

Delegated decision report of: Martijn Cooijmans, Director of Climate Change & Transport

Officer Delegated Decision

Date: 25 August 2023

Ward: Clerkenwell

Subject: Clerkenwell Green public realm
second phase

1. Synopsis

- 1.1. This report sets out the decision and reasons to implement a second phase of the Clerkenwell Green public realm scheme and refers to the Delegated Decision Report (DDR) of 31 January 2023 (hereinafter: “the January DDR” which is listed as a background document to this report), which approved for the Clerkenwell Green LTN to be made permanent and for the Clerkenwell Green public realm scheme to commence construction in February 2023. This report follows on from the January DDR and relates only to the public realm scheme and, unless otherwise specified, all content of that January DDR is upheld and maintained.
- 1.2. Specifically, sections 2.3 and 3.9-3.19 of the January DDR relate to the Decision and Proposal for the first phase of the Clerkenwell Green public realm scheme and set out the area specifics of the proposed scheme, as well as overall aims and objectives of the scheme. These aims and objectives remain unchanged for the second phase.
- 1.3. The delivery of the second phase of the Clerkenwell Green public realm scheme will contribute to the wider scheme benefits (many of which have already been realised through the delivery of the first phase of the scheme) of creating a cleaner, greener and healthier space for the local community, businesses and visitors to enjoy. In a neighbourhood in which 90% of local people live in flats, many with no access to communal gardens or courtyards, the provision of 68% (1,700 metres) more public open space (in total for the already-delivered first phase and the proposed second phase) will provide a valuable local asset for many local people - supporting them to engage with their local community and its cultural heritage and to enjoy the benefits to health and wellbeing of shared public spaces. Support for the scheme at public consultation indicates that the second phase will enhance and complement the changes that have been delivered on site so far.

2. Decision

- 2.1. To note that the 12 January 2023 Executive Report approved the continuation of the People Friendly Streets programme and changed the delegation of authority to the Director of Climate Change and Transport, in consultation with the Corporate Director of Environment and the Executive Member for Environment, Air Quality and Transport, set out in paragraph 2.8 of the report to the Executive.

To note that on 31 January 2023 the Director of Climate Change and Transport by delegated authority took a decision to make the Clerkenwell Green LTN permanent and agree to the delivery of the first phase of the public realm scheme.

- 2.2. To agree to proceed with the delivery of a second phase of the Clerkenwell Green public realm scheme, as set out in section 5.

3. Date the decision is to be taken

- 3.1. The decision date is 25 August 2023.

4. Background

- 4.1. The council's Executive, at its meeting on 18 June 2020, delegated authority to the Corporate Director of Environment and Regeneration, in consultation with the Executive Member for Environment and Transport, to finalise and implement the PFS schemes, taking into account the consultation responses. Further, at the council Executive's meeting on 14 October 2021, authority was delegated to the Corporate Director of Environment, in consultation with the Executive Member for Environment and Transport, to continue the implementation of the PFS programme through specific schemes and agreed to trial the proposed approach to granting limited exemptions to Islington Blue Badge holders in the LTN, set out at sections 3.3.62 to 3.3.68 of the report to the Executive.

First phase of the public realm scheme

- 4.2. A concept design for improvements to Clerkenwell Green was subject to public consultation in October 2017 and received significant support from 82% of respondents. The concept design was developed with the support of a local stakeholder group over a 12-month period. As stated in the consultation report (Appendix 1), all stakeholder respondents to the consultation in 2018 expressed support for the scheme, changes to traffic and parking, and the health and active travel benefits of the project, and all requested more greenery and to protect the historic character of the area. A full description of the consultation and stakeholder engagement can be found in sections 5.7 to 5.20 of the January DDR.
- 4.3. A combination of Section 106 and CIL funding was allocated to the project in December 2018 by Clerkenwell ward members, however the funding allocation did not cover the full amount required to deliver the consulted scheme design in full. The council produced a revised design proposal preserving the core features and benefits outlined in the consulted concept design but with a reduced scope that responded to the funding allocation available at that time. The material specification of the updated design was not as in the consulted-upon design, with some pavements and carriageway surrounding the Green planned to be treated in granite, artificial stone paving (ASP) and asphalt.
- 4.4. A decision report by the Corporate Director of Environment was signed on 21 December 2022, approving the publication of a Notice of Making for the Traffic Management Order (TMO) that would enable the delivery of the proposals outlined in the January DDR and the revised design. Statutory consultation and an objection period on the proposed TMO took place between 6 January and 27 January 2023.

- 4.5. The council received thirteen objections to the statutory consultation that took place on the proposed TMO, that took place between 6 and 27 January 2023. One of the key themes of the objections was that some of the proposed materials in the revised design were different to those in the concept design consulted on in 2017. In particular, the ASP paving that was proposed on the north side of the Green outside the Marx Memorial Library was considered not appropriate for use within the setting of a listed building.
- 4.6. In most cases, these objections were not supported by evidence or have been mitigated. Where evidence did support the negative themes, for example, on the impact of the Clerkenwell Green public realm proposals on the proximity of parking to properties, a plan to mitigate parking pressure from the removal of pay-by-phone bays was developed. The TMO making the Clerkenwell Green LTN permanent and enabling the delivery of the public realm scheme was made on 2 February 2023 with number: 7216 (hereafter: “the February TMO”) and came into force on 3 February 2023. Works to complete the first phase of public realm scheme started shortly thereafter, and the first phase works were completed in August 2023.
- 4.7. Due to issues that emerged whilst the first phase was being delivered and site-specific constraints that came to light as works progressed, minor changes and improvements to the general arrangement have been made, including the addition of two further tree pits in the central section of the Green (to the west of the toilet block), which are ready for trees to be planted out when planting season begins in Autumn 2023.
- 4.8. At the time of writing, despite nation-wide supply chain issues, beyond the control of the contractor and the council and relating to the procurement of the high-quality materials for use in the first phase of the scheme, the first phase of the public realm works are complete. The sub-phases of the works that made up the overall phase one have been completed, apart from the paving upgrades on the north side of the Green, including outside the Marx Memorial Library. As part of the first phase of the public realm scheme provision has been made to accommodate the installation of a statue of Sylvia Pankhurst on Clerkenwell Green, adjacent to number 11 Clerkenwell Green, subject to a planning application.
- 4.9. The area around the disused underground toilet block in the centre of Clerkenwell Green has been repaved as part of the public realm scheme. Structural works will be undertaken to the toilet block and external repairs will be completed, which will allow the public realm scheme to be completed around the site as part of the second phase. The council is currently exploring options for its development, which will follow in due course.

Second phase of the public realm scheme

- 4.10. The January DDR outlines the approach to phasing the delivery of the public realm scheme at Clerkenwell Green. As stated at section 1.12 of the January DDR: “*the intention to carry out further phases of improvements at a later date subject to further funding being allocated to the scheme*”, and further at section 2.16 that “*[t]he council will explore options to source further funding to deliver the additional features of this project from the 2017 concept design that cannot be delivered within the current available budget as a secondary phase*”.

- 4.11. Delivering the second phase of the public realm scheme will deliver against the Mayor's Transport Strategy, Liveable Neighbourhoods objectives, Healthy Streets 8 indicators and Vision 2030 (Net Zero Carbon) by increasing space for active travel (reducing road space by 51% to create 68% more public space at the Green - 1,700 additional square metres of public space overall) and providing high quality public space for the benefit of the wider neighbourhood.
- 4.12. The delivery of the second phase of the scheme, which will transform current road space into public space, will refocus the space away from mainly serving motor vehicles to focus on people, reflecting the local residential and business communities and in response to support for phase one of the scheme. To supplement the physical changes to the Green, the council is developing a cultural engagement programme that will ensure that local people benefit by providing opportunities for learning, skills development, strengthening links between local people, for play and the areas' creative industries as part of the project.
- 4.13. Further funding from developer contributions for the Clerkenwell Green public realm scheme was allocated by the Corporate Director for Community Wealth Building at the Borough Investment Panel meeting of 20 June 2023 to facilitate the delivery of the second phase of the scheme. The council has produced a design for a second phase of works that can be delivered using the newly allocated funds; the design is attached as Appendix 2. The council explored options for delivering a second phase of the public realm straight after the completion of the first phase of works. However, the materials supply issues highlighted above now mean that the first phase has been completed with no work on the second phase. This does, however, provide local people and businesses on the Green with a period of the Summer to enjoy the upgraded Green before works on phase two would begin in Autumn 2023.
- 4.14. The design for the second phase reinstates many of the features from the consulted upon concept design, which were not present in the revised design for the first phase of the works. Notably, the paving to be used on the footway on the northern side of the Green will be in high-quality Yorkstone to match that of the southern side of the Green (rather than the first phase proposal to use concrete paving), and the paving improvements will extend further to cover the area between Farringdon Lane and Clerkenwell Close as in the consulted concept design. The footway on the northern side of the Green will include build-outs at the Farringdon Lane and Clerkenwell Close ends as in the original concept designs, and will also be widened to enhance the pedestrian environment.
- 4.15. The carriageway between Farringdon Lane and Clerkenwell Close will also be straightened and narrowed as shown in the consulted-upon concept design, and will now comprise informal pedestrian crossings, again helping to re-balance the newly created public space and reduce the dominance of motor traffic as per the scheme objectives set out in the January DDR and scheme that was consulted on. In addition, the footway on the northern side of the Green will include more greening, planting and seven further trees in addition to the nine included in the first phase, which will enhance the street scene on the northern side of the Green, which currently has no greenery,

again in line with the scheme objectives as set out in the January DDR and with feedback received during the 2017 consultation.

5. Proposal

5.1. It is proposed to proceed with the delivery of the second phase of the Clerkenwell Green public realm scheme, as shown at Appendix 2, including the following measures:

5.1.1. On the north side of Clerkenwell Green:

- a. Footway resurfacing and carriageway relining extending between the junction at Farringdon Lane and the junction at Clerkenwell Close, using Yorkstone, and including widening the footway by up to 1m;
- b. Delivering planting and greening measures including the use of permeable surfaces to improve drainage and provide flood mitigation, and the planting of 7 new trees;
- c. Delivering a kerb build-out at the junction with Clerkenwell Close as outlined in the first phase design to improve pedestrian safety;
- d. Delivering a kerb build-out at the junction at Farringdon Lane to improve pedestrian safety;

5.1.2. Around the Old Sessions House:

- a. Footway resurfacing and carriageway relining using Yorkstone;
- b. Delivering a kerb build-out to match the north side kerb build-out, to improve accessibility of the narrow footway to those walking and wheeling and to improve safety;

5.1.3. In the carriageway extending between Farringdon Lane and Clerkenwell Close:

- a. Providing three new uncontrolled pedestrian crossing points;
- b. Resurfacing the carriageway.

6. Monitoring

6.1. As part of the overall public realm scheme all parking was removed from Clerkenwell Green. As committed to in the January 2023 DDR, the is monitoring parking bay usage in the local area and may consider converting nearby bays to pay-by-phone, if sufficient demand is observed. Parking occupancy was gathered data prior to implementation of the scheme and will be repeated following the completion of the second phase to accurately gauge demand for all parking spaces in the area and provide a robust assessment of any spare capacity to facilitate the proposed parking mitigation plan.

7. Engagement

7.1. The original concept design for the wider Clerkenwell Green public realm scheme was developed in partnership with the Clerkenwell Green Stakeholder Group, made up of representatives of groups representing heritage interests, local people, local businesses and key local facilities.

- 7.2. The council established this group, which was chaired by then Clerkenwell ward councillor Alice Donovan, to guide the design of the scheme and ensure that the proposals best represented the view of the local community as well as the aspirations of the council. Further information is set out within the January 2023 DDR (a background document to this report).
- 7.3. Business engagement has been taking place since December 2022 and will continue throughout the delivery of the second phase and post-construction.

8. Consultation

- 8.1. Public consultation on the scheme concept design took place between Monday 18 September 2017 and Monday 30 October 2017, where consultees were invited to submit their feedback on the design proposal. 3,800 information leaflets were distributed to local people, businesses and stakeholders, and the leaflet distribution area is shown in the consultation report attached in Appendix 1. Three drop-in information sessions were also held during the consultation period and information about the consultation was provided on the council's website.
- 8.2. The public consultation received 433 responses in total, with 82% of respondents in support of the scheme. 9% of respondents objected to the proposals, 6% indicated mixed views and 3% did not want any changes made to Clerkenwell Green.
- 8.3. The following themes represent the most prevalent views that emerged from the consultation:
 - Support for the scheme, changes to traffic and parking, the health and active travel benefits of the project, and the re-use of the toilets.
 - Objection to proposed removal of four trees.
 - Requests for more greenery and to protect the historic character of the area.
 - Concerns about anti-social behaviour, pedestrian and cyclist conflict, loss of parking and traffic displacement.
- 8.4. The full Clerkenwell Green Consultation Report is attached as Appendix 1.

Consultation with statutory consultees

- 8.5. Statutory consultees were notified of the council's intention to make a Traffic Management Order (TMO) to allow for the delivery of the public realm scheme (for both phases one and two) on 6 January 2023, notifying them of the start of the statutory consultation period. No objections or comments were received. On 3 February 2023 statutory consultees were notified that the TMO had been made and the relevant documents provided.
- 8.6. As a courtesy, statutory consultees will be notified of the council's intention to deliver a second phase of the public realm works.

9. Section 122, Road Traffic Regulation Act 1984

- 9.1. In the exercise of its powers under the Road Traffic Regulation Act 1984 (the Act), the council is required, under section 122 of the 1984 Act, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off street, whilst at the same time have regard to the following considerations:
- a. The desirability of securing and maintaining reasonable access to premises;
 - b. The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles to preserve or improve the amenities of the areas through which the roads run;
 - c. The impact on air quality both locally and in the surrounding areas;
 - d. The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - e. Any other matters appearing to the council to be relevant.
- 9.2. In balancing the considerations above, officers consider that the implementation of the second phase of the public realm scheme at Clerkenwell Green requires no changes to the February 2023 TMO, put in place for the delivery of the initial phase public realm scheme, for the following reasons:
- 9.2.1. Access, including for motorised traffic, is maintained to all residential and other properties,
 - 9.2.2. All local amenities remain accessible. The area will continue to benefit from the reduction of through movements of motorised traffic (except for emergency services vehicles and eligible Blue Badge holders who live in the Clerkenwell Green LTN), including heavy commercial vehicles, and thereby a significant improvement to the amenity of the area.
 - 9.2.3. The continued restriction of through-traffic in the Clerkenwell Green LTN is expected to improve air quality on the local streets within the LTN. Maintaining the existing exemptions for Blue Badge holders is not likely to significantly increase traffic volumes in the area and nor reduce air quality benefits. Other measures, such as the council's introduction of Electric Vehicle Charging Points, the introduction of the Ultra-Low Emission Zone and recent extension in October 2021 (which covers the whole of Islington) and the introduction of School Streets, are likely to contribute to improving air quality.
 - 9.2.4. There is a need for public service vehicles responding to emergencies to be able to access the area safely and expeditiously. The replacement of the bollard-controlled traffic filter on Clerkenwell Green with a camera-enforced filter implemented as part of the first phase of the works, will maintain emergency service vehicles the ability to respond to an emergency without restriction or delay.
- 9.3. All waiting, loading and parking restrictions outlined in the 3 February 2023 TMO are unaffected by the design shown in Appendix 2, and remain in force.

10. Human Rights Act

- 10.1. The council must have regard to human rights and its duties under the Equality Act in reaching a decision on this scheme, regard should be had to the provisions of the Human Rights Act 1998 (HRA). In particular, the provisions of Article 1, of the First Protocol protection of property and Article 8, right to respect for private and family life.
- 10.2. In relation to Article 1, it is not considered that the implementation of the scheme will impede on the right to individuals to respect for private and family life either in public or on private land. The scheme sets out to improve safety for the public.
- 10.3. In relation to Article 8, the right to respect for private and family life has a broad interpretation. It extends to being in a public place when there is a reasonable expectation of privacy there. This right can be interfered with where it is lawful, necessary and proportionate to protect a number of other concerns including public safety and health. It is not considered that the measures proposed would impede on the rights of individuals.
- 10.4. These human rights should be considered. If it is considered that they are infringed, then the scheme should only go ahead if it is considered that the infringement is necessary and proportionate.

11. Implications

Financial Implications:

- 11.1. In 22/23, expenditure of £0.662m was incurred on the Clerkenwell Green project, which was funded via S106/CIL. The allocated funding for 23/24 is £0.668m, from S106/CIL which includes funding from developer contributions for the Clerkenwell Green public realm scheme allocated by the Corporate Director for Community Wealth Building at the Borough Investment Panel meeting of 20 June 2023. The estimated cost for the second phase of the Clerkenwell Green public realm scheme is £0.431m. These costs include contractor costs for building works and supply of materials. The project is expected to complete in the 2023/24 financial year. All expenditure relates to capital works and no revenue budget has been allocated to this project.

Legal Implications

- 11.2. The Council implemented the first phase of the Clerkenwell Green public realm scheme including the February 2023 TMO using powers under the Road Traffic Regulation Act 1984 (the "1984 Act"), the Highways Act 1980 and in accordance with the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996).

- 11.3. Under the Highways Act 1980, the Council can implement highways alterations and improvements.
- 11.4. The Highways Act 1980 and the Highways (Traffic Calming) Regulations 1999 (as amended) gives the council power to install and construct any works on the public highways for which it is the highways authority. The construction of build-outs is specifically authorised by the 1999 Regulations. All signage related to the scheme should be compliant with Traffic Signs Regulations and General Directions 2016.
- 11.5. By Section 16 of the Traffic Management Act 2004 local traffic authorities must manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and the following objectives:
- securing the expeditious movement of traffic on the authority's road network; and
 - facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 11.6. The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing:
- the more efficient use of their road network; or
 - the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority; and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network ...”
- “Traffic” includes pedestrians.
- 11.7. When deciding whether to make a TMO, the local traffic authority must have regard to the Mayor of London’s Transport Strategy (sections 142 and 144(1)(a) Greater London Authority Act 1999). That strategy emphasises the importance of reducing emissions and improving air quality. Regard should also be had to the Islington Transport Strategy (adopted in November 2020).
- 11.8. Under section 14 of the Public Health Act 1925, the council may erect and maintain seating areas in public places.
- 11.9. The council must have regard to human rights and its duties under the Equality Act in reaching a decision on this scheme, regard should be had to the provisions of the Human Rights Act 1998 (HRA). This is addressed in sections 10.1, and 11.4 herein.

Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

- 11.10. Delivering the public realm scheme will have some direct environmental impacts as leaflets will need to be printed and distributed to local people to make them aware of the

scheme. The building works for the public realm scheme will have some environmental impact. Likely impacts include, construction waste, noise pollution and local transport disruption. These works will be carried out by the council's appointed contractor and environmental impacts will be minimised wherever possible.

- 11.11. The positive environmental implications of the scheme include the provision of seven further trees and low-level planting, which contribute towards the borough-wide greening target and towards the goal of achieving net-zero carbon Islington by 2030.
- 11.12. The scheme also introduces further areas of porous paving surface, which will serve to relieve pressure on the sewer network.
- 11.13. The second phase scheme design makes a feature of the historic granite setts that have been reclaimed during the first phase of works from beneath the existing carriageway, which will be re-used in certain areas as a porous paving surface. Setts that are reclaimed and not used in this scheme will be stored and may be used in further phases of works.

Equalities Impact Assessment

- 11.14. The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.
- 11.15. An Equalities Impact Assessment (EqIA) was completed for the public realm proposals featured in the January DDR. It is considered that the second phase of works provides the same positive benefits and potential negative disbenefits. The full EqIA is attached in Appendix 3 and the effects relating to the public realm scheme are summarised below.

Positive impacts

- 11.16. The design of the scheme has been developed with the aim to improve Clerkenwell Green streets as aligned with the healthy streets indicators. The following healthy streets elements will deliver benefits to Clerkenwell Green local people, businesses and visitors: enabling pedestrians from all walks of life, easier to cross the street, reduction in noise, empowering people to cycle and walk more safely, and reduced air pollution within the residential area.
- 11.17. The overall public realm scheme provides more space for people to meet and gather (1,700 additional square metres of public space, representing a 68% increase in public space and a 51% reduction in road space).

- 11.18. The measures create a less car-dominated, 'green' public space that is safer and more attractive to pedestrians and cyclists, improving the environment for local people, businesses and visitors.
- 11.19. The public realm works also improve the setting of the area's historic buildings, local landmarks and highlighting its rich cultural heritage and role in the social and political history of Islington.
- 11.20. The people-friendly pavements project benefits people from all walks of life who walk, use wheelchairs or other mobility aids by removing existing barriers, reducing clutter and improving maintenance.

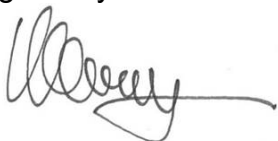
12. Conclusion and reasons for the decision

- 12.1. **Summary:** The first phase of the Clerkenwell Green public realm scheme was completed in August 2023. Following the allocation of additional developer contributions by Clerkenwell ward members, the delivery of a second phase to a higher material specification than first planned and in line with the principles consulted on in 2017 is now possible.
- 12.2. **Recommendation.** The Director of Climate Change & Transport is asked to agree the proposals set out in this report to proceed with the proposed second phase of the public realm scheme.
- 12.3. **Assessment of benefits.** The Clerkenwell Green public realm improvements aim to create a cleaner, greener and healthier neighbourhood in this Central London location. The further changes that will be introduced by the second phase of the public realm scheme will build on the benefits of the first phase: to enhance the people-focused space by further reducing vehicle dominance (by improving pedestrian experience), introducing more greening and additional seating to create a welcoming space that local people, particularly older people, children, younger people, people with impaired mobility and other vulnerable groups, can enjoy. These aims are supportive of the council's net zero carbon and the council's ambition of creating a more equal Islington for all.
- 12.4. **Assessment of disadvantages.** The council has committed to duly consider all feedback received on the scheme, and continue to monitor potential negative impacts of the scheme.
- 12.5. In conclusion, the Director of Climate Change and Transport is asked to agree that the delivery of the second phase of the public realm improvement scheme at Clerkenwell Green can commence.

13. Record of the decision

13.1. I have today decided to take the decision set out in section 2 of this report for the reasons I have set out above.

Signed by:



Martijn Cooijmans
Director of Climate Change & Transport

Date: 25 August 2023

Report Author: [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

Financial Implications Author: [REDACTED]

Email: [REDACTED]

Legal Implications Author: [REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

Appendix 1 – Clerkenwell Green 2018 consultation report

Appendix 2 - Clerkenwell Green public realm second phase design:
general arrangement

Appendix 3 - Clerkenwell Green public realm Equalities Impact
Assessment (EqIA)

Background documents

January 2023 DDR