

# Policy and Sustainability Committee

10.00am, Thursday, 14 May 2020

## Creating Safe Spaces for Walking and Cycling

|                     |                    |
|---------------------|--------------------|
| Executive/routine   | Executive          |
| Wards               | All                |
| Council Commitments | <a href="#">16</a> |

### 1. Recommendations

---

- 1.1 Policy and Sustainability Committee is asked to:
  - 1.1.1 recognise the changes which COVID 19 has made to people's everyday lives and that many of the changes will remain in place for the foreseeable future;
  - 1.1.2 recognise the importance of transport to the development of plans for the city to adapt and renew in response to COVID 19 and note that schemes which enable people to be physically distant and safe when walking and cycling in the city will be central to this response;
  - 1.1.3 note the schemes which have been implemented in the city since 30 April 2020 including on Silverknowes Road, Braid Road, Links Gardens, Cammo Walk and Braidburn Terrace;
  - 1.1.4 note that the Scottish Government has announced £10m 'Spaces for People' funding for local authorities to deliver temporary improvements for walking and cycling, and agrees to submit an application from City of Edinburgh Council for funding to support the delivery of local schemes in the city;
  - 1.1.5 approve the criteria to be used to create temporary walking and cycling infrastructure schemes (as set out in paragraphs 3.7, 4.4 and Appendix 1) and note the intention to continue to discuss approaches and policies with Group Transport and Environment Spokespeople;
  - 1.1.6 Following notification to local ward Councillors on specific schemes, delegate authority to the Chief Executive in consultation with the Leader and Depute Leader of the Council, to implement temporary schemes based on the criteria approved at 1.1.5 and note that these will be reported to Policy and Sustainability Committee regularly;

- 1.1.7 approve the extension of the contract for Programme Management Office (PMO) support for the delivery of the Council's active travel programme. The maximum value will be £374,925 until the end of March 2021; and
- 1.1.8 approve the measures detailed in Appendix 3 on how traffic orders will be communicated to stakeholders during the ongoing COVID19 lockdown.

**Paul Lawrence**

Executive Director of Place

Contact: Ewan Kennedy, Transport Network Manager

E-mail: [ewan.kennedy@edinburgh.gov.uk](mailto:ewan.kennedy@edinburgh.gov.uk) | Tel: 0131 469 3575

## Creating Safe Spaces for Walking and Cycling

### 2. Executive Summary

---

- 2.1 The COVID 19 pandemic has significantly changed the way in which people work and live. Unprecedented measures to help people stay safe, with instructions to stay at home to prevent the spread of the infection, and to maintain physical distance when outside home (whether for work or exercise) have been in place since 23 March 2020 and some restrictions are expected to remain in place for a significant period of time to come.
- 2.2 During this period of restriction, we have seen an increase in cycling of 16% and walking levels on greenspace corridors has grown rapidly but congestion on walking and cycling routes, and at access points to green and open spaces, and important local services such as grocery shops and pharmacies is putting people at increased risk of infection, as physical distancing measures are compromised. As restrictions begin to be relaxed, supporting people to continue to be able to walk and cycle safely is an important policy objective.
- 2.3 Transport will play a central role in emerging plans for how the city will adapt and renew as COVID 19 restrictions change and are relaxed. This report sets out some early action taken by the Council to create safer spaces for walking and cycling, proposes criteria which will be used to develop further schemes (including changes to support the efficient operation of the city's bus network), and lists schemes that are now under development. It also explains the 'Spaces for People' programme announced by the Scottish Government under the to support the delivery of these schemes.
- 2.4 In addition, the report seeks approval to extend the current PMO contract which supports the Council's active travel programme to March 2021.
- 2.5 Finally, the report details the proposed changes to the processes for consulting upon, and advertising, traffic and other Orders promoted by the Council.

### 3. Background

---

- 3.1 The COVID 19 pandemic has significantly changed the way in which people work and live. The measures implemented in the UK to minimise the spread of infection

include instructions to stay at home where it is possible to do so, and to maintain physical distance of at least 2m from anyone from outwith your household when outside of your home (whether for work or exercise).

- 3.2 Although it is expected that there will be a phased relaxation of restrictions, it is envisaged that some level of restriction will remain in place until the spread of the virus is more effectively controlled and there are effective treatments in place. The timeframe for these measures is not yet known.
- 3.3 Since lockdown began, cycling levels recorded by counters across the city have grown by 16%, whilst walking levels have fallen overall. Parts of the city's off-road path network, such as the waterfront promenade at Silverknowes have seen approximately a fourfold increase in cyclist users. The greatest overall increase in users across the network is occurring at the weekends. Walking levels along greenspace corridors, such as the Water of Leith and Canal have also grown rapidly. This has led to reports of congestion on walking and cycling routes and at access points to green and open spaces, making physical distancing more difficult and in turn increasing the risk of the infection spreading.
- 3.4 The COVID 19 pandemic has led to a dramatic reduction in public transport patronage and car use. Most office workers have made the transition to working from home and more people are exercising outdoors, close to their home. Public transport is mainly being used by essential workers who still need to travel to work.
- 3.5 As the Council and strategic partners begin to develop plans for how the city will adapt and renew in response to the significant impacts of COVID 19, the importance of transport comes to the fore, especially in making it easier for pedestrians and cyclists to move around and on supporting the public transport network to recover.
- 3.6 It seems likely that people will want to travel into and around the city in new ways which could see the city sustain improvements in air quality and will contribute to meeting the city's target to be net carbon neutral by 2030. However, there is already evidence that social distancing guidance may lead to a significant increase in car use. This would lead the city in the opposite direction and lead to increases in congestion that would be hard to manage. This report sets out criteria and measures to create safe spaces for walking and cycling to encourage more people to choose active or public methods of travel.
- 3.7 Officers have been working with relevant key stakeholders and Police Scotland to also identify areas and streets which were not previously part of the existing active travel programme but which would ensure the safety of cyclists and pedestrians.

### **Spaces for People Programme**

- 3.8 The Scottish Government's 'Spaces for People' programme was announced 28 March 2020. The programme's objectives are:

- 3.8.1 **Protecting public health:** Provide temporary walking and cycling infrastructure that helps to protect public health by enabling safe physical

distancing for essential journeys and exercise for everyone, in particular where there are space constraints or user safety concerns.

3.8.2 **Essential journeys:** projects should focus on essential journeys including:

3.8.2.1 Journeys to and from hospitals and health services.

3.8.2.2 Journeys to shops, pharmacies and schools for key workers.

3.8.2.3 Journeys for recommended exercise, for example neighbourhoods and local parks.

3.8.2.4 Immediate delivery: Projects should be delivered quickly and provide a visible improvement that has an immediate benefit.

### **Legal Framework for Traffic and other Orders**

3.9 Where changes are required that would alter how our roads are used, the Council as Roads Authority operates under the terms of a range of legislation. That legislation determines the legal processes that have to be followed in order to bring about the proposed changes.

3.10 Whilst in normal circumstances the Council is able to comply fully with the appropriate legislative requirements, the current lockdown situation has made this either more difficult, or in some cases impossible, to comply with certain aspects of those requirements.

3.11 The Coronavirus (Scotland) Act 2020 recognises this and has created provisions that are designed to allow some aspects of these legal processes to continue under lockdown, albeit with certain stipulations.

### **Temporary Traffic Regulation Orders (TTROs)**

3.12 Where temporary measures might necessitate prioritising mixed-use road space for walking or cycling, Councils may use temporary traffic regulation orders (TTRO) in the event there is a danger to the public. In this case, the immediate danger is the risk of the transmission of infection and the need mitigate that risk as a matter of urgency.

3.13 Section 14 (1) of the Road Traffic Regulation Act (RTRA) 1984 allows the Roads Authority to produce TTROs in certain circumstances. These can be in place for up to 18 months for a road or carriageway or six months for a footpath or cycleway. The relevant procedure regulations place a requirement on the Council to notify but unlike a TRO it cannot be objected to.

### **Active Travel Programme Management Office (PMO)**

3.14 On [20 June 2019](#), Transport and Environment Committee approved an investment programme for active travel in people friendly streets.

3.15 To support the delivery of this programme, Turner and Townsend was initially commissioned (via Lot 7 (Project Management Services) of the Scotland (SXL) Engineering and Technical Consultancy Services Framework) to provide additional capability and capacity for a number of infrastructure programmes including Active

Travel, City Deal West Edinburgh Transport Improvements (CDWETI), Local Development Plan Action Programme (LDPAP) and Granton Waterfront Regeneration. They are supported on the active travel programme by Anturas Consulting.

- 3.16 The original contract was approved by Finance and Resources Committee on 23 May 2019, to be in place to end of December 2019. This arrangement was extended, with additional costs, to May 2020.

#### **Other Initiatives to support behaviour change during adaptation and renewal**

- 3.17 As the city adapts and renews after the lockdown there are likely to be significant changes in the ways people work, in other aspects of daily life and in resulting travel behaviour.
- 3.18 As in other recent years, approximately £0.5M of funding is available through Paths for All's [Smarter Choices, Smarter Places programme](#) (SCSP) to support initiatives which aim to reduce single- occupancy car use. Through this fund the Council is currently supporting a '[Bikes for Key workers](#)' programme. To further complement the physical measures outlined in this report, it is proposed to review the previously approved SCSP programme for 2020/21,

## **4. Main report**

---

### **Immediate Measures Implemented**

- 4.1 On 30 April 2020, the Council began implementing a number of changes to the road network to provide safe spaces for people to walk and cycle. The decision to implement these changes was made by the Chief Executive in consultation with the Council Leader and Depute Leader at the following initial locations:
- 4.1.1 Silverknowes Road (on 30 April 2020);
  - 4.1.2 Links Gardens (on 3 May 2020);
  - 4.1.3 Braid Road (on 3 May 2020), supplemented by additional measures on Braidburn Terrace (on 8 May 2020); and
  - 4.1.4 Cammo Walk (on 8 May 2020).
- 4.2 Each of these locations was chosen as they had been identified by Council Officers and/or Police Scotland as locations which were popular for both walking and cycling during the COVID 19 restrictions and where physical distancing was compromised. The measures on Braidburn Terrace were added following feedback from local residents.

### **Criteria and Arrangements for Future Schemes**

- 4.3 It is proposed that the 'Spaces for People' programme objectives (as set out in paragraph 3.6) are used as the criteria for the Council to determine whether to

progress with further schemes, alongside two further principles and assessment criteria (detailed in Appendix 1), namely that:

4.3.1 Proposals should not undermine the long term viability of the public transport network; and

4.3.2 Wider measures supporting economic revival must still prioritise public safety.

4.4 Appendix 2 sets out a number of measures which are proposed to:

4.4.1 Make space for people to exercise.

4.4.2 Make space for people to travel safely around the city.

4.4.3 Reduce risk to people who use the carriageway for travel or exercise.

4.4.4 Make space for people in high streets and in the city centre.

4.5 Infrastructure to enable physical distancing for walking and cycling will include closing roads to motorised traffic (generally exempting buses) and reallocating carriageway space to walking and cycling on commuter routes, on routes to hospitals, in the city centre and local town centres, and to provide access to and around open and green spaces. In areas where particular pressure is expected on footway space, infrastructure changes will be focused on parking and loading areas adjacent to the footway to increase the space available for walking. The measures will also include providing alternative routes where pressure has been identified on existing routes such as the canal tow path and some other off-road walking and cycling routes.

4.6 Where road space needs to be prioritised to provide this additional capacity, TTROs will be used to comply with the regulatory requirements for notifying local people.

4.7 Local ward Councillors in areas affected by proposals will be notified prior to the publication of any proposals in their area. The publication of proposals will include notification to all of the normal statutory stakeholders.

### **Design and Delivery**

4.8 Appendix 2 indicates the measure or measures considered likely to be appropriate for the street or neighbourhood concerned. However, all proposals are subject to a detailed design and risk assessment process being followed. This may result in an alternative approach or modified measures. The design process will consider all road users, including pedestrians, cyclists, public transport and particularly people with mobility or visual impairments, whilst maintaining appropriate access for residents and businesses.

4.9 The more complex and ambitious schemes will require significant quantities of materials to be procured before implementation can begin. The Council does not hold stocks of these materials therefore they will need to be procured and/or manufactured and therefore this will impact on the implementation timescales.

## **Details of the measures**

### **Make space for people to exercise**

- 4.10 As outlined previously, people are taking exercise on foot and, in increasing numbers, by bike. Large parts of the city's off-road path network are busy to the extent that it is difficult for people to practise physical distancing. Furthermore, in some places, access by car to parks and paths is exacerbating distancing issues and creating potential knock-on road safety issues.
- 4.11 In response to the above it is proposed to introduce measures that:
  - 4.11.1 Close some roads to improve distancing opportunities and road safety on these roads.
  - 4.11.2 Restrict loading and parking in places where it is exacerbating issues by hindering physical distancing or encouraging too many visitors.
  - 4.11.3 Close further roads to provide spacious alternatives to paths and routes that are busy with pedestrians and cyclists, or to safely link together off-road walking and cycling routes.
  - 4.11.4 Reallocate carriageway space on some roads to facilitate safe and socially distanced walking and cycling.
- 4.12 Examples of the changes proposed under this measure are: installation of bus gates and segregated cycleways at Dundee Street, Fountainbridge and Viewforth; and closure of part of Braid Hills Road/Drive and introduction of a reduced speed limit on the remaining section.

### **Helping people to travel safely around the city**

- 4.13 The minimal road traffic during the lockdown has provided unusually safe conditions for walking and especially cycling in the city. Public transport use has fallen drastically, and research suggests that as restrictions are relaxed, it is likely that many fewer people than usual will be able or willing to use buses and trams. In addition, normally, walking in the city regularly involves congregating in groups, for example waiting to cross roads at junctions.
- 4.14 It is expected therefore that people will seek to drive, or to walk or cycle, to enable them to maintain physical distancing. Even if total travel is lower, a significant shift from public transport use to car travel will result in traffic rising above normal, with increased delay and air pollution (which it has been suggested may prolong the recovery period for people who have contracted COVID 19).
- 4.15 A range of measures are proposed that seek to facilitate the safe movement of people by foot and cycle, whilst protecting and prioritising the city's bus and tram service and addressing the potential for COVID 19 to transmit on hard surfaces. These measures require further development but are likely to include:
  - 4.15.1 Giving more priority to pedestrians at crossings, by removing the need to push a button to trigger the 'green man' at busier junctions with pedestrian

crossings and potentially changing traffic light settings to reduce pedestrians' waiting times (particularly at locations which are controlled by the Council's Urban Traffic Control (UTC) which controls 200 of the 600 signals in the city);

- 4.15.2 Helping give space for walking by accelerating the programme of guardrail removal;
  - 4.15.3 Increasing pedestrian space by setting aside road space next to selected pavements (see paras 4.22 to 4.27);
  - 4.15.4 Providing protected cycle lanes on key roads focussed in the city's suburbs, for example at Old Dalkeith Road and Crewe Road South;
  - 4.15.5 Strengthening bus lanes to provide all day bus priority, and relatively protected space for cycling, by strengthening some parking and loading restrictions, extending selected bus lanes through to traffic lights (they normally stop short) and extending the operating hours of most bus lanes (not those required to be suspended to widen footways); and
  - 4.15.6 Subject to funding availability and the Scottish Government making changes to the legal framework facilitated by the recent Transport Act, accelerating the delivery of a number of key existing active travel projects, as identified in the Active Travel Investment Programme.
- 4.16 Protecting the ability of bus services to operate reliably will be important to maintaining bus frequency and sustaining services that can deliver social distancing for passengers. For this reason, as well as the benefit that bus lanes can offer to people on bikes, it is proposed to take forward introduction of bus lanes on Queensferry Road and the A90.

### **Making space for people in the city centre and our high streets**

- 4.17 Enabling physical distancing to be practised in the city centre, on local high streets and around neighbourhood shops is a major challenge, given that most pavements are less than 3m wide, and many are around 2m; sometimes less.
- 4.18 Creating more space for pedestrians at these locations is critical, both for meeting health objectives and giving people the confidence to return to their local shops and to the city centre.
- 4.19 As the COVID 19 restrictions change, there may also be an opportunity to create more public space around shops, cafés and restaurants to support business recovery.
- 4.20 The space required to widen pavements and to provide additional public areas is currently used for a mixture of loading, parking, bus or cycle lanes and general moving traffic, with this space often performing different functions at different times of day (e.g. bus lanes, but with loading and parking permitted off -peak).
- 4.21 This means that, at some locations, difficult choices will need to be made between:
  - 4.21.1 Enabling physical distancing for pedestrians;

4.21.2 Providing for safe and comfortable cycling and/or public space;

4.21.3 Keeping buses moving;

4.21.4 Providing for customer parking;

4.21.5 Providing for loading; and

4.21.6 Allowing general car traffic to use streets.

4.22 In making these choices officers will be guided by the principles set out in paragraphs 3.7, 4.4, the assessment process set out in Appendix 1 and by the Edinburgh Street Design Guidance.

### ***Making space in the city centre***

4.23 The issues outlined above apply in many streets across the city centre, with the presence of general traffic, especially cars, on through routes in the centre meaning that the road network normally operates at or near its full capacity.

4.24 To free up space for physical distancing, whilst not subjecting the bus network to significant extra delay, means focusing on reducing the overall amount of road traffic by closing selected cross-centre routes to through traffic.

4.25 The intention would be to accelerate a suite of proposals from the Edinburgh City Centre Transformation development plan on an emergency basis and to supplement these proposals by introducing restrictions on 'The Bridges'. The key strategic proposal is to close Bank Street, North Bridge (or potentially another point on the same route), East Market Street and East Princes Street to through car traffic. Consideration will also be given to further closures and supporting traffic management measures. In addition, it is proposed to bring forward other pedestrian priority schemes, eliminating through traffic and reducing parking provision on Victoria Street and Cockburn Street.

4.26 The resulting reduction in through traffic will enable reallocation of carriageway space to pedestrians on key high streets including South Bridge, Minto Street and George IV Bridge. On some streets it may also be possible to allocate some space for cycling.

4.27 The exact means for delineating the extra pedestrian space has yet to be resolved but will need to balance protecting pedestrians from traffic, minimising the risk of tripping and risks to cyclists, taking into account the needs of people with mobility difficulties, visual impairments or other relevant special needs.

### ***Making space in other high streets***

4.28 While it is essential to enable physical distancing, in many of the city's high streets it is not possible to eliminate through car traffic therefore these areas will require other measures e.g. implementing changes to parking and loading areas.

4.29 Further work is required to define proposals but there are two broad options:

4.29.1 Setting aside extra space for pedestrians and public space 24/7; and/or

4.29.2 Marking out flexible extra pedestrian space that can be used for loading and possibly some parking outside core shopping hours.

4.29 Examples of locations where footways could be widened, public space created and/or segregated cycle ways created in high street areas include: Morningside Road, Easter Road, Gorgie/Dalry, Great Junction Street and The Shore.

### **Reducing risk to pedestrians or cyclists who use the carriageway in the course of travel or exercise**

4.30 The physical distancing guidance is encouraging people to walk in the carriageway far more than they would normally, to step into the carriageway to avoid passing too close to others and, in the case of cyclists seeking to keep their distance from people on the footway. Observations suggest that people are also choosing to walk and cycle along major roads in the suburbs in significantly higher numbers than pre COVID 19.

4.31 With low traffic levels these behaviours have not caused significant problems. However, as traffic levels increase the risks involved will also rise. With this in mind it is proposed to:

4.31.1 Bring forward the implementation of 30mph speed limits on all suburban main roads that currently have a 40mph limit; and

4.31.2 Urgently review streets with a 30mph limit where a 20mph limit would complement other measures being introduced.

### **Review of the Existing Active Travel Programme**

4.32 To bring forward other schemes for implementation, officers are undertaking a review of the existing active travel programme to identify which routes could be brought forward to support the aims and measures set out in paragraphs 3.6, 4.4, 4.5 and Appendix 1.

### **PMO Support for the Active Travel Programme**

4.33 The current active travel programme stretches over five years and has a value of £75 million.

4.34 The appointment of Turner and Townsend and Anturas Consulting was approved by Transport and Environment Committee on 20 June 2019. The two companies were commissioned to provide additional programme management capability and capacity for a number of infrastructure programmes including Active Travel, City Deal West Edinburgh Transport Improvements (CDWETI), Local Development Plan Action Programme (LDPAP) and Granton Waterfront Regeneration.

4.35 Given the importance of delivering safe schemes for walking and cycling in the short, medium and long-term to respond to COVID 19 and to ensure momentum is maintained on the wider active travel programme, Committee is asked to approve a waiver to the Council's Contract Standing Orders (CSOs) to extend this contract period to May 2021 to continue support for the active travel programme and to include the 'Spaces for People' schemes.

## **Legal Duties and Required Mitigation Measures in response to COVID 19**

- 4.36 Appendix 3 outlines the impact of the current situation on the legal process for progressing traffic and other types of Order. It demonstrates how provisions within the Coronavirus (Scotland) Act 2020 (CSA) can be used to mitigate the current legal requirements. Broadly speaking, the CSA enables Councils to suspend some of the provisions that they might not currently be able to comply with.
- 4.37 This Appendix also shows the proposed measures that will replace existing statutory duties and requirements.

## **5. Next Steps**

---

- 5.1 If the recommendations in this report are approved:
- 5.1.1 Officers will consult with local ward members and other public services to identify and prioritise routes and measures as set out in Appendix 2 for implementation;
  - 5.1.2 Officers will notify local ward Councillors when schemes are being developed in their local area, in advance of any formal notification. After formal notification is made, the Chief Executive will consult with the Council Leader and Depute in advance of scheme implementation. Committee will be updated as schemes are approved;
  - 5.1.3 The Council as roads authority, will adopt the approach outlined in Appendix 3 to all current and forthcoming legal processes;
  - 5.1.4 Officers will submit a bid to the Scottish Government for resources from the Spaces for People programme; and
  - 5.1.5 The contract with Turner and Townsend will be extended to March 2021 to support the delivery of these schemes and the wider active travel programme.

## **6. Financial Impact**

---

- 6.1 It will only be possible to implement such a wide range of schemes if funding from the Scottish Government 'Spaces for People' programme is secured to cover the costs of the proposed schemes for making it safer for people to cycle and walk in the city.
- 6.2 Schemes will only be implemented where existing revenue or capital funding is in place or where Scottish Government funding is awarded. For Traffic Orders, this means ensuring that each programme budget includes provision for any additional advertising costs.
- 6.3 The value of the original appointment to Turner and Townsend (with Anturas Consulting) was £137,800 for active travel and the Local Development Plan Action

Programme. This was extended to £499,100 to the end of 2019 as approved by Finance and Resources Committee on [23 May 2019](#). The arrangement has been extended to May 2020 without any additional cost.

- 6.4 The further contract extension to Turner and Townsend and Anturas Consulting is expected to be £374,925 to 31 March 2021. This will be met from the active travel budget for financial year 2020/21 (which includes funding from the Council's capital programme as well as funding from Sustrans and Scottish Government).

## **7. Stakeholder/Community Impact**

---

- 7.1 The changes being implemented and proposed in future will make it safer for people walking and cycling around the city and help sustain the city's bus network. It is also expected that this will lead to increases in the number of people choosing to walk or cycle and should lead to sustained improvements in air quality.
- 7.2 As part of the process for bringing forward the schemes in Appendix 2, it is intended to notify local ward Councillors when proposals are being developed within their ward.
- 7.3 Once schemes have been developed, the notification for TTROs will include all statutory stakeholders as well as local residents, businesses and places of worship who will be most significantly affected.
- 7.4 The risk of challenge on the direct award of a contract extension for PMO support for active travel is considered low due to the inherent developed knowledge of the individuals involved in relation to scoping the programme to date and understanding of the governance moving forward.
- 7.5 An integrated impact assessment has been prepared and is published on the Council website.

## **8. Background reading/external references**

---

- 8.1 [City Mobility Plan](#).

## **9. Appendices**

---

- 9.1 Appendix 1 - COVID 19 Cycling and Walking Emergency Response: Intervention Criteria
- 9.2 Appendix 2 – Summary of potential schemes
- 9.3 Appendix 3 - Legal duties and required mitigation measures in response to COVID-19

## Appendix 1: Cycling and Walking Emergency Response (COVID 19)

### Intervention Criteria

To enable people to safely make their essential journeys by foot and on bike and to take exercise by walking, cycling, wheeling or running, additional space is required. This space will have to come from the carriageways in the city's streets. Depending on the street in question, the carriageway at present may be:

- Used by residents to park their cars
- Used by customers visiting businesses to park their cars
- Used by motorised traffic, including buses
- Used by businesses to load goods in and out of their premises

Providing safe space for those walking, queueing to enter shops and cycling in the city by widening footways and providing protected cycle space on the carriageway will therefore have implications on these other uses. When deciding where in the city to make changes to our streets in response to this emergency, impacts on these other uses of the street have to be taken into account. The following points outline the underlying rationale for the Council's proposed approach:

**1. Proposals should be consistent with the objectives of the Scottish Government/Sustrans 'Spaces for People' programme**

For interventions to be considered under this programme of work, they will need to meet one or more of the funding criteria of the 'Spaces for People' programme. This funding programme will support work which mitigates the current public health risk by creating more space for people, so that they can maintain safe physical distancing whilst walking or cycling for exercise or essential journeys. These journeys may be to work (with a particular focus on key workers' destinations, such as healthcare centres), for food, or to greenspaces for exercise. All interventions must be implementable in a short timeframe.

**2. Proposals should not undermine the long term viability of the public transport network.**

- a. The existence of a comprehensive bus network, whilst currently affected, is critical in enabling Edinburgh's citizens, workers and visitors move around the city, access services and employment and thereby contribute to our economy.
- b. A good public transport network is also a core component in the city being able to achieve its 2030 Carbon Neutral goals. The long-term viability of the bus network must therefore be protected.

**3. Wider measures supporting economic revival must still prioritise public safety**

- a. As lockdown lifts, we want people to return to the city's high streets. Encouraging people to do so will play a part in supporting the city's economy recovery.
- b. For people to return to the high street, they must feel safe in doing so. This means providing adequate space for customers to queue outside businesses and for others to be able to pass them safely on the pavements.

- c. Providing the space for these wider pavements in high streets is likely to require the removal of parking on the carriageway in front of businesses and altered loading arrangements for those businesses.
- d. The loss of some customer parking for clientele will have some impacts and may be perceived by some businesses as making visits to the high street less appealing, at a time when the Council needs to economic recovery. However, ensuring the public can safely use the high street must be the Council's primary responsibility.

The above points will underpin the intervention assessment process. They will influence which delivery mechanisms are considered as an appropriate means to achieve the desired outcome: creating more space for people to travel and exercise whilst maintaining physical distance.

The following criteria have been generated in order to assess how effectively a proposed intervention will fulfil Sustrans objectives, whilst also ensuring other critical functions of the city's streets are maintained. This assessment process will allow the Council to prioritise inventions that will have the greatest benefit to public health and can be delivered in a short timeframe.

Projects with moderate to low risk mitigation will not be generally implemented if they are expected to have any significant negative impacts, particularly on public transport or emergency services.

| <b>Criteria</b>   |                    | <b>Assessment</b>                |                             |
|---|--------------------|----------------------------------|-----------------------------|
| Covid-19 Risk mitigation  | Very significant   | Significant                      | Moderate to low             |
| Benefit to pedestrians  | high               | medium                           | low                         |
| Benefit to people on bikes  | high               | medium                           | low                         |
| Impact on Public Transport  | positive impact    | neutral or minor negative impact | significant negative impact |
| Impact on emergency services routes                               | None or negligible | Minor                            | significant negative impact |
| Impact on people with Mobility difficulties or visual impairments | positive impact    | neutral or minor negative impact | significant negative impact |
| Impact of diverting traffic                                       | none to minor      | moderate                         | significant                 |
| Impact on residential parking                                     | none to minor      | moderate                         | significant                 |
| Impact on public parking  | none to minor      | moderate                         | significant                 |
| Impact on business servicing                                      | none to minor      | moderate                         | significant                 |
| Cost  | low                | moderate                         | high                        |
| Ease of operation   | easy               | moderate operational burden      | high operational burden     |

## Appendix 2 – Proposed Schemes for Implementation

### Note 1

This Appendix shows the measure or measures considered likely to be appropriate for the street or neighbourhood concerned. However, all proposals are subject to a detailed design and risk assessment process being followed. This may result in an alternative approach or modified measures. The design process will consider all road users, including pedestrians, cyclists, public transport and particularly people with mobility or visual impairments, whilst maintaining appropriate access for residents and businesses.

### Note 2 - Expected timescales

This table includes indicative timescales for delivering proposed measures. However, the timescales for medium and longer term schemes may be extended as the design and implementation timescales are dependent on funding and/or availability of materials and contractors.

(S) Short = by end May

(M) Medium = by end June

(L) Longer = July or later

| Theme(s)                    | Location                                      | Type of intervention (subject to design process see note 1) | Issue  | What intervention will do  | Included in the Active Travel Investment Programme (IP) or ATAP (AP) | Likely Time scale (see note 2) |
|-----------------------------|---|---|--|--|--|--------------------------------|
| <b>SHORT-TERM PROPOSALS</b> |   |   |  |  |  |                                |
| Space for exercise          | Dundee Street at Fountainbridge and Viewforth | Installation of bus gates on Dundee St at                   | The Union Canal towpath is extremely busy. Dundee Street at Fountainbridge | Provide a very low traffic alternative to the Union Canal towpath. | Not in this form. Permanent  | S                              |

| <b>Theme(s)</b>    | <b>Location</b>         | <b>Type of intervention (subject to design process see note 1)</b>                                 | <b>Issue</b>   | <b>What intervention will do</b>  | <b>Included in the Active Travel Investment Programme (IP) or ATAP (AP)</b> | <b>Likely Time scale (see note 2)</b> |
|--------------------|-------------------------|--|--|---|---|---------------------------------------|
| Travelling Safely  |                         | Fountainbridge and closure of Viewforth.<br><br>Some temporary cycle segregation on Dundee Street. | provides an alternative route but is usually an unpleasant environment for cycling.  |   | project for cycle segregation is at start of design process.                |                                       |
| Space for exercise | Braid Hills Drive/ Road | Investigating options to increase space for exercise in this area.                                 | Hermitage of Braid is very busy with people walking and cycling.<br>Braid Hills Drive/ Road is spacious and potentially a pleasant alternative to the Hermitage, but is unsuitable for exercise because traffic, though light, travels at higher speeds. For the majority of the road there is only a single, relatively narrow footway. | Increase available space for walking and cycling with the potential to reduce the speed limit to improve road safety. | AP  | S                                     |
| Space for exercise | East Fettes Avenue      | Road Closure   | This route is used by the surrounding community accessing Inverleith Park and for access to the Western General Hospital.  | This will provide more space for pedestrians and cyclists to access Inverleith Park and the                           |   | S                                     |

| Theme(s)                                    | Location             | Type of intervention (subject to design process see note 1) | Issue   | What intervention will do   | Included in the Active Travel Investment Programme (IP) or ATAP (AP) | Likely Time scale (see note 2) |
|---|----------------------|---|---|---|--|--------------------------------|
|   |                      |   | The footways on this road are narrow.   | Western General Hospital.   |  |                                |
| Space for exercise<br><br>Travelling Safely | Stanley St/Hope Lane | Road closure at a specific point on the road.               | Provide a quiet alternative to major roads.   | Provide an alternative low traffic corridor for people to walk and cycle along, including when accessing nearby greenspaces (such as Figgate Park) for exercise                               | In Safer Routes to School programme                                  | S                              |
| Space for exercise<br><br>Travelling safely | Arboretum Place      | Road closure at a specific point on the road.               | This route is used by the surrounding community accessing Inverleith Park.                  | This will provide more space for pedestrians and cyclists to access Inverleith Park   | No   | S                              |
| Space for exercise                          | Curriehill Rd        | Road Closure just north of Curriehill station car park      | Water of Leith path is narrow but popular for exercise, making social distancing difficult. | This road closure could provide a good alternative to Water of Leith path for exercise. Currently it is not suitable because traffic, though light, travels at higher speeds along this road. | No   | S                              |
| Space for exercise                          | Ravelston Dykes      | Investigating options to improve access to                  | This road provides access to Corstorphine Hill from   | Improve access to this area by pedestrians with   | No   | S/M                            |

| Theme(s)   | Location          | Type of intervention (subject to design process see note 1) | Issue   | What intervention will do   | Included in the Active Travel Investment Programme (IP) or ATAP (AP) | Likely Time scale (see note 2) |
|--|-------------------|---|---|---|--|--------------------------------|
|  |                   | Corstorphine Hill from the east                             | the east but footways are narrow.   | the possibility of reducing traffic on this road.   |  |                                |
| Space for exercise<br><br>Travelling safely                                  | Ravelston Terrace | Road closure at a specific point on the road.               | Water of Leith has seen significant increase in usage, which, given the nature of the path, makes social distancing difficult.                                | Combined with Ravelston Dykes, this closure provides both a long alternative exercise stretch to water of Leith for local community, and low traffic access to Corstorphine hill. | No   | S/M                            |
| Space for exercise   | Warriston Road    | Road closure north of the entrance to St Marks Park         | This road has very narrow footways. The North Edinburgh Path Network can be accessed from here but through traffic on the road makes it a less popular route. | This would provide a virtually traffic free environment for exercise by closing this road.  | No   | S                              |
| Space for exercise   | Cairnmuir Road    | Road closure  | This road provides access to Corstorphine Hill from the west but footways are narrow.   | This closure would provide an almost traffic-free approach to Corstorphine Hill from Clerwood and East Craigs.  | No   | S                              |
| <b>MEDIUM/LONGER TERM PROPOSALS, INCLUDING CITYWIDE OR EXAMPLE PROPOSALS</b> |                   |   |   |   |  |                                |

| Theme(s)                 | Location                                | Type of intervention (subject to design process see note 1) | Issue   | What intervention will do  | Included in the Active Travel Investment Programme (IP) or ATAP (AP) | Likely Time scale (see note 2) |
|--------------------------|---|---|---|--|--|--------------------------------|
| Space for exercise       | West Harbour Rd                         | Temporary cycle segregation                                 | Safety concerns for people cycling between Granton/Trinity Promenade and Silverknowes Promenade                                     | This would provide a traffic free cycle route between Granton/Trinity Promenade and Silverknowes Promenade     | IP/AP  | M                              |
| Space for exercise       | Other                                   | various   | If other issues come to light then appropriate measures will be taken depending on local circumstances                              | See left   | No   | S/M/L                          |
| Space in the city centre | Bank Street                             | Installation of a Bus Gate                                  | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return | Reduce through traffic and enable temporarily widened pavements on this street and/or elsewhere in the centre. | IP   | L                              |
| Space in the city centre | North Bridge or alternative location on | Installation of a Bus Gate                                  | Busy and narrow footways at this location mean physical distancing will be impossible as people return                              | Reduce through traffic and enable temporarily widened pavements on this street and elsewhere in the centre.    | No   | L                              |
| Space in the city centre | Market Street                           | Installation of a Bus Gate                                  | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return | Reduce through traffic and introduce temporarily widened pavements on this street and elsewhere in the centre. | IP   | L                              |

| <b>Theme(s)</b>          | <b>Location</b>           | <b>Type of intervention (subject to design process see note 1)</b> | <b>Issue</b>  | <b>What intervention will do</b>   | <b>Included in the Active Travel Investment Programme (IP) or ATAP (AP)</b> | <b>Likely Time scale (see note 2)</b> |
|--------------------------|---------------------------|--|---|--|---|---------------------------------------|
|                          |                           |  | impossible as people return   |  |   |                                       |
| Space in the city centre | East Princes Street       | Installation of a Bus Gate   | Busy footways on this street and others leading to it will make physical distancing very difficult as people return                 | Reduce through traffic and introduce temporarily widened pavements on this street and/or elsewhere in the centre.                                    | CCT   | L                                     |
| Space in the city centre | Waverley Bridge Closure   | Road Closure/ bus gate   | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return | Reduce through traffic and introduce temporarily widened pavements on this street and/or elsewhere in the centre.                                    | CCT   | L                                     |
| Space in the city centre | Canongate                 | Installation of a Bus Gate or other restrictions                   | Busy footways on this street and others leading to it will make physical distancing very difficult as people return                 | Reduce through traffic and introduce temporarily widened pavements on this street and elsewhere in the centre.                                       | CCT?  | L                                     |
| Space in the city centre | Minto St/Bridges Corridor | Temporary footway widening   | Busy footways on this street and others leading to it will make physical distancing very difficult as people return                 | Widened footways to allow people to access shops, cafes and restaurants safely. Restrictions and alterations of parking and loading provision on the | No  | L                                     |

| <b>Theme(s)</b>          | <b>Location</b>                             | <b>Type of intervention (subject to design process see note 1)</b> | <b>Issue</b>   | <b>What intervention will do</b>  | <b>Included in the Active Travel Investment Programme (IP) or ATAP (AP)</b> | <b>Likely Time scale (see note 2)</b> |
|--------------------------|---|--|--|---|---|---------------------------------------|
|                          |   |  |  | Street will likely be required.   |   |                                       |
| Space in the city centre | George IV bridge                            | Temporary footway widening and cycle-segregation                   | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return. | Widened footways to allow people to access shops, bars and restaurants safely. Restrictions and alterations of parking and loading provision on the Street will likely be required. | IP  | L                                     |
| Space in the city centre | Morrison Street (western/Haymarket section) | Temporary footway widening with parking and loading restrictions   | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return. | Widened footways to allow people to access shops, bars and restaurants safely. Restrictions and alterations of parking and loading provision on the Street will likely be required. | IP  | L                                     |
| Space in the city centre | Other streets                               | Temporary footway widening with parking and loading restrictions   | Busy and narrow footways will mean physical distancing will be impossible as people return.  | Widened footways to allow people to access shops, bars and restaurants safely. Restrictions and alterations of parking and  | IP  | L                                     |

| Theme(s)                 | Location   | Type of intervention (subject to design process see note 1)      | Issue   | What intervention will do  | Included in the Active Travel Investment Programme (IP) or ATAP (AP) | Likely Time scale (see note 2) |
|--------------------------|--|--|---|--|--|--------------------------------|
|                          |  |  |   | loading provision will likely be required.   |  |                                |
| Space in the city centre | Other streets eg:  | Temporary cycle segregation                                      | See Travelling Safely section - main roads  |  |  |                                |
| Space in the city centre | Victoria St  | Road Closure and reduced parking                                 | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return | Enable people to use the full width of the street for walking. Restrictions and alterations of parking and loading provision on the Street would need to be investigated.                  | CCT  | M/L                            |
| Space in the city centre | Cockburn Street  | Road Closure and reduced parking                                 | Busy and narrow footways on this streets and others leading to it will mean physical distancing will be impossible as people return | Enable people to use the full width of the street for walking. Restrictions and alterations of parking and loading provision on the Street would need to be investigated.                  | CCT  | M/L                            |
| Space in high streets    | A number of examples across the city, likely including: Morningside Road, Easter Road, Gorgie/Dalry, | Temporary footway widening or creating more space for businesses | Busy and narrow footways will mean physical distancing will be impossible as people return  | Widened footways to allow people to access local streets safely. This would have to be facilitated by restrictions and alterations of parking and loading provision on the Street. Monitor | No   | L                              |

| <b>Theme(s)</b>   | <b>Location</b>                  | <b>Type of intervention (subject to design process see note 1)</b> | <b>Issue</b>  | <b>What intervention will do</b>  | <b>Included in the Active Travel Investment Programme (IP) or ATAP (AP)</b> | <b>Likely Time scale (see note 2)</b> |
|-------------------|----------------------------------|--|---|---|---|---------------------------------------|
|                   | Great Junction Street, The Shore |  |   | COVID 19 guidelines and consider creating additional public space around businesses if appropriate.   |   |                                       |
| Travelling safely | Citywide                         | Introduce automatic green-man phase at selected traffic lights     | There is a risk of infection from people pressing the pedestrian call button at traffic signals | For the UTC controlled traffic signals (and other key junctions for pedestrians), reduce the need to press the call button by automating this (likely retain push button control 11pm to 7am due to noise issues).                            | No  | M                                     |
| Travelling safely | Citywide                         | Reduce pedestrian waiting times                                    | People congregating in groups while waiting to cross the road                                   | For the UTC controlled traffic signals (and other key junctions for pedestrians), reduce the waiting time at traffic lights for pedestrians. The impact on delays, especially to buses is likely to restrict the application of this measure. | AP (investigate)  | M/L                                   |

| <b>Theme(s)</b>   | <b>Location</b>   | <b>Type of intervention (subject to design process see note 1)</b> | <b>Issue</b>   | <b>What intervention will do</b>   | <b>Included in the Active Travel Investment Programme (IP) or ATAP (AP)</b> | <b>Likely Time scale (see note 2)</b> |
|-------------------|---|--|--|--|---|---------------------------------------|
| Travelling safely | Citywide, streets where other initiatives to re-allocate space are taking place | Remove pedestrian guardrails                                       | Guardrails constrain people onto existing, often fairly narrow, footways   | Enable people to step off footway, especially in places where these have been temporarily widened. | IP  | L                                     |
| Travelling safely | Old Dalkeith Road   | Temporary cycle segregation  | Commuters to Edinburgh Royal Infirmary encounter increasing traffic when socially distancing   | Provide improved separation for cyclists from traffic by installing 'wands' or similar measures    | IP  | S/M                                   |
| Travelling safely | Crewe Road South  | Temporary cycle segregation  | Commuters to Western General Hospital encounter increasing traffic when socially distancing  | Provide improved separation for cyclists from traffic by installing 'wands' or similar measures    | IP  | M                                     |
| Travelling safely | Crewe Rd South /Orchard Brae and Crewe Toll                                     | Improve cycle measures at these roundabouts                        | Commuters to Western General Hospital encounter increasing traffic when socially distancing - roundabouts are difficult to negotiate on a bike | Provide safer conditions for cyclists by using some form of segregation                            | IP (part)   | M                                     |
| Travelling safely | Gilmerton Road  | Low cost cycle segregation   | "People cycling (including novice cyclists) encounter increasing traffic when socially distancing  | Provide improved separation for cyclists from traffic by installing 'wands' or similar             | IP (Main roads study)   | L                                     |

| Theme(s)          | Location   | Type of intervention (subject to design process see note 1)                  | Issue   | What intervention will do   | Included in the Active Travel Investment Programme (IP) or ATAP (AP) | Likely Time scale (see note 2) |
|-------------------|--|--|---|---|--|--------------------------------|
|                   |  |  |   | measures as part of planned Renewal project   |  |                                |
| Travelling safely | Mount Vernon Road and Kingston Avenue  | Road Closure   | People seeking to connect to segregated cycling on Gilmerton Rd encounter rat-running traffic on narrow streets   | Provide low traffic connections from Lasswade Rd and Old Dalkieth Rd to Gilmerton Rd            | No   | L                              |
| Travelling safely | Liberton Road, Craigmillar Park and Minto Street (i.e. between Lasswade Road to Salisbury Road)                          | Introducing a 24-hour bus lane with parking and loading restrictions         | People cycling (including novice cyclists) encounter increasing traffic when socially distancing and can't avoid conflicts off-peak due to parked and loading vehicles    | Provide better protection for cyclists while retaining bus priority                             | No   | L                              |
| Travelling safely | West Coates from Wester Coates Road to Magdala Crescent  | Temporary cycle segregation  | "   | Provide improved separation for cyclists from traffic by installing 'wands' or similar measures | IP   | M                              |
| Travelling Safely | Locations where bus lanes provide particular benefit for protecting cyclists from other traffic, or where they will help | Consider introducing 24-hour bus lanes with parking and loading restrictions | As above in relation to cycling. There is also a very important consideration in relation to maintaining the viability of the city's bus service and enabling services to | Provide additional priority for buses and for cycling   | No   | L                              |

| <b>Theme(s)</b>   | <b>Location</b>  | <b>Type of intervention (subject to design process see note 1)</b> | <b>Issue</b>   | <b>What intervention will do</b>   | <b>Included in the Active Travel Investment Programme (IP) or ATAP (AP)</b> | <b>Likely Time scale (see note 2)</b> |
|-------------------|--|--|--|--|---|---------------------------------------|
|                   | protect bus service frequency - needed for social distancing eg: Milton Rd, Queensferry Rd (new bus lanes) |  | operate at a speed, and therefore frequency, that will facilitate space and distancing on the buses.   |  |   |                                       |
| Travelling Safely | Bus stops citywide   | Rationalisation  | Need to maintain the viability of the city's bus service and enable services to operate at a speed, and therefore frequency, that will facilitate space and distancing on the buses. | Facilitate efficient operation of bus service and therefore availability of frequent enough service to help with distancing on the vehicles. | No  | L                                     |
| Travelling safely | Other main roads: e.g.: Milton Rd (sections without bus lanes) Seafield Rd, Portobello Rd, Telford Rd,     | Temporary cycle segregation  | People cycling (including novice cyclists) encounter increasing traffic when socially distancing   | Depending on widths, parking/ loading issues etc, consider installing temporary segregation  | IP  | L                                     |

| Theme(s)             | Location   | Type of intervention<br>(subject to design<br>process see note 1)         | Issue  | What intervention will<br>do   | Included in<br>the Active<br>Travel<br>Investment<br>Programme<br>(IP) or<br>ATAP (AP) | Likely<br>Time<br>scale<br>(see<br>note<br>2) |
|----------------------|--|---|--|--|--|---|
| Travelling<br>safely | Neighbourhoods<br>across the city.<br>Examples of live<br>projects include<br>East Craigs and<br>Leith | Liveable neighbourhood.<br>Road closures etc to<br>reduce through traffic | People walking and cycling<br>(including novice cyclists)<br>encounter increasing traffic<br>when socially distancing.<br>Community driven project | Close selected roads to<br>enable local trips to be<br>made safely, especially<br>to parks etc and schools | No   | M/L   |

### **Appendix 3 – Legal duties and required mitigation measures in response to COVID-19**

The management and control of the road network is one of the key responsibilities of the Council in its role as roads authority. Where the Council determines a need to make changes to the management or control of a road, there are legislative requirements not only in terms of what the Council can do, but there are also requirements in terms of the processes that must be followed to bring about those changes.

There are three main pieces of legislation that provide powers in terms of what changes are permitted:

- The Road Traffic Regulation Act 1984 (RTRA);
- The Roads (Scotland) Act 1984 (RSA); and
- The Town and Country Planning (Scotland) Act 1997 (TCPA).

These pieces of legislation cover the majority of different legal orders that the Council can promote in its role as Roads Authority, such as:

- Parking and yellow lines
- Moving traffic (bus lanes, banned turns, one-way streets, speed limits etc)
- Temporary Orders (for road works or where there is a danger to the public etc)
- Redeterminations; and
- Stopping Up orders.

The RTRA and RSA are further backed up with specific regulations that explain the legal processes that must be followed and the requirements that must be met in promoting related orders. The TCPA itself contains details of the processes that must be followed for orders promoted under this Act.

However, the processes that must be followed are, with the exception of the TCPA, contained in separate pieces of legislation. These processes are legal requirements, provided so that roads authorities can ensure that the road network operates as they intend it to, that road users are protected (both legally and physically) and that appropriate enforcement action can be taken when required.

For permanent traffic orders, experimental orders and speed limit orders, **The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999** set down the legal process that must be followed.

For Stopping Up and Redetermination Orders, the requirements are contained within **The Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (procedure) (Scotland) Regulations 1986**.

Finally, for temporary restrictions, the processes are set down in **The Road Traffic (Temporary Restrictions) Procedure Regulations 1992**.

Within these three separate pieces of legislation are broadly similar requirements that determine what actions local authorities must take when proposing, advertising and making the different types of orders. Those requirements can be broadly summarised as follows:

- Consultation with statutory bodies.
- Consultation with other organisations representing those likely to be affected.
- Advertisements placed in the local press.
- Placing Notices on-street to advise of the proposed changes.
- Placing all documents related to the draft order on public deposit at the Council's offices.
- Considering any objections received and,
  - where it is within the local authority's power to do so, determine whether the advertised order should be made, either in whole or in part; or
  - where it is not within the local authority's power to determine the outcome, referring those objections to the Scottish Government.

### **Proposed Changes to Traffic Order Processes during COVID 19 restrictions**

Under the current lockdown situation, compliance with some of the above requirements will no longer be possible. The provisions within the recently introduced Coronavirus (Scotland) Act 2020 do, however, make certain allowances that will enable local authorities to make alternative arrangements, where possible, so that legal processes can continue.

The following sub-sections detail the implications for the different requirements of the legislative processes, as well as suggesting alternative approaches where it is considered that such alternatives are practical.

#### **1. Consultation with statutory bodies/ Consultation with other organisations representing those likely to be affected**

Common practice to send notifications of all orders by email. The only current exception is the Scottish Ambulance Service, who have not provided a central contact email for correspondence. Letters can be sent as normal using the MyLetters automated printing and mailing service.

Recommendation: No action required. This aspect of the legal process can continue unaffected by the current lockdown.

#### **2. Advertisements placed in the local press**

Adverts placed in the local press tend to go into both the physical print version of the paper and the online version. While there may be some risk to the public of handling print newspapers, that risk is no greater than handling other purchased items.

The new Act does permit local authorities to dispense with requirements if they are of the view that doing so:

- (a) may give rise to a significant risk of the transmission of coronavirus, or

- (b) is likely to be ineffective or inappropriate due to action taken in order to control the incidence or transmission of coronavirus.

It is considered that publication in a local newspaper, especially where that publication includes an online version of the published notice, remains a valid means of highlighting the proposed measures and can reasonably be used to direct interested parties to other online facilities where further details of the proposal can be viewed.

Recommendation: No action required. This aspect of the legal process can continue unaffected by the current lockdown.

### **3. Placing Notices on-street to advise of the proposed changes**

It is common practice to erect notices on-street for the majority of Orders processed by City of Edinburgh Council. Legally, such Notices are a statutory requirement for the following Order types:

- Stopping Up Orders
- Redetermination Orders
- Temporary Traffic Regulation Orders (including 5 day Notices)

Notices may, at the discretion of the roads authority, also be erected for permanent or experimental traffic regulation orders, parking orders and speed limit orders. However, they are not a legal requirement in such instances.

In the current lockdown situation, it is not considered appropriate to require Council staff, or others, to erect such Notices on-street. Such work would be contrary to current guidance and would put those carrying out that work at unnecessary risk of contracting or spreading Covid-19.

The provisions of the new Act effectively remove the duty to erect notices, but require that the authority give consideration to other measures that could be put in place of that duty.

The Council currently places full details of all Orders on our website as well as on the Scottish Government's site ([www.tellmesotland.gov.uk](http://www.tellmesotland.gov.uk)). There are, however, further steps that could be taken to publicise proposals:

- Use social media, either through existing channels or through dedicated channels sets up specifically for the purposes of highlighting proposals
- Identify local notice boards, such as those found outside schools, libraries and community centres
- Utilise notice space in local shops or post offices
- Use radio ads to direct interested parties to the Council website

In the instances in the list above where it is proposed to utilise Notice Boards, it is suggested that this could simply be a means of generally advising where to find proposals for your area, i.e. no specific proposals would appear, nor would there be a need to maintain the information. It would be a one-off placement of information that would generally advise interested parties to visit the Council's website to view

any active proposals for their area. A similar approach could be used for shops and Post Offices, where a single, non-specific Notice could be posted with links to the Council's website.

In the case of temporary orders (TTROs), no information is currently placed onto the Council's website. If the duty to erect Notices for TTROs is to be replaced, then consideration must also be given to making details of every TTRO available online.

Recommendation: In order to comply with Government guidelines, to maintain social distancing and to prevent the transmission and spread of Covid-19, that the Council agree to temporarily suspend the use of on-street Notices to publicise current and forthcoming roads-related Orders of all types and that alternative means of publicising such orders will be adopted, with:

1) general information on where to find information relating to current consultations:

- Placed on local Notice boards
- Placed in shops and Post Offices where available
- By Radio Advertisement

2) Specific information on individual proposals on appropriate social media

#### **4. Placing all documents related to the draft order on public deposit at the Council's offices**

Documents are currently placed on deposit at Waverley Court. While the legislation is not specific, the requirement is that documents should be "available for inspection at the authority's offices during normal office hours, and (if the authority think fit) at such other places within the authority's area and during such times respectively at those places as the authority may determine". With proposals regularly consulted upon across our authority area, Waverley Court is a central and accessible location at which to view documents.

With Waverley Court and other Council buildings closed to the public and government advice effectively restricting journeys to those for daily essentials and exercise, it is not considered that the public deposit of documents is possible at this time. For the avoidance of doubt, even if Council building were open, the public deposit of documents and their inspection by the public is a measure that is neither necessary or appropriate at this time.

If this duty is, under the terms of the new Act, to be suspended, then the Council has to consider what measures will replace that duty. With all of the documents that are currently placed on deposit, in compliance with the requirements of the procedure regulations, already being available to view on both the Council's website and on [Tell Me Scotland](#), it is not considered that any further measures are required.

Special reference will need to be made in all correspondence indicating that the public deposit element of advertising, making and/or confirming Orders has been temporarily suspended. That correspondence should also indicate the reasons for suspension, which would be to prevent the spread of Covid-19 and to avoid the

situation where members of the public were expected to make unnecessary journeys to view documents.

Recommendation: In order to comply with Government guidelines, to maintain social distancing and to prevent the transmission and spread of Covid-19, the public deposit element of advertising, making and confirming of Orders will be suspended and that the publication of the information required by the legislation on both the Council's website and on tellmescotland will effectively replace that duty.

## **Considering objections received**

Objections received to any advertised or proposed Order fall into two distinct categories:

- Those where it is within the local authority's power to consider the objection and to determine whether the advertised order should be made, either in whole or in part; and
- Those where it is not within the local authority's power to consider the objection and determine the outcome

In the case of the latter scenario, any objections must be referred to the Scottish Government for their consideration. This typically results in the Scottish Government taking steps to arrange a public hearing.

The Council's legal obligations in terms of considering objections remains largely unaffected by the current lockdown. With officers now having the authority to determine the course of action where there are less than 6 objections per order or per individual street/location, decisions on such Orders can continue to be made at a senior management level.

For Orders with more than 6 objections, those Orders would need to be referred to a suitable Committee. This remains a practical solution under lockdown and the current setup of Policy and Sustainability Committees allows the Council to take the necessary decisions in such situations.

While the situation is more complicated for objections that need to be referred to the Scottish Government, those referrals remain possible in the current situation, although it is unlikely that any public hearings will be held until progress is made in containing Covid-19.

Recommendation: There are no immediate implications for the Council and no additional measures are required.