

**Forward Plan reference number: FP/373/04/22**

<b>Report title:</b> Active Travel Fund 2 – Traffic Regulations Orders for a cycle lane on Station Way, Colchester	
<b>Report to:</b> Councillor Lee Scott – Cabinet member for Highways Maintenance and Sustainable Transport	
<b>Report author:</b> Paul Crick – Director, Highways and Transportation	
<b>Date:</b> 8 February 2023	<b>For:</b> Decision
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<b>County Divisions affected:</b> Colchester	

## 1. Everyone's Essex

- 1.1 Essex County Council (ECC) has set out four strategic aims and 20 commitments for ECC to deliver over the next four years. As part of the high-quality environment strategic aim and a good place for children and families to grow, a key commitment is to deliver a step change in sustainable travel across the county, by maintaining safe and sustainable transport infrastructure.
- 1.2 In November 2020, ECC was awarded £7,358,700 by the Department for Transport to deliver sustainable transport schemes in Basildon ((Wickford), Braintree, Brentwood, Chelmsford, and Colchester.
- 1.3 The proposed new and improved cycle lane and footway in Colchester will support the environment by providing a safer public realm for children and adults to walk and cycle – delivering on our net zero aspirations, whilst reducing traffic and improving air quality.
- 1.4 Active Travel promotes health and wellbeing by getting people active. The proposals in this report support the provision of good places for children and families to live and grow by improving connectivity and providing low-cost, accessible alternatives to the car. By providing safe, sustainable transport infrastructure, such as cycle lanes, we are making the streets in North Colchester safer, greener and healthier and delivering a sustainable alternative to the motor vehicle.
- 1.5 ECC has conducted a statutory consultation in respect of the proposals in this report. As objections have been received, the Cabinet Member is asked to decide whether the proposals should be implemented.

## 2. Recommendations

- 2.1 Agree to make the traffic regulation orders set out in Appendix C and as advertised.

### **3. Background and Proposal**

- 3.1 On the network, traffic has returned to pre-pandemic flows with car journeys being back to the pre-pandemic levels.
- 3.2 Colchester has historically suffered from congestion, especially in North Colchester around the station. The station is an important commuter link into London and is used by in excess of 4.25 million passengers a year at pre-pandemic levels. Although the Park and Ride has helped lower traffic levels on the network, anything that can be done to encourage further sustainable transport usage is to be welcomed.
- 3.3 Although there are plans underway to provide an east-west cycling corridor from one side of the city to the other, the north-south cycling corridor currently stops at the Essex Hall Roundabout. This scheme would extend this north-south cycling corridor up to North Station Roundabout and opposite to the station forecourt entrance.
- 3.4 This proposal will reduce vehicle traffic in the area around the station and will make it safer for pedestrians and cyclists. It has been found that more and better cycle and pedestrian infrastructure will encourage residents to try walking and cycling as a good alternative to them using their cars. In turn this leads to a reduction in levels of traffic, encouraging the uptake of more cycling and walking. At the same time as this scheme is being introduced, other schemes are also being introduced so that, as a package of schemes, pedestrians and cyclists will enjoy a better and safer environment and therefore those who previously would drive will be encouraged to take up cycling.
- 3.5 Through a series of different consultations undertaken over the last few years, consistently the responses have been positive about introducing measures that create a safer, more comfortable environment in which people can live, work, socialise and travel. Measures to be delivered under the Active Travel funding reflect the latest series of measures to support sustainable travel and walking and cycling.
- 3.6 In July 2020, the Government announced the second tranche of the Active Travel Fund (ATF2) and invited highways authorities to make bids for grant funding. The objectives of the ATF2 were to help local authorities implement measures to create an environment that is safer for both walking and cycling. Tranche one focussed on replacing journeys made by public transport and supporting measures to avoid overcrowding on the public transport network and help maintain social distancing during COVID.
- 3.7 The tranche two aims are to make the temporary infrastructure permanent and develop it further by reallocating road space to improve walking and cycling. In addition, it was also expected by Government that such interventions would deliver significant health, environmental and congestion benefits by providing better

infrastructure to create streets which can accommodate increased levels of cycling and walking, thereby providing low carbon transport solutions.

- 3.8 ECC submitted a bid to the Government in August 2020 and was subsequently awarded £7,358,700 (£5,886,960 capital and £1,471,740 revenue) in November 2020. This money was for ECC to deliver sustainable transport schemes in Basildon (Wickford), Braintree, Brentwood, Chelmsford, and Colchester.
- 3.9 In November 2020, ECC established steering groups in each of the scheme locations. These groups were made of local stakeholders including representatives from local authorities, community groups, businesses, access and active travel groups, and these helped shape the proposed schemes for public consultation.
- 3.10 In May 2021, ECC launched a countywide consultation on ECC's five active travel schemes in Basildon (Wickford), Braintree, Brentwood, Chelmsford and Colchester. ECC received 2,482 responses demonstrating strong support for the proposals. In addition to the public consultation, ECC also undertook online and in-person roadshow events to allow people to view the plans and ask questions.
- 3.11 Since November 2020 and taking into account the feedback from the public consultations, ECC has been progressing final designs for the proposal to introduce a high-quality cycle lane, as described below (the Proposal). The Proposal has been developed in line with the most recent Department for Transport (DfT) guidance.

### **Proposal**

- 3.12 ECC has conducted a statutory consultation in respect of the following Proposal:
  - a) The proposal will make permanent measures introduced during the pandemic to provide a two-way cycle lane for approximately 135m on the eastern side of Station Way between Essex Hall Roundabout and North Station Roundabout.
  - b) At the southern end of this section for a further 80m the current footway will be converted into a shared footway / cycleway.
  - c) The implementation of a 'no waiting at any time' restriction on part of Station Way and the implementation of a 'Bus Only Lane – 24 hours daily restriction with exemptions.
- 3.13 In summary the above scheme is made up of the following traffic orders:
  - i) To implement 'No Waiting At Any Time' restriction on Station Way, on its east side, from a point 74 metres north of its junction with (j/w) Essex Hall Roundabout, north for a length of 118 metres.
  - ii) To implement a 'Bus Only Lane – 24 hours daily restriction, with exemptions for taxis, pedal cycles, motorcycles and licenced private hire vehicles' on Station Way,

on its east side, southbound nearside from a point 65 metres north of its j/w Essex Hall Roundabout southwards for a distance of 65 metres.

iii) To construct a 195m 'Cycle Track' with a minimum width of 2 metres and a maximum width of 9 metres, along the east side of Station Way, in its nearside lane, from a point 23 metres to the north of the datum, (northern side of the railway bridge abutment) southwards for a distance of 103 metres; and on the existing footway, from a point 92 metres north of the northern extended kerb line of Clarendon Way, to the junction with Clarendon Way; a distance of 92 metres.

- 3.14 Prior to the pandemic, this section of Station Way was a southbound bus lane. The removal of the bus lane for the 195m of cycle lane has already been discussed with the affected bus operators. The pull-in for the bus stop will still be retained, because, at this point, the cyclists will transfer to the shared footway / cycleway on the east side of Station Way, and this includes a northbound contraflow lane on the station side of the Station Way. The current arrangement on the west side of Station Way is to remain.
- 3.15 This is a critical pinch point in the network and by providing dedicated segregated cycle lanes in this area this will encourage cyclists to be and feel safer through this busy section. The overall effect will make it safer for pedestrians and cyclists and, in so doing, delivers improvements to health and wellbeing.

### **Consultation**

- 3.16 From the 30 September to the 24 October 2022, Essex Highways formally advertised the Proposal. This was advertised in the Colchester Gazette and was made available on the Essex Highways website. A consultation letter was also sent to all affected properties where residents and businesses were invited to comment on the Proposal. Public notices were placed on the street to help raise awareness of the consultation in the wider community.
- 3.17 As part of the consultation, ECC also consulted with the following stakeholders who all supported the Proposal:
- Essex Police
  - County Councillor Lee Scordis
  - County Councillor Sue Lissimore
  - County Councillor David King
  - County Councillor Crow
  - Colchester City Council was emailed, Members emailed internally ([customerservices@colchester.gov.uk](mailto:customerservices@colchester.gov.uk); [CSC.Operations@colchester.gov.uk](mailto:CSC.Operations@colchester.gov.uk)) and no objections have been received.
- 3.18 ECC received 30 objections during the consultation. A summary of the comments from the objectors can be found in Appendix A.
- a) 19 of the 30 objectors objected on the grounds that the new cycle lane would cause greater congestion on the surrounding roads.

In response, the changes to the existing bus lanes and the introduction of the new cycle lane are part of a whole package of measures that are being proposed for Colchester to create a safer and more conducive environment for local residents and visitors to live and visit. Also, evidence from elsewhere has shown that if the right facilities are provided, people will be encouraged to try cycling and many of these trial journeys become more regular.

b) Two objectors stated that the Proposal would lead to increased congestion and the possible deterioration in the quality of the surrounding air. However, ECC believes that the overall package of measures should reduce the general level of traffic and therefore lead to a general reduction of congestion, better air quality and more reliable journey times for all modes, as well as making the roads safer for all users.

There were also 12 cases where objectors objected on both of two grounds.

c) 18 objectors raised the point that they had not seen any evidence of an increase in cyclists using the temporary facilities that were installed at the beginning of the Covid-19 Pandemic. In fact, they had only seen a minimal number of cyclists use them, often cyclists would prefer to ride with the rest of the traffic. Whilst ECC appreciates and understands that experienced riders often prefer to ride with the general traffic, for the more novice rider, having dedicated cycle lanes are preferable. Whilst their confidence builds and they use the new cycle lanes, they will help ECC achieve its objective of increasing the numbers of cycle journeys and in turn and in contributing to a more carbon neutral future that is a priority of both ECC and Central Government.

d) 8 objected saying that the bus lane should be restored to its original state and a number thought that the bus lane should be opened up to allow bikes to use it as well, possibly widened to allow this. More bus lane would ensure more reliable bus journeys and in turn may lead to increased patronage. One objector (a cyclist themselves) thought that the temporary cycle lane should revert back to a bus lane as they do not choose to use it, instead they prefer to cycle in the road.

In response to the above ideally ECC would prefer to develop a highway corridor providing a segregated two-way cycleway, separate footway provisions and retain a southbound bus lane to maximise the infrastructure for sustainable modes of travel. However due to space constraints at this particular location on the A134, it is impossible to achieve every desired objective, therefore a balanced approach to the allocation of highway space has been developed. Whilst ECC policy is very supportive of encouraging bus trips and is working with the bus companies to improve services, it is also equally committed to increasing the numbers of people walking and cycling. Once the new facilities are established, evidence from other similar areas have shown that more people are encouraged to walk and cycle, particularly if these and complimentary measures reduce the number of cars sharing the roads.

e) One objector raised the issue that as Colchester expands in size due to increasing numbers of new houses built, so will the number of cars on the city's roads. Whilst this is true, the development control process is designed to play an important role in mitigating against the increase of these potential journeys with measures such as more walking and cycling facilities and where needed new roads.

f) The subject of funding was raised by several objectors, one of whom raised ECC match funding for (all of the) AFT2 schemes that they regarded as wrong at a time when ECC did not have sufficient funding to maintain its existing road network. In response to this point, ECC's bid to the DfT was for £50,000 for the Station Way scheme to which ECC would make a contribution of £20,000, so making it a £70,000 scheme. It was this split in funding that was contained in the successful ECC bid to Government, but to withdraw ECC's contribution would mean the whole scheme would have to be abandoned, perhaps having adverse effects on the likely success of future funding bids, much to the detriment of Essex. Other objectors expressed the desire that the funding be spent on improving existing bus services and therefore increase their patronage. Again, this is impossible to do, against the rules that govern the way that the funding is granted. If any alternative schemes are identified, these would have to be funded out of other ECC funding, such as Local Highways Panels.

g) One objection received was baseless in purporting that the whole consultation process was skewed. This has not been the case the process has been as per the laws surrounding any consultation undertaken by a public body.

h) The final objection received was from First Essex Buses Ltd who have objected to the Proposals as they see that their services would be adversely affected by the proposed new cycle lane as it would involve the removal of a significant stretch of bus lane and so cause increased delays to their services, as they would have to share the road space with the rest of the traffic. This would in their view make the services less attractive to potential users, and so not capitalise on the overall modal shift away from other modes of transport. They also note that by removing a significant amount of bus lane it goes against the Government's "Bus Back Better" Strategy and makes bus services along Station Way less reliable and so less attractive to users. As the Proposals currently stand, buses would need to straddle the cycle and bus lane which would cause congestion. However, they don't oppose the principle of Active Travel measures being introduced in Colchester, but they do feel that the proposed scheme will be detrimental to their services along Station Way.

In response to this final objection, ECC would have ideally liked to have developed a highway corridor providing for all modes of transport including buses, but due to space constraints along this road it is impossible to achieve. Therefore, a balanced approach has been adopted. To retain the bus lane and still create the space

required to achieve the necessary improvements to the cycling and walking infrastructure would require the reduction of the existing southbound A134 Station Way general traffic lanes to one lane (currently 2 lanes). This would be counter-productive to bus services, significantly increasing traffic queues in the peak periods, causing increased general traffic queuing and greater impact to bus services than the repurposing of a length of the existing bus lane. Also, there are notable improvements occurring in parallel with these Proposals which will see considerable improvements locally to the network that will benefit buses. In addition, as part of the Rapid Transit System proposals for the city, further investment and improvements across the wider Colchester network will see additional bus lanes and signal improvements. We look forward to working with all bus operators to improve the overall sustainable transport network in Colchester for the benefit of buses, cyclists and pedestrians.

- 3.19 ECC regard the safety benefits of the scheme, like other similar schemes around the country, in reducing traffic levels in the heart of the Colchester and by improving walking and cycling in this area, outweigh any concerns about increased travel times.

#### **4. Links to ECC's Strategic Ambitions**

- 4.1 This report links to the following aims in the Essex Vision:

- Enjoy life into old age
- Strengthen communities through participation
- Develop ECC County sustainably

- 4.2 Approving the recommendations in this report will have a positive impact on the Council's ambition to be net carbon neutral by 2030 by providing the infrastructure to encourage more cycling.

- 4.3 By approving this recommendation, the proposed scheme links to the following strategic priorities in the emerging ECC Organisational Strategy 'Everyone's Essex':

- Strengthen communities through participation
- Strong, inclusive sustainable economy,
- High quality Environment,
- Health, wellbeing, and independence for all ages, and
- A good place for children and families to grow.

#### **5. Options**

- 5.1 **Option A** - To implement the introduction of a segregated north-south, cycle lane, including a northbound contraflow lane, along the east side of Station Way and associated traffic orders. (**Recommended**).

The proposed traffic orders are the Essex County Council (Colchester City) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) (Amendment No. 40) Order 202, together with the Essex County Council (Station Way, Colchester) (Bus Lane) Order 202 and the Proposed Construction of Cycle Track on Station Way, Colchester, (Footway & Carriageway) refer

This option is recommended because it provides significant health, environmental and congestion benefits through the provision of better infrastructure to create streets which can accommodate increased levels of cycling and walking, thereby providing low carbon transport solutions, in line with ECC's objective of a low carbon neutral future.

**5.2 Option B - Do not implement the introduction of a cycleway (Not Recommended).**

Making the cycle lane permanent will have some impact on journey times for bus services and other traffic. However, this will be balanced by an overall reduction in traffic with a modal shift to cycling and walking across the centre of Colchester once the whole package of measures has been introduced, together with further schemes over the next few years funded by further rounds of ATF. Accepting the 'do not implement' action would not deliver any road safety and health benefits for pedestrians and cyclists.

The cost implications of not progressing would be that of wasted expenditure on designing the scheme and taking it through public consultation.

## **6. Issues for Considerations**

### **6.1 Financial Implications**

6.1.1 The costs associated with implementing the proposed cycle lane and associated works are funded within existing budgets funded out of the £7m ATF2 grant which ECC was awarded by DfT in 2021 together with the approved ECC match funding of £2.125m. Therefore, there are no additional financial implications as a result of this proposal.

### **6.2 Legal implications**

6.2.1 The Road Traffic Regulation Act 1984 (as amended) gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient, and safe movement of traffic of all kinds, including pedestrians, and to provide suitable and adequate traffic measures. So far as practical, the Council is also required to have regard to:

a) The desirability of securing and maintaining reasonable access to premises;

- b) The effect on the amenities of any locality affected, so as to preserve or improve the amenities of the areas through which the roads run;
- c) The importance of facilitating the passage of buses and their passengers.

6.2.2 Whilst there appears to be no real legislative requirement to hold a public enquiry, in view of the objections received, the decision to make the Order may be subject to judicial review. Whilst judicial review is a risk, there have been clear and reasoned considerations put forward by ECC as to why it is still going to make the Order. These clear and reasoned considerations should alleviate objector concerns.

## **7. Equality and Diversity Considerations**

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires ECC to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for b) or c), although it is relevant for a).

7.3 The Equalities Comprehensive Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7.4 Making transport vehicles and infrastructure more accessible to everyone continues to be an important objective and a major challenge for Transport Authorities, operators, and service providers. Accessibility has long been considered as a transport concern only for individuals with mobility difficulties. However, it is now recognized that accessibility is an integral part of high quality, sustainable transport systems, with benefits accruing to all users.

## **8. List of Appendices**

Appendix A – Consultation Report

Appendix B – Plan of the revoking of the bus lane and the introduction of the two-way cycleway as detailed above

Appendix C – Station Way Traffic Order

Appendix D – Equalities Comprehensive Impact Assessment

## 9. List of Background papers

- Forward Plan reference number: FP/142/08/21 - Report Title: Active Travel Fund 2 Schemes, 14 October 2021.
- Full Consultation Responses
- Department for Transport Guidance – Gear Change – A bold vision for walking and cycling – DfT 2020 and Local Traffic Note 1/20 Cycle infrastructure design

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
<b>Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport</b>	13.02.23

### In consultation with:

<b>Role</b>	<b>Date</b>
<b>Director, Legal and Assurance (Monitoring Officer)</b>	8.2.23
<b>Katie Bray on behalf of Paul Turner</b>	