

REPORT TO: Petitions and Community Empowerment Review Committee

MEETING DATE: 2 March 2023

BY: Executive Director for Council Resources

SUBJECT: Petition PET0123 – Calling on East Lothian Council to make Dunbar Road, Artillery Park Junction, and Hardgate safer for all residents, walkers, cyclists, and drivers, and to deal with public parking

1 PURPOSE

- 1.1 To present petition PET0123 to the Petitions and Community Empowerment Review Committee for consideration. The petition calls on East Lothian Council to make Dunbar Road, Artillery Park Junction, and Hardgate safer for all residents, walkers, cyclists, and drivers, and to deal with public parking causing congestion and danger.

2 RECOMMENDATIONS

- 2.1 That the Committee considers the petition and takes action as required.

3 BACKGROUND

- 3.1 A petition was submitted by Shirley Bisset, principal petitioner, on behalf of local residents on 25 January 2023. The petition was deemed to be competent and had 356 signatories.
- 3.2 Further details of the petition are contained in **Appendix 1**. The principal petitioner also provided additional information in support of the petition, including a record of emails between Ms Bisset and various officers/Members of East Lothian Council since approximately 2016, newspaper clippings, and several folders of photographic evidence. Committee Members and officers have had the opportunity to view these submissions.
- 3.3 The petition can be viewed by contacting the Clerk to the Petitions and Community Empowerment Review Committee.

4 POLICY IMPLICATIONS

- 4.1 There are no immediate policy implications arising from this report. Depending on the action required and agreed by the Committee, there may be policy implications relating to particular issues arising from competent petitions. These will be subject to a separate report to the relevant committee, as required.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – dependent on the action agreed by the Committee.
6.2 Personnel – dependent on the action agreed by the Committee.
6.3 Other – dependent on the action agreed by the Committee.

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions and Community Empowerment Review Committee.

Appendix 1: Summary of petition for consideration

Appendix 2: Extract from a letter (dated 17 April 2020) from the principal petitioner to Alan Stubbs, Service Manager for Roads, including Mr Stubbs' responses (sent 17 June 2020)

AUTHOR'S NAME	Becky Crichton
DESIGNATION	Committees Officer/Clerk to the Petitions and Community Empowerment and Review Committee
CONTACT INFO	rcrichton@eastlothian.gov.uk
DATE	21 February 2023

EAST LOTHIAN COUNCIL PETITIONS COMMITTEE

Petition Ref:	Subject of Petition	Date Received	Principal Petitioner	Number of Signatures
PET0123	<p data-bbox="253 300 1563 363">Calling on East Lothian Council to make Dunbar Road, Artillery Park Junction, and Hardgate safer for all residents, walkers, cyclists, and drivers, and to deal with public parking.</p> <p data-bbox="253 403 1563 603">The petitioner has been in touch with East Lothian Council Roads Services since approximately 2016, as well as the Citizen's Advice Bureau, local Councillors, Police Scotland, and local MSPs. The petition seeks to make the road safer for everyone, particularly residents living on Abbots View, Riverside Drive, Artillery Park, etc.; she contends that issues on Dunbar Road also affect these residents due to vehicles speeding from the roundabout coming off the A1, and due to parked cars blocking the left-hand view for drivers coming out of Abbots View Junction.</p> <p data-bbox="253 643 1563 906">The petitioner contends that there has been a significant increase in artic lorries, tractor traffic, construction traffic, speeding, and dangerous public parking, partly caused by an increase in traffic from new housing developments, and by deliveries to and from local shops, farms, and quarries. She states that Dunbar Road is overused when compared to West Road, and that the 20mph speed limit is not adhered to. The petitioner also contends that the road is not wide enough for larger vehicles such as artic lorries, tractors, buses, and construction traffic when cars are parked on both sides of the road, and disagrees with the council's response that parking on both sides of the road reduces speeding.</p> <p data-bbox="253 946 1563 1313">The petitioner highlights that nothing has been done to upgrade Dunbar Road to cope with the increase in traffic, particularly heavy artic traffic. She states that Dunbar Road and Hardgate have become dangerous for cyclists and pedestrians, due to speeding and a lack of crossings, and she highlights that there is not enough space to allow 1.5m to overtake cyclists. She contends that the pavement is not wide enough at Dunbar Road at the cottage on the corner. She also states that there are no white lines at Artillery Park Junction, and white lines require a refresh at Abbot's View Junction. She contends that issues must be addressed in relation to: speeding; a lack of safe pedestrian crossings; pavements; a lack of white markings at junctions; bottlenecks caused by parking on both sides of Dunbar Road and Hardgate; the road being unable to cope with the increase in large vehicles; noise and pollution from traffic and idling engines; dangerous parking; parking all day; and use of the road as a "pit stop".</p> <p data-bbox="253 1353 1563 1404">The principal petitioner raises further concerns, explained by the questions contained within Appendix 2.</p>	25/01/2023	Shirley Bisset	356

Appendix 2

Extract from a letter (dated 17 April 2020) from the principal petitioner to Alan Stubbs, Service Manager for Roads, with Mr Stubbs' responses (sent 17 June 2020)

Black font: Questions contained within Ms Bisset's letter

Purple font: Responses from Mr Stubbs

1. Considering Hardgate is a continuation with Dunbar Road this should be dealt with together instead of solely dealing with Hardgate. Why is Dunbar Road constantly "ignored"?

On 13th November 2018 a paper was taken to East Lothian Council Cabinet where they approved additional waiting restrictions for various locations within Haddington. Dunbar Road at its junction with Artillery Park was included within the report and the recommendations were to provide double yellow lines in accordance with The Highway Code (you should not park within 10m or 33 feet of a junction unless in an authorised parking space). The content of the report was publicly advertised between 21st June 2019 to 2nd August 2019 and a Traffic Regulation Order (TRO) was made on 23rd August 2019.

2. As you are aware Michelle Ballantyne (MSP) wrote on my behalf to Alex McCrorie regarding Dunbar Road and he categorically stated in his reply to her that Dunbar Road was not being considered with regards to TTRO's. You were copied in to this letter but yet you are stating that this is being considered. So who do I believe?

As stated previously Dunbar Road was considered for waiting restrictions at its junction with Artillery Park and subsequently included within a TRO however there was no consideration to removing on-street parking on Dunbar Road either at or opposite your property.

3. Dunbar Road is the main road in and out of Haddington even though there are 3 other roads in and out of Haddington. I have travelled along Gateside and West Road (the main road in to Haddington) and was lucky if I counted 4 cars whereas on Dunbar Road you have 4+ cars every second. Why are all the heavy loads; cement mixers; artic lorries carrying logs; artic lorries; artic lorries carrying heavy loads etc. drive down Dunbar Road and go through the town centre to get to Gateside or Pencaitland Road where all the new housing are being built? These vehicles should be using the road in to Haddington via Gateside road as this is the main road in to Haddington. Why are Gateside/West Road underused compared with Dunbar Road?

The Council cannot restrict certain types or class of vehicles from travelling along publicly maintained roads except with the introduction of a TRO and the reason for placing these restrictions has to for certain reasons e.g. restricting certain vehicles from travelling over a bridge that has a weight restriction.

There are four categories of road that falls under East Lothian Council's jurisdiction and control:

A roads – major roads intended to provide large-scale transport links within or between areas,

B roads – roads intended to connect different areas, and to feed traffic between A roads and smaller roads on the network,

Classified roads – smaller roads intended to connect together unclassified roads with A and B roads, and often linking housing estate or a village to the rest of the roads network,

Unclassified roads – local roads intended for local traffic. The vast majority of East Lothian's roads fall into this category.

Dunbar Road is classed at the A6093, which is a strategic road and therefore deemed suitable for all classes of vehicle including the ones that you describe.

4. There are more and more parked cars; vans etc. on either side of Dunbar Road which is causing congestion/bottleneck from outside my house up towards the National Tyre Service. Why is this not being acknowledged?

Dunbar Road is on average 9m wide and therefore suitable for on-street parking. Vehicles can proceed with due care and attention. Should parking be removed it is our view that we would likely see an increase in traffic speeds and as a consequence a potential danger to all road users and pedestrians.

5. Police stated there was nothing they can do and it is NOT illegal for vehicles; artic lorries; tow trucks etc. using Dunbar Road (opposite my house) as a pit stop as there are “no double yellow lines”. Every email that I sent to you I was told they were passed on to the Police. Well what was the point as they have done/do nothing?

Police Scotland have powers to deal with obstruction and dangerous and unsafe parking. If, in their opinion, the vehicles parked on Dunbar Road do not constitute a danger or hazard to other road users then they will unlikely take action.

6. Regardless of not having double yellow lines a busy public road should not be used as a pit stop for vehicles/lorries etc. to read papers; talk on their mobile phones; eat their lunch; sit and smoke, sleep etc. causing congestion. You should only stop on a busy public road in an emergency. I have never ever seen a road being used in this way! I do not see any other road in Haddington or in East Lothian being used in this way! Why do you think this is acceptable?

As stated previously, Dunbar Road is a publicly maintained road and any appropriately taxed and insured vehicle can use it whether the vehicle is being driven or stationary.

7. As soon as Craig Hoy (Conservative MP) was elected he got the white line extended outside Tenterfield House (where he lives) as vehicles were stopping at the entrance to Tenterfield House blocking their views. Yet I have to put up with cars blocking my view to get in and out of my drive and putting up with people parking opposite my drive making it difficult and dangerous to get in and out of my drive/cars stopping across my white line on a daily basis. Can I extend my white line to make it safer for me to get in and out of my drive?

The Council receive and respond to many requests such as this. I would note the the “Access Protection” marking is just advisory and not enforceable. We can certainly refresh and extend the next time our Road Marking contractor is in the area.

8. What is it about Dunbar Road that the public think that it is acceptable behaviour using this as a “pit stop” which causes congestion? There are loads of quiet roads/areas to stop other than Dunbar Road! I just cannot comprehend why everyone seems to want to park on Dunbar Road knowing fine well they are causing congestion as traffic cannot flow freely. All that is needed is either double yellow lines from extended white line outside Tenterfield House to the Post Box (see attached photograph) or NO PARKING signs. Why has this never been considered?

As stated previously, any appropriately taxed and insured vehicle can park on Dunbar Road and the Council have no powers to stop vehicles from doing so.

9. Why were TROs put in place so quickly in “Tesco long stay car park”?

To the best of my knowledge no TROs have been put in place yet for the Long Stay Car Park. Cabinet approved for such a measure to be progressed but the TRO has still to be made. In light of the COVID-19 pandemic this and many other TROs within the County will now be reviewed.

10. Whittingehame Drive: To put a 250 car park here is complete madness. This would not ease congestion on Dunbar Road and would only make the road busier. We also need to keep “green space”. This is a lovely green area where people walk their dogs. A play area is situated here for kids and to replace this with concrete and a Hub for buses etc. would be detrimental to residents who live in that area and to Haddington. Why are ELC not putting a P&R on the outskirts of Haddington?

Instead of building thousands of houses you should be concentrating on building a P&R at Gateside. Haddington’s roads are too narrow for the volume of traffic driving through the town centre and building a 250 car park more or less in the centre of Haddington is complete and utter madness which will create even more traffic and congestion on Dunbar Road and the town centre. Haddington is too congested with traffic and heavy loads as it is. Victoria Bridge is congested enough with tractors and artic lorries from Simpsons Malt and they can hardly get over the bridge as it is with the cars parked before the bridge and along Hardgate and Dunbar Road.

Haddington is the administrative centre for East Lothian with a thriving market town. It is forecast to see population/employment growth over the next 5-10 years which will increase parking demand within the town centre. The demand for parking in Haddington currently has outstripped the available supply with visitors searching for parking spaces causing congestion. These trips are people coming into Haddington for work and business purposes as well as shoppers and visitors.

To understand the demand, ELC researched the town’s current and future parking requirements. The Haddington Car Park Feasibility Report examined a number of sites and through an appraisal process identified Whittingehame Drive as the most practical location for additional long-stay parking.

The Haddington Car Park Feasibility Report identifies a series of key assessment criteria:

- To provide an adequate operational supply of short and long-term parking provision within the town to cater for existing and future demand;
- To supply parking facilities that support the economic vitality and future growth of business and commuter travel to/from Haddington;
- To cater for tourist demands without impacting local activities; and
- Cover Haddington town centre requirements as well as recreational use during the summer months for visitors.

Ten sites were initially considered and, following the December 2019 consultation event, a further 7 sites identified by the public have now been appraised against the study objectives. A park and ride site was identified at Alderston House but discounted as not being under our control.

A STAG-based (Scottish Transport Appraisal Guidance) methodology was used to establish the preferred option. This considers the issues and opportunities associated with each site and challenges these against a series of study specific criteria. Through this objective based process Whittingehame Drive was identified as the preferred option.

11. ELC has a duty of care with regards to environmental issues and I have complained for 3 years now with the impact of increased volume of cars, heavy loads, tractors etc. increasing exhaust pollution and noise pollution and the impact this is having living on Dunbar Road. Why is this being ignored? Why have I not had any correspondence from Environmental Health as Michelle Ballantyne had already wrote to them?

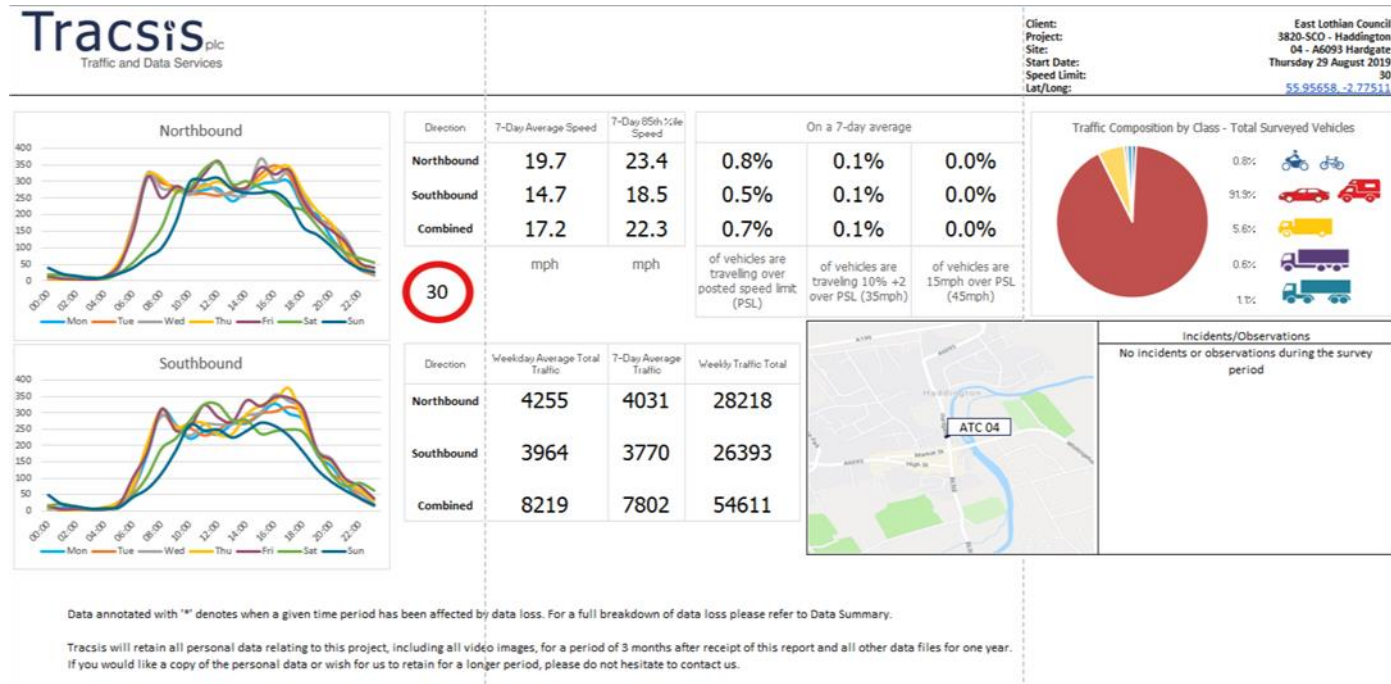
The Environment Act 1995 states that East Lothian Council must regularly assess air quality in East Lothian to verify that the Council meet standards for various pollutants. These include:

- nitrogen dioxide (NO2)

- particulate matter (PM10)
- sulphur dioxide (SO2)

East Lothian Council report annually on 'air quality objectives'. These are health-based standards that pollutant levels should not exceed. Annual assessments are undertaken to ensure that this triggers are not exceeded.

12. I have asked ELC to monitor Dunbar Road with regards to the volume of traffic on a daily basis. I did see track lines across Hardgate and I was told this was counting the traffic so why do we never see these figures? Please see the table below which is a summary from the traffic survey you refer to above (this was undertaken in late August into September 2019).



13. The increased no. of heavy loads and artic lorries on a daily basis must have an impact on the structure of our houses as houses no.2 to no. 8 Dunbar Road sit right on Dunbar Road so we get the "full impact" of vibrations from the heavy traffic, noise and pollution compared to other neighbours as their houses sit far back from Dunbar Road. Why is this not being taken in to consideration?

Environmental issues: noise pollution from heavy loads; constant tractors; boy racers; and idling exhausts

- The increased volume and noise from tractors from early morning to late at night is horrendous. On 18/10/19 I counted 11 tractors before 7.30am carrying loads of potatoes. On 20/9/19 7 tractors all passed one after the other going up Dunbar Road at 9.45am. This is totally unacceptable. Tractors should be travelling on the quiet country road by the Golf Course. They also have their flashing lights on at nights which is annoying.
- Huge increased no. of artic lorries, cement mixers, heavy loads, artic log lorries, boy racers and obviously cars
- Where is the increased volume of cars, artic lorries and heavy loads coming from? Where are the artic lorries carrying logs going to and coming from as I have never seen this in all the years I have lived here. I know for a fact that a lot of traffic travel down Dunbar Road and travel through Haddington town centre. Again my point is why is traffic not coming from Gateside? Why is the majority of traffic travelling down Dunbar Road? Why is ELC not looking into this?
- The traffic starts from 4am until after 1pm every day/night. I mean this is Haddington not Edinburgh!
- What I do not understand is why Dunbar police are fining idling exhausts (article in Courier) but Haddington Police say it is not illegal. (See attached Courier article.)
- Sick fed up with vehicles parking/stopping outside my house with engines running. The noise from an engine running is annoying and worse when it is late at night!

- Loud exhausts from boy racers is a total disgrace, on many an occasion I have been woken up with the noise
- Music blaring from cars
- Public parking outside our houses speaking on “loud speaker”
- Vehicles peeping their horns after 11pm and early morning before 6am

I am not sure how to answer this one.

Speeding

14. I have complained of “boy racers” who speed day and night (especially from 9pm onwards) down Dunbar Road. The Police have done nothing about this but yet did speed checks on West Road (was on Twitter a few months ago). Considering West Road hardly has any traffic completely baffles me! Jan Wilson (Haddington Community Council) basically lied and stated “there was no speeding on Dunbar Road”. How she had the basis to state this is unbelievable as she does not even live on Dunbar Road. As soon as I mentioned this was indeed the case and if mothers of the young children who live on this road were aware of what she was insinuating they would have something to say. She soon changed her attitude! This is what I am up against – nobody is listening and nobody cares and this is not fair for the residents that live on Dunbar Road! Why are the Police not doing speed checks on Dunbar Road?

We can pass this request onto our Police Scotland colleagues who are the enforcement authority for driving offences. I would also suggest you contact them directly on 101 so that they have a record of your complaint.

15. A boy racer crashed in to the Bus shelter (at Hardgate) last January 2019 and eventually sped away. You could hear the car speed from International Tyre Service down Dunbar Road and I knew he would crash. We have young children who live on Dunbar Road yet ELC and the Police do nothing and do not care!

As above (no. 14) this should be reported to Police Scotland using their 101 line so they have a record of the complaint/incident. Sadly the issue you describe is usually caused by inconsiderate drivers who disregard the needs or safety of others. Unfortunately there is little the Council can effectively do if some drivers choose to behave in this way. Fortunately, these drivers are in a minority.

Parking issues – all day; overnight; all weekend; all week by the public who do not live on Dunbar Road

16. Just because we live on a busy public road we have to put up with the public parking outside our houses from 9am to 6pm, using Dunbar Road as a park and ride; dumping their cars outside our houses all weekend whilst jumping into another car and leaving their car; parking outside our houses for a week whilst going on holiday; 12 seater taxi parked outside neighbour’s house every night and the driver doesn’t even live here! Yet Alderston Estate can put cones outside their houses.

As stated previously, any appropriately taxed and insured vehicle can park on Dunbar Road and the Council have no powers to stop vehicles from doing so.

17. I have to put up with the public stopping/half parking over my white line whilst talking on their mobile phone for up to 30 mins with their engine running; delivery vans parking across my line to deliver packages even though there are spaces elsewhere; cars and vans parked outside my house encroaching across my white line; neighbours’ friends parking over my white line; I had abuse from a woman as she was parked across my drive 2 weeks ago. I peeped for her to move but she wouldn’t so I had to get out my car and tell her if she didn’t move, I would get the Police, hence the verbal abuse plus she gave me the middle finger. Cars peeping at me when I am trying to get in to my drive. I should NOT have to put up with this when I am trying to get in to my own drive / house! I am becoming stressed and anxious due to this behaviour from ignorant drivers.

If your driveway is being blocked then this should be reported to Police Scotland. Vehicles parking in this manner are in breach of Section 103 of the Road Vehicles (Construction and Use) Act and Police Scotland will only deal with an offence of this nature on receipt of a complaint from a member of the public.

18. Considering we have to put up with the public parking for over 9 hours a day, days, weeks etc. outside our houses etc., why can't we get parking permits for residents like they have for parking on the High Street?

There are no proposals, at this time, to increase the locations that currently have a residents parking scheme.

19. There have been incidences where a car was parked overnight (opposite my house) with four male passengers sleeping in it. Considering I live on my own this was frightening. Camper vans and lorries have parked opposite my house overnight.

There is no legislation in place that can stop a person or persons from sleeping overnight in their vehicle. However if by doing so they cause any anti-social behaviour they can be reported to our Community Wardens for them to address. Please contact ELC in this regard.

20. Between the increased volume of traffic on Dunbar Road, vehicles/lorries parking across from my house/drive and cars parked either side of my white line is making it more and more dangerous for me getting in and out of my drive. I can assure you this is an accident waiting to happen and I certainly will not be to blame! If there was double yellow lines from Tenterfield House up to the Post box then this would make it safer for me to manoeuvre in to my drive and would alleviate my stress/anxiety.

There are no immediate plans to introduce waiting restrictions opposite your property but as stated previously we will extend your "Access Protection" marking across your driveway

21. A Gregg's lorry driver was sleeping for over an hour from 6am to after 7am parked across from my house causing congestion as this is a very busy time for commuters. Could he not have parked in the High Street or elsewhere, again why Dunbar Road?

As stated previously, any appropriately taxed and insured vehicle can park on Dunbar Road and the Council have no powers to stop vehicles from doing so.

22. I have spoken to many bus drivers whose managers have complained about Hardgate and Dunbar Road to ELC but yet again nothing is done.

The Council have received no complaints from any of our public transport operators

23. Artic lorries, vans, buses, etc. parking outside my and neighbour's houses. This is so dangerous as it blocks my left hand view when driving out my drive and also dangerous for me driving in to my drive. Why should I put up with this and why do you and the Police think this is acceptable? (see photographic evidence)

As stated previously we will extend your "Access Protection" marking across your driveway.

24. My next door neighbour parks his white transit van to my right hand side causing a "blind spot" but again the Police state this is not illegal. I am concerned that I could have an accident and the advice I got from the Police

was to take a photograph of the transit van! I have totally lost faith in the Police and ELC! If you think this is acceptable on a busy dangerous road such as Dunbar Road then I find this very hard to accept. If I ever have a car accident then I have all the evidence that I have tried to solve these issues but no one listens or cares! As an accident is waiting to happen with this busy, congested road which is getting worse every day with the high volume of traffic.

As stated previously we will extend your "Access Protection" marking across your driveway.

Other areas in Haddington that are being listened to compared to Dunbar Road:

25. Why are Rab Moran's issues being listened to with regards to double yellow lines at Hopetoun Drive/Hope Park (which will take 18 months according to this article in East Lothian Courier from Aug 2019)? (See attached Courier article.)

The Highway Code states "you should not park within 10m or 33 feet of a junction unless in an authorised parking space" and accordingly if matters of this nature are brought to our attention well will deal with them accordingly.

26. Why are Alderston Estate resident's concerns listened to within weeks and what Councillor agreed for them to put cones outside their houses (which is illegal)? Why is it that my complaints are never "listened to or acknowledged" by a Councillor or by yourselves? I have never ever been given any guarantee that my concerns/issues have been listened to. I have lost count of the amount of times you have told me that it would have to go to "public consultation". You have had three years! There seems to be "one rule for one" etc. Is it that West side of Haddington is the richer area so they are listened to?

The opening of the new Community Hospital, and lack of parking, resulted in road safety issues within a residential cul de sac. A temporary TRO was put in place and will be removed once all of the additional parking, within the Hospital car park has been put in place.