

# Birmingham City Council

## Report to Cabinet

23<sup>rd</sup> June 2020



**Subject:** Emergency Active Travel Fund  
**Report of:** Interim Director, Inclusive Growth  
**Relevant Cabinet Members:** Councillor Waseem Zaffar - Transport and Environment  
Councillor Tristan Chatfield - Finance and Resources

**Relevant O & S Chairs:** Councillor Liz Clements – Sustainability and Transport  
Councillor Sir Albert Bore – Resources

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007730/2002		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential: Not applicable		

### 1 Executive Summary

- 1.1 On the 9<sup>th</sup> May 2020, The Secretary of State for Transport announced a £2 billion funding package to support active travel to help the country emerge from the coronavirus crisis, of which £225 million is for swift, emergency interventions to make cycling and walking safer.
- 1.2 The Emergency Birmingham Transport Plan (EBPT) was authorised by the Interim Director, Inclusive Growth on 11<sup>th</sup> May 2020, in accordance with the Emergency Powers in Part E3 of the Constitution and was published on 14<sup>th</sup> May 2020, it was then approved through a Cabinet Member report on 10<sup>th</sup> June 2020. The EBPT (provided as Appendix A to this report) sets out the short, medium and longer-term

actions Birmingham can take to enable a low carbon, clean air recovery from COVID-19, in accordance with section 7.2 of this report.

- 1.3 On 27<sup>th</sup> May 2020 the Department for Transport announced that the £225 million allocated to combined and local authorities will be released in two phases. The first tranche of £45 million will be released as soon as possible so that some measures can be implemented immediately. This initial tranche of funding is to promote cycling as a replacement for journeys previously made by public transport. Measures such as closing roads to through traffic and installing segregated cycle lanes will be supported. The second tranche of £180 million will be released later in the summer. West Midlands Combined Authority's (WMCA) provisional allocation of the first tranche of funding is £3.447 million of which £1.034 million is allocated to Birmingham. WMCA's provisional allocation for tranche 2 is £13.787 million of which circa £4.136 million could be allocated to Birmingham.
- 1.4 Schemes to be funded under the first tranche of Emergency Active Travel Fund (EATF) must commence delivery within four weeks of receipt of the funding by WMCA, and complete delivery within eight weeks of receipt of the funding. This report puts in place appropriate governance and expenditure approvals to ensure that these requirements are met to the benefit of Birmingham residents in respect of a low carbon recovery from COVID-19.
- 1.5 Given the extremely testing timescales, schemes to be delivered using the first tranche of active travel funding have been taken from the EBTP, these schemes are set out in Appendix B. Prioritisation for inclusion follows stakeholder and public engagement, alongside officer assessment of the practicalities and benefits of their delivery. Schemes to be delivered through tranche two will be prioritised using similar criteria.

## **2 Recommendations**

- 2.1 Notes that a bid for £1.034m of tranche 1 EATF resources was approved on 5<sup>th</sup> June 2020 by the Interim Director, Inclusive Growth under emergency powers, as set out in Part E3 of the Councils Constitution.
- 2.2 Approves, in the event of a successful bid, acceptance of tranche 1 Government EATF grant via the WMCA, estimated to be £1.034m (£0.842m capital and £0.192m revenue), to deliver the schemes identified from the approved EBTP included within Appendix B of this report.
- 2.3 Approves, in the event of a successful bid, the addition of the schemes set out in Appendix B of this report to Annex F of the approved Transport and Highways Capital Programme (THCP) 2020/21 to 2025/26 within a new sub-programme 'Emergency Birmingham Transport Response' and the schemes being subject to the delegations therein (as set out in Appendix E), noting that where required to meet DfT delivery timescales, schemes will be approved using emergency powers in accordance with the Emergency Powers set out in Part E3 of the Council's Constitution.

- 2.4 Approves a virement of £0.500m from residual Birmingham Cycle Revolution resources held within the Council's Cycling and Walking sub-programme of the THCP to the new Emergency Birmingham Transport Response sub-programme of the THCP, to provide a local match funding contribution towards the overall bid package.
- 2.5 Authorises the Interim City Solicitor to negotiate, execute, seal and complete all necessary documentation to give effect to the above recommendations.

### **3 Background**

#### **Emergency Birmingham Transport Plan**

- 3.1 The Council recently published a draft Birmingham Transport Plan (BTP) (January 2020), setting out what the city needs to do differently to meet the demands of the future. At the heart of the plan are the challenges facing the city and the world around air quality, climate change and local congestion, and the opportunities of city growth, investment in public transport and the Commonwealth Games 2022. By re-imagining our transport system and its priorities, we aim to change people's behaviour so that active travel is the first choice for people making short journeys, and high-quality public transport is the go-to choice for longer trips.
- 3.2 Towards the end of the public consultation on that plan, the country was placed in lockdown to reduce the spread of the novel coronavirus COVID-19. As a result, travel patterns were transformed overnight with traffic down to a third of usual levels. These dramatic changes led to a reduction in air pollution, with NO<sub>2</sub> levels falling within legal limits at key monitoring stations. At the same time, people started walking and cycling more, exploring their local area during their daily permitted exercise.
- 3.3 On 9<sup>th</sup> May 2020, the Secretary of State for Transport announced a £2 billion package to support active travel to help the country emerge from the coronavirus crisis, of which £250 million is for swift, emergency interventions to make cycling and walking safer. On 11<sup>th</sup> May 2020, the Government published a national COVID-19 recovery strategy, setting out the conditions for easing lockdown and the steps that will be taken in England to enable more activities to take place whilst continuing to control the spread of COVID-19.
- 3.4 The EBTP (see Appendix A) published on 14<sup>th</sup> May 2020, sets out the short, medium and longer-term actions Birmingham can take to enable a low carbon, clean air recovery from COVID-19 and is clear that measures should be consistent with existing draft and adopted policy (including the Walking and Cycling Strategy and Local Investment Plan) and continue to address the challenges and opportunities already identified. In particular, climate change and air quality continue to be viewed as emergencies as much as or more than the COVID-19 pandemic, and any solutions to COVID-19 must not come at the expense of these two important issues.

3.5 This EBTP does not replace a full Birmingham Transport Plan 2031, which will be published later in 2020. The vision and big moves of the draft BTP were generally well received throughout the consultation, and the EBTP retains the vision of the draft BTP, with some additions, highlighted below:

- The vision for Birmingham's transport is for a sustainable, green, inclusive, go-anywhere network **and for a low carbon, clean air recovery from COVID-19 lockdown.**
- Safe and healthy environments **support stronger communities** and will make active travel – walking and cycling – the first choice for people making short journeys.
- A fully integrated, high quality public transport system will be the go-to choice for longer trips. **In the short term, limited capacity on public transport will be offset by increased space for walking and cycling and by reduced travel overall.**
- A smart, innovative, carbon neutral and low emission network will support sustainable and inclusive economic **recovery and** growth, tackle climate change and promote the health and well-being of Birmingham's citizens.

3.6 Programmes and individual schemes will be bought forward in line with the four big moves outlined in the draft BTP:

- Reallocating road space,
- Transforming the city centre,
- Prioritising active travel in local neighbourhoods,
- Managing demand through parking measures.

New proposals announced in the EBTP to help achieve these big moves include:

- Assessing the key route network and other roads to identify where there are opportunities to convert space to support walking, cycling or public transport.
- Reallocating road space for cycle lanes, the first of which will link the city centre to City Hospital via the Jewellery Quarter.
- Accelerating roll-out of the traffic cells initiative in the city centre and delivery of a street-space rationalisation programme across key areas.
- Introducing active, low traffic neighbourhoods to Birmingham, with at least two areas identified to pilot this approach by the end of May 2020.
- Support packages for schools and businesses to encourage sustainable travel and enable safe social distancing.

3.7 The proposed actions for delivery are currently set out as high-level lists, with more detail to be added following completion of assessments and any prioritisation exercises. The deliverability of schemes will depend on funding, resources, the

outcome of further design work and, in the case of 20mph speed limits, on a change in legislation from the Department for Transport (DfT).

- 3.8 However, as a first step, this report seeks approval to accept funding from the DfT for urgent active travel measures as summarised in paragraphs 3.9-3.15.

### **Emergency Active Travel Funding**

- 3.9 On 9<sup>th</sup> May 2020 the Secretary of State for Transport announced that a range of active travel measures, which could include: pop-up bike lanes with protected space for cycling, wider pavements, and cycle and bus-only corridors, would be created in England within weeks as part of a £250 million EATF- the first stage of a £2 billion investment, (part of the £5 billion in new funding announced for cycling and buses in February 2020). Following unprecedented levels of walking and cycling across the UK during the pandemic, the plans will help to encourage more people to choose alternatives to public transport when they need to travel, making healthier habits easier to maintain and ensuring the road, bus and rail networks are ready to respond to future increases in demand.
- 3.10 On 27<sup>th</sup> May 2020 the Department for Transport informed local authorities that of the total EATF £250 million fund, £225 million will be provided directly to local transport authorities and London boroughs, while £25 million will help support cycle repair schemes.
- 3.11 The EATF £225 million allocated to combined and local authorities will be released in two phases. The first tranche of £45 million will be released as soon as possible so that work can begin at pace to deliver measures such as closing roads to through traffic and installing segregated cycle lanes. The funding should not be utilised for social distancing measures in public locations such as high streets. A separate government fund 'Reopening High Streets Safely' is to be utilised for such measures and is subject to separate governance. The second tranche of £180 million will be released later in the summer to create more permanent schemes.
- 3.12 The West Midlands Combined Authority area has been allocated £3.447 million of EATF tranche 1 funding, as well as a provisional allocation of £13.787 million of EATF tranche 2 funding. Tranche 2 funding will be subject to a further bid.
- 3.13 The Council's provisional allocation of the total WMCA allocation of £17.234 million is shown in table below.

	<b>Capital £m</b>	<b>Revenue £m</b>	<b>Total £m</b>
<b>Tranche 1 (Provisional)</b>	0.842	0.192	1.034
<b>Tranche 2 (Provisional)</b>	3.368	0.768	4.136
<b>Total</b>	4.210	0.960	5.170

- 3.14 Statutory guidance is now in place for Highway Authorities (including the City Council) to reallocate road space for significantly increased numbers of cyclists and pedestrians. In towns and cities, some streets could become bike and bus-only while others remain available for motorists. More side streets could be closed to through traffic, to create low-traffic neighbourhoods and remove rat runs while maintaining access for vehicles.
- 3.15 The Council has submitted 14 temporary schemes as part of the WMCA proposals for the region. If successful these schemes will be made permanent, utilising tranche 2 funding. Full detail of these schemes can be found in Appendix B, a summary of them is as follows;
- Transport space reallocation in Moseley and Stirchley local centres,
  - Low traffic neighbourhoods including Lozells and Kings Heath,
  - Pop-up cycle lanes along 7 routes across the city (consistent with routes identified in the Walking and Cycling Strategy and Infrastructure Improvement Plan).
  - Park & Pedal city-wide programme.
- 3.16 These schemes seek to create behaviour change within communities across the city and encourage residents to continue to walk and cycle post COVID-19 recovery. This is an opportunity to convert this modal shift into long term behaviour change that cannot be missed.
- 3.17 Schemes will be monitored, and their outcomes evaluated. For schemes which will be initially delivered as temporary measures this will allow necessary amendments to be made before the permanent solutions are installed.

### **Future Government Initiatives**

- 3.18 An updated Cycling and Walking Investment Strategy will be launched by the Prime Minister in summer 2020, with further measures to transform cycling and walking to deliver the government's aims to double cycling and increase walking by 2025 including:
- The creation of a national cycling and walking commissioner and inspectorate,
  - Higher standards for permanent infrastructure,

- Getting GPs to prescribe cycling and exercise,
- Creating a long-term budget for cycling and walking similar to what happens for roads,

3.19 The government will also be launching a campaign to encourage more people to look at alternative ways to travel, to walk or get on a bike for their commute instead of public transport.

3.20 An extra £10 million, double the current funding amount, is being committed to the on street residential charge point scheme which will allow local authorities to install up to 7,200 devices, making it more convenient to charge and own an electric vehicle.

3.21 The WMCA will be administering the EATF within the West Midlands and this report seeks approval to accept the funding from WMCA to deliver schemes within Birmingham.

#### **4 Options considered and Recommended Proposal**

4.1 **Option 1 – Do Nothing:** The alternative option to implementing recommendations 2.1 to 2.6 would hamper the city's recovery from COVID-19 and would be contrary to the ambition to increase walking and cycling as safe and healthy modes as set out within the EBTP and draft BTP (paragraph 3.3 of this report).

4.2 **Option 2 - Accept the Emergency Active Travel Funding:** This would help the city's recovery from COVID-19 and would help deliver the Big Moves within the EBTP and draft BTP. It is therefore recommended to proceed with this option.

#### **5 Consultation**

5.1 The emergency nature of the infrastructure schemes will mean changes to the way in which the Council usually consults with stakeholders and the public. These changes were set out in the EBPT. The Council will ensure that stakeholders and the public are kept informed of the work it is doing and the reasons for it but will not be able to carry out extensive consultation prior to implementation. Instead, comments will be invited once measures are in place and operational and engagement will take place with local people to determine how it is working for them and if it is achieving the intended aims. This ongoing dialogue with stakeholders and communities will help to inform future scheme development and whether measures evolve or become permanent fixtures.

5.2 Given the extremely testing timescales, schemes to be delivered using the first tranche of active travel funding have been taken from the EBTP. Prioritisation for inclusion follows stakeholder and public engagement, alongside officer assessment of the practicalities and benefits of their delivery. Schemes to be delivered through tranche two will be prioritised using similar criteria and reported to Cabinet separately later in the summer.

- 5.3 Due to the nature of this report's subject and the need to act quickly to deliver the Emergency Active Travel Fund, this report was added to the Cabinet forward plan at short notice. This was cleared with the chair of the Sustainability and Transport Overview and Scrutiny Committee on 4<sup>th</sup> June 2020.

## **6 Risk Management**

- 6.1 A risk register is included at Appendix C, key risks are as follows, to mitigate these risks the scheme packages will be discussed with senior members and the risks will be managed by senior Transportation and Highways officers in conjunction with the relevant portfolio holders:
- Opposition to schemes including objections and legal challenge to Traffic Regulation Orders.
  - Risk of insufficient take up of active travel measures and consequent increased road traffic levels and demands on public transport capacity.
  - A significant shortage of consultant and contractor resources in the marketplace could impact upon programme delivery and increase scheme costs.
  - Failure to deliver tranche 1 schemes could result in clawback of funding through a reduction in tranche 2 funding from the DfT.
  - Schemes could also fail in their goal to assist the city in recovering from COVID-19.

## **7 Compliance Issues**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

- 7.1.1 The proposals align with policy objectives in the Council's Plan 2018-2022 (as updated in 2019), the Birmingham Development Plan, the Draft Birmingham Transport Plan 2020, Birmingham Connected, the Health and Wellbeing Strategy, the West Midlands Strategic Transport Plan "Movement for Growth" and Clean Air/Climate Change Emergency agenda, as well as the Council's emerging Economic Recovery Plan.
- 7.1.2 The proposals set out in this report will support the City Council's actions to improve air quality, by encouraging greater use of active travel modes.
- 7.1.3 The schemes support the Additional Climate Change Commitments agreed by Cabinet on 30th July 2019 following the motion on the Climate Emergency passed at the full City Council meeting of 11th June 2019, including the aspiration for the City Council to be net zero-carbon by 2030.
- 7.1.4 In the context of inclusive economic growth, the proposals have a strong focus on supporting the City Council's core mission to be a 'city of growth where every child, citizen and place matters'. In addition, the proposals seek



to make a significant contribution towards the key priorities of children, jobs and skills, housing and health by reducing congestion, enabling growth, improving road safety, improving accessibility, improving air quality, encouraging active and sustainable modes of travel, and tackling the climate emergency.

## **7.2 Legal Implications**

- 7.2.1 In accordance with the Emergency Powers in Part E3 of the Council Constitution, adopted in September 2019, delegated authority is provided to the Interim Director, Inclusive Growth to authorise necessary actions in relation to disasters and emergencies as designated under the Council's Emergency Plan when activated; or under Business Continuity Plans in the event of a business continuity disruption.
- 7.2.2 Additional statutory guidance was issued on 23rd May 2020 by the Secretary of State for Transport under Section 18 of the Traffic Management Act (2004). It applies to all highway authorities in England, who shall have regard to this guidance to deliver their network management duty under this Act. Local authorities in areas with high levels of public transport use (which includes Birmingham) should take measures to reallocate road space to people walking and cycling, both to encourage active travel and to enable social distancing during restart from COVID-19.
- 7.2.3 The relevant primary legislation required to implement individual schemes contained within the EATF schemes comprises the Highways Act 1980; Road Traffic Regulation Act 1984; Road Traffic Act 1988; Transport Act 2000; Traffic Management Act 2004; and Town and Country Planning Act 1990, together with related regulations and guidance. The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 are directly relevant to this report in terms of the use of bus lane enforcement surpluses.
- 7.2.4 Section 1 of the Localism Act 2011 contains the Council's general power of competence and Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to the discharge of its functions.

## **7.3 Financial Implications**

- 7.3.1 The WMCA tranche 1 allocation from the DfT's Emergency Active Travel Funding is £3.447 million. The provisional allocation of tranche 2 of funding for the WMCA area is £13.787 million. Tranche 2 funding will be subject to a separate approval process later in the summer. Birmingham's provisional allocations of the funding are £1.034 million in tranche 1 and £4.136 million in tranche 2. It is expected that the DfT will have confirmed their funding decision by mid-June 2020 and that the award will be in the form of a Section 31 Grant. Funding allocations are split 70% capital and 30% revenue.

7.3.2 Schemes delivered in tranche 1 must be delivered within 8 weeks of receiving the funding. If this condition is not met, DfT reserve the right to claw back funding from the tranche 2 allocations. As such, a key selection criteria for tranche one schemes has been their deliverability and scalability. The initial temporary nature of the schemes (acknowledging that the intention is to make the majority of them permanent through tranche 2), and relaxation of Traffic Regulation Order consultation regulations by DfT, will ensure that they can be delivered in the challenging timescales. Were claw back to occur this would result in the provisional tranche 2 programme being reduced or further match funding having to be identified to replace lost income for the full tranche 2 programme to be delivered. Any changes would be subject to identification of suitable resources and the required governance approvals.

7.3.3 The funding can only be utilised from point of award, and therefore cannot contribute to sunk costs for any COVID-19 emergency measures already delivered.

### **Capital**

7.3.4 The total provisional capital funding to be granted is £4.210 million over the two funding tranches as detailed below.

	<b>Capital £m</b>
<b>Tranche 1 (Provisional)</b>	0.842
<b>Tranche 2 (Provisional)</b>	3.368
<b>Total</b>	<b>4.210</b>

7.3.5 The virement of £0.500 million of residual Birmingham Cycle Revolution capital resources held within the Council's Cycling and Walking programme (a sub programme of the Transport and Highways Capital Programme) is proposed to provide a local match funding contribution towards the overall bid package, providing a greater combined resource with which to implement works.

### **Revenue**

7.3.6 The total provisional revenue funding to be granted is £0.960 million over the two funding tranches as detailed below.

	<b>Revenue £m</b>

<b>Tranche 1 (Provisional)</b>	0.192
<b>Tranche 2 (Provisional)</b>	0.768
<b>Total</b>	<b>0.960</b>

- 7.3.7 Tranche 2 Permanent Schemes Revenue Maintenance Costs - New capital transport schemes can by their nature attract additional ongoing maintenance costs in respect of improved or new assets. The opportunity is also taken to remove existing assets during works to mitigate cost increases. All schemes will need to identify revenue maintenance implications and funding as part of the OBC and FBC governance processes.
- 7.3.8 For all schemes (excluding those deemed to be major schemes), an ongoing corporate policy contingency annual allocation of up to £0.250 million is available to accommodate inventory growth and expenditure incurred as a result of new capital works. This will be monitored to ensure this budget allocation is not exceeded. In the unlikely event that potential pressures are identified, measures to mitigate, including scheme revisions or deferral of schemes will be considered.
- 7.3.9 Reallocation of transport space has the potential to impact on street parking and council car parking income. The impacts and mitigations will be considered during the development of schemes and will be subject to approval as part of the OBC and FBC governance processes, particularly in relation to tranche 2 schemes which are likely to involve more permanent changes to the highway.
- 7.3.10 Development of the EBTP has been undertaken by officers and is funded from existing Inclusive Growth Directorate resources. Council officer time required to support delivery of the schemes covered by this report will also be funded from existing Inclusive Growth Directorate resources. Where the terms and conditions of the funding allow, costs will be funded from the EATF allocation.

## 7.4 Procurement Implications

- 7.4.1 Schemes will be delivered in accordance with the Council's Emergency Plan powers and procurement governance arrangements as appropriate to best meet the delivery timescales set by DfT. The Planned Procurement Activities Report is to be presented at this same Cabinet meeting and details the proposed procurement strategy for any highway works using the Sandwell Council's Civil Engineering and Highway Works framework. This will provide necessary works delivery options to deliver the EATF programme.

## **7.5 Human Resources Implications (if required)**

7.5.1 Staff within Transport and Connectivity have been refocused to work on the EATF programme to ensure that the timescales required by the DfT are met. Staff are supported by partners at West Midlands Combined Authority, as well as support from consultancy agreements where required. All staffing costs will be met from existing Inclusive Growth Directorate resources.

## **7.6 Public Sector Equality Duty**

7.6.1 An initial screening for an Equality Analysis (EA) has been undertaken and has concluded that a full EA is not required at this time. However, the needs of certain disabled groups, particularly the blind and people in wheelchairs need to be considered when designing measures to ensure individuals are not adversely affected. For example, new pop-up cycle lanes must consider the blind and partially sighted, who may not be able to see or hear cyclists approaching, while cyclists may assume a pedestrian will see them coming. Therefore, alternative options such as controlled crossings and maintaining kerbs where possible will help ensure residents with sight loss do not stray from the pavement and onto a cycle lane. In addition, the widening of pavements in certain locations will result in a reduction in the number of parking spaces, meaning the needs of disabled drivers will need to be considered and suitable alternatives will need to be provided. This position will be reviewed for each composite scheme and/or programme as necessary. The initial EA screening is provided as Appendix D to this report.

## **8 Appendices**

8.1 List of Appendices accompanying this report:

- Appendix A – Emergency Birmingham Transport Plan
- Appendix B – EATF Tranche 1 Schemes
- Appendix C – Risk Assessment
- Appendix D – Birmingham City Council Equality Impact Assessment
- Appendix E – Transportation & Highways Capital Programme Delegations

## **9 Background Documents**

- 'Birmingham Mobility Action Plan White Paper; Birmingham Connected': approved by Cabinet on 17<sup>th</sup> November 2014.
- 'Draft Birmingham Transport Plan': approved for public consultation by Cabinet on 21<sup>st</sup> January 2020.
- Emergency Birmingham Transport Plan Cabinet Members report, approved on 10<sup>th</sup> June 2020.

- Emergency Active Travel Funding Indicative Allocations letter from Department for Transport, 27<sup>th</sup> May 2020.