



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Traffic Signs Amendment (Scotland) Regulations and General Directions 2022: Business and Regulatory Impact Assessment

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Title of Proposal

Scottish Statutory Instrument: The Traffic Signs Amendment (Scotland) Regulations and General Directions 2022 ('the 2022 Regulations and General Directions').

Purpose and Intended Effect

Background

The existing Traffic Signs Regulations and General Directions 2016 (TSRGD) establishes directions and regulations relating to traffic signs and road markings.

Powers over traffic signs were devolved to Scottish Ministers under the Scotland Act 2016. Prior to this the TSRGD was applied on a UK wide basis by the Department for Transport.

Following devolution of the TSRGD, “The Traffic Signs Amendment (Scotland) Regulations and General Directions 2018” was introduced as secondary legislation in Scotland. This 2018 instrument is currently the only amendment made to TSRGD since the devolution of traffic signing. It was limited in scope and did not significantly deviate from regulations across the UK.

Objective

A Scottish Statutory Instrument (SSI) is proposed to be introduced in 2022, to enable the TSRGD to be amended to meet the needs of the network in Scotland.

Proposed amendments to the TSRGD are to address the following issues:

- Prescribing signs for Low Emission Zones (LEZ);
- Prescribing signs and markings which have on occasion been authorised for use through the non-prescribed sign process, but are not currently prescribed within the regulations;
- Scotland specific amendments to reflect unique requirements of the Scottish road network;
- Updating symbols for bodies such as Forestry and Land Scotland and RSPB; and
- Supporting signing for modern infrastructure such as vehicle charging and motorhome service points.

It is emphasised that the 2022 Regulations and General Directions will only be for the specific purpose of amending the directions and regulations relating to traffic signs. It will include prescribed signs for LEZs, supporting the introduction of LEZ schemes in Scotland, however LEZ schemes are established and regulated under separate secondary legislation, namely The Low Emission Zone (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021, and The Low Emission Zone (Scotland) Regulations 2021.

The potential impact of the 2022 Regulations and General Directions is therefore considered in this context, and this is discussed further within this BRIA.

Rationale for Government Intervention

Powers over traffic signs were devolved to Scottish Ministers under the Scotland Act 2016. Prior to this the TSRGD was applied on a UK wide basis by the Department for Transport.

Transport Scotland has recognised a need to amend TSRGD specifically to meet the evolving needs of the Scottish road network. In the period since devolution of TSRGD, a live list of potential amendments has been maintained.

Issues have been identified through various channels, including:

- Issues consistently being highlighted through the non-prescribed signs approval process, indicating situations where prescribing new signs may be appropriate,
- Issues highlighted by Transport Scotland officers, noting situations arising where new prescribed signs would be beneficial,
- Issues highlighted by Scottish local authorities, noting situations arising where new prescribed signs would be beneficial,
- Issues consistently highlighted through enquiries from the public,
- Issues raised at Transport Scotland's Traffic Signs Working Group, a regular forum including traffic signs practitioners from Scottish and local government, road operators and industry bodies.

The scheduled introduction of Low Emission Zones in four of Scotland's cities in 2022 (Aberdeen, Dundee, Edinburgh and Glasgow), and the requirement to have appropriate road signs within TSRGD to identify these zones, has driven the need to amend and update aspects of this legislation. It is noted that a Business and Regulatory Impact Assessment for the LEZ regulations has been prepared and is available at the link: [LEZ regulations - Business Regulatory Impact Assessment - 18 January 2021 | Transport Scotland](#).

Relationship with other Related Guidance

The 2022 Regulations and General Directions will relate directly to the existing TSRGD, and will be presented as amendments to TSRGD 2016.

The Traffic Signs Manual offers advice on the use of traffic signs and road markings on the highway network, as referenced in TSRGD. The 2022 Regulations and General Directions provide for additional signs, and make minor amendments to the

application of existing signs, but do not compromise or contradict the Traffic Signs Manual.

Where TSRGD makes reference to Primary Legislation, it will continue to do so. This is not affected by the 2022 Regulations and General Directions.

The signs developed for use in relation to LEZs under the 2022 Regulations and General Directions will support The Low Emission Zone (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021, and The Low Emission Zone (Scotland) Regulations 2021. These new LEZ signs and road markings included within the 2022 Regulations and General Directions will be used for information and advisory purposes; enforcement of an LEZ scheme is not dependent on the placement of signs or use of road markings.

What might prevent the desired outcomes being achieved?

Nothing has been identified to specifically prevent the desired outcomes being achieved.

It is important that roads authorities and operators, including local authorities, are aware of the changes and understand their meaning. These bodies have been consulted through the “invitation to comment”, and will be further advised on the new regulations coming into force.

Clarity of meaning of the new signs to road users is also essential. While the majority of amendments are minor, based on existing traffic signs and therefore considered unlikely to cause issues, it has been identified that the LEZ signing is more unique.

A public awareness raising campaign is to be undertaken specifically relating to Low Emission Zones, which will include information regarding road signs. This is to be addressed under LEZ policy, which is separate from the 2022 Regulations and General Directions. This may include television and radio broadcasts, information on local authority websites, direct information provided to Blue Badge holders (who are exempt from the LEZ restrictions). An information website is also provided by Transport Scotland, which will continue to be developed, at [Low Emission Zones Scotland | Transport Scotland](#).

Consultation

Within Government

Proposals have been developed with the support of colleagues in Transport Scotland, and across the Scottish Government, including the following:

- Transport Scotland, Roads Directorate, Environment & Sustainability
- Transport Scotland, Roads Directorate, Network Maintenance
- Forestry and Land Scotland

An invitation to comment on the proposals to amend and update TSRGD was issued to the Transport Scotland Chief Executive and Transport Scotland Director of Roads, and no comments were received.

To comply with the requirements of section 134(7) of the Road Traffic Regulation Act 1984 (as inserted into the 1984 Act by the Scotland Act 2016, Schedule 2, Part 1, paragraph 12(5)), the UK Government Department for Transport (DfT) has been consulted.

Stakeholder Consultation

An invitation to comment on the proposals to amend and update TSRGD was distributed in September 2021. Comments were invited by e-mail return. An indicative six-week period for feedback was stated, though the mailbox for comments has remained open and monitored in the period beyond this date.

The invitation was sent to a total of 64 parties outside of Scottish Government, summarised below. The bracketed numbers indicate the number of parties contacted under each category:

- Local authorities (32)
- Emergency Services (3)
- UK Department for Transport (1) (as noted above)
- Regional Transport Partnerships (6)
- Legal authorities (2)
- National Parks, environmental and visitor organisations (5)
- Haulage associations (2)

- Motoring organisations (2)
- Public transport operators (6)
- Trunk Road operating companies (5)

Of these, 14 parties responded to the invitation, and a total of 119 comments were received. These comments have all been considered to determine whether they might affect the proposals.

Following the collation of feedback, further meetings with key stakeholders were held to discuss some of the comments received. These meetings, which included Department for Transport and Police Scotland, have supported the development of the proposals. The feedback received, and the subsequent discussions, resulted in some changes to the proposals ultimately taken forward into the Regulations.

Additionally, proposals and feedback were discussed at Transport Scotland's Traffic Signs Working Group, a regular forum including traffic signs practitioners from Scottish and local government, road operators and industry bodies.

Business Consultation

No formal consultation with businesses was undertaken beyond the scope of the stakeholder consultation set out above.

Consultation relating to LEZ policy and regulations has been undertaken separately and is not within the scope of this impact assessment for the 2022 Regulations and General Directions.

Public Consultation

No formal public consultation was undertaken.

Options

Traffic signs proposals

A listing of the amendments to be made to the TSRGD is provided in Table 1.

Table 1 – Amendments to Traffic Signs Regulations and General Directions

Traffic sign	Type	Description
LEZ symbol	New sign	A new circular symbol to be used on traffic signs, such as direction signs and advance warning signs, indicating a low emission zone.
LEZ entry sign	New sign	A new sign to indicate the entry to a low emission zone, incorporating the LEZ symbol, and advising that cameras are in operation for the purposes of identifying contraventions of LEZ schemes.
LEZ repeater sign	New sign	A new sign permitted for use within a low emission zone, to remind drivers, incorporating the LEZ symbol.
LEZ end sign	New sign	A new sign to indicate the exit from a low emission zone, incorporating the LEZ symbol.
LEZ road marking	New sign	A new road marking to emphasise the entry to a low emission zone.
Additional warning sign legends *	Amendment to existing sign	Extension of the permitted plates to be used with Diagram 562 (triangular exclamation mark warning sign), enabling cyclists crossing and concealed accesses to be highlighted.
Requirements for local facilities signing	Amendment to existing sign	Amendments to the required thresholds, allowing wider use of the existing local facilities sign. This will enable more remote village services to be signed, where they would not have met the existing threshold. Will also allow electric vehicle charging facilities to be included on this sign.
Town or village entrance sign *	Amendment to existing sign	Extension of the permitted background colours which can be used on the existing town or village entrance sign featuring an image.
Forestry and Land Scotland symbol *	Amendment to existing sign	Updating to the current symbol for this organisation (used on tourist information signs).
RSPB symbol	New sign	Permitting this symbol to be used on tourist information signs, for relevant attractions (as it currently is in England and Wales).
Countdown markers to speed limits *	New sign	New signs incorporating countdown markers to identify a speed control area approaching. Particularly intended for use on approaches to towns and villages.

Traffic sign	Type	Description
Parking distance plates	Amendment to existing sign	Permitting a second distance to be included in the existing parking area approach sign, Diagram 2501, allowing drivers to make more informed choice.
Pedestrian zone –flashing lights	Amendment to existing sign	Permitting the existing pedestrian and cycle zone signs (Diagrams 618.3B and 618.3C) to be identified by flashing lights. Current regulations require fixed time periods.
Symbols for motorhome servicing	New sign	New symbol for use on direction signs, to indicate locations where motorhomes and campervans can be serviced (water, toilet etc).
Not applicable	Transitional and savings provisions	Provisions within the 2022 Regulations and General Directions to ensure that existing signs already in place on the network will remain valid, even where they are superseded by the amendments.

Business and regulatory impacts are deemed to be negligible for the following proposals (highlighted and marked with ‘*’ within Table 1):

- Additional warning sign legends – on exclamation mark hazard warning sign
- Town or village entrance sign – change in permitted background colour only
- Forestry and Land Scotland symbol – change to style of the symbol only
- Countdown markers to speed limits – warning of approach to restricted speed limit on approach to town or village

The Business and Regulatory impact assessment is therefore focussed on the remaining proposals in Table 1.

It is emphasised that the provision of signing will be at the discretion of the roads authority, and that the amendments do not mandate any changes. It is also noted that the 2022 Regulations and General Directions are to include the savings provision detailed in Table 1 to ensure that any existing sign on the network will remain current for as long as it remains in place.

The benefits, costs and other impacts of all TSRGD amendments are set against the scenario of not making these amendments.

Benefits

LEZ signs (new signs)

This set of signs has been developed to support the introduction of low emission zones in Scotland’s cities. Benefits relating to the introduction of low emission zones have been separately addressed in the Business and Regulatory Impact

Assessment for the LEZ regulations, which can be found at [LEZ regulations - Business Regulatory Impact Assessment - 18 January 2021 | Transport Scotland](#).

The incorporation of new LEZ signs and road markings within TSRGD will enable the LEZ schemes to be adequately signposted, in advance of entering the zone, on entry to the zone, within the zone and on exit. This will enable drivers to navigate the network effectively, and discourage vehicles from entering illegally. The introduction of these signs is considered essential to ensure road users are fully informed of the existence of LEZ schemes and provided with sufficient advance warning that these schemes are in operation.

The four local authorities due to introduce LEZ (Aberdeen City, Dundee City, City of Edinburgh and Glasgow City) have been involved in discussions during the development of these signs.

Local facilities sign (amendment to existing sign)

The amendment to this existing sign within TSRGD is relatively minor. The sign, which directs road users to “local facilities” currently has a threshold of requiring destination to provide parking, public toilets, refreshments and fuel during normal shop opening hours at least. It was recognised that this threshold is often not met by rural Scottish communities, yet these communities have potential to provide valuable services to road users, and also the opportunity to benefit economically from visitors.

The proposed reduction in threshold, to require a minimum of parking plus at least one of public toilets and/or fuel during normal shop opening hours will enable more towns and villages (particularly in remote rural areas) to be signed, at the discretion of the road authority. This will benefit road users by highlighting valuable facilities, with positive impacts for businesses within the communities which may be signed as a result.

By adding electric vehicle charging points and motorhome servicing points to the items which may be included on the sign, important facilities can be identified which reflect the evolving needs of road users.

RSPB symbol (new sign)

This symbol indicating a nature reserve managed by Royal Society for the Protection of Birds (RSPB) was already authorised for use on tourist signs in England and Wales, and commonly used on Scottish signs with non-prescribed sign authorisation. The amendment will allow these facilities to be signed in Scotland without prior authorisation, at the discretion of the roads authority.

Parking distance plates (amendment to existing sign)

This minor change to the regulations allows the next two laybys on a continuous route to be identified on the standard advance notification “P” parking sign. So for example rather than just identifying the next layby (“P” 1 mile), it will allow the next two to be identified (“P” 1 mile and 5 miles).

This will be particularly beneficial to drivers on routes where the gap between successive laybys is variable. If a driver knows the gap between laybys they can decide whether to stop at the next opportunity, or continue to the following one. The amendment has potential to ease driver frustration and improve road safety.

Pedestrian and cycle zone – flashing lights (new signs)

This amendment is effectively a variation on existing signs, which define pedestrian only, or pedestrian and cycle only zones around fixed periods. The proposal enables the zone’s status to be defined by flashing lights, rather than be fixed time periods.

The amendment will provide benefits in situations where the definition of the restricted zone is not well suited to fixed periods. For example, it will enable the zone restriction to be applied during school term times, but not during holidays. This has potential dual benefit of:

- Enabling pedestrian or pedestrian/cycle zones to be applied in situations where they would otherwise be unsuitable, and/or;
- Ensuring that these zones are not applied during periods where they are not needed.

Symbols for motorhome servicing (new sign)

The increased popularity of motorhomes, and their increased use on the road network, has been identified. This need has been discussed directly with Visit Scotland.

The amendment provides a universal symbol for use on direction signs and services signs, to direct motorhome and campervan users to locations where their vehicles can be serviced. Providing a defined symbol will ensure consistency, and avoid a proliferation of inconsistent signs as the need for these services increases. The sign is intended for disposal and fresh water supply, and is not intended for directions towards a site for overnight stays.

The provision of adequate facilities may be necessary to ensure that motorhome requirements are serviced, and negate the potential impact of inappropriate disposal

of waste. However, it is emphasised that the policy of providing facilities is not addressed by the 2022 Regulations and General Directions; they only enable the facilities to be appropriately signed.

Costs

The costs directly arising from the amendment are generally considered to be very low, noting that in most cases the changes to the regulations are fairly minor and, significantly, the amendments do not result in any mandatory changes to road signs. Provision of signs included within the amendment is at the discretion of road authorities.

Reducing sign clutter was a stated aim of the revision of TSRGD in 2016, and these amendments are not believed to compromise this.

The following two amendments are considered further, as these have some potential for cost impact:

- Low emission zone signs
- Pedestrian and cycle zone – flashing lights

LEZ signs (new signs)

The introduction of the low emission zones will necessitate signing on the local road network, and also on the trunk road approaches. This is considered a necessary cost to ensure that the zones are apparent to drivers and give fair warning of the regulated access.

Discussions with local authorities have highlighted the need to avoid excessive road signing, and to limit sign sizes as far as possible, to only convey the necessary information.

Costs will be borne by the roads authority. These costs are not considered to be excessive in the context of the significance and impact of LEZ introduction.

Pedestrian and cycle zone – flashing lights (new signs)

Providing flashing lights to define pedestrian and cycle zones will have implications in terms of installation and maintenance costs. It has also been noted that regulation of these areas will be dependent on the lights working effectively.

The decision to install these lights and the costs to install, operate and maintain them, will all be the responsibility of the local authority. The proposed change to

TSRGD will introduce the option to provide these signs, but will not impose them in any way, and the existing “fixed time” restriction sign will still be an available option.

Therefore, the introduction of the proposed amendment to TSRGD will not directly result in any increase in cost, but may lead to the installation of signs which cost local authorities more money to install and maintain, at their discretion.

Sectors and Groups Affected

The introduction of the amendments is not considered to directly impact on any particular group. However, these changes to TSRGD may affect the signing solutions available to roads authorities. Therefore, it is important that local authorities and Transport Scotland officers are aware of the changes and how these can be implemented. All local authorities were included in the invitation to comment, as were senior Transport Scotland officers. Further advice will be provided as the changes are introduced.

The road using public will be affected as a whole, but this is not considered to affect any particular sector or group. The assessment of the effects related to the Low Emission Zone policy is addressed in [LEZ regulations - Business Regulatory Impact Assessment - 18 January 2021 | Transport Scotland](#).

It is noted that Blue Badge holders will be exempt from LEZ restrictions under the appropriate regulations (which are separate from the 2022 Regulations and General Directions).

Scottish Firms Impact Test

The proposed amendments will have very little impact on Scottish firms. There is some potential that businesses in rural communities will benefit from the opportunity to sign more settlements with the Local Facilities sign.

It is recognised that the Low Emission Zone policy will affect businesses, but this is not within the scope of the TSRGD amendments. This is addressed separately in [LEZ regulations - Business Regulatory Impact Assessment - 18 January 2021 | Transport Scotland](#).

Competition Assessment

The proposed changes to the regulations are not considered to have any impact on competition. It is not considered likely that the proposals will directly or indirectly limit the range of suppliers, limit the ability of suppliers to compete, or reduce suppliers' incentives to compete vigorously.

Digital Impact Test

The Scottish Government does not consider that the proposed changes to the regulations will have any impact on competition. It is not considered likely that the proposals will directly or indirectly limit the range of suppliers, limit the ability of suppliers to compete, or reduce suppliers' incentives to compete vigorously.

Legal Aid Impact Test

Legal Aid is not impacted by the amendments to the TSRGD.

Enforcements, Sanctions and Monitoring

Transport Scotland will continue to monitor TSRGD on behalf of Scottish Ministers, so that any further requirements for amendments can be identified and actioned appropriately. This will be undertaken primarily through monitoring of non-prescribed sign applications, and continued engagement with local authorities and the Traffic Signs Working Group.

The signs and road markings provided for by 2022 Regulations and General Directions are advisory in nature and will be placed to provide information to road users. The LEZ signs and the Pedestrian and cycle zone signs incorporating flashing lights will advise drivers of the presence of a controlled zone where regulations apply, and are therefore discussed further below.

LEZ signs (new signs)

While the low emission zone signage will advise drivers that they are approaching, entering, travelling within or leaving a LEZ, they will not define the limits of the regulated zone. These signs will be used for the purpose of providing information and to give fair warning.

Regulations relating to the LEZ, including zone boundaries, emission standards and penalties, are addressed in The Low Emission Zone (Emission Standards, Exemptions and Enforcement) (Scotland) Regulations 2021, and The Low Emission Zone (Scotland) Regulations 2021. The impacts of these Regulations are addressed in [LEZ regulations - Business Regulatory Impact Assessment - 18 January 2021 | Transport Scotland](#).

Pedestrian and cycle zone – flashing lights

The proposed signing for pedestrian and cycle zones featuring flashing lights will operate similarly to existing signs within TSRGD featuring fixed time periods (Diagrams 618.3B and 618.3C).

The notable difference will be the need for the lights within the sign faces to be operated at appropriate times, and maintained. Without this the signs will not be enforceable. The decision to install these lights and the costs to install, operate and maintain them, will all be the responsibility of the local authority.

Implementation and Delivery Plan

The 2022 Regulations and General Directions are due to be laid in the Scottish Parliament on 24 March 2022, and expected to come into force in May 2022.

It is important that local authorities and Transport Scotland officers are aware of the changes and how these can be implemented. All local authorities were included in the invitation to comment, as were senior Transport Scotland officers. Further advice will be provided to roads authorities and practitioners as the changes are introduced.

The changes to the TSRGD are generally considered minor and based on existing conventions, and unlikely to cause confusion among road users, or require extensive publicity. The exception to this is the LEZ signing, which will require more advice and publicity.

An advice document is to be prepared relating to LEZ signing, giving information on sign face design and application of the new prescribed LEZ signs, for the use of roads authorities and designers.

A public awareness raising campaign is to be undertaken specifically relating to Low Emission Zones, which will include information regarding road signs. This is to be addressed under LEZ policy, which is separate from the 2022 Regulations and General Directions. This may include television and radio broadcasts, information on local authority websites, direct information provided to Blue Badge holders (who are exempt from the LEZ restrictions). An information website is also provided by Transport Scotland, which will continue to be developed, at [Low Emission Zones Scotland | Transport Scotland](#).

Summary and Recommendation

The proposed amendments to the Traffic Signs Regulations and General Directions 2018 are necessary to meet the needs of the road network in Scotland. There is an immediate need to provide consistent signing regulations to support the new Low Emission Zone (LEZ) regulations.

Business and regulatory impacts relating directly to the introduction of the 2022 Regulations and General Directions are limited, noting that the 2022 Regulations and General Directions relate only to traffic signing, and that significant policy issues such as the introduction of Low Emission Zones are subject to their own regulations and have been assessed separately.

It is recommended that the amendments to TSRGD, as laid out in Table 1 of this document (under “Options”) are brought into force through the Traffic Signs Amendment (Scotland) Regulations and General Directions 2022.

Declaration and Publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

Jenny Gilruth MSP

Minister for Transport

Date: 22 March 2022

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