

Forward Plan reference number: FP/727/06/20

Report title: Cessation of Temporary Traffic Management Measures – Brentwood Town Centre Covid-19 Response.	
Report to: Councillor David Finch Leader of the Council	
Report author: Andrew Cook, Director, Highways and Transportation	
Date: 5 August 2020	For: Decision
Enquiries to: Vicky Presland Head of Design or Vicky Duff Network Assurance Manager Vicky.duff@essexhighways.org	
County Divisions affected: Brentwood North, Brentwood South	

1. Purpose of Report

- 1.1 Following the Covid-19 pandemic, Essex County Council (ECC) has responded to the government's request to reallocate road space to people walking and cycling. In Brentwood town centre these measures were introduced as an emergency notice given the then imminent lifting of movement restrictions. This report asks the Leader of the Council to agree to the removal of these restrictions in view of the responses received from the public and feedback from the Brentwood Monitoring Board and local businesses.

2. Recommendations

- 2.1 Agree the removal of the temporary traffic measures installed under a section 14(2) immediate notice under The Road Traffic Regulation Act 1984 (RTRA 1984) for the restrictions identified in Appendix B.
- 2.2 Instruct officers to continue to work with Brentwood Borough Council (BBC) officers and members to produce and consult on an "Experimental Traffic Regulation Order" subject to a full statutory consultation before the end of the 18 month period.

3. Summary of issue

- 3.1 On 23 May 2020, central government issued additional statutory guidance to local highway authorities entitled "Traffic Management Act 2004: network management in response to COVID-19" requesting authorities to reallocate road space to people walking and cycling, both to encourage active travel and to enable social distancing during the restart of the economy and to acknowledge the fact that public transport will have less capacity. Social distancing in the context of the guidance was identified as primarily referring to the need for people to stay 2 metres apart where possible when outdoors.
- 3.2 Officers of ECC and BBC liaising with both County and Borough elected members agreed a draft scheme to be implemented by Essex Highways in order to

facilitate social distancing and create a safer town centre environment for pedestrians and cyclists as the “lock down” was relaxed.

- 3.3 The initial scheme was delivered under an immediate notice under section 14(2) of the RTRA 1984 on the grounds of road safety (Appendix A). The government’s guidance recommended “measures should be taken as swiftly as possible, and in any event within weeks, given the urgent need to change travel habits before the restart takes full effect”. A section 14(2) notice may be placed immediately with the restrictions coming into instant effect and may last for a period of 21 days with an option to issue a second notice for 21 days.
- 3.3 Officers and members undertook site meetings and minor alterations and improvements were made to the scheme. A second Public Notice (Appendix B) under section 14(2) was issued dated 24th July 2020 for a further 21 days.
- 3.4 Immediate notices under section 14(2) of the RTRA 1984 do not require a statutory consultation to be undertaken. However, the guidance recommended that “Authorities should seek input from stakeholders”. In order to ensure as full a consultation as possible during the covid-19 restrictions. ECC created a separate e mail address notified on the public notices and in communications to receive any comments businesses/individuals wished to make. In addition, BBC undertook liaison with businesses and a communication was issued to frontages and stake holders including disability groups.
- 3.5 Over 80 comments or questions have been received to the introduction of the measures and are identified on the table included at Appendix C. 18 of the comments were generally supportive of the scheme to provide a safe environment for pedestrians but a high percentage of these questioned how this could be achieved with access for cyclist and buses still allowed down the High Street. 15 comments were neutral but raised questions with many specifically regarding the removal of disabled parking from the High Street and the difficulties this now posed for disabled shoppers. 47 comments were negative with many raising the impact of increased traffic flows on the surrounding local network and the general increase in traffic to that seen prior to the Covid-19 lock down. Each comment has received a response and those that have identified general issues will be re-directed to the appropriate officer teams.
- 3.6 Many of the comments on disabled access identified that the replacement disabled parking facility was too far from the High Street. In addition, enforcement of these spaces to ensure that they were not taken by non-badge holders who have also had parking restricted was a concern.
- 3.7 The use of the High Street by buses and cyclist was raised as contrary to the statements on providing a safe space for pedestrians as it was still dangerous to step into the road, with the frequency and speed of buses. In addition, those comments supporting the scheme also suggested that it did not go far enough in creating a social space as buses and cyclists were still permitted, and prevented the area being made more aesthetically pleasing with the introduction of planters or tables and chairs.

- 3.8 The businesses within the High Street have been canvassed by BBC officers and a significant number are reporting that footfall is not increasing and in some instances concerns are being raised that it is in fact decreasing.
- 3.9 Residents in the surrounding local road network are raising concerns over their safety and air quality as traffic levels have increased to nearly pre Covid-19 levels. In addition, the High Street is the alternative route for traffic should an event occur on the A12. If this does occur the level of traffic then running past these properties could be significant.
- 3.10 The removal of the temporary traffic measures will enable businesses time to consider the longer term impact of the Covid-19 pandemic on shopping habits. It will also enable detailed consideration to be made to the introduction of an experiment traffic regulation order. The possibility of closing Brentwood High Street to all vehicles on a Sunday is being investigated as part of an experimental traffic order. This would enable pedestrians to utilise the road space and could facilitate outside stalls and seating creating a more pedestrian friendly feel to the High Street on a Sunday and enable shoppers to socially distance. There is a cost associated with the policing and maintenance of the current traffic management measures which will be avoided if the order ends early.
- 3.11 The experimental traffic order would be made, if agreed under sections 9 and 10 of the RTRA 1984. It enables the order to be made and advertised to come into effect after 7 days. The advantage to this order making is that the consultation starts immediately with businesses and the public. An experimental order can be pulled immediately if totally unsuccessful in meeting its objectives and creating an adverse reaction. Data already gathered by BBC to inform decisions on the future of the current scheme specifically on High Street footfall and local business comments will form the basis to judge the scheme and whether to progress the scheme to become permanent, which will need to be determined within the 18 month experimental order time frame.

4. Options

4.1 Option 1: To agree to the removal of the temporary traffic measures and instruct officers to liaise with BBC to progress an experimental traffic order

Following consideration of the comments from residents and businesses as set out in this report, it is proposed that all temporary traffic management installed as part of the Brentwood High Street traffic management scheme in response to Covid-19 is removed. It is instead proposed that the Director of Transportation and Highways considers the publication of an experimental traffic regulation order in Brentwood High Street to facilitate a shift to sustainable traffic modes and increase both pedestrian movement and business footfall.

4.2 Option 2: Do nothing and remove all temporary traffic measures

This option would involve removing all temporary traffic measures installed on 24 July 2020 as the section 14(2) immediate notice terminates (13th August 2020).

This would incur additional costs and will not achieve the aim of managing traffic in the high street in a way which facilitates social distancing the benefits the businesses in the High Street.

- 4.3 Option 1 is recommended. The temporary scheme has received over 80 comments from members of the public. These are listed in Appendix C with officer responses. The scheme has been extensively scrutinised by officers/members and the general feeling from business is that it is having a detrimental impact on their footfall. Removal as soon as possible will save the costs of maintaining and policing the scheme.

5. Next Steps

- 5.1 Remove all traffic management as soon as possible
- 5.2 Officers to progress with BBC any alternative options.

6. Issues for consideration

- 6.1 Traffic levels are continuing to rise since the relaxation in “lock-down” and to be effective measures needed to be in place to facilitate the governments expected shift towards sustainable transport including cycling and walking before traffic levels reach their pre covid-19 levels. In Brentwood the measures appear to be impacting disproportionately on businesses and are also not facilitating a safe pedestrian environment.

6.2 Financial implications

- 6.2.1 These works are estimated to cost £100,000. They will be fully funded using the Emergency Active Travel Fund grant that is to be received in 2020/21. The grant is to support the delivery of adjustments to roads, footways and cycleways so as to enable residents to comply with social distancing measures as appropriate. A contingency allowance for the various work streams of the Active Travel project has been set aside to mitigate the risk of any cost escalation however the cost certainty of this particular element is high and any cost escalation is considered unlikely.

6.3 Legal implications

- 6.3.1 The temporary scheme complied with the guidance and advice issued by central government in response the Covid-19 pandemic. It also complied with the Highway Authority’s responsibilities under section 122 of the road Traffic Regulation Act 1984 detailed below. Specifically, section 2(d) in that the measures are designed to enable social distancing and encourage walking and cycling.
- 6.3.2 Following the public responses referred to in this report, it is not considered viable to extend or continue with the temporary order under section 14 of the RTRA 1984.

- 6.3.3 ECC instead seek to continue to work with BBC officers and members to produce and consult on an Experimental Traffic Order under the RTRA 1984 for the purposes of carrying out an experimental scheme to close Brentwood High Street to all vehicles on a Sunday to enable pedestrians to utilise the road space and potentially facilitate outside stalls and seating creating a more pedestrian friendly feel to the High Street on a Sunday whilst enabling shoppers to socially distance.
- 6.3.4 An experimental traffic order may provide for suspension or modification while the order is in force which will enable a swift response to any required changes provided that those changes are not in relation to addition(s) to the order and/or the allocation of off-street parking for which charges are made.
- 6.3.5 Section 122 RTRA 1984 lists various factors which authorities must consider, when using their TRO powers including, but not limited to, the expeditious, convenient and safe movement of vehicular and other traffic.

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 indicates 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 A	Section 14(2) Public Notice dated 3 July2020
Appendix B	Section 14(2) Public Notice dated 24 July 2020
Appendix C	Table of comments received with responses
Appendix D	Equality Impact Assessment

9. List of Background papers

<https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19>

<https://www.gov.uk/government/publications/making-traffic-regulation-orders-during-coronavirus-covid-19/traffic-regulation-orders-guidance-on-the-traffic-orders-procedure-coronavirus>

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor David Finch, Leader of the Council	06.08.20

In consultation with:

Role	Date
Director Highways and Transportation Andrew Cook Head of Design Services Vicky Presland	06.08.20
Director, Legal and Assurance (Monitoring Officer) Katie Bray on behalf of Paul Turner	6.8.20

<p>Exemption from call in and being included on the forward plan</p> <p>I agree that this key decision is urgent and cannot reasonably be deferred and therefore that it may be taken without it being on the forward plan.</p> <p>I also agree that it is in the best interests of the Council for this decision to be implemented urgently and therefore this decision is not subject to call in (paragraph 20.15(xix) of the constitution applies).</p> <p>Councillor Mike Mackrory – Chairman of the Corporate Policy and Scrutiny Committee</p> <p>Dated: 06.08.20</p>
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