



Colchester Cycling Campaign  
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26 February 2015

TRAF/4736

Dear Sir or Madam

CCC opposes the detail of the scheme of which TRAF/4736 forms part. In particular we object to paragraphs 4, 5 & 6, the introduction of an unsegregated shared-use footway/cycleway; the introduction of a cycle lane, and revocation of the existing cycle lanes. We are not opposing new cycling infrastructure *per se* but we are against the proposed provision because it is vastly substandard, (especially so in a former government-appointed cycling town).

We urge you to stop work from the date of receiving this notice so that the scheme can be reassessed in coordination with independent experts in the provision of infrastructure for people who cycle and walk.

We urge ECC to address the serious points below by holding an inquiry with an independent person in the chair. Failing that, this matter should go before the ECC scrutiny committee.

**1:1 Background:** CCC has lobbied for 25 years for better facilities for cyclists in Colchester. We formed a good working relationship with Colchester Borough Council (when highways agency) and later ECC Highways. This culminated in a successful joint bid for government cycling town status. During this period (2009-11), ECC officers, CBC and CCC worked together to model schemes to help utility cyclists, and we were consulted about these, in general and in detail. Over the past 12 months, however, this relationship has soured, with ECC becoming secretive and uncooperative. As a result, CCC has had to resort to FoI requests for information and to using the local press to exert influence.

**1:2 In this instance:** During 2014, we made at least three requests to be consulted, both at the ECC cycling forum and by email. On each of occasion we were told by a senior ECC highways manager that plans for the scheme had still to be finalised. When plans were ready, we were neither told nor consulted, despite [ECC being under a legal obligation to consult before removing the cycle lanes](#); see also the Cycle Tracks Act 1984 (mentioned in [LTN 12/1, s8](#)). Work on the scheme began in November. Signs were put in place suspending the cycle lanes, but TROs were not issued until February, by which time both cycle lanes had been physically removed.

**1:3** There has been no public debate or consultation about the details of this scheme, and no chance to put forward options that could have better met ECC's policies and strategies. This is despite it being best practice to have stakeholder involvement in the design process. [See LTN 1/11](#).

**1:4** The thrust of this scheme should be contrasted against national moves to improve cycling infrastructure with high quality provision. Cycling has been recognised by the government as an effective and cost-effective way to reduce congestion. See <http://www.thetimes.co.uk/tto/public/cyclesafety/article4331991.ece>,

**1:5** Essex should be leading the way in sustainable transport. With this scheme it has let itself down. Action must be taken to address its lack of good procedure, its attitude to good practice, its attitude to public consultation, and the injustices caused by the current scheme.

**2:1** The inquiry should investigate:

**i)** the failures in ECC's procedures. We believe that these amount to maladministration causing injustice. Officers failed to follow the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Although ECC's chief executive Joanna Killian has apologised<sup>1</sup> and said that errors in procedures "are regrettable", we will be left with a scheme that hugely disadvantages pedestrians and cyclists, discourages people from cycling and increases danger to those on bikes.

**ii)** how much notice was taken of national guidelines. Those developing this scheme, perhaps under excessive pressure from politicians, have failed to give due weight to national guidelines and best practice covering cycling and walking. ECC should inform the inquiry which guidance documents it consulted as it developed this scheme. It should demonstrate how it has met best practice and also show written evidence of its decisions and rationale for divergences from both guidelines and best practice.

**iii)** how much notice was taken of ECC policies and strategies. Those developing this scheme, perhaps again under excessive pressure from politicians, have failed to give due weight to council policies and strategies covering cycling and walking (active travel) and ECC's desire for "behaviour change" to reduce congestion. This is despite a statement by ECC that people "must find ways other than the car to access Colchester General Hospital"<sup>2</sup> ECC should inform the inquiry which of its policy and strategy documents it consulted as it developed this scheme. It should demonstrate how it fulfilled those requirements and also show written evidence of the decisions taken to diverge from policy and strategy.

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<sup>1</sup> Email to Paul Avison, Feb 23, 2015. Thank you for your email dated 4 February 2015 regarding the current work being undertaken on Station Way in Colchester. The revoking of the cycle lane is part of an ongoing programme of work designed to improve access for all transport modes from the north of Colchester into the town centre. These works are intended to improve the levels of transport provision within the area while seeking to balance the differing demands of each mode of transport. It is regrettable that the notice of alteration to the Traffic Regulation Order to facilitate the works was delayed in appearing in the press and therefore residents were not given the opportunity to comment on the proposals. I have raised this issue with officers to ensure this is not the case for future schemes. Please accept my apologies for any inconvenience this may have caused you and be assured that the works currently being progressed in and around Colchester will ultimately improve the transport network for all users. Joanna Killian, Chief Executive, Essex County Council

<sup>2</sup> Transport symposium, Feb 13

iv) whether and how ECC has complied with the law on Public Sector Equality Duty. We would have expected to see robust equality evidence from the start of the scheme. With this scheme ECC is placing the health and safety of protected groups of people<sup>3</sup> at greater risk. Note that the former cycle lanes (below 2015 standards, but providing a direct link and functional) were used by children/young people riding to schools and colleges, and women. Within the last 12 months ECC should have conducted surveys of cyclists and pedestrians (including origin and destination, and profiling) to help inform its decisions. If it cannot supply evidence of due regard, Essex could face a challenge under the Equality Act 2010 s149.

v) whether the actions of the politicians involved meet the [Nolan principles \(standards in public life\)](#), in particular:

**Objectivity;** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias, and

**Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**3:1** One recommendation we would make now is that Essex should ensure future transparency and commitment to comprehensive procedure by, where relevant, including with traffic regulation orders a road safety audit stage one and two; a quality audit under guidelines such as Manual for Streets; a brief statement showing which policies have been considered (and record why exceptions have been made), and an equality statement.

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<sup>3</sup> Children and young people, older people, and women/girls who engage far less in cycling because of fear of the volume and speed of motor traffic. Narrowing of the eastern footway is also likely to affect the disabled.