

Transport and Environment Committee

10.00am, Tuesday, 13 January 2015

Leith Walk (Pilrig Street to Duke Street) – Public Hearing of Objections to Traffic Regulation Order

Item number	7.8
Report number	
Executive/routine	Executive
Wards	12 - Leith Walk 13 - Leith

Executive summary

The Leith Programme consists of approximately £9 million of road, footway and cycle improvements along the whole length of Leith Walk, which will transform the nature and operation of these streets.

In order to facilitate the changes on Leith Walk between Pilrig Street and Duke Street, a Traffic Regulation Order was advertised in November 2013.

Objections to this Order were reported to the Committee on 18 March 2014 and four of these were referred to a public hearing, which was held in September 2014. This report informs the Committee of the Reporter's recommendation in relation to the Traffic Regulation Order, and seeks approval to comply with this recommendation.

Links

Coalition pledges	P44 , P45
Council outcomes	CO19 , CO22
Single Outcome Agreement	SO4

Leith Walk (Pilrig Street to Duke Street) – Public Hearing of Objections to Traffic Regulation Order

Recommendations

- 1.1 It is recommended that the Committee accepts the Reporter's recommendation and gives approval to make the Traffic Regulation Order.

Background

- 2.1 The Leith Programme consists of approximately £9 million of road, footway and cycle improvements along the whole length of Leith Walk, which will transform the nature and operation of these streets. The programme is being delivered in a number of phases in financial years 2013/14, 2014/15 and 2015/16.
- 2.2 Works to Constitution Street were completed in November 2013. The next phase of the programme being implemented is the section of Leith Walk between Pilrig Street and Duke Street.
- 2.3 A Traffic Regulation Order for this second phase (TRO/13/51) was advertised in November 2013. Objections to this Order were reported to the Transport and Environment Committee on 18 March 2014. Committee gave its approval to:
- make the Order in part, omitting three localised areas;
 - refer two of these areas to a public hearing; and
 - initiate a new Traffic Regulation Order process for the third area.
- 2.4 The two areas of Leith Walk for which a public hearing was required were:
- just north of Pilrig Street; and
 - between Jane Street and Casselbank Street
- There were four unresolved objections relating to these two areas.
- 2.5 The Committee referred these remaining objections to the Scottish Government's Directorate for Planning and Environmental Appeals for a public hearing.

- 2.6 Ms Frances McChlery, BA (Hons) LLB LARTPI, was appointed from the list of independent Reporters maintained by the Scottish Government's Directorate for Planning and Environmental Appeals to conduct a Public Hearing of the objections to the Order.
- 2.7 This report informs the Committee of the Reporter's recommendation in relation to the Traffic Regulation Order.
- 2.8 A report on the new Traffic Regulation Order process for the third area of Leith Walk was considered by Committee on 28 October 2014. Committee gave its approval to make this new Order.

Main report

- 3.1 The Reporter reviewed all relevant documents, including the four objections, and held a one-day hearing on 1 September 2014. The hearing was conducted as an informal discussion, and this was followed by an accompanied site visit the following morning.
- 3.2 The objectors were advised that they could choose to be heard at the public hearing (in person or represented by another person), or could rest on their original objection. Three of the four objectors elected to attend and be heard at the hearing. The objectors were also entitled to provide Written Statements to the Reporter prior to the hearing, although none chose to do so. The four objections, as originally submitted, are appended to this report.
- 3.3 The Council submitted a Written Statement prior to the hearing summarising its case, which is also appended to this report. The appendices of the Written Statement are available as background papers. The Council was represented at the hearing by officials from the Council's Leith Programme project team, supported by a representative of CMS Cameron McKenna LLP.
- 3.4 The hearing was held at McDonald Road Library, Edinburgh. A site visit to the two areas of Leith Walk under consideration was undertaken the morning after the hearing.

The Reporter's Conclusions

- 3.5 The Reporter appreciated that changes to parking and loading provision are required to deliver the improvements on Leith Walk. She noted that the Council appreciates it is essential for residents and businesses to have access to parking and loading facilities, and has sought to retain these at the most suitable locations.

- 3.6 For the section just north of Pilrig Street, the Reporter supported the Council's view that it is not reasonable to provide a short length of double red lines outside the premises of the objector. She noted that this would introduce an anomaly into the new regime on Leith Walk, where one of the objectives of the improvements is to bring consistency, and that the use of any double red lines for loading or unloading would be illegal.
- 3.7 The Reporter also recognised that by moving the new loading bay closer to the business, the Council is doing what it reasonably can to help make use of the access for loading and unloading.
- 3.8 For the section between Jane Street and Casselbank Street, the Reporter noted that the Council has done what it can to accommodate local businesses, and believed that the proposals offered adequate parking and loading provision, even if the recent ability to park for long periods will end. It was recognised that there was an equitable balance between all of the shops and that the Council has done what it can by increasing overall loading and parking provision within the proposals.
- 3.9 She also noted that the increased turnover of parking spaces which will result from the new layout may, in fact, be of assistance to customers of the businesses on this section of Leith Walk.

The Reporter's Recommendation

- 3.10 Following detailed consideration of the objections received, the Reporter found that these should not be sustained, and recommended that the Council goes forward to confirm the Traffic Regulation Order.

Measures of success

- 4.1 The measure of success for the Leith Programme will be an improved, more attractive environment along the Leith Walk and Constitution Street corridors, particularly for pedestrians and cyclists.

Financial impact

- 5.1 The costs associated with the public hearing are estimated at approximately £15,000.
- 5.2 The changes proposed by the Traffic Regulation Order will be carried out under the current contract for the Leith Programme Phase 2 improvements. The value of this contract is approximately £1.6 million. These costs are being met from funding allocated to the Leith Programme within the Services for Communities Capital Investment Programme. The Leith Programme has also received a significant external funding award from the Scottish Government.

Risk, policy, compliance and governance impact

- 6.1 There are not expected to be any risk, governance, compliance or regulatory implications arising from the proposals set out in this report.
- 6.2 Any person has the right to appeal to the Court of Session on the validity of, or any of the provisions contained in, specified Traffic Regulation Orders. Appeals submitted to the Court of Session, by means provided in the Roads Traffic Regulation Act 1984, must be received within six weeks from the date on which the Order is made. Possible grounds of challenge are:
- that the Order is not within the relevant powers; and
 - that any of the relevant requirements has not been complied with in relation to the Order.

Equalities impact

- 7.1 An Equalities and Rights Impact Assessment (ERIA) for the full Leith Programme commenced during the consultation stage of the scheme and will be in effect throughout the delivery of the project.

Sustainability impact

- 8.1 The impacts of the Leith Programme proposals in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered and the outcomes are summarised below.
- 8.2 The Leith Programme proposals will reduce carbon emissions by contributing towards the core objectives of the Council's Active Travel Action Plan to increase the number of people walking and cycling in Edinburgh.
- 8.3 The proposals will increase the city's resilience to climate change impacts by providing more opportunities for sustainable travel through improvements to walking and cycling infrastructure on Leith Walk.
- 8.4 The proposals will help achieve a sustainable Edinburgh by delivering environmental improvements which will benefit all users of Leith Walk.

Consultation and engagement

- 9.1 Consultation for the Traffic Regulation Order was carried out between 29 November 2013 and 6 January 2014 as part of the statutory process. This gave any interested parties the opportunity to submit formally any comments or objections. Objections to this Order were reported to Committee on 28 March 2014.

- 9.2 Four unresolved objections were then referred to a Public Hearing. The objectors were given the opportunity to be heard by an independent Reporter on 1 September 2014.
- 9.3 A copy of the Reporters report on the Traffic Regulation Order has been sent to all objectors. Objectors will also be notified of the Committee's decision.
- 9.4 As part of the wider Leith Programme, extensive consultation has been undertaken for the project with a wide range of stakeholders. A dedicated webpage has been set up and provides regular updates on the proposals. Neighbourhood Partnerships, local Members, Community Councils, cycling organisations, Lothian Buses and other community groups were all consulted on the wider proposals.
- 9.5 In addition, monthly Key Stakeholder Group meetings are ongoing, and the Elected Member Oversight Group also meets at key stages of the project.
- 9.6 Local ward members have been consulted on the contents of this report and no issues have been raised.

Background reading/external references

Appendix 1 - Reporter's report on the public hearing of objections to the Traffic Regulation Order

Appendix 2 - Objections referred to public hearing

Appendix 3 – The City of Edinburgh Council's Written Statement

John Bury

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Links

Coalition pledges	P44 – Prioritise keeping our streets clean and attractive P45 – Spend 5% of the transport budget on provision for cyclists
Council outcomes	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 CO22 – Moving Efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible.
Single Outcome Agreement	SO4 – Edinburgh’s communities are safer and have improved physical and social fabric
Appendices	Appendix 1 – Reporter’s report on the public hearing of objections to the Traffic Regulation Order Appendix 2 – Objections referred to the public hearing Appendix 3 – The City of Edinburgh Council’s Written Statement

Directorate for Planning and Environmental Appeals

Road Traffic Regulation (Scotland) Act 1984 Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

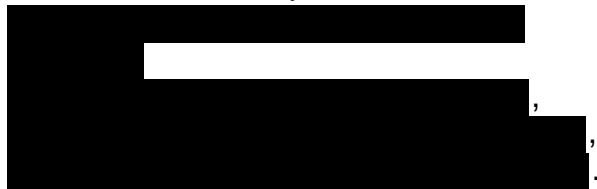


Report to the City of Edinburgh Council

THE CITY OF EDINBURGH COUNCIL (MOTOR CYCLE PARKING PLACES, EDINBURGH) AND (VARIOUS STREETS, EDINBURGH) (PEDAL CYCLE PARKING PLACES) AND (DISABLED PARKING PLACES) AND (GREENWAYS) (VARIATION) ORDER 2014 (Deferred Measures)

- Case references
- Case type
- Reporter
- Objectors

DPEA reference TRO-230-1;
CEC reference TRO/13/51
Local Authority Traffic Regulation Order
Frances M McChlery



- Date of authority decision to make order
- Date case received by DPEA
- Method of consideration and date
- Date of report
- Reporter's recommendation

18 March 2014

15 April 2014

Hearing and site visit 1 and 2 September 2014

14 October 2014

That the order be made as proposed.



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5.1 Issues common to the objections

5.2 [REDACTED] Leith Walk

5.3 [REDACTED] Leith Walk

5.4 [REDACTED], [REDACTED] Leith Walk

5.5 [REDACTED] Leith Walk

Section 6: Recommendations

Section 1. Introduction.

1.1 The traffic regulation order measures which are under consideration are part of the implementation of a Council project entitled the Leith Programme, described more fully in Section 3 below, which is a scheme for the comprehensive reinstatement, regeneration and traffic management of Leith Walk, Edinburgh and some related streets.

1.2 As an essential element of the objectives of the Leith Programme, during 2013 the Council prepared the traffic regulation order entitled:

The City of Edinburgh Council (Motor Cycle Parking Places, Edinburgh) and (Various Streets, Edinburgh) (Pedal Cycling Parking Places) and (Disabled Parking Places) and (Greenways) (Variation) Order 2014 (Council reference TRO/13/51) (referred to in this report as 'the order').

This provides for the comprehensive traffic management of Leith Walk, including provision for pedestrian crossing, bus lanes, and other measures, including parking and loading provision and restrictions.

1.3 This order was publicised in accordance with the regulations, including advertisement, between 29 November 2013 and 6 January 2014. The Council received a number of representations, including objections, and letters of support, and two petitions. The Council identified that four of the objections required to be considered at a public hearing in terms of the Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 ('The Regulations'). However, the Council also considered that they could make a decision on the implications of the other objections without requiring to refer them to a hearing. Accordingly, as they are empowered to do by Regulation 18, the Council decided to make the Order, but only in part, allowing work to start on those elements of the Leith Programme works which were not the subject of the outstanding objections. In fact, work is currently under way.

1.4 As the Regulations provide, the Council deferred their decision on the elements of the order which may be affected by the concerns in the four objections until a hearing had been held and the outcome known. These elements are described by the Council as the 'deferred measures' and are so referred to in this report. The deferred measures for the purposes of this report include the Council's intended changes to the original order measures which have been prepared in response to the maintained objections. These changes have been intimated to each objector.

1.5 The objections concern provision of parking for loading and unloading, the position of bus stops, changes to a private access, and adequacy of parking provision. The objections are all location specific, and relate to the section of Leith Walk north of Pilrig Street, and between Jane Street and Casselbank Street. The revised proposals have been put to the objectors, but they have not withdrawn their objections.

1.6 The Council's original proposals, the deferred measures including any adjusted proposals, the objections as originally framed, and the objectors' positions thereafter were investigated in a public hearing and are considered in this report.

Section 2. Legal framework

2.1 A traffic authority, such as the Council, may make a traffic regulation order under Section 1 of the Road Traffic Regulation Act 1984 (the Act) where it appears to the authority that it is expedient to make it, on the basis of a number of possible reasons for so doing. The reasons which are most relevant here include:-

- for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), (S1 (c)); or
- for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property (S1 (d)); or
- for preserving or improving the amenities of the area through which the road runs (S1(f)).

2.2 These are to be understood against the wider requirements and powers defined in Section 122 of the Act, which imposes the general duty on the authority to exercise their functions 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, so far as practicable, having regard to matters specified in subsection (2) namely:

- The desirability of securing and maintaining reasonable access to premises;
- The effect on the amenities of the locality affected;
- The strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- 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;
- Any other matters appearing to... the local authority... to be relevant.

2.3 My function in preparing this report is to assess whether the making of the deferred measures order is expedient in the circumstances. This entails balancing any public benefit which is expected to arise from the proposals made by the Council against the impact they may have on the objectors' circumstances.

Section 3. Leith Walk and the Leith Walk Programme

3.1 Leith Walk

3.1.1 Leith Walk is one of the great mercantile boulevards of Edinburgh, and arguably, of urban Scotland. It once linked the city centre of Edinburgh with the docklands, shipyards and commercial centre of Leith. Today the road is an important arterial route between the defined City Centre at the south end of the Walk, and Leith and Edinburgh Waterfront (as it is referred to in planning terms) to the north. Leith and Edinburgh Waterfront is an important growth and development target area for the city. The road is the A 900 in the national hierarchy. It was described by the Council as relatively lightly trafficked for its status, but

This culminated in a root and branch review of the tram project during 2011, which in turn led to the decision in September 2011 that the extension of the tram lines down Leith Walk could not be proceeded with as part of the current project.

3.1.8 At the hearing, the Council representatives were quite candid about the effect of this disruption on traffic regulation, and the fabric of the streetscape on Leith Walk. Pavements, street surfaces and street furniture had become damaged, haphazard and generally battered, systematic repair being impossible while the tram works were going on. Road markings had been impossible to renew throughout the period and had suffered badly from the works all over the road surface from the top to the bottom of the Walk. Any kind of rigorous enforcement of parking restrictions had been impossible for sometime. Traffic regulation orders had been suspended or modified during the tram works period. To all intents and purposes Leith Walk has had no systematically enforced parking restrictions during the period of the tram works.

3.1.9 Shortly after the decision was made in September 2011 to cancel the tram lines planned for the Walk, the Council instigated a remediation programme for the streetscape and environment of Leith Walk, which was to become the 'Leith Programme.'

3.2 The Leith Programme.

3.2.1 In explaining the origins of their commitment to what eventually became the Leith Programme, their dialogue with local residents and the objectors themselves, and to illustrate the complexity of the background, the Council has usefully introduced the concepts of:-

- 'pre-tram measures', which means the streetscape and road traffic control measures prior to the tram works along Leith Walk, and therefore familiar to residents and businesses over a long period;
- 'interim tram measures', which were such arrangements as the Council could make during tram works related disruption;
- 'current measures', which are essentially the rest of the new traffic regulation regime, as originally intended by the Council, and provided for in the original order in line with the Leith Programme street design works, which were considered not to be affected by the objections and so now are in hand; and finally
- 'deferred measures', which are those measures deferred from the order until the objections have been considered.

These different traffic management regimes should be borne in mind when seeking to understand the objector's concerns and the Council responses, and they are relevant to understanding the thinking behind the Leith Programme and the consequential traffic regulation orders.

3.2.2 Shortly after the decision to reduce the routes of the tramlines, with there being no immediate prospect of the trams coming down Leith Walk, the Council approved a report in November 2011 on remediation and reinstatement works for Leith Walk and Constitution Street. The report proposed a local consultation on a project to resurface some sections of road and footway, carry out localised repairs and generally return the two streets to their pre-tram works configuration. £3.2 million of funding was allocated to these works from the Council's Capital Roads Maintenance Programme.

3.2.3 As approved, an extensive consultation exercise about the roads service proposals then took place during 2012. Throughout the development of the Leith Programme there has been a strong commitment by the Council both at political and officer level to achieve real and productive engagement with the affected people and businesses.

3.2.4 In response to the outcome of this work the Council decided that a more comprehensive programme of works than had been originally considered was needed. This enhanced plan was to include resurfacing the whole road and repairing damaged or mismatched sections of footway. Improved provision for cyclists, environmental improvements and other minor improvements to the pre-tram works configuration were also proposed. On 31 July 2012, the Finance and Resources Committee approved an additional £2.3 million of funding for this expanded programme, bringing the total overall funding available to £5.5 million.

3.2.5 Again, a major public and stakeholder consultation and engagement process was launched between November 2012 and January 2013 on a preliminary design based on this increased funding package. This included focus groups, an online survey that generated 482 responses, on-street surveys and a community drop in event. Detailed submissions were also received from a number of local stakeholder organisations. The process demonstrated that there was a strong desire within the local community for the Council to pursue an even more ambitious programme that would make significant changes to the layout and operation of Leith Walk. In particular, there was a wish to balance better the needs of all road users by significantly improving facilities for pedestrians and cyclists.

3.2.6 In response to this, the Council decided to move forward with their design, but seek additional funding for with an enhanced urban design solution for Leith Walk. In September 2013 the Scottish Government made available an additional £3.6 million of funding to fund improvements to facilities for cyclists, bringing the total funding available for what was now entitled the Leith Programme to £9.1 million.

3.2.7 Accordingly, the objections have been assessed in this report against the background of what is now a comprehensive strategy to attend to the environment and streetscape of all of Leith Walk (and Constitution Street, although that element is not relevant to this report). This has been subject to extensive consultation which was reflected in the development of the proposals. This will have been a formidable task, entailing the reconciliation, so far as possible, of good road design with all the aspirations and objectives of many stakeholders and interest groups.

3.2.8 The outcome of this process is that the Leith Programme improvements to Leith Walk now include:

- creating more space for pedestrians by widening footways and reducing road width;
- introducing new and improved pedestrian crossing facilities;
- improving on-road cycling facilities in both directions;
- providing dedicated cycle and motorcycle parking facilities within laybys;
- relaying all footways with flag paving;
- resurfacing all road surfaces to benefit all road users;

- removing redundant street furniture, reducing street clutter and providing planters to create a more attractive environment;
- relocating the large black wheeled domestic waste bins into dedicated road space, taking them off the pavement.

3.2.9 Of course, space has to be found for all of these facilities and improvements. As the Council put it, Leith Walk is an important arterial route into the city centre with a range of uses including residential, commercial, leisure and public services. It is also an important public transport route connecting Leith with the city centre. Consequently, a range of road users compete for a fixed amount of road space to meet their needs. For instance, provision needs to be made for pedestrian crossings, cycling lanes, bus lanes and stops, loading bays and parking. The Council also has to manage the road network in the interests of road safety.

3.2.10 Some of the renovations will entail physical change to the streetscape, including widening and redesigning pavements, but it is important to appreciate that these are to be implemented in tandem with revised parking allocations, which the street design will incorporate. As an element of the design process preliminaries, the Council carried out a general review of all existing waiting and loading facilities. This informed a range of changes in the location and allocation of provision, including changes from the pre-tram measures. In summary, the street will be provided with time limited general parking located in inset bays in the widened pavement. However, there will also be allocations and designed spaces to meet the needs and the special requirements of other road users.

3.2.11 There will be new allocations of locations for parking for the disabled, cyclists and motorcyclists.

3.2.12 Incorporated as an element of the re design of the pavements, there will be inset time limited parking areas, with reserved marked areas designated for loading which can only be used by persons actively loading or unloading a vehicle. Parking areas may also be used for loading and unloading. In general, the Council has sought to locate reserved loading areas at suitable places to serve all demand from local traders.

3.2.13 On the carriageway, there will be changes to the bus lanes and bus stops. Several sections of existing bus lane on Leith Walk between Pilrig Street and Great Junction Street/Duke Street will be removed to facilitate the carriageway narrowing and pavement widening. These sections are considered to offer little operational benefit to public transport during normal traffic conditions. However, sections of bus lane will be retained at the following locations where they offer most benefit for public transport users:

- northbound approach to the Foot of the Walk junction; and
- southbound approach to the Leith Walk/Pilrig Street junction.

Bus lane operating hours will remain as previously but there is a city wide review of these, so there may be future change.

Section 4: Policy

4.1 The Council submits that its approach both to Leith Walk under the Leith Programme, and to the objections, has been informed by national and local policy on how streets should be designed and managed.

4.2 The Council's own transport policy document, City of Edinburgh Council Local Transport Strategy 2014-2019 (LTS), discussed in greater detail below, recognises the importance of the role of streets as social places, which reflects current Scottish Government policy on good placemaking as set out in the document 'Designing Streets'. 'Designing Streets' emphasises that street design should be based on an intelligent response to location, rather than to the rigid application of technical road standards, regardless of context.

4.3 Reflecting both this guidance and its own design guidance for Edinburgh streets, the Council laid down design principles for the reinstatement and improvement of the Walk street environment. These are: -

- keeping the street distinctive, preserving and enhancing the historic grain and fabric of the city;
- making the street safe and pleasant, and contributing to place making;
- making the street easy to move around;
- making the street welcoming;
- making the street adaptable;
- making the street resource efficient, including provision for sustainable modes of transport.

4.4 In designing the street to accommodate all these requirements the Council has also had regard to the transport management policies of the LTS. This is a non statutory local policy document, but requires to be consistent with the objectives of the statutory Regional Transport Strategy (RTS) under the Transport (Scotland) Act 2005, which is approved by the Scottish Ministers.

4.5 The LTS includes the following policy themes relevant to the consideration of the objections:

Sustaining a thriving city; which requires the integration of the LTS policy with the Council's planning and economic development strategies;

Protecting the environment; which seeks to reduce the need to travel, encourage the use of alternatives to the car, and to reduce emissions from motorised traffic.

Road safety; which works towards a modern road network where users are safe from risk of accident or injury.

Managing our infrastructure; which states that management and maintenance of the roads, pavements, cycleways is critical, and commits to further investment in prioritising repairs. This theme also emphasises the importance of the Government's policy guidance "Designing Streets". Good street design delivers streets which have a strong 'place' function, and which are

- Attractive, distinctive and interesting
- Welcoming and inclusive
- Consistent with Edinburgh becoming more sustainable and ecologically sound
- Legible
- Safe
- Responsive to the needs of local communities
- Cost effective.

Active travel; encouraging walking and cycling by giving greater priority to pedestrians and cyclists in street design and management.

Public transport; supporting an effective public transport system.

Car and motor cycle travel; where the approach is to encourage the efficient use of cars with the emphasis that that should be where car use is the most appropriate option, through parking management, car clubs, and other measures.

Car parking; described in the LTS as a 'complex policy area', which must work towards the delivery of a number of different objectives, which need to be balanced in arriving at solutions for any particular area. The importance of the availability of parking, and the perception of availability, to the city's economy is recognised. However the policy also states: '...there are competing demands on space and it is impossible to meet all on-street parking demand in much of Edinburgh.' LTS Policies Park 15, 17 and 18 specifically provide for parking management which supports or facilitates loading and unloading for businesses, traditional district and local centres and which facilitates shopping, balances supply, demand and turnover, and recognises the competitive retail environment.

Freight; which recognises that the efficient movement of goods and services is fundamental to Edinburgh's economy and the quality of life of its residents. The delivery of goods is highlighted as a 'key issue'. Loading and unloading problems have been studied with retailers. Some potential improvement solutions, such as introducing time slots for deliveries, have been discarded. The settled policy is Freight 17, which states that the Council will seek to provide adequate and easily understandable opportunities for loading and unloading, balanced with the needs of other road users and road maintenance.

Section 5: Consideration of the Objections

5.1 Issues common to all objections

5.1.1 There are some themes in common to all four objecting parties, but in each case the circumstances and their difficulties are slightly different. I will take stock in this section of the issues which apply to all objectors, and I will then go on to deal with the each objection separately.

5.1.8 I deal with the objectors in the same order as their premises are reached from the Foot of the Walk working south towards the City Centre. The objectors are all on the north side of the Walk.

5.2 [REDACTED]

The objection

5.2.1 [REDACTED] runs an independent family run undertaker's business from two conjoined former shops at, in the block between Casselbank Street to the north and Jane Street to the south. He has other branches and locations elsewhere.

5.2.2 He emailed the Council on 23 December 2015 to object to the order. [REDACTED] was concerned that shortage of parking which would put pressure on the loading bay outside his premises. He was also concerned about the location of the bus stop, because of consequential congestion which he felt would interfere with his use of the loading bay.

5.2.3 The Council provided more parking along his block outside [REDACTED] Leith Walk under the deferred measures. His objection has been maintained because his main concern now is about congestion outside his premises which would interfere with the smooth running of funerals, aggravated by buses queuing to use the bus stop. This will be situated opposite numbers 52-62 Leith Walk. He explains that funeral parties assemble at his premises, and coffins and flowers may be placed in the hearse in the street outside the shop. These proceedings obviously have to be conducted in a dignified, respectful and professional manner. He says that Leith Walk carries a large number of bus routes, and that it is by no means unusual to see a queue of 4 or 5 buses stopping in a line from the bus stop, which can completely block or interfere with use of the loading bay. He is also concerned about the adequacy of the loading bay, given that it will have to be used by all the businesses on his block for deliveries. He considers that the bus stop should be moved further down the road, or removed, to alleviate this. He remains unhappy about the adequacy of parking provision, and does not consider the pedestrian crossing as necessary.

The Council's response.

5.2.4 In deciding on the allocation of parking and loading facilities the Council has had regard to the nature of an undertaker's business, recognising its special sensitivities, and that has influenced their provision of additional parking for 6 cars on the block. This additional provision, which can be used for loading, should take some pressure off the loading bay immediately outside the [REDACTED] premises. This bay is located where it is at present, although at the moment the road markings are virtually invisible. The location will be tidied up with improved pavements.

5.2.5 The Council do not seem to have addressed the location of the bus stop in their response to the original objection. The position of the bus stop has already been included in the current measures, although the bus stop currently at that location is temporary. The Council did address the question of congestion from buses at the hearing. They noted the statement that the loading bay was frequently blocked by queues of buses and carried out a brief investigation by monitoring the situation. Their findings suggested that queues of 4 or 5 buses were a relatively infrequent occurrence, and quickly cleared.

5.2.6 The Council also explained that the absence of parking provision immediately adjacent to the bus stop gave buses a reasonable amount of space to use the stop. This should assist buses to stop reasonably neatly within the allocated bus bay, which has enough space for two buses beside the kerb. In addition, the location of the stop adjacent to the Casselbank Street junction with the Walk would enable buses to move off easily and efficiently rather than being impeded back or front by parked cars. The bus stop will be in a location with bus lanes. The submission was that it should be a reasonably smooth running bus stop.

5.2.7 The Council also confirmed that the bus stop is in its pre-tram location, adjacent to a pedestrian desire line, which is in the interests of road safety. Because of the other requirements of road space there are few suitable locations for bus stops, and no better location for this one.

Reasoning and conclusions

5.2.8 [REDACTED] property consists of the two conjoined shops which contain his business offices, a small garage behind the shops used for the limousines and hearses, and a parking yard used for staff cars. His mortuary and other facilities are located elsewhere. Immediately to the north of the shops, just after the loading bay, and crossing the Leith Walk pavement, there is also a partly paved private access lane, suitable for cars and hearses, which leads to his garage and yard to the rear. This lane access will be double red lined, which means all parking and waiting is prohibited, to ensure it is kept clear at all times. The space available on the Walk itself is not generous, but I note that the lane access and its red lines, situated as they are just beside the loading bay, will give the undertaker's business some additional space to accommodate the funeral vehicles waiting outside their premises. Their use of their yard and the access lane will also give them some space to muster their vehicles.

5.2.9 However, there is no doubt that the pavement space and the road immediately outside the undertakers can quickly become a congested area, because of buses and bus passengers. [REDACTED] very fairly acknowledged the Council's difficulties in allocating the available space. However, the availability of a dignified and usable street frontage outside his premises is important to his business and also to members of the public using his services. It is obviously of great importance that mourners using his premises, and staff dealing respectfully with funerals, are able to do this with some dignity.

5.2.10 I agree with the Council that compared to many bus stops the space available is relatively generous. There is space for two buses to sit at the stop on the kerb, and the gap caused by the access lane means that there is nearly space for a third bus.

5.2.11 I observed the premises and the nearby bus stop on a number of occasions throughout the course of two different weekday mornings. I certainly found [REDACTED] picture of buses blocking, or otherwise interfering with the availability of the loading bay outside his offices to be more reflective of the reality than the Council's illustration. There is clearly an unfortunate problem of traffic conflict. It would be inconvenient to any business at that location but is particularly hard for an undertakers. It seemed likely to me that the location of the bus stop at the Foot of the Walk may cause a degree of 'stacking' of buses at certain times of the day. It was also clear that it was a busy and useful bus stop.

5.2.12 In providing a reasonable amount of new parking on this block and locating a loading bay right outside the shop I consider that the Council has done what it can to accommodate the business. In the circumstances I think the Council's approach is reasonable, in that a degree of special treatment for a funeral business is merited against the background of basic civic responsibility and community awareness.

5.2.13 However, it is difficult to find a solution in this matter for the very real problem with bus congestion affecting the loading bay. I have considered the bus stop issue, because it was included in the original objection, but I understand that the council's position is that the bus stop location is included in the current measures, and is not before me for consideration. Essentially the same position applies to the location of the pedestrian crossings. Adequate safe provision for pedestrians is an essential strategic element of the Leith Programme, and I do not suggest any modification to that provision.

5.2.14 I note that it would lie within the Council's powers to move the bus stop, even if further traffic measures needed to be made. However, I do not suggest to the Council at this time that the bus stop should be deleted or moved. It is clearly a busy and established bus stop position, and it will be difficult to find a suitable alternative location for it with the combination of room for at least two buses beside the kerb, and good in and out manoeuvrability. Alternative locations nearby are likely to be just as busy and somewhat less spacious, and therefore cause more congestion. I respectfully suggest that the Council keeps the situation under close review during the implementation period and discusses the congestion situation with the bus companies, and of course [REDACTED]. It may be that there are timetabling or driver awareness management measures which could be tried, all of which of course fall outside the scope of this report, if they can be attempted at all. Once the Leith programme has been completed and bedded down it is possible that different patterns of bus traffic will emerge, and the problem may perhaps be revisited when more about that is known.

5.2.15 However on the questions I have been appointed to examine, I consider that the provision for parking and loading as outlined in Council drawing RTD/636045/TRO/08 is the best option available in the circumstances and recommend that the order be confirmed in these terms.

5.3 [REDACTED]

The objection

5.3.1 This shop is on the same Jane Street /Casselbank Street block as [REDACTED]. The manager of the store e-mailed an objection to the Council in December 2013. His protest was to some degree a general one about parking restrictions. His concern was that he and his staff would be unable to park outside the shop; that some of his deliveries came by car; and that he has many car-borne customers who would also find the restrictions inconvenient. The objection was not withdrawn, even after additional parking spaces were made available on the block. The objection was regarded as competent by the Council and the objector was regarded as entitled to a hearing. As the preparations for the hearing progressed it emerged that the manager who had originally objected was no longer in the country, but the business was treated as the objector and were invited to participate

in the hearing. In the event they did not appear, but I proceeded to consider the objection and inspected the location.

The Council's response

5.3.2 The Council's response can be considered in terms of their general approach to parking provision in balance with other uses as provided for in the LTS, and the Leith Walk programme. Additional parking spaces are being provided on this block, albeit subject to the same restrictions as elsewhere on Leith Walk.

Conclusions and reasoning

5.3.3 I can find no special circumstances in the terms of the objection as to why different arrangements should be made for the [REDACTED] than that for other users. There appears to me to be adequate parking and loading provision along the stretch of pavement in front of the supermarket, even if the recent ability to park for long periods, because of the suspension of pre-tram measures, will now be at an end. This turnover of parking spaces may in fact be of assistance to any customers using the supermarket by car. I recommend that the deferred measures as now proposed by the Council in drawing number RTD/636045/TRO/08 be confirmed.

5.4 [REDACTED] Leith Walk

The objection

5.4.1 [REDACTED] is a sole trader, often manning his shop by himself, who sells carpets and floor coverings. His shop is under the former railway bridge at [REDACTED] Leith Walk, on the block between Stead's Place to the south and Jane Street to the north. The shop has no rear access so that all goods have to come in and out of the front door. His pattern of supply of goods is that he buys for stock irregularly, if frequently, and has daily deliveries from his various suppliers. This means that there is no regular delivery van or driver, so deliveries are not predictable and cannot be restricted by him to any particular time of day. When he takes a delivery and is running the shop by himself, he has to lock the shop and then assist the driver to unload the delivery van, either walking a roll of carpet or vinyl between them from the van to the shop, or using a trolley. The effect of the council's proposals will be to place either of the nearest loading bays inconveniently far away from his shop.

5.4.2 Because it is on the same block, the loading bay most convenient to the [REDACTED] [REDACTED] would be that opposite number 116, which is on the same block as the shop but is still about 75 metres away from his door.

5.4.3 In addition to the loading bay on the same block, in theory, the loading space outside Porteous Funerals would be available to him, and is about the same distance away from the shop door. However, this lies across Jane Street, and is it clearly undesirable that he should be trying to unload rolls of carpet from a delivery van at the same time as the funeral parlour is trying to use the loading space, which will lead him to avoid its use in so far as he can. In addition, it is also difficult to carry a carpet safely across Jane Street, which can be a busy side road junction, given the restricted visibility of anybody moving a heavy carpet roll of any size.

5.4.4 In theory, delivery drivers could get a bit closer by using the new parking spaces for loading and unloading. [REDACTED] made the point that in his experience, most delivery

drivers will always look for a loading bay in preference to using a parking bay, even if they can find one.

5.4.5 He will have a wider pavement outside his shop, but that is not particularly useful to him. He also says that there are insufficient parking spaces planned to service the number of shops on this stretch of the Walk, and feels that loading bays and parking areas are to be sacrificed in order to widen the pavements.

The Council's response

5.4.6 On receipt of the [REDACTED] objection the Council examined what could be done in response, but had limited options because of the need to allocate enough space for sufficient parking, equitable access to loading areas for all the businesses along the block, and the pedestrian crossing. Specifically, they felt it would not be possible to relocate the pedestrian crossing, which in any event is in the current measures. The crossing is equally important in terms of the Leith Programme strategy. The Council pointed out that here as elsewhere they could not reorganise the overall design further without unduly disadvantaging the other commercial premises which share the block, and without moving or removing the approved pedestrian crossing. The crossing is where it is as part of the overall strategy of increased pedestrian provision, and because of road geometry and the need to accommodate all the other street control features.

5.4.7 The pre-tram measures provided a parking bay for 10 vehicles at this location, and the deferred measures propose six parking spaces with two loading spaces centrally located in the parking bay for the block. This results in a net loss of four parking spaces within this area, but a gain of two loading spaces. The Council considers that this is an appropriate balance of uses. The Council commented that the additional parking spaces opposite 80-89 Leith Walk should also benefit [REDACTED] in that it would both provide more parking space for customers, and could be used for unloading for other businesses, improving the chances that the loading area on the same block as [REDACTED] would be available to him.

5.4.8 The Council also makes the point that [REDACTED] is an unusual shop to find these days in a city centre street, given that most of such bulky goods provision is now situated in retail parks, the implication presumably being that he can only expect a degree of difficulty as inevitable because of his location.

5.4.9 They also say that the parking surveys show that there is a high level of parking demand in this section of Leith Walk. This is currently accompanied by significant misuse of existing bays, with many vehicles parking for long periods. For the reasons mentioned elsewhere, enforcement of short stay parking has been impracticable through out most of the tram work period. This will change as the new parking regime is implemented and enforced. There will be a benefit to [REDACTED] business because shorter stay parking will be more generally enforced and parking spaces will open up on a regular basis. Cars will have to move on. There will be a greater turnover of spaces for potential customers.

5.4.10 The Council emphasises that the pavement widening has not resulted in the loss of parking spaces to any significant extent. The widening will contribute positively to the attractions of Leith Walk as a shopping street.

Reasoning and conclusions

5.4.11 The [REDACTED] is also on the north bound side of the Walk, across Jane Street from [REDACTED] business and the [REDACTED]. From the front door of the shop each of the two nearest loading bays are about 75 metres away, which is clearly an inconvenient distance to haul a carpet, whether carried or on a trolley. The loading bay outside [REDACTED] Funeral Directors may be marginally the nearest to the shop door, but that would involve crossing Jane Street with carpets and presents the undesirable prospect of conflict with funerals.

5.4.13 The Stead's Place to Jane Street block which includes the [REDACTED] under the railway bridge at the northern end, continues as a mid 20th century commercial range of single storey shops, currently in a mix of uses including a pub and a coffee shop, a bed and furniture shop and a charity shop for furniture. I investigated the rear of these premises to find out whether they had other means of receiving deliveries, but they must all be serviced from the pavement side. I agree with the point made by the Council that loading facilities must be equitably located, and putting them in the middle of the block is the obvious way to achieve that. I also agree that it is not appropriate to make decisions about the location of the parking bays purely on the basis of the current occupiers and uses of the shops along the block – these could change, often without the need for planning control. I do not think this approach is inconsistent with the degree of favourable accommodation afforded to the funeral business for reasons of civic responsibility. I do not consider that placing a loading bay as near a funeral business as possible creates a precedent for special treatment for a carpet shop, which shares a block with other bulky goods businesses.

5.4.14 I could not see any scope for relocation of the pedestrian crossing short of its deletion, even if that fell within the deferred measures, which it does not. [REDACTED] did not ask for its relocation. In the Council's overall Leith Walk scheme, pedestrian crossings are equitably distributed along the length of the road, in predictable places. Having regard to the Council's policy framework and the Leith Walk programme, improved provision for pedestrians is supported by a range of policy principles. Improved conditions for pedestrians should contribute positively to the improved function of the street as a retail environment, which should be in the long term interest of [REDACTED] business. These considerations do not fall in favour of the removal or movement of the pedestrian crossing.

5.4.15 The Council has pointed out that the shop deliveries could use the [REDACTED] loading bay, but I agree with [REDACTED] that this is far from ideal for his needs. I do not think that this provision assists him and have not taken it into account as loading he could easily use, although in theory it is available to him and those delivering to him.

5.4.16 I regard the retention on Leith Walk of bulky goods businesses as important, although [REDACTED] has not threatened to move. We have in past years adopted planning policies facilitating the location of bulky goods to retail parks, but equally important has been the policy imperative of maintaining the vitality and viability of shopping streets. The principle behind that has always been that such streets make goods available to the widest possible sector of the community including those without cars. The carpet bargain store is clearly meeting that need. However, so are many of his neighbouring businesses. The Council has to strike an equitable balance between all the shops in this block, and it has done what it can by increasing the overall loading and parking provision. The loading bay is central to the block, not as close to [REDACTED] shop door as it desirably should be for him, but I accept that it is as close as it can be within the constraints of the Leith Walk

programme. It is to be hoped that [REDACTED] can emphasise to his delivery drivers that the parking bays could be used for loading if they are available when they arrive.

5.4.17 I consider that the loading and parking provision for this block as outlined by the Council in drawing RTD/635045/TRO/012 are the best options available and recommend that the order be confirmed in these terms.

5.5 [REDACTED] Leith Walk

The objection

5.5.1 [REDACTED] owns the printing business [REDACTED], which trades from the basement of the flatted town house at [REDACTED] Leith Walk, with the business address of [REDACTED] Leith Walk. The building and the terrace of which it is part is C listed. This is the north bound side of the Walk between Pilrig Street and Arthur Street. The business premises can be accessed from the front door of [REDACTED], and then a door in the close of the house at [REDACTED] down a winding basement stair, but this is unsuitable for loading and unloading goods. Alternatively, they can be accessed from a basement door at the rear, which in turn is reached through a gated and locked pend or passageway which leads between and under the properties at [REDACTED] Leith Walk. This is the [REDACTED] delivery entrance.

5.5.2 Until recently the pend was reached by a kerbed access lane which came off Leith Walk in line with the entrance to the pend between two shops in front of the terraced building. There were kerbs to this lane along its length, where it crossed and interrupted the pavement, and joined the roadway of the Walk. The lane was marked with the double red parking lines, and which extended round the corners of the kerbs on both sides on Leith Walk itself. There was a loading bay immediately beside the end of the lines. Earlier this year, in implementation of the current measures, the Council reformed the pavement outside the pend removing the access lane completely. They have now laid the pavement flagstones that will be used throughout the Leith Programme, so that the pavement is now uninterrupted along that stretch. They provided a dropped kerb at the pavement edge opposite the pend where the access lane had been. The double red lines have not been reinstated.

5.5.3 [REDACTED] regularly takes delivery of paper on pallets weighing about 400-500 kilo. These are unloaded at the kerb on to a pallet trolley, and [REDACTED] wheels this trolley from the van or lorry over the pavement using a recently provided dropped kerb, through the pend towards the basement rear door for unloading. The existence of the double red lines meant that [REDACTED] was able to use the clear space where parking was forbidden to facilitate the loading and unloading of his paper, the vehicle itself being parked in the adjacent loading bay. This was of considerable assistance to him.

5.5.4 Essentially [REDACTED] wants the reinstatement of the access lane and the previous pre-tram arrangement of double red lines outside his access lane. At some point in the past he inquired about what would be happening after the tram works and was told that the old arrangement would be put back. He argues that it is clear that his access lane was available for vehicles to use, and that legal entitlement should be preserved and not prejudiced. That means that the access should be red lined and kept clear as before instead of being absorbed into the Leith Programme scheme. He presented evidence that

the old Scots word 'pend' typically included vehicle traffic. He gave evidence that over the many years he had operated the business, the pend and the rear yard had once been used, albeit occasionally, for the storage and scrapping of cars. He argues that this is part of the historic interest of the area.

5.5.5 He argues that the pend should be regarded as a vehicle access and so kept clear by red lines, so that he has unrestricted access to the roadside. He says that loading and parking bays are flagrantly misused by van drivers sitting there for long periods of time and this interferes with his ability to load and unload at the pavement.

The Council's response

5.5.6 The Council reacted to his objection by proposing to move the planned loading bay for that block closer to [REDACTED] access, so that it will be immediately adjacent to the access point and the dropped kerb. They do not consider that the kerbed access lane should be reinstated, nor that the double red lines should be put back. They do not consider that the access lane is used by motor vehicles, or that it could be used for that purpose. They consider that the provision of a dropped kerb and access across the pavement is a reasonable level of access that would enable [REDACTED] to use it as before. Reinstating the access and the red lines would put pressure on the existing design which provides a comprehensive solution for parking and loading together with an improved pavement. To reinstate the access and the red lines for one business would lead to loss of parking space, which is not acceptable.

5.5.7 The Council explains that the red lines were eroded during the tramlines, and were not latterly enforced. The lines probably had their origins in a general approach to access lanes which was to ensure sight lines for vehicular traffic emerging from the lane, and would be put on all Leith Walk's accesses in the past without considering in any detail whether and to what extent the access was still in use. They were not laid down to facilitate loading and unloading, even though [REDACTED] found them helpful for that purpose. However, it is clear that the private access is no longer suitable for vehicular traffic, and has not been used by vehicles for a very long time. [REDACTED] does not in fact intend to use it for vehicles, other than his pallet trolley, and the removal of the access lane does not interfere with that. The Council has decided that there is no case for the retention or reinstatement of the red lines.

5.5.8 As to [REDACTED] concern about the abuse of loading, and vans waiting in a loading space, the Council point out that the interim tram related period of non enforcement of parking restrictions is about to end, and there now will be council officers who will enforce the traffic regulation orders, and prevent abuse of loading bays.

Conclusions and reasoning.

5.5.9 The Council's obligations, so far as relevant to this matter, are defined by Section 122 of the Act, as summarised in Section 2 of this report. The Council is required to secure and maintain access to premises but has discretion to do so to the extent that they consider reasonable in all the circumstances.

5.5.10 On my site inspection I saw that behind the terrace of town houses, the Number 346b basement access from [REDACTED] leads outside into a narrow passageway, past what must once have been a rear service yard, possibly a livery yard or stabling, which may have once been shared space between a number of the terraced

houses. It now seems to have been long partitioned off and divided up. This yard is accessed from Leith walk via the locked pend.

5.5.11 I inspected the function of the access passage way or pend on my site visit. As the kerbed lane had been grubbed up and replaced by paving flags, I was unable to inspect it as it had been. I measured the width of the access to the pend between the forecourt shops. It was 1.8 metres wide at its narrowest point, which was at the location of two very old cast iron bollards at the heel of the Leith Walk pavement, at either side of the passage way. These would prevent most modern 4 wheeled motor vehicles attempting to use it. The passage way is usually closed on the Leith Walk side by high locked gates. It clearly no longer gives access to a stable yard or an open space of any kind which could conceivably be used by vehicles. There was no space for a vehicle to turn. I do not find it currently to be functioning as a vehicle access, however it may have done in the past. In providing a drop kerb I consider that the Council has retained the ability to continue the current use of the access, which is to give pedestrian access to the rear of the buildings and in the case of [REDACTED], to take heavy loads in and out of his premises through his rear basement access. In eradicating the kerbed lane from the pavement the Council has removed a potential tripping hazard and obstacle from the pavement. I find the Council's position in this regard to be reasonable.

5.5.12 In making these changes, the Council may have deprived [REDACTED] of the use of the handy extra space on Leith Walk itself over the previous red lines, but it should be borne in mind that the purpose of the red lines was not to give [REDACTED] more loading space in any event. They were intended to keep the access onto the road clear for vehicle access, which is no longer required.

5.5.13 I fully accept that the lack of reinstatement of the red lines will deprive [REDACTED] of an important convenience, which he was looking forward to having available to him again. However, I consider that in moving the new marked loading area close to the access and the dropped kerb the council will be doing as much as it reasonably can to help him to make use of his access for his loading and unloading. I do not think it would be a reasonable approach to paint red lines to reserve space for an access that does not in fact merit them. This would have the effect of using red line restrictions to reserve part of the kerb of the Walk to suit the habit of one user. This would introduce an anomaly into a new regime where part of the objective is to bring consistency and civic management to shared space. I do not recommend such a course. I take into account that the Council is now committed to ensuring proper use of the loading bays and to policing misuse, and that vehicles delivering to businesses along this part of the Walk are not restricted to using the loading bays if a parking space is free.

5.5.14 I have considered [REDACTED] important argument about the historical significance of the pend and the kerbed access, given that it was an aspect of the setting of a listed building and in a conservation area. This also cross refers to the LTS policy that the historic grain should be preserved in streets. The kerbed access has been eradicated as an element of a comprehensive approach to the improvement of the environment of the street, with due regard to the effect on the historic environment and with the objective of enhancing it. There will be some gains to this from the rationalisation and neatening of the pavement and the uniform good quality flagstone finish. On balance I consider that the removal of the kerbed access lane is justified, and does not significantly detract from the historic

environment. I also take into account the removal of a tripping hazard in the run of the pavement, which assists pedestrian safety and convenience.

5.5.15 Accordingly, I consider that the loading and parking provision for this block as outlined by the Council in drawing RTD/636045/TRO/04 are the best options available and recommend that the order be confirmed in these terms.

Section 6: Summary of Recommendations.

Following my consideration of the objections in terms of Regulation 12, I have found that the objections should not be sustained. I recommend to the Council that they go forward to confirm the order for the measures defined by their drawings numbers RTD/636045/TRO/04 and RTD/635045/TRO/012.



The Head of Transport
Services for Communities
4 East Market Street
Edinburgh EH8 8BG

Your Ref. TRO/5-8/note

TRAFFIC REGULATION ORDER

Leith Walk from Pilrig Street to the foot of the Walk / Duke Street - Edinburgh

Dear Sir,

COMMENT / OBJECTION

Basement property at [REDACTED] Leith Walk accessed from passageway formed by properties at [REDACTED] Leith Walk.

Your Traffic Regulation Order shows there will be parking across the goods entranceway to this property. This will have a detrimental effect on my business. Namely: it will cause problems when pallets of paper, weighing 400-500 kilo, are delivered and these can not be transported from the street and along the rear of the building to my main door.

There were double red lines at this entranceway until the Tram works destroyed 90% of them.

I have, in recent times, taken this matter up with my Leith Walk Councillor, Nick Gardner. Subsequently, I was contacted, by, telephone, by a local authority official who assured me that double lines would be installed when the Leith Walk traffic works were undertaken.

I would appreciate it if your plans could be amended accordingly.

Yours sincerely,

[REDACTED]
Proprietor

Request Type - General Enquiry**Service Request Number - 6****SfC\City Centre/Leith Neighbourhood Management****Received Date - 16/12/2013****Service Area - CELO - Partnership and Information****Target Date - 01/01/2014****Sub Service Area -****Logged by - Margaret Denney****If Other -****Type - General Enquiry BO****Assigned to - alan.dean@edinburgh.gov.uk****Multiple Request Co Ordinator -****Street Name
Ward****Neighbourhood
Other System Refs****Subject** parking**Summary**

Hello my name is [REDACTED] I am the manager of [REDACTED] which is [REDACTED] leith walk.

We v got letter from council for car parking and says we wouldn't allow to park front of the shop which is unacceptable for us.because we are getting delivery every weeks and we have car for delivery also lots of customer coming here for them car.we are not happy for that Thank you

Sent from my iPhone

SR Customers Information

Customer Name	Phone	Mobile	Cust Type
[REDACTED] [REDACTED] Leith Walk Edinburgh	[REDACTED]	[REDACTED]	Individual

Activity History

Activity ID	Date Logged	Staff Name	Cust Name	Type of Contact
4040092	16/12/2013	Margaret Denney	[REDACTED]	Email - Inbound
Comment	Hello my name is [REDACTED] I am the manager of [REDACTED] which is [REDACTED] leith walk. We v got letter from council for car parking and says we wouldn't allow to park front of the shop which is unacceptable for us.because we are getting delivery every weeks and we have car for delivery also lots of customer coming here for them car.we are not happy for that Thank you			

Sent from my iPhone

Follow Up Details

ID	Date	Staff Name	Category
641107	16/12/2013	Margaret Denney	Assignment
Details	Assignment Email to environment-ccl@edinburgh.gov.uk		
641106	16/12/2013	Margaret Denney	Back Office Update
Details	assiged to environment-ccl@edinburgh.gov.uk		

Related SRs

[REDACTED]
To: Gordon Munro
Subject: RE: TRO Leith Walk-

*more space for the cars
then parking down
outside*

Hi Gordon

I have just read your email and thought I would reply as I was planning to email all the local councillors anyway. My business is located at [REDACTED] Leith Walk, according to the plans I found on the Edinburgh.gov website the parking bays outside my premises are to be replaced with a loading bay. I also noticed the bus stop is to be moved back towards my business. There is no doubt if this is correct this would cause serious problems for me. You will appreciate the type of profession I work in, our clients and our staff need to be able to access our premises and be able to park and load and unload our hearse when required.

It is also a concern that all the shops to our right will need to access the loading bay daily, never mind the impact of a row of buses tailing back outside our premises, which happens very regularly, it is very apparent we would never be able to operate our business and more importantly carry out our duties in a dignified professional manner. I need someone from the council to explain how a funeral leaving from our premises will be able to do this in a professional dignified way.

It is coincidental that we have entered the last year of our lease and are now seriously considering not renewing the lease, which of course will leave another empty shop in Leith.

I hope you can help me with this matter

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 17 December 2013 14:24
To: Traffic Orders
Subject: TRO-Leith Walk from Pilrig Street to the foot of Leith Walk/Duke Street Edinburgh

Categories: Blue Category

Your Ref TRO/5-8/note

I wish to submit an objection to the proposed changes to the above.

1. My business sells carpets, vinyls - floorcoverings. I have suppliers delivering 4-5metre carpets every day and there is insufficient loading bays. Loading bay is also to be moved further away from my shop which will cause huge problems for delivery drivers and myself.

2. There is insufficient parking spaces to service the number of shops on this stretch of The Walk

Both loading areas and parking areas are to be sacrificed in order to widen the pavements.

[REDACTED]

--

[REDACTED]

**THE CITY OF EDINBURGH COUNCIL
LEITH WALK TRAFFIC MANAGEMENT**

**THE CITY OF EDINBURGH COUNCIL (MOTOR CYCLE PARKING PLACES,
EDINBURGH) AND (VARIOUS STREETS, EDINBURGH) (PEDAL CYCLE PARKING
PLACES) AND (DISABLED PARKING PLACES) AND (GREENWAYS) (VARIATION)
ORDER 2014**

**STATEMENT OF CASE
FOR
PUBLIC HEARING OF OBJECTIONS**

THE CITY OF EDINBURGH COUNCIL (MOTOR CYCLE PARKING PLACES, EDINBURGH) AND (VARIOUS STREETS, EDINBURGH) (PEDAL CYCLE PARKING PLACES) AND (DISABLED PARKING PLACES) AND (GREENWAYS) (VARIATION) ORDER 2014

1) Introduction:

On 29 November 2013 the Council advertised their intention to make the above Traffic Regulation Order ("TRO"), which is necessary for the implementation of the current phase of the Leith Programme on Leith Walk¹.

The Council received 20 representations from individuals, businesses and local community groups. Of these representations, 11 were objections, seven were expressions of support and the remaining two were comments which are considered to be non-valid grounds for objection. In addition, the Council received 101 standard template letters and a petition with 354 signatures.

The objections were reported to the Council's Transport and Environment Committee on 18 March 2014². In order to allow the Leith Programme to proceed without undue delay, the Committee decided to make the TRO in part, deferring a decision on the remaining measures to allow objections to those measures to be considered at a public hearing.

A public hearing into those measures was mandatory as four of the objections fall within the scope of the Regulations³, as amended. The Council will take a final decision on the remaining measures once they have considered the Reporter's report on those objections.

A public hearing of those objections has been scheduled to take place in the Nelson Hall at the McDonald Road Library, 2 McDonald Road, Edinburgh on 1 September 2014.

This Statement has been prepared to outline the Council's case in support of the making of the remaining part of the TRO.

2) Background:

In recent years, the Council made a series of different TRO's to facilitate the operation of the Edinburgh Tram. It may be helpful to set out the background to TROs made in relation to Leith Walk.

The following terminology will be used:

"The Pre-Tram Measures" are the TRO measures which were in place before any tram works were carried out on Leith Walk⁴.

"The Interim Tram Measures" are the on street adjustments carried out on Leith Walk under the Tram Temporary Traffic Regulation Order (TTRO) in relation to the tram works;

"The Final Tram Measures" are the measures which were contained in the Tram TROs⁵ which were made by the Council but not brought into force on Leith Walk.

¹ See Section 5 for further information on the Leith Programme

² Document 7.1: Report to Transport and Environment (TE) Committee of 18 March 2014

³ Regulation 8 (1) (a) (i) of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

⁴ The City of Edinburgh Council (Greenways) Order 1997

⁵ The City of Edinburgh Council (Edinburgh Tram) (Traffic Regulation; Restriction on Waiting, Loading and Unloading and Parking Places) Designation and Traffic Regulation Order 2010, The City of Edinburgh Council (Edinburgh Tram) (Prohibition of Entry, Motor Vehicles and Turning, One-Way Roads/Tram priority Lanes and Weight Limit) Traffic Regulation Order 2010.

“The Current Measures” are those measures under this TRO which were made by the Council in March 2014, and which apply to approximately 95% of this phase of the Leith Programme. For the avoidance of doubt, construction of these measures is underway.

“The Deferred Measures” are those measures under this TRO which were deferred by the Council in March 2014 and which apply to approximately 5% of this phase of the Leith Programme.

The Pre-Tram Measures were suspended by the relevant provisions of the Tram TRO when the initial stages of tram works were carried out on Leith Walk. When the Council decided on 2 September 2011⁶ not to proceed with the full construction of the tram line beyond the city centre, the contractors had already constructed the Interim Tram Measures and some, but not all, of the Final Tram Measures. These physical changes, for instance, to parts of the kerbline, meant that the Council could not revert to the Pre-Tram Measures because the new physical road layout no longer exactly matched the provisions of the 1997 TRO.

The Council decided to take this opportunity to consult with local residents and businesses with a view to introducing new traffic management measures on Leith Walk as well as considering improvements to the public realm. Moreover, as the Pre-Tram Measures no longer matched the altered road layout, enforcement of waiting and loading restrictions has not been actively pursued since late 2011.

Following the Council’s decision in March 2014 to make the TRO in part, construction of the Current Measures started in May 2014.

3) Policy Context - The Local Transport Strategy 2014-19:

The Council’s Local Transport Strategy (LTS)⁷ recognises the importance of the role of streets as social places, which reflects current Scottish Government policy as set out in ‘*Designing Streets*’⁸. ‘*Designing Streets*’ focuses on the premise that design should be based on an intelligent response to location, rather than to the rigid application of technical road standards, regardless of context.

The LTS states that “over the coming few years Leith Walk, George Street, and Charlotte Square will be upgraded and redesigned to be more attractive to walkers and cyclists and so better suited to their role as shopping streets or public squares.”

Leith Walk is an important arterial route into the city centre with a range of uses including residential, commercial, leisure and public services. It is also an important public transport route connecting Leith with the city centre. Consequently a range of road users compete for a fixed amount of road space to meet their needs. For instance, pedestrian crossings, cycling lanes, bus lanes and stops, loading bays and parking. The Council also has to manage the road network in the interests of road safety.

The Council therefore considers that it is appropriate to introduce both the Current Measures and the Deferred Measures on Leith Walk. These reflect the principles of the LTS and Designing Streets, and they contain waiting and loading restrictions consistent with the Pre-Tram Measures and with those in force on similar routes across the city.

4) Evolution of the Council’s Aspirations for Leith Walk:

The Council’s initial consideration of Leith Walk following the decision to curtail the Tram

⁶ Document 7.5: Report to City of Edinburgh (Full) Council on 2 September 2011

⁷ Document 9: City of Edinburgh Council Local Transport Strategy 2014-2019

⁸ Document 10: Designing Streets – A Policy Statement for Scotland (Transport Scotland)

project at York Place was on 29 November 2011⁹. At that stage, the main focus was a reinstatement of the Pre-Tram Measures, with an allocated budget of £3.2 million.

Following subsequent consultations with the Committee Convener and local elected members, and stakeholder events held on 16 and 17 July 2012, it was decided that a more comprehensive programme of works was required, including improved provision for cyclists and environmental improvements. On 31 July 2012¹⁰, the Council's Finance and Resources Committee approved an additional £2.3 million of funding for this expanded programme, bringing the total overall funding available to £5.5 million.

A major public and stakeholder consultation and engagement process was subsequently carried out between November 2012 and January 2013 on the preliminary design for the £5.5 million programme of works. This included focus groups, an online survey that generated 482 responses, on-street surveys and a community drop in event. Detailed submissions were also received from a number of local stakeholder organisations. The process demonstrated that there was a strong desire within the local community to pursue a more ambitious programme that would make significant changes to the layout, use and operation of Leith Walk. In particular, there was a wish to better balance the needs of all road users by significantly improving facilities for pedestrians and cyclists. This is consistent with the approach contained in Designing Streets and the LTS.

A report on the public consultation was considered by the Committee on 19 March 2013¹¹. Committee approved a twin track approach to i) progress the design for the Council-funded £5.5 million programme, and ii) pursue third party funding for enhanced streetscape works on Leith Walk.

On 24 September 2013, the Minister for Transport and Veterans announced that the Scottish Government, via Sustrans, would provide up to £3.6 million to fund the enhanced streetscape works. Funding was subsequently confirmed in a formal agreement with Sustrans which governs the arrangements for this funding.

Scottish Government and Council funding brings the total available for the Leith Programme to £9.1 million.

5) The Leith Programme:

Phasing

The Leith Programme is being delivered in a number of phases over financial years 2013/14, 2014/15 and 2015/16:

- Phase One was completed in late 2013, and delivered a range of improvements on Constitution Street.
- Phase Two consists of the Current Measures and the Deferred Measures.
- planning and design work on future phases of the Programme is ongoing. The TRO for Phase Three (Foot of the Walk Junction) was advertised in July 2014.

Funding

The total approved budget for the Leith Programme is £9.1 million.

⁹ Document 7.4: Report to Transport, Infrastructure and Environment Committee on 29 November 2011

¹⁰ Document 7.3: Report to Finance and Resources Committee on 31 July 2012

¹¹ Document 7.2: Report to Transport and Environment (TE) Committee on 19 March 2013

Design Principles

The overarching approach is as set out in the LTS and Designing Streets. To reflect properly the needs of Leith Walk, the Council has developed, in consultation with stakeholders, the design principles for Leith Walk¹².

Public Consultation

The Council has carried out extensive consultation with local residents, businesses and other stakeholders. In addition, 1,900 letters were hand-delivered to businesses and residents on Leith Walk and streets surrounding the area covered by the TRO.

Scope of Phase Two

The Leith Programme consists of road, footway and cycle improvements which will transform the nature and operation of Leith Walk.

Phase Two consists of the Current Measures and Deferred Measures covering the northern section of Leith Walk, between Pilrig Street and Great Junction Street/Duke Street (Foot of the Walk junction). Both the Current Measures and Deferred Measures include:

- creating more space for pedestrians by widening footways and reducing carriageway width
- introducing new and improved pedestrian crossing facilities
- improving cycling facilities in both directions
- providing dedicated cycle and motorcycle parking facilities within laybys
- relaying all footways with flag paving
- resurfacing all road surfaces to benefit all road users
- removing redundant street furniture, reducing street clutter and providing planters to create a more attractive environment
- relocating domestic waste bins into dedicated road space

6) The Deferred Measures

The Deferred Measures relate to the following sections of Leith Walk¹³:

- north of Pilrig Street
- between Jane Street and Casselbank Street

The location of existing waiting, loading and parking facilities has been reviewed and a number of changes are proposed within the Deferred Measures. No changes are proposed to the Pre-Tram Measures for maximum stay and no return period restrictions and the operating hours which apply to the parking and loading bays.

The Council appreciates that it is essential for businesses, customers and residents to have access to parking and loading facilities, and has sought to ensure that these are provided at

¹² Document 11: Leith Programme Design Principles

¹³ Document 13: Plans of Pre-Tram Measures, Deferred Measures as Originally Advertised and Proposed Amendments to Deferred Measures

the most suitable locations to meet local demand.

Nevertheless, it is not reasonable nor appropriate to prolong the current situation in which enforcement is not being pursued, as explained above. The Council understands the views of local businesses and their operational requirements for parking. However, no roads authority can provide private, dedicated, unregulated parking on the public road which is there to facilitate the public right of passage for the greater good of the local community.

7) Statement of Reasons

The Council's reasons for making the TRO are set out in the Statement of Reasons¹⁴.

8) Objections in Relation to the Deferred Measures

Consultation was carried out between 29 November 2013 and 6 January 2014 as part of the statutory process for the TRO. This gave any interested parties the opportunity to submit formally any comments or objections to the Council.

The main issues raised by objectors were:

- a. loss of parking provision
- b. loss of loading/unloading facilities

Concerns were raised by businesses located in the following localised areas on the northbound side of Leith Walk:

- north of Pilrig Street
- between Jane Street and Casselbank Street

After considering the objections raised about a loss of parking and loading facilities at these locations, the layouts were reviewed and the Council proposed the following amendments.

North of Pilrig Street

In the area north of Pilrig Street, it is proposed to relocate a loading bay. This is possible without significantly compromising the scheme's design principles.

The Council does not accept the proposal to provide double red-line waiting restrictions at the access to a pend. These restrictions would result in fewer parking bays at this location.

Jane Street to Casselbank Street

In the area between Jane Street and Casselbank Street, a new parking bay outside Nos 80-98 Leith Walk with capacity for six cars would be added to the proposals.

The Pre-Tram Measures provided a parking bay for 10 vehicles at this location, and the Deferred Measures propose six parking spaces and two loading spaces. This results in a net loss of four parking spaces within this area, but a gain of two loading spaces. The Council maintains that this is an appropriate balance of uses.

Two objections at this location relate wholly or partly to the possibility of buses queuing back from the proposed bus stop. This bus stop has already been approved and forms part of the Current Measures.

¹⁴ Document 3: Statement of Reasons

Council officers considered the objections carefully but maintain their recommendation that the Deferred Measures should be implemented, as proposed in the Council's response to the objectors.

The Council provided a detailed response to each objector on this basis.

9) Witnesses

The Council will be represented at the public hearing by

Ann Faulds, Partner, CMS Law

Andrew Easson, Projects Development Manager, The City of Edinburgh Council

10) Supporting Documents:

Appendix 1 contains a list of the documents in support of the Council's evidence.

APPENDIX 1

1. The Order (TRO/13/51), as advertised
2. The relevant Plans
3. Statement of Reasons
4. Advertisement placed in *The Scotsman* newspaper on 29 November 2013
5. Copies of all correspondence received during the public notification period and relevant to the Deferred Measures
6. Copies of the reply or replies sent to each objector to the Deferred Measures
7. Reports to Council Committee:
 - 7.1. Transport and Environment Committee, on 18 March 2014
 - 7.2. Transport and Environment Committee, on 19 March 2013
 - 7.3. Finance and Resources Committee, on 31 July 2012
 - 7.4. Transport, Infrastructure and Environment Committee, on 29 November 2011
 - 7.5. City of Edinburgh (Full) Council, on 2 September 2011
8. Letter to objectors to Deferred Measures on 24 April 2014 advising of Transport and Environment Committee decision and referral to hearing.
9. City of Edinburgh Council Local Transport Strategy 2014-2019, available to view online at http://www.edinburgh.gov.uk/info/20184/roads_and_transport/341/transport_policy
10. Designing Streets (Transport Scotland), available to view online at <http://www.scotland.gov.uk/Publications/2010/03/22120652/0>
11. Leith Programme Design Principles
12. Letter from City of Edinburgh Council to Scottish Government (Directorate for Planning and Environmental Appeals) on 31 March 2014 requesting Hearing
13. Additional drawings – Plans of Pre-Tram Measures, Deferred Measures as Originally Advertised and Proposed Amendments to Deferred Measures