

THE HIGHLAND COUNCIL

The Highland Council (Academy Street Bus Lane and Prohibition of Vehicles) Order 2024 (DRAFT)

Statement of reasons

The Council proposes to make the Order above in exercise of the powers conferred on them by Sections 1(1),2(1) and (2) and Section 3 of the Road Traffic Regulation Act 1984, as amended.

This Traffic Order is required to deliver changes to traffic management on Academy Street, Inverness as part of the Places for Everyone Project delivery.

The effect of the proposed Order is to restrict use of parts of Academy Street, Inverness by the introduction of Bus Lanes. Reducing through traffic subject to certain limited exceptions as detailed in the Order.

- Exemptions will include Emergency Services, Buses, Taxis, Pedal Cycles. If made, this Order will also allow for the enforcement of any contraventions or offences relating to the Bus Lanes described in the Order.
- If the TRO is made, vehicular access to the city centre for all purposes will still be maintained but most through trips which currently cross the city centre using Academy Street will have to use existing alternative traffic routes around the city centre.
- The reduced traffic flow through Academy Street will enable the construction of wider footpaths and narrower lanes for motorised traffic to improve the environment for walking and wheeling and will also make Academy Street safer and more accessible for walkers and wheelers.

The Academy Street Project, funded by Transport Scotland's Places for Everyone fund as part of the wider Places for Everyone Project, has been in development for over 8 years, through successive Council administrations, public and stakeholder consultation, and design iterations.

The objectives of the project are to:

- provide a seamless connection of the East to West City Active Travel Corridor (walking, wheeling & Cycling), through a coherent city centre link.
- improve the public realm, making Academy Street a more attractive place to spend time in, whilst being respectful of the architectural history, identity, and importance of Academy Street within Inverness city.
- make Academy Street safer and more accessible for Active Travel users.
- Ensure strong links with active and sustainable transport projects, where wider improvements to the urban realm and sustainable transport connectivity across the city and region encourages active and sustainable transport as an attractive and realistic choice for more people in Inverness and the Highland region for more of their everyday journeys.

- inspire and support stakeholders and the wider community by involving them in the redesign of their streets and neighbourhood and ensuring current and future needs are a key driver for change.
- seek to promote sustainable transport by providing regulated Bus Lanes as scheduled within the Order and to allow the reduction of vehicles on Academy Street by restricting the carriageway use at certain locations to Buses, Taxis & Cycles.

The Highland Council as part of their plans to improve the environment within the city centre intend to provide high quality paving, seating and planting within Academy Street. The scheme seeks to manage traffic within the city centre whilst maintaining access for all. The Council set out their vision at the Inverness City Committee on 28 August 2023. The Council have engaged with stakeholders throughout 2023 and 2024 to inform them of the plans and to shape the design. A Traffic Regulation Order (TRO) to introduce bus lanes in both directions on the central section of Academy Street is a necessary part of the proposed traffic management scheme.

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The Highland Council in exercise of the powers conferred on them by Sections 1(1) and 2(1) and 2(2) and 3 of the Road Traffic Regulation Act 1984, as amended (which Act as so amended is hereinafter referred to as "the 1984 Act") and of all other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act, hereby propose the following Order:-

1. This Order may be cited as "The Highland Council (Academy Street Bus Lane and Prohibition of Vehicles) Order 2024 and shall come into operation on the xxx day of xxx Two thousand and twenty XXX.

In this Order the following phrases have the meanings hereby assigned to them:-

" Article" means an Article of this Order;

" Chief Constable" means the Chief Constable of the Police Service of Scotland;

" Principal Traffic Officer" means the Principal Officer of the Traffic and Parking section of the Infrastructure, Environment & Economy Service of The Highland Council;

"Council" means The Highland Council;

" parking enforcement officer" has the same meaning as parking attendant in Section 63A of the 1984 Act;

" pedal cycle" has the meaning given in Section 151 of the Roads (Scotland) Act 1984;

" public service vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

"bus" means (i) a motor vehicle constructed or adapted to carry 8 or more passengers (exclusive of the driver); (ii) a local bus not so constructed or adapted;

" bus lane" means an area of road that may be used only by buses and some other classes of traffic as provided for in this Order

"local bus" means a public service vehicle being used in the provision of a local service not being an excursion or tour;

"local service" has the same meaning as in Section 2 of the Transport Act 1985;

" road" has the same meaning as in Section 151 of the Roads (Scotland) Act 1984 and includes part of a road;

" Schedule" means the schedule to this Order;

" taxi" has the same meaning as in Section 23 of the Civic Government (Scotland) Act 1982 ;

"electronic communications apparatus" has the same meaning as in paragraph 5 of Schedule 3A to the Communications Act 2003;

" traffic sign" means a sign of any size, colour and type prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the 1984 Act and includes any line or mark on a road for conveying warnings, information, requirements, restrictions or prohibitions;

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2. All provisions contained in any Order Enactment or others in so far as the same repeat or are inconsistent with the provisions of this Order and the true intent and meaning hereof shall cease to have effect and are hereby revoked.
3. The Highland Council is satisfied that it is requisite for facilitating the passage of vehicular traffic permitted by this order on the road to which this Order relates that the provisions of section 3(1) of the 1984 Act should not apply to this Order.
4. For the purposes of this Order a vehicle shall be deemed to be in, to have entered, or as the case may be, to be proceeding or waiting in a bus lane described in the Schedule to this Order if any part of said bus lane is below the vehicle or its load.
5. Save as provided in Articles 6, 8 and 9 of this Order no person shall drive, or cause or permit to be driven, any vehicle other than a bus, taxi or pedal cycle so as to be in, enter or proceed within, or wait within any area of road that is identified as a bus lane in, and described in Columns 1,2 and 3 of, the Schedule provided that the aforementioned prohibition shall not apply to any vehicle being in a bus lane where the person in control of the vehicle is required by law to be in the bus lane or is obliged to enter or to drive or to proceed or wait in a bus lane in order to avoid an accident or a parked vehicle or is prevented by circumstances out with his control from avoiding entering or proceeding or driving or waiting other than in the bus lane and as soon as possible causes the vehicle to leave the bus lane.
6. The prohibition in Article 5 shall not apply to:-
 - (i) a vehicle being used for fire and rescue, ambulance or police purposes that is either clearly marked as such or carrying a flashing beacon provided that in all the circumstances it is reasonably necessary for the vehicle to be in, enter or proceed within or, as the case may be, to wait within a bus lane described in the Schedule
 - (ii) a vehicle that is in, enters or proceeds within, or as the case may be, waits within a bus lane described in the Schedule for so long as may be necessary to enable it to be used in connection with the removal of any obstruction in the bus lane;
 - (iii) a vehicle being used in connection with any building operation, demolition or excavation in or adjacent to a bus lane described in the Schedule, the maintenance, improvement or reconstruction of the road in or adjacent to the bus lane, the laying, alteration, erection or repair in or adjacent to the bus lane of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus or the placing, maintenance or removal of any traffic sign, bus stops and bus shelters provided that in all the circumstances it is reasonably necessary for the vehicle to be in, enter or proceed in the bus lane, or, as the case may be, to wait in the bus lane;
 - (iv) a vehicle, while being used in the service of the Council in pursuance of statutory powers and duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers and duties for the vehicle to be in, enter or proceed or drive in a bus lane described in the Schedule or, as the case may be, to wait in the bus lane;
 - (v) a vehicle being used in connection with the enforcement of bus lane contraventions or offences.

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7. Notwithstanding any exemption granted by this Order, the person in control of a vehicle waiting in a bus lane described in the Schedule shall move the vehicle on the instructions of a police constable in uniform or traffic warden or parking enforcement officer whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic.
8. The Council's Principal Traffic Officer or any person authorised by him may, after consultation with the Chief Constable, suspend the operation of a bus lane described in the Schedule or part thereof and the prohibitions imposed by Article 5 of this Order whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or in the interests of road safety.
9. The prohibition in this Order shall not apply to anything done with the permission or at the direction of a police constable in uniform.

This Order and the Schedules annexed hereto are sealed with the Common Seal of The Highland Council

THE COMMON SEAL of XXXX)
 COUNCIL was hereunto affixed)
 This day of 202X)
 in the presence of:-)

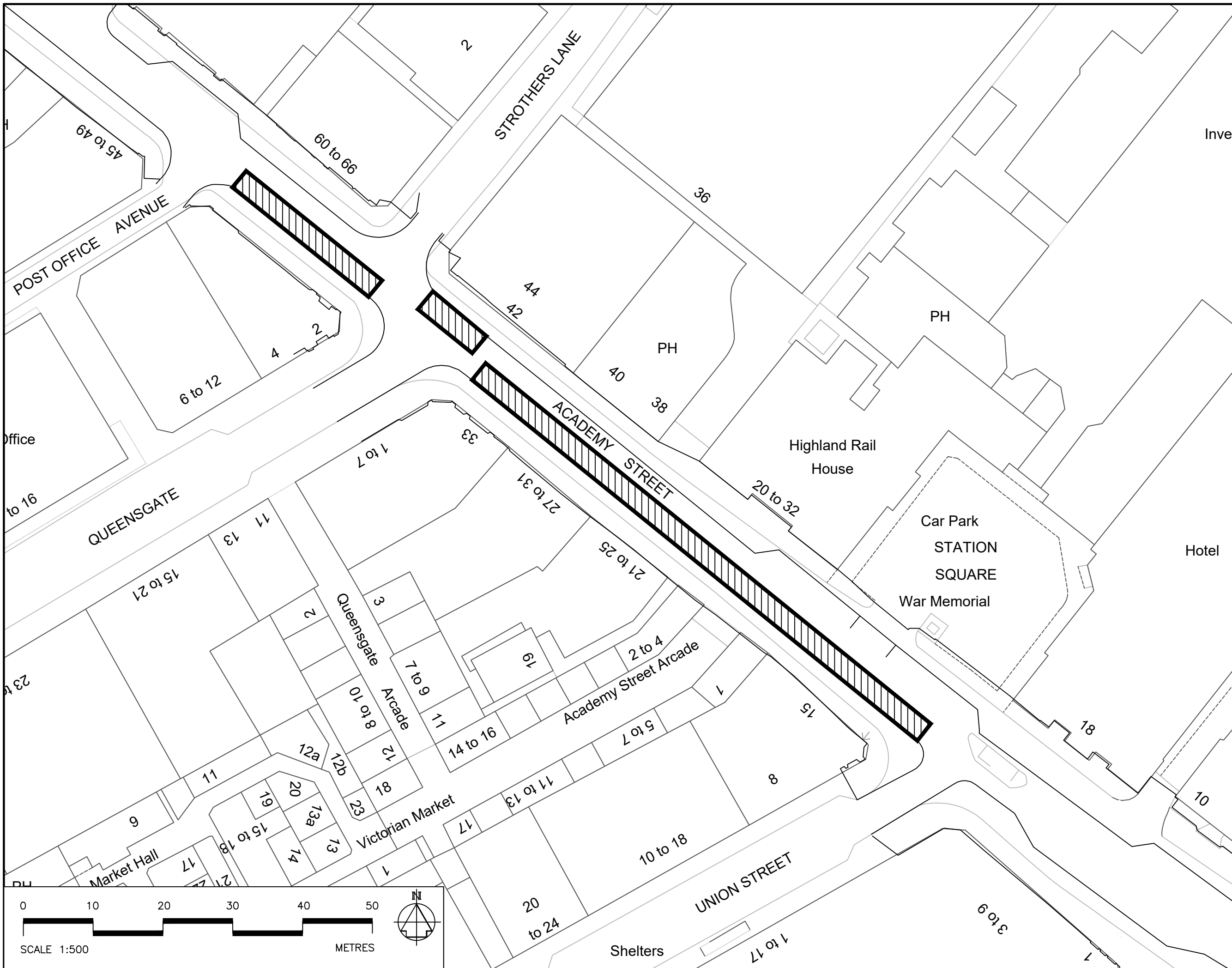
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SCHEDULE

This is the Schedule referred to in the foregoing The Highland Council (Academy Street Bus Lane and Prohibition of Vehicles) Order 2024

BUS LANES

Length of Road	Description of Area of Road containing Bus Lane	Length of Area of Road	Class of permitted vehicles
Column 1	Column 2	Column 3	
Academy Street, Inverness	The westbound carriageway from its junction with Union Street north westwards for a distance 86 metres or thereby	86m or thereby	Bus Taxi. Pedal Cycle.
Academy Street, Inverness	The westbound carriageway from a point in line with the extended centreline of Strothers Lane north westwards for a distance 25 metres or thereby	25m or thereby	Bus Taxi. Pedal Cycle.
Academy Street, Inverness	The Eastbound carriageway from a point in line with the southwestern outside face of the building No. 44 Academy Street south eastwards for a distance of 10 metres or thereby	10m or thereby	Bus Taxi. Pedal Cycle.



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 The Highland Council 2014 100023369

KEY
 Bus Lane 

Inverness
 PH
 Highland Rail House
 Car Park
 STATION SQUARE
 War Memorial
 Hotel



The Highland Council
Comhairle na Gàidhealtachd

The Highland Council
 Headquarters
 Glenurquhart Road
 Inverness
 IV3 5NX

The Highland Council
(Academy Street Bus Lane
and Prohibition of Vehicles)
Order 2023 (DRAFT)

Academy Street
Inverness
Bus Lane TRO

Scale: 1:500 (@ A3)

Drawing No: TRO BL1 Date: -

