

## REPORTER'S GUIDANCE NOTE ON FURTHER WRITTEN SUBMISSIONS

1. My task is to examine the draft Traffic Regulation Order in the light of the objections to it that are not withdrawn.
2. This note is for the attention of those objectors to the Order who will not be participating in the hearing I shall hold, and for the attention of the Council.
3. Following the hearing, my task will be to report to the Council with a recommendation either that the Order is made without modification, or that it is made with specified modifications, or that it is not made. The Order cannot be made without the consent of Scottish Ministers, so if the Council wishes to make the Order (with or without modifications) it will need in due course to submit the relevant documentation (including my report and recommendation) to Ministers.
4. I have already had some dialogue with the Council about potential modifications to the Order. The Council has indicated to me that it wishes the Order to be made subject to the modifications included in the appendix to this note. The most significant of those modifications relate to the description of the scope of the Order (potential modification 1), a reduction in the charge for resident and business parking permits (potential modification 8), and a modification to bring the Order into line with the Road Traffic Regulation Act 1984 (potential modification 9). The other modifications correct cross-references and typographical errors. Objectors may comment on any of the potential modifications in their statements if they relate to their objections.
5. This note provides an opportunity for objectors who will not be participating in the hearing to explain their objections further in written representations **if they wish**, with an indication of what (if any) documents their representations rely on. Similarly, the council may wish to explain further why they do not accept the merits of "non-hearing objections" to the extent that such explanation is not contained in its further representations on the merits of "hearing objections". In the absence of further submissions from objectors, I shall rely on their original objections.
6. In producing their statements objectors should be aware of the documentation on the Council's website at <https://www.argyll-bute.gov.uk/draft-luss-traffic-management-order>
7. If an objector seeks to have the Order modified on some particular point, it is important that s/he makes his/her position clear in his/her statement at this stage by indicating exactly how the text of the Order should be modified (in the same manner as potential modifications 1-8 in the appendix to this report).
8. Objectors should send their statements and lists of new documents **to be received by 11 July**. They should be sent either
  - by post to Stuart Watson, Argyll and Bute Council, Development and Infrastructure Services, 1A Manse Brae, Lochgilphead, Argyll, PA31 8RD **and** to Fran Millar, Programme Officer, c/o Development and Infrastructure Services, Argyll and Bute Council, 1A Manse Brae, Lochgilphead, Argyll, PA31 8RDor
  - by email to the Council at [stuart.watson@argyll-bute.gov.uk](mailto:stuart.watson@argyll-bute.gov.uk) **and** to the Programme Officer at [frances.millar@argyll-bute.gov.uk](mailto:frances.millar@argyll-bute.gov.uk) .....
9. The Council should send its statement(s) and lists of documents to all objectors with unwithdrawn objections and to the Programme Officer by the same date.
10. The objectors concerned will then have two weeks to comment in writing, if they wish, on the Council's statement(s). The Council will similarly have two weeks to comment in writing on objectors' statements. Comments should be sent to the same addresses as statements.

## APPENDIX: POTENTIAL MODIFICATIONS

### *Potential modification 1*

*Article 2: substitute the words “To make provisions in relation to driving and on-street parking within Luss, and revoke Orders ...”? for the words “To make provisions in relation to the on street parking within Luss, and revoke Orders ...”.*

*Potential modification 2*

*Article 3(ii): in the definition of “invalid carriage”, substitute the word “adapted” for the word “adopted”.*

*Potential modification 3*

*Article 3(ii): in the definition of “motor cycle”, insert the word “in” immediately before the words “Section 136”.*

*Potential modification 4*

*Article 3(ii): in the definition of “parking attendant”, delete the word “by” immediately before the words “in section 63A”.*

*Potential modification 5*

*Article 3(ii): in the definition of “parking place”, substitute the words “Article 16, Schedule 5 and Schedule 8” for the words “Article 4”.*

*Potential modification 6*

*Article 3(ii): in the definition of “Qualifying person”, substitute the words “a resident or business user who meets the eligibility criteria to apply for a parking permit outlined in article 34” for the words “a resident and business user that meet the eligibility criteria to apply for parking permit outline in article 34”.*

*Potential modification 7*

*Article 40: substitute the words “Schedule 7” for the words “Schedule 6”.*

*Potential modification 8*

*Schedule 6: on both the “Resident Parking Permit” and “Business Parking Permit” lines, substitute the permit charge “£45” for the permit charge “£98”.*

*Potential modification 9*

The Council has indicated to the Reporter that it wishes him to recommend modifying the Order to insert words that indicate that section 3(1) of the Road Traffic Regulation Act 1984 does not apply to the Order and the reason(s) for that. Section 3(1) states that a traffic regulation order shall not be made containing certain access restrictions. The Reporter has not yet received the Council's suggested wording for this potential modification.

Mike Croft, Reporter  
16 June 2022