

Cabinet Member

17th February 2021

Name of Cabinet Members:

Cabinet Member for City Services – Councillor Hetherton

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

City-wide

Title:

Ultra-Low Emission Vehicles (ULEV) Taxi Infrastructure Scheme – Binley Road, Experimental Traffic Regulation Order Objections

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Is this a key decision?

No – Although the matters within the report affect a number of wards in the city, it is not anticipated that the impact will be significant.

Executive Summary:

Coventry is at the cutting edge of the automotive industry and a leader in innovation. Electric vehicles lie at the heart of this development and following a successful bid, there is the opportunity to promote a move towards electric taxis.

The Office for Zero Emission Vehicles (OZEV) made £500m available to grow the market for ultra-low emission vehicles (ULEVs) from 2015-20 and offered grants to support the wider use of electric and hybrid vehicles. Coventry City Council submitted a bid to OLEV in December 2016 and were successful in securing £1.2m funding in March 2017 to install 39 rapid charging point for taxis and private hire cars in the city.

The priority of the project has been to encourage existing taxi drivers to purchase an electric taxi by establishing an accessible network of charging infrastructure within the City for use by electric taxis.

The City Council has installed 39 rapid chargepoints city wide. Two rapid chargepoints have been installed on Binley Road and to ensure a turnover of use, parking is restricted to 1-hour maximum stay. An Experimental Traffic Regulation Order (ETRO) was introduced to restrict the parking. This was advertised on 19th March 2020 and came into operation on 27th March. Two (2) objections have been received to the ETRO. The objections are detailed in Appendix B.

In accordance with the City Council's procedure for dealing with objections to ETRO's, they are reported to the Cabinet Member for City Services for a decision as to how to proceed.

Recommendations:

It is recommended that the Cabinet Member for City Services:

1. Considers the objections received to the City of Coventry (Binley Road) (Electric Charging Places) (Experimental) Order 2020
2. Subject to recommendation 1, approve the making permanent of the City of Coventry (Binley Road) (Electric Charging Places) Order 2020.
3. Note - the issues raised in objection two (2) are general in nature and relates to outside of the parking bays and the advertised restrictions and endorse that if they are raised in the future, they are not considered again.

List of Appendices included:

Appendix A –Experimental Traffic Regulation Order – Schedule of restrictions

Appendix B – List of objection and recommendation

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Ultra-Low Emission Vehicles (ULEV) Taxi Infrastructure Scheme – Binley Road
Experimental Traffic Regulation Order Objections

1. Context (or background)

- 1.1. The Office for Low Emission Vehicles (OLEV) is a cross Government, industry endorsed team to promote the uptake of ultra-low emission vehicles (ULEV). In 2013 the Government made £500m available to support ULEV in the 2015-2020 period.
- 1.2. Coventry is a dynamic and rapidly growing city and a rapidly emerging centre for cutting edge automotive development and innovation. Coventry City Council submitted a bid to OLEV for funding to help prepare the City with the infrastructure required for the Government's ultra-low emission strategy published in 2013. This bid was successful resulting in the award of £1.2m grant funding for the installation of 39 rapid charging points for taxis and private hire cars in the city.
- 1.3. The whole of Coventry was declared an Air Quality Management Area in 2009 because of high levels of Nitrogen Oxide (NO₂) and more recently the Government's 'UK Plan for Tackling Roadside Nitrogen Oxide Concentrations' document issued in July 2017 identified Coventry as a city where NO₂ exceedance is expected to continue beyond 2020. The City Council Cabinet approved the local air quality action plan in July 2020 to address this.
- 1.4. Diesel vehicles, especially the older diesel vehicles which characterise Coventry's taxi fleet, are a major source of NO₂ so the adoption of ULEV taxi and private hire vehicles would represent a clear public health benefit for those who live or work in the city. This project should be seen as part of a wider strategy to promote electric vehicles.
- 1.5. While the charging points installed are specifically for taxis, the Council has aspired for the charging points to also be available for use by private electric cars. This works on the basis that taxi charging gets priority and a booking system is now in place to facilitate this.
- 1.6. Thirty-nine (39) chargepoints have been installed city wide. The locations where these rapid chargepoints have been installed, have a parking restriction only permitting electric vehicles, whilst charging, to stay for 1 hour with no return within 2 hours. They have been installed using ETROs to enable monitoring of the situation/any problems that may arise.
- 1.7. Where the chargepoints have been in the vicinity of residential, retail, or commercial properties, localised consultation has been carried out and where necessary, consent has been sought from adjacent properties.

2. Options considered and recommended proposal

- 2.1. In response to the objections received the options considered are:
 - i) make the ETRO permanent
 - ii) remove the restrictions and parking bays
- 2.2. The recommended proposal is to keep the parking bays and the restriction and make the ETRO permanent

3. Results of consultation undertaken

- 3.1. The locations were identified by Taxi drivers during the bid process. There are no adjoining properties in the immediate vicinity of the installed rapid chargepoints.
- 3.2. The Experimental TRO was advertised in the Coventry Telegraph on 19th March 2020, and notices were also placed on street. The ETRO became operational on 27th March 2020 which commenced a six months objection period. Two objections were received.

4. Timetable for implementing this decision

- 4.1. Subject to approval, it is proposed to make the Binley Road ETRO permanent in April 2021.

5. Comments from Director of Finance and the Director of Law and Governance

5.1. Financial implications

The cost of advertising the making permanent of the ETRO, if approved, will be funded from Highways and Transportation ITB funds (Integrated Transport Budget).

5.2. Legal implications

The Road Traffic Regulation Act 1984 allows the Council to make an ETRO on various grounds for example improving safety, improving traffic flow and preserving or improving the amenities of an area provided it has given due **consideration** to the effect of such an order to monitor and allow members of public to object over a six-month period..

6. Other implications

6.1. How will this contribute to achievement of the Council Plan?

It is considered that the proposals support the Council Plan objective to create an attractive, greener city by making it easier for people to use electric vehicles within the city, thereby reducing vehicle emissions, improving the environment and tackling climate change, and supporting the delivery of the Local Air Quality Action Plan for Coventry.

6.2. How is risk being managed?

Risk is being managed through the project governance.

6.3. What is the impact on the organisation?

None

6.4. Equalities / EIA

No equality impact assessments have been undertaken. However, it is not expected that implementation of this proposal will have any adverse impact and these chargepoints will be accessible to Electric hackney carriages and other electric vehicles.

6.5. Implications for (or impact on) Climate Change and the Environment

The intention of implementing these chargepoints is that once they are installed and operational, residents will have confidence to purchase or lease electric cars as they will be able to charge near their homes. And once the electric vehicle uptake is accelerated, the (anticipated) reduced levels of CO₂ and NO₂ emissions should result in improvements to local air quality. This would support the Coventry Local Air Quality Plan which was approved by the Council's Cabinet in July 2020.

6.6. Implications for partner organisations?

None.

Report author(s)

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Appendix A

Schedule

Length of Road in the City of Coventry	Restriction	Side of road
Binley Road From a point 100 metres west of the western projected kerb line of Brays Lane for a distance of 13 metres in a westerly direction.	Electric vehicle charging place, waiting limited to 1 hour no return within 2 hours	North

Appendix B Summary of Objections and Responses

Objection No	Summary of Objection	Comments
1	<p>The objector advises that they believed the conservation area around Binley Road was a VERY protected area and as such should not have been allocated as a charge point. The objector believes that it is inappropriate and possibly illegal to install the rapid chargers at this location, but also recognizes the need for such infra-structure, however does not feel that this is the right place.</p> <p>1) The use of the word experimental seems very tongue in cheek ... the infra-structure required to support the charging point neither makes it experimental nor temporary (as the word experimental suggests)</p> <p>2) The fixture is a blot on the Conservation area landscape, when not in use and more so as a real eyesore when the parking bay in use. Since when has change to the conservation area been allowed without full planning.</p> <p>3) There are enough hazards for cyclists along this section of the road with out the potential of electric car drivers opening doors into the path of cyclists. Avoiding such a manoeuvre is likely to cause passing cyclists to move dangerously into the flow of traffic.</p> <p>4) The fixture is at some distance from the shops or other warmer places to wait during charging.</p>	<p>Advice has been sought from the Planning and Enforcement Officer of the City Council who has confirmed that planning permission is not required to install the rapid chargepoints on the Binley Road footway under the following act:</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) indicates at Schedule 2 Part 12 Class A 'Development by Local Authorities' that the following works are considered as 'permitted development' (planning permission is not required) subject to compliance with the limitations:</p> <p>A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—</p> <p>(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;</p> <p>(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.</p>

	<p>The objector wishes for the Conservation Area to be returned to its previous state</p>	<p>Interpretation of Class A A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.</p> <p>And as the electric vehicle charging points do not exceed 4m in height or 200 cubic metres in capacity the works comply with the above legislation and therefore planning permission is not required. These permitted development rights are unaffected by the Conservation Area location of the site.</p> <ol style="list-style-type: none">1) The 'Experimental' in the TRO is in relation to the restrictions of '1 hour no return within 2 hours' and not the chargepoints.2) As the electric vehicle charging points do not exceed 4m in height or 200 cubic metres in capacity, the works complies with 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) indicates at Schedule 2 Part 12 Class A 'Development by Local Authorities' that the following works are considered as 'permitted development' (planning permission is not required) subject to compliance with the limitations, and therefore planning permission is not required. These permitted development rights are unaffected by the Conservation Area location of the site.3) The new cycle lane proposed on Binley Road is due to be installed behind the parking bays.4) Again, the new cycle lane proposals on Binley Road have plans to reconfigure the area around the retail shops as mentioned by the objector on Binley Road.
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2	<p>The objector advises that they object to the creation of more car parking spaces, together with the false assumption that electric cars will significantly reduce carbon output. Whilst they may reduce local air pollution, they still require significant levels of raw materials for both manufacture and for their use, particularly in terms of the batteries themselves</p>	<p>The 'false assumption that electric cars will significantly reduce carbon out put' statement is the objectors' opinion. It is evidenced that electric cars will reduce carbon out-puts and the City Council needs to address the local air pollution, hence the move towards promoting electric cars. The following articles sheds further clarity on this point: https://futurism.com/the-byte/electric-cars-dont-hurt-environmnet or https://www.forbes.com/sites/mikescott/2020/03/30/yes-electric-cars-are-cleaner-even-when-the-power-comes-from-coal/#36dedab62320The</p>
	<p>The objector feels concerned that the city is continuing to install charge points on pavements, and in locations where cycle paths are necessary advising 'This is a very clear breach of the council's duties under the Equality Act 2010 - something that the council continues to ignore, despite knowing full well that it is breaking the law in doing so'. Meanwhile, as the council is fully aware, walking and cycling are genuinely zero emissions modes of transport, whilst bus travel is also far greener than car travel, on account of many more people travelling on each bus.</p>	<p>The parking restriction order does not have any bearings on Equality Act 2010. A minimum unobstructed width of 1.8m or more is achieved on all the footways where these rapid chargepoints have been installed and specifically on Binley Road footway charging bollards have been installed. There is space on the footway for wheelchair uses and parents with prams. As Cyclists are not a protected group under the Equality Act 2010, it is not clear to which of the nine protected characteristics defined in the Equality Act 2010 the objector is referring to and therefore how the City Council is breaching and breaking the law. The City Council shares the objectors' ambition to create a network of safe walking and cycling routes. However, promoting more walking/cycling and encouraging motorists to switch to electric vehicles are not mutually exclusive. The City Council has secured funding to develop a cycle route along the Binley Road. Detailed design of the cycle route includes the section in the vicinity of the charging points</p>
	<p>The station area itself is already a toxic traffic sewer - something which will only get worse when the new car park opens - yet scant consideration has been given in respect of pedestrian safety, and the council is knowingly breaching DfT guidelines by installing yet another dangerous and inappropriate "shared" junction.</p>	<p>Objectors comments around the station area has been to the Project Manager for this project.</p>

	<p>Given the current concerns over Corona Virus, the city also needs to ensure that it is resilient for not just a low carbon future, but for one where individual movements may need to be restricted for long periods.</p>	<p>The City Council is working hard to deliver vital & critical services to community and citizens in these trying times.</p>
	<p>The only way to ensure this is to provide a safe network for walking and cycling on every road in the city - something that this council has spectacularly failed to do in recent years Now is not the time to be installing more charge points</p>	<p>Again, the City Council shares the objectors' ambition to create a network of safe walking and cycling routes. However, promoting more walking/cycling and encouraging motorists to switch to electric vehicles are not mutually exclusive.</p> <p>Experimental Traffic regulation Order (ETRO) is explicitly in relation to the restriction proposed for the two parking bays associated with the electric vehicle rapid charging bays on Binley Road. All the points raised by the objector are being addressed through the relevant service areas by investigating and developing concept and designs relating to the wider cycling and parking projects.</p>