

LONDON BOROUGH OF LEWISHAM

REPORT	<b>Delegated Decision</b> <b>DATE 24<sup>th</sup> May 2022</b>
Report Title	<b>Lewisham and Lee Green Low Traffic Neighbourhood Results of TMO Statutory Consultation</b>
Department	Housing, Regeneration and Public Realm
Cabinet Portfolio	Environment and Climate Action
Report Author/ Contact details	Louise McBride – Head of Strategic Transport
Wards affected	Lee Green and Lewisham Central
Appendices	Appendix A – Published Traffic Orders Appendix B - Summary of TMO objections & responses Appendix C – Map of proposals Appendix D – Confirmation of withdrawal of objection from Royal Borough of Greenwich

## 1. SUMMARY

- 1.1 On 12<sup>th</sup> January 2022 a report was presented to Mayor and Cabinet on the Lewisham and Lee Green Low Traffic Neighbourhood: Consultation and next steps.
- 1.2 Having considered an open officer report, and presentations by the Cabinet Member for Environment and Transport, Councillor Patrick Codd, Councillors Maslin, Krupski, Rathbone and Ingleby and by two members of the public, the Mayor and Cabinet agreed that:
- A. the findings of the review of the LTN, including the data monitoring and feedback from the public consultation be noted;
  - B. the Equalities Impact Assessment (EqIA) and specific equalities considerations summarised in section 8 of the report and the full EqIA detailed in Appendix J be received;
  - C. proposals for a permanent traffic order retaining the revised Lewisham and Lee Green LTN be published, and that the statutory processes be conducted
  - D. the physical modal filters within the Lewisham and Lee Green Low Traffic Neighbourhood are converted to automatic number plate recognition (ANPR) camera enforcement and that Lewisham blue badge holders and

emergency services are exempt

- E. officers work with schools in the LTN area to implement traditional school streets, where schools are supportive.
- F. additional complementary measures are implemented within the LTN and surrounding areas, subject to statutory processes and detailed design, including:
  - planters/trees and green spaces
  - additional electric vehicle charging points
  - additional bike hangars and cycle stands
  - additional and/or improved pedestrian crossing points
  - new seating
- G. Approval be given to continue to monitor the area using a range of indicators, including, but not limited to, traffic counts, speed surveys, air quality and bus journey times.
- H. officers using their existing delegated powers to implement the above recommendations and deliver the package of complementary measures.

1.3 This report addresses part C of that decision. This report outlines the statutory process undertaken under The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations"), the details of comments, objections, and support received during the statutory process under the 1996 Regulations, and consideration given to these in making the recommendations. The decision maker should review the objections and officer comments before making their decision.

1.4 This report considers the outcome of the statutory process and makes recommendations on the following orders which can be found in Appendix A:

- The Lewisham (Prescribed Routes) (No. \*) Traffic Order 202\*
- The Lewisham (Charged-For Parking Places) (Amendment No. \*) Order 202\*
- The Lewisham (Free Parking Places, Loading Places and Waiting, Loading and Stopping Restrictions) (Amendment No. \*) Order 202\*.

1.5 The Orders are required to retain the Low Traffic Neighbourhood (LTN) measures in the Lewisham and Lee Green area on a permanent basis, following the introduction of the scheme on a temporary basis in July 2020.

1.6 The primary aim was to encourage people to walk and cycle more, and to do so safely whilst maintaining social distancing LTNs also aim to improve air quality and public health, reduce noise pollution and make roads safer, which are all in line with the Council's longer term aims for the whole borough. LTNs achieve this by restricting motor vehicle through traffic within a residential area while keeping through

movement for pedestrians and cyclists

- 1.7 The Lewisham and Lee Green area was selected as a location for an LTN having been identified as a priority area for a Healthy Neighbourhood in the Lewisham Transport Strategy and Local Implementation Plan (2019-2041) and follows concerns raised by residents about traffic speeds and congestion.
- 1.8 The Council has carefully considered an extensive range of data and listened to residents' thoughts and experiences since the original LTN was first introduced, including the further comments and objections made as part of the statutory process. Whilst it is acknowledged that some people (particularly those living outside of the LTN) have experienced some negative impacts, on balance the review indicates that the existing, revised Lewisham and Lee Green LTN is meeting its aims, is in line with the Council's corporate objectives and policies, as well as wider London policies, and has started to positively influence travel behaviour.
- 1.9 Regarding these orders, consideration has been given to securing expeditious, convenient and safe movement of vehicular and other traffic, and other matters set out in s.122 of the Road Traffic Regulation Act 1984.
- 1.10 There also needs to be consideration as to whether a public inquiry should be held under regulation 9 of the 1996 Regulations before making a decision.

## **2. RECOMMENDATIONS**

- 2.1 For the reasons set out in this report and within the Mayor and Cabinet report on 12th January 2022 it is recommended that the Director of Public Realm in line with approved delegated powers:
  - Note and consider the objections received to these traffic orders as detailed in appendix B of the report
  - Note and consider the responses to the objections outlined in section 6 and 7 of this report and appendix B.
  - Agree that a public inquiry should not be held.
  - Agree to make the traffic orders which give permanent effect to the Lewisham and Lee Green Low Traffic Neighbourhood scheme under the provisions of section 124, Schedule 1 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 regulations 23 and 24.
  - Agree the extension of blue badge holders who are eligible to apply for a exemption permit to those residing in the area bounded by the borough boundary, A20 and A205 within the Royal Borough of Greenwich and outlined in paragraph 6.12

### 3. BACKGROUND

- 3.1 The Lewisham and Lee Green LTN was first introduced in July 2020. At the time, in response to the pandemic, the Government was encouraging councils to make significant changes to their road layouts to give more space to cyclists and pedestrians and urgently put measures like LTNs in place.
- 3.2 The primary aim was to encourage people to walk and cycle more and to do so safely whilst maintaining social distancing, as more of us were working from home and exercising and shopping in our local area.
- 3.3 LTNs also aim to improve air quality and public health, reduce noise pollution, and make roads safer, which are all in line with the Council's longer term aims for the whole borough. LTNs achieve this by restricting motor vehicle through traffic within a residential area while keeping through movement for pedestrians and cyclists.
- 3.4 Due to the timescales and expectations set by central government, councils did not have time to consult on these changes and were expected to rapidly introduce measures that would achieve the aims set out in paragraph 1.4 without the full range of traffic studies and preparatory work that would normally be done for such proposals.
- 3.5 The Lewisham and Lee Green area was selected as a location for an LTN in part due to ongoing and consistent concerns raised with the Council by residents over several years about traffic congestion and speeds, as well as walking and cycling improvements. Within the Lewisham Transport Strategy and Local Implementation Plan (2019 – 2041) the area had been identified as a priority area for a Healthy Neighbourhood.
- 3.6 The original scheme was implemented in July 2020 using a Temporary Traffic Order (TTO), which allowed the scheme to be implemented quickly. The Council listened to concerns raised by residents and responded to perceived increases in traffic levels and increased bus journey times and made changes to the LTN in November 2020, which re-opened some of the restrictions to traffic, and is known as the revised scheme.
- 3.7 As a result of the changes, the level of concerns raised by residents and those who travelled through the revised LTN significantly reduced.
- 3.8 During the summer of 2021, the Council carried out a public consultation to understand people's views and experiences of the LTN. The feedback from the public consultation formed part of a review of the LTN alongside data collected as part of the monitoring of the scheme, including air quality data, traffic counts, traffic speed data, bus journey times and the impact on emergency services. This information has been considered in the context of the Council's longer-term ambitions to inform the recommendations about the future of the LTN.
- 3.9 The review undertaken indicated that the existing, revised Lewisham and Lee Green LTN has met its primary aims, is in line with the Council's corporate objectives and policies and wider London policies and has started to positively influence behaviour and encourage people to travel more sustainably.
- 3.10 On 12<sup>th</sup> January 2022 a report was taken to Mayor and Cabinet which outlined the

outcome of the review of the Lewisham and Lee Green LTN, including data monitoring and feedback from the public consultation. This information was used to set out the recommendations regarding the future of the Lewisham and Lee Green LTN which were approved.

3.11 These recommendations were approved by Mayor and Cabinet in January 2022. A copy of the decision report can be found on the Council website

<https://councilmeetings.lewisham.gov.uk/mgAi.aspx?ID=31225#mgDocuments>

#### **4. PROPOSALS**

4.1 The traffic order proposals include making permanent the LTN restrictions below;

- point closures applying to all motor vehicles except permit holders [blue badge holders living in LB Lewisham and those living in the area bounded by the borough boundary, A20 and A205 in the Royal Borough of Greenwich] in certain locations in Cambridge Drive, Dallinger Road, Dermody Road, Ennersdale Road, Holme Lacey Road, Leahurst Road, Leyland Road, Manor Lane Terrace, Upwood Road and Woodyates Road;
- point closures applying to goods vehicles weighing 7.5 tonnes or more in certain locations in Leahurst Road and Manor Lane
- No entry to all vehicles except buses, dial-a-ride vehicles, pedal cycles and permit holders in Manor Park;
- Banned left turn from Northbrook Road into Manor Park applying to all vehicles except pedal cycles

4.2 The Council has also advertised a traffic order to make permanent the point closure restrictions which applies to all vehicles on Manor Lane (between Manor Lane Terrace and Kellerton Road). This scheme is also part of the wider Lewisham and Lee Green LTN scheme. The proposal was advertised on 22<sup>nd</sup> April 2022 for a period of 3 weeks closing on 13<sup>th</sup> May 2022.

4.3 See appendix C for a map of proposals and locations.

#### **5. STATUTORY PROCESS**

5.1 The statutory process commenced on 25th March 2022 in accordance with the 1996 Regulations. This included but is not limited to:

- A public notice was advertised in The South London press and London Gazette on 25th March 2022.
- Email notification to statutory consultees including Emergency Services, Transport for London (TfL), Road Haulage association, Freight Transport Association and Royal Borough of Greenwich.
- The placement of all relevant documentation for public inspection at the office of Lewisham, Laurence House.
- Provision of an email and phone number to request further information as well as

information on how to make a comment or objection to the scheme.

- Notices placed on lamp columns near to changes to restrictions.

- 5.2 The statutory process closed on 22nd April 2022. An additional 7 days beyond the statutory 21 days was provided to ensure all stakeholders had sufficient time to respond as this included the Easter Weekend. This provided all stakeholders with 28 days to object, comment or request further information.
- 5.3 During the statutory process outlined above, 211 objections were received from 208 objectors. Of the objections received, 130 were identical campaign responses. The full list objections and responses can be found in Appendix B.
- 5.4 The Director of Public Realm (as decision maker through delegated powers) must conscientiously consider the views expressed by the statutory consultees as well as from those who have formally responded to the statutory process when making their decision. These responses are not binding on decision makers but need to be considered.
- 5.5 In the event that the making of the permanent order is approved, it will be ensured that residents and businesses are made aware of the changes and an article will be placed in The South London press and London Gazette and on the Council's website. Objectors will be notified of the outcome as set out above within 14 days of making the order.

## **6. Statutory Consultees' Objections / Feedback:**

- 6.1 As part of the statutory process, emails were sent to all statutory consultees notifying them of the advertised traffic orders and inviting feedback on the proposed scheme. Feedback received has been provided below;

### Emergency Services (including Metropolitan Police, London Fire Brigade and London Ambulance Service)

- 6.2 No formal comments or objections were received from the emergency services. Prior to the traffic orders being published, the matters of the order were discussed within regular Emergency Services meetings. The proposed changes to the physical filters to ANPR cameras with exemptions for Emergency Services were welcomed. It was requested that the traffic order states that exemption applies to any vehicle being used for ambulance, fire brigade or police purpose. This has been included.

### Road Haulage Association

- 6.3 The Road Haulage Association have not raised any specific concerns, objections or comments in relation to Lewisham and Lee Green Low Traffic Neighbourhood traffic orders.

### Freight Transport Association

- 6.4 The Freight Transport Association have not raised any specific concerns, objections or comments in relation to Lewisham and Lee Green Low Traffic Neighbourhood

traffic orders.

### Transport for London

- 6.5 Lewisham officers have worked closely with Transport for London on the development of the scheme and the monitoring of the impact on the TfL Road Network (TLRN). There is a commitment to continue to liaise and work with TfL on the monitoring of the scheme including any impact on the scheme on this network.
- 6.6 Transport for London have not raised any specific concerns, objections or comments in relation to Lewisham and Lee Green Low Traffic Neighbourhood traffic orders.

### Royal Borough of Greenwich

- 6.7 The Royal Borough of Greenwich (RBG) have provided a response to the statutory consultation. To note this was similar to the response that Royal Borough of Greenwich submitted in reply to the public consultation in summer 2021.
- 6.8 The concerns raised include:
- the displacement of traffic generated by these LTNs onto Horn Park Lane, Abergeldie Road, sections of Westhorne Avenue, Scotsdale Road, Crathie Road, Weigall Road and Ravens Way.
  - that the exemption for blue badge holders is only given to people who live in LB Lewisham. RBG considers that this unreasonably discriminates against blue badge holders who live nearby in the borough of Greenwich.
- 6.9 Following a meeting on May 5<sup>th</sup> 2022 and subsequent email correspondence it was established that the Royal Borough of Greenwich was formally objecting to the order in relation to the lack of exemption for blue badge holders living in Greenwich.
- 6.10 Lewisham have agreed to an exemption to those blue badge holders who live in the area bounded by the borough boundary, A20 and A205. This includes the following roads:
- Abergeldie Road
  - Addison Drive
  - Crathie Road
  - Horn Park Close
  - Horn Park Lane
  - Lilian Barker Close
  - Scotsdale Road
  - Sheldon Close
  - Strathaven Road
  - Upwood Road
  - Weshorne Avenue
- 6.11 It should be noted that this will be subject to the same application process as Lewisham Blue Badge holders.
- 6.12 As a result of agreeing an exemption for Greenwich residents living in a specific geographic area, the Horn Park LTN area, it has been confirmed that the formal

objection has been withdrawn and there is no remaining objection for the making of the order by Royal Borough of Greenwich, see appendix D.

## **7. Further Feedback**

- 7.1 During the statutory process the Council received 211 objections from 208 objectors. The details of each objection can be found within Appendix B of this report and have been considered. It is to note that 130 objections were identical in nature.
- 7.2 There have been several recurring themes within the objections, and these have been summarised along with our responses in the table below.



Key theme	Objection Summary	Lewisham Officer Comments
Traffic	<p>The scheme will lead to an increase of traffic on the surrounding main roads, leading to congestion and longer journey times.</p>	<p>Traffic flow and bus journey time data is seen as a good indication to what impacts the measures could be having on the main roads. The monitoring report attached to the January 2022 cabinet report outlines in detail the changes in journey time over the last 18 months. The most recent data from October 2021, vehicle trips and bus journey times were on a par with the 2019 baseline values and had not changed dramatically.</p> <p>The Lewisham and Lee LTN is one part of the wider Lewisham Transport Strategy and Local Implementation Plan which details the aspirations for the borough up to 2041 and how it contributes towards achieving the ambitious visions of the London Mayors Transport strategy (MTS).</p> <p>This strategy is enabling the Borough to plan strategically for transport, to achieve the broad MTS goals of Healthy Streets and healthy people, a good public transport experience and new homes and jobs. A key part of this strategy is the development of healthy neighbourhoods in order to reduce traffic and encourage active travel across the borough.</p> <p>The Council has been undertaking monitoring to understand how the LTN is operating, its impact and whether it is achieving its aims. It has been agreed that this monitoring will continue to ensure the scheme is meeting its aims as other parts of the strategy are implemented.</p>
Traffic	<p>The scheme will not reduce the overall volume of traffic but will displace traffic on other roads within the vicinity including residential roads outside the LTN.</p>	<p>One of the aims of developing healthy streets is to actively encourage people, especially those undertaking short journeys, to consider more active and sustainable alternative modes of travel and therefore reduce motor vehicle trips rather than displace to other parts of the network.</p> <p>The Council have been undertaking traffic surveys and working with TfL to understand the impact on traffic both within and outside of the LTN. In summary traffic levels reduced by 69% between March 2019 and February 2021 and by 20% between June 2020 and February 2021 on the roads surveyed. Data from TfL also reveals that the traffic flows and bus journey times on the A205 are within the 2019 baseline data sets, so have not recorded any major changes.</p> <p>The public consultation also suggests that those with cars are already walking and cycling more with 21% (1,483) of all respondents agreed or strongly agreed that the revised LTN had encouraged them to walk or cycle more and 14% (751) of car drivers said the LTN had encouraged them to walk or cycle more.</p>

Air quality	<p>The scheme has led to an increase of congestion on the main roads around the scheme including the south circular leading to more pollution for those that live near these roads.</p>	<p>Air quality monitoring on the A205 South Circular indicates that air quality improved during the first of the lockdowns when people’s travel was restricted. The air quality is now comparable to pre-pandemic levels as restrictions have eased. The Council continues to monitor air quality across the borough.</p> <p>Air quality has continued to be monitored and provisional data available for the automatic air quality monitoring stations for 2021 indicate no exceedances of the objectives for NO<sub>2</sub>, PM<sub>10</sub> or PM<sub>2.5</sub>. It is vital to note that the data referred below is currently provisional and still needs to be ratified and may be subject to change. Therefore, this data is not definitive and will be given careful consideration in the future monitoring of the scheme when all required processes have been completed.</p> <p>Provisional concentrations of NO<sub>2</sub> reported in 2021 at the automatic monitoring stations were broadly similar to those reported in 2020, with provisional concentrations of PM<sub>10</sub> and PM<sub>2.5</sub> slightly higher.</p> <p>Provisional data for the NO<sub>2</sub> diffusion tube network for 2021 indicates that generally higher concentrations of NO<sub>2</sub> were recorded than those observed in 2020, with some tubes reporting concentrations similar to those observed in 2019. From the provisional data available for 2021, potential exceedances are indicated only at two of the 101 monitoring locations, the South Circular and New Cross monitoring stations, where means of 41.6 µg m<sup>-3</sup> and 44.4 µg m<sup>-3</sup> are currently reported. It should be noted that the South Circular data was also shown to be in exceedance of the annual mean objective in 2018 and 2019</p> <p>Air quality will continue to be monitored and it is noted that any pollution is too much. Therefore the draft air quality Action Plan for Lewisham outlines a series of measures and actions that aim to further enact downward trends in the concentration levels of harmful air pollutants. The development and implementation of Healthy Neighbourhoods is part of this plan.</p>
Consultation	<p>The public consultation was not undertaken fairly, and the consultation indicates that residents were overall unhappy with the scheme</p>	<p>Due to the timescales and expectations set by central Government, councils did not have time to consult on the temporary changes when they were first implemented. However, initially people were able to provide their feedback on the scheme and its operation through the Commonplace website.</p> <p>The council acknowledges that the scheme impacted residents due to the way it was implemented and did listen to concerns raised by residents and responded to perceived increases in traffic levels</p>

		<p>and increased bus journey times and made changes to the LTN in November 2020. Further, changes were also made to the signs and road markings at the Dermody Road restriction following resident feedback.</p> <p>More recently the Council has sought views on both the original and revised LTN through the public consultation and the responses received formed part of the wider review of the LTN and the decision about the future of the scheme.</p> <p>A wide range of evidence was used to inform the approved recommendations and includes:</p> <ul style="list-style-type: none"> <li>• An analysis of the data collected, including air quality data, traffic counts, traffic speed, bus journey times and impact on emergency services;</li> <li>• An analysis of the responses given to the public consultation;</li> <li>• Consideration of the LTN's role in meeting Council, regional and national policies and priorities</li> </ul> <p>The formal consultation and objections process has been undertaken in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.</p>
Emergency Services	Emergency services are impacted by the scheme and will increase response times	<p>The Council has been working closely with the emergency services to understand any impact the scheme has had in relation to emergency services. Through this partnership the London Ambulance Service had reported a small number of incidents that led to delays within the original LTN area. The changes made in November 2020 help to address these concerns. Since the change one further incident in relation to the closure point on Cambridge Drive has been recorded.</p> <p>In order to mitigate further these concerns, all proposed modal filters within the area are proposed to be changed to ANPR camera's which will exempt emergency services. As well as increasing access to the area it will also provide a reduced traffic route to other parts of the borough.</p>
Impact on protected characteristics	Consideration hasn't been given to those with protected characteristics like the elderly or those who are unable to walk and cycle and rely on a car.	<p>An Equality Impact Assessment was undertaken by the on the scheme and can be found as part of the Cabinet Report. This took into consideration protected characteristics in line with Section 149 of the Equality Act 2010.</p> <p>The design of the scheme is to discourage through motor vehicle traffic and encourage more sustainable and active travel, however we recognise that this is not always possible for those with a disability who have to drive. This is why all areas are still accessible by motor vehicle although in some circumstances different routes will need to be taken.</p>

		<p>It is recognised that some protected groups that have to take journeys by motor vehicle may be disproportionately negatively impacted, however, the impact of longer journey times for some people is deemed to have been reduced by the improvements for the opportunity for sustainable and active travel provided by the proposals and the expected improvements to air quality, safety, noise and wellbeing benefits to these groups.</p> <p>The EQIA also highlight mitigation to help reduce any negative impacts.</p> <p>To improve accessibility in the area further a key part of the scheme was to allow registered Lewisham blue badge holders to be exempt from camera enforced modal filters.</p> <p>With all options for the future recommended to convert modal filters to camera enforcement within the LTN, the exemption will be extended to these areas to enable those with a registered blue badge holders to travel throughout the LTN area.</p> <p>It should also be noted that TfL research (TfL: 2019) shows that the most common mode of transport used at least once a week for disabled Londoners is walking, followed by using the bus. Travelling by car as a driver is the least common</p>
<p>Disproportional impact to marginalised groups</p>	<p>The LTNs only seem to prioritise clean air for the rich who can afford it whilst it deliberately transfers to the BAME and school areas.</p>	<p>The <a href="#">Equality Impact Assessment</a> shows that the current LTN measures impact all groups positively overall and in particular the ones that may traditionally suffer from inequalities disabled people, pregnant women and young mothers, and BAME groups. This is because the scheme has shown being successful at generally decreasing traffic levels and speeds.</p> <p>Quieter streets mean less noise and vibrations, increased road safety and natural surveillance, due to more people able to walk and cycle safely, increased opportunities for all to be active on the streets, more space on the carriageway for people using various wheeled transport equipment such, tricycle, adapted cycles, cargo-bikes.</p> <p>A University of Westminster study found that among all age, income and ethnic groups, almost 90% of people live on roads that could be part of an LTN, and that there were few noticeable differences across the various demographics. A separate study found that poorer households benefiting most-deprived Londoners.</p>

		<p>One of the key aims of LTNs is to reduce the number of cars on the roads within the LTN zone, making the roads safer and more pleasant to walk, wheel and cycle beside or on roads. Making the streets safer for disabled residents is a particular benefit for more at-risk pedestrians, such as those with visual, auditory, or cognitive impairments.</p> <p>The decrease in traffic danger also brings benefits for those with mobility impairments. Fewer cars on the roads make it safer for wheelchair users to roll down the road, instead of having to use the pavements which, as we have already discussed, are often inaccessible or not suitable for wheeling. Decreasing traffic danger brings many benefits for disabled cyclists, too. Cycling can be stressful or dangerous for those with sensory or cognitive impairments when one is sharing the road with cars. Less noise may also benefit visually impaired and neurodivergent residents. For those who are autistic or have other similar sensory and cognitive impairments, noise itself can be an access barrier to using the streets. Quieter roads mean less chance of experiencing uncomfortable sensory overload.</p>
<p>Accessibility of public transport</p>	<p>The diversion licensed taxis (hackney carriages) are required to take as a result of the existing restrictions equates to a journey which increases the journey time and cost substantially and for those passengers who do not have access to a car but use licensed taxis as their mode of transport are being treated less favourably as we are compelled to take passengers via the shortest route because we charge via a regulated meter or which fees are set by TFL.</p>	<p>Low Traffic Neighbourhoods are designed to encourage walking and cycling, creating modal shift. They are not designed to favour a specific mode of transport requiring a motor vehicle.</p> <p>It should be noted that all locations in the LTN are fully accessible by motor vehicles, including black cabs, although it is acknowledged that this may be by a slightly longer route. In addition, we have continued to exempt registered Lewisham Blue Badge holders and registered SEN transport providers to travel through the camera enforced restrictions.</p>

## **8. CONCLUSION**

- 8.1 The core aims of the LTN and measures presented in these traffic orders are to encourage people to walk and cycle more; improve air quality; improve road safety and reduce traffic. These core aims are at the centre of a number of Council and London-wide policies to help in tackling the climate emergency, improving air quality and making a greener Lewisham.
- 8.2 As part of the decision to advertise these orders through the Mayor and Cabinet decision report the Council has carefully considered an extensive range of data and listened to residents' thoughts and experiences since the original LTN was first introduced.
- 8.3 It is acknowledged that there have been some negative impacts of the LTN on individuals which is demonstrated in the objections received during the statutory process. Overall the information obtained indicates that the revised Lewisham and Lee Green LTN is meeting its aims, is in line with the Council's corporate objectives and policies, as well as wider London policies, and has started to positively influence travel behaviour. The overall balance of factors (including the matters set out at s.122 of the Road Traffic Regulation Act 1984: set out below) is in favour of making the LTN permanent. The orders will involve the permanent removal of parking spaces, but this is necessary to allow vehicles to move more freely within the LTN, and does not appreciably undermine the availability of parking within the area.
- 8.4 This report and appendices have outlined the process and the outcome of the statutory process. Although we understand the cause for concerns, changes have been made to the overall scheme, a robust monitoring process has been put in place and additional features included. Furthermore, no matters have been presented during the statutory process that require either a turn-round or substantive change to the traffic orders. The scheme should therefore be made permanent.
- 8.5 There is no requirement in the present circumstances for a public inquiry to be held. There has been significant opportunity for all views to be canvassed through the public consultation process and the statutory process. In addition, the proposal does not contain issues which are particularly complex and called for the establishment of a public inquiry.

## **9. LEGAL IMPLICATIONS**

- 9.1 The Council has various powers to make alterations and improvements to its highways. In addition, Section 39 of the Road Traffic Act 1988 requires the Council to prepare and implement a programme of measures to improve road safety and includes the power to engineer roads to make them safer.
- 9.2 The Road Traffic Regulation Act 1984 (RTRA) sets out the legal framework for traffic management orders. The procedures for making permanent and experimental traffic management orders and the form that they should take are set out within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and they, prescribe inter alia, specific publication, consultation and notification requirements that must be followed. The results of any traffic order process are to be reported separately through the existing delegated approval process and the Council is legally obliged to take account of any representations made during the statutory

consultation period before deciding whether or not to make the TMO.

- 9.3 Section 75 of the Highways Act 1980 authorises a highway authority to vary the relative widths of the carriageway and of any footway in a public highway. This includes the power to widen a footway within the existing boundary of the road. No procedure and in particular no consultation is prescribed for the use of section 75. This power will authorise any proposed amendments to footway widths required as part of the project.
- 9.4 Section 122 of the Act imposes a duty on the Council to exercise the functions conferred on them by the RTRA as (so far as practicable having regard to the matters specified in S122 (2)) to ‘secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians and the provision of suitable and adequate parking facilities on and off the highway’.
- 9.5 The matters set out in S122(2) are:-
- the desirability of securing and maintaining reasonable access to premises;
  - the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
  - the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
  - the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - any other matters appearing to the local authority to be relevant.
- 9.6 Section 45(3) of the RTRA provides that “in determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include—
- (a) the need for maintaining the free movement of traffic;
  - (b) the need for maintaining reasonable access to premises; and
  - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.

These factors need to be taken into account when deciding to make the orders permanent as in some places parking spaces will be permanently removed.

- 9.7 Part 2 of The Traffic Management Act 2004 (TMA) places a network management duty on local traffic authorities in England. It reinforces the legal duty under the RTRA to ensure the expeditious movement of traffic. S18 of the Act enables the Secretary

of State to issue guidance to local traffic authorities to which they must have regard when exercising their network management duty under the Act.

- 9.8 On the 30 July 2021, the Secretary of State for Transport issued additional statutory guidance under Section 18 of the Traffic Management Act 2004 (“the act”). It applies to all highway authorities in England, who are required to have regard to the guidance to deliver their network management duty under the act. It is effective from the date of publication and replaces the guidance published on 9 May 2020 and updated on 23 May 2020 and 13 November 2020.
- 9.9 It does not replace the original Network management duty guidance published in November 2004 but provides additional advice. In particular, it may guide authorities in how to make permanent and capitalise on changes made during the pandemic, to help meet the ambitions set out in Gear change.
- 9.10 This guidance sets out high-level principles to help local authorities to manage their roads and what actions they should take. It also specifies that Authorities should monitor and evaluate any temporary measures they install, with a view to making them permanent, and embedding a long-term shift to active travel as we move to recovery. In assessing how and in what form to make schemes permanent, authorities should collect appropriate data to build a robust evidence base on which to make decisions. This should include traffic counts, pedestrian and cyclist counts, traffic speed, air quality data, public opinion surveys and consultation responses. Furthermore it states that consultation and community engagement should always be undertaken whenever authorities propose to remove, modify or reduce existing schemes and whenever they propose to introduce new ones.
- 9.11 In addition, TfL issued their Streetspace for London guidance in May 2020. With March 2021 amendments this supports councils to identify and plan improvements to help people safely walk, cycle and use public transport during the coronavirus pandemic. TfL have provided boroughs with data and analysis for identifying schemes and guidance on how to deliver them to best meet the aims of the Streetspace programme, and how to monitor their outcomes.
- 9.12 The Council enforces parking and moving traffic contraventions under the provisions of the London Local Authorities and Transport for London Act 2003. Enforcement against contraventions of signs placed prohibiting entry by vehicles to roads which are bus routes or emergency services routes may be taken under the provisions section 4(5)(b) of this act, which to section 36 of the Road Traffic Act 1988 which makes it an offence to fail to comply with the indication of a traffic sign which has lawfully been placed on or near a road. A sign is so lawfully placed if the indication is of a statutory prohibition, restriction or requirement. Such signs must conform with the Traffic Signs Regulations and General Directions 2016.
- 9.13 Where the Council undertakes consultation (whether statutory or not) any consultation responses must be considered by the Council with a receptive mind, and it must be prepared to change course if persuaded. However, there is no duty to adopt the views of consultees.
- 9.14 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race,



religion or belief, sex and sexual orientation.

9.15 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

9.16 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

9.17 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/publication-download/technical-guidancepublic-sector-equality-duty-england>.

9.18 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty: The essential guide to the public sector equality duty, Meeting the equality duty in policy and decision-making, Engagement and the equality duty, Equality objectives and the equality duty, Equality information and the equality duty

9.19 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>.

## **10. Equalities and Diversity**

10.1 A full Equalities Impact Assessment (EqIA) has been carried out on the Lewisham and Lee Green LTN and was considered as part of the decision making by the Mayor and Cabinet on 12th January. This should be looked at again as part of this decision.  
<https://councilmeetings.lewisham.gov.uk/documents/s92723/Appendix%20J%20EQI>

- 10.2 The Equality Impact Analysis shows that the current LTN measures impact all groups positively overall and in particular the ones that may traditionally suffer from inequalities such as children, young adults, disabled people, pregnant women and young mothers, members of the LGBT community and BAME groups. This is because the scheme has shown to be successful at generally decreasing traffic levels and speeds.
- 10.3 Quieter streets mean less noise and vibrations, increased road safety and natural surveillance (due to more people able to walk and cycle safely), increased opportunities for all to be active on the streets, more space on the carriageway for people using various wheeled transport equipment such, tricycle, adapted cycles, cargo-bikes, more and quieter space to play, stop and chat with neighbours, increased footfall and cycle flows supporting a vibrant local economy, more space and time to enjoy streets architectural and natural features, more opportunities to access facilities for people that found that using public transport or a car was too expensive and a lower carbon footprint overall.

## **11. Climate change and environmental implications**

- 11.1 As was reported in the Mayor and Cabinet decision report, there is a legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part. Encouraging more journeys to be made by walking and cycling rather than private transport will help to protect against a car-based recovery from the COVID-19 pandemic, and the negative impacts associated with vehicular traffic. Keeping traffic and congestion to a minimum will help maintain the improved air quality that has been experienced under lockdown conditions. This will, in turn, help in achieving the objectives set out in the Council's Air Quality Action Plan and Climate Emergency Action Plan.

## **12. Crime and disorder implications**

- 12.1 As outlined within the Mayor and Cabinet decision report there have been a number of incidents of vandalism affecting the physical restrictions and ANPR cameras within the LTN and the Council has been liaising with the Police to take action to stop criminal damage. The advertised traffic orders will enable all remaining physical modal filters to be changed to camera enforced variants which is expected to reduce levels of vandalism and relevant operational costs.

## **13. Health and wellbeing implications**

- 13.1 As was reported in the Mayor and Cabinet decision report, many residents have had reason to adapt their daily routines as a result of the COVID 19 pandemic. Looking back at the 3 years to 2017/18, on average only 35% of residents were walking or cycling for at least 10 minutes twice a day (or a single block of at least 20 minutes). Over half of the adult Lewisham population, and 37% of 10-11 year old and 21% of 4-5 year olds are overweight or obese. Road Transport is also the biggest contributor to NOx and PM10 emissions, contributing 64% and 55% of total emissions respectively. As a result of the COVID-19 pandemic an increase in walking and cycling for local trips was observed, particularly due to fears over public transport use and limited capacity. The lower traffic volumes are thought to have given people

greater confidence to cycle, that they may not otherwise have. The traffic orders will restrict vehicular traffic through the Lewisham and Lee Green LTN on a permanent basis and will continue the conditions which have encouraged people to walk and cycle more, providing a benefit to public health.

#### 14. BACKGROUND PAPERS

14.1 Mayor and Cabinet 12<sup>th</sup> January 2022 - Lewisham and Lee Green Low Traffic Neighbourhood: Consultation report and next steps –

<https://councilmeetings.lewisham.gov.uk/mgAi.aspx?ID=31225#mgDocuments>

14.2 Equalities Impact Assessment, Appendix J of 12 January 2022 Mayor and Cabinet decision –

<https://councilmeetings.lewisham.gov.uk/documents/s92723/Appendix%20J%20EQIA%2023%2012%202021%20fv.pdf>

#### 15. Appendices

Appendix A – Published Traffic Orders

Appendix B - Summary of TMO objections & responses

Appendix C – Map of proposals

Appendix D – Confirmation of withdrawal of objection from Royal Borough of Greenwich

I agree / ~~disagree~~ with the recommendations.

Signed



Date

24 May 2022

Zahur Khan – Director of Public Realm