

CITY OF EDINBURGH COUNCIL
TRANSPORT AND ENVIRONMENT COMMITTEE

Item No 3

17 AUGUST 2023

DEPUTATION REQUESTS

| Subject | Deputation |
|---|--|
| 3.1 In relation to Item 6.1 on the agenda – Business Bulletin (Replacement of the vandalised Manse Road bus gate camera and pole) | Low Traffic Corstorphine (written submission) Accessible Corstorphine for Everyone (written and verbal submissions) |
| 3.2 In relation to Item 7.1 on the agenda – Petition for Consideration: Petition to the CEC Transport and Environment Committee regarding East London Street | Ross MacCallum (petitioner) (verbal) New Town and Broughton Community Council (written submission) |
| 3.3 In relation to Item 7.2 on the agenda – Petition for Consideration: Petition to the CEC Transport and Environment Committee - Public Toilets | Living Rent (petitioners) (verbal) |
| 3.4 In relation to Item 8.1 on the agenda – Response to motion by Councillor Macinnes - Travelling Safely – Braid Road and Comiston Road | Keep Morningside Moving (written and verbal submissions) |

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LTC Deputation to Transport & Environment Committee August 17th 2023

Corstorphine Connections Low Traffic Neighbourhood

- **There is strong local support for the trial LTN process in Corstorphine**
- **Development in West Edinburgh means existing infrastructure is not sustainable**
- **Community engagement and consultation shows that there is demand for change**

Low Traffic Corstorphine is a group of local Corstorphine residents and business people passionate about bringing safer streets, better air quality and much improved accessibility to residents of all ages, genders and abilities whether they are walkers, wheelers, cyclers, drivers or passengers.

We write with respect to 'Replacement Manse Road Bus Gate Camera and Pole, Corstorphine Connections Low Traffic Neighbourhood' as detailed in the Business Bulletin of the 17th August Transport and Environment Committee (TEC) meeting papers. We would like to reiterate our support for this project and ask you to continue with the trial ETRO measures as per the project timetable.

Low Traffic Corstorphine are incredibly disappointed to see the graffiti and dangerous vandalism in the area which undermines the Corstorphine Connections LTN trial measures. Through the defacing of signage, walls, planters and causing expensive and dangerous damage by cutting down the pole which holds the equipment for monitoring the bus gate, the perpetrators are wasting precious council resources as well as jeopardising the safety of those living in or visiting the area. We hope that the Police are successful in apprehending whoever is responsible for this criminal damage.

We would like to acknowledge the consultation work that the Council has undertaken to date as part of the Corstorphine Connections project. We believe that there has been a genuine and sustained effort to engage with residents and local interest groups over the last two years to develop plans prior to undertaking the project trial. Running focus groups, writing to residents within the LTN area and regular attendance at the Corstorphine Community Council resulted in changes to the original plans in response to feedback received. Indeed, Cllr Kevin Lang (Liberal Democrats) acknowledged at the August 2021 Transport and Environment Committee that detailed consultation had been carried out which had resulted in officers changing the plans as a result. Although Low Traffic Corstorphine did not agree with the removal of the proposed bus gate on Corstorphine High Street, we fully support the trial basis of the LTN and believe that this approach will allow collection of robust data which can be used to identify any improvements which may be required prior to permanent implementation.

It has been consistently demonstrated that there are issues with intrusive traffic and high traffic volumes in the area and the community have been asking for this to be addressed for decades. Where there are genuine concerns for safety or if the monitoring results show that additional traffic has been routed past Corstorphine Primary School or to detrimental result in other streets in the area we would like to see consideration given to remedial measures. Measures such as increasing the bus gate hours to 24 hours a day, 7 days per week could reduce the confusion cited by drivers having difficulty getting used to the new system, or installing the bus gate on the High Street as originally proposed which would remove through traffic from outside the school completely. We also believe that there



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would be benefit in creating new road lining on Manse Road to show drivers more clearly how to use the road appropriately in the two way section.

We would also like to take this opportunity to request that the measures on Featherhall Avenue are replaced with a more aesthetic solution than signs and cones for the remainder of the trial period. This may help with overall perception by enhancing the area rather than making it look like there are continuous road works.

With plans for approximately 11,000 new homes in West Edinburgh in the relatively near future, and with developments already underway in West Craigs, we ask the Council to consider how it can mitigate the impact on an already saturated road network in West Edinburgh. It must redress balance with comprehensive measures across Corstorphine and the rest of the city. The Corstorphine Connections project needs to be the start of real and meaningful change for the better.

To conclude, we thought it may be of help to highlight just some of the feedback collected from Corstorphine residents since 2016 to offer a snapshot of feeling in the area long before Spaces for People or Low Traffic Neighbourhoods were being discussed. All of the following information can be found by visiting <http://corstorphinecc.uk/traffic/>

In September 2016 a major Placemaking exercise was carried out by Corstorphine Community Council, both in person and online, in an attempt to gather the views of residents towards various aspects of living and working in the area. Results and opinions were forwarded to Edinburgh Council and other appropriate bodies for consideration.

The most common feeling was that there was serious concern over St. John's Road being the most polluted road in Scotland. Residents were asked for ideas to address this problem. Responses included pedestrianisation, closing residential streets to through traffic, reducing the types of traffic using main roads, introducing walking or cycling areas for school children and increasing timings for pedestrian crossings.

On 11 October 2017 a public meeting took place at Corstorphine Community Church organised by Corstorphine Community Council to discuss issues raised by the public. In addition to the approximately 80 members of the wider community, attendees included City of Edinburgh Officer Peter Strong, Police Scotland representatives, MSP Alex Cole-Hamilton and CEC Elected Members Councillors Robert Aldridge, Gillian Gloyer, & Mark Brown. Numerous issues were raised related to traffic and congestion which were adversely affecting people's lives. Speeding, rat running, vehicles mounting pavements, commuter and airport parking were highlighted as issues deterring people from choosing active travel, with the perception being that "pedestrians aren't considered important".

Concerns were voiced about new housing and building developments within the area, and further west of the city, adding to the density and exacerbating issues. Suggestions included taking steps to reduce volume of traffic on St John's Road and Drumbrae Roundabout. Filtered permeability, controlled parking zones, car free days, pedestrianisation, parking exclusion zones around schools, one way streets, parking permits, double yellow lines around dropped kerbs, bollards to prevent



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pavement parking, wider pavements, better cycle provision and Low Emission Zones were all raised as possible ways which could enhance the area.

Finally, we would like to note our thanks to Council officers and to members of the Transport and Environment Committee for their continued commitment to listening to all voices within our community.

Your sincerely
(on behalf of Low Traffic Corstorphine)

Chris Young

Co-Chair Low Traffic Corstorphine



Transport and Environment Committee
The City of Edinburgh Council
City Chambers
253 High Street
Edinburgh
EH1 1YJ

14th August 2023

Dear members of the Transport and Environment Committee,

Re: TRANSPORT & ENVIRONMENT COMMITTEE MEETING 17/08/23 - COMMUNITY DEPUTATION REGARDING CORSTORPHINE CONNECTIONS LOW TRAFFIC NEIGHBOURHOOD ETRO/21/21

I write on behalf of Accessible Corstorphine for Everyone (ACE) to urge the Transport and Environment Committee (TEC) to withdraw the Low Traffic Neighbourhood (LTN) which has been imposed upon the community of Corstorphine. The opinions of Corstorphine residents, voiced through the public consultation exercise have been ignored by The City of Edinburgh Council and despite a clear and strong opposition to every element of the proposal during this consultation, the council have proceeded to enforce the LTN / ETRO against the expressed wishes of the community.

Roads and junctions have been closed, leading to longer journey times and traffic being forced onto alternative roads which are already congested and over capacity.

Our historic conservation village has been spoiled with pavement and road clutter in our public spaces to allow the implementation of the ETRO/LTN.

Corstorphine must remain accessible for everyone, yet this project disregards the genuine desires and essential needs of the community.

We urge The City of Edinburgh Council to listen to the local people by taking the following actions:

1. Reverse the trial LTN (ETRO 21/21) immediately in full.
2. Engage with **local** residents and businesses to gather feedback regarding potential areas that require changes or improvements.
3. Subject proposals to fair, unbiased and binding consultation.
4. Adjust plans as required.
5. Implement only with clear majority support from residents.



Accessible Corstorphine for Everyone (ACE)

ACE is a community group set up to challenge the ETRO/LTN that has been implemented in Corstorphine. We are committed to achieving our aims solely through democratic means and strongly condemn any acts of violence or vandalism (including incitement) and any use of threatening or abusive language.

Formal Basis for Deputation

We present this deputation in relation to the following agenda item for the Transport and Environment Committee meeting scheduled for Thursday 17th August 2023, 10.00am:

Agenda Item 6.1 - Transport and Environment Business Bulletin: "Replacement of the vandalised Manse Road bus gate" (page 42 of agenda reports pack). Specifically, we refer to the final paragraph describing the ongoing process.

This deputation is also a direct response to the resolution made during the August 2021 meeting of the Transport and Environment Committee (TEC), where the approval of the Experimental Traffic Regulation Order (ETRO) occurred.

There is a recent precedent for the CEC transport committee to reconsider a previous decision in the light of new information presented in a deputation. The removal of segregation within the Drum Brae North Cycle Way was reversed following the presentation of a deputation by Spokes at the meeting of Thursday the 2nd of March 2023:

The City of Edinburgh Council's transport committee has recently revisited earlier decisions in response to new information presented during deputations. The reversal of the decision to remove segregation within the Drum Brae North Cycle Way, was prompted by a deputation put forward by Spokes during the meeting on Thursday, March 2nd, 2023.

We demonstrate that the decision to implement the ETRO 21/21 was the result of erroneous, incorrect and incomplete information. Specifically:

- a) Inadequate understanding of the adverse effects on elderly and disabled residents as well as individuals with other protected characteristics as a result of:
 - inadequate consultation with elderly and disabled residents;
 - failure to assess the number of elderly and disabled residents likely to be affected; and
 - failure to complete an Integrated Impact Assessment (IIA) before the ETRO was implemented
- b) The failure of the consultation process, interpretation of the results and subsequent recommendations to meet legal requirements (see 1 - 4 below).

We include legal arguments and relevant case law in a separate document ("Technical / Legal Argument") which demonstrates that the consultation process and subsequent decisions breached several legal requirements, specifically:

1. Legitimate Expectation and fitness for purpose;
2. Apparent Bias;
3. Lack of Clear Assessment Criteria; and
4. Reasonableness



Widespread Community Support for ACE

ACE was formed from the Facebook page “Stop the Corstorphine LTN” which was launched in May 2023 and has since gained over 2050 members at the time of writing. We demonstrate extensive community support through an on-line petition (attached) which has attracted over 1300 signatures and a public meeting held in St. Margaret’s Park attended by approximately 750 members of the public, two ward 6 Councillors and Mr Alex Cole-Hamilton MSP. At the end of the meeting the public were given the opportunity to fill in a feedback form. The below summary from the 116 responses speaks volumes in itself:

- Do you agree with the LTN Restrictions? - No 98%, Yes 2%
- Are there elements of the LTN that you agree with or support? - No 83%, Yes 13%
- Do you feel you have enough knowledge of the LTN? - No 44%, Yes 52%
- Do you think the community was fairly consulted about the LTN? - No 99%, Yes 0%

What do you think are the priorities for Corstorphine?

Category and Percent Support:

- Fixing potholes and damaged road surfaces - 96%
- Creating better cycle lanes - 14%
- Fixing damaged and uneven footpaths - 91%
- Widening some footpaths - 29%
- Investment in Public Toilets for St. Margaret’s Park / the local area? - 62%
- Other - 9%

ACE stands as the sole group representing the strongly held views of the overwhelming majority of Corstorphine residents regarding the LTN/ETRO 21/21.

Need for CEC to Listen to Grass Roots Voices

Whilst we acknowledge that The City of Edinburgh Council continues to consult with the Corstorphine Community Council (CCC), this statutory body meets online only, with attendance restricted to 45 people. Additionally, it is evident that a significant portion of CCC members express support for the LTN, which stands in contrast to the prevailing sentiment of the larger community.

Although consultation surveys demonstrated that the vast majority opposed the proposals, the true depth of this opposition only became apparent following the establishment of ACE. Our grass-roots group has unveiled significant and previously underestimated public unrest.

This public opinion has not been directly or formally addressed by The City of Edinburgh Council, despite the multiple hearings granted to pro-LTN groups.

The decision to implement ETRO21/21 was made based on an inadequate understanding of the strength of public opinion which has formed from as a result of bias in the consultation process. We ask The City of Edinburgh Council to listen now.



Experimental Nature of Changes Does NOT Prevent Damage to Lives and Livelihoods

While The City of Edinburgh Council emphasizes the experimental nature of the changes and the potential for reversal at the trial period's conclusion, this offers little comfort to those currently impacted.

After the trial period of six months, lives will have been disrupted, and livelihoods adversely affected. Disabled residents facing increased challenges in mobility, caregivers striving to assist clients, and local businesses experiencing diminished revenue cannot afford to wait half a year for resolution. By the time The City of Edinburgh Council concludes its trial, the harm will likely have already occurred.

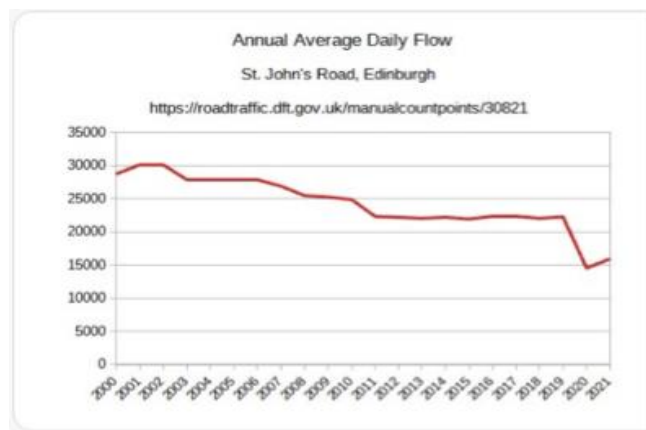
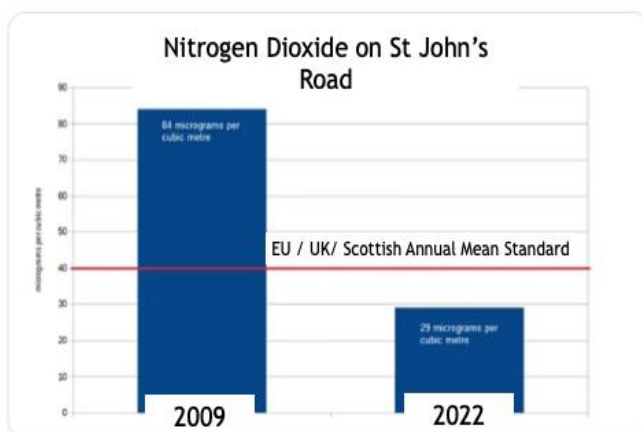
Effectiveness of Proposed Changes

We do not believe that the proposed changes will achieve the goals set out for the LTN. The admirable objectives include:

1. Improve the safety of routes to schools in the area.
2. Reduce speed and volume of traffic in residential streets.
3. Improve walking and cycling routes and access in the area.
4. Improve local air quality.
5. Facilitate placemaking improvements in the local area.

In many cases, the changes are achieving the opposite of these stated aims. Notably, the implementation of the Manse Road Bus Gate has resulted in traffic being displaced onto alternative roads and an increase in congestion on St John's Road. Drivers are being forced to take longer routes and join St John's Road at points from which they have had to travel further to access.

As demonstrated in the graphs below, over the past decade, there has been a notable decrease in traffic flow and pollution levels on St John's Road.



The positive trend shows the effectiveness of existing measures, such as modernisation of bus services, have been and continue to be highly successful in reducing pollution. Consequently, there appears to be no compelling need for additional interventions.



Furthermore, the displacement of traffic onto St John's Road and the resulting elongation of travel along this route due to the Manse Road and Featherhall restrictions, poses a threat to this encouraging progress.

While we acknowledge the decision to abandon plans for a Bus Gate on Corstorphine High Street, we firmly believe that the Manse Road Bus Gate should also have been abandoned. The high volume of traffic on Manse Road during rush hour is primarily due to it being the only road with traffic lights at the junction with St John's Road, offering motorists a secure and comparatively straightforward exit route. Forcing drivers to exit through an alternative street without traffic lights will inevitably lead to prolonged waiting and idling times, consequently contributing to increased pollution levels.

The displacement of traffic from Manse Road onto Ladywell Road and Corstorphine High Street during the operational hours of the bus gate, has led to an increase in traffic passing Corstorphine Primary School as shown in the recently taken photographs below:



The closure of Featherhall Avenue at its junction with St John's Road is anticipated to bring about comparable issues to those arising from the Manse Road Bus Gate, albeit on a smaller scale. This closure however, will only create congestion for residents trying to exit the area via a narrow road onto Ladywell Road, particularly during rush hour when Ladywell Road experiences high traffic volume.

We eagerly await the outcome of the traffic monitoring subsequent to the LTN implementation, although based on our current knowledge, we note that only peripheral roads in close proximity to the LTN area are being monitored.

If the results indicate a reduction or no increase of traffic on these roads, this may not necessarily translate to an overall reduction in traffic and congestion. We are already aware of some drivers who are opting to bypass the Corstorphine area entirely, instead utilizing routes like Western Corner and South Gyle Broadway to exit onto the main A89 road. Such shifts could lead to heightened congestion and pollution in these alternative areas.



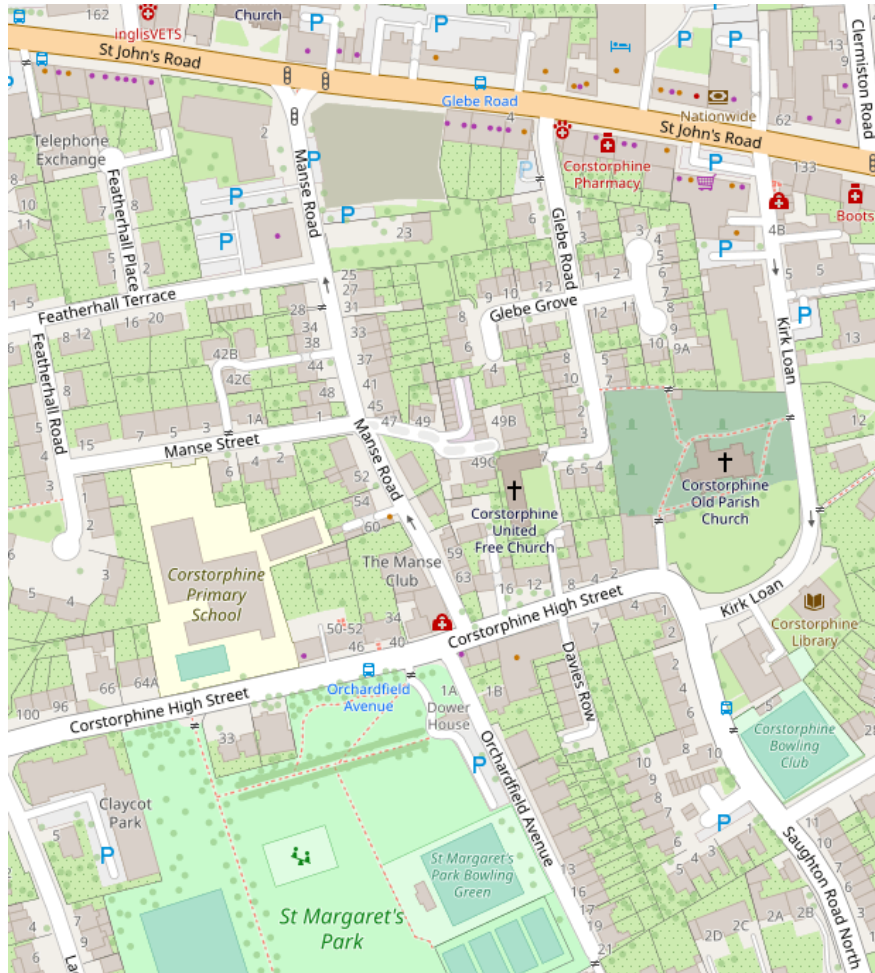
The City of Edinburgh Council asserts that additional changes have been authorised to counter these potential risks, however, upon review of these proposals, it becomes evident that these changes will merely exacerbate traffic displacement and inconvenience for residents residing farther afield. As more roads become restricted, the resulting effect will be increasing displacement of traffic onto the remaining unrestricted roads. These additional changes do not offer a viable solution; instead, they stand to exacerbate the situation. Restricting road space for private vehicles is not a comprehensive remedy for tackling traffic congestion. A more effective approach would involve improving road infrastructure for all modes of transportation, coupled with enhancements in public transport services. If the resources expended on the LTN had been channeled into these alternatives, there could have been a greater likelihood of achieving The City of Edinburgh Council's objectives.

Furthermore, these additional changes lack legitimacy. They were not part of the consultation process and have caught residents off guard as an unexpected development. These alterations could be implemented with minimal notice, leaving residents with inadequate time to arrange alternative travel arrangements. It is reasonable to assume that this approach may not withstand a legal challenge (as elaborated in the legal arguments below).

Dangerous Traffic Conflict

Significant dangers have been identified by the public, all of which have been dismissed by The City of Edinburgh Council, on the basis that no risks were identified in the prior road safety audit. These dangers include, but are not limited to:

- Confusing new road layout on Manse Road resulting in drivers turning right out of the left-hand lane at the top of Manse Road onto St John's Road through a green man on the pedestrian crossing. Additionally, drivers turning left onto Manse Road from St John's Road again, through the green man. It is notable that no signage has been erected to change the road back to one-way at the junction.
- Vehicles performing turns in the road or being forced to reverse back down Manse Road after coming across the Bus Gate and not understanding the confusing/poor signage in the area.
- Increased traffic passing the school and nursery with vehicles being forced to perform manoeuvres in the middle of Featherhall Terrace and Featherhall Avenue due to disruption with traffic flow as a result of confusing and inappropriate road layouts.
- Lack of access to the area causing large delivery vehicles great difficulty when exiting the area during bus gate hours (large vehicles have been seen to reverse and attempt to turn in the road)
- New road markings allowing right hand turn for cyclists travelling from St Johns Road onto Featherhall Avenue in the middle of barriers which is not apparent to motorists travelling west along St John's Road (the barriers suggest to motorists that there is no right turn at that junction for any vehicles).



Consultation Results Ignored

Public opinion has been clear and consistent throughout the consultation process and after implementation of the scheme. The LTN / ETRO/21/21 is not wanted by the overwhelming majority of local residents and businesses and was rejected in every survey:

| | |
|-----------------------------------|---|
| Stage 1 online consultation: | Corstorphine is pleasant and safe to walk and cycle in |
| Stage 2 Placemaking survey: | No change needed |
| Online Consultation of proposals: | All proposals for change rejected by overwhelming majority. |
| | Manse Road bus gate rejected by 74%. |

| | |
|------------------------------|---|
| Face to Face Market Research | Corstorphine pleasant and safe to walk in / No change needed. |
|------------------------------|---|

A limited number of isolated survey questions might indicate that certain individuals perceive some traffic-related issues, yet these responses were consistently contradicted by other responses in the same survey, which overwhelmingly demonstrate that the public is satisfied that Corstorphine is safe, pleasant and not in need of an LTN. For example, whilst question 2 of the face-to-face market research suggested that 67% of people felt that motor vehicle traffic was somewhat of a problem, the remaining questions in the same survey showed the following:



- 82% agreed or agreed strongly that it is safe to crossroads in Corstorphine
- 72% agreed that it is pleasant to walk in Corstorphine
- Responses were mainly people who regularly walk (82%) or stop and talk to others (76%).
- 68% agreed or agreed strongly that there were enough safe places to cross the road.
- 61% agreed or agreed strongly that the pavements are wide enough
- 51% would favour more places to sit and relax. This can be satisfied with a few park benches rather than the introduction of an LTN.
- **Only 24% of people disagreed with the statement that it is safe for children over 12 to walk to school and only 29% of people disagreed with the statement that it is safe for children over 8 to walk to school Most people feel that children are safe.**
- Only about 20% of people think that motor vehicle traffic is a big problem. Whilst nearly half of people think that traffic is a something of a problem, this is to be expected in the suburb of a city and hardly suggests popular support for restrictions on motor vehicles.

A balanced assessment of this survey overwhelmingly indicates that question 2 did not imply a necessity for change, and that the public strongly supports maintaining the current state. This is illustrated in the graph below:

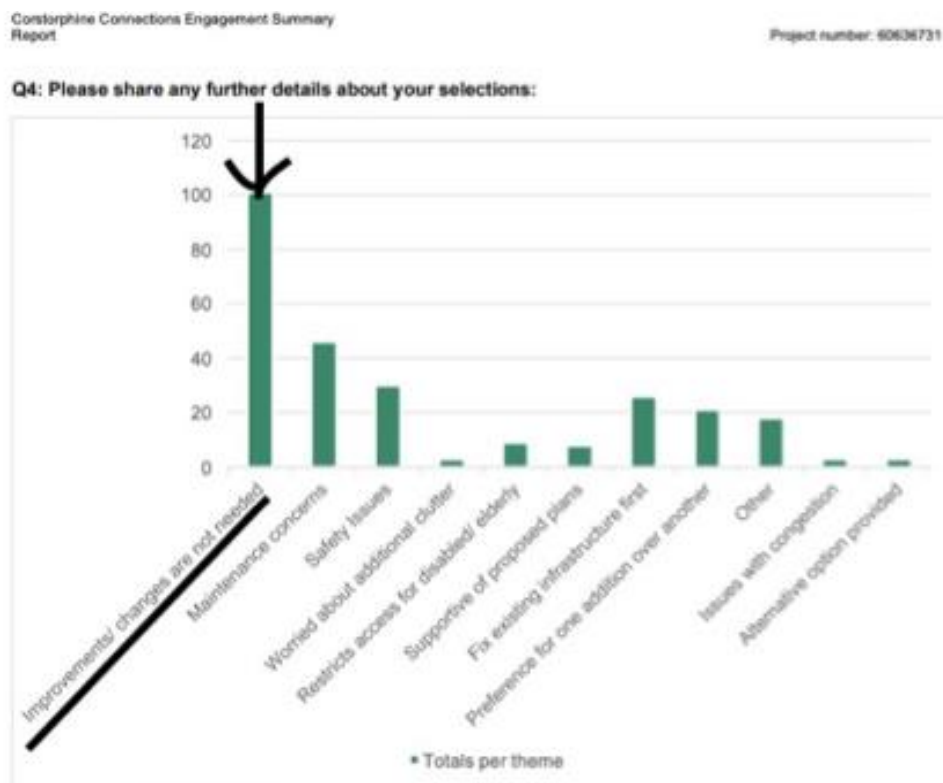


Figure 6 – Themed Responses

Responses from Question 4 were grouped into similar themes. Figure 7 shows the most common themes brought up by participants. Within the 305 responses that we received; 101 responses commented that changes



The following table illustrates public opinion on some of the proposed changes:

| Location | All Responses n=794 | |
|--|---------------------------------------|------------|
| | Support (%) | Oppose (%) |
| Option A – High St SFP | 33 | 65 |
| Option B High St Bus Gate | 19 | 79 |
| Manse Rd Bus Gate | 17 8% waiting for trial to inform | 74 |
| Featherhall modal filters | 19 20% waiting for trial to inform | 61 |
| Corstorphine Primary School Streets | 30 | 46 |
| Carrick Knowe Primary School Streets | 25 | 42 |
| Leave additional streets open for further monitoring | 46 | 36 |

Public opinion has not changed since the introduction of the LTN. A survey by Ward 6 Councillors has produced very similar results.

Discrimination

Neither the community reference group nor the Integrated Impact Assessment consulted with local disabled and / or older people. The changes have had a disproportionate impact upon some residents. We elaborate upon this in detail in the accompanying document “Technical / Legal Arguments”, but the following testimony from local resident Grant Douglas MBE illustrates the effect:

“I am a 48 year old man who was born with Cerebral Palsy which affects the clarity of my speech, hand control/manual dexterity and waking patterns. As a disabled person who has impaired mobility, the introduction of a Low Traffic Neighbourhood in my community has made my life harder. I rely heavily upon my Motability vehicle whenever I need to go anywhere and, due to the restrictions introduced by the LTN, I face longer journeys and more congestion when travelling around my neighbourhood. For example, if I need to get to my bank, barbers, local cafes etc during times when all restrictions are enforced, I face a 1 mile detour and busier roads just to get where I want to go.”



Legal Arguments and Description of Errors in Information

We believe that that the decision to proceed with the ETRO was unlawful and open to challenge. We therefore stand ready to press the matter through judicial review if necessary. The accompanying document “Technical / Legal Arguments” gives details.

Summary

We ask that both the Committee members and council officials thoroughly consider the points as well as the technical and legal arguments supporting this deputation. These documents demonstrate that the decision to implement the LTN through ETRO 21/21 was made based on inadequate information regarding the consultation and decision-making process, which could potentially render the decision unlawful

It is particularly disheartening that the Corstorphine community feels disregarded and ignored, to the extent that residents felt compelled to stage a large-scale protest in a local park. The LTN / ETRO 21 / 21 is unwanted, counterproductive, and raises concerns about its democratic legitimacy. We earnestly urge the Transport and Environment Committee to reverse this decision and take the initial step towards rebuilding trust by listening to the voices of the Corstorphine community.

Signed for Accessible Corstorphine for Everyone:

Jackie Connor (Chair), 14th of August 2023



TRANSPORT & ENVIRONMENT COMMITTEE MEETING 17/08/23 - COMMUNITY DEPUTATION REGARDING CORSTORPHINE CONNECTIONS LOW TRAFFIC NEIGHBOURHOOD ETRO/21/21

Technical and Legal Argument

Ground 1 - Legitimate Expectation

CEC's public engagement process prior to the implementation of the ETRO failed to adequately address the legitimate expectation of the public that (i) the prior public engagement carried out would be fit for purpose; and (ii) that CEC would give due consideration to the results of such consultation prior to the implementation of the ETRO.

Furthermore, CEC has represented that all measures introduced by the LTN would be subject to an Integrated Impact Assessments ("IIA") and the public had a legitimate expectation that this would have been carried out adequately, with due regard to research and outcomes of the assessment, which CEC have failed to do when implementing the ETRO.

A legitimate expectation can arise as a result of (i) a clear and unambiguous representation, that a decision-maker will adopt a particular form of procedure, or the decision-maker's regular practice amounts to such a representation (see *R (MP) v Secretary of State for Health and Social Care [2020] EWCA Civ 1634*) and (ii) an implied promise (see *R (MP) v Secretary of State for Health and Social Care [2020] EWCA Civ 1634*).

Whilst there is no legal requirement in the ETRO process to conduct prior consultation, the CEC's policy of public engagement prior to the implementation of an LTN (which has been followed with other similar schemes in Edinburgh) gives rise to a legitimate expectation of public engagement and ancillary to this, the expectation that the engagement would be (i) fit for purpose and (ii) the results of such consultation would be given due consideration prior to the implementation of the ETRO.

1. Public Engagement Not Fit for Purpose

a) Extent of Measures Contained in ETRO:

The ETRO contains restrictions on many streets which were not described in the original consultation exercise. When the CEC opted to undertake a prior public engagement exercise, it gave rise to the promise that the information provided during that public consultation exercise would be comprehensive and fully informative, rather than partial and misleading. When responding to the public engagement exercise, any reasonable respondent would trust the consultation document to be comprehensive and to cover all potential restrictions in advance of implementation. The public would not expect to be consulted on some form of proposals and then have totally different proposals implemented without further public engagement. In reality, the ETRO includes a list of potential restrictions which far exceed those proposed during the original consultation exercise (<https://www.edinburgh.gov.uk/downloads/file/33241/made-experimental-order>)

In addition, the public was not advised of the scale and extent of CEC's intended restrictions during the original consultation. There was a vague reference to additional traffic calming measures on surrounding streets in section 2.2 of the consultation document, which listed some, but not all, of the streets ultimately affected. For example, Traquair Park East & West were not mentioned.



For those streets which were mentioned in section 2.4, the restrictions now approved in ETRO 21/21 go far beyond traffic calming. They include conversion to a one-way street or even complete closure (e.g. Station Road). These additional restrictions are the subject of a further (concurrent) consultation, but this will only be completed after any implementation. We do not know which of the additional restrictions will actually be imposed because CEC claims to be holding them in reserve in case displaced traffic causes congestion from the LTN zone. However, ETRO 21/21 is now in force, so, in theory, any or all of them could be imposed overnight (notwithstanding the fact the vast majority of the public do not even know they form part of the proposal which is currently subject to consultation).

The forgoing points were put to the CEC in an email which also included a number of other objections. The response (attached as appendix 1) includes the following statement:

"The way the ETRO legal order works requires us to pre-specify key potential alterations to the road layout. The need for these potential alterations was highlighted to Transport and Environment Committee and we also did highlight verbally during the stage 2 engagement sessions with the public that the trial would have some capacity for alterations. The stage two consultation feedback was used to help identify where alterations might be required and as such we weren't able to present the potential alterations to the residents prior to this engagement. If the alterations are introduced then they will be subject to 6 months of public consultation as part of the ETRO trial so everyone will have the opportunity to feedback. This feedback would be included in the summary report presented to Committee so that the views about changes will be heard by decision makers."

It seems to have been a consequence of how the consultation process was designed that only a small proportion of the final restrictions could be disclosed in advance. However, there is no legal reason why the CEC had to design the process in this way. There is no prescribed method for such consultations beyond that the method chosen is "fit for purpose":

<https://www.gov.scot/publications/consultations-in-the-scottish-government-guidance/>

<https://www.scdc.org.uk/what/national-standards/>

There is nothing that would have prohibited CEC from designing a process which included a pause for further consultation after the final list of restrictions were identified, even if this meant an extra stage. By not doing so, the CEC breached the legitimate expectation that the changes identified throughout the consultation represented its plans fully and frankly. This rendered the consultation unfit for purpose.

b) Inadequacy of Consultation Questions

All surveys included questions about where residents might like to see improvements or changes. The respondents were guided into providing an answer of some sort. It was wrong to include questions which presupposed that the respondents wanted any changes at all. The surveys have proven that this is not the case and the findings of these questions must be treated as "nice to have" rather than an imperative.

See also comments at Ground 2 paragraph (b), which further establishes the inadequacy of the content of the consultation questions/information.



c) Failure to Consult with Appropriate Stakeholders:

The composition of the Community Reference Group appears heavily biased in favour of pro LTN groups, for example, the Community Engagement report dated 20/05/2020 refers to the following parties:

1. Corstorphine Community Council
2. Carrick Knowe Primary School (parent council)
3. Corstorphine Primary School (parent council)
4. Spokes
5. Low Traffic Corstorphine
6. Living Streets
7. Corstorphine Business Community

There was a lack of balance in the Community Reference Group and individuals or groups opposed to LTNs should have also been invited. Additionally, no group forming part of the reference group focused on those with protected characteristics likely to be affected by the scheme (i.e. local groups for the disabled or elderly). See also comments in Ground 2 paragraph b) for further comments.

In addition, it is unclear what controls were in place to ensure that participants of online surveys had an adequate interest or knowledge of the local area, or in fact that those who took part in the face-to-face consultations were actually residents of the area. The Residents and Shoppers Survey carried out by Progressive, for example, indicated that of the 319 “shoppers” consulted, only 57 were from the local area (which the survey notes includes those living outside of the LTN area).’

(<https://www.edinburgh.gov.uk/downloads/file/32627/residents-and-shoppers-survey>).

2. Consultation Results Disregarded

Notwithstanding CEC undertaking a consultation process, it seems that the outcome of the consultation and hence the wishes of the majority of local people have been ignored. These wishes were established by the following methods:

- a) through a consultation exercise, which rejected by a large margin each and every aspect of the proposed LTN; and
- b) from further surveys (namely face to face interviews, online surveys and placemaking exercises) which found that a strong majority sees no problem with the existing traffic arrangements and has no desire for change.

We detail below the evidence showing the negative local opinion relating to the LTN.

First, the Corstorphine LTN was implemented despite being rejected overwhelmingly in a consultation exercise to which 794 people responded (see section 5 in the file link below):

https://consultationhub.edinburgh.gov.uk/sfc/low-traffic-neighbourhoods/supporting_documents/60636731_Corstorphine%20Connections_Stage%202%20Report_v3.0_20210813.pdf

Additionally, in respect of the restrictions proposed for Corstorphine High Street, Featherhall Road and Manse Road, over 50% disagreed strongly and over 60% either disagreed or disagreed strongly. Both option A and option B were rejected by a large margin. The graphs for Corstorphine High Street (options A and B) are shown for illustration. Graphs for the other streets, showing similar results, may



be viewed in the report itself (link above).

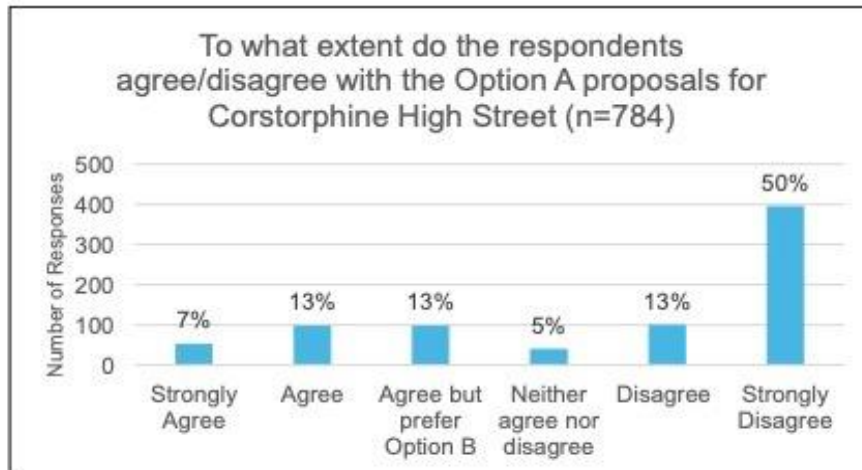


Figure 5:4 – Opinion on option A for Corstorphine High Street

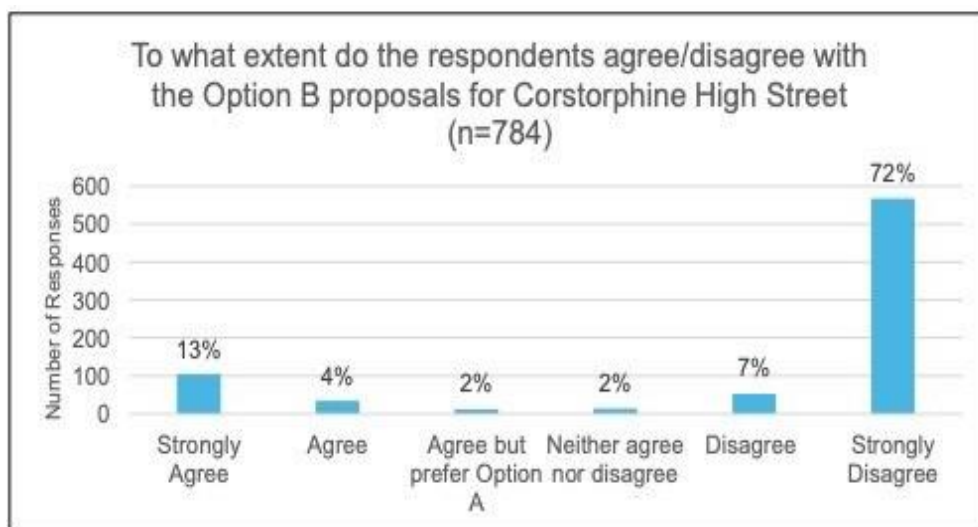


Figure 5:6 – Opinion on option B for Corstorphine High Street

In respect of the other proposals, "disagree" and "strongly disagree" were the most common responses, often representing an overall majority of responses. One of the most striking examples of the survey responses being disregarded is in respect of the bus gate on Manse Road. Although 74% of respondents opposed this measure, it has been implemented anyway. It was not sufficient for the CEC to withdraw proposal for the Corstorphine High Street bus gate, only to proceed with a bus gate in another location that was rejected in similar terms. Both proposals should have been withdrawn along with the rest of the LTN.



Most respondents felt that no changes or improvements were needed:

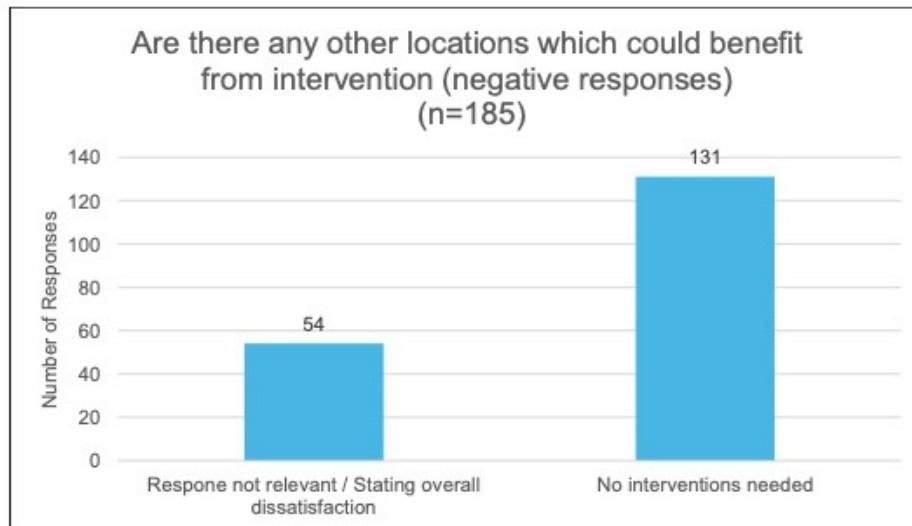


Figure 5:36 – Opinion from respondents whether there are any other locations which require intervention

The survey results are unequivocally clear that the local opinion is not in favour of the proposals and the proposals should have been withdrawn at this stage. The decision to continue with what is being referred to by project officials as “modification” to proposals, demonstrated a disregard for the views of the people, and a clear intention to proceed with the LTN irrespective of the outcome of the prior engagement. Why bother with a survey at all if the CEC was simply going to ignore an unfavourable result?

Whilst these individual responses were only one of several aspects of the consultation exercise and the views of local groups such as the community council were also sought, these other bodies can only give a narrow and indirect representation of local sentiment. The majority of the wider consultation found that there was no need to progress with the measures.

For reference, the further consultation exercises included:

- A Community Reference Group (minute dated 3rd of March 2021)
- An online survey of attitudes to travel, conducted between the 8th of February and the 5th of March 2021
- A placemaking exercise which asked people for their views on potential changes, the latest revision of which was published on the 15th of December 2021.
- A face to face survey with shoppers in various streets, conducted between the 25th of March and the 7th of July 2022

Items 1 and 2 were published in the Stage 1 Engagement report on the 11th of May 2021:

https://consultationhub.edinburgh.gov.uk/sfc/corstorphine-connections/results/corstorphineconnections_scope_engage_rep.pdf



Items 3 and 4 were published separately:

https://consultationhub.edinburgh.gov.uk/sfc/low-traffic-neighbourhoods/supporting_documents/CCLTN%20Placemaking%20Engagement%20Report_Autumn%2021.pdf

<https://www.edinburgh.gov.uk/downloads/file/32627/residents-and-shoppers-survey>

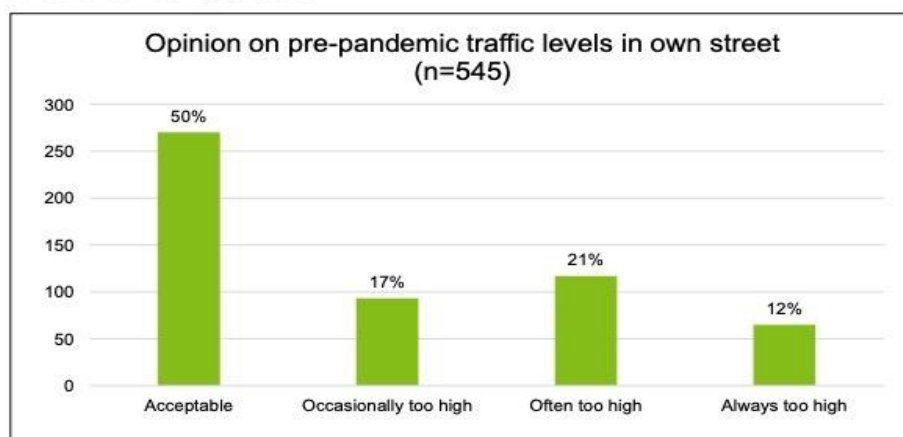
Regarding the shoppers survey it is unclear who was actually consulted as part of this survey. It is clear when assessing the data from the other surveys that CEC could have had no reasonable grounds for believing that there had been a change in public attitudes.

In addition, the minutes of the community reference group meeting dated 3 March 2021 demonstrate that it was composed largely of pro LTN interest groups and so can give no insight into public opinion (more details below).

The online survey (item 2) reported 564 complete or partial responses. It seems to have been intended to establish whether a problem exists with travel in and around Corstorphine. The results are inconsistent and self-contradictory to a degree that undermines confidence in the findings, which in any case do not indicate a significant problem or desire for change.

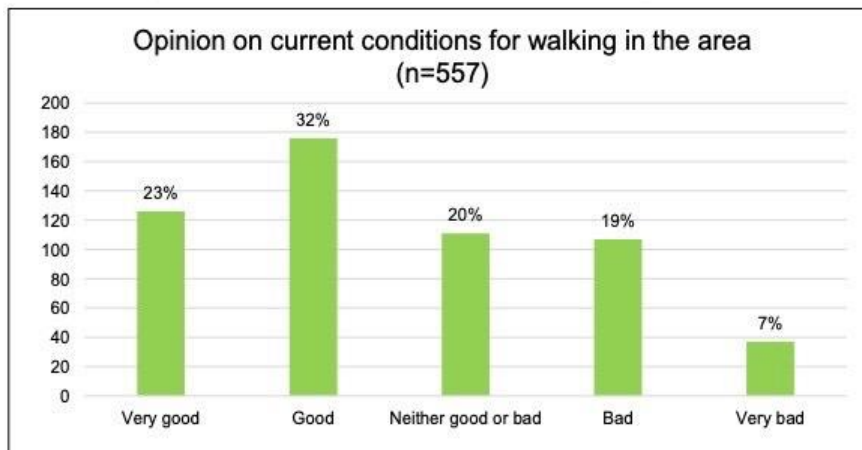
For example, questions 6.2 and 8 suggest that a significant number of respondents identify one destination (most commonly St John's Road) which they are prevented from reaching, predominantly due to heavy traffic. However, in responding to subsequent questions, most respondents state that conditions for walking and cycling are good or very good. A large majority also state that traffic volumes and speeds are acceptable on their own and on neighbouring streets (as opposed to occasionally or often too high).

Q15 – Considering traffic levels before the COVID pandemic, what do you think about levels of traffic on your street?





Q9 – What do you think about the current conditions for walking in the area?

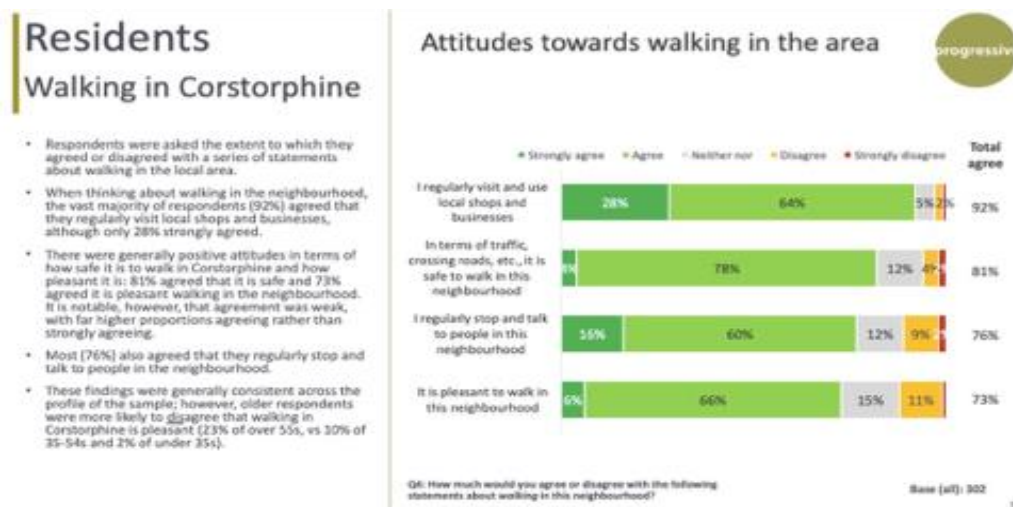


It is impossible to reconcile these mutually contradictory responses. If many respondents felt unable to travel in Corstorphine or to St Johns's Road due to traffic volume, how can a large majority of the same respondents deem traffic volume and speeds to be acceptable on both their own and other streets and conditions for walking and cycling to be good? These inconsistent findings diminish confidence in the answers to Q 6.2 and 8 and must disqualify them as a justification for the LTN. The overall tone of the survey is heavily in favour of no change.

It is notable that when the face-to-face and online surveys are compared, there is a similar tendency for residents to declare themselves happy with the conditions for cycling and walking in both. This consistency between the two surveys suggests that these results are genuine and that the problems suggested by the responses to Q6.2 and Q8 of the online survey are anomalous. This reinforces the view that the surveys do not justify change. In fact, the face- to-face survey is even more supportive of the status quo. For example:

- 82% agreed or agreed strongly that it is safe to crossroads in Corstorphine: 72% agreed that it is pleasant to walk in Corstorphine;
- These were overwhelmingly people who regularly walk (82%) or stop and talk to others (76%).
- 68% agreed or agreed strongly that there were enough safe places to cross the road. 61% agreed or agreed strongly that the pavements are wide enough
- 51% would favour more places to sit and relax. This can be satisfied with a few park benches rather than the introduction of an LTN!
- **Only 24% of people disagreed with the statement that it is safe for children over 12 to walk to school and only 29% of people disagreed with the statement that it is safe for children over 8 to walk to school Most people feel that children are safe.**
- Only about 20% of people think that motor vehicle traffic is a big problem. Whilst nearly half of people think that traffic is a something of a problem, this is to be expected in the suburb of a city and hardly suggests popular support for restrictions on motor vehicles.

The graphic below, which is taken from the report, provides an illustrative example:



A similar pattern is observed with respect to cycling. There was support for some more places to park a bicycle. This hardly justifies the introduction of an LTN.

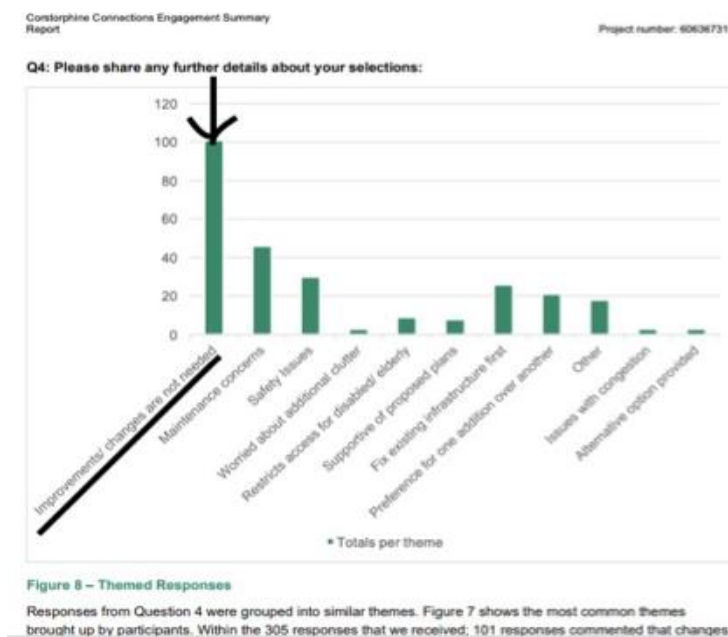
These points were also put to the CEC. The reply (appendix 1) states that this face to face survey was not used in the decision making process:

“As this data was only possible to gather in 2022, it was not used to make any decisions about proceeding with the trial ETRO in 2021. It has only been used as an additional way to engage with the community and understand their views, we have found this type of research often useful in finding out the views of a broader spectrum of residents who may not normally engage with our project surveys. The research will be undertaken again during the trial when local people will have had the opportunity to experience the changes for themselves and express their views. We feel this underlines the value of a trial where people can express views about what they have experienced rather than only what they anticipate.”

The results of this survey reinforced the previous rejection of the LTN, except where clearly biased questions were asked (see Ground 2b Biased Questions). Therefore, CEC should have reacted to the results by cancelling the implementation. The response suggests that the CEC disregarded it instead, making the exercise, at best, a waste of public money and a further breach of the public's reasonable expectation of a meaningful consultation.

The promise to repeat the survey during the consultation is no comfort to those affected adversely during the trial phase. This will last at least 6 months and could be extended. The damage will long have been done to lives and livelihoods by the time this period has elapsed. Moreover, the fact that responses to the last consultation have been largely disregarded might affect public confidence and willingness to participate.

We can also turn to the CEC's placemaking consultation issued on the 15th of December 2021 for further evidence of the public's attitude to the need for change. The graphic below, representing the response to Q4 regarding the desire for change in Corstorphine High Street, speaks for itself:



Very similar responses were given when participants were asked about other streets. The majority view is clear and consistent across all public surveys. There is no need for change.

Therefore, it is clear from the evidence that the public prior engagement has indicated that there was little support for the implementation of the LTN and by continuing with the implementation of the LTN the CEC have failed to give due regard to the outcome of this public engagement.

3. Integrated Impact Assessment

In response to concerns raised by the public regarding the LTN measures, many concerns relate to (i) the inclusivity of the measures and (ii) the safety of the measures. This IIA had not been published prior to the consultation process beginning. We note that it has now been uploaded to the Corstorphine Connections website ([Combined Impact Assessment: Guidance \(edinburgh.gov.uk\)](https://www.edinburgh.gov.uk/corstorphine-connections)). It is notable that the date of sign-off of this interim report is 15 June 2023, which post-dates the implementation of the measures.

As the CEC have made the promise to the community that the IIA will be carried out, there is a legitimate expectation that this will be done properly, and due regard will be had to the outcomes. Having reviewed the IA that has been published, there are a number of flaws in this regard:

1. The IIA makes reference to a lot of academic articles, in support of the LTN measures. One of the key arguments being used to support the scheme is the 'positive' impact these measures will have on those with dementia and the elderly. However, on closer inspection of the research referred to, many of the measures proposed by the schemes contradict those measures identified as benefits in the research. For example in "*Neighbourhoods for life: Designing dementia-friendly outdoor environments*", the report identifies that people with dementia prefer (i) uncomplicated road layouts; (i) simple signage; (iii) familiarity; and (iii) even footpaths. It seems the best way of improving accessibility for those with dementia would have been to do the following: (i) more pedestrian crossings; (ii) re-surfacing of the roads and pavements; (iii) simplification of roads/reduction of clutter and (iv) avoidance of major change to road layouts. It is also noted that the research identifies that it is preliminary research of a very small sample of elderly people. It



therefore seems that it is inappropriate for this to be used to justify the implementation of schemes, which have a clearly wide-ranging and life-changing negative impact for many elderly people and people with disabilities (the negative impact being specifically acknowledged in the IIA). A similar principle applies to those points taken from 'Place-making with Older Adults' articles, where key issues identified were potholes, uneven pavements and a lack of crossing places. It would therefore seem that the academic research referred to in the IA has not been properly considered and has been used as a 'tick-box' approach, rather than a full and careful analysis of the real life impact of the LTN scheme.

2. The IIA identifies that the changes to the road layouts and reduced accessibility will have a negative impact on those with disabilities and the elderly. However, these concerns are dismissed based on a sweeping statement that the changes make the roads safer and active travel will improve the health of the disabled, elderly and those with dementia. There is no evidence referred to prove that the measures are indeed safer and as noted above, there are flaws in the research referred to supporting that these schemes will benefit the elderly or those with dementia. The IA also does not take into account (i) the impact on those with disabilities who simply cannot walk or cycle any distance, (ii) pregnant woman who are more dependent on transport or (iii) single working mothers who are most likely to be the demographic who may be struggling for time to get to work and drop off/collect children at/from school .
3. The IIA argues that the LTN will have a positive impact on the environment due to reduced emissions as a result of an increase in active travel. No evidence is referred to in order to justify this outcome. The IIA also does not take into account the fact that Corstorphine LTN will cause congestion by displacing traffic onto surrounding streets. This will lead to longer journey times and more pollution. Even if a modest reduction in overall traffic numbers were to occur, it will not achieve the wider objective of reducing congestion and pollution. Any reduction in overall traffic numbers will be off-set by longer routes, higher traffic density, increased journey times, reduced engine efficiency and more idling in traffic jams. It is often asserted that an LTN will reduce overall traffic numbers (through the theory of traffic evaporation). However, recent studies have suggested that most drivers will simply be displaced onto other roads. According to the attached report by Climate Charity Possible, which is a systematic review and meta-analysis of traffic data presented in monitoring reports from 46 LTN schemes in 11 London boroughs which were introduced between May 2020 and May 2021:

"LTNs are on average only marginally associated with change in traffic volume on boundary roads. 82 (47%) saw a fall in motor traffic, and 92 (53%) saw an increase."

https://docs.google.com/document/d/13Nsm_GFdH6CplpPpOZ7hbhLZScqgCAP7ZGI0xi4qDqA/edit

<https://www.forbes.com/sites/carltonreid/2023/01/19/study-londons-ltns-reduce-motor-traffic-on-residential-streets-but-not-main-roads/>

The above study did claim to identify a reduction in traffic on minor roads. However, this finding is undermined by a recent report by the Department for Transport ("DfT") demonstrating that the apparent reduction was probably an artefact of over-estimated traffic volumes prior to the introduction of LTNs.

The DfT report entitled 'Minor Road Traffic Estimates' suggested traffic on minor roads had increased by 60 per cent in London between 2009 and 2019, and by 72 per cent on the smallest roads in the capital. A technical review of this report, however, revealed there was no increase in



London's traffic over the decade, while miles driven on minor roads across Britain increased by just 10 per cent over 10 years, rather than the 26 per cent suggested by the report.

<https://www.gov.uk/government/statistics/road-traffic-estimates-in-great-britain-2021/minor-road-traffic-estimates-review-technical-report>

A further review casting doubt on the data supporting LTNs may be found here:

<https://johnstewartliveblog.wordpress.com/2023/05/28/low-traffic-neighbourhood-data-unravelling/>

In addition, the UK government has stated that LTNs do not cut emissions and will not fund any more. When it announced in May 2023 the details of the £200 million it will allocate to improve walking and cycling routes, there was nothing for any new LTNs.

<https://www.gov.uk/government/news/millions-of-people-to-benefit-from-200-million-to-improve-walking-and-cycling-routes>

Some London boroughs (e.g. Southwark) are cancelling proposed LTNs.

<https://www.telegraph.co.uk/news/2023/05/20/ltn-scrapped-dulwich-residents-win-southwark-labour/>

4. The IIA only identifies a potential negative impact on business during 'initial construction phase', and makes sweeping statements in support of the measures to indicate that these schemes will lead to increased opportunities of employment (with no evidence to back up these claims) and less sick days as a result of active travel. The IA fails to (i) provide any evidence to support the positive impact of the LTN in terms of employment opportunities and sick days and (ii) does not take into account the impact on businesses who are reliant on out of area through traffic which will now avoid the area due to complicated road junctions and increased congestion.

As this IIA is being used in response to concerns raised by residents regarding the scheme, they have a legitimate expectation that the issues raised in the IIA would have been given proper consideration and concerns identified properly addressed. As indicated here there has been a lack of proper research and sweeping statements and generalisations regarding 'potential positive outcomes' are being used to outweigh the known negative impact on those with protected characteristics.

Ground 2 - Apparent Bias

It is a basic principle of UK law that a decision-making process by a Local Authority, must be free from bias and impartial, the test for which is "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal [decision-maker] was biased (*Porter v Magill* [2001] UKHL 67.).

The process followed by CEC appears to be heavily biased in favour of the implementation of the LTN, giving rise to concerns that the process may be unlawful due to the apparent bias of CEC. There are various points for concern which would mean that a constituent of the Corstorphine area will not be able, at the end of this ETRO trial period, to be sure that any decision reached has been unbiased and impartial. These points of concern are as follows:-

(a) Composition of Community Reference Groups:

The CEC have failed to collate a balanced Community Reference Group, the composition of which appears to be heavily made up of pro LTN groups. This may be established from the minutes in



Appendix B of the Stage 1 Engagement Report:

https://consultationhub.edinburgh.gov.uk/sfc/corstorphine-connections/results/corstorphineconnections_scope_engage_rep.pdf

The inclusion of local schools was very sensible, but what about other organisations which might rely more heavily upon free movement of motor vehicles or the medical centres, dentists, pharmacies and nurseries? The business community was represented by just one individual. However, the most shocking example of bias is that three pro LTN pressure groups were included (Spokes, Low Traffic Corstorphine and Living Streets) whereas there was no representation from sceptical groups or individuals. This gives the unfortunate impression that the group was constituted to ensure that CEC received its desired answer.

Of course, it is possible that a wider range of participants might have been invited to other meetings of the group, but if so, the outcome of these meetings was not included in the engagement report. The report includes only the recommendations of the meeting comprising the three pro LTN interest groups.

This point was also put to the CEC. The response (appendix 1) states that at the time, there was “*no formalised local group opposed to the project that could be invited*”. If there had been, it would have been invited. In the absence of any formalised local group, the CEC could have chosen to widen the consultation to include “Get Edinburgh Moving” who had previously campaigned against a similar scheme in neighbouring East Craigs. Whilst not strictly a group local to Corstorphine, this would at least have demonstrated some attempt at balance. After all, neither Spokes nor Living Streets are local organisations. Whilst these organisations might have been represented by local individuals, the groups for whom these individuals were speaking are not part of the Corstorphine community. If the CEC preferred to consult purely local groups, it could have excluded the pro LTN interest groups and instead picked a wider range of businesses, societies, charities, religious congregations or housing associations. Whatever the reason, the outcome was a group that was skewed in favour of the LTN, in contrast to public opinion. The CEC clearly failed to ensure fairness and balance.

Neither the community reference group nor the Integrated Impact Assessment consulted local disabled and/or older people. This seems to be a particularly serious omission in the light of the subsequent impact upon those residents (see Ground 6, Discrimination and testimony from Grant Douglas therein). The exclusion of such groups is inexplicable given that the subsequently completed IIA makes numerous references to such groups.

It is also notable that the response goes on to say:

“Most importantly we would like to re-emphasise that, as we stated publicly, “the [community reference] group will be a touchstone for local feedback and views, it will not supersede the views of residents expressed during the consultation surveys. It is simply an additional way for the project team to create dialogue with the local community.” We feel this point is crucial, the group was not in any way a decision-making body, they were simply an additional way for us try to engage with the community given that, at the time due to COVID restrictions, face to face meetings were not possible.”

If so, then why did the CEC bother with these exercises at all? As with the face to face survey, if data is gathered and included in the consultation documents, then it is probable that it informed the decision making process to some extent. Even a “touchstone” or “additional way to engage with the community” should be unbiased.

The bias in the community reference group reveals a mind-set within CEC as a whole that was pre-disposed towards the LTN, regardless of the extent to which the group influenced the final decision.



The inclusion of three pro LTN groups demonstrates that CEC did not approach the consultation in a fair manner, but instead was determined to secure its pre-conceived outcome. The weight given to recommendations of the group is immaterial.

1. Bias Questions Public Engagement

We note that just under half of respondents to Question 12 of the face-to-face survey appeared to support the LTN. However, the question which elicited this support was biased in its construction and the responses cannot therefore be relied upon as a guide to public opinion. Respondents were shown a conceptual picture of a pocket park and were then read a description of the LTN.

The text of this description is found in the appendices to the survey report:

“A low traffic neighbourhood is going to be established in Corstorphine in July 2022. This will remove rat running traffic from some of the streets in the area (particularly around the schools), provide widened pavements, improve pedestrian crossings and create new public spaces.”

The bias in the wording of this question can be quantified: There are four references to alleged benefits of the scheme (1. removal of rat running traffic; 2. widened pavements; 3. improved pedestrian crossings and 4. new public spaces). There was no mention of bus gates, nor of any other restrictions. In other words, the benefits were emphasised four times, whilst the downsides were not mentioned at all. Since the bias in this question is both self-evident and quantifiable, it is an objective fact. The independence of the organisation conducting the survey and any quality assurance which it applied are immaterial.

Were respondents able to probe the details of the scheme? It hardly seems likely in the context of a face-to-face interview with passing shoppers. It is entirely unsurprising that a partially positive response was obtained. In fact, it is notable that only 48% expressed support. This contrasts with the original consultation exercise, which gave a clear and detailed explanation of the LTN for each respondent to consider at leisure before responding. The result in that case was unequivocal rejection.

Furthermore, surveys included questions about where residents might like to see improvements or changes. The respondents are being guided into providing an answer of some sort. It was wrong to include questions which presupposed that the respondents wanted any changes at all. The surveys have proven that this is not the case and the findings of these questions must be treated as “nice to have” rather than an imperative.

2. Lack of independent accountability of Sustrans

Whilst Sustrans have been appointed to administer the Spaces for Everyone Fund by the Scottish Government, it would appear that they also have control over the whole planning and assessment process. For example, the below excerpt shows those in attendance at the IIA meeting for the Corstorphine Connections Scheme, 3 out of 5 of the attendees currently work at Sustrans.

How can the people of Corstorphine be certain that this impact assessment (and other decisions regarding the progress of the ETRO) were carried out fairly, if there was no independent party involved to challenge the arguments in favour of the ETRO or fairly represent the flaws or offer alternative views? It is highly probable that the IIA would have benefited from the inclusion of other perspectives given the aims set out in Sustrans’ own manifesto ([sustrans-manifesto-scotland-local-elections-2022.pdf](https://www.sustrans.org.uk/manifesto-scotland-local-elections-2022.pdf)).

CEC have a duty to ensure those to whom it delegates authority are impartial and it seems that it would be difficult for CEC to demonstrate that this duty has been adhered to in respect of this project.



| Name | Job Title | Date of IIA training |
|------------------------|---|----------------------|
| Martyn Lings | CEC, Project Manager 23/09/20 21/11/21 25/01/23 | |
| Paul Matthews | AECOM, Project Manager 23/09/20 21/11/21 25/01/23 | |
| Dan Jeffs | Sustrans, Urban Designer 23/09/20 21/11/21 | |
| Christina Eley | Sustrans, Engagement Officer 23/09/20 21/11/21 | |
| Kasper Schwartz | Sustrans, Grant Advisor 25/1/23 | |

3. Transport Committee / CEC responses to constituents safety concerns

The residents of Corstorphine have raised a number of concerns regarding the safety of the measures that have been put in place, together with the lack of proper public engagement. It would appear from the responses received from the CEC that little regard has been given to these concerns.

When residents have raised concerns regarding the safety of the proposals (in particular the changes on Manse Road and the Pocket Park), claims of danger have been dismissed and assertions made that the changes make the roads safer and that there were no issues raised by the Road Safety Audits or Emergency Services engagement.

When residents have requested copies of the Road Safety Audits, CEC have failed to publish these for public scrutiny, instead forcing a freedom of information request to be made. No evidence has been provided to substantiate that these measures make the roads safer (although the Impact Assessment claims that this is a key benefit of the scheme). Thus indicating that CEC are predisposed to believing that these measures will have a positive impact on safety and that concerns raised by residents will not be given appropriate consideration (or raised doubt at least, as to whether they have been).

Road Safety Audit:

We have subsequently received a copy of the Road Safety Audit (following the freedom of information request). It would appear that only one Road Safety Audit has been carried out for the Corstorphine Connections project and this audit was carried out on 17 December 2021. This Road Safety Audit is based purely on conceptual drawings of the scheme available in December 2021 and only one site visit was carried between the hours of 14.15pm and 15.15pm on Wednesday 8th of December 2021. As final designs for the scheme have continued to be modified, it seems that full safety assessment of the measures that have actually been implemented, simply cannot have happened.



Additionally, as only one site visit was carried out on a Wednesday in December 2021 (when covid restrictions were still in place), this would not have been sufficient for auditors to understand the use of the road and the possible risks that may arise from the changes. Additional road safety audits should have been carried out prior to implementation in 2023 once traffic and road usage had returned more or less to normal post-pandemic conditions. Site visits should have also been carried out at different times of the day to fully assess the possible impact of the measures.

Furthermore, having reviewed the detail of the road safety audit, it would appear that the drawings that were subject to the audit were not the same drawings that have been published as part of the ETRO. How can CEC assert that all measures have been subject to a safety audit, if the final published drawings are not those that were audited? Whilst there appears to be some correspondence with the headers of the plans, we would note that nowhere in the road safety audit is there any mention of (i) the alterations approved for Station Road, (ii) the junction of Featherhall Terrace and Featherhall Road; and (iii) the junctions of Carrick Knowe Avenue with Traquair Park West and Meadowhouse Road. Thus, it appears that these alterations (plan drawings 60636731-TRO-C-CC-LTN-0021 - 24 incl. in the ETRO) were approved without a road safety audit being conducted upon them.

It is difficult to understand therefore, how CEC can insist to local residents that all measures have been subject to robust safety auditing when it seems that the audits were carried out very early in the process and on a conceptual basis only.

Ground 3 - Lack of Clear Assessment Criteria

1. Lack of Assessment Criteria for Making Proposal Permanent

It is highlighted in a number of his public statements regarding the Corstorphine Connections project, that these measures can be modified, or removed if the 'negatives outweigh the benefits'. The criteria for extending restrictions, judging the success (or otherwise) of the ETRO and for removing restrictions are unclear. It is a basic principle of democracy that decision-makers criteria should be clear and transparent. The people of Corstorphine do not know what CEC are looking for in terms of 'positives' for the scheme and what it will take for something to be negative enough that the scheme will be unwound. Therefore any decision arising following the consultation process will be open for challenge on the basis that there was no clear criteria on which the responses to the consultation were being assessed against.

Additionally, although both baseline data and the methods for future traffic monitoring have been published, these do not include the precise criteria for triggering further changes.

<https://www.edinburgh.gov.uk/downloads/file/32420/corstorphine-connections-baseline-data-report>

<https://www.edinburgh.gov.uk/downloads/file/30342/corstorphine-ltn-monitoring-plan>

An ETRO may remain in force for 18 months. The consultation process for the ETRO runs concurrently and because there has been no advance consultation on most of the restrictions, affected residents have had no input and have no timely means of redress.

Ground 4 - Unreasonableness

Based on the information presented above, regarding (i) the inadequacy of the consultation, (ii) apparent disregard of the results of the consultation (ii) inadequacy of the IIA, (iv) apparent bias of the process and (v) lack of clear standard against which the ongoing assessment is against, the decision to continue ahead with the scheme would raise questions as to whether or not CEC are acting reasonably in respect of the LTN. The legal test for which was established in ***(Associated Provincial Picture***



Houses Ltd v Wednesbury Corporation (1948) 1 KB 223, which says that for a decision to be unreasonable it must be so "unreasonable that no reasonable authority could ever have come to it". It seems given the apparent flaws in the implementation of the ETRO and the approach of the UK Government and other Local Authorities in England, in response to the growing evidence questioning the effectiveness of LTNs, it arguable that the decision to continue to press ahead, despite all of the above evidence is unreasonable.

1. Inadequate Consultation

Many residents only became aware of the impact of the LTN plans once the ETRO started, possibly because Covid-19 restrictions prevented people from noticing on-street announcements, whilst the older demographic of Corstorphine makes it less likely that many residents would engage with on-line publicity.

2. Unachievable Aim

In response to our queries raised with the CEC regarding the public opinion on the LTN measures, we received the following reponse (email forming Appendix 1 to this deputation), to justify pushing ahead with the LTN, notwithstanding the majority view of the public:

*"We do recognise that for a proportion of local residents that responded to our surveys, they felt conditions for walking and cycling were good/safe enough. We're really glad that these people feel able to move around safely and easily by walking and cycling, however the goal for our city is that **everyone feels that the streets are safe welcoming enough for them to walk, wheel or cycle should they want to**. The engagement data indicates that there is still a significant proportion of the local residents who don't feel that the streets are safe enough and that speed and volume of traffic is the most significant reason for this. Given this, we feel that the trial changes could be a really useful step in reducing traffic to help these people feel that the streets are suitable for them to make more everyday trips by walking, wheeling and cycling."*

We highlight the statement that the goal of the city is that "**everyone feels that the streets are safe welcoming enough for them to walk, wheel or cycle should they want to**". We would argue that it is simply not possible for **everyone** to feel safe walking, wheeling or cycling, as not everyone in the community can walk, wheel or cycle and those who can, may feel unsafe doing so for reasons that cannot be resolved by changes to road layouts (for example – they may have anxiety, they may fear that they are too unsteady on their feet or that they may fall off of a bike). It is therefore unreasonable for CEC to use this as a justification for the continued implementation of the LTN.

Ground 5 - Discriminatory Nature of Changes

The CEC will be aware, as reported in the press and through individual engagement, that complaints have been made by residents with a disability that the LTN is having an impact on the provision of their care service as well as ease of movement (in particular, additional restrictions on and time to access local services due to the LTN). It is clear that the IIA made little clear beyond an assumption there will be some impact and it is questionable therefore whether CEC have discharged their duty to have due regard to the need to:

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;



(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it"

as CEC are obliged to do in terms of Section 149(1) of the Equality Act 2010. Given the apparent 'tick-box' approach taken by CEC, we can only assume that the intention of CEC is to carry out ongoing assessment. Whilst recent case law has indicated that an ongoing assessment of these implications is acceptable (*Sheakh, R (On the Application Of) v London Borough of Lambeth Council* [2022] EWCA Civ 457), as more and more schemes have been implemented across the United Kingdom, the impact of LTNs on those with disabilities is now more widely known (a review by CEC of any equality impact assessments that have been published for LTN schemes across the country will identify negative impacts on those residents with disabilities) and the information should therefore have been available to CEC to carry out a more full impact assessment prior to implementation of the scheme. Additionally, given the demographic of Corstorphine, the pharmacies, and medical centre impacted by the LTN, it is obvious that the LTN in this area may have a greater impact than it may have in other areas on the day-to-day lives of those in the community with disabilities (both those living within the LTN zone, and those needing to access the essential services within the LTN zone).

We would question, therefore, whether the CEC has given due regard to the specific nature and context of the LTN in Corstorphine, given the growing body of information regarding the impact on LTNs with those with a disability. We would also question whether the CEC has considered adequately the needs of those using the essential services within the community (see above comments on the Community Reference Group).

In support of our statements regarding the current impact of the LTN on those in our community with a disability, we refer to the personal testimony from Grant Douglas, which is as follows:

"I am a 48 year old man who was born with Cerebral Palsy which affects the clarity of my speech, hand control/manual dexterity and waking patterns.

As a disabled person who has impaired mobility, the introduction of a Low Traffic Neighbourhood in my community has made my life harder. I rely heavily upon my Motability vehicle whenever I need to go anywhere and, due to the restrictions introduced by the LTN, I face longer journeys and more congestion when travelling around my neighbourhood. For example, if I need to get to my bank, barbers, local cafes etc during times when all restrictions are enforced, I face a 1 mile detour and busier roads just to get where I want to go."

We would note that there is no information available regarding what CEC is doing to monitor the impact of these measures on those in our community with a disability (or indeed, any other protected characteristic). No information has been provided showing anything more than a 'tick-box' approach in terms of pre-implementation assessments.

Summary and Recommendations

Based on the data from the various consultation elements and our engagement with the local community it is clear that the LTN has very little local support but strong, widespread and well justified opposition.

The legal arguments detailed above demonstrate the questionable legality of the changes and we will look to take legal action should CEC decline to suspend ETRO 21/21.

While the general aims of the LTN may be commendable, logic and local experience suggest that it cannot achieve these aims. As a result we ask that the Council:



1. Reverse the trial LTN (ETRO 21/21) immediately and in full
2. Canvass /oca/ people / businesses for any need for change
3. Subject proposals to fair, unbiased and binding consultation
4. Adjust plans as required
5. Implement only with clear majority support from residents

Appendix 1: Email from project manager

From: Martyn Lings <Martyn.Lings@edinburgh.gov.uk>
Subject: Corstorphine LTN and ETRO 21/21
Date: 20 June 2023 at 10:55:24 BST
To: Peter Roberts <peterandjennyroberts@gmail.com>
Cc: Robert Aldridge <Cllr.Robert.Aldridge@edinburgh.gov.uk>, Amy McNeese-Mechan <Cllr.Amy.McNeese-Mechan@edinburgh.gov.uk>, Adam McVey <Adam.McVey@edinburgh.gov.uk>, Jane Meagher <Cllr.Jane.Meagher@edinburgh.gov.uk>, "Claire Miller (Councillor)" <c.miller@edinburgh.gov.uk>, Max Mitchell <Max.Mitchell@edinburgh.gov.uk>, Joanna Mowat <Cllr.Jo.Mowat@edinburgh.gov.uk>, Alys Mumford <Cllr.Alys.Mumford@edinburgh.gov.uk>, "Vicky Nicolson (Councillor)" <Cllr.Vicky.Nicolson@edinburgh.gov.uk>, Kayleigh O'Neill <Cllr.Kayleigh.ONeill@edinburgh.gov.uk>, Hal Osler <Hal.Osler@edinburgh.gov.uk>, Ben Parker <Cllr.Ben.Parker@edinburgh.gov.uk>, Tim Pogson <Cllr.Tim.Pogson@edinburgh.gov.uk>, Susan Rae <Susan.Rae@edinburgh.gov.uk>, Neil Ross <Cllr.Neil.Ross@edinburgh.gov.uk>, Jason Rust <Jason.Rust@edinburgh.gov.uk>, Alex Staniforth <Cllr.Alex.Staniforth@edinburgh.gov.uk>, Edward Thornley <Cllr.Edward.Thornley@edinburgh.gov.uk>, Val Walker <Cllr.Val.Walker@edinburgh.gov.uk>, Mandy Watt <Mandy.Watt@edinburgh.gov.uk>, Iain Whyte <Iain.Whyte@edinburgh.gov.uk>, Norman Work <Cllr.Norman.Work@edinburgh.gov.uk>, Louise Young <Cllr.Louise.Young@edinburgh.gov.uk>, Lewis Younie <Cllr.Lewis.Younie@edinburgh.gov.uk>, Danny Aston <Cllr.Danny.Aston@edinburgh.gov.uk>, Scott Arthur <Cllr.Scott.Arthur@edinburgh.gov.uk>, Jule Bandel <Cllr.Jule.Bandel@edinburgh.gov.uk>, Alan Beal <Cllr.Alan.Beal@edinburgh.gov.uk>, Marco Biagi <Cllr.Marco.Biagi@edinburgh.gov.uk>, Chas Booth <Chas.Booth@edinburgh.gov.uk>, Graeme Bruce <Graeme.Bruce@edinburgh.gov.uk>, Steve Burgess <Steve.Burgess@edinburgh.gov.uk>, Lezley Marion Cameron <Cllr.lezleymarion.cameron@edinburgh.gov.uk>, Kate Campbell <Cllr.Kate.Campbell@edinburgh.gov.uk>, Martha Mattos Coelho <Cllr.Martha.MattosCoelho@edinburgh.gov.uk>, Christopher Cowdy <Cllr.Christopher.Cowdy@edinburgh.gov.uk>, James Dalgleish <Cllr.James.Dalgleish@edinburgh.gov.uk>, Euan Davidson <Cllr.Euan.Davidson@edinburgh.gov.uk>, Cammy Day <Cammy.Day@edinburgh.gov.uk>, Sanne Dijkstra-Downie <Cllr.Sanne.Dijkstra-Downie@edinburgh.gov.uk>, Denis Dixon <Cllr.Denis.Dixon@edinburgh.gov.uk>, Stuart Dobbin <Cllr.Stuart.Dobbin@edinburgh.gov.uk>, Phil Daggart <Phil.Daggart@edinburgh.gov.uk>, Katrina Faccenda <Cllr.Katrina.Faccenda@edinburgh.gov.uk>, Neil Gardiner <Neil.Gardiner@edinburgh.gov.uk>, Fiona Glasgow <Cllr.Fiona.Glasgow@edinburgh.gov.uk>, Margaret Graham <Cllr.Margaret.Graham@edinburgh.gov.uk>, Joan Griffiths <Joan.Griffiths@edinburgh.gov.uk>, Dan Heap <Cllr.Dan.Heap@edinburgh.gov.uk>, Stephen Jenkinson <Cllr.Stephen.Jenkinson@edinburgh.gov.uk>, Tim Jones <Cllr.Tim.Jones@edinburgh.gov.uk>, David Key <Cllr.David.Key@edinburgh.gov.uk>, Simita Kumar <Cllr.Simita.Kumar@edinburgh.gov.uk>, Lesley Macinnes <Cllr.Lesley.Macinnes@edinburgh.gov.uk>, Marie-Clair Munro <Cllr.Marie-Clair.Munro@edinburgh.gov.uk>, Finlay McFarlane <Cllr.Finlay.Mcfarlane@edinburgh.gov.uk>, Ross McKenzie <Cllr.Ross.McKenzie@edinburgh.gov.uk>, "Cole-Hamilton A (Alex), MSP" <alex.cole-hamilton.msp@parliament.scot>, Christine Jardine <christine.jardine.mp@parliament.uk>, Paul Lawrence <Paul.Lawrence@edinburgh.gov.uk>

Dear Mr Roberts,

Thank you for getting in touch regarding the project and raising your concerns.

In the report that was submitted to August 2021 Transport and Environment Committee, the project team feel that we set out a fair and unbiased representation of the feedback that local residents expressed about the proposed trial project. Having considered this information, alongside the monitoring data of levels of traffic on local streets, Committee Councillors decided to proceed with the project as a trial. As part of this, through listening to the concerns raised by some residents about the project (some of which you highlight), the Council adapted the designs and dropped the proposal for a bus gate on Corstorphine High Street and limited the Manse Road bus gate to peak times only. Introducing the project as trial, under an ETRO, provides opportunity for a further 6 months of ongoing open public consultation where anyone can feedback on the trial and express their views, we feel this is a positive way for all local residents to be able to experience what changes the trial brings and then give further feedback. It also gives us a chance to undertake monitoring of the changes to assess the impacts against the baseline (see our monitoring plan for details: [Corstorphine Low Traffic Neighbourhood Monitoring Plan – The City of Edinburgh Council](#)). Through this process we can provide Committee with a clear perspective on the impacts of the scheme and the views of residents.

We do recognise that for a proportion of local residents that responded to our surveys, they felt conditions for walking and cycling were good/safe enough. We're really glad that these people feel able to move around safely and easily by walking and cycling, however the goal for our city is that everyone feels that the streets are safe welcoming enough for them to walk, wheel or cycle should they want to. The engagement data indicates that there is still a significant proportion of the local residents who don't feel that the streets are safe enough and that speed and volume of traffic is the most significant reason for this. Given this, we feel that the trial changes could be a really useful step in reducing traffic to help these people feel that the streets are suitable for them to make more everyday trips by walking, wheeling and cycling.

The market research that was undertaken was independent and quality assured, all interviewee's were made aware that public space was a concept design only and that the finished design may look different. That said, the finished design (as shown in the image below) is, in our view, very similar to the concept design shown. Due to the time required to procure and implement the market research, coupled with waiting for when the Council felt it appropriate to undertake on street face to face on-street surveys post-COVID, these surveys were undertaken from March 2022. As this data was only possible to gather in 2022, it was not used to make any decisions about proceeding with the trial ETRO in 2021. It has only been used as an additional way to engage with the community and understand their views, we have found this type of research often useful in finding out the views of a broader spectrum of residents who may not normally engage with our project surveys. The research will be undertaken again during the trial when local people will have had the opportunity to experience the changes for themselves and express their views. We feel this underlines the value of a trial where people can express views about what they have experienced rather than only what they anticipate.



The community reference group composition was informed with input from the local councillors and community council to reach out and invite all key representative groups in the community, this included a local Edinburgh Access Panel representative, all local schools, the Corstorphine Trust, a local Living Streets representative, a Community Council representative, a local Spokes representative, a local business representative and a Low Traffic Corstorphine representative. We met with an already operating local business group to get their feedback. At the time we were not aware, and nor were councillors or the community council when we asked them, of any formalised local group opposed to the project that could be invited. If there had been one, they would have been included. Most importantly we would like to re-emphasise that, as we stated publicly, “the [community reference] group will be a touchstone for local feedback and views, it will not supersede the views of residents expressed during the consultation surveys. It is simply an additional way for the project team to create dialogue with the local community.” We feel this point is crucial, the group was not in any way a decision-making body, they were simply an additional way for us try to engage with the community given that, at the time due to COVID restrictions, face to face meetings were not possible.

The way the ETRO legal order works requires us to pre-specify key potential alterations to the road layout. The need for these potential alterations was highlighted to Transport and Environment Committee and we also did highlight verbally during the stage 2 engagement sessions with the public that the trial would have some capacity for alterations. The stage two consultation feedback was used to help identify where alterations might be required and as such we weren’t able to present the potential alterations to the residents prior to this engagement. If the alterations are introduced then they will be subject to 6 months of public consultation as part of the ETRO trial so everyone will have the opportunity to feedback. This feedback would be included in the summary report presented to Committee so that the views about changes will be heard by decision makers.

We recognise that not all projects of this nature have been successful across the UK, however we also acknowledge that many have been successful. The project used the academic research from both the successes and failures to help inform our decision making in developing the designs. Introducing the project as a trial is part of our recognition that such projects are challenging and may require alteration and modification to get the right balance of outcomes.

We understand your concerns about traffic displacement. If traffic problems persist, then we have some ability through the ETRO trial to make changes to address them. This is a key advantage of introducing the project as a trial. We have a monitoring plan in place and through this we will also be able to track the impact of the project and be able to assess whether the trial has led to overall traffic changes or displacement. The monitoring plan is available on our webpage: [Corstorphine Connections – The City of Edinburgh Council](#)

Kind regards

Martyn

Martyn Lings | 0131 4693776 | martyn.lings@edinburgh.gov.uk | Senior Project Manager | Active Travel Team | City of Edinburgh Council | <https://www.edinburgh.gov.uk/cycling-walking>

I am not available on Tuesday or Thursday afternoons





Deputation to Transport and Environment Committee meeting to be held on 17 August 2023 regarding item 7.1: Petition to the CEC Transport and Environment Committee regarding East London Street

The New Town and Broughton Community Council has been working closely with the residents of East London Street and strongly supports their aspirations for an immediate and sustained improvement in the volume and speed of traffic on this largely residential street.

Although the situation has become worse over the last couple of years as a result of the diversions that have been put in place for the Trams to Newhaven project and other road improvement projects, there has been a long-standing issue with traffic on this street. The residents and local primary school have had to contend with high levels of traffic including Out of Service buses using this street to start and finish their service at the nearby Annandale Street Lothian Buses garage for many years.

In the past there was an active dialogue with Lothian Buses regarding measures to mitigate the impact of their buses, but over the last two years there has been no willingness to even share information about the number and routing of buses. This has caused significant frustration to residents and the Community Council. Despite assurances that the number of buses would be reduced once the Trams and other projects had been completed, East London Street is still being used by many more buses than in 2019.

As well as the buses, there has been a significant increase in the volume of other traffic using this street, often seeking to avoid congestion on other roads. This increased traffic especially during the period that East London Street was a recognised diversion route for the Trams to Newhaven project has resulted in significant damage to the setted street surface adding to the noise and vibration being experienced by residents. Rather than undertake expensive repairs to the setts, it is proposed that the option of replacing the setts with tarmac on the running lane and introducing some traffic calming should be investigated urgently.

While there is a wider problem of traffic being diverted through the whole of the northern New Town as a result of temporary and permanent closures of other roads in the City Centre, it is recognised that there are specific issues affecting East London Street that need to be prioritised for the health and wellbeing of the residents and children at the local primary school.

Mike Birch

Transport Convenor, New Town and Broughton Community Council

15 August 2023

Keep Morningside Moving

In relation to Item 8.1 on the Agenda: Travelling Safely - Braid Road and Comiston Road

"Stantec's Technical note [page 81: Agenda Reports Pack] indicates that motorists are using side roads [Hermitage Gardens and Midmar Gardens] because of modal filters in the Braid Estate.

Keep Morningside Moving believes that the best way to alleviate this is to reopen Braid Avenue."

