

# The Highland Council

<b>Agenda Item</b>	<b>10</b>
<b>Report No</b>	<b>NC/13/24</b>

**Committee:** Nairnshire

**Date:** 5 August 2024

**Report Title:** Proposed Permanent Traffic Order – 40mph Limit on extents of A939 and C1175

**Report By:** Assistant Chief Executive - Place

## 1 Purpose/Executive Summary

1.1 This report is to advise Members to approve the proposed implementation of a 40mph speed limit on and extent of the A939 as well as the C1175. Please see attached plans indicating the extent of the proposed speed limit changes within Appendix 1.

## 2 Recommendations

2.1 The Nairn and Badenoch & Strathspey Area Roads Team are supportive of the proposed permanent traffic order for these roads and Members are asked to **approve** the proposed change.

## 3 Implications

3.1 **Resource** - As per the attached report, Affric Limited will pay the £1,493.00 application fee, which will cover advertising costs as well as the Legal and administrative costs involved in raising the order.

3.2 **Legal** - No implications

3.3 **Community (Equality, Poverty, Rural and Island)** - The order would have positive implications as it will reduce overall speeds around the Househill residential areas as well as the entrance to the Househill Café on the A939.

3.4 **Climate Change / Carbon Clever** - No implications.

3.5 **Risk** - No implications.

3.6 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** – No implications.

3.7 **Gaelic** - No implications.

## 4 Background

- 4.1 A request was received from Affric Limited on behalf of Breendon Trading Limited to apply to reduce the speed limits of the aforementioned roads in order to comply with Planning Condition 8 of their approved planning application (reference 18/05787/FUL). The speed reduction was recommended by THC Transport Planning to be a condition of approving the application.
- 4.2 The planning application is in regard to a new quarry site at Remore, 10km south-east of Nairn. The aim of the traffic order is to mitigate against the impact of a predicted 43.8% increase in HGV movements on both the A939 and the C1175 Hillhouse-Raitloan-Howford which are currently subject to a 60mph limit.
- 4.3 In order to implement this change The Highland Council will exercise their powers under Section 84 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984.
- 4.4 Please refer to the attached report from Affric Limited within **Appendix 1** which includes detailed information and plans of the extent of the proposed traffic order.

## 5 Information

### 5.1 Road Details:-

a) Road name and numbers:

- **A939** - from B9101 Junction - A96t Junction, Nairn, Highland; and
- **C1175** - from A939 At Househill To B9101 At Raitloan And Spur To B9090 At Howford Bridge, Nairn, Highland

b) Plan – Please see **Appendix 1**: The plans are included in Affric Limited's report.

c) Map Co-ordinates:

- **A939**: Start 57.579288, -3.859349; End 57.573268, -3.855493; and
- **C1175**: Start 57.576220, -3.861737; End 57.573240, -3.863926

d) Total length of the roads subject to order:

- **A939** - 870 metres
- **C1175** - 380 meters

Designation: Assistant Chief Executive - Place

Date: 24 July 2024

Author: Murray MacDonald, Roads Technician

Background Papers: None

Appendices: Appendix 1 – Traffic Regulation Order Report

P e l l F r i s c h m a n n

Remore Quarry

Condition 8 Discharge Proposals

May 2024

10109424

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Ref. reference. Rev revision. Suit suitability.

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### Appendices

Appendix A Proposed TRO Extents

# 1 Introduction

Pell Frischmann Limited has been commissioned by Affric Limited, on behalf of Breendon Trading Limited (the Applicant), to assist in the discharge of Planning Condition 8 of the planning determination associated with application 18/05787/FUL.

The Remore site is located approximately 10 kilometres (km) south east of Nairn on the A939, falling within the boundaries of The Highland Council (THC) administrative area, close to the border with Moray. The central grid reference of the site is NH 939 482.

Condition 8 states: *“No other development shall commence until the 60mph speed limit between the A939 and the C1175 Hillhouse-Raitloan-Howfor Road in the Househill area has been reduced and implemented, with full details in consultation with local members. For the avoidance of any doubt this shall be subject to a Traffic Regulation Order, the cost of implementation and application shall be met by the developer.*

*Reason: In the interest of safety of road users due to the increase in HGV traffic which will arise as a result of the development.”*

The report has been prepared by Pell Frischmann solely to discharge this condition. It details the requirements for the production of Traffic Regulation Order (TRO) that would need to be promoted by THC in order to change the existing speed limit.

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## 2 Existing & Proposed Speed Limit

### 2.1 Background

The planning report for the application noted a comment from the Transport Planning team:

*“Mitigate against the impact of a predicted 43.8% increase in HGV movements a change in the speed limit from 60mph to 40mph is sought on the A939 and the C1175 Hillhouse-Raitloan-Howford Road in the Househill area. This will be subject to a Traffic Regulation the cost of which shall be met by the developer.”*

The consultation response from the Transport Planning team has been used to draft Condition 8 of the planning determination.

### 2.2 Existing Speed Limit

The A939 to the south of Nairn is subject to the National Speed Limit (60 miles per hour (mph)). The current 30mph zone commences 85 metres (m) to the south of the A939 / Granny Barbour's Road Junction.

The A939 within Nairn is subject to a blanket 30mph speed limit.

The public roads to the south of the 30mph limits include the A939 and C1175 Hillhouse-Raitloan-Howford Road. These roads are currently subject to a 60mph limit, although the C1175 will operate well below this limit due to the general road geometry.

A residential area is located off the A939 and C1175, known locally as Househill. This includes small residential cul-de-sacs such as Househill Drive, Househill Meadows and Househill Gate, as well as individual farm properties. These streets are assumed to be subject to residential speed limits.

### 2.3 Proposed Speed Limit

To accord with the requirements of the planning condition, it is proposed that a new 40mph speed limit is created. This would carry on from the existing 30mph limit to the south of Nairn and would extend past the Househill area on the A939 and C1175.

The proposed extents of the new 40mph zone are illustrated in the plan provided in Appendix A.

A TRO would need to be promoted to ensure that the proposed new speed limit is legal and enforceable.

## 3 Traffic Regulation Order

### 3.1 Introduction

The TRO will need to be promoted by the Council. As agreed in the planning condition, the Applicant will be liable for all costs in promoting the order and will reimburse the Council, following THC confirming the appropriate fees and costs.

The physical works to implement the TRO will include new 40mph speed limit plates (two sets of two diagram 670 signs) on the A939 and C1175. The existing National Speed Limit signs (diagram 671 signs) on the A939 and replaced with two diagram 670 signs.

Two sets of two diagram 671 National Speed Limit signs would be provided on the A939 and C1175 on the reverse of the diagram 670 sign posts.

### 3.2 Draft TRO

To assist THC, a draft TRO text is provided below:

#### **THE HIGHLAND COUNCIL**

#### **THE HIGHLAND COUNCIL (A939 AND C1175) (40MPH SPEED LIMIT) ORDER 2024**

The Highland Council in exercise of their powers under Section 84 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended (which Act as so amended is hereinafter referred to as “the 1984 Act”), and of all the other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following order:-

1. This Order may be cited as “The Highland Council (A939 and C1175) (40mph Speed Limit) Order 2024 and shall come into operation on [DATE].
2. The Interpretation Act 1978 shall apply for the interpretation of this order as it applies for the Interpretation of an Act of Parliament.
3. All provisions contained in any Order enactment or others insofar as the same are inconsistent with the provisions of this Order and the true intent and meaning hereby shall cease to have effect and are hereby revoked.

#### **ROADS (40MPH)**

4. No person shall drive or cause or permit to be driven any vehicle on the lengths of road specified in Part 1 of the Schedule annexed and signed as relative to this Order at a speed in excess of 40 miles per hour.
5. Vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 are exempt from the restriction detailed in this Order when used in accordance with regulation 3(5) of these regulations.

Sealed with the Common Seal of The Highland Council and signed for them and on behalf of [PLACE] on [DATE] by [NAME], Solicitor and Proper Officer.

This schedule referred to in the foregoing The Highland Council (A939 and C1175) (40mph Speed Limit) Order 2024



## SCHEDULE

### Part 1

A939	that length of the A939 road commencing at a point 85 metres or thereby south of its junction with Granny Barbour's Road and extending in a south and southeasterly direction for a distance of 870 metres or thereby.
C1175	that length of the C1175 Hillhouse-Raitloan-Howford Road commencing at its junction with the A939 and extending in a southerly direction for a distance of 380 metres or thereby.

\_\_\_\_\_ Officer

### 3.3 Consultation

This report is to be circulated to the technical and legal officers of THC to ensure technical approval of the proposals. In accordance with Condition 8, a copy of the report will also be submitted to elected members for Ward 18 (Nairn & Cawdor), presently:

- Councillor Laurie Fraser: [laurie.fraser.cllr@highland.gov.uk](mailto:laurie.fraser.cllr@highland.gov.uk);
- Councillor Michael Green: [Michael.Green.cllr@highland.gov.uk](mailto:Michael.Green.cllr@highland.gov.uk);
- Councillor Barbara Jarvie: [Barbara.Jarvie.cllr@highland.gov.uk](mailto:Barbara.Jarvie.cllr@highland.gov.uk); and
- Councillor Paul Oldham: [Paul.Oldham.cllr@highland.gov.uk](mailto:Paul.Oldham.cllr@highland.gov.uk).

To canvass their opinion of the proposals, noting that the proposals have been required by planning condition.

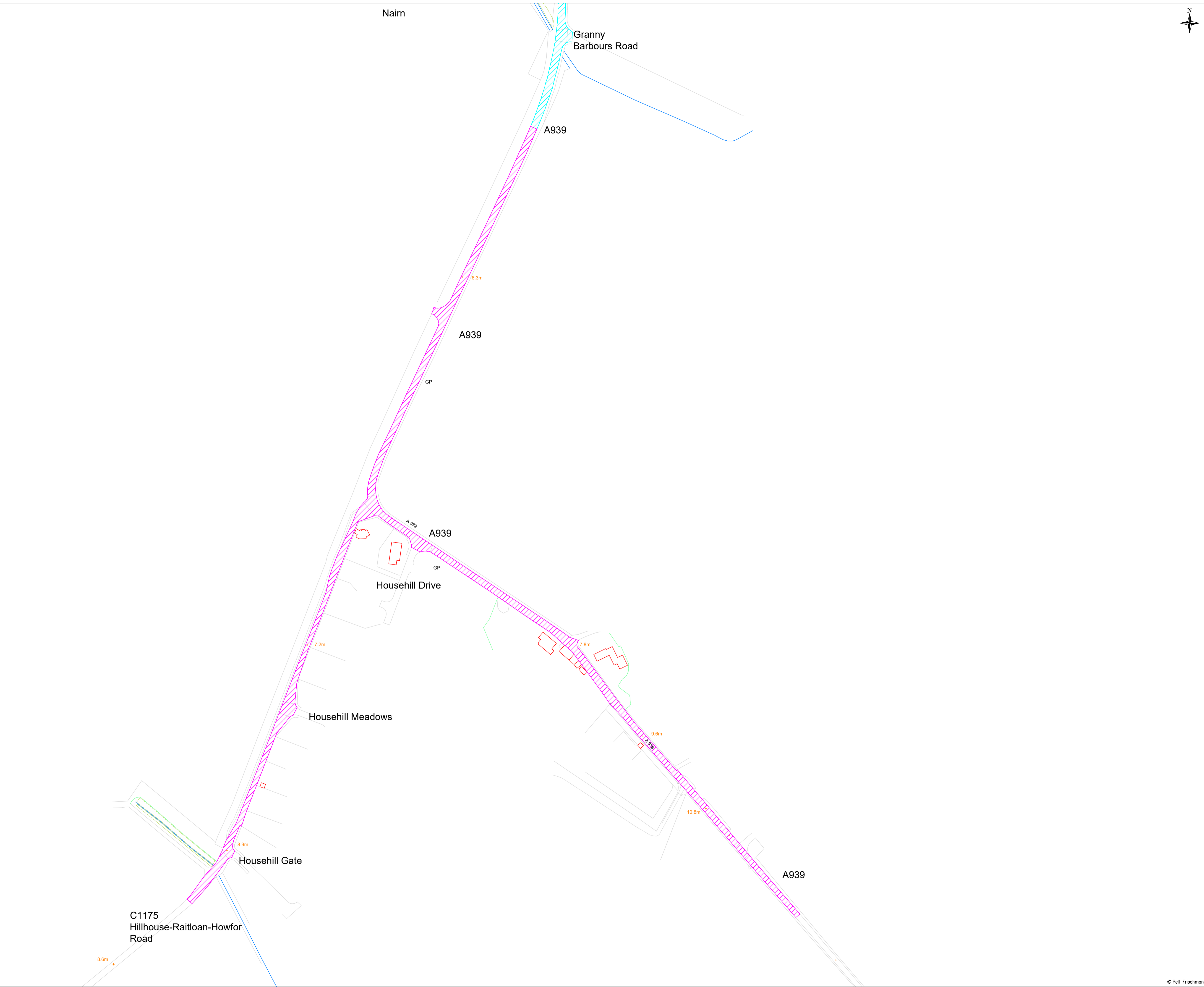
## 4 Conclusion

The proposed TRO accords with the requirements of Condition 8 of the planning determination for application 18/05787/FUL.

The Highland Council, and its elected members for Ward 18 will be consulted and detail of this consultation passed to the appropriate officer at THC.

Upon its promotion and implementation, subject to alteration and agreement, will discharge Planning Condition 8.

## Appendix A Proposed TRO Extents



- NOTE:
1. ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATION FOR HIGHWAY WORKS AND THE TURBINE MANUFACTURERS STANDARDS AND ALL RELEVANT DRAWINGS WITHIN THE PROJECT DESIGN PACKAGE.
  2. ALL WORKS TO BE EXECUTED IN ACCORDANCE WITH THE DMRB, THE MANUAL OF CONTRACT DOCUMENTS FOR HIGHWAY WORKS, DESIGN MANUAL FOR ROADS AND BRIDGES, AND TRAFFIC SIGNS MANUAL.
  3. ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE. ALL LEVELS ARE IN METRES AND RELATE TO ORDNANCE DATUM.
  4. DO NOT SCALE FROM ANY DRAWING. WORK TO FIGURED DIMENSIONS ONLY. ANY DISCREPANCIES IN DIMENSIONS ARE TO BE REFERRED TO THE DESIGNER BEFORE WORK IS PUT TO HAND.
  5. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO PREPARING ANY WORKING DRAWINGS OR COMMENCING ON SITE.
  6. ALL WORKS BY THE CONTRACTOR MUST BE CARRIED OUT IN SUCH A WAY THAT ALL REQUIREMENTS UNDER THE HEALTH AND SAFETY AT WORK ACT ARE SATISFIED.
  7. ALL WORKS ARE TO BE CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENT OF THE STATUTORY AUTHORITIES AND CONSTRUCTION DESIGN MANAGEMENT REGULATIONS.

- KEY:
- Existing 30mph limit
  - Proposed 40mph limit

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Client  
**BREDON NORTHERN LIMITED**

Project  
**REMORE QUARRY**

Drawing Title  
**Proposed TRO - 40mph Limit Extents**

	Name	Date	Scale	Custom
Designed	GB	23.05.2024	File	240520 TRO Plan
Checked	SC	23.05.2024	Drawing Status	DRAFT

Drawing No.	<b>SK01</b>	Revision	<b>P1</b>
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