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Cabinet Member for City Services

7<sup>th</sup> March 2022

**Name of Cabinet Member:**

Cabinet Member for City Services – Councillor P Hetherton

**Director Approving Submission of the report:**

Director of Transportation and Highways

**Ward(s) affected:**

Whoberley, Sherbourne, St Michaels

**Title:**

Air Quality - Proposed Junction 7 Subway Closure and Application to Stop Up Highway

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**Is this a key decision?**

No – Although the matter affects three wards in the City, it is not anticipated that the impact will be significant

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**Executive Summary:**

Air pollution is having a harmful impact on the health of people living, working and studying in Coventry.

Like many towns and cities throughout the UK, roadside pollution levels, especially those resulting from Nitrogen Dioxide (NO<sub>2</sub>) emissions from traffic, are a concern. The Council have been told by Government to reduce NO<sub>2</sub> levels, especially on Holyhead Road where the levels are the highest in the city. If we cannot improve air quality the government will force us to introduce a charging zone.

The Council has developed a Local Air Quality Action Plan which we consulted on between March and May 2020. This plan includes work to reduce traffic on Holyhead Road and to direct traffic through a widened Spon End. To do this we will make changes to three areas around Holyhead Road, including Spon End and Junction 7.

To facilitate the changes at Junction 7, it is necessary to close and infill the adjacent existing subways. One of the existing subways is designated as highway (shown on the plan in Appendix B), therefore it is proposed Stop Up this subway. The subway currently provides a route for pedestrians from Croft Road to Butts Road, beneath the Junction 7 / Moat Street car park traffic island.

Upon completion of the proposed works, the re-aligned Junction 7 will accommodate pedestrian access between Butts Road and Croft Road via new footways.

- The Council held a public consultation between 17<sup>th</sup> November and 15<sup>th</sup> December 2021

regarding the detail of the latest Air Quality proposals. 269 people completed the online questionnaire, 2,200 viewed the web page with 864 downloading associated documentation. 19 people emailed the air quality inbox to request further information or give feedback and 39 people attended a drop-in session. There was a mixture of views on the closure of the subways with some expressing concern at their closure, while others highlighted safety concerns with the subways and welcomed the closures.

This report is seeking approval of the closure and Stopping Up of the subway.

**Recommendations:**

The Cabinet Member for City Services is recommended to:

- 1) Approve the permanent closure and infilling of the subway.
- 2) Subject to the approval of recommendation 1 above, approve that officers commence the legal process to Stop Up the subway as identified in Appendix B to the report in accordance with the provisions of sections 116 of the Highways Act 1980.
- 3) Approve that an application be made to the Magistrates' Court for an Order stopping up the highway as identified on plan in Appendix B to the report.
- 4) Delegate authority to the Director of Highways and Transportation, following consultation with the Director of Law and Governance and the Chief Operating Officer (Section 151 Officer), to execute all necessary agreements and orders necessary to give effect to the recommendations set out in this report.

**List of Appendices included:**

A – Phases B General Arrangement drawing and Subway Infilling  
B – Location plan

**Background papers:**

None

**Other useful documents**

Environment Act 1995 (Coventry City Council) Air Quality Direction 2021

Coventry Local Air Quality Action Plan, CCC Cabinet Report, 21<sup>st</sup> July 2020

**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:** Air Quality - Proposed Junction 7 Subway Closure and Application to Stop Up Highway

**1. Context (or background)**

- 1.1 On 12<sup>th</sup> February 2020, the Council received a Ministerial Direction under the Environment Act 1995 to implement the local plan for NO<sub>2</sub> compliance for Coventry. This local plan comprises a package of measures to achieve NO<sub>2</sub> compliance within the legal threshold in the shortest time possible and no later than 2021. The Council received an updated Ministerial Direction dated 19<sup>th</sup> May 2021 following submission by the Council of the Final Business Case.
- 1.2 The Council held a public consultation between Wednesday 17<sup>th</sup> November and Wednesday 15<sup>th</sup> December 2021 which included information about pedestrian access at Junction 7 upon completion of the proposals.
- 1.3 Poor air quality is a major public health burden and is the fourth largest risk to public health in the UK behind cancer, obesity and cardiovascular disease. Local Authorities have a statutory role in assessing and improving local air quality. The effect of a range of interventions to improve air quality has greater potential to reduce the associated burden of disease than any one intervention alone, and the Council's Local Air Quality Action Plan proposes a package of measures. Improvements at Spon End are part of the interventions within this package.
- 1.4 Public Health England recommends addressing air pollution by providing good quality infrastructure to encourage people to walk and cycle rather than drive. This can mean reallocation of road space to support walking and cycling and restricting vehicle access.
- 1.5 Motor traffic is the main deterrent to cycling for many people and fear for their safety is consistently the number one stated reason given in surveys as to why they do not cycle. Providing protected space for cycling has resulted in huge increases of cyclists on routes in London, Manchester and other major cities and is the basis for high cycling numbers in places such as the Netherlands, Denmark and Germany.

**2. Options considered and recommended proposal**

- 2.1 The Council is under a legal Ministerial Direction to implement the package of measures comprising the LAQAP, including the improvement through Spon End and Junction 7. As part of the public consultation on the detail of the scheme in November/December 2021, a series of face-to-face meetings were held with the public. Additional meetings were held with special interest groups such as residents' associations, schools and businesses.
- 2.2 No changes have been made in respect of the Stopping Up following the consultation.
- 2.3 The Cabinet Member for City Services is recommended to approve the post-consultation scheme in relation to closure of the subway. The scheme details are shown in Appendix A.

**3. Results of consultation undertaken**

- 3.1 The consultation period commenced with the delivery of a 'Street News' leaflet to approximately 5,700 properties along the corridor of the route. This provided details of the scheme and gave a web address to visit to view the detailed plans, along with a phone number and email address to call or write to provide comments and ask questions. The webpage had a pdf download showing the detailed annotated proposals along the route

and a discussion forum to comment and discuss the proposals. There was also a map that allowed comments to be easily provided in relation to different sections of the route.

- 3.2 269 people completed the online questionnaire, 2,200 viewed the web page with 864 downloading associated documentation. 19 people emailed the air quality inbox to request further information or give feedback and 39 people attended a drop in session to discuss the proposals with Council officers.
- 3.3 Three petitions were received relating to the proposals. Two of these concerned the Allesley Old Road area, while the third concerned Upper Hill Street.
- 3.4 Most of the respondents to the online survey were residents that live near one of the three schemes.

#### **4. Timetable for implementing this decision**

- 4.1 Subject to the approval of this report, the closure of the subway will be undertaken following the advertisement of the public notice and the expiry of the minimum 21 day notice period.
- 4.2 The timetable for implementation of the AQ scheme is expected to take place between Spring 2022 and Winter 2023.
- 4.3 Subject to the recommendation in this report being approved the application to Magistrates' Court will be made as soon as is practicable.

#### **5. Comments from the Chief Operating Officer (Section 151 Officer) and the Director of Law and Governance**

##### **5.1 Financial implications**

The Air Quality programme is fully funded from the Air Quality Implementation Fund grant of £25.447 million already received by the City Council from Central Government. This grant is for the delivery of the Local Air Quality Action Plan as approved by the Council's Cabinet on 21<sup>st</sup> July 2020, which includes the provision of shared use facilities from Spon End to Croft Road. The changes to the scheme design that respond to the consultation do not affect the budget required to deliver the scheme. There are therefore no additional financial implications for the Council arising from the recommendations of this report.

##### **5.2 Legal implications**

The recommendation in this report and all subsequent actions are provided for in the Highways Act 1980. Section 116 of the Act provides the power for a highway authority to apply to the Magistrates' Court for an order stopping up a highway, or part of a highway. In order to apply to the Magistrates for a Stopping Up Order, the highway must fall into one of the following categories; (1) it is unnecessary, or (2) it can be diverted so as to make it nearer or more commodious to the public. In this case, the new footway at Junction 7 will make access between Croft Road and Butts Road more commodious.

Legal services will be required to take the necessary steps to seek the stopping up Order. This includes advertising the application in the press, serving notices on various parties and making a formal application to the Magistrates' Court.

## **6. Other implications**

### **6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

These proposals support the Council's core aims, as set out in the Council Plan, by:

- improving the health and wellbeing by improving air quality through the reduction in traffic generated emissions.
- creating an attractive, cleaner and greener city by providing improved cycle routes and better public realm on key routes into the City, and;
- making the city more accessible for businesses, visitors and local people through increasing mode choice.

### **6.2 How is risk being managed?**

There are inevitably a mixture of risks associated with such an infrastructure project. Some of the main risks are securing the statutory approvals to implement the scheme, the unknown effects on utility providers' apparatus once the ground is opened, the cost of construction increasing due to external market factors like material costs or plant hire costs, a prolonged bout of inclement weather would affect the programme for delivery and the ongoing impacts of the Covid 19 virus.

A dedicated scheme project manager and programme manager will control these risks on a day to day basis. The risks are overseen by the Air Quality Programme Board, which in turn reports into the Strategic Transport Board.

### **6.3 What is the impact on the organisation?**

There is no impact on the organisation, as all resources required to deliver the scheme will be funded through the Air Quality Implementation Fund grant received from Government.

### **6.4 Equality Impact Assessment (EIA)**

An Equality Impact Assessment has been prepared for the Local Air Quality Action Plan, of which this scheme forms part of the programme of works.

This identifies that the local plan scheme, by having a beneficial impact on air quality, will have a beneficial impact upon those groups of the community who are particularly vulnerable to respiratory disease, such as children and younger people, elderly people, disabled people, people from black and ethnic minority background, and women who are pregnant. The scheme improves the walking and cycling environment and improves access to economic and social opportunities for households without access to a car.

### **6.5 Implications for (or impact on) climate change and the environment**

None

### **6.6 Implications for partner organisations?**

The scheme will result in improved air quality and provide improved infrastructure for people to walk and cycle.

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Councillor P Hetheron	Cabinet Member for City Services	-	15/02/2022	24/02/2022

This report is published on the council's website: [www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

Showing the general arrangement of Junction 7 and infilling of the subway





Appendix B

Showing the location plan of the subway recommended to be stopped up.

