

Forward Plan reference number: FP/515/09/22

Report title: Active Travel Fund 2 – Waterloo Lane, Chelmsford	
Report to: Councillor Lee Scott – Cabinet Member for Highways Maintenance and Sustainable Transport	
Report author: Paul Crick – Director, Highways and Transportation	
Date: 5 October 2022	For: Decision
Enquiries to: Tracey.Vickers@essex.gov.uk, Head of Sustainable Transport	
County Divisions affected: Chelmsford	

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. The measures will also deliver against Everyone's Essex priorities supporting the environment by providing safe public realm for children and adults, to walk and cycle – delivering on our net zero aspirations, whilst also reducing traffic and improving air quality.
- 1.2 Active Travel also promotes health and wellbeing by getting people active. The proposals 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 and maintaining safe, sustainable transport infrastructure, we are making the streets around Waterloo Lane, Safer, Greener and Healthier.

2. Recommendations

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

3. Background and Proposal

- 3.1 On the network, traffic has returned to pre-pandemic flows, with, in particular, car journeys back to the pre-pandemic levels.
- 3.2 The proposals will introduce parking and loading restrictions around the junction of Waterloo Lane and Bond Street; introducing of loading bay and the introduction of 20 MPH speed limit along Waterloo Lane.
- 3.3 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, particularly walking and cycling.

- 3.4 In July 2020, the Government announced the second tranche of the Active Travel Fund (ATF2) and invited highways authorities to make bids for 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.
- 3.5 The tranche two aims were 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 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.
- 3.6 ECC submitted a bid 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.
- 3.7 In November 2020, ECC established steering groups in each of the scheme locations. These groups were made of local stakeholders including representatives from the local authorities, community groups, businesses, access and active travel groups, and these helped shape the proposed schemes for public consultation.
- 3.8 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.
- 3.9 Since November 2020, and taking into account the feedback from the public consultations, ECC has been progressing final designs for the Proposal. All ATF2 schemes have been developed in line with the most recent Department for Transport (DfT) guidance.
- 3.10 ECC has conducted a statutory consultation in respect of the proposals outlined above.

Proposals

- 3.11 The proposals are set out in Appendix B and D. The proposals are to introduce parking and loading restrictions in Waterloo Lane and around the junction of Waterloo Lane and Bond Street. These restrictions are expected to deliver
- 3.12 Also, there is a proposal to introduce a 20mph speed limit in Waterloo Lane along the majority of its length.
- 3.13 These measures are expected to deliver a range of benefits, which will make it safer for pedestrians and cyclists and in turn, deliver improvements in health and wellbeing of those who live, work and visit Waterloo Lane.

Consultation

- 3.14 From the 2 to the 17 December 2021, Essex Highways formally advertised the proposal. This was advertised in the Essex Chronicle and was made available on the Essex Highways website. At this time, a consultation letter was also sent to all affected properties where residents and businesses were invited to comment on the Proposal. Also, public notices were placed on the street to help raise awareness of the consultation in the wider community.
- 3.15 ECC undertook a specific consultation of the Proposal. The results of this consultation were as follows:
- Essex Police support the proposal
 - Councillors Marie Goldman, Mike Mackrory and Jude Deakin approved the proposal.
- 3.16 ECC has received two objections during the consultation. A summary of the comments from the two objectors can be found in Appendix C.
- 3.17 The objectors' concerns were principally connected with the lack of parking provision, Objector 1 regarded what is being proposed is not enough which affects resident's ability to pick up and drop off people or goods. However even where there is waiting restrictions, if the conditions are safe then cars are legally able to pick up and drop off. Similarly, Objector 2 was concerned with arrangements for deliveries if the restrictions were introduced. However, police and traffic wardens do apply a sensible approach to dealing with potential infringements of restrictions and will help parking lorries and vans when they are faced with difficult situations. It has been found that over time shops do coordinate their delivery times with each other to make deliveries as easy as possible. This includes when refuse lorries collect bins and other rubbish, a final point raised by both Objectors. The access of refuse lorries is considered as part of the design process and swept path analysis consider these vehicles as well.
- 3.18 These concerns have been relayed to the scheme designers who will review the scheme designs with the view to making any changes within the available budget.

- 3.19 ECC regard the safety benefits of the scheme, by introducing new waiting and loading restrictions and reducing traffic speeds in the heart of the town, outweigh the concerns raised by the two Objectors.
- 3.20 To deliver meaningful change and create safer, greener environments, the opportunity to reduce traffic numbers and speed in the heart of the town, with controls on parking and deliveries are part of the aim to create healthier environments for all people.

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.

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

4.3.1 Strong, inclusive sustainable economy,

4.3.2 High quality Environment,

4.3.3 Health, wellbeing, and independence for all ages, and

4.3.4 A good place for children and families to grow.

5. Options

- 5.1 **Option A)** Implement the introduction of 20 MPH speed limits on Navigation Road from the junction with Queens Road to the junction of Hill Road. Also, introduce 20 MPH speed limits on Brockley Road and Hill Road South.
- 5.2 Additionally, introduce 20 MPH speed limits along Waterloo Lane and also parking and loading restrictions around the junction of Waterloo Lane with Bond Street.
- 5.3 Essex County Council proposes to make the above Orders under 82(2), 83(2), 84(1) and (2), Part III of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) and Schedule 1 of The Traffic Orders Procedures Regulations 1996. The raised table regulations fall under Section S90C of the Highways Act 1980 (**Recommended**).
- 5.4 **Option B)** Do not implement the extension of the 20 MPH zones and do not introduce the parking and loading restriction changes (**Not Recommended**).

5.4.1 Introducing the 20 MPH extensions will have a minimal impact on journey times. Accepting the 'do not implement' action would not contribute to creating a safer, greener, healthier town centre.

5.4.2 The cost implications of not progressing the proposals 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 20 MPH zones, associated raised tables and parking and loading restrictions, as detailed above, are funded out of the ATF2 programme.

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 Speed Limit Restrictions. 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 Justifiable reductions in parking versus the safe movement of traffic and pedestrians is an acceptable balance.

6.2.3 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 Essex County Council 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 – Equalities Comprehensive Impact Assessment

Appendix B – Plans of the introduction of the extension of the 20 MPH zones, associated raised tables and parking and loading restriction changes as detailed above

Appendix C – Consultation Report

Appendix D – Public Notice

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

I approve the above recommendations set out above for the reasons set out in the report.	Date 27/10/2022
Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	

In consultation with:

Role	Date
Executive Director, Corporate Services (S151 Officer) Stephanie Mitchener on behalf of Nicole Wood	
Director, Legal and Assurance (Monitoring Officer) Laura Edwards on behalf of Paul Turner	20.10.2022