

Transport and Environment Committee

10.00am, Tuesday, 19 March 2013

Charlotte Square – Public Realm Traffic Regulation and Redetermination Orders

Item number	7.2
Report number	
Wards	11 – City Centre

Links

Coalition pledges	P31 and P40
Council outcomes	CO7 and CO19
Single Outcome Agreement	SO1 , SO2 and SO4

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Executive summary

Charlotte Square – Public Realm Traffic Regulation and Redetermination Orders

Summary

Two Traffic Regulation Orders and a Redetermination Order were advertised on 18 May 2012 in support of the approved Charlotte Square public realm improvements. This report advises the Committee of the representations made to the Council during the statutory consultation period and makes recommendations to address objections received.

Recommendations

It is recommended that the Transport and Environment Committee:

- 1 agrees to abandon the proposed 7.5T weight limit restriction on Hope Street;
- 2 agrees to reduce the loading prohibitions proposed on the east side of Hope Street;
- 3 notes the relaxation to allow HGVs through the Queensferry Street/Shandwick Place “bus gate” at night;
- 4 notes the responses to the objections and the steps that have been taken to address those objections, including the incorporation of traffic signals at the North Charlotte Street junction;
- 5 instructs officials to write to the Scottish Government to propose that a public hearing be held into the TRO objections and that this should be combined with the required Scottish Ministers’ review of the Redetermination Order;
- 6 delegates to the Director of Services for Communities the making of the Orders, pending decisions from the public hearing; and

- 7 notes that a further report on the proposed implementation of a 20mph speed limit on Charlotte Square and the wider residential area will be brought to Committee.

Measures of success

Resolution of objections through the public hearing process.

Enhancements to Charlotte Square which will result in a more attractive environment and better links between George Street and the West End. The proposals will also improve facilities for cyclists and pedestrians.

Financial impact

All Council costs associated with the statutory process will be recovered from the developer, as noted in the Head of Planning's decision notice issued to the developer on 8 March 2012.

Equalities impact

An Equalities and Rights Impact (ERIA) assessment concludes that while the proposed restrictions (both to moving traffic and to waiting/loading) make access to Charlotte Square less straightforward, impacting in particular on the elderly and infirm who are dependent on the private car, this is countered by a general reduction in traffic on the Square which will improve access and safety in and around the Square for all users.

The ERIA also notes that while consequential increased traffic on alternative routes would impact on the general environment and on the health and safety of the public and local residents on those routes, the anticipated impact will be very low, and again this is countered by proportionate improvements on Charlotte Square.

Sustainability impact

The proposals in this report should reduce carbon emissions in the West End of the City as the traffic modelling indicates that the proposals for Charlotte Square reduce overall traffic flows in the area. Improved facilities for cyclists and pedestrians should also contribute to this.

Consultation and engagement

Two Traffic Regulation Orders and a Redetermination Order were advertised in the Scotsman Newspaper on 18 May 2012. The three-week statutory objection period for the TRO was initially extended to four weeks, to match the RSO statutory requirement, and both periods were then extended by a further two weeks to 29 June 2012 to allow objectors additional time to prepare and lodge their objections.

Notices were maintained on-street throughout the extended objection period and letters were also sent to organisations representing persons likely to be affected by the proposals (statutory consultees); that is 34 organisations in the case of the TRO and 19 organisations in respect of the RSO.

Objectors will be notified of the Committee's decision.

Local Members have also been consulted.

Background reading/external references

The following background material is available:

- Plans showing the public realm proposals
- Documents (notices, schedules and plans) relating to the Orders
- Objection letters (edited to remove names and addresses)
- Planning application and supporting documentation
- Traffic Modelling reports/correspondence:
 - Item 1: Letter from **tie** ltd to Mr MacIntosh, 24-10-2008
 - Item 2: Letter from **tie** ltd to Mr MacIntosh, 11-04-2011
 - Item 3: Charlotte Square - Traffic Impact, SKM Colin Buchanan, 05-03-2012
 - Item 4: Charlotte Square – Signal junction at north-east corner – Modelling Note, SKM Colin Buchanan, 04-12-2012
- “*Economic impact of improvements to the public realm and commercial development and refurbishment projects at Charlotte Square*”, Economic Development, City Development

Charlotte Square – Public Realm Traffic Regulation and Redetermination Orders

1. Background

- 1.1 The Development Management Sub-Committee of the Planning Committee granted approval, on 7 March 2012, for the introduction of public realm improvements on all sides of Charlotte Square.
- 1.2 The proposed public realm measures, which are designed primarily to enhance the pedestrian and cyclist environment around the Square, require Traffic Regulation Orders (TROs) and a Redetermination Order (RSO) to be promoted.
- 1.3 The Council has promoted the Orders and received 90 objections to the TROs and 40 objections to the RSO. Those objections relate primarily to the wider-area impact of the proposals.
- 1.4 This report makes recommendations for dealing with the objections and notes that a further report on the proposed introduction of a 20mph speed limit on Charlotte Square and the wider residential area will be brought to Committee at a later date.

2. Main report

POLICY CONTEXT

Government Policy

- 2.1 Conservation areas are places of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The proper management and maintenance of conservation areas is important in cultural and economic terms, and is a crucial factor in the long-term well-being of Edinburgh's built heritage. Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that every local planning authority is required to: *"From time to time decide which parts of their district are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and to designate such areas as conservation areas"*. The New Town conservation area was first designated in 1977.

2.2 Government policy for street design is set out in *Designing Places* and *Designing Streets* policy statements. These policy documents provide advice on how Local Authorities should support placemaking through six qualities of successful places and key considerations for street design:

- distinctive - street design should respond to local context to deliver places that are distinctive;
- safe and pleasant - streets should be designed to be safe and attractive places;
- easy to move around - streets should be easy to move around for all users and connect well to existing movement networks;
- welcoming - street layout and detail should encourage positive interaction for all members of the community; and
- adaptable - street networks should be designed to accommodate future adaptation.

2.3 The policy encourages Local Authorities to develop its own guidance on design and delivery to ensure that local requirements are recognised. The Council has provided guidance on street design since the 1990s with the Edinburgh Streetscape Manual and the Edinburgh Standards for Streets review in 2007. Co-ordinating the delivery of street design was central to this guidance. This is done through the Edinburgh Public Realm Strategy.

Edinburgh Public Realm Strategy

2.4 The Council approved its Public Realm Strategy in 2009. The strategy builds on principles set out in the *Edinburgh City Local Plan*, the *Local Transport Strategy*, the *Edinburgh Standards for Streets* and other initiatives relating to open space and street design. The strategy is reviewed annually and the latest report to the Planning Committee on 1 March 2012 provided an update on the initiatives identified in it.

2.5 The strategy looks to raise awareness of the significance of public realm and it sets out five reasons to invest in it. They are economic growth and inward investment; tourism; place-making; social inclusion and accessibility; and sustainability, health and well-being. Amongst other things, these reasons recognise that the quality of the city's environment and the city's economic success are closely linked.

2.6 The strategy discusses the benefits of investing in public realm and introduces an Action Plan which sets priorities for investment in projects and initiatives that will help to implement and fulfil the strategy. Charlotte Square is highlighted as one of those priorities.

- 2.7 The intention is that the Action Plan should remain flexible and it is acknowledged that the plan will evolve, not least to reflect available funding. Funding streams are more limited than they have been in the past, making it all the more important to respond to local, development-led opportunities.
- 2.8 A key strand of the Council's economic strategy, published in 2012, is to support investment in the public realm of the city. Again this recognises that improved public realm enhances the appearance and ambiance of the city centre, helps to make Edinburgh more competitive, supports the retail and business environment and provides a setting for Edinburgh's world class built heritage. The strategy states, "*High quality infrastructure and public spaces are vital to Edinburgh's continuing competitiveness*".
- 2.9 A range of research, including *The Value of Public Spaces* review undertaken by the Commission for Architecture and the Built Environment (CABE) and a survey undertaken by Glasgow City Centre Partnership following public realm improvements in 2001, supports this position.
- 2.10 At a local level, investing in public realm improvements helps to bring change to the city's spaces. Changing the balance of priority between pedestrians and vehicles, by increasing public space and access for pedestrians, was highlighted in the Gehl Architects study of 2010 as a way of improving the city centre environment. A further commitment was made by the Council to review opportunities around Charlotte Square in the *City Centre and Princes Street Public Realm* report to Policy and Strategy Committee in February 2011.
- 2.11 The Council continues to assess the value and benefits of changes to public realm in Edinburgh. The findings of a recent report prepared for the Grassmarket were reported to the Council's Planning Committee in October 2012.

Charlotte Square Public Realm

- 2.12 The design for the public realm improvements for Charlotte Square was developed to support the architectural values of one of Europe's finest squares. The proposal was granted planning permission in November 2011, following the approval of the redevelopment of the National Trust for Scotland offices on the south side of the Square.
- 2.13 While the Council have identified Charlotte Square as a priority in the public realm strategy Action Plan, progress is very much funding dependent. The developer investment in Charlotte Square provides an opportunity to bring forward that work now, with the added benefit that approximately 75% of the cost would be borne by the private sector.

2.14 The proposed scheme will bring amenity and environmental benefits from the enhancements and changes to the layout of the Square. The proposed scheme would:

- increase pedestrian space with widened footways on the garden side;
- improve pedestrian movement and access to the garden area at the centre of the Square;
- increase cycle provision and improve the links for the national cycle route/family cycle network through the city centre;
- replace and upgrade the street lighting to reflect the requirements of the Sustainable Lighting Strategy for Edinburgh;
- upgrade the paving materials using natural stone to reflect the requirements of the Public Realm Strategy;
- reduce the width of the carriageway and regulate existing traffic movements so that the Square would be more pedestrian dominated;
- increase permeability between the Square and boutique shops and restaurants of the west end; and
- improve connections to Princes Street and George Street.

2.15 These infrastructure improvements demonstrate a significant improvement to the quality and amenity of the space for users and wider benefits to the city centre.

2.16 Economic benefits should result from this investment. It is expected to stimulate further investment in improving the building stock in Charlotte Square and surrounding streets, which in turn would increase employment prospects and investments. It is estimated that the projects that are able to be quantified will support 1,367 jobs and £183M of gross value added (GVA) between 2012 and the late 2010s.

2.17 Organisers of the Edinburgh International Book Festival, which generates an estimated £5M annual boost to the Edinburgh economy, have recorded their support for the project. They suggest that the increase in public space and the generally improved amenity would help increase footfall at the Festival, bringing further benefits to local businesses.

2.18 These issues are discussed in greater detail in the paper "*Economic impact of improvements to the public realm and commercial development and refurbishment projects at Charlotte Square*", which was prepared by officials in the Economic Development section and which is available as a background document.

THE STATUTORY PROCESS

- 2.19 Under the Roads (Scotland) Act 1984, a roads authority may determine the means by which the “*public right of passage*” over a public road, or over any part of it, may be exercised. The legislation distinguishes between passage by foot, by pedal cycle and foot, and by vehicle other than pedal cycle. A RSO is the mechanism by which that right of passage may be changed and an order is required, in this instance, to change the use of areas of carriageway to footway or cycle track and to change areas of footway to cycle track.
- 2.20 Associated with these proposed changes of use of the public road, the TROs are then required to reconfigure traffic flows and amend waiting/loading facilities around the Square.
- 2.21 To make a TRO, in exercise of its powers under the Road Traffic Regulation Act 1984, a local authority has a duty under Sub-section 122(1) of the Act to “*secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off ... the road*”.
- 2.22 In discharging that duty, the authority must have regard to all of the “*specified matters*” identified in Sub-section 122(1). These specified matters are wide-ranging and include “*the effect on the amenities of any locality affected*” and “*any other matters appearing to the local authority to be relevant*”. This is discussed in greater detail in Appendix 2.
- 2.23 The TROs and RSO required to support the approved public realm proposals were advertised on 18 May 2012. The objection period was extended to 29 June 2012 to allow objectors additional time to prepare and lodge their objections. The objections are summarised in Appendix 1 to this report.
- 2.24 Objections to the waiting and loading restriction elements of the TROs must be referred to a public hearing which should be conducted by an independent reporter, appointed in accordance with the requirements of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. Given the very general nature of the majority of the objections, and in the interests of open debate, it is recommended that all of the objections to the TROs be referred to that hearing.
- 2.25 In accordance with the requirements of the Roads (Scotland) Act 1984, all objections to a RSO must be referred to Scottish Ministers.
- 2.26 Rather than undertake two separate reviews of essentially the same issues, it is recommended that the Council writes to the Scottish Government to propose that the public hearing reporter should also consider the RSO objections and report back to Ministers as necessary. It is considered that a conjoined hearing process would be the most efficient and effective way of addressing the objections.

- 2.27 If Members accept the recommendations in this report, officials will liaise with the Scottish Government to arrange the necessary review by Ministers and/or public hearing at the earliest opportunity. A further report on the outcome of that process will then be brought to Committee.

SUMMARY OF OBJECTIONS

- 2.28 Of the 90 objections to the TROs and 40 objections to the RSO received by the Council, the majority are couched in general terms. Objectors are concerned that the proposed changes to the traffic management arrangements in and around Charlotte Square will encourage general through-traffic to use alternative routes, increasing traffic, noise and pollution on those routes and threatening the structural integrity of properties. The Randolph Crescent to St Colme Street route is a particular concern but some objectors also consider that the problems will extend over a much wider area, including Drumsheugh, Stockbridge and Inverleith. The objections are summarised in more detail in Appendix 1.
- 2.29 A significant number of the TRO objections relate to the proposed 7.5T weight limit on Hope Street, which objectors consider will encourage heavy goods vehicles to use alternative routes, increasing traffic, noise and pollution on those routes as a consequence. Again, the Randolph Crescent to St Colme Street route is a particular concern to objectors.
- 2.30 A number of the objectors suggest that the proposals pre-empt and possibly prejudice future city-centre plans, both from a planning and a transport perspective.
- 2.31 A few objectors question the sufficiency and legality of any assessments undertaken to establish the impact of the proposed traffic measures on the wider road system and on the residents of impacted streets. In a follow-up exchange of correspondence with officials, one objector also questions whether the Council is meeting its obligations under the “*precautionary principle*”.

RESPONSE TO OBJECTIONS

- 2.32 A number of traffic modelling studies have been undertaken in recent years to assess the impact under different scenarios of both the Tram project and the Charlotte Square public realm proposals on the surrounding road network, in particular the Randolph Crescent to St Colme Street route.
- 2.33 An initial study (*Background Papers – Traffic Modelling: Item 1*), which was commissioned by *tie* Ltd in 2008 to investigate the impact of the Tram project requirement to ban general through-traffic on Shandwick Place, showed that there would be a net two-way increase, over the pre-Tram situation, of approximately 369 vehicles per hour in the AM peak on the Randolph Crescent to St Colme Street route.

- 2.34 To address objections to the Tram TROs (TRO1) and mitigate the impact of the Shandwick Place restriction, a decision was taken in 2010 to open Hope Street eastbound to general traffic.
- 2.35 That scenario, which also takes account of the intention to reinstate a banned left-turn from North Charlotte Street to St Colme Street, was modelled in 2011. The study (*Background Papers – Traffic Modelling: Item 2*) shows a net two-way increase over the pre-Tram situation of approximately 20 vehicles per hour in the AM peak on the Randolph Crescent to St Colme Street route.
- 2.36 This represents just 10 vehicles per hour more in each direction over the pre-Tram scenario, so the impact under the revised and final Tram proposals is very much reduced from that which was predicted in the 2008 study noted in 2.32. While this much-reduced impact reflects the principle that traffic displaced from Shandwick Place will disperse across the whole of the network — there are increased flows on the West Approach Road, for example — the reinstatement of the left-turn ban from North Charlotte Street is also significant in helping reduce any direct impact on the Randolph Crescent to St Colme Street route.
- 2.37 The traffic impact study for the Charlotte Square public realm proposals (*Background Papers – Traffic Modelling: Item 3*), which was undertaken by SKM Colin Buchanan in March 2012 and which was submitted with the planning application, shows a net two-way increase of 50 vehicles per hour in the AM peak over the pre-Tram scenario. This represents just 15 vehicles per hour more in each direction over the Tram project impact noted in 2.35.
- 2.38 The modelling has therefore shown that the projected increase in traffic volumes on the Randolph Crescent to St Colme Street route as a consequence of either project is relatively low; Tram adds 10 vehicles per hour in each direction in the morning peak and Charlotte Square adds a further 15 vehicles per hour. Notwithstanding this, it is recognised that any increase is a concern to residents and ways to reduce that impact have been investigated.
- 2.39 The projected increase in traffic on the Randolph Crescent to St Colme Street route is triggered by three particular elements of the proposals. These are the removal of the two-way system on the south side of the Square, the introduction of an uncontrolled junction between Charlotte Square and North Charlotte Street (where traffic on the Square must give way to the main north-south route), and the proposed 7.5T weight restriction on Hope Street. All of these features discourage through-traffic on the Square, particularly in the peak periods.

2.40 An option retaining the two-way system on the south side of the Square was examined but there are a number of disadvantages with that which it is considered would undermine the benefits of the public realm proposals:

- it would require a traffic signal installation, with associated hardware, at the south-east corner of the Square;
- the space for two running lanes could be created by reducing the width of the pedestrian/cycles shared use area. However, while the current proposal provides sufficient width to allow the difference in level between the Square and the road (currently three steps) to be largely graded out, any reduction in available width would reduce the opportunity to do this. Any change would also require the RSO to be re-advertised;
- the width of the shared use area could be maintained and the second traffic lane could be established by removing kerbside parking. However, that would have a serious impact on access to and serviceability of adjacent properties and would require a new TRO to be promoted, which again could generate new objections; and
- the introduction of two running lanes for traffic would impact on pedestrian links between the frontage footway and the Square.

2.41 Consideration was then given to incorporating traffic signal control at the Charlotte Square - North Charlotte Street junction, by way of facilitating through-traffic on the Square.

2.42 This has been modelled (*Background Papers – Traffic Modelling: Item 4*) and it shows that there is little difference between flows (a single digit difference in one-hour two-way AM flows) on the Randolph Crescent to St Colme Street route with and without the revised public realm scheme in place.

2.43 In other words, by signalling the Charlotte Square - North Charlotte Street junction and so facilitating through-traffic on the Square, the impact of the public realm scheme on the Randolph Crescent to St Colme Street route is virtually eliminated.

2.44 Signalising the junction also allows improved (controlled) crossing facilities for both pedestrians and cyclists to be introduced at the junction.

2.45 With the exception that it also requires a new traffic signal installation, with associated hardware, this modification has none of the disadvantages of the alternative proposal described in 2.39 and is therefore recommended.

- 2.46 The scheme, as advertised, would support the Council's Active Travel Action Plan by preserving the existing National Cycle Network Route 1 and by complementing plans to develop a Family Cycle Network. Both Spokes and the Cycle Touring Club Lothians & Borders were generally supportive of the proposals as they reflect their comments regarding the protection of cycle access and improving crossing points in and around the Square.
- 2.47 This proposed revision at the North Charlotte Street junction would maintain the planned cycling facilities around the Square, particularly on the south side, and would further enhance the benefits to cyclists at that junction, as noted in 2.43.
- 2.48 It is also recommended that the proposed 7.5T weight restriction on Hope Street be abandoned. This would address the general concerns about HGV re-routings and resolve an operational constraints issue identified by Lothian Buses.
- 2.49 Some of the objectors note that a call for a similar weight restriction to be introduced on the Randolph Crescent to St Colme Street route was rejected by the Council.
- 2.50 This is a reference to the report, *Edinburgh Tram – West End Traffic Management*, considered by the Transport, Infrastructure and Environment Committee on 5 May 2009. This addressed a number of options to mitigate the impact of the Edinburgh Tram Network on that area of the city.
- 2.51 Amongst the measures considered at that time was the introduction of an HGV ban. The report noted that, as it was not practical to install a self-enforcing physical restriction, any ban would depend on signs alone and on police enforcement of those signs. This was not a situation which the police were able to support, as they felt that it placed unrealistic expectations on their resources, so the recommendation was that an HGV ban should not be implemented.
- 2.52 However, the report suggested that consideration could be given to allowing HGVs through the Queensferry Street/Shandwick Place junction “*bus, taxi and cycle only*” restriction at night, thereby encouraging overnight HGVs away from the Randolph Crescent to St Colme Street route.
- 2.53 That option has been reviewed as part of the Charlotte Square proposals and it has been included in the draft Orders. There have been no objections to that element of the draft Orders and it will remain.
- 2.54 Following a meeting with an affected business, it has been agreed that the proposed loading prohibition on the east side of Hope Street is overly restrictive. It is recommended that it be reduced to extend for a length of 10 metres from its junction with Charlotte Square.

- 2.55 With regard to the pre-emption and possible prejudicing of future city-centre plans, it is considered that the revised design would protect future transport options. Furthermore the proposals generally would not prejudice any future plans for Charlotte Square from a planning perspective.
- 2.56 On the matter of the sufficiency and legality of any assessments undertaken, the City of Edinburgh Council notes that the primary requirement for environmental impact assessments under European legislation stems from Directive 2011/92/EU (the EIA Directive). In the context of the promotion of TROs and RSOs, the City of Edinburgh Council considers that any requirements are met by adherence to the procedures set down in the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.
- 2.57 Officials further consider that the traffic modelling referred to in 2.32 is both comprehensive and credible and note that it has helped identify a number of actions to mitigate any wider-area impacts.
- 2.58 With regard to the "*precautionary principle*", Appendix 2 explains the background to the concept and gives a definition of the principle. Officials hold the view that the principle is addressed in the context of the Charlotte Square project and Appendix 2 develops the reasons for holding that view.
- 2.59 As reported to the Transport, Infrastructure and Environment Committee on 18 June 2012, it is considered that a 20mph speed limit on the south, west and north legs of Charlotte Square, together with Glenfinlas Street and Hope Street, would augment these proposals by assisting pedestrian and cycle movements around the Square. The matter was continued at that Committee.
- 2.60 The Council is currently consulting on the New Local Transport Strategy and is seeking views on how to proceed with a number of transport-related issues, including 20mph limits, over the next five years.
- 2.61 The 20mph proposals will be reviewed in light of the consultation feedback and a further report on the implementation of a 20mph speed limit on Charlotte Square and the wider residential area will be brought to Committee at a later date.

MEETING WITH OBJECTORS

- 2.62 The Transport Convener chaired a meeting with objectors in the Council Chambers on the evening of 4 February 2013, at which officials presented a summary of the objections and the proposed revisions to the scheme. Traffic modelling which was undertaken to establish the impact of these revisions was also presented.
- 2.63 The meeting accepted that the proposed revisions to the scheme — the abandonment of the 7.5T weight restriction on Hope Street and the signalisation of the North Charlotte Street junction — were beneficial and should be adopted.

- 2.64 However, concerns were expressed that by restricting tests to the morning and evening peaks the traffic modelling is not truly representative of the situation, the argument being that in the peak hours increases in traffic are constrained by the already high peak-level volumes.
- 2.65 To address these concerns a meeting will be arranged between the traffic modellers and representatives of the Moray Feu Traffic Sub-committee to discuss extending the tests to show 24/7 impacts.
- 2.66 Some discussion took place about specific elements of the design and a commitment was given to review the pedestrian crossing facilities at the south-west corner of the Square (the Hope Street junction).
- 2.67 Two other issues were raised at the meeting. These will be pursued separately. and further reports will be brought to Committee in due course. They are:
- Officials were asked to consider reversing the one-way system on Young Street, by way of addressing a perceived “rat-running” problem; and
 - Noting continued police concerns about enforcement of Heavy Goods Vehicle (HGV) bans, officials were asked to investigate methods of self-regulation of HGV restrictions, with a view to the possible introduction of such a measure on the Moray Feu corridor.

3. Recommendations

- 3.1 It is recommended that the Transport and Environment Committee:
- 3.1.1 agrees to abandon the proposed 7.5T weight limit restriction on Hope Street;
 - 3.1.2 agrees to reduce the loading prohibitions proposed on the east side of Hope Street;
 - 3.1.3 notes the relaxation to allow HGVs through the Queensferry Street/Shandwick Place “*bus gate*” at night;
 - 3.1.4 notes the responses to the objections and the steps that have been taken to address those objections, including the incorporation of traffic signals at the North Charlotte Street junction;
 - 3.1.5 instructs officials to write to the Scottish Government to propose that a public hearing be held into the TRO objections and that this should be combined with the required Scottish Ministers’ review of the RSO;
 - 3.1.6 delegates to the Director of Services for Communities the making of the Orders, pending decisions from the public hearing; and
 - 3.1.7 notes that a further report on the proposed implementation of a 20mph speed limit on Charlotte Square and the wider residential area will be brought to Committee.

Mark Turley

Director of Services for Communities

4. Links

Coalition pledges	P31 - Maintain our City's reputation as the cultural capital of the world by continuing to support and invest in our cultural infrastructure. P40 - Work with Edinburgh World Heritage Trust and other stakeholders to conserve the city's built heritage.
Council outcomes	CO7 - Edinburgh draws new investment in development and regeneration. CO19 - Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.
Single Outcome Agreement	SO1 - Edinburgh's economy delivers increased investment, jobs and opportunities for all. SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health. SO4 - Edinburgh's communities are safer and have improved physical and social fabric.
Appendices	Appendix 1: Summary of TRO and RSO Objections Appendix 2: Local Authority Duties

Charlotte Square – Public Realm Traffic Regulation and Redetermination Orders	Appendix 1: Summary of TRO and RSO Objections
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Appendix 1

No		Comment/Objection
1	TRO/RSO	Supports proposals as something that will enhance the condition and standing of the Square. Notes that it will secure the Square as one of the premier financial office addresses in Britain and support and enhance the Edinburgh Book Festival attraction.
2	TRO	Lothian Buses object on the grounds that the 7.5T weight restriction on Hope Street would present a serious operational constraint to their service in the event that they were required to identify alternative/contingency routes. They request that they be exempted from the restriction.
3	TRO/RSO	Objects on the grounds that the 7.5T weight restriction on Hope Street will prevent daytime deliveries to their business.
4	TRO	Spokes support the proposals in principle but seeks clarification on a number of issues. Note that Spokes would object if the parking proposals would obstruct cycle access to the alleys on either side of West Register House or if the right-turn out of the Square at the NE corner was not permitted.
5	TRO	The Cycle Touring Club (CTC) support the proposals in principle but note that CTC object if adequate provision for cyclists to cross safely from the Square to George Street has not been made, either at the NE corner of the Square or opposite George Street.
6	TRO/RSO	<p>The West End businesses recognise the benefits any improvements to Charlotte Square might bring to the area as a whole but object on a number of grounds. Concerned about the impact any restrictions on the Square generally and on Hope Street in particular will have on the wider area transport needs and notes that the proposals would only add to the pressures placed on Queensferry Street by the Central Edinburgh Traffic Management scheme which was implemented previously.</p> <p>Note that a weight restriction on Randolph Crescent had been rejected by the Council previously, so question support for any such proposal for Hope Street. Consider that this project should not be undertaken in isolation from the <i>Jan Gehl</i> wider City Centre Pedestrianisation vision.</p>
7	TRO/RSO	<p>The George Street Association recognise the benefits any improvements to Charlotte Square might bring to the area as a whole but object on a number of grounds. Concerned about the impact any restrictions on the Square generally and on Hope Street in particular will have on the wider area transport needs and notes that the proposals would only add to the pressures placed on Queensferry Street by the Central Edinburgh Traffic Management scheme which was implemented previously.</p> <p>Note that a weight restriction on Randolph Crescent had been rejected by the Council previously, so question support for any such proposal for Hope Street. Consider that this project should not be undertaken in isolation from the <i>Jan Gehl</i> wider City Centre Pedestrianisation vision.</p>
8	TRO	<p>Objects on a number of grounds. Considers the Statement of Reasons supporting the Orders to be inaccurate, misleading and contradictory. Concerned that the reduction of road space on the Square and the proposed 7.5T weight restriction will force general traffic, and HGVs in particular, onto Randolph Crescent and Great Stuart Street.</p> <p>Considers that the Council is supporting development over the needs of the local community, both residential and retail, and suggests that this runs contrary to a number of pledges laid down in the Council's "<i>New Contract With The Capital</i>". Very concerned about the wider-area environmental and health implications of the proposals on residents in particular.</p>

Charlotte Square – Public Realm Traffic Regulation and Redetermination Orders	Appendix 1: Summary of TRO and RSO Objections
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9	RSO	<p>Objects on a number of grounds. Concerned that the propose changes will drastically limit access to the Square, forcing traffic into residential areas of the World Heritage Site in the New Town, and notes that this will impose a very real health risk on residents.</p> <p>Considers the supporting documentation, particularly the traffic impact reports, to be incomplete and calls for the release of all relevant data and for additional time to consider any further information. Questions how this proposal marries with other public realm and pedestrianisation initiatives on George Street and Princes Street and calls on the Council to develop a co-ordinated overall plan.</p>
10	RSO	<p>Supports any measure which looks to improve the quality of materials and lighting on the Square.</p> <p>Objects on the grounds that both the proposed road narrowing around the Square and the 7.5T weight restriction on Hope Street will force traffic through the mainly residential west end and New Town streets within the World Heritage Site, particularly when events require the temporary closure of Princes Street. Suggests that the Council do not follow Defra guidelines when calculating nitrogen dioxide levels and suggests that if they did the levels would be above EU maximum permitted levels.</p>
11	TRO	<p>Objects on the grounds that the Council has already “<i>sanitised</i>” trunk routes and largely commercial streets including West Maitland Street, Shandwick Place and Princes Street and considers that this proposals does to same to the Square. Objects to this on the grounds that it requires traffic to be “<i>decanted</i>” through largely two-lane residential streets with consequential negative impact on the environment and on health.</p> <p>Claims that annual pollution levels are higher than EU recommended levels and notes concern that the EU does not differentiate between commercial and residential streets. Calls for a Public Enquiry to investigate health, safety and environmental effects before any further proposals, including pedestrianisation of Princes Street, are considered.</p>
12	TRO	<p>Critical of the quality of documentation provided for scrutiny and critical of the Council’s “<i>administration</i>” concerning thinking on “<i>traffic flows</i>”. Objects to the re-routing of HGVs along “<i>domestic streets in the Moray Feu</i>”.</p>
13	TRO	<p>Objects primarily on the grounds of the “<i>cumulative effect</i>” of this order which he considers to be “<i>the latest in a series of TROs</i>” which “<i>pose a significant threat to public health</i>”.</p> <p>Notes that previous TROs impacted on the St Colme Street, Great Stuart Street, Randolph Crescent corridor, which are all part of the World Heritage site, but now also concerned about Drumsheugh, the West End generally, Stockbridge, Inverleith and “<i>further afield</i>” as a result of “<i>decanting</i>” traffic from former main routes.</p> <p>Notes that the 7.5T weight restriction will have the worst effect in this regard.</p> <p>Suggests that environmental services officials have conceded that air quality limits have “<i>already</i>” been exceeded and recommends that these proposals be rejected until “<i>the clear and undeniable increases in pollution in residential streets is addressed</i>”.</p>
14	TRO	<p>Objects on the grounds that the one-way restriction and weight restriction will cause traffic to divert through adjacent residential streets with consequential “<i>degradation of environment and denial of amenity</i>”. Considers that this will severely degrade the residential environment and damage the health of residents.</p> <p>Suggests that current NO₂ levels on the façade of 14 Great Stuart Street</p>

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		exceed EU permitted levels by 10% and notes that this proposal will only increase noise and pollution for his family.
15	TRO	Objects on the grounds that the proposals will displace heavy traffic onto Randolph Crescent with consequently detrimental impact on roads, through wear and tear, and on buildings, through vibration, thereby failing to maintain the World Heritage status of residential streets.
16	TRO/RSO	<p>Objects to the RSO on a number of grounds. Considers that any increase in pavement and cycle space is unnecessary and a waste of money. Concerned that the consequential narrowing of road space, and the weight restriction, will cause traffic congestion on the wider road network. Questions the level of consultation, particularly at the planning stage.</p> <p>Objects to the TRO on a number of grounds. Questions why Charlotte Square is given preferential treatment over other areas of the World Heritage site and notes that the Council have a duty to protect all World Heritage areas. Concerned about the impact of displaced traffic on other areas and suggests that any restrictions on traffic should be applied across the World Heritage area as a whole.</p>
17	TRO	<p>Objects to the TRO on the grounds that the Square is being treated preferentially and asserts that any measures to reduce generally traffic and HGVs should be applied throughout the World Heritage site.</p> <p>Notes that properties in the Moray Feu were not built to withstand the “<i>weight, speed and pollution</i>” of today’s traffic and that the Council have a duty to protect all of its heritage areas.</p> <p>Concludes that it is unacceptable that any improvements on the Square will disadvantage other areas and suggests that alternatives solutions be sought.</p>
18	RSO	<p>Objects to the RSO on the grounds that the increases in pavement area or cycle space “<i>are unnecessary and would be a waste of money</i>” noting that even in busy periods — the Book Festival is cited — there are no problems.</p> <p>Notes that the consequences of any such changes are “<i>enormous</i>” in that they will inevitably force traffic onto adjacent streets leading to “<i>traffic jams</i>”.</p> <p>Questions the validity of the planning process and the sufficiency of the consultation which went with it.</p>
19	TRO	<p>The Moray Feu object on a number of grounds and makes a number of general comments.</p> <p>Note that the proposals are designed to achieve changes in traffic type and traffic volume on the Square, all of which will be displaced into adjacent residential areas. Note that this is in effect shifting the main city centre commercial thoroughfare from Princes Street to Great Stuart Street. Accept that the proposal to allow HGV night-time access through the bus gate between Queensferry Street and Shandwick Place would redress this to a degree but asserts that it is insufficient.</p> <p>Suggest that Council figures show that air pollution has increased “<i>by amounts that are understood to have serious health impacts</i>” and note that the Council have yet to measure noise despite repeated requests.</p> <p>Suggest that any analysis done by the Council on air quality needs to be re-appraised in light of recent WHO pronouncements about links between diesel exhaust fumes and health.</p> <p>Question the validity of the traffic modelling and the quality of consultation and asserts that no environmental or health impact assessment has been undertaken.</p>

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		<p>Call for the TRO to be rejected, for the traffic modelling to be made available for scrutiny, and for an “adequate” environmental and health impact assessment to be undertaken.</p> <p>In subsequent correspondence the objectors note that the traffic modelling report presented to the Planning Committee on 22 February 2012 in support of the scheme did not include the 7.5T weight restriction. Cite that report and note that any claim that the proposals would have “no material impact” is invalid in light of that omission.</p> <p>Also note that a similar request for a weight restriction on the Moray Feu was rejected by the Council in 2009 and that Lothian and Borders Police (LBP) have confirmed that their concerns about weight limit restrictions apply across the board.</p> <p>Assert that the Council has failed to ensure that appropriate modelling has been undertaken and to ensure that adequate environmental, health and road safety impact assessments have been conducted.</p> <p>Call for the Moray Feu HGV ban to be revisited in light of the fact that LBP did not object to the Hope Street proposal.</p>
20	TRO/RSO	<p>The Moray Feu reiterate much of (18) but also raise issues specific to the Redetermination Orders (RSOs).</p> <p>Cite the Statement of Reasons and questions how an acre of additional space can be created for pedestrians and cyclists without reducing the permeability of the area for vehicles. Suggest that this is also incompatible with the supporting Traffic Orders (TROs) which look to restrict traffic.</p> <p>Note that the proposals ensure that traffic will divert through the residential areas of the New Town, including the Moray Feu and questions why the prevention of environmental degradation of a non-residential area should take precedence over that of a residential area.</p> <p>Further argue that the detrimental impact of traffic is greater on the residential streets, and adjacent buildings, which are not designed to accommodate such high volumes of traffic and asserts that the residential streets are “<i>known to be geologically less stable than Charlotte Square</i>”.</p> <p>Call for the RSO to be rejected and for the plan to be revised to give equal weight to the residential areas.</p>
21	TRO/RSO	<p>Objects to the TRO on the grounds that the benefits are based on a very abstract and superficial analysis, that the weight restriction will divert traffic from the non-residential Square to residential streets including Randolph Crescent, Great Stuart Street and Ainslie Place, and that the HGV evening relaxation of the bus gate between Queensferry Street and Shandwick Place is unlikely to work without a supporting restriction at Randolph Crescent.</p> <p>Objects to the RSO on the grounds that they will compromise three of the most attractive features of the Square, namely the historic continuity of the Square, the total absence of demarcation signs and road markings, and the existence of continuous elevated pavement around three sides of the Square.</p>
22	TRO	<p>Objects on the grounds that the traffic restrictions on the Square, in particular the 7.5T weight limit, will only serve to divert traffic through Randolph Crescent, Great Stuart Street, Ainslie Place and St Colme Street.</p> <p>Notes that these streets are essentially residential and are already subject to high levels of atmospheric pollution, noise and vibration which have degraded</p>

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		<p>the environment and are an established danger to health and concludes that this proposal will exacerbate that situation.</p> <p>Calls for the proposals to be rejected on the grounds that they take inadequate account of the further impact on city centre residents.</p>
23	RSO	-do-
24	TRO	<p>Objects on a number of grounds. Questions why people of all ages in residential areas should suffer detrimental environmental, health and safety consequences, to benefit commercial areas.</p> <p>Notes that this has already happened with the tram-related diversions and highlights the impact that has had on the area in terms of noise, pollution and general disruption. Asserts that the restrictions on the Square will cause yet more traffic to divert through the likes of Great Stuart Street, Dundas Street, Randolph Crescent, Howe Street, Stockbridge, Inverleith, and other areas, with consequent further detrimental impact.</p> <p>Also very concerned about the long-term impact of traffic-related vibration on the structural integrity of properties in the World Heritage site. Notes that self-financed repairs to windows have brought little relief and feels that residents may be compelled to seek “<i>ameliorative steps</i>” to counter noise pollution.</p>
25	TRO	<p>Objects on the grounds that “<i>heavy traffic</i>” will be diverted through this residential area (Forres Street) degrading the environment and causing damage to residents’ health.</p> <p>The objector chose to live in the area for “<i>environmental reasons</i>” and considers that the “<i>higher rate of tax</i>” the property attracts “<i>should be respected</i>”.</p>
26	TRO/RSO	<p>The New Town and Broughton Community Council (NTBCC) object to the narrowing of the road, the introduction of a one-way system and the 7.5T weight limit, and to the loss of parking and waiting spaces on a number of grounds. Support the proposal to allow HGV night-time access through the bus gate between Queensferry Street and Shandwick Place.</p> <p>Note the importance of the Square as the intersection of main east/west and north/south arterial routes through the West End and note that this is all the more important in light of the tram-related ban on traffic on both Princes Street and Shandwick Place.</p> <p>Note that the proposals for the Square would effectively negate “<i>the sole mitigation measure of any significance</i>” — re-opening Hope Street eastbound to general traffic — which was introduced to address objections to the tram traffic orders (TRO1).</p> <p>Note that the Council have repeatedly refused requests from the Moray Feu for a night-time HGV ban on the Ainslie Place/Great Stuart Street route and call for elected members to reconsider that and for the interests of residents to be weighed appropriately against those of the commercial sector.</p> <p>Fear that the proposals are premature and assert that they need to be considered in the context of a general review of city centre traffic, taking into account the impact of trams and the Gehl review. Concerned that implementing these Orders would limit the options of any future general traffic review.</p> <p>Feel that a return to a two-way system on the south side of the Square and on Hope Street would be preferable to the one-way gyratory proposed, noting that this would still allow the north and west sides of the Square to be kept largely traffic free.</p>

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		<p>Consider that it would be prudent to maintain a two-way option as there may be a demand, longer-term, to route buses along George Street through the Square onto Queensferry Street on a more permanent basis. Also note that the weight restriction would prevent heritage buses from touring the area.</p> <p>Concerned that amendments to waiting restrictions on the Square, Glenfinlas Street and Hope Street would again be premature in the context of any future reviews of parking, city-wide.</p>
27	TRO/RSO	<p>Objects to proposals on a number of grounds.</p> <p>Considers that the Council has failed to fulfil commitments and principles, chiefly to maximise quality of life for the city's residents, first identified in the <i>Edinburgh City Centre Strategy and Action Plan</i> which was produced by the City Centre Management Company in 2003.</p> <p>Notes that while traffic calming has increased elsewhere traffic volumes have increased on Great Stuart Street in recent years with corresponding increases in pollution, noise and vibration, all of which affect health and the structural integrity of buildings. These proposals for the Square will exacerbate that.</p> <p>Suggests that NO₂ levels on Great Stuart Street might be the highest in Edinburgh and feels this is a particular problem for families living on lower levels where NO₂ will accumulate. Considers that the street "<i>has been turned into one of the most hazardous places to live in Edinburgh.</i>"</p> <p>Notes that noise levels "<i>equivalent to a jet-powered helicopter</i>" have been identified and considers that this can only be addressed by reducing traffic flow.</p> <p>Notes that houses in the area are founded on padstones laid in shallow foundations and, as such, suggests that they are not built to withstand vibration levels generated by the current volumes of traffic.</p> <p>Considers that the "<i>traditional routes</i>" through the West End — Princes Street/Shandwick Place and Lothian Road/Queensferry Street — are not currently available and suggest that the proposals for the Square will "<i>aggravate an already dangerous situation in Great Stuart Street.</i>"</p> <p>Of primary concern is the health and safety of residents and considers it possible that current legislation is not being met in that regard. Believes that "<i>it would be reckless to aggravate an already life-threatening situation</i>" and suggests that a "<i>significant rethink of Edinburgh's traffic system</i>" is required.</p>
28	TRO/RSO	<p>Objects on the grounds that proposals will force more traffic, particularly HGVs, through the Moray Feu. Considers that more needs to be done to protect roads and buildings in the New Town, particularly the largely residential Moray Feu.</p>
29	TRO	<p>Objects on the grounds that the proposals will divert more east/west traffic into largely residential adjacent streets, over and above that already diverted by the tram project.</p> <p>Very concerned about the consequential "<i>destruction of the environment</i>", noting in particular the increase in pollution and traffic noise. Notes that it is "<i>becoming increasingly dangerous</i>" to walk in the area and cross the street, particularly for children and the elderly. Notes that the fabric of the road surfaces and of buildings is visibly deteriorating as a consequence of vibrations produced by traffic, particularly heavy vehicles.</p>

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30	RSO	<p>Objects on the grounds that the proposals will divert more east/west traffic into largely residential adjacent streets, over and above that already diverted by the tram project.</p> <p>Very concerned about the consequential “<i>destruction of the environment</i>”, noting in particular the increase in pollution and traffic noise. Notes that it is “<i>becoming increasingly dangerous</i>” to walk in the area and cross the street, particularly for children and the elderly. Notes that the fabric of the road surfaces and of buildings is visibly deteriorating as a consequence of vibrations produced by traffic, particularly heavy vehicles.</p>
31	TRO/RSO	<p>Objects on a number of grounds.</p> <p>Considers the Square to be an essential part of the east-west and north-south road network and that the proposals will divert traffic from commercial areas into the residential areas of the New Town, Heriot Row, and the Moray Feu in particular. Considers that those streets and buildings were not designed “<i>to take increased and commercial traffic</i>”.</p> <p>Considers that the increased pollution and noise presents risk to the residents, a significant proportion of whom are either elderly or very young.</p> <p>Considers that the plans will “<i>degrade the quality of unique residential areas</i>” and the measures will disconnect homes from gardens and present significant safety hazards.</p>
32	TRO	<p>Considers introducing any measure which diverts heavy traffic onto residential streets “<i>without a consultation</i>” to be unacceptable.</p> <p>Considers that many streets are not built to withstand heavy traffic, and suffer as a consequence, and notes that roads which are designed for such traffic are underused.</p> <p>Concerned that pedestrian safety is compromised and that air pollution is increasing.</p> <p>Questions the quality of consultants employed by the Council.</p>
33	TRO	<p>Notes that the Square is commercial, not residential, and that it is a main north-south, west-east artery for Edinburgh’s traffic.</p> <p>Objects on the grounds that the proposals will divert traffic to Randolph Crescent, Great Stuart Street, Ainslie Place, Queen Street, Heriot Row, Moray Place and Stockbridge, raising pollution to an “<i>unacceptable and illegal</i>” level for these residential areas.</p>
34	RSO	<p>Objects on the grounds that the proposals will increase traffic, including HGVs and buses, through part of the Moray Feu, which is largely residential and a key part of the World Heritage site.</p> <p>Considers that any such diversions will make worse an “<i>already serious degradation of this precious environment</i>”.</p> <p>Considers that these streets were not built to support such traffic, particularly the HGVs, and suggests that adjacent properties “<i>are being structurally affected already by continual vibration.</i>”</p> <p>Notes that residents will be increasingly disturbed by noise from emergency vehicles at all hours and considers that levels of NO₂ and particulate pollutants “<i>are probably much higher than is acceptable anywhere</i>”. Is very concerned about a recent WHO report linking diesel fume particulates with cancer and notes that congestion means that pollution from stationary traffic is ongoing.</p>

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		Questions how the Council can be party to making an existing situation worse in a residential area.
35	TRO	<p>Objects to the Order because of “<i>the inevitable effect that it will have in increasing still further the traffic including heavy traffic through the Moray Feu</i>”.</p> <p>Notes that the streets most affected — Randolph Crescent, Great Stuart Street and Ainslie Place — are largely residential and are part of the World Heritage site and notes that any increase in traffic “<i>makes worse an already serious degradation of this precious environment</i>”.</p> <p>Notes that the roads and buildings are not built to withstand the increased vibration and that residents will be increasingly subjected to noise from emergency vehicles.</p> <p>Suggests that pollutant levels are already “<i>probably much higher than is acceptable anywhere</i>” and references a WHO report which links diesel particulate emissions with cancer. Notes that congestion, which leads to stationary vehicles, will exacerbate this situation.</p> <p>Questions how the Council can sanction something which will make an existing bad situation even worse for a residential area.</p>
36	TRO/RSO	<p>Objects to the 7.5T weight restrictions on the grounds that the Moray Feu route would then be the sole east-west route for HGVs. This would add to the “<i>serious effect on noise, vibration and exhaust gas pollution</i>” which tram diversionary work brought about in 2008.</p> <p>Notes that the Square “<i>forms an essential element of the hub at the intersection of the east/west and north/south main arterial routes through the West End</i>” and that its importance has been increased by measures which will ban general traffic from the Princes Street/Shandwick Place corridor.</p> <p>Notes that the proposals for the Square and the weight restriction on Hope Street would effectively negate “<i>the sole mitigation measure of any significance</i>” — re-opening Hope Street eastbound to general traffic — which was introduced to address objections to the tram traffic orders (TRO1).</p> <p>Also notes that a similar request for a weight restriction on the Moray Feu was rejected by the Council in 2009 and in 2011.</p> <p>Considers that the reduced road space will deter drivers from opting to route through the Square in preference to the Moray Feu, particularly as the route through the Square is already longer for many drivers.</p> <p>Is concerned that the West End Traffic Workshops, which were set up to consider tram mitigation measures, and Lord Morays Feuars were not invited to “<i>participate in the Charlotte Square Study</i>” and suggests that the general public may not appreciate the significance of the proposed 7.5T weight restriction and therefore of the need to object.</p>
37	TRO	<p>Objects to the proposals on the grounds that they will displace heavy traffic into surrounding streets.</p> <p>Is very concerned about the “<i>extremely negative impact</i>” the proposals will have on “<i>the quality of life, amenities, and fabric of a world heritage site in the residential heartland of the West End</i>”.</p> <p>Notes that property has already sustained damage and health has suffered due to already increased volumes of traffic.</p>

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		Questions if the Council accepts liability for health problems caused by residents having to live in “ <i>an area of extreme pollution which breaches EU and Scottish statutory limits</i> ”.
38	TRO	<p>Notes that the current tram-related diversionary arrangements on Rothesay Place represent “<i>unacceptable transportation planning and management</i>” and considers that “<i>complete disregard has been given to road safety</i>” of families and the elderly in the Rothesay Place/Rothesay Terrace area. Understands that these diversions will be in place until August 2013 but questions what the long-term plans for the area are.</p> <p>Concerned primarily about “<i>public health and safety</i>” but also concerned about property damage and depreciation.</p> <p>Considers that the proposals for Charlotte Square will “<i>further re-distribute traffic to residential streets and cause further chaos to the west end of the city</i>” and questions the experience and competence of the team responsible for managing traffic.</p>
39	TRO	<p>Concerned about current levels of traffic and the consequential impact on air quality and noise which the objector considers are already at unacceptably high levels.</p> <p>Objects to the Charlotte Square proposals on the grounds that they will displace additional traffic through Randolph Crescent and Great Stuart Street which the objector considers are not suitable for “<i>industrial vehicles</i>”. Suggests that this type of traffic should be routed around the city rather than through residential areas.</p> <p>Questions why HGVs are considered unacceptable for the non-residential Square but are considered appropriate for an equally-historic residential area.</p>
40	TRO	Objects to the “ <i>consequences</i> ” of the proposals, in particular that they will encourage “ <i>HGV rat-runs</i> ” through the residential areas of the Moray Feu, and considers that the resulting noise and vibration will inevitably cause structural damage.
41	TRO	<p>Questions the developer’s motives and whether the Council considers the “<i>interests and health of office workers to be greater than that of residents.</i>” Suggests that the Council “<i>appears to be ignoring the greater good of its citizens for the profit of a company and a possible increased haul in business rates</i>” and notes that this is not what the Council “<i>is elected to do</i>”.</p> <p>Asks where HGVs will be redirected to and requests “<i>traffic flow expectations</i>”.</p> <p>Also requests evidence of any “<i>risk assessment</i>” of “<i>damage to houses</i>”, “<i>damage to health to those living in basements where pollution gathers</i>” and an indication of anticipated “<i>net loss in values for properties in adjacent streets</i>”. Asks what compensation is proposed for those affected by the latter.</p> <p>Notes that the streets affected — Randolph Crescent, Great Stuart Street, Ainslie Place and Heriot Row, — are of “<i>architectural merit on a par with Charlotte Square</i>” and should be treated as “<i>national heritage sites</i>”.</p> <p>Refers to a WHO report which identifies diesel fumes as carcinogenic and suggests that “<i>the Council tests of pollution have used monitors in a manipulative manner, which distorts the truth</i>”. Suggests that reliance on such data is “<i>culpably negligent</i>”. Asks how the Council’s data compares with that collected by the Moray Feuars.</p>

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42	TRO	<p>Objects to the proposals on two grounds.</p> <p>Suggests that the problems of “<i>disconnect between architecture and gardens</i>” which the Council is seeking to resolve with these proposals are caused by the Tram diversionary works and that those problems will be resolved when the Tram works are finished.</p> <p>Very concerned about the impact of displacing traffic from the “<i>commercial</i>” Square to adjacent residential streets, particularly Randolph Crescent through to Drumsheugh. Suggests that he has already seen how health has been affected by Tram diversionary works and concludes that “<i>making life more unpleasant and downright hazardous for those residents is not what a Council which has the wellbeing of Edinburgh and its citizens as its primary objective should be contemplating</i>”.</p>
43	TRO	<p>Objects on the grounds that the 7.5T weight restriction will cause HGVs to divert onto adjacent residential streets.</p>
44	TRO	<p>Objects to the proposals, including the 7.5T weight restriction, on the grounds that it is not clear what the impact on surrounding residential streets will be. Notes that the Statement of Reasons does not mention that issue.</p> <p>Suggests that any proposals to restrict traffic on the Square should be matched by similar proposals for the surrounding residential streets, noting that if HGV traffic is deemed to be detrimental to the architecture of the Square “<i>then it is obviously also detrimental to the Georgian architect of Randolph Crescent and Ainslie Place</i>”.</p> <p>Questions why traffic is being displaced from a commercial area to residential areas which are already “<i>bearing excessive traffic due to the tram works</i>”.</p> <p>Stresses that until it can be demonstrated that the proposals will not impact on adjacent residential streets the TRO should not be approved.</p>
45	TRO	<p>Objects on the grounds that displaced traffic will “<i>change living environment and standard markedly</i>”.</p> <p>Very concerned about pollution levels, noting the note impact this has had on health of their children and drawing attention to the WHO report linking diesel exhausts with cancer.</p> <p>Notes that noise levels, particularly from HGVs, is already unbearable and notes also that significant vibration must be damaging both road and buildings which were never designed for the levels of traffic experienced.</p> <p>Notes that increased traffic “<i>poses a significant danger and inconvenience for children and families</i>” and points up the lack of a safe crossing facility in the Great Stuart Street/Ainslie Place area.</p> <p>Concludes that it is incumbent on the Council to look after the World Heritage site for future generations and not create “<i>a major city centre all vehicle access route</i>” in residential areas.</p>
46	TRO	<p>Objects on the grounds that the one-way proposal, coupled with the 7.5T weight restriction, will cause traffic to divert to adjacent streets, most likely the Randolph Crescent, Great Stuart Street, Ainslie Place route.</p> <p>Asserts that the consequential rise in traffic in residential World Heritage site areas is something the Council should be protecting against, not promoting.</p> <p>Notes that this traffic will increase pollution and noise, both with consequential negative impacts on health, and vibrations, particularly from HGVs, will</p>

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		damage buildings.
47	TRO	Objects on the grounds that the proposals will divert more heavy traffic through Randolph Crescent and cannot accept that residents should bear “ <i>more pollution, more noise, inconvenience and loss of amenity</i> ”.
48	TRO/RSO	<p>Objects on the grounds that the proposals will divert traffic through adjacent residential streets which were never built to take such levels of traffic, particularly HGVs.</p> <p>Notes that the consequential increased noise, vibration and pollution levels are each “<i>health hazards and detrimental to the well-being of all those who live in and use the area</i>”.</p> <p>Concludes that no further Orders should be considered until “<i>effective consultation with residents</i>” has been undertaken to “<i>thoroughly explore “how their environment can be protected and enhanced</i>”.</p>
49	TRO	<p>Objects to the proposal to “<i>alter the flow of HGVs</i>” through the Square on a number of grounds.</p> <p>Considers that the proposals will “<i>severely degrade the residential environment and damage the health of residents</i>” and draws attention to a WHO report linking diesel exhaust fumes with cancer.</p> <p>Is very concerned that the already “<i>huge increase in traffic</i>” in Great Stuart Street, St Colme Street, Albyn Place, Queen Street and Stockbridge will be exacerbated by these proposals which will lead to “<i>higher levels of pollution</i>”, to “<i>greater noise</i>” and “<i>it will be more dangerous</i>”. There will also be “<i>damage</i>” to roads, buildings and private basements.</p>
50	TRO	<p>Objects to the proposals on a number of grounds. Considers that they will channel further traffic, particularly HGVs, through St Colme Street, Ainslie Place, Great Stuart Street and Randolph Crescent.</p> <p>Notes that the “<i>abandonment</i>” of the Square as a means to share the load will erode the amenity of the residential neighbourhood.</p> <p>Cites the Statement of Reasons and questions that the benefits will be achieved “<i>without reducing the permeability of the area for vehicles</i>”, noting that any reduction in available road space must affect it.</p> <p>Also questions the benefits to cyclists noting that facilities on only three sides of the Square must lead “<i>into a wall of traffic</i>” on the fourth side.</p> <p>Questions any benefit to pedestrians in the Square other than a reduction in traffic and notes that a commensurate disbenefit is transferred to pedestrians on Great Stuart Street.</p> <p>Notes that a similar request for an HGV ban on Moray Feu was refused and questions why the Hope Street location is different in that regard.</p> <p>Supports the stated objectives in principle but asserts that they must be applied to “<i>the centre of Edinburgh as a whole</i>”.</p>
51	TRO	<p>Have very grave concerns about the proposals and object strongly to the “<i>resultant increased traffic flow (on) residential streets</i>”.</p> <p>Note that the anticipated “<i>higher levels of pollution</i>”, “<i>greater risk to pedestrians</i>” and “<i>inherent damage to streets and buildings of (recognised) historic importance</i>” are “<i>unacceptable</i>”.</p>
52	TRO	Objects on the grounds that the proposals will displace traffic onto Randolph Crescent, Great Stuart Street, Ainslie Place and Queen Street.

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		<p>Notes that these streets are almost entirely residential and the effect of vehicles, including HGVs, on the streets and houses “<i>will be to cause material deterioration, pollution and noise disturbance</i>”.</p> <p>Is particularly concerned about the potential health impact of diesel particulates.</p>
53	TRO	<p>Objects because of the “<i>serious and unacceptable consequences</i>” of further displacement of traffic, including HGVs, into the Moray Feu, which is a World Heritage site and almost entirely residential area.</p> <p>Notes that the displaced traffic will worsen already existing congestion, increase pollution and damage to buildings, all of which is a loss of amenity to residents. Also notes that the “<i>difficulties and dangers of crossing</i>” the streets will be greater.</p> <p>Would support the proposals if the Tram was not being introduced at the same time and notes that the Moray Feu itself is a major tourist attraction.</p> <p>Questions if Councillors are satisfied that they have been fully briefed by officials.</p>
54	TRO	<p>Objects on the grounds that the proposals will add to the already heavy levels of traffic, including HGVs, passing through the Moray Feu, in particular Randolph Crescent.</p> <p>Notes that the resulting congestion, pollution, noise and vibration will impact on residents living in an area which is part of the World Heritage site.</p>
55	TRO	<p>Object on the grounds that the proposals will add to “<i>an existing huge problem</i>” of noise and pollution created by the tram diversions.</p> <p>Note the particular safety problem that suspension of a dedicated bay for handicapped use has already caused and are concerned about the impact on sleep of anticipated increased noise levels.</p> <p>Notes that the area (St Colme Street) is a World Heritage site and questions why the quality of life for residents should be of “<i>secondary concern</i>”. Notes that the infrastructure was never intended or equipped for the anticipated levels of traffic.</p>
56	TRO	<p>Concerned about the impact the one-way restriction and the HGV ban will have on neighbouring streets and urges that the Order be cancelled.</p> <p>Questions why the Council appear to favour protecting office environments to the detriment of residential areas.</p> <p>Concerned about potential damage to properties and notes the impact on personal health, referring to recent WHO pronouncements about links between diesel exhaust fumes and health, as reported in the Scotsman on 14 June 2012.</p>
57	TRO	<p>Objects on the grounds of the impact that diverted traffic will have on Great Stuart Street, noting that existing vibration and noise problems will get worse.</p> <p>Considers that there has been a total disregard for the needs of residents and that the street was never designed for HGVs, etc.</p> <p>Notes that the Council has a responsibility to protect the World Heritage site in its entirety.</p>
58	TRO/RSO	<p>Objects on the grounds that the measures will displace traffic onto the Moray Feu which would be “<i>polluted and choked with general traffic</i>”. Notes that Charlotte Square is predominantly office environment as opposed to the streets to the north which are largely residential.</p>

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		<p>Disputes that the measures will “<i>reconnect</i>” the Square, as claimed, and notes in particular that cyclists and pedestrians do not mix well.</p> <p>Questions the value of the cycle improvements.</p> <p>Supports the proposal to permit HGVs access to Princess Street from Queensferry Street.</p>
59	TRO	<p>Object on the grounds that the one-way system and the HGV ban will divert traffic through neighbouring areas and residential locations.</p> <p>Note that this will “<i>cause danger and inconvenience to people trying to cross the streets</i>” and will “<i>add to the damage to the environment</i>” which will “<i>damage ... the status of Edinburgh as a World Heritage Site</i>” which the Council “<i>has a specific duty of care to protect</i>”.</p> <p>Note concern about the impact on health generally and on personal health.</p>
60	TRO	<p>Notes that tram restrictions have already led to “<i>excessive traffic volumes</i>” through Randolph Crescent, Great Stuart Street, Ainslie Place and St Colme Street “<i>bringing noise and chemical pollution (particularly diesel fumes) into a residential area</i>” and objects to these proposals on the grounds that they will exacerbate that.</p> <p>References the recent WHO pronouncements about links between diesel exhaust fumes and health and notes that the Council must address the “<i>health issues related to this proposal</i>”.</p> <p>Questions why requests for weight and speed restrictions which were refused to residents in the above streets are now deemed appropriate for the Square.</p>
61	TRO/RSO	<p>Objects on the grounds that the weight restriction, the one-way system and the redetermination measures will displace traffic into adjacent residential streets including Randolph Crescent and Great Stuart Street. This will “<i>degrade the residential environment</i>”, “<i>damage the health of residents</i>” and “(reduce) <i>access to communal gardens</i>”.</p> <p>Notes that this will create the only unrestricted route for heavy vehicles across Edinburgh passing through “<i>exclusively residential areas</i>” and is “<i>seriously inappropriate, disruptive and unhealthy</i>”.</p>
62	TRO/RSO	<p>Objects strongly on the grounds that the measures will “<i>have a major impact on the roads around Moray Feu and also impact on public services</i>”.</p> <p>Suggests the proposals “<i>contravene all previous planning policies</i>” to reduce traffic through the residential New Town.</p> <p>Contests that Charlotte Square has always formed an essential part of the east-west, north-south hub in the West End and that these restrictions, on top of the Shandwick Place restrictions, will inevitably move more traffic onto surrounding residential streets leading to gridlock, increased air and noise pollution and reduced safety.</p>
63	TRO/RSO	<p>Objects on the grounds that the weight restriction and the one-way system will displace traffic into adjacent residential streets creating the only unrestricted route for heavy vehicles across Edinburgh passing through “<i>exclusively residential areas</i>”.</p> <p>This traffic will add to “<i>the general degradation of environment</i>”, to the “<i>denial of amenity</i>” including access to gardens, and will “<i>damage the health of residents</i>”.</p> <p>Very concerned about impact on family health and suggests that current</p>

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		monitoring of NO ₂ on building façades on Great Stuart Street show levels which are already 10% above EU permitted levels.
64	TRO/RSO	<p>Objects to the TROs on the grounds that they do not address the current HGV problems being experienced on Randolph Crescent, Great Stuart Street and Ainslie Place, particularly at night, and concerned that the proposed weight restriction will only add to that.</p> <p>Concedes that allowing non-HGV traffic through the Square is helpful but concerned that any future 20mph limit will undermine that.</p> <p>Refers to a recent WHO report which identifies diesel fumes as carcinogenic and questions how in the light of that there is any justification for diverting traffic from a largely non-residential area to a residential area.</p> <p>Asks that serious consideration be given to routing overnight HGVs through Shandwick Place/Princes Street and to introducing a 20mph restriction in the residential areas, suggesting that cameras or suchlike methods could be used for enforcement purposes.</p> <p>Objects to the RSOs on the grounds that the “<i>permanent reconstruction</i>” of the Square would prevent any future transport plans from being implemented and questions if public bus services have been adequately considered.</p> <p>Appreciates that there would be benefits to Charlotte Square but very concerned that the Moray Feu must pay the price for that.</p>
65	TRO/RSO	Objects on the grounds that the HGV ban will encourage HGVs to use residential streets, increasing noise and pollution to the detriment of the lives of residents.
66	TRO/RSO	<p>Objects on the grounds that the measures will force traffic, particularly HGVs, onto surrounding residential streets to the detriment of those living there.</p> <p>Is very concerned that this diverted traffic will lead to increased noise, vibration and pollution and notes that personal health has already suffered as a result of current temporary diversions.</p> <p>Appreciates the benefits to Charlotte Square but notes that surrounding streets hold equal World Heritage status.</p>
67	TRO	<p>Notes that tram-related works have already led to increased traffic through Great Stuart Street and Randolph Crescent, with consequent detrimental impact, and objects on the grounds that the Charlotte Square proposals, particularly the one-way system and the HGV ban, will exacerbate that.</p> <p>Is particularly concerned that more HGVs will make crossing roads difficult, particularly for the disabled, and suggests that more needs to be done to discourage commercial traffic from using the city centre generally. This traffic should use the ring roads.</p>
68	TRO	<p>Objects on the grounds that the measures bring no advantage to Edinburgh citizens but add to the destruction of the New Town and that they will only lead to further east-west and north-south congestion, with consequential detrimental impact on health and safety across the city centre.</p> <p>Concerned for the safety of inhabitants and buildings and notes that current problems created by concentrating HGVs on the Randolph Crescent – Queen Street route will only be exacerbated.</p> <p>Concerned about pedestrian safety generally and notes that there have already been problems with falling masonry.</p>
69	TRO	Objects on the grounds that the Randolph Crescent – St Colme Street route will be subject to increased volumes of HGVs which will “ <i>downgrade the</i>

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		<p><i>livability in what is essentially a residential area</i>".</p> <p>Very concerned about the long-term effects of associated exhaust pollution on public health and refers to a recent WHO report which identifies diesel fumes as "<i>carcinogenic to humans</i>".</p>
70	TRO/RSO	<p>Objects on the grounds that the measures will displace traffic onto World Heritage Site residential, cobbled roads which "<i>are not suitable for HGVs or a constant flow of traffic</i>".</p> <p>Refers to a recent WHO report which identifies diesel fumes as carcinogenic and is concerned about the potential impact on the public, citing two primary schools on Stockbridge as examples of particular concern.</p> <p>Notes that this sort of traffic is disinclined to use the ring route and that the "<i>nightmare</i>" problems that the tram project has already generated will only be exacerbated by this proposal.</p>
71	TRO	<p>Objects strongly on the grounds of the effect the proposals will have on the residential Moray Feu and notes that the already serious concerns about increased noise, vibration and pollution levels in the Feu brought about by the tram project will only be exacerbated by these proposals.</p> <p>Is particularly concerned about the proposed weight restriction and urges the Council to extend that to include the Moray Feu.</p> <p>Questions whether the needs and well-being of the people who live and work in the "<i>historically important and largely residential area north of Charlotte Square</i>" have been given serious consideration.</p>
72	RSO	<p>Objects strongly on the grounds of the effect the proposals will have on the residential Moray Feu and notes that the already serious concerns about increased noise, vibration and pollution levels in the Feu brought about by the tram project will only be exacerbated by these proposals.</p> <p>Questions whether the needs and well-being of the people who live and work in the "<i>historically important and largely residential area north of Charlotte Square</i>" have been given serious consideration.</p>
73	TRO	<p>Objects on the grounds that the one-way system and weight restriction will effectively divert traffic through adjacent residential areas creating in the process the only unrestricted route for HGVs across Edinburgh to pass through residential areas including St Colme Street, Great Stuart Street and Randolph Crescent.</p> <p>Considers that the measures will "<i>severely degrade the residential environment and damage the health of residents</i>".</p>
74	TRO	<p>Objects on the grounds that the proposals will displace traffic into surrounding residential areas increasing noise and pollution levels in the process.</p> <p>Notes that Great Stuart Street is already adversely affected by tram diversions and these proposals will only exacerbate that, particularly in regard to HGVs.</p> <p>Very concerned about the impact of the proposals on a world heritage site and questions if environmental, health or safety impact assessments have been undertaken.</p>
75	TRO/RSO	<p>Objects on the grounds that Randolph Crescent and Great Stuart Street are already adversely impacted by tram-related diversions and notes that these proposals will only exacerbate that situation by increasing traffic.</p>
76	TRO/RSO	<p>Very concerned that the proposals will route further traffic, including HGVs, from a commercial area through a residential district, bringing with it increased noise and air pollution.</p>

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		Concerned about impact on personal health and suggests that measures may force a relocation from their current basement flat after 50 years living there.
77	TRO	Objects on the grounds that the proposals will result in increased traffic in the heavily residential Moray Feu, with consequential noise and pollution and attendant health risks. Traffic should preferably be concentrated in non-residential areas.
78	TRO	Objects on the grounds that the heritage site and residential areas have been adversely affected by previous plans and these proposals will exacerbate that situation. Recommends that the Council review policy and examine how other cities manage shared spaces, citing the Hague as an example.
79	TRO	Objects on the grounds that residential areas have already been adversely impacted by tram-related diversions and these proposals will exacerbate that situation by diverting yet more HGVs. Requests names of elected Members who support and represent these views.
80	TRO	Objects on the grounds that the measures will lead to a “ <i>significant amount of rat runs being created in and around Moray Place.</i> ”
81	TRO	Notes that the residential areas are already adversely affected by tram-related diversions and objects on the grounds that these proposals will exacerbate that. Very concerned about impact on health of young family and on all residents in the area and asks that measures be adopted to move traffic away from residential homes and “ <i>focus on restoring the air quality to previous, if not EU safe, levels.</i> ”
82	TRO	Objects on the grounds that the measures, particularly the weight restriction, will force traffic to rat-run on primarily residential streets which were never designed to accommodate such traffic and would therefore be “ <i>more unsafe.</i> ” Notes a view that any changes to road surfaces to address this which involved replacement of setts “ <i>would be illegal.</i> ” Considers that the areas affected are “ <i>housing estates</i> ” and as such they should be protected from intrusive traffic and also notes that the area is as much part of the World Heritage Site as Charlotte Square. Notes concern that future tram-related plans for restrictions on York Place will exacerbate the situation.
83	TRO/RSO	Objects on the grounds that the proposals will force more traffic through Randolph Crescent making an already bad situation worse. Cites two personal near-miss incidents involving mother and baby as examples of existing problems with speeding vehicles and HGVs. Questions why a 20 mph limit and restriction of HGVs are deemed fit for the “ <i>predominantly commercial</i> ” Charlotte Square but not for adjacent “ <i>largely residential</i> ” streets and notes intention to resort to FOI request if a satisfactory answer is not forthcoming.
84	TRO/RSO	Objects to the TRO on the grounds that the weight restriction will render the Square an “ <i>access only</i> ” area with the result that traffic will use the “ <i>mainly residential</i> ” Randolph Crescent – Great Stuart Street – Ainslie Place route with consequential increases in noise and pollution. Questions why this facility was previously denied to the residential streets which have similar architectural quality and status. Objects to the RSO on the grounds that the reduction in carriageway width will have the same impact as the TRO with the same negative impact on the same residential streets.

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85	TRO/RSO	<p>Objects on the grounds that the proposals will cause traffic to reroute through residential Randolph Crescent and Great Stuart Street with consequential negative impact, exacerbating an already untenable situation in an area where safety and health of residents is “<i>already severely impaired</i>”.</p> <p>Questions what steps the Council are taken to meet their duty to protect the New Town as “<i>a viable place to live as well as work</i>”.</p> <p>Cites a number of near-misses with speeding cars and HGVs and notes that respiratory problems have already increased on the back of the Shandwick Place closure.</p>
86	TRO	<p>Objects on the grounds that the measures will divert heavy traffic into the new town which is as important as Charlotte Square and which they do not wish to see “<i>disfigured with heavy traffic</i>”.</p>
87	TRO/RSO	<p>Objects on the grounds that the measures will increase traffic in Great Stuart Street and the Moray Feu generally which are already “<i>disfigured</i>” by heavy, often speeding, traffic.</p> <p>Notes that these streets are of equal importance to the Square in architectural terms and notes the irony in promoting a weight restriction for the Square when having previously refused the same facility for the residential streets.</p> <p>Questions the sense of locating a cycle lane on the inside of the Square rather than the outside and suggests that should be reconsidered.</p> <p>Notes a general lack of confidence in the Council’s traffic management planning abilities.</p>
88	RSO	<p>Objects on the grounds that the measures will result in further congestion, displacing traffic and pollution to adjacent residential streets. Suggests that alternative solutions which force traffic into commercial/non-residential areas should be sought.</p> <p>Already holds serious concerns about air and noise pollution and road safety which the Council has a duty to “<i>respect and address</i>”.</p>
89	TRO	<p>Object on the grounds that the measures will lead to increased traffic, particularly HGVs, on Great Stuart Street.</p> <p>Accuse the Council of “<i>deliberately</i>” moving traffic from commercial to residential areas with consequential detriment to the quality of life in the New Town and making the streets unsafe for young and old.</p> <p>Note that the measures will exacerbate problems already created by the tram project including increased noise, pollution, damage to property, loss of general amenity of gardens, all of which are considered to be a “<i>dereliction of the Council’s duty to protect (the) World Heritage Site</i>”.</p>
90	TRO	<p>Objects to one-way restriction and the weight restriction on the grounds that they will divert traffic into adjacent residential areas such as Great Stuart Street and Randolph Crescent. Concerned about the environmental and health implications of that.</p>
91	TRO	<p>Objects on the grounds that the HGV ban will encourage large vehicles to use residential streets increasing the impact of noise and pollution on the “<i>well-being, lives and health of people in Edinburgh</i>”.</p>
92	RSO	<p>Objects to the proposed road narrowing on the grounds that the ensuing traffic congestion will force traffic, particularly large vehicles, into residential streets where the resulting noise and pollution will have a “<i>much larger impact on the lives and health of people in Edinburgh</i>”.</p> <p>Notes also the safety implications and concerned about the general degradation to the environment and denial of amenity.</p>

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		Notes that this will only add to problems already created by the tram project, all within a World Heritage Site which the Council “ <i>have a specific duty of care towards</i> ”.
93	RSO	Objects to the proposed road narrowing on the grounds that it will cause congestion and force traffic, especially large vehicles, into residential streets where increased noise and pollution will “ <i>impact on the lives and health of people in Edinburgh</i> ”.
94	TRO	Objects to the HGV ban on the grounds that it will encourage large vehicles into residential streets where increased noise and pollution will “ <i>impact on the lives and health of people in Edinburgh</i> ”.
95	TRO	Objects to the proposals on the grounds of the impact on the area north of Queen Street which “ <i>houses a large resident population</i> ”, noting the detrimental effect on air quality and noise levels, in particular. Suggests a Public Inquiry is required to “ <i>examine the impact ... to residents</i> ” and notes the existing impact of the Shandwick Place restrictions and the “ <i>impending threat</i> ” of tram works on York Place.
96	TRO	Object on the grounds that the measures will restrict traffic on Charlotte Square and divert traffic through residential streets. Note that the weight restriction will also divert heavy traffic onto residential areas, particularly Great Stuart Street and Randolph Crescent. This displaced traffic will “ <i>increase pollution, noise, vibration damage, etc.</i> ” and “ <i>cause danger and inconvenience to cyclists and pedestrians</i> ”. Suggest that steps need to be taken to reduce city centre traffic “ <i>substantially</i> ”.
97	TRO	Objects on the grounds that the consequential displacement of traffic onto surrounding streets will “ <i>further destroy the environment and bring increasing pollution to the neighbourhood</i> ”. Very concerned that the health impact for adults and children will be “ <i>immense</i> ” and notes the increased noise heavy traffic will bring, day and night. Feels sure that this is not what the Council intends to impose on the public.
98	TRO	Objects to this and any other plan which “ <i>involves moving traffic into residential streets permanently</i> ”. Considers that the city is already an unwelcoming “ <i>maze of one-way systems and anti-car hysteria promoted by the Council</i> ”.
99	TRO/RSO	Objects on the grounds that the direct effect of restricting traffic on Charlotte Square, particularly HGVs, will be to increase traffic in West End residential areas. Notes that the Square is almost entirely commercial and does not suffer the same from HGVs as the residential areas. Questions the long-term effect of these proposals on the surrounding area noting that the environment will certainly be detrimentally affected. Considers that a review of traffic routing throughout the West End is required, rather than adopting such a “ <i>piecemeal</i> ” approach. Notes that the Council have previously given commitments to do this once the tram project is completed, so suggests that having given that commitment the Charlotte Square proposals are therefore premature.

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100	TRO/RSO	Objects to the “ <i>narrowing of the roads</i> ” and to the HGV ban on the grounds that they will increase congestion on surrounding residential streets resulting in increased pollution which will impact on health and well-being; increased noise, particularly from HGVs; degradation of the local environment and denial of amenity; increased danger and inconvenience to pedestrians; and a general detrimental effect on a World Heritage Site “ <i>for which the Council has a specific duty of care</i> ”.
101	TRO/RSO	Objects to the measures, including the HGV restriction, on the grounds that they will force traffic into the “ <i>less-suitable surrounding residential area</i> ”. Notes that this has already been demonstrated by the tram works and notes also that this will cause further congestion which will impact, in turn, on other areas of the city. Concerned that increased noise and pollution will lower the quality of life of local residents “ <i>significantly</i> ” and that vibrations caused by HGVs will damage World Heritage Site buildings. Notes in particular the impact reduced air quality will have on enjoyment of communal gardens facilities. Notes that the Council has a duty to protect conservation areas and considers these measures to be a “ <i>direct violation</i> ” of that principle.
102	TRO/RSO	Objects on the grounds that an already bad situation created by the tram works will only get worse as a consequence of these proposals which “ <i>block off major non-residential arterial routes leaving only fully residential roads to take the strain</i> ”. Contests that “ <i>traffic pollution is being transferred to residential areas</i> ” and finds it intolerable that the Edinburgh administration can repeatedly sanction such actions. Notes in particular the impact increased pollution, both air and noise, has on personal health, particularly where basement properties are involved. Better consultation is required “ <i>to safeguard the health and well-being of Edinburgh residents</i> ”.
103	TRO/RSO	Questions the thinking behind projects which repeatedly seek to “ <i>keep traffic out of this (Charlotte Square) mainly commercial area</i> ”. Notes particular concern for three children and asks to see “ <i>all correspondence between the business of Charlotte Square and Edinburgh Council</i> ” relating to the proposals, noting that an FOI request will be forthcoming if this request is not met.
104		Historic Scotland note their support for and previous involvement in development of the plan. They comment on some aspects of the proposals and seek clarification on a number of points.
105		Cable & Wireless write to seek assurances that they will continue to be able to maintain any apparatus affected by the proposals.
106		Virgin Media write to seek a Wayleave Agreement to allow them to continue to maintain any apparatus affected by the proposals.

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DUTY UNDER SECTION 122 OF THE ROAD TRAFFIC REGULATION ACT 1984

Section 122 of the Road Traffic Regulation Act 1984 states:

122 Exercise of functions by local authorities.

- (1) *It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland the road.*
- (2) *The matters referred to in subsection (1) above as being specified in this subsection are—*
- (a) *the desirability of securing and maintaining reasonable access to premises;*
 - (b) *the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
 - (bb) *the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
 - (c) *the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
 - (d) *any other matters appearing to the local authority to be relevant.*

In the context of the Charlotte Square Public Realm proposals, officials consider that compliance with the general duties identified in Section 122 can be demonstrated by reference to the various processes involved, namely:

▫ **Consultation**

Consultation is undertaken at all stages of the design process to establish stakeholder requirements and seek to address those needs, or to strike what is considered to be an appropriate balance in meeting what are often conflicting needs.

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Consultation is then undertaken for the promotion of the necessary Traffic Regulation Orders and Redetermination Orders (the subject of this report) and again the process seeks to tease out stakeholder concerns and look to address them, or again strike what is considered to be an appropriate balance.

▫ **Traffic modelling**

Traffic modelling is undertaken to assess the impact of the scheme and test options designed to address stakeholder issues.

▫ **Design checks**

While the scheme does not require Road Construction Consent (RCC) the Planning Consent Decision Notice stipulated that “*RCC procedures (should) be followed in respect of detailed design and construction.*”

The design is discussed and checked throughout the process, i.e. at outline design stage, detailed design stage and on modifications to the design undertaken as a consequence of consultation. As noted above, traffic modelling is undertaken at appropriate stages to inform that design process.

Not only does this ensure that the final design must meet the approval of the Roads Authority but the process also requires Road Safety Audits to be undertaken, by an independent auditor, at prescribed stages of the design process.

That process ensures that the final design will “... *secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off ... the road.*”

▫ **Monitoring**

Air quality monitoring on the Randolph Crescent to St Colme Street route is established and ongoing. Again this helps inform the process.

In addressing those general duties, sub-section 122(1) of the 1984 Act requires that an authority must have regard to all of the “*specified matters*” identified in it. These specified matters are wide-ranging and include “*the effect on the amenities of any locality affected*” and “*any other matters appearing to the local authority to be relevant*”.

Officials consider that the checks and balances adopted throughout the development of the project, particularly the traffic modelling, and the subsequent and ongoing air quality monitoring address those specific requirements.

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PRECAUTIONARY PRINCIPLE

The European Commission (EC) issued a Communication on the precautionary principle on 2 February 2000 in which it adopted a procedure for the application of the concept. The Commission sought to clarify the European Community's position in relation to the principle, which it noted was gaining increased international attention, and concluded that the communication should serve as "*guidance for applying the precautionary principle*".

The EC communication did not give a detailed definition of the principle but there are a number of general guides to its applications. For instance, the paper "*The Precautionary Principle: Policy and Application*" published by the UK Health and Safety Executive (HSE) notes:

"There is no universally accepted definition of the precautionary principle. The Sustainable Development White Paper set out the Government's commitment to use the precautionary principle by reference to the 1992 Rio Declaration on Environment and Development:

'Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing cost effective measures to prevent environmental degradation.'

Since 'Rio', however, the UK has signed a number of international agreements which include different formulations of the precautionary principle, reflecting the context and negotiating circumstances.

Although the precautionary principle was originally framed in the context of preventing environmental harm, it is now widely accepted as applying broadly where there is threat of harm to human, animal or plant health, as well as in situations where there is a threat of environmental damage.

However, the definition is only a starting point. Policy guidelines are needed to indicate when, for example, the precautionary principle should be invoked, how a risk-based approach can continue to be followed when the scientific uncertainty is such that conventional risk assessment cannot in itself determine the level of risk, and how decisions should be made on appropriate precautionary measures."

Application of the principle is essentially an aid to risk assessment and it is intended, as the HSE report further notes, "*to create an impetus to take a decision notwithstanding scientific uncertainty about the nature and extent of the risk, i.e. to avoid 'paralysis by analysis' by removing excuses for inaction on the grounds of scientific uncertainty*".

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In other words the principle is advising that where there is doubt about the impact of a project, through lack of verified data or whatever, the promoter of that project should err on the side of caution.

On that basis, officials hold the view that the principle is addressed in the context of the Charlotte Square project, in that sufficient data is available to allow a good understanding of the potential impact of the project to be established.

Specifically the traffic modelling noted in the report shows that the impact of the modified public realm scheme on the wider road network is virtually eliminated. Meanwhile, the 2011 Air Quality Progress Report to Council confirmed that NO2 levels on Great Stuart Street and St Colme Street fall below the annual mean concentration upper-limit objective, as set by the Air Quality (Scotland) Regulations 2000. By maintaining existing levels of traffic, as the traffic modelling indicates will be the case, officials would not expect that situation to change.

It should also be noted that a contract is about to be let to introduce improved pedestrian crossing facilities on Great Stuart Street, by way of addressing road safety concerns.

In broader terms, the Council considers that European and UK legislation, regulations and policies are developed with the principle in mind — the Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984 are cases in point, as 2.21 to 2.22 in the report demonstrate. So the Council are of the view that compliance with the legislation and the policies that the principle informs, implies and assures observance of the principle.