

Transport and Environment Committee

10.00am, Tuesday, 7 June 2016

Leith Programme - Objections to Redetermination Order - Leith Walk (Brunswick Street to Iona Street)

Item number	8.5
Report number	
Executive/routine	Routine
Wards	Leith Walk

Executive Summary

The Leith Programme involves approximately £9 million worth of road, footway and cycle improvements along the whole length of Constitution Street and Leith Walk, which will transform the character of these streets. The Programme is being delivered in a number of phases, over several financial years.

The next phase of the Programme to be implemented (Phase Four) will be the section of Leith Walk between Brunswick Street and Iona Street. The proposals for this section require both a Traffic Regulation Order (TRO) and a Redetermination Order (RSO).

On 12 January 2016, objections received to the two Orders were reported to Committee, which set aside the objections received to the TRO and instructed officials to refer the objections to the RSO to Scottish Ministers.

This report informs the Committee of the Scottish Ministers' decision in relation to the RSO.

Links

Coalition Pledges	P18 , P18 , P44 , P45
Council Priorities	CP9 , CP11 , CP12
Single Outcome Agreement	SO4

Leith Programme - Objections to Redetermination Order - Leith Walk (Brunswick Street to Iona Street)

1. Recommendations

- 1.1 To note the Scottish Ministers' decision to confirm the Redetermination Order (RSO).

2. Background

- 2.1 The Leith Programme involves approximately £9 million worth of road, footway and cycle improvements along the whole length of Constitution Street and Leith Walk, which will transform the character of these streets. The Programme is being delivered in a number of phases, over several financial years.
- 2.2 Following the decision of the Council, on 10 December 2015, to merge the Leith Programme and the tram project, the Leith Programme will also deliver approximately £1 million worth of tram enabling works in the footways on Leith Walk.

3. Main report

- 3.1 The next phase of the Programme to be implemented (Phase Four) will be the section of Leith Walk between Brunswick Street and Iona Street. The proposals for this section require both a Traffic Regulation Order (TRO) and a RSO.
- 3.2 In line with the statutory requirements for consultations, being carried out under the terms of the Road Traffic Regulation Act 1984, the draft TRO was advertised between 20 October and 17 November 2015.
- 3.3 In line with the statutory requirements for consultations being carried out under the terms of the Roads (Scotland) Act 1984, the draft RSO was advertised during the same period.
- 3.4 In addition, approximately 2,000 letters were delivered to businesses and residents on Leith Walk and streets surrounding the area covered by the Orders, including the whole length of Iona Street.
- 3.5 Four objections were received to the advertised TRO, and two objections were received to the advertised RSO. On 12 January 2016, these objections were reported to Committee, which set aside the objections received to the TRO and instructed officials to refer the objections to the RSO to Scottish Ministers.

- 3.6 The two objections to the RSO were subsequently referred to Scottish Ministers on 14 January 2016.
- 3.7 The Scottish Ministers' decision on determination of the RSO was received on 26 May 2016. The Ministers decided to confirm the RSO.
- 3.8 The Ministers also suggested that the Council could re-examine its decision to implement a "No Entry" restriction, as opposed to a "No Right Turn" restriction, at Iona Street.
- 3.9 Full consideration was given to the possibility of implementing a "No Right Turn" restriction at Iona Street as part of the development of the proposals. However, the consequential impacts of this meant that a "No Entry" restriction was considered to be preferable. It is not, therefore, considered necessary to re-examine this decision.

4. Measures of success

- 4.1 The measure of success for the Leith Programme will be an improved, more attractive environment along Leith Walk and Constitution Street, particularly for pedestrians and cyclists.
- 4.2 The proposals included in Phase 4 of the Programme should also result in an improved street layout on the northern section of Leith Walk which meets the needs of all road users.

5. Financial impact

- 5.1 The costs associated with the statutory procedures to make the necessary Traffic Regulation Order and Redetermination Order are estimated at £6,000.
- 5.2 The costs for this phase of construction will be subject to the outcome of a competitive tendering process. Construction costs will be fully contained within the Place managed Capital Investment Programme and the scheme is supplemented by significant external funding awards from the Scottish Government and Sustrans Scotland.

6. Risk, policy, compliance and governance impact

- 6.1 The Council's tram team and the tram operator have been consulted on the design in order to ensure that a tram extension could be delivered on this section of Leith Walk without having to make significant physical changes to the proposed layout.

7. Equalities impact

- 7.1 An Equalities and Rights Impact Assessment (ERIA) for the Leith Programme commenced during the consultation stage of the project and will be in effect throughout its delivery.
- 7.2 It is likely that improvements to footways and pedestrian facilities will have a positive impact on the safety, freedom of movement and access for all who live in or use Leith Walk. This takes into account many people whose characteristics are protected under the Equalities Act 2010.

8. Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered, and the outcomes are summarised below. Relevant Council sustainable development policies have been taken into account and are noted at Background Reading later in this report.
- 8.2 The proposals in this report will reduce carbon emissions by contributing towards the core objectives of the Council's Active Travel Action Plan to increase the number of people walking and cycling in Edinburgh.
- 8.3 The proposals in this report will increase the city's resilience to climate change impacts by providing more opportunities for sustainable travel through improvements to walking and cycling infrastructure.
- 8.4 The proposals in this report will help achieve a sustainable Edinburgh by delivering environmental improvements which will benefit all users of Leith Walk.

9. Consultation and engagement

- 9.1 Extensive consultation has been undertaken for the Leith Programme, including a major public and stakeholder consultation and engagement process, undertaken between September 2012 and January 2013, on the preliminary design for the Programme. This included focus groups, an online survey that generated 482 responses and a community drop in event.
- 9.2 Since then, regular Key Stakeholder Group meetings have been held and an Elected Member Oversight Group was set up, which met at key stages of the project until its recent dissolution. An update on the Programme was provided to the recently formed Transport Projects Working Group at its meeting on 12 May 2016.
- 9.3 A dedicated Leith Programme webpage is in place and is regularly updated to provide information on the proposals.

- 9.4 Further consultation on the proposals for Phase Four of the Programme was carried out between 20 October and 17 November 2015, as part of the statutory process for the necessary Traffic Regulation and Redetermination Orders. In addition, approximately 2,000 letters were delivered to businesses and residents on Leith Walk and streets surrounding the area covered by the Orders, including the whole length of Iona Street. This gave any interested parties the opportunity to submit formally any comments or objections to the Council. The outcomes of this process were reported to the Committee on 12 January 2016.

10. Background reading/external references

- 10.1 The Leith Programme: Consultation and Design - Report to the Transport and Environment Committee by Director of Services for Communities, 19 March 2013.
- 10.2 Leith Programme, Objections to Traffic Regulation Order, Leith Walk (Brunswick Street to Dalmeny Street) and Redetermination Order, Leith Walk (Brunswick Street to Iona Street) - Report to the Transport and Environment Committee by Executive Director of Place, 12 January 2016.
- 10.3 Active Travel Action Plan
http://www.edinburgh.gov.uk/downloads/file/4409/active_travel_action_plan
- 10.4 Transport 2030 Vision
http://www.edinburgh.gov.uk/download/downloads/id/355/transport_2030_vision

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Executive Director of Place

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11. Links

Coalition Pledges	P18 - Complete the tram project in accordance with current plans
	P44 - Prioritise keeping our streets clean and attractive
	P45 – Spend 5% of the transport budget on provision for cyclists
Council Priorities	CP9 - An attractive city
	CP11 - An accessible connected city
	CP12 - A built environment to match our ambition
Single Outcome Agreement	SO4 - Edinburgh's communities are safer and have improved physical and social fabric
Appendices	Appendix 1 - Letter to Transport Scotland referring objections to Scottish Ministers
	Appendix 2 - Letter from Transport Scotland advising of Scottish Ministers' determination

Ms Sharon Gallacher
 Road Policy Team
 8th Floor, Buchanan House
 58 Port Dundas Road
 GLASGOW
 G4 0HF

Date 14 January 2016
 Your ref
 Our ref 672748/CS

Dear Ms Gallacher

LEITH PROGRAMME, REDETERMINATION ORDER – LEITH WALK (BRUNSWICK STREET TO IONA STREET) – RSO/15/23

The City of Edinburgh Council as Roads Authority, has promoted a Traffic Regulation Order and Redetermination Order in support of road, footway and cycling improvements on Leith Walk in Edinburgh. These works are being proposed as part of the Leith Programme, a £9.1 million package of improvements being delivered over several financial years.

In line with statutory requirements, the Orders were publicly advertised between 20 October and 17 November 2015. Four objections were received to the Traffic Regulation Order, and two objections were received to the Redetermination Order.

Those objections relating to the Traffic Regulation Order were set aside by the Council's Transport and Environment Committee at its meeting on 12 January 2016.

Under Regulation 13 of The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986, where objections to a Redetermination Order have been made and not subsequently withdrawn, these are to be remitted by the Roads Authority to Scottish Ministers for determination. Approval was given by the Committee on 12 January 2016 for Council Officers to remit these objections to Scottish Ministers.

I enclose the following background documentation:

1. A copy of the proposed Order and accompanying plan
2. The Statement of Reasons for making the Order

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3. Each objection to the Redetermination Order which has not been withdrawn, and copies of all correspondence relating to each objection.

4. The Report to the City of Edinburgh Council Transport and Environment Committee on 12 January 2016, with copies of objections appended.

5. A copy of the Order advert published in the Scotsman and Edinburgh Gazette newspapers on 20 October 2015

I can confirm that both objectors to the Redetermination Order have been notified in writing that their submission has been remitted to Scottish Ministers for determination, and copies of these letters are also provided.

I would be most grateful if you would firstly acknowledge receipt of this letter, and also advise as to the possible length of time for this matter to be determined. Should you require any further information, please do not hesitate to contact me.

Yours sincerely

J. Andrew Easson

Andrew Easson
Projects Development Manager

Encs

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Your ref:
RSO/15/23/ADY

Our ref:
RSO/CEC/LW

Date:
26 May 2016

Dear Mr Easson,

THE CITY OF EDINBURGH COUNCIL (LEITH WALK, EDINBURGH) (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 2016 (RSO/15/23)

1. The Scottish Ministers ("Ministers") have considered an Order ("the Order") under sections 1(1) and 152(2) of the Roads (Scotland) Act 1984 ("the Act") to redetermine parts of the carriageway and footway of Leith Walk and other roads in Edinburgh to carriageway, footway and cycle track in order to allow a programme of improvements to transform the nature and operation of the whole length of Constitution Street and Leith Walk through the provision of segregated cycling facilities, dedicated cycle and motorcycle parking facilities, new and improved pedestrian crossing facilities, widening footways, reducing road width, resurfacing all road surfaces, altering parking and loading facilities and removing redundant street furniture.

2. Two objections to the published Order were lodged and maintained ([REDACTED] and [REDACTED] of [REDACTED] on behalf of [REDACTED] (collectively referred to as "the objectors"). In accordance with the provisions of section 71(2) (a) (ii) of the Act, the Council submitted the Order on 19 January 2016 to the Scottish Ministers to determine the matter.

3. The Council's stated intention is to transform the nature and operation of the streets through the provision of segregated cycling facilities, installation of a new pedestrian refuge island, re-laying of footways and alterations to parking and loading facilities. A review of existing loading and parking facilities along the section of Leith Walk had been undertaken, and recognising the importance for businesses and residents to have access to loading facilities and bus stops, the Council stated they sought to ensure that these were provided at more suitable locations to meet local demand.

Summary of Objections

4. [REDACTED] were supportive of the provision of cycle lanes but considered the Council had not taken sufficient account of the effect of the proposals on residents, pedestrians and bus passengers. The main issues raised by them were that the left-turn lane into Pilrig Street from Leith Walk is re-determined as footway thereby restricting access. They claim the scheme would halve the number of traffic lanes on the northbound Leith Walk approach;

precludes the current pedestrian crossing arrangement, which permits full pedestrian movement and does not delay vehicular flows; the scheme would also impact cyclists by producing a sharp cutting movement of traffic turning left into Pilrig Street across the proposed cycle lane; removes the bus stop; and moves a loading bay.

5. [REDACTED] of [REDACTED] objects on behalf of [REDACTED] who run a [REDACTED] on Iona Street. They state the traffic regulation order, proposed to support the purpose of the redetermination order, would prevent access into Iona Street from Leith Walk and will mean that all traffic is routed from Easter Road or through residential streets in the area. They consider these are less suitable routes for HGV traffic than the access from Leith Walk, thereby impacting the viability of their on-going business and creating a significantly less attractive and potentially less safe environment for pedestrians on both Iona Street and Easter Road. They have safety concerns from re-routing more commercial traffic past a play area and issues in relation to noise impacts, effects on the road condition and vehicle maintenance from increased commercial traffic over traffic humps on Iona Street. It was noted that part of the objection from [REDACTED] related to the traffic restrictions contained in a Traffic Regulation Order, which was published at the same time as the above named Order.

The Council's Case in Support of the Order

6. The Council responded to all of the objections. They confirmed that the layout on the northbound approach to the junction, whereby left turning traffic into Pilrig Street is required to cross the cycle lane, is a standard layout and no issues are anticipated. It advised that it had consulted with the Lothian cycling body SPOKES on the proposals and they expressed support for the scheme and confirmed that they had no concerns in relation to the proposed junction layout, which would also remove all conflicts currently facing cyclists using the junction. The Council stated the reduction of two traffic lanes to one and changing the pedestrian crossing phasing at the junction would result in a significant benefit for pedestrians because of widened footways and single stage crossings on all legs of the junction.

7. The Council accepted journey times for vehicles were likely to increase but did not consider an unacceptable impact would arise. The new layout removed all cyclist conflicts with the bus stop and reduced conflicts between vehicles using the loading bay, cyclists and left turning traffic. Relocating the bus stop would remove the potential for conflict between buses and cyclists and northbound traffic; the stop was used by one service and the operator had no objection. The stop was mainly used for drop offs therefore no shelter was required and it was proposed to increase the footway to 1.8 metres wide.

8. They were of the view the proposals would not prevent vehicles leaving [REDACTED] from joining Leith Walk, and there remained a number of suitable alternative routes to and from the yard. They had no safety concerns in relation to the play park as that was fenced off. They accepted large goods vehicles entering Iona Street from Easter Road would require to use the other side of the carriageway on both roads however, this is a common occurrence in the city and they had no particular safety concerns. In addition, where similar vehicles turn from Leith Walk into Iona Street they also require to use the opposite side of Iona Street. Furthermore, the Council view that the vehicle calming was a standard feature and shouldn't cause issues.

Scottish Ministers' Consideration

9. The Scottish Ministers have considered the terms of the Order made by the Council, the objections made, the responses to the objections by the Council and the performance of the Council of the procedural requirements for making an Order under the Stopping Up of Roads

and Private Means of Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986.

10. Ministers first considered the form and content of the Order to satisfy themselves that it was, on the face of it, within the powers of the Council to make and that it complied with the relevant statutory procedures. They have concluded it is within the powers of the Council to make this Order and there were no procedural failures in the making of this Order.

11. Scottish Ministers carefully considered the parties' cases both for and against the Order. They took the view that the central issue in this matter is that the redetermination is necessary to transform the nature and operation of the streets to deliver improved facilities for both pedestrians and cyclists. They agreed with the Council's position in relation to the specific objections raised. Ministers are generally content with the proposed changes.

12. However, they have noted some concerns with the traffic regulation order that was being made to support the stated purpose to be achieved through the redetermination order. The reason for the "No Entry except for cyclist" restriction at Iona Street is primarily due to the reduction in the number of northbound traffic lanes on Leith Walk because of the redetermination of areas of carriageway to footway adjacent to that location and the resulting need to reduce delays caused by right turning vehicles.

13. There was no evidence that consideration had been given to the hard measures to prevent a right turn prohibition from Leith Walk to Iona Street rather than a full prohibition of entry except cyclists. It is not known if there was full consultation with the residents of Iona Street and a balance of the need for a full prohibition of entry with the possible loss of amenity to the residents of Iona Street. Scottish Ministers make no proposals in relation to the terms of the traffic regulation order, however, as an alternative to a full prohibition of traffic may still support the accepted purpose of the Redetermination Order, Ministers suggest the Council could re-examine its decision to implement a 'No Entry' restriction as opposed to a 'No Right Turn' restriction.

Conclusion

14. In taking account of all these considerations, Ministers have therefore decided to **confirm the Order**. A copy of this decision letter will be sent to the Objectors.

Yours sincerely,



Hugh Gillies
Director, Trunk Road and Bus Operations

