

Transport and Environment Committee

10.00am, Thursday, 2 February 2023

Cramond Glebe Road – Traffic Regulation Order 18/83

Executive/routine Wards Council Commitments	Executive 1 - Almond
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1. Recommendations

- 1.1 It is recommended that Transport and Environment Committee:
 - 1.1.1 Note the content of the report and recommendations made by the Independent Reporter following a public hearing;
 - 1.1.2 Set-aside the objections received and approve the making of Traffic Regulation Order (TRO) 18/83 in full; and
 - 1.1.3 Note that should the TRO be made, officers will monitor driver behaviour on Cramond Glebe Road and the interaction between pedestrians and vehicles at the proposed Care Home entry and exit points to consider if further interventions are appropriate.

Paul Lawrence

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Cramond Glebe Road – Traffic Regulation Order 18/83

2. Executive Summary

- 2.1 This report provides an update on the proposed Traffic Regulation Order (TRO) 18/83 to introduce waiting restrictions on Cramond Glebe Road and loading prohibitions at the proposed entry and exit points, on Whitehouse Road, School Brae and Cramond Glebe Road, for a proposed Care Home.

3. Background

- 3.1 In November 2016 the Council, as Planning Authority, granted planning permission ([15/05434/Ful](#)) for the demolition of an existing dwelling house and the construction of a new care home at 18 Whitehouse Road. The implementation of waiting and loading restrictions is a condition of the consent.
- 3.2 In 2018 the North West Locality team promoted a TRO combining restrictions for the proposed care home and broader waiting restrictions under discussion with the Cramond and Barnton Community Council (CBCC).
- 3.3 The majority of the proposed waiting restrictions on Cramond Glebe Road had been under discussion with the CBCC between 2015 and 2018.
- 3.4 For the avoidance of doubt the CBCC did not support the “restrictions and prohibitions” proposed to satisfy the conditions required to permit occupation noted in the Planning Conditions. CBCC had requested waiting restrictions, double yellow lines, on Cramond Glebe Road to improve access for emergency services and general traffic during busy periods.
- 3.5 Due to the nature and number of objections received to the proposed TRO, a public hearing was arranged with the appointment of an Independent Reporter by the Scottish Government, DPEA Office.
- 3.6 Temporary waiting restrictions were also introduced on Cramond Glebe Road in Spring 2021 as a response to the pandemic, under the Spaces for People Programme. Although the relevant TTRO has now expired, worn double yellow lines remain which still act as a visual deterrent for inconsiderate parking and help improve sight lines. Removal may be subject to the approval of this proposed TRO.

4. Main report

- 4.1 This proposed order has a long history dating back to 2018 when the North West Locality team promoted a TRO to combine restrictions and prohibitions required for the planning consent of a new Care Home and broader restrictions under discussion with the CBCC.
- 4.2 Following contact from the Designer representing Care Concern Limited, the company responsible for the development and management of the proposed care home, officers subsequently combined the restrictions and prohibitions into one TRO to create a more holistic proposal. The combination of the two measures is deemed to better reflect current and anticipated traffic patterns in the area (Proposed Map Tiles are shown in Appendix 1 and 2).
- 4.3 The proposed loading prohibitions, featured at the planned Care Home entry and exit points, are required in the interest of safety to ensure adequate on-street visibility. It should be stressed that on-street restrictions and prohibitions cannot affect the physical geometry of the road or junctions affected. These matters were considered during the Planning Application stage.

Objections Received

- 4.4 Following the public advertising period, a significant number of objections were received (190 in total) many of which related to the proposed Care Home exit point on Cramond Glebe Road.
- 4.5 Copies of all the objections received, correspondence exchanged and supporting statements from all parties involved in the public hearing are available at the [DPEA Case Details](#) website.
- 4.6 The proposed TRO has been promoted to satisfy the requirements noted in the Decision Notice, “to ensure adequate visibility is afforded to drivers”. It should enhance on-street visibility for all road users.
- 4.7 In terms of visibility the proposed measures should, once a driver has reached the edge of the road at the Care Home exit, provide a clear line of sight for 100 metres facing northwards and 31 meters facing southwards. However, it should be noted that vehicles could legally load and unload on the proposed double yellow lines (not the prohibition areas) for a period of up to 30 minutes.
- 4.8 The distances of these lines of sight are greater than the stopping sight distances set out in the Scottish Government’s Designing Streets document.
- 4.9 A summary of objections received, and officers’ comments are included in Appendix 3. Individual objections and the Council’s statements can be seen at the [DPEA Case Details](#) website.

Public Hearing

- 4.10 An independent Reporter was nominated by the Scottish Ministers and appointed by the Council in 2019. However, due to delays caused by the pandemic, restrictions on attendance at meetings and availability, it was not possible to hold the in-person hearing until 19 October 2022.

- 4.11 The hearing was run as a hybrid event offering objectors wishing to attend the opportunity to make representations in person or remotely using on-line software. The hearing was also publicly advertised, allowing members of the public to observe in person or watch the webcast.
- 4.12 Six individuals/organisations attended the hearing in person or online.
- 4.13 Details of the proposed measures and supporting statements are described in more detail in the Council (CMS) Hearing Statement (see Appendix 4).
- 4.14 All other documents relating to the hearing are available on the DPEA Case Details website.

DPEA Recommendations

- 4.15 The Reporter has recommended that, following consideration, the objections should not be sustained, and the Council should go forward to confirm the TRO for the measures defined in the drawing map tiles 731 and 790.
- 4.16 It is also recommended that should the Council decide to proceed to implement the TRO as proposed, it is considered appropriate for post-implementation monitoring to be conducted.
- 4.17 Post-implementation monitoring is expected to include observations of driver compliance on the restrictions and prohibitions, observations of vehicle and pedestrian interaction at the proposed Care Home entry and exit, particularly during the early period of operation, and completion of a speed survey on Cramond Glebe Road.

5. Next Steps

- 5.1 Council officers accept the recommendations of the Reporter and recommend that the TRO is made in full.
- 5.2 It should be noted a final extension of time for making the Traffic Order was granted by the Scottish Ministers on the 6 December 2022, the expiry date to make this order is now the 6 June 2023. No further extension shall be granted.
- 5.3 Therefore, if Committee agree with the recommendations in this report:
 - 5.3.1 The order will be made, and the necessary parking restrictions and prohibitions will be laid shortly after and any redundant parking restrictions associated with the previous Spaces for People measures will be removed;
 - 5.3.2 Officers will undertake a speed survey at an appropriate time over the first three-month period;
 - 5.3.3 Driver behaviour will be observed over the first six-month operational period when the proposed Care Home is opened. The purpose of these evaluation is to assess whether further reasonable interventions would be appropriate to address any road safety concerns;
 - 5.3.4 Officers will also seek feedback from the CBCC during the first six months after the Care Home has opened; and

5.3.5 Although the safety implications of reduced intervisibility between drivers, pedestrians and other transport modes was considered by Council officers as part of the Planning process, it is considered reasonable to monitor the interaction between pedestrians, cyclists and vehicles at the entry and exit points to the new care home, once it is in operation.

6. Financial impact

- 6.1 To date, the total cost of promoting this TRO is approximately £30,000 and includes fees for the Independent Reporter, internal and external legal fees, officer time in drafting and advertising the order, dealing with objections and preparing for the hearing.
- 6.2 The planning applicant was asked to contribute £2,000 towards the promotion of appropriate waiting and loading restrictions. The remainder has been covered by the Transport revenue budget.
- 6.3 The cost of laying the necessary road markings will be covered by the Transport revenue budget and is expected to be in the region of £1,000.

7. Stakeholder/Community Impact

- 7.1 TRO 18/83 was publicly advertised in December 2018 and a summary of feedback is included in Appendix 3. Further details of the feedback received is available on the DPEA Case website.
- 7.2 The community impact of permanent waiting restrictions (double lines) and prohibitions (double kerb markings to prohibit loading) is acknowledged. The authority has a duty to strike a balance between improving access to the area, especially for emergency services, retaining some on-street parking and allowing time limited loading arrangements.
- 7.3 It should be stressed that this proposed TRO can only provide a legal framework for enforcement relating to parking or loading over the areas in question. It cannot, by itself, address the physical restrictions of the existing road or access geometry.

8. Background reading/external references

- 8.1 The City of Edinburgh Council Planning Decision Note 15/05434/Ful - [decision notice](#).
- 8.2 An unrelated TRO 22/09 has recently been made to introduce waiting restrictions in various areas across the city, including a short section opposite the Cramond Kirk access road. This small section of waiting restriction was promoted following representations from the Scottish Fire and Rescue Service concerned about access to the Kirk entrance (see Appendix 6).

9. Appendices

- 9.1 Appendix 1 – [Proposed Map Tile 731](#)
- 9.2 Appendix 2 – [Proposed Map Tile 790](#)
- 9.3 Appendix 3 - Summary of objections following public advertising

- 9.4 Appendix 4 – Hearing Statement - The City of Edinburgh Council
- 9.5 Appendix 5 – Scottish Government, DPEA – Report of the City of Edinburgh Council (Report - dated 28 November 2022)
- 9.6 Appendix 6 – TRO 22/09 Proposed Map Tile showing additional waiting restrictions on Cramond Glebe Road

Appendix 3 – Summary of objections following public advertising:

Summary of original points of objection	Response
<p>The TRO fails to address safety and risks and fails to comply with Scottish Government Designing Streets guidance.</p> <p>The TRO is being used as camouflage for its true purpose, driven by the developer's interest.</p> <p>The TRO will make matters significantly worse, pedestrians will be exposed to greater risk.</p> <p>Proposed Care Home exit – drivers using this route will not have sight of the road until intruding on to the pavement.</p> <p>The introduction of double yellow lines will relocate parking congestion elsewhere.</p>	<p>The proposed TRO, as required by the Planning Condition (double yellow lines) may restrict on-street parking. It cannot address the junction layout.</p> <p>The Statement of Reasons provides a clear and unambiguous reason for promoting the order.</p> <p>The TRO has been promoted to provide adequate (on-street) visibility and improve access for emergency services down to the Promenade.</p> <p>The TRO cannot address this issue. Junction visibility was considered as part of the Planning process.</p> <p>Displacement of parking will be monitored, further restrictions may be considered if required (as with any other TRO).</p>
<p>Objects to the Care Home</p>	<p>Not relevant to the TRO</p>
<p>Increased speed on Cramond Glebe Road</p>	<p>Acknowledged – the removal of parked vehicles and improved visibility for drivers may lead to increased vehicle speeds. A speed survey is proposed should the TRO be approved.</p>
<p>Loss of parking.</p> <p>Safety of children and cyclists meeting vehicles leaving the Care Home exit.</p>	<p>On-street parking is retained where deemed safe.</p> <p>The proposed TRO will improve on-street visibility for all road users. The TRO should restrict the presence of parked or loading (where appropriate) vehicles in the areas affected.</p> <p>The issue of driver / pedestrian / other road user intervisibility was considered during the Planning process.</p> <p>Notwithstanding this, monitoring of the proposed Care Home entry and exit points is proposed following opening.</p>

<p>Loss of parking places for disabled visitors to the Kirk</p>	<p>The waiting restrictions at the Kirk access continue to allow Blue Badge parking. Space has also been left for wedding/funeral parking etc.</p>
<p>Parents dropping off and collecting children from the Nursery will have to park further away.</p> <p>Lack of visibility for vehicles exiting on to Cramond Glebe Road.</p> <p>Development inappropriate for site.</p>	<p>The waiting and loading prohibitions at the School Brae and Whitehouse Road junction are designed to improve visibility for both pedestrians and drivers at this narrow junction. It is acknowledged that parents or carers, who choose to drive, may need to park slightly further away.</p> <p>The TRO cannot address this issue. Junction visibility was considered as part of the Planning process. A TRO can only influence on-street visibility by restricting parking/loading.</p> <p>Not relevant to the TRO process.</p>
<p>Concern over drop off and pick up of congregation.</p> <p>Concern over wedding/funeral traffic.</p> <p>Small car park likely to become full quickly, where will people park.</p>	<p>Officers have tried to strike a balance between the promotion of restrictions that should improve access to the village and unrestricted parking.</p> <p>A small area has been left outside the Kirk to allow wedding or funeral parking (the Church can manage this locally).</p> <p>The TRO does not affect the private car park. Drivers should choose a safe place to park out with the restrictions. Disabled Persons' Blue Badge holders will continue to be permitted to park on double yellow lines if no obstruction is caused.</p>
<p>School Brae is private</p>	<p>The Council may promote restrictions or prohibitions on private "roads".</p>
<p>Plan is difficult to read.</p>	<p>Additional information was passed on to the CBCC. However, 190 individuals/organisations have</p>

<p>TRO fails to meet the objective.</p>	<p>responded to the advertised plan as published.</p> <p>The proposed TRO is designed to provide on-street visibility by prohibiting parking at the proposed Care Home entry and exit point. The broader restrictions on Cramond Glebe Road are designed to restrict on-street parking and improve access (in particular for emergency vehicles) down to the Village, Harbour and Car Park.</p>
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DATE: 14 FEBRUARY 2020

HEARING STATEMENT

for

THE CITY OF EDINBURGH COUNCIL

in relation to

TRAFFIC REGULATION ORDER IN CRAMOND

DPEA REFERENCE: TRO-230-5

COUNCIL REFERENCE: TRO/18/83

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TABLE OF CONTENTS

1.	Background.....	1
2.	Summary of TRO Measures	2
3.	Statutory Context	3
4.	Alleged Public Law Issue	4
5.	Lack of Map Legend in Online Consultation Documents	6
6.	Objections – Visibility at Exit from Proposed Care Home.....	7
7.	Objections – Increases in Vehicle Speed.....	8
8.	Objections – Loss and Displacement of Parking	9
9.	Objections – Increased Traffic and Congestion.....	10
10.	Representation at Hearing Session.....	10
11.	Documents	10
12.	Conclusions.....	10
	Schedule	12
	List of Documents.....	12

1. BACKGROUND

- 1.1 The City of Edinburgh Council (the “**Council**”) has been working with Cramond & Barnton Community Council (the “**Community Council**”) for several years to address their concerns in relation to traffic and parking in Cramond. In previous years the Community Council have observed and made reference to congestion on the Cramond Glebe Road during busy holiday periods and times of good weather. The Community Council have noted times when severe congestion has occurred during periods of increased traffic volumes and described significant problems with obstructive parking.
- 1.2 In 2016, the Council introduced waiting restrictions (i.e. double yellow lines) at the northern end of Cramond Glebe Road with the support of the Community Council¹. This was Phase 1 of the measures to be introduced. The introduction of waiting restrictions on the remaining part of Cramond Glebe Road was also discussed with the Community Council and was to form Phase 2 of the measures to be introduced².
- 1.3 On 15 November 2016, the Council, as planning authority, granted planning permission (ref: 15/05434/FUL) for the demolition of an existing dwelling and the construction of a new care home and associated car parking at 18 Whitehouse Road, Edinburgh EH4 6NN (the “**Care Home Permission**”)³. Condition 1 of the Care Home Permission is in the following terms:

“The occupation of the development hereby approved shall not commence until the waiting and loading restrictions on Whitehouse Road, Cramond Glebe Road and School Brae (as necessary), which are required to be progressed through a suitable traffic order, have been implemented in full.”

- 1.4 This condition arose from the consultation response from the Council’s Planning & Transport service⁴ which stated “no objection to the proposed application subject to” a number of specific items being included as conditions or informatives as appropriate. One of the specified items was in the following terms:

“Consent should not be issued until the applicant has entered into a suitable legal agreement to...[c]ontribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions on Whitehouse Road, Cramond Glebe Road and School Brae as necessary (in particular, to ensure adequate visibility is afforded to drivers exiting onto Cramond Glebe Road – see note iv below).”
(Item 1b)

“In addition to the advertising costs as noted the applicant will be required to provide suitable consultation drawings to allow the Council to initiate the statutory traffic order process with respect to these waiting and loading restrictions. A suspensive condition is requested as there is no guarantee that the promotion of this order will be successful. It is considered that without it this exit is unsafe (appropriate visibility splay not provided).” (note iv)

- 1.5 This was reported to the meeting of the Council’s Development Management Sub-Committee on 17 August 2016 in the following terms:

¹ See CEC 15 for a drawing showing Phase 1 of the measures.

² See CEC 16 for a drawing showing the proposed Phase 2 which was prepared following a joint site visit.

³ CEC 8

⁴ CEC 12

“The Roads Authority confirms that without the introduction of waiting and loading restrictions particularly on Cramond Glebe Road, the proposed exit will be unsafe due to limited visibility. As there is no guarantee that the promotion of the traffic order will be successful, the Roads Authority confirms that a suspensive condition should be attached to the permission. This condition has been added accordingly.”⁵

- 1.6 An agreement under section 69 of the Local Government (Scotland) Act 1973 was completed on 7 November 2016 in terms of which the contribution referred to above was paid to the Council.
- 1.7 In June 2018, the Council published, in accordance with regulation 5 of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 (the “**1999 Regulations**”), proposals for a traffic regulation order under the Road Traffic Regulation Act 1984 (the “**RTRA**”) to introduce waiting restrictions at the entrance and exit to the proposed care home. However, these proposed restrictions were withdrawn due to a technical error and are not before the Reporter.
- 1.8 The Council subsequently published proposals for The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places) (Variation No _) Order 201_ - TRO/18/83 (the “**TRO**”) under regulation 5 of the 1999 Regulations on 7 December 2018. The last date for objections to the TRO was 4 January 2019. As a result of objections submitted, the matter has now been referred to the Reporter who will hold a hearing and prepare a report for the Council with his recommendations.
- 1.9 For the purposes of the hearing, the Reporter has requested a written statement from each party containing the full particulars of the case that each party wishes to make at the hearing. The Reporter has specifically requested that the Council’s statement includes a clear indication of how it considers its proposals fall within the provisions or tests contained within the Acts that authorise the confirmation of the Order, and why they are considered to be necessary.
- 1.10 This hearing statement is submitted by the Council to satisfy the Reporter’s request.

2. SUMMARY OF TRO MEASURES

- 2.1 The TRO proposes to introduce measures at the following two locations:
 - 2.1.1 The junction of School Brae and Whitehouse Road.
 - 2.1.2 Cramond Glebe Road.
- 2.2 The measures to be introduced at each of these locations can be summarised as follows:
 - 2.2.1 Whitehouse Road/School Brae junction: the TRO will introduce no waiting at any time (double yellow lines) together with no loading at any time (double blips), on both sides of School Brae on the approach to the Whitehouse Road junction and on the northern side of Whitehouse Road either side of the School Brae junction.
 - 2.2.2 Cramond Glebe Road: the TRO will introduce no waiting at any time (double yellow lines) for various lengths of Cramond Glebe Road identified with an orange line on the TRO maps⁶ together with a short section of no loading at any time (double blips), either side of the proposed exit from the care home on the eastern and western side of Cramond Glebe Road.

⁵ Page 16 of CEC 13

⁶ Existing maps are CEC 2 and CEC 3 while the proposed maps are CEC 4 and CEC 5.

- 2.3 As it is the proposed access point for the care home, the layout suggested at the Whitehouse Road/School Brae junction has been designed to provide adequate visibility for all road users near the junction. The proposed prohibitions on waiting and loading at this location are to provide adequate visibility for pedestrians crossing the road, particularly considering parents with school children, for all drivers, whether they are accessing the care home or otherwise using the roads in the area.
- 2.4 The no waiting at any time (double yellow lines) measure on Cramond Glebe Road are proposed to restrict parking on the road leading to and from the northern part of the village. This is the Phase 2 of measures discussed at paragraph 1.2 and was discussed with the Community Council to improve access to the village, especially during busy holiday periods when an obstruction to emergency access for the Coastguard and emergency services was observed. The Coastguard is regularly required to access the northern part of the village to assist in the rescue of people who find themselves ‘stranded’ on Cramond Island due to the causeway not being passable as a result of tidal conditions⁷.
- 2.5 As noted above, the TRO will introduce no loading at any time (double blips) either side of the proposed care home exit to Cramond Glebe Road. This is required in the interests of safety to ensure adequate on-street visibility for vehicles exiting the care home on to Cramond Glebe Road and for vehicles traveling north/south on Cramond Glebe Road.
- 2.6 The waiting and loading restrictions are designed to work together on Cramond Glebe Road to maintain safe passage through the village and provide adequate on-street visibility at the proposed care home exit. The combination of both measures will provide visibility (at the kerb line) which is greater than the Scottish Government - Designing Streets: Part 2 Detail for Stopping Sight Distance/Visibility Requirements, for the current speed limit.⁸
- 2.7 It should be noted that, in the absence of the care home, the Council would still be promoting a TRO with no waiting at any time (double yellow lines) for the sections of Cramond Glebe Road which are subject to the no loading at any time (double blips) measures. The only difference between the proposal previously discussed with the Community Council and that contained in the TRO is that there are sections of Cramond Glebe Road on which no loading can take place at any time, in addition to the no waiting at any time measure.

3. STATUTORY CONTEXT

- 3.1 The Council is the roads authority for the ‘local’ roads within its area for the purposes of the Roads (Scotland) Act 1984 (the “**1984 Act**”) and consequently is the traffic authority for the roads which are subject to the TRO by virtue of section 121A(1AA) of the RTRA. Section 1 of the RTRA gives the Council the power to make a TRO in respect of roads in its area, whether public or private, where the Council considers it expedient to make the TRO for a number of specified purposes. The specified purposes for which the TRO have been made are:
- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; and
 - b) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

⁷ CEC 17 for evidence of rescues required.

⁸ CEC 18

- 3.2 Section 2 of the RTRA states that “[t]he provision that may be made by a traffic regulation order includes any provision...prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles”.
- 3.3 When making its ultimate decision on whether or not to make the TRO, the Council will have to comply with section 122 of the RTRA. The Reporter will also have to consider section 122 when preparing his report and recommendations. Section 122(1) of the RTRA requires the Council to exercise its functions in making a TRO to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the road. This duty is a qualified duty by virtue of section 122(2) which provides that the Council must comply with the duty under section 122(1) so far as practicable, having regard to:
- a) the desirability of securing and maintaining reasonable access to premises;
 - b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - c) the national air quality strategy;
 - d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - e) any other matters appearing to the Council to be relevant.
- 3.4 The courts have made it clear that section 122(1) does not have primacy over section 122(2). Section 122 is effectively a duty to undertake a balancing exercise between a range of often competing factors, rather than a duty to achieve a particular outcome⁹. The factors to be taken into account will also vary from case to case.
- 3.5 A traffic authority is required, by regulation 8 of the 1999 Regulations, to hold a hearing before making a TRO where the TRO contains a provision which prohibits, or has the effect of prohibiting, the loading or unloading of vehicles in any road at all times and an objection to that provision in the TRO has been made and not withdrawn. The Council was therefore required to hold this hearing in accordance with the 1999 Regulations.

4. ALLEGED PUBLIC LAW ISSUE

- 4.1 Cramond Action Group (“**CAG**”) has stated in its objection that it considers the Council’s actions to be unlawful and that the TRO could be reduced by the courts if made. CAG’s position can be summarised as follows:
- (i) The Council is allegedly acting as the developer’s agent and giving undue weight to ‘pressure’ from the developer of the care home, whereas the developer’s commercial interests are not a relevant consideration in terms of the RTRA.
 - (ii) The Council has allegedly fettered the exercise of its discretion by imposing condition 1 on the Care Home Permission without knowing whether a satisfactory TRO could be promoted. It is alleged by CAG that condition 1 effectively mandated the Council’s officials to promote the TRO. CAG also alleges that the Council considered itself under

⁹ The approach to compliance with section 122 is helpfully summarised in *Trail Riders Fellowship v Hampshire County Council* [2018] EWHC 3390 (Admin)

an obligation to promote the TRO, and that this is a misunderstanding of the Council's duties.

(iii) Any decision to make the TRO is alleged to be irrational as safety criteria and other relevant standards cannot be satisfied.

(iv) The Council's reasons for promoting the TRO are inadequate.

- 4.2 The Council is satisfied with the approach taken on each of these points and sets out its position below.
- 4.3 On ground (i), there appears to have been a misunderstanding of the process. The Council has published proposals for the TRO under the 1999 Regulations as the traffic authority for its area. It is common for changes to traffic regulation and parking to be required as a result of a development proposal and in some cases, the changes to traffic regulation may be required to make the development acceptable in planning terms. It is also common for the Council to require the developer to make a contribution towards the costs of promoting the relevant order, which is secured by way of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 or an agreement under section 69 of the 1973 Act. The Council, as roads and traffic authority, will consider whether changes are required as part of its assessment of the planning application and submit a consultation response to the Council, as planning authority.
- 4.4 That is what happened in this case and the Council concluded that the development could be made acceptable if changes were made to waiting and loading arrangements close to the entrance to and exit from the care home. The Council is aware that any such order is subject to a separate statutory process and requires separate consideration. Note iv of the Planning & Transport consultation response¹⁰ explicitly recognised that "there is no guarantee that the promotion of this order will be successful" for this reason.
- 4.5 The Council is not acting as agent for the developer of the care home in publishing proposals for the TRO.
- 4.6 In response to the Council's reference to being "under some pressure to promote the TRO" it is clear from the correspondence that this is a timing pressure. Mr Sinclair clearly explains that the pressure he referred to relates to the developer's request that the Council promote the TRO in a timely manner. It is only to be expected that the developer would request that the Council promotes the TRO in a timely manner, especially considering they have made a contribution to the Council's costs of promoting the TRO.
- 4.7 On ground (ii), the Council has not fettered its discretion. As noted at paragraph 4.4, the Council has made it clear that the TRO would be subject to a separate statutory process and could not guarantee that the TRO would ultimately be made following that statutory process. The Council was not necessarily required to be satisfied that the TRO would ultimately be made before granting the Care Home Permission, as it has imposed a suspensive condition.
- 4.8 It is also not accurate to say that condition 1 mandated the Council officials to promote the TRO. This ignores that it was the Council's recommendation in its consultation response, as roads and traffic authority, that a TRO could be promoted to introduce waiting and loading restrictions to provide adequate visibility but that such TRO would be subject to a separate decision making process.
- 4.9 CAG also appears to have interpreted Mr Sinclair's correspondence as if it is a contract or statutory provision. CAG appears to have taken a very literal and selective interpretation of the

¹⁰ CEC 12

correspondence where Mr Sinclair refers to an obligation but Mr Sinclair's position is clearly summarised by the following statement:

“[A]s a representative of the Roads Authority it is one of my professional duties to consider and promote Traffic Regulation Orders in the North West Locality area for both internal and external applicants. It is common place that we would consider and promote waiting restrictions for Community Councils, Elected Members and residents if they were deemed appropriate.”

4.10 On ground (iii), the allegation that the making of the TRO would be irrational is premature as it is anticipated that the hearing will consider whether or not the TRO can be justified based on issues of safety and a range of other criteria in accordance with section 122 of the RTRA. It is the Council's position that the TRO has been made for the purposes set out at paragraph 3.1 and is justified when the balancing exercise required by section 122 of the RTRA is undertaken.

4.11 On ground (iv), the Council does not accept that the reasons for making the TRO are inadequate. It is the Council's position that, on reading the Statement of Reasons together with this hearing statement, an informed reader could not have substantial doubt as to the reasons for the Council's decision to publish its proposals for the TRO.

5. LACK OF MAP LEGEND IN ONLINE CONSULTATION DOCUMENTS

5.1 The Community Council submits that the TRO documents made available for consultation were incomplete and inadequate. In particular, that the online TRO documents omitted the Map Schedule Legend (the Key) to the TRO maps.

5.2 The statutory consultation requirements, to be undertaken before making the TRO, are prescribed in the 1999 Regulations:

5.3 Regulation 4 requires that the Council consult specified parties where the relevant order relates to, or is likely to affect, traffic on particular roads or other specified interests;

5.4 Regulation 5(1) is in the following terms and requires that the Council:

- a) “publish at least once in a local newspaper circulating in the area to which the TRO relates a notice of the proposals containing the particulars specified in Part 1 of Schedule 1;”
- b) “take such other steps as the Council may consider appropriate for ensuring that adequate publicity about the TRO is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include:”
 - (i) “publication of a notice in the Edinburgh Gazette;”
 - (ii) “display of notices in accordance with Schedule 2 in roads or other places affected by the order; or”
 - (iii) “the delivery of notices or letters to premises appearing likely to be affected by any provision in the order; and”
- c) “make available for inspection in accordance with Schedule 3 the documents mentioned in that Schedule.”

5.5 The provisions described in Regulation 5(1)(a) and (c) are mandatory. Those described in Regulation 5(1)(b) are examples of additional steps the Council may consider appropriate. It should also be noted that Council officers were in contact with the Community Council and CAG prior to the TRO proposals being published in accordance with regulation 5(1)(a).

- 5.6 As regards the TRO:
- 5.6.1 In accordance with Regulation 4, the Council consulted with the necessary statutory consultees as well as a range of additional parties;
 - 5.6.2 In accordance with Regulation 5(1)(a), a notice was published in *The Scotsman* on Friday 7 December 2018. The notice contained the particulars required under Part 1 of Schedule 1 and specified that objections should be submitted not later than 4 January 2019;
 - 5.6.3 In accordance with Regulation 5(1)(c) and Schedule 3, the TRO documents were made available for inspection during normal office hours at the Council's offices (the City Chambers) during the period from publication of the notice referred to in paragraph 5.6.2 until the end of the objection period. The availability and location of the TRO documents was stated in the newspaper notice and in the affixed notices referred to in paragraphs 5.6.2 and 5.6.4. The TRO documents on deposit comprised a copy of the draft TRO, the TRO maps (existing and proposed), the Map Schedule Legend, the newspaper notice and the Council's Statement of Reasons; and
 - 5.6.4 Pursuant to Regulation 5(1)(b), notices were displayed on those roads affected by the TRO, placed at nine locations on 7 December 2018 and subsequently checked to ensure that all notices remained in place on 17 December 2018 and 28 December 2018.
- 5.7 Consequently, the Council has complied with all statutory consultation requirements of the 1999 Regulations. The TRO documents deposited at the Council's offices included the Map Schedule Legend.
- 5.8 Pursuant to Regulation 5(1)(b), the Council also elects to make draft traffic regulation orders available on its own website and the Scottish Government's consultation portal. This is not a statutory requirement of the 1999 Regulations. In the case of the TRO, the Council acknowledges that Map Schedule Legend was omitted in error from the online TRO documents, although the proposed measures are described in the Statement of Reasons. This omission was brought to the Council's attention by the Community Council on 27 December 2018 and a Map Schedule Legend was emailed to the Community Council on the same date.
- 5.9 As regards the omission of the Map Schedule Legend from the online documents:
- 5.9.1 the Map Schedule Legend was included in the TRO documents on deposit at the City Chambers. While the online omission was unfortunate, the requirements of Regulation 5 of the 1999 Regulations have been met; and
 - 5.9.2 a copy of the Map Schedule Legend was emailed to the Community Council immediately upon the council being made aware of the omission. No other party contacted the Council to seek clarification on the nature of the proposed measures.
- 5.10 It is apparent from the content of objections to the TRO that objecting parties, including the Community Council, have fully understood the nature of the proposed measures. The objections are comprehensive, detailed, and, in the case of the Community Council, involve input from a former local authority roads engineer. No party has been prejudiced by the omission of the Map Schedule Legend from the online documents.

6. OBJECTIONS – VISIBILITY AT EXIT FROM PROPOSED CARE HOME

- 6.1 A number of objections have made reference to concerns that the TRO will not provide adequate visibility as is required to satisfy the terms of condition 1 of the Care Home Permission. It should

be noted that the TRO cannot deal with visibility for drivers of vehicles exiting the proposed care home while those vehicles are within the boundary of the property (i.e. outside the boundaries of the road, which includes the carriageway and footway). Whilst it is acknowledged that the proposed care home exit point does not meet contemporary design standards in terms of visibility splay requirements from within the property, this issue was considered by the Council in granting the Care Home Permission and is therefore resolved.

6.2 The TRO and condition 1 of the Care Home Permission are therefore only concerned with visibility for drivers of vehicles once they exit the property and are within the boundaries of the road (i.e. the on-street visibility).

6.3 It is the Council's position that the measures in the TRO summarised at paragraph 2.2 will provide adequate on-street visibility for drivers. In terms of driver visibility, once a driver has reached the edge of the road the combined measures contained in the TRO should generally provide the following line of sight¹¹:

(i) 100m facing northwards.

(ii) 31m facing southwards.

6.4 The distances of these lines of sight are greater than the stopping sight distances set out in the Designing Streets document and the typical stopping distances set out in the Highway Code for a speed limit of 20mph, which are 25m and 12m respectively.

6.5 The Council acknowledges that there may be occasions when the lines of sight may be reduced due to either a vehicle displaying a blue badge being parked or another vehicle loading/unloading on a section of Cramond Glebe Road which is subject only to the no waiting at any time provisions (i.e. double yellow lines without the double blips). Lines of sight on these occasions could be reduced to:

(i) 15m facing northwards; and

(ii) 15m facing southwards.

6.6 Instances of this occurring are likely to be infrequent and, in the case of loading/unloading of short duration. The Council has therefore sought to balance the need for safety and adequate visibility for vehicles exiting the proposed care home and travelling along Cramond Glebe Road on the one hand, with not placing disproportionate restrictions on residents on the other. While the Council could have extended the sections of Cramond Glebe Road which are also subject to a no loading at any time measure (double blips) it was considered that this would have a disproportionate impact on residents due to the increased prohibition on loading/unloading.

6.7 The Council would monitor the operation of the measures post-implementation, as it does with all TROs, and assess whether adjustments need to be made to the measures contained in the TRO.

7. OBJECTIONS – INCREASES IN VEHICLE SPEED

7.1 Objections submit that the introduction of yellow lines, and the associated absence of parked vehicles, will result in increased vehicle speeds on Cramond Glebe Road, School Brae and Whitehouse Road, with an attendant increased safety risk.

7.2 The existing speed limit on roads subject to the TRO is 20 mph. The TRO measures do not alter the speed limit or the penalties for exceeding this limit. The Council recognises that parking restrictions and the absence of parked vehicles can alter the behaviour of some drivers with respect

¹¹ CEC 20

to vehicle speed. It is also anticipated the restrictions and prohibitions will increase visibility for pedestrians wishing to cross the road. Following the implementation of the TRO, Council officers would continue to monitor driver behaviour. Should a problem with driver behaviour and speeding vehicles be identified, the Council could respond with various levels of intervention including additional signage, road markings, requests for additional speed checks/enforcement or ultimately physical traffic calming measures.

8. OBJECTIONS – LOSS AND DISPLACEMENT OF PARKING

- 8.1 Various objections and representations are made in relation to a loss of parking spaces and displacement of parked vehicles. In particular:
- 8.1.1 that existing on-street parking will be lost, inconveniencing residents of the roads subject to the TRO;
 - 8.1.2 that parking of vehicles will be displaced to other roads in the area, creating or exacerbating parking problems on such roads;
 - 8.1.3 that existing parking around Cramond Kirk will be lost and the introduction of waiting restrictions in the vicinity of the Kirk may encourage drivers to hurry when dropping off members of the congregation, with an increased risk of falls; and
 - 8.1.4 that it would be beneficial to have a drop off zone near the Kirk gate, designated Blue Badge parking spaces in the area opposite the Kirk gate, and a dispensation to allow wedding and funeral vehicles (bridal cars, hearse and funeral cars) to stop and wait at the Kirk gate.
- 8.2 The Council acknowledges that the introduction of parking restrictions on Cramond Glebe Road, where currently there are no such restrictions, will inevitably lead to a loss of on-street parking and inconvenience to a number of local residents. Similarly, the Council acknowledges that the parking restrictions will displace some parking to other unregulated roads in the area.
- 8.3 As described in section 2, a primary purpose of the TRO is to improve access to the north of Cramond Village along Cramond Glebe Road, especially during busy holiday periods when the road becomes very congested. This purpose includes improved access for emergency vehicles. The Council is required to balance this consideration against the inconvenience experienced by some local residents. Having done so, the Council considers that it is expedient to promote the TRO.
- 8.4 The Council notes that other than around the exit to the Care Home, the TRO does permit loading and unloading subject to a 30 minute time limit.
- 8.5 The Council notes that the no waiting restriction on Cramond Glebe Road (as distinct from the no waiting or loading restriction around the Care Home exit) constitutes the Phase 2 measures as described at paragraphs 1.2 and 2.4. The Phase 2 measures have been requested by the Community Council for a number of years.
- 8.6 Council officers would monitor the impact of the TRO on other areas of Cramond Village and consider further traffic regulation measures should these prove necessary.
- 8.7 The Council has carefully considered the impact of the TRO on Cramond Kirk. As shown on CEC 5, the no waiting restriction (double yellow lines) in the vicinity of Cramond Kirk are confined to the immediate Kirk access and the access to the lane opposite the Kirk. Unrestricted parking, including for weddings and funerals, will remain available in the vicinity of the Kirk, to

supplement the Kirk's own car park. The Kirk could also consider using their own informal cones to protect these parking areas in advance of such services.

- 8.8 Blue badge holders would also be permitted to continue to park on the double yellow lined stretches on Cramond Glebe Road (other than the no waiting / no loading stretch of road around the Care Home exit).

9. OBJECTIONS – INCREASED TRAFFIC AND CONGESTION

- 9.1 Various objections submit that the measures in the TRO will increase traffic and exacerbate existing congestion in the Cramond area and / or on the roads subject to the TRO. The Council does not agree with these submissions.

- 9.2 The Council recognises that the Cramond area, and the roads subject to the TRO measures, experience congestion, particularly during the summer months. The TRO measures will not reduce the volume of traffic. However, the measures do not increase traffic in the Cramond area or on the relevant roads. The waiting restrictions on Cramond Glebe Road are to improve the flow of traffic on this road, improve access to the north of Cramond Village, improve visibility on the relevant roads and facilitate the passage of emergency vehicles. As noted previously, these Phase 2 measures have been requested by the Community Council for a number of years.

- 9.3 The Council notes that some objections appear to conflate the TRO measures with the traffic generated through operation of the Care Home. Planning permission for the Care Home was granted by the Council, acting in its capacity as planning authority. The restrictions imposed under the TRO will neither increase nor decrease any such additional traffic which has already been considered in granting the Care Home Permission. The Council considers that the existing traffic problems on Cramond Glebe Road justify the no waiting restrictions in the TRO. Separately, the no waiting / no loading restrictions at School Brae / Whitehouse Road and on part of Cramond Glebe Road are to provide adequate visibility for pedestrians and drivers at the entrance to Care Home and for vehicles exiting the Care Home or travelling on Cramond Glebe Road.

10. REPRESENTATION AT HEARING SESSION

- 10.1 The Council will be represented at the Hearing Sessions by Mark McMurray, a Partner at CMS Cameron McKenna Nabarro Olswang LLP or his colleague Keith Campbell, a Senior Associate. The following individuals will also represent the Council to provide the Reporter with evidence on their specialist areas:

- a) Dave Sinclair, Locality Transport and Environment Manager.
- b) Andrew MacKay, Traffic Orders Manager.

11. DOCUMENTS

The Council intends to rely upon the documents listed in the Schedule to this document. The Council reserves the right to amend the list of documents in light of the submissions made by other parties.

12. CONCLUSIONS

- 12.1 The Community Council has, for many years, requested the introduction of waiting restrictions on Cramond Glebe Road to resolve congestion and obstructive parking issues in the village, which are particularly acute during busy holiday periods and periods of good weather. Obstructions to

emergency services, including the lifeboat, have occurred. It is well recorded that the emergency access is often required when individuals are trapped on Cramond Island.

- 12.2 The Council has considered the representations from the Community Council and agreed to introduce no waiting at any time measures (double yellow lines) on Cramond Glebe Road to address the Community Council's concerns. Phase 1 of the measures were introduced in 2016 and the TRO will deliver Phase 2 of the measures.
- 12.3 The Council also considers that the sections of no loading/unloading at any time will provide adequate on-street visibility for vehicles using the access and egress point for the proposed care home development as well as vehicles travelling northwards/southwards on Cramond Glebe Road, as well as providing improved visibility for pedestrians crossing the road at these points.
- 12.4 The introduction of parking restrictions on Cramond Glebe Road, where currently there are no such restrictions, will inevitably lead to a loss and displacement of on-street parking. While the Council acknowledges that this will result in inconvenience to a number of local residents, the Council has to balance this against the primary purpose of the TRO to improve access to the north of Cramond Village along Cramond Glebe Road, especially during busy holiday periods and times of good weather.
- 12.5 Having taken into account the information contained in the objections, it remains the Council's view that it is expedient to make the TRO for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising and for facilitating the passage on the road or any other road of any class of traffic, including pedestrians and emergency vehicles.
- 12.6 TROs are not set in stone and the Council is continuously monitoring the effectiveness of traffic management/regulation and, if necessary, making changes to TROs. Following the implementation of the TRO, the Council would monitor the operation of the measures post-implementation, as it does with all TROs, and assess whether adjustments need to be made to the measures contained in the TRO.

SCHEDULE

List of Documents

Document No.	Document Title
CEC 1.	The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places) (Variation No _) Order 201_ - TRO/18/83
CEC 2.	Existing Map Tile 790 (School Brae/Whitehouse Road junction and southern section of Cramond Glebe Road)
CEC 3.	Existing Map Tile 731 (Cramond Glebe Road)
CEC 4.	Proposed Map Tile 790 (School Brae/Whitehouse Road junction and southern section of Cramond Glebe Road)
CEC 5.	Proposed Map Tile 731 (Cramond Glebe Road)
CEC 6.	Statement of Reasons
CEC 7.	Notice of TRO Proposals published in The Scotsman on Friday 7 December 2018
CEC 8.	Planning permission (ref: 15/05434/FUL) for the demolition of an existing dwelling and the construction of a new care home and associated car parking at 18 Whitehouse Road, Edinburgh EH4 6NN
CEC 9.	Section 69 Agreement in relation to Care Home Permission between Care Concern Holdings Limited and the City of Edinburgh Council
CEC 10.	Proposed Site Plan for Care Home (drawing number p1-00)
CEC 11.	Location Plan for Care Home (drawing number LOC-01)
CEC 12.	Transportation consultation response on application for Care Home Permission dated 31 December 2015
CEC 13.	Report to the Council's Development Management Sub-committee on 17 August 2016 on the application for the Care Home Permission
CEC 14.	Minutes of the meeting of the Council's Development Management Sub-committee on 17 August 2016
CEC 15.	Cramond Glebe Road Proposed New Double Yellow Lines – Phase 1
CEC 16.	Cramond Glebe Road Proposed New Double Yellow Lines – Phase 2
CEC 17.	Newspaper coverage in relation to Cramond Island lifeboat rescues
CEC 18.	Designing Streets: A Policy Statement for Scotland

Document No.	Document Title
CEC 19.	The Highway Code – Typical Stopping Distances contained in Rule 126
CEC 20.	Indicative line of sight drawing



Report to the City of Edinburgh Council

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

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

- DPEA Case reference: TRO-230-5
- Council case reference: TRO/18/83
- Site Address: Cramond Glebe Road, School Brae and Whitehouse Road, Cramond
- Promoting authority: The City of Edinburgh Council
- The order sought: The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places)(Variation No -) Order 201 – TRO/18/83
- Objectors: see appendix 1 below
- Date of hearing session: 19 October 2022
- Date of site visit: 29 September 2019, 16 September & 21 November 2022 (unaccompanied)
- Reporter's recommendation: that the order be made as proposed

Date of this report and recommendation: 28 November 2022

CONTENTS

Page

Preamble	
Chapters	
1. Introduction	4
2. Procedural matters	8
3. The objections, the council's response and my assessment	12
4. Recommendations	25
Appendices	
Appendix 1: List of objectors	
Appendix 2: List of hearing session participants, 19 October 2022	
Abbreviations	
CAG Cramond Action Group	
CBCC Cramond and Barnton Community Council	
CEC City of Edinburgh Council	
DPEA Planning and Environmental Appeals Division	
TRO Traffic Regulation Order	
TTRO Temporary Traffic Regulation Order	

DPEA case reference: TRO-230-5

Chief Executive
The City of Edinburgh Council

Dear Sir/ Madam

THE CITY OF EDINBURGH COUNCIL (TRAFFIC REGULATION; RESTRICTIONS ON
WAITING, LOADING AND UNLOADING, STOPPING AND PARKING PLACES)
(VARIATION NO -) ORDER 201 – TRO/18/83

The above Traffic Regulation Order (TRO) is being promoted by the City of Edinburgh Council. In summary, the TRO proposes introducing the following measures:

- No waiting at any time (double yellow lines) together with no loading at any time (double blips) on both sides of School Brae on the approach to the Whitehouse Road junction and on the northern side of Whitehouse Road either side of the School Brae junction; and
- No waiting at any time (double yellow lines) for various lengths of Cramond Glebe Road together with a short section of no loading at any time (double blips), either side of the proposed exit from the proposed care home on the eastern and western side of Cramond Glebe Road.

The waiting restrictions proposed on Cramond Glebe Road seek to improve traffic flow, improve access to the northern part of Cramond Village and hence better accommodate emergency vehicle access whilst improving visibility for all. The waiting and loading restrictions on Whitehouse Road/ School Brae and on Cramond Glebe Road are intended to provide adequate visibility for pedestrians and drivers entering and exiting the proposed care home and for moving along Cramond Glebe Road.

The TRO was formally consulted upon by the council between 7 December 2018 and 4 January 2019 and objections to the Order were subsequently received. Objections to the loading restriction elements of traffic orders must be referred to a public hearing, conducted by an independent reporter where these objections are not withdrawn. Representations were not withdrawn and therefore I was appointed to conduct a hearing into these objections.

A public hearing to consider the outstanding objections was originally scheduled to take place in the early part of 2020. However, due to restrictions brought about by the worsening COVID 19 situation, it was not possible to hold the in-person hearing as planned and the hearing was subsequently postponed. Due to the ongoing COVID 19 pandemic and with restrictions on the holding of public meetings still in place, a virtual hearing was planned during early to mid 2022. However, several objectors were opposed to a virtual hearing process and stated that it should be in-person. The virtual hearing was therefore not progressed. Shortly, thereafter, restrictions on the holding of in-person public meetings

started to ease as the COVID 19 situation started to improve. The council subsequently confirmed that it would be able to hold an in-person hearing on council premises.

Subsequently, several dates for the hearing were proposed and parties confirmed whether or not they wished to participate in this in-person hearing and if so which of the suggested dates they were available for. In light of the responses from the parties, 19 October 2022 was identified as the date for the in-person hearing. This was to be held at the council's City Chambers building in Edinburgh and was to be webcast so that those that were not able to attend in person would still be able to observe proceedings. A guidance note was issued by the DPEA on my behalf on 9 August 2022 to the hearing participants. This guidance note set out requirements for hearing statements and any documents that parties wished to rely upon during the hearing. It confirmed the date of the hearing and deadlines for submissions in the lead up to the hearing. The parties were asked to submit their written statements and list of documents to each other and copied to the DPEA by 6 September 2022. The objectors were then given two weeks to comment in writing on the council's statement and the council then had two weeks to comment on the objectors' statements.

Hearing statements were provided by the council and by five objectors. Following a review of the written statements, I prepared an agenda for the hearing. The agenda was issued to the parties on 23 September 2022. The council published a newspaper notice of the hearing in the Scotsman newspaper on 23 September 2022. I carried out an unaccompanied site inspection on 16 September 2022 and again on 21 November 2022. These were in addition to the one I undertook on 29 September 2019 (also unaccompanied). The report is directed to whether the council should or should not make the TRO in light of my consideration of the objections. My report provides the following content: a brief background to the TRO; an outline of the procedural matters relating to the TRO; a summary of the objections, the council's responses to them and my assessment; and my recommendations.

CHAPTER 1: INTRODUCTION

Background to the TRO

1. For several years, restrictive parking has been an issue affecting Cramond Glebe Road. Cramond Car Park at the northern end of the village has experienced high levels of use by visitors arriving by car wanting to access the riverside area, the beachfront and also to access Cramond Island on foot via the causeway. During busy periods (particularly at weekends and during warm weather), the large number of visitors arriving by car, has resulted in the Cramond Car Park reaching and exceeding its capacity. This has resulted in vehicles parking on Cramond Glebe Road which has led to obstructions for general traffic including local residents accessing their properties and also for emergency service access. There have been reports of numerous occasions when the Coastguard and ambulances have struggled to gain access to the northern part of Cramond Village. This has potentially serious implications with access required in order to assist people who have become stranded on Cramond Island due to the causeway not being passable as a result of tidal conditions.

2. In an effort to address the problems arising and in dialogue with the Cramond and Barnton Community Council (CBCC), the City of Edinburgh Council (CEC) introduced waiting restrictions (double yellow lines) to the lower (northern) half of Cramond Glebe Road (TRO/15/50). This was to form [Phase 1](#) of the measures to be introduced. At the same time, the council also discussed with the community council, the proposal to introduce waiting restrictions on the remaining part of Cramond Glebe Road and this was to form [Phase 2](#) of the measures to be introduced.

3. In November 2016, the council granted planning permission for the demolition of an existing dwelling and the construction of a new care home and associated car parking at 18 Whitehouse Road (ref: 15/05434/FUL). Whilst the council's Planning and Transport service stated no objection to the application, a number of specific items were requested to be included as conditions or informatives, as appropriate. One of the specified items was that consent should not be granted until the applicant had entered into a legal agreement to contribute, amongst other things, to progress a suitable order to introduce waiting and loading restrictions on Whitehouse Road, Cramond Glebe Road and School Brae to ensure in particular, adequate visibility would be afforded to drivers exiting onto Cramond Glebe Road.

4. Given that the Traffic Regulation Order (TRO) process is a separate process and that there was no guarantee that the traffic order promoted would be successful, the roads authority confirmed that a suspensive condition should be attached to the planning permission. Contributions have subsequently been received from the applicant in respect of the legal agreement and the additional waiting, loading and unloading restrictions have been proposed adjacent to the entrance (School Brae) and exit (Cramond Glebe Road) of the proposed care home.

The proposal

5. The Traffic Regulation Order (TRO/18/83) (DPEA reference TRO-230-5) is cited as The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places)(Variation No -) Order 201 – TRO/18/83.

The Traffic Regulation Order which is being promoted by the City of Edinburgh Council, seeks to improve local access issues and address the planning condition attached to the planning permission referred to above. This involves introducing measures at the junction of School Brae and Whitehouse Road and at Cramond Glebe Road. The existing restrictions are shown on maps [CEC002](#) and [CEC003](#). The proposals forming this TRO are illustrated on maps [CEC004](#) and [CEC005](#), the details of which are contained in the [draft Order TRO/18/83](#).

6. In summary, the TRO proposes introducing the following measures:

- No waiting at any time (double yellow lines) together with no loading at any time (double blips) on both sides of School Brae on the approach to the Whitehouse Road junction and on the northern side of Whitehouse Road either side of the School Brae junction; and
- No waiting at any time (double yellow lines) for various lengths of Cramond Glebe Road together with a short section of no loading at any time (double blips), either side of the proposed exit from the proposed care home on the eastern and western side of Cramond Glebe Road.

7. The measures at the Whitehouse Road/ School Brae junction are intended to provide adequate visibility for all road users near the junction, particularly given that it is the proposed access point for the care home. The proposed prohibitions on waiting and loading at this location are intended to provide adequate visibility for pedestrians crossing the road, particularly parents with school children, for all drivers, whether they are accessing the care home or otherwise using the roads in the area. Although School Brae is a private road, under the terms of the Roads (Scotland) Act 1984, the Roads Authority may introduce loading prohibitions and/ or waiting restrictions on a private road in the interests of public safety.

8. The no waiting at any time (double yellow lines) measure on Cramond Glebe Road is intended to restrict parking on the road leading to and from the northern part of the village and represents the Phase 2 measures referred to above. The TRO proposes to introduce no loading at any time (double blips) either side of the proposed care home exit to Cramond Glebe Road. The council maintain that the waiting and loading restrictions are intended to work together on Cramond Glebe Road in order to maintain safe passage through the village and provide adequate on-street visibility at the proposed care home exit.

9. The council implemented elements of the proposed TRO in Autumn 2020 as temporary measures as part of a public health response to the COVID pandemic. The no waiting at any time (double yellow lines) measure on Cramond Glebe Road was implemented as part of a Temporary Traffic Regulation Order (TTRO) and is currently in operation. The council has advised that the legal justification for the TTRO falls when the pandemic is over and the measures would be removed or carried over as appropriate following the outcome of the TRO process.

The role of the TRO

10. A traffic authority, such as the city council, may make a traffic regulation order under section 1(1) of the Road Traffic Regulation Act 1984 where it appears to the authority that it is expedient to make it, on the basis of a number of possible reasons for so doing. According to the council, the reasons for which the TRO have been made include (as per the letter references of section 1(1)):

- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; and
- c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

11. According to section 2 of the Road Traffic Regulation Act 1984, the provision that may be made by a traffic regulation order includes, amongst other things, any provision prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles.

12. The reasons identified above for which the TRO have been made are to be understood against the wider requirements of section 122 of the 1984 Act. Section 122(1) requires the council to exercise its functions conferred on it by the Act “to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the road”. This duty is a qualified duty by virtue of section 122(2) which provides that the council must comply with it (section 122(1)) “so far as practicable”, having regard (in summary) to (as per the letter references of section 122):

- a) the desirability of securing and maintaining reasonable access to premises;
- b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the area through which the road runs;
- bb) the national air quality strategy;
- c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- d) any other matters appearing to the council to be relevant.

13. In this context, I have been referred to statements by the High Court and the Court of Appeal in relation to the case between Trail Riders Fellowship v Hampshire County Council in respect of the generally accepted application of the requirements of section 122 of the Road Traffic Regulation Act 1984. The High Court stated:

“It seems to me that on the current state of the authorities, the position with section 122 is as follows:

- i) The duty in section 122(1) when exercising functions conferred by the Act to secure the expeditious, convenient and safe movement of traffic extends not only to vehicles but includes pedestrians;
- ii) The duty of securing the expeditious, convenient and safe movement of traffic is not given primacy but is a qualified duty which has to be read with the factors in section 122(2), such as the effect on the amenities of the area and, in the context of making a traffic regulation order, with the purposes for this identified in section 1(1) of the Act;

iii) The issue is whether in substance the section 122 duty has been performed and what has been called the balancing exercise conducted, not whether section 122 is expressly considered;

iv) In the particular circumstances of a case compliance with the section 122 duty may be evident from the decision itself.”

14. The Court of Appeal stated the following in respect of section 122 of the Act:

“Before parting with this aspect of the case it may be helpful to summarise the approach which should be adopted by traffic authorities in considering whether to make a TRO:

1. The decision-maker should have in mind the duty (as set out in section 122(1) of the 1984 Act) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable;

2. The decision-maker should then have regard to factors which may point in favour of imposing a restriction on that movement; such factors will include the effect of such movement on the amenities of the locality and any other matters appearing to be relevant which will include all the factors mentioned in section 1 of the 1984 Act as being expedient in deciding whether a TRO should be made; and

3. The decision-maker should then balance the various considerations and come to the appropriate decision.

As I have already said, this is not a particularly difficult or complicated exercise nor should it be.”

15. In light of the above, I am satisfied that section 122(1) of the 1984 Act does not have primacy over section 122(2). Section 122 is effectively a duty to undertake a balancing exercise between a range of often competing factors, rather than a duty to achieve a particular outcome. The factors to be taken into account will also vary from case to case.

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

CHAPTER 2: PROCEDURAL MATTERS

17. The procedure for making a TRO is contained in the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999. Regulations 4 and 6 specify consultation requirements. Regulation 5 requires publication of the proposals by (at least) notice in a local newspaper. Regulation 7 enables objections to be made in response to the Regulation 5 notice. Regulation 8 provides that, before making an order, the authority may hold a hearing in connection with it and the authority shall hold such a hearing before making an order in certain specified cases.

18. One of the cases for a mandatory hearing is where an order contains, as it does here, a provision which prohibits, or has the effect of prohibiting, the loading or unloading of vehicles in any road at all times and there is an unwithdrawn regulation 7 objection to that provision. Regulation 8 also requires hearings to be conducted by an independent person (referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose. Regulation 9 specifies requirements for notice of the hearing, and Regulation 10 specifies procedure at the hearing.

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

20. The council published proposals for the TRO (TRO/18/83) on 7 December 2018 with the period for objections extending to 4 January 2019. In total, 188 objections were submitted to the council. The vast majority of objections were submitted by local residents in the form of a standard response covering the following issues: public safety; risk of future accidents; clarity of information advertised; competence of the TRO; loss of amenity; aesthetics (Cramond Conservation Area); School Brae being a private road and the relocation of parking congestion.

21. As referred to above, objections to the loading restriction elements of traffic orders must be referred to a public hearing. A public hearing to consider the outstanding objections was scheduled to take place in early 2020. However, due to restrictions brought about by the worsening COVID 19 pandemic, it was not possible to hold the hearing in public as planned and the hearing was postponed.

22. Given the ongoing COVID 19 situation and in an effort to progress matters, several attempts were made to conduct the hearing by virtual means, the last of these attempts was to hold a virtual hearing in July 2022. However, several parties with objections to the TRO were opposed to this format for the hearing. Fortunately, thereafter, with the public health situation regarding COVID 19 starting to improve and with restrictions relating to social gathering starting to ease, the council was able to offer an in-person hearing and for this to be held on council premises.

23. Subsequently, several dates for an in-person hearing were proposed and parties confirmed whether or not they wished to participate in this in-person hearing and if so which of the suggested dates they were available for. In light of the responses from the parties, 19 October 2022 was identified as the date for the in-person hearing. This hearing

was to be held at the council's City Chambers building in Edinburgh and was to be webcast so that those not able to attend in person would still be able to observe proceedings.

24. A guidance note was issued by the DPEA, on my behalf, on 9 August 2022 to the hearing participants. This guidance note set out requirements for hearing statements and any documents that parties wished to rely upon during the hearing. It confirmed the date of the hearing and deadlines for submissions in the lead up to the hearing. The parties were asked to submit their written statements and list of documents to each other and copied to the DPEA by 6 September 2022. The objectors were then given two weeks to comment in writing on the council's statement and the council then had two weeks to comment on the objectors' statements.

25. Hearing statements were provided by the council and by the following objectors: Cramond Action Group (Ian Kennedy); Cramond and Barnton Community Council (John Howison and Ian Williamson); Madeleine Graham; Sally Watt; and Dr Jeffrey (Grace Leek). Following a review of the written statements, I prepared an agenda for the hearing. The agenda was issued to the parties on 23 September 2022. Unfortunately, Ian Williamson and Dr Jeffrey were unable to participate on the day. John Howison was able to represent Ian Williamson on behalf of CBCC and I was fully familiar with Dr Jeffrey's objections having already read her written statement. Sally Watt was unable to attend in person but was able to join the hearing, remotely. Myles Cameron, a local resident, attended in person to also represent Sally Watt. In addition to the objectors who did take part, the council was represented by David Sinclair and Patrick Coogan and by Mark McMurray from CMS Cameron McKenna Nabarro Olswang LLP.

26. The council published a newspaper notice of the hearing on 23 September 2022 as required by the regulation 9(3).

27. I carried out an unaccompanied site inspection on 16 September 2022 and again on 21 November 2022. These were in addition to the site inspection, I undertook on 29 September 2019 (also unaccompanied).

Matter of recusal

28. During the hearing process, I wrote to the Cramond Action Group (Ian Kennedy) and made reference to the council as my client. Mr Kennedy has commented that this calls into question my independence and has subsequently called for me to recuse myself. I refer to the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 and specifically regulation 8(2) which requires hearings to be conducted by an independent person (referred to as "the reporter") appointed by the authority from a list of persons compiled by the Scottish Ministers for that purpose. In accordance with these regulations, I am appointed by the council. I am appointed to examine the Order and as a reporter, to apply my professional judgement. It does not follow that I would recommend to the council that the order should be confirmed. I am aware that Mr Kennedy wrote to the council and the Head of Performance and Administration at the DPEA in respect of this matter. The council and the DPEA have rebutted Mr Kennedy's arguments and neither the council nor the DPEA have asked me to recuse myself.

Public law issue

29. A public law issue has been raised by the Cramond Action Group (CAG) in relation to the proposed TRO. CAG consider that the council's actions are unlawful and that the TRO could be reduced by the courts if it is made. CAG raise four key points (in italics) in this respect which I consider in turn below:

The council is allegedly acting as the agent of the developer which is seeking to develop the care home. The council is giving undue weight to 'pressure' from this developer whereas their commercial interests are not a relevant consideration in respect of the RTRA.

30. The council has published proposals for the TRO under the 1999 Regulations as the traffic authority for its area. It is common for changes to traffic regulation and parking to be required as a result of a development proposal and in some cases, the changes to traffic regulation may be required to make the development acceptable in planning terms. It is also common for the council to require the developer to make a contribution towards the costs of promoting the relevant order, which is secured by way of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 or an agreement under section 69 of the Local Government (Scotland) Act 1973.

31. The council as roads and traffic authority will consider whether changes are required as part of its assessment of the planning application and submit a consultation response to the council as planning authority. I understand that this is what happened in relation to the planning application for the care home and the council concluded that the development could be made acceptable if changes were made to waiting and loading arrangements close to the entrance to and exit from the proposed care home. Any such order is subject to a separate statutory process and requires separate consideration as is demonstrated by reference to Note iv of the planning and transport consultation response (CEC12). This response explicitly recognised that "there is no guarantee that the promotion of this order will be successful."

32. I am conscious that the developer had entered into a legal agreement with the council (CEC9) and as required by that legal agreement, had made a contribution to the council's costs of promoting the TRO. As a consequence, I do not consider there to be anything untoward with the developer's request for the council to promote the TRO in a timely manner. Given the above, I am satisfied that the council is not acting as an agent for the developer of the care home in publishing proposals for the TRO. Similarly, I am satisfied that the council is not giving undue weight to 'pressure' from the developer of the care home.

The council has allegedly fettered the exercise of its discretion by imposing condition 1 on the care home permission (ref: 15/05434/FUL) without knowing whether a satisfactory TRO could be promoted. It is alleged by CAG that condition 1 of the permission, effectively mandated the council's officials to promote the TRO. CAG also alleges that the council considered itself under an obligation to promote the TRO and that this is a misunderstanding of the council's duties.

33. The council has made it clear that the TRO would be subject to a separate statutory process and could not guarantee that the TRO would ultimately be made following that statutory process. The council was not necessarily required to be satisfied that the TRO would ultimately be made before granting the care home permission, as it has imposed a suspensive condition.

34. To suggest that condition 1 mandated the council officials to promote the TRO is over simplistic. It ignores the fact that it was the council's recommendation in its consultation response, as roads and traffic authority, that a TRO could be promoted to introduce waiting and loading restrictions to provide adequate visibility but that such a TRO would be subject to a separate decision making process.

35. In the context of the above, it is important to understand that one of the duties of officials within the Roads Authority is to consider and promote Traffic Regulations Orders within their area and this applies to both internal and external applicants. The council have indicated that it is not uncommon for officials within the Roads Authority to consider and promote such orders for community councils, elected members and residents if they are considered appropriate.

Any decision to make the TRO is alleged to be irrational as safety criteria and other relevant standards cannot be satisfied.

36. The council maintain that the TRO has been made in accordance with the Road Traffic Regulation Act 1984 and the powers given to the council by that Act to make the TRO for specified purposes and is justified when the balancing exercise required by section 122 of the RTRA is undertaken.

The council's reasons for promoting the TRO are inadequate.

37. I am satisfied, having read the council's Statement of Reasons, that it is clear as to the reasons for the council's decision to publish its proposals for the TRO. This is substantiated by the representations and objections submitted in respect of the TRO.

CHAPTER 3: THE OBJECTIONS, THE COUNCIL'S RESPONSE AND MY ASSESSMENT

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

39. I make my assessment on a topic basis, reflecting the key issues raised in objections including written representations and representations made in-person as part of the hearing. The topics considered in this report are as follows:

- Visibility issues
- Vehicle speeds
- Impact on Cramond Conservation Area
- Loss of parking spaces and displacement of parking to other areas
- Traffic levels and congestion

40. For each of the topics, I provide a summary of the points made by the objectors, the council's response and my assessment.

Visibility issues

Summary of points made by objectors

41. Objectors have expressed concern that the proposed TRO will not provide adequate visibility as is required to satisfy the terms of condition 1 of the care home permission (ref:15/05434/FUL).

42. According to objectors, due to the physical limitations of the exit from the care home onto Cramond Glebe Road (built up on both sides and on property not part of the care home site), visibility is denied to an exiting driver until their vehicle is already protruding an unsafe distance into the road. The introduction of no waiting and no loading restrictions will have no impact on this risk to public safety. Objectors advise that the only way in which a safe exit from the care home site can be created on Cramond Glebe Road is if the sightlines are increased in accordance with the relevant statutory and other regulations and guidelines.

43. Objectors consider that imposing a significant west-east traffic flow into a primarily north-south flow will not create safe conditions for pedestrians (particularly the elderly and children) and vehicles whilst increasing danger for cyclists.

44. The CBCC have submitted plans which they consider show lines of sight that cannot meet national guidelines or road research standards. Large turning vehicles will overrun the opposite footway. Objectors refer to the Designing Streets document (CEC18) highlighting that one of the criteria for a safe junction is that a visibility splay is provided for and to exiting vehicles to create a safe area of intervisibility. This is shown as the 'Y' and 'X' distances. In respect of Cramond Glebe Road, the 'Y' distance is along the nearside kerb line from the proposed care home exit in each direction and the 'X' distance is measured back along the exit from the kerb line. The 'X' distance is normally 2.4 metres but may be reduced to 2 metres recognising that this may result in the front of some

vehicles protruding into the main carriageway. The 'Y' distance should provide at least the minimum safe stopping distance which for a 20mph zone is 22 metres (extended in the guidance to 25 metres). The objectors advise that this is not achievable due to the presence of the high boundary walls/ fence either side of the proposed care home exit and that due to the ownership and heights of these walls/ fence being outwith the control of the care home applicant, sightlines cannot be improved. The CBCC have commented that engineering measures are required before a TRO, affecting that part of Cramond Glebe Road around the proposed new care home exit, is introduced.

45. Objectors raise concerns for cyclists using Cramond Glebe Road in the vicinity of the proposed care home exit. According to objectors, a cyclist without the constraining influence of parked vehicles would probably be positioned close into the kerb line and would not get the advantage of an earlier sighting of an emerging vehicle which would remain hidden between the boundary walls until the last moment. According to objectors, this is more dangerous for cyclists who would otherwise be forced by parked cars out to a position nearer the centre of the road, would be able to see over parked cars and would get an earlier warning of a vehicle emerging from the exit.

46. Objectors refer to potential conflict when residents are reversing out of their driveways into the path of a vehicle coming out of the proposed care home exit on Cramond Glebe Road. There is a concern that vehicles exiting the proposed care home site would not see a reversing car until there is a potential collision.

The council's response

47. The council points out that the proposed TRO cannot deal with visibility for drivers of vehicles exiting the proposed care home while those vehicles are within the boundary of the property (i.e. outside the boundaries of the road, which includes the carriageway and footway). The council acknowledges that the proposed care home exit point does not meet contemporary design standards in terms of visibility splay requirements from within the property, however this issue was considered by the council in granting the care home permission and is therefore resolved. According to the council, the TRO and condition 1 of the care home permission are therefore only concerned with visibility for drivers of vehicles once they exit the property and are within the boundaries of the road (i.e. the on-street visibility).

48. It is the Council's position that the measures in the TRO will provide adequate on-street visibility for drivers. In terms of driver visibility, once a driver has reached the edge of the road, the combined measures contained in the TRO should generally provide the following [line of sight \(CEC20\)](#):

- i) 100 metres facing northwards; and
- ii) 32 metres facing southwards

49. The council advise that the distances of these lines of sight are greater than the stopping sight distances set out in the Designing Streets policy statement (CEC18) and the typical stopping distances set out in the Highway Code (CEC19) for a speed limit of 20 mph, which are 25 metres and 12 metres respectively.

50. The council acknowledges that there may be occasions when the lines of sight may be reduced due to either a vehicle displaying a blue badge being parked or another vehicle

loading/ unloading on a section of Cramond Glebe Road which is subject only to the no waiting at any time provisions (i.e. double yellow lines without the double blips). Lines of sight on these occasions could be reduced to:

- i) 15 metres facing northwards; and
- ii) 15 metres facing southwards

51. According to the council, instances of this occurring are likely to be infrequent and, in the case of loading/ unloading, of short duration. The council has therefore sought to balance the need for safety and adequate visibility for vehicles exiting the proposed care home and travelling along Cramond Glebe Road on the one hand, with not placing disproportionate restrictions on residents on the other. The council advises that whilst it could have extended the sections of Cramond Glebe Road which are also subject to a no loading at any time measure (double blips), it was considered that this would have a disproportionate impact on residents due to the increased prohibition on loading/ unloading.

52. The council advises that it would monitor the operation of the measures post-implementation, as it does with all TROs, and assess whether adjustments need to be made to the measures contained within the TRO.

My assessment

53. It is not part of my remit to revisit the planning permission granted for the care home (ref: 15/05434/FUL). However, in order to understand the council's approach to the TRO, it is pertinent to understand the context to this permission, specifically in relation to the consideration of traffic, road safety and parking and the council's response, as the Roads Authority, to the original application.

54. The council has submitted a copy of the report to the council's Development Management Sub-committee (CEC13) concerning the application for the care home. The report refers to the transportation statement accompanying the planning application and the identified impact on the transport network as a result of the proposal. This transport statement included a review of the existing network including public transport provision and the likely vehicle trip rates and amount of trips. The Roads Authority acknowledge the trip generation from the development and the resultant impact on the local road network and confirm that the Transport Statement accurately assesses these. No concerns were expressed by the Roads Authority in relation to these. According to the report, confirmation was provided that the Scottish Fire and Rescue Service were consulted in detail on the proposals, including vehicle tracking diagrams for appliances and that the Service was satisfied with the access and egress arrangements with access to be taken via Whitehouse Road/ School Brae with egress via Cramond Glebe Road. The report confirms that the Roads Authority did not raise any concerns in respect of this matter. Similarly, the Roads Authority did not raise any concerns regarding the entrance and exit of refuse vehicles.

55. The report identifies that the entry and exit driveways are proposed shared surfaces and the report specifically references the Designing Streets policy document (CEC18) in this regard, highlighting that this document encourages the sharing of space between pedestrians, cyclists and vehicles. It further adds that Designing Streets promotes shared surfaces which in turn encourages motorists to recognise the space as being different, to drive more slowly and respond directly to the behaviour of other uses (including other motorists). According to the report, the access lanes have sufficient widths to allow space

for vehicles to pass pedestrians and cyclists. The Roads Authority was satisfied with the level of parking provision within the site which it confirmed complied with council parking standards.

56. The Roads Authority did not object to the proposal subject to the inclusion of conditions, informatives and a legal agreement for contributions including towards a suitable order to introduce waiting and loading restrictions on Whitehouse Road, Cramond Glebe Road and School Brae. This was, in particular, to ensure adequate visibility is afforded to drivers exiting onto Cramond Glebe Road. The Roads Authority did advise that without the introduction of waiting and loading restrictions, particularly on Cramond Glebe Road, the proposed exit would be unsafe due to limited visibility.

57. The Roads Authority, in providing its consultation response on the application, was clearly aware that the proposal was not able to meet contemporary design standards with respect to the provision of an appropriate visibility splay from within the care home site.

58. The council accepts that the TRO cannot deal with visibility for drivers of vehicles exiting the proposed care home while those vehicles are within the boundary of the property (i.e. outside the boundaries of the road, which includes the carriageway and footway). The council confirms that the TRO (and condition 1) is only concerned with visibility for drivers of vehicles once they exit the property and are within the boundaries of the road (i.e. the on-street visibility).

59. Therefore, if the council accepts that the TRO is not able to meet contemporary design standards with an appropriate visibility splay from within the care home site, I must weigh if what is proposed is adequate. As referred to above, in exercise of its functions under the Road Traffic Regulation Act 1984 (Section 122), the council has a duty to undertake a balancing exercise between a range of what may be termed competing factors, rather than a duty to achieve a particular outcome and whilst the council promotes numerous TROs within its administrative boundary, the factors to be taken into account vary from case to case. As referred to earlier, the council has provided a drawing (CEC20) in order to demonstrate the line of sight (to the north and south) that could be achieved for vehicles exiting the proposed care home. According to the council, this shows the position of a driver's eye as they project past the back of the pavement and what their line of sight would be to the north and south. The council has advised that at this point, and with the combination of proposed measures, there would be a line of sight, measuring 100 metres facing northwards and a line of sight measuring 32 metres facing southwards.

60. During my site inspections, I observed Cramond Glebe Road from the exit of the proposed care home. Accepting I was in a standing position, it was possible to see vehicles parked as far to the north as the parking area in front of No. 49 Cramond Glebe Road, opposite the vehicular entrance to Cramond Kirk. This is slightly further than the 100 metres line of sight indicated on the council's drawing (CEC20). Similarly, it was possible to see as far to the south as Whitehouse Road, with traffic visible, moving along this road. This is also further than the 32 metres line of sight indicated on the council's drawing. Based on my observations, I am satisfied that the lines of sight identified by the council could comfortably be achieved.

61. Even accepting that drivers would be required to edge out carefully onto the road, I note that the distances of these lines of sight are greater than the stopping sight distances set out in Designing Streets (CEC18) and the typical stopping distances set out in the Highway Code (CEC19) for a road with a speed limit of 20mph (which applies to Cramond

Glebe Road). According to Designing Streets, the stopping sight distance (SSD) for a street with a 20mph speed limit is 22 metres or 25 metres (adjusted for bonnet length). According to the Highway Code, the distance is 12 metres.

62. The council advised during the hearing that there is a city-wide exemption in place for waiting restrictions which means that drivers can load and unload for up to 30 minutes on double yellow lines. The council also advised that blue badge holders are also permitted to park on double yellow lines (other than the no waiting/ no loading section of road next to the proposed care home exit). Given these circumstances, I consider that there may be occasions when these lines of sight might be reduced. The council has indicated that these could be reduced to 15 metres facing northwards and to 15 metres facing southwards. I accept that such instances are likely to be infrequent and in the case of loading/ unloading, of short duration. I also note that the council could have extended the no loading at any time measures on Cramond Glebe Road but decided against this in order to avoid a disproportionate impact on residents. I consider that this reflects the balancing exercise the council is tasked with.

63. Objectors have highlighted that driver perception and behaviour are critical considerations. The council has also referenced driver behaviour. There is an acknowledgement from the council that there is a reliance upon drivers exiting the proposed care home exit, carefully, where visibility is reduced and to a point where they have a good line of sight on the carriageway itself.

64. Cramond Glebe Road is located within an historical area, forming part of the Cramond Conservation Area and as in other historical parts of the city and in historical settlements across the country, it is not uncommon for existing designs or layouts to fail to comply with contemporary design standards. During my site inspections, I observed that a feature of Cramond Glebe Road is for traditional properties to have their driveways set behind high stone boundary walls and gates. For residents in such properties, when exiting their property by car, this necessitates edging out carefully across the footpath and into the carriageway.

65. I observed that drivers exiting Cramond Glebe Terrace, in order to join Cramond Glebe Road, have restricted visibility to the north and south due to boundary treatments along the western side of Cramond Glebe Road. I observed drivers exiting Cramond Glebe Terrace having to edge out carefully with their vehicles protruding out into the carriageway before joining the road. The road geometry at this location clearly has an influence upon driver behaviour with vehicles edging slowly out into the carriageway. There are currently no waiting restrictions on that part of Cramond Glebe Road, immediately south of the junction with Cramond Glebe Terrace. I note that the proposed TRO incorporates waiting restrictions (double yellow lines) immediately south of this junction and on the opposite (eastern) side of Cramond Glebe Road. I consider, based on my observations, that this would improve visibility for drivers exiting Cramond Glebe Terrace onto Cramond Glebe Road, with a clearer view of oncoming traffic from the south.

66. Designing Streets has been referred to by the various parties. The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. In this regard, Designing Streets makes it clear to its intended audience that it does not therefore support a standards-based methodology for street design. It confirms instead that it requires a design-led approach. The document acknowledges that this approach demands taking into account site-specific requirements whilst accepting that there should

also be early engagement with all relevant parties. I take from this that design-led solutions are to be encouraged over standards-based approaches and that this reflects a balancing exercise to be undertaken.

67. With regards to potential conflict between vehicles exiting the proposed care home exit and nearby residents reversing their vehicles out of their driveways onto Cramond Glebe Road, I am mindful of recommendations on 'reversing' contained within the Highway Code. The Highway Code recommends that when using a driveway, drivers should reverse into a driveway and drive out of a driveway if possible. I consider that for the property immediately to the south of the proposed care home exit, reverse parking into the driveway would represent a logical approach. Given the surrounding context, it would help to achieve safer egress.

68. I am conscious that the advice to cyclists, as per the Highway Code, when travelling on roads such as Cramond Glebe Road is to ride in the centre of the particular lane, in this case either the north or southbound lane. The intention being for cyclists to make themselves as visible as possible to other traffic. This is contrary to the likely scenario suggested by objectors who assume that by removing parked cars from the carriageway that this would lead to cyclists positioning themselves close to the kerb edge when travelling north or south along Cramond Glebe Road.

69. I observed cyclists using Cramond Glebe Road during my site inspections and noted that they tended to do as recommended in the Highway Code, i.e. assume a prominent position in the centre of either the northbound or southbound lane on Cramond Glebe Road and not next to the kerb edge. I consider that the waiting and loading/ unloading restrictions would provide cyclists with visibility of the proposed care home exit on approach to it. In light of the advice for cyclists on road positioning and based on my own observations during my site inspections, I am satisfied that cyclists would not be disadvantaged by the proposed TRO, and specifically the elements around the exit to the proposed care home.

70. The council advises that it would monitor the operation of the measures post-implementation, as it does with all TROs, and assess whether adjustments need to be made to the measures contained within the TRO. With specific reference to any ongoing concerns about visibility, the council referred at the hearing to the potential for prohibitions on loading/ unloading to be extended further. Should the council decide to proceed to implement the TRO, as proposed, I consider that it is appropriate for post-implementation monitoring to be conducted and that depending upon this exercise, consideration is given to such measures as outlined including extending the prohibitions on loading/ unloading.

Vehicle speeds

Summary of points made by objectors

71. Objectors express concern that the introduction of double yellow lines and the associated absence of parked vehicles will result in increased vehicle speeds on Cramond Glebe Road, Whitehouse Road and School Brae and that as a result there will be an increased safety risk.

72. Objectors comment on the impact of the waiting and loading restrictions introduced as part of the TTRO. Objectors comment that whilst access to Cramond Village, the foreshore and the car park to the northern end of Cramond Glebe Road is now easier as a result of the TTRO, this has come at a price. According to objectors, the 20mph speed limit

is rarely observed with traffic now speeding along Cramond Glebe Road. The speeding starts at the top of the road since drivers do not want to stop for traffic coming up Cramond Glebe Road.

The council's response

73. The council advises in its submissions that all the roads covered by the proposed TRO are subject to a 20mph speed limit. The council also points out that the proposed TRO measures do not alter the speed limit on these roads nor do they amend the penalties for drivers using these roads that might exceed this 20mph speed limit.

74. The council acknowledges that parking restrictions and the absence of parked vehicles can alter the behaviour of some drivers with respect to vehicle speed. However, the council also considers that the measures involving restrictions and prohibitions can increase visibility for pedestrians wishing to cross these roads. The council advises that, should the TRO be implemented, driver behaviour on the affected streets would be monitored. The council goes on to advise that if problems with driver behaviour and speeding vehicles were identified then the council could respond with various interventions. The council refers to the following possible interventions: additional signage, road markings, requests for additional speed checks/ enforcement or potentially physical traffic calming measures.

My assessment

75. I am conscious that the roads covered by the proposed TRO are all subject to a 20mph speed limit and that this would remain the case should the measures, subject of the TRO, be implemented. The penalties for exceeding this 20mph speed limit would also remain in place as a deterrent to drivers.

76. I accept that parking restrictions and a reduction in parked vehicles in these areas could encourage some drivers to alter their behaviour and exceed the speed limit. However, I am conscious that the measures are, in part, designed to reduce congestion and therefore avoid the scenario where drivers speed up in order to avoid being delayed as a result of oncoming traffic and limited road space (due to parked cars).

77. During my site inspections, I had the benefit of witnessing driving conditions where the TTRO is currently operating along Cramond Glebe Road. This demonstrated to me that, as a result of the parking restrictions in place, there was increased visibility for pedestrians wishing to cross the road. With regards to Whitehouse Road and School Brae, where there are no current TTRO measures in place, I observed parked cars along the north side of Whitehouse Road, along School Brae and around the junction between Whitehouse Road and School Brae. There was a degree of parking congestion and reduced visibility near to the junction between Whitehouse Road and School Brae as a result of these parked cars. I note that Whitehouse Road also has a 20mph speed limit and that this would not change as a result of the proposed TRO. I consider that the proposed TRO measures in this area, as well as along Cramond Glebe Road, would improve visibility for pedestrians and therefore this should help to reduce the risks to safety referred to.

78. Despite the concerns raised by objectors in respect of traffic speeds in the area and on the roads subject of the proposed TRO, I note that there have been no recorded speeding complaints within the last two years and no recorded accidents in the last three years on any of the roads subject of the proposed TRO. Importantly, this includes the

period of time when the TTRO has been in operation. That said, I appreciate, as referred to at the hearing, that local residents witness poor driver behaviour/ speeding that council officials and the police do not necessarily witness.

79. Should the council decide to proceed to implement the measures, subject of the proposed TRO, I note the council's willingness to undertake monitoring of these roads, specifically in relation to driver behaviour. The council confirmed during the hearing that, on the basis of such monitoring, there are a number of interventions that the council could consider if felt appropriate. Additional signage, road markings, requests for additional speed checks/ enforcement or potentially physical traffic calming measures are all options at the council's disposal. The council confirms that the TRO measures have been designed on the basis of a 20mph road and although there maybe drivers who do not adhere to this speed limit, that is not a reason to not allow the TRO.

80. Whilst I consider that no modification should be made to the TRO in respect of the objections on this matter, I do consider, given the concerns expressed by local residents, that there is merit in monitoring measures such as speed surveys being undertaken, post implementation. I also consider that the council should actively consider action being taken, as deemed necessary, in light of the results of this monitoring. This may involve enforcing speed limits, albeit under different legislation. I consider that monitoring could help in this regard.

Impact on Cramond Conservation Area

Summary of points made by objectors

81. Objectors express concern about the impact of the proposed measures on the aesthetics of the area with particular reference to the Cramond Conservation Area.

The council's response

82. The council advises that narrow yellow lines can be laid in conservation areas such as Cramond Conservation Area.

My assessment

83. As referred to above, the proposed TRO measures on Whitehouse Road, School Brae and Cramond Glebe Road fall within the boundary of the Cramond Conservation Area. Whilst the proposed measures are not development as such and therefore not likely to have any significant impact on the character or appearance of the conservation area, their implementation, if carried out insensitively could have a negative impact on the visual amenity of the area. I am conscious that within conservation areas, narrow yellow lines can be laid in order to minimise their impact on the respective streetscene and I noted during my site inspections that narrow yellow lines have been implemented as part of the phase 1 measures and as part of the TTRO measures. Should the council decide to proceed with the proposed TRO, narrow yellow lines should be laid in order to minimise their visual impact and for consistency with the phase 1 measures at the northern end of Cramond village.

Loss of parking spaces and displacement of parking to other areas

Summary of points made by objectors

84. Objections and representations have been made to the council regarding a loss of parking spaces and displacement of parked vehicles as a result of the proposed TRO measures. The key concerns cover the following:

- Inconvenience to local residents on roads covered by the proposed TRO measures due to the loss of existing on-street parking;
- The parking of vehicles will be displaced to other roads in the area, creating or exacerbating parking problems on such roads;
- Existing parking around Cramond Kirk will be lost and the introduction of waiting restrictions in the vicinity of the Kirk may encourage drivers to hurry when dropping off members of the congregation, with an increased risk of falls; and
- That it would be beneficial to have a drop off zone near the Kirk gate, designated Blue Badge parking spaces in the area opposite the kirk gate, and a dispensation to allow wedding and funeral vehicles (bridal car/ hearse/ funeral car) to stop and wait at the Kirk gate.

The council's response

85. The council acknowledges that the introduction of parking restrictions on Cramond Glebe Road, where currently there are no such restrictions (excepting the TTRO), will inevitably lead to a loss of on-street parking and inconvenience to a number of local residents. Similarly, the council acknowledges that the parking restrictions will displace some parking to other unregulated roads in the area.

86. A key purpose of the TRO is to improve access to the north of Cramond Village along Cramond Glebe Road, especially during busy holiday periods when the road becomes very congested. This purpose includes improved access for emergency vehicles. The council is required to balance this consideration against the inconvenience for some local residents. Having done so, the council considers that it is expedient to promote the TRO.

87. The council notes that other than around the exit to the proposed care home, the TRO does permit loading and unloading subject to a 30 minute time limit.

88. The council notes that the no waiting restriction on Cramond Glebe Road (as distinct from the no waiting or loading restriction around the care home exit) constitutes the phase 2 measures referred to in paragraph 2 above. The council points out that the phase 2 measures have been requested by the community council for a number of years.

89. Council officers would monitor the impact of the TRO on other areas of Cramond Village and consider further traffic regulation measures should these prove necessary.

90. The council considers that careful consideration has been given to the impact of the proposed TRO on Cramond Kirk. As shown on the proposed map tile (CEC005), the no waiting restrictions (double yellow lines) in the vicinity of Cramond Kirk are confined to the immediate Kirk access and the access to the lane opposite the Kirk. Unrestricted parking, including for weddings and funerals, would remain available in the vicinity of the Kirk, to

supplement the Kirk's own car park. The Kirk could also consider using their own informal cones to protect these parking areas in advance of such services.

91. Blue badge holders would also be permitted to continue to park on the double yellow lined stretches on Cramond Glebe Road (other than the no waiting/ no loading stretch of road around the care home exit).

My assessment

92. I accept that the loss of currently available on-street parking will inevitably cause a degree of inconvenience for local residents. Residents immediately to the south of the proposed care home exit (No 21 Cramond Glebe Road) have highlighted the impact of the waiting and loading/ unloading restrictions which they consider will result in problems for visiting family members and friends who will be unable to park outside their property. They have also identified problems for deliveries (including food shopping) being able to take place. I note that the loading/ unloading restrictions would apply outside the said property but that beyond this property, on the western side of Cramond Glebe Road, the measures would revert to waiting restrictions only. As referred to above, the city-wide exemption for waiting restrictions means that drivers can load and unload for up to 30 minutes on double yellow lines. There would therefore be scope to receive deliveries from within relative proximity to the property, therefore limiting potential inconvenience. There would also be sections of Cramond Glebe Road which would remain available for on-street parking and which visiting family members and friends would be able to use.

93. As outlined above, consideration of the TRO measures requires a balancing exercise and in this particular case, the inconvenience to the above residents (and possibly other residents) has to be weighed against the wider aims of the measures including managing parked vehicles in order to provide appropriate access to the northern part of the village and to address the proposed care home exit. Given my observations about the implications of the proposed TRO upon the residential property to the south of the proposed care home exit, I am satisfied that the measures proposed are reasonable, in the context of the wider aims of the TRO. This notwithstanding, I am keenly aware that the council could have extended the no loading at any time measures on Cramond Glebe Road but decided against this in order to avoid a disproportionate impact on residents. This is particularly pertinent given the change in shopping habits partly due to the COVID pandemic with an increase in internet shopping (including food shopping) and hence an increase in deliveries being made to residential properties. The council's decision not to extend the no loading at any time measures on Cramond Glebe Road illustrates the balancing exercise which is required of the various competing factors.

94. Objectors consider that the proposed TRO will relocate the problem of parking congestion to elsewhere in Cramond with adverse safety, risk and amenity implications. However, objectors have not identified specific areas where this is likely to happen. This, despite the current operation of the TTRO which includes measures which remove on-street parking spaces and which, according to the council, are "more severe" towards the northern end than the proposed TRO. The proposed TRO comes to an end at the Cramond Kirk entrance whereas the waiting restrictions under the TTRO extend further north. The council advised at the hearing that the only complaints received regarding the TTRO when it was implemented in Autumn 2020 were regarding the displaced parking that occurred at Cramond Glebe Gardens. In order to address this matter, the council introduced waiting restrictions along sections of this road and I observed during my site inspections that these measures have succeeded in restricting parked cars at this location.

95. I am conscious that the council has sought to minimise disruption to Cramond Kirk with no waiting restrictions (double yellow lines) restricted to immediately north and south of the vehicular access to the Kirk and to immediately north and south of the access to the lane opposite the Kirk. The proposed TRO retains unrestricted parking on the east and west sides of Cramond Glebe Road in front of the Kirk which would be available for wedding and funeral vehicles in addition to the parking provision within the grounds of the Kirk. I therefore consider that wedding and funeral vehicles would be adequately accommodated. I am satisfied that the proposed TRO provides an appropriate area outside the Kirk which would be suitable for dropping off members of the congregation without drivers feeling the need to hurry, unnecessarily, potentially to the detriment of their passengers.

96. In addition to the unrestricted parking in front of the Kirk, I am mindful that blue badge holders would be able to park on the double yellow lined stretches of Cramond Glebe Road (24 hours a day, 7 days a week), with the exception of the proposed no waiting/ no loading stretch of road around the proposed care home exit. The proposed TRO measures therefore accommodate blue badge users within proximity to the Kirk, which no doubt would be beneficial to those experiencing mobility difficulties. The same measures would apply to health visitors visiting patients in the area (subject to the display of appropriate identification within the respective vehicle).

97. With the benefit of being able to observe the “more severe” TTRO, in consideration of the impacts of the proposed TRO and in undertaking a balancing exercise, I do not consider the loss of parking spaces and displacement of parking to other areas are of such harm to warrant not proceeding with the proposed TRO. In reaching this conclusion, I am mindful that the council has volunteered that it would monitor the impact of the proposed TRO on other areas of Cramond Village and would consider further traffic regulation measures should these prove necessary.

Traffic levels and congestion

Summary of points made by objectors

98. Objectors consider that the measures in the proposed TRO would increase traffic and exacerbate congestion in the Cramond area and/ or on the roads subject to the TRO.

The council's response

99. The council acknowledges that the Cramond area and the roads subject to the proposed TRO measures experience congestion, particularly during the summer months. The council admits that the proposed TRO measures would not reduce traffic volumes in the area although the council is adamant that neither would they increase traffic volumes in the Cramond area or on the roads subject to the proposed TRO. The council maintains that the waiting restrictions on Cramond Glebe Road are to improve the flow of traffic on this road, improve access to the north of Cramond Village, improve visibility on the relevant roads and facilitate the passage of emergency vehicles. The council advises that these Phase 2 measures have been requested by the CBCC for a number of years.

100. The council advises that some objections appear to conflate the proposed TRO measures with the traffic generated through operation of the proposed care home. The council advises that planning permission for the care home was granted by the council acting in its capacity as planning authority. The restrictions imposed under the TRO will

neither increase nor decrease any such additional traffic which has already been considered in granting the permission for the care home. The council considers that the existing traffic problems on Cramond Glebe Road justify the no waiting restrictions in the TRO. Separately, the no waiting/ no loading restrictions at School Brae/ Whitehouse Road and on part of Cramond Glebe Road are to provide adequate visibility for pedestrians and drivers at the entrance to the care home and for vehicles exiting the care home or travelling on Cramond Glebe Road.

My assessment

101. The traffic problems that have been experienced, particularly on Cramond Glebe Road are, I consider, due to a range of forces. Recreational use of the Cramond area, focused on Cramond Village, has increased, particularly during the COVID pandemic when people living within the city boundary had limited options for getting outdoor exercise.

102. I have some sympathy with the objectors who consider that the proposed care home, simply by using the access onto Cramond Glebe Road, would increase traffic levels in the area. The implication being that the proposed TRO would increase traffic levels and worsen congestion. However, as referred to earlier in this report, the impact of the additional traffic resulting from the proposed care home on the transport network (including likely vehicle trips and amount of trips), has been assessed and accepted by the council as planning authority. The measures under the proposed TRO would not add further traffic to the traffic already factored in as part of the care home permission.

103. It is important to emphasise that rather than make matters worse, the measures under the proposed TRO are intended, overall, to address the issues of traffic and congestion (whilst accommodating a development proposal that has been accounted for within the existing transport network). The waiting restrictions proposed on Cramond Glebe Road seek to improve traffic flow, improve access to the northern part of Cramond Village and hence better accommodate emergency vehicle access whilst improving visibility for all. The waiting and loading restrictions on Whitehouse Road/ School Brae and on Cramond Glebe Road are intended to provide adequate visibility for pedestrians and drivers entering and exiting the proposed care home and for moving along Cramond Glebe Road.

104. As referred to in Chapter 2 above, in exercise of its functions under the Road Traffic Regulation Act 1984 (Section 122), the council has a duty to undertake a balancing exercise between a range of competing factors, rather than a duty to achieve a particular outcome. The factors in the paragraph above need to be considered against the objectors' concerns regarding traffic levels and congestion.

105. Given the intentions behind the measures in the proposed TRO and given that the impacts of the proposed care home have been factored into the capacity of the transport network and would not increase traffic volumes in the area above what were considered in granting the care home permission, I am satisfied that the proposed measures are appropriate. In reaching this conclusion, I am conscious of comments by objectors who have acknowledged that the TTRO (in association with the phase 1 measures) has in effect resolved the original problem of excessive numbers of cars heading to the Car Park at the northern end of the village and "getting stuck" due to the then level of on-street parking.

106. I also refer to earlier observations about parked cars along the north side of Whitehouse Road and along School Brae and around the junction between Whitehouse Road and School Brae. The proposed TRO measures would, by imposing restrictions in

this area, remove an element of on-street parking which should benefit traffic movements whilst benefitting pedestrian visibility.

CHAPTER 4: RECOMMENDATIONS

107. Following my consideration of the objections in terms of Regulation 12, I have found that the objections should not be sustained. I recommend to the council that they go forward to confirm the order for the measures defined in drawing map tiles 731 and 790.

108. The council has advised that should it proceed to implement the TRO, it would monitor the operation of the measures post-implementation, as it does with all TROs. It would then assess whether adjustments need to be made to the measures contained within the TRO. Should the council decide to proceed to implement the TRO, as proposed, I consider it appropriate for post-implementation monitoring to be conducted.

Andrew Fleming

Reporter

Appendix 1. List of objectors

Carol M Anderson	Anne Clark
Sarah Anderson	Jillian Clark
Morven Atkinson	David Coomber
Heather Auld	Jo Coomber
Iain Barbour	Gilly Corkery
Sheila Barrie	Grant Crain
Mark Baird	John Crain
Hector Black	Cramond Action Group (Ian Kennedy)
Kate Blundell	Cramond & Barnton Community Council (Ian Williamson)
S Borthwick	Cramond Kirk (Edith Butler)
Davina Bowers	David Croan
Liam Boyle	Michael Cruickshank
Alex Brebner	Charlotte Cruickshank
Gillian Bright	Lucille Cruickshank
Richard Bright	Colin Davidson
Catriona Bruce	Shona Davidson
Christian Bruce	John B M Dick
Robert Bruce	John Donald
Kieran Burns	Sarah Driscoll
Leila Burns	Katherine Duncan
Gordon Cairns	Tim Duncan
Gary Cameron	Ruth Farquhar
Kirsten Cameron	Caroline Finlay
Jennifer Cameron	Robert Finnie
Petra Cameron	Elaine Fish
Robin Campbell	Tammie Fletcher
Jenni Campbell	Carolyn Gall
John W D Campbell	Jane Giebeler
Liam Carragher	Harry Graham
Gail Chalmers	Madeleine Graham
Harriet Chisholm	Norma Graham
Raymond Chisholm	

Fiona Grieve
Julie Hutt
Stephanie James
George Jamieson
Rhoda Jean
Andrew R Jeffrey
Janet E Jeffrey
Robert R Jeffrey
Zohra Jibb
Annie Kaylor
Carole Kennedy
Kate Kennedy
John M Kerr
Michael Kerr
Scott Lamb
John Larnach
Annie Latimer
Clare Lavelle
Grace Leek
Val Leek
Juliet Le Page
Steve Leung
Nick Lewis
Nick Lewis
Heather Lewis
Ross Lister
Alistair Littlejohn
Ulla Lorriman
Jeanette Lowther
Gillian MacAulay
J D Douglas Macfarlane
E V Macfarlane
Karen Macartney
Brian MacKenzie

Gayle MacKenzie
Teresa MacMillan
Rebecca MacNaughton
Gillian Macpherson
Annicea Madine
Andy Marchant
Caroline Marchant
Jimmy Martin
Victoria Marwick
Ian Marwick
R Marwick
Ross McArthur
Sarah McDonald
Laura McFadzean
Donna McGrail
Richard McGrail
Louise McKenzie
Nancy McKenzie
Anna McLean
Andrew McLennan
Janette McLeod
Avril McPherson
Hurley Mendelssohn
Leanne Menzies
A. E. Mills
C. Mills
David Milne
James Brian Mitchell
Alexandra Jean Mitchell
Caroline Morey
Neil Morey
Margaret KS Mormisol
Andrew Mounstephen
Ward Mulvey

Colin Murray
John Naylor
Margery Naylor
Eleanor Neill
David Newton
David Ormiston
Alexis Ovenstone
Michael Owens
Paula Owens
Joseph Passant
Claire Paterson
Sarah Petrie
Tom Petrie
Marcus Pickering
Maggie Pithie
Patsy Poulin
Nicholas Price
S Raeth
John D Robertson
Peter Robinson
Carl Roderick
Ogilvie J Rolland
Vincent Rowantree
Jennifer Sanderson
Peter Scholes
W.J.Scholes
Thomas H Schyma
Nadia Scrimgeour
Kenneth Scrimgeour
Douglas Seale
Margaret Semple

Rowen Shepherd
Jill Shepard
John Skinner
William Smith
Helen Smith
David Smith
Martin Stevens
Louise Stevens
Nicola Steven
Iain Stobie
Helen Stobie
Norman Stocks
Mary Rose Stocks
Patricia Stone
Catriona Summers
Shona Taylor
Alistair Thomson
Mike Thomson
Jen Thomson
Nancy Thomson
Kit Wallace
Robert Wallace
Andrew Walker
Greta Walker
Suzanne Waterer
Paul Walton
Sally Watt
A Whitecross
Claire Woodcock
Catherine Woodhead

Appendix 2. List of hearing participants, 19 October 2022

City of Edinburgh Council

David Sinclair – Local Transport and Environment Manager
Patrick Coogan – Transport Officer
Mark McMurray – CMS Cameron McKenna Nabarro Olswang LLP

Objectors

John Howison – Cramond and Barnton Community Council
Ian Kennedy – Cramond Action Group
Madeleine Graham
Sally Watt
Myles Cameron
John Skinner

Appendix 6 – TRO 22/09 – Extract Proposed Map Tile

