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10 March 2022

Dear Programme Officer Team

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

1. INTRODUCTION AND CONTEXT

We continue to act on behalf of Celtic PLC ("Celtic") in respect of the proposed Glasgow City Council (Celtic Park and Emirates Arena) (Event Day Emergency Routes and Parking Zone) Order 20__ (the "TRO").

The Reporters have asked for comments by 10 March 2022 on the programme for the submission of statements of case and / or the subsequent hearing process in light of the submission of the outline statement of case and supporting documents by Glasgow City Council (the "Council").

2. THE PROCESS FOR THE TRO

For the reasons set out in this letter, the time that has elapsed since the TRO was published, and the significant changes in circumstances since then, now materially prejudice the prospect of a fair and appropriate process assuming the Council continues to insist on this order and on the need for the TRO to be "made" by them by 6 November 2022. The time now available to complete the process is simply insufficient.

Regulation of traffic in the area now proposed to be covered by the TRO was first considered by a Committee of the Council at the Sustainability and the Environment Policy Development Committee on 8 June 2016. A match day traffic survey was undertaken by the Council on 8 May 2016. Community consultation was held in December 2016 and November 2017. The statutory consultation process commenced in March 2018 with the proposal published in May of that year

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(the date of the order for the purpose of the Local Authorities' Traffic Orders Procedure (Scotland) Regulations 1999 ("the Regulations") being 4 May 2018).

Celtic objected to the TRO on 1 June 2018. The pre-hearing meeting was held on 10 March 2020. Celtic intimated their legal submission on 7 April 2020 to which the Council responded on 11 December 2020.

The process has, of course, been sisted for some time due to the impact of the Covid19 pandemic. An update from the Programme Officer Team on behalf of the Reporters dated 12 August 2021 indicated that the Council's statement of case was expected by the end of September 2021. That document was not produced until 31 January 2022 and the availability of the Council's statement of case and updated documents not intimated to parties until 14 and 24 February 2022 respectively.

In the interim the Council has proposed a significant volume of revisions to the original terms of the TRO.

A chronology of key facts and proceedings in this process is shown in Appendix 1 to this letter.

3. THE PROPOSED PROGRAMME

A minimum period of four months is required for the objectors' statements of case. However, although Celtic's experts consider a period of four months should facilitate the work they require to undertake, that period requires necessarily to encompass representative match day events to allow them to undertake the necessary and relevant assessment. As we explain below that cannot now be achieved in the next four months.

Given (i) the passage of time since this process commenced in 2016; and (ii) the significant societal changes since the onset of the Covid19 pandemic, it is necessary to update the response to the proposed TRO both in light of changed and current circumstances and in response to the Council materials now produced. Data obtained before and/or during the pandemic cannot properly be relied on for the purposes of response to the TRO which is proposed to come into force post-pandemic in circumstances which have not yet been assessed. Both behaviour and infrastructure have changed. Factors highly relevant to Celtic's response and representations have been impacted significantly by the passage of time and by the impact of the pandemic.

Time is now required not simply to frame Celtic's statement of case but to renew and update the assessment of impact of the TRO. That work could not be done (i) until the Council's updated statement of case was available; and (ii) until Covid19 restrictions ended. The work required is noted below.

Although the original programme envisaged a period of one month for statements of case that programme was prepared pre-pandemic and anticipated a hearing in late summer / early autumn 2020. It could not and did not take account of the fundamental change in circumstances necessitating a re-consideration of data and response in light of the passage of time and changed situation. It also did not envisage the substantial revision subsequently proposed to the TRO. The Reporters' suggested timetable circulated in May 2021 suggested two months for objectors' statements of case but, for the reasons stated, that is still considered inadequate both in terms of (i) the work required; and (ii) when this work can be undertaken.

We note also that the Council has taken almost twenty-one months to produce documentation relied on. It is reasonable to expect that objectors should be afforded an adequate period to respond. The requested four-month time period can only begin once there is the ability for Celtic's experts to be able to properly assess the match-day traffic and parking without other external disruptions.



We have noted below the areas that Celtic consider relevant to the response and the time required.

Subject to the comments and qualification in this letter, we would highlight the following specific points regarding the time required to respond to the Council's statement of case:

3.1 **Change to the scope of the order and plans**

As noted, the Council has made substantial amendment to the text of the TRO. Without prejudice to the question of whether such amendment is competent (on which Celtic reserves its position) it will, nevertheless, necessitate detailed review to understand the nature and effect of the changes proposed. The Reporters will appreciate from the extent of the revisions that is not likely to be a quick or straightforward exercise.

3.2 **Celtic evidence**

In respect of the experts, we would highlight the following specific issues:

- **Parking and traffic assessment.** Sweco have confirmed with reference to the Council's material that it will be necessary for them to:
 - Consider objections in light of the changes to travel and transport capacity and individual behaviours post-pandemic.
 - Review the proposed adjustments to the TRO and consider objections in light of the proposed changes.
 - Review changes to the road and traffic network including, for example, the London Road cycle order (and any other equivalent schemes in and around the proposed event day parking zone area).
 - Observe and assess traffic/parking at match day events – to include the variations in event kick-off times.
 - Assess and respond to the Council's materials and their rebuttal to Celtic's (and other) objections.
 - Liaison with public transport expert(s).

Assessment at match day events is clearly crucial to the exercise. The match kick off times (which vary as among early weekend kick off, afternoon weekend kick off, evening weekday kick off (domestic or European tournaments)) all result in differing supporter travel behaviour and traffic impacts which require to be considered and assessed. Celtic's traffic consultants must have the opportunity to observe matches, covering a range of kick off times, in order to respond to the Council's various assertions of match day impacts.

- **Economic impact appraisal.** The independent Fraser of Allander Institute economic review was published in November 2018. An updated economic analysis will be required to address the significant change in circumstances since that previous report was published. The expert details will be confirmed in due course.
- **Public transport provision.** 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. An expert is in the process of being identified.

Internal re-organisation at Celtic will also require a review of Celtic 'corporate' witness(es).



3.3 London Road cycle order

Celtic is aware that the Council intends to proceed with plans to make permanent the temporary cycle lane introduced on London Road as part of the Spaces for People programme. Celtic personnel participated on a call on 31 January 2022 with members of the Sustainable Travel division and the head of Technical Services for Glasgow City Council. Celtic were advised that these temporary cycle lanes were being made permanent as part of the Council's city-wide plans and Active Travel Strategy. Further, the Council advised that planning for this project is underway, that works will start later this year and that the sizeable infrastructure project is expected to complete by Spring 2023 (ahead of the UCI Cycling World Championships which are being held in Glasgow in August 2023).

The temporary cycle lanes have had significant impact on traffic on London Road and reduced the available traffic lanes. The extent to which the future impact of the overall works has been taken into account in terms of the TRO is not clear but in any event the traffic consultants will require to understand what is proposed by this project and how this will impact the TRO. They will require to assess the impact of any new cycle infrastructure in the event day parking zone area which was not in place pre pandemic.

4. TIMING FOR PREPARATORY WORK

As will be clear from the foregoing, in order to undertake their necessary assessment, Celtic's traffic consultants require to observe and assess traffic and parking on match days. As noted above, an adequate assessment of this will require a spread of kick off times as among weekend and weekday, daytime and evening kick offs in order to assess any specific impacts.

External factors outwith Celtic's control will effect when these new assessments can take place. We highlight two key issues.

4.1 Argyle railway line closure

As the Reporters will no doubt be aware, the Argyle railway line will be closed between Rutherglen and Exhibition Centre from March 13 to May 8. This work will result in diverted services and rail-replacement bus services to certain station (including Bridgeton and Dalmarnock stations). This may cause supporters to choose an alternate means of travel to and from matches during this time and will impact on the transport consultant's ability to observe and assess impact when those services are available.

The proposed rail closure has given rise to significant concern throughout Celtic's fan base and is regularly raised at the Club's Fans Forum. It is considered likely to disrupt spectator travel to Celtic Park. The traffic consultant's observation of match day travel cannot properly be undertaken during this period of closure.

4.2 Celtic's fixtures

There is only a finite number of home matches available between now and the end of the football season. That will impact on the traffic consultant's ability to undertake traffic and parking assessment on match days. The available matches are (noting that a number of these dates fall during the Argyle railway line closure):

- Celtic v Ross County – Saturday 19 March 2022. K.O 3pm
- Celtic v St Johnstone – Saturday 9 April 2022. K.O 3pm

Post-split fixture dates:

- Weekend of 10/11 April



- Midweek of 20/21 April
- Weekend of 1 / 2 May
- Midweek of 11/12 May
- Weekend of 15/16 May

Not all of the post-split fixtures will be 'home' matches. It is unlikely that the fixtures scheduled to take place after the Argyle line closure has concluded will both be at 'home'.

The 2022/2023 season is due to commence on the weekend of 30/31 July 2022 but the fixtures list is not due to be released until June 2022. The fixture list for other tournaments will also not be known until summer 2022 as matters such as ties in both European and domestic cup competitions are not yet known.

As noted, an assessment of traffic and parking impacts on match days requires analysis of different kick off times. There is now insufficient time to undertake this work given the remaining fixtures this season. It is unlikely that the traffic consultants will be able to observe anything close to representative match days until August 2022. The time allowed for Celtic's statement of case has to have regard to this issue.

5. CONCLUSION

For the reasons stated, time is now required not simply to frame the statement of case but to undertake assessment of impact in the current circumstances and in light of the significant changes since the TRO was proposed and Celtic's objection intimated. As noted, this time will need to coincide with a relevant period when Celtic's experts can observe and assess travel on representative match days.

Once statements of case have been submitted, time will be required for rebuttal statements and the dates for hearing and site inspections will be required. After hearing dates have been set, deadlines for submission of materials in advance of the hearing will also be needed. In terms of a site inspection, it will be necessary for the Reporters to undertake a site inspection during a match; a point they have recognised as being "*an essential part of the site inspection process*".

It is acknowledged that the process for the hearing (and the associated preliminary work required) to allow the Reporters to report to the Council on the TRO has been delayed due to the impact of the pandemic. It is also acknowledged that the Council are working towards a deadline imposed by regulation 16 of the Regulations before the TRO approval process will expire.

However, these factors cannot be the driver of an unsuitable process potentially detrimental to objectors or the Reporters, particularly having regard to the time that has been available to the Council to prepare its statement of case.

Yours faithfully


Partner
for Pinsent Masons LLP

This letter is sent electronically and so is unsigned



Appendix 1 - Chronology of key facts and proceedings

8 June 2016	Report made by the Council's Executive Director of Land and Environmental Services to the Council's Sustainability and the Environment Policy Development Committee regarding the possibility of regulation of traffic in the area around Celtic Park
8 May 2016	Match day traffic survey of Celtic v Aberdeen undertaken by the Council
15 December 2016	Community consultation held at the Legacy Hub, Springfield Road
November 2017	Community consultation held at the Barrowfield Community Centre
March 2018	The statutory consultation progress begins
13 March 2018	The Council issues a letter to several Consultees regarding the proposed Order
4 May 2018	A notice of proposals is published by the Council in the Evening Times and the Council begins to post notices on roads effected by the proposed Order
1 June 2018	Objection from Celtic plc
4 December 2018	Memorandum issued seeking approval to progress the proposed Order under Council's Scheme of Delegated Functions
20 December 2018	Letter issued by the Council to all objectors notifying of right the to be heard at the hearing
6 April 2019	Photographic survey undertaken by the Council of Celtic v Livingston
11 June 2019	Photographic survey of non-match day undertaken
11 June 2019	The Council's Environmental, Sustainability and Carbon Reduction committee assess the need for traffic controls at Celtic Park
12 September 2019	Business meeting between the Council's Programme Officer Team and the Reporters
5 February 2020	The agenda for the pre-hearing meeting is published
7 February 2020	A letter is sent by the Reporters to those who made representations to notify of a pre-hearing meeting
17 February 2020	A letter is sent by the Reporters regarding attendance at the pre-hearing meeting
25 February 2020	A summary of representations received provided by the Reporters is issued
6 March 2020	A schedule of representations received provided by the Reporters is issued



9 March 2020	Emails between Strathclyde Partnership for Transport and the Council's Programme Officer Team regarding the pre-hearing meeting
10 March 2020	Pre-hearing meeting takes place
7 April 2020	Legal submission made on behalf of Celtic regarding failures to follow the notification procedure and highlighting issues with the proposed Order and map
17 April 2020	Draft note of matters agreed to and arising from the pre-hearing meeting issued by the Reporters and comments on the same invited
	Correspondence sent to First Glasgow and Scotrail inviting representatives to give evidence at the hearing
21 May 2020	The Reporters issue an explanatory note advising of changes to the draft notes of the pre-hearing meeting following comments, and finalised note of pre-hearing meeting issued
26 May 2020	Letter issued to McGills Buses inviting representatives to give evidence at the hearing
8 July 2020	The Reporters issue an email to parties who have expressed an intention to participate in the hearings advising of a suspension until 21 July 2020 and that the Council has requested a suspension for a period of 6 months
23 July 2020	The Reporters suspend the hearing process for 3 months, to 21 October 2020
21 October 2020	Glasgow City Council email to the Reporters requesting that the suspension be extended to 21 January 2021
29 October 2020	The Reporters extend the suspension to 21 January 2021
11 December 2020	Glasgow City Council issues its response to Celtic's legal challenge
7 January 2021	The Reporters issue a statement regarding Celtic's legal challenge, and also an indicative procedural timeline
3 March 2021	Glasgow City Council emails the Reporters requesting a suspension for a further six months, to the end of August 2021
12 March 2021	The Reporters suspend the hearing process until the end of August 2021
31 May 2021	The Reporters issue a revised indicative procedural timeline
29 June 2021	Glasgow City Council responds to queries proposed by the Reporters in their 31 May 2021 timeline
30 June 2021	A further statement on the timeline is issued by the Reporters following the Council's response to the queries posed
30 July 2021	Celtic issues a response to the Reporters' statement of 30 June 2021



- 12 August 2021 The Reporters issue a statement following the response of Celtic, requesting further information from the Council and providing for the submission of the Council's statement by the end of September 2021
- 11 September 2021 A parking and vehicle count survey and a photographic survey undertaken during Celtic v Ross County
- 31 January 2022 The Council issues its outline statement of case to the Reporters
- 14 February 2022 Email to parties regarding the Council's outline statements of case dated 31 January 2022
- The Council's outline statement of case is published online, and the Reporters email parties participating in the hearing to advise of the same
- 24 February 2022 The Council's outline statement of case and documents are published online