

Transport and Environment Committee

10.00am, Thursday, 15 June 2023

Response to motion by Councillor Burgess - Sciennes Primary Playground on Sciennes Road

Executive/routine	Routine
Wards	15 – Southside/Newington
Council Commitments	

1. Recommendations

- 1.1 It is recommended that Transport and Environment Committee notes:
 - 1.1.1 The update provided on actions arising from the motion; and
 - 1.1.2 That a further update will be provided following the conclusion of the public advertising stage of the Traffic Regulation Order process for a permanent closure.

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Report

Response to Motion by Councillor Burgess - Sciennes Primary Playground on Sciennes Road

2. Executive Summary

- 2.1 This report provides a summary update on progress with various issues relating to the section of Sciennes Road outside Sciennes Primary School, as instructed by a motion approved at Committee on [3 November 2022](#).

3. Background

- 3.1 On 3 November 2022, Committee approved an adjusted motion by Councillor Arthur in respect of the section of Sciennes Road outside Sciennes Primary School. A copy of the approved motion is provided as Appendix 1.
- 3.2 A Business Bulletin update was provided to Committee on [2 March 2023](#).
- 3.3 This report responds to the action to provide a summary update on progress to Committee in June 2023.

4. Main report

- 4.1 The approved motion instructed various actions, which can be summarised under seven headings.

Suitability study (Motion Items 3, 6 and 16)

- 4.2 While the challenges presented by the size of the playground at Sciennes Primary School are recognised and documented, the size of a school's playground is considered a 'suitability' issue. Suitability is a measure of whether a school is fit for the purpose of delivering the education curriculum. The school estate (Early Years, Primary, Secondary and Special Schools) consists of a wide range of buildings and sites from various periods that present a variety of suitability issues.
- 4.3 Currently funding streams available both nationally and locally are focused on ensuring the condition and sufficiency of the school estate. There is no funding available to address suitability issues which are considered a lower priority.

- 4.4 A suitability survey for Sciennes Primary School will be carried out as part of a planned five-year rolling programme of surveys covering the entire school estate, so that a list of suitability issues across the estate can be formed and prioritised, should funding become available in the future.

Retention of and improvements to the current temporary closure (Motion Items 7 and 12)

- 4.5 The temporary road closure, on the section of Sciennes Road outside the school, remains in place. A new Temporary Traffic Regulation Order (TTRO) is being progressed to allow this to continue for up to another 18 months while the permanent Traffic Regulation Order (TRO) is progressed and implemented.
- 4.6 The refurbishment works that are currently underway at the school restrict access to parts of the school playground. To compensate for this temporary loss of play space, part of the road width within the extent of the temporary closure was barriered off, to provide additional play space for pupils while the works were ongoing.
- 4.7 The refurbishment work is expected to be completed in July 2023. Access will therefore be restored to the whole of the playground prior to the start of the new school year and the temporary play space on the road will be removed. The planters at either end of the temporary closure will, however, remain in place to prevent vehicles from travelling through the area.

Further engagement with the Sciennes Parent Council (Motion Items 8 and 13)

- 4.8 A meeting was held on site with representatives of the Parent Council on 24 January 2023. This was attended by the Convener of Transport and Environment, one of the Ward members and an officer from the Road Safety team.
- 4.9 The main purpose of the meeting, as set out by the Parent Council, was to consider the permanent closure of Sciennes Road directly outside Sciennes School thereby securing the use of the road space as an extension of the current school playground on a permanent basis. The Parent Council presented three options they had developed for how this might be achieved.
- 4.10 A summary note of the meeting, prepared by the Parent Council, is attached as Appendix 2.
- 4.11 A further meeting with the Parent Council and ward Councillors was arranged for 8 June 2023 but was subsequently cancelled. Arrangements are being made to reschedule this meeting.

Timetable for the completion of the Traffic Regulation Order process for a permanent closure (Motion Items 9 and 11)

- 4.12 It is not possible to provide a definitive timescale for the completion of the TRO process for the permanent closure, as this will depend on various factors which cannot be quantified in advance (including the number and nature of any objections that are received when the proposals are advertised and the consequent process for determining these).

- 4.13 The statutory consultation stage of the TRO process is planned to commence later this month. This stage lasts for three weeks, following which any comments received will be considered and, if necessary, responded to. After this, the Order can be publicly advertised. The public advertising stage of the process, during which comments or formal objections can be submitted, lasts for another three weeks.
- 4.14 Depending on the number and nature of any objections received, these can be resolved either by:
- 4.14.1 Determination by the Executive Director of Place, under the Scheme of Delegation to Officers;
 - 4.14.2 Determination by Licensing Sub-Committee; or
 - 4.14.3 Referring them to Scottish Ministers for determination, following approval of this by Licensing Sub-Committee.
- 4.15 Subject to the successful conclusion of the statutory process for the TRO, arrangements will be made to design and implement suitable measures to introduce the road closure.
- 4.16 However, as reported to Committee on 3 November 2022, repurposing road space to provide a secure extension to the school playground is not something that could be prioritised for delivery as part of the Council's Road Safety programme.

Measures to improve operation and enforcement of the part-time School Streets restriction (Motion Items 10 and 14)

- 4.17 Several years ago, consideration was given to locally restricting the road width and relocating the School Streets restrictions signs at the entrances to the restricted area. This work was put on hold when the temporary closure was introduced, as this physically prevented the use of Sciennes Road as a through route.
- 4.18 However, further consideration will be given to the introduction of such measures alongside those that will be required to implement the permanent closure of the section of road outside the school, subject to the successful conclusion of the TRO process.

Restricting access for pedestrians and cyclists during school playtimes (Motion Items 7 and 15)

- 4.19 As reported to Committee on 3 November 2022, independent legal advice has been commissioned, which concluded that any attempt to prohibit the use of this section of Sciennes Road to cyclists and pedestrians under current Roads or Planning legislation would carry a significant risk of legal challenge. This advice has been shared with ward Councillors and the Parent Council.
- 4.20 As reported as part of the Business Bulletin on 2 March 2023, the legal advice obtained by the Council was that it was not possible to prohibit access to parts of the road for pedestrians, either at all times or for parts of the day, by means of either a TTRO or a permanent TRO. While it was possible to legally prohibit access

for cyclists, the need to maintain access for pedestrians meant that there was no practical way to put in place physical measures that could rigidly enforce this prohibition.

- 4.21 The Parent Council sought its own legal advice and a copy of this was shared on 11 January 2023. This legal Opinion has been reviewed by both Legal Services and the external legal team that provided the Council with advice previously on the issue. They are in agreement that they are still satisfied with the terms of the previous advice.

Provision of progress updates (Motion Item 17)

- 4.22 A progress update was previously provided to Committee as part of the Business Bulletin on 2 March 2023

5. Next Steps

- 5.1 An update will be provided to Committee once the advertising period for the TRO is concluded.
- 5.2 Subject to the successful conclusion of the statutory process for the TRO, Council officers will design and implement a permanent closure of the section of road immediately outside the school to motor vehicles.
- 5.3 A suitability survey for Sciennes Primary School will be carried out as part of a planned five-year rolling programme of surveys covering the entire school estate, so that a list of suitability issues across the estate can be formed and prioritised should funding become available in the future.

6. Financial impact

- 6.1 There is no direct financial impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 The Road Safety team met with Parent Council representatives as part of the School Travel Plan Review process and in January 2023, following the approval of the motion. Arrangements are currently being made for a further meeting and engagement will continue throughout the delivery of the permanent road closure and the other measures identified through the Review process.
- 7.2 The delivery of these measures supports the Council's commitments to encourage active travel, reduce vehicle dependency and lower carbon emissions. Safety and accessibility for people walking, wheeling and cycling will also be improved.

8. Background reading/external references

8.1 None.

9. Appendices

9.1 Appendix 1 – Approved Motion of 3 November 2022

9.2 Appendix 2 – Summary Note of Site Meeting on 23 January 2023

Appendix 1 – Approved Motion of 3 November 2022

The following adjusted motion by Councillor Arthur was approved by Committee on 3 November 2022:

- 1) To note the actions taken in response to the Motion and, in particular, that the statutory process to promote a Traffic Regulation Order to close the section of Sciennes Road outside Sciennes Primary School permanently to motor vehicles had commenced.
- 2) To note the independent legal advice commissioned by the Council, which concluded that any attempt to prohibit the use of this section of Sciennes Road to cyclists and pedestrians under current Roads or Planning legislation would carry a significant risk of legal challenge.
- 3) To note that there was no current national or local funding available to deliver an expansion of the playground at Sciennes Primary School. However, a survey would be carried out over the next year, so that a list of similar issues across the school estate could be identified and prioritised should funding become available in the future.
- 4) To note that this report concluded the action taken in response to the motion of 27 January 2022.
- 5) To note that a Business Bulletin update would be prepared for Education, Children and Families Committee to provide a link to this report.
- 6) To ask that the survey noted in 3) was reported to an appropriate Committee before August 2023.
- 7) To ask that while a permanent closure was investigated, Officers should work with the Sciennes Parent Council to ensure all practical measures were taken to make the current temporary, partial closure safe and secure for children, including signage and road painting. This should consider whether access by pedestrians and cyclists along Sciennes Road could be restricted during school playtimes, including if there was any new legal advice about this brought forward by the school parent council or others. To ask that Officers report back to the Committee on progress regarding these issue by March 2023.
- 8) To agree that Council Officers engage with the Sciennes Parent Council to share information and input into what that closure meant to the surrounding streets, parking, signage etc based on their daily experience given the Road had been closed for a year.
- 9) To agree that a timetable for the completion of the Traffic Regulation Order process should be shared with Ward Councillors and the Parent Council.
- 10) To recognise that, based on Sciennes Parent Council representations, the part-time School Streets restrictions, which prohibited access for most motor vehicles at the start and end of the school day, on the adjoining sections of Sciennes Road had not been operating without incident and ask that officers consider and implement measures to improve its operation and enforcement.

- 11) To note that the Sciennes School Parent Council and all four ward councillors welcomed the commencement of the statutory process to close the section of Sciennes Road outside Sciennes Primary School permanently to motor vehicles, principally to improve the safety and well-being of children and their families accessing the school and requested that officers provide the parent council with an indicative timeline for passage of the TRO with an update on its status by June 2023.
- 12) To request that the current measures that were keeping this area of road safe for children and families while accessing the school be continued until the permanent closure was in place.
- 13) To request that officers hold an onsite meeting for school parent council representatives and ward councillors with a view to ensuring that the practical measures referenced in the original ward councillors' motion (Jan 2022) and at section 3.3 the report by the Executive Director of Place, including signage and road painting, were completed and also to discuss potential physical measures to ensure children were safe from motor vehicles once the closure was made permanent.
- 14) To recognise that the current part-time School Streets restrictions, that prohibited access for most motor vehicles at the start and end of the school day on the adjoining sections of Sciennes Road, had not been operating without incident and therefore request that officers consider and implement further measures to improve its operation.
- 15) To request that officers continue to consider whether access by pedestrians and cyclists along Sciennes Road might be restricted during school playtimes, including considering any new legal advice about this brought forward by the school parent council.
- 16) To recognise that playground space at Sciennes continued to be severely limited to the extent that children had recently been told they should not run in the playground because of a high risk of collision and that certain games have been ruled out. Therefore request that the proposed 'suitability survey' is carried out as a matter of urgency and that the report is referred to the Education, Children and Families Committee for their consideration.
- 17) To request that ward councillors and the School Parent council be kept informed of progress on the above actions 12) -16) and that regular updates about progress be provided in the committee Business Bulletin with a summary report in June 2023.

Appendix 2 – Summary Note of Site Meeting on 23 January 2023

Sciennes Primary School Playground Extension

Meeting outside school - 23rd January 2023

Present

{xxxx}, {xxxx}, {xxxx} - Sciennes School Parent Council

Cllr Scott Arthur - City of Edinburgh Council (CEC) Convenor of Transport & Environment Cttee

Cllr Steve Burgess - CEC councillor for Southside / Newington ward

Mark Symonds - CEC Transportation, Road Safety & Active Travel Liaison Officer

Purpose of Meeting

1. To consider permanent closure of Sciennes Road directly outside Sciennes School and securing the use of the road space as an extension of the current school playground on a permanent basis.

Background

2. The project has been discussed for many years as the school has insufficient playground space for the number of children. For the last 18 months the road space has been used as a playground on a temporary basis with planters at each end to prevent passage by motor vehicles, a cycle/footpath along the north side of the road and heras fencing separating this corridor from the play space.

3. This arrangement has been justified by post-Covid protocols, and also by a temporary loss of existing playground space due to the siting of portacabin classrooms while building works are carried out, due to finish in summer 2023. The current road closure is facilitated by a temporary Traffic Restriction Order (TRO) but this is approaching the end of its duration.

There is consequently an opportunity to make the road closure permanent.

Discussion

4. {xxxx} displayed three options for consideration prepared by the PC. The preferred scheme (**Option 1**) comprises:

- Use of the road as an extension of the current playground, with fencing or railings constructed on each side, in line with the current east and west school boundaries
- Retention of the existing school gates, front railings and low wall as these are features of the listed building. Access to the extended playground by the school would be made by passing through the existing gates
- Access to the nature strip from the extended playground enabled by removal of existing wire fence
- Continued cycle / pedestrian access by widening the existing pavement in front of the nature strip along the south side of the road (in preference to the current

cycle/pedestrian corridor under the temporary TRO on the north side of the road), the cycle / footpath being closed off during school hours by use of a sliding gate (or similar), at each end. In out-of-school hours the space would be used by the wider community, during which the security of the school would be achieved, as currently, by locking the school gates.

- This option provides over 1600m² of integral additional play and outdoor learning space.

5. Alternative schemes tabled were:

Option 2 - cycle / footpath corridor on south side of road (as per Option 1) with unrestricted use by cyclists/pedestrians throughout the day (no sliding gate). This option would provide approximately 610m² of integral additional play and outdoor learning space. The nature strip would remain 'off school premises' and therefore require additional staffing ratios as per an excursion.

Option 3 - cycle / footpath corridor in the current position along the north side of the road. This option provides no additional integral play and outdoor learning space. The nature strip and attached section of road would be 'off school premises' and therefore require additional staffing ratios as per an excursion.

6. CEC Transportation team had also given consideration to possible schemes and MS displayed a possible layout similar to Option 3, involving the current arrangement being made permanent. Pros and cons were discussed.

7. This option is not preferred by the school as it separates the proposed playground from the current playground with a public thoroughfare. This requires extra staff to manage children crossing over the cycle/pedestrian corridor and as the area is 'off school premises' requires additional staffing as per an excursion. It is consequently less practical than Options 1 and 2 and would result in restricted use of the extended playground by the school.

8. The current arrangement also results in conflict with cyclists at the times when children are crossing from the school gates into the temporary space.

9. From the school's perspective it would be better for the cycle/footway to be on the south side of the road. Option 2 is better than Option 3 but this also has drawbacks. Constant use by cyclists/pedestrians during school hours would require enclosure of the extended playground with fencing/railings along the cycle/footpath to ensure security of children when using the new area. It would reduce the playground area in Option 1 and also result in its separation from the nature strip.

10. Option 1 is the school's preferred scheme, but would require agreement to close the cycle/footpath during school hours.

11. The principle of permanently closing the road to cyclists/pedestrians had been explored by CEC as a preferred option but received external legal advice which concluded this could not be achieved. However, Sciennes PC has taken a separate legal opinion from an advocate who reviewed the original advice provided and concluded that the Council could pursue such a TRO under current legislation. Option 1 is based on that premise, although only involving closure of the road to cyclists/pedestrians during school hours, not permanently. {xxxx} will circulate this legal opinion to CEC.

12. All present agreed the opinions and support of cycling groups to any such arrangement will be important. It was noted that if Sciennes Road is closed to cyclists there are alternative cycle routes available on Hatton Place, Melville Terrace or along the edge of the Meadows.

13. There is also opportunity to enhance the cycling experience along Sciennes Road by possible removal of the car parking spaces between the school and Tantallon Place and replacement with bike racks which would have the additional benefit of encouraging more children to bike to school. Cyclists would also be an important focus in the community use of the proposed space created by Option 1 during out-of-school hours.

14. MS agreed to discuss the preferred scheme with his team (Stacy Monteith-Skelton and Andrew Easson) who will consider engineering aspects and procedural matters, and to provide an initial response to the proposal within 2 weeks ie by 7th February.

15. {xxxx} will arrange for some minor amendments to the agreed proposal (option 1) drawing and will forward this to MS by email for consideration.

16. Discussion referred to the current temporary TRO which is understood to expire soon. MS agreed to confirm the exact nature of the current TRO and its timescale. Also to confirm if there is opportunity for this to be extended, should this be required as an interim measure.

17. Cllr Arthur suggested the council could consider introducing an Experimental Traffic Restriction Order (ETRO) to reflect the proposed option 1. This would enable a period in which the scheme details could be further considered and agreed between relevant parties, before pursuing a TRO for the permanent closure of the road and associated arrangements. The latter would be subject to public consultation and this two-stage idea might allay the prospect of objections being made and the TRO process becoming extended.

18. It is understood the ETRO could be for a 6 month period. If appropriate it might be extended for two further 6 month periods (MS, could you please confirm?)

19. There are opportunities for improvements to the proposed space with physical works and facilities for playground or wider community use. These can be considered later – perhaps during the period of ETRO - but require confirmation of the road closure in the first instance.

20. It is presumed that any proposals must enable continued access to installations under the road by statutory undertakers (gas, electricity, sewers, etc).

21. It is also presumed the design of any fence/railings/gates across the road must facilitate access into the school for fire engines or other emergency services.

22. Discussion also referred to resolving the closure of Sciennes Road at the junction of Livingstone Place and Tantallon Place at school drop-off/pick-up times. This should be addressed separately, and certainly form part of discussions around the TRO proposal as it is an ongoing safety concern for the school community and management of the scheme has required parent volunteers on a daily basis over a period of 10 years.

23. The school representatives believe the proposals for an extension of the playground at Sciennes School and the coordination and promotion of safe cycle routes directly

contribute to the council's sustainability agenda, and to the objectives for Safe Routes to School, Active Travel, Road Safety and Edinburgh's Net Zero Carbon Emissions Targets.