



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Traffic Regulation Orders

Public Consultation Analysis Report

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Acknowledgements

Transport Scotland would like to thank all of the individuals and organisations who took the time to consider and respond to this consultation.

Abbreviations/Glossary

- The Convention of Scottish Local Authorities (COSLA)
- Rural Economy and Connectivity Committee (RECC)
- Society of Chief Officers of Transportation Scotland (SCOTS)
- Experimental Traffic Regulation Order (ETRO)
- Traffic Regulation Order (TRO)
- Public Local Inquiry (PLI)

Introduction

Transport Scotland has undertaken an analysis of the responses to the public consultation on traffic regulation orders which was published on 4 June 2021. It sought views from stakeholders and interested parties on a proposals to change legislation in relation to Experimental Traffic Regulation Orders, Redetermination Orders and Loading Bays.

Background

During an appearance by Mr Matheson, the then Cabinet Secretary for Transport, at the RECC session on 6 March 2019, which considered evidence on the Restricted Roads (20 mph Speed Limit) (Scotland) Bill, he highlighted that officials were working with local authorities to identify potential barriers to the implementation of 20 mph speed limits. He also noted that Local authorities had indicated that the current Traffic Regulation Order (TRO) process could potentially be one of those barriers.

Since then we have been consulting on a number of areas raised by local authorities by way of a TRO Review Working Group and by publishing a consultation, aimed at gathering the views of all 32 local authorities as well as the general public, before announcing the full findings and laying amended regulations regarding Experimental Orders in 1 October.

TRO Review Working Group

Representatives of the TRO Review Working Group include a handful of local authorities who registered an interest, some of which produce the most TROs – City

of Edinburgh, Glasgow City, Aberdeen City, Dundee City and West Lothian Councils as well as Sustrans, COSLA and SCOTs.

Legislation

Local authorities have powers under the Road Traffic Regulation Act 1984 to introduce a Traffic Regulation Order (TRO) on roads they are responsible for. A TRO can be promoted for a variety of reasons and must be indicated by appropriate road signs or markings. It is for each local authority to determine whether and how they should exercise their functions under the 1984 Act however in taking forward TROs they must comply with the Local Authorities Traffic Order (Procedure) (Scotland) Regulations which specify procedural requirements such as publication of proposals and dealing with any objections received. There are separate procedure regulations for TROs made by the Scottish Ministers in relation to trunk roads.

Findings to date

The overall consensus from local authorities is that they are generally content with the way that the TRO process works. However, some issues have been raised, such as the outdated nature of Experimental Orders and, particularly from, one local authority around the procedure regulations and their requirement for a Public Local Inquiry (PLI) if objections are not resolved and withdrawn.

The TRO review has also identified other medium and long term opportunities which require further ongoing consideration with the group and we will look to bring those proposals forward in due course.

Experimental Traffic Regulation Orders (ETROs)

Traffic authorities in Scotland already have powers to make ETROs for the purpose of carrying out an experimental scheme of traffic control. These can have effect for up to 18 months.

ETROs are currently very rarely used in Scotland. Local authorities consider they offer little benefit as the procedure for such orders does not provide for a proper way to consult and modify along the way. Even when putting in place an ETRO if a local authority considers there is suitable justification for the measures to remain permanent the full TRO process must be followed which potentially allows concerns already addressed to be made again by objection and potentially a time consuming and costly Public Local Inquiry.

The procedure for ETROs in England and Wales is different. Effectively, the objection period for a TRO which would give permanent effect to measures in an

ETRO is the first 6 months of the ETRO, or if it is modified the 6 months following a modification. This means that objections are dealt with while the ETRO is in force and no additional objection period is needed when making the permanent TRO as long as the local authority has considered the objections and any Reporter's findings if there has been a PLI. This allows ETROs to be genuinely experimental and to be adapted along the way to achieve something workable whilst also continuing to ensure that due process is carried out and any objections properly considered.

We had proposed within the consultation that the Scottish Ministers could, by amending the TRO procedure regulations, adapt the procedure for ETROs to take account of the majority of the improvements suggested by the TRO Review Working Group.

The Consultation

The consultation was designed to gather the views of stakeholders and individuals to help inform the Scottish Government's policy in relation to proposals for a change to legislation in relation to Experimental Traffic Regulation Orders (ETRO's), Loading Bays and Redetermination Orders.

Eleven questions were posed in total. Seven questions were in relation to ETRO's, one question concerned Loading Bays and three Redetermination Order questions.

The consultation period ran from 4 June December 2021 to 30 July 2021 and was published on both Transport Scotland's website: [Traffic Regulation Order Review Consultation \(transport.gov.scot\)](https://www.transport.gov.scot/consultation/traffic-regulation-order-review) and the Scottish Government's Citizen Space website: [Consultation on Traffic Regulation Orders - Scottish Government - Citizen Space](https://www.scotland.gov.uk/consultations/traffic-regulation-orders) Interested parties could submit responses online, by email or by post.

Overview of Responses

The final number of responses received was 450. Of these, 26 were submitted by Local Authorities and 3 by Community Councils. 22 other respondents also identified their organisation, and 399 were listed as individuals.

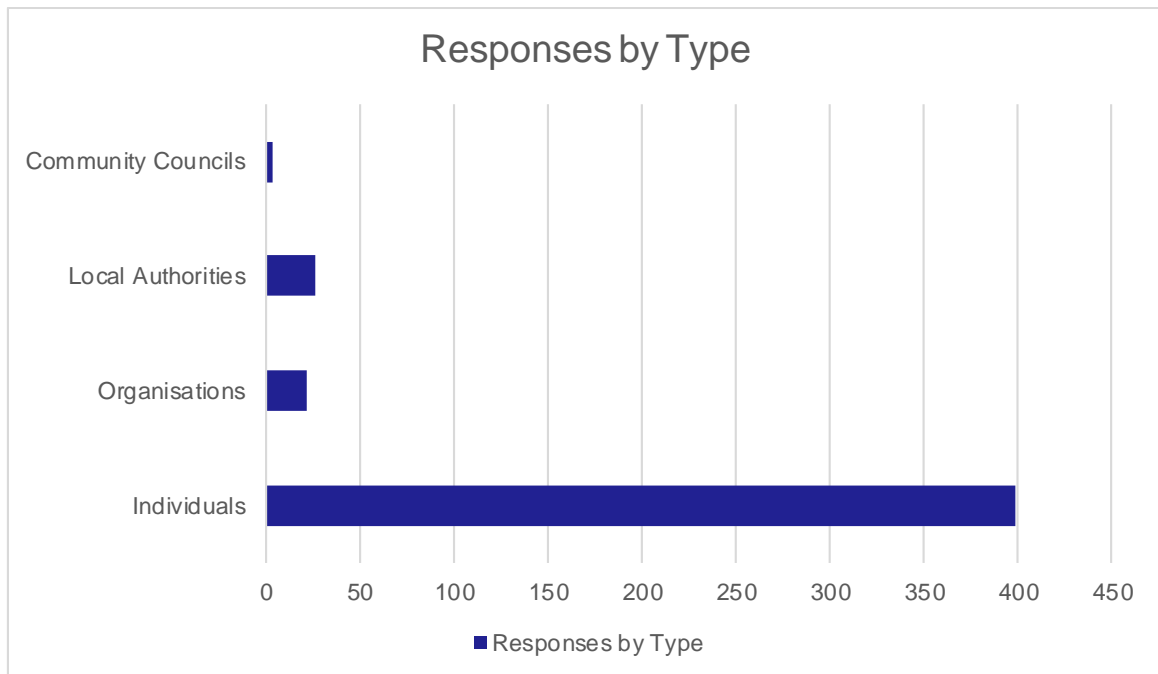


Figure 1: Responses by type

Analysis of Responses

The consultation was hosted on Citizen Space and launched on 4 June 2021 and closed on 30 July 2021. Responses could be submitted directly from the Citizen Space website, via email and post. Some 443 responses were received via Citizen Space and 7 via email. No responses were received via post.

Respondents were not required to answer every question and typically answered the questions that interested them or they felt informed to answer. As such the total number of respondents varies for each question. Most of the questions incorporated a 'closed' agree or disagree response although all gave respondents an opportunity to provide a written comment if they wished.

Of the 450 responses, 112 (25%) were happy for their responses to be published. A further 271 (60%), while happy for their responses to be published, did not want their name and/or organisation to be attributed to the response. Where this is the case these responses have been included in the overall analysis but the response has been anonymised prior to being published by Transport Scotland. Any comments or quotes made within this report have been included in a way which maintains their anonymity. 67 respondents (14%) did not give permission for their responses to be published.

Question Response Analysis

Below we set out the questions and analyse the responses received on an individual question basis.

Experimental Traffic Regulation Orders

Question 1

Are you content with current procedures for Experimental Traffic Regulation Orders in Scotland?

The total number answering this question was 444 with 6 not answering.

320 respondents (71%) answered no to this question. 124 answered yes (28%), with 6 not giving a response (1%).

100% of 26 local authorities, who answered this question answered no.

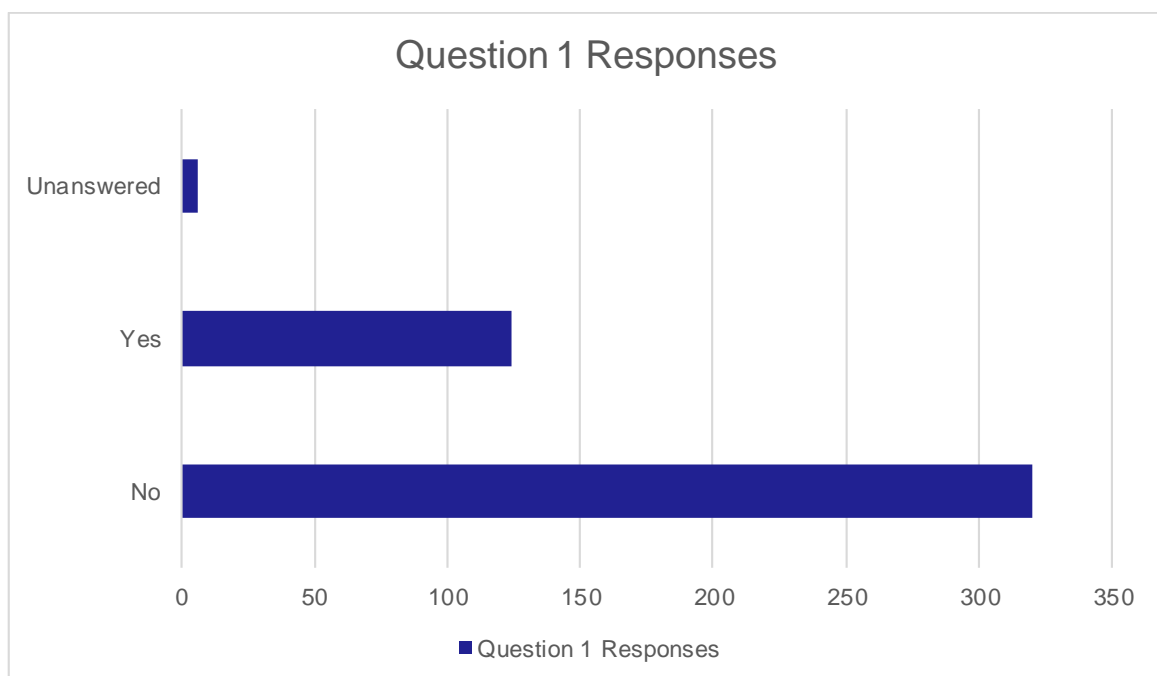


Figure 2: Question 1 responses

Question 1 Analysis:

Of the 318 comments received for question 1 - 6, 85 were from respondents who answered yes to question 1 and 229 from those who answered no. 5 respondents who left a comment did not answer question 1.

Example comments relating to question 1 are included below:

“No” response comments:

Individual comments:

“Please simplify your procedures, so actually we could see CHANGE in our cities, not just wait and hope for it.”

Local authority comments:

“The legislation applied to England and Wales appears to be a much more useful process than that currently in use in Scotland. A change to a process closer the former would be welcomed”.

“Preference has been for Temporary Traffic Regulation Order (TTRO) rather than ETRO. Changes to this process would encourage the use of ETROs within the Scottish Borders Council area.”

“We can see the advantages and attraction of being able to promote ETROs, and propose to make greater use of them, but agree that the process should be revised to make it simpler, quicker and to allow for adjustments / amendments to be made more easily during the process.”

Organisation comments:

“Our local authority Highland Council has a backlog of 90 speed limit schemes which due to lack of funds are unlikely to be actioned for years. I am concerned that the paperwork around traffic management has choked the system and people are dying as a result.”

“Yes” response comments:

Individual comments:

“As a disabled driver that cannot live life following other people's timetables due to the daily unpredictability of disability which many face, I feel there is no consideration for disabled drivers still having access to areas and exemptions to the new schemes. In order not to discriminate and cause mobility/transport poverty authorities and government must put disabled drivers at the forefront if changed that are made”.

“ETROs are an excellent way for local authorities to trial schemes, receive live feedback and adapt as necessary”.

“I consider the existing framework to be acceptable and no changes are required, the democratic deficit as a result of the abuse of Emergency TRO’s as a result of Covid must not be continued”.

Organisation comments:

“There is a tendency and assumption that ETROs will automatically lead to permanent changes. There is a need for experimental traffic regulation orders so that they can be tested to ensure they are fit for purpose and that the areas affected by the orders are accessible for disabled people”.

Question 2

Do you agree or disagree that Scottish Ministers should seek to make amendments to the Experimental Order legislation?

The total number answering this question was 442 with all either answering agree or disagree.

196 respondents (44%) answered agree to this question. 246 answered disagree (55%), with 8 not giving a response (1%).

25 local authorities answered agree to this question with 1 authority choosing disagree.

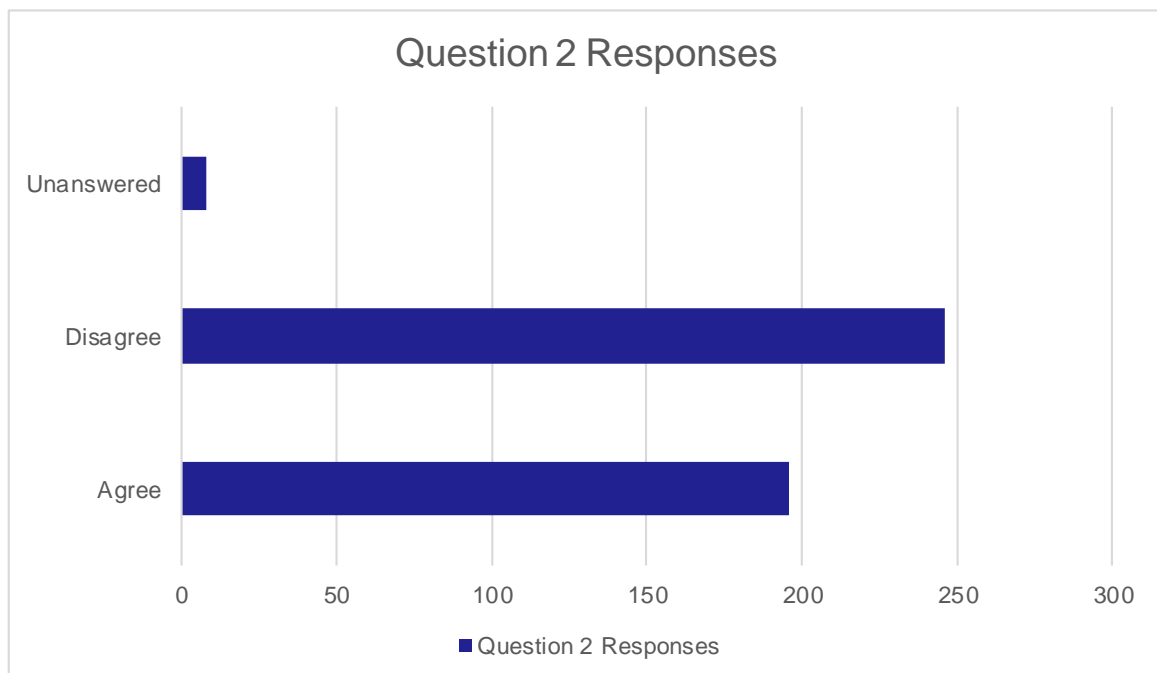


Figure 3: Question 2 responses

Question 2 Analysis:

Of the 318 comments received for question 1 - 6, 126 were from respondents who answered agree to question 2 and 186 from those who answered disagree. 6 respondents who left a comment did not answer question 2.

Example comments relating to question 2 are included below:

“Agree” response comments:

Individual comments:

“More legislation needs to be in place to stop local authorities endlessly putting out surveys until they get a very small percentage of replies that suit their narrative and use this as evidence to continue their traffic schemes as my local authority has a strong inability to admit they’ve made an error and push on regardless to save face. More powers need to be in place and enforced to make local authorities put out a simple consultation and must act on the majority of replies, even if that means reversing some council plans”.

Local authority comments:

“We can see the advantages and attraction of being able to promote ETROs, and propose to make greater use of them, but agree that the process should be revised to make it simpler, quicker and to allow for adjustments / amendments to be made more easily during the process.

Organisation comments:

“We do strongly welcome the government's proposed modifications to the current system, so that schemes can be made permanent with less bureaucracy than at present, whilst still allowing for modification, widespread consultation and formal objections during the experimental process.”

“Disagree” response comments:

Individual comments:

“Local authorities abuse these powers and never take into consideration the objections from their residents”.

Local authority comments:

“While simplifying/ speeding up the process of introducing a time limited ETRO, and allowing it to be varied if issues arise, is a progressive step we must ensure that the process does not remove the ability of the general public to make representations that will be acknowledged and properly considered nor remove or unduly delay the decision making position of elected members. Keeping (permanent) TROs and (temporary) ETROs procedurally separate is an important part of local governance”.

Question 3

Do you agree that before making an ETRO traffic authorities must consult with the police and any other bodies that would be required for a TRO having the same effect?

The total number answering this question was 447.

422 respondents (94%) answered agree to this question. 25 answered disagree (5%), with 3 not giving a response (1%).

100% of local authorities answered agree.

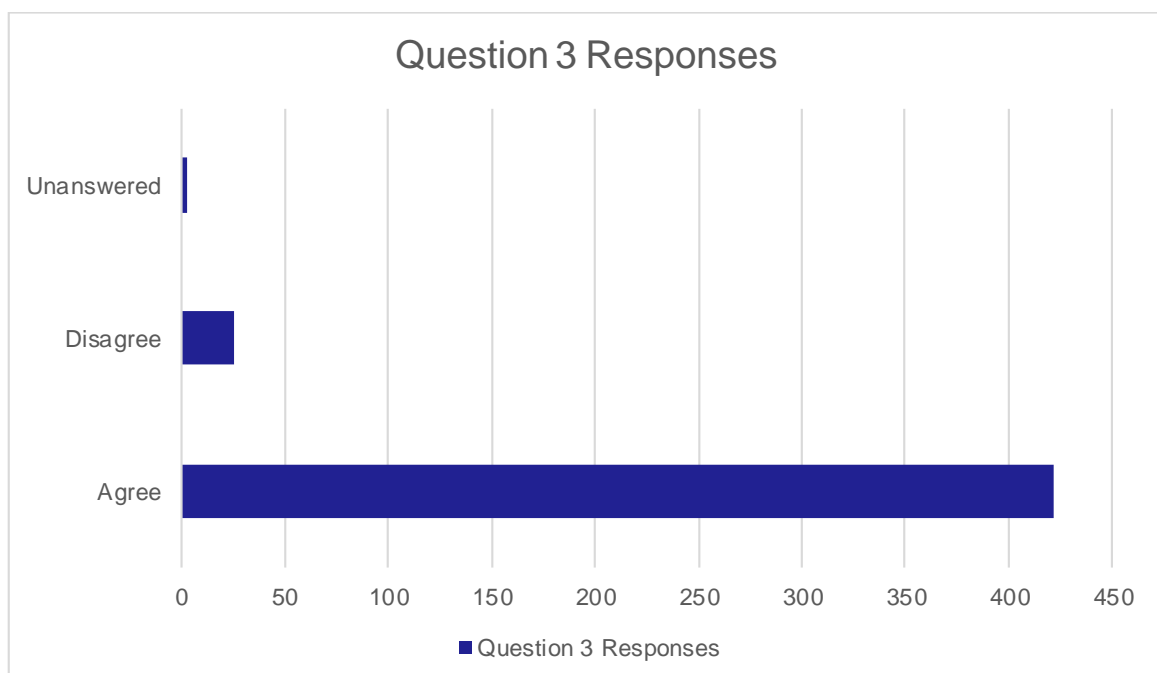


Figure 4: Question 3 responses

Question 3 Analysis:

Of the 318 comments received for question 1 - 6, 304 were from respondents who answered agree to question 3 and 12 from those who answered disagree. 2 respondents who left a comment did not answer question 3.

Example comments relating to question 3 are included below:

“Agree” response comments:

Individual comments:

“The TTRO and TRO legislation provides for the needs identified, it would appear in some councils ETRO are being used to avoid consultation with community groups, or at least as a means by which they put in place changes that are not subject to public scrutiny and objection.”

“Don’t force through changes without consulting the people who will be affected most”.

“As well as police and other emergency services, local Accessibility Panels and organisations concerned with the needs of disabled road users (drivers, wheelchair users and pedestrians) should be consulted as a statutory requirement.”

Local authority comments:

“(b) [re Q3] Currently Edinburgh Council consults relevant city-wide active-travel stakeholders (Spokes on cycling issues, Living Streets for pedestrian) in addition to blue light services, bus, freight, etc prior to TROs or ETROs being publicly advertised. Consulting active travel stakeholders prior to public advertisement should be a requirement of the ETRO process.”

Organisation comments:

“Q3. this needs amended to include Trade bodies that are impacted by any ETRO or TRO, as an example Taxi and PHC Trade bodies should be a part of the mandatory consultation process for each Local Authority.”

“Disagree” response comments:

Individual comments:

“Should be made as streamlined and easy to use as possible.”

Question 4

Do agree or disagree that traffic authorities should publish notice of making an ETRO at least 7 days before it will have effect?

The total number answering this question was 441.

411 respondents (91%) answered agree to this question. 30 answered no (7%), with 9 not giving a response (2%).

25 local authorities answered agree and 1 authority chose disagree.

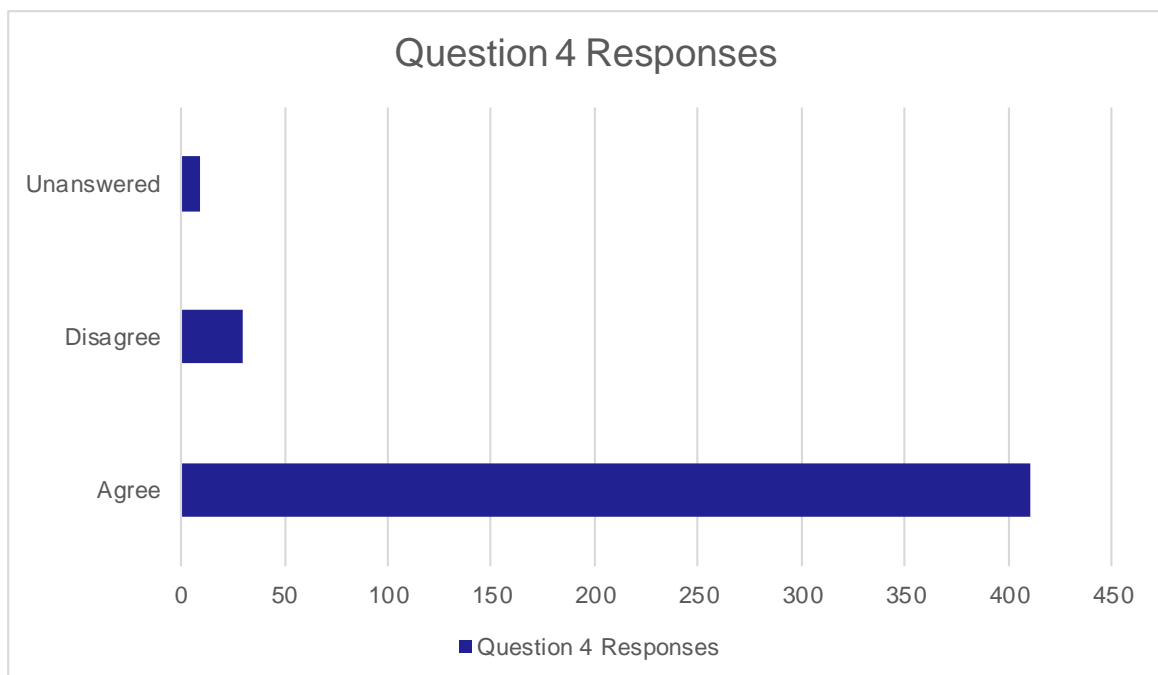


Figure 5: Question 4 responses

Question 4 Analysis:

Of the 318 comments received for question 1 - 6, 289 were from respondents who answered agree to question 4 and 23 from those who answered disagree. 6 respondents who left a comment did not answer question 4.

Example comments relating to question 4 are included below:

“Agree” response comments:

Individual comments:

“I think that consultation should be longer than 7 days and that community councils are given the ability to respond when in relation to a local authority road. The longer period would be to give the community council time to gather and form a response.”

“ 7 days is not long enough for a consultation period. Nothing needs to be done that quickly.”

Organisation comments:

“Whilst we agree that traffic authorities should publish a notice of making an ETRO at least 7 days before it will have effect, if anything, this period should be longer i.e. 14 days. If it is an emergency, to address a short-term issue, including where reallocation of road space is required to meet a temporary need such as social distancing, it should be issued under a Temporary Traffic Regulation Order (TTRO)”

“Disagree” response comments:

Individual comments:

“Question 4 - should be at least 21 days before”

Local authority comments:

“We find that no matter what we do, we are unable to implement changes without complaint either before or after the making a TRO. The current procedure does not require us to give notice of ETROs and we think this should remain otherwise we are unlikely to be able to progress projects without resistance.

Organisation comments:

“There should be a minimum period for announcement to allow for objections at an early stage, that minimum period should be for 30 days prior to commencement, as opposed to the current "at least 7 days".

Question 5

Do you agree or disagree that ETROs should be capable of being amended during the first 12 months of the ETRO’s maximum duration?

The total number answering this question was 444.

355 respondents (79%) answered agree to this question. 89 answered no (20%), with 6 not giving a response (1%).

100% of local authorities answered agree.

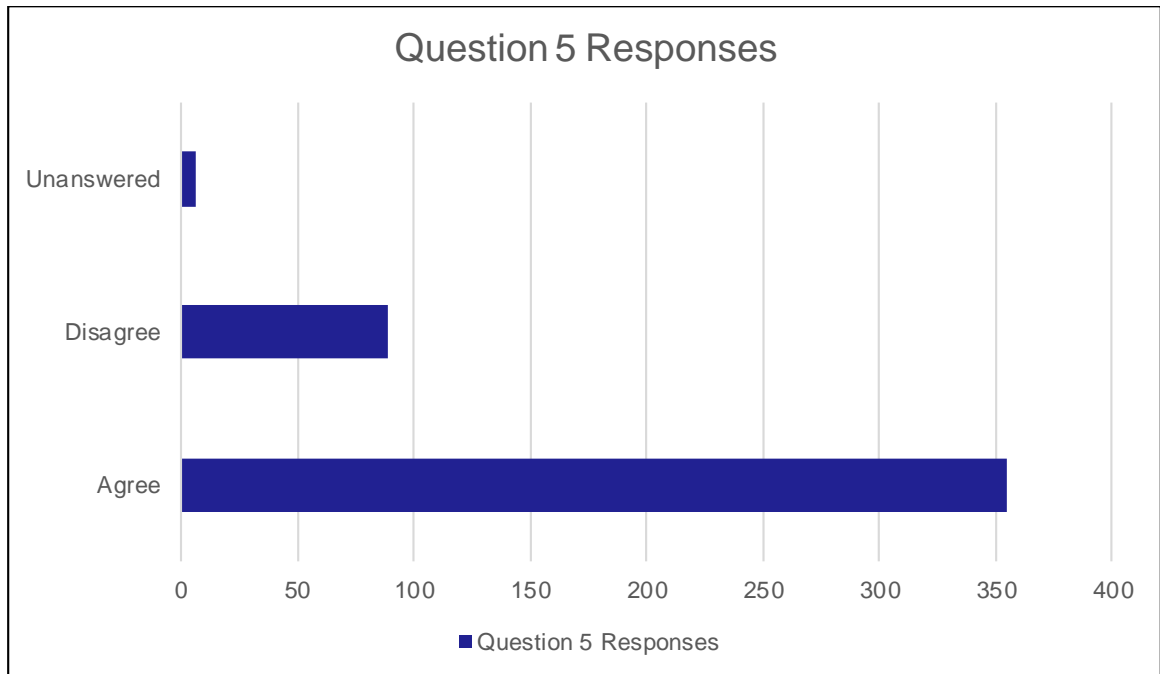


Figure 6: Question 5 responses

Question 5 Analysis:

Of the 318 comments received for question 1 - 6, 250 were from respondents who answered agree to question 5 and 64 from those who answered disagree. 4 respondents who left a comment did not answer question 5.

Example comments relating to question 5 are included below:

“Agree” response comments:

Individual comments:

“ETROs are an excellent way for local authorities to trial schemes, receive live feedback and adapt as necessary.”

Local authority comments:

“The 18-month maximum ETRO period is too short to give sufficient time for schemes to be adequately tested, assessed, modified and then re-assessed. In

particular, an experimental scheme should be able to run for a full 12 months after any modifications have been made, if the local authority deems that a full year's operation is necessary to properly assess its impact and value”.

Organisation comments:

“It is agreed that the regulations need to be amended if experimental traffic orders are to become a useful option for local authorities in Scotland.”

“We agree that ETROs should be capable of being amended during the first 12 months as the purpose of ETROs is to trial things and flexibly adapt. We also agree that if an ETRO is amended during that period, there should be a further 6 month period where representation and objections can be made as it is important to take the time to assess changes and invite feedback.”

“Disagree” response comments:

Individual comments:

“Any proposal to use them should first return the road to the status quo ante for at least six months. The etros should last for no more than six months and records kept of complaints received whether by direct means or via social media.”

Organisation comments:

“These changes to the procedures would have the consequence of making TRO's little used because the council would be able to short-cut the consultation process by deploying an ETRO and automatically making it a TRO instead of removing it after 18 months, without further consultation.”

“Because of the lengthy sequence of impositions and relaxations of lockdowns and other precautions, the environment has been changing frequently with fluctuations in traffic and footfall over a period of some 16 months, For this reason, the 6-month and 12-month maximums proposed are likely to be insufficient. Make them targets rather than hard boundaries, with a process for extending them.”

Question 6

Do you agree or disagree that if an ETRO is amended during that period that there must be a further 6 month period where representations and objections can be made?

The total number answering this question was 443.

377 respondents (84%) answered agree to this question. 66 answered disagree (14%), with 7 not giving a response (2%).

When narrowed down to Local Authority responses, 26 respondents (100%) answered agree.

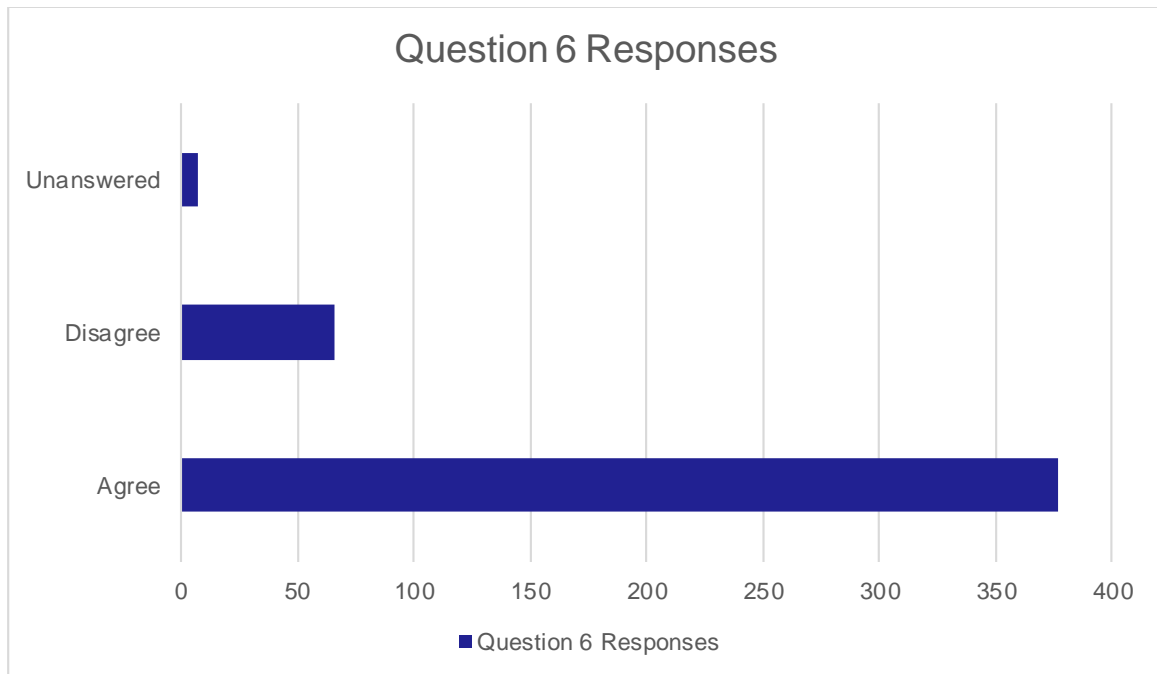


Figure 7: Question 6 responses

Question 6 Analysis:

Of the 318 comments received for question 1 - 6, 270 were from respondents who answered agree to question 6 and 42 from those who answered disagree. 6 respondents who left a comment did not answer question 6.

Example comments relating to question 6 are included below:

“Agree” response comments:

Individual comments:

“My conversations with council traffic planning officers have revealed that they consider it a weakness that all objections to TROs have to be considered equally regardless of merit or evidence base. This leads to unnecessarily long consultation.

ETROs and TROs should have a power to reject spurious or baseless objections.”

“Disagree” response comments:

Individual comments:

“Regarding Q 6 i think a six month period to object is too long, I think a two month period would be enough.”

“Transport Scotland should provide simple templates for officers etc to use that removes the delays caused by formal drafting and long statutory timeframes for advertising and objections to be lobbied at elected members.”

Emerging ETRO Themes

Question 7 of this consultation invited comments from responders on questions 1 – 6 collectively as their subject concerned ETRO’s. Specific comments in relation to questions 1 – 6 have been discussed separately, however there was a total of 318 comments provided in response to question 1 – 6.

Question 7

Do have any comments regarding your answers to the questions above or anything else on the topic of ETROs that you wish to share as part of this consultation? If your comments are in relation to a particular question please be specific about which question you are referring to.

116 of these (37%) of these comments concerned City of Edinburgh Council, (CEC) and Spaces For People Scheme (SfP) in a negative manner. Whilst this consultation was not designed to comment on the publics’ perception of SfP schemes or the way in which councils have implemented these, officials felt it important to highlight and take on board.

The second most popular additional topic response, (84 respondents, 26%) stated that in general consultation with affected residents and businesses for example Royal Mail, SPT and disability groups should be consulted from implementation throughout any proposed changes.

The third most popular additional response (10 respondents, 3%) stated that the 7 day implementation notice period is not sufficient and should be extended to provide affected parties with adequate notice.

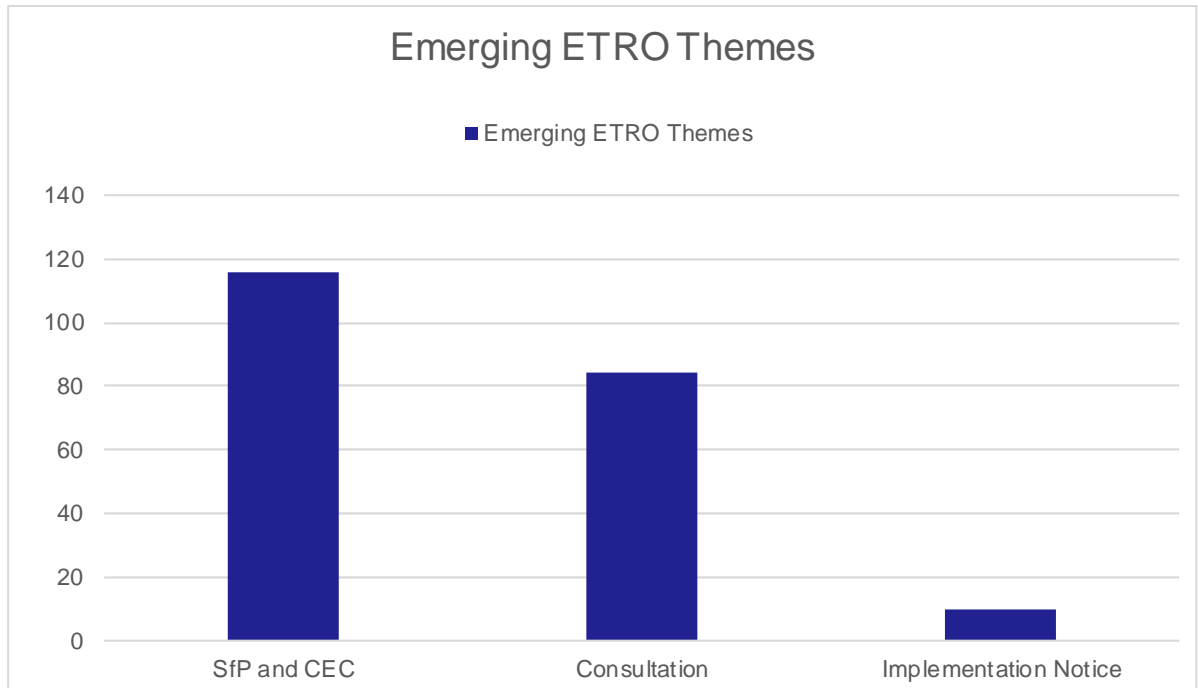


Figure 8: Question 7 Emerging ETRO Themes

Loading Restrictions

Question 8

What are your views in relation to the need for a PLI when objections are made in relation to a proposed TRO containing loading or unloading restrictions?

There were 356 responses received to this question and 94 did not wish to comment. 25 out of the 26 Local Authorities who submitted a consultation responded.

The most popular response, (154 respondents, 43%) stated that PLI's are necessary.

The second most popular response, (49 respondents, 14%) stated that PLI's are unnecessary.

The third most popular response, (35 respondents, 10%) stated that a PLI should only be triggered if there is more than one objection and also the nature of those objection should be considered.

The fourth most popular response, (14 respondents, 4%) stated that local authorities should have more powers when coming to decisions and objections shouldn't automatically go to Scottish Ministers for consideration.

Those top two responses covered over 57% of the total responses received.

When considering Local Authority responses to this question, 17 comments were received. 94% of local authorities comments stated that the need for a PLI was unnecessary and a PLI should only be triggered given the nature of the objection, not the number. 1 local authority, however, stated that PLI's are useful, given the independent review, however agreed that a PLI should not be triggered by a single objection.

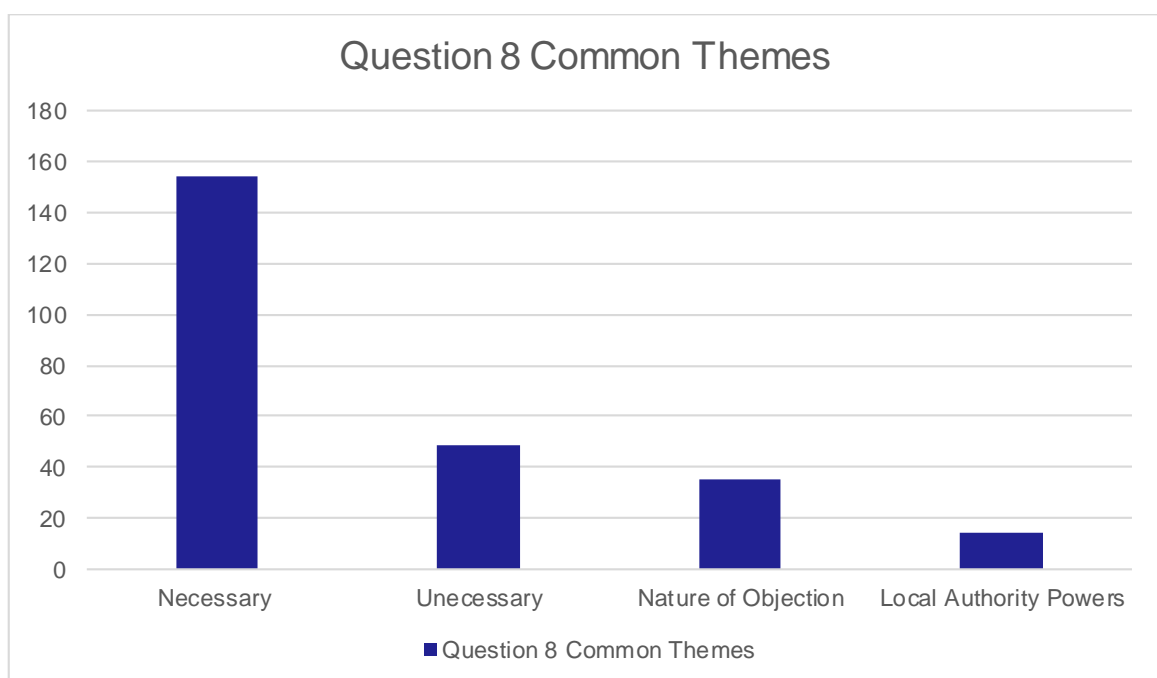


Figure 9: Question 8 Common Themes

Individual Comments:

“An full and open enquiry should be held into objections into these orders to ensure that everyone's point is considered.”

“A single (or few) objections should not trigger a need for a PLI automatically”.

“Local authorities need greater freedom to act and to act quickly. There will always be objections to changes, many of which are made vexatiously simply to prevent such change. Any modifications should be capable of not being held up in this way”

“It is completely ridiculous that some types of TROs require an automatic inquiry if just one person objects. Even if this isn’t necessarily the case or there is some ambiguity as implied by the wording above, it is still a ludicrous situation.”

Organisation Comments:

“Procedures for determining whether a PLI is necessary should lie with the local authority in same way as currently the case with the majority of TRO's such as double yellow lines etc.”

“I think the PLI requirements are only necessary where a 24hr ban on loading is proposed.”

Local Authority Comments:

“If objections to a Traffic Regulation Order promoting loading restrictions are received the local authority should be able to determine them without the need for a Public Local Inquiry, in accordance with their approved policies and procedures, whether that be by committee or delegated powers.”

“Local Authorities make a considerable effort to balance stakeholder needs for maintaining; the free movement of traffic; reasonable access to premises; parking provision in relation to all proposed Traffic Regulation Orders. It also considers the impact on road safety, general amenity and environmental concerns.

The requirement to hold a PLI on a single or multiple objections should be revised to allow LA's the flexibility to determine if the grounds for the objection/s should be maintained and then taken forward to a PLI to follow due process.”

Redetermination Orders

Question 9

Are you content with the procedures regarding redetermination orders?

The total number answering this question was 432

151 respondents (34%) answered yes to this question. 281 answered no (62%), with 18 not giving a response (4%).

When narrowed down to Local Authority responses, 5 respondents answered yes with 20 answering no and 1 not answering.

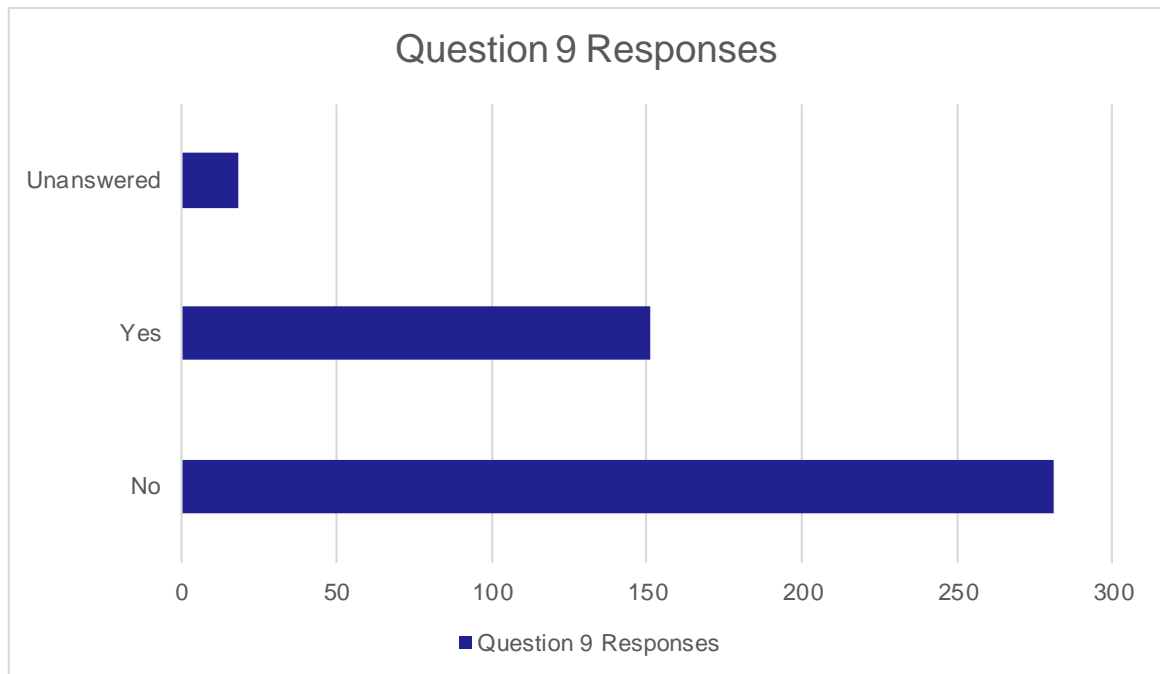


Figure 10: Question 9 responses

Question 10

Do you think legislation should be reviewed in light of the need to refer a proposed order to the Scottish Ministers if there are objections to it?

The total number answering this question was 435.

295 respondents (66%) answered yes to this question. 140 answered no (31%), with 15 not giving a response (3%).

When narrowed down to Local Authority responses, 25 respondents answered yes with 1 answering no.

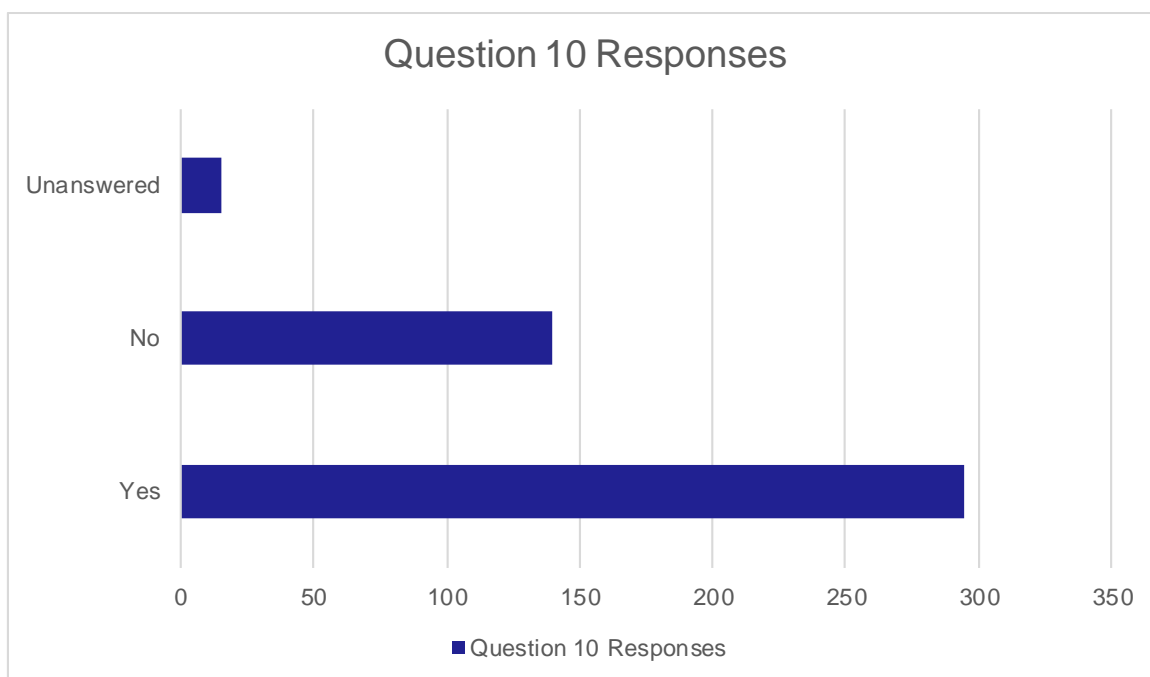


Figure 11: Question 10 responses

Question 11

Do you have any other comments in relation to the procedure for redetermination orders?

There were 264 responses received to this question (59%) and 186 did not wish to comment (41%). 20 out of the 26 Local Authorities who submitted a consultation responded.

45 respondents, 17% had specifically mentioned City of Edinburgh Council and Sustran’s implementation of SfP schemes which may have influenced the results of this question.

The most popular response, (43 respondents, 16%) wanted Scottish Minister’s involvement or a PLI when considering objections to Redetermination Orders. Most were in favour of stricter oversight of local authority decisions.

The second most popular response, (38 respondents, 14%) wished for fuller consultation with affected residents including businesses, community councils, disabled groups.

The third most popular response (36 respondents, 13%) wanted a more streamlined approach giving powers to local authorities to make decisions at a local level and remove the need for Ministerial involvement.

Individual comments:

“This needs wide public consultation for effected parties, with particular emphasis on disability.”

“The need to refer to Scottish ministers is completely unnecessary in most cases and can cause huge unnecessary delays, therefore limiting councils ability to respond to the climate and nature emergencies. This requirement should be removed as soon as possible.

“If anything is reverred for Ministers the enquiry period should be time bound to 2-4 weeks so as not to frustrate the process any more than necessary.”

“Councils should absolutely not have the power to make these decisions without objections being held at governmental level.”

Local Authority comments:

“Redetermination orders should not be referred to a PLI as most decisions can be taken at a local level as for other TROs; they can be referred to a PLI where necessary. This would make it much easier and less costly to implement the infrastructure changes needed to achieve the modal shift required to meet emissions reduction targets and climate change commitments.”

“I do not feel that referral to Scottish Ministers should be required when considering objections relating to redetermination orders. The process can lead to unnecessary delay. Management of objections through Councils' internal procedures would, in my opinion, best serve the wider community.”

Organisation comments:

“Redetermination Orders should be managed at a local level and it seems to be poor use of Scottish Ministers' time for these to be referred to a national level. Instead, as with loading restrictions, there should be an agreed threshold of objections to trigger a PLI.”

Those top two responses covered over 31% of the total responses received.

Conclusion

Experimental Traffic Regulation Orders

In relation to ETROs it is clear from the responses to this consultation that many individuals, organisations and local authorities are not content with the current system (71%).

What was not so clear is whether there was agreement with our proposals to seek to make amendments to the procedure for making ETROs and TROs which give permanent effect to ETROs (56% disagreed, 43% agreed). The response to this question from local authorities was however almost unanimous with only one out of the 26 (out of 32 local authorities in Scotland) disagreeing.

It was clear however that a number of the respondents (116 out of 318, 37%) were basing their answers on the recent Spaces for People projects put on the ground by the City of Edinburgh Council.

The answers received in relation to the Scottish Ministers proposed changes to the procedures themselves were more positive:

- 93% of respondents agreed that local authorities should have to consult with the Police and other bodies as they would a TRO;
- 91% agreed that local authorities should have to publish a notice of making an ETRO at least 7 days in advance;
- 79% agreed that local authorities should have the ability to alter an ETRO during its first 12 months;
- 84% agreed that if an amendment is made that there should be a further 6 month consultation period.

Given the above we feel that there is merit in the Scottish Government presenting amended ETRO regulations for the Scottish Parliament to scrutinise and will take account of this analysis and the responses received during the drafting of these regulations.

Loading Restrictions

The focus of the questions in this consultation with regards to loading restrictions was to gather opinion on the need for a PLI when objections are made in relation to a proposed TRO that contains loading restrictions. Currently one such objection can result in a public inquiry which can add months to the process.

The largest response showed that 43% felt that PLIs were necessary in such cases with the second largest response, 14% felt they were unnecessary. 10% stated that a PLI should only be triggered if there is more than one objection and also the nature of those objection should be considered.

When broken down to Local Authorities the figures are markedly different with 94% of local authorities comments stating that the need for a PLI was unnecessary and a PLI should only be triggered given the nature of the objection, not the number.

Given that there is a clear division in the types of responses received it is our conclusion that further work is required to assess the demand for legislative change in this area. We will commit to discussing this area further with our TRO review working group in order to assess what further steps may need to be taken such as a fuller specific consultation on this matter.

Redetermination Orders

The focus of the questions on redetermination orders was to gather opinion on the current procedures and to assess if there was a need to alter the legislation surrounding that process.

The response to the initial question of whether people were content with the current legislative procedure was clear with 34% saying they were 62% stating they were not content. There was also a clear feeling that Scottish Ministers should carry out a review into the need for objections to be referred to Scottish Ministers.

The further responses however should a difference in the reasoning for people supporting the need for a review. Some 17% specifically mentioned the City of Edinburgh's approach to SfP, all of which has been done under Temporary Traffic Regulation Orders and did not require the need for redetermination orders. 16% want continued Scottish Ministers involvement in considering objections to redetermination orders. 14% want to see fuller consultation with affected residents and some 13% want a more streamlined approach giving powers to local authorities to make the decisions at a local level.

When broken down to local authority responses their position is somewhat clearer with 25 out of the 26 who responded (96%) seeking a review of the current procedures.

Again, given that there is a clear division in the types of responses received it is our conclusion that further work is required to assess the demand for legislative change in this area. We will commit to discussing this area further with our TRO review

working group in order to assess what further steps may need to be taken such as a fuller specific consultation on this matter.

Appendix A - Consultation Questions

Experimental Traffic Regulation Orders

Question 1: Are you content with current procedures for Experimental Traffic Regulation Orders in Scotland?

Question 2: Do you agree or disagree that Scottish Ministers should seek to make amendments to the Experimental Order legislation?

Question 3: Do you agree that before making an ETRO traffic authorities must consult with the police and any other bodies that would be required for a TRO having the same effect?

Question 4: Do agree or disagree that traffic authorities should publish notice of making an ETRO at least 7 days before it will have effect?

Question 5: Do you agree or disagree that ETROs should be capable of being amended during the first 12 months of the ETRO's maximum duration?

Question 6: Do you agree or disagree that if an ETRO is amended during that period that there must be a further 6 month period where representations and objections can be made?

Question 7: Do have any comments regarding your answers to the questions above or anything else on the topic of ETROs that you wish to share as part of this consultation? If your comments are in relation to a particular question please be specific about which question you are referring to.

Loading Restrictions

Question 8: What are your views in relation to the need for a PLI when objections are made in relation to a proposed TRO containing loading or unloading restrictions?

Redetermination Orders

Question 9: Are you content with the procedures regarding redetermination orders?

Question 10: Do you think legislation should be reviewed in light of the need to refer a proposed order to the Scottish Ministers if there are objections to it?

Question 11: Do you have any other comments in relation to the procedure for redetermination orders?



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