

Appendix A:

Newbury Town Centre Pedestrianisation Extension Trial

Committee considering report:	Executive
Date of Committee:	14 December 2023
Portfolio Member:	Councillor Denise Gaines
Date Portfolio Member agreed report:	22 November 2023
Report Author:	Jon Winstanley
Forward Plan Ref:	EX4416

1 Purpose of the Report

- 1.1 The report addresses the Council Strategy commitment to conduct a trial extension to the pedestrianisation timings in Newbury Town Centre. This will remove traffic from this core area during the evenings to create more space for pedestrians, areas for seating and planting, 'spill-out' space for cafés and restaurants and flexibility for larger events. Removal of traffic in the evenings will also improve pedestrian safety.
- 1.2 This report seeks approval from the Executive to submit an application to the Department for Transport requesting consent from the Secretary of State (SoS) to proceed with the implementation of an Experimental Traffic Regulation Order (ETRO). Provided SoS consent is given, the intention would be to implement a minimum 6-month trial and to consult with the community and stakeholders during the trial period. The report also seeks approval to commence the (non-experimental) Traffic Regulation Order (TRO) process should the response from the SoS on the use of an ETRO for this purpose not be favourable.

2 Recommendations

- 2.1 That the Executive approves:
 - (a) the making of an Experimental Traffic Regulation Order to extend the hours of pedestrianisation in Newbury Town Centre, subject to any required Secretary of State approval.
 - (b) in principle the making of a Traffic Regulation Order to extend the hours of pedestrianisation in Newbury Town Centre subject to formal consultation, should the SoS not give consent to the use of an ETRO.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	Delivery of the scheme (temporary/ permanent signage along with advertising the order and any comms) will cost approximately £5,000 and can be funded from the approved Town Centres Programmes capital budget.
Human Resource:	This project can be delivered from existing staff resources
Legal:	<p>In order to proceed with the proposed ETRO which is an experimental order, the Council need to be satisfied that the Order is completely necessary:</p> <p>(a)for avoiding danger to persons or other traffic using the road to which the order relates or any other road, or</p> <p>(b)for preventing the likelihood of any such danger arising.</p> <p>and SoS consent is obtained after a successful application to the Department for Transport.</p> <p>In the event Secretary of State Consent is not provided and a TRO is pursued, this is a permanent Order and the standard process will need to be followed. The Order will need to be kept under review and the process to follow to revoke a TRO is that a new Traffic Order will need to be introduced to revoke the previous Order. This is likely to incur costs and would require the usual process which can be lengthy.</p>
Risk Management:	The project will be managed in line with the Council’s risk management processes.
Property:	None as a result of this report.
Policy:	Local Policy – Newbury Town Centre Masterplan

Newbury Town Centre Pedestrianisation Extension Trial

	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		Stage 1 EqIA at Appendix A below can be seen in Appendix A.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		Stage 1 EqIA at Appendix A below can be seen in Appendix A.
Environmental Impact:	X			<p>Whilst this will improve air quality within the town centre, there will inevitably be a knock-on effect on the routes where vehicles are displaced to.</p> <p>However, the creation of traffic free areas in the town centre in the evening will encourage more active travel, which would have a net improvement environmentally.</p>
Health Impact:	X			The proposal will encourage active travel by removing traffic from busy town centre roads. This could have resulting health benefits.
ICT Impact:		x		N/A

Digital Services Impact:		x		Assistance from the Digital Services team may be required for the consultation process.
Council Strategy Priorities:		x		A Prosperous and Resilient West Berkshire Tackling the Climate and Ecological Emergency
Core Business:	X			The proposal is in line with the endorsed Newbury Town Centre Masterplan and will encourage active travel through the town centre.
Data Impact:		x		N/A
Consultation and Engagement:	<p>Newbury Business Improvement District (BID) has been informally approached regarding the proposal.</p> <p>Traffic Regulation Orders require a formal statutory consultation and stakeholders will be engaged as part of this process.</p> <p>An Experimental Traffic Regulation Order will require formal statutory and stakeholder consultation through the first 6 months of the trial being implemented.</p>			

4 Executive Summary

4.1 The Council Strategy 2023-27 provides a clear commitment to conduct a trial extension to the pedestrianisation timings in Newbury Town Centre. This aligns with a key aim of the Newbury Town Centre Master Plan, adopted in February 2023, which states:

‘Extending the hours during which traffic is removed from this core area.
Creating more space for pedestrians, areas for seating and planting, ‘spill-out’ space for cafés and restaurants and flexibility for larger events’.

4.2 The Council is keen to accelerate implementation of this important initiative, the objective being to remove as much traffic as possible from the town centre roads during the evenings to boost the night-time economy. The intent is to do this by

extending the current pedestrianised timings until 11pm from the current 5pm cut-off. Officers are working with the DfT and Legal colleagues to find a mechanism to achieve this within legislation.

4.3 Extending the pedestrianisation timings will have several benefits for the Town Centre:

- Improved conditions for walking and cycling through the town centre in the evenings, thus creating a safer environment and encouraging more sustainable transport.
- Removing the traffic in the evenings will have significant benefits for the hospitality trade, improving the ambiance for alfresco style dining and encouraging cafes and restaurants to 'spill-out' onto the public highway.
- The potential to draw in additional custom and increase evening trade.
- Provision of flexibility for evening events in the town centre (subject to appropriate licences and permissions).

4.4 There are two legislative routes which have been identified that could be used to implement the proposed extended pedestrianised timings. One would be the use of an Experimental Traffic Regulation Order (ETRO), the other a regular Traffic Regulation Order (TRO). It should be noted that under section 3(1)(b) of the Road Traffic Act 1984 a TRO or ETRO shall not be made with respect to any road that would have the effect of preventing vehicular access to premises for more than 8 hours in any 24-hour period. The proposed revised timings (10am to 11pm) would restrict access for a longer period than 8 hours.

4.5 There are exceptions to this under section 3(2) of the Act, and one of the exceptions includes section 3 (2) (a) which is where it is considered that the order is being made 'to avoid danger to persons to which the order relates'. Given that the proposal will significantly reduce conflicts between motorists and vulnerable road users, therefore helping avoid danger to persons or other traffic using the road, it is considered a valid exception to the 8-hour rule under the Act. The Council need to be satisfied this exception applies and if satisfied, we will also need Secretary of State (SoS) consent to proceed.

4.6 The recommended approach is to progress with an ETRO. ETRO's can be introduced without formal consultation being undertaken prior to implementation. Formal consultation takes place once the ETRO is introduced for a minimum of six months, therefore the consultation is undertaken 'by doing', which allows the public and other stakeholders a greater understanding of the impact and benefits the scheme offers. Informal engagement has been ongoing with the DfT, however the DfT has not confirmed if the exception to obtaining SoS consent is relevant in the case of an ETRO and therefore it is recommended that a formal application be submitted to the DfT for SoS consent. The making of any ETRO is subject to any consent which is required by the Secretary of State.

4.7 The alternative approach is a TRO which would require statutory consultation in advance of implementation. Considering the uncertainty about the ETRO process, it is recommended that Officers prepare legal documentation for the consultation and making of a TRO, which will progress to formal consultation should consent to the ETRO process not be given by the SoS.

5 Introduction/Background

Introduction

5.2 One of the key aims of the Newbury Town Centre Master Plan is:

‘Extending the hours during which traffic is removed from this core area.
Creating more space for pedestrians, areas for seating and planting, ‘spill-out’ space for cafés and restaurants and flexibility for larger events’.

5.3 This is reflected in the Council Strategy which proposes a trial extension of the time that traffic is restricted from entering the town centre in the evenings, to understand the impact of this in boosting the night-time economy and on the local transport network.

Background

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 10am and 5pm 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 can 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 emergency services, postal vehicles, authorised maintenance of the Highway, 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 Currently between 5pm and 10am through traffic is permitted to use these roads, which adds capacity to the wider network at peak times. Access for deliveries to shops and businesses (non-critical) 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 10am and 6pm. Cycles, buses and critical delivery vehicles (e.g. 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.

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 10am and 5pm.

Proposals

- 5.8 The commitment in the Council Strategy is to trial an extension to the pedestrianised timings in the evenings. It is intended that this would be for a minimum of 6 months to enable the Council to gauge the impact and to seek views from the local community and stakeholders on the changes.
- 5.9 It is proposed that the extended hours of pedestrianisation be under the same access restrictions as those between 10am and 5pm, i.e. that no access be allowed (except for the exemptions mentioned in 5.4 above), which would be enforced by use of a physical barrier (the rising bollards). The new pedestrianised timings would be 10am to 11pm with non critical deliveries and access allowed outside of these times. The legislation states that Traffic Orders under the Road Traffic Regulation Act 1984 (RTRA) which prevent vehicular access to premises for more than 8 hours in any 24-hour period requires an exception that the Council must state on the Order that they are satisfied applies. One such exception is if it is considered that the order is being made to avoid danger to persons to which the order relates. Given that the proposal will significantly reduce conflicts between motorists and vulnerable road users, therefore helping avoid danger to persons or other traffic using the road, it is considered a valid exception to the 8-hour rule under the Act. This exception requires an application to the Department for Transport (DfT) for Secretary of State consent.
- 5.10 Extending the pedestrianised timings will have several other benefits for the Town Centre:
- Improved conditions for walking and cycling through the town centre in the evenings, thus creating a safer environment and encouraging more sustainable transport.
 - Removing the traffic in the evenings will have significant benefits for the hospitality trade, improving the ambiance for alfresco style dining and encouraging cafes and restaurants to 'spill-out' onto the public highway.
 - Greater potential to draw in additional custom and increase evening trade.
 - Provision of greater flexibility for evening events in the town centre (subject to appropriate licences and permissions).
- 5.11 Extending the pedestrian timing will inevitably have an impact on the surrounding road network, albeit this would be limited due to the existing pedestrianised hours. The main impact will be in the evening peak after 5pm, where there will be an increase in traffic at the A339/Robinhood Roundabouts, along the A339 and at the A339 Bear Lane junction.
- 5.12 Permission to implement the proposal requires SoS consent using an appropriate Order under the Road Traffic Regulation Act 1984. There are two legislative routes being considered considering, an experimental (ETRO) or permanent order (TRO). The experimental order is the preferred approach and the intention is to enable this to be carried out as a trial and to commence as soon as possible. This would allow consultation to be undertaken during the first six months of the trial to enable the Council to understand the benefits and the impact upon the wider transport network.

Newbury Town Centre Pedestrianisation Extension Trial

- 5.13 Using the ETRO route will allow the extended pedestrianised timings to be undertaken as a trial for a minimum of 6 months. The trial period will afford an excellent opportunity to monitor the impact which can inform the decision making going forward. Another advantage of using an ETRO is that following the trial period, or at any time, the trial could be stopped without the need for a further statutory process.
- 5.14 A trial could also offer the opportunity to monitor how the evening restriction impacts on those that would normally have unrestricted access and to consider how this could be mitigated. For example, some deliveries to businesses would need to adjust their timings. It will also be necessary to engage with blue badge holders who are currently able to park in the town centre in the evenings when visiting shops and restaurants.
- 5.15 Potential outcomes of the trial, dependent on responses would be to make the trial permanent (subject to formal approval) following the trial period or revert to the current situation. Other options could be developed taking on board the results of the trial and stakeholder experience.
- 5.16 The alternative approach is a permanent TRO which would require formal consultation in advance of implementation. This process can take considerably longer than an ETRO as consultation will be required in advance and comments from the consultation process will need to be formally reported to a decision-making body. Introduction of a TRO could not formally be considered as a trial, however if this route is taken, monitoring would continue following implementation and appropriate amendments considered. However, if the decision is made to proceed with a TRO and later, it is decided to revoke the Order then this will be subject to a further statutory process with associated consultation and resource implications.
- 5.17 The following table sets out the timescales associated with the two TRO options:

Table 1 - Experimental Traffic Regulation Order (ETRO)	
Activity	Completion date
Submit an application to the DfT for SOS consent.	Dec 23
Determination by ministers (2 months - assumed as there is no set timescale for DfT determination)	Feb 24
Should SoS consent be provided, notification to stakeholders of the trial (4 weeks)	Mar 24
Make and advertise ETRO and implement new signs etc. (2 weeks)	April 24
ETRO 6-month trial begins along with statutory consultation.	May 24

Table 2 - Traffic Regulation Order (TRO)	
Activity	Completion date

Prepare PR and consultation material (3 weeks)	Jan 23
Statutory consultation (6 weeks) – to start in March 23 should a SoS consent be denied to proceed with an ETRO.	May 24
Collate consultation responses and report to Executive (6 weeks).	Jun 24
Submit an application to the Department for Transport for SoS consent (2 months - assumed as there is no set timescale for DfT determination)	Aug 24
Notify stakeholders and implement signage (2 weeks).	Oct 24
TRO comes into force.	Nov 24

6 Alternative Options

- 6.1 The option of taking forward the ETRO and TRO processes in parallel was considered. This would potentially reduce the timescale for the TRO process by 2 months should the DfT not approve the use of an ETRO. However, this would require starting the statutory public consultation for the TRO whilst awaiting the DfT's determination on the use of the ETRO. Should a response from the DfT to the use of the ETRO be positive, this would create confusion amongst the public and stakeholders as to which statutory process is being implemented and could call the formal consultation into disrepute. Therefore, this option is not recommended.
- 6.2 Another option considered is to trial an extension to the pedestrianised timings but allow access for residents and businesses only between certain times. This could be implemented using an ETRO without DfT consent. This option is theoretically possible through introducing a new access system whereby those wanting to gain access could contact the Parking office in the Kennet Centre. This would also require the installation of CCTV and intercoms at the existing bollards to monitor access. Officers would have concern about the reliability of the rising bollard system as it is known that regular use can lead to failure. Allowing access would also increase the road safety risk (especially considering the unreliability of the bollard access system) as pedestrians would not be expecting vehicles within the area. Overall, this option is considered to be unmanageable and potentially unsafe and is therefore not recommended.
- 6.3 The Newbury Masterplan proposed the creation of a one-way system through the town centre and a trial of this system was also considered. This would be beneficial for Market Place, as the majority of through traffic could be removed for 24 hours a day. This option could also be implemented using an ETRO without the need for DfT consent by extending the existing pedestrianised timing to 10am to 6pm and implementing the one-way system outside of this time. That way access would not be restricted to premises for more than 8 hours in a 24-hour period and no exception would be needed, removing the requirement for DfT approval. However, this would not achieve the desired extended pedestrianised timings in Northbrook Street and Bart Street North and therefore this is not recommended at this time.

7 Conclusion

- 7.1 The Council Strategy gives a clear commitment to trialling the extension of the pedestrianised timings in Newbury Town Centre. Newbury Town Centre Masterplan echoes this commitment and identifies a clear need to reduce the amount of traffic using the town centre roads to create a more attractive environment for alfresco dining and community events. The proposal will have a number of benefits for the town centre including improved conditions for sustainable travel and will help the night-time economy.
- 7.2 It will provide an opportunity to monitor the impact of an extension to the pedestrianised hours whilst gauging the views of stakeholders and visitors to the town centre.
- 7.3 The most efficient way of implementing a 6-month trial would be to apply to the DfT for SoS consent to proceed with the implementation of an ETRO. Should the SoS not provide consent, it is recommended that a formal TRO process to commence and consultation undertaken before submission to the DfT.
- 7.4 Appendix A – Equalities Impact Assessment

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 Scrutiny Commission or associated Committees or Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: Newbury Central

Officer details:

Newbury Town Centre Pedestrianisation Extension Trial

Name: Jon Winstanley
Job Title: Service Director Environment
Tel No: 01635 519087
E-mail: jon.winstanley@westberks.gov.uk

Appendix A

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	The extension of the current pedestrianisation timing in Newbury Town Centre in the evenings.
Summary of relevant legislation:	Road Traffic Regulation Act 1984
Does the proposed decision conflict with any of the Council’s priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please indicate which priority and provide an explanation
Name of Budget Holder:	Neil Stacey
Name of Service/Directorate:	Jon Winstanley
Name of assessor:	Jon Winstanley
Date of assessment:	20/06/2023
Version and release date (if applicable):	1

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?

Newbury Town Centre Pedestrianisation Extension Trial

Aims:	To remove traffic from Newbury Town Centre in the evenings.
Objectives:	Encourage Active Travel. Create an improved environment for alfresco dining.
Outcomes:	Increased town centre footfall. Increased patronage at restaurants and cafes in the town centre.
Benefits:	Improved economic activity. Health benefits of promoting active travel.

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)

Group Affected	What might be the effect?	Information to support this
Age	None	
Disability	Restricted access for parking in Newbury Town Centre pedestrianised area between the hours of 5pm and 11pm.	There has been no survey undertaken to understand how many could be affected. The proposed trial will give an opportunity to consult and engage with anyone who may be affected in order to mitigate and find alternatives.
Gender Reassignment	None	
Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
Further Comments:		

(3) Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>Please provide an explanation for your answer:</p> <p>The proposed trial would restrict access in the evenings to those with disabilities who currently are able to be dropped off or park within the pedestrianised area. There is no evidence that this is a common occurrence, and the trial will offer the opportunity to assess the impact and consider appropriate mitigation on an individual basis.</p> <p>It should be noted that the proposal will improve road safety for those with restricted mobility by removing vehicles from the town centre in the evening.</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>Please provide an explanation for your answer:</p> <p>The project will reduce the conflict between pedestrians and motorists in the town centre.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Jon Winstanley

Date: 20/06/23

Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.