

<b>Subject:</b>	<b>Urgent Response Transport Action Plan - Update</b>		
<b>Date of Meeting:</b>	<b>29<sup>th</sup> September 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 At the Environment, Transport and Sustainability Committee on 23<sup>rd</sup> June it was agreed that an updated Urgent Response Transport Action Plan should be brought to the next committee for members to review progress and consider the recommendations contained within the report.
- 1.2 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 in the future. With the implementation of the Government Public Health Guidelines and emergency legislation in response to the public health crisis, there has been an imperative to increase active travel capacity.
- 1.3 The active travel measures set out in the Urgent Response Transport Action Plan were put in place to provide essential active travel capacity necessary to deal with the shortfall in public transport capacity due to social distancing requirements during the pandemic emergency and in response to the Government's emergency powers that directed Local Authorities (LAs) to act quickly to meaningfully reallocate road space to walking and cycling. For the first set of government funding (Emergency Active Travel Fund Tranche 1) Local Authorities had just 8 weeks to fully deliver schemes. This has meant that the usual consultation processes associated with standard scheme delivery have been unachievable for these emergency temporary measures. The Council has mitigated the impacts of this limited opportunity for consultation by ensuring that all schemes have been introduced using the Experimental Traffic Regulation Order (ETRO) process, which enables ongoing consultation post implementation.
- 1.4 The Council has sought to mitigate the impacts of the Covid-19 crisis by implementing its Urgent Response Transport Action Plan in line with Central Government's call for LAs to take immediate action. With the recent rise in Covid-19 cases, and the reintroduction of new social distancing measures, it is important that the schemes implemented as part of the Urgent Response Transport Action Plan remain in place.
- 1.5 Cycling and walking has increased during the pandemic, and the City has had to prepare for the changes, particularly with the short-term reduction in public transport capacity. Like towns and cities throughout the UK we have

implemented changes to road networks to accommodate active travel and facilitate physical distancing. The council set up a public feedback survey; an early summary of results is contained in the report. The survey will continue to gather people's views and comments will continue to be collected as part of the ETRO process, with further results reported at a future committee.

- 1.6 This report updates Members on the transport network measures taken by the Council in the short term to respond to the Covid-19 emergency. The report also sets out recommendations in relation to specific measures that were implemented as part of the package of emergency measures approved at the Environment, Transport & Sustainability Committee on 23 June 2020.

## **2. RECOMMENDATIONS:**

The Committee is recommended to:

- 2.1 Note the update on temporary measures that have been implemented as part of the Urgent Response Transport Action Plan contained in Appendix A, and agree these remain in place while the threat from Covid-19 is again escalating, and officers continue to monitor the schemes and report findings back to a future Committee.
- 2.2 Delegate authority to the Executive Director Economy, Environment & Culture to review and make amendments to the Old Shoreham Road cycle lane in respect of specific traffic movements, including the right hand turn into Olive Road to ease congestion.
- 2.3 Give approval for the Executive Director Economy, Environment & Culture to commence detail design and the Traffic Regulation Order process to re-open Madeira Drive one-way eastbound, improve blue badge capacity and relocate cycle facilities as detailed in paragraph 3.17 of this report and the plan contained in Appendix B
- 2.4 Agree that subject to the Council securing funding for Tranche 2 of the government's Emergency Active Travel Fund, a report is brought to a Special or Urgency Committee to agree the measures being taken forward and the associated consultation plan.

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

- 3.1 On 9<sup>th</sup> May 2020, The Government issued statutory guidance note - *Traffic Management Act 2004: network management in response to Covid-19* instructing Local Authorities to take swift action "within weeks" to meaningfully reallocate road space to cycling and walking to provide the shortfall in transport capacity and further support change in travel habits before the restart of the economy takes full effect.
- 3.2 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. In July the Government began easing some of its Covid-19 restrictions on movement, with people returning back to work and visitors to the

City beginning to increase. However, in recent weeks there have been a significant rise in the number of Covid-19 cases which is of serious concern given the approach of winter. Therefore, there is a continuing need for the emergency transport measures to remain in place.

- 3.3 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. Government instructed Local Authorities to act very quickly, meaning the engagement and consultation processes were very different to normal active travel schemes.
- 3.4 The City Council also has a target to become Carbon Neutral by 2030 and therefore needs to support transition to modes of transport that will deliver this aspiration, alongside supporting the local economy as a place for businesses, events and tourism.
- 3.5 On 14<sup>th</sup> May the Policy and Resources Urgency Sub Committee agreed the Urgent Response Transport Action Plan together with further recommendations to include additional measures along the A259, further footway widening and establishing a Low Traffic Neighbourhood in The Old Town and North Laine.
- 3.6 On 27<sup>th</sup> May Government invited all Local Authorities to submit bids for Tranche 1 of the Emergency Active Travel Fund, with a deadline for bids no later than 5<sup>th</sup> June (8 working days' notice). Given the tight deadlines for bids the Council had to work quickly, as failure to submit a bid in time would leave the City underprepared to respond to the Covid-19 emergency.
- 3.7 On 23<sup>rd</sup> June the Environment, Transport and Sustainability Committee approved an updated Covid-19 Urgent Response Transport Action Plan. As part of the plan the Committee also agreed to implement further measures including a commitment to extend the Old Shoreham Road cycle lane further west to the West Sussex boundary, a School Streets programme, a Low Traffic Neighbourhood in the Hanover area and to set up an Informal Member Liaison Group to assist in overseeing the implementation of the schemes.

#### Current Traffic levels during the Pandemic

- 3.8 Monitoring of the traffic levels in the city demonstrates that there was a significant reduction in traffic flows during the initial lockdown period on strategic roads in the city, but a general increase in vehicle speeds. This was noted in every major city across the UK. In Brighton & Hove the levels of traffic declined over the period of lockdown; data sets from the 8 permanent traffic counters across the city show that traffic levels reduced by as much as 63% in April 2020 (compared to the previous year) and the latest validated figures for July 2020 show traffic levels still 24% lower than July 2019. The most recent available traffic data for August shows that traffic levels are now estimated to be 6% lower than August 2019, this data is taken from 5 sites as data from the other sites is not yet available. The 9 permanent cycle counters show that cycling levels peaked in

May 2020 with an 11% increase city wide compared with the same time last year. Popular routes like the A259 cycle lane saw a higher increase of 21%. Latest available figures for August show a 6% increase in cycling levels compared to August 2019, this data is taken from 7 sites as comparable August data is not available for 2 of the sites. Walking data is not in abundance in the city, but anecdotal evidence suggests increases in walking during lockdown and since. As the pandemic response continues, and with different phases including the new social distancing measures, it is clear that we need to continue to respond to what the 'new normal' means for travel patterns.

- 3.9 Bus operators are currently seeing patronage at around 50% of normal levels with 90% of normal services operating and are also anticipating significant shifts in passenger behaviour. The government message has changed, but there is still some resistance to using public transport due to the perceived risk travelling in close proximity with others.
- 3.10 Brighton and Hove Buses report that implementing physical distancing on buses results in less than normal capacity. Seating capacity will be limited by bus operators to a level that ensures alignment with government guidance. A Transport Focus survey dated 14 August 2020 found that 3 in 10 people did not use public transport because they didn't feel it was safe to do. Despite this, bus services will remain a critical part of the city's overall approach to sustainable transport. Many work and school travel patterns will not change by their nature and many key workers will continue to use public transport.
- 3.11 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 high risk of increased car journeys 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 additional, safe and effective sustainable transport capacity.

#### Update on Key Measures

##### **Old Shoreham Road**

- 3.13 The new temporary cycle lanes on Old Shoreham Road have been in operation since 11<sup>th</sup> May 2020 with light segregation in the form of flexible bollards being installed on and around 25<sup>th</sup> May. In relation to usage, there has been a 61% increase in the number of cyclists using the new section of cycle lane compared to data collected in 2016 (at Lullington Avenue). The current average number of cyclists per day is now 545, this compares to 339 per day in the 2016 count. Cycle count data to the east of the route on the pre-existing section of the cycle lane also shows an increase in cycling levels -at Avondale Road the average daily number of cyclists has increased from 560 to 609 (showing a 9% increase) and for The Upper Drive this shows 294 per day to 343 per day (showing a 17% increase). In terms of public perception of the scheme data from the public survey shows that of 3,433 respondents, 64% of respondents do not support the scheme, 34% are in support and the remainder (2%) are undecided. One of the key concerns from general feedback is the issue of queues at the Olive Road right hand turn. Officers are recommending this is reviewed and measures

undertaken to alleviate the problem. The survey also indicated that 1,142 (36%) respondents had changed how they travel through the area and of these 972 (85%) said they would continue to travel in this way. The survey indicated that fewer people are driving and more people are walking and cycling.

- 3.14 The four Bikeshare hubs in the vicinity of the Old Shoreham Road have seen an increase in usage of between 10% and 74% in May and June of this year compared to the same time last year. This compares to a city-wide increase in usage of less than 2% over the same time period in 2019.
- 3.15 Traffic speeds along the Old Shoreham Road have been a serious concern for residents over the years. Speed data taken at Lullington Avenue shows a reduction in average vehicle speed of 1mph between 7am and 7pm within the scheme area (a reduction from 27mph to 26mph). This equates to a potential fall in the accident rate by 6% during these times according to the Department for Transport's research data. In contrast, there has been an increase in average vehicle speed of 2 mph, from 29mph to 31 mph, to the west of the scheme area where two lanes of vehicular traffic have been retained in each direction and there is no cycle lane. There has also been reports that there is a perception that the scheme has impeded ambulance response time. The council has engaged with the Ambulance service who have been monitoring their response times and can report that there have been no incidents where ambulances have been delayed because of the scheme, nor do they have any issues with the scheme.
- 3.16 Traffic volume data (12-hour, 7-day average) taken at Lullington Avenue shows 15,155 vehicles using the road in December 2017 compared to 13,015 in July 2020 – this is a 14% reduction in the number of vehicles in both directions within the scheme area. There was also a reduction in vehicular traffic from 22,638 vehicles to 19,996 west of the scheme, an 11% reduction at Benfield Way.

### **Madeira Drive**

- 3.17 Madeira Drive has been closed between Dukes Mound and the Place Pier Roundabout since the beginning of lockdown to facilitate walking and cycling for local residents and to reduce the risk to people from speeding vehicles. Access for businesses has been maintained and controlled from 8am to 8pm. Blue Badge holders are able to access the Black Rock car park and some bays close to the closure point and to use the changing facility at the Colonnade.
- 3.18 Although the closure has been generally supported during lockdown there have been concerns from traders as they feel that the closure limits access to their business. Blue Badge holders are currently restricted in how they would normally access the road and complaints are being received. There has also been concern around the long-term impact on events space. In terms of the survey results so far, of the 2,356 people who have responded 60% did not support the full closure, 36% did support it, and 4% were undecided.
- 3.19 In liaison with stakeholders a design solution has been prepared which would re-open Madeira Drive by introducing a one-way access eastbound from the Palace Pier roundabout to the junction with Dukes Mound. This proposal also provides a two-way segregated cycle facility on the carriageway by removing the parking on the southern side of the road and re-locating the existing cycle lanes from the

pavement onto the road and creating a wider promenade that leaves pedestrians unimpeded on the footway. Parking would remain on the northern side of the road and this will provide approximately 70-80% of normal Pay & Display parking capacity and revenue. There are currently 299 parking bays in Madeira Drive that generate £1.3 Million per annum. The proposal includes a loss of 20 Motorcycle parking spaces and 3 Coach Drop-off facilities however there is a gain of 13 Blue Badge Holder bays and an additional 8 metres of new Loading bay capacity. The final parking arrangements will be subject to the formal detailed design, Traffic Regulation Order and consultation process. A plan of the proposal is in Appendix B.

### **A259 Cycle Lane**

- 3.20 As part of the Trance 1 EATF measures a temporary westbound on-road cycle lane facility was implemented on the A259 between the Palace Pier roundabout and Fourth Avenue on 19<sup>th</sup> August. The existing two-way cycle track on the upper promenade footway is very narrow in places and has become busier during the pandemic emergency lockdown. As such, the new facility was designed to free up additional space on the footway for pedestrians to reduce conflict between the two modes and to make taking regular exercise whilst physically distancing more accessible.
- 3.21 Whilst it was necessary to remove 74 shared use bays and 14 pay and display bays (60%) of the existing parking on the southside of the A259, care was taken to ensure there was no loss of loading bays or disabled bays.
- 3.22 In the first few days of operation, the local bus operators raised significant concerns about the congestion and impacts on school re-opening caused by reducing the capacity at the Palace Pier roundabout. This scheme was introduced under an experimental traffic regulation order which allows for amendments to be made in response to feedback and observations during the experimental period. Officers decided that given the temporary nature of the scheme and the impacts it was having on bus journey times the section of lane between the Palace Pier roundabout and West Street needed to be removed. This appears to have addressed the issues.
- 3.23 In terms of cycle usage of this scheme, only limited data is available at present but a one week (7-day) average comparison between September 2019 and September 2020 shows an increase from 2,431 to 2,919 cyclists per day on average (a 21% increase). Other monitoring data currently being collected will include traffic counts and speeds, journey time surveys, parking occupancy surveys and video surveys to monitor direction of travel of cyclists and to also monitor ease of use of the two sets of disabled bays. Information from these additional data sets will be included in the next Action Plan update report along with a summary of the ETRO feedback and the public feedback survey results.

### **Other Measures**

- 3.24 The council also introduced a number of other measures to improve social distancing and accessibility in areas where footway provision was limited. Primarily this involved footway widening at London Road, Church Road, St James Street, Western Road at Tisbury Road and St Andrews Church. Overall, it

appears from the early results of the public survey below that the majority of respondents support these measures.

3.25 Table 1 – Survey Results for Footway Improvements

<b>Scheme</b>	<b>Number of responses</b>	<b>% In favour</b>	<b>% Not in Favour</b>	<b>% Undecided</b>
Church Road	67	80%	20%	0%
London Road	227	75%	22%	3%
St James Street	206	66%	34%	0%
Western Road	122	83%	17%	0%
Tisbury Road	67	80%	20%	0%
St Andrews Church	91	80%	17%	3%

3.26 The council also introduced timed vehicle restrictions to improve space for pedestrians and restaurants in the Old Town area, New Road and the North Laine. In terms of public responses to date the majority of people are in favour of the restrictions for the Old Town and North Laine. In terms of New Road, 57.1% said they do not support the extended restrictions.

3.27 Table 2 Survey Results for timed access restrictions

<b>Scheme</b>	<b>Number of Response</b>	<b>% In favour</b>	<b>% Not in Favour</b>	<b>% Undecided</b>
New Road	41	38.1%	57.1%	4.8%
North Laine	47	74.5%	21.3%	4.3%
Old Town	248	69.8%	28.4%	4.4%

#### 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:

- Pandemic emergency and further movement restrictions, social distancing and inability of the public transport network to support pre-covid levels of movement;
- Damage to the economy as people feel unsafe to travel;
- Inability for 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 In the early stages of developing the Action Plan and the Council's bid for Emergency Active Travel funding, stakeholder engagement already taking place on the strategic Local Cycling and Walking Infrastructure Plan (LCWIP) was used as an opportunity to identify, at a high level, current walking, cycling and transport accessibility issues in the city. This assisted the development of proposals for short-term changes to respond to the pandemic as well as long-term proposals for the walking and cycling network in the LCWIP.
- 5.2 The engagement involved virtual workshops with stakeholders including the Transport Partnership and walking, cycling and accessibility groups within the city. As well as the workshops a survey was undertaken for stakeholders to feedback more detailed views; feedback was sought from workshop attendees, as well as all ward councillors, neighbouring authorities, residents' associations, local groups, walking and cycling groups and groups representing equality, disability and diversity.
- 5.3 Discussion about the measures in the Action Plan and those to be included in the Council's bid to the Department for Transport also took place with some members of the Transport Partnership, and the bus company.
- 5.4 Given the urgent need to respond to the effects of the pandemic, the temporary nature of the transport changes, and the government imperative to implement meaningful measures in a matter of weeks, formal public consultation on the temporary changes could not take place in the time available prior to scheme implementation. Instead, as is standard for temporary schemes of this nature, consultation must take place through the Experimental Traffic Regulation Order (ETRO) process, whereby people can submit their comments during a formal notice period. ETROs, used to implement changes swiftly, are providing the flexibility for measures to be adapted directly in response to feedback from the public whilst they are in place. Examples of this include re-siting a taxi rank on St James's Street following feedback from taxi drivers, moving the closure point on Madeira Drive to reinstate access to some disabled parking, and removing part of the A259 temporary cycle lane in response to concerns about increased congestion and bus journey times.
- 5.5 Additionally, an online feedback survey covering each of the implemented temporary changes was launched in June. This is providing a constructive way to collate and analyse the many views being shared by the public so that they can influence the Council's ongoing emergency transport response. The key messages from this survey, alongside feedback via the formal consultation on the ETROs, are attached in Appendix C, broken down by measure.
- 5.6 At the request of the Committee an informal, cross-party Member Liaison Group provided oversight of the emergency funding bids and the implementation of



temporary transport measures. The group met flexibly at key planning and delivery points and has been a helpful 'check-in' point for discussing potential issues and considering solutions.

- 5.7 Additionally, details of planned schemes are regularly shared with councillors, businesses, community organisations and other internal and external partners ahead of implementation, with an invitation to share their views and any concerns. Directly affected premises and households are also written to before changes are made, so that they are aware of planned highway works and can plan accordingly.
- 5.8 Officers continue to work closely with local bus companies, principally Brighton & Hove Bus and Coach Company, on the design and implementation of temporary schemes, to take account of their impact on bus journeys and passengers. Alongside this, high levels of engagement with bus operators and other key partners has continued via the city's longstanding Quality Bus Partnership and Transport Partnership.
- 5.9 During the design of temporary schemes there has also been open dialogue with the Police, emergency services and the taxi trade to ensure access is maintained where this is needed, for example where roads are closed to motor traffic. Local businesses have been consulted through the city wide Covid-19 Recovery Programme to ensure changes reflect their needs, particularly around access to premises.
- 5.10 An informal working group with community representatives is providing a useful forum for discussion about practical issues relating to the changes and has helped to shape designs. This group now also includes disability representatives to ensure there is an enhanced focus on accessibility.
- 5.11 Specific discussions with disability representatives are ongoing, to consider any negative or disproportionate impacts of the implemented changes on disabled people. A wide range of community groups have also been invited to directly feed back their views. This is informing the Equality Impact Assessment and the key outcomes from this engagement are summarised under Equality Implications in this report.
- 5.12 As further transport measures to support the city's recovery are planned and taken forward, subject to further emergency active travel funding, public consultation on the programme and design of schemes will be held to inform what is delivered on the ground. A plan for this consultation will be brought to a future meeting of the Committee for Members to comment on and agree.

## **6. CONCLUSION**

- 6.1 The Action Plan sets out measures, in line with Government emergency legislation and guidance, that fit with the council's strategic priorities and those that can be delivered in the time available to reallocate road space for active travel capacity that supports the need to drive change and become Carbon Neutral by 2030.

- 6.2 The recent rise in Covid-19 cases demonstrates there is still a high risk of infection and mortality with further lockdowns possible, therefore we need to retain, and adapt where necessary, the emergency active travel schemes within the Action Plan. Failure to do this may cause further issues around social distancing and affect the Council’s ability to provide alternative active travel choices to the public.
- 6.3 The Action Plan, and associated emergency active travel schemes, details the challenges that still need to be considered in delivering the measures.
- 6.4 Without the measures delivered through the Action Plan it will prove increasingly challenging to maintain physical distancing and there is a real risk that some of the Authority’s good work on encouraging modal shift will be undone due to the current shortfall in public transport capacity. Any schemes within the Action Plan that are retained or amended will take into account any detrimental impacts they might have on public transport and protected groups. The Action Plan supports the measures required to support businesses to reopen, as well as encourage changes that could deliver longer term benefits for people in the city.
- 6.5 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 was funded via the Government Emergency Active Travel Fund, the total awarded was £663,625 and the Local Transport Plan capital funding where that was applicable, £3,000 of which was used to remove the section of cycle lane at the Aquarium Roundabout.
- 7.2 It should be noted that some of the measures detailed in the Action Plan will remove parking in the city. The removal of any spaces will impact on the income that the Council receives to support transport and parking in the city. The proposal for Madeira Drive to be one-way outlined in paragraph 3.19 will result in an income loss in the region of £330,000 per annum. A continued full closure would reduce income by approximately £1.3 million.
- 7.3 The following tables indicate the potential for lost parking income as a result of the initial schemes identified and the impact of a continued full closure or the partial reopening of Madeira Drive with the reduction of 71 paid parking spaces.

<b>Proposal/Project</b>	<b>Monthly cost implication lost parking income</b>	<b>Annual cost implication lost parking income</b>
Full closure of Madeira Drive	£108,334	£1,300,000
A259 - Palace Pier to Fourth Avenue	£27,146	£326,000
Old Town	£9,750	£117,000

London Road	£3,917	£47,000
Church Road	£2,634	£32,000
St James's Street	£1,833	£22,000
<b>Total with Full Closure of Madeira Drive</b>	<b>£153,614</b>	<b>£1,844,000</b>

<b>Proposal/Project</b>	<b>Monthly cost implication lost parking income</b>	<b>Annual cost implication lost parking income</b>
Alternative proposal for Madeira Drive	£27,500	£330,000
A259 - Palace Pier to Fourth Avenue	£27,146	£326,000
Old Town	£9,750	£117,000
London Road	£3,917	£47,000
Church Road	£2,634	£32,000
St James's Street	£1,833	£22,000
<b>Total with Part Closure of Madeira Drive</b>	<b>£72,780</b>	<b>£874,000</b>

*Finance Officer Consulted: Jill Fisher*

*Date: 17/09/20*

Legal Implications:

- 7.4 The Council has the power under the Traffic Management Act 2004 to create lightly segregated cycle lanes and widened footways in the city's highway network. Further prohibitions, restrictions or regulations on the use of a road by vehicular traffic are implemented using a traffic regulation order (TRO) under the provisions of the Road Traffic Regulation Act 1984. There are three types of TRO permanent, experimental or temporary; each type has a specific process that has to be followed in relation to consultation and engagement with the community, including specific requirements on advertising and consultation.
- 7.5 Before making a permanent TRO a traffic authority must consult with statutory consultees and may also consult with the public. All consultation responses must be taken into account in finalising proposals. At least 21 days before making the permanent TRO a traffic authority must publish notice of its intention to do so and consider all objections received.
- 7.6 A temporary TRO can be made because works are being executed on or near the highway because of the likelihood of danger to the public or serious damage to the road or to carry out litter clearing or cleaning. A temporary TRO was used for Madeira Drive due to the risks posed for pedestrians and cyclists by speeding vehicles and increased use of the road. The Department for Transport's statutory guidance on network management in response to Covid-19 states that temporary TROs are the most suitable orders for putting in place temporary measures and road closures.
- 7.7 An experimental TRO (ETRO) can contain any provision which could be included in a permanent TRO and there are procedural and practical advantages in using an ETRO. Seven days' notice of the making of the ETRO has to be given but no consultation is necessary. However, an ETRO cannot stay in force for longer than 18 months and objections can be made to it during the first 6 months or

within 6 months from any change. The advantage of an ETRO is its flexibility as provisions in it can be changed while it is in force. A traffic scheme can be introduced, and people can see how it works in practice before a traffic authority decides whether or not to continue it on a permanent basis. An ETRO can be made permanent after consideration of any objections but without going through the full procedure for a normal permanent TRO.

*Lawyer Consulted:* Stephanie Stammers      *Date:* 14.09.20

#### Equalities Implications:

- 7.8 Statutory guidance issued in May reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid-19, and the needs of disabled people and those with other protected characteristics must be considered. Accessibility requirements apply to temporary measures as they do to permanent ones.
- 7.9 The initial Equality Impact Assessment (EIA) carried out on the Transport Action Plan anticipated the greatest impacts of the transport changes would be felt by disabled people; Black, Asian and Minority Ethnic (BAME) groups; and women. It was recommended that all changes to the transport network prioritise accessibility and support key workers (more likely to be women and from BAME communities) to make essential journeys.
- 7.10 The latest EIA (Appendix D) has been updated to reflect the feedback received via the online survey, ETRO consultations and direct engagement with disability and other representative/community groups. Importantly, any disproportionate impacts that have come to light as the temporary measures are being implemented have been captured in the assessment, alongside planned actions to mitigate any negative effects.
- 7.11 All efforts are being made to ensure people with disabilities or mobility issues are not adversely affected by the temporary changes. This includes retaining and/or relocating Blue Badge parking bays and maintaining disabled access as a priority, reducing obstructions on the pavement and ensuring cycling facilities are designed with disabled users in mind. Whilst many people have shared how positive the changes have been for disabled people, some particular concerns have been raised by some disability groups regarding the negative impacts on disabled car users.
- 7.12 Feedback has cited the loss of disabled parking along Madeira Drive as unfairly limiting access to the seafront for disabled car users wishing to enjoy the beach, shops and events in the area. Restricting access to the road and therefore the changing /toilet facilities, has also led to situations considered to be undignified, as disabled car users must ask to use these facilities. A recommendation to alter the temporary closure of Madeira Drive is included in the updated Transport Action Plan and is considered by officers to offer a reasonable solution to these issues.
- 7.13 Additionally, concern has been expressed about the safety of people (particularly driving larger vehicles and unloading large mobility aids) using the new disabled parking bays in between the temporary cycle lane and westbound vehicle traffic

on the A259. Although the layout of these disabled bays meets recommended highway design guidance, the use of these parking spaces is being monitored and officers have committed to reviewing the bays with these concerns in mind.

- 7.14 Clear and accessible information and signage regarding the impact on disabled parking and has also been highlighted as important. Whilst detailed information about changes to the road network is published as part of the ETRO, officers have ensured that more specific information about the impacts on disabled parking is available online and shared this with representative groups. More accessible information about the temporary changes is also being produced for wider dissemination.
- 7.15 Furthermore, one in three Brighton & Hove households do not have access to a car and therefore, may usually travel by public transport or car share. They are more likely to be lone parents, on low incomes, from disadvantaged communities, from BAME groups, and / or have a disability. As such, it is vital that safe and attractive alternative active travel options continue to be available to limit vehicle use and release capacity on public transport for those who most need it.

Sustainability Implications:

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

Brexit Implications:

- 7.17 None.

Risk and Opportunity Management Implications:

- 7.18 *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 Public Sector 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 continue to 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. Officers will continue to engage with as many stakeholders as possible and continue to consult as part of the ETRO process. A consultation plan for further urgent transport measures will be brought to a future Committee meeting for consideration and approval.

*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:

- 7.19 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:

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

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

- A. Covid-19 Urgent Response Transport Plan - September Update
- B. Madeira Drive Proposal and Parking Implications
- C. Monitoring and Feedback
- D. Updated Urgent Response Transport Action Plan Equalities Impact Assessment

### **Background Documents**

None