

Faster and Better Project Implementation through 'Try then Modify'

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Summary

Council cycle projects large and small in Edinburgh often take many years to implement, with several 'flagship' projects still unimplemented five to ten years after initiation by the Council. In complete contrast, under the Scottish Government's covid-related rules and funding, several road closures were implemented by the very same Council in days and 5km of segregated cycle lane in weeks – with 35km promised within 2-3 months. This paper suggests how the best aspects of both approaches could be combined such that citizens reap the benefits of schemes far sooner than in the past - and yet with more effective consultation.

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1. Mini-consultation : the Covid19 approach

In Scotland, the UK, and indeed around the world, measures to boost cycling and walking, to restrict or tame motor traffic, are appearing in days or weeks on a 'temporary' or 'try then modify' basis. This contrasts strikingly with the years-long 'old normal' project processes to which councils, the public and funding bodies such as Sustrans Scotland have become not merely accustomed but conditioned, so that lengthy projected or actual timescales are rarely seriously challenged.

The new approach is not due to any radical change in political or technical thinking – it's all thanks to a virus! Covid19 means that Councils must urgently maximise opportunities not just for social distancing but also to encourage safe exercise and travel on foot and bike and to reduce pressure on public transport capacity.

Whilst some schemes (largely those that remove or displace kerbside car parking) often attract a fair bit of opposition, many schemes also receive considerable support, with demands for more and sooner.

In Edinburgh, funded by the Sustrans and Scottish Government [Spaces for People](#) scheme, several through-roads such as Silverknowes Road, Braid Road and Cammo Walk were closed – *without consultation* – within days of the Scottish government's new covid-related Temporary Traffic Order [Guidance](#) being issued. And, whilst there were complaints, these schemes generally attracted big support: for example over 200 'likes' for a tweet about the Silverknowes Road closure.



thebonnieoon   @thebonnieoon · May 2

The #SpaceForDistancing at Silverknowes is fantastic. Very busy but with plenty of space. Thank you @adamrmcvey @lmacinnessnp @Daisynmurphy @EdinburghPolice & everyone else who made it happen. Look forward to seeing more of Edinburgh opened up for people



You and 4 others

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Of the five initial road closure schemes, two resulted in significant knock-on problems identified by local people – Council officers were quick to respond and make modifications. At the **Braid Road closure** the adjacent Braidburn Terrace was, within days, [made one-way](#) (with cycle exemption); whilst at **Cammo Walk** a light-controlled crossing of adjacent Maybury Road, to connect to Cammo Walk, [was installed](#) within weeks.

Under traditional thinking, ***few if any of these closures would have happened at all*** – and if they had it would have taken ***an absolute minimum of one year, likely much more***, to consult, doubtless undertake ‘traffic modelling’ then be at the mercy of objections to any legally necessary traffic and/or redetermination orders (see Appendix 1). Instead, a virus and ‘try then modify’ worked their magic! Benefits were achieved instantly; problems were resolved rapidly.

Within a few weeks of the new TTRO Guidance, the Council was also installing more extensive schemes (Appendix 2) including a bus gate, soft-segregated cycle lanes on selected main roads, and footway widening on shopping streets. Projects (which had to meet the *Spaces for People* criteria) were selected in part on the basis of an online tool called [Commonplace](#), which attracted over 4000 public inputs, as well as by existing council [information and policies](#).

Mini consultation

Although we believe that Council leaders originally intended all *Spaces for People* schemes to be pure ‘try then modify’ there was considerable unhappiness by some councillors at the absence of pre-implementation consultation, and so a compromise was agreed. Schemes now undergo a strict 5-day consultation with relevant ward councillors, community councils and a few city-wide ‘stakeholders’ such as [Spokes](#) and [Living Streets](#). The Council promises still to be open to post-implementation modifications, or even removal, where problems arise.

Given the critical objective of rapid implementation, this new mini-consultation arrangement has strong arguments both for and against.

On the negative side, objections to schemes from some councillors and/or others may gain sufficient traction that the whole basis is reconsidered and the proposal effectively dropped or postponed indefinitely without being tested. For example, on a north/south [bus gates proposal](#), we see the possibility of the council reverting back to endless traffic modelling and what ‘might’ happen, rather than ‘try then modify.’ Similarly a '[low traffic neighbourhood](#)' project has generated [considerable objections](#), with local interests and councillors urging that it be dropped without testing or subjected to more traditional extensive consultation.

On the positive side, Spokes and others, whilst delighted with most of the proposals, have been able to identify, prior to implementation, a few significant yet easily-remedied problems or omissions. For example, the proposed **Crewe Road South** cycle lane to the Western General Hospital was to be unsegregated, but the [consultation](#) reversed this before installation.

There are other examples where [consultation](#) has enabled us to make crucial advance comments – though at the time of writing, we don’t know the outcomes. For example, the **Princes Street** plans would have lengthened a stretch of very narrow roadway between kerb and tramline leading up to a tramline crossing which already sees regular cyclist crashes and injuries and is the site of long-overdue council [mitigation plans](#). Second, the opportunity for an [uphill cycle lane](#) to the top of **Leith Street** was not grasped in the initial proposals, despite proposed removal of one of the two traffic lanes and despite recognition of such a lane's “absolute” importance by the Director of Place at the 25.1.18 Transport and Environment Committee [[Spokes 130](#) p1].



Crewe Road South: segregated thanks to the mini-consultation

[Martin McDonnell]

2. Maxi-consultation : the traditional approach

In contrast to the covid-related schemes, traditional active travel project development processes in Edinburgh often take many years – indeed, with no guarantee that anything will appear on the ground at all.

We see three main causes for these excessive, wasteful and frustrating delays...

- Extensive **consultations** at multiple stages of projects – this is probably the top reason. Effective consultation is important, but it has grown and grown, particularly the number of consultations per project. There are plenty consultants out there to tout it to politicians and officers (and to benefit from it!) However, it is worth remembering that [no one was consulted](#) over the gradual process by which quiet streets where children played and people walked and cycled morphed into congested, polluted roads where no one plays, people are scared to cycle, and walking is no longer a pleasure. A non-consultation process which continues, as private vehicles continue to grow in size if not in number.
- The Scottish Government's **Traffic Regulation Order labyrinth** – see Appendix 1. The government has agreed to a review – but it has taken over a year so far, with little sign of urgency. Positively, they also amended the 2019 Transport Bill so that the rules covering such Orders can now be revised without an Act of Parliament, if and when it is eventually decided to do so. The government can of course act rapidly when it so chooses – now, suddenly, thanks to covid19, they have introduced new rules giving councils powers to use 'temporary' TROs for purposes related to covid. However remedies to the severe delays associated with (certain types of) objections to normal Traffic Orders sit in review limbo.
- **Staffing** – cutbacks and/or staff turnover. Staff members leading active travel projects may leave and be hard to replace (consultancies often pay higher wages). When projects are implemented rapidly, then obviously they are less likely to encounter episodes of staff disruption, but when a project drifts through several years it is little surprise if there are one or more episodes of knowledgeable project staff moving on or being moved on – whether to a consultancy or through internal redeployment or promotion. New staff then have to be appointed and get up to speed with all aspects of the project – which often include public engagement and political sensitivities as well as the technical side.

To understand the sheer and shocking scale of delay, waste and frustration, it is instructive to consider the following four major projects (some costing up to around £10m). At the time of writing (August 2020) concrete work has not yet begun on any.

- **Canal to Meadows** – still accepted by the Council as an important missing link – on the go since [at least 2013](#), with multiple consultations and plan revisions over the years, plus severe problems with staff turnover and staff cuts
- **Meadows to George Street** – As far as we know, everything here has gone [according to plan](#) – yet funding was obtained in 2017 and construction is not planned to begin until 2022! There were initial council proposals, then a consultation on 'principles,' then on a 'concept design' – and we await further consultation on detailed design and traffic regulation orders. Surely a consultants' paradise!
- **CCWEL City Centre west-east link** – the Council's 'flagship' route – on the go since [at least 2015](#). Delayed by multiple consultations, experienced staff leaving and the Scottish Government's Traffic Orders labyrinth (Appendix 1).



CCWEL – still waiting after all these years!

[Council visualisation drawing]

- **George Street** – this admittedly is to redesign a major historic Edinburgh street, not purely a cycle project, albeit it includes part of the above CCWEL flagship cycleroute. Nonetheless, after 10 years we still seem little closer to a final design, let alone implementation
 - 2010 Jan Gehl City Centre report [see para 1102 [here](#)] recommends major change
 - 2013 Public consultation on city centre – Council unable to agree on widespread major change; and [decides](#) instead to focus largely just on George Street, with an 18-month experiment (with cycle lanes)
 - 2014 [Consultation](#) on the Experimental Traffic Regulation Order (ETRO).
 - 2014/5 Extensive consultation during the [experiment](#) but an ETRO legally cannot be extended (Appendix 1), so...
 - 2015 George Street reverts to old layout
 - 2016 Consultants produce '[design principles](#)' based on the above experiment
 - 2017 [Consultants report](#) on George Street 'Public Life'
 - 2018 More consultants, consult on '[draft concept design](#)'
 - 2019 [Council approves](#) George Street 'design elements.' [Successful application to Sustrans](#) for further consultation, design and "towards future delivery"
 - 2019 [Stakeholder consultation](#) on 'unresolved issues.' Much of project still at "high level" stage. Little clarity on the cycleroute design or guaranteeing it will be a suitable standard as part of CCWEL cross-city route

Whilst delays such as those above have caused considerable frustration, there has almost been a resigned acceptance that these sort of timescales are necessary, or at the very least inevitable. This, is of course a UK-wide issue, although Edinburgh may be particularly prone.

Covid Spaces for People shows that such timescales are in fact ludicrous. Literally for years, these processes deprive huge numbers of citizens of safe and welcoming cycling, walking and wheeling conditions for which the cash and basic concepts are in place.

3. Try then Modify : a new approach to project delivery

The Covid crisis has shown that things can be different – indeed, very different. Can we learn from this and combine realistic levels of consultation with ‘try then modify’? Can we thereby ensure that projects actually get implemented – and in sensible timescales?

Below are suggested approaches for smaller and larger projects. They may not be fully suitable in all circumstances, for at least the following two reasons – but, even where that is the case, councils could still adopt some of the ideas to improve delivery speed and/or consultation effectiveness.

- Both suggested approaches depend in part on the Scottish Government amending the current non-covid Traffic Order rules to make clear that experimental schemes can be extended and/or modified as necessary – see Appendix 1
- The physical situation or other constraints may mean that on-the-ground experimentation is impossible without unreasonable cost – perhaps, for example, where a complex junction is involved or where space is very restricted.

Small project (such as a road closure)

- Consult local residents & stakeholders on a proposed project and design, then modify design as appropriate. To minimise opposition, make very clear to the public that this is a 'try then modify' scheme, which could even be scrapped if unsuccessful
- Install using temporary/cheap materials, with an Experimental Traffic Order (assuming that the Scottish Government amends the ETRO rules as above and in Appendix 1)
- If necessary, based on feedback, modify the experiment, or drop the scheme
- Once the scheme works well, make a permanent Order, then install in permanent form.

Major project (such as Meadows to George Street)

- Using stakeholder consultation only, work up a design (or options) in moderate detail
- Major public consultation on the design(s), including with local business, making clear that this is a 'try then modify' project.
- On the basis of the consultation, finalise a design
- Install using temporary/cheap materials, with an Experimental Traffic Order (assuming that the Scottish Government amends the ETRO rules as above and in Appendix 1)
- If necessary, based on feedback, modify the experiment
- Once the scheme works well, make a permanent Order, then install in permanent form.

Such approaches, we hope, would ...

- in most cases, provide the public with many of the benefits of the final scheme literally years sooner than in Edinburgh's experience, through the experimental implementation
- ensure more realistic feedback, by experiment, than by purely computer modelling and abstract public opinion exercises
- ensure that all affected people are aware of the project (because they experience the experimental scheme!) and so have an opportunity and a personal incentive to comment – at present some people will see paper or online consultations as abstract or unlikely to be implemented any time soon, or later claim not to have encountered the consultation
- identify problems at a stage when they can be remedied/tested cheaply rather than after a costly 'final' implementation
- in many cases result in the *permanent* solution being in place earlier
- save government and council cash and staff time by avoiding multiple consultations - and hopefully attracting fewer formal objections.

Appendix 1 - Traffic Regulation Orders

As discussed above, the Scottish Government's Traffic Regulation Order (TRO) and Redetermination Order (RSO) labyrinth is one of the major reasons for big delays - and it ties the hands of Councils in making decisions, and timeous decisions, on their own local traffic projects.

Here we describe what are perhaps the two worst aspects, which have caused a huge waste of expert staff time for Edinburgh Council and unpardonable delays for the public waiting for funded road safety and place schemes to actually appear on the ground.

Treatment of objections to Traffic Orders

- As we understand it any unwithdrawn TRO objection affecting loading outside peak hours automatically triggers a Public Hearing (similar to a Public Inquiry) under a government Reporter, whereas all other types of objection to TROs (including major decisions such as road closures, speed limit changes, new parking zones) can be decided by the Council without the need for a hearing. The inconsistency is glaring!
- Similarly, any unwithdrawn RSO objection, cannot be decided by the Council and must be referred to the Scottish Government for decision and for a possible Public Hearing. Note that RSOs [Redetermination Orders] do not even exist in England whereas in Scotland they are required for any conversion of street space from one use to another
- In both cases the triggering of a Public Hearing or mandatory reference to Scottish Ministers is completely unrelated to the extent or impact of the proposed restriction. So, for example, our understanding is that a single TRO objection to a 5m extension of a prohibition on loading during the working day (say a 10am to 4pm prohibition) would trigger a mandatory Public Hearing. Similarly, a single RSO objection to redetermining a 5m long and 1.5m wide section of a main road as cycle track would trigger reference to Scottish Ministers
- Whilst there have been many reasons for the 6+ years of the CCWEL process (see above) almost 24 months were due to the above tortuous and inconsistent Scottish Government rules on TROs and RSOs. The CCWEL delay resulted from 8 TRO objections (all eventually [dismissed by the government Reporter](#)) and 36 RSO objections ([dismissed by Ministers, with one minor amendment](#), after literally 2 years of cogitation!)

Experimental Traffic Regulations Order (ETRO) regulations

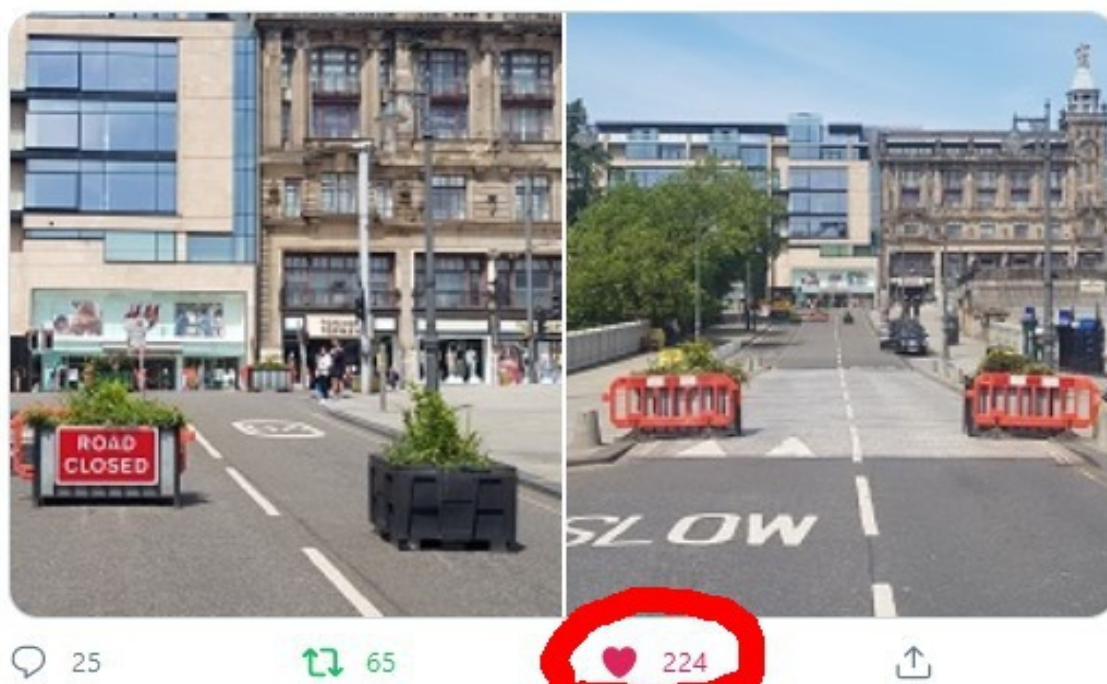
- An Experimental Traffic Regulation Order can run for up to 18 months, and cannot be extended. However, the results of a traffic experiment (which may need to run a full year for proper evaluation) are unlikely to be available in time to pass the Orders to make the scheme permanent before it has to be removed – not least because the above features of TROs and RSOs may trigger many months or even years of delay!
- In the George Street case (above) the experimental scheme therefore had to be removed rather than staying until a permanent scheme was agreed – even though many thought it was an improvement on the original layout
- Furthermore we understand that in England, should a Council wish to make an Experimental TRO permanent, then the TRO legal process is streamlined. That is not the case in Scotland.

Appendix 2 - Spaces for People – Edinburgh & Scotland

For more information on schemes now in place, and others planned soon, see...

- **Edinburgh schemes** – [Council info](#)
- **Edinburgh schemes** – [Spokes info](#)
- **Edinburgh Council SFP Committee Reports** – [May 14](#); [June 11](#)
- **All Scotland** – [Pedal on Parliament info](#)
- **How Spaces for People works** – [Sustrans Scotland info](#)

Waverley Bridge closed at junction with Princes St as work starts in the city centre to make it safer to walk, cycle + wheel. Work on line markings starts tonight. More planned for the Mound, George IV Bridge, Forrest Rd + town centres. Find out more: bit.ly/2UP0j4a



Multiple 'likes' for the Waverley Bridge road closure [Council tweet]

Many people, Spokes included, are frustrated that progress is not faster, especially when we look to what is happening in many [cities around the world](#), including Paris and London. However, different countries have different regulations as to what councils can do and how they can do it. Scottish Councils risked legal challenges until the Scottish Government made [changes to the rules](#) allowing Temporary Traffic Regulation Orders for covid-related traffic schemes.

Edinburgh at least looks like it is moving as much and fast as any other Scottish Council on these emergency measures (perhaps Glasgow is on a par). It is also encouraging that Edinburgh – and a good number of other councils – seem intent on continuing implementation of *Spaces for People* measures despite the fact that cars are returning, and that driver complaints may therefore rise.

It is of course important to note that all these schemes are covid-related and 'temporary' – but Edinburgh Council and the Scottish Government have both expressed the hope and intention that as many as possible will become permanent if successful – with modifications as appropriate.

However, the Scottish Government really has to change its rules on Traffic Orders to make this feasible without the current inordinate delays and waste of expert staff time which result from the inconsistency and patent unreasonableness of the present rules [appendix 1].