

<b>Subject:</b>	<b>Transport Strategy - Covid19 emergency response to Transport and Reallocating Road Space</b>		
<b>Date of Meeting:</b>	<b>14<sup>th</sup> May 2020</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment &amp; Culture</b>		
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The coronavirus (Covid-19) pandemic has created a number of challenges and changes for the city in respect of how the transport network is being, and will be, used. With the implementation of government restrictions in response to the public health crisis, there has been a new demand to increase the ways that people can exercise and travel while physical distancing.
- 1.2 Cycling and walking has increased during the pandemic, and levels of traffic demand has fallen. Towns and cities throughout the UK are implementing changes to their road network to accommodate active travel and facilitate physical distancing.
- 1.3 This report seeks to identify transport network measures that the city can take in the short term to respond to the Covid-19 emergency. It also proposes that an interim Local Cycling & Walking Infrastructure Plan is prepared to outline the city's response in the medium term. The report responds to the request made by Policy & Resources Committee on 30<sup>th</sup> April 2020 for officers to urgently explore how the work of the Local Transport Plan and associated council transport policy can be rendered more flexible, to respond to the impact of the Covid-19 emergency. The report also responds to the statutory guidance issued by government on 9<sup>th</sup> May 2020 which encourages local authorities to consider how towns and cities can do what is necessary to ensure transport networks support recovery from the Covid-19 emergency and provide a lasting legacy of sustainable, safer transport.

**2. RECOMMENDATIONS:**

- 2.1 That the committee note the temporary measures that have been implemented as part of the transport strategy response to the Covid-19 pandemic, including the closure of Madeira Drive and the road space reallocation to create temporary cycle lanes along the Old Shoreham Road be noted;
- 2.2 That the committee approve the Urgent Response Action Plan and policy framework set out in Appendix A to assess and agree Covid-19 related measures in the timeframes set out;

- 2.3 That the Executive Director Economy, Environment & Culture be granted delegated authority for the delivery of the temporary measures contained in the Urgent Response Action Plan to the during the pandemic recovery phase; and
- 2.4 That officers should commission an interim Covid-19 Response Local Cycling & Walking Infrastructure Plan, using the consultant team that are currently developing the LCWIP for Brighton & Hove.
- 2.5 That the Action Plan should be reviewed for progress at the October meeting of the Environment, Transport and Sustainability committee.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The Covid-19 public health crisis has had a significant impact upon the lives and health of people in the city, as well as significant economic consequences. It has also resulted in cleaner air and quieter streets and an increase in residents cycling and walking.
- 3.2 As the city begins to see more people going back to work, there is need for residents to carry on cycling and incorporating active travel into their commute. With public transport capacity reduced and a government message to avoid using public transport wherever possible, the city could experience significant congestion unless an increased range of alternative sustainable options, including cycling, is facilitated.
- 3.3 As the country begins to move into the next phase of the pandemic and restrictions on movement are eased, there is a continued emphasis on physical distancing. This means that pedestrians will need more space and, over time, restaurants and cafes may also need more space to be able offer a service outside their premises.
- 3.4 As a result of these changes to how people are traveling and using public space, towns and cities in the UK and around the world are making or proposing radical changes to their highway networks to accommodate active travel. Re-allocating road space for active travel will not only help the city respond to the next phase of the pandemic, but will also promote healthy and active living to help the city become more resilient for the future.
- 3.5 On 9<sup>th</sup> May 2020, government issued statutory guidance *Traffic Management Act 2004: network management in response to COVID-19*. The guidance refers to a once in a generation opportunity to deliver a lasting transformative change in how we make short journeys in our towns and cities.
- 3.6 According to the [National Travel Survey](#), in 2017-18 over 40% of urban journeys were under 2 miles – perfectly suited to walking and cycling. Active travel is affordable, delivers significant health benefits, has been shown to improve wellbeing, mitigates congestion, improves air quality and has no carbon emissions at the point of use. Reconfiguring the city based on active travel will improve the health and wellbeing of residents, as well as create lasting local economic benefits.

- 3.7 The government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel. The government guidance urges local authorities to consider how towns and cities can do what is necessary to ensure transport networks support recovery from the COVID-19 emergency and provide a lasting legacy of greener, safer transport.
- 3.8 The city has a target to become Carbon Neutral by 2030 needs to support transition from modes of transport that will deliver this aspiration, alongside this support the local economy so any measures considered have to contribute to the delivery of these two aims.

#### Current traffic levels during the pandemic

- 3.9 Monitoring of the traffic levels in the city demonstrates that there has been a 60% reduction in flows on the strategic roads, but a general increase in vehicle speeds. This has been noted in every major city across the UK.
- 3.10 Bus operators are currently seeing patronage at around 10% of normal levels and are also anticipating significant shifts in passenger behaviour. On the 10<sup>th</sup> May 2020 the Prime Minister requested people should continue to avoid public transport if possible, because of the difficulty physical distancing.
- 3.11 Brighton and Hove Buses report that implementing physical distancing on buses results in 25-50% or less of normal capacity. Seating capacity will be limited by bus operators to a level that ensures alignment with government guidance. A recent Ipsos-Mori poll found that 60% of people are currently fearful of returning to public transport. Despite this, public transport through bus services will remain a critical part of the city's overall approach to sustainable transport. Many travel to work and travel to school patterns will not change by their nature and many key workers will continue to use public transport.
- 3.12 With capacity on the bus network reduced there is a risk that as people return to work they will choose to travel by car, causing congestion. There is also a risk of increased travel by car to take children to school. Providing active travel alternatives could help to address this. The new government guidance strongly advises those towns and cities with reliance on high levels of public transport to rapidly install additional cycling infrastructure to both protect the reduced public transport offering and provide safe and effective sustainable transport options.

#### Reallocating Road Space: Potential Measures

- 3.13 As a city with a high level of public transport use, there is a need to take measures to reallocate road space to people walking and cycling, both to encourage active travel and to enable physical distancing as the city moves to the next phase of the pandemic response. This needs to be done without having a significant detrimental impact upon the bus network, as in the longer term bus travel will continue to be a key aspect of the city's transport network. Government guidance encourages local authorities to take measures as swiftly as possible, and in any event "within weeks", given the urgent need to change travel habits before the restart of the economy takes full effect.

- 3.14 The Council has been quick to respond to the change in travel patterns across Brighton & Hove, and City Transport has taken some immediate steps to ensure the continued delivery of vital services, support vulnerable people and keep the city moving, including:
- Introducing 24hr concessionary bus travel for disabled and older people to support them in accessing shops earlier in the day to buy essential items
  - Automatic renewal of concessionary travel pass holders to ensure continued provision during the pandemic
  - Prioritising parking enforcement on unauthorised disabled bay parking and dangerous obstructions to support disabled road users.
  - Closing Madeira Drive to provide more outdoor space for exercise during lockdown and to reduce the safety risk to people walking and cycling
  - Creating new, temporary cycle lanes along the A270 Old Shoreham Road
  - Providing free parking for social care workers and NHS staff in on-street parking bays and Council-owned car parks to ensure key workers can continue to provide essential care to the most vulnerable during the crisis
  - Automatic renewal of Blue badges and completion of eligibility assessments for new applicants by phone, instead of face-to requests
  - Making the Bike Share scheme available free to NHS staff and council-contracted care staff during the pandemic, to support the continued care of vulnerable people in the city
  - Ensuring important larger-scale redevelopment work in the city can continue with staff working on site taking precautions to protect themselves and the public in line with government guidance.
  - Ensuring all necessary highway inspections are taking place and essential works and repairs are completed in a timely way by adjusting working practices to maintain physical distancing and new processes that limit the amount of contact staff have with one another.
- 3.15 Officers have also begun to consider a range of further measures that could be implemented across the Brighton & Hove transport network. The initial Urgent Response Action Plan is included in Appendix A. The Action Plan has been developed to tackle the short term, medium term (coming out of lockdown) and long term (recovery) phases. The measures can be summarised as improving cycling, tackling congested pavements and supporting businesses.
- 3.16 Typical road-space reallocation measures that officers are proposing through the Action Plan include installing 'pop-up' cycle lanes, and widening footways along lengths of road, particularly outside shops and transport hubs where more space is needed to allow people to queue and physical distance.
- 3.17 As well as the measures proposed in the action plan found at Appendix A, officers will continue to work on proposals to bring forward permanent schemes already planned and agreed by the Environment, Transport and Sustainability (ETS) Committee. This includes:
- Proposals for a car-free city centre
  - A review of the current ultra-low emission zone
  - Encouraging walking and cycling to school, for example through the introduction of more 'school streets' in line with requests already made by ETS Committee, and

- The development of the new Local Transport Plan and new Local Cycling & Walking Infrastructure Plan (LCWIP).
- Continuing to look for opportunities to deliver actions identified in the bus network review.

Officers will be bringing reports outlining options in relation to both a car-free city centre and an extension of the ultra-low emission zone to the November 2020 ETS Committee.

- 3.18 Many ad hoc requests for further measures are being received, particularly related to cycling and walking. The Action Plan has taken these into account and they have been included.
- 3.19 The proposed measures can be introduced temporarily, either in isolation or as a combined package of measures. Some interventions, including new lightly-segregated cycle lanes, will not require Traffic Regulation Orders (TROs). Others will require TROs, of which there are different types. The main ones are:
- Permanent: this process includes prior consultation on the proposed scheme design, a 21-day notice period for statutory consultees and others who can log objections; there can be a public inquiry in some circumstances.
  - Experimental: these are used to trial schemes that may then be made permanent. Authorities may put in place monitoring arrangements and carry out ongoing consultation once the measure is built. Although the initial implementation period can be quick, the need for extra monitoring and consultation afterwards makes them a more onerous process overall.
  - Temporary: these can be in place for up to 18 months. There is a 7-day notice period prior to making the TRO and a 14-day notification requirement after it is made, plus publicity requirements. These are most suitable for putting in place temporary measures and road closures.
- 3.20 Access will still be required for other activities in the road, particularly utility works, maintenance and other highway works, which will need to be balanced with work to reallocate road space to active travel. Utility works and highway maintenance activity should carry on, as they will be essential to getting the economy going again. Officers will also consider access for Blue Badge holders, deliveries and other essential services as appropriate.

#### Interim Covid-19 Response Local Walking & Cycling Infrastructure Plan

- 3.21 The city council has commissioned a Local Walking & Cycling Infrastructure Plan (LCWIP). Initial stakeholder consultation is due to take place shortly in order to identify walking and cycling issues in the city. The appointed consultants are currently working up the draft walking and cycling network which, in conjunction with initial stakeholder feedback, will be available as a further stakeholder consultation in the summer.
- 3.22 It is proposed that officers commission an interim Covid-19 Response LCWIP to progress the current Action Plan in appendix A to the next stage, so that the city's transport network can support the recovery of the city. It is proposed that a draft of this interim LCWIP will be produced for consultation by July

## Monitoring and Evaluation

- 3.23 The Transport team will monitor and evaluate any temporary measures they install, so that consideration can be given on whether there is a case for making any of the measures permanent and, where appropriate, a longer-term shift to active travel can be delivered as we move from restart to recovery. Public Health will also be involved in monitoring so that the health and wellbeing impacts as well as transport mobility impacts are considered.
- 3.24 Evaluation reports will be presented to the ETS Committee and the Policy & Resources (Recovery) Sub-Committee as required.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 A 'do nothing' option has been considered, but is not appropriate as this is likely to result in:
- Inability of residents to comply with government guidance on 'physical distancing';
  - Increased road danger as a result of higher vehicular traffic levels, speeds, collisions and harmful emissions;
  - Modal shift away from sustainable modes to private cars;
  - Increased inequalities as those that can work from home do so, or drive. National research shows these tend to be higher income earners; and,
  - Weaker and less diverse economy as small businesses struggle to adapt to new conditions.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Most significant Transport schemes are normally subject to a full consultation process before any changes are implemented. However, this is an emergency situation and there are measures that can be implemented under delegated powers, particularly when there is a risk to the public.
- 5.2 If any measure requires a formal Traffic Regulation order (TRO) then the proper legal process will be followed.
- 5.3 The police and emergency services will be consulted to ensure access is maintained where needed, for example in relation to roads that are closed to motor traffic. Bus operators and the Taxi trade will also be consulted to ensure that the public transport network is not disrupted. Local businesses will be consulted through the city wide Covid-19 Recovery Programme to ensure changes reflect their needs, particularly around access to premises. Other relevant groups will be consulted including Cycling and charity organisations

## **6. CONCLUSION**

- 6.1 The Action Plan sets out measures, in line with the new government guidance, that fit with the council's strategic priorities and those that can be delivered in the time available to reallocate road space and support the need to drive change.

- 6.2 The Action Plan details indicative costs and challenges that still need to be considered in delivering the measures.
- 6.3 Without the Action Plan there will be increasing challenges to maintain physical distancing and a real risk that some of the Authority's good work on encouraging modal shift will be undone due to the fear of using public transport. Any measures taken will take into account any detrimental impacts they might have on Public Transport. The authority will support the measures to support businesses need to reopen and encourage changes that could deliver longer term benefits.
- 6.4 The Action Plan will help to deliver Public Health benefits through facilitating improved levels of physical distancing whilst travelling, shopping for essential supplies and exercising.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The Action Plan will be funded from existing revenue budgets and the Local Transport Plan capital funding where that is applicable. Officers will further explore opportunities for bidding to the £250m Walking & Cycling funding within the overall additional £2bn funding announced by The Transport Secretary.
- 7.2 It should be noted that some of the measures detail in the action plan will remove parking in the city. The removal of any spaces will impact on the income that the council receives.

*Finance Officer Consulted: Steven Bedford*

*Date: 11/05/2020*

### Legal Implications:

- 7.3 Any changes to the highway have to conform to the legislation that is available. Highway Authorities can place various restrictions on traffic e.g close roads, make one-ways by way of Traffic Regulation Orders (TROs) made under the Road Traffic Regulation Act 1984. TROs are permanent, experimental or temporary; each type has specific processes that have to be followed in relation to consultation and engagement with the community, including specific requirements on advertising and consultation.
- 7.4 Permanent TROs are advertised first to allow anyone to object to the order and objectors have 21 days to lodge an objection that has to be either resolved or taken through a formal consideration process (such as a committee decision). Experimental orders have to be advertised as an intention for 7 days and can then be implemented for a period of 18 months to trial a scheme. There is a 6 month objection period from the start of the order.
- 7.5 Temporary orders have specific reasons as to why they can be used and are used for works on the highway where the road has to be closed to facilitate works, danger to the public or serious damage to the road. This is the process that was used for Madeira Drive due to the risks to pedestrians and cyclists with

speeding vehicles and increased use of the road. The road only has a limited number of businesses and all of these are currently closed, so this is a unique situation. Normally shutting roads in the city centre, with the need to maintain access for residents and businesses, would have to follow the full permanent or experimental route and associated consultation.

- 7.6 A highway authority has the power to make lane closures and changes to footways under the Traffic Management Act 2004. These changes to the highway can be made by officers using delegated powers without the need for Traffic Regulation Orders.

*Lawyer Consulted: Stephanie Stammers Date: 11.05.20*

Equalities Implications:

- 7.7 The plan will be subject to an Equalities Impact Assessment (EQIA) and engagement with representative/community groups will help to mitigate any potential adverse effects on people with protected characteristics, no matter how sustainable. The public sector equality duty still applies, and in making any changes to road networks, the council must consider the needs of disabled people and those with other protected characteristics. Accessibility requirements apply to temporary measures as they do to permanent ones.
- 7.8 Furthermore, one in three Brighton & Hove households do not have access to a car and without sufficient proactive planning for active travel and controlling vehicle use it is likely that disadvantaged individuals and communities would be most affected, including single parents, those with disabilities, low income groups, women and BME groups.

Sustainability Implications:

- 7.9 The measures will improve the transport network for sustainable modes of transport by reallocating road space.

Brexit Implications:

- 7.10 None.

Risk and Opportunity Management Implications:

- 7.11 *Risk 1:* Changes to the public highway are subject to legislative requirements and procedures under the Highways Act and these must be followed in order to avert legal challenge.  
*Mitigation 1:* Consult with Legal Services and other relevant authorities, such as the emergency services, as necessary.

*Risk 2:* Changes to the public highway are subject to the Equalities Duty and may result in detrimental impacts if not properly considered.

*Mitigation 2:* All Traffic Orders will be subject to EQIA and key stakeholders will be engaged.

*Risk 3:* The accelerated delivery of Transport Strategy projects, without the full suite of public engagement measures, may be considered unreasonable by stakeholders and the wider public.

*Mitigation 3:* This Emergency Response to be communicated to stakeholders alongside appropriate justification. Any measures requiring Traffic Orders to be subject to informal engagement with key stakeholders in advance of implementation.

*Risk 4:* Accelerating the delivery process results in compressing the normal technical project stages and may lead to oversight of key factors.

*Mitigation 4:* Establish a working group of key officers to identify and advise on key requirements.

#### Public Health Implications:

- 7.12 The measures will support the improvement of public health through enhanced opportunities for physical distancing during the pandemic whilst travelling, securing essential supplies and exercising. Enabling greater uptake of active travel across the city will provide both short and long term benefits to the mental and physical health of our residents. This approach supports the implementation of the Brighton & Hove Health and Wellbeing Strategy

#### Corporate / Citywide Implications:

- 7.13 The measures will support the existing Local Transport Plan 4 and the development of the new Local Transport Plan 5.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. COVID - 19 Urgent Response Transport Action Plan

### **Background Documents**

None

