

**Decision Session – Executive Member for
Transport**

22 March 2022

Report of the Director of Transport, Environment and Planning.

Coppergate Traffic Regulation Order Update

Summary

1. The current single direction flow of motorised traffic along Coppergate with a segregated contraflow cycle route was installed as an emergency active travel measure and provided under a Temporary Traffic Regulation Order (TTRO) as part of the coronavirus (COVID) response.
2. The segregated cycle route has recently been improved in accordance with the decision made at the Decision Session for the Executive Member for Transport in November 2021 with better temporary measures to address the vandalism.
3. At the Decision Session for the Executive Member for Transport in November 2021, the decision was made to apply for an extension of 6 months to the TTRO (this was granted by the Secretary of State) and to allow a second application to be made to the Secretary of State, if needed, to ensure that the city centre bus study could be undertaken and options around a permanent solution for Coppergate be developed.
4. The city centre bus study is intended to look at the dynamics of the city centre (including Coppergate), inner ring road and radial routes. This will be in the context of the Bus Service Improvement Plan (BSIP), the current Local Transport Plan 2011-2031 as well as the emerging themes of a new Local Transport Plan, the Local Plan, the Carbon reduction strategy and the Economic strategy. The brief for the city centre bus study has been drafted in order to engage with a specialist consultant to deliver the study.
5. On the critical path for the development of the brief for the bus study was a steer from central government on funding bid associated with the

council's BSIP. The original timetables provided by the Department for Transport on consideration of BSIP have slipped.

Recommendations

6. The Executive Member is asked to:

- 1) Note the improved arrangements have been implemented for a segregated cycle lane.

Reason: Following vandalism the segregation infrastructure for the cycle route have been improved.

- 2) To request officers commence work on the process of formal consultation to make the current arrangements permanent.

- 3) Delegate to the Director of Environment, Transport and Planning the authority to confirm the Traffic Regulation Order if no objections are received. If objections are received then a further report will be brought to the Executive Member.

Reason: The current arrangements will need to be removed in June unless a decision is made to make it permanent

- 4) To request that upon completion of the bus study a further report is brought forward about the future operation of all traffic on Coppergate.

Reason: To ensure the longer term future of Coppergate considers all the potential options.

Background

7. 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 implemented, along with the contraflow cycle lane (Nessgate to Piccadilly).

8. 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 (March 2022) with the exception of the segregated pedestrian area which was removed in summer 2021 as COVID restrictions relaxed.
9. The original TTRO was 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 6 months. The extension was agreed and the current TTRO expires on 14th June 2022.
10. Following repeated vandalism of the segregation of the cycle lane, a more robust solution has been installed which was approved by the Executive Member in November last year. This comprises a short length of bolted down segregation measures and signing fixed in order that it is not stolen or removed.
11. A key consideration is to appreciate that some bus routes have been adversely affected by the closure of Coppergate at the western (Nessgate) end.
12. A brief for a review of city centre buses has been prepared and it is proposed that this will be commissioned in due course. The city centre bus study will also inform the decision on longer term arrangements.
13. On the critical path for the development of the brief for the city centre bus study was a response to the council's BSIP and funding bid to the Department for Transport. The original timetable for consideration of these from the Department for Transport has slipped.
14. 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 needs to be made now on whether to make the current one way operation of Coppoergate for motor vehicles the substantive traffic regulation order.
15. The bus study may produce options for investment to enable further improvements to the public realm for pedestrians, cyclists and public transport users.

16. At the conclusion of the city centre bus study, a report will be brought forward for consideration of next steps.

Consultation

17. Informal consultation took place on the first extension of the TTRO (to May 2022) and with bus companies and cycle groups.
18. Responses from other stakeholders, such as cyclists, has been mixed – some cyclists welcome the new lane, whilst others comment that they are too narrow, dislike the right turn into Coppergate from Nessgate or believe that the signage is inadequate. Cycle groups were also critical of the approach taken to consultation, which they believed to be inadequate, in advance of the decision to extend the TTRO for 6 months from December 2021.
19. The changes to the cycle segregation measures are relatively recent and feed back has not yet been obtained.
20. Consultation with the bus companies in the York Quality Bus Partnership highlighted that they are not in favour of making the arrangement permanent because it lengthens bus journey times for passengers and introduces a source of unreliability for services because of varying traffic conditions on the diversion route along Tower Street. It also increases service distances by half a mile a trip – which can add up to 10 miles over the course of a working day, challenging the range of electric buses on some services.
21. The consultation which was undertaken more widely in the summer demonstrated that there were other groups who favoured retention of the one-way arrangement, such as York Civic Trust, because it improved the environment for pedestrians. There was also support for the contraflow cycle lane arrangement, although some cyclists commented that the lane was insufficiently wide for some types of non-standard or adapted cycle.
22. Formal consultation will need to be undertaken if the substantive Traffic Regulation Order is changed to reflect the current arrangements, but the consultation can be clear that there will be opportunities for further review.

Options

23. The options can be summarised as follows:
 - a. Do not seek to make the current arrangements permanent and allow it to expire and revert to previous two way traffic operation

with no cycle segregation, commission the city centre bus study and then consider the arrangement of Coppergate in light of that study.

- b. Take all necessary steps on making the current arrangements permanent in advance of the bus study report. The one way operation of Coppergate being a constraint the bus study needs to address.

Analysis

24. The implementation of the measures in Coppergate has created a quieter, more pleasant environment that feels safer for pedestrians and cyclists, mainly due to the exclusion of vehicular traffic in the west to east direction (resulting in a circa 50% reduction in the traffic on Coppergate, which itself has more carriageway space).
25. The current Local Transport Plan 2011 – 2031 (Local Transport Plan 3) places walking, then cycling at the top of the mode hierarchy. A review of the Local Transport Plan is unlikely to change that hierarchy. The temporary arrangements have improved walking and cycling. Therefore option A is not recommended.
26. Option B ensures the improvements for walking and cycling are retained and allow the Bus Study to be completed. Officers would recommend this option.
27. The already improved environment could be further enhanced once the long term options for Coppergate are determined with the opportunity for interventions for improving the pedestrian areas through introduction of paved surfaces and planting.
28. A one way route also has benefits from a wider regeneration perspective. The Castle Gateway masterplan, approved in 2018, set out the challenges Coppergate presents in severing the Coppergate Centre and the Castle and Eye of York from the main shopping area. Reducing vehicle dominance and removing eastbound traffic makes it easier to cross the road to and from the area; improves the desirability of Coppergate itself for the businesses located on the street; and creates potential opportunities to widen footways and enhance the public realm. This is also consistent with the My City Centre vision which was approved in November 2021 by creating a more pedestrian family friendly environment for residents and making the best use of our streets and public spaces.

Council Plan

29. 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

- **Financial** – There is an allocation of £100k in the transport capital programme to fund the cost of the interim changes to the traffic management layout and review of the TTRO. If a permanent TRO is ultimately agreed alongside the long term options for Coppergate this may require further funding to implement which will be considered as part of a future budget process.
- **Human Resources (HR)** – there are no HR implications.
- **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”).

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.

An Equalities Impact Assessment is included with this report, see Appendix A, 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.

- **Legal –**

The Council has powers under the Road Traffic Regulation Act 1984 (“Act”) to make Traffic Regulation Orders and Temporary Traffic Regulation Orders (“TTRO”). A TTRO can remain in force for up to 18 months but, under Section 15(3) of the Act, an application can be made to the Secretary of State to extend the TTRO. In making the decision to extend the duration of the TTRO 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).

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** - There are no IT implications.
- **Property** – There are no property implications.

Risk Management

8. At this stage the main risks are connected with delays to any decision making. Primarily this depends on the outcome of consultation.

Contact Details

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Report **Date** 14 March 2022
Approved

Specialist Implications Officer(s)

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Name: Dan Moynihan

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Wards Affected: [List wards or tick box to indicate all] **All**

For further information please contact the author of the report

Background Papers:

Decision Session Executive Member for Transport November 2021

Annexes

Annex A Equality Impact Assessment

List of Abbreviations Used in this Report

BSIP – Bus Service Improvement Programme

COVID – Coronavirus-19

TRO – Traffic Regulation Order

TTRO – Temporary Traffic Regulation Order

PSED – Public Service Equality Duty

HR – Human Resources