



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Alison Johnstone & Claudia Beamis  
Cross Party Group on Cycling, Walking and Buses  
**Sent via email to:**  
Richard.Doherty@parliament.scot

Our ref: 2020/0004071  
26 November 2020

Dear Alison & Claudia,

### **Traffic Regulation Order (TRO) Review and Spaces for People**

Thank you for your letter dated 20 October 2020 regarding the ongoing TRO review and the measures taken by Local Authorities for Spaces for People.

Firstly, I would like to offer reassurance that the TRO Review remains at the forefront of our work and I would also like to thank you for the points raised in the Annex to your letter which will be fed into the review. Scottish Government officials have been progressing matters, despite the continuing need to focus on the immediate Covid-19 response, and have held useful meetings with COSLA, SCOTS and a number of Local Authorities to focus on the short, medium and long term aims of that review and establish how the process can be improved and what legislative change, if any, is required.

In your letter, you have specifically highlighted the potential of using Experimental Traffic Regulation Orders and the current differences with these orders between Scotland and England. You will therefore be pleased to learn that a particular focus of the review group to date has been to examine the role that an Experimental Orders could play in allowing much needed Active Travel projects to be put in place and altered if required during the experimental phase of such a scheme and the review is particularly looking at what could be done to make that process more effective in Scotland. Work on that front, including looking in detail at options for legislative change, is continuing and our recommendations will be included within our TRO Review findings once published.

Similarly, work has been ongoing to understand how Local Authorities are using TROs and/or Redetermination Orders in particular circumstances and exploring differences of approach in using the options Local Authorities have available to them. While the provisions in the Transport (Scotland) Act 2019 enable changes to be made to procedures, we must ensure that the process continues to provide a suitable avenue for objections to be addressed if a Local Authority considers it appropriate to make permanent road use changes by way of a Redetermination Order. Again our recommendations on these matters will be included within our TRO Review findings.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



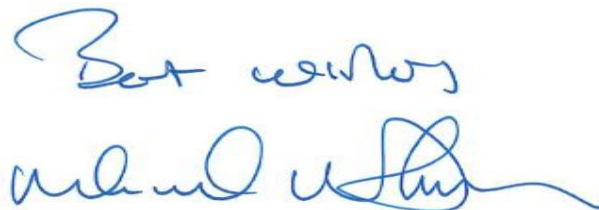
In relation to timescales for redetermination orders which require referral to the Scottish Ministers, I can also report that my officials have already carried out a review of internal procedures to ensure that cases are only referred to public inquiry where it is necessary to do so.

Turning to the points you raise on Spaces for People, the Coronavirus (Covid-19) Guidance on Temporary Traffic Regulation Orders and Notices published in April this year supported Local Authorities to consider using their existing powers to make temporary traffic regulation orders (TTROs) and notices in order to respond quickly and flexibly to an emergent danger to public health. This guidance was produced in response to requests from local authorities regarding measures to support necessary physical distancing. It is for individual traffic authorities to determine where in their area that specific measures may be required and for how long they are necessary.

We continue to encourage Local Authorities who consider it appropriate to make the effect of their temporary Orders replicated in permanent measures to focus efforts now to progress that work under the existing legislation. Where permanent measures are proposed it is of course crucial to ensure that the public can have their say and that is why there are more onerous procedures in place than those for TTROs and temporary orders cannot be converted to permanent regulation without following these. If a local authority has commenced procedure to make an order replicating the provisions of a TTRO but will not have concluded that before the expiry of 18 months they can apply to the Scottish Ministers for an extension of up to six months.

While the TRO Review may make recommendations for legislation which alters future procedures, developing subordinate legislation and bringing it before the Scottish Parliament will take time and local authorities should continue to consider using all of the existing powers and functions available to them. We will, through the review process, continue to explore any additional things we can do, which may assist Local Authorities in these existing processes.

I trust this is of assistance.



**MICHAEL MATHESON**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



Accredited  
Until 2020

