

TRANSPORT INITIATIVES EDINBURGH LIMITED

THE CITY OF EDINBURGH COUNCIL

TRANSPORT (SCOTLAND) ACT 2001

**THE INTEGRATED TRANSPORT INITIATIVE FOR EDINBURGH
AND SOUTH EAST SCOTLAND**

PROPOSED CONGESTION CHARGING SCHEME

**CONSULTATION REPORT
and Addendum**

by

The City of Edinburgh Council

For the purposes of the Road User Charging (Consultation and Publication) (Scotland) Regulations 2003, this paper constitutes the charging authority's report required in accordance with paragraph 3(7) of the said Road User Charging (Consultation and Publication) (Scotland) Regulations 2003.

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Addendum 28 January 2004**

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ADDENDUM

1. INTRODUCTION

- 1.1 The City of Edinburgh Council (**the Council**) is the local traffic authority and charging authority for the purposes of the Transport (Scotland) Act 2001 (**the 2001 Act**). They are considering the implementation of a congestion charging scheme under Section 49 of the 2001 Act, as part of their Integrated Transport Initiative, which is aimed at making a significant contribution to meeting transport objectives and supporting long-term economic prospects and quality of life offered by South East Scotland.
- 1.2 The Integrated Transport Initiative (**ITI**) comprises:
- (i) Transport projects from 2006 onwards, which are not dependent on congestion charging (**the Base Investment Package**);
 - (ii) The proposed congestion charging scheme for Edinburgh;
 - (iii) A package of transport improvements, which would be in place on or before the introductions of congestion charging in 2006 (**the Pre-Charging Investment Package**); and
 - (iv) A package of transport improvements (**the Additional Investment Package**) to supplement and integrate with the Base Investment Package, and which would be funded directly from the net revenues from the charging scheme and would be in addition to the Base Investment Package and the Pre-Charging Investment Package.

2. BACKGROUND

2.1 In determining whether to proceed with a congestion charging scheme the Council have already taken the following steps:

- (a) they applied to the Scottish Ministers for Approval in Principle of an Integrated Transport Initiative for Edinburgh and South East Scotland (**the Application**) setting out the rationale for the ITI, in accordance with the guidance issued by the Scottish Executive;¹
- (b) they set up Transport Initiatives Edinburgh (**tie**) in accordance with the recommendations of the Scottish Ministers, amongst other things, to review and develop the Application on behalf of the Council and to report to the Council with its findings;
- (c) the report prepared by **tie**² was submitted to the Council on 30 September 2002 in support of and to supplement the Application;
- (d) on 17 October 2002, the Council agreed that the report should be submitted to the Scottish Ministers and they duly did so. This led to the Application being approved by the Scottish Ministers on 18 December 2002;
- (e) on 18 September 2003, the Council considered a report containing a summary of the work carried out on the development of the ITI since the **tie** report and setting out a programme for taking forward the statutory charging order necessary to implement the congestion charging scheme. The Council endorsed the programme and amended the recommendations on the proposed congestion charging scheme to the effect that the draft charging order should exempt those Edinburgh residents residing outside the outer cordon from the outer cordon charge.

¹ Delivering Integrated Transport Initiatives Through User Charging - Consultation and Approval Process - Guidance for Local authorities, Scottish Executive Development Department, August 2001 [Document T81]

² Integrated Transport Initiative for Edinburgh and South East Scotland, Report by Transport Initiatives Edinburgh - A Vision for Edinburgh 30 September 2002 [Document T1] (**the tie report**)

3. THE CONSULTATION EXERCISE

- 3.1 Following the Council's endorsement of the proposed congestion charging scheme, as amended, and in accordance with the Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 (**the Regulations**), the draft charging order, a statement of reasons and a relevant map were forwarded to thirty three organisations/bodies for consultation purposes in accordance with Regulation 3(1). This marked the start of a three-month period of statutory consultation on the draft order required by Regulation 3(5). A list of the organisations/bodies is set out in section 4 of this report. The draft charging order, statement of reasons and relevant map are attached at Appendices 1-3 respectively and a copy of the letter to the Consultees is attached at Appendix 4.
- 3.2 In addition to this statutory consultation exercise required in terms of Regulation 3, the draft charging order, the statement of reasons, the relevant map and a copy of the **tie** report and various background documents were placed on public deposit on 3 October 2003 and steps taken to invite comments from members of the public.
- 3.3 The statutory consultation period ended on 4 January 2004 and in accordance with Regulation 3(7), section 5 of this report sets out:
1. details of the organisations/bodies consulted under Regulation 3;
 2. any representation made by the organisations/bodies consulted; and
 3. the extent to which the charging authority will implement any proposals contained in the representations so made.
- 3.4 In total 16 consultees responded and 17 provided no response. Part 6 of this report summarises the general nature of those representations from the statutory consultees and the consequential amendments to the proposed congestion charging scheme approved by the Council on 22 January 2004.

4. LIST OF CONSULTEES

ORGANISATION/BODY		RESPONSE	
		Yes	No
1	Lothian & Borders Police		O
2	Scottish Ambulance Service		O
3	Lothian & Borders Fire Brigade		O
4	The Road Haulage Association	II	
5	The Freight Transport Association		O
6	The Automobile Association	II	
7	The Automobile Association Limited	II	
8	RAC Foundation for Motoring Ltd		O
9	RAC Motoring Services	II	
10	Lothian Buses plc		O
11	First East		O
12	Stagecoach Scotland East	II	
13	Scottish City Link Coaches	II	
14	The Head of Planning — The City of Edinburgh Council		O
15	East Lothian Council	II	
16	Midlothian Council	II	
17	West Lothian Council	II	
18	Fife Council	II	
19	Clackmannanshire Council		O
20	Falkirk Council	II	
21	Stirling Council	II	
22	Scottish Borders Council	II	
23	Historic Scotland	II	
24	The Bridge Master — Forth Estuary Transport Authority		O
25	Edinburgh Chamber of Commerce and Enterprise	II	
26	Chairman (Edinburgh Branch) — Federation of Small Businesses		O
27	The Edinburgh World Heritage Trust		O
28	Transform Scotland		O
29	Chief Executive — NHS Lothian	II	
30	The Edinburgh Access Panel c/o City Development Department		O
31	The Lothian Coalition of Disabled People		O
32	The Edinburgh Disability Equality Forum c/o Corporate Services		O
33	Crown Estate Commissioners		O

5. **SUMMARY OF RESPONSES WITH COMMENTS THEREON BY CHARGING AUTHORITY**

5.1 **Consultee:** The Chief Constable
Lothian and Borders Police
Police Headquarters
Fettes Avenue
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.2 **Consultee:** The Chief Executive
Scottish Ambulance Service
National Headquarters
Tipperlinn Road
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.3 **Consultee:** The Chief Firemaster
Lothian and Borders Fire Brigade
Brigade Headquarters
76-78 Lauriston Place
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.4 **Consultee:** Mr P Flanders
The Road Haulage Association
Roadway House
The Rural Centre
Newbridge
Edinburgh

Representation:

1. Cars cause congestion as in the last 50 years the number of cars has increased from 2 million to 26 million while the number of commercial vehicles has dropped from 500,000 to 420,000.
2. Car drivers have alternatives, and most of the investment should be to encourage use of these.
3. As there is no alternative method of moving large quantities of freight, the freight industry would wish to be exempt from the proposed charge in Edinburgh. The majority of hauliers will not be able to pass this cost on to customers.
4. There are occasions where a problem on an alternative route means there is no choice but to enter the outer cordon and the A8000 southbound is cited as an example. If this is closed or there are delays, then the only alternative is the A90 Queensferry Road past Crammond and then across to the A8 and out of town. The Council is asked to reconsider their investment plans and prioritise this upgrading (of the A8000).
5. Charges should be waived if traffic is diverted into the outer cordon, for example if there is some form of closure of the City By Pass.
6. "Bus lanes" should be changed to "no car lanes" such as have been pioneered in Newcastle and London in order to save time.
7. Delivery times are largely outwith the control of hauliers. Early and late deliveries are difficult due to health and safety matters at collection/delivery points. Vehicles are banned at certain times in certain places and customers usually dictate when deliveries are required.
8. All road transport companies should have the option of an account for ease of payment, such as that operating well in Eire on the West Link Toll.

Extent to which the Charging Authority will implement the proposals in the Representation:

It is not proposed that goods vehicles should be exempted from the charge on the grounds that they are only one form of "essential" user, and that goods vehicles will benefit from the reductions in congestion resulting from the scheme.

The point in relation to incidents set out in paragraphs 4 and 5 is noted. . Suitable enabling powers will be included in the final draft order, and this issue will be taken into account in establishing the management arrangements for the charging scheme if it is approved.

It is intended to introduce account-based payment systems as suggested in paragraph 8.

The points relating to the management and improvement of the road network are noted.

5.5 **Consultee:** Mr R Armstrong
The Freight Transport Association
Hermes House
Melville Terrace
Stirling

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.6 **Consultee:** Mr N Greig
The Automobile Association
Fanum House
Erskine Harbour
Erskine

Representation:

1. The AA does "not object to the concept of congesting charging powers" being vest in the Local Authority.
2. The proposed scheme is "unique and novel".
3. The AA accepts that Edinburgh is "a sensitive city with a unique landscape that must be protected".
4. Clearer quantification of the costs and effects of the scheme is required to establish whether:
 - (i) the benefits outweigh the costs;
 - (ii) the scheme will deliver the SE Scotland economy a proportionate benefit of the income raised; and
 - (iii) the income raised could be better used for transport investment.
5. Consideration of the equity and fairness of the proposals is required - the impact on the low income driver is illustrated.
6. Analysis of alternative means of revenue-raising has been insufficient - the lack of consideration of a tolled Western Approach road is illustrated.

7. Proposals:
 - (i) New road capacity for bus lanes.
 - (ii) Segregated pedestrian and cycle routes.
 - (iii) New roads.

Extent to which Charging Authority will implement proposals in the Representation:

The costs and benefits arising from the scheme are addressed in the various reports included as background documents to the draft order, including the Statement of Case.

Equity and fairness issues are addressed in the proposed amendments to the scheme. In relation to low income groups, it is considered that the effect of the scheme is positive, as these groups are primarily dependent on public transport.

The proposals in relation to the investment package are noted.

5.7 THE AUTOMOBILE ASSOCIATION LIMITED - Road Services and Patrol Operations

Additional Response: Steve Ives - Manager National Operations
 The Automobile Association Limited
 Road Services and Patrol Operations
 Southwood East
 Apollo Rise
 Farnborough
 Hampshire
 GU14 OJW

1. Request for exemption from the Regulations.
2. The AA estimate that AA Patrols will assist in 100 breakdown calls per day and it is argued that this assistance will ease congestion, rather than contributing toward it, by:
 - (i) clearing congestion;
 - (ii) improving traffic flow;
 - (iii) reducing safety hazards; and
 - (iv) minimising risk to personal security by speed of response
3. Proposals:
 - (i) Class of exemption:

Fully liveried breakdown and recovery fleets that have attained PAS43 management standard for breakdown and recovery operators supported by the ISO 9001 Quality Management Standard.
 - (2) Activities should be subject to a full audit to avoid exemption abuse.

Extent to which Charging Authority will implement the proposals in the Representation:

The proposal for exemption of specialist breakdown and recovery vehicles operated by approved accredited organisations is accepted.

5.8 **Consultee:** S Nicholson
Head of Campaigns
RAC Foundation for Motoring Ltd
200 Finnieston Street
Glasgow

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.9 **Consultee:** A Skey
RAC Motoring Services
RAC House
1 Forest Road
Feltham

Representation:

The Consultee supports the principle of congestion charging as part of the solution to urban transport problems.

However, whilst they appreciate the need to control the granting of concessions, they are concerned that the current proposals have not taken on board the important role played by the breakdown services in road safety and congestion management and the barrier that a congestion charge would create to the fulfilment of this role.

The Consultee feels that an exemption for their breakdown patrols would have a minimal impact on the scheme's revenue, whilst removing a barrier to their patrols ability to be part of the solution to congestion management. This is what they seek. They would prefer to pay a nominal annual administration charge per vehicle in order to maintain effective deployment and avoid increased attendance times.

In support of their case, they have cited the following:

- Their patrols are an efficient tool in reducing congestion. Accredited patrol vehicles currently attend 800 breakdowns per week in the proposed charging zone, during the proposed charging periods. Swift incident management minimises congestion, reduces safety hazards and improves traffic flow. The London scheme has indicated that the number of breakdowns is unlikely to drop in line with the flow of traffic.

- Rescue and recovery vehicles are the only type of service vehicle that directly relieves congestion, rather than contributing to it - a point which has allowed other authorities in the past to distinguish their patrols from other service vehicles.
- Empirical evidence from both the RAC and the AA, generated by the London congestion charge, indicates that without a 100% discount, attendance times would increase by 10%.
- Toll barriers would affect the deployment of the most appropriate resource. This would have a knock on effect across the region as a whole.
- The Consultee has invested £10m in new deployment technology which reduces the time it takes to resolve a breakdown. These improvements will be undermined by the scheme.
- Exemptions from both Transport for London and Durham County Council schemes have been secured on the grounds of the Consultee's contribution to congestion management.
- The Consultee has secured an exemption from the Drivers Hours Regulations from the European Commission and the European Parliament in the interests of road safety.

Extent to which the Charging Authority will implement the proposals in the Representation:

The proposal for exemption of specialist breakdown and recovery vehicles operated by approved accredited organisations is accepted.

5.10 **Consultee:** Mr N Renilson
Chief Executive
Lothian Buses plc
55 Annandale Street
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.11 **Consultee:** Mr G Torrance
Managing Director
First East
Carmuir House
300 Stirling Road
Larbert

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.12 **Consultee:** Mr R Andrew
Managing Director
Stagecoach Scotland East
The Esplanade
Kirkcaldy

Representation:

Whilst no formal response has been received from the Consultee, the Consultee sought (and received) clarification on the following issues:

- **The Yellow Taxibus:** Would a registered local bus service operating into Edinburgh from other areas be exempt?
- **Fleet Registration:** Would every fleet vehicle require to be registered individually at a charge of £10 per vehicle, or is there a block facility for companies? Stagecoach have a fleet of 300 vehicles, many of which may only operate into Edinburgh on a small number of occasions per year, but when they do so, they are operating on registered local bus services.

Extent to which the Charging Authority will implement the proposals in the Representation:

The authority will amend the draft charging order to clarify that all buses (over 9 seats) will be exempt, and that vehicles operating a registered local bus service from any area, and regardless of the size of vehicle used, will also be exempt.

The authority will consider waiving the registration requirement for exempt vehicles identifiable from DVLA records.

5.13 **Consultee:** Mr N Wood
Managing Director
Scottish City Link Coaches
Buchanan Bus Station
Killermark Street
Glasgow

Representation:

1. Strongly supports the principal objectives of the Integrated Transport Initiative as they anticipate major benefits to public transport users through improved journey times caused by the reduction of car and commercial goods traffic on Edinburgh's roads.

2. Viewed as important to ring fence congestion charging revenues for improvements in public transport in the Edinburgh area and that the pre-charging improvements are in place before the charge is applied.
3. Seeks that all vehicles operating as registered local bus services and non-registered scheduled express services are included as qualifying non-chargeable vehicles in (Annex 2 part 2 of the draft order refers and should make this clear).
4. If non-chargeable vehicles have to be registered this will cause operators difficulties with scheduling vehicles and they may have to register all of their vehicles in order to avoid charges. Suggests that many operators will swap personalised registrations between vehicles.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Order will be clarified to ensure all vehicles identified in paragraph 3 will be exempt. The authority will consider waiving the registration requirement for exempt vehicles identifiable from DVLA records.

5.14 **Consultee:** A Henderson
The Head of Planning
The City of Edinburgh Council
1 Cockburn Street
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.15 **Consultee:** The Chief Executive
East Lothian Council
Council Headquarters
John Muir House
Haddington

Representation (from the Chief Executive of East Lothian Council:

A response has been made on behalf of East Lothian Council and the Association of East Lothian Community Councils comprising: Humbie, Pencaitland, Longniddry, Prestonpans, Musselburgh, Gifford, Cockenzie and Port Seton, Ormiston, Dunpender, Gullane, Dunbar, Tranent and Haddington as follows:

1. The Council considers there to have been insufficient means of public consultation regarding the draft order and a request is made for improved publicity at publication of the final draft.

2. The Council supports congestion reduction initiatives. The following proposals are not to be viewed as an objection to the principle of the congestion charging scheme, but as an objection to some of the details of the scheme.

3. Proposals:

3.1 Removal of the concession to Edinburgh residents residing outwith the Outer cordon.

Basis for proposal:

The concession is unfair given the comparative proximities to the Outer cordon of part of the exempted Edinburgh residents to part of the non-exempted East Lothian residents. Specific distance comparisons to the Outer cordon are made between:

- (1) proposed exemptees: Currie, Balerno, Ratho, Kirkliston and South Queensferry; and
- (2) proposed chargees: Musselburgh, Danderhall, Loanhead, Broxburn and North Queensferry.

3.2 All SESTRAN licensed hire vehicles should be exempt.

Basis for proposal:

The Council considers that restriction of the exemption to Edinburgh licensed taxis only will be competitively advantageous and arguably illegal from a fair trading perspective.

3.3 Investment to public transport improvements from outlying areas to the city centre/major employment areas/health facilities should be made in advance of charging commencing.

Basis for proposal:

- (1) It is acknowledged that:
 - (i) a significant amount of public transport investment has been committed in advance of the congestion charge scheme being introduced; and
 - (ii) that this investment, whilst primarily to improve the city centre, will benefit all travellers.

However, concern is raised over the very limited public transport opportunities for those outlying SESTRAN areas to access the city. Additional investment commitments are requested for the improvement of bus and rail links from those outlying areas to Edinburgh's key destinations and that prior to the scheme's introduction.

- (2) City residents:
 - (i) have the greatest choice of alternative modes of transport;
 - (ii) have the greatest chance of being exempt;

(iii) are most likely to benefit from the proposed investments.

versus:

Other residents:

- (i) have less choice of transport;
- (ii) less opportunity to avoid car travel;
- (iii) will benefit less from any improvements;
- (iv) have been offered no exemptions.

(3) The Council considers that all SESTRAN residents are not being treated in a fair and equal manner - whilst the Council considers that all Edinburgh residents will benefit one way or another from an exemption when driving within the boundaries/cordons of the scheme, they consider that those from other authorities will not, exemptions being restricted to public transport, emergency vehicles, the disabled and motorcycles. It is queried why such a large proportion of road users should be exempt.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy 2004-2007 which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

All taxis licensed under the Civic Government (Scotland) Act 1982 are to be included in the draft charging order as a category of exemption.

The Council will continue to work with SESTRAN to identify bus improvements additional to the £100m "up-front" package to be in place from "day one" of the scheme to provide better links into Edinburgh.

5.16 **Consultee:** The Chief Executive
Midlothian Council
Midlothian House
Buccleugh Street
Dalkeith

Representation: (from The Leader of Midlothian Council)

1. The Consultee objects to the PCCS on the basis that the scheme, as currently proposed is not equitable ,and does not provide a sufficient level of up front investment in public transport in Midlothian prior to introduction.

2. A Consultation exercise was conducted by the Consultee in Midlothian, which produced 879 responses, 823 of which agreed with the Consultee's position in the matter.
3. On the detail of the proposals, other areas for concern were:
 - Access to medical facilities for people unable to easily use public transport.
 - Health visitors, midwives, supply teachers etc requiring to use a car for their jobs.
 - Exclusion of private hire vehicles and taxis registered outwith Edinburgh
4. The Consultee also feels given the Scottish Executive's current consultation on a Transport Agency for Scotland, the future of Regional Partnerships (either of which they feel could take responsibility for a charging scheme), and the UK Government's interest in a national charging scheme, Edinburgh is premature in progressing the proposals for their scheme at this time, and want the current proposals to be abandoned.
5. If the PCCS is introduced, the following amendments are suggested:
 - The boundary for the charging should be re-drawn in a way that ensures equity between Edinburgh residents and those outside Edinburgh.
 - Exemptions should be extended to all registered taxis/private hire cars, not just the black cabs registered in Edinburgh.
 - Remove the outer cordon.
 - In addition, public transport should be significantly enhanced prior to the introduction of the PCCS. The upfront investment in 4.9 is considered inadequate.

Extent to which the Charging Authority will implement the proposals in the Representation:

The authority do not consider that future organisational changes are a reason for abandoning the scheme.

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

The Council will continue to work with SESTRAN to identify bus improvements additional to the £100m "up-front" package to be in place from "day one" of the scheme to provide better links into Edinburgh.

5.17 **Consultee:** The Chief Executive
West Lothian Council
West Lothian House
Almondvale Boulevard

Livingston

Representation (from the Chief Executive of West Lothian Council):

1. West Lothian Council are opposed to the proposal to introduce congestion charging in Edinburgh for the reasons set out below.
2. Reason 1: Equity and Fairness. Their principal concerns relate to:
 - Free travel for city residents within the outer cordon which would allow Edinburgh suburban residents to travel freely between the inner and outer cordons at no charge while West Lothian residents will be charged to travel relatively short distances on the same network;
 - Free travel for city residents travelling outwith the city who would not be charged for travelling out of the city during the charging period even though they will be contributing to congestion;
 - The burden of additional travel cost with the proposed toll representing a significant financial burden to West Lothian residents working in Edinburgh, especially lower paid workers; and
 - The exemption of residents of Balerno, Currie, Juniper Green, Kirkliston, Newbridge, Ratho and South Queensferry from the charge to cross the outer cordon which is against the principle of equity between residents of Edinburgh and those in adjacent council areas.

The main focus of the arguments under this reason is the outer cordon.
3. Reason 2: Lack of Clarity on the Principle of "Who Pays Gains". In this connection West Lothian Council acknowledge that since the last time it voiced its opposition to the proposals, some work has been carried out to revisit the business plan. However, West Lothian Council maintain that there is still a lack of clarity over "who pays gains" in relation to the tolls paid by West Lothian residents being invested to their benefit.
4. Reason 3: Compatibility with the Structure Plan and the West Edinburgh Planning Framework. The Council maintains that the proposals do not seem to take sufficient account of the infrastructure requirements associated with these plans. It points to the recent announcement about the tram terminating at the airport as seeming to confirm this view.
5. The Council wishes to object to the draft order on the grounds stated above, especially those encompassed in Reason 1.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy 2004-2007 which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

Wording of the policies relating to "who pays gains" have been revised in the Local Transport Strategy.

Structure Plan and WEPF requirements will be fully taken into account in the evolution of the investment package.

5.18 **Consultee:** The Chief Executive
Fife Council
Fife House
North Street
Glenrothes

Representation (from the Head of Transportation Services of Fife Council):

1. The Consultee is not opposed to the principle of congestion charging but is strongly opposed to the Charging Authority's proposed scheme as the Consultee has concerns that it will not be applied in a fair and equitable manner.
2. Since Edinburgh residents can move freely in parts of Edinburgh without crossing a cordon, all Edinburgh residents can, in one way or another, avoid being charged for travelling within Edinburgh when at the same time, residents of all surrounding authorities will have to pay a charge. For residents of Fife, this will be in addition to the toll to cross the Forth Road Bridge. In discussions during the consultation period the Charging Authority advised that it appreciated the difficulties created for Fife residents and has already discussed with the Consultee the merits of off-setting the bridge toll against the congestion charge. The Consultee therefore proposes that should the congestion charging scheme go ahead as a proposed, Fife residents should pay no more in total to travel to/from Edinburgh by car than residents from the neighbouring authorities ie the combined Bridge toll and the congestion charge should not exceed £2. However, the distribution of funds raised from the congestion charging scheme amongst the various authorities should be in accordance with transport movements across the cordon and accordingly the overall funds available to Fife should not be affected.
3. There was also a concern that those residents living closer to the city and who will most likely have the greatest choices in choosing an alternative mode of transport, will have a reasonable chance of being exempt from the charges. Residents living further away in other SESTRAN authorities will have less choice of suitable transport facilities and will have less opportunity to avoid travelling by car.
4. In relation to exemptions, the Consultee thinks that registered bus services and licensed taxis should also be exempt. The Consultee is concerned that different exemptions applying to taxis within the SESTRAN area could create artificial anti-

competitive elements to trade and could be viewed as inconsistent with fair trading legislation.

5. The Consultee considers that no exemptions should be made to individuals if based solely on administrative boundaries.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy 2004-2007 which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

The principle of a concession relating to Forth Bridge tolls is accepted only to the extent that the toll is aimed at reducing congestion and funding transport improvements across the Forth. This matter will be kept under review with Fife and FETA.

The Council will continue to work with SESTRAN to identify bus improvements additional to the £100m "up-front" package to be in place from "day one" of the scheme to provide better links into Edinburgh.

All taxis licensed under the Civic Government (Scotland) Act 1982 are to be included in the draft charging order as a category of exemption.

- 5.19 **Consultee:** The Chief Executive
Clackmannanshire Council
Council Headquarters
Greenfield
Alloa

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

- 5.20 **Consultee:** The Chief Executive
Falkirk Council
Municipal Building
Falkirk

Representation (from the Director of Development Services of Falkirk Council):

The Consultee is opposed to the PCCS as outlined, and objects on equity grounds to the proposal that Edinburgh residents who live outside the outer cordon should not pay for crossing the cordon.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy 2004-2007 which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

- 5.21 **Consultee:** The Chief Executive
Stirling Council
Council Headquarters
Viewforth
Stirling

Representation (from the Head of Roads and Transport of Stirling Council):

1. As a partner in SESTRAN, Stirling Council has been involved in detailed discussions on Road User Charging in Edinburgh since 1998. The scheme, as currently proposed, would exempt from payment of the outer cordon charge those City of Edinburgh residents who live outwith the outer cordon, while residents of other council areas, who may be equally close to the cordons and create similar congestion (eg. in West Lothian) will have to pay. This is not seen by Stirling Council to be in the interests of fellow SESTRAN partners.
2. Stirling Council agrees to the introduction of road user charging in principle but does not agree to the inclusion of an outer cordon in the current proposals.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy 2004-2007 which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

- 5.22 **Consultee:** The Chief Executive
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose

Representation (from the Head of Asset Management of Borders Council):

1. The Consultee objects to the detailed proposals of the congestion charging scheme in Edinburgh as opposed to objecting to the principle of congestion charging.
2. The Consultee is concerned that the Consultation Process has not reached a significant proportion of the populace of the Scottish Borders. In addition if a

Referendum is held, this should be extended to include the entire area of the South East of Scotland which will be affected by the proposed congestion charging scheme. This should be organised on a consortium basis through SESTRAN or otherwise.

3. The Consultee considers that the current congestion charging proposals do not treat all neighbouring Authority residents in a fair and equal manner. All City of Edinburgh residents will in one way or another benefit from the charging exemption when driving within the boundaries of the inner and outer cordons whereas, for other authorities, exemptions are restricted to public transport, emergency vehicles, disabled people and motor cyclists.
4. The major anomaly is the exemption awarded to City of Edinburgh residents living outwith the outer cordon. The Consultee can see no reason for such exemption and are very concerned at the lack of reference to other SESTRAN members in making this last minute alteration.
5. The Consultee considered whether the outer cordon should be removed. They felt that if it was removed, this would allow residents within the Scottish Borders better access to important facilities such as hospitals and specialist schools. However, removing of the outer cordon charge would mean that the income generated by the scheme would primarily be from inner cordon residents and on the agreed redistribution of funds, development of transport facilities would inevitably centre on the inner city boundary. On reflection, the Consultee considers that the two-cordon principle is preferred but the need for those requiring to attend for special education needs, hospital treatment and attendance at funerals/cremations will need to be addressed.
6. The Consultee is concerned that residents living away from the city will have less choice of sustainable transport facilities than those living closest to the city. They consider it fundamentally necessary to consider further up-front investment in alternative forms of transport in out-lying areas such as the Scottish Borders.
7. In conclusion, the Consultee proposes that the exemption for Edinburgh residents in relation to the outer cordon charges is dropped, further exemptions are allowed for licensed taxis from other SESTRAN member councils and for those attending hospitals, special needs schools and burials and cremations within Edinburgh.
8. In essence, the Consultee considers that the congestion charging scheme must be seen as totally fair and equitable to all those residents living in the South East of Scotland.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council on 22 January 2004 determined that the outer cordon should operate in the morning peak period only, reducing the impact of the scheme on non-Edinburgh residents. The Council has also approved the Local Transport Strategy 2004-2007 which apportions charging revenue by reference to those who pay the charge. Edinburgh residents will therefore benefit proportionally less in respect of those residents who are exempt from the charge.

All taxis licensed under the Civic Government (Scotland) Act 1982 are to be included in the draft charging order as a category of exemption

All buses and coaches, including taxi buses and vehicles used for the transport of disabled people will be exempt.

The point in relation to special schools will be considered by the Council.

Points in relation to the investment package are noted, and will be taken into account in the evolution of the investment package jointly with SESTRAN.

5.23 **Consultee:** Historic Scotland
 Longmore House
 Salisbury Place
 Edinburgh
 EH9 1SH

Representation:

1. Holyrood Park contains Sites of Special Scientific Interest and is home to rare flora and fauna. It is protected as a Scheduled Ancient Monument and designated as an Area of Great Landscape Value. It lies within the Edinburgh Green Belt, is a proposed National Nature Reserve and is a widely used as recreation facility. It therefore requires careful management.
2. Lying just outside the proposed inner cordon there is a concern that the Park will be used as a route to skirt round the cordon. Increased traffic would run counter to their stated aim of protecting the sensitive environment of the Park and minimising traffic within it where feasible. Higher traffic volumes and the resultant safety issues may compromise the natural environment and increase maintenance costs.
3. Historic Scotland wish to formally record their concerns about the effect of the proposed charging scheme boundaries on Holyrood Park and would like possible solutions to be explored, particularly extending the inner cordon to include the Park.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council will continue discussions with the Consultee on measures to tackle any potential effects on the Park.

5.24 **Consultee:** Mr A Andrew
 The Bridge Master
 Forth Estuary Transport Authority
 Admin Building
 South Queensferry

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.25 **Consultee:** Mr W Furness
Chief Executive
Edinburgh Chamber of Commerce and Enterprise
27 Melville Street
Edinburgh

Representation:

1. To respond to the consultation, the Edinburgh Chamber of Commerce conducted a small survey of its members. From the survey replies and other discussions with a range of its members, the Chamber offers comments which are summarised below.
2. To gain acceptance, there need to be major improvements in the availability of public transport into and within the City and consideration should be given to deferring implementation of the scheme until these have been demonstrably achieved.
3. Public transport will never be suitable or appropriate for all road users and part of the revenue generated by any charge should be used to improve the road infrastructure and city centre parking facilities. Road maintenance, as a core Local Authority responsibility, should not need additional funding from the proceeds of charging.
4. The Chamber questions the need for all-day charging at the inner cordon. An all-day charge will impact on discretionary off-peak travel, for example by shoppers who may choose to shop elsewhere. The Chamber suggests that through traffic might simply divert around the inner cordon rather than shifting to public transport, and that the roads involved in this would be no less suitable than those within the cordon. The Chamber suggests that the scheme might be commenced on a peak-period only basis with an early review of results.
5. It is vital that the scheme is user friendly, not just for the regular commuter, but also for the casual visitor (whether on a business, leisure or retail journey). The Chamber asks how road users will pay and whether it will be made clear that they do not have to pay twice if they cross both cordons. The Chamber asks about the possibility of using the mobile phone payment method that is used for the payment parking charges.
6. Seeks further consideration of concessions, pointing out that many commercial journeys are not optional, with limited scope to re-arrange them to avoid the charge and that the utilities have large fleets which will incur the charge daily if they are to serve their customers at a time convenient to them.
7. Suggests that all who will benefit from the transport investments to be funded by the charge should contribute to it, but notes that black cabs (but not private hire vehicles) and "local" buses will be exempt so that bus passengers from say Glasgow or Fife will contribute but not "local" passengers.
8. The survey carried out by the Chamber revealed most concern about the impact of a charge from members in the retail and distribution sectors and research indicates that the retail sector in particular is likely to be negatively impacted. The Chamber agrees with the view that further research into the likely impact on the City Centre retail sector would be appropriate and, in its response, has provided possible terms of reference for a survey. The Chamber suggests that a survey jointly commissioned by the Chamber and the business community could be a mechanism to increase confidence in the sector.

Extent to which the Charging Authority will implement the proposals in the Representation:

Propose the allocation of £15m over 5 years from the start of charging to support accessibility and transport promotion measures targeted at visitors and shoppers in the city centre. Will continue discussions with retailers and representative groups on how this fund can most effectively be used.

All taxis licensed under the Civic Government (Scotland) Act 1982 are to be included in the draft charging order as a category of exemption

The authority will amend the draft charging order so that all vehicles operating a registered local bus service from any area, and regardless of the size of vehicle used, will be exempt. All buses and coaches will be exempt.

The Council share the objective of "user friendliness" of a charging scheme and will discuss with the Chamber how this can be maximised.

5.26 **Consultee:** Mr T Steward
Chairman - Edinburgh Branch
Federation of Small Businesses
6 Rutland Court Lane
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.27 **Consultee:** Mr R Griffith
The Edinburgh World Heritage Trust
5 Charlotte Square
Edinburgh

Representation:

No formal response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.28 **Consultee:** Mr C Howden
Transform Scotland
72 Newhaven Road
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.29 **Consultee:** Prof J Barber
Chief Executive
NHS Lothian
Deaconess House
148 Pleasance
Edinburgh

1. The Consultee recognises that the projected increases in road traffic in the city and region, will, if left unchecked have a detrimental effect on the population's health and well-being. They acknowledge that the Council's Local Transport Strategy could be considered one of the most progressive in Scotland as it will have positive impacts on public health by encouraging public transport, promoting sustainable transport alternatives such as cycling and walking, and reducing particulate and noise pollution.
2. The Consultee however feels that the proposals as they stand may have unintended detrimental effects for patients, staff and the general public.
3. The main concerns of the Consultee are:
 - **Exemptions:** Unless more of the NHS Lothian fleet are included within the exempt category, NHS Lothian may have to find up to £1m per year to meet the charges, thus diverting resources from an area of health care.
 - **Patients/visitors:** congestion charging will result in patients and visitors to facilities in the outer cordon being billed - they therefore stand to be detrimentally affected by the proposed changes.
 - **Personnel:** As Lothian's largest employer (27,000 staff), the Consultee is concerned about recruitment and retention of staff. Many NHS staff live outside Edinburgh but travel into the city to work.
4. Additional concerns and recommendations

Patients - Acute Care

- As ten hospitals are in the proposed charging area, many patients will incur a charge to visit them. Three hospitals are Regional Centres with specialist services and NHS Boards outside Lothian are required to reimburse some patients

travelling from other parts of Scotland for treatment in Edinburgh. This additional cost would reduce resources available for direct patient care.

- Patient attendance at clinics may be affected by the change. If so, clinic management will be more difficult and less efficient for patients.
- If payment is required by 10pm on the day the charge is incurred, this penalises those attending hospital in an emergency situation eg childbirth. An exemption is required.
- Demands on patient transport may increase in order to avoid the proposed congestion charge.

Patients - Primary Care

- demands on community based services (eg home visits, out of hours GP service) may increase in order to avoid the PCCS. The Consultee is keen to work with the Council in order to avoid any such trend emerging.

Staff - Acute Care

- With approximately 50% of NHS Lothian staff living outside the Edinburgh city boundary, the cost implications are significant. With many being paid at modest levels the PCCS may be a disincentive to working in the NHS in Edinburgh.
- Whilst regular, reliable public transport is vital, it must be recognised some personnel need to use vehicles to carry out their jobs. Reference is made to London concessions for NHS staff using their cars for "ordinary" duties. A concession to allow NHS staff on duty free access to the Edinburgh road network is sought.
- Patients will be charged to attend hospital. Each year there are 88 000 inpatients and outpatients. Accident and emergency at the Royal Infirmary Edinburgh, and the Minor Injuries Unit at the Western General treated 104,752 patients during 2001-2002.

Staff - Primary Care

- Unless a compromise is reached to exempt essential car users who work in the community, NHS Lothian could be faced with an additional cost of up to £1m per year directly attributable to the PCCS.

Organisational issues

- Partner organisations providing care in the community will be affected by the charge. A shortage of home care workers could increase demand on district and community nursing as well as GP's. Bed blocking will also occur.
- A number of support services are essential to the effective functioning of the NHS (eg IT support, linen services, laboratory services). Whilst the NHS Lothian fleet is believed to be run efficiently, further rationalisation will be investigated. However, the Consultee wants to work with the Council to find a way forward.

Extent to which the Charging Authority will implement the proposals in the Representation:

The Council will continue to work with NHS Lothian to tackle the issues identified.

5.30 **Consultee:** Audrey Osigwe
The Edinburgh Access Panel
c/o City Development Department
1 Cockburn Street
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.31 **Consultee:** The Chair Person
The Lothian Coalition of Disabled People
Norton Park
57 Albion Road
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.32 **Consultee:** Ms A Black
The Facilitator
The Edinburgh Disability Equality Forum
c/o Corporate Services
12 St Giles Street
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

5.33 **Consultee:** The Chief Executive
Crown Estate Commissioners
10 Charlotte Square
Edinburgh

Representation:

No response.

Extent to which the Charging Authority will implement the proposals in the Representation:

Not applicable.

6. SUMMARY AND CONCLUSION

The charging authority will implement the following proposals that were contained in the representations submitted during the consultation period:

- (i) Abandonment of the proposal to operate the outer cordon during the hours of 4.30pm and 6.30pm, Monday to Friday. This means that the outer cordon will only operate during the hours from 7.00am to 10.00am, Monday to Friday.
- (ii) The final draft charging order will include the following additional categories of exempt vehicles:
 - a) All buses, coaches, taxi-buses and vehicles used for the transport of disabled people, subject to registration. (The authority will consider waiving the registration requirement where such vehicles can be specifically identified from DVLA records);
 - b) All taxis licensed under the Civic Government (Scotland) Act 1982, subject to registration;
 - c) Specialist breakdown and recovery vehicles operated by approved accredited organisations, subject to registration.
- (iii) The final draft charging order will include discretionary powers to waive the charge in circumstances of compulsory diversion of traffic through the charging cordon.
- (iv) A marketing initiative for Edinburgh city centre, which will be part of the Council's Integrated Transport Initiative, but not part of the charging order.
- (v) A commitment to the principle of a concession relating to Forth Bridge tolls only to the extent that the toll is aimed at reducing congestion and funding transport improvements across the Forth. This matter will be kept under review with Fife and FETA but will not be part of the charging order.
- (vi) A commitment to continue discussions with SESTRAN authorities on the transport improvements to be funded from the congestion charging revenues, including improvements to be in place from the first day of operation of the charging scheme.
- (vii) A commitment to continue discussions with the Chamber of Commerce and NHS Lothian on issues of concern to those organisations.

APPENDIX 1

DRAFT CHARGING ORDER

THE DRAFT EDINBURGH CONGESTION CHARGING ORDER

INTRODUCTORY NOTE

This draft of The Edinburgh Congestion Charging Order has been produced for consultation purposes and may be subject to change.

In particular it should be noted that it has been prepared on the basis of certain assumptions as to the contents of Regulations yet to be made under the Transport (Scotland) Act 2001. In the event of any inconsistency with the requirements of these Regulations, amendments may become necessary.

Additionally, it should be noted that the precise location of designated roads under the Scheme may vary following consultation and in light of on-going technical analysis.

TRANSPORT (SCOTLAND) ACT 2001

The Edinburgh Congestion Charging Order 200[]

Made 200[]

Confirmed 200[]

Coming into force *In accordance with article 1*

Whereas The City of Edinburgh Council ("the Council") published in October 2000 a Local Transport Strategy pursuant to guidance issued by the Scottish Ministers entitled "Guidance on Local Transport Strategies and Road Traffic Reduction Reports - February 2000" under section 79 of the Transport (Scotland) Act 2001^(a):

That Local Transport Strategy includes a proposal on page 34 (Policy DM 1) to introduce a congestion charging scheme in Edinburgh and it appears to the Council desirable to make an order for the purposes of facilitating the achievement of that proposal and of other policies and proposals in the Local Transport Strategy:

Now, therefore, the Council, in exercise of the powers conferred on it by Part 3 of the Transport (Scotland) Act 2001 and by The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2003^(b), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Edinburgh Congestion Charging Order 200[] and shall come into force on the day immediately following the day on which the Scottish Ministers confirm it.

Scheme

2.—(1) The Scheme in the Schedule to this Order shall have effect.

(2) The Scheme shall come into force on such day as the Council may appoint and different days may be appointed for different provisions.

Signed by authority of
The City of Edinburgh Council

[Name:]
The Council Solicitor

Dated 200[]

^(a) 2001 asp.2.

^(b) S.S.I. 200[°°]

SCHEME FOR CONGESTION CHARGING IN EDINBURGH

Interpretation**1.—(1)** In this Scheme:

"the 1994 Act" means the Vehicle Excise and Registration Act 1994^(a);

"central point" means the location of Princes Street, Edinburgh as at the date of making of this Order;

"the charging area" means the area designated by article 3;

"charging day" shall be construed in accordance with article 2(2) and (3);

"charging event" shall be construed in accordance with article 5(1);

"charging hours" shall be construed in accordance with article 5(2);

"City of Edinburgh" means the local government area within the meaning of the Local Government etc. (Scotland) Act 1994^(b) of the Council;

"consecutive charging days" shall be construed in accordance with article 7(4);

"the Council" means The City of Edinburgh Council;

"the deposited plans" means the portfolio of plans signed on behalf of the Council by *[name]*, which has been deposited at the offices of the Council at 1 Cockburn Street, Edinburgh, EH1 1BJ;

"designated road" means one of the designated roads specified by Annex 1 or such other road as may be specified by the Council under article 4 as a designated road for the purposes of this Scheme;

"disabled person's badge" means any badge issued, or having effect as if issued, to an individual under regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970^(c) or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland)

^(a) 1994 c. 22.

^(b) 1994 c.39.

^(c) 1970 c. 44.

Act 1978^(d) and references to the holder of such a badge are to the individual to whom or, as the case may be, the institution to which the badge is issued;

"eligibility certificate" has the meaning given by Annex 2;

"free day" has the meaning given by article 2(3);

"goods vehicle" has the same meaning as in The Corporation of Edinburgh (Traffic Regulations; Restrictions on Waiting, Loading and Unloading, and Parking Places) Order 1973;

"licence" means a licence purchased under article 7(1);

"local traffic authority" has the same meaning as in section 121A of the Road Traffic Regulation Act 1984^(a);

"motorbicycle" means a vehicle which is a motorbicycle for the purposes of paragraph 2 of Schedule 1 to the 1994 Act;

"non-chargeable vehicle" means a vehicle which is a non-chargeable vehicle by virtue of article 6 and Annex 2;

"passenger vehicle" has the same meaning as in The Corporation of Edinburgh (Traffic Regulations; Restrictions on Waiting, Loading and Unloading, and Parking Places) Order 1973;

"outstanding" in relation to a penalty charge shall be construed in accordance with The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2003;

"the register" means the register of non-chargeable vehicles to be maintained by the Council under article 9;

"registered keeper" in relation to a vehicle means the person in whose name the vehicle is registered under the 1994 Act;

"registration mark" has the same meaning as in the 1994 Act;

"registration period" means the period of 12 months beginning with the day on which particulars of a vehicle are entered in the register or, as the case may be, the registration of a vehicle is renewed, under article 9;

"relevant class" in relation to a vehicle means any class of motor vehicle described in the Schedule to the Road User Charging (Classes of Motor Vehicles) (Scotland) Regulations 2003^(b) save for classes 19 to 24 and 31 to 36 inclusive;

(d) 1978 c.53.

(a) 1984 c.27.

(b) SSI. 2003/282

"relevant direction" in relation to a designated road has the meaning given by Annex 1;

"relevant vehicle" means a motor vehicle of a relevant class which is not a non-chargeable vehicle;

"retail prices index" has the same meaning as in the Transport (Scotland) Act 2001; and

"road" has the same meaning as in section 151 of the Roads (Scotland) Act 1984^(a).

(2) In any provision of this Scheme—

(a) a reference to an authorised person is to a person authorised in writing by the Council for the purposes of that provision and different persons may be authorised for the purposes of different provisions;

(b) where a person has been authorised to act on behalf of the Council in relation to any matter a reference to the Council shall be taken to include a reference to that person; and

(c) a reference to a statute, statutory provision or subordinate legislation includes such legislation as amended and in force from time to time and to any legislation which modifies, consolidates, re-enacts or supersedes it.

(3) For the purposes of this Scheme—

(a) a sum of money shall be taken to have been paid on the date on which payment is received by the Council; and

(b) the seating capacity of a vehicle shall be determined in accordance with regulations for the time being in force, and made or having effect as if made, under paragraph 3(5) of Schedule 1 to the 1994 Act.

(4) Except to the extent otherwise defined in this Scheme, words and expressions used in this Scheme shall have the same meaning as in the Transport (Scotland) Act 2001.

Imposition of charges

2.—(1) Subject to the following provisions of this Scheme, a charge of the amount set out in article 8 or of such higher amount as may be calculated under article 15 is imposed by this Scheme in respect of each charging day on which a relevant vehicle is used on one or more designated roads such that one or more charging events occurs.

(2) A charging day is any day of the year except a free day.

^(a) 1984 c.54.

- (3) Each of the following is a free day:
- (a) a Saturday;
 - (b) a Sunday;
 - (c) New Year's Day;
 - (d) Easter Monday;
 - (e) Christmas Day; and
 - (f) any other day specified by the Council as a free day for the purposes of this Scheme.

The charging area

3. The Council hereby designates all roads in respect of which it is the local traffic authority as the charging area for the purposes of this Scheme.

Designation of roads in the charging area in respect of which charges are imposed

4.—(1) Subject to paragraph (2) the roads in respect of which charges are imposed by this Scheme are those designated roads specified in Annex 1.

(2) The Council may from time to time specify such additional or alternative designated roads as it considers necessary to ensure that it is not possible for a vehicle of a relevant class to be lawfully conveyed from outwith the City of Edinburgh to the central point without travelling on at least two designated roads.

Charging event

5. (1) A charging event occurs when a relevant vehicle is present, during charging hours on a charging day, on any designated road moving in the relevant direction.

(2) Charging hours means:

- (a) in respect of a designated road specified in Part 1 of Annex 1, the hours between 7.00am and 6.30pm; and
- (b) in respect of a designated road specified in Part 2 of Annex 1, the hours between 7.00am and 10.00am and the hours between 4.00pm and 6.30pm.

Non-chargeable vehicles

6. Annex 2 to this Scheme, which sets out classes of non-chargeable vehicles for the purposes of The Road User Charging (Exemption from Charges) Regulations

2003^(a) and provides for vehicles to be treated as having been within a non-chargeable class of vehicle in certain circumstances, shall have effect.

Payment of charges

7.—(1) Subject to the provisions of this article, a charge imposed by this Scheme shall be paid by the purchase from the Council of a licence for a specified period beginning with a specified date.

(2) Paragraph (1) does not apply to a charge payable:

(a) under article 11 for the amendment of a licence;

(b) under Annex 2 for particulars of a vehicle to be entered in the register of non-chargeable vehicles;

(c) under articles 12 to 14 (penalty charges).

(3) A licence may be purchased for one of the following periods:

(a) a charging day;

(b) a period of 5 consecutive charging days;

(c) a period of 20 consecutive charging days;

(d) a period of 258 consecutive charging days.

(4) For the purposes of paragraph (3) the charging days in a period are consecutive if the only other days in the period are free days.

(5) A licence may be purchased only for a specified single vehicle having a registration mark.

(6) A licence for one charging day may be purchased only on that day.

(7) A licence for a period specified in paragraph (3)(b), (c) or (d) may be purchased only before the first charging day of the period in respect of which it is granted and on a day falling within the period of 65 days ending with that day.

(8) A charge imposed by this Scheme in respect of each period of licence specified in column (1) of the table shall be paid by a means specified in column (2) of the table or such other means as the Council may at its discretion accept in any particular case.

Table

<i>(1)</i>	<i>(2)</i>
------------	------------

^(a) S.S.I. 2000[^{°°}]

<i>Period of licence</i>	<i>Method of Payment</i>
One day	Direct debit, telephone, on-line, retail outlet, self-service machine or text message
Period of 5 consecutive charging days	Direct debit, telephone, online or retail outlet
Period of 20 consecutive charging days	Direct debit, telephone, online or retail outlet
Period of 258 consecutive charging days	Post, direct debit, telephone, online or retail outlet

(9) For the purposes of this paragraph and paragraph (8):

- (a) a charge is paid by post if the form provided by the Council for payment of the particular charge is sent, duly completed and accompanied by a cheque, or completed to enable payment to be made by credit or debit card, by pre-paid post to the address given on the form;
- (b) a charge is paid by telephone if it is paid by credit or debit card through the system provided for the purpose by the Council;
- (c) a charge is paid on-line if it is paid by credit or debit card through the website provided for the purpose by the Council;
- (d) a charge is paid by retail outlet if it is paid in cash or (if accepted at the particular outlet) by cheque or credit or debit card, at a shop, petrol station or other outlet authorised to accept payment by the Council;
- (e) a charge is paid by self-service machine if it is paid by credit or debit card at a properly operating machine provided or authorised for that purpose by the Council;
- (f) a charge is paid by text message if it is paid by sending a message by telephone, using the facility provided for the purpose, by credit or debit card by a person who has previously arranged with the Council to pay by this method;
- (g) "cheque" means a cheque, or postal order, crossed "account payee" and drawn in favour of "City of Edinburgh Council";
- (h) "credit or debit card" means "Visa", "MasterCard", "Delta" or "Switch" or such other credit or debit card or facility as the Council may at their discretion accept in any particular case.

(10) Where a licence is purchased and payment is not received by the Council (whether because a cheque is subsequently dishonoured or otherwise), the charge to which the licence relates shall be treated as not paid and the licence shall be void.

Amount of charge payable by the purchase of a licence

8. The charge for a period specified in column (1) in the table below shall be the amount specified in column (2) of the table or such higher amount as may be calculated under article 15.

Table

<i>(1)</i> <i>Period</i>	<i>(2)</i> <i>Amount of charge £</i>
One day	2
Period of 5 consecutive charging days	9.80
Period of 20 consecutive charging days	39
Period of 258 consecutive charging days	480

Register of non-chargeable vehicles

9.—(1) The Council shall maintain a register of non-chargeable vehicles ("the register").

(2) Particulars of a vehicle shall be removed from the register immediately following the last day of the registration period unless the Council renews the registration for a further period on application to it.

(3) An application for the purposes of paragraph (2) shall be made during the period of 42 days ending with the last day of the registration period.

(4) Paragraph (3) shall not prevent the making of a fresh application after particulars of a vehicle have been removed from the register under paragraph (2).

(5) Where the registered keeper of a vehicle is aware that the vehicle has ceased or will cease to be a non-chargeable vehicle, the keeper shall notify the Council of the fact and the Council shall remove the particulars of the vehicle from the register forthwith or from the date notified to the Council as the date on which it will cease to be such a vehicle.

(6) The Council shall remove the particulars of a vehicle from the register if it is no longer satisfied that the vehicle is a non-chargeable vehicle.

Refunds of charges

10.—(1) The purchaser of a licence for a period of 20 or 258 charging days may surrender the licence and obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund shall be made by post to the Council at the address specified for that purpose by the Council.

(3) The application shall be accompanied by:

- (a) such evidence as the Council may reasonably require to show that the applicant is the holder of the licence;
- (b) a statement of the date from which the applicant wishes the licence to be surrendered; and
- (c) if different from the address previously notified to the Council, the address to which the refund is to be sent with evidence satisfactory to the Council to show that it is the current address of the purchaser of the licence.

(4) The amount of the refund shall be the product of £2 multiplied by the number of unexpired charging days less £10 in respect of a licence for a period of 20 days and less £50 in respect of a licence for a period of 258 days.

(5) For the purposes of paragraph (4) the number of unexpired charging days shall be the number of whole charging days in the period of the licence still to run from and including the refund date.

(6) In paragraph (5) "the refund date" means whichever is the later of the following:

- (a) the date stated by the applicant under paragraph (3)(b);
- (b) the last day of the period of 7 charging days beginning with the day on which the application is received.

Changes to licences

11.—(1) Subject to the provisions of this article, on an application by the holder of a licence (other than a licence for one day) and on payment of a charge of £5, the Council may amend the licence so as to substitute:

- (a) a later day as the first day of the period for which the licence is to run;
- (b) a different registration mark.

(2) The latest day that may be substituted under paragraph (1)(a) shall be the last day of the period of 56 days beginning with the day on which the application is received.

(3) An application under paragraph (1)(a) shall not have effect unless it is received on or before the first day of the period of 7 charging days ending with the first day of the period for which the licence was originally purchased.

(4) An application under paragraph (1)(b) shall take effect:

- (a) on the last day of the period of 7 charging days beginning with the day on which the application is received; or
- (b) on such later date as the applicant specifies.

(5) An application under paragraph (1) may be made by post or by telephone and, in either case, the applicant must provide such evidence as the Council may reasonably require to show that the applicant is the holder of the licence.

Penalty charge for non-payment of charge

12.—(1) A penalty charge shall be payable for each charging day as respects which:

- (a) one or more charging events have occurred in respect of a relevant vehicle; and
- (b) the charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 7.

(2) A penalty charge payable by virtue of paragraph (1) shall be paid within the period of 28 days beginning with the date of a penalty charge notice given under The Road User Charging (Enforcement and Adjudication) (Scotland) Regulations 2003^(a) in respect of the penalty charge.

(3) In respect of any penalty charge referred to in articles 12 to 14 of this Scheme:

- (a) the Council shall set the level of penalty charges under this Scheme;
- (b) payment shall be made to the Council by cash or cheque or such other means as the Council may at its discretion accept in any particular case, and in the case of payment by cheque a penalty charge shall be treated as having been paid on the date of receipt by the Council of the cheque unless that cheque is subsequently dishonoured in which case the penalty charge shall be treated as not paid;
- (c) the levels of penalty charges set by the Council shall accord with guidance given by the Scottish Ministers whether such guidance is given specifically to the Council or to charging authorities generally; and
- (d) the Council shall publish, in such manner as the Scottish Ministers may determine, the levels of penalty charges under this Scheme.

Immobilisation of vehicles

13.—(1) This article applies where an authorised person has reason to believe, in respect of a vehicle which is stationary on a road in the charging area, that there are no fewer than three penalty charges outstanding in relation to the vehicle.

^(a) S.S.I. 200[°°]

(2) Where this article applies, the authorised person or a person acting under the direction of an authorised person may:

- (a) fit an immobilisation device to the vehicle while it remains in the place where it is stationary; or
- (b) move it, or require it to be moved, to another place on that road or another road and fit an immobilisation device to the vehicle in that other place.

(3) Where an immobilisation device is fitted to a vehicle in accordance with paragraph (2), the person fitting the device shall also fix to the vehicle an immobilisation notice:

- (a) indicating that the device has been fitted to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) stating that the vehicle may only be released from the device by or under the direction of an authorised person;
- (c) stating that the notice must not be removed or interfered with except by or on the authority of an authorised person; and
- (d) indicating that the vehicle shall be released if all outstanding penalty charges in respect of that vehicle are paid to the Council including the penalty charge payable under paragraph (4) and specifying the person to whom and the means by which that charge may be paid.

(4) A vehicle to which an immobilisation device has been fitted in accordance with the provisions of this Scheme:

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (4)(a), shall be released:
 - (i) if and when all outstanding penalty charges in respect of that vehicle have been paid to the Council; and
 - (ii) when a penalty charge for the release of the vehicle from the immobilisation device has been paid to the Council.

Removal of vehicles

14.—(1)This article applies where an authorised person has reason to believe that in respect of a vehicle which is stationary on a road in the charging area there are no fewer than 3 penalty charges outstanding in relation to the vehicle.

(2) Where this article applies, the authorised person or a person acting under his direction, may remove the vehicle and deliver it to the Council or to a person authorised by the Council to keep vehicles so removed (a "custodian").

(3) Where a vehicle has been removed and delivered into the custody of the Council or a custodian in accordance with paragraph (2), the Council or the custodian may (whether or not any representations have been made under The Road User Charging (Enforcement and Adjudication) (Scotland) Regulations 2003):

- (a) dispose of the vehicle by selling it or dealing with it as scrap, in accordance with The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2003; and
- (b) recover from the person who was the owner (within the meaning of The Road User Charging (Charges and Penalty Charges) (Scotland) Regulations 2003) of the vehicle when the vehicle was removed:
 - (i) all penalty charges that are outstanding in relation to the vehicle (not being penalty charges under sub-paragraphs (ii), (iii) and (iv) below);
 - (ii) a penalty charge for its removal;
 - (iii) a penalty charge for storage and release from storage of the vehicle for each complete day or part of a day on which it has been held by the Council or a custodian; and
 - (iv) if the vehicle has been sold or destroyed, a penalty charge for its sale or destruction.

(4) A person ("the claimant") may, during reasonable business hours to be specified by the Council, take possession of a vehicle (with its contents) which has been removed and delivered to the Council or a custodian and has not been disposed of in accordance with paragraph (3)(a) if the conditions specified in paragraph (5) are satisfied.

(5) The conditions are that:

- (a) the claimant satisfies the custodian that the claimant is the owner of the vehicle or is authorised by the owner to take possession of the vehicle; and
- (b) all outstanding penalty charges in respect of the vehicle, including those charges imposed by article 14(3), have been paid to the Council.

Increasing level of charges

15.—(1) In this article:

- (a) "the base month" means [*November 2006*];

(b) "relevant charges and refunds" means (i) all amounts payable to the Council under this Scheme save for those imposed under articles 12 to 14 (penalty charges); and (ii) all refunds made under article 10;

(c) "the relevant review date" means the first day of April;

(2) Unless the Council determines otherwise, the amount of any or all relevant charges and refunds for the time being payable under this Scheme shall on the relevant review date in 2007 and every year thereafter be altered in accordance with paragraphs (3) and (4) below.

(3) Subject to paragraph (4), the amount of a relevant charge or refund shall be an amount arrived at by increasing the amount specified in the Scheme by the same percentage as the percentage increase between the retail prices index for the base month and the retail prices index for the month of *[November]* immediately preceding relevant review date.

(4) An amount which falls in accordance with paragraph (3) to be determined under this article:

(a) if it is neither a multiple of ten pence nor an amount which on division produces a remainder of five pence shall be rounded to the nearest ten pence; and

(b) if it is an amount which produces a remainder of five pence, shall be increased by five pence.

Duration of scheme

16. This Scheme shall remain in force for 20 years from the date on which all articles of the Scheme have come into force.

DESIGNATED ROADS

1. (1) In this Scheme "designated road" means an area comprising the full width of a road specified in column (2) of the tables in Part 1 and Part 2 of this Annex between the outer line and the inner line and shown for the purposes of illustration only on relevant plan.

(2) In this Scheme in relation to a designated road:

- (a) "outer line" means an imaginary line crossing the full width of the road specified in column (2) from the point described in column (3) in a direction of 90 degrees to the centre line of that road;
- (b) "inner line" means an imaginary line parallel to the outer line and a distance of 10 metres from the outer line in the direction specified in column (4);
- (c) "relevant plan" means the plan specified in column (5);
- (d) "relevant direction" means any direction such that a vehicle travelling in that direction within a designated road would move further away from the outer line;
- (e) references in columns (2) and (3) to roads and physical features are references to those roads and features as at the date of making of this Order.

PART 1

INNER CORDON DESIGNATED ROADS

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
1	<i>Saint Bernard's Row</i>	<i>The south-west corner of the boundary wall to 13 St Bernard's Row</i>	<i>North</i>	<i>CUEADP/900/CO/I/I-01(Rev.A)</i>
2	<i>Brandon Terrace</i>	<i>11.5 metres south- west of the extended south-</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-02 (Rev.A)</i>

(1) No	(2) Road	(3) Outer Line defined point	(4) Direction of inner line	(5) Relevant Plan
3	Eyre Place	west kerbline of Howard Street (part of Inverleith Row)	South-west	CUEADP/900/CO/I-04(Rev.A)
4	Cornwallis Place	from 2 metres south-west of the extended south- west kerbline of Rodney Street,	South-west	CUEADP/900/CO/I-05(Rev.A)
5	Mansfield Place	13 metres south- west of the extended south- west kerbline of Rodney Street	South-east	CUEADP/900/CO/I-06(Rev.A)
6	East London Street	14 metres south- east of the extended south- east kerbline of Bellevue Place	South-west	CUEADP/900/CO/I-07(Rev.A)
7	Baxter's Place (part of Leith Walk)	11 metres south- west of the extended south- west kerbline of Annandale Street (north-west arm of roundabout)	South-west	CUEADP/900/CO/I-08
8	Regent Terrace	10.5 metres south- west of the extended south kerbline of London Road	South-west	CUEADP/900/CO/I-10a
9	Regent	359 metres south- west of the extended south- west kerbline of Calton Terrace Lane	South-west	CUEADP/900/CO/I-11

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
	<i>Road</i>	<i>west of the north-east kerbline of Carlton Terrace Brae</i>		
10	<i>Calton Road</i>	<i>3 metres west of the extended west kerbline of Abbeyhill Crescent</i>	<i>West</i>	<i>CUEADP/900/CO/I-12 — I-13(Rev.A)</i>
11	<i>Canongate</i>	<i>21 metres south-west of the extended south-west kerbline of Horse Wynd</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-13(Rev.A)</i>
12	<i>Holyrood Road</i>	<i>11 metres south-west of the extended south-west kerbline of Holyrood Gait</i>	<i>South-west</i>	<i>CUEADP/900/CO/I-14(Rev.A)</i>
13	<i>St Leonard's Street</i>	<i>1 metre north-west of the extended north-west kerbline of Bernard Terrace</i>	<i>North-west</i>	<i>CUEADP/900/CO/I-15(Rev.A)</i>
14	<i>Clerk Street</i>	<i>10.5 metres north-west of the extended north-west kerbline of Hope Park Terrace</i>	<i>North-west</i>	<i>CUEADP/900/CO/I-16(Rev.A)</i>
15	<i>Hope Park Crescent</i>	<i>7 metres north-west of the extended kerbline of Hope Park Terrace</i>	<i>North</i>	<i>CUEADP/900/CO/I-17(Rev.A)</i>
16	<i>Melville Drive</i>	<i>4 metres west of the extended west kerbline of</i>	<i>West</i>	<i>CUEADP/900/CO/I-18(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
17	<i>Home Street</i>	<i>Marchmont Road 12 metres north of the extended north kerbline of Gilmore Place</i>	<i>North</i>	<i>CUEADP/900/CO/I-21</i>
18	<i>Dundee Street</i>	<i>5.5 metres north-east of the extended north-east kerbline of Viewforth</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-22(Rev.A)</i>
19	<i>West Approach Road (Dundee Street)</i>	<i>1.5 metres north-east of the extended kerbline of Dundee Street</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-23a(Rev.A)</i>
20	<i>West Approach Road (Westfield Road Access)</i>	<i>13 metres north-east of the extended east kerbline of Roseburn Street</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-23b(Rev.A)</i>
21	<i>Dalry Road</i>	<i>13 metres north-east of the extended kerbline of Cathcart Place</i>	<i>North-east</i>	<i>CUEADP/900/CO/I-24(Rev.A)</i>
22	<i>Roseburn Terrace</i>	<i>22 metres east of the extended north-west kerbline of Roseburn Street</i>	<i>East</i>	<i>CUEADP/900/CO/I-25(Rev.A)</i>
23	<i>Belford Road</i>	<i>27.5 metres south-east of the extended south-east kerbline of Ravelston Park</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-26(Rev.A)</i>
24	<i>Dean Path</i>	<i>46 metres south-east of the</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-27(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
25	<i>Queensferry Road</i>	<i>extended south-east kerbline of Ravelston Terrace 5.5 metres south-east of the extended south-east kerbline of Belgrave Crescent</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-28(Rev.A)</i>
26	<i>Deanhaugh Street</i>	<i>4.5 metres south-east of the extended south-east kerbline of Leslie Place</i>	<i>South-east</i>	<i>CUEADP/900/CO/I-30(Rev.A)</i>

PART 2

OUTER CORDON DESIGNATED ROADS

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
1	<i>A199 Edinburgh Road</i>	<i>12 metres south-east of the extended south-east kerbline of Eastfield Place</i>	<i>North-west</i>	<i>CUEADP/900/CO/O-01(Rev.A)</i>
2	<i>A1 Musselburgh By-Pass</i>	<i>335 metres south-east of the extended south-east kerbline of The Jewel</i>	<i>North-west</i>	<i>CUEADP/900/CO/O-02(Rev.A).</i>
3	<i>A6095 Newcraighall Road</i>	<i>140 metres north-east of the extended north-east kerbline of Whitehall Road</i>	<i>South-west</i>	<i>CUEADP/900/CO/O-03(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
4	<i>Whitehill Road</i>	<i>10 metres south of the south channel line of the junction of Whitehill Road (new development) with Whitehill Road (original road)</i>	<i>North</i>	<i>CUEADP/900/CO/O-04(Rev.A)</i>
5	<i>A6106 The Wisp</i>	<i>83 metres south of the extended south kerbline of Wisp Green</i>	<i>North</i>	<i>CUEADP/900/CO/O-05(Rev.A).</i>
6	<i>A7 Old Dalkeith Road</i>	<i>35 metres south-west of the extended east kerbline of A6106 The Wisp</i>	<i>North-east</i>	<i>CUEADP/900/CO/O-06(Rev.A)</i>
7	<i>A772 Drum Street</i>	<i>51 metres south-east of the extended north-west kerbline of Candlemaker's Park</i>	<i>North-west</i>	<i>CUEADP/900/CO/O-07(Rev.A)</i>
8	<i>Lasswade Road</i>	<i>17 metres north-west of the extended north-west kerbline of Lang Loan</i>	<i>North-west</i>	<i>CUEADP/900/CO/O-08(Rev.A)</i>
9	<i>Burdiehouse Road</i>	<i>140 metres north of the extended south kerbline of Southhouse Broadway</i>	<i>North</i>	<i>CUEADP/900/CO/O-09a(Rev.A)</i>
10	<i>Southhouse</i>	<i>26.5 metres</i>	<i>East</i>	<i>CUEADP/900/CO/O-09b(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
11	<i>Broadway A702 Biggar Road</i>	<i>south-east of the extended east kerbline of Burdiehouse Road 35.5 metres south of the extended south- west kerbline of Swanston Drive and extended westwards to include the 'Buses Only' lane</i>	<i>North</i>	<i>CUEADP/900/CO/O-10(Rev.A)</i>
12	<i>Dreghorn Link</i>	<i>23 metres north of the extended north kerbline of the eastbound off-slip road from The City of Edinburgh By- Pass</i>	<i>North</i>	<i>CUEADP/900/CO/O-11(Rev.A)</i>
13	<i>Lanark Road</i>	<i>54 metres north- east of the extended north- east kerbline of Baberton Crescent</i>	<i>North-east</i>	<i>CUEADP/900/CO/O-12(Rev.A)</i>
14	<i>Baberton Junction</i>	<i>10 metres the south-east channel line of Baberton Mains View at its junction with the northbound off-slip road from The City of Edinburgh By- Pass</i>	<i>North-west</i>	<i>CUEADP/900/CO/O-13(Rev.A)</i>

<i>(1) No</i>	<i>(2) Road</i>	<i>(3) Outer Line defined point</i>	<i>(4) Direction of inner line</i>	<i>(5) Relevant Plan</i>
15	<i>Calder Junction</i>	<i>33.5 metres eastwards from the north-east kerbline of the south-east bound off-slip road of The City of Edinburgh By-Pass</i>	<i>East</i>	<i>CUEADP/900/CO/O-14(Rev.A)</i>
16	<i>Edinburgh Park South Access (Hermiston Gait)</i>	<i>16 metres north- west of the extended north- west kerbline of Hermiston Gait Link to M8/City of Edinburgh By-Pass</i>	<i>West</i>	<i>CUEADP/900/CO/O-14a</i>
17	<i>South Gyle Broadway</i>	<i>29 metres south-east from the extended south-east kerbline of A8 Glasgow Road</i>	<i>South-east</i>	<i>CUEADP/900/CO/O-15(Rev.A)</i>
18	<i>A8 Glasgow Road</i>	<i>108 metres south-west of the extended south-west kerbline at Turnhouse Road</i>	<i>North-east</i>	<i>CUEADP/900/CO/O-16</i>
19	<i>A90 Queensferry Road</i>	<i>38 metres north- west of the extended north- west kerbline of Cramond Brig Toll</i>	<i>South-east</i>	<i>CUEADP/900/CO/O-17</i>

NON-CHARGEABLE VEHICLES

PART 1

QUALIFYING RESIDENTS' VEHICLES

1. A qualifying resident's vehicle is a non-chargeable vehicle.

Meaning of qualifying resident's vehicle

2. (1) In this Scheme "qualifying resident's vehicle" means a relevant vehicle:
 - (a) of which the registered keeper is a qualified resident or the employer of such a resident or which is hired by, or leased to, a qualified resident or the employer of such a resident; and
 - (b) which meets the requirements specified in sub-paragraph (2).
- (2) The requirements are that:
 - (a) in the case of a vehicle registered under the 1994 Act in the name of, or hired by or leased to, the employer of a qualified resident, the Council is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the resident and members of the resident's household residing at the same address as the resident;
 - (b) the vehicle is either:
 - (i) a passenger vehicle; or
 - (ii) a goods vehicle the overall height of which does not exceed seven feet six inches.
 - (c) particulars of the vehicle are for the time being entered in the register.

Meaning of qualified resident

3. (1) In this Scheme "qualified resident" means a person as respects whom the Council is for the time being satisfied, by the production of such evidence as it may reasonably require, that the requirement specified in sub-paragraph (2) is met.
 - (2) The requirement is that the person is solely or mainly resident at premises the postal address of which is a qualifying address.

Meaning of qualifying address

4. In this Scheme "qualifying address" means a postal address located within the City of Edinburgh such that the lawful conveyance of vehicle of a relevant class from that address to the central point would necessitate travelling on a designated road specified in Part 2 of Annex 1 in the relevant direction.

Registration of qualifying resident's vehicles

5. (1) Upon application by a qualified resident the Council shall enter in the register the particulars of a qualifying resident's vehicle:

- (a) on payment of £10; and
- (b) on its being satisfied that the vehicle falls within the descriptions in paragraph 2(2).

(2) The Council may at any time require an applicant under this paragraph to produce such evidence as it may reasonably require to verify any particulars of information given to the Council or to verify that the particulars of any vehicle entered in the register are correct.

(3) At no time may particulars of more than one vehicle be entered in the register in relation to any one individual who is a qualified resident.

PART 2

OTHER NON-CHARGEABLE VEHICLES

Motorbicycles, public transport and public service vehicles

6.—(1) A vehicle which falls within any of the following descriptions is a non-chargeable vehicle if the condition specified in sub-paragraph (2) is met:

- (a) a motorbicycle;
- (b) a vehicle registered and licensed as a bus under paragraph 3 of Schedule 1 to the 1994 Act;
- (c) a vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of its falling within paragraph 2 of Schedule 2 to the 1994 Act (trams);
- (d) a vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of its falling within any of the following paragraphs of Schedule 2 to that Act, providing a nil licence is in force for the vehicle and is displayed on the vehicle in accordance with section 33 of that Act:
 - (i) paragraph 3A (police vehicles);

- (ii) paragraphs 4 and 5 (fire engines, etc.);
- (iii) paragraphs 6, 7 and 8 (ambulances and health);
- (iv) paragraph 11 (lifeboat vehicles).

(2) The condition referred at sub-paragraph (1) is that, if the Council so requires, the particulars of the vehicle appear in the register at the time at which it was used.

(3) "Nil licence" in this paragraph has the same meaning as in section 62(1) of the 1994 Act.

Taxis and large passenger vehicles

7. (1) A vehicle which falls within one of the descriptions in sub-paragraph (2) below is a non-chargeable vehicle if the condition specified in sub-paragraph (3) is met.

(2) The descriptions are:

- (a) a taxi within the meaning of section 23 of the Civic Government (Scotland) Act 1982 and licensed by the Council under that Act^(a);
- (b) a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981^(b).

(3) The condition referred to at sub-paragraph (1) is that particulars of the vehicle appear in the register at the time at which it was used.

(4) Upon application by an owner or registered keeper of a vehicle the Council shall enter in the register the particulars of a vehicle:

- (a) on payment of £10; and
- (b) on its being satisfied that the vehicle falls within the descriptions in sub-paragraph (2).

(5) The Council may at any time require an applicant under this paragraph to produce such evidence as it may reasonably require to verify any particulars of information given to the Council or to verify that the particulars of any vehicle entered in the register are correct.

Disabled persons' vehicles

8. (1) In this paragraph:

- (a) "eligibility certificate" means a certificate issued under sub-paragraph (5) below;

- (b) "eligible individual" means an individual who is the holder of an eligibility certificate;
 - (c) "eligible institution" means an institution which is the holder of an eligibility certificate;
 - (d) "eligible person" means an eligible individual or an eligible institution;
 - (e) "specified vehicle" means a vehicle which is specified under this paragraph by an eligible person in relation to a charging day.
- (2) A vehicle is a non-chargeable vehicle if it falls within Case A or Case B.
- (3) A vehicle falls within Case A if:
- (a) it is being driven by, or carrying, an eligible individual and that individual's eligibility certificate is being displayed on it; and
 - (b) it is a specified vehicle in relation to that certificate for the charging day on which it is being used on a designated road.
- (4) A vehicle falls within Case B if:
- (a) a disabled person's badge is being displayed on it in compliance with regulation 15 or 16 (display of an institutional badge when a vehicle is being driven or parked) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000^(a);
 - (b) the holder of the badge is an eligible institution; and
 - (c) it is a specified vehicle in relation to that institution's eligibility certificate for the day on which it is being used on a designated road.
- (5) The Council may issue an eligibility certificate to an individual or an institution on its being satisfied that the individual or institution is the holder of a disabled person's badge or in the case of an individual that the individual is the holder of a badge, permit, card, certificate or any other instrument issued by a member state of the European Union for purposes corresponding to the purposes for which badges are issued under section 21 of the Chronically Sick and Disabled Persons Act 1970.
- (6) Not more than one eligibility certificate may be held by any individual at any time and not more than one eligibility certificate may be held by an institution for each disabled badge held by it at any time.
- (7) An eligibility certificate shall cease to have effect on whichever is the earlier of:
- (a) the expiration of the period of 12 months (or such longer period not exceeding 15 months as the Council may in any class of case

^(a) S.S.I. 2000 No. 59.

determine for the purpose of staggering the renewal of registrations) beginning with the date on which it was issued or renewed; or

- (b) the day on which the disabled person's badge held by the eligible person at the time the certificate was issued or renewed ceases to have effect.
- (8) An eligible person may:
- (a) specify up to 2 vehicles for any charging day in relation to the eligibility certificate held by that person; and
 - (b) subject to sub-paragraph (10) specify a different vehicle in place of a specified vehicle.
- (9) Unless a vehicle has been specified for a particular charging day or days it remains specified for all charging days until a different vehicle has been specified in place of it.
- (10) Not more than 2 vehicles may be treated as non-chargeable vehicles for the purposes of this paragraph in relation to any eligible person in respect of any charging day.
- (11) A vehicle shall not be treated as specified in relation to an eligibility certificate on any particular day unless particulars of it:
- (a) appeared in the register at the time at which it was used; or
 - (b) were entered in the register by the end of that day.

Vehicles to be treated as non-chargeable

9.—(1) A relevant vehicle not falling within any other paragraph of this Annex which was on any day used on a designated road such that a charging event occurred shall, subject to the provisions of this sub-paragraph, be treated as having been within a class of a non-chargeable vehicle on that occasion if:

- (a) a charge imposed by article 4 of this Scheme in respect of the vehicle was duly paid;
- (b) the vehicle was used on that occasion:
 - (i) by a fire authority in the discharge of the functions of such authority under the Fire Services Acts 1947 to 1959^(a);
 - (ii) by a police officer acting in the execution of his duty;
 - (iii) as a means of transport provided under section 45 of the National Health Service (Scotland) Act 1978^(a); or

^(a) 1947 c.41, 1951 c.27, 1959 c.44

(iv) as an emergency vehicle in the exercise of Her Majesty's Coastguard primary role; and

- (c) the relevant fire authority, police force, health authority or Her Majesty's Coastguard subsequently issues a certificate to the Council that conditions (a) and (b) are met.

(2) Where the Council, on receiving a certificate described in subparagraph (1)(c) is satisfied that a vehicle falls to be treated as having been a non-chargeable vehicle in accordance with this paragraph it shall refund the charges incurred by the relevant authority.

^(a) 1978 c.28.

APPENDIX 2

STATEMENT OF REASONS

**The City of Edinburgh Council
Transport Initiatives Edinburgh
Limited**

**Integrated Transport Initiative
Proposed Congestion Charging Scheme**

Statement of Reasons

For the purposes of The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003, this paper constitutes the Charging Authority's statement setting out the Charging Authority's reasons for proposing to make a charging scheme under Section 49 of the Transport (Scotland) Act 2001.

The Need for Congestion Charging in Edinburgh

1. Edinburgh has been enjoying continued economic growth and success in recent years. However, the consequences of that growth on traffic levels and congestion are of concern. Congestion slows up business, delays goods and deliveries and holds up car and bus users as well as affecting pollution, noise levels and road accidents.
2. If the city's quality of life and continuing economic growth and success are to be sustained, there is a need to introduce measures to tackle increasing traffic congestion. The challenge facing the city is how to address congestion *without* reducing the number of people travelling into the city centre.
3. The City of Edinburgh Council's ("the Council") proposal is to introduce a congestion charging scheme. This is the only effective way both to directly reduce the number of vehicles using the road network and, at the same time, raise revenues to spend on improving public transport and improving the road network to benefit all users, including private car users.
4. The core objectives of the proposed congestion charging scheme are:
 - (i) To reduce congestion directly;
 - (ii) To reduce congestion indirectly by funding projects that will achieve local and regional transport objectives that are not fundable from existing sources;
 - (iii) To distribute the benefits from the charging scheme fairly in respect of people paying the charge.
5. Without the congestion charging scheme and its associated package of transport improvements:
 - traffic levels are forecast to increase by around 30% over the period to 2021; and
 - time lost due to congestion over the same period will more than double.

Integrated Transport Initiative

6. Transport Initiatives Edinburgh Limited ("**tie**") is acting on behalf of The Council to deliver an Integrated Transport Initiative for Edinburgh and South East Scotland ("**ITI**").
7. The ITI comprises:
 - (i) Planned transport projects from 2006 onwards, which are *not* dependent on congestion charging ("**the Base Investment Package**");
 - (ii) The proposed congestion charging scheme for Edinburgh;
 - (iii) A package of transport improvements which would be in place on or before the introduction of charging (i.e. by 2006) ("**the Pre-Charging Investment Package**"); and
 - (iv) A package of transport improvements ("**the Additional Investment Package**") to supplement and integrate with the Base Investment Package, and which would be funded directly from the net revenues from the charging scheme and would be *in addition* to the Base Investment Package and the Pre-Charging Investment Package (i.e. 2006 onwards).¹

¹ See Section 7 of the **tie** report — Progress during 2003 and proposed charging order 10 September 2003 [Document T93]

8. In September 2001 the City of Edinburgh Council applied to the Scottish Ministers for approval in principle for the ITI. On 17 October 2002 the Council agreed to provide Ministers with supplementary information contained in a **tie** report dated 30 September 2002² (**the tie Report**). The Scottish Ministers approved the application in principle on 18 December 2002.³ This Statement is supplementary to the **tie** Report.
9. On 18 September 2003, the Council agreed to initiate the statutory procedures for making a charging order. It approved the recommendations of a second **tie** report on the ITI⁴, adding a requirement to provide for equity of treatment of residents within Edinburgh. The September 2003 **tie** report set out the details of the proposed charging scheme, and included a programme for taking forward the statutory process for making a charging order. As part of this programme it is proposed to hold a public inquiry commencing in April 2004. See Appendix 1 for the current programme.

*It is advisable to read the **tie** reports⁵ in order to set the context for this Statement.*

Description of the Proposed Congestion Charging Scheme

10. The proposed scheme involves two separate cordons of inbound, point based, charging points. The boundaries of the cordons and the location of the crossing points are shown on the Relevant Map which accompanies this statement. The inner of these cordons coincides approximately with the World Heritage Site boundary and the outer cordon is situated on the inside of the Edinburgh Bypass.
11. Full details of the proposed charging scheme are contained in the draft charging order which accompanies this statement. In summary, the proposal is to impose a single daily £2.00 charge for:
 - crossing the inner cordon inbound, between 7.00am and 6.30pm, Monday to Friday; and/or
 - crossing the outer cordon inbound between 7.00am and 10.00am and 4.00pm and 6.30pm, Monday to Friday.
12. Key features of the proposed scheme are that charges will be levied in the inbound direction of travel only, and that no more than one charge will be levied in any charging day, that is, the maximum payable for one vehicle in one charging day will be £2. The charge will be £2 at the date of introduction of the charging scheme, and will be increased in line with the retail prices index thereafter.
13. All motorised vehicles other than motorbicycles⁶ will be subject to the charge unless they have been exempted. The proposal is to exempt emergency service vehicles, buses, coaches, Edinburgh licensed taxis, registered car club vehicles and disabled person's vehicles. Edinburgh residents who reside outwith the outer cordon will be exempt from payment for crossing the outer cordon but will not be exempt from payment for crossing the inner cordon.

² Integrated Transport Initiative for Edinburgh and South East Scotland — Report by Transport Initiatives Edinburgh- A Vision for Edinburgh- 30 September 2002 [Document T1]

³ Letter from the Scottish Ministers to the City of Edinburgh Council dated 18 December 2002 [Document T 83]

⁴ Minutes of the City of Edinburgh Council of 18 September 2003 [Document T92]

⁵ Integrated Transport Initiative for Edinburgh and South East Scotland — Report by Transport Initiatives Edinburgh- A Vision for Edinburgh- 30 September 2002 [Document T1]; Progress during 2003 and proposed charging order, **tie**, 10 September 2003 [Document T93]

⁶ includes side cars

14. It is proposed to allow payment on a daily, weekly, monthly or annual basis as follows:
- daily payments can be made at any time on the day the charge is incurred;
 - weekly⁷ licences will be available at 4.9 times the daily rate;
 - monthly⁸ licences will be available at 19.5 times the daily rate;
 - annual⁹ licences will be available at 240 times the daily rate.
15. A range of payment channels are proposed to include as a minimum:
- payment at selected shops and/or ticket machines;
 - internet payment;
 - telephone payment;
 - mobile phone payment;
 - payment methods will include cash, credit/debit card and account.
16. It is proposed to use the same penalty regime as that currently used for the Council's on street parking. The basic penalty charge is currently £60, with a 50% reduction for payment within 14 days and a 50% surcharge if unpaid after 28 days. Similarly, appeal and adjudication arrangements will be based on current arrangements for the parking regime, so far as practicable. The charging order will include powers to remove or clamp vehicles with more than three unpaid penalty charges outstanding.
17. The proposed congestion charging scheme would be in force for a period of 20 years from the planned date of implementation in 2006.

The Additional Investment Package

18. The Additional Investment Package is the package of additional transport improvements that would be funded directly by the net revenues from the proposed congestion charging scheme. This Package is *in addition* to those projects that will be implemented in the future from traditional sources of income, such as funding from the Scottish Executive or the Council (that is the Base Investment Package).
19. The Additional Investment Package will be described in Edinburgh's Local Transport Strategy. It will include provisions for equitable distribution of benefits in relation to those who pay the charges through the Regional Transport Strategy.
20. It is proposed that a significant amount of the net charging revenues will be allocated to better bus services. Those improved services will be in place from day one of the charging scheme and they form a crucial element of the Additional Investment Package. They will make a noticeable difference to the quality of the bus network.

Summary of Reasons

21. If Edinburgh's continuing economic growth and success is to be sustained, measures are necessary to tackle increasing traffic congestion and its consequences without reducing the number of people travelling into the city centre.

⁷ 5 consecutive days

⁸ 20 consecutive days

⁹ 258 consecutive days

22. Congestion charging is the most effective way presently available to manage demand for scarce road space and, at the same time, raise revenues to ameliorate the adverse impacts of traffic and to fund a major transport investment package, including:
- Bus service and fare initiatives;
 - The South East Edinburgh Tram and extensions beyond the City;
 - Additional 'park and ride' sites and additional City Centre car parking;
 - Environmental and safety enhancements within and beyond the City.
23. The core objectives of the proposed congestion charging scheme are:
- (i) To reduce congestion directly;
 - (ii) To reduce congestion indirectly by funding projects that will achieve local and regional transport objectives that are not fundable from existing sources;
 - (iii) To distribute the benefits from the charging scheme fairly in respect of people paying the charge.
24. There will be significant improvements to public transport when the charging scheme is introduced in 2006.
25. The net revenues raised by the charging scheme will be additional to the traditional sources of funding for transport. This will enable the funding of transport projects, which will reduce dependency on travel by car and further reduce congestion. Net revenues will be applied to projects that will distribute the benefits of the charging scheme fairly in respect of people paying the charge.
26. The proposed congestion charging scheme would contribute significantly to the achievement of local and regional transport policies. It is proposed as the optimum solution because it achieves the best overall results in terms of reducing congestion and its consequences and funding a major transport investment package.

Appendix 1

The City of Edinburgh Council's current programme for the charging order

Action	Timescale
Statutory and public consultation on draft charging order — three month period for submission of representations	3 October 2003- 4 January 2004
Distribution of information leaflet	October 2003
Publication of charging authority's preliminary statement of case	October 2003
Report to The Council on the outcome of the consultation and any recommended amendments to the draft charging order	22 January 2004
Formal public notice of final draft charging order with twenty eight day period for representations/objections	30 January - 27 February 2004
Public Inquiry	27 April - 2 July 2004
Receipt of Reporters' Report	Mid-October 2004
Consideration of Reporters' Report by the Council and decision on whether to proceed with scheme and if so on what terms. If the Council decides to proceed, there will be a referendum within the Edinburgh area before a final decision on whether to make the charging order is made.	November/December 2004

APPENDIX 3
RELEVANT MAP

**Please refer to Cordon Maps section of <http://www.ititime.com>
for more information**

APPENDIX 4

LETTER TO CONSULTEES

Our Ref: 02.02/01/MH/JRM

Date: 3rd October 2003

Dear

The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 ("the 2003 Regulations")
The City of Edinburgh Council - Proposed Congestion Charging Scheme

On behalf of the City of Edinburgh Council, as Charging Authority, and in terms of Regulation 3 of the 2003 Regulations, we hereby enclose the following:

- (a) a draft of the order which would make the proposed charging scheme;
- (b) a copy of the relevant map;
- (c) a copy of the statement by the Charging Authority setting out the reasons why the proposed charging scheme should be made; and
- (d) a copy of the report prepared by Transport Initiatives Edinburgh Ltd on the Integrated Transport Initiative for Edinburgh and South East Scotland – A Vision for Edinburgh dated 30 September 2002, with a CD Rom containing background documents to that report and other relevant documents.

You are invited to submit representations on the proposed charging scheme to the Charging Authority at Transport Initiatives Edinburgh, FREEPOST NATN466, Edinburgh, EH1 0BR, on or before 4 January 2004.

It should be noted that the draft scheme contains assumptions as to what Regulations, yet to be made under the Transport (Scotland) Act 2001, will contain. Similarly the additional investment package described in the Transport Initiatives Edinburgh Ltd reports will depend on the terms of the Local Transport Strategy, which will not be finalised until January 2004.

Yours sincerely

Michael Howell
Chief Executive

Encs.

ADDENDUM

When the Council approved the Consultation Report, it was drawn to their attention that a reply had been received from the Lothian and Borders police, albeit that this reply was dated 13 January 2004 and received after the expiry of the consultation period.

A copy of the letter is annexed to this addendum for completeness and to ensure that the issues raised are in the public domain and are drawn to the attention of the Reporters at the public inquiry.

In addition a response from Stagecoach Scotland East dated 9 December 2003 had been received although this was erroneously omitted from the Consultation Report at paragraph 5.12. Accordingly paragraph 5.12 of the Consultation Report shall be replaced with the following:

5.12 **Consultee:** Mr R Andrew
 Managing Director
 Stagecoach Scotland East
 The Esplanade
 Kirkcaldy

Representation:

The Consultee indicated that subject to clarification that the following services operated by the Consultee would be exempt, they were supportive of the congestion charging scheme as a means of tackling congestion and moving towards a sustainable transport system.

The services concerned are:

- The Yellow Taxibus - a registered local bus service
- Schedule services between Edinburgh and Fife - registered local bus service
- Megabus.Com - unregistered express bus service linking Edinburgh with other cities.

Extent to which the charging authority would implement the proposals in the Representations.

The charging authority shall amend the draft charging order to identify that all buses (over 9 seats) will be exempt, and that vehicles operating a registered local bus service from any area and regardless of the size of vehicle used, would also be exempt.

The authority will consider waiving the registration requirement for exempt vehicles identifiable from DVLA records.