

**REPORT TO BANFF & BUCHAN AREA COMMITTEE – 4th MAY 2021****KIRK BRAE, FRASERBURGH – REDETERMINATION ORDER****1 Reason for Report / Summary**

- 1.1 This report seeks the permission of the Area Committee to commence the statutory procedures required to make the Aberdeenshire Council (Kirk Brae, Fraserburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order, 2021.

2 Recommendations

The Committee is recommended to:

- 2.1 **authorise the commencement of the statutory procedures for the making of the Aberdeenshire Council (Kirk Brae, Fraserburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order, 2021;**
- 2.2 **delegate authority to the Head of Legal and Governance to make and implement the Aberdeenshire Council (Kirk Brae, Fraserburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order, 2021, in the event that no valid objections are received or if any are received they are resolved and withdrawn; and**
- 2.3 **in the event that any valid objections received are not resolved and not withdrawn, instruct the remittance of the matter to the Scottish Ministers for determination.**

3 Purpose and Decision Making Route

- 3.1 As part of the Fraserburgh 2021 Kirk Brae Streetscape Area Improvement Project, it is proposed that sections of the existing carriageway will become footway or landscaped areas. As a result, there is a requirement for Aberdeenshire Council to promote a “Redetermination of Means of Exercise of Public Right of Passage” order.
- 3.2 Details of the proposal is listed on the Schedule, Appendix A and shown on the plan (Drg Ref 140695/80020-A), Appendix B.

4 Discussion

- 4.1 Following this Committee meeting it is proposed to publicise the proposals, in accordance with the statutory requirements, through the use of press notices, site notices erected at the affected location and serving notices on interested parties such as the RAC, Road Haulage Association and others. This would be immediately followed by a 28-day period when anyone who wishes to object may do so.

- 4.2 If there are objections made and not withdrawn, the matter must be referred to Scottish Ministers for their consideration and determination as specified in the Stopping-Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.

5 Council Priorities, Implications and Risk

- 5.1 This report helps deliver Council priority “Our People – Health and Wellbeing”
- 5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial	X		
Staffing		X	
Equalities	X [EIA attached as Appendix C]		
Fairer Scotland Duty	X [EIA attached as Appendix C]		
Town Centre First	X	X	
Sustainability			X
Children and Young People’s Rights and Wellbeing			X

- 5.3 An equality impact assessment has been carried out as part of the proposals set out above. It is included as Appendix C and the following positive impact has been identified:

- i) All – Although this proposal has no direct impact, the introduction of the environmental improvement works will provide a more aesthetically appealing environment for all town centre users.

- 5.4 Expenditure will include costs for implementing the order and are estimated at £1000. Costs will be met from funds allocated to roads maintenance within the 2021/22 revenue budget.

- 5.5 The following Risks have been identified as relevant to this matter on a Corporate Level:

ACORP006 Reputation Management (incl Social media)

“Failure to carry out the proposed works would expose the Council to damaged reputation nationally and also across all social media platforms for failing to meet our legal obligations”

<https://aberdeenshire.sharepoint.com/sites/Arcadia/services/Documents/Legal/Governance/Aberdeenshire%20Corporate%20Risks%20pdf.pdf#search=corporate%20risk>

5.6 A Town Centre First Impact Assessment is not required at this time, the order itself will have no positive or negative impacts on the town centre. A Town Centre First Impact Assessment has been considered as part of the approvals for the environmental improvement works proposed for Kirk Brae Fraserburgh.

6 Scheme of Governance

6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

6.2 The Committee can consider and make a decision on this item in terms of Section B.10.1 of the [List of Committee Powers in Part 2A of the Scheme of Governance](#) as it relates to the making of permanent or experimental orders for the regulation of traffic.

Alan Wood

Director of Infrastructure Services

Report Prepared by Alistair Millar, Senior Roads Engineer (Banff & Buchan)
Date 12 April 2021

List of Appendices –

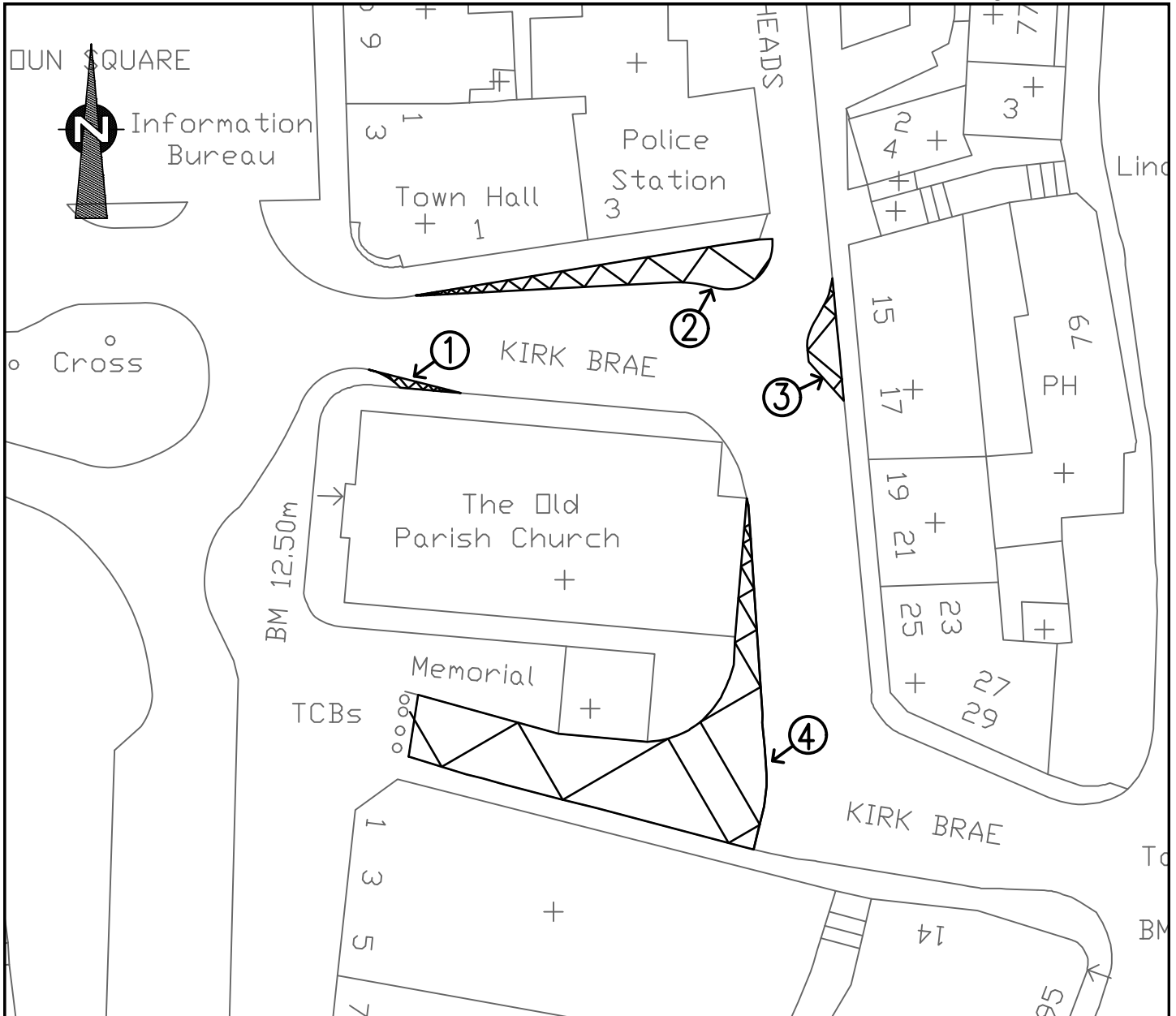
Appendix A : Schedule

Appendix B : Plan(Drg Ref 140695/80020-A)

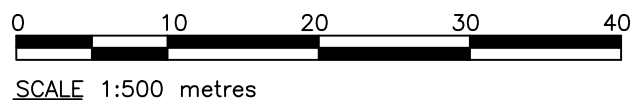
Appendix C : Equality Impact Assessment

Appendix A

ABERDEENSHIRE COUNCIL Infrastructure Services	Redetermination of Means of Exercise of Public Right of Passage Kirk Brae Fraserburgh	Ref: Sheet: By: AM Date: March 2021
REGULATION	LOCATION	REMARKS
Redetermination of Means of Exercise of Public Right of Passage.	<u>Kirk Brae</u> Area 1 – Section of carriageway located on the south side of Kirk Brae , from a point 5m, or thereby, east of its junction with Saltoun Square, eastwards for a distance of 6m or thereby – Area 3sqm or thereby	To be read in conjunction with Drg No 140695/8002-A
ditto	Area 2 – Section of carriageway on the north side of Kirk Brae from a point 7m, or thereby, east of its junction with Saltoun Square, eastwards to its junction with Braeheads – Area 50sqm or thereby.	ditto
ditto	Area 3 – Section of carriageway on east side of Kirk Brae from a point 5m, or thereby, south of its junction with Braeheads, southwards for a distance of 11m or thereby – Area 15sqm or thereby.	ditto
ditto	Area 4 - Section of carriageway on the south side of Kirk Brae forming the lane between The Old Parish Church and No 1 Broad Street eastwards and northwards for a distance of 21m or thereby to the rear of the Old Parish Church. Area - 219sqm or thereby	ditto



Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Aberdeenshire Council Licence No. 0100020767 2016



**THE ABERDEENSHIRE COUNCIL (KIRK BRAE, FRASERBURGH)
(REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE)
ORDER 2021**

KEY:



Road to over which the means of the public right of passage is to be re-determined as footway.

Drg. Number
140695/8002

Given under the seal of The Aberdeenshire Council on the day of
Two Thousand and Twenty.....

Signed

Principal Solicitor
at Woodhill House,
Aberdeen



EQUALITY IMPACT ASSESSMENT

Appendix C

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Infrastructure Services
Section	Roads & Landscape Services
Title of the activity etc.	Kirk Brae Fraserburgh : Redetermination of Means of Exercise of Public Right of Passage
Aims of the activity	To redetermine sections of the existing carriageway on Kirk Brae Fraserburgh
Author(s) & Title(s)	Alistair Millar – Senior Roads Engineer (Banff & Buchan)
Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	Request from Aberdeenshire Council Planning Service
Internal consultation with staff and other services affected.	Area Manager and Ward 3 Area Councillors
External consultation (partner organisations, community groups, and councils).	Police Scotland. Other public and local groups will be formally consulted as part of the legal Statutory and Public consultation process (incl emergency services, Community Council, local Safety and Business groups, other road users).
External data (census, available statistics).	None
Other (general information as appropriate).	

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	No

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	Not Applicable	

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.				
	Positive	Negative	Neutral	Unknown
Age – Younger			Yes	
Age – Older			Yes	
Disability			Yes	
Race – (includes Gypsy Travellers)			Yes	
Religion or Belief			Yes	
Gender – male/female			Yes	
Pregnancy and maternity			Yes	
Sexual orientation – (includes Lesbian/ Gay/Bisexual)			Yes	
Gender reassignment – (includes Transgender)			Yes	
Marriage and Civil Partnership			Yes	

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	All: Although this proposal has no direct impact, the introduction of the environmental improvement works will provide a more aesthetically appealing environment for all town centre users.	

Stage 7: Have any of the affected groups been consulted?	
If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	No.

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
These should be included in any action plan at the back of this form.	Mitigating Steps	Timescale
	Not applicable	

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	Not applicable

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?

The introduction of the environmental improvement works will provide a more aesthetical appealing environment for all town centre users.

Stage 11: What equality monitoring arrangements will be put in place?

These should be included in any action plan (for example customer satisfaction questionnaires).

Stage 12: What is the outcome of the Assessment?

Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	The proposed traffic order will have no negative impact as it does not affect any of the protective groups but the work that it supports will enhance the town centre streetscape.	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	See Stage 13	
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Not applicable

Stage 14: Sign off and authorisation.

Sign off and authorisation.	1) Service and Team	Infrastructure Services, Roads & Landscape Services – Banff & Buchan Area	
	2) Title of Policy/Activity	Kirk Brae Fraserburgh : Redetermination of Means of Exercise of Public Right of Passage	
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Position: Date:	
		Name: Alistair Millar Position: Senior Roads Engineer – Banff & Buchan Date: 24 March 2021	
	4) Consultation with Service Manager	Name: Derek Murray Date: 2 April 2021	
	5) Authorisation by Director or Head of Service	Name: Philip McKay Position: Head of Service Date: XXXXXXXX	Name: Position: Date:
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.	Date: 16/4/2021	
7) EIA author sends a copy of the finalised form to: eia@abdnshire	Date:		
(Equalities team to complete) Has the completed form been published on the website? YES/NO			Date: