

Cabinet Member for City Services

5th July 2021

**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:**

St Michael's

**Title:**

Coventry Electric Bus City – Proposed Closure of Cox Street Car Park and Application to Stop Up Highway (part of Ford Street)

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**Is this a key decision?**

No

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**Executive Summary:**

The Department for Transport (DfT) launched the All Electric Bus Town fund in February 2020, with £50 million in grant funding made available to allow one town or city within England to make the transition to a bus network operated fully by electric powered buses. The West Midlands Combined Authority (WMCA), as the strategic transport authority, submitted an Expression of Interest, which was developed by Coventry City Council in partnership with Warwickshire County Council, Transport for West Midlands and incumbent Coventry and Warwickshire bus operators.

Consideration of the full business case (FBC) was devolved from the DfT to the WMCA, which is now the accountable body for the Coventry and Warwickshire scheme. The FBC was approved by the WMCA board on 19<sup>th</sup> March 2021 and the funding of £50 million was passported from the DfT to the WMCA on 31<sup>st</sup> March 2021, allowing the project to proceed.

As a result, Coventry will see over 290 electric buses operating within the city by the end of 2025, supporting the Council's objectives of a green economic recovery through the de-carbonisation of the city's transport network, with an estimated emissions saving of around 24,000 tonnes of carbon dioxide and 55 tonnes of nitrogen dioxide per year.

To facilitate the electrification of the bus fleet, it is necessary to provide additional land in the vicinity of the West Midlands Travel Ltd bus depot and the Pool Meadow bus station to accommodate an electric bus charging facility. Cox St car park, as shown on the plan at Appendix 1 to the report, is ideally located for this initiative and so it is proposed that the car park is closed to the public and the site re-purposed as a bus charging facility.

It is further proposed to stop up the length of public highway in Ford Street (shown on the plan in appendix 2 to the report) which serves as a public vehicular access to Cox Street car park. This is to facilitate seamless integration and access to the electric bus charging infrastructure.

**Recommendations:**

The Cabinet Member for City Services is recommended to:

- 1) Approve the permanent closure of Cox Street car park.
- 2) Subject to the approval of recommendation 1 above, approve that officers commence the legal process to remove Cox St car park as identified edged in green on Plan A in Appendix 1 to the report from the Off-Street Parking Places Order 2005.
- 3) Approve that an application be made to the Magistrates' Court for an Order stopping up the highway as identified on Plan B in Appendix 2 and titled '*Highways Act 1980, section 116 – Application to Stop Up part of Highway known as Ford Street*', in accordance with the provisions of sections 116 of the Highways Act 1980 and approve that officers commence the legal process required for achieving this.
- 4) Delegate authority to the Director of Highways and Transportation, in conjunction with the Director of Property Services and Development, to negotiate terms for a market rent for the site.
- 5) Delegate authority to the Director of Highways and Transportation and the Director of Law and Governance, following consultation with the Director of Finance, to execute all necessary agreements and orders necessary to give effect to the recommendations set out in this report.

**List of Appendices included:**

- Appendix A- Plan A, showing the Cox Street car park in the context of the bus charging infrastructure development [shown edged in green]
- Appendix B - Plan B, showing part of Ford Street titled '*Highways Act 1980, section 116 – Application to Stop Up part of Highway known as Ford Street*' [shown edged in blue]

**Background papers:**

None

**Other useful documents:**

All Electric Bus City and Enhanced Partnership Plan

**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:**

Coventry Electric Bus City – Proposed Closure of Cox Street Car Park and Application to Stop Up Highway (part of Ford Street)

**1. Context (or background)**

- 1.1 In July 2017, the Government published the “UK plan for tackling roadside NO<sub>2</sub> Concentrations” and Coventry was named as one of the 22 towns and cities in the UK where annual mean NO<sub>2</sub> concentrations are projected to exceed legal limits in 2020, and beyond.
- 1.2 There are known locations, shown by local air quality monitoring, within Coventry where annual mean NO<sub>2</sub> concentrations exceed the level set by the European Union (EU) Limit Value and National Air Quality Strategy objective (40 µg/m<sup>3</sup>). However, the whole of the Coventry urban area has been selected as the overall study area as it has been declared an Air Quality Management Area (AQMA) since 2009. This is to avoid the situation where a targeted approach in one or more geographic areas only shifts the problem elsewhere.
- 1.3 The Department for Transport (DfT) launched the All Electric Bus Town fund in February 2020, with £50 million in grant funding made available to allow one town or city within England to make the transition to a bus network operated fully by electric powered buses. The West Midlands Combined Authority, as the strategic transport authority for the West Midlands, submitted an Expression of Interest (EOI) for Coventry. The EOI was developed by the Coventry City Council in partnership with Warwickshire County Council and Transport for West Midlands and covered all public bus services operating within the city and in surrounding areas of Warwickshire.
- 1.4 The DfT subsequently confirmed that the Coventry and Warwickshire bid had been shortlisted alongside a second bid from Oxfordshire County Council based in Oxford. In the Budget Statement on 25th November 2020, Government increased the amount of funding available for the All Electric Bus Town competition, and the DfT has confirmed, in writing to the WMCA Chief Executive, that the Coventry / Warwickshire proposal will be funded subject to the submission of a satisfactory Full Business Case.
- 1.5 The DfT has also confirmed that the WMCA will be the accountable body for the Coventry and Warwickshire scheme as the strategic transport authority for the Coventry area, and that responsibility for the development and approval of the FBC be devolved from the DfT to the WMCA. The FBC was presented to and approved by the WMCA Board at its meeting on 19th March 2021.
- 1.6 Officers have taken a lead role in the preparation of the FBC and around 297 new electric buses will come into operation in Coventry over the next four years, meaning that by Winter 2025 every public bus service in the city will be operated by a zero-emission electric vehicle, supporting the Council’s objectives of a green economic recovery through the decarbonisation of the city’s transport network.
- 1.7 The existing bus depot does not have capacity to facilitate the electric bus fleet charging infrastructure and there is a need to identify additional land space to accommodate all night charging and parking of up to 45 electric buses.
- 1.8 Cox Street car park, which is adjacent to the existing bus depot, separated by Ford Street which serves as the access road to the car park, has been identified as a suitable site to accommodate this requirement for the following reasons:

1.8.1 Cox Street car park is a Council owned long-stay Pay and Display car park comprising 140 parking spaces.

1.8.2 Occupancy levels in Cox St car park have dropped to about 30% during the past year due to the pandemic, the closure of the Sports Centre in Fairfax Street, and the closure of Gala Bingo. The car park is no longer in a desirable location that is easily accessible to through traffic.

1.8.3 The area is well served by other Council operated public car parks, including Lower Ford St, Grove St and Gosford St car parks, all of which have spare capacity to absorb any displacement from the proposed closure of Cox St car park. Like Cox St, these three car parks all operate as long-stay car parks with the same parking tariffs, so there isn't expected to be any detrimental financial impact on customers as a result of the proposed closure of Cox St.

1.8.4 Generally, the impact of the proposed closure on regular users of Cox St car park is expected to be negligible.

1.9 The stopping up of Ford St is for the section of the road is solely use by traffic accessing Cox St car park.

## **2. Options considered and recommended proposal**

### Do Nothing (Not Recommended)

2.1 The alternative to the proposed way forward is to retain Cox St car park and keep it open as a car park, albeit under-utilised, pending consideration of other possible alternate uses. However, this option would detrimentally impact the Councils and TfWM's aspirations to facilitate the electrification of buses in Coventry, as there are no other suitable sites nearby. Hence, this is not a realistic option.

### Closure of Cox Street, installation of charging infrastructure (Recommended)

2.2 The recommended way forward is to proceed with the proposed closure of Cox St car park. Whilst this will have the effect of reducing the overall car parking provision, it should be noted that there is spare capacity in nearby car parks. Consequently, this option aligns with the key aims and objectives of the car park strategy of managing parking provision to ensure the right amount of parking to meet changing demands whilst allowing further exploration of redevelopment, rationalisation and consolidation opportunities. It is the Council's intention to "seek the approval of the Cabinet Member for Jobs, Regeneration and Climate Change" to enter into a lease with the bus operating company over the area of Cox Street Car Park (outlined green on Plan A to the report) in order to facilitate the recommendations of this report", which in this case, includes the possible re-provision of the site for electric bus charging infrastructure.

## **3. Results of consultation undertaken**

No public consultation has yet been undertaken on the proposal to remove the Cox Street car park from the City of Coventry (Off-Street Parking Places) Order 2005 (as amended).

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

4.1 Subject to the approval of this report, the closure of the car park will be undertaken following the advertisement of the public notice and the expiry of the minimum statutory 21day notice period

- 4.2 The timetable for implementing the All Electric Bus Town is expected to take place between April 2021 and March 2025, with all buses operating in the city being electric buses by the end of 2025.
- 4.3 The timetable for phase 1 of the buses operating in Coventry is expected to be June 2022.
- 4.4 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 Director of Finance and the Director of Law and Governance

### 5.1 Financial implications

- 5.1.1 The West Midlands Combined Authority will be the accountable body for the grant funding of £50 million.
- 5.1.2 The capital costs necessary to repurpose the car park and the stopped-up highway (Ford Street) will be met by the project grant funding and TfWM.
- 5.1.3 The annual net income generated by Cox Street car park in 2019-20 (the last year not significantly affected by COVID-19) was as follows:

2019-20		
Income Excluding VAT	Direct Running Costs	Net Income
£ 000	£ 000	£ 000
169	44	125

The post-COVID-19 market for car parks is significantly more challenging with demand for spaces and therefore income significantly down. The estimated position for 2021-22 is as follows:

2021-22 Estimate		
Income Excluding VAT	Direct Running Costs	Net Income
£ 000	£ 000	£ 000
50	45	5

Therefore, the revenue financial implications are:

- **A saving in running costs of approximately £45k per annum** as the incumbent bus operator would take on all operating costs of the site, including business rates.
- **A commercial rent to offset some of the income loss.** Subject to approval to close Cox St car park, officers will enter in discussions with the incumbent bus operator to develop a Heads of Terms (HoT) agreement for the leasing of the site comprising Cox St car park and Ford St. The agreement will be based on a commercial rent as is required by law.

- **Retained income by directing customers to nearby Council car parks.** It is anticipated that some of the loss of car park income generated directly from Cox St car park will be mitigated through the displacement of public parking to other nearby car parks that currently have ample spare capacity.

There is much uncertainty regarding the degree to which parking income returns to pre pandemic levels. It is likely however that demand will not fully recover in the short term such that some consolidation of the car parking estate will be required to reduce costs and seek alternative uses and incomes. The proposals in this report therefore represent an appropriate rationalisation of space and a part financial mitigation against car parking fee incomes no longer achievable.

## 5.2 Legal implications

5.2.1 Under section 32 of The Road Traffic Regulation Act 1984 the Council has powers to enable it to provide off-street parking places. The Council can choose to use its land as an off-street car park and can choose to stop doing so. It can also choose whether to regulate the use of that car park through an Off-Street Parking Order which gives the Council charging and enforcement powers. The subsequent removal of parking controls is subject to a statutory notice/objection process and the due consideration of any objections received.

5.2.2 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 relevant highway is considered unnecessary.

5.2.3 Legal services will be required 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 quality of life for Coventry people – by creating an attractive, cleaner and greener public transport system operating within the city;
- creating an attractive, cleaner and greener city by investing in an enhanced, attractive zero-emission bus fleet to operate within the city, and;
- making the city more accessible for businesses, visitors and local people through the provision of more attractive bus services using zero-emission, modern, accessible vehicles.
- Improving Coventry's environment and tackling climate change by creating a sustainable business location around a transport interchange and delivering highly resource efficient business premises. Additionally, the expansion of green space in the city centre will help reduce the heat trapped in the city and increase biodiversity.

**6.2 How is risk being managed?**

None

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

The closure of Cox Street surface car park will remove the current net revenue generated from the 140 space long stay public car park. Although the income from this car park will cease once the site is redeveloped, it is the intention of the authority to recuperate similar income through future lease agreements.

It is also anticipated that most of the parking will relocate to other underutilised car parks which should minimise the loss of income to the Council.

**6.4 Equalities Impact Assessment / EIA**

This report does not affect the way the Council performs its functions and delivers its services; therefore, an EIA has not been undertaken.

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

None

**6.6 Implications for partner organisations?**

None

**Report author(s)****Name and job title:**

Shamala Evans-Gadgil, Consultant Project Manager (Transport & Innovation)  
Paul Bowman, Team Manager (Parking Services)

**Service:**

Transportation and Highways

**Tel and email contact:**

Tel: 024 76976691, Email: [shamala.evans-gadgil@coventry.gov.uk](mailto:shamala.evans-gadgil@coventry.gov.uk)

Tel: 024 76972200, Email: [paul.bowman@coventry.gov.uk](mailto:paul.bowman@coventry.gov.uk)

Enquiries should be directed to the above person.

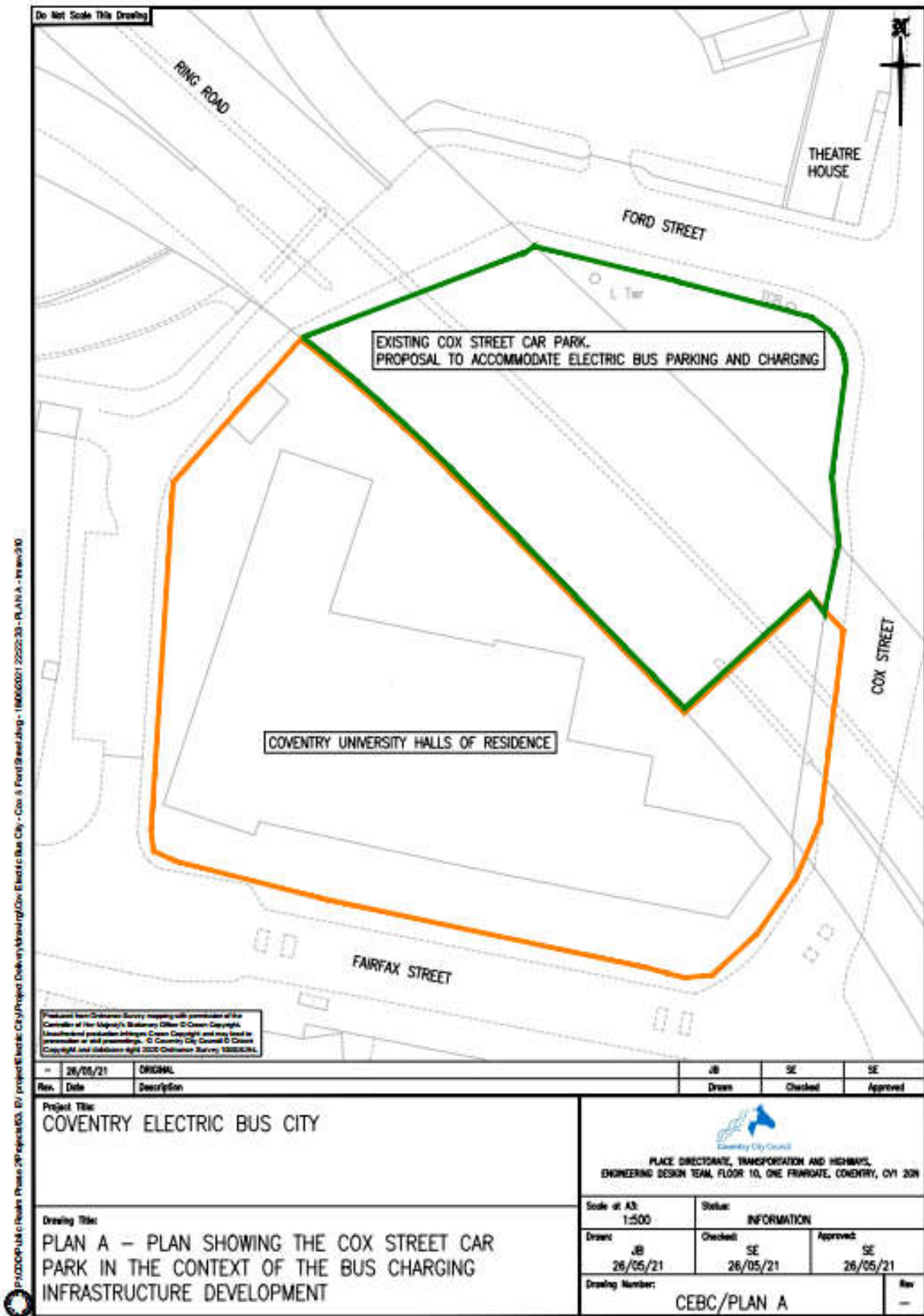
<b>Contributor/approver name</b>	Title	Service Area	Date doc sent out	Date response received or approved
<b>Contributors:</b>				
Michelle Salmon	Governance Services	Law and Governance	21.06.21	21.06.21
Colin Knight	Director of Transportation and Highways	-	10.06.21	18.06.21
Sunny Heer	Lead Accountant	Finance	10.06.21	15.06.21
Graham Clark	Lead Accountant	Finance	10.06.21	15.06.21
David Butler	Head of Planning, Policy and Environment	Streetscene and Regulatory Services	10.06.21	17.06.21
John Seddon	Head of Transport and Innovation	Transportation and Highways	10.06.21	21/06/21
Richard Moon	Director of Property Services and Development	-	18.06.21	21/06/21
Caron Archer	Principal Engineer (Traffic Management)	Transportation and Highways	10.06.21	17.06.21
Simon Cooper	Development Surveyor	Property Services and Development	10.06.21	17.06.21
Rob Parkes	Commercial Lawyer	Law and Governance	10.06.21	15.06.21
Oluremi Aremu	Major Projects Lead Lawyer	Law and Governance	10.06.21	18.06.21
Hannah Watts	Programme Officer – Inequalities	Public Health and Wellbeing	10.06.21	17.06.21
<b>Names of approvers for submission:</b>				
<b>(officers and members)</b>				
Phil Helm	Finance Manager	Finance	22.6.21	22.6.21
Councillor P Hetherton	Cabinet Member for City Services	-	16.06.21	23.06.21
Councillor J O'Boyle	Cabinet Member for Jobs, Regeneration and Climate Change	-	14.06.21	23.06.21

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# Appendix A

Plan A, showing the Cox Street car park in the context of the bus charging infrastructure development.



## Appendix B

Plan B, showing the Cox Street car park in the context of the bus charging infrastructure development.

