

Forward Plan reference number: Not Applicable

Report title: Proposed changes to Basildon Town Centre as part of the Highway Improvement scheme and Bus Gate restrictions on Southernhay, Basildon	
Report to: Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	
Report author: Andrew Cook, Director for Highways and Transport	
Date: 08/11/2021	For: Decision
Enquiries to: Kris Corbett, Project Sponsor – kris.corbett@essex.gov.uk	
County Divisions affected: Pitsea, Westley Heights	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out four strategic aims and 20 commitments. Within the strategic aim of creating a high quality environment, the Council makes a commitment to supporting people to switch to more sustainable travel options so that we can achieve our targets for achieving net zero carbon emissions.
- 1.2 Consistent with achieving these commitments, this paper sets out a proposal to introduce a bus gate within the centre of Basildon to increase public transport usage within the town, reduce congestion and the environmental impact of single use cars. To achieve this, the Council is seeking to instal a bus gate to improve journey time reliability and reduce localised environmental impacts of other vehicles.

2. Recommendations

- 2.1 To approve the Proposal for the Bus Gate restrictions on Southernhay, in the centre of Basildon, as advertised and set out in Appendix 1.

3. Summary of issue

- 3.1 The Basildon Town Centre Highway Improvement Scheme sought to:
 - Provide an integrated and improved transport hub
 - Enable both the bus and railway stations to cope with current and future passenger demand
 - Open up the connection between the two stations with a dedicated 'transit mall'
 - Have a significant positive impact on local growth and investment
 - Provide Basildon with a fitting gateway to the town
 - Creating a fully integrated, accessible and welcoming area, safeguarding the future of the town centre for consumers, residents and businesses
- 3.3 The highways improvements for the Basildon Town Centre Highway Improvement Scheme involved the creation of a two-way traffic flow on

Cherrydown East and modifications to the associated junctions around the station. The aim was to make the operation of the Bus Station more efficient and tie it in directly with the Railway Station to create a 'Transit Mall'.

- 3.4 Improvements have also been delivered to enhance the railway station entrance, provide additional cycle storage for rail commuters and to link the relocated South Essex College to the town centre. To improve traffic flows around the town centre, changes are also proposed to the wider road network at key locations.
- 3.4 In order to achieve this, the stretch of Southernhay between its junctions with Station Way and Clay Hill Road must be Bus Lanes and a Bus Gate must be installed to the east and west of the bus station. This will still allow access to Market Pavement by all vehicles, which is a key road for deliveries and access to the rear of the shops that front onto the High Street.
- 3.5 The Order is the Traffic Regulation Order which includes details of prohibition within Basildon. The Order specifies that the Bus Gate restriction proposed to be installed to the east and west of the bus station does not apply to buses, taxis (hackney carriages only), motorcycles and bicycles. Please see Appendix 1, the general arrangement drawings of the area, for any details of the restrictions that are proposed. By adding these restrictions, the only vehicles able to travel through the bus gate will be Buses, Taxis (Hackney Carriage only), Motorcycles and Bicycles. This is in accordance with the Council's Traffic Management Strategy and where appropriate all new bus gate enforcement infrastructure and traffic order regulations comply to these standards. It does not allow the access of Private Hire Vehicles.
- 3.6 Details of the Order and the list of proposed amendments to existing Traffic Regulations Orders can be found in Appendix 2, being the notice advertised.
- 3.7 The benefits of the scheme have direct links to the ECC Safer, Greener, Healthier Campaign. The campaign's ambition is to:
- Create a road environment that is **SAFER**, encouraging more residents to cycle or walk, especially for shorter journeys.
 - Work up sustainable transport solutions to ensure that Essex reduces carbon emissions and delivers long-term **GREENER** benefits.
 - Deliver long-term public health benefits so that our residents become **HEALTHIER**.

Consultation

- 3.8 In compliance with the statutory requirements of the Road Traffic Regulation Act 1984 and the legal procedure of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the Proposal was advertised on 8th April 2021 signifying the start of the objection period and closing no less than 21 days later on the 30th April 2021.
- 3.9 The Proposal was also uploaded to the Essex Highways website & public notices were displayed in the affected area. This can be found in Appendix 2.

3.10 During this consultation period 27 responses were received from members of the public and business owners. No support was received, and all responses were issues or objections. The themes contained within these responses of these are detailed below:

1. Objections to just allowing bus gate / lane access for just taxis and not Basildon Private Hire Vehicles **(17 Objectors)**
2. Other bus gates allow Private Hire.
3. Raising issues with wording conflicts for signs and TRO.
4. Objections to the anti-clockwise road layout change at Cherrydown east. *Direct link to the bus gate objections* **(13 Objectors)**
5. Objections to just taxi (Hackney Carriage) access to ASDA drop off / pick up lay-by **(25 Objectors)**
6. Design issues with rail replacement/taxi interface with new taxi bays on Southernhay

The detailed objection report can be found in Appendix 3

3.11 Two letters from Essex Highways were issued in response to objectors to explain the detail and the reasoning behind the designs. The Council addressed the objections raised in paragraph 3.10 as follows:

3.11.1 Objections to allowing bus gate/lane access for just taxis (Hackney Carriages) and not Basildon Private Hire Vehicles (PHV) and other bus gates allow private hire – the Council addressed these objections by confirming that the proposal was designed in accordance with the Council's policy 'Essex Traffic Management Strategy'. In accordance with the Council's policy, the exemptions to travel through a bus gate/lane are buses, taxis (Hackney Carriages), motorcycles and bicycles and this applies across Essex unless there are specific local needs that require the exemptions to be narrowed or broadened. The Council clarified that there are no specific local needs to the town centre bus gate, unlike the Ghyllgrove example used by the PHV drivers, as this is for access to a SEND school.

3.11.2 Objections that raised issues with wording conflicts for signs and TRO and objections to just taxi (Hackney Carriage) access to ASDA drop off / pick up lay-by – The Council confirmed that the layby alongside the Asda store on Southernhay will remain as a Taxi pick up, drop off point and clarified the process to keep the layby as a Taxi pick up, drop off point required revocation of the previous order but that a further order setting this out was published and directed objectors to the relevant parts of the orders.

3.11.3 Objections to the anti-clockwise road layout change at Cherrydown east – ECC responded to these objections by confirming that the changes to the previous clockwise one-way road layout at Clay Hill Road/Cherrydown East/Station Way/Southernhay will enable the formation of a new sustainable transport hub / transit mall to make the area more attractive and accessible and deter unnecessary traffic from the town centre and will have a positive impact on the town centre. The change of traffic on the loop from one-way traffic flow to two-way traffic flow for all vehicles will also allow vehicles to travel west to east and east to west without conflicting with the transport hub.

- 3.11.4 Objections in respect of design issues with rail replacement/taxi interface with new taxi bays on Southernhay – the Council investigated the issue of bus replacement service, and there was no restriction suitable to facilitate both Taxis and a bus replacement service, and as there are a number of public transport options available very close by, that the bays could be used on an ad hoc basis when required and not under a permanent order
- 3.12 Details of the responses can be found in Appendix 3. The Council also undertook some amendments to the TRO, in relation to 3.11.2, to accommodate and clarify the situation. These amendments to the TRO addressed most objections.
- 3.13 ECC contacted the objectors to ask if ECC's response addressed the issues raised. 9 out of 27 objectors confirmed that ECC's response did not address their issues.
- 3.14 The Road Traffic Regulation Act 1984 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 parking facilities. The Proposal seeks to comply with this statutory duty, particularly ensuring the safe movement of pedestrians in the vicinity of the transit mall. By installing the bus lane/gate to policy standards, it removes interactions of pedestrians with general private traffic, and will promote a more reliable, expeditious bus service throughout Basildon.

4. Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision
- Develop our County sustainably
 - Connect us to each other and the world
- 4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030.
- 4.3 This report links to the following strategic priorities in 'Everyone's Essex':
- A high quality environment
 - Health wellbeing and independence for all ages
 - A good place for children and families to grow

5. Options

Option A – Install as advertised, as the recommended option and to policy.

- 5.1 This would support the recommendations from the original scheme. The stretch of Southernhay between its junctions with Station Way and Clay Hill Road must be Bus Lanes and a Bus Gate must be installed to the east and west of the bus station. This will still allow access to Market Pavement, which is a key road for

deliveries and access to the rear of the shops that front onto the High Street. By adding these restrictions, the only vehicles able to travel through the bus gate will be Buses, Taxis (Hackney Carriage only), Motorcycles and Bicycles. This is in accordance with the Council's Traffic Management Strategy and all new bus gate enforcement infrastructure and traffic order regulations comply to these standards. It does not allow the access of Private Hire Vehicles. If, after implementation of the Proposal, the Private Hire Trade of Basildon feel that the arrangement is detrimental to their trade, and still wish for this restriction to be amended to allow the use of Private Hire they could raise this via their local County Member for consideration by the Local Highways Panel. If they can provide specific evidence that this would be for the benefit of all, then a consideration may be taken at a later date to amend this specific bus gate. This does not constitute a wholesale policy change, and policy will be maintained.

Option B – Install with exemptions for Private Hire Vehicles.

- 5.2 This option may satisfy the objectors, as it would allow Private Hire to use the bus gate on Southernhay. However, this would not be favourable as it would not achieve any highway benefits as outlined before. This option would not require further advertisement or consultation.

Option C – Install all except the bus lane

- 5.3 This option is least favourable as the infrastructure (i.e., signs, road markings highway alignment) are all in place. This would require a lot of funding to remediate this and top make the necessary changes. It would also fail one of the key benefits set out in the original business case to South East Local Enterprise Partnership, who are a significant funder of the scheme.

6. Issues for consideration

6.1 Financial implications

- 6.1.1 This has already been funded and completed on site; therefore, no further costs will be incurred if the recommended Option A is taken.
- 6.1.2 If Option B or C are chosen, then costs will be incurred to change wording on signage and road markings as well as highway designs checks and abortive works costs. This is estimated to be approx. £50k

6.2 Legal implications

- 6.2.1 The Road Traffic Regulation Act 1984 gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient, and safe movement of traffic of all kinds. 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 This proposal will lead to improvements in the general traffic and pedestrian environment and its intention is to improve road user and pedestrian safety. Whilst there appears to be no real legislative requirement to hold a public inquiry 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 ought to have alleviated objector concerns.

7. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us 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 equality impact assessment that was created for the scheme and any associated activities and legal orders, such as this one, indicate that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices


Appendix 1 – Proposed Restrictions
Appendix 2 – Public Notice
Appendix 3 – Objection Report
Appendix 4 – EQIA

9. List of Background papers

Basildon Town Centre Consultation Report – July 2019

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	29/11/2021

In consultation with:

Role	Date
Director Highways and Transportation  Andrew Cook Executive Director Corporate Services (S151 Officer)	15/11/2021
Nicole Wood Director, Legal and Assurance (Monitoring Officer) Susan Moussa on behalf of Paul Turner Head of Network and Safety & Essex Traffic Manager	Consent not needed
Liz Burr	11.11.2021
	02.08.2021