

February 2022

Officer Response: Conservative Call-in – Fox Lane QN

(1) Reason why decision is being called in:

The decision for the Fox Lane Quieter Neighbourhood (QN) has been called in:

According to the statement of reasons in the traffic order, the main purpose of the trial was to reduce motor traffic within the Fox Lane area, reduce the speed of motor traffic and to improve air quality within the area. Instead, traffic has been diverted onto boundary roads, causing severe congestion and localised concentrations of pollutants on boundary roads, three roads within the area have seen an increase in motor traffic, speed reduction is negligible and air quality has not improved.

Reason for call-in

1. The Council falsely refers to the scheme as having more benefits than disbenefits. Then, it admits there are many areas of concern that warrant looking at mitigating measures:

- Adverse impact on people with disabilities
- Adverse impact on Southgate Circus
- Adverse impact on congestion if the model filter at The Meadway is amended
- Adverse impact of emergency services if filters on The Mall, Selbourne Road and Oakfield Road are amended
- Adverse impact of traffic speed and volume on boundary roads
- Adverse impact on bus journey times

The Council intends to produce a report to look at mitigating measures for improving access to disabled residents. This ignores the stark reality that these residents will still face traffic jams on boundary roads and carers will not benefit. No analysis has been carried to show the impact of these new measures and the time scale of implementation is unknown.

Further funding ideas for infrastructure improvements of Southgate Circus are mentioned, but no plans are cited.

No comprehensive studies have been produced to look at these mitigating measures or if they are workable.

The above points highlight the disasters of the scheme through-out and the Council is now forced to admit the scheme's failures by having to consider mitigating measures.

The decision to make this scheme permanent was based on improper Traffic Orders

and flawed evidence.

The author will not allow a public enquiry into the report as it would reveal the multiple errors, misleading information, and large-scale incompetence.

The Leader's decision to make the Fox Lane LTN permanent is irrational based on the significant negative impacts identified in paragraph 6 of the report, that require mitigating measures to be explored without clarity on timing, the uncertainty and feasibility of delivering such mitigations, and whether such mitigations will indeed make any improvement to a scheme that has proven not to work.

Officer response

The report sets out the assessment of the impacts and progress against the project objectives, and with appropriate judgement makes recommendations for the decision maker to consider. Table 2 of the report sets out how the project objectives have been met. Whilst paragraph 6 of the report makes further recommendations for future actions to mitigate some negative impacts, it is clear from paragraph 7 that the decision is made in the knowledge that these further recommendations may or may not be implemented and therefore making the ETO permanent stands alone. The decision was taken on the basis that the benefits of the Fox Lane LTN outweigh the negative impacts, but recognises that steps may be taken in future to mitigate negative impacts.

Reason for call-in

2. The Fox Lane QN was implemented using funding through the Streetspace Plan. TFL guidance on Low Traffic Neighbourhoods shows that the Fox Lane area is least suitable as it is one of the most affluent areas with wide pavements, low population density, high car ownership, low deprivation, two large parks- Grovelands Park and Broomfield Park. Indeed, a study conducted by Rachel Aldred shows the Fox Lane scheme to be the least equitable in London as reported in the Guardian on 2 March 2021

(source: <https://www.sciencedirect.com/science/article/pii/S0966692321002477>)

The Council's reasons for the implementation are spurious.

Officer response

The funding for this project was received by Transport for London with the full knowledge that funding was to implement this Fox Lane project. The Strategic Neighbourhood Analysis (2020) is a useful tool as a contributor towards identifying areas of focus. However, it is not the only factor and the Fox Lane area is considered suitable given the long-held concerns about speed and volume of motor traffic on unclassified roads within the area and the failure of previous road-calming schemes to satisfactorily address these issues.

The paper referenced includes the following commentary when referencing Enfield:

“A key rationale for starting with these areas was that the surrounding main roads had previously received interventions such as new cycle tracks to which the LTNs could connect. Enfield is therefore an interesting example in highlighting the potential for competing legitimate considerations, including competing ‘equity’ considerations, in prioritising LTN locations”. The Fox Lane QN connects to the cycle lanes along the A105.

And more generally although relevant to the context of the Fox Lane project:

“We are also aware that some districts initially implemented emergency measures based on schemes already under consultation before the Covid-19 pandemic”.

A further quote in the paper in reference to Enfield and area selection:

“...proposals for further LTNs in the east of Enfield would redress this by focusing on poorer parts of the district.”

Reason for call-in

3. The scheme was pushed through without proper consultation with residents, businesses, the disabled and the ward councillors, to discuss the consequences of increased traffic, idling cars, and exposure to increased pollution. The consultation letter was only distributed to residents within the QN area and perimeter roads, not the surrounding roads, even though they would be impacted. The Council has not considered the cumulative traffic impact on the roads situated between both the Bowes and Fox Lane QN such as Powys Lane.

Officer response

The report describes the extensive consultation activities over many years going back to 2014 and communications that occurred before and during the trial period. The distribution area of letter deliveries was extended during the trial period in response to feedback from residents, to many streets surrounding the boundary and internal roads.

Any cumulative impact on traffic from both Bowes and Fox Lane QNs would be evident within the data that has been presented, as neither trial was in place during the pre-scheme data collection, and both trials were in place during post-scheme data collection.

Reason for call-in

4. The cost of the Fox Lane QN scheme is excessive, costing over £500,000, outstripping the original budget cost implementation figure of £160,000, approved in 2020. There is no breakdown of costs to explain this difference.

Officer response

Para 145 provides details on the costs, final costing will be published on completion of the project. It is not clear where the £500k figure provided above is from. TfL provided the initial grant of £160k to implement the project and have subsequently provided further funding, including an additional £177k grant, to enable continued development and delivery of the project.

Reason for call-in

5. The Traffic Order between 7.9.20 and 26.10.20 did not have a Statement of Reasons. The Traffic Order was created on 26.10.20, but this Traffic Order is signed and dated by David Taylor on 26.8.20, two months before. No formal modification of these orders was done to include a Statement of Reasons. Consequently, the public were denied the right to challenge the Traffic Order, since the Statement of Reasons was published on 26.10.20, seven weeks after the Traffic Order came into effect, and one week after the deadline to make a challenge.

Officer response

The traffic orders were made on 26 August 2020 and came into operation on 7 September 2020.

The Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 came into operation on the 23rd May 2020 and continued in force until 30th April 2021. These regulations introduced a number of temporary arrangements, including those relating to the deposit of document that would normally be available for inspection in person. The alternative arrangements put in place by the Council, as set out in the notice of making, included a) viewing them on the Council's website or b) obtaining copies on request by email or in writing.

It is acknowledged that the Statement of Reasons was, due to a scanning error, not part of the scanned documents available on the Council's website between 7 September 2020 and 26 October 2020. However, the Statement of Reasons was available on request at all times. The Council therefore complied with the regulations applicable at the time.

Reason for call-in

6. One of the Council's aims in the amended Statement of Reasons is to reduce the volume of motor traffic in the residential streets, TfL guidance shows that traffic is low for the Fox Lane area. The Statement of Reasons states the roads in the Fox Lane area are narrow with close-fronting homes. This is false and a material error

of fact, as the roads are wide with tree lined pavements and set back with front gardens and driveways.

Officer response

The Council have responded to concerns from resident over many years to address the issues of speed and volumes of motor traffic on these unclassified roads. Whilst the nature of the roads varies, the Council is of the view that the roads within the Quieter Neighbourhood are appropriate for the types of interventions delivered.

Reason for call-in

7. The Council must provide its reasons for an experimental traffic order (ETO) and those reasons must be set out in the Statement of Reasons and or a document incorporated within it. The Fox Lane ETO does not reference any local or national strategies and yet the decision for the Fox Lane scheme heavily relies on extraneous documents including the Mayor's Transport Strategy, which is wrong as these are not the context in which the ETO was made

Officer response

The Statement of Reasons sets out the aims of reducing the overall speed and volume of motor traffic within the QN area with a view to increasing walking and cycling. This aligns directly with the objectives of all the relevant policy referenced in the report.

Reason for call-in

8. Enfield Healthy Streets Framework policy post-dates the implementation of the Fox Lane QN ETO and cannot be applied to support the scheme retrospectively. The policy aligns to the traffic order and not the other way round.

Officer response

When making a decision on the project the Council should consider all relevant material, whether this was in place before or after the ETO came into effect. The Enfield Healthy Streets Framework clearly sets out the commitment to creating Quieter Neighbourhoods and that Low Traffic Neighbourhoods are an approach that could be used to achieve this. This framework, approved by Cabinet in Jun 21, was subjected to its own process of scrutiny. It is entirely right that this framework is considered, along with any other relevant information since the making of the ETO, when reaching a decision on the Fox Lane QN. However, it should also be noted that this Enfield Framework sought to provide clarity on the activities that the Council would conduct in order to deliver on a range of policies already in place, including the Mayors Transport Strategy, first published in 2018. It is a necessary requirement of TfL funding that schemes contribute to the aims and objectives of the London Mayor's Transport Strategy and therefore logical that this is relied upon as a strategy/ policy that the Fox Lane project aligns with.

Reason for call-in

9. Another aim is to reduce speed, but 20mph speed limits and other calming measures achieve this without the need to block roads. The report shows there are no significant improvements in speed.

Officer response

A 20mph speed limit was introduced on the internal roads as part of the experimental measures to complement the modal filters. Traffic speeds have reduced on the internal roads, as stated in paragraph 43 of the report:

“Across the 24 surveyed local roads within the Quieter Neighbourhood, surveyed vehicle speeds have reduced from an average of 22 mph to an average of 20 mph over the 24 hour period.”

Previous trials have identified that traffic calming measures alone do not achieve the objectives of the project.

Reason for call-in

10. The aim of reducing traffic has failed as traffic has just been displaced onto boundary roads, clogging the main artery roads of Enfield. Daily congestion on Bourne Hill and Winchmore Hill Road is causing more problems on the Southgate Circus roundabout. The report says traffic on boundary roads has increased by 6%, with 11% on the High Street, 10% on Winchmore Hill Road and 6% on Bourne Hill.

Officer response

Changes in traffic volumes on the boundary roads are presented in the report, as has been quoted.

The report states at paragraph 41:

“Acknowledging limitations in the data and the unprecedented impacts of the pandemic, the traffic data does not suggest that the trial should not be made permanent.”

Paragraph 157 also states:

“The negative impact of the scheme on some parts of the road network set out in the report needs to be balanced against direction set by Government to introduce schemes that reallocate road space to promote more active and sustainable forms of travel.”

Reason for call-in

11. Traffic data is flawed - the 2020 pre LTN report, shows lower traffic flows than the decision report, to hide the huge traffic increases. Traffic count data is missing from the report, such as Cannon Hill and Bourne Hill, which carry large volumes of traffic. Just 4 days of post scheme traffic data is used. The Council failed to collect

data on many other days, yet it did so during the fuel shortage. Pre and post counts were taken at different months, March, and September. The counters within the QN, were placed at the middle of the roads, to produce lower traffic figures.

There was no proper analysis of a control survey for the impact of the pandemic and the petrol shortage. The anomalies between pre-scheme 24-hour vehicle flows and the data provided by the Council under FOI, reveal false traffic figures. Why has the Council not reported on its traffic counts conducted in June and July 2021 as indicated in its monitoring plan?

Officer response

The report does not use false figures. Some general points of clarification are as follows:

- The pre LTN report included data from an Origin and Destination survey which recorded data from 7am-7pm (12 hours) rather than 24-hour flows. The post scheme ATC survey data recorded 24-hour flows, so this was analysed to understand the impacts over a full day, as well as the AM and PM peak periods. With an additional 12-hours of data included in the assessed period it is inevitable that reported traffic flows will be higher.
- No pre-scheme ATC data was collected on Bourne Hill and Cannon Hill. The data presented for these sites in the pre scheme report was estimated based on other data sources. No 24-hour data is available to undertake a 24 hour baseline estimate at these sites. As no direct comparison was possible with the available data, these sites were excluded from monitoring analysis.
- Traffic surveys only need to collect sufficient data to provide a representative sample of typical conditions, but are also governed by cost, programme constraints and risk of diminishing returns. The 4-day period is considered a reasonable sample set for the nature of this assessment.
- COVID-19 restrictions were in place during March 2021, and therefore the decision was taken to delay the surveys until later in the year in the hope that the restrictions would be reduced and therefore traffic flows more representative of 'normal'. Surveys were undertaken in July 2021 but lockdown easing which was scheduled to take place in June 2021 was delayed, with Step 3 COVID restriction measures still in place at the time of the surveys, so the decision was taken to undertake further surveys in September 2021. Due to the need to comply with the statutory requirements of the Experimental Traffic Order, which can only run for 18 months, it was not possible to delay the surveys until March 2022. The September 2021 survey data analysed represents the most recent data with the lowest levels of COVID restriction measures in place and was considered more appropriate to use rather than data collected during periods of heavier COVID restrictions.
- Media announcements relating to lorry driver shortages resulting in the temporary closure of some petrol stations, which went on to trigger the fuel crisis, were made once the September 2021 surveys had commenced on the

21st September. The traffic survey data was reviewed and traffic data collected beyond the 24th September was removed from the analysis as it was affected by the fuel crisis.

- The sensitivity test included in the report seeks to provide an estimate of the traffic flows impact assuming that the COVID pandemic had not occurred and also take account of seasonal variation.
- Pre scheme data was collected prior to the development of the design, to help inform the design development. For consistency the post scheme surveys were located in the same location as the pre-scheme surveys. Where a road becomes filtered under the scheme proposal, there may be a small impact on traffic volume results from the survey site location, however this is not considered significant.

Reason for call-in

12. Bus routes (W9,121,298, 299, W6, 329) are experiencing an increase in journey times, these delays are also connected to the traffic approaching the High Street. The Council admit traffic is impacting the Southgate Circus roundabout. The report acknowledges these negative impacts on bus journey times and that some of the mitigations require major infrastructure amendments that require 3rd party approval and investment from TfL. How does the Council propose to secure such funding given TfL's current funding crisis?

Officer response

Council Officers have identified some short-term interventions that can be implemented, as outlined at Appendix 2 of the report. More significant changes will require working in partnership with other agencies such as Transport for London (TfL). TfL are currently waiting for further clarity from the Government on a longer-term funding settlement. Once this is provided conversations with TfL can commence.

Reason for call-in

13. Baseline pedestrian data is non-existent which is unacceptable, considering an increase in walking is a key objective. This shows the Council's contempt for evidence. The post implementation data therefore cannot show any significant uptake in walking. Poor maintenance of pavements discourages pedestrians and wheelchair users.

Officer response

Paragraph 55 states:
"A post-project monitoring plan will be developed to continue to carry out pedestrian monitoring in this area, along with a number of other control sites." There is a process whereby Ward Cllrs can raise defects in pavements so that these can be reviewed.

Reason for call-in

14. Cycling data is false and differs from the Cycle Enfield data. Daily average cycle counts from the Palmers Green counters in March 2019 show 328 trips and 494 in September 2021. In the report, the traffic count (March 2019) had 31 cycle trips at traffic count point 10, 133 trips at count point 45, and 22 trips at traffic point 12. The figures do not add up. Cycling figures have been affected by the pandemic and seasonal variation, rather than the QN scheme, as stated in the report. Seven roads have no data to analyse.

Officer response

The data is not false. Palmers Green counters are located on the two-way cycle track off the road. The cycle data presented within the report is informed by Automatic Traffic Counters, which are placed across the road. The two data sources are different.

Paragraph 57 states:

“Cycle volumes can be highly seasonal, and this should be taken into account when reviewing the data. A study carried out using DfT ATC data suggests a 20% increase in flows between September and March, based on data from 2012- 2016.”

Paragraph 60 states:

“In addition to seasonal variation, there may be other factors that could influence the surveyed increase in cycle volumes. TfL has reported that cycling has generally increased across London as a result of the pandemic. There have also been a number of cycle schemes implemented across Enfield that may have also contributed to an increase in cycle activity since 2019.”

41 sites have been presented which is considered sufficient to understand changes in cycling volumes across the area.

Reason for call-in

15. Inadequate traffic camera signage not meeting regulatory requirements. On the 11 January 2022, the adjudicator ruled in favour of the appellant, quashing the fine issued in November 2020. The Fox Lane QN signage was insufficiently visible in the hours of darkness as they were not illuminated. The low-level signs are inadequate, giving the driver little time to react to the oncoming restrictions. This proves that many residents have been wrongly fined.

With a 30mph limit, signs must be illuminated, yet the cameras on Fox Lane, Meadway and Conway Road are not. The Council have known since March 2021 that this is wrong, as an adjudicator ruled that speed limits on the Meadway were not clear (case 2210055258 dated 20.3.21).

With £4m in penalty fines accumulated so far due to unclear signage, the Council's solution is to look at *“investigate converting the fixed modal filters (bollards) at Oakfield Road, The Mall and Selborne Road to camera enforced filters”*. This will create more confusion and more penalty notices. There is a serious financial impact for residents, but the Council dismisses this. The Council wrongly claim the signage is fully compliant, but the adjudicator has proved

otherwise.

Officer response

The roads within the Fox Lane QN have speed limits of 20mph. As set out in the Traffic Signs Regulations and General Directions 2016, a No Motor Vehicle sign must only be lit if it is on a road with a speed limit **greater** than 20mph. The signage is compliant with relevant regulations.

Reason for call-in

16. The Council disregarded its statutory duty under the Equality Act 2010. They did not action a thorough Equalities Impact Assessment before making the Traffic Order. The adverse impact for those with protected characteristics who cannot walk or cycle, has not been considered. The report states a *neutral impact* on people with disabilities.

The focus group meeting was poorly managed as officers are not trained to deal with disabled residents' needs. No healthcare professionals were at this meeting. No minutes were taken to address the issues raised. Some of those that attended, felt interrogated by the inexperienced officers and at least two residents were reduced to tears.

The protected group digital survey was time limited- opening on 4.3.21 and closing on 31.3.21.

The Council does not acknowledge the high number of care homes in the Fox Lane area (residential care homes, assisted living homes, day care nurseries), nor does it consider the high number of elderly residents and why they may require motor transport. 72% of the disabled respondents stated the scheme had a negative impact on them.

Any future alterations/exemptions to the scheme, reflect the Council's inability to understand the complex needs and car reliance and how the disabled will still be stuck in gridlock traffic on main roads. There have been incidents where children on the disabled bus, soil themselves due to the longer traffic journeys.

The afterthought of contacting the disabled many months into the QN implementation, was nothing more than a tick box exercise. This scheme is tantamount to the abandonment of the disabled.

Officer response

Officers consider that s149 Equality Act 2010 has been complied with. Please refer to paras 114 to 144 of the report.

The EQIA process has been ongoing throughout the project. Officers attending the focus groups understand the Council is required to comply with the Public Sector Equality Duty under the Equality Act 2010. This is set out in para 143 of the report.

Officers have undertaken training in the Equalities Impact Assessment (EQIA) process. The focus groups were an opportunity for Officers to listen to the views of people with disabilities which contributed towards the following at para 6:

“A subsequent report is to be produced as soon as possible which explores mitigation measures to improve access for residents with disabilities through potential exemptions and includes consideration of those with caring responsibilities”.

The Council is currently working closely with Transport for All, a pan-London disability organization, to develop a Healthy Streets Disability Reference Group. This will enable the Council to continue to increase its understanding of the impact of these types of projects on people with disabilities. This approach is seen as good practice across London and welcomed by the groups involved.

Reason for call-in

17. According to the report, pregnant women or new mothers can cycle as an option- this is impossible if you are suffering from medical complications. Yet the report says the scheme will have a *neutral impact* on them.

Officer response

Where medical complications, illness or injury affect any person then it is entirely reasonable that this may affect their travel choices. This would apply equally to all protected characteristics.

Reason for call-in

18. The Council did not evaluate the impact of the scheme on residents living directly outside the scheme and the effects of the traffic delays and pollution. Issues of mental health, anxiety, frustration, and isolation were not taken into account.

Officer response

The boundary roads to the QN and several surrounding roads have been considered as shown in the monitoring reports. Further, the majority of respondents to the online consultation survey reside outside the QN area as shown within Appendix 8 of the report. These views have been considered and presented within the report, including any objections raised which are listed in Annex 4 to the report.

Reason for call-in

19. Many people responded to the consultation, mostly negatively (72%), but their views have been ignored. Most respondents were car owners (92%), yet the Council does not give their views equal weight as to those who were positive about the scheme.

Officer response

The views of respondents have not been ignored and the report in its entirety sets out the feedback received so that this can be carefully considered by the decision maker.

Reason for call-in

20. Only the online survey responses, not the 2755 emails and subsequent 1315 email responses, were considered for analysis. On the Council's website, on Letstalk, it clearly states you can email your objections to healthystreets@enfield.gov.uk or send a letter. This was confirmed by the report's author at the webinar on 26.5.21. Most responses to the statutory consultation have been ignored by the Council.

Officer response

All objections received during the statutory consultation period have been considered.

Section 11 of the Consultation Analysis at Appendix 8 presents analysis of emails received up to 11 July 2021.

Paragraph 109 states:

"Between 12 July 2021 and 11 January 2022, 15 letters were received, and 1315 emails received from 1143 unique email addresses. Objections and representations to the traffic orders received during this period have been reviewed. Responses to grounds for objections have been incorporated into Annex 3."

Reason for call-in

21. Crime has increased in Winchmore Hill, similar to the 8% increase in crime in Bowes since the QN implementation. The Council is ignoring the safety of residents. The Metropolitan Police Commissioner, Cressida Dick (14.5.21) expressed that LTNs in London are harming the police's ability to catch criminals. Unfortunately, this scheme has increased safety fears, especially with no natural surveillance from passing cars. At the councillor briefing on 21.1.22, post scheme crime figures for Winchmore Hill showed an increase of 7%, yet the revised figure is now 3%, without explanation.

Officer response

The difference in figures has been clarified via the MEQ process. The difference was due to different reporting periods (by one month). The QN is made up of parts of four wards. The crime rates vary by ward as stated in paragraph 71:

"+5% (Southgate Green), +5% (Winchmore Hill), +3% (Palmer's Green) and -11% (Southgate)."

The Met Police have not objected to the scheme being made permanent.

Reason for call-in

22. Bias against particular organisations- Responses from Winchmore Hill Residents Association (WHRA) are not recorded in the list of submissions, breaching

Regulation 13 of LATORs 1996. Cllr Barnes accused the WHRA of being “a thinly disguised right-wing organisation posing as a RA ” in an email to Cllr Neville. Cllr Barnes declined to attend the WHRA (14.10.21), where he is a ward councillor, even though the main agenda item was the Fox Lane QN.

Officer response

All responses have been considered, whether they have been specifically referenced or not. The other elements of this reason are not relevant to the decision.

Reason for call-in

23. Bias for particular organisations- the author of the report has been meeting regularly with Better Streets for Enfield (7.7.20, 9.11.20, 24.2.21, 7.6.21, 20.9.21), where FOI requests indicate confidential information was disclosed and BS4E were shaping the design of the QN “before we do anything public facing”. No formal record of discussions exist.

Officer response

These were meetings attended by Council Officers, not political decision makers. Officers from the Council hold discussions with a range of community groups as part of the development of initiatives. Better Streets for Enfield also represent the views of the local London Cycling Campaign group. It is common place for Officers from Local Authorities to engage with these groups when developing active travel infrastructure. As such, community engagement meetings have taken place over a number of years as the Council seeks to gain feedback on proposals. The meetings referenced above were not held to discuss the detail of the Fox Lane QN project. There is no information provided on the suggestion that confidential information was shared so it is not possible to provide a response to this point. The Council are not in a position to control promotional activity that individual community groups may organise to either champion or criticize particular council initiatives.

Reason for call-in

24. The decision is predetermined by the Leader, stating it “is a political commitment” at the Environment Scrutiny Meeting on 10th March 2021, instead of making the decision based on evidence. Cllr Barnes, who has been heavily involved in the project, said it is not a “referendum”. However, government guidance fully endorses ‘the use of objective methods, such as professional polling, to provide a genuine picture of local opinion’ alongside ‘robust, empirical evidence’ none of which have been taken into consideration in the officer report or by the Leader. Source: [Traffic Management Act 2004: network management to support recovery from COVID-19 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/traffic-management-act-2004-network-management-to-support-recovery-from-covid-19)

Officer response

This decision has not been pre-determined by the Leader. The Council have set out their commitment to the principle of Quieter Neighbourhoods (including where appropriate the use of a Low Traffic Neighborhoods approach). However, this broad policy position does not mean that the outcome of individual trials are pre-determined.

Specific projects will need to be subject to individual assessment and a report, as in this case, should set out relevant factors for the decision maker to consider. The same government guidance quoted in the reference states that “*Consultations are not referendums*”.

Reason for call-in

25. According to the DfT Manual for Streets, fire service vehicles must not **reverse** more than 20m. This requirement is not met. The road closures have forced vehicles including lorries to reverse back out onto roundabouts and busy roads causing dangerous manoeuvres and tailbacks. There are no risk assessments or road safety audit regarding reversing vehicles. The safety of vehicle movements has been glossed over in the officer report.

Officer response

The Building Regulation requirement B5 (2000)10 concerns ‘Access and Facilities for the Fire Service’. Section 17, ‘Vehicle Access’, includes advice that “fire service vehicles should not have to reverse more than 20m”. This guidance applies to new buildings rather than alterations to the highway.

In any event, the scheme has been designed in consultation with the LFB and fire appliances are able to pass through both the No Motor Vehicle restrictions and the bollarded modal filters (fitted with Gerda locks). All roads remain fully accessible by motor vehicle.

The LFB have not objected to the scheme being made permanent.

Reason for call-in

26. London Ambulance Service (LAS) wrote an open letter to all authorities in June 2021 about LTNs impeding access. The resulting congestion causes delays in reaching patients. The 22 instances of delays shown in the report is evidence of this. The LAS shared concerns from crews about response times but the Council ignored this.

The LAS clearly state in their open letter and in their response attached at Annex 2 of the report that hard closures ‘*should be avoided ... and soft closures implemented to all LTNs for unhindered emergency vehicle access and egress, due to the potential risk hard closures have in delaying an ambulance response and therefore impact patient safety*’. Why is the Council therefore ignoring the request of the LAS? Even if the Council introduces filters on The Mall, Selbourne Road and Oakfield Road, this still leaves 5 hard closures within the Fox Lane LTN despite LAS request for no hard closures. What criteria has the Council used to determine the proposed filters when evidence shows ambulance delays in all the hard closed roads?

The London Fire Brigade (LFB) data showed that these road closures contributed

to record number of delays to emergency vehicles responding to 999 calls (The Telegraph 22.1.22).

Officer response

The Council has outlined the ongoing dialogue with the LAS. There are multiple modal filters across the Borough where bollards or gates are used that the LAS do not pass through. The intention is to continue to work with the LAS and convert some modal filters to ANPR where appropriate, priority locations will be discussed with the LAS, selecting locations that assist with increasing permeability. As the report outlines, the LFB in Enfield has stated that the project has not caused delays and they raise no concerns. All roads remain fully accessible by motor vehicle.

Reason for call-in

27. No air quality measurements pre QN were captured on perimeter roads. The Council updated its website on 12.5.21, advising that only 3 diffusion tubes were in place. No improvement in air quality.

Officer response

Data is presented for the diffusion tube on Aldermans Hill (at Devonshire Road) and Winchmore Hill Road and includes readings from January 2018.

Paragraph 79 of the report states:

“Overall, whilst the scheme leads to changes in pollutant concentrations, the scale of the change in relation to total predicted concentrations are sufficiently small to lead to no significant effect, neither beneficial nor adverse.”

Table 4 states:

“In the longer term, as part of a wider programme to encourage active and sustainable modes of travel, the project is expected to contribute towards reducing the negative environmental impacts of private motor vehicle use through reduced carbon emissions, lower rates of road traffic collisions and improved public realm.”

Reason for call-in

28. The Council has not assessed the impact of air quality on Grovelands Park and Broomfield Park, both are exposed to extra pollution from diverted traffic. No pre and post scheme air quality measurements have been done, even though these green spaces are used by families and children, and especially residents without private gardens.

Officer response

Air quality has been assessed in a number of locations along the roads between Grovelands and Broomfield Parks and the QN area. Concentrations of pollutants are expected to be higher on these roads than the parks. The air quality assessment, which includes roads bordering states that the *“scale of changes in pollutant concentrations in relation to total predicted concentrations are sufficiently small to*

lead to no significant effect, neither beneficial nor adverse.

Reason for call-in

29. The Council has not assessed the effects on engine idling from the displaced traffic. A study by Dudley Metropolitan Borough Council states *“an engine idling can produce up to twice as many exhaust emissions as an engine in motion”*. The traffic congestion on Bourne Hill and Winchmore Hill Road has consequently resulted in more engine idling. There is no effective anti-engine idling campaign. The Council admits in the report of *“some increase in carbon emissions on the surrounding primary road network.”*

This conflicts with the Council’s own climate change strategy. Aspiring to reduce carbon emissions is not a strategy.

Officer response

Air quality was assessed in line with the monitoring plan published on the website.

Paragraph 75 of the report states:

“There are inherent uncertainties within the modelling and as such the results should not be considered exact, but represent the best possible estimates, using the best available data at the time the report was undertaken.”

The line in Table 4 following the quote included within the reason for call-in states:

“In the shorter term, there may be some increase in carbon emissions on the surrounding primary road network. The air quality monitoring to date does not indicate any significant issues.”

Low Traffic Neighbourhoods are included as one of the many interventions within the Climate Change Action Plan 2020.

Reason for call-in

30. The Council failed to apply for enough grant funding for electric charging points even though Winchmore Hill Ward has high car ownership. The Council only received £96,000 in grants unlike Barnet Council that secured £4.65m in grants.

Officer response

This is not relevant to this decision.

Reason for call-in

31. No comprehensive risk assessment was carried out on local businesses. The Council has not looked at the impact on the local economy-the decline in footfall, parking, the added costs associated with journeys taking longer and the closure of local shops along Green Lanes. The Council’s advice to the negative impact on

shops is navigational solutions.

Officer response

The Council have taken steps to understand the views of local business owners as part of the consultation and engagement for this project. As with similar projects, the Council is of the view that there are longer-term benefits by enabling more people to access local business by walking and cycling. It is acknowledged that this project has been delivered during the pandemic and the unprecedented challenges that this has presented to local businesses. As part of a green recovery, the Council wants to help encourage more people to support their local town centers and has developed action plans to help deliver this, including the Palmers Green Action Plan. The modal filter at Devonshire Road is helping to demonstrate how reclaiming some road space from motor traffic can help create more space for people and events, helping to encourage footfall to town centers.

Reason for call-in

32. The Council references obesity and cancer risks as reasons to promote these road closures but ignores the important link to a healthy diet. Furthermore, the Council has failed to consider the public health implications on those residents living on the boundary roads where there are now concentrated levels of air pollutants due to displaced traffic.

Officer response

The Council does not draw a causal link between the Quieter Neighbourhood and a healthy diet.

The air quality assessment states:

“Overall, whilst the scheme leads to changes in pollutant concentrations, the scale of these changes in relation to total predicted concentrations are sufficiently small to lead to no significant effect, neither beneficial nor adverse.”

The roads are not closed; they are fully accessible by vehicle, cycle or foot.

Reason for call-in

33. On the 19.11.20. the Council modified the original Traffic Order by replacing the modal filter at the junction of Conway Road and Fox Lane with ANPR cameras. This meant the 6-month objection period started with a new deadline for statutory objections on 19.5.21. On 12.5.21, the Council extended this consultation deadline from 19.5.21 until 11.7.21. There is no provision in law to do this. An error on the modified Traffic Order dated 19.11.20 referred to the incorrect location of the ANPR camera- No 11 Fox Lane instead of No 111 Fox Lane. This meant either the ANPR camera was on the wrong site or the Traffic Order was incorrect.

Officer response

The road closure in Conway Road, at its junction with Fox Lane, was changed to a

camera enforced 'No Motor Vehicle' restriction in response to dialogue with the LAS. The notice formally modifying the Enfield (Prescribed Routes) (No. 6) Experimental Traffic Order 2020 was published on 18 November 2020 and came into effect on the 19 November 2020.

The notice of modification specified that *"Any person may object to the making of the permanent Orders, within a period of six months beginning with the date on which the modification described in paragraph 2 of this Notice comes into force (that 6 month period would currently end on 19 May 2021)"*.

The Council decided to extend the deadline for comments to 11 July 2021 to allow more time for representations to be made, all of which were considered in deciding whether or not to make the scheme permanent. The statutory framework does not prohibit the Council from taking into account objections and comments taken over and above those received within any statutory period.

The notice of modification made it clear that the new No Motor Vehicle restriction applied to Conway Road at its junction with Fox Lane. However, the notice included a typographical error, making reference at one point to No. 11 Fox Lane rather than No. 111 Fox Lane. The situation was subsequently clarified by the making of the Enfield (Prescribed Routes) (No. 5) Experimental Traffic Order 2021, which related specifically to the No Motor vehicle restriction in Conway Road, at its junction with Fox Lane.

Reason for call-in

34. On the 4.7.21, the Council announced the error of the modified Traffic Order of 19.11.20 and a *"new ETO has now been made to redefine the restriction in Conway Road at its junction with Fox Lane...and will come into operation on 12 July. This redefines the restriction in Conway Road at its junction with Fox Lane and applies to this location only; no changes to the layout or operation of the camera enforced filter have been made. Objections and representations regarding this new ETO can be made for 6 months"*.

By trying to create a new Conway Road ETO, the Council restricted objections purely to the specifics of that Traffic Order, i.e. the ANPR cameras at Conway Road. By law, any variation of the original Traffic Order, such as this modification, requires a further 6-month objection period for the whole Fox Lane QN scheme until the 11.1.22. The public were denied their statutory right to object for almost four out of the six months required.

The Council (during the period of 12.7.21 and 9.11.21) wrongfully rejected residents' objections instead of accepting them.

On 9.11.21, the Council sent a letter to residents in and around the Fox Lane LTN area, notifying residents that objections can continue to be made. This statement is false since residents could not object during the four months. That letter contained an error giving the objection deadline as 11 January 2021, instead of 2022. The unacceptable catalogue of errors in law and unlawful actions, has caused confusion and prejudiced the public's right to access correct and lawful information.

On this basis, the Council has erred in law in using the truncated procedure to make this ETO permanent. Therefore, any decision made using flawed information and unlawful practice cannot be acceptable for implementation.

Officer response

The Enfield (Prescribed Routes) (No. 6) Experimental Traffic Order 2020 was modified by the Enfield (Prescribed Routes) (No. 5) Experimental Traffic Order 2021 only to the extent that the road closure in Conway Road, at its junction of Fox Lane, was removed. No other variations or modifications were made to the original order to justify formally extending the consultation period.

The notice of making for the Enfield (Prescribed Routes) (No. 5) Experimental Traffic Order 2021 set out the arrangements for objections and representations to be made during the six-month period starting on 12 July 2021.

The notice did not formally extend the consultation period for other restrictions unchanged by the Enfield (Prescribed Routes) (No. 6) Experimental Traffic Order 2020, bearing in mind that there had already been a period of just over eight months during which objections and representations could be made to these restrictions. However, prior to making the final decision on whether to make the orders permanent, the opportunity to make further representations on all aspects of the scheme was opened up between 9 November 2021 and 11 January 2022. This opportunity was advertised in the local press, the London Gazette and by way of site notices. In addition, the Council's engagement platform was updated and letters sent to properties in and adjacent to the Fox Lane QN.

The Council considered the objections received during the period between 12 July 2021 to 9 November 2021, as well as those received between 9 November 2021 and 11 January 2022.

Overall, the process has provided the opportunity for everyone to provide their views and no interests have been prejudiced. Having met the various requirements relating to orders giving permanent effect to experimental orders, the Council is now able to proceed and make the orders permanent.