

REPORT	SCRUTINY AND OVERVIEW COMMITTEE 19 JANUARY 2022
SUBJECT:	RESPONSE TO REFERRAL OF KEY DECISIONS 5121SC, 5721SC, 5821SC
LEAD OFFICER:	Steve Iles – Director of Sustainable Communities
WARDS:	Addiscombe West & East, Broad Green, South Norwood and Woodside

SUMMARY OF REPORT:

This report responds to the Referral to the Scrutiny and Overview Committee of Key Decisions relating to the implementation of Experimental Croydon Healthy Neighbourhoods replacing temporary schemes. It addresses concerns in the referral, including those relating to:

- the assessment and definition of success;
- objectives related to quantitative data sources;
- fairness; and
- the operation of the experimental schemes.

1. THERE IS INSUFFICIENT DEFINITION OF HOW THE SUCCESS, OR OTHERWISE OF THE EXPERIMENTAL SCHEMES WILL BE ASSESSED AND A PRIORITISED SET OF QUANTITATIVE OBJECTIVES WITH WELL-DEFINED SUCCESS AND FAILURE CRITERIA

1.1 The report to the Traffic management Advisory Committee (TMAC) on 11th November 2021 explained that the Goal of Healthy Neighbourhoods is calmer, quieter street space where people choose to travel actively / healthily, and where the street's traditional function of community and social space can be reclaimed, all with the aim of supporting physical and psychological health and wellbeing. They are a tool promoted by central government to achieve important objectives addressed in the report to TMAC. They are also a mechanism supporting the:

- achievement of objectives and targets of the Croydon Local Implementation Plan, related to public health, air quality, congestion reduction Implementation, climate change; and
- the Croydon Climate Crisis Commission recommendations and the Councils responses to them.

1.2 Feedback obtained during engagement at the areas of the CHNs (conducted in the summer), helps summarise the Objectives, supporting achievement of the Healthy Neighbourhood Goal. The survey results reveal the reasons why the respondents do not walk or cycle more. The reasons most frequently given generally being 'Concerns about Road Safety/Road Danger', 'Traffic Speed',

'Traffic Volume', 'Unpleasant Street Environment'. These then translate into objectives for the CHNs related to:

- road danger / perceived road danger
- traffic speed
- traffic volume
- street environment

1.3 Section 2.10 of the report to TMAC explained that the monitoring strategy for the CHNs would be informed by TfL's 'Borough Monitoring Guidance for Healthy Streets Schemes' and the Secretary of State's Statutory Guidance. The latter explains:

*'In assessing how and in what form to make schemes permanent, authorities should collect appropriate data to build a robust evidence base on which to make decisions. This should include **traffic counts, pedestrian and cyclist counts, traffic speed, air quality data, public opinion surveys and consultation responses.**'*

The report to TMAC reproduced the table within the TfL monitoring guidance listing examples of factors that should be considered for monitoring. The factors to be monitored, set out in both central government and the TfL guidance, have implicit/implied objectives associated with each.

1.4 The Objectives for the Experimental CHNs to be assessed over the period of the Experiments are:

Factor	Objective
Traffic within CHNs	Less traffic Less through traffic
Traffic on boundary roads / neighbouring A and B Roads	No increase
Speed within CHNs	Reduced
Speed on boundary roads / neighbouring A and B Roads	No change
People walking in CHNs	More
People on bikes in CHNs	More
Bus journey time and reliability	No increase in journey time No decrease in reliability
Emissions of Oxides of Nitrogen and Particulate Matter within CHNs	Less
Emissions of Oxides of Nitrogen and Particulate Matter on boundary roads / neighbouring A and B Roads.	No increase
Concentrations of Oxides of Nitrogen and Particulate Matter within CHNs	Less
Concentrations of Oxides of Nitrogen and Particulate Matter on boundary roads / neighbouring A and B Roads.	No increase
Road casualties within CHNs	Reduced number and severity
Road casualties on boundary roads / neighbouring A and B Roads	No increase

1.5 Central government's 'Gear Change: One Year One' makes clear that the longer Healthy Neighbourhood type measures are in place, the more strongly positive effects materialise. There is a further spatial (rather than temporal) effect to be considered, namely the degree to which any CHN connects to other CHNs or other Active Travel infrastructure. The greater the connection, the greater is likely to be the number and length of quite routes conducive to walking and cycling. As routes become more attractive, their use would be predicted to increase. These longer term and greater network effects cannot be measured over the period of the experiments. Only the short term current effects can be measured. The Monitoring Strategy for the Experimental CHNs during the trial/experimental period is being drafted, the draft Summary appended to this report.

2. REASSURANCE THAT THIS IS A TRUE TRIAL, AND NOT A FOREGONE CONCLUSION, ESPECIALLY GIVEN THAT THE MAJORITY OF THOSE WHO WERE SURVEYED WERE AGAINST ANY LTN SCHEME

2.1 The 'Reasons for the Recommendations' section (Section 4) of the report to TMAC, explains that the recommendation to move to Experimental CHNs is in part to allow assessment of that the Secretary of State for Transport is calling for, including fuller engagement and professional polling. This with the aim of establishing a truly representative picture of local views. The engagement and polling will allow testing at the Experimental CHNs of the assertion by the Prime Minister:

'And as the benefits of schemes increase over time, what opposition there is falls further. That is why schemes must be in place long enough for their benefits and dis-benefits to be properly evidenced.'

And another assertions in 'Gear Change: One Year One' including

'Multiple independent professional polls over the last year, and the government's own polling and surveys, show consistent public support for the measures on cycling and walking we and councils have taken: more than two to one on average among those who express a preference. Support for individual schemes, such as low-traffic neighbourhoods, by people living in the areas concerned is at similar levels, whenever polled or surveyed professionally'

'There appears, however, to be a gap between real and perceived public opinion on this subject. One poll showed people believe that there is more opposition to these schemes than there actually is: that even though respondents themselves supported them, they believed that the public as a whole did not.'

2.2 As the trials conclude, and before the end of the operation of each Experimental CHN, a decision will need to be made as to the future of each CHN. The report to TMAC (and appendix 7 to it) set out the duties and other matters that need to be considered and balanced when making a decision whether to remove a

Temporary CHN, and whether to implement an Experimental CHN. The same duties and matters need to be considered, along with the findings of the assessment outlined in this report (including the assessment of public opinion), and objections received to the making of the Experiment permanent, when deciding the future of an Experimental CHN. The report to TMAC also drew on guidance, reports and statements from central government making clear that there is a presumption that Healthy Neighbourhoods and other Active Travel promoting measures, will remain in place unless there is strong evidence suggesting otherwise. As the experiments are concluding, recommendations will need to be made to the Traffic Management Advisory Committee as to the future of each. These will again be Key Decisions, able to be subject to Scrutiny. The potential options to include:

Do Nothing. The experiment ends and the streets revert to how they were.

Do Something. The Experiment is made permanent without modification or with further improvement.

Do Something Different. The experiment ends and something different is pursued in its place.

The challenge associated with the first and last option above is highlighted by the Prime Minister: *'if you are going to oppose these schemes, you must tell us what your alternative is, because trying to squeeze more cars and delivery vans on the same roads and hoping for the best is not going to work.'*

3. REASSURANCE THAT THE INSTALLED SYSTEM WILL OPERATE FAIRLY AND EFFICIENTLY

3.1 'Gear Change: One Year On' reminds us that

'The debate about roadspace is sometimes conducted on the assumption that everyone drives. But across the country, a quarter of all households have no car or van. In cities such as Newcastle, Nottingham, Hull, Manchester and Liverpool, 40 to 50 per cent of all households do not have cars. In inner London, it is 55 to 65 per cent. These figures are for households: the proportion of people without full-time access to a car or van is greater still.'

The CHNs include some of the parts of Croydon where car availability is at its lowest. By seeking to provide quieter and safer space in which to travel on foot and by bike, the CHNs seek to help redress the imbalance in terms of ease of access and mobility, between those who can drive and own a car, and those who do not. The Equalities Impact section of the report to TMAC and the Equalities Analysis on which it draws, explain that certain groups, children and young people in particular, have been impacted by past changes in the way our streets are used, children having largely had their independent mobility taken from them. Increasing access to free/low cost active and healthy travel is also a means of helping address Income and Health inequalities.

3.2 Fairness was one of the principles guiding the design of the CHNs. The move to camera enforced 'No Motor Vehicle' signs, was for reasons including:

- Residents within each CHN and owning a car or motorcycle, eligible for exemption permits allowing direct vehicular access to and from their home through the CHN.
- Disabled people are not unnecessarily disadvantaged:
 - Holders of Blue Badgers being able to apply for exemption permits for up to two vehicles
 - Exemption for Taxis allowing direct access by Taxicard users in Black Cabs
 - Exemption for buses allowing direct access for users of Dial-a-Ride, Community Transport and Schools SEN Transport
 - Exemption for vehicles used by care givers of sick and/or disabled residents of the CHN.

4. **OPERATING PRINCIPLES OF THE SYSTEM LACK CLARITY, THERE IS INSUFFICIENT DEFINITION OF HOW THE ADMINISTRATION PROCESS WILL WORK AND BE EFFECTIVE WITHOUT ADVERSELY IMPACTING RESIDENTS I.E (PERMITTING AND ENFORCEMENT PROCESS)**

4.1 The process below sets out the permit, enforcement, and representations/appeals process for the Croydon Healthy Neighbourhoods. The key legislation governing the enforcement of traffic regulations using the ANPR cameras is regulated under the following legislation:

- Road Traffic Regulation Act 1984
- Road Traffic Offenders Act 1988
- Road Traffic Act 1991
- London Local Authorities Act 2000
- London Local Authorities and Transport for London Act 2003
- Traffic Management Act 2004
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007

Together these Acts allow a London Local Authority to install structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders and to use the information provided by them, to serve a Penalty Charge Notice (PCN) on the registered keeper of a vehicle which contravenes the Traffic Regulations.

4.2 The process the Council follows to permit exempted / permit holders to drive through the Healthy Neighbourhoods is shown in **Appendix 2a**. For those user groups defined in section 3.2 above, who are eligible for exemption permits, these users will apply online.

- 4.3 In order to encourage compliance with traffic regulations the enforcement system enables fully trained staff:–
- to monitor traffic activity in accordance with relevant legislation and guidance, including this Code of Practice;
 - to identify vehicle registration number, colour and type of unauthorised vehicles contravening traffic regulations;
 - to support the serving of Penalty Charge Notices (PCNs) to the registered keeper of vehicles identified contravening the regulations;
 - to record evidence of each contravention to ensure that representations and appeals can be fully answered;
 - to enable timed and dated pictorial evidence of such unauthorised driving or stopping to be produced for adjudication or as information to the owner of such vehicles;

Details of the enforcement process via an ANPR camera for issuing a penalty charge notice is shown in **Appendix 2b**.

- 4.4 For every Penalty Charge Notice issued, the relevant appeal form is enclosed with every Notice of Rejection of Representations issued by an enforcing authority once a representation has been rejected. This process is shown in **Appendix 2c** for the representations and appeals process

The official use box must be completed by an authorised official of the enforcing authority. This must state the PCN number, the Vehicle Registration Number, the name of the keeper to whom the Notice of Rejection was sent and the date the Notice of Rejection was sent. This information must be completed for an appeal to be registered and enables the appeal service to check that the right person is lodging an appeal and that it has been submitted in time.

Evidence should be submitted to PATAS at least seven days before the hearing date and must also be sent to the appellant.

The following items will be required as mandatory evidence by the Traffic Adjudicators:

- a) *Authorised Officer Witness Statement* – a declaration that at the time the contravention was observed, the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order. Examples of *Authorised Officer Witness Statements* that should be used for parking contraventions and bus lane contraventions are included in Appendices 5 and 6 respectively. The *Authorised Officer Statement* also includes details of the evidence that is being produced (e.g. stills from video recording) and confirmation that these were produced in accordance with the Code of Practice. In order for the *Authorised Officer* to sign the declaration reference should be made to the *Control Room Log Sheet* to determine the status of the equipment at the time at which the contravention was witnessed. An example of a *Control Room Log Sheet* is included in Appendix 2.
- b) Copy of the Penalty Charge Notice

- c) A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.
- d) Copy of the Enforcement Notice (where applicable)
- e) Copies of any representations made and all correspondence
- f) Copy of the Notice of Rejection
- g) Colour Images of the Contravention – the images must show the context of the contravention and the identification of the target vehicle. All pictures must display the location, date and time of the contravention. The Adjudicators do not expect footage except in particular cases where there is a strong conflict of evidence. If the Council produces video evidence to the Adjudicators, they must also supply the appellant with a copy. The footage for the Adjudicators must be of a type approved by PATAS however the footage for the appellant must be in a format agreed with the appellant. Even if the appellant has already viewed the Council's recorded evidence of the contravention, the Adjudicator would expect to see images in evidence. A copy of the images would therefore have to be served on the appellant. A digital photograph would be acceptable, providing that the accompanying statement explains that it is a digital photograph, taken by an approved device, a true copy, not enhanced

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BACKGROUND DOCUMENTS:

APPENDICES:

Appendix 1: Draft Summary Monitoring Strategy
Appendix 2a : Healthy Neighbourhood Permit Application
Appendix 2b : Healthy Neighbourhood Enforcement Process
Appendix 2c : Healthy Neighbourhood Representations / Appeals Process
Appendix 3 : FAQ's on Healthy Neighbourhoods

(Draft) Summary Monitoring Strategy
Experimental Croydon Healthy Neighbourhoods
Programme

Road Traffic (Volume and Speed)

Factor	Objective
Traffic within CHNs	Less traffic Less through traffic
Traffic on boundary roads / neighbouring A and B Roads	No increase
Speed within CHNs	Reduced
Speed on boundary roads / neighbouring A and B Roads	No change

In May 2020 (and repeatedly since) central government called on local authorities to act swiftly to introduce measures to help people walk and cycle. There was no time or funding to undertake baseline surveys. To do so would have served little purpose, the COVID19 Pandemic resulted in very unusual travel patterns and levels of travel.

At each of the Experimental CHNs we are using traffic volume and speed surveys conducted in 2017, (associated with the introduction of the borough-wide 20mph speed limit), to provide an indication of pre COVID traffic flows and 85th percentile speeds on key streets within the Temporary/Experimental CHNs. The traffic flow/volume data is being supplemented with more recent DfT traffic count data, from the limited locations these are undertaken. The point surveys will be repeated during the Experiments, at the 2017 locations, if they are not covered by the Vivacity monitoring (see further below).

Not every street was surveyed in 2017. Therefore we are using in vehicle telematics derived 'Flow'¹ data captured in and around each of the Experimental CHNs. Only a proportion of the vehicle fleet is fitted with such equipment. Consequently the data used for the baseline, has been gathered over a period of time (March 2019 and February 2020 (before the pandemic)) and then averaged over that period. At each Experimental CHNs these data are used to assess:

- the total vehicle flows on each road segment per hour, during each peak period on a weekday inside the area of the Temp/Experimental LTN and on the more major streets bounding / adjacent to each Temp/Experimental CHN.
- the total (and percentage of) through traffic on each road segment per hour, during each peak period on a weekday inside the area of the Temporary/Experimental CHN

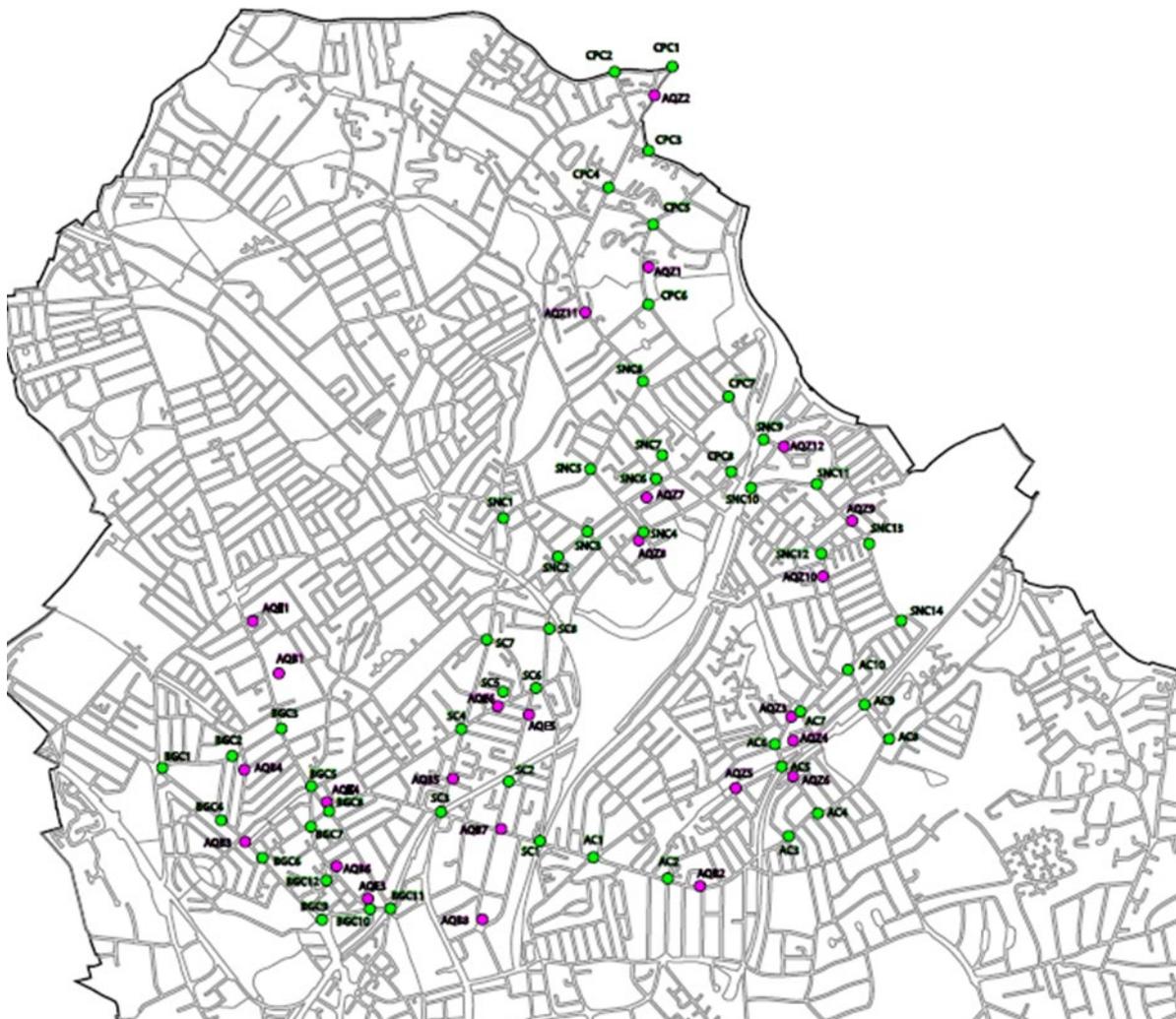
¹ <https://www.theflow.com/our-solutions/mobilityin/>

The assessment employing the 'Flow' data will be repeated across the period of operation of each of the Temporary LTNs, and the operation of / the trial period of each Experimental CHN.

Technology has advanced since the 2017 surveys were conducted. We are now able to gather a lot more information with a single monitoring device. Vivacity² traffic monitoring sensors are being deployed at the locations shown below. As well as traffic speed and volume, these devices enable us to record traffic classified by vehicle type, to analyse vehicle paths, gain an indication of traffic queue lengths, measure speed, and to count pedestrian and cycle flows. The Vivacity monitoring will indicate the degree to which traffic volume and speed within CHNs are commensurate with reducing fear of road danger, particularly for those considering walking and cycling.

Figure 1 Locations of installed Vivacity traffic sensors and of air quality sensors

Key: ... = Air quality sensor... ● = Traffic sensor.



The assessment of traffic volume, speed/journey time and junction queue lengths is continued in the following section related to Buses.

²<https://vivacitylabs.com/>

Bus Journey Time and Reliability

Factor	Objective
Speed on boundary roads / neighbouring A and B Roads	No change
Bus journey time and reliability	No increase in journey time No decrease in reliability

The CHNs are generally bounded by or close to more major street corridors, many of which are part of the Strategic Road Network (SRN) and / or bus routes. TfL has the Traffic Management Duty for the SRN and responsibility for planning and funding London's bus services. Away from the SRN, the Traffic Management Duty sits with the Council. Joint monitoring will be undertaken with TfL. This will employ TfL's 'Surface Intelligent Transport System' ('Surface Digital Twin') which incorporates a series of real time data sets including, iBus, SCOOT and INRIX³ (vehicle flow, speed etc on 60,000 links on London's principal road network and bus network) going back to before the COVID19 Pandemic. The iBus data provide a detailed/accurate measure of bus journey time on each segment of TfL bus routes. These will be used to assess changes in both bus journey time and reliability pre Covid, during the period of the Temporary CHNs and that of the Experimental CHNs. As well as providing a direct measure of bus journey time/speed and reliability, these also provide a robust proxy for general traffic journey time/speed. Vehicle flow and journey speed will also be assessed directly using the INRIX data. SCOOT data will be employed to further assess changes in vehicle throughput at signal controlled junctions.

- 2.9 Just as helping more people walk and cycle is a priority for central government and the Mayor of London, so is encouraging more journeys by public transport. A measure of success will be the CHNs achieving their objectives, whilst not having a demonstrable impact on bus journey time and/or reliability, of such significance that it strongly suggests ending the Experimental CHN. The measure of significance will be agreed with TfL on a case by case basis. The monitoring will also inform on going management and adjustment related to the operation of the Experiments, including assessing the need to adjust traffic signal timings, as part of managing any effects on bus services and general traffic flow.

³ <https://inrix.com/industries/public-sector/transportation-agencies/>

People Walking and People Cycling

Factor	Objective
People walking in CHNs	More
People on bikes in CHNs	More

The Vivacity sensors record the numbers of people walking and numbers cycling at the locations of each device, within and outside the CHNs.

Some of the CHNs accommodate sections of the Priority Cycle corridors identified by TfL in its Strategic Cycling Analysis and Temporary Strategic Cycling Analysis. The potential of 'Strava'⁴ derived data is being investigated with a view to using it to assess the extent to which the CHNs are being used as walking and cycling routes. However, few cyclists are expected to be using Strava, even fewer for short everyday journeys. Very few people are expected to be using it to record the short everyday journeys they walk. The data could potentially provide an indication of the degree to which routes through CHNs are being used for walking and cycling relative to other routes/streets.

Road Safety

Factor	Objective
Road casualties within CHNs	Reduced number and severity
Road casualties on boundary roads / neighbouring A and B Roads	No increase

5 years' road casualty data have been analysed and mapped, classifying casualties by severity, on the basis of 'all traffic' and 'pedestrians' and 'cyclists', to provide a baseline in and around the CHNs. The analysis will be repeated for the period of the Temporary CHNs and into the period of the Experimental CHNs as a comparative assessment.

Air Quality

Factor	Objective
Emissions of Oxides of Nitrogen and Particulate Matter within CHNs	Less
Emissions of Oxides of Nitrogen and Particulate Matter on boundary roads / neighbouring A and B Roads.	No increase
Concentrations of Oxides of Nitrogen and Particulate Matter within CHNs	Less
Concentrations of Oxides of Nitrogen and Particulate Matter on boundary roads / neighbouring A and B Roads.	No increase

⁴ <https://www.strava.com/heatmap#11.92/-0.11053/51.38134/hot/all>

TfL's 'Borough monitoring guidance for Healthy Streets schemes' advises that air quality monitoring should only be considered where there is likely to be a significant impact on emissions. A significant impact on emissions is not anticipated from the CHNs, but monitoring is being undertaken. Important caveats need to be attached to the monitoring and assessment of potential air quality effects. The report of the Air Quality Expert Group 'Assessing the Effectiveness of Interventions on Air Quality' (prepared for DEFRA (2020))⁵ states that in terms of air quality and health effects '*The assessment of interventions can be challenging for several reasons*'. It suggests an 'accountability chain' approach may provide a useful way to consider the impact of an intervention, from a change in activity through to potential health effects i.e. activity → emissions → concentrations → health outcomes. However it warns that effects become increasing difficulty to assess/quantify as one moves along the 'chain'.

The Council has a long standing programme of monitoring air pollutant concentrations, using continuous monitoring equipment and passive diffusion tube monitoring. Some of the sites coincide with the CHNs but these are small in number. Consequently new / additional sensors have been installed (see Figure 1). These are of three types, the Breath London Node-S, plus MSOL and Zephyr monitors. They are monitoring concentrations of pollutants including Nitrogen Dioxide and Particulate Matter below 10 microns and 2.5 microns. Concentrations away from the monitoring points is to be estimated through modelling. Changes in emissions are being assessed based on the data from the traffic monitoring.

Combined Assessment

TfL is modelling the effect of the CHNs along with the wider Active Travel programme (new cycle lanes etc) to estimate the degree to which people will choose to switch from cars, the resulting change in the number of car journeys, and the effects on the road network. The modelled effects will be tested against the effects observed through monitoring.

Residents, Businesses and Schools

Polling will be undertaken with the intention of achieving:

- representative samples of the populations in and around the CHNs; and
- an understanding of the views and attitudes amongst those populations regarding the CHNs, and the influence on travel choices and travel behaviour the CHNs may be having.

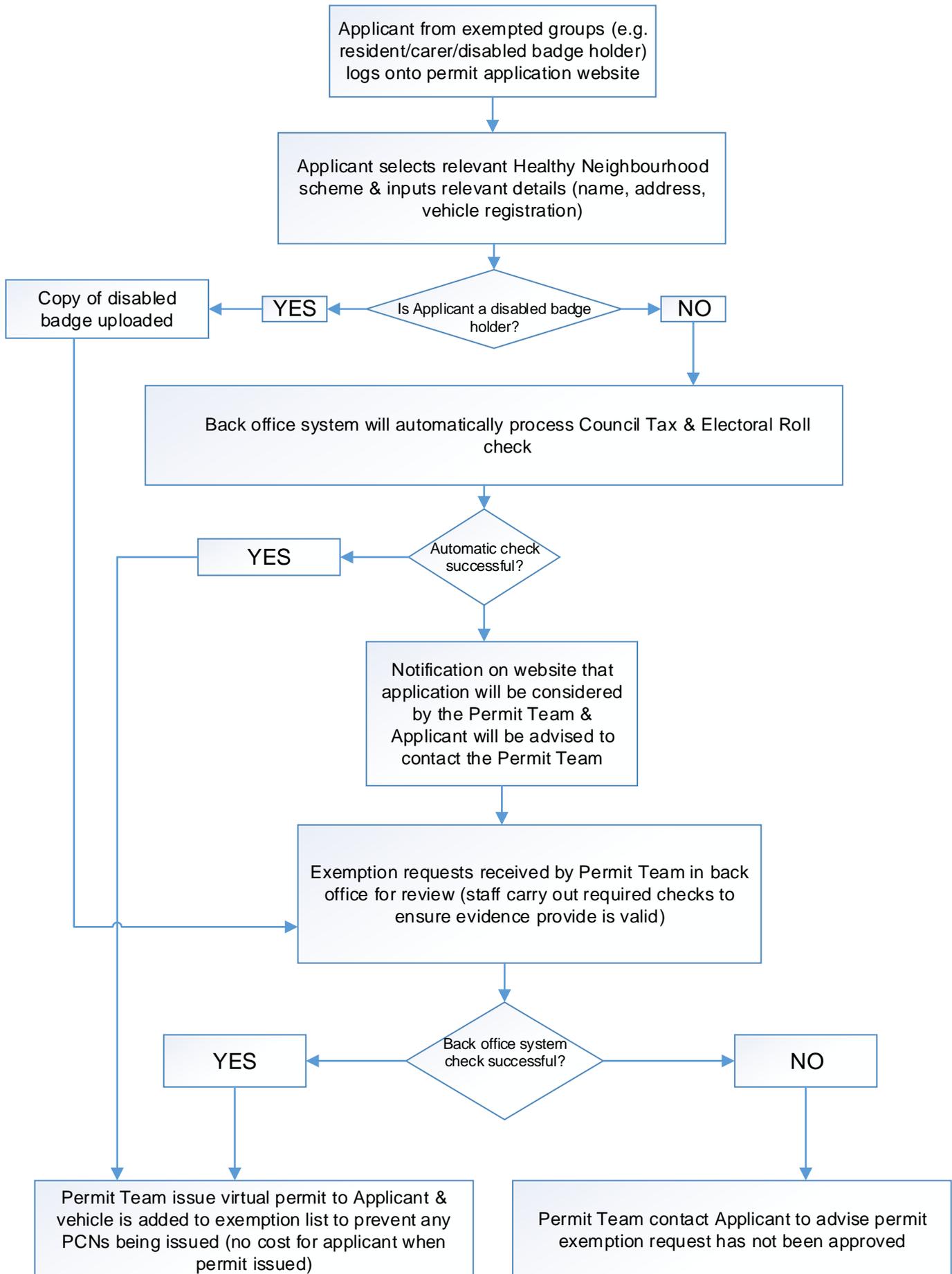
This will be supplemented with engagement with businesses and in schools at the relevant CHNs.

⁵ https://uk-air.defra.gov.uk/assets/documents/reports/cat09/2006240803_Assessing_the_effectiveness_of_Interventions_on_AQ.pdf

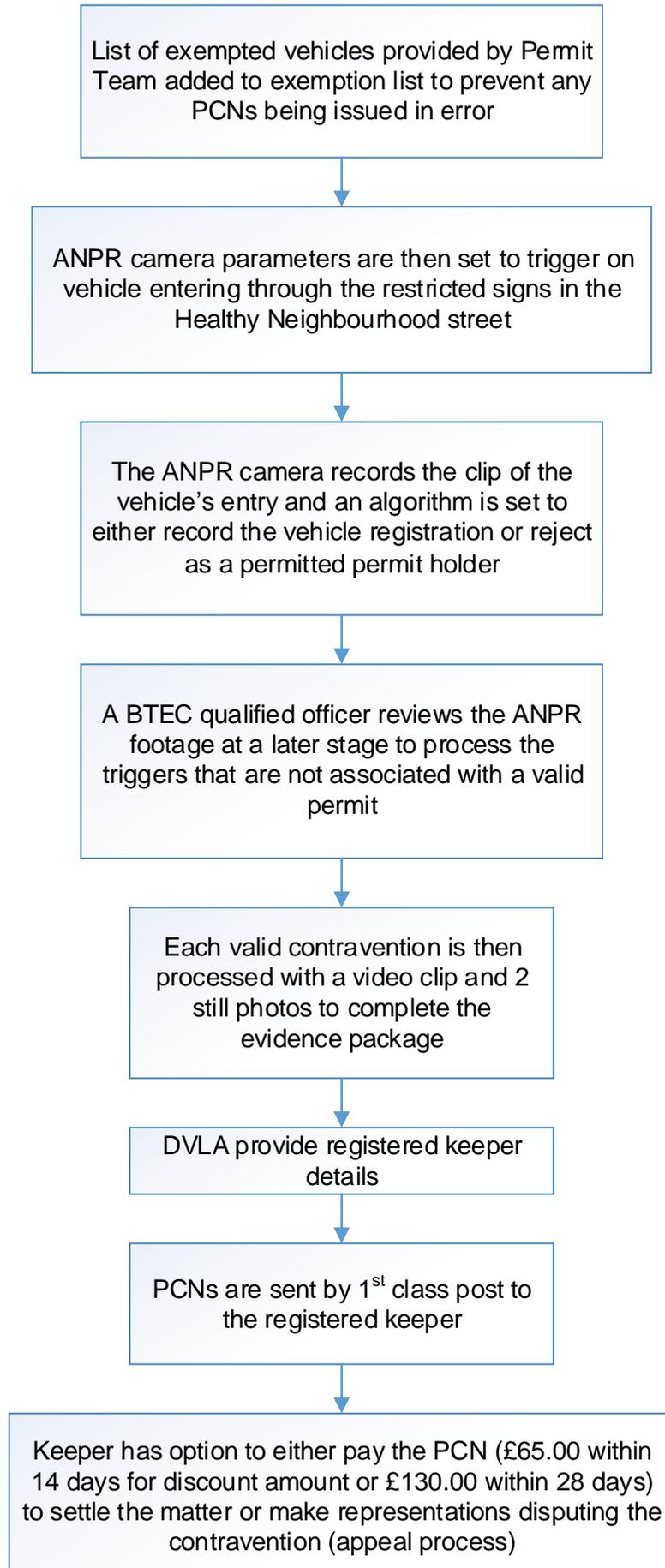
Equalities Analysis

The Equalities Analysis informing the recommendation to embark on the Experimental CHNs, will continue through the period of the experiments, as a continuing assessment of effects on groups with protected characteristics.

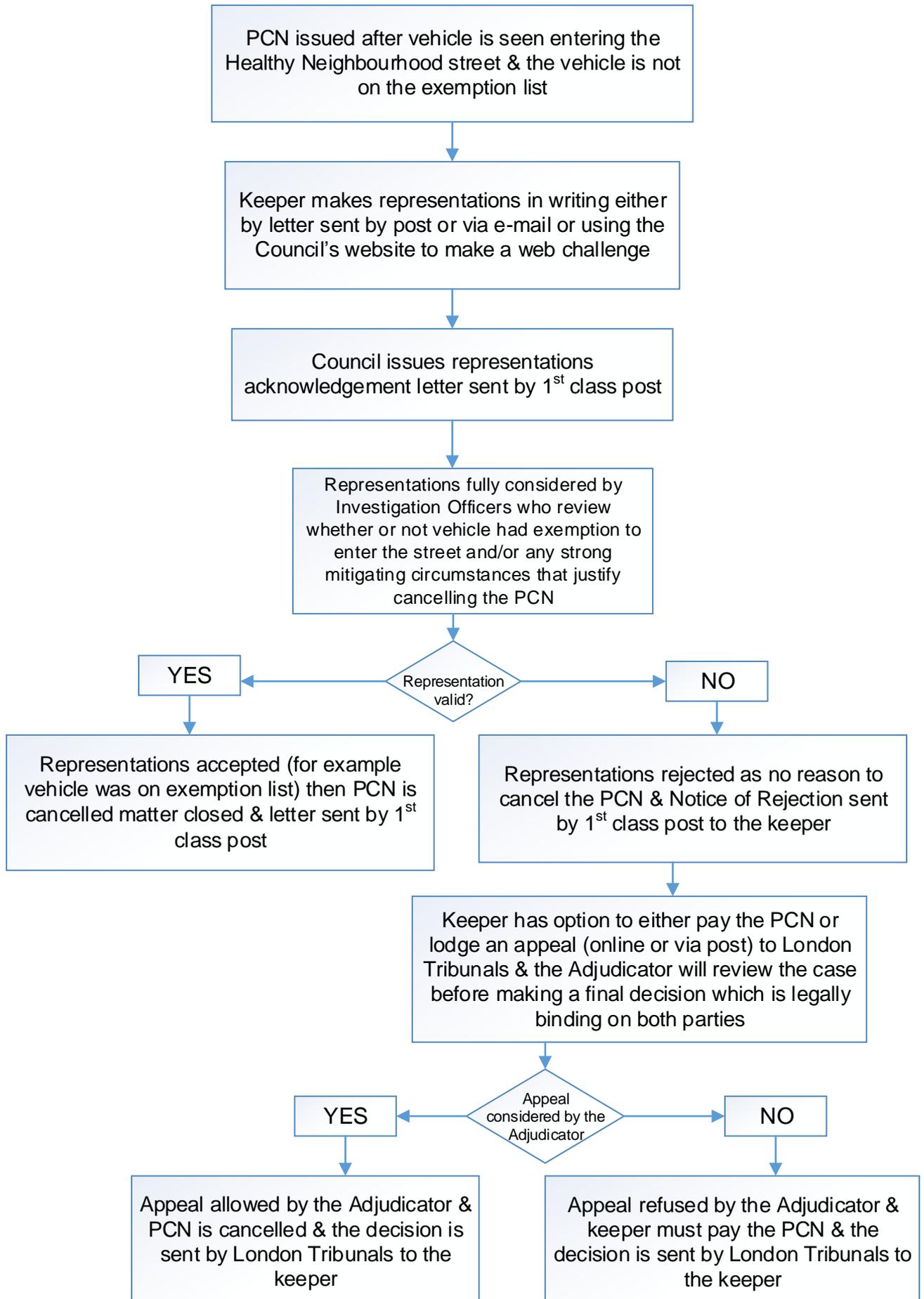
Appendix 2A Healthy Neighbourhood Permit application process



Appendix 2B Healthy Neighbourhood Enforcement process



Appendix 2C Representations/appeal process



Appendix 3

Frequently Asked Questions on Croydon's Healthy Neighbourhoods

I live within a proposed Healthy Neighbourhood. Can I get an exemption for my vehicle?

To be eligible for a resident exemption you must live within the Healthy Neighbourhood boundary and be registered on the Council Tax or Electoral register. If neither of these conditions are met, then the application will not be accepted.

How many vehicles can I register from my address in the Healthy Neighbourhood?

You can register 3 vehicles, including your own.

How do I apply for a permit / exemption to drive into the Healthy Neighbourhood?

Residents who live in the Healthy Neighbourhood can apply by logging on to <https://easipermitlive.xrxpsc.com/Croydon/EP- FE/Easipermits/Start/StartPermitApplication.aspx>

and following the process as outlined on the web page.

How much will the exemption cost?

Exemption permits are free.

Will I be issued a physical permit to display in my vehicle?

No physical permit will be issued as the system is an ANPR system that recognises your vehicle registration and matches that there is an exemption in place.

I have a disability and hold a Blue Badge Exemption. Can I get a permit exempting my vehicle from the Healthy Neighbourhood restrictions?

A Blue Badge holder can apply for exemption permits for up to two vehicles, for a Healthy Neighbourhood. You must provide a copy of your valid Blue Badge with the registration of the vehicle(s) you wish to nominate. If you live within the Healthy Neighbourhood, you will be eligible for a resident's exemption anyway.

I have a carer that attends my property in the street, how will access be granted?

The resident will register the carer's vehicle, if the same vehicle attends their property on a regular basis (i.e. one of their allowance of 3 exempted vehicles). If the carer's vehicle details are not known in advance of the visit then the resident will

need to contact the council on HealthyNeighbourhoods@croydon.gov.uk within 48 hours of the visit.

What about our general visitors?

Other drivers who wish to access the Healthy Neighborhood must use alternative routes to access the property. The vehicles that are not eligible for a permit notably include those of:

- General visitors to residents and businesses
- Home deliveries