

OFFICER DELEGATED DECISION – 24 MARCH 2021

Report title: Ferndale Low Traffic Neighbourhood Experimental Scheme

Wards: Ferndale, Larkhall

Portfolio: Deputy Leader (Sustainable Transport, Environment and Clean Air): Councillor Claire Holland

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REPORT SUMMARY

In accordance with the Council's COVID-19 Transport Strategy Programme and Lambeth Transport Strategy 2019, experimental traffic restrictions are proposed for the area bounded by Stockwell Road (A203), Brixton Road (A23), Acre Lane (A2217), Bedford Road and Landor Road, to reduce road danger and enable safe walking, wheeling, scooting and cycling. This area will be referred to as the Ferndale Low Traffic Neighbourhood (LTN).

FINANCE SUMMARY

The estimated capital cost of implementing the recommendations in this report is £273,471. Transport for London (TfL) has committed to fund this amount as part of the London Streetspace, and Liveable Neighbourhood programmes.

RECOMMENDATIONS

1. To note the outcome of the statutory consultation set out in paragraph 5.6 below.
2. To issue scheme approval for traffic restrictions and waiting restrictions in the area bounded by Stockwell Road (A203), Brixton Road (A23), Acre Lane (A2217), Bedford Road and Landor Road (termed the Ferndale Low Traffic Neighbourhood) as illustrated on drawing no. C19-FERN-OVR-001 in Appendix A.
3. To implement the scheme in Recommendation 1 under an experimental traffic management order made under the provisions of Sections 9, 10, 124, Schedule 1 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (RTRA 1984) and that the notices of making for the Experimental Traffic Orders contain the statements specified in Schedule 5 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. This order will replace the temporary traffic restrictions which came into operation on 27 July 2020 and 17 August 2020 under Section 14 of RTRA 1984.

4. That any valid objections received during the statutory objection period are considered by way of a written report to the Assistant Director of Infrastructure, Environment, Public Realm and Climate Change Delivery before a decision is reached on whether or not any of the provisions of the experimental order will be made permanent.
5. That, after consultation with the Chief Officer of Police, the London Ambulance Service or the London Fire Brigade, any modifications to any Experimental Order which renders it less restrictive may be authorised by the Assistant Director of Infrastructure, Environment, Public Realm and Climate Change Delivery without the requirement to re-advertise the Order under Section 10(2) of the said Act.
6. To undertake a non-statutory consultation exercise with local stakeholders prior to any decision being made on moving to a permanent traffic order.
7. To exercise discretion not to hold a public inquiry pursuant to Regulation 9 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.
8. To note the Equality Impact Assessment attached at appendix C.

1. CONTEXT

- 1.1 The Ferndale Low Traffic Neighbourhood proposal aims to deliver the following improvements for residents and visitors to this locality:
- reduce overall motor vehicle traffic volumes in the area,
 - reduce traffic volumes across the neighbourhood to deliver improved air quality, improved safety and create street spaces where people can socialise and play;
 - preserve motor vehicle access so residents and local businesses can use cars and vans when they need to;
 - enable people to travel safely through the area on foot or by cycle.
- 1.2 The Transport Strategy Implementation Plan (TSIP) sets out the delivery of the Lambeth Council Transport Strategy objectives to make borough transport networks safe, efficient, inclusive, sustainable and healthy. The introduction of 'low traffic neighbourhoods' is recommended within the Transport Strategy as an effective delivery intervention that achieves these criteria by strategically filtering residential streets to reduce non-local motor vehicle traffic whilst retaining access at all times. Such measures can encourage a mode shift from motor vehicle travel to active travel and reduce the negative impacts associated with motor vehicle travel such as road danger, air pollution and carbon emissions. The overall objective of traffic reduction can reduce congestion making essential trips easier to make on the network. Since most Lambeth households do not own a car, measures to re-allocate space and priority within the surface transport system towards active travel are proportionally beneficial. An equalities impact assessment for each proposed low traffic neighbourhood scheme has been undertaken so that the decision maker can assess whether the specific proposals represent an equitable response prior to any decision to make the scheme permanent.
- 1.3 On 15 May 2020, Lambeth Council approved its Covid-19 Transport Strategy Programme, which allocated Council funds to implement a range of measures to ensure the safe and effective functioning of the transport network and sustainable recovery from the pandemic. Included with the programme is the creation of the Ferndale Low Traffic Neighbourhood, funding for which was approved by TfL as part of the 'baseline plus programme'.
- 1.4 On 25 February 2021, the Secretary of State for Transport issued statutory guidance in relation to the effect of Covid-19 on highway network management. The Guidance states that to encourage active travel and to enable social distancing, local authorities should take measures to re-allocate road space to people walking and cycling. It emphasises these measures should be taken as swiftly as possible. Guidance recommends, for example, creating modal filters whereby planters or large barriers are used to close roads to motor traffic, creating neighbourhoods that are low-traffic or traffic free.
- 1.5 An increase in the number of statistically vulnerable road users sharing existing road networks with motor vehicles, resulting from the Covid-19 related travel restrictions in London, could result in a higher likelihood that fatalities will increase proportionally. Highway Authorities are therefore obliged to take immediate action to protect road users from serious injury or death by making road safety interventions, including prohibiting vehicles where necessary, and may do so under Section 14(b) of the RTRA 1984.
- 1.6 In accordance with 1.4, 1.5 and 1.6, temporary traffic restrictions consisting of four modal filters were introduced between 27 July and 17 August 2020, at Concannon Road/Santley Street, Sandmere Road (East)/Tintern Street, Sandmere Road (West)/Bedford Road. These are shown

as filters 6 to 8 on the drawing in Appendix A. The aforementioned three filters will remain the same, however the fourth filter installed at the junction of Pulross Road/Dalyell Road will be changed as specified in 2.1 and 2.4 under the proposed experimental traffic order.

2. PROPOSAL AND REASONS

- 2.1 Following the analysis of traffic surveys undertaken between August and November 2020, and taking into account initial public responses to the functioning of the temporary scheme outlined in 1.7, a plan for eight traffic restrictions and twenty five waiting restrictions changes are proposed for the Ferndale Low Traffic Neighbourhood area as an experimental traffic scheme, which includes the physical continuation of three of four of the existing traffic restrictions in 1.7 (Traffic Restriction 6 to 8 in table 1) and changes to the measures on Pulross Road (Traffic Restriction 3 in table 1).
- 2.2 The intended effect of the traffic restrictions is to prevent through motor traffic from travelling through the residential streets within the Ferndale LTN area (“rat-running”), and to meet the objectives set out within the Low Traffic Neighbourhood monitoring strategy. The consequences of high vehicle traffic volumes in residential areas include; a) road danger threat to vulnerable road users b) perceived danger and discomfort suppressing active travel and mode shift to sustainable travel, c) air pollution, and d) noise pollution.
- 2.3 The positions of the traffic filters have been chosen so that limited viable through routes will remain within the scope area, while deploying a minimal quantity of traffic restrictions. Consideration has also been given to accessibility of the traffic areas (“cells”) that are subsequently created. In all cases, the volume of traffic using the respective access roads to each traffic cell are expected to be less than the pre-scheme traffic levels, due to the removal of through traffic.
- 2.4 Traffic data from 2018 to 2019 indicates that between 50% and 75% of vehicles on Trinity Gardens, Combermere Road, Ballater Road, Tunstall Road and in the central section of Ferndale Road did not originate from or were not destined for the local area. Over 75% of vehicles on Solon Road did not originate from or were not destined for the local area. Traffic data collected whilst the temporary scheme was in place between September and October 2020 show that the traffic restriction detailed in 1.7 has resulted in motor vehicle traffic volumes falling significantly on local streets where filters have been installed. However, traffic volumes on a small number of roads within the scope area have increased. Traffic volume increases were recorded on Combermere Road and the western end of Ferndale Road.
- 2.5 Measures to create low traffic levels without establishing traffic restrictions on Ferndale Road were trialled during the temporary scheme described in section 1.7. Whilst east bound traffic was effectively reduced, west bound traffic increased slightly due to the residual through route from Brixton Road to Bedford Road and the addition of displaced local access traffic. A bi-directional motorised vehicle prohibition traffic filter is proposed on Ferndale Road as part of the experimental scheme to reduce traffic volumes in accordance with the Healthy Routes plan and will be located in the vicinity of house number 232 Ferndale Road. Details of this is shown in drawing 4 in Appendix B.
- 2.6 The existing temporary traffic restriction on Pulross Road is effectively a bi-directional motorised vehicle prohibition filter between the junctions of Dalyell Road and Bellefields Road, which addressed rat-running traffic in both directions, but reduced available access routes for premises in the area, and which were already restricted by existing turning movement bans and the nearby gyratory system. The introduction of the Ferndale Road measures in section 2.5 would further restrict this vehicle access to an unreasonable extent. Therefore, the existing east bound no-motor vehicle ban, east of the junction with Dalyell Road, will be removed prior to the experimental

scheme being implemented. This will allow vehicle access from Stockwell Road. Instead, the prevention of south-east bound through traffic from Landor Road will be achieved by installing a new motorised vehicle ban for east bound traffic on Pulross Road, immediately east of Mordaunt Street. These layout changes are shown in drawings 2 and 3 in Appendix B.

- 2.7 Measures to address residual through traffic travelling through the residential streets between Stockwell Road and Landor Road are also proposed, in conjunction with the revised traffic layout on Pulross Road. The proposal is to 'split' the junction of Dalyell Road and Combermere Road, by introducing measures that will require vehicles to turn either left or right as they approach the junction. This will address several viable through routes as a single physical measure. Access for emergency vehicles needing to travel straight ahead will be retained. Details of this is shown in drawing 1 in Appendix B.
- 2.8 An effect of the changes to the Pulross Road temporary traffic restriction is that the north to south through route from Dalyell Road to Acre Lane via Nursery Road is opened. Therefore, an additional one-way no-entry restriction at Shannon Grove for South bound vehicle traffic is proposed to address the through route, while limiting the impact on egress for (north bound) local traffic. This will also remove the residual through route from Ferndale Road to Acre Lane. Details of this is shown in drawing 5 in Appendix B.
- 2.9 A summary of the proposed traffic restriction proposals is outlined in table 1 below and an overview map of the proposals is included in Appendix A. Detailed drawings are included in Appendix B.

Table 1 - Summary of traffic restrictions

Traffic restriction ID	Location	Type
1	Junction of Dalyell Road and Combermere Road	Diagonal modal filter between north and south arms of the junction
2	Pulross Road – o/s no. 62c	No motor vehicles permitted for westbound vehicles from a point immediately east of the junction with Mordaunt Street and one-way eastbound on Pulross Road immediately west of Dalyell Road
3	Pulross Road – o/s no. 18	No motor vehicles restriction for westbound vehicles from a point immediately east of the junction with Dalyell Road and one-way eastbound on Pulross Road immediately east of Dalyell Road
4	Ferndale Road – o/s no. 230	No motor vehicles permitted in either direction on Ferndale Road from a point immediately east of 230 Ferndale Road
5	Shannon Grove, south of junction with Nursery Road	No motor vehicles permitted southbound on Shannon Grove, from a point immediately south of the junction with Nursery Road
6	Concannon Street, south of junction with Santley Street	No motor vehicles permitted in either direction on Concanon Road,

	<i>Existing Filter as part of Temporary Traffic Restrictions.</i>	immediately south of the junction with Santley Street
7	Sandmere Road, west of junction with Tintern Street <i>Existing Filter as part of Temporary Traffic Restrictions.</i>	No motor vehicles permitted in either direction on Sandmere Road from a point immediately west of the junction with Tintern Street
8	Sandmere Road, immediately east of junction with Bedford Road <i>Existing Filter as part of Temporary Traffic Restrictions.</i>	No motor vehicles permitted in to Sandmere Road from Bedford Road. No right turn out of Sandmere Road into Bedford Road

2.10 The physical form of the traffic restrictions (filters) will be similar to those implemented under the temporary scheme, with dia. 619 motor vehicles prohibited traffic signs or dia 616 no-entry signs, road markings and planters indicating the position of the restrictions. Physical gaps will be retained at all locations to allow access for the relevant exempt vehicles, which is emergency services at all locations where dia. 619 signs are used. ANPR cameras will be used to encourage compliance of the restrictions, since the filters allow passage for exempt vehicles.

2.11 Changes to waiting restrictions will be made in 8 locations as part of this experimental scheme. The reasons for these are described in table 2 below and their indicative location are shown in Appendix A.

Table 2 - Proposal for waiting restrictions changes

Waiting Restriction ID	Location	Proposal	Reason	Drawing No.
A	Dalyell/Combermere	a, Remove 14m of parking bay on Combermere road to the side of house number 46 Dalyell. b, Install 14m of double yellow lines on Combermere road to the side of house number 46 Dalyell.	To allow turning movements at filtered junction (T1) as per design.	1
B	Pulross Road (mordaunt to Dalyell)	a, Remove 8.0m parking on south side by filter. b, Install 8.0m of double yellow lines on south side by filter.	As per design of traffic filter, to improve visibility at junction.	2
C	Pulross Road	East side of crossing – a, Introduce 8m loading/disabled bay	Improve loading arrangements for	3

		<p>outside playground and café on south side.</p> <p>b, Remove 4 zig zag markings on north side. (8.6m).</p> <p>c, Replace 4 zig zag markings with DYL on north side. (8.6m).</p> <p>West side of crossing –</p> <p>d, Remove 17m of zig markings on south side.</p> <p>d, Replace 17m of zig markings with DYL on south side.</p>	businesses on Pulross Road.	
D	Ferndale Road	<p>a, Remove 1 x 5.3m parking bay & 1 x 2.8m parking bay near new traffic filter.</p> <p>b, Replace 1 x 5.3m parking bay & 1 x 2.8m parking bay near new traffic filter with DYL.</p>	To provide a turning point for vehicles	4
E	Concannon	<p>Eastside</p> <p>a, Remove single yellow line at junction with Santley Street.</p> <p>b, Replace single yellow line with 10m DYL to join existing DYL at junction with Santley Street.</p> <p>c, Change motorcycle parking bay outside 42 to resident parking.</p> <p>d, Relocation resident parking bay to 4m south outside 42.</p> <p>Westside</p> <p>e, Extension of resident parking bay 7.5m on Westside.</p> <p>f, 13.4m new DYL to meeting existing DYL at junction with Santley St</p>	As per design of traffic filter T6, to ensure adequate tracking for emergency vehicles	6
F	Sandmere Road	a, Remove 3m of parking bay of South side of Sandmere Road junction with Tintern Road	As per design of traffic filter T7, to ensure adequate tracking for emergency vehicles	7
G	Sandmere Road	a, Remove 5m of parking bays closest to the	As per design of traffic filter T8, to ensure adequate	8

		junction with Bedford Road b, Replace 5m of parking bays closest to the junction with Bedford Road with DYL.	tracking for emergency vehicles.	
H	Bellefields Road	a, Remove 15m of permit holders parking o/s 50 to 54. b, Replace 15m of permit holders parking o/s 50 to 54 with DYL c, Remove Solo moto parking from o/s no. 56 d, Relocate Solo moto parking from o/s no. 56 to opp o/s 47 e, Replace Solo moto parking with DYL	To allow long vehicles to turn safely from Pulross Road into Bellefields road, which will be the primary egress route for vehicles servicing premises in Bernay's Grove and Nursery Road	9

- 2.12 It is important to consider that the proposals are expected to have a beneficial impact in terms of pedestrian and cycle movements in the area, making these safer, more convenient and more accessible. This is a key rationale for the proposals.
- 2.13 A key principle of the proposal is that all premises within the Low Traffic Neighbourhood (LTN) area should remain accessible by motor vehicle at all times.
- 2.14 The effect of the proposals will be to restrict or remove general motor vehicular traffic that currently passes through the affected area. The roads within the area are unclassified and not intended to carry significant volumes of non-local traffic. The proposals therefore reinforce a network management approach where non-local traffic is directed to the main road network that has been identified for this purpose, with local roads providing access and links to the wider network. Some local journeys by motor vehicle may be longer due to the traffic restrictions. These effects will be monitored during a trial period and any potential adjustments to the scheme considered as part of this process.
- 2.15 While motor vehicles will continue to have access to the LTN area, the reduction / removal of through routes will result in a decrease in traffic on local streets, reinforcing any existing restrictions and preserving and improving safety and amenity in the area. The expected reduction in motor vehicles of all types within the area is also expected to reduce road danger. Any potential impact on the main road network is expected to be mitigated by the more controlled environment on such roads, but this effect will also be monitored.
- 2.16 The proposals are expected to result in an overall reduction in motor vehicle traffic, taking the area within the LTN and the surrounding roads together. Air quality is expected to improve on streets within the LTN due to reductions in motor vehicle traffic levels. Air quality on boundary roads is not expected to change significantly, but these effects will be monitored and reported with potential further measures depending on the outcome of this.

2.17 Further to the matters set out in this report and having regard to the considerations listed in 4.6 (a) to (e) below, officers consider that the proposed schemes will enable the Council to meet its duty under section 122 of the RTRA 1986 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.

2.18 Whilst the implementation of the scheme may result in the interference with the human rights of individuals as referred to in paragraph 4.21 below officers consider that such interference is necessary and proportionate means of achieving the wider public benefit of making the boroughs transport networks safe, efficient, inclusive, sustainable and healthy.

3. FINANCE

3.1 Expenditure

Table 3 breaks down forecast expenditure by item

Table 3 - Scheme expenditure

Item	Amount (£)
Traffic Order Temporary	2,250
Traffic Order Experimental	8,000
Planters	31,450
Civils works	88,000
Spare Signs	10,853
Traffic Counts	6,975
ANPR Cameras	79,500
ANPR Camera (one location)	21,443
Lambeth Internal Design and Project Management	25,000
Total	273,471

3.2 Budget

The scheme is fully funded through a third-party grant from Transport for London.

£150,971 is from the Ferndale Low traffic Neighbourhood scheme budget, £79,500 from the ANPR camera budget, (both are from the Streetscape programme) and a further £43,000 from Brixton Liveable Neighbourhood programme.

3.3 Income

No net income is expected to be generated by these proposals. However, any surplus that does arise from issuing fixed penalty notices for non-compliance with the signed traffic restrictions will be ring-fenced to offsetting the council's highway and transport-related expenditure.

4 LEGAL AND DEMOCRACY

- 4.1 In response to the Covid-19 pandemic, on 23 May 2020 the Department for Transport issued revised [statutory guidance on councils' highway network management duty](#). It recommends that local authorities in areas with high levels of public transport use should take measures to reallocate road space to people walking and cycling as swiftly as possible. This report's recommendations are strongly aligned to this guidance.
- 4.2 The Council has, pursuant to Section 62 of the Highways Act 1980, a general power to improve any highway in its area. Section 75 of the Act extends a power to vary the relative widths of the carriageway and of any footway.
- 4.3 Restricting traffic from using part of the public highway requires the making of a traffic management order (TMO). The Council's powers to implement this are principally set out in the Road Traffic Regulation Act 1984 (RTRA). For the reasons set out in paragraphs 1 and 2 of this report, the making of Experimental TMOs pursuant to Section 9 of the RTRA, is recommended.
- 4.4 The provisions of sections 9, 10, 124, Schedule 1 and Part IV of Schedule 9 of the RTRA provide the Council with the power to implement the changes proposed in this report. This legislation gives a local authority the power to make TMOs for the purpose of:
- a) designating on-street parking places and to charge for the use of such places;
 - b) imposing waiting and loading restrictions on vehicles of all or certain classes, at all times or otherwise;
 - c) to prohibit, restrict and otherwise regulate the use of a road or any part of the width of a road by all classes of traffic, or by any class or classes of traffic, and
 - d) to vary or revoke an existing TMO for these purposes.
- 4.5 Paragraphs (a) to (g) of section 1(1) of the RTRA provides that the Council may make a TMO for any of the following purposes:
- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or;
 - b) for preventing damage to the road or to any building on or near the road, or;
 - c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or;
 - d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which is unsuitable having regard to the existing character of the road or adjoining property, or;
 - e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot, or;
 - f) for preserving or improving the amenities of the area through which the road runs, or;
 - g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
- 4.6 By virtue of section 122 of the RTRA, the Council must exercise its functions under the RTRA so as 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. These powers must be exercised so far as practicable having regard to the following matters:
- a) the desirability of securing and maintaining reasonable access to premises;
 - b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity;
 - c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
 - d) 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;

- e) any other matters appearing to the Council to be relevant.

The Council must have proper regard to the matters set out in s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.

4.7 When determining what paying parking places are to be designated on the highway, section 45(3) of the RTRA requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to:

- (a) the need for maintaining the free movement of traffic;
- (b) the need for maintaining reasonable access to premises;
- (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.

4.8 Section 144 of the Greater London Authority Act 1999 requires the Council when exercising any of its functions to have regard to the Mayor of London’s transport strategy and any written guidance given to it. The current strategy emphasises the importance of reducing emissions and improving air quality and at page 101, under the heading, “Improving air quality and the environment” includes the following commentary:

Policy 6

“The Mayor, through TfL and the boroughs, and working with stakeholders, will take action to reduce emissions – in particular diesel emissions – from vehicles on London’s streets, to improve air quality and support London reaching compliance with UK and EU legal limits as soon as possible. Measures may include retrofitting vehicles with equipment to reduce emissions, promoting electrification, road charging, the imposition of parking charges/levies, responsible procurement, the making of traffic restrictions/regulations and local actions.”

The same document goes on to set out the expectation (at page 105) that:

“TfL and the boroughs...take targeted action and fulfil their statutory duties, including using tools such as road charges, differential parking charges, street closures and vehicle restrictions, tackling engine idling, promoting efficient driving, implementing electric vehicle charging infrastructure, and supporting zero emissions car clubs (where appropriate)”.

4.9 The making of experimental traffic orders is governed by the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996. Section 6 of these Regulations specifies that in addition to the Chief Officer of the Police, the Council is required to consult with the following before making an Experimental Traffic Order (ETO). The outcome of this consultation is set out in the table in paragraph 5.5 below.

Case	Consultee
Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road for which another authority is the highway authority or the traffic authority	The other authority
Where the order relates to, or appears to the order making authority to be likely to affect traffic	London Buses

on a road included in the route of a London bus service	
Where it appears to the authority that the order is likely to affect the passage of an ambulance	The chief officer of the appropriate NHS trust
Where it appears to the authority that the order is likely to affect the passage on any road of a fire-fighting vehicle	The chief officer of the fire brigade of the fire authority
All cases	The Freight Transport Association The Road Haulage Association
Such other organisations (if any) representing persons likely to be affected by any provision in the order as the order-making authority thinks it appropriate to consult.	
Any such organisations that have been consulted in respect of one or more schemes subject to this report's recommendations are detailed in section 2 of this report.	

Whilst there is no statutory requirement to consult other groups, 'Statutory Guidance under the Traffic Management Act 2004: network management in response to COVID-19' states that whilst measures should be taken as swiftly as possible, it should not be at the expense of consulting local communities including disability groups as set out in paragraph 5.4 below.

4.10 Section 9(1) of the 1996 Regulations provides that the authority must cause a public inquiry to be held in certain circumstances, which are not applicable here. In all other cases it has a discretion, and "may" cause such an inquiry to be held.

4.11 Section 22 of the Regulations provides that prior to the making of an experimental order there is no requirement to publish proposals for public consultation or to consider any objections arising therein. However, whilst no decision on whether or not the provisions of the ETO or any of them will be made permanent in due course, if the scheme is to deliver the long-term objectives detailed in paragraph 1.2, the experimental traffic order will need to be replaced within 18 months by a permanent traffic order. To enable this to happen efficiently, Section 23(3) of the 1996 Regulations makes provision for no further public consultation being necessary at that time if:

(a) the notice of making for the Experimental Traffic Order contains the statements specified in Schedule 5 of the Regulations, namely;

1. That the order-making authority will be considering in due course whether the provisions of the experimental order should be continued in force indefinitely.
2. That within a period of six months—
 - (a) beginning with the day on which the experimental order came into force, or;
 - (b) if that order is varied by another order or modified pursuant to section 10(2) of the 1984 Act, beginning with the day on which the variation or modification or the latest variation or modification came into force, any person may object to the making of an order for the purpose of such indefinite continuation.
3. That any such objection must—
 - (a) be in writing;
 - (b) state the grounds on which it is made; and

(c) be sent to an address specified for the purpose in the notice of making.

- (b) deposited documents (including the documents referred to below in sub-paragraphs (c) and (e)) were kept available for inspection in accordance with Schedule 2 throughout the whole of the period specified in regulation 22(4);
- (c) the deposited documents included a statement of the order making authority's reasons for making the experimental order;
- (d) no variation or modification of the experimental order was made more than 12 months after the order was made; and
- (e) where the experimental order has been modified in accordance with section 10(2) of the 1984 Act, a statement of the effect of each such modification has been included with the deposited documents.

4.12 The Council is also obliged to deposit at the same time various documents for inspection, including a statement setting out our reasons for making the experimental order. The Experimental TMO will take effect seven days after the day on which the said notice of making is published and may remain in force for up to a maximum of 18 months. Within this period, the Council will need to decide whether to make the scheme permanent. No consultation is required prior to the order coming into force.

4.13 Section 10 of the RTRA provides for an Experimental TMO to be suspended or modified while the order is in place. This power cannot be used to extend or make additions to the order. No variation to, nor modification of, the Experimental TMO can be made more than 12 months after it was made.

4.14 Once the experimental order is in place, the Council is required to make the necessary amendments to the road markings and traffic signs as soon as practicable to adequately provide information as to the Order that is in place. The requisite sign or signs for these purposes is specified in the Traffic Signs Regulations and General Directions 2016.

4.15 As detailed in paragraph 4.9, the Regulations specify a statutory consultation procedure which must be followed if the Council wishes an experimental order to be replaced by a permanent traffic order. This procedure requires that before deciding whether to make the provisions of the ETO or any of them permanent, the Council must take account of any representations made within six months of it coming into force or, if it is modified, within 6 months of that modification coming into force. All material objections received must be properly considered by the decision maker in light of administrative law principles, human rights law and the relevant statutory powers. The Council's constitution delegates to Directors and Assistant Directors (Delivery) the authority to consider objections received from statutory consultation as part of the TMO making process, (subject to a formal report setting out the objections, with clear recommendations, being submitted for approval) and the power to make, amend or revoke traffic orders, following the consideration of such objections.

4.16 Section 149 of the Equality Act 2010 sets out the public sector equality duty in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and

- Foster good relations between those who share a protected characteristic and those who do not.

Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.

- 4.17 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.
- 4.18 In addition to the above, Section 175A of the Highways Act 1980 extends a specific duty upon local authorities to have regard to the needs of disabled and blind in the execution of certain street works (namely the placing of lamp-posts, bollards, traffic signs, apparatus or other permanent obstructions) which may impede such persons. Consideration of this duty and the Councils’ public sector equality duty are discussed in paragraph 7 below.
- 4.19 Section 16 of the Traffic Management Act 2004 imposes a duty on the Council to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to its other obligations, policies and objectives, to:
- Securing the expeditious movement of traffic on the authority's road network, and;
 - Facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 4.20 Subject to the requirement set out in section 18 to have regard to statutory guidance on network management, under section 17 of the Traffic Management Act 2004 the Council as a network manager must have in place arrangements as it considers appropriate for carrying out its network management duty which must include provision for establishing processes for ensuring, so far as is reasonably practical, that the Council identifies occurrences, including future occurrences which are causing or may cause road congestion or disruption to the movement of traffic, and consider possible action that can be taken in response to those occurrences.
- 4.21 The Council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention, set out in the Human Rights Act 1998. The Convention rights applicable are:
- 4.21.1 Article 1, Part I - protects the right of everyone to the peaceful enjoyment of possessions. No one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. This does not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest etc.
- 4.21.2 Article 8 - protects the right of the individual to respect for their private and family life, their home and their correspondence. There should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of amongst other matters, public safety, the economic well-being of the country, for the prevention of disorder or crime, for the protection of health, or for the protection of the rights and freedoms of others.

4.21.3 Any interference with a Convention right must be necessary and proportionate and in pursuing an ETO, the council has to consider carefully the balance to be struck between individual rights and the wider public interest.

4.22 Page 81 of the Council's Constitution 2020-21 delegates to Business Unit Managers authority to consider and approve, within their area of managerial responsibility, the detailed delivery of local traffic and highway schemes (including controlled parking zones) which have been included within the Council's overall programme. The measures proposed by this report meet this criteria by virtue of having been included in [Lambeth's Transport Strategy Implementation Plan](#) approved by Cabinet on 17 November 2019.

4.23 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the website for five clear days before the decision is approved by the Director or Cabinet Member concerned. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5 CONSULTATION AND CO-PRODUCTION

5.1 The mandate to rapidly address risks to public health and maintain an effective transport system as outlined in section 1.3 has informed the recommendation to proceed by way of an experimental traffic order whereby full public consultation on the precise design of scheme is carried out after installation. This will give the opportunity for the council to gather non-speculative information about the impacts of the traffic restrictions, without delaying the necessary response to public health risks. For this reason officers do not recommend that a public inquiry is held as is referred to in paragraph 4.10 above.

5.2 With regard to wider public engagement on the current proposals, the recommendation of this report is that following the first six months after scheme delivery, the Assistant Director of Infrastructure, Environment, Public Realm & Climate Change Delivery will receive a written report setting out any valid objections received during that period to inform whether the changes should be withdrawn, modified or made permanent. The inherent uncertainty in terms of how drivers will reroute or change their mode of travel has informed the recommendation to proceed in this way with the use of an experimental traffic order

5.3 Emergency Services were emailed regarding the proposal to introduce the measures as a temporary scheme on 7 July 2020, in advance of the formal statutory consultation for the traffic order. No objections were raised, nor were they during the section 14 statutory consultation. Emergency services were consulted again as part of Statutory Consultation for the experimental traffic order making process.

5.4 The emergency services were engaged with prior to statutory consultation and designs were amended in response to comments received. These changes included replacing most of the proposed No-Entry restrictions with No Motor Vehicle restrictions. One No-Entry sign remains on east filter on Pulross Road to ensure greatest compliance for users of the Zebra crossing outside of Papas Park playground.

5.5 In response to the additional statutory guidance issued by the Secretary of State for Transport under Section 18 of the Traffic Management Act 2004 on 12 January 2021, Lambeth Council made Royal

Mail aware of the proposals detailed in this decision report on 1 February 2021 and again on 26 February 2021.

- 5.6 During the statutory consultation period, concerns were raised by the London Taxi Driver Association (LTDA) about the impacts of the proposed Low Traffic Neighbourhood on their members.
- 5.7 The scheme proposed does not prevent the taxi trade from accessing the kerbside within the Low Traffic Neighbourhood area and the taxi trade will be able to continue to serve all locations they currently serve. It is acknowledged that there may be some changes to the routes taken to access some properties. We will continue to engage with the LTDA to monitor impacts.
- 5.8 It is also recognised that engagement with users who are dependent on the taxi trade, particularly those protected under the Equalities Act 2010, will be required during the Experimental Traffic Order period to further assess the impact the proposals may have on these groups. This engagement will inform the ongoing review of the Experimental scheme as well as informing any decision on making the scheme permanent. There will be a full non-statutory public consultation on the scheme prior to any decision regarding scheme permanence and this will include details of any proposed exemptions.
- 5.9 Statutory Consultation process as explained in paragraph 4.9.
- 5.10 Statutory Consultation Summary

Table 4 – Summary of responses to experimental traffic order statutory consultation

Consultee	Informal Consultation Date	Comment and date received	Statutory Consultation Date	Comment and date received
Chief Officer Police	29.01.2021	Thank you for these plans which appear fine in principle, we have logged these under MPs TMO reference LX1072TD2021.	24.02.2021	Replied on 26/02/21. Commented as follows: Thank you for this notice which appears fine in principle
London Ambulance Service/NHS Trust	29.01.2021	Thank you for getting back to me with the updated plans and taking on board our comments it is greatly appreciated. With the changes proposed it allows for increased emergency vehicle access and egress into the area, like all schemes across London we will continue to monitor the scheme and feed back any delays or concerns raised by our crews.	24.02.2021	No response

		Thank you for taking time to consider our comments.		
London Fire Brigade (LFB)	29.01.2021	<p>Comments received 12/03/2021 as follows:</p> <p>Based on the present traffic flows and restrictions in place already coupled with the ability to enter Bellfield road, with the amendments shown, to Bellfield I think this with a review in 4 weeks is acceptable. If you can let me know when all this goes live and I can circulate to local stations and receive any feedback as appropriate.</p>	24.02.2021	No response
London Buses (TfL)			24.02.2021	No response
Bus Operators			Not consulted (as there are no bus routes involved)	
Logistics UK (aka Freight Transport Association)			24.02.2021	No response
Road Haulage Association			24.02.2021	No response
Transport for London (surface)			24.02.2021	<p>Replied on 08/03/21. Commented as follows: No objections from us on this.</p> <p>Kieran asked if the restriction on Ferndale Road is a new restriction or if it is already in place (part of the Ferndale LTN is already in force by a temporary traffic order) and whether any traffic counts have been carried out for the east>west flows along Ferndale Road as</p>

				these are likely to reassign to the TLRN. Kieran has received answers to his questions.
British Motorcyclists Federation			24.02.2021	No response
London Cycling Campaign			24.02.2021	No response
JCMBPS Guide Dogs for the Blind			24.02.2021	No response
RNIB Access Consultancy			24.02.2021	No response
London Cab Ranks Committee			24.02.2021	No response
Taxi and Private Hire, Transport for London			24.02.2021	<p>Replied on 10/03/2021. Paul Brennan Chairman, Licensed Taxi Drivers Association commented as follows:</p> <p>In summary LTDA expressed concerns about Lambeth's proposal to create a low traffic neighbourhood in the Ferndale area. The LTDA is concerned this could have a detrimental impact on the taxi trade and undermine the essential service black cabs provide as a form of door-to-door public transport for many people who live, work and visit Lambeth, particularly disabled people and those with accessibility needs, as well as those simply less able to walk or cycle.</p>

				<p>LTDA seek urgent clarification as to whether taxis will be given access to the streets closed to cars?</p> <p>Your proposal also mentions the use of ANPR cameras, again we would like to understand the implications for taxi drivers and whether licensed taxis (hackney carriages) will be given access to drop off or pick up passengers from within the LTN and how this we be managed?</p> <p>It also places those who rely on taxis as the only means of transport open to them at a disadvantage, and as the High Court recently found in our successful legal challenge of the Streetspace for London Plan and A10 Bishopsgate Corridor, the failure to give due consideration to the role of taxis and the impact of removing taxi access, breached the Public Sector Equality Duty, under the 2010 Equality Act.</p> <p>LTDA requesting that licensed taxis carrying passengers with protected characteristics including disabled and elderly people, are allowed through barriers to access any properties within restricted streets or areas.</p> <p>Response is detailed in paragraphs 5.6, 5.7 and 5.8.</p>
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London Travelwatch			24.02.2021	No response
HERE technologies			24.02.2021	No response
Other traffic/highway authority			24.02.2021	No response
Royal Mail	1.2.2021 and 26.2.2021			

5.11 Ward Members have been engaged through regular dialogue with the Cabinet Member on the progress of the scheme proposals.

5.12 Additionally, feedback has been recorded on the commonplace platform since the implementation of the temporary scheme on 20 July. This feedback has been used, in conjunction with collected traffic data, to ensure that the proposed experimental scheme can address any issues arising from the temporary measures. This initial feedback monitoring period will be in addition to the formal consultation period. Advertisement of this feedback system was included in a scheme notification letter sent to local addresses within the neighbourhood scope area in July 2020.

6 RISK MANAGEMENT

6.1 The main risks associated with the proposals detailed in this report are summarised in table 5 below, along with the proposed mitigation.

Table 5 - Risk severity calculation

		Impact			
		Minor (1)	Significant (2)	Serious (4)	Major (8)
Likelihood	Very likely (4)	4	8	16	32
	Likely (3)	3	6	12	24
	Unlikely (2)	2	4	8	16
	Very Unlikely (1)	1	2	4	8

Table 6 - Risk Assessment

Risk	Likelihood	Impact	Score	Mitigation
That introducing an LTN without prior public consultation results in unintended consequences	3	4	12	Once the decision is made to proceed, the community will be encouraged to provide feedback in order to refine the scheme's interventions. At any point, the AD can decide to render the Experimental TMO less restrictive
That, on balance, the community considers	3	4	12	Using traffic modelling, the design has sought to minimise

the increased travel time and travel distance they incur to outweigh the scheme benefits				the disruption. The period of consultation will inform if this can be improved upon
That the LTN results in increased traffic levels in nearby roads	4	2	8	As far as possible, each LTN has been designed to limit traffic displacement to classified roads. Lambeth's Transport. Post-scheme traffic surveys will inform whether this has been achieved.
That the measures will negatively impact emergency response times	1	8	8	All filters have spaces compliant with LFB regulations to allow for emergency service access – Low traffic means emergency response within neighbourhood will be faster. Traffic on main roads to be monitored, noting wider impact of other London schemes and works that could impact the arterial network.
That the restrictions negatively impact operations for businesses within the scope area during transitional stage	2	4	8	Engagement with business in the locality Introduce Warning Notices prior to formal enforcement
Negative impact to community and council reputation due to issuing PCNS for enforcement	2	4	8	Engagement with stakeholders in the locality Introduce Warning Notices prior to formal enforcement Erect additional warning signage to notify of enforcement. PCN issuance rates to be carefully monitored and reviewed.
That the scheme disproportionately disbenefits a group with protected characteristics	3	4	12	Full scheme equalities impact assessment undertaken and reviewed by decision maker prior to scheme authorisation.

7 EQUALITIES IMPACT ASSESSMENT

7.1 A separate Equality Impact Assessment (EIA) has been completed for this scheme and decision which is included in Appendix C. The Ferndale LTN EIA covers;

- The changes proposed with the scheme
- What we know about the people who will be impacted by the changes
- How we anticipate people will be impacted by the changes
- How we plan to promote and deliver any positive impacts of the scheme
- How we plan to address and mitigate any negative impacts of the scheme
- How we will review/evaluate our proposal, mitigating actions and/or benefits and who will be responsible for this

7.2 The analysis within the EIA does not identify any significant equalities impacts for the proposed changes. However, ongoing monitoring of the scheme will be important to help identify any

potential negative impacts arising from the development of the proposals and will provide key information to update this analysis.

8 COMMUNITY SAFETY

- 8.1 The underlying objective of a low traffic neighbourhood is to create a healthier and safer environment in which to live and travel. The specific traffic management measures proposed have been developed in consultation with the police and the Council's Safer Streets' team. The project team will continue to gather information about any unintended consequences of low traffic environments on perceptions of personal safety at certain locations. Ongoing collaboration with council services such as community safety and regeneration will be required to deliver balanced outcomes that help people feel safer in general and not just from the danger of vehicle traffic. The highways team will respond to situations where street lighting levels are reported to be low.

9 ORGANISATIONAL IMPLICATIONS

9.1 Environmental:

In creating an environment which enables active travel and discourages use of motor vehicles, the scheme's objectives are strongly aligned to the Lambeth Air Quality Action Plan, the Health and Wellbeing Strategy and the 2019 Cabinet resolution relating to the climate emergency. Since private transport comprises a large portion of the UK's energy consumption and carbon emissions (direct and embedded in manufacture), reducing private vehicle ownership and use on a wide scale is an essential adaptive measure. The proposals in this scheme encourage alternative modes of low carbon transport such as walking scooting and cycling that could support a significant borough wide reduction in private vehicles use.

In restricting how drivers and motorcyclists can access the highway network, some local journeys that need to be made using these means of travel may take longer, thereby increasing those journeys' carbon footprint and amount of pollution. Though these are expected to be offset by net reductions in total vehicle miles travelled, surveys undertaken during the first six months of operation will determine the net effect, which will be considered alongside the ongoing scheme consultation.

9.2 Health

As outlined in section 1 of this report, a primary mandate for implementing the proposals in this report is to respond to the immediate health risk for the public arising from the Covid-19 pandemic, both in terms of limiting transmission of the virus and in protecting people from road danger. In addition to improving air quality in the vast neighbourhood scope area where vehicle traffic is reduced, physical and mental health benefits are expected for those who increase their daily physical exercise via active travel.

Due to traffic displacement there will be locations where air pollution concentrations may increase (at least initially), which would have local negative health benefits for people. Any resulting air pollution increases are not expected to be relatively severe. Measures to address air pollution on arterial roads where levels are already unacceptable are outside the scope of this scheme but are an important consideration for wider public health. Air pollution monitoring stations will be used to continue to monitor changes where possible. Traffic counts will also be undertaken to infer possible pollution increases due to congestion. These impacts will be considered alongside the ongoing scheme consultation.

9.3 Corporate Parenting

None arising from this report's recommendations

9.4 Staffing and accommodation:

None arising from this report's recommendations.

9.5 Responsible Procurement:

None arising from this report; all goods and services will be provided by the council's existing supply chains.

10 TIMETABLE FOR IMPLEMENTATION

10.1 Table 6 below shows expected delivery milestones associated with the background, consultation and proposals included within this report. Note that the proposed dates are indicative and for information purposes only.

Table 7 - Implementation timetable

	Activity	Proposed Date	Actual Date
1	Emergency services consulted on temporary scheme		07.07.20
2	Temporary scheme traffic order 1 operational		27.07.20
3	Initial scheme monitoring traffic counts 1		04.08.20
4	Temporary scheme traffic order 2 (Pulross) operational		17.08.20
5	Initial scheme monitoring traffic counts 2		08.09.20
6	Formal stage 1 scheme traffic monitoring counts		9.10.20
7	ODDR for experimental scheme published		16.3.31
8	ODDR Decision		24.3.21
9	ETO Signed (Made)	24.3.21	
10	Notice is published in the South London Press and London Gazette	26.3.21	
11	Experimental traffic order to come into effect (subject to recommendations within this report being approved)	5.4.21	
12	Installation of filters T4 to T8 and and waiting restrictions W1 to W6	6.4.21 - 8.4.21	
12	ANPR enforcement of traffic restrictions to commence (subject to ETO being operational)	22.4.21	
13	Experimental scheme objection period ends (six months after newest measures are operational)	22.9.21	

AUDIT TRAIL				
Consultation				
Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Cllr Claire Holland, Deputy Leader (Sustainable Transport, Environment and Clean Air)	Legal and Governance	10.2.2021	15.2.2021	Throughout
Russell Trewartha, Head of Programmes	Resident Services	10.2.2021	4.3.2021	Throughout
Ben Stevens Highway Network Manager	Resident Services	10.2.2021	10.2.2021	-
Bala Balaskanthan Highway Engineer	Resident Services	10.2.2021	-	-
Sandra Roebuck, Director of Infrastructure and Capital Delivery	Resident Services	15.3.2021	15.3.2021	-
Simon Phillips Transport and Public Realm Strategy Manager	Sustainable Growth and Opportunity	10.2.2021	17.2.2021	4
Michael Munnely, Assistant Director: Infrastructure, Environment Public Realm & Climate Change Delivery	Resident Services	5.3.2021	15.3.2021	-
Derek Roopnarine, Group Manager	Finance and Property	10.2.2021	11.2.2021	-
Greg Carson, Legal Services	Legal and Governance	5.3.2021	12.2.2021	4
Nazyer Choudhury, Democratic Services Legal and Governance	Legal and Governance	10.2.2021	24.2.2021	4
Hannah Jameson Assistant Director for Sustainable Development and Climate Change	Sustainable Growth and Opportunity	10.2.2021	-	-

REPORT HISTORY	
Original discussion with Cabinet Member	Ongoing
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	N/A
Background information	<ol style="list-style-type: none"> 1. <u>Lambeth's Transport Strategy Implementation Plan</u> 2. <u>Statutory guidance in relation to the effect of Covid-19 on highway network management</u> 3. <u>Ferndale LTN Scheme Online consultation platform</u> 4. <u>Lambeth's Air Quality Action Plan</u>
Appendices	<p>Appendix A – Traffic Restrictions Drawing C19-FERN-OVR-001</p> <p>Appendix B – Detailed drawings of traffic and waiting restrictions</p> <p>Appendix C – Scheme Equalities Impact Assessment</p>

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Kevin Morris
Project Manager

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Sandra Roebuck
Director of Infrastructure and Capital Delivery

Any declarations of interest (or exemptions granted): none

Any conflicts of interest: none

Any dispensations: none