



### **Traffic Regulation Order consultation response: July 2021**

*This submission is on behalf of BEST: Better Edinburgh for Sustainable Travel. BEST is a collective of community groups and businesses from across the city seeking an Edinburgh where everyone can travel easily by sustainable means, whoever they are and wherever they need to go.*

While we welcome this consultation and attempts to improve TRO processes, it is important to point out that this regulatory approach has its origins in law from 40 years ago. In the context of the climate emergency, and equally important public health imperatives, these processes are too time consuming to support the rapid decarbonisation of our transport system. The status quo is not a do-nothing scenario, it's a commitment to a shifting baseline of almost invisible changes that take us further from our climate objectives. These changes are happening in our towns & cities outside the control of local and central governments. Satnav algorithms now often route traffic through residential streets rather than along main roads; car manufacturers market and sell bigger and heavier cars than ever before; more and more vehicle movements are being generated by online shopping and home deliveries. These trends are increasing traffic volumes, worsening air quality, increasing risk for pedestrians and cyclists, and ruining our public realms. In light of this shifting baseline, local authorities need to be enabled to prioritise walking, wheeling and cycling as reliable, healthy, low carbon forms of movement. The regulatory system in place to manage the process of changing road layouts and the allocation of road space is no longer fit for purpose. It is cumbersome, resource intensive, time-consuming and needs to be reformed as a matter of urgency.

*Importantly, the current system does not support the achievement of the outcomes in the Scottish Government's own National Performance Framework. Nor does it provide local authorities with the tools needed to achieve the 20% traffic reduction target by 2030, a target set out in the updated Climate Change Plan.*

#### **Question 1: Are you content with current procedures for ETROs in Scotland?**

No

**Question 2: Do you agree or disagree that Scottish Ministers should seek to make amendments to the procedure for making ETROs and TROs which give permanent effect to ETROs?**

Agree

**Question 3: Do you agree that before making an ETRO traffic authorities must consult with the police and any other bodies that would be required for a TRO having the same effect?**

Agree

**Question 4: Do agree or disagree that traffic authorities should publish notice of making an ETRO at least 7 days before it will have effect?**

Agree

**Question 5: Do you agree or disagree that ETROs should be capable of being amended during the first 12 months of the ETROs maximum duration?**

Agree

**Question 6: Do you agree or disagree that if an ETRO is amended during that period that there must be a further 6 month period where representations and objections can be made?**

Agree

**Question 7: Do have any comments regarding your answers to the questions above or anything else on the topic of ETROs that you wish to share as part of this consultation? If your comments are in relation to a particular question please be specific about which question.**

Given the climate emergency and the need for rapid decarbonisation of our transport system, it is imperative that local authorities have mechanisms for experimenting with changes to road layout and reallocation of space to prioritise walking, wheeling and cycling. This is particularly important as communities /residents can be very resistant to change and many people find it hard to imagine how different street layouts will work in practice. ETROs have an important role to play in supporting this experimentation, and we fully support measures to make them less cumbersome. However, we consider that the current 18 month maximum for an ETRO to be too short to allow for schemes to be adequately implemented, reviewed, adjusted and reassessed. It would be useful to be able to extend the time period covered by the ETRO, allowing for a full 12 month review after any scheme modifications. It is our understanding that the 18 month limit is set out in primary legislation from 1984 – and would urge that this is reviewed and amended as a matter of urgency. The climate emergency cannot be addressed by processes created 40 years ago.

In addition to the time constraints on ETROs, we would urge review of interaction between different forms of TRO, including the TTRO. It is not difficult to envisage a scenario in which a TTRO is introduced for one purpose, and other reasons emerge for the retention/extension or modification of the change – as is the case for many of the Spaces for People schemes across Scotland. There should be a mechanism for replacing/linking the TTRO with an ETRO without requiring the removal of the temporary scheme in the interim.

**Question 8: What are your views in relation to the need for a Public Local Inquiry (PLI) when objections are made in relation to a proposed TRO containing loading or unloading restrictions?**

This is disproportionate requirement which places great weight on the views of objectors and adds significant administrative costs and time delays to the process of granting a TRO – but only in the context of loading/unloading restrictions. This is an anomaly that does not apply to other TRO contexts and it should be brought into line. The transport hierarchy prioritises walking, wheeling, cycling and then public transport use – while this procedural quirk appears to prioritise the movement of goods. It's another example of regulatory thinking from the past and reveals an urgent need to update the process to respond to the climate emergency.

It is extraordinary that the final stage of the process for granting the TRO for Edinburgh's City Centre West to East (CCWEL) cycle route has taken TWO years, and that so far this scheme has been 7 years in the making, much of the delay as a result of a handful of unresolved objections. With significant cuts to carbon emissions needed in the next 5 years, and the similarly urgent need to improve public health and increase physical activity across the Scottish population, we cannot afford to wait so long for one individual scheme to be designed, planned and consented. There would appear to be a strong case for a radical overhaul of all of the TRO processes, with a presumption in favour of any scheme which makes changes in line with the transport hierarchy and the prioritisation of walking, wheeling and cycling and public transport, over private-use motor vehicles. *While major planning applications are expected to be determined within 4 months, it is ridiculous that changes to street layouts – often relatively simple – routinely take much longer than this.*

**Question 9: Are you content with the procedures regarding redetermination orders?**

No

**Question 10: Do you think legislation should be reviewed in light of the need to refer a proposed order to the Scottish Ministers if there are objections to it?**

Yes

**Question 11: Do you have any other comments in relation to the procedure for redetermination orders?**

This process appears to be an unnecessary and confusing layer of regulation. There is no equivalent in England & Wales where local authorities are able to make these decisions without any legal order requirement. In Scotland, variation between local authorities in the use of RSO also demonstrates that there is considerable potential for simplification and streamlining of these processes.

In Edinburgh the RSO process is implicated in the 7 years taken to determine and agree the City Centre West to East Link (CCWEL) cycle route. As emphasised in earlier answers, the weight given to objections within these processes is very different to that given in the town and country planning system where objections do not have the same ability to add extra steps and slow down the process. The Spaces for People projects across Scotland, delivered as part of the response to Covid-19, demonstrated that local authorities can deliver and adapt projects at speed. In the context of a climate emergency, any projects which deliver low-carbon transport infrastructure and or improve public health should be **prioritised and enabled** by regulatory processes.