

Delegated decision report of: Director of Climate Change and Transport

Officer Delegated Decision

Date: 2nd June 2021

Ward(s): Highbury East



Highbury Crescent: Partial road closure to
motor vehicles to connect the north and south
sections of Highbury Fields

1. Summary

- 1.1. The aim of this project is to reconnect the north and south sections of Highbury Fields by closing part of Highbury Crescent to motorised traffic between Highbury Terrace and Highbury Place. This will help improve the park experience for users by reducing the dominance of motorised traffic.
- 1.2. The northern section of Highbury Crescent, between Highbury Terrace and Highbury Place, has been closed to motorised traffic since 2014. An Experimental Traffic Order came in to operation in December 2019 which retained the closure with the introduction of planter boxes which provided access for pedestrians and cyclists.
- 1.3. A consultation carried out between December 2019 and February 2020 received a majority of responses in favour of making the closure to motorised vehicles permanent.
- 1.4. This report proposes the permanent retention of the prohibition of motor vehicles from the northern section of Highbury Crescent, between Highbury Terrace and Highbury Place. This will protect and improve the natural environment in the location, enhance the park experience, contribute towards the Council's Vision 2030: Net Zero Carbon strategy, and encourage walking and cycling.

2. Decision

- 2.1. To note the results of the public consultation, carried out between 16 December 2019 and 7 February 2020.
- 2.2. To approve the proposal to make permanent the experimental arrangements that have been in place since December 2019 on the northern section of Highbury Crescent, between Highbury Terrace and Highbury Place.
- 2.3. To request that the Service Director of Environment and Commercial Operations makes a Traffic Order that makes permanent the provisions of the Experimental Order.

3. Background

- 3.1. The stated aim of the project was to reconnect the north and south sections of Highbury Fields, enhancing the park experience for users and helping to improve air quality.
- 3.2. The Council declared a climate emergency in June 2019 and set out a Vision 2030 strategy to achieve the ambition of Net Zero carbon emissions by 2030, including the reduction in use of private vehicles within the borough. In its Islington Transport Strategy 2020-2041

the Council set out its policy to reduce barriers to walking, cycling, outdoor play and recreation.

- 3.3. An Experimental Traffic Order was made in December 2019 to retain a closure of the north section of Highbury Crescent, between Highbury Terrace and Highbury Place, removing motorised traffic on a road that divides the northern and southern segments of Highbury Fields. The section of road in question had been closed to traffic since 2014, and used as a storage space by Transport for London (TfL) during the Highbury Corner bridgeworks and Highbury Corner roundabout redevelopment.
- 3.4. During the course of the ETO period, further experimental measures were introduced in the surrounding area as part of the Council's transport response to the Covid-19 public health emergency. In December 2020 a separate experimental order came in to effect which created a Low Traffic Neighbourhood (LTN) in the Highbury Fields area of Highbury East ward, restricting through traffic in the area whilst retaining motor vehicle access to all addresses. This LTN is subject to its own monitoring strategy and a planned public consultation during the experimental period.
- 3.5. The Highbury Fields LTN was designed taking in to account the road layout of Highbury Crescent introduced by ETO in December 2019. Were the Highbury Crescent closure to be removed, allowing vehicles to pass, a route for through traffic would be created through the LTN between Highbury Grove and Holloway Road. This would undermine the stated objectives of that scheme and impact on several residential roads in the area.

4. Engagement and monitoring

- 4.1. The statutory consultation period for the experimental order ran for six months from 8 December 2019. No formal objections were received during this period.
- 4.2. A public consultation was carried out between Monday 16 December 2019 and Friday 7 February 2020 on the Council's aspiration to permanently close this section of road to motorised traffic. The responses to the consultation are summarised in **Appendix 1 – Consultation Report**. A total of 996 responses from individuals were received by the Council. Of the 979 responses received via online survey, 67% indicated support for the proposals and 28% indicated objection to the proposals. Of the 17 written responses received, 12 objected to the proposals and five indicated support.
- 4.3. Monitoring of the direct impact of the closure has not been practical because the section of road had been closed for several years prior to the continued closure by the existing ETO. During this time the transformation of Highbury Corner has had an impact on local travel patterns, and this transformation is subject to traffic monitoring for the wider area.
- 4.4. Since the consultation in December 2019, a Low Traffic Neighbourhood (LTN) was implemented at Highbury Fields in December 2020. The design and operation of the Highbury Fields LTN was based on the existing operation of the closure at Highbury Crescent. The

Delegated Decision Report for the LTN considered responses submitted from the public via the Commonplace online engagement platform, between 29 May 2020 and 9 November 2020. Comprehensive and robust monitoring will be carried out to determine the impacts, both positive and negative, of the Highbury Fields LTN. Monitoring will measure the impacts of the scheme on pedestrians, cyclists, public transport users and traffic movements. The impacts of the scheme on safety and security, as well as environmental factors such as air quality, noise and vibration will also be measured. Results of the monitoring will be considered together with feedback from local people prior to making the decision about making the LTN proposals permanent, amending them or removing them.

4.5. Notwithstanding the period of time that has elapsed since the conclusion of the original consultation ending in February 2020, it is recommended that the continued closure of the section of Highbury Crescent to motor vehicles should proceed, taking account of the outcome of that consultation and noting the subsequent public engagement and measures introduced in the area. The consultation was focused on the proposal to reconnect the two sections of Highbury Fields, improve air quality and the park experience for users. The Council does not consider that the Low Traffic Neighbourhood measures prejudice the outcome of that consultation.

4.6. The Council has consulted with the following emergency services regarding the proposed permanent closure to motor vehicles:

- Metropolitan Police Service
- London Ambulance Service
- London Fire Brigade

4.7. Representatives from the London Fire Brigade (Borough Commander) and London Ambulance Service (Emergency Planning and Resilience Officer) noted that the closure has been in place for a number of years and could not therefore foresee that the continued closure would cause new or major issues for their services. Further, they did not report that the existing closure caused any issues. The London Ambulance Service response noted the alternative route around the park, and that it is not a major through route ambulance crews would use. However, the London Ambulance Service also clarified that they are unable to fully support any physical closure that could have potential issues for emergency response. The Metropolitan Police Service response raised no objections or concerns.

5. Section 122, Road Traffic Regulation Act 1984

5.1. In the exercise of its powers under the Road Traffic Regulation Act 1984, the Council is required, under s.122 of the 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:

- the desirability of securing and maintaining reasonable access to premises;
- the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

- the impact on air quality both locally and in the surrounding areas;
- 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
- any other matters appearing to the Council to be relevant.

5.2. In balancing the considerations above, we consider that the proposed closure to motor vehicles on Highbury Crescent should proceed, on the basis of the following key factors:

- Access, including for motorised traffic, is maintained to all residential and other properties, albeit access routes for motorised traffic may change, which may cause inconvenience to some residents compared to the situation prior to the initial closure in 2014.
- All local amenities remain accessible albeit routes for motorised traffic to access these amenities may change. The location will benefit from the cessation of through movements of motorised traffic, including heavy commercial vehicles, and thereby provide a significant improvement to the amenity of the area, notably the amenity of Highbury Fields.
- The reduction of through traffic passing along Highbury Crescent between the north and south sections of Highbury Fields is expected to reduce localised exposure to air pollution in this location and encourage a shift to walking and cycling for some local journeys. Since this section of road has been closed to motor vehicles since 2014, it is not anticipated that the continued closure will cause increased motor traffic on the surrounding streets.
- There is a need for public service vehicles responding to emergencies to be able to access the area safely and expeditiously. The Council has not received reports from the emergency services that the experimental closure has caused additional delay, and the route by which emergency service vehicles can pass via Highbury Place and Highbury Crescent (south and west) provides a suitable alternative around Highbury Fields. Responses from the London Fire Brigade and London Ambulance Service noted that the longstanding duration of the closure indicated that there were no additional concerns regarding the continued closure, provided the current alternative routes remain accessible.
- The introduction of the Highbury Fields Low Traffic Neighbourhood does not restrict access for residents or any other motorised vehicles to access properties in the area, albeit access routes may have to change. The proposed closure of Highbury Crescent does not affect the operation of the Low Traffic Neighbourhood.

6. Implications

6.1. Financial implications:

- 6.1.1. The cost of introducing the experimental closure in 2019/20 was £42,375, of which £25,000 was funding received from Transport for London.

6.1.2. Responsibility for ongoing maintenance of the planter boxes, including watering, has been assumed by Greenspace and Leisure as part of the Parks service at an estimated cost of approximately £600 per year.

6.1.3. The cost of advertising the notice of making of the permanent Traffic Order is estimated at approximately £450. These costs will be met from existing service budgets.

6.2. Legal Implications:

6.2.1. Section 9 of the Road Traffic Regulation Act 1984 enables the Council to make an experimental order for the purposes set out in this report. In deciding whether or not to make an order under section 9, the Council has to comply with the provisions of section 122 of the 1984 Act which requires the Council to exercise that function (so far as practicable having regard to the matters specified below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The specified matters are:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- (c) 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
- (d) any other matters appearing to the local authority to be relevant.

6.2.2. In considering whether to make the Traffic Order to implement the proposal to prohibit motor vehicles from the section of Highbury Crescent specified, the decision-maker should:

- firstly, have in mind the section 122 duty as set out above;
- secondly, have regard to factors which may point in favour of limiting vehicle access. Such factors will include the effect of such movement and access on the amenities of the locality and any other matters appearing to be relevant which will include all the factors mentioned in section 9 of the RTRA 1984 as being expedient in deciding whether the experimental order should be made permanent; and
- thirdly, weigh up and balance the various considerations and come to an appropriate decision.

6.2.3. As set out above, we have concluded, when balancing the various considerations, that adopting the recommendations is the appropriate decision.

6.2.4. Further, when deciding whether to make a traffic order the Council 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.

6.2.5. Regard should be had to the provisions of the Human Rights Act. 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. In relation to Article 1 some residents may no longer be able to use the most direct access to their homes. However, if the scheme is implemented, alternative access will be in place. Further, the right under Article 1 is qualified rather than absolute as it permits the deprivation of an individual's possessions or rights where it is in the public interest. The public interest benefits are outlined within this report with regard to improved park user amenity, encouragement of walking and cycling, and supporting improvements to air quality.

6.2.6. In relation to Article 8, right to respect for private and family life has a broad interpretation and extends to being in a public place if there is a reasonable expectation of privacy there. This right can be interfered with where lawful, necessary and proportionate to protect a number of other concerns including public safety and health. It is not considered that the implementation of the Highbury Crescent closure to motor vehicles will impede on the right to individuals to respect for private and family life either in public or on private land. Further, the scheme is proposed in order to support improved public safety and health.

6.2.7. These human rights should be considered. To the extent that it is considered that they are infringed the scheme should only go ahead if it is considered that the infringement is necessary and proportionate.

6.2.8. In deciding whether to proceed with the proposals, the Director of Climate Change and Transport should take full and proper account of the responses received as a result of the public consultation.

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

6.3.1. In June 2019, the Council declared a Climate Emergency and pledged to work towards making Islington zero carbon by 2030. The measures proposed to be made permanent, and those included as part of the Highbury Fields LTN, will positively contribute to achieving this ambitious commitment by encouraging increased walking and cycling. It will demonstrate the Council's commitment to working towards a zero-carbon future and respond to the Climate Emergency declaration.

6.3.2. By retaining the current layout, which makes use of wooden planter boxes, it is not anticipated that the proposal will generate waste or new carbon emissions, nor use of

natural resources. The planter boxes provide a small opportunity for enhancing the borough's biodiversity.

6.3.3. The proposed permanent closure of the section of Highbury Crescent to motor vehicles is aligned with the proposals to reduce vehicle usage set out within the Vision 2030: Net Zero Carbon Strategy. By reconnecting the north and south sections of Highbury Fields and restricting access for motorised traffic, the proposal encourages walking and cycling, may reduce localised exposure to air pollution, and improves amenity and safety for park users.

6.3.4. No mitigating actions for any negative environmental impacts have been considered at this time. Future landscaping or measures to enhance the carriageway space may provide further opportunities to improve the local environment.

6.3.5. The delivery of the Islington Transport Strategy, Liveable Neighbourhoods, School Streets and Lorry Control Scheme was mentioned in the transport section of the Vision 2030: Net Zero Carbon Strategy. The alterations may result in some vehicular journeys being increased in length, which could in turn increase their specific impact in terms of emissions and congestion, although the cumulative effect is expected to be positive due to more traffic being removed from the roads. Recent research has shown higher death rates from COVID-19 in areas where there is poorer air quality than in areas with better air quality. By encouraging walking and cycling through the measures outlined above, the Council will be supporting the health resilience of those working and living in Islington.

6.4. Resident Impact Assessment

6.4.1. 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.

6.4.2. A Resident Impact Assessment (RIA) has been completed and is attached as **Appendix 2**.

6.4.3. The resident impact assessment considers both positive and negative impacts of the proposals whereby in some instances a balanced view is taken between positive and negative impacts, in particular where the impacts are considered to have both a positive and negative impact on one group with protected characteristics, especially where there

is variation between the requirements of different individuals within an equalities group. For example, while some disabled people may rely on cars for mobility there are also many disabled people who use other modes and therefore for most groups the impacts will be a mix of positive and negative depending on the particular mode of travel generally used. Council officers carry out a Resident Impact Assessment before considering whether any changes should be made to the proposals.

6.4.4. *Positive impacts*

By restricting motorised traffic, the proposals should deliver an environment that improves the park experience for users, reduces road danger and improves accessibility, which should provide benefits to all residents with protected characteristics. The measures are in alignment with the Healthy Streets approach and impact on a number of the [healthy streets indicators](#): enabling pedestrians from all walks of life, easier to cross the street, people choose to walk and cycle, cleaner air, people feeling safer and more empowered to walk and cycle.

6.4.5 *Negative impacts*

It is the purpose of the resident impact assessment to also examine any negative impacts on residents, particularly those with protected characteristics to ensure that a robust mitigation plan is in place and so that these negative impacts can be taken into account in decision making on the implementation of the scheme.

- 6.4.5.1 The purpose of the Highbury Crescent closure is to create a safer environment to enable walking and cycling for people from all walks of life and enhance the park experience. However, this must be balanced with facilitating the travel requirements for vulnerable residents including those with disabilities and mobility impairments who may rely on cars to travel.
- 6.4.5.2 There are no addresses located within the area of the closure, and access to all properties in the vicinity is retained. However, some routes may need to be changed. During the period of the ETO closure, a Low Traffic Neighbourhood has been introduced, also under an ETO, which further affects the access routes, which may require driving to and from the nearest main road rather than across local streets. The LTN has been subject to a separate RIA.
- 6.4.5.3 Although the measures maintain vehicle access to all nearby properties, the changes may result in increased inconvenience for motorists and could result in longer journey times with an increased cost if private vehicle hire or taxis are relied on. It should be acknowledged that longer routes are more likely to inconvenience some older or disabled residents more than others.
- 6.4.5.4 Older and younger people and people with mobility or visual impairments could be disproportionately disadvantaged by the increase in cycling and likelihood of conflict between road users, especially if infrastructure and signage is not designed appropriately.

6.4.5.5 These impacts should be considered on balance with the positive impacts the scheme will result in for those groups and the wider population.

7. Conclusion and reasons for recommendations

- 7.1. This report sets out the Council's proposal for making permanent the experimental layout that has been in place since December 2019 on the northern section of Highbury Crescent, between Highbury Terrace and Highbury Place.
- 7.2. The Service Director of Climate Change and Transport is asked to agree to the proposals set out in this report, including requesting the making of a Traffic Management Order that makes permanent the provisions of the current Experimental Traffic Order.
- 7.3. No formal objections were raised during the statutory consultation period.
- 7.4. The public consultation carried out between December 2019 and February 2020 indicated public support for the proposals to make the measures permanent.
- 7.5. Notwithstanding the time that has elapsed between the conclusion of the public consultation, and the further engagement that has since taken place in relation to the Highbury Fields Low Traffic Neighbourhood, the Council has considered that the rationale for the proposal remains unchanged despite the subsequent introduction of other traffic reduction measures in the surrounding area.
- 7.6. The measures in this proposal will provide an environment that provides a link between the north and south sections of Highbury Fields which is free from motor vehicle traffic and encourages walking and cycling. This will contribute towards Islington's Transport Strategy targets for 90% of trips by Islington residents to be by walking, cycling and use of public transport by 2041. The proposals are supportive of the Council's net zero carbon and Fairer Islington priorities.

Signed by:



Title: [Redacted], Interim Service Director for Climate Change and Transport

Date: 2 June 2021

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Financial Implications Author:

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Appendix 1 Consultation Report

Appendix 2 Highbury Crescent RIA