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TRANSPORT (SCOTLAND) BILL

AMENDMENTS ON TRAFFIC REGULATION & REDETERMINATION ORDERS

SPOKES watched with interest the RECC evidence session¹ on the Transport Bill² on June 26, and specifically the discussion around John Finnie MSP's amendments to rationalise the present rules for Traffic Regulation and Redetermination Orders.

We, along with other environmental transport organisations, were extremely disappointed to see that you were at that stage unwilling to accept these amendments which would merely allow local decisions to be taken at local level – a principle which the Scottish Government supposedly supports.

The amendments would have greatly improved the ability of Edinburgh City Council rapidly to implement essential changes to encourage growth of active travel in Edinburgh. Without doubt other councils planning similar measures would also benefit from the proposed legislative changes.

We are aware that Cllr Lesley Macinnes and Cllr Anna Richardson, the Transport Conveners of Scotland's two largest cities, have been in touch with you about the 'fundamental necessity' of these changes, to allow cycling infrastructure to be delivered timeously. Their experience-based, considered, evidence must surely be taken seriously.

Likewise, the level of frustration amongst the population desiring and looking forward to safe and attractive cycling infrastructure in our capital city is acute. The Council/Sustrans 2017 'Bike Life' report³ found that “80% of Edinburgh residents support building protected roadside cycle lanes, even where this could mean less space for other motor traffic.”

1 <https://www.scottishparliament.tv/meeting/rural-economy-and-connectivity-committee-june-26-2019>

2 <https://www.parliament.scot/parliamentarybusiness/Bills/108683.aspx>

3 http://www.edinburgh.gov.uk/downloads/file/11108/bike_life_2017

The present regulations on TROs/RSOs are *the primary cause* of considerable delays, 12 to 18 months, on major cycling infrastructure projects in Edinburgh. In particular, there seems no sense whatsoever in certain types of objections to such Orders having to be referred to a government inquiry, with all the time and expense involved, when the Council *does* have the powers to deal with other types of TRO objections of a seemingly similar level of significance. No rationale was given by yourself or others to justify this inconsistency when John Finnie raised it at the Committee.

Furthermore it is clear from the June 2018 Active Travel Task Force report⁴ (pages 16/17 and annex 5) that many objections which have to be referred for national decision are supported only by "*anecdotal evidence and opinion*" rather than being the "*robust evidence-based*" objections which might merit a national level inquiry and decision.

In Edinburgh, the Council deserves congratulations for its positive attitude towards encouraging active travel and the development of a radical and comprehensive programme of proposals to transform the way in which journeys are made into and through the city centre. Such an approach is essential if we are serious about reducing transport emissions as part of a strategy for tackling both the current climate emergency and well recognised problems of air quality. The Council's pioneering city centre east to west cycleway⁵ proposal provides a clear example of the delays that can and do result from existing procedures. Objections to phase 1 of the Council's scheme were sent by the Council to the Scottish Government on 26 October 2018 yet, we understand, the hearing is not expected to begin until November 2019, with the outcome not delivered to the Council until some time in January 2020.

In addition to speeding delivery of major cycling infrastructure, the proposed amendments would allow Councils rather than national government to make local decisions on small and wholly local issues such as moving a kerblin. They would also allow Councils more flexibility on Temporary Traffic Regulation Orders – the present rules have been extremely unfortunate and wasteful in Edinburgh – for example resulting in removal of a successful experimental cycle lane and forcing the Council to take a decision on bus lane hours before it had sufficient time adequately to assess its experimental scheme.

As you yourself recently admitted in Parliament, the government has failed badly (indeed extremely badly) in terms of its 2020 target, or 'vision', for 10% of all trips to be by bike. Perhaps that is not so surprising when one considers obstacles such as the above placed by the government in front of enthusiastic and capable delivery partners.

If the First Minister's declaration of a Climate *Emergency* means anything, it surely means that such obstacles to zero-carbon travel must be tackled with the greatest alacrity - even more so when an opportunity presents itself. You now have that opportunity in the Transport Bill. Alternatively, you can choose to continue delaying major cycling infrastructure projects by 12-18 months, until such time as the assessment promised in the ATTF Delivery Plan⁶ [recommendation 2.7, page 18] is completed - and then until there is a subsequent legislative opportunity – a delay which you must surely agree is likely to be measured in years rather than months.

We therefore urge you to ask Transport Scotland to work at once with John Finnie MSP, to identify any necessary modifications to his amendments so that they can be included at Stage 3 of the Bill.

Yours sincerely

Dave du Feu
for Spokes

4 <https://www.transport.gov.scot/publication/active-travel-task-force-report/>

5 http://www.edinburgh.gov.uk/info/20087/cycling_and_walking/1791/cycling_and_walking_projects/2

6 <https://www.transport.gov.scot/publication/active-travel-taskforce-delivery-plan/>