luss Highland Games Field access. 7 bays opposite Luss Primary School, time restricted (30 minutes max. stay)	marked bays opposite the school.  A no loading / no waiting restriction on the remainder of the Old A82 from its northern junction with the A82 to Luss Highland Games Field access.	
Prohibition of Driving	Not included.	On the core village roads east of the old A82 (Pier Road, Church Road and Murray Place). The Prohibition won't apply to Emergency Services, Blue Badge Holders, Goods delivery etc.	To progress this as noted in the draft Order. Note, this restriction cannot be enforced by the Council. Police Scotland are the enforcement authority for this type of restriction.

4.15 Further details on the 20 mph speed limit proposal [draft order at Appendix 3]:

- The U228 Old A82 Road from a point approximately 17 metres south east of its north junction with the A82 Trunk Road to the access to Luss Highland Games field.
- U233 Pier Road in its entirety.
- U253 School Road in its entirety.
- U061 Church Road in its entirety.
- U354 Murray Place in its entirety.

4.16 Further detail on the Traffic Management within Luss Village proposal [draft order at Appendix 4]:

- This TRO is a more complex TRO than the Speed Limit Order but is essentially made up of four sections, as listed below. These proposals are explained further in the following paragraphs.
  - Prohibition of Driving
  - Prohibition of Waiting and Loading at any time
  - Introduction of a permit parking area or zone within the core village streets (Pier Road, Church Road, Murray Place and school Road from its junction with the Old A82 Road)
  - Parking Places – Maximum stay 30 minutes

4.17 The **Prohibition of Driving** covers the U233 Pier Road, U061 Church Road and U354 Murray Place in their entirety, however, it only covers the section of the

U253 School Road from its junction with the U228 Old A82 to its junction with Pier Road. The Prohibition of Driving would have the effect of preventing any vehicle from driving into these streets, however, there are a number of exceptions to this including emergency services, Blue Badge holders, delivery of goods. This list is not exhaustive, for the full details of exceptions refer to Appendix 4, Part 2, Article 5.

**Note:** although the Council operates Decriminalised Parking Enforcement the Prohibition of Driving can only be enforced by Police Scotland as this is a moving offence.

- 4.18 The **Prohibition of Waiting and Loading at any time** will apply to both sides of the U228 Old A82 Road from a point approximately 17 south east of its north junction with the A82 Trunk Road to the access to Luss Highland Games field. In addition to the restriction on the U228 Old A82 Road, a section of Church Road approximately 86m in length will also have this restriction applied.

This restriction is subject to a number of exceptions and exemptions including emergency services, delivery of mail, undertakers, local authority activities and furniture removal. This list is not exhaustive, for the full details of exceptions refer to Appendix 4, Part 4, Articles 9.2, 10 and 12.

**Note:** there are two sections on the U228 Old A82 Road with limited waiting time parking, refer to paragraph 4.17 for details.

- 4.19 The **Prohibition of Waiting at any time except vehicles displaying valid permits** (this forms a Restricted Parking Zone) will apply to the U233 Pier Road and U354 Murray Place in their entirety. The prohibition will apply to the U253 School Road only from its junction with the U228 Old A82 to its junction with the U233 Pier Road. The Prohibition will apply to the U061 Church Road except for the section noted in Paragraph 4.16 where a *Prohibition of Waiting and Loading at any time* applies (approx. 86m in length).

There are a number of exceptions and exemptions proposed including permit holders, Blue Badge holders, emergency services, delivery of mail, undertakers, local authority activities and furniture removal. This list is not exhaustive, for the full details of exceptions refer to Appendix 4, Part 4, Articles 9.1, 10, 11 and 12.

The principles contained within this section will be retained but the form of control within the permit zone may be amended; for example, rather than using a no waiting restriction the draft may be amended to include a Restricted Parking Zone or similar.

- 4.20 The **Parking Places – Maximum stay 30 minutes** allows up to 7 bays to be marked out on the U228 Old A82 for short stay parking. This is the only restriction within the draft TROs which is subject to a time limit; the maximum stay only applies between 08.00-20.00 hours. These bays are being provided principally to allow parents & guardians of Luss Primary School pupils a drop off and pick up area, although note that the restriction is in place Monday to Sunday. The bays can also be used by others requiring a short stay in Luss, for example, stopping to buy a newspaper from the village shop.

- 4.21 The draft TROs in Appendices 3 and 4 provide full details for the proposals. Both draft TROs include plans showing the extents and type of restrictions graphically.

### **Potential Issues**

- 4.22 There are, however, a number of potential issues with the draft proposals which need to be highlighted to Members. These are summarised below

#### **20mph speed limit**

- 4.23 The Council's Road Speed Limit Policy Framework recognises that any new speed limit must support a high level of self-compliance and should not rely on Police Scotland enforcement to be effective.
- 4.24 The proposed speed limit extends beyond the main part of the village. In an ideal world this will be self-enforcing and the average speed of road users will remain within the limit or appropriate tolerances. Part of any TRO process is monitoring its effectiveness after implementation and promote further appropriate changes if the speed limit is not proving to be self-enforcing. There had previously been discussion with the CC and Luss Estates with a view to seeking external grant funding for such measures. We will continue these discussions and look to work together to seek grant funding should infrastructure adaptations later prove to be required.
- 4.25 As part of the formal TRO process, the Council need to consult with Police Scotland on the proposed extents of the speed limit; in accordance with the Council Road Speed Limit Policy Framework (Article 4.3). Police Scotland may request the 20mph limit is changed, however; this won't be known until stage 1 of the formal consultation process commences.
- 4.26 Beyond the southern extent of the proposed 20mph speed limit, a 40mph limit will be included and will extend to the south junction with the A82. This will be included as part of the proposed new speed restriction order.

#### **Traffic management within Luss Village**

- 4.27 The draft TRO was drafted by lawyers acting on behalf of the Community Council and following discussions between the Community Council and the Council. Broadly, the draft TRO is supported by Officers however, there are a number of concerns in regards to the permit zone and fees for permits.
- 4.28 The draft TRO allows two permits to be issued to residents and businesses contained within the zone identified in Plan 3 of the draft TRO. The extent of the zone is significant although Officers note that property density is low. The zone encapsulates the Luss parish boundary and it is accepted that it reflects the community who make regular use of Luss for both recreation and business purposes. There is, however; a potential risk that by including the full parish in the permit scheme for Luss Village this could effectively allow too many cars into the village. As with any TRO, post-implementation we will monitor its effectiveness and latterly, in discussion with the community, promote any appropriate changes that might be required.

- 4.29 Should the above arise, it may be worth in the future considering that a separate, smaller zone for businesses, perhaps limiting this to Luss Village itself. It has, however, taken a considerable amount of time and effort from all involved to get to the proposals as drafted and, with this in mind, Officers are proposing to progress with the zone as currently defined
- 4.30 Schedule 5 of the draft TRO (refer to Appendix 4) details the proposed charges for permits and replacement permits. These are set at £20 annual fee for business and resident permits and £5 for a replacement permit.
- 4.31 In regards to the fee for a replacement permit, the Council operates an electronic permit system and “hardcopies” are not issued. As such, there will not be a requirement to charge for a replacement permit. There may be occasions where permit holders change their vehicle but at the moment this is a free service and no charge is incurred to update the permit.
- 4.32 The Council publishes its fees and charges annually. For 2020/21 the charges for an annual off-street permit was set at £489 and for a residents on-street permit (currently only available in Oban) the charge was set at £98. It is the view of Officers that, to be equitable to other areas of Argyll and Bute, the advertised TRO should set the fee in-line with the Council’s published Fees and Charges and, in this case, propose that the appropriate fee would be £98.
- 4.33 Schedule 5(b) includes charge rates for Penalty Charge Notices (PCNs). These are Statutory Charges and are currently set by the Scottish Government. Officers propose to remove this schedule to remove the need to publish Notices each time these charges are amended nationally.
- 4.34 Finally, it should be noted by Members that the draft TROs contain a number of restrictions of a type that would require referral to a Reporter should objections be submitted and maintained. This would be required if objections are submitted to the following type of restrictions within the draft TROs:
- i. Prohibition of Driving
  - ii. No Loading restrictions

## **5.0 CONCLUSION**

- 5.1 Moving to the stage of advertising new proposals for Luss would be a significant step towards finding a proportionate, balanced and sustainable solution to the issues raised which meets the needs of residents, businesses, visitors, and is fair to road users who all have a right to use the public road.
- 5.2 Final proposal will come back to the Area Committee for consideration following the conclusion of the formal consultation process. At this point the intention is to bring these to a following meeting, although that will depend on the volume of representations received. At the very least an update report will be provided for that meeting.

## 6.0 IMPLICATIONS

6.1 Policy: Parking Policy 2014 & Road Speed Limit Policy Framework 2017

6.2 Financial: None. Advertising costs for publication of TROs will be funded from the existing Network and Traffic Management budgets. Signing and lining costs will be funded from the existing car park maintenance budget and/or roads revenue budget.

If objections are maintained there may be a need for the TROs to be referred to a Reporter.

There may be a requirement to introduce physical traffic management measures should the proposed 20mph restriction not be self-enforcing. This will be monitored and appropriate action taken in 12-18 months following implementation.

6.3 Legal: None at this stage.

6.4 HR: None

6.5 Fairer Scotland Duty:

Limited impact, however, the TRO should improve the safety of local residents and visitors by reducing traffic circulating through the village. This brings a positive impact to both Communities of Place and Communities of Interest.

6.5.1 Equalities - protected characteristics

Blue Badge Holders will be permitted to park for free within the permit zone and within the off-street car park.

6.5.2 Socio-economic Duty

May have an impact on those who currently visit Luss and park for free within the village or the Old A82 Road as they will need to park within the off-street car park, which is pay & display. Off-street permits are available, however, and these reduce the costs of parking, when compared against the daily charges, significantly. This has been considered against the impact tourism has on Luss Village, including its impact on Communities or Place & Interest alongside the impact on road safety and traffic issues.

6.5.3 Islands N/A

6.6 Risk Safer roads for all road users through controlled parking and reduced speed.

6.7 Customer Service

None over and above the norm for TROs.

**Executive Director with responsibility for Roads and Infrastructure Services,  
Kirsty Flanagan**

**Policy Lead for Roads and Infrastructure Services, Cllr Robin Currie**

September 2020

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**APPENDICES**

**Appendix 1:** Comparison table 2017

**Appendix 2:** TTRO currently in place

**Appendix 3:** Draft Luss Speed Limit Order

**Appendix 4:** Draft Luss Prohibition of Driving and Traffic Regulation Order

**Appendix 5:** TRO process