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Your ref:
CMcC

Our ref:
A27261548

Date:
29 July 2020

Dear Mr Kennedy,

THE CITY OF EDINBURGH COUNCIL (CALTON ROAD, GREENSIDE ROW, LEITH STREET AND WATERLOO PLACE, EDINBURGH) (REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 201_RSO/17/13

1. I refer to the letter dated 1 August 2018 from your Council remitting the above Redetermination Order to the Scottish Ministers for determination and to subsequent correspondence.
2. Following careful consideration of all of the evidence available, including the objections to the draft Order, the Council's responses to those objections and the Report to Scottish Ministers from the Planning and Environmental Appeals Division (DPEA), the Scottish Ministers have determined the matter and confirm the Order without modification.

Background

3. The City of Edinburgh Council is undertaking various public realm and active travel improvements to Leith Street in the city. The above Order, made under section 152(2) of the Roads (Scotland) Act, has been promoted by the Council as the local roads authority in terms of that Act. It relates to the redetermination of the means of exercise of a public right of passage on most of Leith Street (a length of about 275 metres) and its junctions with adjoining roads.
4. The Order was advertised during a period ending on 31 October 2017, but because of an error in the accompanying plans, the latter were corrected and there was a further advertisement period ending on 19 December 2017. The Council took account of objections made during both of these periods, as have the Scottish Ministers in reaching this determination. There were 43 objections received initially. Two objections were subsequently withdrawn leaving 41 maintained objections. As required by regulation 13 of the Stopping Up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986, ("the 1986 Regulations") the Council remitted the matter to the Scottish Ministers on 1 August 2018.
5. Given the number and nature of the objections received and not withdrawn, the Scottish Ministers referred the case to DPEA on the 26 October 2018. The Reporter, Mr Mike Croft, decided, bearing in mind the nature of the case and the objections, that no public hearing was

required but did invite further written submissions from all parties which he duly considered. In addition, Mr Croft undertook 3 site inspections on the following dates: 25 April 2019, 31 October 2019 and 14 January 2020. The Reporter's Report was received by the Scottish Ministers on 14 February 2020. For information, the arguments for and against the making of the order can be found in Chapter 3 of Mike Croft's report, from page 18 to 42 while the overall conclusion and recommendation can be found in Chapter 4 on page 43. A copy of the Reporter's Report will be published on the DPEA website (<https://www.dpea.scotland.gov.uk/Default.aspx>) in due course.

Consideration by the Scottish Ministers

6. The Scottish Ministers have considered the terms of the Order made by the Council, the objections made, the responses to the objections by the Council and the compliance by the Council with the procedural requirements for making an Order under the 1986 Regulations.

7. The Scottish Ministers have considered the form and content of the Order and are satisfied that it was on the face of it within the powers of the Council to make and that it complied with the relevant statutory procedures. Ministers carefully considered the parties' cases both for and against the Order, a summary of which is detailed below in paragraph 8.

8. The Scottish Ministers have considered all objections received over the two advertising periods as laid out previously and are content that this was right and proper given that it would have been remiss not to consider objections that were received to the first advert rather than only those received in respect of the corrected second advert. The arguments for and against the Order are summarised as follows.

For:

- Improved public realm for pedestrians, with wider footways and new and improved crossings
- Provision of a segregated cycleway which will provide access southwards to Waverley Station and beyond and to the wider cycling network to the north and the west
- Improved cycle connections will assist in achieving national, regional and local objectives of increasing active and sustainable travel, particularly in relation to tackling climate change and improving people's health
- Bus passengers would also benefit from plentiful, modern bus stops and the maintenance of the key north-south route across the city.

Against:

- The Order has inadequate provision for active travel, including cycleway provision and footway widths
- Differing views are expressed in the objections about the lessons to be learnt from the closure of Leith Street to motorised traffic in 2017-18
- There are objections to the principle of shared use of road space by pedestrians and cyclists, with some contending that it amounts to prioritising cyclists over pedestrians
- The cycle route would not be intuitive to follow without signage, and that no indication is given of how the carriageway space is to be allocated in terms of bus lanes, on-carriageway cycle lanes, loading bays, turning lanes etc
- Absence of a cycleway on the southern part of Leith Street, between Calton Road and Waterloo Place, with more cyclists now proceeding that way than along Calton Road
- More of the limited road width of Leith Street must be devoted to cycling

- There may be confusion for southbound cyclists at the termination of the segregated cycle track at the Greenside Row junction, more cycle-specific signals need to be provided
- There will be difficulties for cyclists and pedestrians wishing to cross Leith Street, following the removal of the central reservations, and the minor roads off Leith Street
- Potential conflict between pedestrians and cyclists at and near the Greenside Row junction
- The new kerblines at the Greenside Row junction are questioned as being over-generous for motorists, encouraging turning vehicles to do so at speed
- Concerns about the sort of crossing that is envisaged at the junction between Leith Street and Calton Road
- Some objectors are concerned about the possible banning of vehicular left turns from Leith Street to Waterloo Place
- Some objectors press for a good quality connection with James Craig Walk for cyclists
- The floating bus stop is criticised mainly on the basis of the dimensions of the footway island, where it is located and of the nearby main footway.

9. The Scottish Ministers have also carefully considered the DPEA Reporter's Report by Mike Croft dated 14 February 2020 which recommended that the Redetermination Order be confirmed without modification.

10. Having considered all of the relevant factors, including the objections and responses summarised above and the Report and recommendation of Mike Croft, the Scottish Ministers consider that on balance, the making of the Order should be confirmed. Ministers are satisfied that the effect of the Order will deliver improved facilities for both pedestrians and cyclists.

Conclusion

11. Accordingly, the Scottish Ministers have determined that The City of Edinburgh Council (Calton Road, Greenside Row, Leith Street and Waterloo Place, Edinburgh) (Redetermination of Means of Exercise of Public Right of Passage) Order 201_rso/17/13 **should be confirmed without modification.**

12. A copy of this decision letter will also be sent to all objectors to the Order.

13. It is now the responsibility of The City of Edinburgh Council to publish notice of the confirmation of this Order in the manner prescribed by regulation 7 of the 1986 Regulations.

Yours faithfully

Donald Morrison
Head of Asset Management and Procurement