

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 22 FEBRUARY 2022

**SCHOOL EXCLUSION ZONES AT
FERRYDEN PRIMARY SCHOOL, MONTROSE; LANGLANDS PRIMARY SCHOOL, FORFAR; AND
MUIRFIELD PRIMARY SCHOOL, MONTROSE**

REPORT BY DIRECTOR OF INFRASTRUCTURE

ABSTRACT

This report relates to the progress to date and the making of permanent Traffic Regulation Orders in respect of School Exclusion Zones at three Primary Schools in Angus and the recommendation to implement School Exclusion Zones at a further five primary schools in the Angus Area.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) notes the progress made in respect of School Exclusion Zones at Ferryden Primary School, Montrose; Langlands Primary School, Forfar; and Muirfield Primary School, Arbroath, as detailed in this report;
- (ii) approves the making of a permanent Traffic Regulation Order in respect of the School Exclusion Zone at Ferryden Primary School, Montrose;
- (iii) approves the making of a permanent Traffic Regulation Order in respect of the School Exclusion Zone at Langlands Primary School, Forfar;
- (iv) approves the making of a permanent Traffic Regulation Order in respect of the School Exclusion Zone at Muirfield Primary School, Arbroath;
- (v) notes the changes made to the use of Experimental Traffic Regulation Orders; and
- (vi) agrees to the implementation of Experimental Traffic Regulation Orders for School Exclusion Zones at Andover Primary School, Brechin; South Esk Primary School, Montrose; Letham Primary School; Liff Primary School; and Carlogie Primary School, Carnoustie sites in 2022/23.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

- 2.1 This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

PLACE

- Safe, secure, vibrant and sustainable communities.
- An enhanced, protected and enjoyed natural and built environment.

3. BACKGROUND

- 3.1 Reference is made to item 4 of the minute of the Communities Committee of 23 February 2021 and to Report No. 45/41 proposing the making of an Experimental Traffic Order in respect of School Exclusion Zones at:

- Ferryden Primary School, Montrose;
- Langlands Primary School, Forfar; and
- Muirfield Primary School, Arbroath.

These orders would not be for longer than 18 months. The three locations which were the subject of the report had been identified and explored by Roads & Transportation officers in consultation with a dedicated stakeholder group for each school, comprising Police Scotland, local councillors, Community Councils, school staff and members of the relevant

Parent/Council/Teachers' Association. The Committee agreed to approve the making of the Experimental Traffic Regulation Orders for the three school sites.

- 3.2 Effective "School Exclusion Zones" can help encourage active lifestyles, increase in walking and cycling journeys, fewer car trips and improved road safety outside schools during peak periods due to less motor vehicle movements. They can also lead to reductions in child obesity.
- 3.3 The rationale behind the initiative is that the road network outside the school gate or in the surrounding streets will be closed to vehicular traffic, except cycles, blue badge holders, resident permit holders, school buses and emergency vehicles for set periods each day.
- 3.4 Schools with gates onto main roads which serve as bus or emergency service routes were not considered. This is due to the impact of diverting high volumes of traffic through adjacent residential streets creating additional safety issues. This reduces the number of suitable schools to those with entrances on routes with no, or limited, through traffic.
- 3.5 In general, the restricted "School Exclusion Zones" should be appropriate to the road environment and, therefore, self-enforcing to the driver leading to a situation where little or no formal enforcement is required. However, it was accepted that certain drivers will disregard good practice and some enforcement activity by Police Scotland and the Council's Enforcement Wardens who deal with Decriminalised Parking Enforcement, would be necessary. As part of our partnership working, Angus Council works closely with Police Scotland when considering any possible changes to the road network.
- 3.6 Experimental Traffic Regulation Orders (ETROs) are made under Section 9 of the Road Traffic Regulation Act 1984.

4. CURRENT POSITION

Traffic Regulation Orders

- 4.1 The locations and extents of each restriction at the three schools are detailed in **Appendices 1 - 3**.
- 4.2 The three chosen schools allowed an evaluation of the scheme's effectiveness in different scenarios, through the development of best practice and allow better decisions to be made regarding future consideration and application of School Exclusion Zones.
- 4.3 Locations were identified for parents or guardians to park and drop off/ pick up the children away from schools. The surrounding road network was deemed suitable for this purpose where the vehicles were dispersed over a wider area than previous.
- 4.4 The "School Exclusion Zones" were implemented under a Temporary Traffic Regulation Order (TTRO), prohibiting vehicular traffic during specified time periods. TTROs were used to progress the use of ETROs, which was a then anomaly of the Road Traffic Regulation Act 1984, which has since been resolved – see section 4.19 of this report. The commencement date for the TTROs was 7 June 2021.
- 4.5 The times that the prohibition of vehicles is effective, when the school is in session are as follows:
 - Ferryden Primary School, Montrose – 08:30 to 09:30 and 14:45 to 15:45
 - Langlands Primary School, Forfar – 08:30 to 09:15 and 14:45 to 15:45
 - Muirfield Primary School, Arbroath – 08:30 to 09:30 and 14:45 to 15:45
- 4.6 Road signs detailing the prohibition of motorized vehicles and the extent of the School Exclusion Zones were installed at the start of each affected street. These have flashing beacons that signify the times in the morning and afternoon when the restrictions are in effect.
- 4.7 Waiting and loading restrictions were also included in the TTRO at locations where it was perceived that displaced vehicles would park at locations that could result in a road safety issue.
- 4.8 Exemptions were given to residents at the three school sites subject to the TTROs. This was implemented using a residents' permit scheme, as well as exemptions for Blue Badge holders and other permitted vehicles, such as emergency services, school contract buses, and roads

and utility companies undertaking emergency works. The permit system was successful in allowing authorised vehicles to access/egress the restricted area.

Stakeholders

- 4.9 The Stakeholder groups set up for each primary school to oversee the trial met regularly through the trial period, reporting on any issues and agreeing any amendments that were deemed necessary. These groups consisted of the local councillors, relevant Community Council members, Police Scotland, and staff from the relevant school, Parent Teacher Association and Angus Council Roads and Education services.
- 4.10 Apart from some concerns raised in relation to vehicles being parked over private accesses on surrounding streets and some misconception that the streets were pedestrian only zones during the restriction times, no concerns have been raised by the stakeholder groups regarding the restrictions.
- 4.11 As a result of stakeholder feedback, an extension to the no waiting no loading restriction on the southwest side of Arbirlot Road West at the School Crossing Point has been implemented as part of the Muirfield Primary School, Arbroath trial.

Evaluation

- 4.12 In order to evaluate the scheme, a number of “before” and “after” surveys have been carried out, to provide a baseline of data against which the scheme is evaluated. The before and after markers include:
- Air pollution samples taken at the school gates
 - Road Traffic Accidents
 - Traffic Flows
 - Active Travel uptake
 - Public Perception, i.e. support for the proposals or otherwise (see 4.17 below).
- 4.13 Air pollution samples taken at the school gates – The results of the before and after air quality samples can be found in **Appendix 4**. The readings either side of the start date of 7 June 2021 show a profound reduction in fine particulate matter. SEPA, who carried out the analysis of the data state:
- “The are many factors that can influence the presence of Particulate Matter (PM) in our air, but the early indications are that the restriction of vehicles within the School Exclusion Zones have helped reduce the contribution of PM from vehicle emissions ensuring that the air quality objectives will continue to be met and that the exposure of pupils to harmful pollution from vehicles continues to be reduced”.*
- 4.14 Road Traffic Accidents – no recorded personal injury accidents have been recorded the year prior to the start date of 7 June 2021 or since the commencement of the trial at any of the schools.
- 4.15 Traffic flows – before and after traffic flows were recorded either side of the start date. As expected, a marked reduction in traffic flow on the streets affected has been recorded. These flows are shown in **Appendix 5**.
- 4.16 Active Travel Uptake – a before and after start date “hands up” survey of school children who walk, cycle or wheel to the school was undertaken at each school. These results were not available at the time of writing this report.
- 4.17 Public perception – an interim residents’ survey questionnaire was circulated to all the residents who live within the affected streets the week of 13 September 2021. 1 out of 25 questionnaires were returned at Ferryden Primary school, 3 out of 33 from the streets surrounding Langlands Primary School in Forfar and 3 out of 17 returned from those residing at Timbergreens at Muirfield Primary School in Arbroath. The response rate are low, however this is considered to be representative that residents are content with the zones. The results of these surveys can be found in **Appendix 6**.

Representations/Objections

- 4.18 With regard to an Experimental Traffic Regulation Order, the basis that the restrictions were originally to be implemented, any formal representation or 'objection' must be made within the period of six months beginning on the date the order comes into force; or if the order is varied by another order or modified beginning with the day on which the variation or modification or the latest variation or modification comes into force.
- 4.19 The trial was however implemented under a Temporary Traffic Regulation Order (TTRO) to which there is no right of objection as such. By proxy therefore any objection lodged within the time period that would apply to an ETRO was considered and a recommendation will be made on the contents of any objections in the normal way.
- 4.20 One objection was received in relation to the School Exclusion Zone implemented at Muirfield Primary School in Arbroath on 31 May 2021, prior to the start of the trial. This objection can be found in **Appendix 7**. The representation presents that the School Exclusion Zone is not necessary as the current double yellow lines in the street are sufficient; that those who would normally enter the street are now making Arbirlot Road West busier and the School Crossing Patrol's job at this location is harder; that restrictions are longer than need be and that consultation with residents should have been done prior to deciding on the restrictions. Consideration to the heads of this representation has been given:
- The current double yellow lines in the road only prohibit waiting, not loading or unloading so those dropping off or picking up children could do so legally on these double yellow lines. This no waiting restriction does not therefore fulfil the aims of the School Exclusion Zone.
 - Arbirlot Road West and surrounding streets have the capacity to accommodate any vehicles displaced by the restriction. A no loading or unloading restriction at the site of the School Crossing Patrol has increased visibility to the crossing point and therefore increased the safety of those crossing at this point.
 - The times between which the restrictions are in force were suggested by the Headteacher and endorsed by the Stakeholder's group.

Revised Experimental Traffic Regulation Order Regulations

- 4.21 The Scottish Government has received calls over the last few years from Local Authorities detailing how they think improvements can be made to the regulations which govern how traffic flows on our roads and streets. Some Local Authorities view the current processes as no longer fit for purpose and with that in mind Transport Scotland are undertaking a review of the Traffic Regulation Order (TRO) procedures to fully understand if change is required.
- 4.22 Transport Scotland set up a TRO Review Working Group consisting of a number of Local Authorities and other parties, such as the Convention of Scottish Local Authorities Association (COSLA) and the Society of Chief Officers of Transportation in Scotland (SCOTS). The aim of this group was to understand the concerns and to consider alternative approaches which may improve how TROs are undertaken in Scotland.
- 4.23 Transport Scotland held a consultation from 4 June to 30 July 2021 designed to look at the emerging top priorities identified by the working group and to gather further information from interested parties to assess where legislative change may be appropriate. A key theme emerged around the procedures for experimental TROs, which were generally considered outdated and unhelpful. These are views that were shared by our council officers, who were represented on the TRO Review Working Group.
- 4.24 The findings of the Transport Scotland consultation led to the Traffic Regulation Orders (Procedure) (Miscellaneous Amendments) (Scotland) Regulations 2021, which came into force on 26 November 2021. The regulations amend the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, (as amended).
- 4.25 The new regulations allow the fullest use of experimental TROs and in particular special provisions for orders giving permanent effect to experimental orders. The effects on using experimental TROs are summarised as follows:
- Experimental orders can come into force after 7 days of noticing – this allows for swift use of such orders where there is a demonstrable need and demand.
 - Experimental orders are open to objections for a minimum period of six-months from the day the order comes into force.

- Within the six-month initial period, which can be extended to a maximum of 18 months (following which the Scottish Minister can grant extensions by application), any variations or modifications made to the experimental TRO, e.g. changes in restrictions and directions, would reset the six-month 'clock' for objections.
- Where there are no objections within the assigned six-month period or such objections are removed, the experimental TRO becomes permanent. This could therefore be after six-months and a day.
- Where an objection(s) remains and is not removed, the decision to make permanent would be made by committee following consideration of the objection(s) to that experimental TRO.

4.26 Had the revised ETRO regulations been in at the time of proceeding with the School Exclusion Zones then these would have been the appropriate means to undertake the trial as effectively, but in a more streamlined way. This had been the intention as detailed in Report No. 45/21, and in the absence of the new process, officers within the Infrastructure Service used TTROs rather than the previous ETRO regulations. Whilst ETROs could have been used and work in parallel with the TTROs, this was considered superfluous.

4.27 More generally, it is considered that the revised ETRO regulations will allow for more innovative and adaptive use of TROs and the benefits to road safety and traffic management that would result. Officers will be giving active consideration to the use of the revised ETROs in the future. This consideration will include the proper application of duties to progress and publish ETROs under delegated authority, which would need to be included as an amendment to the Council's Standing Orders. In the interim, the functions that are delegated to the Director of Infrastructure for ETROs will be the same as for TROs, which are as follows:

4b (29) to carry out the functions of the Council under the Road Traffic Regulation Act 1984 in respect of:-

(i) the consideration of comments received during the promotion of Traffic Regulation and Parking Places Orders, and arranging for the order to be made in the following circumstances.

(a) where no objections are received; or

(b) where any objections received are subsequently withdrawn; and

(c) where the Head of Technical and Property Services [now Director of Infrastructure] in consultation with the Head [now Director] of Legal and Democratic Services and the Area Commander, Police Scotland considers any change to the proposed terms of the order arising in consequence of observations raised to be non-controversial.

In any other circumstances the proposed order shall be referred back to the relevant Standing Committee of the Council.

5. PROPOSALS

Current Schools within the evaluation

5.1 Given the remit of the Road Safety Member Officer Working Group (reference Report No. 167/19), the findings of the review of the School Exclusion Zones has been considered at the meeting of the Group on 26 January 2022. The result of the considerations was that it was reasonable to apply a similar approach to the selection of new sites and the move to the new ETRO process was welcomed.

5.2 Based on the results of the trial of the School Exclusion Zones against the agreed markers at all three sites, it is proposed that a permanent Traffic Regulation Order be processed for these sites:

- Ferryden Primary School, Montrose;
- Langlands Primary School, Forfar; and
- Muirfield Primary School, Arbroath.

The permanent Traffic Regulation Order would need to be effective by the date that the 18-month TTRO ends, i.e. 6 November 2022.

- 5.3 It is further proposed that should the restrictions be made permanent, reward schemes such as Living Streets WoW (Walk Once a Week) initiative would be considered through the work of the Road Safety Member Officer Working Group to encourage use of these locations as “Park and Stride” sites. WoW is a year-round incentive scheme which rewards children walking to school at least once a week with a collectible WoW badge. In addition, pedestrian and cycle training and, where necessary, the provision of additional cycle and scooter parking could also be considered.

Potential expansion to other schools

- 5.4 The problems experienced at the three schools chosen for the trial were common at a number of other schools in the Angus area. Based on the positive results of and feedback on the trials, it is considered that the results of the trials show the benefits that a roll out of such measures to other primary schools in the Angus area in future years would have.
- 5.5 Given the necessary costs for signing and the additional maintenance expenditure, this would place pressure on limited financial resources and staff capacity. It is, as a result, important that the evaluation of the trial was carried out before further schemes are identified and implemented. It is therefore considered imperative that site selections for future trials or wider implementation of School Exclusion Zones are subject to technical review to ensure that they are suitable.
- 5.6 Should the trial at the three primary schools currently being assessed be deemed a success, it is intended to roll out such measures to other primary schools in the Angus area in future years. In anticipation of an approval to make the three trial sites permanent, a number of schools have been identified as suitable for School Exclusion Zones based on the same approach as part of a package of measures.
- 5.7 The following further five primary schools, where there are historical road safety and congestion issues, have been identified for the next tranche of the implementation of School Exclusion Zones. It is considered that these sites can be progressed during financial year 2022/23 within existing resource allocations and capacity with ETROs using the revised provisions in place for commencement in August 2022 at the start of the school year.
- Andover Primary School, Brechin
 - South Esk Primary School, Montrose,
 - Letham Primary School, Letham
 - Liff Primary School, Liff
 - Carlogie Primary School, Carnoustie

The locations and extents of these proposed School Exclusion Zones are shown on plans in **Appendix 8**.

6. FINANCIAL IMPLICATIONS

- 6.1 Advertising for making the permanent TRO for the three school exclusion zones will incur additional costs of approximately £600 + VAT.
- 6.2 The costs of removing the infrastructure, however, should the proposals be deemed unsuccessful, are estimated at £1,000 per school, totaling £3,000.
- 6.3 The estimated cost of the implementation of the five additional projects detailed in paragraph 6.2 including advertising of ETROs is £85,000.
- 6.4 The above costs can be funded from the 2022/23 Capital – Traffic Calming/Road Safety budget.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment has been completed for this report – see **Appendix 9**.
- 7.2 The Assessment concludes that there are either neutral or positive impacts on protected characteristic groups for the proposals contained in this report.

8. CONSULTATION

8.1 The Chief Executive, Deputy Chief Executive, Director of Finance, Director of Legal and Democratic Services and the local Police Commander of Tayside Division were consulted in the preparation of this report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 45/21 – Experimental Traffic Order for School Exclusion Zones, Communities Committee, 23 February 2021
- Report No. 167/19 – Roads Safety Plan to 2020 – Update, Communities Committee 28 May 2019.

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List of Appendices:

Appendix 1 – Location and extents of School Exclusion Zone, Ferryden Primary School, Montrose

Appendix 2 – Location and extents of School Exclusion Zone, Langlands Primary School, Forfar

Appendix 3 – Location and extents of School Exclusion Zone, Muirfield Primary School, Arbroath

Appendix 4 – Before and after Air Quality data

Appendix 5 – Before and after Traffic Flows

Appendix 6 – Public Perception Survey

Appendix 7 – Objection to Muirfield Primary School Exclusion Zone

Appendix 8 - Proposed sites for further School Exclusion Zones

Appendix 9 – Equality Impact Assessment