

PORTFOLIO HOLDER DECISION RECORD



Report subject	Poole Quay and (Lower) High St ETRO
Decision maker	Cllr Mike Greene
Decision date	Not Before 21 May 2021
Decision taken	To amend and make permanent the current Experimental Traffic Regulation Order (ETRO) and advertise a permanent Traffic Regulation Order (TRO) to supersede the Temporary Traffic Regulation Order as detailed in this report.*
Reasons for the decision	<p>Decisions regarding Traffic Regulation Orders (TROs) including ETROs are delegated to the Portfolio Holder. An ETRO can run up to a maximum of 18 months and therefore a decision is required in regard to the future regulation of traffic in this area.</p> <p>The Portfolio Holder has considered the results of consultation to date, has considered the evidence he has received relating to operation of the closure and the wider implications for the traffic network and considers that the experiment at Poole Quay and (Lower) High St. should be superseded by more permanent Traffic Regulation Orders as set out in this report.*</p>
Call-in and urgency:	This decision is subject to a 5-day call in period.
Corporate Director	Corporate Director of Regeneration and Economy
Responsible officer	Richard Pearson
Wards	Poole Town;
Status	Open
Background	<p>The existing Experimental Traffic Regulation Order (ETRO) was implemented on Saturday 27th June 2020 as part of the Council's Emergency Active Travel Fund Tranche 1 (EATF T1) Programme.</p> <p>An ETRO is a form of consultation in itself that can run for up to 18-months but in this instance via a subsequent Cabinet Report it was agreed that ETROs implemented as part of the EATF programme would be reviewed after an initial 6-month period.</p> <p>The 6-month consultation period for the Poole Quay/(Lower) High Street began on 20/6/20 to include the 7-day notice period and effectively ended on 27/12/20.</p> <p>The ETRO process was used to enable the measure to be installed at pace with limited pre-consultation and engagement owing to the timescales dictated by the EATF T1 programme. EATF T1 measures had to be devised within 7 days, started to be delivered on the ground within 4 weeks and completed on the ground within 8 weeks of commencement.</p>

	<p>The original decision was made using the Chief Executive's Urgency Powers in a report dated 11/06/20 and signed on 16/6/20, see Appendix A. This was to meet the urgency of progression as set by DfT.</p> <p>The stated objectives of the scheme were:</p> <ul style="list-style-type: none"> • To create a vibrant space where pedestrians can move around freely, safely and at ease. • To create a space that can also accommodate the safe through movement of cyclists. • To help make the location a thriving local destination, where residents and visitors can congregate to use the local bars and restaurants and enjoy the bespoke retailers, amusements and other visitor attractions. • Increased scope for street cafes. • To facilitate social distancing in the short to medium term. <p>The features of the scheme included:</p> <ul style="list-style-type: none"> • The closure of The Quay between Thames St and Old Orchard. • The closure of (lower) High St between Castle St and The Quay. • The closure of Paradise St and a short section of Castle Street adjacent to The Quay. <p>These roads were closed to all motor traffic 24/7 with the exception of deliveries of goods, that were permitted between 10pm and 10am.</p> <p>The creation of a parking zone in which all waiting and loading would be prohibited with the exception of loading between 10pm and 10am. (This arrangement was also to help facilitate the enforcement of the closure as vehicles illegally entering and stopping in the zone could be subject to parking enforcement if appropriate)</p> <p>Traffic surveys show that motor traffic entering the (Lower) High St peaked at around 136 vehicles per hr in the period 4th to 7th March 2020 (Pre-Covid lockdown). Given this relatively low motor traffic flow (the figure including traffic circulating looking for parking spaces), it was reasonable to conclude that traffic impact of diverting vehicles around the closed area would have a very limited impact on the diversion routes.</p>
Options appraisal	<p>The options available are to retain, modify or remove the measure and/or continue the experiment and review again at a future time within the original 18-month experimental period.</p> <p>Whilst the measure has never operated at normal times, due to the Covid 19 pandemic, many of the original scheme objectives still apply however certain modifications have been identified as being desirable and viable in the light of the consultation feedback.</p>
Consultation undertaken	<p>Whilst the period for pre-consultation of this measure was of short duration, an extensive list of statutory and non-statutory organisations and individuals were consulted as part of the ETRO process including letters to frontagers. The ETRO process itself provided for a trial period during which less time pressured consultation was undertaken as follows:</p>

- 'ETRO Response' mailbox collected formal objections and written representations of support or comment. A summary of responses and analysis is provided. (Appendix B);
- Online questionnaire to collect information about how individuals responded to the measures on a scale ranging from positive to negative and on a range of specific questions (Six-Month Review issued 19th January 2021- Appendix C).
- Draft Interim Business Impact Review – a more focussed consultation collecting information about the views of businesses within the area between 9th and 27th Nov 2020, (report issued Wednesday 9th December 2020 – Appendix D).

Some of the consultation material showed a change in attitude towards the measure over time. It is possible that early responses were more a reaction to the idea of the measure, whereas later responses were perhaps more a reflection on how the measure had performed in practice.

ETRO formal response:

A total of 118 responses were received, 32 in favour, 46 against and the remainder were comments or queries or neutral.

Considering the responses that came in after the first 4 weeks of the measures operation, 17 were in favour and 17 were against with the remainder being comments or queries.

On-line questionnaire:

As of 27th Dec 2020, 833 responses were received.

- Overall, 43% agree and 53% disagree that the Quay, Lower High Street and Paradise Street should be prioritised for walking and cycling.
- 46% agree and 38% disagree that deliveries should be restricted between 10pm and 10am.
- 43% agree and 47% disagree that the changes will/do make it safer to walk around the Quay area.
- 32% agree and 57% disagree that the changes will/do encourage them to cycle in the area.
- 43% agree and 51% disagree that the changes make the Quay and (Lower) High Street a better place to visit.

42% of respondents took part in the consultation before the scheme was implemented, with 34% responding in the first four weeks and 24% responding after four weeks.

Analysis shows that before launch 42% agree and 55% disagreed that the Quay, Lower High Street and Paradise Street should be prioritised for walking and cycling. During the first 4 weeks this changed to 33% and 64% respectively, and in the following 5 months the feedback changed notably to 61% and 37% respectively, indicating that the feedback was becoming more

positive as people experienced the impact of the measure in practice.

In terms of overall impact on whether the measures made the Quay and (Lower) High St a better place to visit. Overall, 43% of people said that the measure had a positive impact and 51% negative. Before launch these figures were 41% and 51% respectively. During the first 4 weeks this changed to 35% and 63% respectively, however in the remaining 5 months this changed to 60% and 36% respectively, again indicating that the feedback was becoming more positive as people experienced the impact of the measure in practice.

Business Consultation:

The questions enabled weighted answers on a scale of 1 to 10. The majority of businesses reported that the changes have been positive overall (55% vs 41%) although the impact on business activity itself was assessed as being neutral or slightly positive overall when also considering the weighting given (45% positive vs 33% negative).

The majority of businesses wanted the road to be re-opened for the winter period between November and March and if re-opened the majority preferred parking to be permitted for up to 30mins.

However, 83% of businesses have either already used the outdoor highway space, are planning to do so in the future or think that it improves the area.

The re-opening of road in the winter period would prevent use of the highway for street cafes and would also reduce the ability of individuals to socially distance. Therefore such a change would have both negative and positive outcomes in terms of the original objectives of the project.

6 businesses have pavement licences on Poole Quay, these were mainly pre-existing (4). 9 businesses have pavement licences in the High St, these have all been applied for since the road closure as it was not possible to permit pavement licences before the roads were closed. Most recently, some businesses have been exploring the options for installing improved restaurant/drinking areas on the highway to take advantage of the ability to make more use of the pedestrianised highway space even in inclement weather. Such initiatives require businesses to make investments and in that context it is helpful to clarify the plans for the more permanent arrangement of any road closures particularly as the national release of lockdown may make such activity more viable.

***Proposed Traffic Regulation Orders**

The main operational changes are proposed in the tables below:

1st April to 31st October inclusive
Moving Orders
10am to 10pm Closed to Motorised Vehicles**
10pm to 10am Open to all Traffic
One Way Streets as existing
Parking in Existing Bays
10am to 10pm no parking.
10pm to 10am - 2 hours no return for 4 hours
Loading and Disabled Bay(s) as existing

1st November to 31st March inclusive
Moving Orders
Open to all Traffic
One Way Streets as existing
Parking in Existing Bays
10am to 6pm - 30 minutes no return for 1 hour
6pm to 10am - 2 hours no return for 4 hours
Loading and Disabled Bay(s) as existing

These changes relate to the use of the current marked parking bays and bays used for loading or disabled parking would be retained for those uses within the area of the closed roads.

The bays opposite Da Vinci's restaurant on the quay side perpendicular to highway would be permanently suspended. For clarity, the bays on the carriageway adjacent to Da Vinci's would remain loading only 8am to 6pm with parking permitted for 2hrs no return for 4hrs outside that period during times when the road is open with restricted parking when the roads are closed.

The old Coastguard bay (No longer needed by the coastguard) on Poole Quay would be converted to 30mins parking no return for 1 hr Mon to Sat 8am to 6pm and the adjacent spaces, converted to disabled bays during the experimental period would be made disabled bays on a permanent basis.

**Minor operational changes are set out below:

During the trial, queries have been raised about the ability of the taxis to enter the area between 10pm and 10am. It appears desirable to allow for this activity and it is recommended that the ETRO be modified to accommodate this request.

	<p>The Museum have explained that they host exhibitions and weddings and it is also recommended that the ETRO is revised to allow the Council to make vehicle exemptions to support such activities.</p> <p>Rockley Park have previously benefited from a land train. That was suspended due to Covid. This would be permissible in the revised ETRO to permit the Council to legally accommodate other vehicle types where it is safe and practical to do so (i.e. along The Quay).</p> <p>In addition, PHC have raised concerns about vehicles being permitted to access the quay for servicing vessels. A key was given to PHC to allow them to manage access for this purpose and this arrangement will would be more specifically provided for in the ETRO.</p> <p>Bikers raised concerns about their ability to hold events on the Quay. Previously they obtained Temporary Traffic Regulation Orders (TTROs) to allow them to close the road. Under the experimental and proposed arrangement, they could still similarly apply for a TTRO to allow them to enter the closed area for the purpose of holding their events.</p> <p>Minor changes for practical or aesthetic reasons. (i.e. – replace collapsible bollards with heritage style)</p> <p>Explanatory Note:</p> <p>The current moving Traffic Order was introduced through a ETRO and that can be confirmed and/or amended and made into a permanent TRO without further consultation.</p> <p>The current fixed Traffic Order was introduced via a TTRO and a TTRO can only exist for up to 18 months whereupon it must cease. Therefore the TTRO will be replaced by a permanent TRO and that will necessitate following the TRO process that includes a further 21 day period of advertisement during which individuals can comment further on the proposals. If no objections are received it is proposed to make that TRO.</p>
<p>Financial/Resource implications</p>	<p>The initial costs of implementing the original EATF T1 programme measure were approximately £11,500 and these costs were recoverable from the external EATF T1 capital grant from the DfT.</p> <p>Revising the measure in the way described would result in costs of around £5,000 and these costs would be funded from the EATF Tranche 2 programme that included budget for the modification of Tranche 1 schemes.</p>
<p>Summary of legal implications</p>	<p>The Experimental Order was made pursuant to the provisions of Section 9 of the Road Traffic Regulation Act 1984 (“the Act”) and can remain in place for a period of up to 18 months.</p> <p>Highway Authorities can revoke ETROs, amend them and/or make them permanent. In addition, Highway Authorities can make new Traffic Regulation Orders under the Road Traffic Act 1984.</p>

	<p>Highways Authorities are required to advertise proposed Orders and must consider any objections that are made in accordance with the Traffic Regulation Order process as set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996</p> <p>In this case the proposal is to amend and make the original ETRO permanent and to replace the current TTRO by advertising a new TRO.</p> <p>In terms of the decision itself, consideration has been given to the consultation responses received and to the assessment undertaken in respect of impact upon those with protected characteristics. The decision sets out a rationale for the decision which is supported by the evidence obtained to date, and is made in accordance with the relevant delegated authority contained in the Council's constitution.</p>
Summary of sustainability impact	The DIA is included in Appendix E (Assessment number 191)
Summary of public health implications	<p>The continuation of the measures being in place between 10am and 10pm between April and Oct inclusive, with only minor amendments from the existing ETRO to improve the operation would ensure that the benefits of the part time pedestrian area which enhances the experiences of pedestrians, cyclists, the disabled and less mobile groups within the area are continued.</p> <p>There is a balance to be struck in terms of the overall impact on the businesses in the area and their ability to successfully trade and this factor has been evaluated elsewhere in the report.</p> <p>If central government advice on social distancing continues for some time, the part time closure of the roads between April and Oct inclusive, prioritises the road space for pedestrians and provides more opportunity for people to social distance and this may help support a positive public health outcome.</p>
Summary of equality implications	<p>A full EIA has been included in Appendix F.</p> <p>This assessment was based on the consultation feedback in Appendix C and an assessment of the actual area. Responses showed clear variations in levels of support according to protected characteristics, particularly for age and disability. The key issues are summarised below.</p> <p>The age group 18-24 were the least supportive and those over 45 yrs were also less supportive whilst those in the range 25 to 44 were more supportive and overall women were slightly more positive about the measure than men.</p> <p>Disabled individuals were mainly less supportive and their main concerns were around the loss of disabled parking in the roads that were closed to traffic.</p> <p>4 disabled bays were removed under the pedestrianisation scheme as these were no longer accessible by motor vehicles. (3 of these bays were substandard). 3 new standard disabled bays were created near to Customs House by converting general parking bays into disabled bays. It is noted that there are also a significant number of existing disabled bays on the remaining open section of The Quay (13) and within the Poole Visitors Car Park (16).</p> <p>Initially these individuals may have been unaware that replacement bays had been created adjacent to the closed area as the markings</p>

	<p>of the bays was completed slightly after the main closure was established. Following the early receipt of queries, information about the location of disabled bays was added to the consultation plans, and it is also possible that any change to the public highway results in a degree of initial uncertainty, particularly where a measure is introduced at pace as in this case.</p> <p>It is true that motor vehicle parking, including disabled vehicle parking was removed in the area of the closed roads however this was mainly replaced. Access to some areas may as a result have been made more difficult (by car) however in the context of the very narrow footways on (Lower) High St in particular, the removal of motor traffic has made access by foot or wheelchair significantly easier once individuals are actually in those areas.</p> <p>The re-establishment of disabled bays between Nov and March inclusive should also help mitigate the impact on disabled groups.</p> <p>This type of measure may be beneficial to individuals in areas of higher deprivation as they are less likely to own cars.</p> <p>The most positive group was people that are 'White Other', who showed significant levels of support for the aims and outcomes of the scheme.</p> <p>Overall, the equality impact of this measure is therefore considered neutral or slightly positive.</p>
Summary of risk assessment	There are no major risks identified and a summary of the risks is included in Appendix G
Conflicts of interest declared by Cabinet member consulted on this decision	Not applicable
Background papers	<p>Chief Executive Urgency decision dated 11/6/2020.</p> <p>Emergency Active Travel Fund Programme Cabinet Report 9/9/2020</p>