

Newbury Town Centre Pedestrianisation

Committee considering report: Executive

Date of Committee: 17th December 2020

Portfolio Member: Councillor Richard Somner

Date Portfolio Member agreed report: 3rd December 2020

Report Author: Neil Stacey

Forward Plan Ref: EX3979

1 Purpose of the Report

To respond to a Motion, regarding the pedestrianisation of roads in Newbury Town Centre, which was presented to Council by Councillor David Marsh in September 2020.

2 Recommendations

- 2.1 The measures proposed in Councillor Marsh's Motion are not implemented, at least in the short term;
- 2.2 The consultants tasked with undertaking the Newbury town centre Study be asked to include the principle of permanent pedestrianisation in their work in order to facilitate consensus or, at least, a way forward on the issue;
- 2.3 Prior to any informal consultation with stakeholders, the consultants work with the Highways Network Management team to ensure that any specific proposals made public are in accordance with the relevant road traffic legislation;
- 2.4 An assessment is made of the extent to which the capacity that the town centre roads add to the network is actually needed. This would require modelling work by external transport consultants and therefore have time and cost implications;
- 2.5 Should the above work determine that changes to the pedestrianised hours are desirable and can be implemented on a practical and legal basis a permanent traffic regulation order could be drafted and taken forward to statutory consultation.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	The recommended traffic modelling work would cost up to £15,000. Should changes to the traffic management arrangements in Newbury town centre be made in the longer term, it is likely that capital funding would be required.			
Human Resource:	None.			
Legal:	As this report recommends no short term changes, there are no immediate legal implications. Should changes to the traffic management arrangements in Newbury town centre be made in the longer term, any Traffic Regulation Orders would be subject to advice from Legal Services.			
Risk Management:	As this report recommends no short term changes, there are no immediate risk management implications. Should changes to the traffic management arrangements in Newbury town centre be made in the longer term, the risks (some of which are outlined in this report) would need to be explored in more detail.			
Property:	None.			
Policy:	None.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		As this report recommends no short term changes, there is no immediate equality impact.

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		As this report recommends no short term changes, there is no immediate equality impact. Any future changes to traffic management arrangements may affect air quality, either positively or negatively depending on the locality.
Health Impact:				As this report recommends no short term changes, there is no immediate health impact.
ICT Impact:				No impact is envisaged.
Digital Services Impact:				No impact is envisaged.
Council Strategy Priorities:				No impact is envisaged.
Core Business:				No impact is envisaged.
Data Impact:				No impact is envisaged.
Consultation and Engagement:	The issues outlined in this report have been discussed by the Transport Advisory Group.			

4 Executive Summary

- 4.1 The purpose of this report is to respond to a Motion regarding the pedestrianisation of roads in Newbury town centre, which was presented to Council by Councillor David Marsh in September 2020.
- 4.2 During summer 2020, in response to the Covid-19 pandemic to enable social distancing of pedestrians, some of the roads in Newbury town centre were temporarily closed to through traffic. Under normal circumstances, these roads are pedestrianised between

- 10.00 and 17.00 but the restricted hours were temporarily extended so that no through traffic was permitted at any time.
- 4.3 Councillor Marsh's motion suggests that the temporary additional restriction should be reintroduced and that through traffic should be permanently prohibited from using these roads. Members of the Transport Advisory Group (TAG) discussed Councillor Marsh's Motion in October in light of a briefing note prepared by officers.
- 4.4 This report outlines the background to the current restrictions and explores the practical and legal issues that would need to be addressed in order to reintroduce the temporary arrangements or bring about a permanent change.
- 4.5 Implementing a 24-hour traffic free zone on a temporary basis with immediate effect, as proposed by the Motion, is not considered by officers to be reasonable within the legislation. Section 14(1) of the Road Traffic Regulation Act 1984 states that the authority must be "satisfied that traffic on the road should be restricted or prohibited... because of a likelihood of danger to the public".
- 4.6 Implementing a 24-hour traffic free zone on a permanent or experimental basis with immediate effect is not possible due to the amount of preparatory work that is required, including the consideration of the issues listed in 5.13 of this report, and the requirement to engage with and consult stakeholders.
- 4.7 It is therefore concluded that the principle of permanent pedestrianisation should be considered as part of the forthcoming study of Newbury town centre and that initial engagement with stakeholders takes place as part of this initiative.

5 Supporting Information

Introduction

- 5.1 This report provides information to enable the Executive to decide whether the Motion submitted by Councillor Marsh at the Council meeting in September 2020 should be implemented.

Background

- 5.2 At the meeting of Full Council in September 2020, Councillor David Marsh submitted the following motion:

This Council notes the success of the 24-hour traffic-free zone covering part of Newbury town centre.

It made social distancing easier and was popular with shoppers. It helped to promote active travel, in line with the Prime Minister's announcement on 28 July, which included a commitment to "improving air quality and reducing traffic" by introducing zero-emission zones in towns and cities, and with the Council's own recently published Environment Strategy, which stresses the importance of reducing vehicle emissions.

This council further notes that the threat posed by Covid-19, and the need for social distancing, remain, and are likely to do so for the foreseeable future. It therefore regards

the decision to return to “business as usual”, taken without allowing Council members to debate the issue, or even informing them of the decision, and without consulting Newbury Town Council, as premature at best.

This council further notes the following statement by Grant Shapps, Secretary of State for Transport: “We’ve got a once-in-a-lifetime opportunity to create a shift in attitudes for generations to come.”

Allowing people to enjoy the town centre free of all but essential traffic is good for their health and wellbeing, and good for business. It conforms to the Council’s own aims with regard to carbon emissions, road safety, and creating a more attractive town centre for both residents and visitors. It is a win-win for the people of West Berkshire.

This Council therefore RESOLVES that:

- i. *The 24-hour traffic-free zone, with appropriate exemptions for deliveries and disabled access, be reinstated with immediate effect.*
- ii. *Officers will monitor the effect on social distancing, businesses (including the market), air quality and active travel, and report their findings to the Transport Advisory Group and Environment Advisory Group by the end of 2020.*

Following this process, any recommendations as to making the traffic-free zone permanent or otherwise would be considered by the first full Council meeting of 2021.

- 5.3 The Motion was referred to Transport Advisory Group for further discussion, a summary of which is included later in this section.
- 5.4 Northbrook Street, Bridge Street, Bartholomew Street (north), Mansion House Street, Wharf Street and Market Place are roads within Newbury town centre that are subject to a time-limited restriction that prohibits access to motor vehicles between the hours of 10.00 and 17.00 daily. The purpose of the restriction is to create a pleasant environment for visitors to the town centre during the daytime for shopping or other recreational purposes. Pedestrians and cyclists are able to travel within or through the town centre without coming into conflict with motor vehicles. Exemptions to the restriction are in place for critical access, such as postal vehicles or cash deliveries to banks. The restriction is enforced by rising bollards which are activated at the appropriate times of day and by in-vehicle electronic tags.
- 5.5 Between 17.00 and 10.00 through traffic is permitted to use these roads, which add capacity to the wider network at peak times. Non-critical access, ie deliveries to shops and businesses, also takes place while the roads are open to traffic. This is necessary because many of the premises within the restricted area do not have access to the rear and can only be accessed from the road.
- 5.6 Prior to 2011, these roads were closed to the majority of through traffic between the hours of 10:00 and 18:00. Cycles, buses and critical delivery vehicles (eg postal vehicles and deliveries of cash to banks) were exempt and given electronic tags to lower the rising bollards on the perimeter of the restricted area. Outside these hours through traffic was permitted. Non-critical delivery vehicles had to access the restricted area outside the restricted times.

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- 5.7 When the Parkway development opened in 2011 and Park Way canal bridge closed to general motor traffic, buses were removed from the restricted area and diverted to Park Way instead. This removed the bus/pedestrian and bus/cycle conflict from the area and enabled the opening of several bus stops on Park Way. Critical deliveries remained exempt. To compensate for the loss of Park Way as a through route for general traffic and to add peak hour capacity to the network, the pedestrianised hours in the restricted area were reduced to between 10:00 and 17:00. Executive reports from 2010 and 2011 are included as Appendices to this report and contain information on the rationale behind these changes.
- 5.8 In response to the Covid-19 pandemic, to address the increased need for social distancing and the reduced capacity of town centre shops, a decision was taken to introduce 24 hour pedestrianisation on a temporary basis. This was implemented in June 2020 and was done by way of a temporary traffic regulation order (TTRO), on the grounds of avoiding “danger to the public”, which is one of a small number of reasons that TTROs can be made. Non-critical access remained possible between the hours of 17.00 and 10.00, with access past the rising bollards managed by Council officers with the assistance of town centre stakeholders including Newbury Business Improvement District.
- 5.9 The community response to this change was mixed. Whilst some felt that it has worked well and welcomed the traffic-free environment, others felt that it had had a detrimental effect on some businesses as well as on traffic flow and journey times through town between 17.00 and 10.00, especially as traffic levels began to rise when restrictions were relaxed. The issue resulted in a significant number of complaints from residents and businesses to the Economic Development Team, the Road Safety Team and the Communications Team.
- 5.10 The Council did not undertake a consultation on the issue prior to the implementation of the 24 hour pedestrianisation, in fact no consultation is necessary to introduce a TTRO. However, Newbury Weekly News, Newbury Town Council and Newbury Business Improvement District did undertake surveys on the issue. The response to these was mixed but was also limited in scope, so it is unlikely that the data would have the necessary integrity in order to be used as an evidence base.
- 5.11 In September 2020, to coincide with the reopening of schools and in light of relaxations to national restrictions, the restricted area reverted to its normal hours of 10:00 to 17:00.
- 5.12 Although there has unfortunately been an increase in Covid-19 infection rates in the Autumn, the situation is not directly comparable to the period earlier in the year. Other mitigation measures, for example the widespread use of face coverings, are in place. It is not thought that the avoidance of “danger to the public” would be reasonable grounds to reintroduce the 24-hour restriction.
- 5.13 In order to make a 24 hours a day restriction on through traffic a new traffic regulation order (TRO) would be required. Permanent TROs are subject to statutory consultation prior to implementation during which time objections may be received. A resolution from the Council, Executive or Individual Executive Member Decision is required in order to begin this process and a further such resolution is required if objections to the proposed TRO are received to determine whether the TRO should proceed. This process would inevitably take several months. Alternatively, an experimental traffic regulation order

(ETRO) could be made. ETROs differ from TROs in that the restriction is brought into force first and consultation takes place while it is in force, with objections being considered as part of a review of its effectiveness. This would take less time to implement the restriction but would not give stakeholders the opportunity to have their say beforehand unless an informal (ie non-statutory) consultation was undertaken first.

5.14 Over a period of many years the Council has received several suggestions from a variety of local stakeholders to make the traffic-free period in Newbury town centre 24 hours-a-day and permanent but the proposal has never got as far as a TRO of any kind being approved for advertisement and consultation. There are several arguments against and practical problems which have never been satisfactorily overcome, including:

- (a) The north-south capacity that this route adds to the network is needed to reduce congestion on other roads and at key junctions;
- (b) Depending on their origin and destination, some local car journeys would be extended significantly by having to use other routes;
- (c) Arrangements need to be put in place for access to premises within the restricted area, mainly deliveries to retail businesses but there are also some residential properties. These arrangements need to be convenient and easy to understand for users, in accordance with traffic legislation and not place an administrative burden on Council officers;
- (d) Many businesses like being visible to passing road users;
- (e) Blue badge holders may park within the restricted area for up to three hours, as long as they enter the zone before 10:00 and implementing a 24 hours restriction would remove this facility, potentially raising equality impact issues;
- (f) It is likely that a significant number of objections would be received from road users on the basis that their journeys would be lengthened;
- (g) Even though parking is not permitted within the restricted area, dropping off and picking up of passengers is allowed and is convenient for some users.

5.15 The above information was presented to the Transport Advisory Group (TAG) on 29th October 2020 in the form of a briefing note. During the resulting discussion the following points were made by members, with officer comments included where necessary:

- (a) Several, but not all members stated that they would prefer to see the pedestrian hours extended;
- (b) Allowing traffic into the pedestrianised zone discourages pedestrian footfall and active travel generally due to safety concerns;
- (c) Allowing traffic into the pedestrianised zone is detrimental to local air quality;
- (d) Extending the pedestrianised hours would encourage more shopping and also assist the night time economy;

- (e) Some drivers access the zone illegally by moving the cones out of the way and driving through. Officers responded that cones are only in place temporarily because of faults with the rising bollards and plans are in hand to repair or replace the rising bollards;
- (f) It was suggested that an extended restriction could be implemented on a trial basis before Christmas. Officers responded that it is possible that this could be done to facilitate Christmas shopping on certain dates, but a blanket temporary closure on the grounds of the avoidance of “danger to the public” was not appropriate. There is insufficient time to implement a permanent or experimental Traffic Regulation Order prior to Christmas.

Proposals

- 5.16 There is evidently an appetite for debate on this subject, and indeed on the future of Newbury town centre itself. The Council is funding a study into the future of Newbury town centre, including what possible uses should be considered in order to retain the town’s vitality. The work will also include a masterplan and a Supplementary Planning Document (SPD) which will form part of the Local Plan Refresh. Considering the specific remit of the study, it is logical that the issue of pedestrianisation forms part of this work.
- 5.17 It is therefore proposed that the consultants tasked with undertaking the above study be asked to include the principle of permanent pedestrianisation in their work in order to facilitate consensus or, at least, a way forward on the issue;
- 5.18 Prior to any informal consultation with stakeholders, the consultants would need to work with the Highways Network Management team to ensure that any specific proposals made public are in accordance with the relevant road traffic legislation;
- 5.19 It is proposed that an assessment is made of the extent to which the capacity that the town centre roads add to the network is actually needed. This would require modelling work by external transport consultants and therefore have time and cost implications. The terms of reference for this work would need to be carefully considered because the ongoing Covid-19 pandemic is having an effect on traffic patterns and it is unclear as to when, or indeed whether, traffic will return to “normal”;
- 5.20 Should the above work determine that changes to the pedestrianised hours are desirable and can be implemented on a practical and legal basis a permanent traffic regulation order could be drafted and taken forward to statutory consultation.

6 Other options considered

- 6.1 Implementing a 24-hour traffic free zone on a temporary basis with immediate effect, as proposed by the Motion, is not considered by officers to be reasonable within the legislation. Section 14(1) of the Road Traffic Regulation Act 1984 states that the authority must be “satisfied that traffic on the road should be restricted or prohibited... because of a likelihood of danger to the public”.
- 6.2 Implementing a 24-hour traffic free zone on a permanent or experimental basis with immediate effect is not possible due to the amount of preparatory work that is required,

including the consideration of the issues listed in 5.13 above, and the requirement to consult stakeholders.

- 6.3 Completely ruling out any changes to the traffic-free hours would not be appropriate given the views expressed by members at Transport Advisory Group and the forthcoming wider study of Newbury town centre, of which vehicular access is a key component.

7 Conclusion

- 7.1 In view of the above, it can be concluded that:

- (a) It is not appropriate to re-implement a temporary “24/7” pedestrianisation using the same legislation as previously;
- (b) The issue of permanent pedestrianisation is complex and there is a need for further consultation with the community and assessment of the practicalities of any proposed changes before proceeding to the statutory advertisement of a new Traffic Regulation Order.

8 Appendices

- 8.1 Appendix A – Executive report dated 18th February 2010

- 8.2 Appendix B – Executive report dated 13th January 2011

Background Papers:

None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council’s position

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: Newbury Central, Newbury Clay Hill, Newbury Speen, Newbury Greenham and Newbury Wash Common.

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