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<p><b>Committees:</b>          Corporate Projects Board [for information]          Streets and Walkways [for decision]          Projects Sub [for information]</p>	<p><b>Dates:</b>          09 February 2021          18 February 2021          23 February 2021</p>
<p><b>Subject:</b>          Beech Street Transportation and Public Realm project          (Phase 1 – Experimental Zero Emission Scheme)</p> <p><b>Unique Project Identifier: 10847</b></p>	<p><b>Gateway 5 Complex</b></p> <p><b>Issue Report</b></p>
<p><b>Report of:</b>          Director of the Built Environment</p> <p><b>Report Author:</b>          Kristian Turner – City Transportation</p>	<p><b>For Decision</b></p>
<p><b>PUBLIC</b></p>	

<p><b>1. Status update</b></p>	<p><b>Background:</b></p> <ol style="list-style-type: none"> <li>1. In June 2018, Members of the Policy and Resources Committee (P&amp;R) endorsed the “<i>Vision for Beech Street</i>”. The objective of the vision is to transform the property and public realm on Beech Street to create a vibrant retail street with a high quality public realm at the centre of the Culture Mile.</li> <li>2. The delivery of the <i>Beech Street Transformation</i> is based on the completion of three key projects within one overall programme. These are: waterproofing of the Barbican Estate podiums, the redevelopment of the Barbican Exhibition Halls and the improvement of the public realm. Policy and Resources approved the development of Gateway reports for the property and public realm elements of the programme.</li> <li>3. In July 2018, the Streets and Walkways sub-committee and the Resource Allocation sub-committee authorised the progression of the <i>Beech Street Transportation and Public Realm</i> project.</li> <li>4. Over the past two and a half years, Members of the respective sub committees have considered a number of</li> </ol>
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	<p>reports which have steered the direction of the project, in summary:</p> <ul style="list-style-type: none"><li>• <i>September 2018</i> - Gateway 3 Report approval to investigate traffic reduction options in Beech Street including an Ultra-Low Emission Vehicle (ULEV) option</li><li>• <i>February 2019</i> - Issues Report approval to align the project objectives to the Corporate Plan (see Appendix 1) and to increase the project scope to investigate 2-way closures on Beech Street</li><li>• <i>July 2019</i> - Issues Report approval of the concept of a Zero Emission Street and to develop this as an interim scheme to quickly address poor air quality (<b>Phase 1</b>)</li><li>• <i>December 2019</i> – Gateway 4/5 Report provisionally approving the implementation of a Zero Emission Restriction (<b>Phase 1</b>) in Beech Street</li></ul> <p>5. The Zero Emission Street (Phase 1) was implemented on 18 March 2020 to improve air quality (NO<sub>2</sub>), with the coming into force of the Experimental Traffic Order (ETO) restricting vehicle access other than for zero emission vehicles. The ETO was made in order to determine the impacts of the restriction with a comprehensive monitoring strategy for measuring the impact on air quality, traffic flows, noise and perception.</p> <p>6. On 23 March the first national lockdown was put in place in response to the COVID 19 pandemic. This was eased in early July but since then there have been a series of further national lockdowns and local restrictions impacting on the movement of people and traffic in the City.</p> <p>7. In May 2020 the Director of the Built Environment considered whether to continue the ETO and decided it should remain in place.</p> <p>8. In October 2020, Streets and Walkways sub-committee approved an Issues Report which: provided an update on the impact of the pandemic; proposed minor modifications to improve access to properties on Beech Street; and proposed that a further progress report would be tabled within six months.</p> <p><b>This report:</b></p> <p>9. The purpose of this report is to:</p> <ul style="list-style-type: none"><li>• Update Members on the progress and outputs from the monitoring to date</li></ul>
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	<ul style="list-style-type: none"> <li>• Provide an update on the outcome of the recent statutory challenge to the ETO</li> <li>• Update Members on the impact of the pandemic on the ETO</li> <li>• Seek Member approval for one option to take forward</li> </ul> <p><b>RAG Status: AMBER</b> (Amber at last report to Committee)</p> <p><b>Risk Status: Medium</b> (Medium at last report to Committee)</p> <p><b>Total Estimated Cost of Project (excluding risk): £12-15m</b></p> <p><b>Spend to Date:</b> £1,494,855 (of a total project budget of £2,345,062 for Phase 1)</p> <p><b>Costed Risk Provision Utilised:</b> None has been utilised to date.</p>
<p><b>2. Requested decisions</b></p>	<p><b>Requested Decisions:</b></p> <p>10. Members of the <b>Streets and Walkways sub-committee</b> are asked to choose from the following options to progress the project:</p> <ol style="list-style-type: none"> <li>1) <b>Option 1</b> – Approve the conclusion of the Experimental Traffic Order (only) and report on the outcomes.</li> <li>2) <b>Option 2</b> – Approve the continuation of the Experimental Traffic Order until September 2021 with the changes to the central reservation (set out in Paragraph 69-77) made immediately. Continue to monitor the impacts while working towards consulting on a permanent scheme (based on the experiment as amended). <b>(recommended)</b></li> <li>3) <b>Option 3</b> – Approve the conclusion of the Experimental Traffic Order. Develop (and consult on) traffic and public realm options for an alternative type of traffic restriction in Beech Street that also delivers the objectives of the Beech Street Transportation and Public Realm project in the medium to longer term (i.e. move on to Phase 2).</li> </ol> <p>11. In the event that Option 2 is chosen, Members of the <b>Streets and Walkways sub-committee</b> are asked to:</p> <ol style="list-style-type: none"> <li>4) Delegate authority to the Deputy Director (Transportation and Public Realm), in consultation with the Chairman, to approve the (non-statutory) public consultation content and then proceed with the consultation.</li> </ol>

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	<p>5) Agree that the feasibility for an additional gap in the central reservation at Barbican Centre Car Park no.5 be explored in order to inform consideration of whether this should be promoted in the proposed permanent order.</p> <p>6) If 5) above is deemed feasible, delegate authority to the Deputy Director (Transportation and Public Realm) to make amendments to the existing traffic order (subject to regular statutory processes).</p> <p>7) Agree that a provisional Streets and Walkways (virtual) meeting be arranged for early September 2021 (for Members to consider any objections to the statutory consultation on the permanent traffic order, as the next meeting of Streets and Walkways is not until October 2021).</p> <p>12. Members of the <b>Streets and Walkways sub-committee</b> and <b>Projects sub-committee</b> are requested to:</p> <p>8) Note the experiment findings (as set out in paragraph 37 to 68).</p> <p>9) Note the representations of the Barbican Association (Appendix 2).</p> <p>10) Note and consider the request from a local resident to revoke the Experimental Traffic Order (paragraph 35).</p> <p>11) Note the intent to comprehensively engage with the public, user groups and local stakeholders on the next phase of the project (paragraph 119 to 124).</p> <p>12) Note the continued work on delivering the public realm vision for Beech Street; waterproofing of the Barbican podiums and the redevelopment of the Exhibition Halls.</p> <p>13) Note that a Gateway 1/2 Report will be submitted later this year for the proposed initiation of the Barbican Healthy Streets Plan. If approved this will work towards delivering an area-based approach to delivering healthy streets and addressing air quality in the Barbican/Golden Lane area as per Proposal 29 of the City Transport Strategy.</p>
<p><b>3. Budget</b></p>	<p>13. A total of £1,494,855 has been spent on the project to date. A breakdown of the spend profile can be found in Appendix</p>

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	<p>3. A budget of £2,345,062 was approved at Gateway 5 for Phase 1.</p> <p><b>Option 1</b></p> <p>14. The current budget is sufficient to conclude the experiment and report on the outcomes. A Gateway 6 Report would identify the project underspend.</p> <p><b>Option 2</b></p> <p>15. The overall budget allocation is estimated to be sufficient to develop the recommended option (Option 2) to reach the next project milestone (the July decision report on whether to make the scheme permanent).</p> <p>16. A budget adjustment will be processed in due course (under previously approved delegations) to increase the staff costs budget. Additional staff time will be incurred due to the resourcing required for the extra stage of public consultation now required due to the additional tasks to be undertaken for a permanent traffic order.</p> <p>17. The budget would also allow for further communications with stakeholders to ensure they are aware of the changes to access arrangements due to the introduction of gaps in the central reservation and also that further feedback on these changes is invited.</p> <p>18. The budget for implementing the changes to the central reservation were approved in the October 2020 Issues Report.</p> <p><b>Option 3</b></p> <p>19. In the event Members choose Option 3, sufficient budget is available to develop and consult on alternative design options. If Members choose this option, then a further report would be bought back to Committee setting out a detailed budget and programme for approval.</p> <p><b>Central funding Capital Bids</b></p> <p>20. In December 2020, a “top up” Capital bid of £900k was approved by the Resource Allocation Sub-Committee and is subject to approval of the budget by the Court of Common Council in March 2021. This is to fund improvements to the public realm on Beech Street and surrounding junctions in 2021/2022 if a permanent traffic order to conclude Phase 1 is implemented. It also</p>
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	<p>contained a small provision for investigating ways in which events within the tunnel could be supported in terms of lighting and acoustic provision. If the scheme is to be made permanent, a request to draw down this funding will be made in the July decision report.</p> <p>21. It was always envisaged that there would be future phases of the Beech Street Transportation and Public Realm scheme that would make substantial public realm improvements to transform the covered roadway into a vibrant link in the Culture Mile. This is within the approved scope of the Beech Street Transportation and Public Realm project as Phase 2 and work was intended to start on this following the delivery of this Phase 1 work.</p> <p>22. A capital bid of up to £12m for the Transportation and Public Realm transformation of Beech Street was approved in principle Resource Allocation sub-committee in April 2019 (as part of the fundamental review) to fund essential works (primarily related to air quality). A significant element of this allocation has not been accessed as the focus has been on delivering Phase 1 works. It will be for Resource Allocation sub-committee (RASC) to decide whether the funding should remain ring-fenced for this purpose in the context of other priorities. This issue will be subject to a separate report by the Chamberlain’s Department which will be considered by RASC in March 2021. Officers will work with the Chamberlain’s to revise the budget envelope for Phase 2 work.</p> <p>23. There is no change to the previously agreed Costed Risk Register which already includes provision for further legal costs. This report does not supersede previous delegation approvals to move funds between budget line items.</p>
<p><b>4. Issue description</b></p>	<p><b>Impact of COVID-19 pandemic</b></p> <p>24. The experiment has been impacted in various ways by the COVID-19 pandemic, including reduced traffic levels and the subsequent improvement in general air quality across Central London. The background picture is also influenced by the on-street traffic management measures implemented by the City Corporation and Transport for London (TfL) in response to COVID-19.</p> <p>25. Many people have not been in the City since the experiment began, pedestrian volumes are down by 76% and many residents will have been isolating. For these</p>

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	<p>reasons people generally have not been able to experience the full benefits and disbenefits of the scheme. We have also been unable to host public consultation events that would ordinarily be held. Instead we have liaised with resident association groups and have used letter drops to direct residents to our online survey as well as ongoing communication with user and trade representatives. Nevertheless, there were over one hundred consultation responses from the public on the ETO, indicating that some stakeholders have felt able to reach some views on the scheme.</p> <p>26. Despite the lower traffic volumes in the City overall, the experiment has already yielded some useful data on compliance rates with the restriction NO<sub>2</sub> levels in Beech Street and on the surrounding streets; and road users' understanding of the restrictions to access properties and make deliveries.</p> <p>27. The monitoring of the positive impacts and disbenefits of the scheme was set out in the agreed Monitoring Strategy which was prepared in consultation with TfL, London Borough Islington and the Barbican Association. A summary of the current status of the monitoring elements is included in <b>Appendix 5</b>.</p> <p>28. No traffic counts on the surrounding road network have been undertaken to date. During summer 2020, while traffic levels were increasing it was anticipated that near normal levels would return well within the experimental period and counts would be best done at that stage. Traffic levels are not now anticipated to normalise for some time, and potentially, not until after the experimental period ends in September 2021.</p> <p>29. In response to the pandemic a number of alterations have been made to streets in the City to provide space for social distancing. These changes are likely to have impacted on traffic movement on the streets surrounding Beech Street.</p> <p>30. Traffic volumes and travel patterns are likely to fluctuate in the City in the short-medium term due to a combination factors (i.e. workplace behavioural change; traffic interventions in response to COVID-19 taken by the City Corporation and TfL; and a decline/recovery in economic activity).</p>
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31. Nevertheless, it is considered that some useful data regarding traffic patterns can still be obtained even while traffic levels are depressed. By measuring the vehicle movements made by the reduced number of vehicles currently using the road network, the likely movements of greater vehicular traffic volumes can be extrapolated.

**Update on statutory challenge to the Beech Street ETO**

32. The decision on the statutory challenge to the ETO was handed down on 8 December 2020.

33. On the majority of the grounds, the City was found to have acted in accordance with the correct statutory procedures and the ETO was found to be valid and could continue. On two procedural grounds the Court ruled against the City. These two issues were the documentation not being available to view at Guildhall during the first period of lockdown, and the content of the ‘statement of reasons’ attached to the traffic order not being sufficient.

34. The judgement found that due to the procedural issues the ETO cannot be given permanent effect at the end of the experiment using the usual ‘truncated procedures’ (i.e. as with the Bank on Safety project). Therefore, it would be necessary to follow normal consultation and statutory processes to promote a permanent traffic order based on the design of the interim scheme if this is the option that Members choose.

35. The claimant has sought leave to appeal and a decision is awaited. In addition, the claimant (as suggested by the judge in the judgment) has requested that the City revoke the ETO on the grounds that there can be no valid experiment due to depressed traffic conditions making it impossible to carry out a genuine test as to the impacts of the ETO under normal traffic conditions. The claimant considers that the impacts of the ETO cause significant inconvenience to residents of Lauderdale Tower as vehicular access to the Lauderdale Tower car park is now circuitous, and that this impact cannot be justified. The claimant has been advised that the request will be considered by this committee in conjunction with the related matters in this report. The claimant has served a Pre-Action Protocol Letter indicating their intention to judicially review a refusal to revoke the ETO.

36. Advice on the proposed further claim is at paragraph 98.



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**EXPERIMENTAL TRAFFIC ORDER – Key findings to date**

**Traffic**

- 37. Traffic volumes on Beech Street have declined significantly due to the combined effects of the ETO and the pandemic.
- 38. Average weekday traffic volumes for through traffic on Beech Street are ~ 350 per day, less than 5% of the pre-scheme flows (approximately 9500 vehicles). In addition, approximately 200 vehicles per day access the carparks and forecourts from Beech Street.
- 39. The very low volumes of through traffic on Beech Street do suggest a good level of compliance with the restriction.
- 40. There has been some feedback from residents who feel that traffic has increased on Moor Lane and Fore Street. This will be checked by traffic counts. This was anticipated in the modelling undertaken before the scheme was implemented but may also be due to other traffic routes in the City being restricted through temporary COVID-19 Transportation schemes.
- 41. In September 2020 traffic had returned to over 66% on key City routes, though traffic volumes on local access streets were lower. In January 2021 TfL reported traffic remained over 50% on key City routes but local City streets appear very quiet.
- 42. Traffic counts are planned to be undertaken during March at the previously agreed locations set out in the Monitoring Strategy.
- 43. If Option 2 is agreed it would be proposed to carry out traffic counts both before and after the proposed ETO amendments, from which likely future traffic patterns could be reasonably well understood and assessed. With up to seven months left that the ETO can remain in force, there is a reasonable expectation that traffic levels could increase to more normal levels. This could potentially allow for additional counts to provide further data to be gathered regarding likely impacts the Beech Street restriction has on adjacent streets and for the public (residents, visitors, workers) to experience a more representative scenario.
- 44. The data collected and the public consultation outcomes can then be used to help inform Members' decision making on whether to make a new permanent order in the same

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terms as the ETO (with or without the proposed amendments) in July.

**Air Quality**

- 45. The main objective for Phase 1 of the project is for the improvement in levels of NO<sub>2</sub> in Beech Street. The World Health Organisation guidelines for NO<sub>2</sub> recommend a maximum annual average of 40 µm<sup>3</sup>. The annual average level of NO<sub>2</sub> measured in 2019 was 55 µm<sup>3</sup>. Since March 2020, measured air quality measured by the continuous monitor in Beech Street has significantly improved to an average of 25 µm<sup>3</sup>. This 55% reduction is due to reduced vehicle volumes created by both the experimental restriction and the overall improved in NO<sub>2</sub> levels in the City attributed to the COVID-19 lockdown and restrictions on movement (see Appendix 4).
- 46. NO<sub>2</sub> levels at 26 sites around Beech Street have been measured using diffusion tubes. As would be expected due to the reduced traffic volumes, most of these locations have seen an improvement of between 2-30%. The only exception in the City is Aldersgate Street which has seen a slight increase. Two locations in Islington, Fortune Street and Bunhill Row also show slight increases and require further investigation. (Note that the 2020 diffusion tube data is still preliminary and likely to change slightly following standard annualisation and bias adjustment).
- 47. It is difficult to accurately attribute how much of the air quality improvement is due to the Zero Emission Scheme restriction and how much is due to the impact of the pandemic as there are many factors which influence NO<sub>2</sub> levels in the City such as traffic, meteorological conditions and the time of year. But it is a fair assumption that air quality in Beech Street has improved by more than the surrounding streets during the pandemic, implying that the restriction has helped improve air quality in the tunnel.
- 48. The relationship between traffic volumes and NO<sub>2</sub> in Beech Street is not linear due to the influences of background air pollution and the enclosed tunnel factor. The air quality data that has been gathered from the experiment will be used to calibrate the air quality model for the area.
- 49. This air quality model will then be used to forecast:

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- the approximate volumes of traffic that could be accommodated in Beech Street whilst keeping NO<sub>2</sub> within the WHO guidelines.
- the likely air quality measurements at locations around Beech Street based on different traffic volume scenarios

50. In the event traffic volumes do begin to return to more normal levels, further useful air quality measurements will be available from both the continuous monitor and the diffusion tubes.

**Legibility (understanding of restriction)**

51. This was the first implementation of a Zero Emission Street in England. Guidance for local Zero Emission Zones is provided by Transport for London (TfL) and the criteria has been followed for the scheme design. Approval of the restriction signage was granted by the Department for Transport in early 2020.

52. From 18 March until the 2 August, the restriction was enforced passively. In this time warning notices were issued to raise awareness of the restriction. Active enforcement with the issues of Penalty Charge Notices began on 27 July.

53. Of the through traffic using Beech Street, an average of 150 PCNs are being issued each day. With new traffic restrictions we usually experience an improvement in compliance over time. Because traffic volumes have been low during large parts of the experiment it is expected that this number would initially increase as traffic volumes return at the end of lockdown restrictions, before motorists become more aware of the restriction. This is likely to also impact on the air quality measurements for a short period of time.

54. It is difficult to accurately estimate what the percentage level of compliance with the restriction would be if the pandemic had not occurred. Due to the longer warning notice period and the very prominently placed signing, a reasonable assumption is that compliance should eventually reach similar levels to Bank Junction. This is 96%. If the same percentage of traffic was to contravene the restriction, and if vehicle numbers in the City return to pre-COVID levels, this number of compliant vehicles may increase.

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### **Access to properties**

55. Generally, it appears that residents in the wider area now understand the restriction and how to access their property.
56. Residents whose properties are not on Beech Street have not yet experienced the possible longer journey times that were expected from using the alternate routes, due to lower traffic volumes. The majority of enquiries received about access issues have come from the Barbican Estate area, comparatively much fewer have been from the Golden Lane Estate area and Bunhill Ward area in Islington.
57. Some businesses have yet to experience the true impact of the restriction on their normal business operations.
58. One of the key design features of the scheme was to continue to allow access to properties within the area of restriction on Beech Street. To do this, a sign plate below the main sign was provided "Except for zero emission vehicles and for access to off-street premises". This allows all vehicles to access:
- The Virgin Active service area
  - Cromwell Tower forecourt and ground floor car park
  - Barbican Centre Car Park (no. 5)
  - Refuse collection area
  - Defoe House/Shakespeare Tower
  - Lauderdale Place
59. Vehicles must access these locations in the correct direction due to the central reservation. Some residents for Defoe House and Shakespeare Tower coming from Aldersgate Street have traditionally travelled through Beech Street eastbound and then performed a U-turn or turn around via Silk Street. This has meant a technical infringement as they have travelled along Beech Street without accessing an off-street premise and have activated the entry and exit camera trigger. The exception to this rule is access to Cromwell Tower forecourt which can be made as there has been a gap in the central reservation for some years and the right turn is able to be performed before the camera trigger point. There is a U-turn ban at this location, which prevents drivers wishing to access the Defoe / Shakespeare carpark or Lauderdale Place from performing this manoeuvre.
60. There have been clear issues with some taxis and delivery drivers not understanding the restriction. On occasion this

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	<p>has resulted in the driver refusing to enter Beech Street. This is acknowledged as a frustrating situation for a number of residents. Following discussions with the Barbican Association, additional temporary signing has been deployed to reinforce the message that <u>access to Beech Street is permitted for <b>any</b> vehicle</u> with a legitimate off-street activity i.e. parking, loading, drop-off, pick-up.</p> <p>61. Determining the quantum of scale of the access issue to residential properties is a challenge as not every resident will write to the Project team each time their delivery or taxi does not arrive. The Barbican Association has also been handling some enquiries about missed deliveries from Barbican residents. However, it is acknowledged that over 250 enquiries and complaints have been received from residents in relation to access issues.</p> <p>62. The view of the Barbican Estate Office Car Park Manager is that the vast majority of deliveries <u>are</u> made successfully. The number of deliveries has increased during the pandemic.</p> <p>63. The electric taxi fleet has grown to 1 in 4 taxis, people seeking to hail a taxi on Beech Street are still able to do so. Due to the lack of frontage, there is modest demand for hailing taxis on street compared to other City locations, mostly from residents exiting their properties at street level. The reduced numbers of taxis may mean it now takes longer to hail a taxi from the footway.</p> <p>64. Officers have endeavoured to communicate to a wide range of taxi, private hire and delivery organisations about the details of the restriction. The success of this has been mixed due to the varied nature of these (often national) companies and how they cascade the information. Officers also meet regularly with representatives of the taxi trade. There is a perception from some residents that taxis avoid the area and refuse to enter Beech Street, however the trade representatives do not report any confusion amongst their members. Officers will continue to push this message.</p> <p>65. The access issue is likely exacerbated by the fact that many delivery and private hire vehicles use Google maps as their default Satnav (which shows no access on Beech Street), as it lacks the functionality to allow for electric vehicles and those vehicles accessing off-street premises. This awareness has provided a useful outcome of the experiment to date. Officers are considering how this can</p>
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be further mitigated and if Option 2 is agreed the continued experimental period will provide a useful opportunity to explore mitigations and evaluate their effects.

### **Equalities Impact assessment**

66. An Equalities Assessment was undertaken on the proposals for a Zero Emissions Street prior to the Gateway 3-5 being submitted. We have reviewed the outcomes from this assessment against comments received via the online public consultation portal as an interim review which is set out in Appendix 7. We are undertaking mitigation measures as set out in this appendix, particularly around ensuring taxi access remains available to residents and visitors. Communication with the taxi trade is ongoing, and there will be a communication push once people return to the city after this national lockdown as this is likely to coincide with an increase in taxis in the City overall. We are also liaising with online mapping providers such as Google as to how they can more accurately represent the restriction on their navigation products.

67. The restriction and subsequent significant improvement in NO<sub>2</sub> levels also provides a benefit for pedestrians and cyclists who are impacted by poor air quality.

68. If members choose to proceed with Option 2 we will seek consultancy support from Transport for All to advise and assist the developing design and support the public consultation and engagement exercises. Transport for All work as an advocacy group representing various disability groups and provide consultancy support as a not for profit organisation. Their input will help us to understand varying needs of different disabilities and whether mitigation can be included within the design and/or operation of the scheme as we work towards a permanent proposal. They will also help to qualify the impact if it is not possible to mitigate the issue so that this can be fully considered as part of the decision report.

### **Amendments to the experiment**

69. The changes to the central reservation on Beech Street, which were approved in the October Issues Report have been designed and safety audited. These will create gaps in the central reservation to allow vehicles entering Beech Street from Aldersgate Street to turn right into both Lauderdale Place and the Defoe House/Shakespeare Tower car park. This does not require a change to any

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	<p>traffic orders. The removal of part of the central reservation may be carried out under S.64(3) Highways Act 1980.</p> <p>70. If members decide to approve Option 2 then these changes could be made within 4 weeks from the date of approval.</p> <p>71. Following the implementation, these measures should improve access for residents and deliveries to the Barbican Estate. It is considered to be in the interests of the expeditious, safe and convenient movement of traffic.</p> <p>72. The continuation of the ETO will provide an opportunity to implement and monitor this change. The outcome will help inform consideration of any permanent order, the scope of potential future restrictions, and the evaluation of its likely impacts. It will not be possible to test, monitor and evaluate the changes if the ETO is revoked. It is considered that this would be a lost opportunity to build on the experiment to date, to allow stakeholders to evaluate the changes and to gather useful data for future decision-making.</p> <p>73. This is considered a sound ground for the continuation of the experiment.</p> <p>74. Work will need to be continued with Satnav companies to ensure this change is reflected in route planners, and the continuation of the experiment will also allow for monitoring of such information-sharing initiatives. This will also help inform future practise in implementing any further scheme.</p> <p>75. Recent discussions with the Barbican Centre have raised concerns about there being a lack of parity for access to the Beech Street carpark (number 5) from Beech Street. There is an engineering design issue to resolve, but it does require revocation of the traffic order banning a right hand turn and a safety audit to determine if there any implications for cyclists who use this pocket to turn north to travel along Golden Lane.</p> <p>76. If Members were minded to choose Option 2, approval is sought to undertake this feasibility and design work to enable the right hand turn into the Barbican Centre car park from the west. It is proposed that any further modification of the current traffic order banning this right turn be delegated to the Deputy Director of Transportation and Public Realm in consultation with the Chairman and Deputy Chairman so that there would be a reasonable opportunity for</p>
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	<p>stakeholders to assess the impacts during the remaining experimental period.</p> <p>77. The work to investigate the feasibility of allowing exemptions for local residents to drive through Beech Street is in progress. Whilst no firm conclusions have yet been drawn, initial analysis is that this is likely to be complex and resource intensive to establish. The nature of the streets, one-way systems and intricacies of access in the area is complex. Determining eligibility and establishing and administering the necessary database may well be unachievable within the experimental period. The criteria for deciding who would be eligible would need to be developed including with regard to traffic management considerations, taking into account the impacts and proportionality of more circuitous routes required due to the restrictions. The work will continue and be reported to Members.</p> <p><b>Fortune Street</b></p> <p>78. The impacts of the restriction affect adjacent areas in LB Islington and City and Islington Officers have met regularly on the detail. Pre-scheme traffic flows from Golden Lane into Beech Street would have reassigned to Fortune Street and Whitecross Street and come back down to the Silk Street junction. To protect the amenity of residents on Fortune Street and the Golden Lane school campus, LB Islington introduced an experimental restriction on Fortune Street (which is also a one-way street).</p> <p>79. The management of the scheme has been somewhat problematic for Islington and has taken up more staff time than estimated. If Members opt for Option 1 or 3, Islington would need to take a decision on whether to continue with Fortune Street experiment. For Option 2 Islington will continue with their experiment and expect to be consulted if Members decide to promote a new permanent order in respect of the Beech Street restriction.</p> <p>80. The combined restrictions on Beech Street and Fortune Street are understood to be a challenge for the Golden Lane Campus, which comprises the Richard Cloudesley Primary School, Prior Weston Primary School and Golden Lane Children’s Centre. It has access points on Whitecross Street, Golden Lane and from Fortune Street Park. Officers have offered to meet with the Richard Cloudesley Primary school, but a meeting has not yet taken place.</p>
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**Public Consultation feedback (to date)**

- 81. Members of the public are able to share their views of the experiment via the online consultation portal.
- 82. 10,000 letters were sent out before the experiment began to inform residents and business of the consultation, and to notify them that the consultation period has been extended and will be kept open to allow feedback during more normal conditions.
- 83. There have been over 120 responses to the online public consultation. Of these, 62% have been from residents, with the remainder made up from businesses, visitors, workers, commuters and taxi drivers.
- 84. 62% support the principle of traffic restrictions to improve air quality and feel that there have been positive benefits from air quality improvements in Beech Street.
- 85. However, 63% of respondents also feel that the scheme has impacted negatively on them, which is consistent with the 63% of respondents who feel that motor vehicles journeys have been negatively impacted.
- 86. Overall, 54% of respondents support the scheme as it is or with further changes, and 45% do not support the scheme.
- 87. The relatively low number of overall responses may be explained by the fact that many workers and visitors have simply not been in the area for many months.
- 88. A summary report of the public consultation report can be found in Appendix 6.
- 89. If Option 2 is agreed further communications would be prepared to update stakeholders on the changes and encourage further consultation responses to aid in the evaluation of their impacts. Dependant on the COVID-19 restrictions in place we would also anticipate holding drop-in public consultation sessions during the scheme public consultatory for the permanent traffic order. If it is not possible these will be substituted with online sessions.

**Stakeholder Feedback**

*London Borough of Islington*

- 90. In addition to the issues around Beech Street and Fortune Street, Islington officers have agreed to continue to work

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with the City and explore future options for the wider area to improve air quality and the public realm. Each authority recognises the complexities of the street network in the area and that any changes have a knock-on effect.

*Resident Representations*

*Barbican Association*

91. The City has received a written representation from the council for the Barbican Association (BA) (Appendix 2). The project team also meets with the BA regularly. In summary, the BA position is that the experiment should continue with the central reservations modifications agreed in October 2020 and working towards delivery of a wider low traffic or zero emission zone as set out in the Transport Strategy (Proposal 29).

*Lauderdale Tower*

92. The City has received over 75 enquiries, complaints and written statements from residents of Lauderdale Tower which highlight many of the issues contained within this report, primarily concerning access and deliveries and the ability to drive along Beech Street. It is anticipated that the delivery and taxi arrangements for these residents will be improved by the central reservation modifications and engaging further with the taxi trade and satnav companies.

93. As highlighted in the previous report, in terms of car park access, Lauderdale Tower car park is accessed from Aldersgate Street. Resident access to the car park from the west, south and north is not affected by the scheme. Journeys from the east can be planned closer to the point of origin to align to London Wall or Old Street. The closest grocery store is located to the east on Whitecross Street, residents may find the slightly longer journey inconvenient.

94. It is noted that in the judgment on the statutory challenge the issue was explained as follows: "Previously the Claimant approached [the Lauderdale Tower car park] from Beech Street but he can no longer do so. He cannot enter the car park from the northbound carriageway of Aldersgate Street because a central reservation" The judge continued "Alternative access to the car park is circuitous and difficult". It should be noted that this was the judge's assessment of the facts. While more circuitous than before for some journeys a short distance to the east, the additional journey time (estimated at 3-4mins depending on

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traffic) is not considered unreasonable or more exceptional than other locations in London.

*Golden Lane Residents Association*

95. Officers have met with the Chair of the Golden Lane estate Residents Association (GLERA). Some issues have been identified to monitor but in general car ownership in Golden Lane Estate is low and there is an expectation that lower volumes of traffic in the area will, in time, provide opportunities for public realm improvements around Golden Lane and Fortune Street.

*Barbican Centre*

96. Officers have met with the Barbican Centre leadership team. As the Barbican Centre has been partially or fully closed for most of the experiment there are some concerns that the impacts of the experiment have not yet been experienced by visitors, staff and on the Centre's operations. When operations at the Barbican Centre return to a normal level, there is a concern that visitors will not understand the restriction and receive a penalty charge notice which will discourage revisits. The Barbican Centre broadly supports the continuation of the experiment so that it can better understand the impacts of the scheme on its operations before a permanent scheme is considered.

97. The Barbican Centre would also like its needs to be considered in parity with those of residents and have asked Officers to consider whether a further central reservation gap can be made to allow right turn access into Car Park number 5. This is further detailed in paragraph 75.

**Request to Revoke ETO and Proposed Judicial Review**

98. Legal advice has reaffirmed that the ETO is valid and lawful. This position can only be altered by a court order quashing the ETO (or by the ETO being revoked or suspended). The request to revoke the ETO should be carefully considered having regard to all relevant considerations. The claimant has indicated that he proposes to judicially review any decision not to revoke the ETO and has set out his grounds in a Pre-Action Protocol Letter.

99. The main reason for the request that the ETO be revoked and the main proposed ground of challenge should that be

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declined is that the depressed traffic flows mean there can be no genuine experiment.

100. It is acknowledged that traffic volumes have been at low levels during the experiment and that until and unless they return to more normal levels it will not be possible to gather data based on observation of normal traffic volumes.

101. However, some informative data has been gathered to date. Even if more normal traffic volumes do not return during the experimental period further useful data to inform future proposals are likely to be obtained. If traffic volumes do increase to more normal levels additional “real life” data can also be gathered.

102. Option 2 is considered to be based on sound reasons not to revoke or suspend the ETO, primarily that the continuation of the experiment is likely to allow a useful opportunity for modifications to be introduced, consulted upon and evaluated and that this will help inform future consideration of a permanent order.

103. Legal advice is that Option 2 is open to the Committee and that the justification would provide reasonable grounds to resist any judicial review on the basis set out in the Pre-Action Protocol Letter.

### **Evaluation and Conclusion**

104. There have been many issues to consider, balancing the needs of stakeholders with the project objectives in an area where the local infrastructure and street network is particularly complex. The timing and impact of the pandemic has been an additional complicating factor.

105. It is clear that despite reduced traffic in the City, the decision to continue with the experiment has enabled useful data to be gathered on air quality and traffic volumes in Beech Street. A further beneficial outcome is a higher level of understanding of the impact on access to properties and successful deliveries. Many lessons have been learned on how people interact with and understand the restriction. This could not have been modelled as a desktop exercise.

106. Despite the issues detailed in this report, the experiment to date is considered a qualified success. Air quality in Beech Street has significantly improved and now meets WHO limits.

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	<p>107. There is a reasonable possibility, based on the national picture of the vaccine rollout effort, that restrictions will be eased over the coming months and activity and movement in the City may increase as workers return. This will allow for additional data to be gathered during more normal traffic conditions.</p> <p>108. Even if traffic volumes do not return to more normal levels, useful traffic and air quality data can still be gathered during the remaining duration of the experiment, particularly on the impact of the modifications, which will assist in decision making on any new permanent order. If the experiment was concluded, an opportunity to consult on the modifications and collect relevant data will have been missed.</p> <p>109. Traffic and air quality modelling tools can be used to provide estimates based on extrapolations from observations of depressed traffic patterns to guide decision making and public consultation.</p> <p>110. The anticipated benefits and adverse impacts have been reconsidered since the evaluation carried out in the report provisionally recommending the ETO in December 2019. This has included consideration of consultation feedback and equalities impacts (see Appendix 7). Regard has been had to the City’s traffic management duties relating to the convenient, safe and expeditious movement of traffic and to the City’s equalities duties. The conclusion of the further evaluation is that (subject to the proposed mitigations of adverse impacts summarised in Appendix 7 and referenced in this report) the benefits of continuing the experiment in order to assess proposed changes to access arrangements, while working towards consultation on a permanent scheme, and the potential medium/long term air quality benefits of a permanent scheme justify Option 2.</p> <p><b>111. On balance the continuation of the experiment under Option 2 is recommended.</b></p>
<p><b>5. Options</b></p>	<p>112. This section provides additional detail on each option for Members to consider. Members are invited to consider the appropriate option in the context of both the approved objectives for this project and the wider context of corporate objectives such as the Climate Action Strategy, the Air</p>

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Quality Strategy and the Transport Strategy, which are summarised in Appendix 8.

**Option 1 – Approve the conclusion of the Experimental Traffic Order (only)**

113. Under this option, the ETO would be concluded with immediate effect. The data and other information would be analysed and summarised in an outcome report. This could allow an opportunity to reflect on priorities and the impact of the pandemic and to revisit a different initiative on Beech Street once the podium waterproofing and redevelopment of the Exhibition Hall projects are further advanced.

114. Considerations are that unrestricted traffic will be able to use Beech Street once again and as traffic volumes increase when the pandemic finally ends, NO<sub>2</sub> levels will increase back above WHO guidelines. This may lead to objections to the cancellation of the experiment from stakeholders. Funding may be to rebid as part of the Central Funding Allocation process.

**Option 2 – Approve the continuation of the Experimental Traffic Order**

115. Under this option the ETO would continue in the expectation that:

- The air quality benefits that have been realised will be maintained
- A reasonable possibility exists that traffic levels will return during the duration of the experiment to measure the positive and negative impacts to allow a determination to be made on if the positive benefits outweigh the disbenefits
- In the event the above does not take place, the use of modelling tools to estimate the impact of air quality and congestion changes can be used
- The central reservation works will be implemented and access issues monitored
- Removing the scheme and then introducing a new initiative will be confusing for all users and residents
- This option is broadly supported by stakeholders subject to the amendments to the central reservation being made, and that work is progressed on a wider neighbourhood approach to address air quality issues

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116. The timelines for the development of a permanent scheme to be in place in time for the expiry of the ETO is very challenging. There is a risk that unrestricted traffic will return to Beech Street from mid-September if a permanent scheme is not in place, which will have detrimental air quality consequences.

117. In practice there is just four months until the last Streets and Walkways sub-committee date (8<sup>th</sup> July) whereby a decision could be taken prior to the ETO expiring on 21<sup>st</sup> September. There is sufficient time between now and July committee to undertake the following tasks:

- Undertake monitoring of measurable impacts
- Prepare public consultation documents
- Undertake a public consultation exercise
- Analyse the public consultation results
- Prepare a decision report on whether to make the order permanent

#### **Public consultation methodology**

118. In respect of the ETO, further stakeholder engagement would be initiated in connection with the proposed changes to the central reservation and further extended consultation period to allow an opportunity for feedback on the changes.

119. In respect of a possible permanent order, public consultation would be undertaken during April/May. It is difficult at this stage to define the format that these public events would take given the changing forecast for lockdown restrictions but we have found that virtual stakeholder meetings are equally useful for disseminating information and gathering feedback from stakeholders. It means people can choose to attend a set virtual presentation with question and answer session, or less formal sessions where they can have a 1-2-1 chat with a member of the project team. We have the advantage of having undertaken a recent period of engagement on this scheme already so have a good database of contacts and methods to contact affected parties who may wish to comment. Ward members will also be approached for additional contacts to ensure a wide response from the public. It is also intended that the project team will work with Islington to ensure their residents are equally aware of the proposals and how they can provide feedback on the proposals. The detailed public consultation methodology and content is recommended to be delegated to the Chairman and Deputy Chairman in

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	<p>consultation with the Deputy Director (Transportation and Public Realm).</p> <p>120. A third-party survey company will be commissioned to design the consultation survey ensuring impartiality of the questions and the smooth running of the survey from a user's perspective.</p> <p>121. It is intended that the analysis will be undertaken inhouse to ensure that the feedback is able to be understood and actioned in terms of next steps for the design in the programmed timeframe. A public consultation response report will be prepared and submitted for consideration to the July cycle of committee.</p> <p>122. It is requested that approval is given in this report to go out of sync to Projects sub-committee in June ahead of Streets and Walkways sub-committee if required to, to remain on programme for delivering a permanent traffic order before the expiration of the experimental order.</p> <p>123. A report will be bought to July Streets and Walkways sub-committee with outputs from the monitoring strategy and the public consultation for members to make a decision on whether to proceed with promoting the permanent Zero Emission Scheme restriction permanent using a Traffic Regulation Order.</p> <p><b>Statutory Consultation</b></p> <p>124. It is only from this decision point that the statutory consultation on the permanent traffic order (Traffic Regulation Order) would begin. This process would take a minimum of 6-8 weeks if no objections were received. However, if there are objections to the TRO, which is considered highly likely, these must be considered and if unresolved with the objector, be determined by Committee (or a delegated officer) and consideration must also be given to whether to hold a Public Inquiry. Beyond a standard objection, there is also the possibility of an injunction or a further Judicial Review within 3 months of the Committee decision to make the scheme permanent.</p> <p>125. The ETO must finish when it expires so any action that results in a delay in determining the permanent scheme increases the likelihood of a break between the two schemes on street.</p>
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126. As the next meeting of Streets and Walkways is not until October 2021, it is may be prudent to provisionally arrange an online meeting of Streets and Walkways to be held in early September where Members will be asked to consider:

- Any unresolved objections to the statutory consultation on the Traffic Order
- Authorise the making of the TRO

127. The full public consultation process will take place with all local stakeholders, road user groups, residents, businesses and access groups consulted.

128. London Borough of Islington and Transport for London would be consulted as part of the statutory process. Transport for London have indicated that the process for gaining the Traffic Management Notification could be met in this timeline given the limited impact of the experiment to date on the bus network or strategic routes.

**Option 3 - Approve the conclusion of the Experimental Traffic Order and develop an alternative scheme**

129. This option proposes that the experiment be concluded and that the lessons learned and the data that has been collected be used for the development of an alternative scheme on Beech Street. These options could explore different options for restrictions to improve air quality that will have different impacts depending on the design concept.

130. The experiment could not be continued if Option 3 is chosen as this decision would mean that the ETO should be revoked.

131. Officers would develop a series of options in consultation with stakeholders and return with a report to Members setting out these options to be delivered over the medium term.

132. Option 3 would allow the continued opportunity of developing a scheme which meets more fully the transformational aspirations for the Beech Street Vision but in the short term will mean a return of traffic to Beech Street.

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## **Appendices**

<b>Appendix 1</b>	Phase 1 Project Objectives
<b>Appendix 2</b>	Barbican Association Representation
<b>Appendix 3</b>	Financial Table – spending to date
<b>Appendix 4</b>	Air Quality results (data and graphs)
<b>Appendix 5</b>	Monitoring summary update
<b>Appendix 6</b>	Summary Public Consultation
<b>Appendix 7</b>	EQIA findings to date
<b>Appendix 8</b>	Link to Corporate Strategies

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