

<b>Committees:</b> Corporate Projects Board <i>[for decision]</i> Streets and Walkways <i>[for decision]</i> Projects Sub <i>[for decision]</i>	<b>Dates:</b> Under urgency 15 October 2020 21 October 2020
<b>Subject:</b> Beech Street Transportation and Public Realm Project  <b>Unique Project Identifier:</b> 10847	<b>Gateway 5</b> Complex  <b>Issue Report</b>
<b>Report of:</b> Director of the Built Environment  <b>Report Author:</b> Kristian Turner – City Transportation	<b>For Decision</b>
<h1>PUBLIC</h1>	

<b>1. Status update</b>	<b>This Report:</b>  The purpose of this report is to: <ul style="list-style-type: none"> <li>• Update Members on the progress of the project</li> <li>• Request an increase in the project budget</li> <li>• Seek Member decisions on amendments to the scheme</li> </ul> <p>During the pre-scheme engagement with the public and the public consultation on the Experimental Traffic Order, a number of different proposals have been made by some residents and the Barbican Association for amendments to the experiment. The Barbican Association is generally supportive of the scheme but has requested some amendments be made to mitigate the negative impacts on resident's car journeys and deliveries. These requests are detailed in this report for Members' consideration.</p> <p><b>RAG Status:</b> Amber (Amber at last report to Committee)</p> <p><b>Risk Status:</b> Medium (Medium at last report to committee)</p> <p><b>Total Estimated Cost of Project (excluding risk):</b> £12-15m</p> <p><b>Change in Total Estimated Cost of Project (excluding risk and subject to recommendation 5):</b> Increase of £380k (£515k including costed risk).</p> <p><b>Spend to Date:</b> £1,425,333 (of a total project budget of £1,830,062 - excludes SABA cost of £167k)</p>
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	<p><b>Costed Risk Provision Utilised:</b> None has been utilised although issues with cost implications have emerged that were not identified in the Risk Register at Gateway 5.</p> <p><b>Slippage:</b> Four month slippage in the programme due to the impacts of COVID-19.</p>
<p><b>2. Requested decisions</b></p>	<p><b>Next Gateway:</b> Issues Report</p> <p><b>Requested Decisions:</b></p> <p>Members of the <b>Streets and Walkways Sub-Committee</b> and <b>Projects Sub-Committee</b> are requested to:</p> <ol style="list-style-type: none"> <li>1) Approve an increase in the project budget of £200,000 to cover: <ul style="list-style-type: none"> <li>• the estimated additional staff costs (£160k);</li> <li>• the estimated additional fees (£40k)</li> </ul> </li> <li>2) Approve the purchase of a spare enforcement camera (from the existing budget)</li> <li>3) Approve a revised Costed Risk Provision (CRP) up to a total of £260,000 (Appendix 2) to account for the currently identified risks</li> <li>4) Delegate authority to the Director of the Built Environment, in consultation with the Chamberlain to: <ul style="list-style-type: none"> <li>• draw down the costed risk provision if risks become issues</li> <li>• make any adjustments between elements of the approved budget, provided the total approved budget is not exceeded</li> </ul> </li> </ol> <p>Members of the <b>Streets and Walkways Sub-Committee</b> are requested to:</p> <ol style="list-style-type: none"> <li>5) Agree a decision, <u>in principle [and subject to Recommendation 6]</u>, on whether to implement four modifications to the experimental scheme which have been requested by residents and the Barbican Association, these are: <ol style="list-style-type: none"> <li>a) Creating two gaps in the Beech Street central reservation to allow vehicles accessing Lauderdale Place forecourt and the Shakespeare House / Defoe House car park to travel eastbound and perform a right-hand turn (<b>recommended</b>) (£50k)</li> <li>b) Note the request for residents who have car parking spaces around Beech Street to be exempted from the ETO so that they may drive through Beech Street in any vehicle, and instruct officers to undertake a feasibility study to explore the legal,</li> </ol> </li> </ol>

	<p>statutory, operational framework and cost implications of such a permitting regime <b>(recommended) (£20k)</b></p> <p>c) Reopening the southern end of Golden Lane (in both directions) at the junction with Beech Street to zero emission vehicles <b>(not recommended at this stage) (£35k)</b></p> <p>d) Creating a gap in the central reservation on Aldersgate Street to allow vehicles accessing the Lauderdale Tower underground car park to travel northbound and perform a right-hand turn <b>(not recommended at this stage) (£75k)</b></p> <p>Members of the <b>Projects Sub-Committee</b> are requested to agree the cost increases related to the decisions made by Streets &amp; Walkways in 5a-d, above.</p> <p>6) Members of the <b>Streets and Walkways Sub-Committee</b> and <b>Projects Sub-Committee</b> are requested to:</p> <ul style="list-style-type: none"> <li>• Note that any decision to make the proposed modification/s is subject to a road safety audit, consultation with the Chief Officer of City Police and the applicable statutory notice arrangements</li> <li>• Delegate authority to the Director of the Built Environment to consider the safety audit/s; response of the Police and responses to the publication of the proposals, and subject to such consideration, to make the modification/s if deemed appropriate.</li> </ul>
<p><b>3. Budget</b></p>	<p><b>Staff costs budget</b></p> <p>This highly complex scheme has generated a large amount of public interest. In the last four months officers have had a large volume of correspondence to respond to, as well as (unforeseen) significant additional time spent on preparing the casework for the High Court legal challenge for both the Legal and DBE teams. This is estimated to have resulted in additional City legal team staff costs of £27k and P&amp;T staff costs of £13k.</p> <p>Additional costs have also been incurred due to the impacts of COVID-19, with more delegated reports being prepared and the extension of public consultation and monitoring programmes.</p> <p>We are requesting an increase to the staff costs budget to ensure appropriate staffing levels on the project through to mid-2021, when it is anticipated that a decision on the experiment will be made. A significant amount of work remains to be done, including in connection with public consultation,</p>

continuing monitoring, data analysis, statutory preparation and reporting.

The amount being requested will cover the unforeseen costs incurred due to the above, as well as the following to August 2021:

- Two days a week for the Principal Project Manager
- Two days a week for the Project Manager
- One day a week for the Group Manager
- Four weeks of work for the data analyst/Project Manager for the project monitoring

Given the scale and complexity of the project this level of staffing is considered proportionate to the requirements.

***External fees budget***

The legal challenge to the ETO has resulted in an increase in fees expenditure which were not anticipated in the first CRP. Since G5, fees to pay external Counsel for advice, casework and document preparation and to represent the City in the High Court are approximately £25k.

(Note: Depending on the results of the current legal challenge, these costs may be recoverable)

Further fees have been expended due to requests from London Borough of Islington and the Barbican Association to gather additional pre and post scheme monitoring data at more locations than originally estimated (£5k)

Additional fees expenditure has been incurred to distribute more written correspondence to residents over a wide area to inform them of an extension to the public consultation phase due to the delays to the experiment caused by the pandemic (£10k).

***Costed Risk Provision***

Most of the identified risks in the first (approved) CRP focussed on not obtaining the necessary third party approvals for the scheme. Most of these risks did not become issues and are now closed. However, further risks have been identified in the next phase of project. Therefore the previously approved Costed Risk Provision has been completely revised and it is requested that the Costed Risk Provision is revised to £260k. Primarily, this is to account for the possibility of further legal challenge when it is being decided if the scheme should be made permanent.

A project lesson learned is that in future all similarly complex schemes should include the possibility of legal challenges to traffic orders in the risk register.

See Appendix 2 for updated Costed Risk Register.

***Modifications to the Experimental Scheme***

To fund the requested modifications it is estimated that the following funds will be required:

- a) **Beech Street central reservation turning points** – civils works to create turning pockets in the central reservation, road safety audit. Estimated cost £50k.
- b) **Local Residents exemption to ETO**– feasibility study to determine the scope and legal, statutory, process and cost elements to the creation of an exemption to the ETO for local residents negatively impacted by the experiment. Estimated cost £20k.
- c) **Reopening of Golden Lane** – removal of concrete blocks, amendments to signing, installation of a new ANPR camera, amendments to traffic order. Estimated cost £35k.
- d) **Aldersgate Street central reservation** - civils works to create a turning pocket in the central reservation, road safety audit. Estimated cost £75k.

### **Finance Table – Proposed Revised budget**

The below table details the requested increases in project costs to reach the middle of 2021 when a decision report will be submitted on the outcomes of the ETO and a recommendation on making the scheme permanent or not.

<b>Item</b>	<b>Reason</b>	<b>Funds/ Source of Funding</b>	<b>Cost (£)</b>
Staff costs	P&T Staff costs Legal Staff costs	CIL	160,000
Fees	Legal fees Surveys, comms	CIL	40,000
Costed Risk Provision	Costed risks	CIL	135,000*
<b>Total Additional costs</b>			<b>335,000</b>
Option 5a	Civils costs	CIL	50,000
Option 5b	Staff costs	CIL	20,000
Option 5c	Civils & ANPR camera/s	CIL	35,000
Option 5d	Civils costs	CIL	75,000
<b>Total additional costs for modifications</b>			<b>180,000</b>

\* i.e. increase to £260,000, where current £125,000 CRP has not been utilised

Subject to Members approving all decisions in this report (including 5c and 5d which are not recommended by officers), the total maximum increase in project budget is £515,000, and the revised total estimated costs for the project is £2,345,062.

Refer to Appendix 3 for Finance tables.

**Costed Risk Provision requested for this Gateway:** revised to £260,000 (funded by CIL/OSPR and detailed in the Risk Register – Appendix 2).

#### **4. Issue description**

**Current Status:** The Beech Street Zero Emission scheme Experimental Traffic Order (ETO) came into force on 18 March 2020. The primary objective of the scheme is to improve air quality in Beech Street which suffers from NOx levels that exceed WHO limits.

Traffic volumes in the Square Mile reduced significantly after the Government mandated COVID-19 public lockdown began on 23 March. As government restrictions were progressively relaxed over the summer, traffic volumes began to increase but these are estimated to have only recovered half of pre-COVID levels (as of September 2020) in the Square Mile. Recorded traffic volumes in Beech Street are approximately 10% of the flows recorded in 2019.

Due to the recent unprecedented circumstances, consideration has been given to the appropriateness of retaining the experimental traffic order. In May 2020, a decision was made under Delegated Authority to continue with the experimental scheme rather than revoke it. To mitigate any prejudice to stakeholders, it was decided to extend the public consultation period, and to treat comments made after the statutory consultation period of six months as if they had been made in the first six months.

From 18 March to 26 July, the scheme was passively enforced, with information letters being sent out to vehicle owners after an infringement was made (rather than actively enforced with a Penalty Charge Notice). It was originally intended to adopt a short period of passive enforcement to allow road users an opportunity to familiarise themselves with the new restrictions. However, this was extended in acknowledgement that regular road users may not have been using the street during lockdown.

In July 2020, a further decision was taken under Delegated Authority to begin active enforcement, with Penalty Charge Notices issued for infringements. This commenced on 27 July 2020. This decision was based on the understanding that there was a real risk that knowledge of non-enforcement would become widespread, leading to routine non-compliance. This would prejudice the City Corporation's ability to evaluate the impacts of a properly enforced scheme (in respect of both positive impacts and any negative impacts). Indefinite non-enforcement would have further risked deterioration in air quality and failure to secure the improvements expected of the ETO.

### **Beech Street Air Quality**

Since March, air quality in Beech Street has significantly improved, due to reduced vehicle volumes (see Appendix 1). Air quality improvements initially showed an improvement of ~70% in late March, tailing off to ~50% in September. Further data collection and analysis is required to determine how much is attributable to the experiment compared to the general decline in traffic volumes in central London due to the pandemic.

### **Monitoring of scheme impacts**

The key challenge in monitoring the positive and negative impacts of the scheme (i.e. traffic volumes, air quality, noise) is to determine those impacts attributable to the ETO, and those as a result of the reduced traffic flows as a result of the pandemic.

As the Government guidance in September recommend working from home where possible, it is now considered unlikely that traffic volumes will return to anything like pre-scheme levels this calendar year. We will continue to monitor the scheme and collect traffic volume data from Beech Street and other locations in the City and Islington and undertake analysis to determine what impact the ETO has had on improving air quality. This will be reported back to Members in progress reports over the next six months.

This will then give the appropriate amount of time to analyse the data and publish it to allow the public to scrutinise this as part of the public consultation process. The public consultation results will then be analysed and presented to Members, along with all the other data, in a (mid 2021) report seeking a decision on whether the traffic order should be made permanent.

### **Public Consultation to date**

So far there have been over 70 responses to the online public consultation. Overall, the majority of respondents support the principle of traffic restrictions to improve air quality and feel that there have been positive benefits air quality improvements in Beech Street.

However, 61% of respondents also feel that the scheme has impacted negatively on them, which is consistent with the ~60% of respondents who feel that motor vehicles journeys have been negatively impacted.

As the scheme monitoring data is collected and published, it is expected that many more consultation responses will be received. We are also repeating our communication to affected users through various methods to remind them to respond to the consultation.

### **Legal Challenge**

In April 2020, the City Corporation was notified of the intention of a member of the public to challenge the Beech Street experimental traffic order in the High Court. With advice from the City Comptroller and Legal Services team, and in consultation with the Chair and Deputy Chairman of Planning and Transportation and the Chairman and Deputy Chairman of



Streets and Walkways, officers have prepared the appropriate documentation and casework to defend the City Corporation's position in the High Court. The hearing was scheduled to take place on 6 October 2020 and a decision is expected in November 2020.

### **Modifications to the experimental scheme**

A number of modifications to the scheme have been suggested by the public, residents and by representatives of the Barbican Association.

Although Delegated Authority already exists for the Built Environment to modify experimental orders where deemed necessary, given the high profile nature of the experiment, it is considered appropriate to refer proposed modification/s to the Streets and Walkways Sub Committee in lieu of exercising delegated powers. The statutory power to modify an ETO is contingent on it being necessary, inter alia, in the interests of expeditious, convenient or safe movement of traffic; and subject to prior consultation with the police. The four proposed modifications to the experimental scheme are detailed below, along with officer recommendations.

### **Beech Street Central Reservation**

*Background:* The experimental arrangements mean that whilst residents of non-zero emission vehicles with a car parking space in Shakespeare House/Defoe House car park can use Beech Street in a westbound direction, they cannot use it eastbound. Before the experiment, residents approaching from the west and south would use Beech Street eastbound and turn around via Silk Street and Milton Street. They are no longer able to do this due to the ANPR cameras which trigger an infringement at each end of Beech Street. This means that some residents from some directions must change their route to approach their car park via London Wall, Moorgate and Chiswell Street. Members accepted that this was an acceptable diversion at Gateway 5.

Traffic counts undertaken in 2019, recorded 19 vehicles on an average weekday enter Defoe House car park, and 81 into Lauderdale Place.

*Issue:* The Barbican Association proposal is to create two gaps in the central reservation, one at the Defoe House car park and the other at Lauderdale Place, and allow residents, taxis and deliveries to travel eastbound and make a right hand turn into their destination. This has been raised as an issue in many enquiries. This will allow trips from the west to more directly access their Beech Street destination, reducing the need to re-

route around the Barbican estate via London Wall to approach from the east.

*Conclusion:* Officers believe this to be technically feasible, and that the right-hand turn is safer and easier to perform due to the vastly reduced traffic volumes in Beech Street. However, this proposal would still need to be subject to road safety audit and finalised detailed design. The required works are judged to be quite straightforward to implement.

This proposed change will require a change to the traffic order and is neutral or slightly positive overall in terms of air quality impacts.

*Officer recommendation:* Officers recommendation, subject to Road Safety Audit, the views of the police and responses to public notice of the proposals, is that these measures should be implemented.

#### **Exemptions for local residents**

At the beginning of the engagement process with the public, suggestions were received that Barbican residents who have a car parking space in a residential car park should be exempt from the restriction.

However, the ongoing experimental traffic order in place for Fortune Street just to the north of Beech Street suggests this may not be straightforward.

*Officer recommendation:* Officer's recommendation is that this proposal should be further explored to fully understand the legal, statutory, technical and cost implications for how an exemption or permitting scheme could be developed, along with the impacts this would have on delivery of the scheme objectives.

#### **Reopening Golden Lane to zero emission vehicles**

*Background:* The experimental traffic scheme and associated traffic order has physically closed the junction of Golden Lane / Beech Street to all traffic (point closure) with concrete blocks. In combination with the closure of Bridgewater Street and London Borough of Islington introducing access restrictions on Fortune Street, a dramatic reduction in traffic along Golden Lane has been observed. In addition to the benefits to pedestrians and cyclists at the Golden Lane / Beech Street junction, the reduced traffic has been beneficial both in terms of road safety and air quality for residents and the two Islington schools on Golden Lane. The reopening of what was once a well used route along Golden Lane between Upper Street and

Liverpool Street has reduced traffic in the area to a fraction of its pre-scheme flows.

As the Denizen site nears completion, Brackley Street has now reopened, resolving the minor issue that had been occurring of 3 point turns on Golden Lane. Buses for the Richard Cloudesley School will now more easily be able to turn around via Brackley Street and Fann Street and can also still use Fortune Street.

*Issue:* The closure of the Golden Lane / Beech Street junction is inconvenient for some residents in the Golden Lane area. Depending on their journey origin, these residents now have a longer journey to access their properties via Old Street to Golden Lane, whereas previously journeys from the south and west could utilise Beech Street. This is particularly true for residents of Ben Jonson House / Breton House where the car park entrance is very close to Beech Street on Golden Lane. Although we do not have data on affected car owners we believe there are a small number of residents who do own Zero Emission capable vehicles that have their journeys impacted as if they were driving a non-compliant vehicle. Opening the southern end of Golden Lane would reduce journey times for compliant vehicles.

In addition, other residents in the area access the seven electric charge points in the Ben Jonson / Breton House car park, which are the only electric charge points in the area. This currently affects a very small number of people, though over time as the take up of electric vehicles increases, more local residents will be impacted.

The point closure could be removed and the restriction enforced with an ANPR camera instead.

Through public engagement and the public consultation to date, the number of requests to reopen Golden Lane has been very low. Of the hundreds of letters and emails received, less than five individual complaints have been received about the Golden Lane closure, along with one request for it to stay in.

*Conclusion:* If Golden Lane were reopened to zero emission vehicles it is likely that over time traffic flows will return to Golden Lane, and some of the benefits in terms of road safety and pedestrian priority at the Beech Street junction will be eroded. Finally, reopening Golden Lane may limit the opportunity for future public realm improvements in the space which is created by the point closure.

	<p><i>Officer recommendation:</i> Officers assessment is that the positive benefits of the Golden Lane closure outweigh its negative impacts on a small number of slightly inconvenienced residents. It is recommended that the Golden Lane physical closure is retained as part of the traffic experiment.</p> <p><b>Aldersgate Street Central Reservation</b>  <i>Background:</i> Lauderdale Tower is located near the junction of Aldersgate Street and Beech Street. Deliveries and taxi activity occurs at the ground floor level on Lauderdale Place which is accessed from the Beech Street westbound carriageway. The resident underground car park entrance is located on Aldersgate Street just to the south of the junction with Beech Street. Resident's approaching the resident car park from the north and west turn in from Aldersgate Street and from the south they turn right into Thomas More car park to the south and pass through and into Lauderdale Tower car park. Residents from the east coming from Bishopsgate align to London Wall and use the same southern approach from the Rotunda. Before the Beech Street scheme, residents undertaking a shorter journey (i.e. Whitecross Street area) from the east would use Beech Street.</p> <p><i>Issue:</i> The experimental arrangements mean residents of Lauderdale Tower who do not drive a zero-emission vehicle can no longer drive westbound along Beech Street and turn left onto Aldersgate Street to reach their car park. Drivers must divert via London Wall and come northbound onto Aldersgate Street to turn into the Thomas More car park which connects to the Lauderdale Tower car park (which is what they do now from the south). A very small number (i.e. less than five) enquiries have been made requesting that Lauderdale Tower residents be exempted from the Beech Street restriction.</p> <p><i>Conclusion:</i> It is technically feasible to create a gap in the Aldersgate Street central reservation, however it is very close to the chicane for the ring of steel at this location. As Aldersgate Street is a much busier street than Beech Street, it would create another potential point of conflict. As residents of Lauderdale Tower are only affected by the Beech Street scheme in one direction (i.e. short journeys from the east), the inconvenience to take London Wall and use the connecting Thomas More car park considered to be very marginal.</p> <p><i>Officer recommendation:</i> It is not recommended to create a new right turning gap in the central reservation on Aldersgate Street.</p>
<p><b>5. Options</b></p>	<p>Described in the Issues section above.</p>

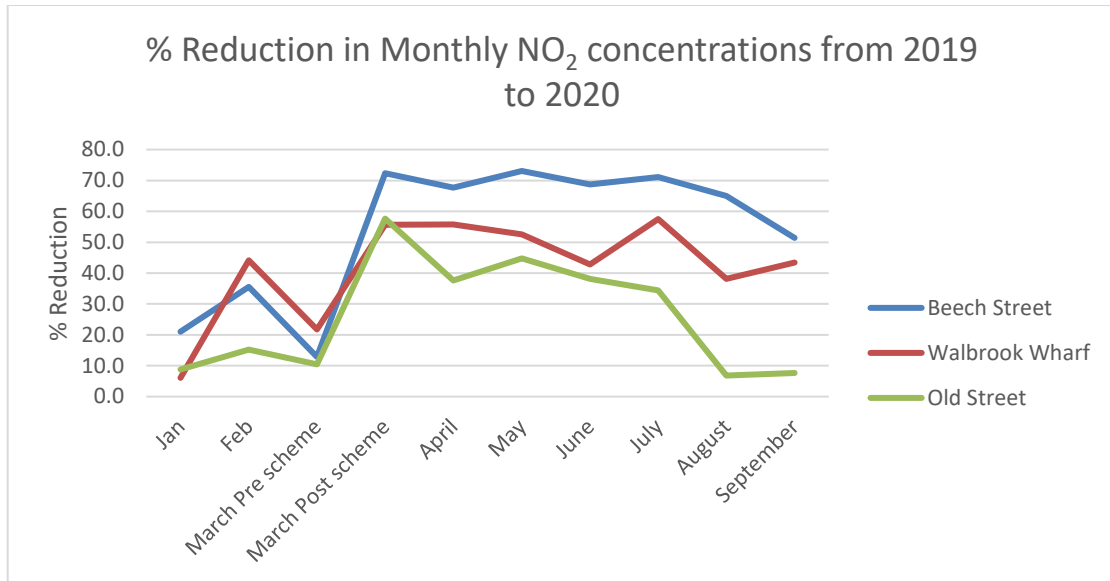
## **Appendices**

<b>Appendix 1</b>	Air Quality – Initial Results
<b>Appendix 2</b>	Costed Risk Register
<b>Appendix 3</b>	Finance tables

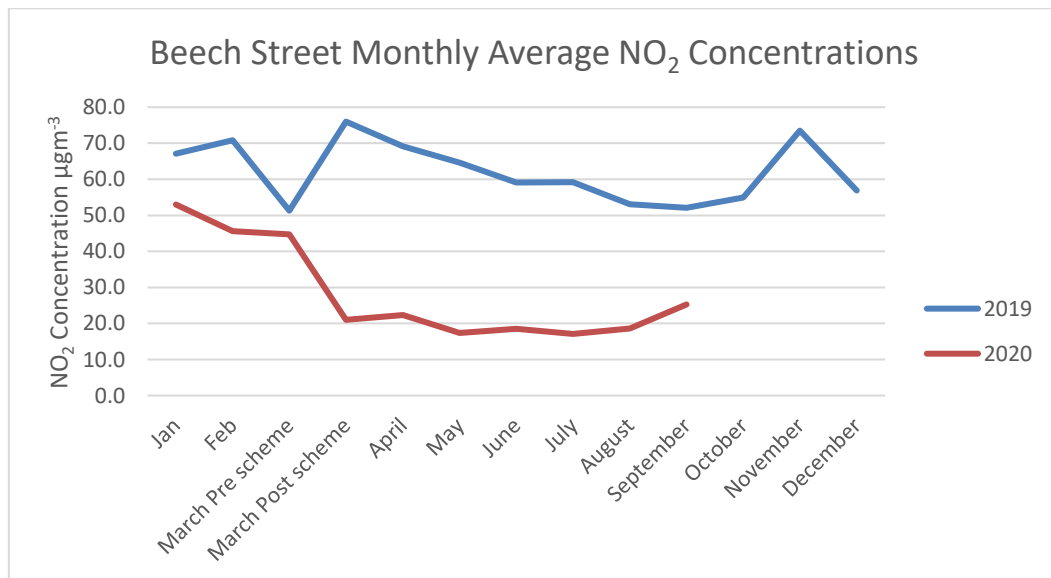
## **Contact**

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## APPENDIX 1



This graph shows compares Beech Street to other locations in the City. All sites have seen improved air quality due to the impacts of COVID, however Beech Street has seen greater improvements due to the combined impact of the Experimental Traffic scheme and the COVID traffic reductions.



This graph shows the decline in the levels of nitrogen dioxide in Beech Street in 2020 compared to 2019.