

Delegated decision report of: Corporate Director of Environment

Officer Delegated Decision

Date: 2 March 2022

Ward(s): Barnsbury, St Mary's



Cycleway 38 South: Making permanent of changes to parking, waiting and loading restrictions on Liverpool Road, Tolpuddle Street and Penton Street.

1. Summary

1.1. The aim of this project was to deliver a section of Cycleway 38, which is ultimately intended to connect Palmers Green to Farrington, providing a cleaner, greener and healthier environment for all and a strategic transport connection for residents cycling within and beyond their communities and towards the City and West End. The objectives of the Cycleway 38 scheme are linked to the Islington Transport Strategy 2020-2041:

- Healthy - To make it easier and safer to walk and cycle as a first choice for local travel.
- Safe - To reduce road danger, eliminate all deaths and serious injuries on Islington's streets, and to reduce the number of minor traffic collisions.
- Carbon neutral and protecting and improving the environment - To clean up the air we breathe and protect and improve the environment by reducing all forms of transport pollution.

1.2. This section of Cycleway 38 runs between Holloway Road at Madras Place to Pentonville Road at Penton Street, and is known as Cycleway 38 South or C38 South, to distinguish it from Cycleway 38 North on Drayton Park, which is a separate scheme. The route follows Liverpool Road, Tolpuddle Street and Penton Street, and comprises a combination of mandatory and advisory cycle lanes with light 'wand' segregation where possible. A map of the scheme is provided as Appendix 1. The scheme was implemented as a pop-up trial under an experimental traffic order (ETO) as part of the council's COVID-19 response. The ETO came into effect on 11 September 2020 and made changes to: waiting and loading along the route; parking within zones B, E and N; a car club bay; and three disabled parking bays. The ETO will expire on 10 March 2022.

1.3. A pre-consultation monitoring report produced after 12 months of the trial presented data on traffic volumes, speeds, air quality, cycle hire, public transport impacts and emergency service response times. The monitoring indicated that cycling had increased by 33% on average across the route.

1.4. A public consultation was carried out between 18 November and 15 December 2021 to gather people's views on the trial, primarily via an online questionnaire. 1,088 individual responses to the consultation were received. A majority of respondents (54%) indicated that they thought the trial was a positive change, while 43% disagreed that the scheme was a positive change.

1.5. This report sets out the background to the C38 South scheme, details of monitoring and consultation carried out by the council during the trial, and proposes the making permanent of the ETO in order to retain the cycleway. The report also sets out proposals for a package of phased improvements to the cycleway and street environment along the route, taking in to account the valuable feedback received during the trial and the consultation.

1.6. The scheme is located in both Barnsbury and St. Mary's Wards.

- 1.7. The perpetuation of the cycleway will support the council's objective of achieving net zero carbon emissions in Islington by 2030 (Vision 2030). It will also contribute to the delivery of a More Equal Islington by: making it easier and safer for people to travel by active means of transport (cycling); supporting people to live healthier lives; and making Islington a welcoming and attractive borough and creating a healthier environment for all. The cycle route will contribute to the Islington Transport Strategy (2020) targets for 90% of trips by Islington residents to be made by walking, cycling and use of public transport by 2041 and the elimination of all transport-related deaths and serious injuries in Islington by 2041.
- 1.8. Cycleway 38 helps build towards our Transport Strategy target objective that by 2041, 93% of residents will live within 400 metres of the strategic cycle network in Islington.
- 1.9. The scheme supports and complements the principles of the people-friendly streets programme that was first agreed by the council's Executive on 18 June 2020. On 14 October 2021 the council's Executive agreed to continue the implementation of the people-friendly streets programme.

2. Decision

- 2.1. To note that the council's Executive, at its meeting on 14 October 2021, delegated authority to the Corporate Director of Environment, in consultation with the Executive Member for Environment and Transport, to continue the implementation of the people-friendly streets programme including cycleways, and noted the consultation arrangements for the pop-up cycleways including Cycleway 38.
- 2.2. To note the findings of the scheme monitoring.
- 2.3. To note the results of the public consultation, carried out between 18 November and 15 December 2021.
- 2.4. To approve the proposal to make permanent the arrangements that have been in place since 10 September 2020 (an ETO covering waiting and loading, parking places within Zones B, E and N, one car club bay and three disabled parking bays) on Madras Place, Liverpool Road, Tolpuddle Street and Penton Street, including the making of traffic orders that make permanent the provisions of the experimental orders.
- 2.5. To note the proposed package of measures to be introduced in phases in order to improve the scheme as part of the council's people-friendly streets programme.

3. Background

- 3.1. 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 Transport Strategy 2020-2041, the council set out its policy to reduce barriers to walking and cycling. The cycle route measures on C38 South positively contribute to achieving this ambitious commitment by encouraging increased cycling. The project demonstrates the council's commitment to working towards a zero carbon future and responding to the council's Climate Emergency declaration. The delivery of the Islington Transport Strategy is central to delivering transport emissions reductions as part of the Vision 2030: Net Zero Carbon strategy.

- 3.2. On 18 June 2020, the council's Executive approved the introduction of a borough-wide people-friendly streets programme as part of Islington's transport response to the Covid-19 public health emergency. C38 South forms part of this people-friendly streets programme, and the Executive confirmed its approach to delivering cycleways as part of the people-friendly streets programme on 14 October 2021.
- 3.3. Prior to the Covid-19 public health emergency, a feasibility study was carried out to explore options for the alignment of C38 through Barnsbury and St Mary's wards. The original alignment of C38 was proposed via Barnsbury Road and Thornhill Road, but traffic volumes along this route presented challenges in designing a route that would meet Transport for London's (TfL) New Cycle Route Quality Criteria, which are based on London Cycling Design Standards (LCDS). A new alignment for this route that better meets these criteria was proposed via Liverpool Road, Tolpuddle Street and Penton Street, and implemented in September 2020.
- 3.4. A Delegated Decision report was approved by the then Corporate Director of Environment and Regeneration on 2 September 2020 to introduce measures via Experimental Traffic Orders (ETO). These orders introduced changes to parking, waiting and loading along Liverpool Road, Tolpuddle Street and Penton Street which enabled the introduction of mandatory cycle lanes with 'light segregation' protection along the majority of the route within the scheme extents.
- 3.5. The ETO came into force on 11 September 2020 and expires on 10 March 2022.
- 3.6. Members of the public can make a formal objection to a traffic order. There was an initial six-month statutory objection period as part of the ETO process; the feedback must be considered when deciding whether to make a trial scheme permanent. Any formal objection to the ETO had to be in writing and state the grounds on which it was made. Objections to this scheme had to be sent by email to PublicRealm@islington.gov.uk or by post to Public Realm, 1 Cottage Road, London, N7 8TP.
- 3.7. Ten qualifying objections were received for the Cycleway 38 South scheme during the initial ETO objection period that came into force on 11 September 2020, and expired 11 March 2021. Outside of this time frame, a further five objections were made. Officers considered these objections and responses to the issues raised in the qualifying and additional objections are laid out as Appendix 2 of this report.

3.8. The council received capital funding from TfL to deliver the scheme as part of the London Streetspace programme.

4. Engagement and Monitoring

Engagement

- 4.1. Islington residents and other stakeholders had the opportunity to suggest ways the council could help them to walk and cycle more safely and easily using the online engagement tool, Commonplace. This was set up on 29 May 2020, shortly after the first Covid-19 lockdown was put in place, to enable residents and others to indicate locations and measures for the people-friendly streets programme to respond to the challenges that the pandemic posed. More detailed information can be found in the [Executive Report](#) of October 2021.
- 4.2. The council received 226 responses via the Commonplace tool for the C38 South scheme area between 29 May 2020 and 2 March 2021 and among these, 82 specifically regarded cycling provision along the route. The Commonplace platform was an effective way to gather local people's views of the current streets and public spaces; and how to make Islington's streets more people-friendly.
- 4.3. The most common problems identified were volume of traffic, followed by speed of traffic and safety of cycling. A more detailed analysis of the Commonplace responses is provided in Appendix 3.
- 4.4. The council received email correspondence from 231 individuals regarding Cycleway 38 during the trial scheme to the end of the consultation period. These emails were received through the email address set up for correspondence relating to the wider people-friendly streets programme and it should be noted that this email address was set up to answer queries and provide information to people who had questions about the programme, and that the council did not directly invite feedback through this email address. Therefore, email correspondence in isolation should not be understood as a standalone, quantifiable measure of the support for or against the scheme. This correspondence was nevertheless logged and categorised according to the views expressed about the scheme:
- 204 were negative
 - 8 were positive
 - 7 were mixed
 - 5 were unclear
 - 7 were other

Monitoring

- 4.5. The council produced a pre-consultation monitoring report in November 2021 (see Appendix 4), to provide information pertinent to understanding the impacts of the scheme before

residents and other stakeholders responded to the consultation. The monitoring data collected in order to assess the impacts of the scheme included: motor vehicle traffic flows, speeds, public transport impacts, cycle volumes, cycle hire rates, air quality and emergency service response times.

- 4.6. The monitoring report showed that cycling along the C38 South route had significantly increased by 33% at the 12 month counts, from a base that already included a substantial number of cycle trips in the area. For example, on Liverpool Road south of Barnsbury Street, the average daily cycle count increased by 513, from 918 during the baseline to 1,431 during the 12-month counts.
- 4.7. Lime bike-share trips along the route have increased significantly since the implementation of C38 South, despite a reduction in the size of the hire fleet in the borough from 500 in March 2020 to around 300 in September 2021. For example, on Liverpool Road at Barnsbury Park monthly hires were under 500 at September 2020, and grew to almost 800 by September 2021.
- 4.8. All motorised traffic counts were undertaken in full awareness of the disruption caused by Covid-19 travel restrictions, and therefore a normalisation process was applied which adjusts the observed figures by the percentage difference derived from a pre-Covid comparator month. This process allows us to interpret the results in a way that accounts for the disruption in travel patterns., and is explained in detail in the pre-consultation monitoring report.
- 4.9. There had been no significant change in normalised motor traffic volumes when comparing the 12 month counts with the baseline. We note that observed LGV and HGV volumes had significantly increased, which may reflect changed retail behaviour related to Covid-19.
- 4.10. Vehicle speeds showed a mixture of trends, although overall vehicle speeds changed by less than 1%. At points along the route there appeared to have been some increases in the numbers of vehicles travelling above the speed limit. During the interim February 2021 counts, average speeds on the route were 7.7% higher compared to the baseline, and in September 2021 they were 3.2% lower than the baseline.
- 4.11. Small increases in average vehicle journey times were recorded along the length of the route. Further monitoring of area-wide vehicle traffic and speed patterns would be required to understand how much of this traffic is accessing the area or only passing through.
- 4.12. Two bus routes, 153 and 274, were monitored along two bi-directional corridors at Penton Street, and Liverpool Road south of Tolpiddle Street (just south of where the C38 South route leaves Liverpool Road). Compared to the pre-Covid average, bus journey times on these two corridors had on average either decreased or stayed the same.
- 4.13. None of the Metropolitan Police Service, London Ambulance Service or London Fire Brigade reported increased delays as a result of C38 South being implemented.

- 4.14. Anti-social behaviour and crime rates did not appear to have been impacted by the introduction of C38 South, with the overall volume of ASB calls and crimes recorded being in line with borough trends.
- 4.15. Results from the air quality monitoring are considered to be inconclusive in terms of the impact of the scheme, with changes in NO₂ at the single monitoring site on Liverpool Road following a similar trend to - but at a higher level than - the borough average. Further monitoring is being undertaken at this site and elsewhere in the area to gain a fuller understanding of local changes in air quality.

Consultation

- 4.16. To support the decision on whether or not to make the ETO permanent a commitment was made to carry out a public consultation to explore residents' and other stakeholders' views on the Cycleway 38 South scheme. The consultation ran between 18 November and 15 December 2021.
- 4.17. 4,500 leaflets, setting out details of the scheme and inviting responses as part of the public consultation, were delivered to local residents and businesses residing or located along the route and within a 100m radius of the route. The leaflet presented a summary of the monitoring findings, and sought views on how people thought the trial was going, and how the council could make the streets greener and more people-friendly. The leaflet also set out how the council had used feedback given throughout the trial, and indicated that if the scheme is made permanent, the council intends to bring forward plans to enhance the scheme.
- 4.18. The consultation leaflet included details of an online questionnaire available via the Islington website. Paper copies of the questionnaire were made available at events, by visiting the Town Hall reception on Upper Street and could be requested by post or online. The consultation information was shared on social media platforms including Next door, Twitter and Facebook. The council also promoted the consultation and encouraged people to fill in the questionnaires at C38 South engagement events, as detailed in Appendix 3.
- 4.19. Respondents to the questionnaire were presented with a series of statements and asked to select if they thought these were occurring more or less since the trial began in September 2020, or if no change had occurred, or if the statement did not apply to them.
- 4.20. The consultation questionnaire also provided an opportunity to provide free text feedback and suggest measures as part of the future of the scheme.
- 4.21. The questionnaire also had a section specifically for people completing a response on behalf of a business.

Consultation results

4.22. This section summarises the findings from the public consultation carried out between 18 November and 15 December 2021. Further detail regarding the consultation process and findings is available in Appendix 3 and Appendix 5.

4.23. There were 1,088 responses to the consultation survey. The distribution of respondents' home locations is indicated at Figure 1 below. 15 email consultation responses were received, two of which were from organisational stakeholder representatives. There were four duplicate survey responses, which were excluded from the analysis.

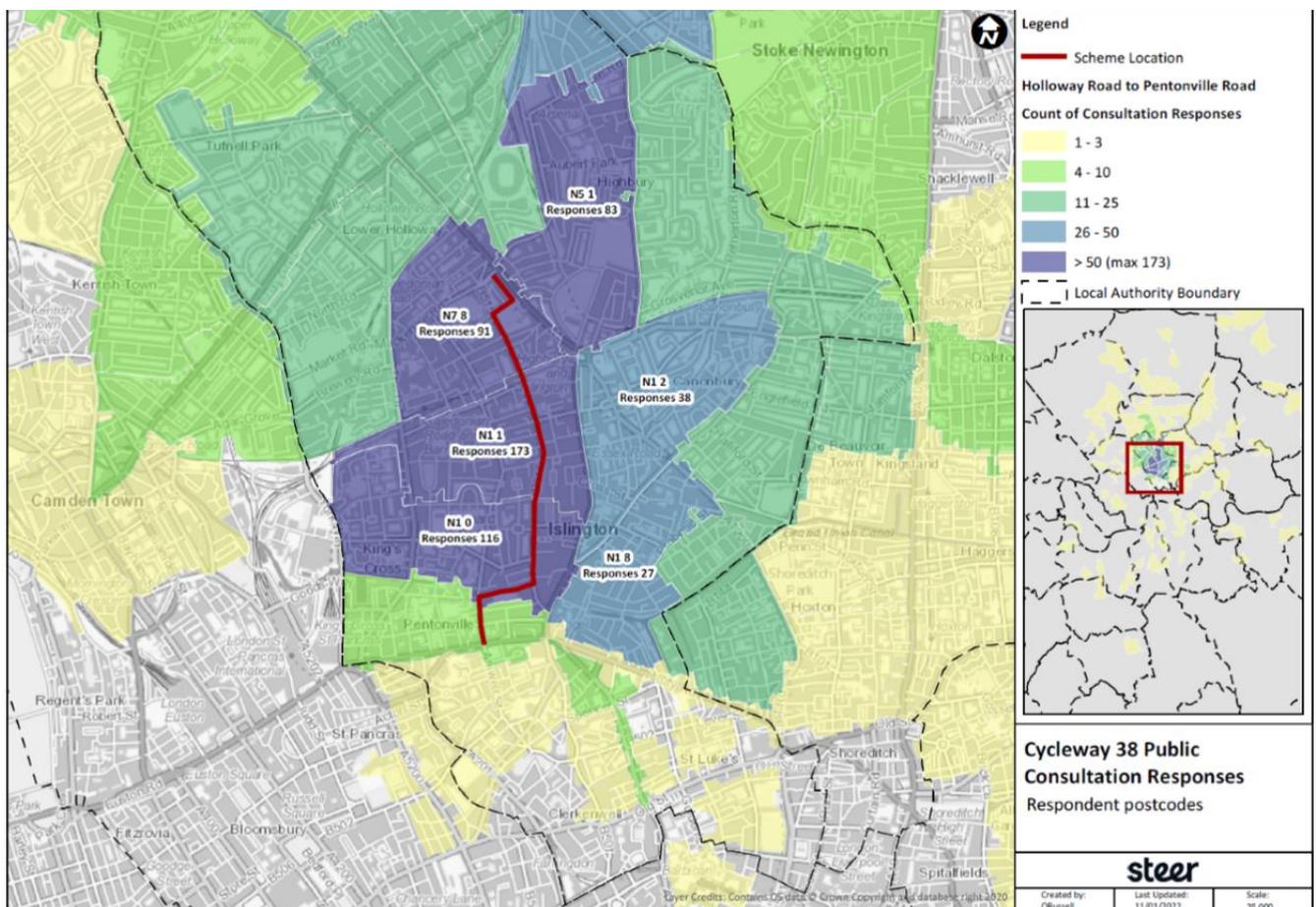


Figure 1 Respondent postcode distribution

4.24. Overall, there were a number of areas where significant numbers of respondents agreed with statements that support the rationale for the scheme:

- 54% of survey respondents agreed that the scheme was a positive change, with 43% disagreeing.
- 48% agreed that it is easier to access friends, family and school.

- 49% agreed that it is easier to get to shops and local services by walking and cycling.
 - 52% agreed that it is easier to make trips by walking and cycling.
- 4.25. There were also areas where significant numbers of respondents highlighted areas of concern or felt the scheme was causing issues:
- 55% of respondents felt that it is now less safe to walk, use a wheelchair or other mobility aid.
 - 44% agreed that it was less easy to cross the street.
 - 41% felt it was less safe to drive.
 - 47% of respondents agreed that they want to see the scheme changed as it is causing issues (46% disagreed).
- 4.26. 69% of survey respondents identified themselves as local residents. Residents were less likely to agree that the scheme was a positive improvement compared to the average (46% agreed, 51% disagreed). They were also less likely to say they cycle more compared to the average (37% compared to an average 45%).
- 4.27. 10% of respondents stated that they have a disability. Disabled respondents were more likely than average to say it feels less safe to walk, use a wheelchair or mobility aid, with a larger than average share saying 'less' (59% compared to 34% of all respondents). Similarly, disabled respondents were more likely than average to say it feels less safe to drive. These reported impacts have been considered as part of the Equalities Impact Assessment (Appendix 6) in addition to the impacts identified in the Resident Impact Assessment completed prior to the implementation of the trial.
- 4.28. As well as demographic information, respondents were also asked about their travel habits and behaviours. The majority of respondents (84%) stated they walk, followed by 72% using public transport and 63% using their own cycle. Respondents were also asked how many cars or vans they had in their households. Over half (56%) responded they had one or more, while 40% had no cars/vans. This over-representation is not unusual in a survey on a scheme like this, but with only 29% of households in Islington having access to a car or van, motor vehicle owners are slightly over-represented in the responses.
- 4.29. People were also asked what they would like to see more of along the route if the scheme were to be made permanent, and were able to indicate their priority. The most popular measures were:
- Better crossings (43%).
 - Improvements to pavements (41%).
 - Planting and greening (38%).
 - More speed and traffic enforcement (38%).
 - Pedestrianised streets (38%).
 - School streets (35%).
 - Lighting (35%).
 - Permeable paving (27%).
 - EV charging points (21%)

- Bike hangars (21%).

4.30. Respondents were asked one open question which asked if there was anything else people wanted to tell the council about the scheme, and details of any changes they would like to see. 676 people provided responses to this question. The most common concerns mirrored the feedback in the closed questions:

- The scheme does not improve cyclist safety / cycle safety continues to be poor / more traffic on cycling routes. 118 respondents raised this concern (11%).
- The cycleway (and removal of pedestrian crossings) makes it difficult for pedestrians to cross the road (115 respondents, 11%).
- The scheme does not improve pedestrian safety / environment / pedestrian safety continues to be poor (94 respondents, 9%).
- The parking situation is dangerous (87 respondents, 8%).
- That people cycle dangerously / speed / aggressively when cycling (86 respondents, 8%).
- The scheme increases vehicle traffic on unsuitable nearby roads/ boundary roads and Liverpool Road (82 respondents, 8%).
- The scheme causes road safety concern for drivers/motor vehicles (56 respondents, 5%).
- The cycleway lies inside parked cars, causing safety issues (50 respondents, 5%).
- The scheme will not encourage cycling journeys / cycle lanes are not used (50 respondents, 5%).

4.31. Statutory consultees were provided with the monitoring information and asked if they had any comments about the scheme's operation during the trial and any comments if it were to be made permanent. Five statutory consultees responded:

- The Metropolitan Police Service did not have any objection to the scheme being made permanent, but have requested changes to four sets of speed cushions and one speed table which will be taken forward if the scheme is made permanent.
- Neither the London Ambulance service nor the London Fire Brigade service had any objections to the scheme being made permanent.
- The Royal Mail postal service did not have any objections to the scheme being made permanent.
- Transport for London provided a joint service response, expressing support for the scheme being made permanent.

Business response

4.32. Islington council transport officers carried out business engagement during the consultation period (18 November – 15 December 2021). All businesses with frontages on the route were visited to make sure they were aware of the consultation, to leave copies of the consultation leaflet that were also posted to all addresses, and for officers to answer any questions related to the scheme.

- 4.33. Fifteen respondents to the public consultation questionnaire stated they filled in the survey on behalf of a business. Three fifths of these respondents (60%) stated their business was on the Cycleway 38 South route.
- 4.34. Twelve respondents answered question 10 which asked what would benefit their businesses. Of the relevant comments submitted in response to this question:
- Two responses stated to remove or revert the cycleway back to before.
 - Two suggested to open the roads.
 - Two suggested more parking facilities.
 - One an extension of Santander bikes further north.
 - One requesting more EV charging points.
- 4.35. A fuller assessment of the issues raised during Commonplace engagement, in email correspondence, in formal objections and in consultation responses are considered in Appendix 7.

Consultation conclusion

- 4.36. The council received a significant volume of both positive and negative feedback about the Cycleway 38 South trial. The council received feedback through a variety of different engagement activities and aimed to hear from as many residents as possible. 1,088 consultation questionnaire responses, 232 emails and 86 Commonplace comments were received.
- 4.37. Cycleway 38 South aimed to encourage and enable more people to cycle, resulting in a safer, cleaner and healthier environment. These aims are supportive of the council's net zero carbon and Fairer Islington priorities. The council also committed to duly consider all feedback and objections received on the scheme and monitor potential negative impacts of the scheme. Appendix 7 highlights where there is clear evidence from the monitoring data and consultation results that the trial is meeting the scheme objectives, and puts issues raised in consultation and engagement into context alongside the monitoring data gathered during the trial, and the objectives of the scheme.
- 4.38. The public consultation demonstrated that whilst there is support for the scheme and it has supported the stated objective to support a shift to more active travel, there are a significant number of respondents raising concerns and suggestions for improvements to the scheme, mirroring the correspondence received throughout the duration of the trial period. We consider that the results of the monitoring, the consultation, along with the analysis of the benefits and disadvantages, illustrate that the retention of the scheme supports the objectives of the people-friendly streets programme and in particular an increase in cycling. We also consider that mitigation measures should be brought forward in response to some of the concerns raised.

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 to 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 retention of changes to waiting and loading on the C38 South route should proceed, on the basis of the following key factors:

- Access, including for motorised traffic, is maintained to all residential and other properties, albeit that parking arrangements may cause some inconvenience to residents due to the introduction of cycle lanes.
- All local amenities remain accessible.
- By providing facilities to encourage cycling, there may be some local mode shift from private vehicles, supporting a reduction in exposure to and creation of harmful emissions affecting air quality.
- Passage for public service vehicles along the route is maintained and access for users has been considered, with all existing bus stops maintained. There is a need for public service vehicles responding to emergencies to be able to access the area safely and expeditiously, and so the cycle lane still allows access for emergency vehicles; both to travel along the route and to access the kerb. The wands used can be driven over and are designed to be 'passively safe' i.e. not to damage vehicles when driven over.
- The introduction of the cycle lanes facilitates improvements to the safe and convenient movement of cycle traffic.

6. Implications

Financial implications:

- 6.1. Transport for London (TfL) agreed to fund the design and delivery of this cycleway in 2020, including staff costs. The council has submitted a funding bid to TfL's Cycle Improvement Programme as part of the Local Implementation Plan for £212,000 in 2022/23 to design and implement an initial programme of improvements on a prioritised basis, but this funding has not yet been secured.
- 6.2. To provide a safe, continuous cycle route, 96 residential parking bays were removed along the route. As these are residential bays, the removal of these spaces did not result in a reduction in revenue.
- 6.3. As the Highway Authority, the council will continue to be responsible for funding and undertaking future maintenance of the light segregation infrastructure.

Legal Implications

- 6.4. On 13 November 2020, the DfT issued updated statutory guidance 'Network Management in response to COVID19' under section 18 of the Traffic Management Act 2004, and was further updated on 30 July 2021. The council is required to have regard to that guidance in carrying out its network management duties under sections 16 and 17 of the 2004 Act.
- 6.5. The updated guidance states that local authorities should now focus on 'devising further schemes and assessing COVID-19 schemes with a view to making them permanent. The assumption should be that they will be retained unless there is substantial evidence to the contrary'. The suggested measures for reallocating road space to people cycling include: 'Installing cycle facilities with a minimum level of physical separation from volume traffic; for example, mandatory cycle lanes, using light segregation features such as flexible plastic wands; or converting traffic lanes into cycle lanes (suspending parking bays where necessary); widening existing cycle lanes to enable cyclists to maintain distancing. Facilities should be segregated as far as possible, i.e. with physical measures separating cyclists and other traffic. Lanes indicated by road markings only are very unlikely to be sufficient to deliver the level of change needed, especially in the longer term.'
- 6.6. Section 65 of the Highways Act 1980 (cycle tracks) empowers a local highway authority, in or by the side of a public highway, to construct a cycle track as part of the highway, and to alter or remove a cycle track constructed by them under this section.
- 6.7. Section 4 of the Cycle Tracks Act 1984 (provision of barriers in cycle tracks, etc.) empowers a highway authority to provide and maintain, in any cycle track constituting or comprised in a public highway, such barriers as they think necessary for the purpose of safeguarding

persons using the cycle track; and, where a cycle track is adjacent to a public footpath or footway, provide and maintain such works as they think necessary for the purpose of separating, in the interests of safety, persons using the cycle track from those using the footpath or footway. The highway authority may alter or remove any works provided by them under section 4 of the 1984 Act.

- 6.8. Section 9 of the Road Traffic Regulation Act 1984 enables the council to make experimental traffic orders for the purposes of implementing the proposals set out in paragraph 4 of the 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.
- 6.9. As set out above, officers have concluded, when balancing the various considerations, that it is appropriate to proceed with the recommendation to retain the scheme.
- 6.10. 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.
- 6.11. In deciding whether to make the orders the council must also have full and proper regard to the consultation responses regarding the cycleway and the responses from the statutory stakeholders and local businesses as summarised in section 4 of the report. Once the experimental traffic orders came into force, any person had six months in which to object to those orders being made permanent at the end of the 18 month trial period, although responses received after the 6 months expired have also been taking into account.
- 6.12. In making the experimental traffic orders, the council followed the procedure set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Regulation 23 of these Regulations sets out the procedure for making ETOs permanent.

- 6.13. 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.
- 6.14. In relation to Article 1, the scheme does not change any access to properties, therefore there is no impact.
- 6.15. 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 cycleway will impede on the right of individuals to respect for private and family life either in public or on private land.
- 6.16. 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.
- 6.17. In deciding whether to make the proposed traffic orders, due regard should also be had to the Public Sector Equality Duty, which is integral to all the council's functions, and which is set out in Section 149 of the Equality Act 2010 (see below under Resident Impact Assessment).

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

- 6.18. In June 2019, the council declared a Climate Emergency and pledged to work towards making Islington zero carbon by 2030. The cycleway will positively contribute to achieving this ambitious commitment by encouraging increased cycling. This scheme seeks to contribute to a reduction in motor traffic journeys over time, in line with Islington's Transport Strategy target to achieve 62 million fewer vehicle kilometres per year travelled in the borough by 2041. The project will demonstrate the council's commitment to working towards a zero carbon future and respond to the Climate Emergency declaration. The delivery of the Islington Transport Strategy was specifically mentioned in the transport section of the Vision 2030: Net Zero Carbon Strategy.
- 6.19. Recent research led by Imperial College London's Environmental Research Group¹ has confirmed a link between a person's exposure to air pollution and the severity with which they experience the effects of COVID-19. 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.

¹ Imperial College London, September 2021. <https://www.imperial.ac.uk/school-public-health/environmental-research-group/research/air-pollution-epidemiology/air-pollution-and-covid-19/>

Equalities Impact Assessment

- 6.20. 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.
- 6.21. A Resident Impact Assessment (RIA) was prepared for the trial implementation of the scheme. Following the monitoring and consultation as part of the trial, an updated Equalities Impact Assessment (EQIA) has been prepared and has been included at Appendix 6 of this report.

Purpose

- 6.22. The EQIA considers both positive and negative impacts of the proposals. 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 such a group. For example, while some disabled people may predominantly 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.
- 6.23. Following the monitoring and public consultation, the equalities impacts identified prior to the scheme have been updated and added to. The implementation of the scheme has delivered positive impacts overall in terms of supporting public health, enabling improvements to air quality and enabling and accommodating active travel. The main beneficiaries have been people cycling, due to the creation of the protected cycle lanes. However, the update has identified negative impacts in relation to age, disability and pregnancy and maternity primarily due to the changes to vehicular access to the kerbside. Furthermore, the removed pedestrian refuges from the zebra crossings and informal crossing points have made some users feel less safe whilst using them.

Positive impacts

- 6.24. The successful implementation of the southern section of the C38 cycle route has significantly improved cycling conditions on this key north/south route. The 33% increase in levels of people cycling shows that the use of active travel modes on the corridor has been

encouraged and enabled, while contributing to the mitigation of impacts of the Covid-19 health crisis and improving the safety and health of people in the area.

6.25. The scheme comprises mandatory cycle lanes (protecting people cycling with light segregation where possible) and advisory cycle lanes that allow for loading and the 812 hail and ride bus service (which has been suspended since the outbreak of Covid- 19). The scheme has required the removal of parking from the route to allow the creation of measures that protect people cycling from traffic to provide a safe, convenient route that will encourage more people to cycle.

6.26. The sections of the route with light segregation have provided benefits to many people, which is particularly important for those groups who are less likely to cycle, including women, older people, younger people, those with various physical and mental disabilities and people of Black, Asian and Minority Ethnic groups.

Negative impacts

6.27. It is the purpose of this equalities impact assessment to also examine any negative impacts, particularly for 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.

6.28. The main potential negative impact of the scheme relates to the removal of informal crossing points and some pedestrian refuges at controlled (Zebra) crossings. The removal of these refuges have increased the average distance to 11 metres kerb to kerb, however this is still within regulation standards.

6.29. Many consultation respondents and local residents have reported that crossing the road now feels less safe due to the length of continuous crossing distance and drivers and riders failing to stop at certain zebra crossings.

6.30. To address the impact it is recommended that a package of engineering and complementary measures are brought forward to address the concerns and improve the feeling of safety for people crossing the roads.

6.31. A potential negative impact of the scheme is that it will be more difficult for people who rely on car transport to pick up and drop off passengers from the roadside. Older people and people with disabilities who rely on taxi services (whether private or commercial) may be inconvenienced by this proposal, which may have an adverse impact on their ability to access certain sections of the route. To address the above:

- Along the length of the route, drop-off and pick up of passengers using taxis or private cars will be possible from side roads.
- Passengers requiring the deployment of wheelchair ramps will need to use side roads to access the footway.

- 6.32. To maintain continuity of the cycle lanes, and reliability for bus services and other essential motor vehicle journeys using this road, the scheme proposes that waiting and loading will generally need to take place from side roads where there is wand segregation and no direct kerbside access.
- 6.33. A full assessment of the equalities impacts is available at Appendix 6.

7. Future of the scheme

- 7.1. The public consultation demonstrated that whilst there is majority support for the scheme and it has met the stated objective to enable a shift to more active travel, there were significant numbers of respondents raising concerns and suggestions for improvements to the scheme, mirroring the correspondence received throughout the duration of the trial period. These include concerns related to the impact on groups with protected characteristics that will need to be considered on balance with the benefits identified.
- 7.2. It is therefore considered that whilst the constraints of the regulations concerning Experimental Traffic Orders dictate that the trial cannot continue longer than 18 months, there are improvements that the council will want to consider in response to the findings from the trial feedback. Nevertheless, the layout as introduced on a trial basis has supported the objectives of the scheme and the cycleway should be retained in line with the DfT's updated 'Network Management Guidance in response to COVID-19'.
- 7.3. It should be noted that as part of the people-friendly streets programme, the council has ambitions to deliver area-wide through-traffic reduction measures in the Barnsbury and St. Mary's area in the coming years, encompassing the C38 South scheme.
- 7.4. Therefore, while area-wide plans are developed, it is proposed that a package of short and medium-term improvements to C38 South are delivered, to mitigate many of the identified issues and support a safer, healthier and greener transport environment in this area. A table of the potential measures is available as Appendix 8. All these proposals will be subject to any relevant council or statutory governance processes including public consultation where appropriate. In the long term, proposals for a layout that makes use of more permanent materials should be developed alongside the area-wide people-friendly streets scheme in order to perpetuate a strategic cycleway that meets TfL's [New Cycle Route Quality Criteria](#).

8. Conclusion and reasons for recommendations

- 8.1. Retaining the Cycleway 38 South scheme supports the council's objective of achieving net zero carbon emissions in Islington by 2030 (Vision 2030). It contributes to the delivery of a more equal future by: making it easier and safer for people to travel by active means of transport; supporting people to live healthier lives; making Islington a welcoming and attractive borough; and creating a cleaner, greener and healthier environment for all.

- 8.2. The cycleway also contributes to the Islington Transport Strategy (2020) targets for 90% of trips by Islington residents to be by walking, cycling and use of public transport by 2041, the elimination of all transport-related deaths and serious injuries in Islington by 2041 and for 93% of residents to live within 400m of the cycle network by 2041.
- 8.3. The scheme supports and complements the principles of the people-friendly streets programme that was agreed by the council's Executive on 18 June 2020, and follows the delivery approach to existing pop-up cycleways through the monitoring, engagement and consultation described in this report as agreed by the Executive on 14 October 2021.
- 8.4. The findings of the monitoring carried out support the stated aims of the project including supporting a rise in the number of cycle trips. The results of the public consultation carried out between 18 November and 15 December 2021 indicate majority support for the scheme as a positive improvement. The consultation and other feedback highlighted that there are significant areas where people feel the scheme could be improved, in particular for the benefit of people walking in the area.
- 8.5. We therefore recommend that noting the results of the monitoring and public consultation, the Corporate Director of Environment approves the proposal to make permanent the experimental arrangements that have been in place since 11 September 2020 for Cycleway 38 South.
- 8.6. We further recommend that noting the results of the public consultation, the Corporate Director of Environment notes the proposal to bring forward a package of improvements in phases, as described in Section 7 and Appendix 8, subject to the necessary design work, securing sufficient funding to cover the costs of implementation and meeting any statutory or council governance requirements that may be applicable at that time.

Appendices:

- Appendix 1 – Cycleway 38 Scheme map
- Appendix 2 – Officer responses to formal objections
- Appendix 3 – Consultation and Engagement report
- Appendix 4 – Pre-consultation monitoring report
- Appendix 5 – Independent consultation analysis (Steer)
- Appendix 6 – Equalities Impact Assessment
- Appendix 7 – Assessment of benefits and disadvantages
- Appendix 8 – Short and medium-term scheme improvements

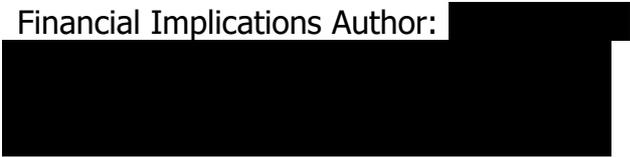
Signed by:

Title: Corporate Director Environment
Date: 03/03/22

Report Authors:



Financial Implications Author:



Legal Implications Author:



Environmental Implications Author:



Map of the C38 South route

