

CITY OF EDINBURGH COUNCIL
THE CITY OF EDINBURGH COUNCIL

Item No 3

29 April 2021

DEPUTATION REQUESTS

Subject	Deputation
3.1 In relation to Item 7.2 on the agenda – Future Provision of Public Conveniences – referral from the Transport and Environment Committee	<ul style="list-style-type: none">a) Colinton Community Council (written submission attached)b) Colinton Amenity Associationc) The Colinton Tunnel (written submission attached)d) Colinton Village Enterprise SCIO (written submission attached)
3.2 In relation to Item 8.5 on the agenda - Motion by Councillor Webber - Public Confidence	<ul style="list-style-type: none">a) South West Edinburgh in Motion (written submission attached)b) Newington Hotels Group (written Submission attached)c) Silverknowes Community Group (written submission attached)d) Get Edinburgh Moving (written submission attached)

To: Lesley Macinnes, Convener Transport and Environment Committee
Cc: Jason Rust Local Councillor
Scott Arthur Local Councillor
Phil Doggart Local Councillor
Gordon Macdonald Member of the Scottish Parliament
Gordon Lindhurst Member of the Scottish Parliament

8th April 2021

Dear Cllr Macinnes and members of the Transport and Environment Committee,

RE-OPENING OF PUBLIC TOILETS IN COLINTON/TEMPORARY TOILETS IN SPYLAW PARK

I am writing to ask that the Transport and Environment Committee considers as a matter of urgency re-opening the Public Toilets in Colinton as part of the Public Convenience Strategy to be considered on 22 April 2021.

Data gathered in formal surveys for Colinton Tunnel between 2018 and 2020 indicate almost a tripling in visitors specifically to the Tunnel, and by association to Spylaw Park, the Robert Louis Stevenson trail and wider Colinton.

Surveys over a 2 week period in 2018 recorded the total number of visitors as 5,428; and in 2019 over a similar period, 7,449 visitors were recorded - a 37% increase. In the 2020 survey, the comparable number of visitors was 14,987, an increase of 276% since 2018 - on average over 1,000 visitors per day.

As a Community Council we have consequently seen growth in complaints about the lack of public toilet facilities in Colinton and the resultant problems of public urination and defecation, with all its implications for public health and loss of amenity.

Significant criteria cited by the Director of Place Management at the Policy and Environment Committee in July 2020 for selecting the 7 toilets currently open in Edinburgh included:

Proximity to heavily used open spaces:

Spylaw Park and Pentland Hills Regional Park (PHRP) are heavily and regularly used public spaces and many of their visitors come into Colinton but will not be recorded in the Tunnel statistics.

Displacement of anti-social behaviour:

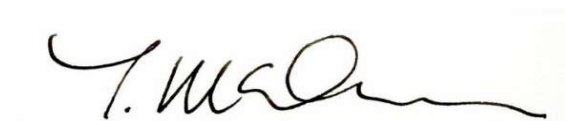
We are very conscious of the physical evidence and are receiving increasing complaints about public urination and defecation.

Proximity to Premier Parks:

Spylaw Park is a Green Flag Park. PHRP is as much of a draw as any Premier Park within the City, as is the Water of Leith Walkway - both popularly and frequently accessed through Colinton Village.

On that basis I submit that Colinton's toilets meet all primary criteria and should be opened as a matter of urgency. I also ask that consideration be given to installing temporary toilets in Spylaw Park over the summer.

Yours Sincerely,



Tom McDonald

Chair, Colinton Community Council

(by email)

To: Lesley Macinnes Convener Transport and Environment Committee
Jason Rust Local Councillor
Scott Arthur Local Councillor
Phil Doggart Local Councillor
Gordon Macdonald Member of the Scottish Parliament
Gordon Lindhurst Member of the Scottish Parliament

4th December 2018

Dear Ms Macinnes, Councillors, Mr. Macdonald and Mr. Lindhurst

POTENTIAL CLOSURE OF PUBLIC TOILETS IN COLINTON

I write on behalf of Colinton Community Council (ColCC) in relation to the above as we are already aware of very clear objections raised by hundreds of local people. We believe this closure is part of a money-saving exercise throughout the City.

We are extremely concerned the community has not been consulted or directly informed by the Council about this proposal and wonder why that has not been done? We believe the issue should be aired at the CEC Transport and Environment Committee on 6th December 2018 as it affects relevant issues above and beyond budgetary concerns.

The proposal is to close public toilets, apart from toilets serving Portobello and Cramond, “tourist areas”. Reactions in Colinton are strongly opposed to the city-wide withdrawal of this service from the Council Tax paying public. Feelings are even stronger that closure of the Colinton toilets would be particularly illogical and inappropriate.

The ColCC as a statutory body, along with our local Colinton Amenity Association (CAA) will be doing all we can to have this issue properly considered in full detail and I outline below some of the areas we feel are important, along with a number of questions to which we would like formal answers.

1. GENERAL ISSUES

It has been suggested to us that this proposal arises because CEC is not statutorily obliged to provide public toilets for the convenience and comfort of the public. If this is true, it is a major defect in our national legislation that the Scottish Parliament should address.

Q.1. What (if any) is the statutory requirement?

Apparently these closures are intended to reduce expenditure. But are the savings real? There are consequences which will cost money and effort. Colinton’s toilet is very new and in good repair.

Q.2. Have the savings been quantified for each proposed closure? What saving applies to Colinton?

Q.3. What provision will be made to eliminate the health risks from faeces and urine deposited in public and private areas as a result?

Q.4. Redundant toilet buildings have no resale value – what long term maintenance and anti-vandalism costs are being allowed for?

2. LOCAL ISSUES

Apart from its own attractions as a village Colinton attracts “tourism” through its ready access to the Pentland Hills, its location on the Water of Leith walkway, its Robert Louis Stevenson trail and well attended functions like “Art in the Park”.

Q.5. Why are Colinton tourists to be treated differently to those visiting Cramond or Portobello?

Colinton is a community with a large proportion of elderly residents. Locally it appears there is also an increasing number of very young families; both sectors with more pressing needs to access toilets than the average. There are few alternative provisions, mostly unavailable in private premises and our local library is not close to the village centre and has very restricted opening hours.

Q.6. Are the Council going to negotiate access arrangements with local shops etc? At what cost?

The toilet closure will remove the only easily accessible disabled toilet close to the village centre.

Q.7. What alternative provisions will the Council make for the disabled?

We were told that the toilet in Colinton is a “godsend” by a bus driver, as it is the “only one on the route” and bus drivers cannot be seen going into pubs while driving.

Q.8. What are bus drivers and other non-locals (e.g. CEC employees) travelling to or through Colinton on business expected to do?

Tom McDonald

Chair

Colinton Community Council

To: Lesley Macinnes Convener Transport and Environment Committee
Jason Rust Local Councillor
Scott Arthur Local Councillor
Phil Doggart Local Councillor
Gordon Macdonald Member of the Scottish Parliament

9th December 2018

Dear Ms Macinnes, Councillors and Mr. Macdonald

POTENTIAL CLOSURE OF PUBLIC TOILETS IN COLINTON – FOLLOW UP LETTER

I write on behalf of Colinton Community Council (ColCC) and refer to my previous letter dated 4th December 2018.

That letter contained eight questions concerning the above, some of which are simple matters of fact. To date we have received no answers to any of these questions from any of the addresses.

The community remains extremely concerned about the general situation and the threat to this public amenity. We are aware the Council has been advised that no policy decision has yet been taken but that should not prevent factual and/or informative answers to the questions asked.

Having waited over a month, the ColCC as a statutory body, with the full support of our local Colinton Amenity Association (CAA), now repeats its request for formal answers to these questions, which are reprinted in the attached Appendix 1.

We further request these answers be provided promptly.

Tom McDonald

Chair

Colinton Community Council

APPENDIX 1

Extract: Colinton Community Council letter of 4th December – Questions to City of Edinburgh Council

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The Colinton Tunnel

www.colintontunnel.org.uk

Email: colintontunnel@btinternet.com

10 Allermuir Road, Edinburgh, EH13 0HE

COLINTON PUBLIC CONVENIENCES – A STATEMENT TO CITY OF EDINBURGH COUNCIL

A representative of The Colinton Tunnel plans to make a short deputation to CEC on 29th April 2021, in respect of Agenda item 7.2 – Future Provision of Public Conveniences.

A brief background to our involvement is appropriate as an introduction. In 2016 Colinton, like all of the small communities along the Upper Water of Leith, lost its local bank branch. That loss was followed by the closure of almost 50% of our local retail businesses so that, for almost two years, it was not possible to purchase a loaf of bread or a pint of milk in the village, which had effectively become an economic wasteland.

Our project was established to achieve a range of objectives, prime among them being to bring more people to the village so that increasing footfall would help to maintain the few remaining businesses and encourage the establishment of new ones. One key element of our plans was an awareness that Colinton's public conveniences are not immediately adjacent to the former Balerno Branch Line on which Colinton Tunnel lies. Those seeking toilet facilities would, therefore, need to pass through the village to reach them.

The Colinton Tunnel SCIO consulted widely, created an ambitious design concept, received a great deal of local support, and went on to raise almost £100,000 – over a quarter of that in public donations. We have created Scotland's largest heritage mural, which is over 140 metres long and covers more than 2,000 square metres with stunning artwork.

Our plan to attract visitors has succeeded far beyond expectations, as shown by three annual electronic footfall analyses. The first, in 2018 before we began work, indicated baseline footfall along the Water of Leith Walkway. The subsequent surveys in 2019 and 2020 measured the impact of the mural in terms of attracting visitors and increasing footfall. Data for cyclists was only available in 2020, due to equipment limitations in the earlier years.

Our footfall data, which was shared with local organisations and CEC, is presented overleaf. In summary, it shows that nearly three times as many people now visit Colinton Tunnel as did in 2018 (from under 400 daily it is now over 1,000 daily). 2,200 people visited on a single rainy Saturday in October 2020. We know that the trend continues and expect that, with lockdown easing, growth will potentially increase further.



The Colinton Tunnel is a Scottish Charity, SC048476, regulated by the Scottish Charity Regulator (OSCR)

Date from	Date to	Footfall	Cyclists	Total	Two-week total	Annual increase %
25.7.18	31.7.18	2,748		2,748		
1.8.18	7.8.18	2,680		2,680	5,428	N/A
				-		
17.7.19	23.7.19	4,124		4,124		
24.7.19	30.7.19	3,325		3,325	7,449	+37%
				-		
1.10.20	16.10.20	13,813	3,315	17,128		
16 days' data scaled to 14 days:						
		12,086	2,901	14,987	14,987	+101%
2020 daily averages:		863	207	1,070		
Three-year growth:					9,559	
Three-year growth %						+176%

Colinton's are the only public conveniences near to the Water of Leith Walkway between Balerno and Saughton Park. Although Saughton Park's toilets are now open they may not be signposted from the Water of Leith Walkway and potential users may not be aware of them.

The issues of public urination and defecation in Edinburgh's premier parks are in the process of being addressed with the provision of temporary facilities. It is, therefore, difficult to comprehend why a recently-built DDA compliant public convenience in Colinton, which has never suffered from vandalism or other antisocial behaviour, is being singled out for closure. It serves a genuine and growing need and is, therefore, therefore, a "location where footfall is expected to be higher" as described in Para 4.5 of the Report submitted to the meeting of Transport and Environment Committee on 22nd April 2021. The objective evidence of "higher demand" arguably means that Colinton's Public Conveniences are, in fact, aligned with the proposed plans for future provision.

We urge City of Edinburgh Council to respond to objective evidence of a clear need and higher demand, and to retain Colinton's conveniences.



Mike Scott
Chairman
The Colinton Tunnel
27th April 2021



For the City of Edinburgh Council on 29th April 2021 with regard to speaking on behalf of Colinton Village Enterprise SCIO concerning Colinton's public toilet facilities –

In agreement with Colinton Community Council, Colinton Amenity Association, Colinton Tunnel and others, CVE SCIO believes the toilets on Colinton Road are in a key location for visitors to the village, the Pentland Hills, Spylaw Park & Colinton Tunnel. Being located in close proximity to a bus stop is an important factor here also, for travellers on foot. Cyclists, taxi drivers, bus drivers and other mobile workers are no doubt also keen to see the toilets re-open safely.

CVE SCIO has recently availed of Community Asset Transfer legislation in respect of the outbuilding in Spylaw Park. Since the existence of toilets in the Park was raised at last week's Council meeting on this topic, we would like it on record that said toilets are not in the public realm. These aged toilets within the outbuilding date back to the 1970's or earlier and have only been used during CVE's occasional outdoor community events.

While it is CVE's aim to completely refurbish and develop this building into a community hub, work is not likely to start on this project for some time. Therefore, fit-for-purpose toilet facilities will not exist for several years and even then, would be subject to the Hub's opening hours.

We urge CEC to retain Colinton's conveniences in consideration of the above factors.

Lorraine O'Shea
Chair
CVE SCIO

Sincerely,

Lorraine O'Shea
Chair
Colinton Village Enterprise SCIO



SWEM

South West Edinburgh in Motion

27 April 2021

Item 3.2(a)

Committee Services
The City of Edinburgh Council
City Chambers
High Street
Edinburgh
EH1 1YJ

Full Council Deputation from South West Edinburgh in Motion (SWEM)

Item 8.5 Public Confidence, Thursday 29 April 2021

1. Introduction

Thank you, Convenor, for allowing our deputation.

South West Edinburgh in Motion (SWEM) is a community group with 800 members on Facebook, formed by residents and businesses in November 2020, following the council's vote approving Spaces for People plans for Lanark Road and Longstone in spite of:

- 300 email objections (only 19 in favour and 10 neutral)
- Objections from Currie and Juniper Green & Baberton Mains Community Councils
- Concerns expressed around accessibility and safety for disabled people by Edinburgh Access Panel

SWEM committee members have embedded active travel in their daily lives for years and support a balanced approach to encouraging walking, cycling and bus journeys.

Our purpose is to push for proper consultation around any local travel proposals for the benefit of the whole community.

In December 2020 we commissioned an independent survey of residents and businesses in our local area from Balerno to Slateford, promoted through multiple channels and with online and paper options. This received a huge response from over 1,000 participants, including nearly 300 cyclists.

- 89% agreed that The City of Edinburgh City should not use emergency powers to implement significant changes without fully consulting local residents.
- 91% agreed that 'the council should undertake further consultation with local residents before implementing these proposals'.
- 75% agreed that cyclists are unlikely to switch journeys from the Water of Leith Walkway and Union Canal to Lanark Road as a result of these proposed changes - which was the stated intention of the use of the emergency powers.



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South West Edinburgh in Motion

- 73% of cyclists opposed the proposals.

These very clear results from a robust survey give SWEM a mandate to speak on behalf of the community in relation to consultation around Spaces for People.

We note the comments made by the Transport and Environment Committee convenor at the recent committee meeting on 22 April where, in the context of criticism over the degree of public consultation, she suggested that elected representatives had been 'stirring it up' within communities.

We acknowledge that COVID-19 required a different approach to consultation, but along with respondents to the survey above, we consider that Spaces for People plans over-reached what was a legitimate emergency response and were not justifiably included under this umbrella.

The negative impact of Spaces for People measures on many thousands of Edinburgh residents is why there is considerable upset within communities, not because any elected representative has 'stirred it up'. If there is any doubt about this, we refer councillors to the Change.Org petition on the subject, which nearly 15,000 people from across Edinburgh have endorsed, many leaving comments explaining why they signed:

www.change.org/StopSpacesForPeoplePermanent

The situation we now face is one of lowered public trust around active travel initiatives. Therefore, the consultation around retaining Spaces for People was the perfect opportunity to proactively demonstrate how the council fully intended to embrace proper consultation outwith an emergency situation and move forward constructively to win hearts and minds.

However, sadly, the way the consultation was carried out has further eroded public confidence about the council's ability to consult properly, fairly and openly.

We note the council's new Consultation Policy which will be active from 1 July 2021 following approval at the Policy & Sustainability committee on 20 April 2021.

We also highlight that this policy, as per point 2.4 of the policy document, is simply formalising the council's existing consultation framework, and is more focused on the approach to operations oversight and approval processes for different tiers of consultation.

It is therefore assumed that there is no reason that any consultation, relating to measures that do not fall under an emergency response, would fail to comply with the stated Quality Standards.

In fact, given the almost unprecedented city-wide outcry over Spaces for People measures, there is even more reason to ensure that all Quality Standards for consultation are rigorously applied.

However, the Street Schemes consultation relating to retaining Spaces for People measures has failed in multiple areas within several Quality Standards.

We are especially concerned that, after our deputation in relation to this was included in papers at the Policy & Sustainability committee on 20 April, which was attended by the



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South West Edinburgh in Motion

Transport and Environment convenor, that two days later on 22 April, at the Transport and Environment committee the convenor offered no acknowledgement of any issues relating to this consultation and talked confidently about this consultation reporting back in June.

The council's recent customer satisfaction survey showed broad levels of satisfaction with the council as a whole, but areas covered by the Transport and Environment committee showed greater levels of dissatisfaction than any others.

If this consultation is used as the basis for decision making at June's Transport and Environment committee, we predict that the low public confidence and levels of satisfaction with areas covered by this committee will spread to other committee areas and, inevitably, the full council.

2. How the council's Consultation Policy relates to the recent consultation around retaining Spaces for People

2.1 COVID-19 Engagement and Consultation Approach

All numbered references below map to the numbers of the council report on this link which was developed in response to the City of Edinburgh Council's Best Value Assurance Audit: <https://democracy.edinburgh.gov.uk/documents/s33269/Item%207.2c%20-%20Covid-19%20Engagement%20and%20Consultation%20Approach.pdf>

During the pandemic, consultation and engagement exercises were suspended unless they had statutory or COVID related requirements.

There does not seem to be any suggestion that as part of this there was a statutory or COVID-related concession that a lower quality standard of consultation was acceptable (assuming of course that no physical distancing requirements would be breached).

The retaining Spaces for People consultation was held during this period.

We note that in the COVID-19 Engagement and Consultation Approach:

- Point 2.4 in the report emphasises that this *"policy formalises the Council's existing consultations framework"* therefore **it is assumed that previous consultations largely fit within the requirements of this policy**, even although officially in point 2.5 the new approach to operations oversight will be fully established within three months of policy approval." (July 2021)
- Point 3.6 that the *"The Council has also has statutory duties to consult when making changes to some services - such as traffic regulation and school building - and the Council must ensure that changes it makes do not unfairly disadvantage members of protected characteristics as defined by legislation"*
- Point 3.9 that *"Failure to ensure the Council has a robust approach could have significant consequences for the Council. Several UK bodies have been*



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*compelled to reverse operational and policy decisions following court decisions, including re-opening facilities that were closed and repeating consultation activity that was done to a poor standard. **Some of these organisations have also been left with substantial legal costs** as a result of the failure to ensure high quality consultation. While there have been relatively few legal challenges on consultation in Scotland, compared to England, it remains a risk to the Council that needs to be addressed."*

We believe that the recent consultation around retaining Spaces for People failed to have a robust approach (3.9) in relation to Quality Standards for Consultation (9.3 Appendix 3), to the extent that the survey itself breached statutory duties around the Equality Act 2010 (3.6) and that the council's existing consultations framework (2.4).

Part of these failings were due to the issue highlighted in 4.5 - *"Engagement between the Council and communities has been mixed, reflecting the insufficient time and capacity allocated to pre-consultation and pre-engagement phases that enable communities to share the objectives and scope of the activity."* However even if this consultation needed to be done quickly, the existing 5,000+ communications to the Spaces for People inbox would have been a good source of information to shape this.

2.2 Consultation Framework

The Consultation Framework criteria, under the new policy, defines the internal sign-off process and referral to CLT for approval. For the purposes of this deputation, it is worth noting, that this consultation would be likely to score high on five of the six criteria as follows and therefore require the highest level of sign-off due to the level of impact and risk:

- **Strategic** - Integral component of Council Business Plan/outcomes/pledges
- **Number of people likely to be directly impacted** - Greater than 10,000 (significantly greater)
- **Community/environmental impact** - Overall significant consequences for/impact on people, equality, economy or environment
- **Political/reputational impact** - Highly sensitive, will be subject to Committee debate and scrutiny. High reputational implications (major loss of confidence, adverse publicity or public outcry)
- **Project risk** - Could result in inability to fulfil Council's statutory obligations and pledges

2.3 Quality Standards

Quality Standards listed in the policy come under the headings of Process, Genuine, Inclusive and Accessible, Informative, Effective, Action Focused, and Feedback.

There are several examples of failure to meet a number of Quality Standards within this consultation. (Please note, those highlighted in this section are not a complete list.)



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2.3.1 Genuine

Guidance note 7 Council Consultation Quality Standards v0.1 March 2020 - Measures	Street Schemes Consultation Reality
Consultations are open for a minimum of 12 weeks to allow adequate time for consideration and response (unless there is an overriding licence or other regulatory or statutory requirement).	<p>This consultation was originally for only four weeks, then extended to six in spite of relating to 120 schemes across all wards in the city, therefore likely to directly or indirectly impact every citizen.</p> <p>In comparison, the simultaneous Winter Festivals consultation was open for 12 weeks, and while very important for the city, it relates to a few events in a single ward of the city and has little risk of causing daily and ongoing harm to any large group.</p>

2.3.2 Inclusive and accessible

Guidance note 7 Council Consultation Quality Standards v0.1 March 2020 - Measures	Street Schemes Consultation Reality
People and organisations likely to be impacted by decisions have been identified	<p>There was identification that businesses as a group were likely to be impacted by decisions, but then the methods used to engage that audience were inadequate - the business survey only had one question that was different to the individual survey, meaning there was no appropriate format for individual businesses to respond. A screencast of this survey is available on request as illustration of the issues. The lack of understanding reflects the fact that businesses as a group were not previously identified as a stakeholder in the notifications for all the emergency measures.</p> <p>In parallel to the public survey for individuals, a similar survey was commissioned by the council to be run by an independent research agency with a panel of between 500 and 600 participants. Based on the questions, we do not believe that this methodology and sample included businesses, and focused on individuals only, in spite of the requirement of the consultation to include both groups. (We acknowledge we may be wrong about this.)</p>
Supporting documents and multimedia are not overly lengthy or detailed	<p>There were several complex supporting documents in the survey with long lists of schemes, and various drop-down boxes with inconsistencies in layout and content as well as multiple confusing errors.</p> <p>e.g. Greenbank Road & Glenlockhart Road appear in Qu 13 but not in Qu 11 which they should if they are in Qu 13. Saying Bonaly School completed – but it had not been implemented.</p>



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South West Edinburgh in Motion

	<p>Saying Juniper Green is completed, but the parent council there are unaware that anything has happened. There were many more examples like this.</p> <p>The survey took at least 45 minutes to fill out properly and for some people it took 1 hr 30 minutes. Some individuals will have had to complete two surveys - both as a resident and a business. We have screen casts available to illustrate this which can be provided on request.</p>
<p>Physical and language barriers to participation have been minimised.</p> <p>People are given a variety of methods and opportunities to provide their views.</p>	<p>A phone number to request paper copies of the survey was not provided in any offline environment.</p> <p>In spite of Covid restrictions being blamed for over-ruling the standard requirement for lamppost advertising of TTROs still being implemented during the consultation period, the council used ads on lampposts to promote the consultation, claiming they needed to have these consultation ads up on lamp posts to reach people who can't use the internet so they can get paper copies. However, none of the ads had the phone number on them. They only had a web address.</p> <p>Even when lamp post ads were updated with stickers to update the closing date when they extended the consultation (following complaints about the restricted time it was open for), the council didn't take the chance to add the phone number on at the same time, even though this issue was flagged at the full council meeting on 11 March.</p> <p>Even with email requests, there were issues with people getting paper copies of the survey – when people requested them, they arrived without envelopes and addresses to return them.</p>
<p>An Integrated Impact Assessment (IIA) has been completed to assess the effect of the proposals on different groups.</p>	<p>We are not aware that an IIA was completed to assess the effect of the proposals to make Spaces for People schemes permanent, before proceeding with the consultation to retain them, but we acknowledge this may have been done.</p>

2.3.3 Informative

<p>Guidance note 7 Council Consultation Quality Standards v0.1 March 2020 - Measures</p>	<p>Street Schemes Consultation Reality</p>
<p>Enough information is given to ensure participants understand issues, can consider proposals and give</p>	<p>Participants were asked if they wanted 36 schemes not yet installed, to be retained. But the council had refused requests to publish these - therefore people were being asked their opinion on plans where no information was publicly available, and the council had refused to provide it</p>



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informed responses	<p>The survey ran during lockdown. So even the schemes that were in place should have had accessible plans and imagery for those who couldn't see them. Of the few plans that were published, all were technical drawings confirmed by officers to be 'not designed for public use'.</p> <p>Misleading content blocked true understanding of the issues - in council communications and tweets from individuals (evidence can be supplied on request)</p>
There is clarity about what participants can and cannot influence through the consultation process	<p>There is no clarity - it appears that even councillors do not know. In a response to a formal question at full council meeting on 11 March, the Transport Convener refused to commit to saying whether schemes which a majority of respondents wished to be removed would in fact be removed or retained.</p>
Timescales for the process are clear	<p>The date of the consultation launch was a 'surprise' with local councillors only hearing at the same time as the press - a couple of hours before the consultation opened.</p> <p>Symptomatic of the extreme rush, the deadline immediately seemed ridiculously short - allowing only 3.5 weeks for the public and busy stakeholders to respond during a lockdown. As already mentioned, the council had not even put the required infrastructure in place around paper copies of surveys.</p> <p>This set the public 'tone' for the consultation and raised concerns and reduced trust in the process.</p> <p>Following feedback, the deadline was then extended by a fortnight.</p> <p>However, some of the damage and confusion could not be undone. For example, an advert remained on Lanark Road for the duration giving the original closing date when it had been updated to 5 April.</p>

2.3.4 Effective

Guidance note 7 Council Consultation Quality Standards v0.1 March 2020 - Measures	Street Schemes Consultation Reality
Public communications raise awareness of the consultation process to encourage those with an interest to participate	<p>There is widespread concern that public communications to raise awareness of the consultation were seriously misleading.</p> <p>This began in the launch communications and tweets when six quotes making positive statements about Spaces for People positioned as being from the general public, turned out, apparently, to be from a Sustrans employee, council staff and cyclist activists and their relatives. They were subsequently withdrawn but can be viewed on this archived council web page.</p>



SWEM

South West Edinburgh in Motion



<https://web.archive.org/web/20210222130108/https://www.edinburgh.gov.uk/news/article/13109/seeking-your-views-on-keeping-spaces-for-people-measures>

SWEM commissioned an independent research company to review the communications and the survey and feedback was:

'The cornerstone of any survey or consultation is neutrality. You should be seeking to do everything you can throughout the process to maintain neutrality, not influence or lead and provide reassurance that all views have equal validity. Having looked at how the City of Edinburgh have initially advertised and promoted this consultation I would have concerns about their approach from a research perspective. The consultation is introduced with the message that these measures are positive, have led to improvements and have widespread support in the community rather than a neutral position. Cllr McInnes even states that "...over the last year we've heard from many, many people who have gained from Spaces for People measures." This approach will undermine the neutrality of the exercise and the validity of the findings as it will inevitably introduce a bias to any subsequent responses. I would have serious doubts about whether the findings from this process provided an accurate reflection of public views.'

There is also serious concern about the central use of icons relating to mobility in the advertisements for this consultation and the fact that in different creative executions they accounted for 33% or 40% of icons (icon of a person in a wheelchair and elderly people). See example image on left.

From feedback given over the previous 6 months, it was clear to the Spaces for People team by the time the consultation was launched, that there were significant concerns about the impact of removing 40km of kerbside access for disabled people across Edinburgh, and there had been very poor responses from council officers in relation to complaints. (These can be provided on request). The dominance of the segregated cycling schemes within the pandemic response and how they had been implemented, if made permanent, would be a form of 'eco-ableism' where environmental initiatives ignore the needs of disabled groups and would clash with other council policy around Equality.

Public statements and communications by leading councillors and officers in relation to this consultation went a step further - not just by denying that there was a negative impact, but far worse, by implying that Spaces for People schemes were actually centred on the needs of disabled people which is the direct opposite of the reality. (Transcripts, official public documents and emails that evidence this are available on request.)

The issue here is that some members of the public, without access to information other than that provided by the council or council representatives, may have responded more favourably to the consultation as a result.



SWEM

South West Edinburgh in Motion

The decision-making process is adaptive and flexible based on feedback and learning.

Feedback is sought from participants and stakeholders on the consultation process and used to make improvements

Three serious, detailed and evidenced deputations from community groups including SWEM raising concerns about the Spaces for People consultation process were made to this council's Policy and Sustainability committee last week on 20 April.

However, in the Transport and Environment committee on 22 April, the convenor (who had attended the Policy and Sustainability committee meeting) made no acknowledgement of any concerns - and proceeded with bold statements that this consultation will still report back at the June meeting.

This approach will continue to incur cost of officer and external agency time in analysis and reporting a consultation which cannot provide meaningful data for all of the reasons above and more.

3. Requested action

Given the level of evidence of failure to meet Quality Standards and the fact this is a consultation that scores very highly on the Consultation Criteria, SWEM believes it would not be appropriate for this consultation to report back in two months' time to the Transport and Environment committee in June to inform decision making at that meeting.

If it did report back, it would severely undermine the visible commitment to the council's approved policy for consultations and the repercussions would impact other council business and the ability for the council to be effective or offer best value in the longer term.

Instead, there is an opportunity here to draw a line in the sand and acknowledge that an attempt to run a consultation during a pandemic was not successful.

There is a chance to take a fresh approach to community dialogue, and to consultation around making Spaces for People schemes permanent that meets all Quality Standards to win the hearts and minds of the public in Edinburgh on the approach to active travel.

This would evidence the council's approach to putting the best foot forward for the future and create a sustainable and achievable approach to meet the requirements of the City Mobility Plan by 2030.

It would also provide a solid basis for requesting Scottish Government funds for future active travel initiatives.

Thank you to all councillors for reading this deputation.

Prof. Derryck Reid
Chair
South West Edinburgh in Motion

**Item 3.2(b)**

27 April 2021

For the Attention of City of Edinburgh Council**Meeting 29th April 2021****Item 8.5 Motion – Public Confidence**

Dear Councillors and Officials,

Newington Hotels Group have lost confidence in City of Edinburgh Council through existing transport schemes such as 'Spaces for People' to implement considerate infrastructure which maintains or enhances the visual character of our protected World Heritage City centre and outlying Conservation Areas.

CARE MUST BE TAKEN: Edinburgh sits on a world stage alongside cities such as: Vienna, Dubrovnik, Athens, Rome and Paris. The utmost care and respect must be taken to preserve Edinburgh's unique character. It is our duty as the current custodians, to ensure we implement sympathetic infrastructure to preserve Edinburgh's Historic Environment for future generations. Can you imagine installing these plastic and rubber Cycle Lane Defenders in front of the Coliseum in Rome?

Newington Hotels Group does not oppose Active Travel in principal as we can see great benefits in cycling for our guests and our community. We do however oppose the design of the Cycle Lane Defenders and the scale of installation within Edinburgh's protected Conservation Areas.

1. Defacing of Conservation Areas and Failure to Uphold Statutory Duty of a Local Authority:

- a) City of Edinburgh Council through the 'Spaces for People' schemes have caused significant damage to Edinburgh's Conservation Areas.
- b) It is City of Edinburgh Council's Statutory Duty under planning law to protect the Character and Appearance of Edinburgh's Conservation Areas and an alternative cycle lane option, more suitable to maintaining the character and appearance of Conservation Areas must be found.

We believe City of Edinburgh Council in partnership with Sustrans are breaking Planning Law and endangering Edinburgh's Historic Environment by not complying with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- c) 'Cycle Lane Defenders' of poor design quality, constructed of rubber and plastic have been installed in an excessive layout throughout the following Conservation Areas and UNESCO World Heritage Site and are not sympathetic to the Historic Environment:



1. Old Town Conservation Area (UNESCO World Heritage Site)
2. New Town Conservation Area (UNESCO World Heritage Site)
3. Craigmillar Park Conservation Area
4. Blacket Conservation Area
5. Waverley Park Conservation Area
6. South Side Conservation Area
7. Marchmont, Meadows & Bruntsfield Conservation Area
8. The Grange Conservation Area
9. Morningside Conservation Area
10. Merchiston and Greenhill Conservation Area
11. Inverleith Conservation Area
12. Corstorphine Conservation Area
13. Colinton Conservation Area
14. Dalry Colonies Conservation Area
15. Duddingston Conservation Area
16. Portobello Conservation Area
17. Dean Conservation Area

- d) City of Edinburgh Council in partnership with Sustrans have used the Emergency Covid-19 TTRO's to change the way our roads function. The TTRO's enable the change of traffic flow, loading and parking permissions but **do not cover the 'Cycle Lane Defenders'**.

City of Edinburgh Council have confirmed, the 'Cycle Lane Defender' used for cycle segregations and pedestrian social distancing measures have been installed on a temporary basis under 'Class 30' of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2014.

**The Town and Country Planning (General Permitted Development) (Scotland)
Order 1992**

SCHEDULE 1

CLASSES OF PERMITTED DEVELOPMENT

PART 12

DEVELOPMENT BY LOCAL AUTHORITIES

Class

30. The erection or construction and the maintenance, improvement or other alteration by a local authority of— (a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building works or equipment required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;



(b) lamp standards, refuse bins, public shelters and similar structures or works required in connection with the operation of any public service administered by them.

- e) Class 30 General Development Order, in which the Cycle Lane Defenders are installed, is for the use of small development on a small scale. The Council are abusing the use of Class 30 GDO to install unsympathetic Cycle Lane Defenders on the current scale. This large scale of development, specifically the prolific installation of Cycle lane Defenders throughout Edinburgh's Conservation Areas, significantly degrades the character and appearance of the Historic Environment.

The use of 'Class 30' General Development Order above, does not automatically give the right to install anything one likes in any fashion. All planning requirements for the completed article, in relation to Conservation Areas must still be adhered to. Local Authorities can use 'permitted development' to physically install infrastructure, however any building works completed must still comply with requirements under a Conservation Area in the relevant planning acts.

In other words, just because City of Edinburgh Council and Sustrans have the right to install the defenders does not mean City of Edinburgh Council and Sustrans have the right to destroy and deface Conservation Areas, in the process.

Planning Law states:

'General duties of planning authorities'

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), **special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.**

(2) Those provisions are—

(a) the planning Acts, and

(b) Part I of the [M1](#) Historic Buildings and Ancient Monuments Act 1953.



f) Scottish Planning Policy (SPP 2014, revised Dec 2020, p33) states:

Valuing the Historic Environment

136. The historic environment is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

137 (Point 2) enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

g) The Scottish Government NPF3 2014 states:

The Scottish Government “will respect, enhance and make responsible use of our natural and cultural assets” (NPF3 2014, 42) and that the “historic environment is an integral part of our well-being and cultural identity” (NPF3 2014, 43).

h) CEC’s own guidance in Edinburgh Street Design Guidance 2018, p118 states:

Edinburgh has a legacy of original street layouts, fabrics, materials and furniture. Locally quarried sandstone, Caithness paving, original whinstone kerbs, granite setts, horonized paving, original cast iron street lamps and street features such as mounting blocks, lighting plinths and coal chutes have been retained in many parts of the city.

These features form part of the overall values that underpin World Heritage status and create the essential character of the city’s conservation areas. **It is important that changes to streets aim to preserve and enhance this historic fabric.**

3. Not Acceptable on a Temporary Timeframe

Temporary basis or otherwise, Local Authorities have a Statutory Duty to preserve or enhance the character and appearance of Conservation Areas.

- a) The excessive placement of the Cycle Lane Defenders within Edinburgh’s Conservation Areas are overbearing on the historic environment and is unlawful development for Conservation Areas under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.



- b) We question the risk of transmission of COVID-19 as an immediate danger to the public and the need to mitigate that risk as a matter of urgency under a TTRO, given the successful roll out of over 33 million COVID-19 vaccinations and the timetable for easing coronavirus restrictions announced by the First Minister on the 16 March 2021.

c) Sustrans Own Guidance:

Sustrans provides guidance for support partners on the implementation of temporary active travel facilities in Scotland, through Scottish Government's Spaces for People fund, which is administered by Sustrans. (Source: <https://www.showcase-sustrans.org.uk/design-guidance/>)

Sustrans highlights 'Conservation Area considerations' when 'Separation Features' are considered.

Sustrans Design Guidance | <https://www.showcase-sustrans.org.uk/design-guidance/>

Version: CR_001 Published 07.20

Cycling Routes

2.1 Temporary Cycle Lanes (One-way Travel)

Separation Features

Separation features improve the level of service afforded to users by increasing the perception of safety and helping avoid conflict.

These include features both within and between user groups.



Figure 11. Cycle lane separators

Options for cycle lanes may include markings, lines, moveable infrastructure (e.g. cones) and physical infrastructure.



Figure 12. Temporary lines in Berlin

Key Considerations

- **Markings and easily moved objects** such as cones are likely to be subject to misuse.
- **Continuous separation** removes possibility for users to extend into other areas to maintain social distancing and could also restrict permeability in some cases.
- Length of time segregation will be in place (e.g. **short-term, medium term, long term**).
- Procurement, installation, and maintenance.
- **Conservation area considerations**
- Some separation features may have an adverse on other road users such as motorcyclists.



Figure 13. Cycle lane defenders



Figure 14. Lining and cones in Glasgow

- Page 10 -

- d) Temporary or otherwise, all of the above designs of 'Segregation Materials' do not comply with preserving Edinburgh's Conservation Areas. Rubber and plastic are not acceptable Materials, and should not be used on the current scale of development. The placement of the 'Cycle Lane Defenders' are dominant and overbearing on the Historic Environment.

- e) Visual evidence of damage to the preservation of the character and appearance of the Craigmillar Park, Waverley Park and Blacket Conservation Areas along the Craigmillar Park Corridor.



Cycle Lane Segregators of inappropriate design have been placed in an overwhelming manner, severely impacting on the Historic Environment:









4. Absence of Heritage Statement and/or Conservation Plan for the Craigmillar Park Corridor

- a) City of Edinburgh Council has been repeatedly asked to provide evidence of what measures have been taken to ensure the protection of the Historic Environment within the Craigmillar Park Corridor. To date, no evidence has been produced.
- b) For a development of this type and scale a Heritage Statement and/or Conservation Plan should have been undertaken by CEC. We request the publication of the Heritage Statement and/or Conservation Plan detailing the impacts of the Craigmillar Park Corridor Spaces for People scheme on the protected Historic Environment.
- c) Cycle Lanes need to be created with minimal impact on Conservation Areas in mind, this has not been achieved under the current City of Edinburgh Council and Sustans 'Spaces for People' scheme along the Craigmillar Park Corridor.
- d) The use of the current 'Cycle Lane Defenders' is causing material damage to the Historic Environment. Temporary or otherwise, they should never have been installed. It is the Statutory Duty of City of Edinburgh Council in partnership with Sustrans to find an unobtrusive cycle lane measure to maintain the integrity of the protected Historical Environment.

5. Adverse Impact on the Tourism Sector:

- a) The presence of the 'Cycle Lane Defenders' in Edinburgh's Conservation Areas and World Heritage Site are causing damage every single day. The Tourism sector is due to reopen in less than one week and the impact of the 'Cycle Lane Defender's on Edinburgh's Historic Environment through tourism will be felt immediately.
- b) Immediate removal is required as they have been installed using an abuse of 'Class 30' General Development Order powers, dishonouring City of Edinburgh Council's statutory duty to preserve or enhance the character or appearance of Conservation Areas.
- c) There is an economic cost to defacing Edinburgh's Conservation Areas. Tourism relies heavily on Edinburgh's Historic Environment, tourists visit Edinburgh to specifically experience the UNESCO World Heritage Site and Conservation Areas.

UNESCO States:

"Research has shown that World Heritage status can have a major socio-economic impact. For instance, in a recent report published in 2015, the UK National Commission for UNESCO finds that UNESCO projects in Scotland generated an estimated £10.8 million from April 2014 to March 2015 through their association



with UNESCO”

(Source: <https://whc.unesco.org/en/socio-economic-impacts>)

‘UNESCO World Heritage Site’ status can be revoked or inscribed on the ‘List of World Heritage in Danger’ if UNESCO finds that the condition of an area corresponds to at least one of a list of criteria.

Edinburgh Council in partnership with Sustrans have caused damage to Edinburgh’s World Heritage Site under the following UNESCO criteria:

- serious deterioration of architectural or town-planning coherence;
- serious deterioration of urban or rural space, or the natural environment;
- significant loss of historical authenticity
- threatening effects of town planning

(Source: <https://whc.unesco.org/en/158/>)

d) **Built Environment Forum Scotland states:**

The historic environment is one of Scotland’s most precious assets:

- Edinburgh as a World Heritage Site is worth between £1.2 – £1.4 billion (EWH 2016)
- 68% of visitors to Edinburgh come because of its historic vernacular, bringing an estimated expenditure of £1.16 billion p. a. (EWH 2016)
- The historic environment contributes in excess of £2.3 billion to Scotland’s economy, with £1.9 billion in Gross Value Added (SHEA 2018)
- The historic environment receives 18 Million visits per year, and these visits support a network of 66,000 jobs (SHEA 2018)
- Total spend by visitors to Scotland in 2015 was £8.87 billion.

(Source: <https://www.befs.org.uk/scotlands-historic-environment/facts-figures/>)

**FURTHER EVIDENCE OF IMPACTS TO THE CHARACTER AND APPEARANCE OF OUR UNESCO
WORLD HERITAGE SITE AND OUTLYING CONSERVATION AREAS:**



The Mound



St Giles Street, Old Town



North Bank Street, The Mound



George IV Bridge, Old Town



Greyfriars Bobby George IV Bridge, Old Town



Forrester Road, Old Town



Arboretum Place, Inverleith



Raeburn Place, Stockbridge



Bruntsfield Place, Bruntsfield



Holy Corner, Morningside



Church Hill Theatre, Morningside



Morningside Road, Morningside



**LACK OF MAINTENANCE, RESULTING IN FURTHER IMPACTS ON CHARACTER, APPEARANCE
AND ADDING TO STREET CLUTTER**

These two photos
were taken from
the same location,
3.5 months apart.
The same
'detached' bollard
is still on the road.

CEC are not
adequately
maintaining the
illegal
infrastructure.



George IV Bridge 4 November 2021



George IV Bridge 21 Feb 2021



George IV Bridge



George IV Bridge



George IV Bridge



North Bank Street



St Giles Street, Old Town



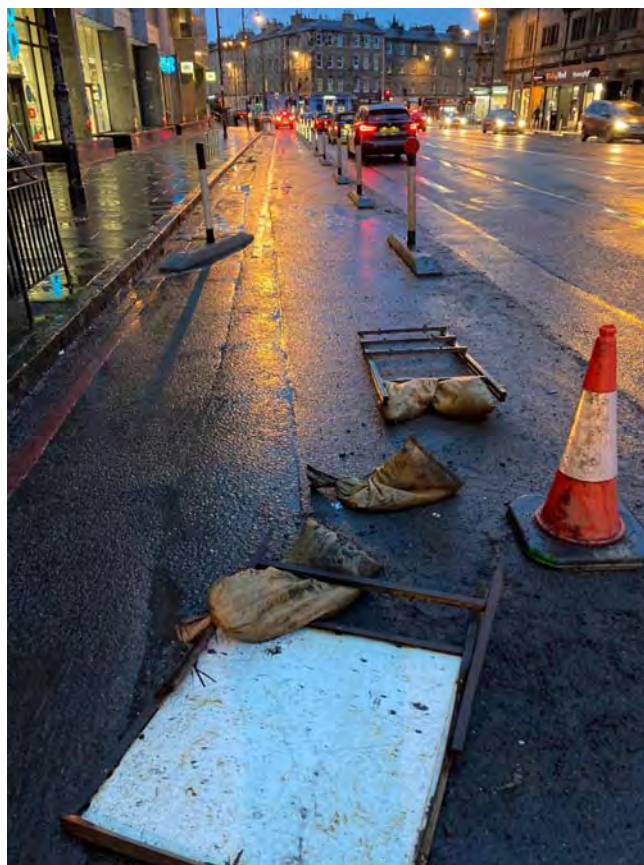
Potterrow, Newington



Potterrow, Newington



Morningside Rd, Morningside



Lothian Road, Tollcross



Forrest Road, Old Town



Chapel Street, Newington



6. A More Respectful Option:

Glasgow City Council have proven to be competent in implementing Emergency Covid-19 TTRO's within Conservation Areas.

Glasgow City Council have chosen a more respectful Cycle Segregation method. An example can be found in their 'Howard Street' Space for People scheme located in the Glasgow Central Conservation Area <https://glasgow.gov.uk/26694>

We propose the same Cycle Lane Segregation method for use on a temporary basis, as it does not overwhelm the character and appearance of Edinburgh's Conservation Areas:

The Orca Cycle Lane Separators are not dominant and overbearing on their surrounds. They do not detract from the appearance of the Historic Environment within the protected Conservation Areas. The materials used to construct the Orca Cycle Lane Separators are not ideal for upholding the character of Conservation Areas and therefore would only be suitable on a temporary time frame.

<http://www.rediweldtraffic.co.uk/products/cycle-lane-products/orca-cycle-lane-product/>



Brighton, UK

City of Edinburgh Council need to be reminded that we are an inclusive community and are required to plan infrastructure to include everyone. City of Edinburgh Council must not continue to be influenced by the bias agenda of cycling lobbyist groups. The CEC must plan for all its citizens, not just one group.

Thank you for taking your valuable time to read our deputation.

Our best wishes,

Newington Hotels Group.

27th April 2021

Item 3.2(c)

Committee Services
The City of Edinburgh Council
City Chambers
High Street
Edinburgh
EH1 1YJ

Deputation (Full Council)
Thursday, 29th April 2021
Silverknowes Community Group
Reference Item : 8.5 Public Confidence

The residents of Silverknowes would like to take this opportunity to thank you for allowing us to present our deputation.

Please accept this request as a consolidated voice of the residents and community of Silverknowes.

The controversial Spaces For People projects have driven mixed publicity and media coverage for the council.

Residents and businesses must be fairly listened to. However, as a result of poor engagement, trust is at an all-time low regarding active travel initiatives. The situation has been further exasperated by the recent council's consultation for retaining Spaces for People. We believe it breached acceptable Quality Standards to be able to fulfil its purpose. It does not reflect the council's own consultation framework.

There is an even graver concern that politics is driving action in our council in a way that minimum standards are not being met. The Transport and Environment committee could be deemed as not demonstrating democracy. There is a growing feeling that through over-reach of using its delegated powers, this committee does not represent the people of the city, its citizens.


Our concerns and recommendations were the subject of our deputation submitted at the Policy & Sustainability committee on the 20th April 2021. However, as with another community representative, technical limitations prevented our opportunity to present.

It was frustrating that the meeting on the 22nd April 2021 for the Transport & Environment committee made no reference to any of the three deputations relating to consultations standards for active travel initiatives.

Approved Framework-Engagement and Consultation Approach
A fresh opportunity to re-build TRUST

In November 2020, Audit Scotland highlighted that City of Edinburgh Council needed to do more to "embed community engagement as an integral part of service improvement and delivery.

Action is required now. It is imperative that engagement should open meaningful dialogue with communities. All consultations should meet minimum standards outlined by the new Consultation Policy which should already have been the basis of any council consultation.



We as a community are experiencing issues with the current SFP infrastructure in our neighbourhood but do not feel the recent consultation enabled us to effectively communicate our views around retention of the scheme, due to failures with the survey to meet basic quality standards.

Perceptions of the council being untrustworthy were increased through the controversial on-line survey. It needs to be challenged.

- We propose the only way to re-build trust & respected relationships is to re-run a robust SFP consultation that meets all quality standards within the approved policy, to be able to engage with communities effectively.
- We also request that the council is more transparent and responsible in collecting data. An example of this is clearly displayed when the council omits to include end-to-end responses, instead only showing consultation hub data. (emails, letters, focus groups, petitions, complaints all seem to fall into a council black hole).

The Council is required to consult where it is making substantive changes to services which are likely to impact on residents. The Council also has statutory duties to consult when making changes to some services – such as traffic– and the Council must ensure that changes it makes do not unfairly disadvantage members of protected characteristics as defined by legislation. We feel that this has clearly not been adhered to and this could easily be **addressed with a fresh consultation.**

The Council now have a great opportunity to re-establish a fresh approach to create better outcomes for a broader range of citizens and meeting *Audit Scotland recommendations.*

Failure to ensure the Council has a robust approach could have significant consequences for the whole Council.

Recommendations

The council should be making a visible commitment to the approved policy for consultation.

A fresh approach to consulting around retaining Spaces for People measures should be embraced, with respectful community engagement seen as a priority. Any such dialogue will build trust by ensuring all Quality Standards are adhered to.

Let's build an effective sustainable City Mobility Plan for the future together.

Thank you for your time we look forward to working with you.



Item 3.2(d)

Get Edinburgh Moving

e: GetEdinMoving@gmail.com

w: <https://getedinburghmoving.godaddysites.com/>

The City of Edinburgh Council
City Chambers
High Street
Edinburgh
EH1 1YJ

Date: 27th April 2021

Dear Councillors & Officials,

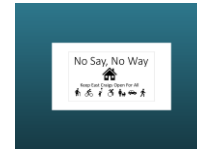
**RE: CITY OF EDINBURGH COUNCIL MEETING 18/05/21 –
DEPUTATION IN RELATION TO AGENDA ITEM 8.5 – PUBLIC CONFIDENCE**

I am writing in relation to the above agenda item in relation to public confidence in the Spaces for People programme and its consultation / decision making processes. Get Edinburgh Moving (GEM) is a local community campaign with 1,600 members, that was created in response to City of Edinburgh Council (CEC)'s East Craigs Low Traffic Neighbourhood Spaces for People proposals in 2020.

In our deputation to the Policy & Sustainability Committee earlier this month (appended for reference), I welcomed the paper produced by Andrew Kerr in relation to consultation policy, and specifically the key recommendation that the Policy & Sustainability Committee *"will develop a model for community engagement which strengthens the role of communities in service delivery and decision-making processes, and through the work of the Community Empowerment Team"*.

GEM's experience of CEC's community engagement to date, both on the East Craigs LTN TTRO and ETRO, and the citywide consultation on Spaces for People permanency, is far from optimal, and is outlined in the appended deputation. As a result there is a significant mistrust as to CEC's intentions, and its ability to make decisions taking into full account the views of residents – as opposed to minority pressure groups.

1. The Covid emergency was used as a smokescreen by CEC to bring forward long-held aspirations and pre-planned initiatives under the guise of an 'emergency' which has subsequently been proven by research to be essentially non-existent. GEM warned at the time that the outdoor transmission risk supposedly justifying a large portion of the implemented schemes wasn't supported by science. Studies of 'track and trace' data have subsequently found that 1 in 1,000 Covid infections are transmitted in the outdoor environment. 'Emergency' schemes that were justified on this basis for 'physical distancing' are now no longer justified, especially now more than 50% of the population has been vaccinated. To restore public trust, these schemes should be removed without further delay.
2. In the case of the East Craigs LTN, despite a 99.3% objection rate, hundreds of written / email complaints and advocate legal opinion procured in an economic crisis by crowdfunding (validated by CEC's lawyers) that the scheme was unlawful, CEC continued with the implementation of the scheme. Only a specific legal threat caused CEC to back down – a threat from its own residents. This is truly shameful – CEC has taken a wrong turn and is now fighting against the very people it has a statutory duty to represent, and from whom it draws its funding.
3. There is legal advice to further suggest that many of the schemes may be unlawful – however it seems to be CEC's view that it will proceed in any case unless threatened with court action.
4. CEC is ignoring its own people – the petition calling for a change of direction on the SfP permanency plan has attracted nearly 15,000 signatures – many multiples of the most popular petitions on the CEC website – yet it is ignored and discounted. The support rate dwarfs CEC consultations such as the City Mobility Plan (c1,800), yet these are used as a firm justification for action. Is it any wonder the public has lost confidence in this administration?



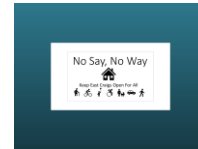
5. As detailed in the appendix, the Council consultation survey for East Craigs was designed to achieve a predetermined result. It focuses on drawing out answers that paint the status quo as negative and requiring improvement. There were no controls to ensure that survey responses were verifiably from within the area. It neglected to ask residents their views on the previous proposals brought forward. The questions were approved by Sustrans, a cycling pressure group, and the process was administered by AECOM, a significant consultancy supplier to CEC that benefits from fees where schemes are designed and taken forward. A formal complaint process on the selection of AECOM as 'independent' market researcher is underway.
6. GEM has had sight of the high-level survey results, and are bemused that a scheme design is being carried forward given the conclusive feedback. What is the point of consulting if you don't listen? As Council officers are aware, GEM crowdfunded from the local community to commission a truly independent survey of all local residents – with controls to ensure that it is local residents who respond – at the cost of several thousand pounds. This was only required due to the bias of the CEC survey. With a significantly higher response rate than the AECOM survey, the results will be released next week – the community's view will be crystal clear, and it will be untenable for CEC to push on with a scheme design if that is not what residents want.
7. GEM also has similar concerns in relation to the current consultation process around the Spaces for People Permanency consultation. In addition to the issues highlighted for East Craigs, there are no provisions to identify and verify local residents. Views are sought on schemes that are not even in place yet. The consultation is citywide, diluting the ability of local residents to make their voices clearly heard in relation to each scheme. There is no comfort that there will be a consultation on the decision as to whether each individual scheme should be made permanent, in which local residents are empowered and their views have primacy. The suspicion is that CEC always intended to make these schemes permanent, and has used the Covid smokescreen to introduce them without consultation. It is now 'dividing and conquering' by de-localising the consultation exercise, introducing bias into the process and diluting the final say that should rest with local residents. It looks and feels like a shortcut, rushed job to get these schemes in place before the pandemic is over, and they must be withdrawn. Indeed, the SNP MSP Pete Wishart has declared that the pandemic is over – so why do these schemes remain?
8. Further, the permanency consultation refers to interventions as 'improvements' as though that were undisputed. It presents as fact that there was a surge in walking and cycling. In reality it was short-lived, and was over by July last year. From now on, we will be seeing year on year FALLS in cycling, despite the reduction in road traffic, installation of new cycle infrastructure, and deprioritisation of public transport. Much of the short-lived surge took place on leisure paths and routes, rather than cycling as transport. This makes the survey deeply misleading.
9. CEC policy creation and implementation is becoming captured by minority pressure groups like Sustrans and Spokes. Sustrans is now fully woven into the CEC active travel team through secondment and staff moving between the two organisations. Spokes membership represents 0.2% of the Edinburgh population, but 36% of the CEC Transport Committee. It is no surprise that cycling schemes and spend dominate compared to those for pedestrians.
10. Eco-ableism is a growing concern – where green initiatives make life harder for disabled people. Disabled groups such as Edinburgh Access Panel are listened to as a courtesy but not heard. Segregated cycle lanes, inappropriate scheme design and junction closures / modal filters disproportionately impact vulnerable groups – denying access to properties and businesses, and making access less safe where it is possible. CEC is steam-rolling the needs of the most vulnerable in our society.
11. The poorest income groups are much more likely to have access to and depend on a car than a bike. Schemes prioritising the wants of the 1% of all journey miles that are cycled by people who are statistically disproportionately affluent, white and male, risk leaving these groups behind.

Pulling these points together, CEC has a credibility crisis. Its use of emergency powers and deeply flawed consultation processes have unfortunately fallen far short of a situation where the community feels empowered, listened to, and operating in a relationship of trust. As such, we support the motion put forward by Cllr Webber and call on the administration to seriously reflect on how it 'rights the wrongs' of the last year, and starts repairing its relationship with those it serves.

With many thanks and regards,

David Hunter

Chair



On behalf of,

Get Edinburgh Moving

Community Group

e: GetEdinMoving@gmail.com

w: <https://getedinburghmoving.godaddysites.com/>

cc:

Paul Lawrence, Executive Director of Place;
Councillor Mark Brown
Councillor Robert Aldridge
Councillor Claire Bridgman
Councillor Susan Webber
Councillor Kevin Lang
Alex Cole-Hamilton MSP

APPENDIX: GEM DEPUTATION TO POLICY & SUSTAINABILITY COMMITTEE, APRIL 2021

Get Edinburgh Moving

e: GetEdinMoving@gmail.com

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The City of Edinburgh Council
City Chambers
High Street
Edinburgh
EH1 1YJ

Date: 16th April 2021

Dear Councillors & Officials,

**RE: CITY OF EDINBURGH COUNCIL POLICY & SUSTAINABILITY COMMITTEE MEETING 20/04/21 –
DEPUTATION IN RELATION TO AGENDA ITEM 7.2c - COVID-19 ENGAGEMENT & CONSULTATION APPROACH**

I am writing in relation to the above agenda item, and the development of a new consultation policy. Get Edinburgh Moving (GEM) is a local community campaign with 1,600 members, that was created in response to City of Edinburgh Council (CEC)'s East Craigs Low Traffic Neighbourhood Spaces for People proposals in 2020.

Firstly, I welcome the paper produced by Andrew Kerr in relation to the above, and specifically the key recommendation that the Policy & Sustainability Committee “*will develop a model for community engagement which strengthens the role of communities in service delivery and decision-making processes, and through the work of the Community Empowerment Team*”. As the paper states, it is also vitally important that CEC “*recognises the need to strengthen community engagement, especially through pre-consultation activity that builds trust and creates consent in communities*”.

GEM's experience of CEC's community engagement to date, through the TTRO and now modified ETRO processes for East Craigs LTN, has unfortunately fallen far short of a situation where the community feels empowered, listened to, and operating in a relationship of trust. Our broader concern is that this concern extends also to the current consultation in relation to gauging support for making Spaces for People schemes permanent.



In the case of the East Craigs TTRO, the Covid emergency was used as a smokescreen by CEC to bring forward long-held aspirations and plans that predated the Covid pandemic, supposedly avoiding the need for a consultation. In the 6 day Council 'notification window', 407 objections were received, with only 3 in support – a 99.3% objection rate. This conclusive demonstration of community opposition was ignored, and CEC voted for implementation. It is now well known that GEM procured legal opinion that argued the LTN would be unlawful, and subsequent counsel opinion sought by CEC substantively agreed with that position. Despite this, it was only after a specific threat of legal action was received by CEC, that it backed down.

CEC's next step was to modify the process, and bring forward plans for a LTN under an experimental traffic order (ETRO). While GEM recognises that significant consultation is included in this next phase, including a Community Reference Group, there are several areas where we believe that the consultation falls significantly short of the policy you are looking to formalise via this paper:

1. In the first phase of engagement, a survey has been created by CEC, its consultants AECOM, and the cycling pressure group Sustrans. AECOM is put forward as an independent market researcher – an untenable position when in fact it is a major supplier of design consultancy services to CEC. In short, AECOM stands to benefit financially from a consultation outcome leading to scheme design and implementation work. It is unfair to put AECOM in a position of 'independent market researcher', when it undeniably benefits from CEC's predetermined and desired outcome being achieved
2. Sustrans is a cycling pressure group – it should not be involved in designing consultations or feeding into surveys
3. The survey is designed to achieve a predetermined result. It focuses on drawing out answers that pain the status quo as negative and requiring improvement. There were no controls to ensure that survey responses were verifiably from within the area. It neglected to ask residents their views on the previous proposals brought forward. A full list of our concerns is appended to this deputation, in the form of a letter to Paul Lawrence
4. From discussions with CEC and AECOM representatives, we have no confidence that the views of local residents will be the most important factor – the concern is that if residents do not favour change, a scheme will be designed anyway, and CEC will decide what is best for residents. This goes to the heart of what is wrong with the approach, and why the consultation is not compliant with the new policy's fundamental tenets around engagement, empowerment, trust, and consent

GEM also has similar concerns in relation to the current consultation process around the Spaces for People Permanency consultation. In addition to the same issues as expressed above, there are no provisions to identify and verify local residents. Views are sought on schemes that are not even in place yet. The consultation is citywide, diluting the ability of local residents to make their voices clearly heard in relation to each scheme. There is no comfort that there will be a consultation on the decision as to whether each individual scheme should be made permanent, in which local residents are empowered and their views have primacy.

The suspicion is that CEC always intended to make these schemes permanent, and has used the Covid smokescreen to introduce them without consultation. It is now 'dividing and conquering' by de-localising the consultation exercise, introducing bias into the process and diluting the final say that should rest with local residents. It looks and feels like a shortcut, rushed job to get these schemes in place before the pandemic is over, and they must be withdrawn.

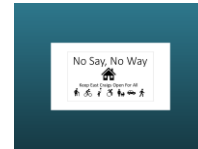
We note that the Keep Edinburgh Moving petition has gathered almost 15,000 signatures in opposition to the citywide SfP permanency consultation process – this dwarfs any petition on the CEC online petition portal, by multiples.

GEM's contention is that both the East Craigs LTN and wider permanency consultation fall short of meeting the standards brought forward in the consultation policy paper. As such, they should be scrapped, and replaced with fit for purpose processes that put local residents views front and centre of decision-making. It is untenable for CEC and its partners to ignore public opposition, and decide what is good for us.

With many thanks and regards,

David Hunter

Chair



On behalf of,

Get Edinburgh Moving

Community Group

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cc:

Paul Lawrence, Executive Director of Place;
Councillor Mark Brown
Councillor Robert Aldridge
Councillor Claire Bridgman
Councillor Susan Webber
Councillor Kevin Lang
Alex Cole-Hamilton MSP

APPENDIX: GEM LETTER TO PAUL LAWRENCE

Get Edinburgh Moving

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Paul Lawrence
Executive Director of Place
The City of Edinburgh Council
4 East Market Street
Edinburgh
EH8 8BG

Date: 5th February 2021

Dear Paul,

RE: EAST CRAIGS LOW TRAFFIC NEIGHBOURHOOD CONSULTATION

I am writing following our email discussions last week, and my subsequent meeting with Martyn Lings this week, in relation to the next steps for the consultation on the East Craigs Low Traffic neighbourhood proposals (LTN).

Firstly, please pass on my thanks to Martyn for his time and engagement.

My understanding of the current status is:

- Residents (defined as those living inside the 'rectangle' area boundaried by Maybury Road, Queensferry Road, Drum Brae Road and Glasgow Road) will receive a pack through the post on or around Monday 8th February
- This will include details of the process for the consultation and design of a revised LTN
- Part 1 will be an online survey to ask questions around people's attitude towards traffic, modes of transport etc in the area – a hard copy survey questionnaire can also be requested, but will not be included in the pack
- The tight timescales for the part 1 survey response will be 8th – 28th Feb, although some leeway will be applied for late responses
- Responses will be collated, and findings published in March / April. These findings will then inform the scheme design



- Following scheme design, a part 2 consultation will open
- While the Part 1 survey details will be posted to residents, the survey will also be shared on the West Edinburgh Link website for completion by anyone, anywhere. While respondents will be *asked* whether they live in the affected area, and will be prompted for a postcode or street name, anyone on the planet would be able to enter any postcode or any street name, and their response would be counted as though they were a resident. There are no controls in place to ensure against such a scenario

As you know, on behalf of the community, I expressed several serious concerns with regard to the process:

1. Lack of inclusion of a hard copy survey risks excluding, or at least making it very difficult, for vulnerable and/or elderly people to participate in the process – their voices may not be heard as a result.
2. CEC will have no way of knowing that responses are from residents of the area, or not. The survey is therefore wide open to abuse, gaming and influence by pressure groups. There is significant anecdotal suggestion, and also Edinburgh-specific evidence, to suggest that such groups are motivated to do so.
3. I asked specifically for an (easily arranged) unique code to be included in the packs, to be referenced in responses, to protect against such potential fraudulent ‘tampering’ with responses. This was refused.
4. Martyn explained that the initial survey will ask general questions in the style of ‘how do you feel about traffic speed in the area’. I reflected on the significant professional market research expertise that exists within the GEM organisation, and that we were aware of steps the council and Sustrans could take to game responses that would fit their narrative – questions over which the community has had no input and has no control. In essence, asking ‘would you like free / vague nice things’, without detailing the implications, will generate a positive response.
5. I specifically suggested that questions include (among others) ‘Are you in favour of road closures in the boundary of the proposed LTN?’; and ‘Did you approve or disapprove of the LTN proposals brought forward last year – please provide commentary on your response?’ Given the council is spending significant amounts of our money on this exercise, it is highly relevant (and vital) that the opportunity is used to ask residents for their feedback on the scheme as previously brought forward, in order to ensure best scheme design for part 2. Martyn confirmed that such questions would not be considered in the survey. At the very least, all comments from the summer 2020 Spaces for People notification responses must be taken on board in the review exercise.
6. Regardless of the above, the survey must include a free text area for detailed comments and feedback at this stage, not just later.

The inescapable conclusion is that the council is not seeking detailed views at this stage, because it is scared of asking for residents’ views on a deeply unpopular scheme, and one that was overwhelmingly rejected by the area last year.

Its choice of questions is a deliberate attempt to ‘game’ responses to soft questions in order to frame / justify the council’s intended next steps, ignoring any perceived negatives by not asking the questions.

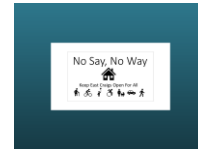
Furthermore, the unwillingness to apply any control measures to ensure responses from within the directly affected area are clearly ring-fenced, again suggests that the council recognises it will rely on support from pressure groups from elsewhere in Edinburgh, or even elsewhere in the UK, to artificially boost support. This basic lack of governance calls the entire process into question, and leaves it open to inevitable abuse by highly organised and motivated pressure groups. The entire process is delegitimised as a result.

I’m afraid there is little confidence in such a process. The council claims that it is listening to residents, when the reality is that it is listening to Sustrans and Spokes, and refuses to ask the necessary questions to inform scheme design because it simply does not want to hear the answers.

I call on the council to reconsider: to ensure that genuinely directly affected residents’ views are clarified beyond doubt and are given primacy in the process. Also, that it should take this golden opportunity to ask residents about the scheme brought forward last year, and for their suggestions for the design of the revised scheme.

I look forward to your response.

With many thanks and regards,



David Hunter

Chair

On behalf of,

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Councillor Mark Brown
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Councillor Kevin Lang
Alex Cole-Hamilton MSP