

# The implementation of an Experimental Traffic Regulation Order for the pedestrianisation of Lichfield City Centre



Leader of the Council

Date: 3 November 2022

Agenda Item: N.A.

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Key Decision? **NO**

Local Ward All

Members

## Cabinet Member Report

### 1. Executive Summary

- 1.1 This report outlines the implementation of an Experimental Traffic Regulation Order (ETRO) on Market Street, Tamworth Street, Conduit Street, Breadmarket Street and Bore Street in Lichfield City Centre.
- 1.2 The aim is to make Lichfield city centre even more attractive to shoppers, workers and visitors, to reduce traffic movement and reduce air pollution in this locality whilst giving priority to pedestrians where appropriate.
- 1.3 A Traffic Regulation Order (TRO) is a legal order, which allows the Local Highway Authority (LHA) to regulate the speed, movement and parking of vehicles. The Act governing Traffic Orders is the Road Traffic Regulation Act 1984 and this is enforceable by law. In Staffordshire, moving Traffic Orders are enforced by the police and on-street parking restrictions are enforced by Staffordshire County Council (SCC). An Experimental Traffic Regulation Order (ETRO), is very similar to a TRO except that the Order is not permanent. Instead, an ETRO can only be in place for a maximum of 18 months. ETROs are often used by Local Highway Authorities to measure and assess the effects of new arrangements, before potentially making them permanent.
- 1.4 Parliament has provided primary and secondary legislation which prescribes how LHAs can make, amend or remove an ETRO. SCC has a process in place which meets the requirements of the relevant legislation and the authority implements hundreds of temporary and permanent Orders each year. As part of the legislative procedure for making an Order there is a requirement for consultation and for providing a process through which to consider and respond to objections.
- 1.5 Prior to and during the implementation of the proposed ETRO for Lichfield City Centre, Lichfield District Council (LDC) and Staffordshire County Council will communicate with local residents and stakeholders to ensure they are aware of the alternative provisions and mitigating measures being put in place.
- 1.6 36 Disabled Persons Parking Bays (DPPB) will be permanently relocated to Bird Street car park and Lombard Street car park as outlined by AccessAble consultancy to ensure no net loss of designated car parking for Blue Badge holders.

### 2. Recommendations

- 2.1 That the pedestrianisation of additional parts of the city centre is introduced through the implementation of an Experimental Traffic Regulation Order, which prevents traffic from entering the city centre from 12.00 until 21.00 every day. New restrictions would apply to Market Street, Tamworth

Street, Conduit Street, Breadmarket Street and Bore Street and incorporate existing restrictions at Dam Street and Bird Street.

- 2.2 That the Experimental Traffic Regulation Order runs for 18 months, from 1 January 2023, including a 6 month formal consultation process, and that the results of this are reported to Member Task Group and Overview and Scrutiny Committee.
- 2.3 That Bird Street car park and Lombard Street car park continue to provide for alternative Disabled Persons Parking Bays whilst the Experimental Traffic Regulation Order is in place and that these are clearly and permanently marked out to reflect their use.
- 2.4 That at the end of the Experimental Traffic Regulation Order process (18 months) the project Steering Group will need to make a recommendation on whether to make the Experimental Traffic Regulation Order permanent or to have it disregarded.

### 3. Background

- 3.1 The Councils' adopted Public Realm Strategy suggested that the removing of vehicles within the city centre core would be beneficial to the vibrancy and feel of the city's core. The Strategy found that due to the nature of Lichfield, the cobbled paths are very narrow and people often walked in the road.
- 3.2 The aim is to make the city centre even more attractive to shoppers, workers and visitors, to reduce traffic movement and reduce air pollution in this locality whilst giving priority to pedestrians where appropriate. People walking around this part of the city are often unaware that vehicles are permitted which may present a road safety risk. A more recent risk is through the increase in use of electric vehicles and the potential risk that they're usually much quieter operation may also present a road safety risk in city centres/pedestrian locations.
- 3.3 A separate feasibility study was prepared by Staffordshire County Council/Amey on Pedestrianised Streets for Lichfield city centre and the report suggested that the most desirable option would be for one of self-enforcing because it was easily maintainable. With traffic survey data indicating that approximately 80% of vehicles within the proposed pedestrianised zone being private cars and therefore removing the need for access would have the greatest effect on traffic flows and offer the maximum benefit to pedestrians.
- 3.4 It should be noted that within the city centre core, restrictions are already in place to reduce traffic volumes and types of user to certain times of the day and days of the week at Dam Street and Bird Street.
- 3.5 Amey completed a feasibility report in August 2021 which suggested that a single TRO be implemented for Lichfield City Centre to incorporate existing restrictions and extend the TRO to other parts of the city including Market Street, parts of Tamworth Street, Bore Street, Breadmarket Street and Conduit Street.
- 3.6 There is currently very little enforcement of the existing restrictions with contravention of a Pedestrian zone TRO being a moving traffic offence which at present is only enforceable by Police authorities. Future enforcement of new ETRO also done by Police, but by removing parking, there will be more that Civil Enforcement Officers (CEO) can do to enforce in meantime.
- 3.7 SCC have expressed an interest in obtaining enforcing powers for moving traffic offences as part of broader changes nationally which are being led by the Department for Transport. It is possible that SCC will make a formal application for the powers in late 2022, however, it is not currently envisaged that

SCC would have accessed enforcement powers before the ETRO for Lichfield City Centre completes its 18 month duration.

- 3.8 Aspirations to pedestrianise the city centre would be significantly supported by implementing the proposed ETRO. This would see the restriction of traffic every day from 12:00 until 21:00 in the designated areas.
- 3.9 An ETRO is usually in place for up to 18 months with a decision made either at the end of this period, or before, as to whether the ETRO is subsequently made permanent or removed altogether. The first six months is the formal consultation period so that feedback and objections from drivers, residents, business owners, and other stakeholders can be considered and recorded. The ETRO provides greater flexibility than a permanent TRO, for example the timing of restrictions or the geographical extents of the restrictions can be tweaked accordingly within reason. An ETRO may therefore provide a more flexible and attractive mechanism through which to explore the pedestrianisation of the city centre in Lichfield.
- 3.10 Implementing an ETRO carries an opportunity for ongoing consultation beyond the formal 6 month period and it is imperative that regular and clear communications with stakeholders, residents, Blue Badge holders and businesses take place both leading up to and during the implementation of the ETRO. A communications plan has therefore been prepared in readiness for this scheme with associated milestones and template correspondence contained within. Also contained within the Communications Plan are details of which officers in both SCC and LDC are involved with and leading on delivery of the scheme as well as any relevant contact details, in order to ensure any local representations which may stray from usual enquiry/reporting channels can easily and promptly be shared with the correct team/individual for consideration, recording and response.
- 3.11 The preferred enforcement method is the use of Automatic Number Plate Recognition (ANPR). ANPR would use fixed cameras sited at all entry points to the pedestrian zones (including Tamworth Street and Bird Street from the Friary and Sandford Street access points) which read number plates and automatically check these against an approved list of vehicles.
- 3.12 Whilst ANPR is the preferred enforcement method, the installation of camera's and an ANPR system doesn't form part of the current ETRO proposals and will only come forward if its needed as phase two. Once the ETRO has been in operation for up to 18 months, a traffic study will be undertaken to review the amount of traffic that is contravening the pedestrian zone to determine if ANPR is actually required and to formulate an expected payback period based on transgressions. If a traffic study shows that there's merit in introducing ANPR and if SCC have the delegated powers to enforce moving traffic offences, a second phase could come forward. This would be a partnership between LDC and SCC.
- 3.13 Any drivers then entering the pedestrian zone whose vehicles are not on the approved list are potentially breaching the legal Order and are potentially committing an offence, as well as potentially invalidating any vehicle insurance policy they may hold. It is the intention of SCC with the support of LDC to therefore firstly introduce a 'soft enforcement' procedure as part of the ETRO. Rather than issuing fines for first offenders and certainly during the first few weeks following implementation, those drivers who are found to be breaching the Order will initially only be issued with a warning letter, informing them that they have done so and that if they repeat the offence they may be liable to pay a fixed Penalty Charge Notice.
- 3.14 The 'soft enforcement' process is envisaged to be in place for a number of weeks whilst the initial stages of public consultation are underway and the development of the approved list of vehicles is finalised. At the earliest possible stage, agreement on a timescale for when the Order should become fully enforceable, i.e. drivers (with the exception of those who are committing a 'first-time' offence)

found to be breaching the Order will automatically be issued with a PCN, will be agreed between SCC and LDC and communicated to all Members. Once communicated to local stakeholders, the timescale for full enforcement will then also be promoted publicly in accordance with the Communications Plan and well in advance of full enforcement becoming 'live'.

- 3.15 The district council has appointed an independent company (AccessAble) to evaluate the changes being suggested for those who are Blue Badge holders and for people with disabilities in general. They concluded that with minor alterations to ensure that routes from car parks are accessible and clearly signposted, the proposals are likely to be considered appropriate and reasonable for the city centre. As part of this process an Equality Impact Assessment (Appendix A) has been developed which shows that the council has considered its proposal to introduce an Experimental rather than Permanent TRO and that the nature of the Order is flexible and as such allows for tweaks i.e. reasonable adjustments, to be made as appropriate.
- 3.16 As part of introducing the ETRO a proportion of on-road Disabled Persons Parking Bays will be removed from use. The majority of these are currently suspended due to local agreement between LDC and SCC to extend existing arrangements on site that were introduced during the COVID Pandemic. The reason for the initial suspension of the bays was primarily associated with rules around reducing the spread of the COVID-19 virus. The Government provided SCC with additional funding (Emergency Active Travel Fund (EATF)) in the summer of 2020 to help reopen town centres safely during the Covid pandemic. SCC identified Conduit Street as a pinch point for pedestrians and it was decided that temporarily suspending disabled parking bays on Conduit Street would enable additional space for pedestrians to pass each other safely.
- 3.17 Planters were placed in the suspended disabled parking bays by SCC to create space for pedestrians and to provide an attractive alternative to road cones and plastic barriers. The scheme enabled visitors and shoppers to continue to visit the city centre in a safe environment.
- 3.18 SCC agreed with LDC to also temporarily suspend disabled bays on Tamworth Street and Market Street to reduce the amount of traffic in the city centre and provide more space for pedestrians. During the pandemic the government also enabled greater flexibility in the processes associated with pavement licenses to encourage/enable business to continue to operate in towns and city centres. Whilst the EATF fund ran out during 2021, the pavement license legislation (The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021) was extended to September 2022 and more latterly extended to 30 September 2023. Responsibility for the placement and maintenance of the planters transferred to LDC in 2021 via local agreement.
- 3.19 A pavement licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food and drink supplied from, or in connection with the use of the premises. It is envisaged that many businesses would be able to continue to operate outdoors by applying for pavement licenses up until the end of December 2022 where they intend using suspended bays, and can also apply for pavement licence with an expiry date of 30 September 2023 where they are not using suspended bays.
- 3.20 Alternative parking provision was made for Blue Badge holders as part of the EATF scheme and the intention is to continue with this alternative provision.
- 3.21 The alternative DPPBs in Bird Street and Lombard Street will be marked out permanently for the duration of the ETRO. These will have additional space either side of the bay for disabled access with the space being approximately 3.6 metres wide as opposed to 2.4 meters. The bays will also be hatched out at the rear of the bay allowing rear access from the vehicle and giving 6 metres long as opposed to 4.8 meters.

- 3.22 Blue Badge holders can also park in any bay on any district council car park free of charge if there are no DPPBs available when displaying their Blue Badge. Blue Badge holders can also park legally on single or double yellow lines within the city for up to three hours, as long as they are not causing an obstruction. The ability for Blue Badge holders to do this will form part of the Communication Plan for the pedestrianisation project.
- 3.23 The adjustments being proposed for DPPB provision as part of the ETRO have been in place for nearly two years as part of the existing arrangements introduced in summer 2020. It is therefore envisaged that the majority of Blue Badge holders visiting the city are local and have made use of, and are familiar with the alternative arrangements.
- 3.24 The taxi rank on Bore Street is a night time facility and will not be available for taxis during the restricted times between 12.00 and 21.00 each day. Taxis' will need to find alternative pick-up points such as council car parks and the train station taxi rank. There is, however, an opportunity to extend the taxi rank along Bore Street for taxi use after 21.00 to support the night-time economy.
- 3.25 There will be a number of business owners and residents who will be affected by the ETRO, as they need to drive within the city centre on a regular basis. For these individuals an approved list of vehicles will be developed and managed by Staffordshire County Council. The approved list of vehicles allows the ANPR system to recognise their vehicles and to not issue fines/warning letters. The restrictions will allow for loading outside the hours of enforcement, enabling businesses to continue to take deliveries on a daily basis.
- 3.26 The broad timelines for implementation, a project plan and a Communications Plan have been prepared. The project Steering Group includes officers from Amey, Staffordshire County Council and the District Council.
- Commence drawings, CDM documentation and associated materials for consultation, including any works orders being placed – October 2022
  - Commence key stakeholder consultation (County Councillors, emergency services, LDC, LCC, freight authorities, etc...) – approx. three weeks commencing in October
  - Confirm ETRO with Regulation team with a date to implement – late October
  - Public Engagement with businesses and residents – meeting to discuss contents of letter drop, Letter drop arranged by SCC, LDC to consider additional consultation materials based on same information and methods of distribution – October
  - Implement ETRO - notices in the press, construction works associated with Order – End Oct/Nov
  - Public Consultation undertaken for 6 months minimum (including any drop-in events, door-to-door consultation, leaflet drops) - Dec 2022 - May 2023
  - Final decision on a TRO to be made - May 2024.
- 3.27 It is fully expected that throughout the implementation of the ETRO, the City Centre Member Task Group and Overview and Scrutiny Committee will be kept informed of progress by the project Steering Group. Likewise, Members at Staffordshire County Council and Lichfield City Council will be kept informed via the same project Steering Group. At the end of the ETRO process, LDC and SCC will need to make a decision whether to make the ETRO permanent or to have it disregarded.

#### Alternative Options

1. To not implement an ETRO and return to business as usual from January 2023, would mean drivers will continue to travel through the city and the benefits of having a cleaner and safer pedestrianised environment would not be reached. It would also prevent many businesses from being able to apply for pavement

	licenses in order to operate outdoors unless they made an application to suspend parking bays for themselves.
Consultation	<ol style="list-style-type: none"> <li>1. We have consulted with AccessAble on this decision to ensure that the council has considered suitable alternative arrangements and the needs of disabled Blue Badge holders.</li> <li>2. Lichfield City Council have confirmed their in-principle support for a pedestrianised City Centre, pending further discussion and analysis of a detailed scheme proposal and its implications</li> <li>3. The council's city centre masterplan Member Task Group are supportive of a pedestrianised city centre.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. The cost to implement the ETRO is £27,000. The district council plan to appoint Amey through Staffordshire County Council's Infrastructure+ Partnership to carry out the implementation of the ETRO.</li> <li>2. There will be a loss of income due to some bays in Bird Street car park and Lombard Street car park being made available for Blue Badge holders which will be free of charge. The maximum loss of revenue will be £50,000 in total, £38,000 in Bird Street due to a reduction of 10% paid parking bays and £12,000 in Lombard Street due to a reduction of 7% paid parking bays, however we anticipate non Blue Badge users will be displaced to other car parks within the city where an increase in income will be reflected.</li> </ol>
Approved by Section 151 Officer	Yes
Legal Implications	<ol style="list-style-type: none"> <li>1. None.</li> </ol>
Approved by Monitoring Officer	Yes
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Restricting vehicle access in the city centre supports the priority of shaping place and developing prosperity.</li> <li>2. Enabling people to live healthy and active lives by allowing more pedestrianisation space within the city centre.</li> <li>3. Develop prosperity to encourage economic growth by supporting businesses with their requests for pavement licenses for outdoor space.</li> </ol>
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. In introducing the removal of the Disabled Persons Parking Bays, the District Council engaged with an advisory body, AccessAble to determine the impact on Blue Badge holders of the proposal.</li> <li>2. The Council has dedicated provision for alternative parking (with no net loss), to meet the needs of Blue Badge holders, these being facilities within Bird Street Car Park and Lombard Street Car Park both located in close proximity to shops, cafes and other facilities.</li> <li>3. Blue Badge holders can also park in any bay on any council car park free of charge if there are no Disabled Persons Parking Bays available when displaying their Blue Badge.</li> <li>4. Blue badge holders can also park legally on single or double yellow lines within the city for up to three hours as long as they are not causing an obstruction.</li> <li>5. This dedicated provision will continue to be kept for Blue Badge holders whilst the ETRO is implemented.</li> <li>6. An Equality Impact Assessment has been carried out.</li> </ol>

Crime & Safety Issues	1. There is an opportunity to extend the taxi rank along Bore Street to facilitate taxi parking after 21.00 each evening to support the night time economy and allow people to get home more easily after an evening out in the city.
Environmental Impact	<ol style="list-style-type: none"> <li>1. The reduction in vehicles in the city centre will see a change in the character and appearance of those streets where cars would have previously have driven/parked.</li> <li>2. The removal of vehicles will see the streets of the city centre become cleaner with much less exhaust fumes and with cleaner air. This will make it a safer, healthier and friendlier environment for pedestrians.</li> <li>3. Pedestrianisation will benefit many businesses who can continue to trade outside their buildings demise through the use of pavement licenses, allowing visitors an opportunity for outdoor dining.</li> </ol>
GDPR / Privacy Impact Assessment	Not applicable

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Managing business and Blue Badge holders expectations	Yellow	Ensure clear communications to business and local residents as part of the changes – ahead of any changes.	Likelihood Yellow Impact Yellow Overall Yellow
B	Disabled Persons Parking Bays within car parks are misused or made unavailable in other ways	Green	Ensure good communications in advance and also where practical introduce new signage and physical means of demarcating the spaces available to Blue Badge holders.	Green Likelihood Green Impact Yellow Overall Green
C				
D				
E				

	<b>Background documents</b> Any previous reports or decisions linked to this item
	<b>Relevant web links</b> <a href="https://www.lichfielddc.gov.uk/public-realm-strategy">Lichfield city centre regeneration projects – Public realm strategy (lichfielddc.gov.uk)</a>