

City of Edinburgh Council

10.00am, Thursday 19 November 2020

Spaces for People – East Craigs Low Traffic Neighbourhood – referral from the Transport and Environment Committee

Executive/routine
Wards
Council Commitments

1. For Decision/Action

- 1.1 The City of Edinburgh Council is asked to approve the decision taken by the Transport and Environment Committee.

Andrew Kerr

Chief Executive

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Referral Report

Spaces for People – East Craigs Low Traffic Neighbourhood – referral from the Transport and Environment Committee

2. Terms of Referral

2.1 On 12 November 2020, the Transport and Environment Committee considered a report by the Executive Director of Place setting out options for improving conditions for walking and cycling in the East Craigs area in response to COVID-19 following discussions at Policy and Strategy Committee (20 August 2020), Transport and Environment Committee (1 October 2020) and City of Edinburgh Council's meeting (15 October 2020). The report also set out the next steps in respect of creating a permanent Low Traffic Neighbourhood (LTN) in the East Craigs area.

2.2 Motion

- 1) To note the background to the Spaces for People programme, and particularly the proposed introduction of a Low Traffic Neighbourhood (LTN) in East Craigs.
 - 2) To note the options to improve conditions for walking and cycling in the East Craigs area.
 - 3) To approve option 2b for implementation by Temporary Traffic Regulation Order (TTRO) as part of the Council's Spaces for People programme as set out in paragraphs 4.12 – 4.13.
 - 4) To approve commencement of an experimental traffic order and to propose a full public consultation prior to the decision by a later Transport and Environment Committee, (date to be confirmed), as part of the process for the introduction of a LTN in East Craigs as set out in paragraphs 4.23 - 4.30 of the report.
- moved by Councillor Macinnes, seconded by Councillor Doran

Amendment 1

- 1) To note the background to the Spaces for People programme, and particularly the proposed introduction of the Low Traffic Neighbourhood (LTN) in East Craigs.

- 2) To note the legal opinion provided to both the Community group and the Council indicated, that using the emergency legislation and the SfP programme to progress an LTN was not a proportionate or appropriate action.
 - 3) To recognise that each option presented continued to adversely impact the wider East Craigs area, resulting in continued acrimony from residents.
 - 4) To agree therefore that Option 3 was the only democratically acceptable option available at this time.
 - 5) To agree no part of the programme would be progressed unless or until a redesign was in place that gained local support and therefore requests a full, comprehensive consultation with the local community.
 - 6) In the interim to suggest these measures were carried out to further improve and enhance the area:
 - 6.1 - Agree with proposals to introduce measures to address the footway pinch points around Craigmount High School.
 - 6.2 - Welcome plans in relation to Maybury Road Vegetation maintenance and confirmation that Officers would continue to maintain verges.
 - 6.3 - Agree to a full review of the East Craigs Path Network to make it safe underfoot and enjoyable for all residents to use in line with social distancing guidelines.
- moved by Councillor Webber, seconded by Councillor Brown

Amendment 2

- 1) To note that Committee regretted the flawed processes and previous poor decisions on implementing the East Craigs Low Traffic Neighbourhood and recognised the damage this had caused to the relationship between the Council and the people of East Craigs, North Gyle and Craigmount.
 - 2) To congratulate the campaigning efforts of those in the community, who simply asked for the Council to consult properly before any decisions were taken, and believed the contents of the report vindicated those efforts over the last three months.
 - 3) To agree that no experimental traffic regulation order should be progressed on the LTN until a full public consultation had been undertaken and a further report presented to Committee.
 - 4) To agree to proceed with report option 2b meantime in order to address concerns around social distancing and traffic speeds immediately outside Craigmount High School.
- moved by Councillor Lang, seconded by Councillor Whyte

Voting

For the motion - 7 votes

For the amendment - 4 votes

(For the motion – Councillors, Bird, Corbett, Doran, Key, Macinnes, Miller and Perry.

For Amendment 1 – Councillors Brown, Webber and Whyte.

For Amendment 2 – Councillor Lang)

Decision

To approve the motion by Councillor Macinnes.

- 2.3 In accordance with Standing Order 30.1, the decision was referred to Council for approval.

3. Background Reading/ External References

- 3.1 [Webcast of the Transport and Environment Committee – 12 November 2020](#)

4. Appendices

- 4.1 Appendix 1 – Report by the Executive Director of Place

Transport and Environment Committee

10.00am, Thursday, 12 November 2020

Spaces for People – East Craigs Low Traffic Neighbourhood

Executive/routine Wards Council Commitments	Executive 3
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1. Recommendations

- 1.1 It is recommended that Transport and Environment Committee:
 - 1.1.1 Note the background to the Spaces for People programme, and particularly the proposed introduction of a Low Traffic Neighbourhood (LTN) in East Craigs;
 - 1.1.2 Note the options to improve conditions for walking and cycling in the East Craigs area;
 - 1.1.3 Approve option 2a for implementation by Temporary Traffic Regulation Order (TTRO) as part of the Council's Spaces for People programme as set out in paragraphs 4.8 – 4.11; and
 - 1.1.4 Approve the commencement of an Experimental Traffic Regulation Order (ETRO) process for the introduction of a LTN in East Craigs as set out in paragraphs 4.23 - 4.30.

Paul Lawrence

Executive Director of Place

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Spaces for People – East Craigs Low Traffic Neighbourhood

2. Executive Summary

- 2.1 This report sets out options for improving conditions for walking and cycling in the East Craigs area in response to COVID-19 following discussions at Policy and Strategy Committee (20 August 2020), Transport and Environment Committee (1 October 2020) and City of Edinburgh Council's meeting (15 October 2020). The report also sets out the next steps in respect of creating a permanent Low Traffic Neighbourhood (LTN) in the East Craigs area.

3. Background

- 3.1 On [15 October 2020](#) City of Edinburgh Council considered proposals to introduce a LTN in East Craigs. Council requested that a summary of legal advice be provided to Elected Members in advance of the Transport and Environment Committee meeting on 12 November 2020. This briefing was circulated to Elected Members on a confidential basis on 19 October 2020.
- 3.2 The Council also:
- 3.2.1 Agreed that, if necessary, options for further compliant revised designs should be brought forward to the meeting on 12 November which would address any issues resulting from legal advice and ensure the safety of the public and better conditions for walking, cycling and wheeling on a temporary basis during the public health crisis;
 - 3.2.2 Noted the composite motion approved on [14 May 2020](#) on Creating Safe Spaces for Walking and Cycling to move forward as early as possible, and that the report included a proposal to 'close selected roads to enable local trips to be made safely, especially to parks etc and schools' in the East Craigs area;
 - 3.2.3 Agreed that until legal counsel has been received and made available, Members were not in a position to approve this report;
 - 3.2.4 Agreed to implement an immediate and on-going programme of works to strip back the overgrown vegetation on pavements on both sides of

Maybury Road in order to reclaim the full pavement area as space for people; and

3.2.5 Noted the substantial opposition expressed by residents in East Craigs, North Gyle and Craigmount; local ward councillors and the local community council to the original Spaces for People LTN proposals for this area.

- 3.3 On [20 August 2020](#), Policy and Sustainability Committee considered a report on the Spaces for People programme, including proposals for an LTN for East Craigs and agreed (specifically in relation to East Craigs) that as well as moving forward with the Spaces for People LTN proposals, that the process for the permanent Traffic Regulation Order (TRO) for East Craigs LTN would be accelerated to the earliest possible time to allow full public consultation to take place with residents as part of the permanent TRO process.
- 3.4 On [1 October 2020](#), revised proposals for a LTN in East Craigs were considered and approved by Transport and Environment Committee. These proposals had been amended following significant feedback from local residents, Elected Members and the local community council both in writing and at a community meeting in August 2020. This report was referred to Council on 15 October 2020 (as set out above).
- 3.5 The original proposals to create safer spaces for walking, cycling and wheeling (now known as Spaces for People) during the coronavirus (COVID-19) pandemic were considered by Policy and Sustainability Committee on [14 May 2020](#).
- 3.6 The Council Leader and the Convener and Vice Convener of Transport and Environment Committee met with representations of the deputation Get Edinburgh Moving on 16 October 2020 to discuss the proposals for East Craigs. It was agreed that a follow up meeting would be arranged with officers to discuss the technical details of the proposed scheme.

4. Main report

Spaces for People options for East Craigs

Legal advice and Options appraisal

- 4.1 Following the provision of legal advice in respect of the proposals to introduce a LTN in East Craigs using a Temporary Traffic Regulation Order (TTRO), officers have carefully considered the options available to the Council. The Council could:
- 4.1.1 Acknowledge the legal risks in proceeding with the scheme as is, but proceed as set out in the report to Transport and Environment Committee on 1 October 2020; or
- 4.1.2 Reduce any interventions using a TTRO to measures around Craigmount High School and Drum Brae North to improve conditions for walking and cycling (two options are set out for this in paragraphs 4.10 – 4.15); or
- 4.1.3 Decide not to proceed with any changes.

- 4.2 Policy and Sustainability Committee approved an updated Risk Appetite Statement for the Council on [6 October 2020](#). The section on Regulatory and Legislative Compliance has three core elements:
- 4.2.1 The Council aims to comply with applicable regulatory and legislative requirements to the fullest extent possible.
 - 4.2.2 No officer or elected member may knowingly take or recommend decisions or actions which breach legislation.
 - 4.2.3 Executive Directors and Heads of Service are expected to implement appropriate controls to ensure ongoing compliance and identify; report; and resolve breaches when they occur.
- 4.3 For the purposes of Spaces of People, where necessary, the Council has used TTRO powers. This is in accordance with Section 14 of the Road Traffic Regulation Act 1984 which gives the roads authority - in certain circumstances - the power to make an order to restrict or prohibit temporarily the use of a road, or any part of it, by vehicles or pedestrians, to such an extent as it considers necessary.
- 4.4 One of the circumstances where the Council can rely upon the provisions of Section 14 of the 1984 Act is where it is considered that there is a *likelihood of danger to the public* and measures should be taken to address that danger. At the outset of the Covid-19 pandemic Transport Scotland issued guidance where it was noted that the incidence and potential transmission of the coronavirus was considered to be a danger to the public.
- 4.5 Specifically, in relation to the LTN proposals for East Craigs, officers considered:
- 4.5.1 that there was evidence of intrusive traffic on Craigs Road;
 - 4.5.2 that levels of traffic on Craigs Road exceed the levels that are recommended for cycling without cycleways as set out in the [Edinburgh Street Design Guidance](#);
 - 4.5.3 That while Craigs Road has the potential for increased walking and cycling within the context of the covid-19 pandemic, and the requirement for more active forms of travel and physical distancing, due to the physical layout of this street it is very difficult to provide continuous reallocation of space;
 - 4.5.4 Traffic speed surveys which recorded 85th percentile speeds well in excess of the 20mph speed limit on a number of roads in the neighbourhood; and
 - 4.5.5 Feedback from the Spaces for People Commonplace web engagement tool highlighted themes within the East Craigs of: intrusive traffic, speeding traffic, footway pinch points and desires for cycleways and some road closures.
- 4.6 To ensure that the Council does not take any unnecessary legal risks, officers have now further considered the options for creating safe spaces for walking, cycling and wheeling in this area (as set out in paragraph 4.1) and these are detailed below.

Option 1

- 4.7 Option 1 is to implement the revised East Craigs LTN scheme (shown in Appendix 1). As set out in paragraph 3.4, this scheme was approved at Committee on 1 October 2020.

Option 2a

- 4.8 In considering alternative measures for East Craigs which would address the public health concerns arising from COVID-19 within the legislation, officers have developed an alternative option to increase safety around Craigmount High School, as this location sees large numbers of people coming together at the start and end of the school day. This would involve measures on Craigs Road including creating more space for pedestrians near the school, introducing a bus gate at the start and end of the school day and removing a guardrail close to the school and a local path which exits onto Craigs Road. An outline design for this option is set out in Appendix 2. These combined measures will help people to physically distance around the school enhance.
- 4.9 In addition, the reduction in traffic resulting from the bus gate would also create road space that is safer and more attractive for cycling to the new cycle and pedestrian crossing on Maybury Road, which was specifically implemented under Spaces for People to help local residents access the Cammo area as a space for exercise.
- 4.10 In this option, road safety/traffic calming measures are proposed in the surrounding roads where survey data shows that average vehicle speeds are well in excess of the 20mph speed limit. This in turn will help provide safer spaces for walking, cycling and wheeling as a means of exercise during the pandemic.
- 4.11 The option also includes a segregated cycleway along a section of Drum Brae North to help people move around safely by bicycle as an alternative to public transport and for exercise.

Option 2b

- 4.12 Another alternative is only to introduce measures to address the footway pinch points around Craigmount High School and to introduce the segregated cycleway on Drum Brae North to create sufficient space for physical distancing around the school and for exercise.
- 4.13 An outline design of this option is set out in Appendix 3.

Option 3

- 4.14 There has been significant feedback from the local community that measures to create safer spaces for walking, cycling and wheeling in this area are not required. Therefore, Committee could decide that no measures should be implemented in this area.
- 4.15 However, there has been feedback received which has indicated that measures to provide safer space to support physical distancing and for cycling would be welcomed.

- 4.16 Should Committee decide not to implement any measures in this area these concerns would not be addressed.

Officer Recommendation

- 4.17 Committee is asked to note that, in advance of the Council meeting on 15 October 2020, officers received an intimation of legal challenge should the scheme (Appendix 1) be approved using TTRO powers.
- 4.18 After consideration of the legal position and the alternative options, the recommendation of officers would be to implement option 2a as part of the Spaces for People programme, using TTRO powers. The combination of measures outlined would address concerns raised about safety around this entrance to Craigmount High School, linking closely with a popular local path to and from the school, and would introduce measures to address concerns raised about safety for walking, cycling and wheeling in this area.
- 4.19 However, recognising the significant feedback from the local community, option 2a does not introduce further road closures in the surrounding streets.

Maybury Road Vegetation

- 4.20 As requested by Council on 15 October 2020, arrangements are being made for vegetation which is encroaching on the footways on both sides of Maybury Road to be removed.
- 4.21 There are some areas along Maybury Road where the Council is responsible for the maintenance of verges and footways and a plan has been developed to initially cut back vegetation and then to continue to maintain this on an on-going basis.
- 4.22 However, where the land is not owned by the Council, arrangements have been made to identify and contact the landowner to request that vegetation which is encroaching on the footpath be removed. There are three stages to this process:
- 4.22.1 Inspection and letter to the landowner explaining their responsibility to maintain vegetation to ensure that the footway remains safe for those walking and cycling. The letter will give 28 days notice of the need to take action;
- 4.22.2 If no action is taken, a formal notice will be given instructing the landowner to take the required action to cut back encroaching vegetation. Once again, 28 days notice is given; and
- 4.22.3 If the landowner fails to act, the Council will take action to cut back the vegetation and will seek to recover the cost of doing so from the landowner.

East Craigs LTN – Experimental Traffic Regulation Order

- 4.23 Policy and Sustainability Committee on 20 August 2020 agreed that the process for the permanent Traffic Order for East Craigs LTN should be accelerated to the earliest possible time to allow full public consultation to take place with residents.
- 4.24 Committee is aware that officers were developing plans for a permanent LTN in the area using a TRO through the West Edinburgh Link (WEL) programme. The focus

of WEL is to support sustainable travel choices across West Edinburgh, which is clearly important given the scale of change and development in the area.

- 4.25 Committee are asked to approve the commencement of the process required to start the implementation of a permanent LTN for East Craigs. The proposed permanent LTN is the scheme set out in Appendix 1.
- 4.26 However, recognising that the local community are keen to be involved in developing and refining plans for such a scheme and the importance of ensuring that the strategy for the wider West Edinburgh area, it is proposed to progress with the permanent scheme initially as an Experimental Traffic Regulation Order (ETRO).
- 4.27 An ETRO means that measures can be introduced, and those measures can then be changed during the lifetime of the Order (under certain circumstances). These measures can be in place for a maximum of 18 months.
- 4.28 This will help to facilitate a greater depth of public consultation during the first six months of the changes being in force, once the local people have had a chance to experience the LTN in operation which can then be considered in preparing plans for the permanent TRO.
- 4.29 Objections to the ETRO can be submitted during the formal consultation period as part of the initial ETRO process. Once the scheme is in place and the impact of the measures have been identified, it is expected that a TRO process for the permanent scheme will begin. While this is being advertised there is another formal consultation period during which objections to the permanent scheme are invited.
- 4.30 Although, technically, no decision is required on objections to an ETRO, it is intended that any objections received will be carefully considered by officers and reported to Committee if necessary.

5. Next Steps

- 5.1 If Committee approve the recommendations of this report, officers will take the appropriate action to implement the agreed measures as soon as possible.
- 5.2 Assuming an ETRO is promoted for implementation of the initial LTN plans for East Craigs, once a permanent scheme has been developed, this will be promoted as a TRO and any objections will be reported to Committee.
- 5.3 Officers will continue to maintain verges along Maybury Road (where the verge is the responsibility of the Council) and to engage with adjacent landowners to make arrangements to cut back overhanging/overgrown vegetation.

6. Financial impact

- 6.1 City of Edinburgh Council received £5m funding from Scottish Government's Spaces for People programme.

- 6.2 The cost of implementing the preferred option will be met from the Council's Spaces for People budget allocation.
- 6.3 The cost of advertising the permanent ETRO for East Craigs LTN will be met from the West Edinburgh Link project funding.

7. Stakeholder/Community Impact

- 7.1 Residents of East Craigs, North Gyle and the surrounding areas have provided significant feedback on the revised proposal which was presented to Committee on 1 October 2020, to Council on 15 October 2020 and which are outlined in Option 1 (and Appendix 1). This includes a number of deputations, abridged Counsel advice and a notification of legal challenge should the scheme proceed as proposed.
- 7.2 In respect of a permanent TRO/ETRO, consultation will begin as soon as possible, taking into account other priorities for legal orders and, assuming objections are received, these will be reported to Transport and Environment Committee in due course.
- 7.3 The integrated impact assessment for the Spaces for People programme has recently been updated. An impact assessment on the East Craigs LTN (option 1) has also been prepared and will be uploaded to the Council website shortly.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 Option 1: Revised LTN Proposals for East Craigs
- 9.2 Appendix 2 Option 2a: Improved safety around Craigmount High School, including bus gate, wider traffic calming and cycleway on Drum Brae North
- 9.3 Appendix 3 Option 2b: Improved safety around Craigmount High School, cycleway on Drum Brae North.

Appendix 2

Option 2a: Improved safety around Craigmount High School, including bus gate, wider traffic calming and cycleway on Drum Brae North



