

Transport and Environment Committee

10.00am, Thursday, 2 February 2023

Results of the West Crosscauseway, Chapel Street, Quarry Close and Buccleuch Street hearing on orders TRO/17/101A and RSO/18/01A

Executive/routine Wards Council Commitments	Executive 15 – Southside Newington
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1. Recommendations

- 1.1 It is recommended that Transport and Environment Committee:
 - 1.1.1 Notes the information contained within this report, the report from the Independent Reporter and his recommendation;
 - 1.1.2 Notes the recommendation of the Independent Reporter and Scottish Ministers that the advertised orders, TRO/17/101A and RSO/18/01A, should be made without modification;
 - 1.1.3 Approves the making of the statutory orders, TRO/17/101A and RSO/18/01A, without modification.

Paul Lawrence

Executive Director of Place

Contact: Steven Cuthill, Locality Transport and Environment Manager

E-mail: steven.cuthill@edinburgh.gov.uk | Tel: 0131 529 5043

Report

Results of the West Crosscauseway, Chapel Street, Quarry Close and Buccleuch Street hearing on orders TRO/17/101A and RSO/18/01A

2. Executive Summary

- 2.1 This report seeks approval to proceed to making traffic orders TRO/17/101A and RSO/18/01A following consideration of an Independent Reporter and Scottish Ministers.

3. Background

- 3.1 The Causey Project, promoted by the Causey Development Trust (CDT), is a community led project that proposes to transform the quality of the area around West Crosscauseway to re-establish it as an important everyday route and improve the area as a people place.
- 3.2 The CDT established a concept for the project back in 2013 following a successful three-day event in 2007 that transformed the space into a people-friendly “tropical island”. With a funding contribution from Sustrans, the Council commissioned design consultants to develop the detailed design.
- 3.3 Consultation has been ongoing since 2015 to seek community and stakeholder support for the proposals. This has continued to shape and develop the detailed management and operation of the scheme.
- 3.4 The Council has powers in terms of the Road Traffic Regulation Act 1984 to make traffic orders.
- 3.5 On [24 September 2018](#), the South East Locality Committee considered objections and approved a recommendation that, prior to making these traffic orders, a public hearing should be held due to the nature of objections received that could not be set aside and were not withdrawn by the objectors. Objections relating to loading and waiting restriction elements of the traffic orders must be referred to a public hearing if objections are not withdrawn.
- 3.6 Traffic orders are expected to be made within two years of initial publication. This means that the current orders should have expired in September 2022 however Scottish Ministers have agreed to an extension of six months, until March 2023.

4. Main report

- 4.1 An Independent Reporter, Mr Andrew Fleming BA(Hons) BTP MRTPI, was appointed in 2019 to conduct a public hearing under regulation 8(2) of the Local Roads Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.
- 4.2 A public hearing was initially scheduled to take place on 22 April 2020 and was postponed due to the Coronavirus pandemic and was subsequently held on 19 August 2021 at the City Chambers. Due to the overlap of issues associated with both the TRO and RSO, a conjoined public hearing was held as the most efficient and effective way to consider objections.
- 4.3 In advance of the public hearing, the proposals have been subject to public consultation on 11 September 2020 and advertised.

TRO/17/101A

- 4.4 The Reporter released his reports on 26 May 2022 with his findings and recommendations. The full report is contained in Appendix 1. The report and recommendations require to be considered by the Council prior to making a decision on the TRO.
- 4.5 In connection with the TRO the Independent Reporter found that, following consideration of the objections in terms Regulation 12 of Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, the objections should not be sustained and recommends that the Council makes the order as advertised.

RSO/18/01A

- 4.6 The RSO has also been considered by Scottish Ministers, concluded and confirmed by letter dated 8 June 2022, with the recommendation that it should be confirmed without modification. The Council therefore should publish notice of the confirmation of the RSO.

5. Next Steps

- 5.1 Subject to approval by Committee, Council officers will proceed to make and confirm the traffic orders in compliance with the Acts and Regulations, including advising the DPEA, Scottish Ministers, and objectors of the decision.
- 5.2 Further to Committee approval, CDT and the design team will reconvene to develop detailed design proposals.

6. Financial impact

- 6.1 The costs to make the traffic orders will be contained from within existing budgets.
- 6.2 The TRO proposal also includes the relocation of residents' parking to Buccleuch Place, which results in the removal of six existing Pay and Display bays. The

estimated current utilisation loss is £21,786, with a full utilisation loss of income potential of £94,723 per annum.

7. Stakeholder/Community Impact

- 7.1 Statutory consultation has been carried out as part of the traffic order process. The traffic order proposals have been advertised in the press, online, and through on-street public notices, in accordance with the relevant legislation. Statutory bodies representing those affected by the proposals, including Community Councils, the emergency services, and local ward Councillors have received advisory letters. Details were also published on the Council and Scottish Government websites.
- 7.2 All interested parties have had the opportunity to make comments and/or objections to the traffic order proposals. Objectors were given the opportunity to have their objections heard at the public hearing. Objectors have received a written response about the outcome of the public hearing stating the recommendations from the Independent Reporter, and will be advised on next steps, following the Committee's decision.
- 7.3 Positive outcomes will result from the introduction of new sustainable materials, new landscaping and from creating a shared space with access for all and that can be used by the community. Improved access and amenity for cyclists and pedestrians will assist towards the Council's commitments in the Active Travel Action Plan.
- 7.4 As final designs are prepared, there will be engagement with the city's Access Panel, RNIB, and related organisations to consider any equalities impacts as part of the detailed design process.

8. Background reading/external references

- 8.1 Transport and Environment Committee - [26 August 2014](#) - Report - provision of consultancy services, The Causey Project.
- 8.2 Transport and Environment Committee – [7 December 2017](#) - Traffic Regulation Orders at West Crosscauseway, Chapel Street, Quarry Close and Buccleuch Street.
- 8.3 Planning and Appeals Division Portal – RSO Case information ([website](#)).
- 8.4 Planning and Appeals Division Portal – TRO Case information ([website](#)).

9. Appendices

- 9.1 Appendix 1 - Independent Reporter's TRO report 26 May 2022.

Appendix 1 – Independent Reporter’s TRO report

Report to the City of Edinburgh Council

ROADS (SCOTLAND) ACT 1984 ROAD TRAFFIC REGULATION ACT 1984 LOCAL AUTHORITIES' TRAFFIC ORDERS (PROCEDURE)(SCOTLAND) REGULATIONS 1999

Report by Andrew Fleming, a reporter appointed by the City of Edinburgh Council

- DPEA case reference: TRO-230-4
- Council case reference: TRO/17/101A
- Site Address: Buccleuch Street, Chapel Street, Nicolson Street and West Crosscauseway, Edinburgh, EH8 9NRG
- Promoting authority: City of Edinburgh Council
- The order sought: The City of Edinburgh Council (West Crosscauseway, Edinburgh) (Prohibition of Turning) and (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) and (A7, North Bridge to South Clerk Street, Edinburgh) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) (Variation No _) Order 201_ - TRO/17/101/A
- Objectors: see appendix 1 below
- Date of hearing session: 19 August 2021
- Date of site visit: 16 August 2021 (unaccompanied)
- Reporter's recommendation: that the order be made as proposed

Date of this report and recommendation: 26 May 2022

CONTENTS

Page

Preamble	2
Chapters	
1. Introduction	4
2. Procedural matters	6
3. Policy context	9
4. The objections, the council's responses and my assessment	10
5. Recommendations	17
Appendices	
Appendix 1: List of objectors	
Appendix 2: List of hearing session participants, 19 August 2021	
Abbreviations	
CDT	Causey Development Trust
DPEA	Planning and Environmental Appeals Division
RSO	Redetermination Order
TRO	Traffic Regulation Order

Scottish Government
Planning and Environmental Appeals Division
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

DPEA case reference: TRO-230-4

Chief Executive
City of Edinburgh Council

Dear Sir/ Madam

THE CITY OF EDINBURGH COUNCIL (WEST CROSSCAUSEWAY, EDINBURGH) (PROHIBITION OF TURNING) AND (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) AND (A7, NORTH BRIDGE TO SOUTH CLERK STREET, EDINBURGH) (TRAFFIC REGULATION; RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) (VARIATION NO_) ORDER 201_ - TRO/17/101A

I refer to the above Traffic Regulation Order (TRO) and my letter of appointment dated 20 February 2020 appointing me as the reporter to consider objections made against the TRO and not withdrawn. The above order is being promoted in association with the proposed Redetermination Order RSO/18/01A (DPEA reference: ROD-230-4) which collectively cover works known as “the Causey Project”. The project, which is being promoted by the Causey Development Trust (CDT) with support from the City of Edinburgh Council, seeks to improve the environment and quality of place around West Crosscauseway, in the southside of Edinburgh. According to the promoters, this is to be achieved by reducing the impact of vehicular traffic, enhancing the pedestrian and cyclist experience and improving church frontages to form a new public square.

The TRO seeks to change parking restrictions and vehicle movement on West Crosscauseway, Chapel Street and Buccleuch Street. The Redetermination Order which relates to public right of passage is the subject of a separate report which has been prepared in parallel to this report and is submitted to the Scottish Ministers for their consideration.

The Orders (TRO/17/101 and RSO/18/01) covering the above proposals were formally consulted upon by the council during February and March 2018 and objections to these were subsequently received. The council’s South East Locality committee report of 24 September 2018 reported on these objections. Respondents were given the opportunity to respond to uphold their objections or to withdraw their objections. Objections to the waiting and loading restriction elements of traffic orders must be referred to a public hearing, conducted by an independent reporter where these objections are not withdrawn. Representations were not withdrawn and therefore I was appointed to conduct a hearing into these objections.

Due to the overlap of issues associated with both the proposed TRO and RSO, a conjoined hearing to consider both the TRO and RSO objections was considered the most efficient

and effective way of proceeding. A public hearing to consider the outstanding objections was originally scheduled to take place on 22 April 2020. This hearing was to be held in the council's City Chambers building in Edinburgh and was to be webcast. However, due to restrictions brought about by the worsening Covid 19 situation, it was not possible to hold the hearing as planned and the hearing was subsequently postponed.

Given that the council had originally consulted on the TRO in early (February and March) 2018, and in order to avoid exceeding the two year period by which the council must consider objections to a TRO, the council decided to readvertise the proposals as new orders (ref: TRO/17/101A and RSO/18/01A). The council subsequently readvertised the orders for public consultation on 11 September 2020. Objections were subsequently received.

The readvertised TRO (and RSO) along with the objections received were forwarded to the DPEA in October 2020. The council wrote to the objectors, at my request, on 20 April 2021 asking if they wished to participate in the hearing. Four objectors confirmed that they wished to participate in the hearing. Of the original 19 objectors, several confirmed in writing that they wished to withdraw their objections. Others did not respond to correspondence. However, for the purpose of this report, these objectors are being treated as "non-hearing objectors" and their objections are being treated as "non-hearing objections" which have been taken into account in the preparation of this report.

Due to the ongoing Covid 19 health crisis, it was not possible to hold the hearing in person and it was decided that the hearing should take place by virtual means. All parties were agreeable to this approach. The virtual hearing was held on 19 August 2021.

A guidance note was issued on my behalf by the DPEA on 14 June 2021 to the hearing participants. This set out requirements for hearing statements and any documents that parties wished to rely upon during the hearing. It confirmed the date of the hearing and deadlines for submissions in the lead up to the hearing date. The parties were asked to submit their written statements and list of documents to each other and copied to the DPEA by 12 July 2021. The objectors were then given two weeks to comment in writing on the council's statement and the council then had two weeks to comment on the objectors' statements.

Hearing statements were provided by the council and by the four objectors. Following a review of the written statements, I prepared an agenda for the hearing. This was based on the topics raised by objectors in respect of outstanding objections to the TRO/RSO. The agenda was issued to the parties on 19 July 2021. The council published a newspaper notice of the hearing, as required by regulation 9(3). I carried out an unaccompanied site inspection on 16 August 2021. The report is directed to whether the council should, or should not, make the TRO in light of my consideration of the objections. My report provides the following content: a brief background to the TRO; an outline of the procedural matters relating to the TRO; the policy context; a summary of the objections, the council's responses to them and my assessment; and my recommendations.

Yours sincerely

Andrew Fleming

Reporter

CHAPTER 1. INTRODUCTION

The proposal

1. The Traffic Regulation Order (TRO/17/101A) (DPEA reference TRO-230-4) is cited as “The City of Edinburgh Council (West Crosscauseway, Edinburgh) (Prohibition of Turning) and (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) and (A7, North Bridge to South Clerk Street, Edinburgh) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places)(Variation No_) Order 201_ - TRO/17/101/A”.

2. The above order is being promoted in association with the proposed Redetermination Order RSO/18/01A (DPEA reference: ROD-230-4) which collectively cover works known as “the Causey Project”. The project, which is being promoted by the Causey Development Trust (CDT) with support from the City of Edinburgh Council, seeks to improve the environment and quality of place around West Crosscauseway, in the southside of Edinburgh. According to the promoters, this is to be achieved by reducing the impact of vehicular traffic, enhancing the pedestrian and cyclist experience and improving church frontages to form a new public square.

3. The Traffic Regulation Order (TRO) seeks to change parking restrictions and vehicle movement on West Crosscauseway, Chapel Street and Buccleuch Street (please see [Location Plan](#)). The existing restrictions are shown on the [plan as existing](#). The proposals forming this TRO are illustrated on [drawing 8976_105 rev B](#) and the details are contained in the [draft Order TRO/17/101A](#). In summary, the TRO introduces:

- A reversing of the direction of the one-way system on West Crosscauseway;
- Prohibition of right turns on exit (for vehicles) onto Nicolson Street;
- Alteration to waiting and loading restrictions; and
- New permit holder parking introduced on Buccleuch Place.

4. The Redetermination Order [draft Order RSO/18/01A](#), albeit a separate process to the TRO, is closely associated with it. The Redetermination Order covers the same location and involves changes which are integral to the proposals to enhance the environment and quality of place. The Redetermination Order is illustrated on [drawing 8976_106 rev B](#). In summary, the Redetermination Order involves:

- Reduction in carriageway width and widening of footway;
- Redetermining footway to carriageway; and
- Defining a public realm area, accessible to only pedestrians and cyclists.

5. The Redetermination Order is subject of a separate report and is submitted to the Scottish Ministers for their consideration.

The role of the TRO

6. A traffic authority, such as the city council, may make a traffic regulation order under section 1(1) of the Road Traffic Regulation Act 1984 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 include the following (as per the letter references of section 1(1)):

“(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d) 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, or”

“(f) for preserving or improving the amenities of the area through which the road runs, or

(g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).”

7. These reasons are to be understood against the wider requirements of section 122 of the 1984 Act. This requires the council to exercise its functions conferred on it by 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”. This duty is a qualified duty in that the council must comply with it “so far as practicable”, having regard (in summary) to (as per the letter references of section 122):

“(a) the desirability of securing and maintaining reasonable access to premises,

(b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the area through which the road runs,

(bb) the 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 council to be relevant.”

8. My function in preparing this report is to examine the TRO in the light of the objections and to assess whether the making of the TRO is expedient in the circumstances. This involves taking account of environmental, social and economic factors as necessary and assessing whether the public benefits of the TRO as put forward by the council outweigh the public or private disbenefits alleged in the relevant objections.

CHAPTER 2: PROCEDURAL MATTERS

9. The procedure for making a TRO is contained in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. Regulations 4 and 6 specify consultation requirements. Regulation 5 requires publication of the proposals by (at least) notice in a local newspaper. Regulation 7 enables objections to be made in response to the regulation 5 notice. Regulation 8 provides that, before making an order, the authority may hold a hearing in connection with it and the authority shall hold such a hearing before making an order in certain specified cases. One of the cases for a mandatory hearing is where an order contains, as it does here, a provision "which prohibits, or has the effect of prohibiting, the loading or unloading of vehicles in any road either at all times or for any period of time unless such period falls wholly between 0700 hours and 1000 hours or between 1600 hours and 1900 hours in any day" and there is an unwithdrawn regulation 7 objection to that provision. Regulation 8 also requires hearings to be conducted by an independent person (referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose. Regulation 9 specifies requirements for notice of the hearing, and regulation 10 specifies procedure at the hearing.

10. Where a hearing has taken place, regulation 12 requires the authority, before making the order, to consider the report and recommendations made by the reporter. Regulation 14 makes provision for the transmission of documents to the Scottish Ministers if the authority decides to make the order in a form which includes any provision at variance with the recommendations of the reporter. Regulation 15 requires the authority to prepare and keep a map in connection with the order. Regulation 16 relates to the date of the order and specifies a time limit for making it.

11. The Causey Development Trust (CDT) established a design concept for the area around West Crosscauseway in 2013. The council commissioned design consultants to develop this concept into a more detailed design which led to the submission of a TRO (TRO/16/44) and Redetermination Order (RSO 16/12) in September 2016. These orders gave rise to a series of objections from various parties with key concerns centred on the following issues: the closure of West Crosscauseway to through traffic; shared space use of West Crosscauseway; loss of residents parking; and the removal of cycle lanes on Chapel Street. In light of these objections, the decision was taken to withdraw both orders.

12. Following the withdrawal of the above orders, there was further engagement with stakeholders and objectors during 2017 which resulted in the development of revised proposals. These proposals were the subject of new orders (TRO/17/101 and RSO/18/01). These orders were formally consulted upon by the council during February and March 2018 and objections were subsequently received from 19 respondents. There were also 45 individual letters of support for the proposals.

13. The council's South East Locality Committee report of 24 September 2018 reported on these objections. According to the committee report, the council provided each of these respondents with a written response to their objections with officer comments provided in an effort to address the comments raised. Respondents were given the opportunity to respond to uphold their objections or, if satisfied with the council's response, to withdraw their objections. According to the committee report, 11 respondents did not respond (either to maintain or formally withdraw their objections). The council considered these objections as being maintained for the purposes of the committee report. Of the 8 respondents who did respond, 7 chose to maintain their objections whereas one chose to withdraw their objections.

14. The committee report confirmed that several respondents made comments rather than objections and that such comments could be considered by the design and project team whilst not forming part of the formal statutory TRO/ RSO process. Appendix 2 of the committee report contains all the objections which were to be considered relating to the TRO proposal (and RSO proposal). As referred to above, objections to the waiting and loading restriction elements of traffic orders must be referred to a public hearing, conducted by an independent reporter, appointed in accordance with the requirements of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. Given the nature of many of the objections, and in the interests of open debate, the report to committee recommended that all the objections relating to the TRO/ RSO proposals should be referred to a hearing.

15. Due to the overlap of issues associated with both the proposed TRO and RSO, the report to committee recommended a conjoined hearing process to consider both the TRO and RSO objections, advising that this would be the most efficient and effective way of addressing the objections. I understand that my report and findings are to be returned to a future locality committee for consideration. As referred to above, the Redetermination Order is subject of a separate report, prepared in parallel with this report, and is submitted to the Scottish Ministers for their consideration.

16. A public hearing to consider the outstanding objections was scheduled to take place on 22 April 2020. This hearing was to be held in the council's City Chambers building in Edinburgh and was to be webcast. However, due to restrictions brought about by the worsening Covid 19 situation, it was not possible to hold the hearing as planned and the hearing was subsequently postponed.

17. Given that the council had originally consulted on the TRO in early (February and March) 2018, and in order to avoid exceeding the two year period by which the council must consider objections to a TRO, the council decided to readvertise the proposals as new orders (ref: TRO/17/101A and RSO/18/01A). The council subsequently readvertised the orders for public consultation on 11 September 2020. The 7 objectors to the previous proposals resubmitted their objections to the new orders. There was one additional objection received to the new orders. Objections previously received by the council were treated as still valid and carried forward for consideration.

18. The readvertised TRO (and RSO) along with the objections received were forwarded to the DPEA in October 2020. The council wrote to the objectors, at my request, on 20 April 2021 asking if they wished to participate in the hearing. This was done by the council in order to meet the requirement in regulation 9(1) of the 1999 Regulations for the order-making authority to give notice to objectors about the opportunity to be heard in support of their objections. Four objectors (Gordon Duffy (on behalf of Daniel Sutherland), Hilary McDowell, Philip McDowell and Rebecca Wober) confirmed that they wished to participate in the hearing. Of the original 19 objectors, several confirmed in writing that they wished to withdraw their objections. Others did not respond to correspondence. However, for the purpose of this report, these objectors are being treated as "non-hearing objectors" and their objections are being treated as "non-hearing objections" which have been taken into account in the preparation of this report.

19. Due to the ongoing Covid 19 health crisis, it was not possible to hold the hearing in person and it was decided that the hearing should take place by virtual means. All parties were agreeable to this approach. The virtual hearing was arranged for 19 August 2021.

20. A guidance note was issued on my behalf by the DPEA on 14 June 2021 to the hearing participants. This set out requirements for hearing statements and any documents that parties wished to rely upon during the hearing. It confirmed the date of the hearing and deadlines for submissions in the lead up to the hearing date. The parties were asked to submit their written statements and list of documents to each other and copied to the DPEA by 12 July 2021. The objectors were then given two weeks to comment in writing on the council's statement i.e. by 26 July 2021 and the council then had two weeks to comment on the objectors' statements i.e. by 9 August 2021.

21. Hearing statements were provided by the council and by the four objectors. Following a review of the written statements, I prepared an agenda for the hearing. This was based on the topics raised by objectors in respect of outstanding objections to the TRO/RSO. The agenda was issued to the parties on 19 July 2021 i.e. four weeks prior to the hearing on the 19 August 2021. The council published a newspaper notice of the hearing as required by regulation 9(3). In addition to the objectors above, the council was represented at the hearing by Alan Dunlop, Steve Cuthill, Janet Pope (Ironside Farrar) Alistair Blamire (CDT) and Isobel Leckie (CDT).

22. I carried out an unaccompanied site inspection on 16 August 2021.

CHAPTER 3: POLICY CONTEXT

23. The council submit that the proposals have been informed by national, local and specific design policy, best practice advice and guidance. Reference is made to Scottish Government policy relevant to placemaking and street design including 'Designing Places' (2001), 'Designing Streets' (2010) and 'Creating Places' (2013). These policy statements represent a move away from traditional approaches and from a standards-based approach to design with place and people considered before the movement of motor vehicles. This approach is reinforced in the National Roads Development Guide (2014) which emphasises the move away from hierarchies of standard road types based on, for example, traffic flows or the number of buildings served. It emphasises the needs of pedestrians to be considered first in the design of any road layout followed by cyclists before motor vehicles.

24. Transport Scotland's document 'Cycle by Design' (2011) and Sustrans design manual 'Handbook for Cycle Friendly Design' (2014) provide technical design guidance relating to cycling infrastructure. These acknowledge the benefits of cycling which amongst other things can help to reduce emissions, tackle congestion and improve physical and mental health. It can also aid accessibility and social inclusion. The council submits that the design guidance contained within these documents has helped in the formulation of the proposals.

25. 'Edinburgh Design Guidance' including 'Edinburgh Street Design Guidance' (2018) is intended to bring about a shift in the emphasis of street design from a movement dominated approach to one which starts by considering streets as places, in so doing reinforcing and improving the quality of Edinburgh's streets. The guidance is clear that design of a particular street is to be used to influence road user behaviour, helping reduce vehicle speeds and therefore improving safety particularly for pedestrians and cyclists. The place-based approach adopted within this guidance is in accordance with national policy.

CHAPTER 4: THE OBJECTIONS, THE COUNCIL'S RESPONSES AND MY ASSESSMENT

26. My task is to examine the TRO in light of the objections and to assess whether the making of the TRO is expedient in the circumstances. Taking account of environmental, social and economic factors as necessary, I assess whether the public benefits of the TRO as put forward by the council outweigh the public or private disbenefits alleged in the relevant objections.

27. I make my assessment on a topic basis, reflecting the key issues raised in objections. This reflects the topic headings contained within the hearing agenda which are directly relevant to the TRO. The topics considered in this report are as follows:

- West Crosscauseway - Reversing direction of vehicular traffic
- Proposed loading bay provision and locations
- Proposed permit holder parking spaces

28. For each of the topics, I provide a summary of the points made by the objectors, the council's response and my assessment. Topic headings relating specifically to the Redetermination Order include: accommodating cycle lanes, pavements and vehicle lanes on West Crosscauseway; the proposed new public realm area and the proposed road alignment. These topics are considered in the separate report on the Redetermination Order.

29. Detailed design considerations such as kerbs, paving materials/ colours and street furniture do not form part of the TRO and are therefore outwith my remit.

West Crosscauseway – Reversing direction of vehicular traffic

Summary of points made by objectors

30. Concerns have been raised regarding the proposal to reverse the direction of vehicular traffic on West Crosscauseway from the current one way west bound direction to the proposed one way east bound direction. Objectors are not satisfied that this proposed measure would achieve a reduction in through traffic. Objectors consider that all the vehicles that currently turn right into West Crosscauseway from Nicolson Street and exit left onto Buccleuch Street would simply use the route on their return journey. Objectors are concerned that vehicles exiting West Crosscauseway would not necessarily be stopped from making a banned right turn out onto Nicolson Street. According to the objectors, this could cause problems similar to those experienced with traffic turning right from Nicolson Street into West Crosscauseway during the pedestrian phase on traffic lights located near the junction between these two streets.

31. Objectors suggest that the current direction of traffic flow should be maintained and that some minor adjustments made such as banning the right turn for vehicular traffic from Nicolson Street into West Crosscauseway. Objectors consider that this would appear to be safer for all users of this area. Objectors are also concerned about the impact of the reversed direction of traffic flow on cyclists. There are concerns for eastbound cyclists either going straight ahead to cross Nicolson Street into East Crosscauseway or turning right into Nicolson Street. Objectors consider that cyclists making these journeys would be susceptible to conflict with vehicular traffic particularly with vehicular traffic being forced to turn left at the junction between West Crosscauseway and Nicolson Street. There are also

concerns about the impact of the proposed changes on red route buses operating on Chapel Street. Concerns are raised about right turning traffic from Buccleuch Street into West Crosscauseway, blocking the flow of traffic, including buses, heading south along Buccleuch Street.

32. Objectors are concerned that the proposal would result in the same traffic flows through the area that are experienced currently whilst introducing further conflict between cyclists, pedestrians and vehicular traffic.

The council's response

33. Under the proposals, West Crosscauseway would remain as a one-way through road for vehicular traffic with the direction of travel changed from west to east. The council advise that the majority of traffic that currently uses West Crosscauseway is through traffic. There is a particular problem with driver behaviour on Nicolson Street, with vehicles commonly turning right into West Crosscauseway in order to avoid being held up by the traffic lights on Nicolson Street. By changing the direction of travel, the proposals seek to bring about behavioural change. The aim is to discourage drivers from using the route as a short cut and instead encouraging drivers to stay on the main north-south route.

34. At the same time, the intention is through the various design measures, to reduce traffic speeds along West Crosscauseway and therefore improve safety for pedestrians and cyclists. Design elements including the narrowing of the carriageway, use of raised tables and the redesign of the junctions should all help to reduce traffic speeds. Driver perceptions of the street would be altered by the incorporation of specific design measures so that it would not be viewed as a traditional street such as Chapel Street.

My assessment

35. The council advised during the hearing that the most recent traffic count data for the area (from 2014) indicated that approximately 100 vehicles per hour used West Crosscauseway, with the majority using it as a through route. Whilst this data is somewhat dated, there does not appear to be any dispute between the parties that West Crosscauseway is used as a short cut or 'rat-run' particularly for drivers heading south along Nicolson Street and seeking to avoid being held up at traffic lights near the junction with West Crosscauseway.

36. I consider that reversing the direction of vehicular traffic from one way west bound to one way east bound, in combination with a 'no right turn on exit from West Crosscauseway' would make West Crosscauseway less desirable as a route for through traffic. It would solve the problem currently experienced with vehicular traffic heading in a southerly direction along Nicolson Street and using it as a short cut to continue south. The concern about drivers making a banned right turn is an enforcement matter for the authorities and not something I can concern myself with. Under the proposals, West Crosscauseway would not be able serve as a short cut for vehicular traffic heading south along Chapel Street which drivers might have considered using as an alternative route to continue south.

37. In light of the above, I am confident that by reversing the direction of vehicular traffic on West Crosscauseway and including a banned right turn on exit that this would discourage drivers from using it as a through route and help to encourage vehicles to stay on the main north – south routes. I also consider that design would play an important role in helping to reduce traffic volumes on this street. For example, raised tables, narrowed

carriageways and redesigned junctions whilst not banning vehicle manoeuvres would make them more difficult, reducing the appeal of West Crosscauseway as a through route for vehicular traffic. Such measures would indicate to drivers that they were entering a different type of space to a 'normal street' such as Chapel Street or Nicolson Street.

38. I am satisfied that by making West Crosscauseway less desirable as a route for through traffic, this would have an impact on the number of vehicles using it. On this basis, it is safe to presume that this impact would be a reduction in the number of vehicles using West Crosscauseway. A reduction in the number of vehicles using the street together with a change in driver behaviour (the result of design) would ultimately benefit cyclists and pedestrians moving through the area. I understand that the design of the junction at the end of West Crosscauseway would ensure that cyclists would be in front of vehicles and that this would ensure safe turns either north or south into Nicolson Street without the risk of vehicles cutting across the path of a cyclist turning into this road.

39. I acknowledge concerns about the impact that the proposal might have on traffic flows along Chapel Street which is a red route for buses. I accept that there is potential for disruption to traffic flow which includes buses heading south as a result of right turning traffic from Buccleuch Street into West Crosscauseway. However, as referred to above, by making West Crosscauseway less desirable as a through route for vehicles which in turn should reduce the number of vehicles using it, the impact on traffic flow heading south along Chapel Street should be limited. Importantly, right turning traffic would be accessing a side street that is not signal controlled.

40. I note suggestions by several objectors for the council to consider alternative solutions for traffic circulation in the area. One suggestion is for a left in and left out route in order to reduce 'rat-running'. Whilst there is some logic to this, I am not convinced that this would necessarily deliver any greater benefits than those referenced as part of the council's proposal. There is nothing before me to indicate that such an alternative would necessarily be better for pedestrians, cyclists and vehicles whilst removing conflict from Nicolson Street.

41. I therefore consider that no modification should be made to the TRO in respect of objections related to the reversing of the direction of vehicular traffic.

Proposed loading bay provision and locations

Summary of points made by objectors

42. The objectors raise several concerns about the proposed loading bays including the adequacy of their provision and their proposed locations. There is a concern about the position of the proposed loading bay directly in front of St Andrews Orthodox Church and whether this is appropriate as it is likely to be an area where members of the church would congregate. Concerns have been raised about the proposed loading bay immediately south of the Causey triangle with implications for servicing of the business '56 North' on the north side of the triangle. The Buccleuch and Greyfriars Free Church of Scotland (Free Church), whilst generally pleased with the provision of a loading bay reasonably close to the church, expressed concern about its use on Sundays and in the evenings. Other objectors expressed concern that the provision of this loading bay at the western end of West Crosscauseway would be unlikely to deter illegal parking by lorries making deliveries towards the eastern end of the street. Objectors are not clear as to the logic of providing a loading bay near the corner between Buccleuch Street and Buccleuch Place. In light of

these concerns, the objectors query whether there are other more suitable alternative locations including on main roads.

The council's response

43. The current loading restrictions change under the proposals with alternative provision made on the Buccleuch Street/ Chapel Street corridor and on West Crosscauseway. The council advise that the proposals were discussed with St Andrews Orthodox Church and the Buccleuch and Greyfriars Free Church so that their requirements could be taken into account, where possible.

44. The council consider that the Orthodox church is currently not particularly well served on the west side of Chapel Street due to a number of competing interests including the fact that it is a key bus route and contains a cycle path corridor. The council advise that the proposed loading bay is positioned outside the church for several reasons. There is a bus stop to the north and the road also narrows further to the north. The area outside the church is the widest stretch and it is considered a sufficient distance from the bend in the road. The council consider that the proposed on-street loading plus the pedestrian area is the best fit in the space available whilst maintaining a feasible bus route. The council point out that the church also has a fairly extensive area of land within its curtilage. The council proposes to narrow the main carriageway to the north and south of the church and by so doing to widen the pedestrian areas. This shortens the distance for members of the church to the proposed public realm area to the east (Causey triangle) and provides access to the loading bay. The council point out that the proposed loading bay to the south, towards Buccleuch Place, also provides opportunities for use by the church.

45. The council advise that there have been several meetings with parties to discuss the proposed loading bay to the south of the Causey triangle. The council did not consider it appropriate to incorporate a further loading bay along Chapel Street/ Buccleuch Street, given the geometry of the road plus the provision of bus stops on this stretch of road. The council consider that the proposed loading bay on West Crosscauseway provides a suitable solution for the area, providing access to business premises as well as flexibility for parishioners visiting the Buccleuch and Greyfriars Free Church i.e. for wedding cars and funerals. The council consider that the proposed loading bay is located in the most logical place, if maintaining loading options in the street and to give options to those to access in the street.

My assessment

46. Given the range of uses within the area, there is a clear need to provide adequate servicing opportunities with the provision of loading bays. I acknowledge the difficult task the council has in order to be able to deliver sufficient loading bay space within the limited space available whilst seeking to achieve the wider aspirations of the 'Causey Project'.

47. During my site inspection, I observed the Chapel Street/ Buccleuch Street corridor and noted the limitations on useable space along this corridor. I note the issues that the council has taken account of in proposing a loading bay outside the Orthodox Church. Whilst I acknowledge concerns about this loading bay being located directly in front of the entrance to the church, I consider, given the issues and constraints identified here, that the loading bay location is appropriate. Importantly, this loading bay (and the proposed loading bay further south on Buccleuch Street) could be utilised by the Orthodox Church and so I consider it, overall, to be beneficial to the church and its congregation.

48. I accept that the council has sought to address the concerns of the Free Church and that the provision of the loading bay to the south of the Causey triangle is in relative proximity to the church so that weddings and funerals can be properly accommodated. Cones and signs could be put out in order to ensure that there was sufficient space available within the loading bay for a wedding car or hearse. Whilst accepting that the proposed loading bay is less convenient than under current arrangements, it is less than 30 metres from the church entrance. I am satisfied that it would therefore provide adequate access to the church for weddings and funerals. It would also provide a suitable drop off point for the elderly and the disabled who wished to gain access to the church. With regards to concerns about access to this loading bay on Sundays and in the evenings, parking restrictions would apply to it. These restrictions would be enforced by the council. I am conscious, however, that Blue badge holders would be able to use the loading bay. The space in front of the church is currently of limited amenity value. Whilst detailed designs are not before me, I consider that the general proposals for the area would provide an overall benefit to the church, connecting this landmark building to the proposed new public realm area.

49. During my site inspection, I observed lorries unloading on Buccleuch Street for the business '56 North' and I understand that lorries also currently unload within the Causey triangle, close to the outdoor seating area associated with this business. Whilst the loading bay is proposed on the south side of the Causey triangle and slightly further from the business premises than its owners would prefer, I do not consider this to be such a great distance that the business would be significantly adversely affected. As referred to above, the council is having to balance the needs of numerous users in an area with various physical constraints. I am satisfied that the council is providing a suitable compromise as the premises would benefit from access to a dedicated spaced for loading and unloading, 24 hours a day, 7 days a week. I am also mindful that stopping vehicular activity immediately to the south of the outside seating area associated with '56 North' would provide the customers of this business with an enhanced external environment. This, notwithstanding, the improvements to the space as part of the proposed public realm works.

50. Objectors have suggested that HGVs should be banned from entering West Crosscauseway, altogether. However, if only private vehicles were allowed into West Crosscauseway, the community centre at Quarry Close, residents living within the street and businesses would not be able to receive deliveries, via HGVs, effectively. I am satisfied that the proposed loading bay provides both access to business premises in the vicinity as well as flexibility for those accessing the Buccleuch and Greyfriars Free Church i.e. for weddings and funerals. Being located at the western end of the street, its impact on pedestrians and cyclists is minimised whilst allowing loading and unloading to take place within the area. I am satisfied, given the 'Causey Project' aspirations for this street and given the space constraints, that the proposed loading bay on the west end of West Crosscauseway provides an appropriate solution. This notwithstanding that there is designated provision on Nicolson Street to the east, which is practical for loading and unloading for the eastern section of West Crosscauseway.

51. Several objectors are unconvinced that the proposed use of double yellow lines would stop lorries illegally parking within the street to load and unload goods. However, this is an enforcement matter for the authorities which I cannot concern myself with. In this regard, as referred to above, it is important to acknowledge that the proposed loading bays are available for 24 hour use, all days of the week, for loading/ unloading purposes. Importantly, disabled parking would be permitted within all the proposed loading bays. I consider that the council has balanced the servicing needs of users within the Causey area,

providing a fair distribution of provision within the space available as part of the project. Alternative solutions do not form part of this TRO and as there are no detailed proposals before me, I am unable to consider alternatives.

52. I therefore consider that no modification should be made to the TRO in respect of the objections relating to proposed loading bay provision and their locations.

Proposed permit holder parking spaces

Summary of points made by objectors

53. Objectors state that the proposal to omit all residents parking bays would result in a net loss of designated safe car parking in this area and that residents that currently pay for a permit would see West Crosscauseway used by vehicles illegally parking on the road and pavements at any time. There are also concerns that replacing the six public parking bays on Buccleuch Place with permit holder parking bays would result in an annual loss of £46,000 in street parking charges.

The council's response

54. The objective is to increase pavement widths and form a vehicle free central triangle and in so doing, achieve safe space for pedestrians, cycling and traffic circulation within West Crosscauseway. The council advise that residents' parking would be re-provisioned at Buccleuch Place and that subsequent parking restrictions would be put in place on West Crosscauseway. The council advise that the proposed re-provisioned permit holder parking bays are approximately 100 metres from West Crosscauseway. The council maintains that it sought to identify a new location for permit holder parking as close as possible to West Crosscauseway. According to the council, loading bays would be available for residents' loading activity and these loading bays would provide for disabled parking. The loss of 6 public parking bays and the subsequent loss of parking revenue has been highlighted to the council via its Transport and Environment Committee.

My assessment

55. I appreciate the concerns of the objectors that local residents that currently enjoy access to permit holder parking spaces on West Crosscauseway would lose this provision on this street and I acknowledge that the re-provisioned permit holder parking on Buccleuch Place would be further away and would therefore be less conveniently sited. I also appreciate the council's objective to identify the nearest existing public parking spaces, to the project area, at Buccleuch Place and to re-provision six public parking bays as permit holders parking bays so that there is no net loss of permit holder parking in the area. I noted some disagreement during the hearing between the council and the objectors on the distance between these re-provisioned spaces and the residential properties on West Crosscauseway. Whilst the residential properties at the eastern end of West Crosscauseway are further than 100 metres from Buccleuch Place, I am satisfied, having walked the route, that this represents a 3-4 minute walk and that this is not such a great distance.

56. I am satisfied that the re-provisioned permit holder parking is in an accessible location and not a significant distance from the original location. Buccleuch Place is a particularly wide street with tenemental buildings on both sides. The re-provisioned parking spaces would be overlooked by residential properties and as a result there would be good

surveillance of these parking spaces, providing a safe environment. I'm also conscious that the loading bays forming part of the proposals, including that proposed at the west end of West Crosscauseway, would be available for residents loading activity and that this would also be available for disabled parking.

57. The council has indicated that there are parking bays on Nicolson Street and slightly further away on St Patrick Square that residents could use. The council has offered to consult internally as to whether these parking spaces could have a dual purpose use so that they could be used by permit holders after certain times of the day. This would be additional to the six re-provisioned permit holder spaces on Buccleuch Place.

58. Whilst I appreciate concerns that illegal parking might occur on West Crosscauseway, I am mindful that parking restrictions would be put in place to avoid this from happening.

59. Clearly, the council would experience a reduction in parking revenue as a result of the loss of 6 public parking bays. Although it is not within my remit to consider this matter, I understand that the council is content to accept this revenue loss as part of the overall consideration of the wider proposals for the area.

60. In light of the above, I consider that the council's proposed provision for permit holder parking is acceptable and I consider that no modification should be made to the TRO in respect of the objections on this matter.

Chapter 5: RECOMMENDATIONS

61. 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 in drawing 8976/ 105/ B.

Andrew Fleming

Reporter

Appendix 1. List of objectors

Annie Arrowsmith
Baowei Geng
Benjamin Tindall
Heather Ackroyd
Daniel Sutherland
Deborah Charlesworth
Hilary McDowell
Jill Robertson
Judith Sandeman
Seung Kim
Lee Miller
Philip McDowell
Rebecca Wober
Tom Kempton
Gordon Duffy
Sean Doyle
Jean Laub

Appendix 2. List of hearing session participants, 19 August 2021

City of Edinburgh Council

Alan Dunlop – Senior Transport Team Leader

Steven Cuthill – Locality Transport and Locality Manager

Janet Pope (Ironsides Farrar)

Isobel Leckie (Causey Development Trust)

Alistair Blamire (Causey Development Trust)

Objectors

Gordon Duffy (also representing Daniel Sutherland)

Hilary McDowell

Philip McDowell

Rebecca Wober