

Contains Confidential or Exempt Information	NO
Title	COVID/LSP cycle schemes – Interim Assessment
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Portfolio(s)	Cllr Bell Regeneration and Transport, Cllr Anand Environment and Climate Action
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Date to be Considered	16th March 2021
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Affected Wards	All
Keywords/Index	COVID transport measures, cycle schemes, active travel

Purpose of Report:

To present the findings of the interim assessment of the two emergency cycle schemes introduced at Fishers Lane, Southfield Ward and Church Road, Northolt Mandeville Ward under the Transport for London (TfL) Streetspace programme and to make recommendations as to the future of these schemes.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Note this interim assessment of the impact of the experimental cycle schemes implemented at Fishers Lane, Southfield and Church Road, Northolt.
- 1.2 Notes and agrees that these schemes continue in force without modification pending the availability of further data necessary to enable a decision as to where to make the schemes permanent or not.
- 1.3 Notes that a further report will be brought to Cabinet for a final decision as to whether to make the schemes permanent or not when the further data is available

2. Reason for Decision and Options Considered

2.1 Background

In May 2020, The Department for Transport (DfT) announced funding for a new national programme of Emergency Transport Measures to reallocate road space to cyclists and pedestrians in response to the COVID 19 (COVID) pandemic.

In his foreword to the details of the scheme, The Right Honourable Grant Shapps MP, Secretary of State for Transport, states: “The government therefore expects local authorities to make significant changes to their road layouts to give more space to cyclists and pedestrians. Such changes will help embed altered behaviours and demonstrate the positive effects of active travel.” The guidance advises councils to reallocate road space in order to cater for significantly increased numbers of cyclists and pedestrians. The proposals outlined from Government are designed to:

- Encourage people to continue cycling, recognising that with public transport capacity reduced, the roads in the largest cities, may not be able to cope without it.
- Enable social distancing to be in place, more space being made available for pedestrians, particularly in busier areas like town centres.
- Support fitness. Indications are that there is a significant link between COVID-19 recovery and fitness. Active travel can help us become more resilient.
- Embed what the DfT have called a once in a generation opportunity to deliver a lasting transformative change in how we make short journeys in our towns and cities.
- Promote active travel, which is affordable, delivers significant health benefits, has been shown to improve wellbeing, mitigates congestion, improves air quality and has no carbon emissions at the point of use.

The statement was supplemented by updated statutory guidance and associated regulation from the Department for Transport on the Traffic Management Act 2004. The guidance advises councils to reallocate road space in order to cater for significantly increased numbers of cyclists and pedestrians. The Guidance was updated in November 2020 to strengthen the advice on consultation and engagement.

In London, the Mayor launched the London Streetspace Programme (LSP) to administer the central Government funding within London. London Boroughs were encouraged to support this programme and funding was also secured from the Department for Transport to facilitate this.

Transport for London (TfL) produced Interim Guidance to Boroughs on the London Streetspace Plan, which contained the application process. This was circulated to Boroughs on 15th May 2020. The document identified 3 key criteria on which schemes would be awarded funding:

- Deliverability (The guidance required local authorities to make these changes ‘as swiftly as possible’).
- Location and Borough (assessment of locations where social distancing is an issue, overcrowding is likely and will pose safety concerns, and where transport, economic and social datasets show a need to intervene).
- Value (the guidance required the use of cheap temporary materials).

The Mayor’s programme therefore sought to secure change in behaviour by making amendments to the network to support more trips being made on foot and by bike, and was informed by data that showed that, before the pandemic, many car trips in London were for short distances. About a third of these could be walked in under 25 minutes, and two thirds could potentially be cycled in less than 20 minutes. The content of the TfL guidance is currently subject to a legal challenge yet remains operational pending any final determination of the Court.

The Right Honourable Grant Shapps MP, Secretary of State for Transport, wrote to all Local Transport Authority leaders on 16 October 2020 setting out his concerns with respect of ‘a significant minority of instances’ where schemes were poorly designed. Mr Shapps asked his officials to engage with local authorities where he had concerns. There were no concerns raised with respect of the schemes within this report.

2.2 Ealing Streetspace Programme

To respond to these challenges and opportunities, and in line with new statutory guidance issued by the Government and the Mayor of London, the Ealing Streetspace Programme was agreed by June 2020 Cabinet. This is a programme of active travel and social distancing measures in response to; and to aid both economic and social recovery from the Covid-19 pandemic. Ealing’s Streetspace programme included:

- The introduction of 12 **School Streets** around schools where motor traffic is restricted at pick-up and drop-off times, during term-time.
- Implementation of 9 **Low Traffic Neighbourhoods (LTNs)** with modal filters;
- And pertinent to this report, installing 6 **‘pop-up’ Cycle Schemes** with physical separation from volume traffic using light segregation features such as flexible plastic wands; or quickly converting traffic lanes into temporary cycle lanes (suspending parking bays where necessary); widening existing

cycle lanes to enable cyclists to maintain distancing. Four of the six schemes have been installed with a further two to be installed shortly. Details of the schemes are set out in the table in paragraph 2.3 below.

As confirmed in the June 2020 Cabinet report, COVID schemes were progressed on the basis of priorities agreed following consultation with portfolio holders as follows:

- Encourage active travel measures to enable residents to walk and cycle around the borough to assist social distancing, relieve public transport capacity and reduce the need for car journeys.
- Active travel is affordable, delivers significant health benefits and has been shown to improve well-being, mitigate congestion, improve air quality and can help individuals to become more resilient.
- The DfT and TfL both outlined this as an opportunity to deliver transformative change in how we make short journeys in our towns and cities.
- These schemes support the Council's recovery programme, climate emergency action plan and air quality priorities.

The delivery of improved infrastructure for walking and cycling is a key goal of the borough's Transport Strategy and supports the Mayor of London's wider ambition for 80% of journeys to be made by walking, cycling and public transport by 2041. Evidence shows that the wider ambition to increase mode share is only going to be achieved by making cycling safer and more attractive.

To support these goals work was already underway in Ealing before June 2020 on several strategic cycle schemes and this work has provided the foundation for the identification and development of the LSP cycle schemes introduced following the June 2020 report.

2.3 Identification of COVID/LSP cycle schemes

Following the June 2020 report specific cycle measures were identified based on the following criteria:

- Schemes should be able to be delivered quickly and at low cost to maximise benefits of funding.
- Schemes should meet TfL criteria for safe cycle infrastructure i.e. London Cycle Design Standards (LCDS).
- Focus on improvements to existing strategic cycle corridors e.g. the Uxbridge Road, providing benefits to existing cyclists and encouraging wider use.
- Capitalise on route definition studies already undertaken in collaboration with TfL on routes in Acton and Boston Manor.
- Respond to measures undertaken in neighbouring boroughs to maximise benefits for longer distance cycle trips.

- Respond to additional proposals from councillors and portfolio holders.

The six schemes identified from this analysis were as follows:

Greenford Road - northbound
<p>Scheme introduced with DfT funding in May 2020. Light segregation (wands) introduced on existing advisory cycle lane north of junction with Uxbridge Road at Iron Bridge as far as Baird Avenue.</p> <p>Status: Implemented.</p>
Ealing Common East
<p>Scheme introduced light segregation in both directions east of junction with A406 North Circular Road. Subsequently extended further to the east.</p> <p>Status: Implemented.</p>
Church Road (east), Northolt
<p>Initial COVID response closed road to traffic and introduced parking controls to provide additional space for pedestrians and make route safer for cyclists. ETO published in July 2020. Subsequently, at the request of the Police, the closure has been revised to allow emergency vehicle access from Mandeville Road, but this is not currently enforced.</p> <p>Status: Implemented under ETO. Assessment delayed by lockdown (see 3.2 below).</p>
Acton, The Vale
<p>Light segregation introduced on sections of The Vale where road space permitted. Subsequently, further work was commissioned to extend the scheme to cover Acton town centre and through to the borough boundary with Hammersmith & Fulham in both directions. Implemented scheme includes further light segregation, widened cycle lanes and removal of some parking and loading bays. A parklet and planters have been introduced where bays have been removed.</p> <p>Status: Completed.</p>
Acton to Chiswick (including Fishers Lane)
<p>A TfL funded feasibility study already underway prior to the pandemic had identified measures to improve cycle safety along the proposed route (and included options for restricting traffic through Fishers Lane). LSP funded measures are focussed on key junctions along the route and include the introduction of</p>

parallel cycle crossings at existing zebras and improved wayfinding. Fishers Lane was closed to all traffic except buses, cycles and emergency services under an ETO in late July 2020. Initial assessment due in January 2021.

Status: Partly delivered and ETO subject of interim assessment (see 3.1 below)

Southall to Hanwell

Proposals include significant reallocations of road space in multi-lane sections and at Iron Bridge pinch point. Scheme requires approval from TfL and is subject to the agreement of a joint monitoring programme to assess impacts of the scheme.

Status: Implementation pending TfL approval.

A seventh scheme at Greenford Road (southbound) is on hold-pending resolution of parking issues with the local Angling Club.

A map of the Tranche 1 cycle schemes is shown in Appendix A.

LBE has bid for further funding from TfL to deliver an additional three cycle schemes and three LTNs, which are currently being designed before wider engagement.

2.4 Consultation

The unique circumstances around the LSP programme and particularly the need to deliver schemes within short time frames, prompted the Council to take a different approach to consultation and to make Experimental Traffic Orders (ETOs) where necessary to facilitate this.

The making of ETOs was in line with Government guidelines at that time and, the conditions for the funding which were to install schemes quickly, using temporary materials. This meant that it was not possible (or a legal requirement) to carry out the same level of pre-engagement required for permanent orders. However, the ETO process includes a six-month consultation period during which residents and others can provide feedback on the scheme which is considered alongside other data when the scheme is reviewed.

The revised statutory Guidance in November 2020, and particularly the strengthened advice with respect of consultation and engagement, has been taken into account during the experimental phase of these schemes.

The schemes at Fishers Lane, Chiswick and Church Road (east), Northolt were introduced by means of an ETO. These have enabled the new road layouts to be trialled on a temporary basis (up to 18 months). The necessary statutory consultation

required prior to the making of the orders and the notifications necessary before the orders came into force were made.

Traffic Regulation Orders (TRO) have also been utilised on other schemes as required and where changes are intended to permanent; although can still be subject to change following post implementation assessments or safety audits. Examples include changes to waiting and loading restrictions, and new or amended pedestrian crossings. A statutory consultation period of 21 days is required prior to implementation.

Residents' enquiries and feedback on all elements of the LSP programme have been captured via a dedicated email address (COVIDtransport@ealing.gov.uk). In addition, responses to ETOs and TROs are directed to the Traffic Notice email address (TrafficNotices@ealing.gov.uk). Specific details of the responses to the schemes at Fishers Lane and Church Road are detailed in the relevant sections below.

Scheme	Direct Responses to Traffic Notices	Other responses including those to COVIDtransport
Fisher's Lane ETO	22	72
Church Road ETO	4	9

Figures for January 2021

3.0 Monitoring and Assessment

The extended duration of the pandemic and the associated impacts on normal travel behaviour complicates the assessment of the schemes implemented under the two ETOs. It is also always the case that schemes that make significant changes to the road network may take some time to "settle in", particularly from a traffic point of view as drivers adapt their journeys. For larger schemes it may take many months before a long-term pattern is set. Cycling schemes in particular can show wide variations in usage between one day and the next dependant on the weather.

Before a final decision is made as to whether to make the ETOs permanent or not a full assessment will take place against a range of objectives supported by quantitative data where appropriate but also taking into account the wider policy context and longer term societal goals. These are listed below along with details of data to be used and assessment undertaken so far for each scheme set out in the tables below.

- Scheme addresses wider policy objectives on climate change, public health and the economy.
- Cycle network benefits – scheme adds to or improves existing cycle connections.
- Scheme delivers an increase in active travel (cycling and walking)

- Improved cycle safety (medium to long term reduction in cyclist collisions)
- No significant adverse effect on other traffic (including pedestrians)
- Any equalities impacts are identified and mitigated.

The details of objections received during the 6 month objection period will also be taken into account and the Council will also have regard to its statutory duties.

The following sections detail the current status of each of the ETO schemes currently in place.

3.1 Fishers Lane

The ETO for the Fishers Lane closure was made on 29th July 2020 and will expire in January 2022 unless made permanent. The 6 month objection period closed in January 2021.

Fishers Lane forms part of the preferred route for the Acton-Chiswick cycleway. It provides a direct connection under the railway at Chiswick Common avoiding longer detours via Turnham Green Terrace or Acton Lane. Fishers Lane is narrow, restricted to alternate one-way traffic and has limited space for queuing at either end.

Prior to the pandemic Ealing had been working with TfL to develop proposals for the cycleway and had progressed to concept design stage. To meet TfL cycleway criteria the volume of traffic on Fishers Lane would need to be reduced and options to achieve this reduction have been examined as part of the scheme development process.

Hounslow Council decided to close Turnham Green Terrace in July 2020, also under an ETO. Fishers Lane is the obvious alternative route for traffic and without similar restrictions, would have seen a significant increase in traffic flows. Given the constraints detailed above, this would have led to an increase in local congestion as well as making the road even more unpleasant for cyclists. At the end of July 2020 therefore, and with agreement from Hounslow, Ealing implemented the closure of Fishers Lane to all traffic except local buses and cyclists Hounslow have subsequently re-opened Turnham Green Terrace.

Objective	Measurement	Baseline data	Monitoring status
Increase in active travel	Cyclist and pedestrian flows	Y	Interim surveys undertaken for Fisher's Lane in October 2020 show increased numbers of cyclists using the route.
Improved cycle safety	Collision statistics	Y	Two collisions reported during lockdown. Awaiting further details.
Cycle network benefits	Connectivity	n/a	Safety and wayfinding improvements to existing signed route.

Traffic impacts	Traffic flows and journey times	Y	Interim analysis of bus journey times shows no negative impacts on local routes. Further analysis underway. See below and Appendix B
Improved air quality	Existing AQ Monitoring sites	Y	Benefits will materialise over time and are linked to increased cycling/walking in area.
Equalities impacts	Surveys and feedback	n/a	EAA prepared (see Appendix D)
Other impacts	Resident and Councillor feedback	n/a	Detailed responses have been provided to Councillor's and residents (see Appendix C)

Traffic surveys were undertaken in November 2019 as part of the initial planning phase of the Acton- Chiswick cycleway scheme. These included traffic surveys on Fishers Lane and South Parade. These provide a partial baseline for the assessment of the closure.

The surveys were repeated between 16th- 22nd October 2020. Analysis of the results show that at that time there were still significant numbers of drivers failing to observe the restrictions. Despite this there was a significant increase in cyclists using the route. Details are included at Appendix B

TfL iBus data has been analysed for routes 94 and 272 for the period October 2019 to November 2020. The data shows substantial improvements to bus journey time for both routes during first lockdown (Spring 2020). This is in line with expectations as traffic volumes reduced sharply during this period. After the Fishers Lane closure, and with lockdown ended by October 2020, journey times increased, but were still lower than before the lockdown, especially in the am peak both ways and the pm peak westbound. Details are included at Appendix B.

Given that motor traffic volume was near or above pre-pandemic level in the autumn, it is possible that the Fishers Lane scheme has improved bus journey times a little, although the improvements may also be influenced by the shorter time spent at stops with fewer passengers.

3.1 Feedback from local residents and businesses

The Traffic Notices email has received 63 responses relating to the Fisher's Lane restrictions. A further 9 responses were received either directly or forwarded by Ward Councillors.

A clear focus of responses in the first few months of the scheme was the congestion in the area associated with simultaneous closures of both Fisher's Lane and Turnham Green Terrace to through motor traffic. The situation was further compounded by emergency water supply repair works on Acton Lane in the period between 23rd October and 27th November. To reduce this congestion Hounslow re-

opened Turnham Green Terrace on the 29th October.

Concerns over safety were also highlighted following 2 reported collisions Fisher's Lane, at least one of which involved a cyclist. Further details on these collisions are being sought and will be considered in the full review of the scheme.

Whilst the volume of responses received to the LSP schemes in general has meant that it has not been possible to respond individually to these comments there has been on-going engagement with Ward Councillors on many of the issues raised by residents. In addition, the Council has prepared a detailed response to the resident survey that was initiated by the Councillors (see Appendix C).

Ealing Cycling Campaign sent detailed comments on the whole route, in favour of the Fisher's Lane closure, but noting the need for more enforcement, and suggesting improvements further south in Hounslow.

In summary, for the reasons set out above it is not considered that there is enough data available yet to enable a decision to be made as to whether to make the ETO permanent or not. Once sufficient data is available a further report will be brought to Cabinet for decision. In the meantime and based on the data and consultation responses received as outlined above it is recommended that it is considered appropriate for the ETO to continue without modification pending a final decision.

3.2 Church Road (east) Northolt

The ETO for the Church Road closure was made on 4th July 2020 and will expire in January 2022 unless made permanent. The objection period closed in January 2021.

The closure of Church Road (east) or Little Church Road as it is sometimes called was originally proposed as part of the Corridor 11 scheme in 2016 and was one of a series of measures designed to improve cycling and pedestrian connections whilst also improving the public realm and bus facilities. Although public consultation at that time supported the scheme, concerns from some residents regarding access to Northolt Village meant that full implementation of the scheme was delayed pending further investigations.

Given the expected benefits for cyclists and pedestrians, it was decided to implement the closure in June 2020 as part of the Council's initial COVID response, and this was later formalised with an ETO in July. At the same time, parking controls were introduced to provide additional space for pedestrians and cyclists.

Objective	Assessment	Baseline data	Current status
Increase in active travel	Cyclist and pedestrian flows	Y	Baseline data collected in 2017 as part of LIP C11 scheme. Follow-up surveys planned for January 2021 delayed due to lockdown.
Improved cycle safety	Collision statistics	Y	Full assessment pending.
Cycle network benefits	Connectivity	n/a	Part of potential 'Green Ring' linking local parks and canal. Improves connection across busy traffic corridor.
Traffic impacts	Traffic flows and journey times	Y	Some reassignment of trips onto other local roads. Updated assessment pending new surveys.
Improved air quality	Existing AQ Monitoring sites	tba	Adjacent A roads are main source of pollutants. Scheme not expected to deliver improvements.
Equalities impacts	Surveys and feedback	n/a	EAA prepared (see Appendix D)
Other impacts	Resident and Councillor feedback	n/a	Closes off escape route for HGV's mistakenly entering Northolt village.

3.2.1 Feedback from local residents and businesses

The Traffic Notices inbox has received 4 responses relating to the Church Road (east) closure. A further 9 responses were received either directly or forwarded by Ward Councillors.

The predominant theme of the feedback from residents is the potential impact of the closure on access to and from Northolt Village and the re-distribution of traffic onto other local roads particularly Eskdale Avenue and Priory Gardens. Residents have also highlighted difficulties exiting the village via Ealing Road during peak hours when there are heavy traffic flows on Mandeville Road. These are both issues raised during the previous consultation for the Corridor 11 scheme.

3.2.2 Scheme Monitoring

Baseline data was collected in October 2015 and June 2013 as part of the original Corridor 11 LIP scheme. Follow-up surveys scheduled for January 2021 have been cancelled following the latest lockdown and the impact this would have on the data collected.

Compliance with the closure is not being monitored at this time. Although signage is in place, access for residents and emergency vehicle has been maintained and we know from other schemes that compliance is likely to be an issue. This will need to be resolved before further surveys are undertaken to ensure the data gathered

provides a reliable basis for assessment. The scheme is not expected to impact bus journey times or air quality and so no other monitoring is planned at this stage.

In summary, for the reasons set out above it is not considered that there is enough data available yet to enable a decision to be made as to whether to make the ETO permanent or not. Once this data is available a further report will be brought to Cabinet for decision. In the meantime, and based on the data and consultation responses received as outlined above it is recommended that it is considered appropriate for the ETO to continue without modification pending a final decision.

3.3 Other feedback

3.3.1 Emergency Services

The Council has sent all the emergency services draft details of the proposed schemes.

Feedback in relation to the two ETO schemes has been received as follows;

- Fire Brigade: No objection subject to access being maintained from Mandeville Road. More generally concern has been expressed over the use of wands restricting access to hydrants and potential for wider delays to traffic when and if appliances are unable to reach kerb and so block roads. In practice, the initial wand product used was easily removed whether by accident or deliberate act and so would not have hindered access. A newer product now being used is sturdier and should withstand accidental contact but also more flexible, allowing larger vehicles (e.g. a fire tender) to pass over if necessary.
- Metropolitan Police: Expressed concern over reduced road space impacting emergency response times (Acton scheme). At the request of the Police vehicle access through the closure on Church Road (east) at the junction with Mandeville Road was introduced. This closure is not currently CCTV enforced and so it is likely that compliance with the closure is low.
- Ambulance service: No objection subject to access being maintained from Mandeville Road.

3.3 Ward Members

Feedback from ward members has been sought since the ETOs for Fishers Lane and Church Road came into force. Most ward councillors have sent e-mails citing both their personal, or their constituents' concerns or support as well as highlighting issues with the operation of the schemes.

Ward members will be consulted on the outcomes of the interim assessments and their feedback will be considered before any final decisions are taken. Regular briefing meetings have been held for members on the full range of active travel schemes.

In mid-October 2020 Local Councillors in Southfield Ward organised a resident survey and published the results in a Traffic Survey Report. The report details responses from over 800 residents across Southfield Ward. Councillors have received a detailed response to the various issues raised by the residents in this survey and this is included at Appendix C. Further discussions with Councillors in early March 2021, and following a second resident survey, have highlighted specific concerns around local congestion, signage and enforcement and the plans for further surveys and consultation. In addition there are concerns about proposals in Hounslow and the potential impacts of these in the Southfield area.

For context the October 2020 survey was undertaken just prior to the second lockdown and before enforcement of the Fishers Lane closure had begun. Subsequently, Hounslow have removed the closure on Turnham Green Terrace which will have further effects on traffic distribution in the area.

4.0 Key Implications

With the need for social distancing and the reduced capacity of public transport it is important that measures are put in place to support active travel modes; both walking and cycling and combat a potentially large increase in private car use.

In May 2020, as a result of the COVID emergency, the normal funding for transport scheme via Ealing's LIP (Local Implementation Plan) was suspended. In its place, came funding specifically allocated for at the delivery of measures to facilitate active travel. Given the urgency of the situation, these measures have had to be implemented very quickly, in order to protect public safety, maximise the benefit to Ealing's residents, businesses and the local economy and to comply with the terms of the funding.

Active travel is the most effective way to travel that facilitates social distancing whilst also helping with the climate crisis, air pollution (which has seen a 25% reduction in NO₂ during lockdown), reducing obesity and road danger. It aligns with the London Mayor's Transport Strategy and also the policies and objectives set out in the Council's Transport Strategy.

The evaluation of the schemes referred to above implemented under Experimental Traffic Orders has been impacted by the on-going COVID emergency. Surveys

undertaken in lockdown would not give reliable results and so have been postponed. As soon as conditions permit more data will be collected and further evaluation of the schemes undertaken. In the meantime, other data sources are being investigated.

Trial schemes may be made permanent, modified or even removed altogether based on evidence and consultation once the monitoring date and response to consultation have been considered at the end of the 6 month objection period. It is recognised that these schemes generate strong and diverging opinion and views, and therefore, throughout the process, we are encouraging residents, business and other stakeholders to provide us with their feedback on the schemes.

4.1 Changes implemented to date

- Additional signage introduced at Fishers Lane.
- Closure at Church Road modified to allow access for emergency services.

5. Financial Implications

The total amount of funding received by the Council for the Tranche 1 cycle schemes was £486K for all the LSP schemes to be implemented. This should cover design and implementation costs, staff costs and monitoring. An additional £100K for cycle schemes was received directly from DfT and was used to deliver the Church Road (east) and Greenford Road schemes. The table below sets out the allocation of this funding.

Cycle Schemes	Tranche 1 £'m
Estimated costs	
UXBRIDGE RD CYCLE CORRIDOR	0.220
EAST ACTON TO CHISWICK	0.116
24 HOUR BUS LANES	0.050
THE VALE	0.020
GREENFORD ROAD/CHURCH ROAD	0.060
EALING COMMON	0.020
Total Cost	0.486
Financed by:	
TFL Funding for Tranche 1	(0.386)
DFT Funding for Tranche 1	(0.100)
Total funding	(0.486)

The Fisher's Lane scheme has been implemented from the LSP allocation for the Acton-Chiswick cycleway (total £116K). This includes the traffic order and permanent

signage. Camera enforcement is funded from Council budgets. No further funding is required at this time.

Subject to approval, the Church Road (east) closure would be delivered using the Council's 2021/22 LIP allocation from TfL. This funding has yet to be confirmed but is expected to be in line with pre-pandemic allocations and so would be sufficient to cover the cost involved – estimated at £40K.

Should these schemes not proceed, the cost to remove the measures currently in place would be minimal.

6. Legal

The Highways Act 1980 places a duty on highway authorities to maintain the highway asset or network and a Code of Practice for Maintenance Management (Delivering Best Value in Highway Maintenance) gives information about the standards to be achieved. There are various Audit Commission Performance Indicators that give monitoring information of highway conditions.

The Highways Act 1980 also places a duty on highways authorities to improve highway safety, and the Greater London Authority Act 1999 requires authorities to implement projects and programmes that contribute to the Mayor's Transport Strategy. The Road Traffic Regulation Act 1984 (the 1984 Act) and the Traffic Management Act 2004 (the 2004 Act) give powers and duties on the relevant highway authority to manage traffic (including pedestrians and cycles) to secure that safe and expeditious movement of traffic. Under the 2004 Act, TfL has the power to approve or reject changes on Uxbridge Road that impact on capacity and buses.

By virtue of section 122 of the 1984 Act the Council must exercise functions under 1984 Act '(so far as practicable...) 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...' and having regards to matters including the desirability of securing and maintaining reasonable access to premises and the effect on the amenities of any locality affected and any other matter appearing to the Council to be relevant.

Emergency legislation came into force on 23 May 2020 to amend, temporarily, the:

- The Road Traffic (Temporary Restrictions) Procedure Regulations 1992
- The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the 1996 Regulations)
- The Secretary of State's Traffic Order (Procedure) (England and Wales) Regulations 1990

The Council has the power to make Experimental Traffic Orders under section 9 of the 1984 Act. The procedural requirements are set out in Regulations 22 and 23 and Schedule 5 to the 1996 Regulations.

An experimental order can only stay in force for a maximum of 18 months while the effects are monitored and assessed (and changes made as necessary as outlined below) before a decision is made whether or not to continue the ETO on a permanent basis.

The ETOs expressly provide for the suspension or modification (while the order is in force) of any provision previously made or provisions that could have been made under section 10 of the 1984 Act. The orders also contain provisions confirming that the Council's Head of Highways or anyone authorised by him may, if it appears to him or that other person 'essential in the interests of the expeditious, convenient and safe movement or traffic, or in the interests of providing suitable and adequate on-street parking facilities, or for preserving or improving the amenities of the area through which any road affected by [the relevant order] runs' modify or suspend any provision of this Order.

Any modification does not extend to making additions to the order or designating additional on-street parking for which charges are made.

The powers in section 10(2) are only to be exercised after consulting the appropriate chief officer of police and giving public notice.

7. Value for Money

There is no value for money implications resulting from this Interim Assessment of the cycle schemes. Value for money implications for the design and implementation of the COVID transport measures were set out in the June 2020 Cabinet Report.

8. Sustainability Impact Appraisal

There are no sustainability implications resulting from this Interim Assessment of the cycle schemes. Sustainability implications for the design and implementation of the COVID transport measures were set out in the June 2020 Cabinet Report.

9. Risk Management

There are no risk implications resulting from this Interim Assessment of the cycle schemes. Risk management implications for the design and implementation of the COVID transport measures were set out in the June 2020 Cabinet Report.

10. Community Safety

There are no community safety implications resulting from this Interim Assessment of the cycle schemes. Community safety implications for the design and implementation of the COVID transport measures were set out in the June 2020 Cabinet Report.

11. Links to the 3 Key Priorities for the Borough

The interventions proposed fulfil Ealing Council's key priorities:

Opportunities and living incomes

The programme will help deliver better active travel provision during a period when public transport is much less of an option. The measures will support the creation of safe town centres and public spaces and therefore encourage people to visit and use the businesses in their local area.

A healthy and a great place

As part of all standard transport schemes the Council will ensure that road safety issues are investigated and addressed. Traffic will be managed by supporting and promoting sustainable modes. This will manage emissions of carbon and other pollutants, assisting with the Council's response to the climate emergency. Transport links throughout the borough will be targeted for improvement, particularly sustainable modes (walking, cycling and public transport) and orbital journeys between areas of Outer London, including key employment hubs.

12. Equalities, Human Rights and Community Cohesion

As confirmed in the June 2020 Cabinet report, the public sector equality duty applies to the making of ETOs as well as permanent traffic orders. The needs of those with protected characteristics including the needs of disabled people are an integral part of the design and assessment process when making and reviewing ETOs and schemes generally. None of the schemes in Tranche 1 have made changes to any disabled parking bays and the original design assessment did not identify any specific additional accessibility issued for the disabled over and above the restrictions on vehicular access which affect vehicle traffic generally.

The council relied in its initial decision making on the EAA for the Local Implementation Plan (LIP), which is the statutory Transport Strategy for the Council, to assess any equalities impacts. The EAA relied upon for the cycle schemes has

been informed and updated by the feedback. An updated EAA is attached and shall continue to be kept under review as the schemes progress and to inform a future decision with respect of each scheme. There is a link to the EAA in section 17.

The United Kingdom is a signatory to the European Convention on Human Rights (ECHR) which came into force as an international treaty in 1953. The Convention comprises a statement of rights, which signatory states guarantee, and incorporates machinery and procedures for their enforcement through the European Commission of Human Rights and the European Court of Human Rights in Strasbourg.

The provisions of the ECHR which are of most relevance to the making of ETOs and exercise of powers under the Road traffic regulation Act 1984 this context are as follows.

- Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall 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 national security, public safety or the economic well-being of the country. For the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- Article 1 of the First Protocol - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest...."

The Human Rights Act 1998 came fully into force on 2 October 2000, incorporating the provisions of the ECHR into domestic law. Although the ECHR guarantees the right to peaceful enjoyment of property, it is clear from Article 1 of the First Protocol that the making of ETPOS which restrict traffic movement on the highway does not involve an infringement of the ECHR so long as it is done in the public interest and subject to the law laid down by statute. Similar considerations apply to Article 8.

13. Staffing/Workforce and Accommodation implications

There are no staffing or accommodation implications resulting from this Interim Assessment. Staffing and accommodation implications for the design and implementation of the COVID transport measures were set out in the June 2020 Cabinet Report.

14. Property and Assets

This report is concerned with changes to parts of the highway network in the Borough, which are a key asset of the Council.

15. Any other implications:

There are no other implications of these proposals.

16. Consultation

As reported in section 3 and 5 above, ETOs have been used to implement specific measures related to the LSP cycle schemes. ETOs have a statutory 6-month objection period from the making of the order and which has been utilised to undertake a public consultation.

Stakeholders and the public were invited to respond to the Traffic Notices inbox by email or in writing to the Council.

17. Appendices

Appendix A – Map showing L.B. Ealing LSP Tranche 1 funded cycle schemes.

Appendix B – bus journey time and traffic survey data.

Appendix C – Response to Southfield Ward Councillor survey

Appendix D - EAA

18. Background Information

TfL - London Street Space Plan – interim Guidance to Boroughs – 15 May 2020:

<http://content.tfl.gov.uk/lsp-interim-borough-guidance-main-doc.pdf>

Reallocating road space in response to COVID-19: statutory guidance for local authorities– 12 January 2021:

<https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities>

Cabinet Report dated 16th June 2020 item 8:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6514/Committee/3/Default.aspx>

Equalities Analysis Assessment for the Local Implementation plan

https://www.ealing.gov.uk/downloads/download/5891/local_implementation_plan_equalities_impact_assessment

Decision Notices and Equalities Analysis Assessment:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6803/Committee/315/Default.aspx>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Tony Singh	Head of Highways	16/02/21	20/02/21	
Lucy Taylor	Director of Growth and Sustainability	16/02/21	20/01/21	3
Dipti Patel	Director of Place Delivery	16/02/21	11/01/21	1,3
Jackie Adams	Head of Legal (Commercial)	16/02/21	18/02/21	1,2,3,4
Justin Morley	Head of Legal Services (Litigation)	16/02/21	18/02/21	5
Chris Neale	Principal Accountant - Environment	11/02/21	18/02/21	1,3,5
Gary Alderson	Executive Director for Place	11/02/21	18/02/21	2,3
External				
N/A				

Report History

Decision type:	Urgency item? NO
Information only	
Report no.:	Report author and contact for queries:
	Mark Holloway, Team Leader, Transport - Highway Services