

North Yorkshire County Council
Business and Environmental Services

Executive Members

12 March 2021

Whitby Swing Bridge - proposal to close the swing bridge to road traffic, with complementary restrictions in neighbouring Whitby town centre streets, by means of an experimental traffic order.

New Quay Road, Bridge Street (Whitby Bridge/‘Whitby swing bridge’), Grape Lane, St Ann’s Staith, Haggergate, Pier Road and Khyber Pass, Whitby

Report of the Assistant Director – Highways and Transportation

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| 1.0 Purpose of report |
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| 1.1 To consider the making of an experimental traffic regulation order. |
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2.0 Background

- 2.1 During 2020 the general need to provide for socially distanced pedestrian access because of the Covid pandemic highlighted an already existing issue of conflict between pedestrian and vehicular use of Whitby Swing Bridge. Under powers specifically introduced to tackle Covid, a multiagency task group, which included the police, borough and county councils, made the short term emergency decision to make a Temporary Traffic Order close the swing bridge to all motorised and non-motorised vehicular traffic between 10:30am to 6pm every weekend to facilitate social distancing. The task group also decided that it was necessary to place a traffic operative at the entrance to St Ann’s Staith/Pier Road every day, to enforce the existing restrictions, which stipulate that only vehicles requiring essential access are permitted between 10:30am to 6pm between 23 March and 30 September. These Covid-related actions remained in force until the end of October last year.
- 2.2 The Road Traffic Regulation Act 1984 S122 places a duty on the council as the Traffic Authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians). Pre-Covid, it had already been recognised by the police and the local highways office that change is likely to be needed in this location.
- 2.3 Whitby Swing Bridge is an historic structure that the County Council is responsible for the maintenance of, it is wide enough for one way traffic only and is currently controlled by traffic signals. There are footways on either side but these are narrow. Numbers of pedestrians can often be so great that the narrow footways are inadequate, even at only moderately busy times, and pedestrians overflow into the carriageway area. Even at quieter times, where pedestrians are two abreast, anyone wishing to pass needs to step into the carriageway to do so.

- 2.4 In 2019 and years previous the County Council via its local highways office, with the support of the police, regularly closed Whitby swing bridge to vehicular traffic using either planned closures under section 21 of the Town Police Clauses Act 1847 or emergency closures under section 14(2) (b) (as amended) of the Road Traffic Regulation Act 1984, in the interests of highway safety at times of heavy pedestrian footfall. For example, in 2019 the swing bridge was closed to traffic on 13 weekends. The closures have often happened with short notice to highway users. It is acknowledged that closures at short notice can be inconvenient for the people and businesses of Whitby and its visitors as well as being cumbersome to manage for the County Council. A more consistent approach to controlling use of the swing bridge is considered desirable in a practical sense and is indeed essential if the local highway authority is to continue to fulfil its' duties to secure safe movement for highway users.

3.0 Initial Proposals

- 3.1 An ETRO is suited to these proposals, as proceeding with a live experiment restricting vehicular use would enable the gathering of information which will help to achieve the aims of the scheme. The information gathered can then be assessed and considered before deciding whether to make a permanent traffic order.
- 3.2 Officers prepared the following proposed scheme of restrictions to restrict vehicular access to various streets including the swing bridge:-

- a) **St Ann's Staith, Haggarsgate, Pier Road and Khyber Pass** - the existing seasonal (23 March to 30 September) 'access only' traffic regulation order, prohibiting all motorised vehicles except for access between 10:30am and 4:00pm, is proposed to be amended and extended to apply all year round. Access would continue to be permitted, as it is now, for buses, taxis, loading & emergency vehicles, and for residents of properties and businesses that can only be accessed using St Ann's Staith. Blue badge holders would be able to access the disabled parking bays on St Ann's Staith, Pier Road and Khyber Pass.
- b) **New Quay Road – proposed new 'access only'** prohibit all motorised vehicles except for access between 10:30am and 4:00pm every day. Access to be allowed for buses, taxis, loading & emergency vehicles, and for residents of properties and businesses that can only be accessed using New Quay Road and St Ann's Staith. Blue badge holders to be able to access the disabled parking bays on New Quay Road and continue on to access disabled parking bays on St Ann's Staith and beyond.

NB for information dropped as a result of consultation response from police.

- c) **Swing Bridge - proposed 'pedestrian zone'** prohibit all motorised vehicles between 10:30am and 4:00pm every day. The proposal was to prohibit all motorised vehicles including service buses and taxis. Enforcement to be by means of cameras and penalty notices issued via the post for any drivers who pass over the swing bridge in contravention of the restrictions.

NB for information as a result of consultation responses the proposal put forward now is to prohibit all vehicles and ridden cycles between 10:30am and 4:00pm weekends and bank holidays only.

- d) **Grape Lane – proposed 'pedestrian zone'** prohibit all motorised vehicles between 10:30am and 4:00pm every day.

- 3.3 Enforcement of restrictions of this type are a police matter. Officers from the local highways office are working with the police on the necessary signing that would be required to be in place to allow enforcement. The signs must be clear and unambiguous to drivers. Where restrictions vary from day to day and throughout the day, and where there are differing but similar restrictions on neighbouring streets, as is the case here, it can be difficult to reach a sign design which is suitably clear however officers are close to finalising the necessary sign designs with the police and a further update will be provided at the meeting.
- 3.4 It should be noted that emergency vehicles would have a general exemption from any restrictions on vehicular use.

4.0 Consultation

4.1 Before making a traffic order the traffic authority must consult with various statutory consultees in accordance with the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

- 4.2 The following statutory and non-statutory consultees received a copy of the consultation letter and drawings (as shown at Appendix 1);
- Local county councillor Joe Plant
 - All other county councillors
 - Scarborough Borough Council, with a request that the consultation be forwarded to all Borough councillors
 - Scarborough Borough Council Licencing
 - Scarborough Borough Council Parking
 - Scarborough Borough Council Tourism
 - Scarborough Borough Council Port Services with a request that a copy of the consultation be emailed to boat owners with moorings at Whitby
 - Whitby Town Council
 - Scarborough & District Taxi Association
 - North Yorkshire Police
 - North York Moors National Park Authority
 - Ambulance Service
 - British Driving Society
 - Whitby Fire Station
 - Whitby hospital
 - National Farmers Union
 - Disability Forum
 - Road Haulage Association
 - The Freight Transport Association (now called Logistics UK)
 - Arriva
 - Coastal and Country (bus operator)
 - Environment Agency
 - Network Rail
 - Whitby Civic Society
 - Whitby Tourism Association
 - English Heritage
 - NYCC Passenger Transport
 - NYCC Public Rights of Way officer
 - NYCC Road lighting
 - NYCC Road safety
 - Schools; Airey Hill, East Whitby, Westcliff, St Hilda's, Caedmon College and Eskdale.

- 4.3 Although there is no legal requirement to carry out public consultation and to invite objections and representations before experimental restrictions are implemented the local highways team have also carried out a public consultation of those in the vicinity of the swing bridge by writing to over 800 properties to make them aware of the proposals.
- 4.4 Additionally to raise awareness of the consultation, a press statement was also released on 30 November 2020 and a dedicated webpage remained live from 30 November 2020 until the close of the consultation on 24 December 2020. The press statement and letters included a message for anyone who does not have access to the internet; they were able to ring the County Council's customer resolution centre to request a paper copy of the plans be sent to them.
- 4.5 Furthermore, the following local organisations/businesses, which are located outside the town-centre 800 property delivery area in the vicinity of the bridge received a copy of the consultation letter; The Star Inn, Boyes, Poundland, Sainsbury's, Botham's, Coop, Aldi, Lidl, Whitby Rugby Club, Whitby Leisure Centre, Football Club, Cricket Ground, Youth Hostel, Parkol, St Marys Church and the Driving Centre.
- 4.6 Responses from Statutory consultees and officer comments:-

No responses were received from:

- Scarborough Borough Council Tourism
- Scarborough Borough Council Port Services
- Scarborough & District Taxi Association
- North York Moors National Park Authority
- Ambulance Service
- British Driving Society
- Whitby Fire Station
- Whitby hospital
- National Farmers Union
- Disability Forum
- Road Haulage Association
- The Freight Transport Association (now called Logistics UK)
- Environment Agency
- Network Rail
- English Heritage
- NYCC Passenger Transport (no formal response, but the local highways team have worked closely with the Integrated Passenger Transport team regarding issues affecting the local service bus).
- NYCC Public Rights of Way officer
- NYCC Road lighting
- NYCC Road safety
- Schools; Airey Hill, East Whitby, Westcliff, St Hilda's, Caedmon College and Eskdale.

Responses were received from:

- North Yorkshire police traffic bureau
- local service bus operator Arriva
- Scarborough Borough Council Licencing Services
- 'Whitby town tour' bus operator Coastal & Country
- RNLi, Whitby lifeboat station
- Scarborough Borough Council Parking Services
- Whitby Town Council

- Whitby Tourism Association
- Whitby Civic Society
- Local Member, Cllr Joe Plant
- A range of comments as a result of the wider public consultation :-

4.6.1 North Yorkshire Police – traffic bureau:

Camera enforcement of the proposed swing bridge restricted zone cannot take place whilst the existing traffic signals on the bridge are operational. This is because drivers could perceive a mixed message of green traffic signal and prohibition of vehicles signs, and so any penalty issued could be open to challenge.

If camera enforcement is required, then the swing bridge traffic signals must be switched off or set to 'all red' for the duration of the swing bridge restrictions.

Additionally, clear, unambiguous signing is required. North Yorkshire police are more than happy to work with the county council in finalising arrangements for enforcement and signing.

4.6.2 Officer comment:

In the opinion of officers, creating a restriction on the swing bridge which prohibits all vehicles with no physical or enforcement measures to deter drivers from abusing it would be undesirable and may lead to infringements which could endanger road users.

The swing bridge is only wide enough for one way traffic, and is currently controlled by full-time traffic signals to allow its use in two directions. If the swing bridge traffic signals must be switched off or placed in the 'all red to vehicles' position to allow camera enforcement, then it will not be possible to exempt buses or taxis from the restriction. This is because buses and taxis would either be proceeding through a red light or, if the signals were switched off completely, would be likely to meet other traffic head-on, as there is no line of sight between the stop lines either side of the bridge.

Due to the likely impact on people with protected characteristics highlighted by consultation responses and by the Equalities Impact Assessment (Appendix 2) covered further in the Equalities section of this report, exempting buses and taxis from the restriction is something officers have needed to consider, either an exception on weekdays or an exception all days.

Given the police's response, if automatic enforcement is a requirement, the restrictions on the swing bridge could not be enforceable at times when buses and/or taxis were given an exemption to cross the bridge ie all traffic would need to be prohibited whilst the restrictions were in force, with no exceptions possible for any vehicles other than emergency vehicles, whose drivers have the necessary training to proceed with caution through a red traffic signal.

Manual police enforcement could be an option, but is considered undesirable due to the demand on police resources it could create. Manual enforcement by nature would be less frequent. Automatic enforcement is considered essential to encourage compliance and so increase the safety of highway users.

As officers have worked through the detail of the wording for the traffic signs which would be required to bring the proposals into effect, two issues have come to light. Firstly, it has been noted that the proposed restrictions on the swing bridge are not suited to a 'pedestrian zone' as the area is too small. A 'prohibition of driving' restriction would be more appropriate. Secondly, the proposed restrictions for New Quay Road are unnecessary if the restrictions for the Swing Bridge and Pier Road are in place; indeed if New Quay Road was retained in the proposals it would be extremely difficult to provide concise, easy to understand advance signing for all three restrictions.

Therefore, officers would recommend that the proposed restrictions on New Quay Road are omitted, and that any restrictions taken forward for the swing bridge (Bridge Street) are a 'prohibition of driving'.

An options appraisal, which considers all relevant aspects, has been carried out at Appendix 3.

4.6.3 Arriva, local service bus operator:

Arriva made a number of significant points, on the original proposals namely;

- Making Whitby Swing Bridge a restricted zone during the middle of every day would have a direct effect on Bus Service 95, which operates between Eskdale (Sainsbury's) and Sleights.
- If service 95 were diverted via the A171 and Bagdale this would increase the operating time required and increase the likelihood of the service encountering congestion on the western approach into the town centre – Would any improvements to the access into Whitby from the west be made to compensate?
- Diverting the service would have a detrimental knock-on effect on other stops and the frequency of the service.
- There is doubt whether the service could viably serve Church Street at all if the buses were not able to use the swing bridge.
- It was pointed out that service 95 was already a marginal service pre-Covid, and in effect could be under review for its viability at any time in the future.

Given the conclusion of the Options Appraisal at Appendix 3, and the move by officers to recommend the swing bridge restrictions are placed on Saturdays, Sundays and bank holidays only, Arriva made the following further comments;

We understand the issues that have been raised and the suggested change to Saturday, Sunday and bank holiday only for the trial.

We have concerns about the effect of the closure beyond the trial, but accept that until we have done the trial these cannot be fully assessed.

We would seek to work with the Integrated Passenger Transport and highways teams to review the impact on the service following the trial and it may be that they will need to look at route and timetable changes in following years (if the trial is successful). This may require some mitigating works including parking control and new stops to accommodate the changes.

4.6.4 Scarborough Borough Council Licencing Services:

The Borough Council's Environment and Regulation Manager reported a number of issues raised by taxi drivers and operators;

- Passenger's fares will substantially increase as short journeys from one side of the river to the other will now involve a tripling of distance and time. Many Hackney passengers are vulnerable, elderly or disabled, many are regular customers. Passengers often include holidaymakers with suitcases. Passengers often fill a boot with supermarket shopping. The existing shorter Hackney journey across the river will now be longer and more costly (on the meter) and going by foot for many is not possible, even for them to cross the bridge on foot and then find a Hackney.
- Concern that hackneys will be prevented from using St Ann's Staith/Pier Road to Khyber Pass.
- Drivers trying to get back swiftly to the town centre ranks at busy times to deal with the queues and remove loud and boisterous people will be delayed, increasing rank waiting times. At busy times late at night or in bad weather the public will be left standing in longer queues with no shelter.
- The rank is essential outside Wetherspoons but will only be able to be approached from the wrong direction increasing three point turns.
- The one rank space on Church St is insufficient to provide a Hackney service to that side.
- The A171 high level bridge ('new bridge') is often very congested at school leaving time, this route is not a good alternative.
- It has been suggested by drivers and operators that the bridge should be closed to public traffic but maintained for Hackneys (public service vehicles), buses and emergency vehicles with strict speed restrictions. Alternatively, the swing bridge could made one way for Hackneys as a way of seeking a compromise.

4.6.5 Officer comment in response to issues raised by Arriva and Scarborough Borough Council Licencing Services:

Bus issues

During previous temporary closures of the swing bridge, the 95 service bus was unable to serve Church Street. For example, during the 2020 swing bridge closures on weekends and bank holidays, service 95 ran along Church Street before 10:30am but after this time it did not serve Church Street as it diverted via A171 and the high level bridge. Therefore, this proposed trial scheme, if it were for weekends and bank holidays only, would represent a continuation of those arrangements.

Arriva's recent comments, following the move to recommend a weekend and bank holiday only restriction on the swing bridge for the duration of the trial, are noted and appreciated. The local highways team is committed to working with Integrated Passenger Transport and the local bus operator at the end of the trial, should it be decided that any aspects of the trial are to be made more permanent.

Taxi issues

During previous temporary closures of the swing bridge, taxis were unable to cross the swing bridge on weekends or bank holidays. Therefore, this proposed trial scheme, if it were for weekends and bank holidays only, would represent a continuation of those arrangements.

Concerns about taxis being delayed late at night are unfounded; the swing bridge closures would be 10:30am to 4:00pm.

Equally, taxis are currently exempt from the current March – September restrictions which prohibit vehicles from using St Ann’s Staith- Pier Road- Khyber Pass as a cut-through to the West Cliff. The proposals for St Ann’s Staith – Pier Road – Khyber Pass are simply that the existing restrictions be extended beyond 30th September – they do not prevent use by taxis.

Equality issues were identified in discussions with colleagues from Integrated Passenger Transport and in their initial discussions with Arriva. Issues around rising taxi fares if taxis were prohibited from using the swing bridge were raised by the taxi operators and drivers; all were also examined in the Equalities Impact Assessment (EIA). The EIA is highlighted later in this report and attached as Appendix 2. The EIA confirmed that the impact of preventing service buses and taxis from crossing the swing bridge for prolonged periods would have a disproportionate effect on people with protected characteristics.

Therefore, various options to consider allowing greater access across the swing bridge for service buses and taxis have been considered, and a summary of this exercise is set out in Appendix 3. Appendix 3 concludes that rather than proceeding with the trial seven days a week, limiting it to weekends and bank holidays only would be the preferred option, as it would allow service buses and taxis to continue travelling over the swing bridge on weekdays. Prohibiting all traffic (except emergency vehicles) at weekends and bank holidays would allow the traffic signals on the swing bridge to be switched to ‘all red’, enabling camera enforcement of the swing bridge restrictions 10:30 - 4:00pm at weekends and bank holidays.

Appendix 3 concludes that a weekend/bank holiday only restriction helps to balance the need to improve conditions for pedestrians with the needs of people with protected characteristics and members of the public who rely on the service bus and/or taxis.

In the event these proposals as they stand become the subject of a permanent traffic order, future monitoring and review would not be prevented, though any proposed revisions would be subject to following due procedure.

- 4.6.6 ‘Whitby town tour’ bus operator Coastal & Country:
Coastal and Country’s Whitby Town Tour Bus is a valuable link for tourists especially the elderly to get to the abbey, bandstand and West Cliff who otherwise would not be able to reach these places on foot.

It is essential that the town tour service be able to access the bandstand on Pier Road. During the (Covid related) closures this summer (ie 2020), the service has been unable to access Pier Road and the operator considers that this has damaged both business and the reputation of the service.

The operator has expressed concern that the turning circle at the Potato Market/Tin Ghaut is not suitable for buses and may lead to Church Street not being served by any buses.

The operator has also stated that access from Spital Bridge onto A171/Helredale Road must be addressed, as the service encountered major problems during 2020 when the Swing Bridge was closed on a weekend. Bagdale, Downtinner Hill and Prospect Hill are also an issue as the traffic can only exit from the town on one road once the Swing Bridge is shut, leading to grid lock.

4.6.7 Officer comment:

It is acknowledged that during the April to October 2020 Covid closures of Pier Road, the Town Tour bus was prevented from accessing the bandstand, because there was a member of staff managing the closure point denying access for all but essential use.

That is not normally the case and would not be the case during the experiment. The town tour bus would be able to access the bandstand because buses (along with taxis, permit holders and loading vehicles are exempt from the current March – September restrictions which prohibit vehicles from using St Ann’s Staith- Pier Road- Khyber Pass as a cut-through to the West Cliff. The proposals for St Ann’s Staith – Pier Road – Khyber Pass are simply that the existing restrictions be extended beyond 30 September 2021, and all the exemptions will still apply.

The design of the proposed turning area at Tin Ghaut car park (the Potato Market) will be capable of allowing a large vehicle to turn.

It is recognised that closing the swing bridge to all vehicular traffic at weekends and on bank holidays will have a significant impact on the traffic getting from one side of the river to the other by putting all the vehicular traffic onto the one other bridge in Whitby, the high level bridge. Church Street and the areas leading up to the Abbey would access the high level bridge using the junction of Spital Bridge and A171 Helredale Road.

Existing public car parking spaces in Church Street car park would be greatly reduced (as Scarborough Borough Council intend to designate the majority of the car park as private car permit holders only, to accommodate the permit holders to be moved from Tin Ghaut car park). Traffic seeking parking in Whitby would be directed to the west side or to the Abbey on the east side. Therefore, it is anticipated that a large proportion of opportunist traffic seeking town centre parking will be completely removed from Church Street and so removed from entering A171 Helredale Road the junction of Spital Bridge.

Whilst it will not be possible to make improvements to the Spital Bridge junction or other junctions in the town for the duration of the trial, the trial will be used to assess what road improvements may necessary. At the end of the trial, if a decision were to taken to continue with the scheme, then a bid for Whitby Town Deal funding could be required to allow junction improvements to be carried out.

4.6.8 RNLI and Whitby lifeboat station:

The comments received from the RNLI and Whitby lifeboat station are set out below:

- The proposals will affect our ability to make a timely launch of our lifeboats to effect a rescue.
- Lifeboat crews are volunteers and live in various parts of the town but when on call are duty bound to respond to a summons to the lifeboat station immediately.
- Some of our launches are time critical e.g. a vessel is sinking and/or there is a person in the water and in imminent danger. In such circumstances additional seconds to launch become hugely important in order to save life.
- When Whitby is congested and the bridge closed to road traffic our crew from the west side, who may be at home or working there, are forced to park on Flowergate and then proceed on foot to the station but this is not the most time efficient and also parking may not be available. Access to the station over the swing bridge then becomes imperative.

- Would like some special provision to accommodate our particular situation as lives could depend on it. Offer of a discussion to find a solution.

4.6.9 Officer comment:

Allowing lifeboat volunteers in private vehicles passage over the swing bridge whilst the swing bridge restrictions are in force could be problematic, not least as members of the public may well not appreciate why those vehicles need to be on the bridge. It is recognised, however, that some allowance for those travelling to attend an emergency is needed. Arrangements for enforcing the swing bridge pedestrian zone are being finalised with North Yorkshire police's traffic bureau and discussions are ongoing to arrange some mechanism by which RNLI volunteers providing proof of attending an emergency can have an enforcement against them waived. It may be desirable to provide volunteer responders with suitable driver training so that they are equipped with the necessary skills to proceed through a red traffic signal, as the traffic signals would be set to 'all red' during the restriction. A flashing beacon or windscreen identification is also under consideration to help indicate to the public what their purpose is. Further discussion with North Yorkshire police's traffic bureau and the coastguard/RNLI would take place before details are finalised and before any trial scheme, if approved, commences.

4.6.10 Scarborough Borough Council (SBC) Parking Services:

- SBC is supportive of the scheme overall, although there are some concerns with the proposed layout for Tin Ghaut car park.
- Potential conflicts between vehicles manoeuvring in and out of spaces and vehicles using the area to turn.
- Suggest that introducing loading /disabled/taxi bays on the periphery of the car park utilise parallel parking, which will allow more space in the turning circle as an alternative or simply removing the spaces entirely should be considered.
- SBC have made the decision to relocate all Tin Ghaut permit holders to their Church Street off-street car park. This is partly because SBC will need to provide current permit holders of Tin Ghaut with comparable security for their relocated parking spaces to prevent non-permit holders from using them.

4.6.11 Officer comment:

Tin Ghaut (Potato Market) car park is not part of the highway, decisions around its use are not subject to traffic regulation orders, and so a formal decision on the arrangements for Tin Ghaut and Church Street car parks are not a matter for this report. However, the concerns from the borough council about the layout of their car park have been addressed through an engineer from highways meeting with SBC's Senior Engineer, Northern.

Scarborough Borough Council have confirmed that all the permit holders on Tin Ghaut car park will be relocated to Church Street car park, with comparable security measures installed at Church Street car park. SBC will have the opportunity to offer additional permit holder spaces, and to significantly reduce parking by the general public from Church Street. This has an added benefit to the proposals set out in this report as, with appropriate new signing, it would deter vehicles from travelling down Church Street simply to look for parking. The local highway office will look to consider the points SBC mention; namely introducing loading /disabled/taxi bays on the periphery of the Tin Ghaut car park, or removing the spaces entirely. In the longer term, should the proposals become permanent, the area could be considered for public open space/green space use.

4.6.12 Whitby Town Council:

Due to the pedestrianisation of the swing bridge the intention is to build a roundabout in the Tin Ghaut car park. Obviously this will no longer be a safe area to stand and read the story board we placed at the Grape Lane corner of the car park last year. Can it be relocated, but remain close to that part of Church Street?

4.6.13 Officer comment:

There will not be a roundabout constructed in the normal way. There will be a marked out area within the car park where vehicles which need to turn around can do so. Scarborough Borough Council have confirmed that they will be relocating all Tin Ghaut permit holders to Church Street car park. Therefore, the indicative layout for Tin Ghaut shown on the consultation plans has now changed to remove this concern.

It is not envisaged that the storyboard is located where turning vehicles are likely to cause a difficulty with pedestrians reading it, particularly as it is likely that far less parking will be retained in Tin Ghaut than was shown in the consultation drawings. However, if it is generally accepted the storyboard would be better relocated due to the scheme, then a new location could be agreed and it could be moved.

4.6.14 Whitby Tourism Association:

Recognises the importance of the swing bridge to Whitby's tourism and historic offer. Concern over loss of off-street parking on Church Street and the additional pressure for visitor parking that may exacerbate. Concern about the effect of additional traffic on the Spital Bridge/Helredale Road junction. Enforcement on the bridge should have been put in place years ago to protect the bridge. Welcomes a trial of the proposals provided the outcome is not pre-decided and that lessons are learnt from it.

4.6.15 Officer Comment:

The loss of off-street parking is noted and appreciated. However, it is not possible to trial the scheme without creating a space for vehicles to turn around on the east side; the effects of loss of parking will be one of the issues monitored during the trial. Monitoring the effect on the Spital Bridge junction is also a key aim of the trial, to establish what highway improvements may be required should the conclusion of the experiment be to extend it in the longer term.

4.6.16 A member of Whitby Civic Society:

Expresses concerns that locals may be inconvenienced for the sake of visitors. Requests more Park and Ride sites be provided. Suggested that residents could be granted exemption from the restrictions via an issue of permits. Concern over the loss of off-street parking spaces on Church Street and increased congestion on Church Street. Concern over potential for increased parking in the Fishburn Park area, an area which already suffers with non-residents parking all day.

4.6.17 Officer Comment:

The inconvenience to locals is noted. However, allowing vehicles through would negate the aim of the trial, which is to improve conditions for pedestrians at the busiest times.

Additionally, if camera enforcement of the restrictions is required, is it not possible to provide exemptions for any vehicles other than those used in connection with an emergency whilst the restrictions are in place, due to the fact that the swing bridge traffic signals must be switched off or set to 'all red' for the duration of the swing bridge restrictions.

The loss of off-street parking is noted and appreciated. However, it is not possible to trial the scheme without creating a space for vehicles to turn around on the east side; the effects of loss of parking will be one of the issues monitored during the trial. Monitoring the effect on the Spital Bridge junction is also a key aim of the trial, to establish what highway improvements may be required should the conclusion of the experiment be to extend it in the longer term.

With regard to the potential for increased parking demand in Fishburn Park, this is acknowledged, and it is proposed to commence a further, separate consultation on the possible creation of a disc parking scheme for two areas that are just outside the current disc scheme; Fishburn Park and The Ropery area.

4.6.18 County Councillor:

The local county member for Whitby town is Cllr Plant. Cllr Plant has provided a written statement (see Appendix 4), which he would like would like decision makers to consider.

Cllr Plant has a number of concerns:

- finds it difficult to support extending the existing restrictions on St Ann's Staith and the roads beyond any later in the year than the October goth weekend, to coincide with when on-street pay and display restrictions end, and when the park and ride service ends.
- appreciates that the Town Deal Board supports carrying out this trial, and that testing the effect of any restrictions in winter, even for a short time, could serve a useful purpose in ruling winter restrictions in or out once and for all.
- is pleased that discussions will take place with RNLI and the coastguard with the aim of ensuring volunteers will not be fined if they use the swing bridge to attend an emergency.
- is pleased to see that officers have amended the proposals to allow service buses and taxis to use the swing bridge on weekdays, although would much prefer that buses were permitted on weekends and bank holidays too.
- remains concerned about Spital Bridge junction and strongly supports an improvement being made to this junction.

4.6.19 Officer comment:

It is appreciated that the local member has many years of personal experience of the town, and that many people have contacted him personally with their views.

It is considered that Whitby is a year-round destination, and the experiment seeks to demonstrate what the effects of limiting vehicles would be at all times of the year. It may be that at the conclusion of the trial a decision is taken for any future restrictions to be confined to the 'season', but in order to consider that decision, it is necessary to continue the trial into winter months as well.

Concerns have been raised by the local County Councillor about prohibiting buses and taxis on weekends/bank holidays. The local county councillor's view is that the same issues of difficulty and disadvantage exist at weekends/bank holidays as well as on weekdays for those people who rely on taxis. Whilst there is a regular service bus, it is not frequent and it is one way. There is a reliance on taxis to provide a service alongside the local service bus. It is recognised that, due to the extra distance travelled, there would be an increase in weekend taxi fares which would result if taxis were not allowed over the swing bridge.

The number of taxis expected to use the swing bridge is estimated to be relatively low. However, at particularly busy times, pedestrians using the swing bridge may not be expecting any vehicles travelling through the crowds of pedestrians and highway safety issues may arise.

Importantly, as mentioned earlier in this report, following recent discussions with the police traffic bureau it has been established that it will not be possible to make exceptions for buses, taxis or any other vehicles to cross the swing bridge during the restrictions. This is because, for automatic enforcement to be used, the existing traffic signals will have to be switched to 'all red' so that a green signal does not invite motorists to break the 'prohibition of driving' restriction.

As shown in Appendix 3, officers have carried out an assessment of the advantages and drawbacks of the various options for prohibition of vehicles on Whitby swing bridge. That assessment summarised that option 3, reducing the swing bridge restrictions to cover weekends and bank holiday provided a suitable compromise. It appears to offer the best balance between improving pedestrian safety and meeting the aims intended, providing conditions to encourage walking and cycling, reducing the impact on people with protected characteristics and enabling automatic police enforcement of the restriction.

4.6.20 Wider public comment and officer comments:

106 responses were received from the wider public, via the 'Have your say' button on the webpage, by email or letter.

Appendix 5 contains the thirteen main themes mentioned by members of the public, number of respondents mentioning those themes in their responses, together with officer comment.

Copies of all the responses received can be made available at the meeting for the members to view.

5.0 Legal Procedures and Implications

5.1 Under Section 122(1) of the Road Traffic Regulation Act 1984 the County Council has a duty 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. Officers are satisfied that the proposals set out in this report comply with this requirement.

5.2 Statutory processes relating to the introduction of traffic orders are covered primarily by the Road Traffic Regulation Act 1984("the Act") and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996("the 1996 Regulations).

5.3 Officers propose that in this instance an Experimental Traffic Regulation Order (ETRO) is made under section 9 of the 1984 Act this would provide up to 18 months for the proposals set out in this report being in place on the ground on an experimental basis and whilst allowing for the possibility of adjustments to be made during the initial six month period.

5.4 In summary the process includes the following:-

- following the statutory consultation, a notice of the proposed making of an experimental order needs to be published in the local press at least seven days in advance of the order coming into force

- In accordance with section 10 of the Road Traffic Regulation Act 1984 section 10, an experimental order may be modified or suspended during its operation subject to consulting with the police authority
- a highway authority can seek to follow up an experimental order with a permanent order subject to satisfying certain procedural requirements
- objections to the prospect of the provisions of an experimental order becoming the subject of a permanent order may be lodged during the first six months that an experimental order is in effect – the maximum duration for an experimental order is 18 months. As well as taking into account representations made during the six month period mentioned here that the representations already received will be taken into account in assessing whether or not to make a permanent order
- in deciding whether or not to make a permanent order a highway authority may choose to call a public inquiry to assist with the decision and in certain circumstance must hold an inquiry

5.5 Under section 10 of the 1984 Act an ETRO may include provision empowering a specified officer of the authority that made the order, or a person authorised by such a specified officer, to modify or suspend the operation of the order or any provision of it if it appears to him essential—

- (a) in the interests of the expeditious, convenient and safe movement of traffic,
- (b) in the interests of providing suitable and adequate on-street parking facilities, or
- (c) or preserving or improving the amenities of the area through which any road affected by the order runs.

5.6 The power conferred by such a provision to be exercised only after consulting the appropriate chief officer of police and giving such public notice as the Secretary of State may direct.

6.0 Equalities Implications

6.1 A full equalities impact assessment has been carried out, see Appendix 2. The assessment concluded that there would be adverse impact for people with protected characteristics due to the effect on the local service bus and taxis. The EIA outcome is that the proposals should be changed to reduce or remove the adverse impacts. This has been actioned by examining the alternatives in an Options Assessment, see Appendix 3.

7.0 Climate Change

7.1 A Climate Change impact assessment has been carried out, see Appendix 6. The climate change impact assessment highlights both positive and negative impacts. On balance, the local Highway Authority anticipates that the positive impacts will outweigh the negative impacts. As well as enhancing pedestrian safety, the scheme is intended as a further step towards reducing the dominance of the motor vehicle in the town centre, encouraging walking and cycling in place of short motorised trips within the town centre.

7.2 It is planned to monitor the Spital Bridge junction during the experimental period. If the pedestrianisation proposals set out in this report (or a variation on those proposals) are to continue in the longer term, and the data gathered shows a significant negative impact (queues) at Spital Bridge junction, it is anticipated that future funding will allow improvements to be made at this junction. This would help reduce the queue lengths and so waiting times of vehicles at this junction and thus reduce the negative impacts on air quality there.

- 7.3 It is worth noting that the proposals directly support two of the Whitby Town Investment Plan's objectives;
- objective 5 : *Create a walkable town to better connect all that is on offer and*
 - objective 7 : *Provide opportunities to live lighter in our environment*

8.0 Financial Implications

- 8.1 This scheme would be fully funded from an award of £400,000 of 'fast track' funding from the Ministry of Housing, Communities and Local Government made to the Whitby Town Deal Board.

9.0 Recommendations

- 9.1 It is recommended that the Corporate Director BES, in consultation with BES Executive Members approves the making of an ETRO which introduces the following;
- a. **St Ann's Staith, Hagersgate, Pier Road and Khyber Pass** - amend to year round the existing seasonal (23 March to 30 September) 'prohibition of motor vehicles' traffic regulation order, which prohibits all motorised vehicles except for certain exceptions between 10:30am and 4:00pm
 - b. **New Quay Road** – no change
 - c. **Swing Bridge – proposed** 'prohibition of vehicles' traffic regulation order, prohibiting all vehicles including ridden cycles between 10:30am and 4:00pm on Saturdays, Sundays and Bank Holidays, year round.
 - d. **Grape Lane – proposed 'pedestrian zone'** to prohibit all motor vehicles between 10:30am and 4:00pm, year round.
- 9.2 Delegation to officers to agree the signing and other associated detailed arrangements for enforcing the swing bridge prohibition of vehicles with North Yorkshire police's traffic bureau to include some mechanism by which RNLI volunteers providing proof of attending an emergency can have an enforcement against them annulled, to facilitate attending emergency incidents and that whatever is agreed is covered by the provisions of the ETRO.
- 9.3 In accordance with section 10 of the 1984 Act the ETRO to include a provision empowering the Corporate Director BES or a person authorised by him to modify or suspend the ETRO in circumstances as set out in section 5.5

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Background documents: None