

**Forward Plan reference number: FP/514/09/22**

<b>Report title:</b> Active Travel Fund 2 – Panfield Lane, Bank Street, Rayne Street and Coggeshall Road TRO, Braintree	
<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> 7 October 2022	<b>For:</b> Decision
<b>Enquiries to:</b> Tracey.Vickers@essex.gov.uk, Head of Sustainable Transport	
<b>County Divisions affected:</b> Braintree	

## 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 to provide 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 providing and maintaining safe, sustainable transport infrastructure.
- 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 Panfield 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 Although there are limitations on traffic movements, for instance the one-way restrictions for traffic travelling eastbound from Panfield Lane towards Coggeshall Road, there is no adequate provision for cyclists travelling westbound.
- 3.3 This proposal will reduce traffic in the heart of the town centre and will make it safer for pedestrians and cyclists. The effect of the new measures will be prohibited vehicles to travel in a southerly direction on Panfield Lane and to make a left hand turn onto the B1256 Rayne Road, Braintree.
- 3.4 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, in particular, walking and cycling.

- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 ECC has conducted a statutory consultation in respect of the proposals outlined above.

## **Proposals**

- 3.12 The proposals are set out in Appendix B and D. The proposals will introduce a westbound segregated contraflow cycle lane along this route, starting at the

entrance to the White Hart car park and finishing at the junction of Panfield Lane with Rayne Road.

- 3.13 Also, the proposals will include the prohibition of vehicles travelling in a southerly direction on Panfield Lane and in making a left hand turn onto B1256 Rayne Road, Braintree towards Bank Street.
- 3.14 To accompany this work, the crossing on Rayne Road, just before the junction with Bank Street, will be upgraded from a Pelican to a Puffin crossing which, by utilising sensors, will regulate the flow of traffic more efficiently.
- 3.15 This measure is expected to deliver a range of benefits, which will make it safer for pedestrians and cyclists and, in turn, deliver improvements to health and wellbeing.

### **Consultation**

- 3.16 From the 23 June 2022 to 15 July 2022, the Proposal was formally advertised. This was advertised in the Braintree and Witham Times 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.
- 3.17 ECC undertook a specific consultation of the Proposal. The results of this consultation were as follows:
- Essex Police support the proposal
  - District Councillor Cllr Councillor Frankie Ricci approved the proposal.
  - District Councillor Graham Butland approved the proposal.
  - County Councillor Cllr Lewis Barber approved the proposal.
- 3.18 ECC has received four objections during the consultation and a set of concerns. A summary of the comments from the objectors can be found in Appendix C, along with ECC's responses. The objector's concerns were focused on a number of issues that they all shared.
- 3.19.1 All the objectors except the first one was concerned over the changes in road layout and that would lead to longer journeys, either to their homes or to the Chinnerys Court Care Home (Objectors 2 & 3). Objector 1 was the only objector who does not see a need for the proposed cycle. Also, they are concerned over whether the new facilities will be properly signed. In response to these objections, ECC regard the inconvenience to some does not counter the overall health benefits of increasing walking and cycling and cutting traffic in general. ECC have also explained to the first Objector that there is a recognised need to increase walking and cycling facilities in the area and Braintree in general. The overall consultation found that there was general support for these kinds of measures.

3.19.2 The first three Objectors were all concerned by enforcement of the new measures but as explained this will be down to the police to enforce as they have the enforcement powers which ECC does not. Related to enforcement is road safety which Objectors 2, 3 & 4 all raised. Firstly, all schemes have been through safety audits to ensure that the new scheme are as safe as they can reasonably be made and that by reducing the numbers of private cars on the roads then the potential for accidents decreases. Similarly, Objectors 2 and 4 both cited increased air pollution due to these new measures, to which ECC's position is that the whole package of schemes is aimed to reduce the numbers of vehicles together with reducing pollution generating congestion.

**3.19** 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.

3.20 ECC regard the safety benefits of the scheme, by reducing traffic in the heart of the town and by improving walking and cycling in this area, outweigh the concerns about increased travel times resulting from traffic having to go around the town centre.

3.21 To deliver meaningful change and create safer, greener environments, the opportunity to reduce traffic in the heart of the town is 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 a modal gate, westbound segregated cycleway, left turn prohibition and upgrading of crossing as detailed above.

5.2 The Essex County Council (Panfield Lane & B1256 Rayne Road, Braintree) (Prohibition of Left-Hand Turn) Order 20 and The Essex County Council (Various Roads, Braintree (Contraflow Bus Lane & One Way) Order 20 No.2 refer (Recommended).

5.3 Option B) Do not implement the introduction of a modal gate, westbound segregated cycleway, left turn prohibition and upgrading of crossing as detailed above (Not Recommended).

5.3.1 Introducing the modal gate will have a relatively small impact on journey times, accepting the 'do not implement' action would not deliver any road safety and health benefits for pedestrians and cyclists.

5.3.2 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 speed limit changes are funded within existing 2022/23 budgets which is funded out of the £7m ATF2 grant which ECC was awarded by DfT in 2021. 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 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 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 – Plan of the introduction of a modal gate, westbound segregated cycleway, left turn prohibition and upgrading of crossing 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

<p><b>I approve the above recommendations set out above for the reasons set out in the report.</b></p> <p><b>Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport</b></p>	<p><b>Date</b> 24/10/2022</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------

**In consultation with:**

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