

**THE GLASGOW CITY COUNCIL (CELTIC PARK AND EMIRATES ARENA)
(EVENT DAY EMERGENCY ROUTES AND PARKING ZONE) ORDER 20__**

**THE GLASGOW CITY COUNCIL (IBROX STADIUM) (EVENT DAY EMERGENCY
ROUTES AND PARKING ZONE) ORDER 20__**

Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999

Hearings and report to the council – timeline and process

1 Preamble

1.1 This statement examines the timeline for the hearings and the submission of our report to the council, and the implications arising from this. A review of procedures contained in the notes of the pre-hearing meetings is also undertaken.

1.2 The council has submitted statements of case dated 31 January 2022, which are referred to as “outline” statements, and we have asked the council to clarify its intention with respect to this matter. The council has set out intended modifications to the schedules of the orders in Appendix 1 of the statements, and has now also provided amended plans relating to both orders. The council has further submitted supporting documents relating to the orders which are listed in Appendix 2 of the statements. All of the above are included on the respective order webpages.

1.3 We have asked for clarification on a number of matters relating to the amended plans for both orders, and the council’s response is included on the respective order webpage. Further details are provided in section 2 below. Letters from Transport Scotland relating to the final extensions granted with respect to the period for making the orders are also included in the council’s response.

1.4 All parties intending to participate in the hearings have been given a further opportunity to comment on the hearing process, and in particular we have asked those parties who have agreed to submit hearing statements of case to indicate the time considered necessary to prepare and submit their statements.

1.5 The result of this further consultation process is set out below, and we have now determined the period for the submission of the remaining statements and the likely date for the hearings, and we have assessed the potential submission date for our report to the council. The council has been requested to advise us of the latest possible submission date, which would enable the council to decide whether or not to make the orders by the ultimate legislative deadlines for the respective order. This is taken into account in our assessment below.

1.6 Given the time which has elapsed since the finalised notes of the pre-hearing meetings, we have carefully reviewed the hearing process agreed at or arising from those meetings, and have set out any changes to this process below. This takes into account any comments received following the recent consultation process.

2 Matters relating to the amended plans

2.1 The council has confirmed that there are no changes shown on the amended plans (from the original published plans) other than (for the Celtic Park/Emirates Arena Order) the removal of restrictions covered by the Clyde Gateway TRO, and (for the Ibrox Stadium Order) changes specifically related to Harrison Street and the Harper Memorial Baptist Church on Craigiehall Street, which are referred to in the council's response.

2.2 The council has provided clarification (requested by us) with respect to the notation shown on the plans, and has also provided further revised plans (overview and sheet 3 of the Celtic Park/Emirates Arena Order) to correct drafting errors contained in these amended plans. There is a further overview plan for the Ibrox Stadium Order, which superimposes the position of the sheets on the plan.

3 Submission of statements of case by other parties

Summary of the responses received

3.1 A submission with respect to this matter has been provided on behalf of Celtic Football Club with respect to the Celtic Park/Emirates Arena Order. A copy of this submission is included on the Celtic Park/Emirates Arena webpage. In particular, it is submitted that the time now available for the completion of a fair and appropriate hearing and report process is simply insufficient.

3.2 Four months are considered necessary for the statement of case on behalf of Celtic Football Club. It is submitted that a detailed parking and traffic assessment will be required, where assessment at match day events will be crucial. In addition, an updated economic impact analysis will be required and the options for public transport provision will require to be updated and assessed in a post-pandemic restriction context and in light of the council's up to date travel strategies. Furthermore, detailed review of the council's proposed modifications will be required.

3.3 In addition, it is submitted that the four-month period cannot commence until Celtic's experts are able to properly assess the match-day traffic and parking without other external disruptions. In this respect, and for the reasons set out in the submission, it is not expected that traffic consultants will be able to observe anything close to representative match days until August 2022. Reference is also made to the need to provide for rebuttal statements; and that after hearing dates have been set, deadlines for submission of materials in advance of the hearing will also be needed.

3.4 Whilst it is acknowledged that the hearing process has been delayed by the Covid-19 pandemic, and that the council is working to a deadline imposed by the Regulations, it is submitted that these matters cannot be the driver of an unsuitable process potentially detrimental to the objectors, particularly having regard to the time which has been available for the council to prepare its statement of case.

3.5 A submission along similar lines has been provided on behalf of Rangers Football Club, with respect to the Ibrox Stadium Order. A copy of this submission is included on the Ibrox Stadium webpage.

3.6 In this case it is submitted that the Covid-19 pandemic and its aftermath has radically transformed the attendance of supporters at matches and how supporters travel to matches. As more spectators return to matches, their mode of transport has changed, and there are unprecedented delays in clearing the stadium vicinity of cars following matches because of lane restrictions when vehicles reach the M8.

3.7 It is therefore submitted that preparing a hearing statement at this juncture would be premature; it would make more sense for this to be done a few weeks after the start of next season when a more normal pattern can be expected. It is also stated that resourcing for a project of this nature is difficult at the moment with absences due to the pandemic. In addition, the orders have been very extensively amended since the previous versions, and that alone would justify a considerably longer period than 4 weeks. Furthermore, the club wishes to consult supporters to enable an understanding of the practical impact of the proposed measures.

3.8 Comments have been received from two community councils with respect to the Ibrox Stadium Order. Dumbreck CC submits that the time which has elapsed since the pre-hearing meeting now requires more familiarisation with the proposals, extensive changes need to be reviewed, communication with residents is required, and there is still a challenge from Covid-19 with respect to meetings. More time is considered to be necessary for the above reasons.

3.9 Craigton CC submits that a minimum period of two months is required to enable an analysis of the council's case and to structure the community council's final submission. The community council also however hopes that the overall timeline is not breached such that the whole process would have to be started again.

3.10 Strathclyde Partnership for Transport does not have an issue with the previously agreed 4-week time period. However, owing to the Glasgow school holidays and the Easter Weekend, it is requested that the deadline for submissions is pushed beyond Easter Weekend, and ideally not before Friday 22 April 2022.

Our conclusions

3.11 We have considered the matters raised above, and we recognise that current circumstances may now justify a longer period than was provided for in the notes of the pre-hearing meetings. However, in overall terms we consider that the council's statements and documents generally appear to raise no significant new issues beyond those existing at the time of the pre-hearing meetings.

3.12 Whilst we also recognise that there are significant modifications proposed in the schedules to the orders, it appears that these are generally intended to provide a more detailed description of restrictions on parts of the streets identified in the original schedules to the orders, whilst actually removing some of the streets altogether. Apart from additional survey and photographic material relating to the Celtic Park/Emirates Order, the council has not provided further substantial evidence which was not available at the time of the pre hearing meetings.

3.13 Turning to the matters raised above with respect to the need for further survey and analysis or consultation work, and/or waiting longer for circumstances resulting

from the Covid-19 pandemic (including transport patterns) to normalise, we have considerable sympathy with the desire of parties to further address these matters through the hearing process. There are of course exceptional circumstances in this case resulting from the significant delay in the process with respect to potentially changed circumstances relating to attendance at football matches, and modes of transport. Indeed, the council recognised these uncertainties in its first request for a suspension of the hearing process for 6 months which was agreed in July 2020, following which a further suspension of the process for 6 months was also agreed.

3.14 Beyond the above agreed period of suspension, which terminated at the end of August 2021, the current situation has been exacerbated by a further delay of 4 months beyond the date when the council had stated an intention to submit its statement of case (end of September 2021), and we recognise that it is important to ensure a fair and appropriate hearing process, taking into account the interest of all parties participating in this process.

3.15 However, the effects of the Covid-19 pandemic have now subsided to a considerable extent, although we cannot be certain of the prognosis for the future, and we accept that there remain uncertainties with respect to the eventual pattern of attendance at football matches and modes of transport. Indeed, from this point on, we consider that it is difficult to predict when a completely normalised pattern of attendance at football matches and modes of transport is likely to be achieved.

3.16 So, we must now rely upon the fundamental purpose of the hearing and reporting process, which is essentially to examine the evidence available at the time the orders were drafted and published, and in relation to the matters raised in the representations submitted to the council. We consider that there is no basis for extensive survey and analysis work to be undertaken by parties participating in the hearing process, or to further wait for circumstances to normalise. We therefore consider that it would not be appropriate to specifically set aside further time for this.

3.17 Instead, we refer to the penultimate paragraph in our statement of 12 August 2021, and we consider that parties should raise arguments, within their statement of case, where they consider that the evidence currently available is out of date and/or does not now provide sufficient justification for the orders to be made, or where they consider that there remains sufficient justification for making the orders. They can use expert witnesses to support their case in this respect. This process does not require a substantially extended period of time to prepare a statement of case.

3.18 In overall terms, we have decided that a period of 8 weeks ought to be sufficient to enable parties to familiarise themselves with the matters raised in the council's statement, including the proposed modifications and further information which has been provided, and to prepare and submit their statements taking into account the matters referred to above. We consider that it is necessary to manage a hearing process which is effective, but which is also as efficient as possible.

3.19 Furthermore, we have reassessed the period contained within our original timeline for the submission of rebuttal statements. With respect to a point raised on behalf of Celtic Football Club, there has never been any deadline in the process for

additional material to be presented to the hearing beyond the provision made for statements and related documents.

3.20 Rather than a period specifically for rebuttal statements, we think that it is more important to ensure that parties have sufficient time to prepare for the discussion at the hearing, following the submission of the remaining statements of case (and indeed other written submissions where appropriate). So, we have decided to ensure there is a period of approximately 4 weeks between the deadline for the remaining statements and the commencement of the hearings.

3.21 During this time, we will prepare agendas for the hearings, and give further advice on the date by which any further material should be submitted. We will give some further thought to this, but we will aim to ensure that any significant further evidence is submitted in writing at least 7 days before the hearings commence.

4 The hearings and site inspections

4.1 Following on from the Covid-19 restrictions, we recognise that there are still some precautions that may require to be taken for in-person hearings. We will now be liaising with the programme officer team to secure appropriate arrangements for the hearings, hopefully within the venue agreed at the pre-hearing meetings.

4.2 We intend to investigate the possibility of hybrid (or blended) hearings, with parties and witnesses able to appear either in-person or virtually. In addition, and as previously agreed, the proceedings at the hearing will be webcast live. The hearings will generally follow the procedures set out in the notes of the pre-hearing meetings, although we further examine and update these procedures below.

4.3 We will aim for the hearings to take place from 13 June to 1 July 2022. The date the hearings commence will be notified to all those who have made representations, and in the Glasgow Evening Times, at least 21 days beforehand. We expect a period of at least 5 days for each hearing, but we have allowed a slightly longer period in total to cover unforeseen occurrences. We have retained flexibility, by simply identifying the whole period for the hearings at this stage.

4.4 We ask all parties submitting statements of case to advise the programme officer team of any constraints as soon as possible, and at the latest to include these constraints within their statement. Other parties participating in the hearings should simply advise the programme officer team as soon as possible. We will prepare agendas for the hearings at least 1 week before the hearings commence, taking into account the constraints identified. We will try to accommodate timing constraints identified by all parties, as far as possible within the overall period, and the programme officer team will discuss the situation with parties at their request. Sessions relating to both orders may be held at any point within the overall period.

4.5 Site inspections will take place, as agreed at the hearings, and following the closure of the hearings. Site inspections remain one of the most challenging elements of the hearing process. There will be constraints with respect to the gathering of interested parties at site inspections (both logistically and taking into account any remaining Covid-19 restrictions) on the ground, on public transport and

at public transport hubs or stops. We will need to view the situation before, during and after football matches, or other events, including football matches between Celtic and Rangers at both Celtic Park and Ibrox Stadium.

4.6 This is another matter raised on behalf of Celtic Football Club, and it is clear that there will be no opportunity to undertake such site inspections with respect to football matches in the current season. The fixture list for the next season will not be available for some time, and until it is available, it is clearly not possible to predict when such site inspections may actually be able to take place.

4.7 In any event, this may impose a significant burden on the period during which we are preparing our report for the council. Site inspections may be requested at the hearing which would take several days to complete.

5 Submission of report to council

5.1 There is some uncertainty relating to the council's administrative processes after the local elections in May 2022. However, at this stage the council has advised us that, to enable the council to decide whether or not to make the orders by the ultimate legislative deadline, our report would need to be submitted to the council at the latest by 8 September 2022.

5.2 This timeline would be difficult to achieve, because the reporting period (of just over 2 months) would be significantly shorter than the period which we considered to be necessary in the original timeline, based upon the matters raised in the representations, and which are to be examined at the hearings under the specific subject headings advised to parties (paragraph 3.3 of the explanatory note with the agendas for the pre-hearing meetings).

6 Timeline and the resulting implications

6.1 Following on from all of the above, the required timeline for the report to be submitted to the council by 8 September 2022 is set out in Table 1 below.

Table 1

Stage	Timeline	Notes
Council statements	31 January 2022	The council has submitted its statements of case for both orders, together with modified schedules, amended plans and supporting documents.
Others' statements	18 March to 13 May 2022	We have allowed 8 weeks for the submission of the remaining statements from the date upon which parties are so notified.
Preparation and submission of final evidence.	16 May to 10 June 2022	We have allowed 4 weeks for parties to prepare for the hearings, including submission of any final evidence before the hearings.
Hearings	13 June to 1 July 2022	The hearings are proposed over a 3-week period, in order to provide sufficient flexibility.
Site inspections and report to the council	4 July to 8 September 2022	A period of just over 2 months remains for the completion of the report and all the accompanied and unaccompanied site inspections. The overall period for this is significantly shorter than provided for in the original timeline.

6.2 With respect to the first 4 stages referred to in Table 1, we consider that the timeline is feasible, although it is the absolute minimum period that we consider to be necessary for these stages, and does not allow for any matters arising which may cause some slippage in the timeline. The periods set aside for these stages cannot therefore be guaranteed, and could have a further impact on the overall time available to meet the council's submission date for the report of 8 September 2022.

6.3 Of more significance, we would highlight what may be insurmountable difficulties with respect to the completion of the final stage. Completing the report in just over 2 months may be possible, but would be difficult as explained in paragraph 5.2 above. The period would certainly be insufficient if any unexpected or significant additional evidence is submitted to and accepted at the hearings.

6.4 Even more important, however, is that the reporting period would have the additional burden of site inspections to be carried out during this period, as yet on unspecified dates. Not only would this significantly intrude into the reporting time, but the timing of such site inspections may interrupt the logical course of our conclusions on matters we have examined at the hearings, where these may actually depend upon the results of the site inspections.

6.5 There is also the possibility that further written submissions may be required during the reporting period, in order to address any unexpected matters which are identified through the site inspections. These could significantly extend the period of time required for the preparation and submission of the report.

6.6 In any event, and following on from paragraph 4.6 above, it may simply not be possible to undertake the necessary site inspections within the overall timeline, which would obviously be fatal to the submission of our report by 8 September 2022.

6.7 In overall terms, we therefore conclude that it is highly unlikely that our report could be ready for submission by 8 September 2022.

6.8 The conclusions and recommendations of the report could in this case be carried forward for subsequent consideration by the council in the context of whatever statutory process the council decides to follow, in the event that the council decides to proceed with orders similar to those currently proposed.

7 Pre-hearing meeting notes – amended/updated process

7.1 We consider that the vast majority of the notes of the pre-hearing meetings still apply. However, there are a few changes and/or areas for clarification/update.

7.2 Section 2 refers to "maps", which essentially comprise the "relevant map" as defined in the Regulations. For the avoidance of doubt, where "plans" and "amended plans" are subsequently referred to in relation to these orders, these also constitute the "relevant map" as defined in the Regulations.

7.3 With respect to paragraph 2.5 (Celtic Park/Emirates Order), the legal submission on behalf of Celtic Football Club, the council's response, and the reporters' statement on this matter are shown opposite.

7.4 Section 5 sets out the known participation in the hearings at the time the notes of the pre-hearing meetings were finalised. Owing to the period of time which has elapsed since the notes of the pre-hearing meetings were finalised, we would ask all parties to check their information as contained in Section 5. If there are any known changes, we would ask parties to advise the programme officer team as soon as possible, so that the information on participation in the hearing is kept up to date.

7.5 Please note that under paragraph 5.10, no response has yet been received from the bus operators referred to, and the programme officers will be writing in due course to clarify their intentions with respect to the hearings.

7.6 In section 6, paragraph 6.1 identifies those parties who will be submitting hearing statements. With respect to the Celtic Park/Emirates Arena Order, there is one addition, this being the Celtic Supporters Group led by Mr Michael Dwyer.

7.7 Otherwise, we would draw all parties' attention to paragraphs 6.2 to 6.7 which provide important guidance with respect to the contents of statements of case, and paragraph 6.10 which relates to documents. Those preparing statements of case should familiarise themselves with these paragraphs before doing so.

7.8 However, we have decided to dispense with the requirement for parties to exchange statements and documents with other parties (paragraph 6.11). We now consider this to be unnecessarily onerous. All that is now required is to submit statements and associated documents to the programme officer team, who will arrange for these to be published on the relevant webpage.

7.9 All parties will then be responsible for accessing the statements and documents of other parties, as deemed necessary. However, if for any reason anyone cannot access the statements on the webpages, the programme officer team should be contacted and the relevant information will be provided.

7.10 Paragraphs 6.12 to 6.17 relate to the timeline for the submission of statements, documents and further written submissions, which have now been superseded by subsequent information and advice on the webpages, and in the timeline contained within this statement.

7.11 All statements received will be uploaded to the relevant webpages following the deadline for the submission of statements (13 May 2022). In addition, all further written submissions will be uploaded within a separate folder. We would mention that a number of such further written submissions have already been received.

8 Overall conclusions

8.1 All remaining statements of case should be submitted by 13 May 2022. Any further written submissions (by those who are not submitting statements) should also be submitted by this date. We intend to schedule the hearings between 13 June and 1 July 2022. All parties should note the changes and areas for clarification/update with respect to the notes of the pre-hearing meetings, which are set out above.

8.2 However, we also ask the council to acknowledge that it is highly unlikely that our report could be ready for submission by 8 September 2022, in time to enable the council to decide whether or not to make orders before the ultimate legislative deadlines. In this context we would therefore ask the council to confirm (or otherwise) that it wishes to proceed with the hearings as described in this statement.

8.3 All parties should in the meantime continue to work in accordance with the timeline and process set out in this statement.