

Traffic Regulation Order TRO / 456

Cycling UK objections

The proposed order

East Sussex County (ESCC) gave notice on 8 July 2022 that it proposed to make a Traffic Regulation Order (TRO) pursuant to the relevant sections of the Road Traffic Regulation Act 1984 (RTRA). The proposed order, TRO/456 (the order), would introduce a new pedestrian zone in Terminus Road in Eastbourne, between Cornfield Road and Langney Road, and prohibit cycling along that section of the road. Anyone seeking to make representations or object to the order has until 29 July to do so in writing. This submission sets out Cycling UK's objections to the order.

Cycling UK is the national cycling charity, with over 70,000 members nationally including members and member groups throughout East Sussex.

Network Management Duty Guidance

On 1 April 2022, the Secretary of State for Transport updated the additional network management duty (NMD) statutory guidance issued and applicable to highway authorities (HAs) pursuant to section 18 of the Traffic Management Act 2004 (TMA) (<https://www.legislation.gov.uk/ukpga/2004/18/contents>). HAs must have regard to the NMD guidance to deliver their NMD duty under the act. The NMD guidance specifically references, inter alia, to:

1. Gear Change
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf), the Government's 2020 vision document for cycling and walking, which "made clear the expectations on local authorities and others to provide genuinely game-changing infrastructure", stating further that "reallocating space to walking and cycling, in the ways suggested here [within the 2022 NMD guidance], is imperative to ensure the objectives in Gear Change and elsewhere are met".
2. The Government's 2021 Transport Decarbonisation Plan
(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1009448/decarbonising-transport-a-better-greener-britain.pdf), which "sets out how enabling more active travel will contribute to addressing the challenges of climate change".

3. The forthcoming revision of the 'Manual for Streets', which "will highlight the continuing need to design streets with people walking, cycling and taking public transport as the priority".
4. Local transport note 1/20: cycle infrastructure design (LTN 1/20) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf), stating that "any measures for cycling should be designed to meet the requirements set out in LTN 1/20".

The NMD guidance also makes it clear that:

5. HAs should continue to make significant changes to their road layouts to give more space to cyclists and pedestrians.
6. As set out in 'Gear Change', HAs are expected to take measures to reallocate road space to people walking and cycling.
7. The measures HAs can take include introducing pedestrian and cycle zones: restricting access for motor vehicles at certain times (or at all times) to specific streets, or networks of streets, particularly town centres and high streets to enable active travel.

Road Traffic Regulation Act 1984 (RTRA)

When considering whether to make a TRO, ESCC has a statutory duty to consider the matters detailed at section 122 RTRA, "to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)". This duty extends to and includes the expeditious, convenient and safe movement of cyclists, not just along the road over which the proposed order would apply, but on and along adjacent roads affected by the proposed order over which people might travel, cycling or otherwise, as a consequence of any restrictions imposed pursuant to the TRO.

ESCC's statement of reasons for the order

(<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.eastsussexhighways.com%2Ffiles%2FEastbourne-Town-TRO%2F456-ETCIS-Phase-2A-SOR.docx&wdOrigin=BROWSELINK>) indicates that the order is proposed for the following reasons:

- For facilitating the passage on the road or any other road of any class of traffic (including people on foot).
- For avoiding danger to persons or other traffic using the road or for preventing the likelihood of any such danger arising.
- To preserve or improve the amenities of the area through which the road runs.

ESCC's statutory obligation under S.122 RTRA mirrors its NMD under section 16 TMA, pursuant to which it has a duty to manage its road network to secure "the expeditious movement of traffic on the authority's road network". Having regard to the stated reasons for the order, it is submitted that ESCC must have regard to the NMD guidance when considering whether to make the order. It is further submitted that it has manifestly failed to do so when considering this order.

Active Travel Fund

ESCC submitted a bid to the Department for Transport's (DfT) Active Travel Fund, to fund the pedestrianisation works proposed within the order. The DfT refused ESCC's bid, indicating that it would only be able to support schemes which comply in every respect with LTN 1/20 guidance.

ESCC argued within its funding bid to the DfT that as the scheme involved an upgrade to an existing pedestrianised area and the creation of a new pedestrianised area through the reallocation of road space, with cycling prohibited through the pedestrian zone, that compliance with LTN 1/20 was not required, and the Cycle Level of Service assessment had not been performed and was not needed.

Notwithstanding DfT funding being refused because the scheme fails to meet the required design standards, ESCC is proceeding with a non-compliant scheme.

LTN 1/20

ESCC has failed to understand or apply LTN 1/20 correctly. Para 1.3.1 of LTN 1/20 makes it clear that the guidance should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities.

Currently, people can cycle along a section of road they would be banned from cycling along if the order is made. Consequently, the order proposes a change to the highway which affects cyclists, who would have to use a different less direct and less safe route as an alternative. The order thus negatively impacts on cycle safety and provision across the surrounding area and network, so the fact that the order does not introduce a cycling measure on the road directly affected does not mean that LTN 1/20 is not applicable.

As ESCC has incorrectly concluded that LTN 1/20 does not apply, it has also misdirected itself concerning its NMD requirements, as the NMD guidance requires it to comply with LTN 1/20.

Furthermore, there is specific guidance within LTN 1/20 regarding Vehicle Restricted Areas (VRAs), which ESCC has failed to consider. Para 7.4.2 provides that "a high street is usually the most direct route across a town centre. Requiring cyclists to travel longer distances via routes around the zone, possibly on heavily trafficked roads, will tend to suppress cycle trips and reduce cycle safety". That is exactly what ESCC will require cyclists to do if this order is made: travel a longer distance, on a less safe route, avoiding the High Street. ESCC's plans directly contravene the guidance.

7.4.3 of LTN 1/20 indicates that "there should always be a preference for allowing cyclists to access VRAs unless there is good evidence that this would cause significant safety problems - Where cycling is permitted, most cyclists will usually dismount when pedestrian numbers are greatest". There is no evidence that allowing cyclists within the pedestrianised area would cause any, let alone significant, safety problems. This is merely speculation. ESCC's plans directly contravene the guidance.

7.4.4 of LTN 1/20 also specifically refers to the potential for experimental TROs to be used to permit cycling on a temporary basis (usually 6 to 12 months) in VRAs, and for monitoring. The temporary order can be reviewed at the end of the period prior to the decision to make it permanent or not. ESCC has failed to consider whether any concerns it may have regarding cycling within the VRA proposed by the order could be assessed within a trial as specifically suggested within the guidance.

Contrary to national policy

The order proposes a ban on cycling on what is currently the most safe and direct route through the town centre to the seafront, in direct contradiction of national policy on active travel, ignoring the NMD guidance and in contravention of LTN 1/20.

Removing a permitted route which is coherent, direct, safe, comfortable, and attractive for cyclists will actively discourage cycling trips to the town centre, at a time when national policy (Gear Change Plan, Cycling and Walking Investment Strategy 2) sets out ambitious targets to increase the percentage of short journeys in towns and cities that are walked or cycled to 46% by 2025, and 50% by 2030. Accelerating modal shift to walking and cycling is also identified as a key objective in the government's Transport Decarbonisation Plan and the Net Zero Strategy.

Contrary to local policy

At a local level, the planned TRO does not comply with Policy D8 (Sustainable Travel) of the Eastbourne Core Strategy Plan. This policy states that "the development of a network of safe walking and cycling routes will be promoted", and that new development should "make walking, cycling, and accessibility to public transport a priority in the design of their layouts".

Prioritising motor transport rather than reallocation of road space

The TRO, whilst restricting access to cyclists, will actually improve access to people in private vehicles through enabling two-way traffic on Bolton Road and Langney Road. This suggests that access to private vehicles is being actively prioritised over cycling, in direct contradiction of Policy D8 which states that transport measures should seek to "reduce the reliance on the private car" and "offer the potential for modal shift". East Sussex Local Transport Plan 3 (LTP3) sets out the high-level objectives of "tackling climate change" and "improving accessibility". It's not clear how reducing accessibility to Eastbourne town centre by sustainable modes whilst improving access to cars meets any of these objectives.

Lack of alternative cycling routes to seafront

The proposals do not suggest or provide any safe alternative routes for cyclists to reach the seafront. The stretch of Terminus Road the order directly applies to currently offers the most direct and safe route to reach Eastbourne seafront for people traveling from areas such as Upperton or Old Town. Alternative routes including Grove Road, Ashford Road/Cavendish Place, or Cornfield Road are not direct and require cyclists to navigate junctions or roundabouts and share limited road space with large numbers of vehicles.

The proposed Eastbourne Cycling Routes 2021, including the proposed Eastbourne Town Centre route, are not LTN 1/20 compliant, and force cyclists onto indirect routes, with multiple dismounts and the traversal of several unsafe junctions. These can therefore not be viewed as good alternative routes in place of the current route through the town centre, and the proposals worsen access for cyclists crossing town West-East between Bolton Road and Langney Road, where there are no safe alternative routes for cyclists to cross town.

Conclusion

When the NMD guidance stresses the importance of reallocating road space to people cycling, ESCC is proposing to remove road space for cycling.

When the cycling design guidance makes it clear that in VRAs the preference should be to allow access to cyclists, ESCC is assuming this will cause problems when there is no evidence to support that assumption.

When national and local policy all point towards taking steps to enable more people to cycle, ESCC is moving in the other direction.

This proposal does not secure the expeditious, convenient and safe movement of traffic, particularly cyclists.

The reasons given for making this order are inadequate, and are not based on evidence or proper analysis.

ESCC has fundamentally misunderstood or misled itself regarding the implications of the NMD guidance, LTN 1/20, and various national and local policies.

Furthermore, the proposed order is irrational, and not one any reasonable HA could make.

In the absence of further information regarding both the consultation process and ESCC's compliance with its equality duty, Cycling UK reserves its position on those matters, but requests that ESCC states fully within its reasons for any order, how it has adequately consulted, and the steps taken to comply with the Equality Act 2010.

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