

**Decision Session – Executive Member for
Transport**

13 December 2022

Report of the Corporate Director of Place

Coppergate – Proposed Traffic Regulation Order (TRO)

Summary

1. It is proposed to make the temporary traffic regulation order (TTRO) previously introduced in 2020 for Coppergate permanent. Back in 2020 a one-way direction of travel (Piccadilly to Nessgate) was introduced for vehicles, but excepting cycles, which can travel in both directions.
2. This report will consider the representations received to the statutory consultation for the permanent order. Specifically proposed in the TRO is the amendment of the previous arrangement of two-way vehicle movements, to allow one way only from Piccadilly to Nessgate, with the exception of pedal cycles, with officer recommendation for a future course of action.
3. Since the temporary order was introduced the improvement in the overall ambience of the street has been well received by users and residents. This comprises general improvements in safety, noise, air quality and reduced congestion.
4. The order also includes the introduction of an exemption to the right hand turn ban into Coppergate from Clifford Street to allow pedal cycles to make that manoeuvre.

Recommendations

5. The Executive is asked to:
 - 1) Approve the recommendation to make the temporary restrictions permanent.

Reason: To help reduce vehicle movements and minimise the pedestrian and vehicle conflict in the street; and to improve levels of safety, whilst still allowing for two way cycle travel to continue.

Background

6. In response to COVID an Emergency Active Travel scheme to provide social distancing space for pedestrians on Coppergate was implemented in June 2020. In order to achieve this, the carriageway space for vehicles was reduced. This also provided an opportunity to provide a contra flow cycle lane in a south-west to north-east direction. The scheme physically implemented on the ground provided the social distancing space for pedestrians on the south side of the street by widening the footway space available into the carriageway. A one-way only TTRO (Piccadilly to Nessgate) was introduced, along with the contraflow cycle lane (Nessgate to Piccadilly).
7. This meant that motorised vehicular traffic is allowed to travel in one direction only, cyclists can travel in both directions and additional space was provided for pedestrians on the southern side of the street. This arrangement is still in place (November 2022) with the exception of the segregated pedestrian area which was removed in summer 2021 as COVID restrictions relaxed.
8. The original TTRO was granted for 18 months and was due to expire in December 2021. However, following the Executive Member for Transport decision session in November 2021 an application was made to the Secretary of State to extend the current TTRO for 12 months. The extension was agreed and the current TTRO expires on 14th December 2022.
9. A key consideration is to appreciate that some bus routes have been adversely affected by the closure of Coppergate at the western (Nessgate) end. A city centre bus study is currently underway and will inform the decision on longer term arrangements.
10. It would not be possible to continue the temporary arrangements until the bus study is complete as the Secretary of State would not authorise extensions without the council's long-term intention being clear. Therefore, a decision was made at the March 2022 meeting to make the TTRO permanent.
11. The bus study and other projects relating to regenerating the Castle/eye of York area may produce options for investment to enable further

improvements to the public realm for pedestrians, cyclists and public transport users.

12. There may be opportunities in the future to make more improvements to the visual quality of the street, but this would be subject to future decision making by councillors and available budget.

Consultation

13. The proposed TRO was published and advertised in July 2022, see **Appendix A**. Residents and businesses affected were informed by letter, see **Appendix B**.
14. Advertisements were placed on Coppergate and in a local newspaper. All residents/businesses of properties within the street were written to, as well as Ward Councillors and were invited to comment on the proposal.
15. Five representations were received in response to the letter, see **Appendix C**.

Options

16. **Option 1:** Implement the restrictions as proposed (Recommended Option). This is the recommended option because it allows for the introduction of restrictions at this location, which help to reduce vehicle movements and minimise the pedestrian and vehicle conflict in the street and improve levels of safety, whilst still allowing for two way cycle travel to continue.
17. **Option 2:** No Further Action
If the TTRO is not made permanent, it will lapse on 14 December 2022 and Coppergate would revert to the previous traffic arrangement. This is not the recommended option as Coppergate would return to 2 way usage for motor vehicles, it increases vehicle movements and reduces available space for cycle travel on the street.

Analysis

18. 4 respondents supported or were broadly in favour of the proposals. Many of these would like to see further measures to pedestrianise the street, and 1 objection was received, again seeking further measures to make Coppergate part of the pedestrian zone.
19. On balance the majority of respondents were in favour of the proposed TRO.

Council Plan

20. The Scheme proposals are embedded in the Council Plan 2019-23. The implementation of these proposals are an integral part of the key priorities to enable “getting around sustainably; a greener and cleaner city; safe communities and culture for all and an open and effective council”.

Implications

21. **Financial** – There are no further direct costs of implementing the permanent TRO. The estimated costs to date of the TRO changes are £59k which have been met from the transport capital programme. Any future long term options for Coppergate that may require further funding to implement will be considered as part of a future budget process.
22. **Human Resources (HR)** – there are no HR implications.
23. **Equalities** – Under Section 149 of the Equality Act 2010 a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This is known as the Public Sector Equality Duty (“PSED”).
24. Statutory guidance issued in May 2020 reiterated that the Public Sector Equality Duty continued to apply as Councils made changes (permanent and temporary) to their road networks in response to Covid-19, and the needs of disabled people and those with other protected characteristics must be considered. A fair and proportionate balance had to be found between the needs of people with protected characteristics and the interests of the community as a whole. Case law held that achieving such

a balance is not a breach of the PSED and that there is no prescriptive way to evidence due regard. The measures taken by the Council by making and extending a TTRO were those considered necessary to achieve the objective of helping to limit the spread of Coronavirus and were therefore considered to be a proportionate means of achieving a legitimate aim.

25. An Equalities Impact Assessment is included with this report, see **Appendix D**, detailing how the Council is considering and mitigating, where possible, any disproportionate impacts of the highway changes on people with protected characteristics and meeting its Public Sector Equality Duty, particularly in relation to disabled people.
26. **Legal** – The Council has powers under the Road Traffic Regulation Act 1984 (“Act”) to make Traffic Regulation Orders and Temporary Traffic Regulation Orders (“TTRO”). In making the decision to make the temporary order permanent, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians). The statutory procedure to be followed in the publication and making of TROs provide a 6 week period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. A TRO has the potential to interfere with human rights, depending on the measures in question. However, it is open to the Council to consider any such interference as justified, being proportionate and necessary. The Council must give due regard to the public sector equality duty as addressed in other parts of this report, including the EqIA that has been produced.
27. **Crime and Disorder** – There are no crime and disorder implications.
28. **Information Technology (IT)** - There are no IT implications.
29. **Property** – There are no property implications.
30. **Risk Management**
31. At this stage the main risk is that if there are delays to any decision making, the measures provided in Coppergate to enforce the order will need to be removed and the street would revert to two way working. These measures include the provision of signing, a contraflow cycle lane and planter.

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**Report
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Date

5/12/22

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Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers: None

List of Annexes

Annex A - THE YORK (COPPERGATE) (LOCAL BUS PRIORITY)
(AMENDMENT) (No 16/1) ORDER 2022.

Annex B – Letter sent to residents and businesses affected by the Order.

Annex C – Representations received during the statutory process.

Annex D – Equalities Impact Assessment.

List of Abbreviations Used in this Report

TRO – Traffic Regulation Order

TTRO – Temporary Traffic Regulation Order

COVID – Coronavirus 19

PSED – Public Service Equality Duty

HR – Human Resources

