

Portfolio Holder (Transport and Planning) Decision Session

22nd November 2013

Agenda

A Portfolio Holder (Transport and Highways) Decision Session will be held at **Conference Room, Barrack Street, Warwick** on **Friday 22nd November 2013** at **10.15 a.m.**

The agenda will be:

1. Members' Disclosures of Pecuniary and Non-Pecuniary Interests.

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. A member attending a meeting where a matter arises in which s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- 1) Declare the interest if s/he has not already registered it
- 2) Not participate in any discussion or vote
- 3) Must leave the meeting room until the matter has been dealt with (StandingOrder42)
- 4) Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests must still be declared in accordance with the new Code of Conduct. These should be declared at the commencement of the meeting.

2. Proposed Puffin Crossing, High Street, Warwick

A copy of the proposed decision is attached to the agenda. Elected Members and members of the public will have the opportunity to make representations in relation to the proposed decision.

The public reports referred to are available on the Warwickshire Web
www.warwickshire.gov.uk/committee-papers

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The public reports referred to are available on the Warwickshire Web
www.warwickshire.gov.uk/committee-papers

**Proposed Decision to be taken by the
Portfolio Holder for Transport and Planning
on or after 22 November 2013**

**Warwickshire County Council
Road Traffic Regulation Act 1984-Section 23
PROPOSED PUFFIN CROSSING HIGH STREET near SWAN
STREET, WARWICK**

Recommendation

That the Portfolio Holder for Transport and Planning approves the establishment of a Puffin Crossing in the High Street near Swan Street, Warwick as advertised pursuant to section 23 of the Road Traffic Regulation Act 1984.

1.0 Key Issues

- 1.1 The A429 High Street /Jury Street carry on average 11,290 vehicles /day. The carriageway has mixed use premises on both sides of the road, businesses and residential properties. There is on street parking which is staggered along the road for residents and visitors.
- 1.2 In 2012 Warwickshire County Council introduced raised junction tables at Jury St/Castle St/Church St and at High Street/Swan Street, with informal crossing points. A further two raised humps were installed at High St/Brook St and Jury St outside the Lord Leicester Hotel as informal crossing points.
- 1.3 Following the introduction of these measures several complaints have been received from the Royal National Institute of Blind People, Guide Dogs for the Blind, Warwick Association for the Blind, National Association for the Blind, and elderly residents, who are experiencing difficulty in moving about in High St/Jury St, with serious implications for their ability to access facilities within the Town Centre. These representations make the point that practical difficulties are compounded by anxiety about safety in the absence of a controlled crossing and that this anxiety has a deterrent and exclusionary effect. The County Council has been asked to consider a formalised crossing point on High St/Jury St to assist pedestrians in crossing the road.
- 1.4 The concept of the" shared space" scheme on High St/Jury St was developed with representatives of various Stakeholders Groups including The Warwick Society, Warwick Town Council, Chamber of Trade and others. As this was a new type of highway scheme, it was proposed to review its effectiveness and the functionality of the scheme at stages, in light of experience of its operation and impacts including one year after construction.

- 1.5 A review has been undertaken in light of significant safety and accessibility concerns expressed by disabled groups and elderly residents.
- 1.6 To address these concerns a proposal to introduce a formalised crossing point at the junction of High St near Swan St. This location has been identified as the only position on the road where a signalised crossing can be introduced in compliance with the guidance for such crossings issued by the Department for Transport (DfT). The location is also believed to offer a convenient crossing point allowing movement between popular destinations.
- 1.7 Legal notices advertising the proposed Puffin crossing on High Street near Swan Street were placed in local newspapers on the 5th September 2013. Notices were also displayed on street, and on the Warwickshire Web pages, advertising the order.
- 1.8 Consultation has been carried out with Local Members, the Town Council, Warwick Society, Chamber of Trade, Warwickshire Police, Emergency Services, Road Haulage Association and other statutory consultees.
- 1.9 In addition a letter drop to all businesses and residents on High St/Jury St was undertaken on the 25th September.
- 1.10 Objections have been made, particularly that the introduction of a signalised crossing could impact on the Historic Environment and undermine the original vision of the scheme. These are valid concerns and must be weighed against the recognised needs and interests of the elderly and people with disabilities, in the context of the statutory criteria and duties applicable to such schemes.
- 1.11 The formal objections are discussed below with responses.
- 1.12 The statutory criteria for decisions on implementing a controlled crossing are included as **Appendix A**.

2.0 Objections – Proposed Puffin Crossing High Street near Swan Street, Warwick

The following objections have been received:

2.1 Objection [1]

The Town Council object to the proposal to locate a puffin crossing at High St/ Swan St on the grounds that this would not meet the stated aims of the Town Centre Traffic Scheme.

They recommend that the County Council consult on the location of a Puffin Crossing near to the Church Street junction, including the proposal to close access to Castle Street from High Street and introduce a no right turn onto High Street from Church Street.

They also seek a 20 mph speed limit on all town centre streets.

Response

The closure of Castle Street was ruled out due to residents' objections, received in previous consultations. With this ruled out, County Council Engineers have made a technical assessment to establish the most appropriate location for a signal controlled crossing on High St/Jury St. The proposed location has been identified as the only position on the road where a signalised crossing can be introduced in compliance with the guidance issued by the Department for Transport (DfT).

Vehicle speeds recorded on High St/Jury St are already in the order of 20-25 mph. The introduction of a 20mph limit would not significantly reduce vehicle speeds. High vehicle speeds are not the primary reason for the concerns being raised by disability groups. Their concern relates to their ability to judge when it is safe for them to cross the road. The only way for them to be sure of a safe opportunity to cross the road is when all traffic is stationary, they know this to be the case and they are able to be certain of sufficient time when they can have priority to cross in safety.

2.2 Objection [2]

The Warwick Chamber of Trade have objected on the grounds that the County Council should modify the existing raised tables by putting black and white stripes which would vastly improve the crossing points at a very reduced cost.

The right turn into Swan St will be more difficult.

They particularly object to the loss of parking spaces which will affect businesses locally.

There has been no consultation with the business community on where the crossing might be sited.

Response

The County Council have considered the possibility of changing the colour of the blocks to indicate a black and white stripe on the informal crossings. The Department for Transport have confirmed that this type of marking is not authorised for use on the highway. It would also not alleviate the concerns raised by disabled groups or the elderly, who have indicated a need for a formal controlled crossing.

The right turn into Swan Street should not be any more difficult than it is at present; motorists have to wait to turn right into Swan Street either for a gap or a motorist to give way to them.

Loss of the parking spaces is unavoidable to give the required forward visibility to the traffic signal head.

The proposed order has been advertised as part of the statutory process, giving everybody an opportunity to comment.

County Council Engineers have made a technical assessment to establish the most appropriate location for a signal controlled crossing on High St/Jury St. This location has been identified as the only position on the road where a signalised crossing can be introduced in compliance with the guidance issued by the Department for Transport (DfT).

2.3 Objection [3]

Councillor Higgins has objected on the grounds of Heritage settings, toxic fumes, the difficulty of turning right into Swan Street, which will increase pollution and the expense of a Puffin Crossing compared to black/white paint/bricks.

Response

In light of concerns raised by the visually impaired a choice has to be made between their needs and the impact of the crossing on the environment.

The County Council have considered the possibility of changing the colour of the blocks to indicate a black and white stripe on the informal crossings. The Department for Transport have confirmed that this type of marking is not authorised for use on the highway. It would also not alleviate the concerns raised by disabled groups or the elderly, who have indicated a need for a formal controlled crossing.

It is accepted that the installation of a signalised crossing may adversely affect the Heritage setting and street scene in High St/Jury St, as it is a Conservation Area. However a balance has to be made between the needs of the disabled groups and other vulnerable road users, and the environment. Wherever practical the impact of the crossing has been considered so that it minimises the disruption to residents and businesses. For example, the length of the zigzag markings has been reduced to the minimum requirements, to allow as much on street parking and loading as possible, and the audible signal will only be active during daylight hours.

2.4 Objection [4]

The Warwick Society have objected to the Council's proposal to install a traffic light crossing instead of alternatives such as modifying the colours of the stripes on the informal crossings to make it much clearer to drivers that people on foot are sharing them and have priority and formalising a 20 mph speed limit throughout the town centre to emphasise that its streets' prime users are residents.

Response

Officers have considered the possibility of changing the colour of the blocks to indicate a black and white stripe on the informal crossings. The Department

for Transport have confirmed that this type of marking is not authorised for use on the highway. It would also not alleviate the concerns raised by disabled groups or the elderly, who have indicated a need for a formal controlled crossing.

Vehicle speeds recorded on High St/Jury St are already in the order of 20-25 mph. The introduction of a 20mph limit would not further reduce vehicle speeds. High vehicle speeds are not the primary reason for the concerns being raised by disability groups. Their concern relates to their ability to judge when it is safe for them to cross the road. The only way for them to be sure of a safe opportunity to cross the road is when all traffic is stationary, they know this to be the case and they are able to be certain of sufficient time when they can have priority to cross in safety.

2.5 Objection (5)

A resident has objected to the puffin crossing proposal as currently published, on the basis of the implied degradation of the “pedestrian priority” ethos of the originally approved scheme, and the certainty that the crossing is in the wrong place.

Response

In light of concerns raised by the visually impaired a choice has to be made between the needs and the impact of the crossing on the environment.

County Council Engineers have made a technical assessment to establish the most appropriate location for a signal controlled crossing on High St/Jury St. This location has been identified as the only position on the road where a signalised crossing can be introduced in compliance with the guidance issued by the Department for Transport (DfT).

2.6 Letters of Support

The Royal National Institute for the Blind and the Guide Dogs for the Blind have written in giving their support to a formalised crossing on High St/Jury St: *“We welcome the decision to install a puffin crossing on Warwick High Street and feel that this is a positive step towards making the High Street accessible for blind and partially sighted people again.”*

A registered blind user of High St/ Jury St said: *“It is great news for visually impaired persons, that common sense has prevailed and WCC are to reinstall a controlled crossing in High St. Warwick.”*

3.0 Recommendation

That the Portfolio Holder for Transport and Planning **approves** the establishment of a Puffin Crossing in the High Street near Swan Street, Warwick as advertised pursuant to section 23 of the Road Traffic Regulation Act 1984.

These recommendations can be implemented from within the 2013/14 budget provisions.

4.0 Associated Timescales

- 4.1 The Proposed Puffin Crossing on High Street near Swan Street, Warwick will be constructed during January/February 2014 if approved.

5.0 Background Papers

- 5.1 Correspondence from five objectors
E-mail correspondence in support of the crossing

Appendices

Appendix A – The Statutory Criteria for decisions on making Traffic Regulations Orders and Parking Orders.

Appendix B – Plan No. TC15/059/05

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Statutory Criteria for Decisions on Making Traffic Regulation Orders and Parking Orders

1. The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-
 - (i) avoiding danger to persons or traffic;
 - (ii) preventing damage to the road or to buildings nearby;
 - (iii) facilitating the passage of traffic;
 - (iv) preventing use by unsuitable traffic;
 - (v) preserving the character of a road especially suitable for walking and horse riding;
 - (vi) preserving or improving amenities of the area through which the road runs;
 - (vii) for any of the purposes specified in Section 87(1) (a) to (c) of the Environment Act 1995 in relation to air quality.
2. TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked.
3. TROs must not have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in 24, to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.
4. The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge, for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic, and those of the owners/occupiers of adjoining property and in particular:-
 - (i) The need for maintaining the free movement of traffic;
 - (ii) The need for maintaining reasonable access to premises; and
 - (iii) The extent to which off-street parking is available in the neighbourhood.
5. In deciding whether or not to make any order, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable, having regard to the matters specified in Section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.

6. The matters to which the Council must have regard are:-
- (i) The desirability of securing and maintaining reasonable access to premises;
 - (ii) The effect on the amenities of any locality affected, and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
 - (iii) The national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995;
 - (iv) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
 - (v) Any other matters appearing to the Council to be relevant
7. Therefore, whilst the overall objective of the Council must be to secure the expeditious, convenient and safe movement of vehicular traffic, this will sometimes need to give way to the objectives in Section 122(2), and a balance has to be achieved between the overall objective and the matters set out in Section 122(2).

Duties in Relation to Disabled and Blind People

Section 175A of the Highways Act 1980 provides that:

[(1) In executing works in a street which may impede the mobility of disabled persons or blind persons highway authorities, local authorities and any other person exercising a statutory power to execute works on a highway shall have regard to the needs of such persons.

Section 149 of the Equality Act 2010 provides that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to—

...

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

...

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

...

(7) The relevant protected characteristics are—

age;

disability;

gender reassignment;

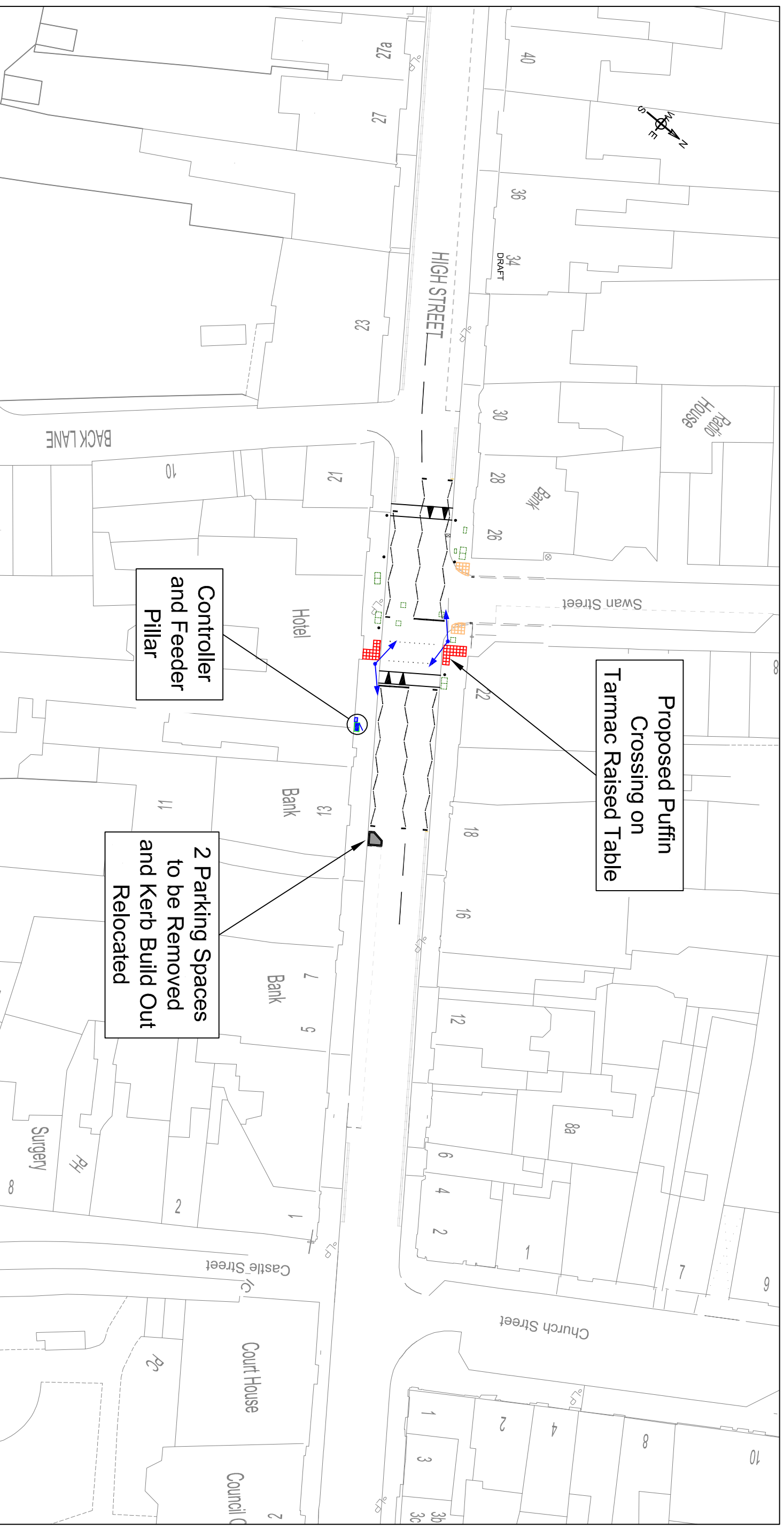
pregnancy and maternity;

race;

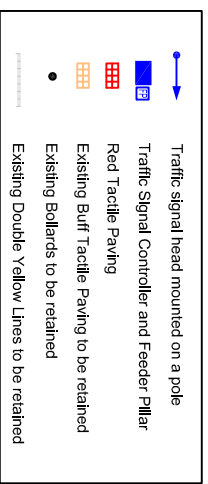
religion or belief;

sex;

sexual orientation.



General Key



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NOTES

All traffic signal equipment and road markings shown are indicative and may be subject to change during detailed design or during installation due to site constraints.

Rev	Date	By	CHK	Amendment

TITLE

**PROPOSED PUFFIN CROSSING
HIGH STREET NEAR
SWAN STREET
WARWICK**

IMPORTANT NOTICE: This plan shows only those road markings and apparatus owned by Warwickshire County Council in its role as the Highway Authority. All positions are approximate only, and the information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Exact locations of all cables including service cables should be verified by cable locator and careful use of hand tools. The cost of rectifying any damage will be charged. Work must be carried out in accordance with all current health and safety regulations. Substance notes are available from the Health and Safety Executive.

DRN	CRKD	APD
EB	SL	GD

DATE
June 2013

SCALE
1:500 at A3

DRG. NO.
TCIS / 059 / 05