

**LUSS TRAFFIC REGULATION ORDER – REPORTERS REPORT**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The Helensburgh and Lomond Area Committee, at its meeting held on 16 September 2021, considered a report regarding two Traffic Regulation Orders (TRO) relating to Luss Village and the U228 Old A82. The first TRO proposed amendments to speed limits and, as there were no extant objections, the Committee agreed the Order could be made. The second TRO was the Luss Traffic Management TRO, which had a number of extant objections.
- 1.2 The Committee agree to amend the order in relation to the cost of permits and to refer the Order to a Reporter for consideration. This report provides an update on progress and the Recommendations arising from the Reporters findings.

**RECOMMENDATIONS**

It is recommended that the Helensburgh and Lomond Area Committee:

- i. Notes the Reporters observations;
- ii. Agree to accept the Reporters modifications to the Order;
- iii. Agree to refer the Order to Scottish Ministers seeking consent for the prohibition of driving;
- iv. Delegate appropriate authority to the Executive Director with responsibility for Roads and Infrastructure in consultation with the Area Committee Chair to allow the Order to be referred for making following consent from Scottish Ministers to minimise implementation delays.

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**2.0 INTRODUCTION**

- 2.1 The Helensburgh and Lomond Area Committee, at its meeting held on 16 September 2021, considered a report regarding two Traffic Regulation Orders (TRO) relating to Luss Village and the U228 Old A82.
- 2.2 The first TRO proposed amendments to speed limits and, as there were no extant objections, the Committee agreed the Order could be made.
- 2.3 The second TRO was the Luss Traffic Management TRO, which had a number of extant objections. The Committee agree to amend the order in relation to the cost of permits and to refer the Order to a Reporter for consideration.
- 2.4 This report provides an update on progress and the Recommendations arising from the Reporters findings.

**3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Helensburgh and Lomond Area Committee:
- i. Notes the Reporters observations;
  - ii. Agree to accept the Reporters modifications to the Order;
  - iii. Agree to refer the Order to Scottish Ministers seeking consent for the prohibition of driving;
  - iv. Delegate appropriate authority to the Executive Director with responsibility for Roads and Infrastructure in consultation with the Area Committee Chair to allow the Order to be referred for making following consent from Scottish Ministers to minimise implementation delays.

**4.0 DETAIL**

- 4.1 The Helensburgh and Lomond Area Committee, at its meeting held on 16 September 2021, considered a report regarding two Traffic Regulation Orders (TRO) relating to Luss Village and the U228 Old A82.
- 4.2 The second TRO considered in the report was the Luss Traffic Management TRO (Luss TM TRO), which had a number of extant objections. The two principle objection themes were in relation to the cost of permits and the prohibition of

driving. The Committee agree to amend the order in relation to the cost of permits and to refer the Order to a Reporter for consideration.

- 4.3 The Council wrote to the Scottish Governments Scottish Government's Planning and Environmental Appeals Division (DPEA) on the 19 October 2021 advising that the Luss TM TRO was being referred. Following a review of documents by the Council, a Reporter was appointed on 24 March 2022.
- 4.4 In May 2022, the Council wrote to the extant Objectors formally advising that the proposed fee had been reduced, at Committee, from £98 per annum to £45 per annum and asked, based on this amendment, whether the Objectors wished to withdraw their objection to the TRO. The same letter also advised that the TRO was being referred to a Reporter and asked whether they wished to participate in the proceedings.
- 4.5 The Council and those Objectors who wished to take part each prepared and submitted Statement of Case to the Reporter. A brief period (2 weeks) was allotted for comments on the submissions from each side.
- 4.6 The hearing was held at the Sutherland Suite, Loch Lomond Arms Hotel, Luss on 23 August 2022. The hearing heard from two objectors and the Council. The Reporter also permitted members of the audience to make comment during the hearing.
- 4.7 The Reporter sought clarification on small number of points arising from the hearing which were subsequently circulated amongst all interested parties for comment. This period ended on the 5 October and the Reporter submitted his final report to the Council on 12 October 2022.
- 4.8 The report, contained within Appendix 1, provides detail of the process to this point and makes a number of Recommendations (listed as modifications) and observations. The majority of the modifications are relatively minor in nature (being typos or minor changes in terminology). The Recommendations are detailed in the Table under Paragraph 4.4(b) of the Report, however; the following highlights the key technical modifications for consideration by Members:
  - i. The Reporter has agreed with the Councils proposal to reduce the on-street permit charge from £98 to £45 per annum.
  - ii. The Reporter accepted the Council's position of two permits per resident in the Parish of Luss but modifies it to the extent of allowing one of the permits not to be tied to a particular vehicle but rather to be registered to their address (thus allowing for use by visitors to that address).
  - iii. In relation to the prohibition of driving, the Reporter is supportive, on a very fine balance, of this being retained in the TRO.
  - iv. The Reporter has recommended that the number of on-street business parking permits be increased from two to four, with a provision allowing three of them to be registered to the business address.
  - v. The Reporter accepted the Council's proposed modification (made post the Hearing), to add a 12 metre stretch of Church Road, near the Coach

House to the prohibition of waiting provision which would prohibit waiting across the service access to the Coach House.

4.9 The Reporter, as noted above, also made a number of observations. They are as follows:

- i. Although not a statutory requirement, the Council may wish to consider whether its post-implementation arrangements should include consultation with all the businesses in the Area.
- ii. The Reporter made reference to enforcement- “My fear therefore is that there is a danger of under-enforcement” (Page 19). He has recommended that the post-implementation monitoring should include the need or otherwise for enforcement improvements. It may also have a bearing on the proper level of charges for permits in Luss in the future.
- iii. There were a couple of objections to the £489 annual charge for business permits in the Council’s off-street car park. The Reporter confirmed the Council’s view that the cost of off-street permits is not within the scope of the TRO. He does state, however, that it is clear the charges are of considerable concern to the residents of Luss and that, in his view, it would be appropriate to include a review of those charges in any post-implementation monitoring of the TRO.

4.10 The Council can, if so minded, decide to make the Order without accepting all of the Recommendations. The legislative process for this is in accordance with Regulation 14 of the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999. Under this Regulation, the Council is required to submit a statement of reasons for not accepting the relevant recommendations.

4.11 Notwithstanding the above, Officers recommendation to the Committee is to accept the Reporters modification to the Order.

4.12 The prohibition of driving element of the Order requires consent from Scottish Ministers (under Regulation 11 of the aforementioned Regulations). In accordance with this, Officers seek the consent of the Committee to forward all necessary document to the Scottish Ministers.

4.13 To minimise delay in implementation of the Order; Officers request that the Committee delegate appropriate authority to the Executive Director with responsibility for Roads and Infrastructure in consultation with the Area Committee Chair to allow the Order to be referred for making following consent from Scottish Ministers to minimise implementation delays; subject to the Committee agreeing with the recommendations and the Scottish Government giving their consent

## **5.0 CONCLUSION**

5.1 This report provides an update on progress to date and makes recommendations for the consideration of Members regarding the proposed Luss TM TRO.

5.2 Officers recommends that the Committee:

- i. Notes the Reporters observations;
- ii. Agree to accept the Reporters modifications to the Order,

- iii. Agree to refer the Order to Scottish Ministers seeking consent for the prohibition of driving;
- iv. Delegate appropriate authority to the RIS Head of Service to allow the Order to be referred for making following consent from Scottish Ministers to minimise implementation delays.

## **6.0 IMPLICATIONS**

6.1 Policy - Parking Policy 2014.

6.2 Financial - Signing and lining costs will be funded from the existing car park maintenance budget and/or roads revenue budget. Physical traffic management measures will be financed from the H&L parking maintenance budget or from third party funding sources (e.g. Road Safety Improvement Fund, SUSTRANS).

6.3 Legal - Potential challenge during the procedural pause.

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.

The cost of off-street permits may have a disproportionate impact on local businesses that lack access to private off-street parking. This should be considered within the post-implementation monitoring and as part of any future amendment.

6.5.3 Islands - N/A.

6.6. Climate Change - None known.

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

6.8 Customer Service - None over and above the norm for TROs.

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

**Head of Roads and Infrastructure Jim Smith**

**Policy Lead for Roads and Infrastructure Services, Cllr Andrew Kain**

November 2022

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**APPENDICES**

**Appendix 1: SN241 – Report to Argyll and Bute Council**