
Report To:	Environment & Regeneration Committee	Date:	31 August 2023
Report By:	Head of Physical Assets	Report No:	ENV037/23/SJ/EM
Contact Officer:	Eddie Montgomery	Contact No:	01475 714800
Subject:	West Blackhall Street Proposed Roads Orders – Reporter’s Decision		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting
- 1.2 The purpose of this report is to inform Committee of the recommendations of the independent Reporter concerning the roads orders necessary to implement the proposed infrastructure improvements on West Blackhall Street and surrounding roads.
- 1.3 Local Authorities are empowered to make Orders under the Road Traffic Regulation and Roads (Scotland) Acts 1984 and under the Council’s Scheme of Administration the Head of Physical Assets is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.

2.0 RECOMMENDATIONS

- 2.1 It is recommended:
1. That the Committee note the recommendations of the independent Reporter in relation to the One-Way Traffic Regulation Order.
 2. That the Committee accept the Reporter’s recommendations in full in relation to the One-Way Traffic Regulation Order.
 3. That the Committee note the Scottish Ministers’ determination of the Redetermination Order without modification.
 4. That the Committee agree to the making of “The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition of Entry, Left Turn Only Restriction and Prohibition of Right and Left Turns) Traffic Regulation Order 2022” and remit it to the Head of Physical Assets and the Head of Legal, Democratic, Digital & Customer Services to arrange for its implementation.

Eddie Montgomery
Head of Physical Assets

3.0 BACKGROUND AND CONTEXT

3.1 Improving the environment of West Blackhall Street, Greenock has been agreed by the Greenock Town Centre Regeneration Forum and the Environment and Regeneration Committee as a priority project for Greenock town centre. A design for the improvement of the public realm of West Blackhall Street was developed involving public consultation and was agreed by the Environment and Regeneration Committee on 29 August 2019.

3.2 West Blackhall Street is currently split into 3 sections which each have different traffic management. The majority of the road is one way but the direction changes throughout. There is a section of two way road between Jamaica Street and Dalrymple Street. This can cause difficulties for drivers and pedal cyclists trying to navigate the town centre, particularly for those who are unfamiliar with the town.

3.3 In order to make the town centre more attractive and accessible by all modes of transport, a revised traffic management scheme has been prepared for West Blackhall Street, and the roads surrounding and adjoining West Blackhall Street, which will be delivered by way of three proposed Traffic Regulation Orders (TRO), a proposed Speed Limit Order and a proposed Redetermination Order. The five Orders are:

- The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition of Entry, Left Turn Only Restriction and Prohibition of Right and Left Turns) Traffic Regulation Order 2022
- The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (26 Tonnes Weight Restriction) Order 2022
- The Inverclyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 7) Order 2022
- The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (20mph Speed Limit) Order 2022
- The Inverclyde Council, West Blackhall Street, Greenock (Redetermination of Means of Exercise of Public Right of Passage) Order 2022.

3.4 The proposed Orders were issued for public consultation on 04 August 2022 with responses invited by 01 September 2022. At the end of this consultation period, two objections to three Orders were received. Officers entered into correspondence with the two objectors. The objectors did not respond to confirm if they wished to withdraw or maintain their objections, therefore the Council required to consider their objections as maintained.

3.5 At its meeting on 12 January 2023 the Environment and Regeneration Committee agreed that an independent Reporter be appointed to consider the maintained objections to the Redetermination Order, One-Way Traffic Regulation Order and the Weight Limit Order and noted that the Redetermination Order would have to be referred to Transport Scotland for consideration of the maintained objection to it.

3.6 Following this committee meeting the objector to the Weight Limit Order decided to withdraw their objection. An independent Reporter did not therefore need to hear this objection.

3.7 An independent Reporter considered the objection made and not withdrawn in relation to the One-Way Traffic Regulation Order. The Reporter undertook an unaccompanied site visit on 25 March 2023 and published his recommendations on 9 May 2023. Officers have considered the Reporter's recommendations (contained in Appendix 1 of this report) and this report includes Officers' recommendations, along with the proposed Traffic Regulation Order (contained in Appendix 2 of this report) for approval.

Appendix
1 & 2

3.8 Transport Scotland required to consider the objection to the Redetermination Order. Following consideration of all of the evidence available, including the objections to the Order received by the Council and the Council's responses to those objections, Transport Scotland on behalf of the Scottish Ministers have decided to confirm the Order without modification. Their decision letter is included in Appendix 3 of this report.

4.0 PROPOSALS

Directorate for Planning and Environmental Appeals, Report to Inverclyde Council

4.1 The Reporter published his report on 9 May 2023 and recommended that the Council make the One-Way Traffic Regulation Order without modification. Officers recommend that the Reporter's recommendation be accepted.

Transport Scotland's Letter to Inverclyde Council

4.2 Transport Scotland wrote to the Council on 19 April 2023 and advised that the Scottish Ministers have decided to confirm the Order without modification.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial	X	
Legal/Risk		X
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

5.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 Legal/Risk

The Committee is asked to note that, if it agrees to the making of the Traffic Regulation Order, the Order may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984. The Redetermination Order can only be challenged by an action for judicial review.

5.4 Human Resources

None.

5.5 Strategic

None.

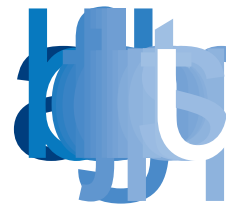
6.0 CONSULTATION

- 6.1 This report is a result of a public consultation on the Roads Orders associated with the West Blackhall Street public realm improvements. It notes the outcome of the consultation undertaken between 04 August and 01 September 2022 and the recommendations of an independent Reporter and Transport Scotland/the Scottish Ministers.

7.0 BACKGROUND PAPERS

- 7.1 A report entitled “West Blackhall Street Proposed Roads Orders – Maintained Objections” was considered by the Environment and Regeneration Committee on 12 January 2023 and agreed the appointment of the independent Reporter and the reference to Transport Scotland/the Scottish Ministers.

+Planning and Environmental Appeals Division
Hadrian House, Callendar Business Park, Falkirk, FK1 1XR
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Report to Inverclyde Council

ROAD TRAFFIC REGULATION ACT1984

Report by Mike Croft, a reporter appointed by Inverclyde Council

- DPEA case reference: TRO-280-3.
- Council case reference: ECO1573.
- Site address: West Blackhall Street and adjoining roads, Greenock.
- Promoting authority: Inverclyde Council.
- The order sought: The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition of Entry, Left Turn Only Restriction and Prohibition of Right and Left Turns) Traffic Regulation Order 2022.
- Objector: Ms E Turpie.
- Date case received by DPEA: 3 February 2023.
- Date of site visit: 25 March 2023 (unaccompanied).
- Reporter's recommendation: that the Order be made as drafted.

Date of this report and recommendation: 9 May 2023.

Scottish Government
Planning and Environmental Appeals Division
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

DPEA case reference: TRO-280-3

9 May 2023

Head of Legal and Democratic Services
Inverclyde Council

Dear Sir

THE INVERCLYDE COUNCIL, WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK (ONE WAY, ONE WAY CYCLE TRACK, PROHIBITION OF ENTRY, LEFT TURN ONLY RESTRICTION AND PROHIBITION OF RIGHT AND LEFT TURNS) TRAFFIC REGULATION ORDER 2022

I refer to the above draft Traffic Regulation Order and to your letter of 3 February 2023 referring the matter to the Scottish Government's Planning and Environmental Appeals Division (DPEA). I also refer to the Council's minute dated 9 March 2023 (superseding an earlier minute) appointing me as the reporter to examine the Order by whatever means are appropriate, including holding a public hearing if necessary, in the light of the objection made to it, and to report with recommendations. I am a member of a panel of self-employed reporters who are allocated this category of work by DPEA.

As you know, Regulation 8 of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 provides that, before making a traffic regulation order, the authority may hold a hearing in connection with it. It also provides that the authority shall hold such a hearing before making an order in certain specified cases. The Order in this case is of a kind where the authority may, rather than must, hold a hearing. In addition, the sole objector to the Order made it clear that she did not wish to participate in a hearing. As I considered that the matters that I wished to raise with the Council could be dealt with by written submissions, and as the Council did not claim that that would be inappropriate, I therefore proceeded in that manner. Both the Council and the objector have provided answers to the questions that I have raised with them in writing, and each was given the opportunity (which the Council took, but not the objector) to comment on the other's answers. These answers and comments, together with the terms of the Order, the objection itself, and other background material form the basis of my report. Also material are the observations I made during my unaccompanied site inspection on 25 March 2023.

I am very grateful for the help provided by Ms Maureen MacPhail, an officer with the Council but with no previous connection with the case, who acted very responsively and effectively as my Programme Officer.

This report is directed towards whether, arising from my examination of the draft Order in the light of the objection made against it, the Council should, or should not, make the Order, and if so, what (if any) modifications to it should be made.

Yours sincerely

Mike Croft

Reporter

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CHAPTER 1. INTRODUCTION, STATUTORY BASIS AND PROCEDURES

Introduction

1.1 By a minute of appointment dated 9 March 2023 (superseding an earlier minute) I was appointed by the Council as the reporter to examine The Inverclyde Council, West Blackhall Street And Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition Of Entry, Left Turn Only Restriction And Prohibition Of Right And Left Turns) Traffic Regulation Order 2022 by whatever means are appropriate, including holding a public hearing if necessary, in the light of the objection made to it and to report with recommendations.

1.2 The roads that are the subject of the Order before me are within Greenock town centre. The Local Development Plan (adopted in August 2019) recognises and seeks to safeguard Greenock as the main town centre within Inverclyde.

1.3 The roads affected by the Order cover a relatively restricted area. The full length of West Blackhall Street is included, but that is a distance of only about 380 metres. The roads in the Order do not extend beyond West Blackhall Street for more than about 110 metres to the south-west (Jamaica Street) and 180 metres to the north-east (Westburn Street).

1.4 The buildings fronting the roads date mainly from the 19th century, usually with shops on the ground floor and often with residential above. Immediately to the south of the area is the modern Oak Mall shopping centre.

1.5 I saw on my visit to the area that cars are very obvious in the street scene, mainly because of parking. Nearly all the stretches of road in the area are subject to one-way working. Parts of West Blackhall Street are subject to one-way north-to-south working, part is subject to one-way south-to north working, and part has two-way working. There are currently no segregated facilities for cyclists on the roads affected by the Order.

1.6 My calculations from the Council's counts on West Blackhall Street between Westburn Street and Nicolson Street (conducted for 30 minutes between 1200 and 1300 hours on several days in September 2021) indicate an average per 30 minutes of 140 pedestrians, 4 buggies / prams, 5 wheelchairs / mobility vehicles, and 2 cycles.

1.7 The area is bounded on the north and east by the A770 road (Grey Place and Dalrymple Street). Part of the A770 (in the vicinity of its junction with West Blackhall Street) has a 2-way cycle lane on its northern/eastern side. Beyond that is a large Tesco store, and a little further away are the Beacon Arts Centre, the Greenock Ocean Terminal and part of National Cycle Network Route (NCN) 75 (Edinburgh – Glasgow – Kintyre), a shared use cycle path and footway.

1.8 South of the Oak Mall centre is the A78 road (High Street), a (predominantly) dual carriageway here with limited opportunities to cross.

1.9 The A770 and A78 routes are among cyclists' key routes in the area.

The Council's proposals and draft Orders

1.10 Improving the environment of West Blackhall Street is a priority for the Council. Its public realm proposals, agreed in August 2019 with support from Sustrans, provide for West Blackhall Street traffic to run one-way throughout its length south-east to north-west from Oak Mall to Grey Place, traffic flow on the side streets to be as at present, mini plazas to be created at each end of West Blackhall Street, parking to be on one side of West Blackhall Street only (instead of both sides now), wider pavements to be introduced, a one-way north-west to south-east segregated cycle lane to be introduced along West Blackhall Street, roads and footways to be fully reconstructed addressing slow surface water drainage problems, and street trees to be introduced. The loss of parking space has already been substantially offset by the Council's purchase of land on Jamaica Street (within walking distance of West Blackhall Street). and the laying out of a car park there with 20 spaces. The Council also proposes about 30 additional spaces on Dalrymple Street. The number of disabled bays and loading bays on West Blackhall Street remain the same and the overall loss of parking would be only three spaces.

1.11 The latest cost estimate for these proposals (provided to me by the Council in April 2023) is a total of £7.92 millions. The Council is funding £1.7 millions of this, with a bid for most of the rest being considered by Sustrans.

1.12 The Order before me is promoted by the Council under various powers, including powers within the Road Traffic Regulation Act 1984 as amended by the Roads (Scotland) Act 1984. It takes forward some of the proposals I mention in paragraph 1.10 above.

1.13 The Council advertised the draft Order on 4 August 2022. Four other Orders relating to the same roads as in the Order before me, and taking forward other elements of the proposals I mention in paragraph 1.10 above, were also the subject of advertisement then. These other Orders were

(a) The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (26 Tonnes Weight Restriction) Order 2022 (Council ref ECO1626);

(b) The Inverclyde Council (Various Roads) (Inner Greenock) (Controlled Parking Zone) (Variation No. 7) Order 2022 (Council ref ECO1625);

(c) The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (20mph Speed Limit) Order 2022 (Council ref 1633); and

(d) The Inverclyde Council, West Blackhall Street, Greenock (Redetermination of Means of Exercise of Public Right of Passage) Order 2022 (Council ref ECO 1574).

1.14 By the end of the advertisement period (1 September 2022), one objection to the Weight Restriction Order, and an identical objection to the One-Way Order and the Redetermination Order from a single objector, had been received. Notwithstanding correspondence between the Council and the objectors, those objections were maintained. The Council referred the One-Way Order and the Weight Restriction Order, each with its objection, to DPEA on 3 February 2023. The Redetermination Order and the objection to it were matters for reference to the Scottish Ministers¹.

1.15 On 13 February 2023, the objection to the Weight Restriction Order was withdrawn, so that Order ceased to be a matter for DPEA and me.

¹ I indicate how this was dealt with in paragraph 1.34 below.

1.16 The Order before me introduces these proposals:

(a) a one-way north-westbound road for motor vehicles and pedal cycles on West Blackhall Street from Westburn Street to Dalrymple Street with associated turning bans and prohibition of entry to West Blackhall Street from specified adjoining roads;

b) a one-way north-westbound road for motor vehicles and pedal cycles on West Stewart Street from Argyle Street to Kelly Street with associated turning bans and prohibition of entry to West Stewart Street from specified adjoining roads;

(c) a one-way south-westbound road for motor vehicles and pedal cycles on Westburn Street from Dalrymple Street to West Blackhall Street with prohibition of entry from a specified adjoining road,

(d) a left turn only restriction on Westburn Street when approaching West Blackhall Street in a north-eastbound direction;

(e) one-way south-westbound roads for motor vehicles and pedal cycles on a specified part of Nicolson Street and on Argyle Street with associated turning bans and prohibition of entry from West Stewart Street;

(f) a one-way north-eastbound road for motor vehicles and pedal cycles on a specified part of Nicolson Street with associated turning bans and prohibition of entry from Dalrymple Street;

(g) a one-way south-westbound road for motor vehicles and pedal cycles on a specified part of Laird Street;

(h) a one-way north-eastbound road for motor vehicles and pedal cycles on Jamaica Street with associated turning bans and prohibition of entry to West Stewart Street from specified adjoining roads;

(i) a one-way south-eastbound road for motor vehicles and pedal cycles on Jamaica Lane with associated turning bans from, and a prohibition of entry to, Jamaica Street; and

(j) a one-way south-eastbound cycle track on West Blackhall Street from Dalrymple Street to Westburn Street.

1.17 Travel on West Blackhall Street is currently one-way over most of its length, but the various parts of it have different directions of travel. The Order would make it consistently one-way from south-east to north-west throughout its length. That is an important primary objective of the Council. Cyclists would be able to travel from south-east to north-west in that way, and to accommodate cyclists wanting to travel in the opposite direction a one-way (north-west to south-east) cycle lane is included in the Order. The proposed cycle lane would connect with the cycle lane on Grey Place / Dalrymple Street offering routes to the wider community.

1.18 The cycle lane is designed in accordance with *Cycling by Design*, Transport Scotland's guidance for cycling infrastructure design in Scotland (updated in 2021). It would be two metres wide. It is designed as a one-way facility as there is insufficient space

to provide a bi-directional cycle lane. The cycle lane would be stepped, ie with a difference in level between cyclists and pedestrians. Details are not given in the Order before me, but road markings rather than physical barriers would separate cyclists on the cycle lane from traffic going in the opposite direction. Tactile and corduroy paving at every point where the cycle lane would cross footways would warn both pedestrians and cyclists. These provisions would particularly assist blind and partially sighted pedestrians.

The statutory basis for the Order before me

1.19 A traffic authority, such as the Council, may make a traffic regulation order under section 1(1) of the Road Traffic Regulation Act 1984 where it appears to the authority that it is expedient to make it, on the basis of seven possible reasons for so doing. These are:

“(a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or

(b) for preventing damage to the road or to any building on or near the road, or

(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or

(f) for preserving or improving the amenities of the area through which the road runs, or

(g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).”

1.20 Although not referring explicitly to section 1(1), the Council's statement of reasons indicates that reasons (d) and (f) apply in its view to the Order before me.

1.21 The section 1(1) reasons for expediency are to be understood against the wider requirements of section 122 of the 1984 Act. This requires the Council to exercise the functions conferred on it by the Act *“to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the road”*. This duty is a qualified duty in that the Council must comply with it *“so far as practicable”*, having regard (in summary) to the following (retaining the letter references of section 122):

(a) the desirability of securing and maintaining reasonable access to premises,

(b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run,

(bb) the national air quality strategy,

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles, and

(d) any other matters appearing to the Council to be relevant.

1.22 In answer to my question to the Council about its compliance with section 122, the Council's answer in relation to those five matters may be summarised thus:

(a) The proposed public realm works maintain access to all facilities within the town centre and make it easier for visitors to find their way around by opening up West Blackhall Street. The works preserve access to facilities by walking and motor vehicles and introduce cycling facilities for those wishing to cycle.

(b) This was a matter for Order (a) in paragraph 1.13 above.

(bb) One of the Council's aims is to reduce the number of vehicles entering the town centre which will reduce emissions and have a positive impact towards the national air quality strategy.

(c) The importance of public service vehicles is recognised, but the only such vehicle here is a "Dial a bus" operated by SPT which, as a consultee, made no adverse comment.

(d) The removal of some parking spaces from West Blackhall Street has been compensated by new provision on Jamaica Street. The Council also proposes about 30 additional spaces on Dalrymple Street (see paragraph 1.10 above).

1.23 I have no doubt that the Council has met the requirements of sections 1(1) and 122 of the 1984 Act as described above. No-one has challenged that.

The process for the Order before me

1.24 The procedure for making an order such as this is contained in The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

1.25 Regulations 4 and 6 specify consultation requirements. The Council issued consultation letters on 1 August 2022 to the organisations specified by Regulation 4, and I have been provided with a copy of the letter. From the information provided to me by the Council, I am satisfied that the consultation requirements in the Regulations have been met.

1.26 Regulation 5 requires publication of the proposals by (at least) notice in a local newspaper. In this case, a notice was published in the Greenock Telegraph on 4 August 2022. In addition, notices were displayed between 3 August and 1 September 2022 at the ends of each road affected by the Order and at road junctions. A copy of that notice, along with a copy of the Order, plans and statement of reasons, was published on the Council's website, with copies also displayed at several Council premises in Greenock for public

inspection from 4 August to 1 September 2022. I have been provided with a copy of the notices. I am satisfied that the Regulations' requirements have been met in these respects.

1.27 Regulation 7 enables objections to be made in response to the regulation 5 notice. One such objection was received.

1.28 Regulation 8 provides that, before making an order, the authority may hold a hearing in connection with it, and provides that the authority shall hold such a hearing before making an order in certain specified circumstances. Regulation 8 also requires hearings to be conducted by an independent person (referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose.

1.29 The Order before me is of a kind where the authority may, rather than must, hold a hearing. The Council decided in January 2023 that a hearing should be held. This was (a) because the expectation at that time was that Scottish Ministers would require the Redetermination Order and the objection to it to be the subject of a hearing (which could be held jointly with a hearing dealing with the One-Way Order), and (b) so as to follow the rules of natural justice. In the event, there was no need for a hearing on the Redetermination Order². In addition, the sole objector to the One-Way Order made it clear in writing to the Council on 2 February 2023, and she confirmed that point to me in writing on 20 March 2023, that she did not wish to participate in a hearing.

1.30 Bearing that in mind, and as I considered that the matters that I wished to raise with the Council could be dealt with by written submissions, and as the Council did not claim that that would be inappropriate, I therefore proceeded in that latter manner.

1.31 Both the Council and the objector have provided answers to the questions that I have raised with them in writing, and each was given the opportunity (which the Council took, but not the objector) to comment on the other's answers. My initial questions to the Council and its answers are reproduced in appendix 1 to this report. My questions to the objector, her answers and the Council's comments on those answers are reproduced in appendix 2. My further questions to the Council and its answers are reproduced in appendix 3. These various answers and comments, together with the terms of the Order, the objection itself, and other background material together form the basis for my report.

1.32 I confirm that the requirements of the Regulations have been met.

1.33 I made an unaccompanied inspection of West Blackhall Street and the surrounding area on 25 March 2023.

The Redetermination Order

1.34 As I indicated in paragraph 1.13 above the Redetermination Order was one of several Orders being processed by the Council. In paragraph 1.14 I pointed out that that Order and the objection to it were matters for reference to the Scottish Ministers. The Council submitted that Order to Transport Scotland (for Scottish Ministers) on 6 February 2023. Transport Scotland wrote to the Council on 19 April 2023 indicating Scottish Ministers' decision to confirm the Order without modification. No hearing was necessary for that.

² I indicate how the Redetermination Order was actually dealt with at paragraph 1.34.

1.35 That decision means that Scottish Ministers have concluded that, bearing in mind the objection to it, it would be appropriate for the means of exercise of the public right of passage on various lengths of West Blackhall Street to be redetermined from road and footway to cycle path. The objection that is made to the Order before me is identical to that made to the Redetermination Order. It is concerned only with the cycle lane proposal. However, Ministers' decision on the Redetermination Order does not mean that the objection to the Order before me is to be automatically dismissed. The two Orders have been prepared under different legislation - the One-Way Order under the Road Traffic Regulation Act 1984 and the Redetermination Order under the Roads (Scotland) Act 1984. On that basis, the objector is entitled to have her arguments fully dealt with in relation to the Order before me. In other words, although I take account of Scottish Ministers' view supporting the introduction of a cycle lane here, their decision does not pre-determine my conclusions.

CHAPTER 2. THE OBJECTOR'S CASE

2.1 The objector's case is derived from her objection in August 2022, her comments to the Council in correspondence arising from the objection, and her answers to my questions.

2.2 Most of the Order's proposals are supported: the objector has long considered that West Blackhall Street should be opened up to assist free traffic flow through the town.

2.3 However, the "ubiquitous" cycle lane is opposed. That is the primary objection. It is not clear why the cycle lane is required, as the objector has never seen anyone cycling on West Blackhall Street. There are far more walkers and runners than cyclists, and pedestrians should be the priority.

2.4 The usage figures presented to support cycle lanes are seriously flawed. Only 24 bikers were reported in the Greenock Telegraph on 26 February 2022 as using the cycle lanes daily, but the expectation had been that 10,966 would use them each year. No cyclist can be seen on The Esplanade at the time of writing (1600 hours during the Easter school holidays) on what is assumed to be a popular cycle route.

2.5 Sufficient space may be an issue. Difficulty would arise on West Blackhall Street if traffic builds up behind slow-moving cyclists. With traffic control at Grey Place, it is inevitable that at various times there will be a build-up of vehicles, where very often lorry drivers will have great difficulty in seeing cyclists below them, and higher-sided vehicles are liable to pull cyclists into their slipstreams, particularly in restricted spaces.

2.6 Cycle lanes have seriously damaged many of the roads in the area. For instance, Brougham Street (part of the A770 road) has been very badly affected, particularly between Campbell Street and Patrick Street, although some remedial work has recently taken place. The surface of The Esplanade is poor.

CHAPTER 3. THE COUNCIL'S CASE

3.1 The Council's case is derived from the committee reports supplied to me, a report it commissioned – *Greenock Town Centre Connections Study Stage 1 Report – Preparation and Brief (Ironsides Farrar)*, the response to the objection in September 2022, the Council's answers to my questions and its comments on the objector's answers to my questions to her.

Climate change and the response to it

3.2 Transport is Scotland's biggest contributor to climate change, emitting over a quarter of all of its greenhouse gas emissions. 38% of transport emissions come from cars. The Scottish Government's *Climate Change Plan update* in 2020 included a commitment to reduce car kilometres by 20% between 2019 and 2030. By rethinking how we use our cars and reducing the number of daily journeys we take, we can help make Scotland a healthier, fairer, greener place and contribute significantly towards Scotland reaching net zero emissions.

3.3 The National Transport Strategy sets out the sustainable travel hierarchy, where walking, wheeling and cycling are the preferred modes for shorter journeys. A reduction in the use of private vehicles is important not only to make progress to net zero emissions, its other benefits include reduced road danger; reduced air and noise pollution; increased opportunity for physical activity through active travel; reduced community severance; reduced congestion; and the revitalisation of local high streets, town centres and communities as places for people rather than vehicles.

3.4 Supporting this framework, the Council's view is that there is considerable potential to increase levels of active travel. Its *Active Travel Strategy* sets out its commitment to promoting and investing in active travel at the local level. The overarching ambition of the *Active Travel Strategy* is to: *"Make active travel a realistic, convenient and attractive choice for everyone to make everyday journeys in Inverclyde."* Today, Greenock town centre is dominated by the car. But the Council's vision is *"To provide a network of linked, easily navigated routes to and around the town centre, making it an easy and safe choice to walk or use a bike / scooter to access the town centre for shopping, leisure and other every-day uses."*

3.5 The public realm proposals summarised in paragraph 1.10 above take these strategic considerations forward. They are intended to create an improved sense of place, with the street becoming more attractive to visit and spend time in.

3.6 The public realm proposals are in line with strategic policies that encourage active travel and aim to reduce dependence on the motor vehicle for as many trips as possible. This means that little further change, if any, will be needed beyond those proposals. So the proposals are considered to future-proof West Blackhall Street for when more sustainable transport choices are likely to change the streetscape.

West Blackhall Street in its locational context

3.7 Minimising the adverse impacts of car travel on the environment depends on providing a network of safe and convenient routes to key destinations that will encourage people to rethink their travel choices and requirements. That will lead to a reduction in car trips and an increase in the proportion travelling by sustainable modes, including walking, cycling and public transport.

3.8 There are now cycle tracks on roads surrounding West Blackhall Street, ie Laird Street, Dalrymple Street, Grey Place, Brougham Street, etc. A toucan crossing helps cyclists cross Dalrymple Street to access West Blackhall Street. There are currently no cycle routes at the south end of West Blackhall Street as it terminates at the Oak Mall shopping centre.

3.9 The Council has appointed Ironside Farrar to assist with a study to identify improvements to walking and cycling routes within Greenock town centre, focussed on the West Blackhall Street area. Ironside Farrar's report indicates the importance of proposals for active travel links that are intended to connect West Blackhall Street with the area beyond. Three of them would connect directly with West Blackhall Street. These are as follows.

- Hunter's Place Link. This proposal, including a segregated route for pedestrians / cyclists, would connect West Blackhall Street to Cathcart Street via Westburn Street, Dalrymple Street, Hunter's Place and Wallace Place. It would re-create the single most important traditional link within the town centre in place of a major barrier for all forms of active travel.
- Waterfront to West Blackhall Street (Laird Street). This would be a segregated cycle route and would connect, via Laird Street and a new, safe controlled crossing of the A770 (Dalrymple Street), with the Ocean Terminal, Beacon Arts Centre and NCN 75.
- West Blackhall Street to Nelson Street via Union Street and George Square. This would connect major trip generators within the west end of Greenock including the West College campus, public buildings, large residential areas, and Greenock West rail station. It would include a segregated route along Jamacia Street, a safe crossing of West Stewart Street, a segregated cycle route along Nelson Street, and a toucan crossing to connect to Greenock West station.

Other matters

3.10 With regard to the objector's concerns about the extent of cycle lane use, the Council has statistics from surveys in 2021 and 2022 on the use of the cycle lanes on The Esplanade and the A770 road. The average number of cyclists on The Esplanade (both directions) per 24 hours was as follows: July 2021 205; September 2021 43³; February 2022 11; and June 2022 91. Surveys in 2021 and 2022 show that the average number of cyclists using the A770 (Brougham Street) cycle lane was 82 per day.

3.11 The objector's point that there are more walkers and runners than cyclists is accepted, but walkers and runners are hardly affected by the cycle lane now proposed. This and other cycle lanes are intended for families and for those who are not confident mixing with motor vehicles. Frustration from motorists being caught behind slow cyclists would therefore be minimised.

3.12 No forecast has been made of the amount of use that the proposed cycle lane will have.

³ The Council gives 32 as the combined figure for September 2021, but the detailed data suggests that that is an arithmetical error.

3.13 With regard to the objector's concerns about the Grey Place – West Blackhall Street junction, the existing traffic control would not be subject to more than minor changes. Those minor changes would not affect the roads used by motor vehicles. It is unlikely that any further changes will be made on Grey Place where facilities are already in place for pedestrians, cyclists and motor vehicles.

3.14 With regard to the objector's concerns about the Brougham Street – Patrick Street area, changes have been made to signal timings allowing more effective junction operation to minimise delays to motor vehicles.

CHAPTER 4. REPORTER'S ASSESSMENT

4.1 I take the view that the Order before me cannot be fully understood without reference to two important wider contexts. The first context is climate change and the Scottish Government's response and the Council's response to it. The second context is West Blackhall Street's location within Greenock town centre and the town in general. The Council has properly drawn my attention to both of those contexts, but the objection barely touches them.

4.2 I take the climate change context first. I indicate some of the Scottish Government's response to climate change in paragraphs 3.2-3.3 above. This is supported by the Council's approach locally (paragraphs 3.4-3.6). It seems to me that the cycle lane proposal in the One-Way Order fits exactly into that scenario: put simply, the cycle lane would itself provide an opportunity for a reduction in carbon emissions that does not exist at present.

4.3 The extent to which that opportunity would be taken up in practice depends to my mind to a considerable extent on the second context – West Blackhall Street's locational context. As indicated in paragraph 1.3 above, the area covered by the Order before me is not large. Paragraph 1.6 indicates that cycle use on West Blackhall Street is low, more or less confirming the objector's view of that. But that needs to be seen in the wider locational context. First, the proposed cycle lane, as soon as it is installed, would have a connection (across Grey Place) to part of the wider cycle network. Secondly, and this seems to me the prime value of the cycle lane, it would provide a much more significant part of a potential network that includes the further links referred to in paragraph 3.9 above.

4.4 My view is that these points fully answer the objector's doubt about the West Blackhall Street cycle lane being required. I anticipate that any reduction in carbon emissions would be small initially, but would become more significant with the development of the further links I have mentioned. Although the development of those further links is not certain, it seems likely that the pressure from the ongoing need to reduce carbon emissions and to provide opportunities for that to happen are likely to be imperatives towards their implementation.

4.5 I note the objector's reference to forecasts of cycle lane use being seriously flawed. She quotes a press report contrasting only 24 cyclists using "the cycle lanes" daily with an annual forecast of 10,966. But 24 cyclists daily amount to 24 x 365 annually, ie 8,760 annually. The forecast, if reported correctly, was therefore only 25% above the actual use. I am not aware of the full circumstances, but I do not regard that as a particularly serious flaw in forecasting.

4.6 The objector argues that pedestrians, rather than cyclists, should be the priority. She bases that on her claim that there are far more walkers and runners than cyclists now. The Council accepts that claim, and its own figures (paragraph 1.6 above) demonstrate the truth of it for West Blackhall Street. For my part, I note that there is no evidence that pedestrians at present experience pressure on their space. In addition, notwithstanding the proposed introduction of a cycle lane, proposals for this area provide for wider footways⁴. So I see no case here for giving pedestrians more priority than is afforded to them by the Council's present proposals.

⁴ The Redetermination Order provides for considerably larger areas of road to be redetermined as footway than areas of footway to be redetermined as cycleway or road.

4.7 As I understand it, the objector's concern about insufficient space and cyclists not being seen by lorry drivers or being pulled into high-sided vehicles' slipstreams relates to cyclists going from the northern end of West Blackhall Street into Grey Place. As indicated by the Redetermination Order, the part of West Blackhall Road available for all traffic at that junction and going to the A770 road is indeed intended to be substantially narrower than before. However, it has to be remembered that the One-Way Order provides for no traffic movements other than cyclists and pedestrians into West Blackhall Street from the A770 road. It seems to me that sufficient space would be available for motor traffic and cyclists going in the opposite direction there. The Council's indication that no more than minor changes would be made to the existing traffic control supports that view.

4.8 The objector claims that cycle lanes have seriously damaged many of the roads in the area. She refers to a section of Brougham Street (another part of the A770 road north-west of Grey Place) being badly affected and the surface of The Esplanade being "poor". On the first of these, I do not consider that the Council's comment that changes have been made to the signal timings goes to the point raised. That said, the question of damage to my mind revolves around the standard of implementation rather than an innate problem with cycle lanes. I therefore do not support that element of the objection.

4.9 I note that the objector supports most of the Order's proposals, and I conclude that her objection to the proposed cycle lane is not well founded.

CHAPTER 5. REPORTER'S OVERALL CONCLUSION AND RECOMMENDATION

5.1 In chapter 1 I found that the requirements of the relevant Regulations for the processing of the One-Way Order have been met. Scottish Ministers' confirmation of the Redetermination Order, affecting the same set of roads as the One-Way Order, supports a view that the cycle lane proposal should proceed. My assessment in chapter 4 of the objector's and Council's cases took me to the conclusion that the objection is not well-founded. My overall conclusion therefore is that I should support the making of the One-Way Order.

5.2 I asked the Council if it wished me to recommend any modification to the draft Order as advertised. The Council did not wish that. As a result of my examination I see no need for any modification.

5.3 I therefore **recommend** that The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition of Entry, Left Turn Only Restriction and Prohibition of Right and Left Turns) Traffic Regulation Order 2022 be made as drafted.

Mike Croft
Reporter

APPENDIX 1. REPORTER'S INITIAL QUESTIONS TO COUNCIL (11 APRIL 2023) AND COUNCIL'S ANSWERS (20 APRIL 2023)

Question C1. In its letter to Ms Turpie dated 13 September 2022 the Council refers to the Scottish Government seeking to obtain a 20% reduction in car-km by 2030, including by switching to cycling. Can the Council provide a precise source-reference for this?

Answer C1. This information was taken from <https://www.transport.gov.scot/our-approach/environment/20-reduction-in-car-km-by-2030/>

Question C2. Has any forecast been made of the amount of use that the proposed cycle lane will have? If so, on what is that forecast based?

Answer C2. Forecasts were not undertaken at the time of inception, however, there are now cycle tracks on roads surrounding West Blackhall Street i.e. Laird Street, Dalrymple Street, Grey Place, Brougham Street, etc. Surveys between 2021 and 2022 show that the average number of cyclists using the Brougham Street cycle track is 82 per day.

Question C3. In promoting the Order, can the Council confirm that it has carried out the consultations required by Regulations 4 and 6 of The Local Authorities' Traffic Order (Procedure) (Scotland) Regulations 1999? If so, how? Please forward any consultation responses and any subsequent correspondence arising from them.

Answer C3. In terms of Regulation 4 and 6, consultation letters were issued on 1 August 2022 to: the elected members of Inverclyde Council; local housing associations; Royal Mail; Lower Clyde Taxi Owners' Association; Scottish Taxi Federation; Strathclyde Fire & Rescue; Police Scotland; Scottish Ambulance Service; Road Haulage Association; and local bus operators. A copy of the Order was attached to the consultation letter and a copy of the letter issued is attached⁵.

Question C4. In promoting the Order, can the Council confirm that it has carried out the requirements for the publication of proposals stated in Regulation 5 of the 1999 Regulations? If so, how? Please forward any notices or letters that relate to this.

Answer C4. In promoting the Order, a notice was published in the Greenock Telegraph on 4 August 2022 and a copy of that notice as published is attached.

Public notices were placed on each road affected by the Order at the start and at the end of the road and at any junctions. The notices were placed on both sides of the road where street furniture was available to tie them. The notices were erected on 3 August 2022 and displayed until and inclusive of 1 September 2022. A copy of this notice is attached.

A copy of the attached notice, along with a copy of the Order, plans and statement of reasons, was published on the Council's website, with copies also displayed at the Council's Customer Service Centre, Roads

⁵ This and other attachments to the Council's answers are not included in this appendix.

Reception and Central Library, for public inspection from 4 August 2022 until and inclusive of 1 September 2022.

Question C5. In promoting the Order, can the Council confirm that it has had regard to its duty under section 122 of the Road Traffic Regulation Act 1984? (Section 122 requires the Council to exercise the functions conferred on it by the Act “to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the road”. This duty is a qualified duty in that the Council must comply with it “so far as practicable”, having regard (in summary) to (retaining the letter references of section 122):

(a) the desirability of securing and maintaining reasonable access to premises,

(b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run,

(bb) the national air quality strategy,

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles, and

(d) any other matters appearing to the Council to be relevant.)

Answer C5. (a) The proposed public realm works maintain access to all facilities within the town centre and make it easier for visitors to find their way around by opening up West Blackhall Street. The works preserve access to facilities by walking and motor vehicles and introduce cycling facilities for those wishing to cycle. (b) Inverclyde Council considered this and as a result propose a weight restriction to preserve and improve the amenities of the area. We wrote to all of the businesses to advise them of our the proposal to introduce a weight restriction. (bb) One of the aims of the project is to reduce the number of vehicles entering the town centre which will reduce emissions and have a positive impact towards the national air quality strategy. (c) We recognise the importance of public service vehicles, however, the only vehicle meeting this description which uses the area within the restrictions in “Dial a bus” which is operated by SPT. SPT were a consultee during the formal consultation period of these Orders and they made no adverse comment on the proposals. (d) Although we are removing some parking from West Blackhall Street, we have compensated for this loss by constructing a new 20 space off-street car park on Jamaica Street. We also propose an additional 30 spaces (approximately) on Dalrymple Street.

Question C6. The Council says in the report to Committee, 29 August 2019 (paragraphs 2.2 and 5.8), that the 2019 proposal is considered to future-proof West Blackhall Street for when more sustainable transport choices are likely to change the streetscape. Can the Council explain how the street would be future-proofed in this way?

Answer C6. Both the Scottish and UK Government policies are moving towards encouraging active travel and aim to reduce dependence on motor vehicle for as many trips as possible. The proposals increase access to West Blackhall Street by active travel modes which means that there will be little change, if any, required in future, thus future-proofing West Blackhall Street as much as possible.

Question C7. The Council's report to Committee, 29 August 2019 (paragraph 5.3), refers to the proposed cycle lane as "segregated", and in Appendix 5 it is referred to as "Flexible 2m soft segregated cycle lane". What is meant by "flexible"? What is meant by "soft segregated"?

Answer C7. At the design proposal stage and at the time the report was written, the segregated lane could either have been two way or one way. Consequently the "flexible" refers to the option of two way or one way cycle track, with the other direction either on road or on the cycle lane. The soft segregation refers to the singular direction of travel on road, the use of traffic calming measures to reduce the speed of vehicular traffic and the use of road markings on road with no physical barrier. The proposal going forward is for a segregated cycle lane 2m wide travelling south and the north direction of travel on road with road markings and signs.

Question C8. The Order provides for motor vehicles and cycles to move in opposite directions on West Blackhall Street. Is there an accepted view on the safety of this arrangement, compared with movements in the same direction?

Answer C8. Cyclists using the cycle lane will travel in a southbound direction only. On the road vehicles and cycles will move in the same direction (northbound). This is considered a safe operation due to the physical separation.

Question C9. Are there any proposals for the safety of pedestrians and cyclists where the cycle lane is intended to cross footways?

Answer C9. There are tactile and corduroy paving at every dedicated crossing to warn both pedestrians and cyclists.

Question C10. Overall, and perhaps as a summary of the answers to questions C7, C8 and C9 above, what is the Council's assessment of the degree of safety afforded to cyclists and other road users by the amount of segregation proposed?

Answer C10. The proposals have been designed in accordance with 'Cycling by Design' and the proposed stepped cycle track maintains a level difference between cycle users and pedestrians. This layout is the preferred option, particularly in urban locations where pedestrian numbers are high, as it offers a greater degree of separation and therefore fewer potential interactions between pedestrians and cycle traffic. A level difference is particularly significant in enabling blind and partially sighted users to be able to identify the cycle track and steer the pedestrian along its edge.

Question C11. The Council says in the report to Committee, 29 August 2019 (paragraph 5.4), that traders were strongly resisting any reduction in parking provision. How does the Council account for that resistance not being translated into formal objections to the Order?

Answer C11. Following this feedback, Inverclyde Council constructed a new off-street car park with 20 spaces on Jamaica Street between Union Street and Jamaica Lane. We also introduced on-street parking on Dalrymple Street between Laird Street and Westburn Street. The number of disabled bays and loading bays on West Blackhall Street remain the same and the overall loss of parking has been reduced to 3 spaces which is significantly better than the initial proposals.

Question C12. The Council says in the report to Committee on 29 August 2019 (paragraph 5.6) that funding will be sought from Sustrans for a feasibility study investigating how walking/cycling links can be improved and created between the waterfront/national cycle network and the town centre, and West Blackhall Street in particular. Has funding been obtained? What stage has been reached in any such investigation? What kinds of possibilities exist for cycling connections both at the northern and southern ends of the cycle lane proposed in the Order? Might there be no viable possibility of a segregated connection for cyclists between West Blackhall Street and any other segregated cycle route, including National Cycle Network route 75? Some indication of how the Council sees the current proposal in that wider context would be helpful.

Answer C12. The Feasibility Study has now been completed and identifies a number of schemes which could be developed as and when funding becomes available. A copy of the Ironside Farrar study entitled "Greenock Town Centre Connections Study" has been provided with these responses. Cycle tracks have been developed on Laird Street, Dalrymple Street, Grey Place, Brougham Street, etc. They provide access to the north end of West Blackhall Street and include a toucan crossing to assist cyclists to cross from Dalrymple Street to West Blackhall Street. There are currently no cycle routes at the south end of West Blackhall Street as it terminates at the Oak Mall. There are proposals under the Government's Levelling Up Fund to redesign access in and around the town centre via the Bullring Roundabout. This redesign will likely include cycle links. Drawings of the existing cycle tracks on Dalrymple Street, etc are attached.

Question C13. Is there any intention of providing segregated facilities for cyclists moving in the opposite direction to that proposed in the Order, not necessarily on West Blackhall Street, but in the near vicinity?

Answer C13. Cyclists using West Blackhall Street would be expected to travel on the road in the same direction as vehicular traffic. Cycle improvements have been implemented on the surrounding roads at Grey Place, Dalrymple Street, Laird Street, etc. and additional proposals are being developed on Container Way and Custom House Way.

Question C14. The Council says in the report to Committee on 29 August 2019 (paragraph 5.6) that it is purchasing the site of the former Greenock Free Church on Jamaica Street to provide 20 additional car parking spaces within walking distance of West Blackhall Street. Can the council confirm that the purchase was made and, for the avoidance of doubt, that this is the car park (seen by the Reporter during his recent visit to Greenock) now laid out with 20 spaces on the north side of Jamaica Street about 35 metres or so east of its junction with Union Street?

Answer C14. Yes, this car park has been constructed on Jamaica Street between Union Street and Jamaica Lane and provides 20 spaces.

Question C15. The Reporter interprets paragraphs 6.1 to 6.3 of the Council's report to Committee on 29 August 2019 as follows on the "2019 proposal":

- (a) the proposal has been costed at £3.09 millions;
- (b) the Council has committed £1.5 millions of this;
- (c) a bid to Sustrans for up to £1.5 millions is being considered;

(d) the proposal would still need additional funding, of £0.09 millions, with Strathclyde Partnership for Transport (SPT) a possible funder.

The following questions arise

(i) is that interpretation of the 29 August 2019 report correct;

(ii) if incorrect, please state how?

(iii) has the position changed since August 2019;

(iv) if so, how?

Answer C15. This is a correct interpretation of the report and the costs were correct at the time, however, due to various factors including Brexit, etc. the cost has increased to £7.92M. Inverclyde Council is funding £1.7M, SPT are funding £0.45M and a bid for £5.49M is being considered by Sustrans. Fund from Cycling Walking and Safer Roads of £0.26M and Smarter Choices Smarter Places of £0.02M will also be used.

Question C16. The proposals for West Blackhall Street include (a) a cycle lane with north to south movement only and (b) on much of the remainder of the road motor vehicles and cycles could proceed from south to north, but not from north to south. The Council's letter on 13 September 2022 to Ms Turpie indicates that one of the reasons for proposal (a) is the existence of proposal (b). What is the reason for proposal (b)?

Answer C16. I am not sure that I correctly understand the question. Do you mean why is the cycle lane not bidirectional? If so, the reason is that there is not enough space to provide a bidirectional cycle lane as Sustrans/'Cycling by Design' require a minimum width of 3.0m whereas a one-way cycle lane is a minimum of 2.0m wide. We need to provide footways on both sides of the road to access shops on both sides.

Question C17. Does the Council have any information about the number of cyclists using the cycle track/lane on the Esplanade?

Answer C17. Survey data is attached. In summary the numbers are:

Date	No of cyclists (7 day average)		
	Eastbound	Westbound	Combined
July 2021	100	105	205
September 2021	21	22	43 ⁶
February 2022	6	5	11
June 2022	47	44	91

Question C18. Does the Council wish me to recommend any modifications to the Order as advertised?

Answer C18. Inverclyde Council do not propose any modifications to the Order.

⁶ The Council gives 32 as the combined figure for September 2021, but the detailed data suggests that that is an arithmetical error.

Question C19. Does the Council wish to add anything further (i.e. not already provided to the Reporter) with regard to the merits of the Order and the objection to it?

Answer C19. Nothing further to add.

APPENDIX 2. REPORTER'S QUESTIONS TO OBJECTOR (11 APRIL 2023), OBJECTOR'S ANSWERS (12 APRIL 2023) AND COUNCIL'S COMMENTS ON ANSWERS (20 APRIL 2023)

Question O1. You write in your objection dated 13 August 2022 that difficulty on West Blackhall Street would arise if traffic builds up behind slow-moving cyclists. Can you explain this further, given that the Order proposes a lane for cycles which will not carry any motor traffic?

Objector's answer O1: I'm assuming that cyclists will have to obey the same rules of the road as everyone else and that although the cycle lane will not carry motor-traffic, cyclists will have to comply with the rules of the road in the same way as other road users. As I understand it, there is to be traffic control at Grey Place, therefore it is inevitable that at various times there will be a build-up of vehicles, which means they will be running in very close proximity to the actual lane where motorised traffic is. Apart from the usual cars, I assume this will include delivery vehicles, some of which are as you know very high sided, and the driver cabins are in themselves very high up. You therefore have two issues to consider. Firstly that very often lorry drivers have great difficulty in seeing cyclists below them, and secondly, the fact that these higher sided vehicles have the ability to pull in cyclists in their slipstream, particularly in restricted spaces.

Council's comment O1: The traffic control is already in place on Grey Place albeit that some minor changes may be required to make the cycle lane a permanent feature. These minor changes will not affect the roads used by motor vehicles. It is unlikely that any further changes will be made on Grey Place where facilities are in place for pedestrians, cyclists and motor vehicles.

Question O2. You write in your letter to the Council on 2 February 2023 that you "feel very strongly that cycle lanes have in the main seriously damaged many of the roads in the area ...". Can you specify examples of locations where this has occurred?

Objector's answer O2: The main road on Brougham Street has been very badly affected, particularly between Campbell Street and Patrick Street, although some remedial work has recently taken place. Also, the Esplanade is in a pretty shabby state. The surface is poor and the cycle lane runs at varying angles.

Council's comment O2: Changes were made to the signal timings at the junction of Brougham Street, Grey Place and Patrick Street which allow the junction to operate more effectively to minimise delays to motor vehicles as much as possible. Like many town centre roads throughout the country, delays are experienced during peak periods and during periods of good weather when more people travel along the coast.

Question O3. You write in your letter to the Council on 2 February 2023 that on cycle lanes you "believe that the figures to support their use which have been presented to the public are seriously flawed." Can you clarify what figures you are referring to, and why you believe they are seriously flawed?

Objector's answer O3: On 26th February 2022, a report in the Greenock Telegraph said that there was concern because Local Authority Data suggested that only 24 bikers were using the cycle lanes daily. However it was expected that 10,966 would use them each year. To me this seems a very unrealistic and over-optimistic figure. As I am writing this, it is four o'clock in the afternoon in the week of the Easter Holidays when schools are off and many people are out and about. My window view is right along the Esplanade, and there is not a single cyclist to be seen using the cycle lane, or any cyclists for that matter, and

this is on what you would assume would be a popular route. It should be emphasised however that many people are out walking.

Council's comment O3: The statistics provided are estimated from surveys undertaken following the introduction of the cycle lanes introduced through the funding for "Spaces for People" during the pandemic. The surveys were in place for 7 days and ran 24 hours per day and therefore provide a considerable amount of information about the use of the cycle lanes on the A770 and Greenock Esplanade. Along the majority of the route of the new cycle lanes, pedestrian facilities were not reduced; instead, space was taken from motor vehicles.

Question O4. Do you wish to add anything further with regard to the merits of the Order and your objection to it?

Objector's answer O4: I can only tell you that there are far more walkers and runners about than cyclists, and those pedestrians should therefore be the priority. I also know, having lived beside someone who was what I would describe as a serious cyclist, who participated in marathons always said that he and those like him would never use a cycle lane.

Council's comment O4: It is correct that there are more walkers and runners, however, the provisions for them are largely unaltered by the existing facilities or the proposed cycle lane on West Blackhall Street. The off-road facilities are not intended for serious cyclists as they are confident using the roads and are able to travel at speeds which cause less disruption to motor vehicles. The cycle lanes are intended for families and those who are not confident mixing with motor vehicles. They travel at speeds more suited for off-road facilities and minimise frustration from motorists being caught behind slow cyclists.

APPENDIX 3. REPORTER'S FURTHER QUESTIONS TO COUNCIL (20 APRIL 2023) AND COUNCIL'S ANSWERS (27 APRIL 2023)

Question C20. On C3, the Reporter notes the list of organisations consulted by the Council in August 2022. However, he also notes that one of the organisations required by Regulation 4 of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 to be consulted is The Freight Transport Association which does not appear in the Council's list. The Reporter seeks the Council's comment on this.

Answer C20. Inverclyde Council consulted "Logistic Ltd" who are the Freight Association.

Question C21. On C16, the Reporter notes that the Council is not sure that his question C16 is correctly understood. He was not asking why the cycle lane is not to be bidirectional. He seeks to make the question clearer now. The fourth paragraph of the Council's 13 September 2022 letter to Ms Turpie gives "a few reasons" for the introduction of the cycle lane. The inference that could be drawn from the way the Council expresses the second reason for the cycle lane (in the second half of that fourth paragraph) is that the primary objective is to make traffic on the West Blackhall Street carriageway travel in one direction over its full length, and that the cycle lane is merely a secondary consequence of that primary proposal. The Reporter is asking if that inference is correct.

Answer C21. Yes this inference is correct.

**THE INVERCLYDE COUNCIL
WEST BLACKHALL STREET AND ADJOINING
ROADS, GREENOCK (ONE WAY, ONE WAY CYCLE
TRACK, PROHIBITION OF ENTRY, LEFT TURN
ONLY RESTRICTION AND PROHIBITION OF RIGHT
AND LEFT TURNS) TRAFFIC REGULATION ORDER
2022**

THE INVERCLYDE COUNCIL
WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK (ONE WAY, ONE WAY CYCLE TRACK, PROHIBITION OF ENTRY, LEFT TURN ONLY RESTRICTION AND PROHIBITION OF RIGHT AND LEFT TURNS) TRAFFIC REGULATION ORDER 2022

We, The Inverclyde Council, in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3) of the Road Traffic Regulation Act 1984 (as amended) (“the Act”) and of all other enabling powers and after consulting with the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:

1.0 Commencement and citation

- 1.1 This Order may be cited as “The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition of Entry, Left Turn Only Restriction and Prohibition of Right and Left Turns) Traffic Regulation Order 2022” and shall come into operation on the ## day of ## Two Thousand and ###.
- 1.2 The Plans titled “The Inverclyde Council, West Blackhall Street and Adjoining Roads, Greenock (One Way, One Way Cycle Track, Prohibition of Entry, Left Turn Only Restriction and Prohibition of Right and Left Turns) Traffic Regulation Order 2022” (attached hereto) are incorporated into this Order.

2.0 Interpretation

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
- “Motor Vehicle” means a means a mechanically propelled vehicle intended or adapted for use on Roads.
- 2.2 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- 2.3 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.
- 2.4 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
- 2.5 The Plans form Schedule 1 to this Order.
- 2.6 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.0 Prohibitions and restrictions

- 3.1 No person shall drive or cause or permit to be driven any Motor Vehicle on the lengths of road specified in Column 1 of Schedule 2 to this Order otherwise than in the direction specified in Column 2 of the said Schedule, as referred to in the plan annexed to this Order.
- 3.2 No person shall drive or cause or permit to be driven any Motor Vehicle on the lengths of road specified in Column 1 of Schedule 3 to this Order so as to enter the road specified in Column 2 of the said Schedule, as referred to in the plan annexed to this Order.
- 3.3 No person shall drive or cause or permit to be driven any Motor Vehicle on the lengths of road specified in Column 1 of Schedule 4 to this Order so as to make a right turn onto the lengths of road specified in Column 2 of the said Schedule, as referred to in the plan annexed to this Order.
- 3.4 No person shall drive or cause or permit to be driven any Motor Vehicle on the lengths of road specified in Column 1 of Schedule 5 to this Order so as to make a left turn onto the lengths of road specified in Column 2 of the said Schedule, as referred to in the plan annexed to this Order.
- 3.5 No person shall drive or cause or permit to be driven any Motor Vehicle so as to exit Westburn Street on its northeastward approach to West Blackhall Street other than to make a left turn only onto West Blackhall Street.
- 3.6 No person shall travel or cause or permit travel using a pedal cycle on the cycle track as specified in Column 1 of Schedule 6 to this Order otherwise than in the direction specified in Column 2 of the said Schedule, as referred to in the plan annexed to this Order.

4.0 Exemption

- 4.1 Nothing in Article 3 of this Order shall apply to the driving of any motor vehicle being used for police, ambulance or fire and rescue purposes if the observance of any provision of this Order would hinder the use of the motor vehicle for the purpose on which it is being used on that occasion.

5.0 Revocation of existing Traffic Regulation Orders

5.1 The following Orders are hereby revoked:

- The Corporation of Greenock (Various Streets) (One-way) Order 1961;
- The Corporation of Greenock, The Burgh of Greenock (Argyle Street) (One-way) Order 1974;
- The Corporation of Greenock, The Burgh of Greenock (Jamaica Street) (One-way) Order 1974;
- The Burgh of Greenock (West Stewart Street) (Traffic Management) Order 1974;
- The Strathclyde Regional Council (West Blackhall Street, Greenock) (One-way and Prohibition and Restriction of Waiting) Order 1977; and
- The Inverclyde Council, Jamaica Lane, Greenock (One Way Only) Order 2016.

This Order and the six Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##.

SCHEDULE 1

DRAFT

SCHEDULE 2

WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK

ONE-WAY ONLY

<u>Length of Road in Inverclyde within the Town of Greenock</u>	<u>Permitted Direction of Travel</u>
<u>Argyle Street</u> from West Blackhall Street to West Stewart Street	Southwestbound
<u>Jamaica Lane</u> from Kelly Street to Jamaica Street	Southeastbound
<u>Jamaica Street</u> from Union Street to West Blackhall Street	Northeastbound
<u>Laird Street</u> from Dalrymple Street to West Blackhall Street	Southwestbound
<u>Nicolson Street</u> from West Blackhall Street to West Stewart Street	Southwestbound
<u>Nicolson Street</u> from West Blackhall Street to Dalrymple Street	Northeastbound
<u>Westburn Street</u> from Dalrymple Street to West Blackhall Street	Southwestbound
<u>West Blackhall Street</u> from Westburn Street to Dalrymple Street and Grey Place	Northwestbound
<u>West Stewart Street</u> from Argyle Street to Kelly Street	Northwestbound

SCHEDULE 3

WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK

PROHIBITION OF ENTRY

From <u>Length of Road in Inverclyde</u> <u>within the Town of Greenock</u>	To <u>Length of Road in Inverclyde</u> <u>within the Town of Greenock</u>
Dalrymple Street	Nicolson Street
Dalrymple Street	West Blackhall Street
Grey Place	West Blackhall Street
Jamaica Lane	Jamaica Street (the section between Jamaica Lane and Union Street)
Jamaica Street	West Blackhall Street (this restriction only applies to vehicles attempting to travel in a southeastward direction on West Blackhall Street)
Jamaica Street	West Stewart Street (this restriction only applies to vehicles attempting to travel in a southeastward direction on West Stewart Street)
Jamaica Street	Jamaica Lane
Kelly Street	West Stewart Street
Laird Street	West Blackhall Street (this restriction only applies to vehicles attempting to travel in a southeastward direction on West Blackhall Street)
The section of Westburn Street at its northeastward approach to West Blackhall Street	Westburn Street (this restriction only applies to vehicles attempting to travel in a northeastward direction between West Blackhall Street and Dalrymple Street)

West Blackhall Street	Laird Street
West Blackhall Street	Jamaica Street
West Stewart Street	Nicolson Street
West Stewart Street	Argyle Street
West Stewart Street	Jamaica Street (the section between Union Street and West Stewart Street)

DRAFT

SCHEDULE 4

WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK

PROHIBITION OF RIGHT TURNS

From <u>Length of Road in Inverclyde</u> <u>within the Town of Greenock</u>	To <u>Length of Road in Inverclyde</u> <u>within the Town of Greenock</u>
Dalrymple Street	Nicolson Street
Grey Place	West Blackhall Street
Jamaica Lane	Jamaica Street
Jamaica Street	West Blackhall Street
Jamaica Street	West Stewart Street
Kelly Street	West Stewart Street
West Blackhall Street	Laird Street
West Stewart Street	Argyle Street
West Stewart Street	Nicolson Street

SCHEDULE 5

WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK

PROHIBITION OF LEFT TURNS

From <u>Length of Road in Inverclyde</u> <u>within the Town of Greenock</u>	To <u>Length of Road in Inverclyde</u> <u>within the Town of Greenock</u>
Dalrymple Street	West Blackhall Street
Dalrymple Street	Nicolson Street
Jamaica Street	Jamaica Lane
Laird Street	West Blackhall Street
West Blackhall Street	Jamaica Street
West Stewart Street	Jamaica Street
West Stewart Street	Nicolson Street

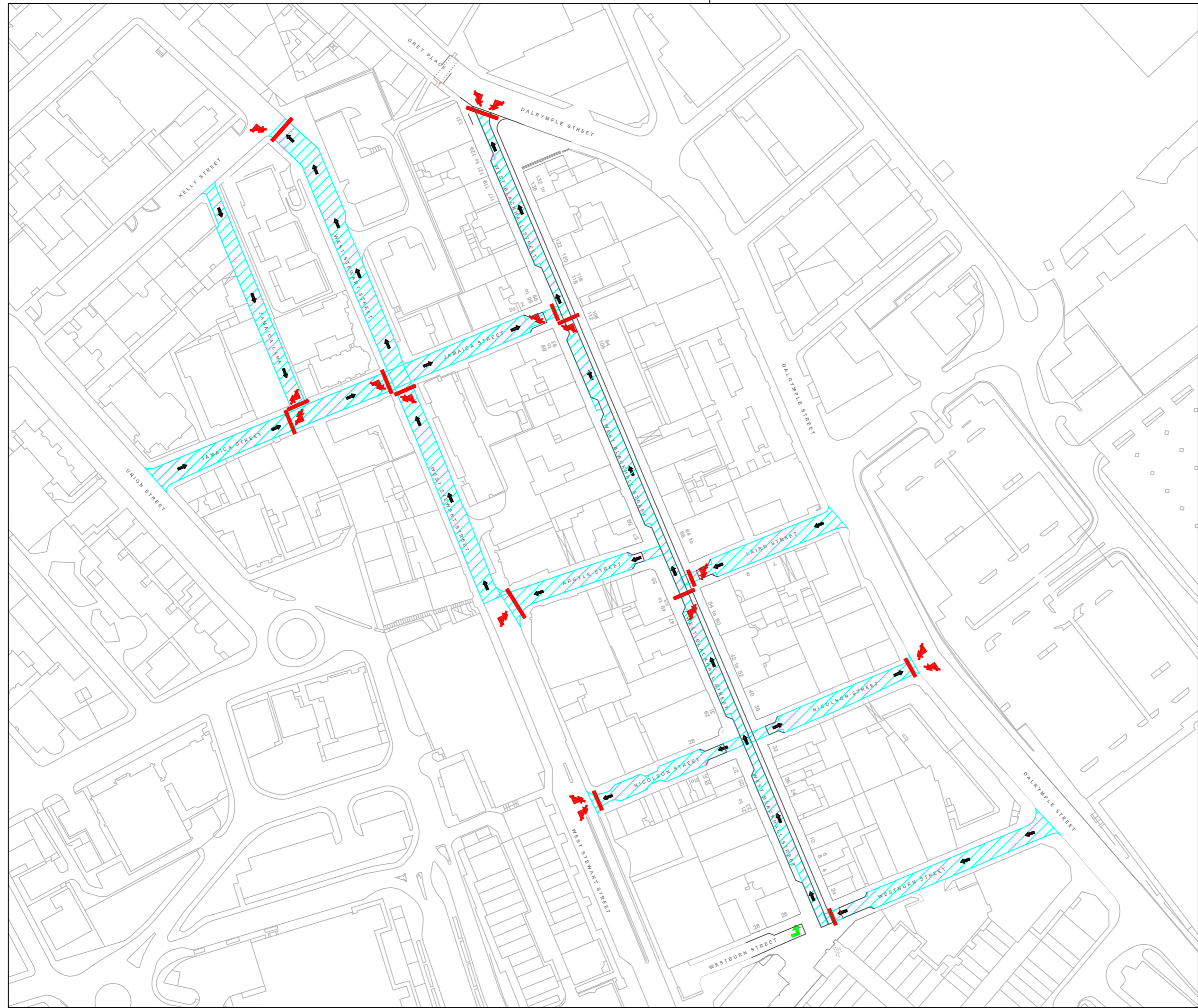
SCHEDULE 6

WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK

ONE-WAY ONLY (CYCLE TRACK)

<u>Length of Cycle Track in Inverclyde within the Town of Greenock</u>	<u>Permitted Direction of Travel</u>
<u>West Blackhall Street</u> From Dalrymple Street to Westburn Street	Southeastbound

DRAFT



Key

	Extent of One Way
	Direction of One-Way Road
	Right Turn Prohibition
	Left Turn Prohibition
	Prohibition of Entry
	Left Turn Only

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Seal

Stat	Purpose of Issue	Date	Auth
Rev	Description	By	Date
		Chk'd	Auth

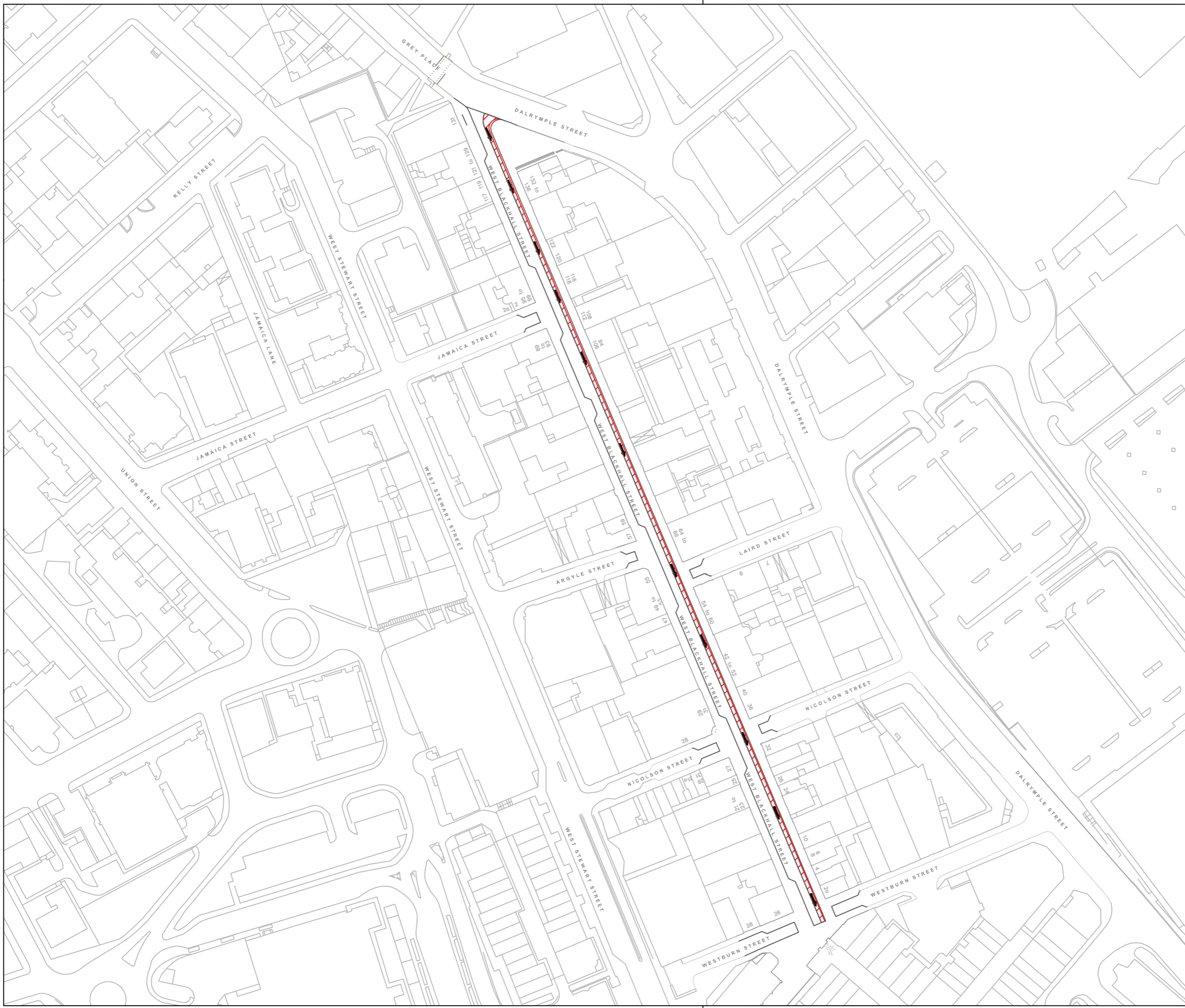
INVERCLYDE COUNCIL
 Vehicle Maintenance Facility
 8 Pottery Street
 Greenock
 PA15 2UH
 Tel: 01475 717171
 Email: roads@inverclyde.gov.uk
 www.inverclyde.gov.uk

THE INVERCLYDE COUNCIL, WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK (ONE WAY, ONE WAY CYCLE TRACK, PROHIBITION OF ENTRY, LEFT TURN ONLY RESTRICTION AND PROHIBITION OF RIGHT AND LEFT TURNS) TRAFFIC REGULATION ORDER 2022

EFFECTIVE DATE:

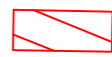
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Status	Drawing Number	Date	Date	Date
P	TR/TRO/C204-01	APR '20	APR '20	APR '20
		Rev		
		-		


DO NOT SCALE



Key

One Way - Cycleway

 Extent of One Way

 Direction of One-Way Cycleway

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Stat

Purpose of Issue	Date	Auth

Rev

Description	By	Date	Chk'd	Auth

INVERCLYDE COUNCIL
 Vehicle Maintenance Facility
 8 Pottery Street
 Greenock
 PA15 2UH
 Tel: 01475 717171
 Email: roads@inverclyde.gov.uk
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THE INVERCLYDE COUNCIL, WEST BLACKHALL STREET AND ADJOINING ROADS, GREENOCK (ONE WAY, ONE WAY CYCLE TRACK, PROHIBITION OF ENTRY, LEFT TURN ONLY RESTRICTION AND PROHIBITION OF RIGHT AND LEFT TURNS) TRAFFIC REGULATION ORDER 2022

EFFECTIVE DATE:

Sheet Size	Original Scale	Designed/Drawn	Checked	Authorised
A3	1:1500	EP	EP	GL
Status	Drawing Number	Date	Date	Date
P	TR/TRO/C204-02	APR '20	APR '20	APR '20
Rev				

Roads

Fred O'Hara

Transport Scotland, 2nd Floor, George House, 36 North
Hanover St, Glasgow, G1 2AD
fred.o'hara@transport.gov.scot



Emma Peacock
Inverclyde Council
By Email: Emma.Peacock@inverclyde.gov.uk

Date:
19 April 2023

Dear Ms Peacock,

THE INVERCLYDE COUNCIL, WEST BLACKHALL STREET, GREENOCK (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2022

1. I refer to the letter dated 6th February 2023 from your Council seeking confirmation from the Scottish Ministers of the above Redetermination Order and to subsequent correspondence received.
2. Following careful consideration of all of the evidence available, including the objections to the Order received by the Council and the Councils responses to those objections, the Scottish Ministers have decided to confirm the Order without modification.

Background

3. Inverclyde Council is proposing to redetermine the existing means of access of public right of passage for the use of cyclists and pedestrians. The above Order has been promoted by the Council as the local roads authority under the Roads (Scotland) Act 1984. It relates to the public right of passage of West Blackhall Street, Greenock.
4. The Order was published for public consultation on 4th August 2022 with the last date for objections being 1st September 2022. At the end of the consultation period 1 objection to the Order was received and is maintained. As required by the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 the Council remitted the matter to Scottish Ministers on 6th February 2023 for determination by the Scottish Ministers.
5. The Scottish Ministers have considered the terms of the Order, made by the Council, the objection made, the response to the objections by the Council and the performance of the Council of the procedural requirements for making an Order under the Stopping Up of Roads and Private Means of Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 ("the 1986 Regulations").
6. Ministers have considered the form and content of the Order to satisfy themselves that it

was within the powers of the Council to make and that it complied with the relevant statutory procedures. Ministers carefully considered the parties' cases both for and against the Order. They took the view that the central issue in this matter is that the redetermination is necessary to transform the nature and operation of the streets to promote sustainable transport and enhance facilities for cyclists and pedestrians.

7. We have considered the objection received over the advertising period as laid out previously and are content that this was right and proper given that it would have been remiss not to consider objections that were received.

Conclusion

8. Given all of the above evidence, the Scottish Ministers have concluded that The Inverclyde Council, West Blackhall Street, Greenock (Redetermination Of Means Of Exercise Of Public Right Of Passage) Order 2022 should be confirmed without modification.

9. A copy of this decision letter will also be sent to the objector to the Order.

10. It is now the responsibility of Inverclyde Council to publish notice of the confirmation of this Order and to comply with the provisions of service and display of a notice in the manner prescribed by regulation 7 of the 1986 Regulations.

Yours sincerely

Fred O'Hara
Head of Road Policy