

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Highways Operations
Date:	29 July 2021
Title:	Bus Gate East Anton Andover
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to seek approval for the proposed bus gate in East Anton, in fulfilment of the planning consent for the East Anton development. The main spine road through the estate is designed to prohibit general traffic from passing through the middle section by the school, with access to this length restricted to buses and cyclists only.

Recommendations

2. That the Executive Member for Highways Operations approves the installation of a Bus Gate at East Anton in accordance with the approved development, to be managed and enforced via an ANPR camera system.
3. That authority is delegated to the Director of Economy, Transport and Environment to make the necessary arrangements, including confirmation of Traffic Regulation Orders and entering contractual and Legal agreements in consultation with the Head of Legal Services, to implement the scheme.

Executive Summary

4. This report seeks authority to implement an Automatic Number Plate recognition (ANPR) enforced Bus Gate in fulfilment of a planning consent condition on development in East Anton. The scheme will enable the completion of the infrastructure for this estate and forms a vital part of the Traffic Impact assessment agreed at the time. The S106 Agreement supporting this consent includes an obligation to contribute towards a bus only restriction at this location.
5. The bus priority measures will ensure the continued delivery of key services by the local operator. Without this facility, the bus company will be unable to deliver a viable service which could lead to significant financial support being required by the council.
6. It is proposed to fund the scheme via relevant S106 contributions collected from developments in the vicinity.

Background

7. The East Anton development comprises approximately 2500 new dwellings delivered by a consortium of developers over recent years. The masterplan for the site includes a spine road with the middle section restricted to buses and cyclists only. This section includes a primary school on one side and community shops on the other.
8. The provision of a bus gate is a condition of the East Anton Development Planning Consent, and this report outlines a scheme for its delivery.
9. Options to establish the bus only restriction have been considered, including automatic rising bollards and signing only. These have been discounted as too expensive to maintain or too open to abuse.
10. The spine road has been constructed and used by traffic for several years, with adoption taking place in sections as adjacent developments are finished.
11. The middle section is currently closed to through traffic by temporary water filled barriers. It is proposed that these remain in place until the scheme is implemented, as it would be a safety hazard for all traffic to have unimpeded access through this section past the school and shops.
12. The local bus service cannot run as originally planned until the link is open for buses. This has created a problem for the bus operators. Unless the situation can be resolved in a timely manner, local services could be withdrawn.
13. The length of road will be subject to a Deed of Dedication for adoption by the council, and it is planned to have an operational enforcement scheme in place when the road is adopted. If this is not possible, then a Temporary Traffic Regulation Order may be necessary to keep the length closed until the ANPR enforcement is operational.
14. Vehicle restrictions are required at this location to provide a safe environment and an improved public realm for residents and school children. The restrictions will also provide real benefits for local bus operations, including journey time savings, reduced fuel consumption, and increased visibility within the development, ideally securing the financial viability of the service. There are also environmental and health benefits to be gained from its introduction in line with the recent Climate Emergency declaration.

Finance

15. The capital cost of the scheme is estimated as follows:

<u>Estimates</u>	<u>£,000</u>	<u>% of total</u>	<u>Funds available</u>	<u>£,000</u>
			Developer contributions	85
Design fee	6.4	7		
Project management Costs	6.4	7		
Supervision	3.2	4		
On site works	10	12		
Equipment costs	50	59		
Project contingency	9	11		
TOTAL	85	100		85

Maintenance Implications	£'000	& Variation to Committee's budget
Net increase in maintenance expenditure	11.0	0.010%
Capital Charges (Depreciation and notional interest charges)	8.0	0.005%

16. There is no precedent in Hampshire on which to base income projections on a scheme of this type to confirm whether operating costs will be covered from penalty charges generated. The expenditure projections are £11,000 per year. Any shortfall will be met from, and any surplus will be allocated to, appropriate Passenger Transport budgets.

Policy

17. The proposals meet the following objectives of the Strategic Plan:

- Hampshire maintains strong and sustainable economic growth and prosperity;
- People in Hampshire live safe, healthy, and independent lives; and
- People in Hampshire enjoy being part of strong, inclusive communities.

18. The proposals meet with many of the long-term strategies of the Local Transport Plan for Hampshire, mainly:

Main Priority 1: To support economic growth by ensuring the safety, soundness and efficiency of the transport network in Hampshire.

Main Priority 3: Manage traffic to maximise the efficiency of existing network capacity, improving journey time reliability and reducing emissions, thereby supporting the efficient and sustainable movement of people and goods;

Policy Objective 3: Promote, where they are stable and serve our other transport priorities, the installation of new transport technologies, including navigational aids, e-ticketing and smartcards, delivery of public transport information over the internet and on the move, and electric vehicle charging points.

Policy Objective 4: Work with bus and coach operators to grow bus travel, seek to remove barriers that prevent some people using buses where affordable and practical, and reduce dependence on the private car for journeys on inter- and intra-urban corridors

Policy Objective 12: Invest in sustainable transport measures, including walking and cycling infrastructure, principally in urban areas, to provide a healthy alternative to the car for local short journeys to work, local

services or schools; and work with health authorities to ensure that transport policy supports local ambitions for health and well-being.

19. The proposals are compatible with the Councils Climate Change Strategy 2020-25, in that they support the uptake of walking, cycling and public transport, and also influence and enable behaviour change and lifestyle choice, by providing visible priority to more sustainable transport modes in this modern residential area.
20. The proposals also meet the ETE Department Traffic Management Policy and Guidance TM5 "Hampshire County Council shall manage and restrict the movement of traffic as necessary in order to enhance safety, to improve traffic flow, or to protect the character/environment of an area".
21. The development and implementation of a system for bus lane enforcement, is an integral part of revisions to the enforcement service as approved in November 2017.
22. The DfT guidance and codes of practice will be followed. This will ensure that the camera system and enforcement are managed properly. There will be appropriate training and qualifications for camera operators and back-office staff, including GDPR. The Surveillance Camera Code of Conduct will be followed and the scheme will comply with data protection legislation and ICO guidance. A Data Protection Impact Assessment has been prepared for the project.
23. The Council is currently developing a new Local Transport Plan (LTP4) to meet current and future challenges, including those highlighted in the "Hampshire 2050" Vision and the declaration of a Climate Emergency. Through this process, the Council plans to use guiding principles to steer the development of the LTP.
24. The Government's Bus Back Strategy calls on all LTAs to provide more support to enable bus services to be quicker and more reliable.

Consultation and Equalities

25. The introduction of a bus gate at this location was an essential part of the Planning Permission for the site and as such was part of the consultation for the development.
26. There has been no specific consultation on this enforcement proposal beyond discussions with the local bus operator which is fully supportive of these essential measures to running a viable service. The operator will be able to run through journeys for the first time and will be able to offer an enhanced service, which will be marketed.
27. The principle of restricting this length to buses and cycles originates from the development masterplan and is integral to the planning approvals. The length has been closed since construction and there is no expectation of it being opened to all traffic.
28. The Traffic Regulation Order (TRO) required to implement the bus gate has been advertised and no objections received.

29. The Local member, District Council and other interested parties will be advised before the enforcement scheme commences. There will be a period during which warning letters will be issued before formal penalty charge notices are issued to motorists.
30. The proposals have been equality assessed and no impacts on protected groups have been identified. The scheme will, however, improve the environment near the school and community shops, thus benefitting all residents.
31. The scheme does have a positive impact on poverty and accessibility by ensuring that public transport has a positive advantage over other vehicle travel modes and ensures that everyone on the estate has access to a reliable and frequent bus service.

Climate Change Impact Assessments

32. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation

33. The ANPR bus gate includes electronic equipment on the highway for enforcement purposes. This equipment is constructed to DfT approved standards and is robust. The systems will be regularly maintained. Communication of the pictures to the back office will be via mobile data communications. The equipment is expected to operate in all weather conditions although there may be some loss of performance in extreme conditions

Carbon Mitigation

34. The carbon mitigation tool was not considered applicable as the bus gate will only allow permitted vehicles to use the restricted length. General traffic will access the estate from either end as it does at present with the link currently closed.

Statutory Procedures

35. This enforcement proposal is subject to the introduction of a Traffic Regulation Order (TRO) which has been initiated and will be confirmed if this report is approved.
36. The powers to enforce bus lanes and bus gates is in the power to enforce bus lane contraventions under section 144(3)(b) of the Transport Act 2000 and Schedule 8 of the Traffic Management Act 2004. The County Council is an enforcing authority by virtue of The Bus Lane Contraventions (Approved Local

Authorities) (England) (Amendment) and Civil Enforcement of Parking Contraventions Designation Order 2012.

37. The Bus Lanes (Approved Devices) (England) Order 2005 provides information as to the equipment which can be used for enforcement, as specified within Schedule 1, which supersedes the Transport Act 2000 provisions.
38. The DfT guidance and codes of practice will be followed. This will ensure that the camera system and enforcement are managed properly. There will be appropriate training and qualifications for camera operators and back-office staff, including GDPR. The Surveillance Camera Code of Conduct will be followed and the scheme will comply with data protection legislation and ICO guidance. A Data Protection Impact Assessment has been prepared for the project.

Maintenance Implications

39. The ANPR camera equipment and back-office system will be subject to a maintenance contract to ensure reliable enforcement activity.
40. The traffic signs and road markings on site are essential to maintaining successful enforcement activities. Any defects may result in appeals and fines being cancelled.
41. If attention to these is required outside of existing highway maintenance standards, the ANPR annual revenue allocation includes an allowance to cover this.

Land requirements

42. All aspects of the scheme are within the existing highway or land that will shortly become highway through a Deed of Dedication (DoD) with the developers. The draft DoD is with the developer's solicitors and it is intended that it will be completed and the road adopted when the ANPR scheme is ready to commence.
43. The existing adopted spine road abuts this length on one side establishing the necessary highway link. The spine road on the other side will be adopted in future phases of the development.

Conclusions

44. This ANPR Bus gate will be the first of its kind implemented by the council. This will meet the obligations of the planning consent for the development and help provide a viable local bus service

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Countywide Civil Parking Enforcement Services	<u>Date</u> 14 Nov 2017
Direct links to specific legislation or Government Directives	
<u>Title</u> Transport Act 2000 (legislation.gov.uk) Traffic Management Act 2004 (legislation.gov.uk) The Bus Lanes (Approved Devices) (England) Order 2005 (legislation.gov.uk)	<u>Date</u> 30/11/2000 22/7/2004 28/9/2005

Section 100 D - Local Government Act 1972 - background documents

<u>Document</u>	<u>Location</u>
East Anton Bus Gate ANPR Data Protection Impact Assessment	Hampshire County Council

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

2.1 The proposals have been equality assessed and no impacts on protected groups have been identified. The scheme will, however, improve the environment near the school and community shops, thus benefitting all residents.

2.2 The scheme does have a positive impact on poverty and accessibility by ensuring that public transport has a positive advantage over other vehicle travel modes and ensures that everyone on the estate has access to a reliable and frequent bus service.