

## 31507 'Cycle Lane Defenders' - Spaces for People Projects

Please provide the legislation covering 'Cycle Lane Defenders' installed under Spaces for People Projects.

As the Cycle Lane Defenders used for cycle lane protection and pedestrian social distancing measures are not covered under a TTRO can you please advise what legislation (Act and Section) they are covered under?

Details of the Roads legislation and the Planning legislation are provided below along with an explanation of the use of Temporary Traffic Regulation Orders (TTRO) in this case:

The management and control of the road network is one of the key responsibilities of the Council in its role as Roads Authority. Where the Council determines a need to make changes to the management or control of a road, there are legislative requirements not only in terms of what the Council can do, but there are also requirements in terms of the processes that must be followed to bring about those changes.

Where changes are required that would alter how roads are used, the Council as Roads Authority operates under the terms of a range of legislation. That legislation determines the legal processes that have had to be followed in order to bring about the proposed changes.

Whilst in normal circumstances the Council is able to comply fully with the appropriate legislative requirements, the current lockdown situation has made this either more difficult, or in some cases impossible, to comply with certain aspects of those requirements.

The Coronavirus (Scotland) Act 2020 recognises this and has created provisions that are designed to allow some aspects of these legal processes to continue under lockdown, albeit with certain stipulations.

Where temporary measures might necessitate prioritising mixed-use road space for walking or cycling, councils may use Temporary Traffic Regulation Orders (TTRO) in the event there is a danger to the public. In this case, the immediate danger is the risk of the transmission of infection and the need to mitigate that risk as a matter of urgency.

Section 14 (1) of the Road Traffic Regulation Act (RTRA) 1984 allows the Roads Authority to produce TTROs in certain circumstances. These can be in place for up to 18 months for a road or carriageway or six months for a footpath or cycleway. The relevant procedure regulations place a requirement on the Council to notify, but unlike a TRO, it cannot be objected to.

A link to Transport Scotland Guidance on Temporary Traffic Regulation Orders and Notices follows:

<https://www.transport.gov.scot/media/47432/coronavirus-covid-19-guidance-on-temporary-traffic-regulation-orders-and-notice.pdf>

The Roads Scotland Act 1984 Part 1 Public Roads – General powers and duties of roads authorities. 1 Powers and duties of Local authorities states that *Subject to subsection (10) below, a local roads authority shall manage and maintain all such roads in their area as are*

*for the time being entered in a list (in this Act referred to as their “list of public roads”) prepared and kept by them under this section; and for the purposes of such management and maintenance (and without prejudice to this subsection’s generality) they shall, subject to the provisions of this Act, have power to reconstruct, alter, widen, improve or renew any such road or to determine the means by which the public right of passage over it, or over any part of it, may be exercised.*

In terms of the Planning legislation, the installation of the cycle defenders was permitted development under Class 30 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as detailed below.

**The Town and Country Planning (General Permitted Development) (Scotland) Order  
1992**

**SCHEDULE 1  
CLASSES OF PERMITTED DEVELOPMENT**

**PART 12  
DEVELOPMENT BY LOCAL AUTHORITIES**

**Class**

**30.** The erection or construction and the maintenance, improvement or other alteration by a local authority of— (a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building works or equipment required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, refuse bins, public shelters and similar structures or works required in connection with the operation of any public service administered by them.