



## Executive Director Housing, Regeneration & Public Realm

**Report title: Review of social distancing measures on high streets and near park entrances**

**Date:** 5 March 2021

**Key decision:** Yes.

**Class:** Part 1.

**Ward(s) affected:** Brockley, Blackheath, Forest Hill, Lee Green, Rushey Green.

**Contributors:** Head of Highways and Transport.

## Outline and recommendations

The purpose of this report is to seek approval for revisions to a package of temporary transport measures that were implemented to support pedestrians during the COVID 19 pandemic. This involved creating more space for pedestrians to socially distance in busy public places such as on high streets and near park entrances. The original schemes were installed as short term temporary measures and require regular site visits and maintenance to ensure that they are fit for purpose.

A review has been completed to ascertain whether the schemes are still effective, required at the location, encourage compliance, remain cost effective and have support on Commonplace. This report details the changes recommended as a result of this review and also recommend an additional scheme is progressed. These measures will help to support the recovery from the pandemic, whilst also being in alignment with the Council's longer term policy objectives.

The Executive Director for Housing, Regeneration & Public Realm is recommended to:

- a) Approve the revisions to a package of transport measures set out in this report at the following locations:
  - Sangley Road
  - Foxberry Road
  - Dartmouth Road
  - Staplehurst Road
  - Hither Green Lane
  - Wells Park Road
- b) Approve the provision of new transport measures set out in this report at Luxmore Street.
- c) Agree to officers using their existing delegated powers, to implement these measures, as necessary, and within the limits of the funding made available by TfL, DfT or other sources that are identified. This may include, but is not limited to:
  - Finalising designs
  - Creating the necessary traffic orders,
  - Putting temporary parking suspensions in place,
  - Implementing signing/lining, placement of temporary barriers, demountable bollards/gates, planters and other temporary infrastructure.

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## Timeline of engagement and decision-making

The decision report relating to the borough's plans to implement temporary measures to support walking and cycling in response to the COVID 19 pandemic was agreed on 2 June 2020.

The proposals were presented to the Overview & Scrutiny Business Panel, for comment, on 26<sup>th</sup> May 2020, with updates provided in September and November 2020.

All measures outlined in this report are consistent with the longer term objectives of the borough's Transport Strategy and Local Implementation Plan 2019-2041, which was agreed by Mayor & Cabinet in January 2019 (see Background Paper 1).

All temporary measures were put on the Council's Commonplace page and comments invited, with a summary provided as part of this report. Officers have also sought views from Ward Members and this has helped inform the proposed revisions outlined in this report.

## 1. Summary

- 1.1 The purpose of this report is to seek approval for the revision and upgrade to an existing package of temporary transport measures to support pedestrians to socially distance in busy public places such as high streets and park entrances during the COVID 19 pandemic. The original schemes were installed as short term temporary measures and require regular site visits and maintenance to ensure that they are fit for purpose. As the measures have now been in place for a much longer timeframe than originally envisaged, due to the pandemic continuing, a review has been completed to ascertain whether the schemes are still effective, required at the location, encourage compliance, remain cost effective and have support on Commonplace. Each site has been visited and assessed on a number of occasions and the businesses impacted by the measures have been engaged to gauge their opinions. This review has informed the proposals for the Covid-19 scheme updates which will be required for the short term, until the social distancing requirements are lifted. One new scheme at Luxmore Street is also proposed.
- 1.2 The package of interventions will help support the recovery from the pandemic, whilst also being in alignment with a wider range of longer term policy objectives.

## 2. Recommendations

- 2.1 The Executive Director for Housing, Regeneration & Public Realm is recommended to:
  - a) Approve the revisions to a package of transport measures set out in this report at the following locations:
    - i. Sangley Road
    - ii. Foxberry Road
    - iii. Dartmouth Road
    - iv. Staplehurst Road
    - v. Hither Green Lane
    - vi. Wells Park Road
  - b) Approve the provision of new transport measures, as set out in this report, at Luxmore

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Street.

- c) Agree to officers using their existing delegated powers, to implement these measures, as necessary, and within the limits of the funding made available by TfL, DfT or other sources that are identified. This may include, but is not limited to:
- Finalising designs
  - Creating the necessary traffic orders,
  - Putting temporary parking suspensions in place,
  - Implementing signing/lining, placement of temporary barriers, demountable bollards/gates, planters and other temporary infrastructure.

### 3. Policy Context

- 3.1 In response to the COVID-19 pandemic, a number of local authorities across the UK and beyond put in place a package of measures to help people safely make the essential trips they need to on foot or by bicycle.
- 3.2 Schemes were progressed within the context of a range of pertinent issues, which are summarised below, and as detailed within the original decision report:
- the government indicating a likely need to retain social distancing guidelines for some time;
  - an observed increase in speeding/dangerous driving on the road network;
  - limitations on public transport capacity whilst social distancing is still required;
  - potential public concern over the use of public transport;
  - a likelihood of increased car trips as restrictions are lifted;
  - an encouragement from central and local government that journeys are kept local, and that these are made on foot or by bicycle where possible, in turn supporting the local economy;
  - A high proportion of footways that are not wide enough to safely accommodate social distancing practices
  - the potential to combine trip purposes where possible to minimise exposures (e.g. physical exercise such as walking/cycling with a trip to the shops);
  - a need for people to maintain good physical and mental health, increasing resilience against COVID-19 symptoms; and
  - a need for residents who may have been impacted financially to feel that they have viable low cost transport options available to them.
- 3.3 The temporary schemes were delivered in accordance with statutory guidance under Section 18 of the Traffic Management Act 2004, which was issued by the Secretary of State for Transport on 9th May 2020 (see Background Document 3). The guidance also specified that Authorities should monitor and evaluate any temporary measures that are installed, with a view to making them permanent, and embedding a long-term shift to active travel as the country moves through the recovery phase and into a newly shaped 'business as usual'.
- 3.4 In addition TfL published separate guidance for boroughs on 15<sup>th</sup> May 2020 setting out its expectations of boroughs (see Background Document 4). This takes into account the London context and unique pressures and issues that are being experienced. The guidance sets out the pressing need to safely accommodate more walking and cycling trips as travel restrictions are relaxed, but whilst social distancing guidance remains. It

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explains the types of measures that will help to achieve this, which is broadly consistent with the DfT guidance. It seeks to transform London's streets by:

- Providing wider footways so that people can safely socially distance.
- Providing additional space for people walking and cycling in town centres and at transport hubs, including widening of footways on local high streets to enable people to queue safely for shops which will help facilitate local economic recovery
- Accelerating delivery of low traffic neighbourhoods and school streets by working with boroughs to reduce through traffic on residential streets, to further enable more people to walk and cycle safely as part of their daily routine

3.5 Funding has also been made available by the European Union through the Reopening High Streets safety Fund, with the remit of supporting businesses to reopen safely and creating space for social distancing on high streets. The Fund provides councils with additional funding to support their business communities with measures that enable safe trading in public places. It focuses on high streets, as well as other public places that are at the heart of towns and cities gearing up to reopen as safe, welcoming spaces. The Fund directly supports this activity through one of its main strands: Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely. To ensure that public spaces that are next to businesses are as safe as possible, temporary changes will need to be made to the physical environment. Local authorities will already be undertaking these changes in line with HMG's Safer Public Places – Urban Centres and Green Spaces guidance. This funding can be used to enhance that existing offer to increase the level of safety measures, improve their attractiveness and ensure consistency of approach across individual and multiple public spaces including high streets.

3.6 The measures set out in this decision report are consistent with both the DfT and TfL guidance.

3.7 The primary objective of these measures is to protect public safety during the COVID-19 pandemic. Trip rates are rising again, whilst social distancing guidance currently remains in place, which means these measures remain relevant. This will also help to support the recovery from the pandemic whilst also being in alignment with a wider range of existing policy objectives. If the guidance referred to in paragraph 3.5 changes or the requirement for social distancing is removed, the next steps for these projects will be reviewed.

3.8 The engagement undertaken to date on the Council's COVID-19 response, has demonstrated an appetite amongst communities for some of the measures that are being developed in response to the emergency to be retained on a more permanent, non-emergency basis. This would also be in line with achieving the Council's longer term policy objectives, which are set out below. As such, an evaluation of the temporary measures will continue to be undertaken at the appropriate point in the future to help inform the development of a medium to longer term strategy. The process for this is outlined further in section 6 of this report.

3.9 The Council's over-arching policies can be found in the Corporate Strategy 2018-2022 (see Background Document 5). The Council's transport policy objectives can be found in the Lewisham Transport Strategy & Local Implementation Plan 2019-2041 (LIP3) and are summarised below (see Background Document 1).

- Travel by sustainable modes will be the most pleasant, reliable and attractive option for those travelling to, from and within Lewisham
- Lewisham's streets will be safe, secure and accessible to all

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- Lewisham's streets will be healthy, clean and green with less motor traffic
- Lewisham's transport network will support new development whilst providing for existing demand.

## 4. Background

- 4.1 As a result of the COVID-19 emergency, the resulting lockdown and social distancing requirements, trip patterns have changed substantially. These will continue to evolve as the lockdown restrictions are eased. As outlined in section 3.2, a number of factors are at play which have resulted in a need for intervention and have shaped the nature of the temporary measures. This section of the report elaborates on these factors and provides local evidence of their importance.
- 4.2 Crucially, whilst the need for social distancing remains, any external factors that result in an increase in walking and cycling trips (which is something to be encouraged), at the same time as there being an increase in vehicular traffic or speeding (which is undesirable), is a cause for concern on safety grounds.
- 4.3 This is because people currently need more space than usual in order to maintain social distancing whilst walking. This becomes more difficult to achieve when the available space is constrained by a combination of narrow footways, shop queuing systems, parking, and high traffic volumes and/or speeds on the carriageway. Put simply, if people need to frequently step into the carriageway to maintain a 2m clearance when passing others, this puts them at increased risk without mitigation measures in place, particularly in the locations with the highest footfalls and traffic volumes/speeds.
- 4.5 A range of interventions are proposed that therefore seek to either create more protected space for pedestrians to safely share spaces.

### 4.6 **Factor 1: Increasing traffic volumes and speeding**

- 4.6.1 A predominantly car based recovery is not a viable option as the road network would not be able to accommodate the required number of trips. Nor is it desirable from a road safety, air quality, public health or economic perspective.
- 4.6.2 TfL have indicated that some areas have seen an increase in average speeds of 50 per cent as a result of lower traffic volumes/congestion, leading to a higher risk or perception of road danger. Evidence from the Met Police has shown that although the volume of collisions has reduced, those that are taking place are likely to be more severe due to the speeds involved. More locally within Lewisham, the police have been undertaking enforcement action to help tackle speeding. The police have witnessed some occurrences of people travelling at twice the speed limit in certain areas and are issuing fines accordingly.
- 4.6.3 TfL has highlighted that reducing exposure to air pollution is important as this is thought to be associated with increased deaths from COVID-19. As set out in the Council's Air Quality Action Plan (see Background Document 6) road transport is the biggest contributor to NOx and PM10 emissions in the borough, contributing 64% and 55% of total emissions respectively.

### 4.7 **Factor 2: Limitations on public transport capacity and concern over its use**

- 4.7.1 There are currently fewer buses and trains in service, with operators currently working to increase capacity, so that people can more easily socially distance when they do need to travel. However, TfL has indicated that it will only be able to carry around 13-15 per cent of the normal number of passengers on the Tube and bus networks even

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when 100% of services are operating, due to the social distancing requirements. Once more people start to return to work, social distancing at bus stops and train stations will become harder. The Council is in regular contact with TfL and the train operating companies to raise key concerns and discuss how best to enable people to socially distance, particularly as they wait for services. However, even this will not be sufficient to accommodate the volumes of passengers that used to travel pre-COVID-19.

- 4.7.2 Interchanges and town centres are also often on busy strategic roads. Service disruption or ‘bunching’ on the bus network can lead to high volumes of waiting passengers on the pavement at busy interchanges and longer dwell times may cause traffic disruption.
- 4.7.3 A recent YouGov poll found around 40 per cent of Londoners say they will use public transport less once lockdown measures are relaxed, with 50 per cent of those saying they will walk instead, 17 per cent saying they will cycle instead. However, 41 per cent say they plan to drive instead. TfL has indicated that if all car owning households switched their usual public transport journeys to car, some boroughs would see a near doubling in the number of private transport journeys, causing considerable congestion issues.

#### 4.8 **Factor 3: Constrained footways**

- 4.8.1 Footways need to be at least 3 metres wide in order to maintain social distancing for two pedestrians passing one another. This works on the assumption that one person typically comfortably occupies around half a metre of space, with a 2 metre gap in between. However, recent research undertaken by the Bartlett School of Architecture, indicates that only 36% of footways in London are at least 3 metres wide, the minimum requirement to enable people to follow social distancing guidelines. This means that people will need to either step into the carriageway or cross the road to safely pass another person, introducing an element of road safety risk, particularly if traffic volumes are high.

#### 4.9 **Factor 4: Promotion of walking / cycling trips**

- 4.9.1 It has been recognised in the guidance issued by government and TfL that the increased level of walking and cycling is a positive trend, which should be supported and encouraged. Indeed we are already seeing evidence of increased levels within London, as people have taken advantage of the lower traffic volumes observed at the peak of the crisis, and are seeking to maintain this. Evidence from TfL shows that 85% of people report wanting to see some of the personal and social changes they have experienced during lockdown to continue.
- 4.9.2 As a result of the constraints on public transport, TfL in particular, is encouraging as many essential trips as possible to be safely made on foot or by bicycle instead, whilst socially distancing.
- 4.9.3 Looking at pre-COVID travel patterns, there is significant potential for modal shift within Lewisham. Although it is recognised that some of these trips will no longer take place, for instance due to increased home working or online shopping. 47% of Lewisham households do not own a car and so are reliant on walking, cycling or public transport to get around. Up until the COVID pandemic only 2% of all trips made by Lewisham residents were made by cycling, but with at least 13% of residents cycling at least once per week, and 18% at least once a month. 30% of all trips were undertaken on foot, 34% by public transport and the remainder by car, motorcycle or taxi. Only 7% of the 264,200 trips in Lewisham that could be made by bicycle, were actually being made by bicycle. More than half of these potentially cyclable trips were less than 3km (about a 10 minute cycle ride).

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#### 4.10 **Factor 5: Encouragement to maintain good physical and mental health**

4.10.1 It has been demonstrated that those people who are older or have underlying health conditions are more susceptible to severe COVID-19 symptoms. The government has highlighted the benefits of walking and cycling in improving health, and many people have been taking positive steps towards this, taking advantage of their daily exercise allowance. There is also scope to combine trip purposes – for instance walking or cycling to work or the shops.

4.10.2 Achieving 20 minutes of walking or cycling each day is recommended for good health and well-being, which reduces risks of diabetes and heart disease, both of which are risk factors for severe COVID-19 disease. In the 3 years to 2017/18, on average only 35% of Lewisham residents were walking or cycling for at least 10 minutes twice a day (or a single block of at least 20 minutes). Over half of the adult Lewisham population, and 37% of 10-11 year olds and 21% of 4-5 year olds are overweight or obese.

#### 4.11 **Factor 6: A need to support the economic recovery**

4.11.1 TfL has acknowledged that encouraging people to use local shops and services, rather than travelling further afield, will be important in supporting the local economy as well as minimising congestion on the road network. Evidence detailed in the TfL guidance shows that those who walk to a high street spend 40% more than those who drive, and that high street walking, cycling and public realm improvements can increase retail sales by up to 30%.

4.11.2 A previous review of evidence from London Councils, Living Streets and Sustrans, undertaken as part of the 2019 update to the Council's Parking Policy led to the following conclusions:

- There are considerable benefits to retailers in parking management;
- Retailers have inaccurate perceptions around the modal share of shoppers, in that they tend to significantly overestimate the proportion of journeys made by car;
- Shoppers tend to be relatively local, meaning that there is scope for these journeys to be made by sustainable modes;
- There is a disparity between what retailers think shoppers want from their retail experience compared to what shoppers say they actually desire;
- Pedestrians and public transport users in particular are likely to spend more in retail areas over the course of a week or month than car drivers do. They also tend to visit more shops;
- There is evidence that investment in the public realm and in encouraging more sustainable travel to a retail area, results in increased footfall and retail spend.

4.11.3 Walking and cycling are also relatively low cost options for those who may have been impacted financially by the pandemic.

## 5. **Review of measures**

5.1.1 At the start of the pandemic, officers identified a number of locations on high streets and at park entrances where the existing conditions mean that it is difficult for pedestrians to comply with social distancing due to limited footway widths and/or shop queuing systems, and intervention was considered necessary.

5.1.2 Measures appropriate to each location were installed, including the use of temporary barriers to create additional pedestrian space and/or road closures where necessary to

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facilitate pedestrian movement.

- 5.1.3 The update to the initial tranche of locations is listed below. This has been informed by a detailed review of the schemes and monitoring from the Council's highways team and discussions with Ward Members, who are supportive of the proposals outlined below. Details of the first nine locations are shown below. These will be implemented as soon as possible, within 6 weeks of approval of this report.

#### Costs for all sites

- The existing temporary barriers cost £2,400 per month to monitor with up to £3,600 per month maintenance (depending on circumstance – e.g. if barriers were moved or needed refilling with water). The proposed measures below will remove this requirement for all sites except Sangley Road, where a section of temporary barriers will be retained.
- Removal of water-filled barriers is costed at £1,500 for all sites as this will be done over a period of two days by contractors.
- These measures can be installed under a single Temporary Traffic Order (TTRO), as described in Section 8 of this report, expected to cost approximately £1,000.

#### a) Sangley Road

**Existing measure** – water filled barriers closing off the loading bay in front of the Co-op and the shop fronts to the west of this location. Water filled barriers have been ineffective at this site and there is now less of a requirement for them here. The Co-op is the largest store and has requested that the barriers outside the store be retained. The other businesses with barriers outside their premises have been non-compliant; removing parking notices and barriers from their location and parking in the space made available resulting in the need for repeated site visits and reinstatement of notices. Resolving the parking situation here is beyond the scope of this scheme and would require a separate study.

**Proposal** – Retain the barriers outside the Co-op, given the issues outlined above, removal of the water filled barriers outside the shop fronts to the west of the Co-op and reinstatement of the loading bays is considered appropriate

**Commonplace** – 22 comments in favour of making the scheme permanent, 9 comments against, 2 undecided. There are 60 votes supporting comments in favour of making the scheme permanent at this location.

**Cost** – The only cost here is removing the water-filled barriers, which is included in the overall cost of £1,500 for all sites mentioned above. Monitoring can be undertaken by Highway Inspectors for this single site, within an estimated £1,200 per month reserved for maintenance, depending on the level of maintenance required.

#### b) Foxberry Road

**Existing measure** – placement of water filled barriers, closing off the loading bay at the side of Sainsbury's to allow for queueing.

**Proposal** - Remove the water filled barriers and reinstate the loading bay with refreshed markings. The requirement for social distancing measures to allow queueing outside the Sainsbury's here has lessened due to the easing of the restriction on the numbers of customers and staff allowed on the premises at one time.

**Commonplace** – 2 comments in favour of making the scheme permanent, 7 comments against.

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**Cost** – Reinstating existing road markings will cost approximately £50. Removing the water-filled barriers is included in the overall cost of £1500 for all sites specified above.

#### c) Dartmouth Road

**Existing measure** - water filled barriers closing off the loading bay in front of Fu House and the Woodland Express store on the other side of the street to allow for social distancing.

**Proposal** - Remove water filled barriers on both sides of Dartmouth Road. Reinstating the parking/loading bay outside of the Fu House as the footway width is sufficient under updated COVID-19 guidance. Remove the parking bay outside no. 15 Woodland Express and replace with double yellow lines as the footway is too narrow with parked vehicles to allow social distancing.

**Commonplace** – 4 comments in favour of making the scheme permanent, 3 comments against and 2 undecided.

**Cost** – Installation of new road markings and signs for these measures will cost approximately £300. Removing the water-filled barriers is included in the overall cost of £1500 for all sites specified above. The cost of the TTRO for implementation of the yellow lines is included in the cost of £1000 for all sites specified above.

#### d) Staplehurst Road - The Ark parklet and community space

**Existing measure** – The Ark was installed in Staplehurst road in October 2020 as a pilot business parklet and community space that allows businesses to continue trading safely and to provide space for social distancing. It has been working well up to the point of the existing lockdown.

**Proposal** – A road safety audit was carried out in November 2020 which recommended that several planters should be added to the side of the parklet facing the road to close off any gaps and another row of planters to separate it from the loading bay, also improved reflective materials should be applied to the carriageway face of the planters. This work can be carried out by the parklet manufacturer, with other minor recommended remedial work.

**Commonplace** – this scheme was not posted on Commonplace, but the previous scheme which was to remove parking bays through the use of water filled barriers to provide more pedestrian space had gained widespread approval, with the majority of people voting to make the feature permanent and businesses using the space to trade from, with 71 comments in favour of permanent measures, 10 comments against and 2 undecided. In the comments there were 623 votes for permanent measures and 11 against.

**Cost** – Install more planters along the external (roadside) edges of the Ark parklet and loading bay edge to improve safety, with other minor repairs £3,500

#### e) Hither Green Lane

**Existing measure** – placement of water filled barriers, closing the parking bays outside the Co-op, (no 200-206) and the bay outside no 222-226

**Proposal** - Remove the water filled barriers from the parking bay outside the Co-op, (no 200-206) and the bay outside no 222-226, and replace with double yellow lines to create more space in front of the shops and improve compliance and enable enforcement at these locations. Introduction of permanent parking restriction is a priority at this site, specifically outside the premises of Grows Kings as there has been no compliance with the temporary restrictions. Water filled barriers had been moved out of place and parked vans/cars had filled the space that should have been cordoned off to allow social distancing. This has narrowed the remaining available pedestrian routes to an unsafe level.

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**Commonplace** – 73 votes in favour of making the scheme permanent, 3 votes against, 1 undecided.

**Cost** – Installation of new road markings and signs for these measures will cost approximately £250. Removing the water-filled barriers is included in the overall cost of £1,500 for all sites specified above.

#### f) Wells Park Road

**Existing measure** - Wells Park Road is one of the longest stretches of temporary parking restriction measures that have been implemented in the borough, and one of the 3 sites that has always required a viable intervention as there are always vehicles parked outside or by the entrance to the park. The width of footway is approximately 3m but that leaves pedestrians with as little as 1m of space to walk due to parked vehicles on the footway. Access to the park is limited, especially to disabled or young users.

**Proposal** - Water filled barriers have been effective temporarily, but for a cost effective solution this site requires enforceable permanent parking restrictions. Removal of the existing water filled barriers to stop footway parking and replace with double yellow lines to create more space in front of the park.

**Commonplace** – 11 comments in favour of making the scheme permanent, 7 comments against and 2 undecided.

**Cost** – Installation of new road markings and signs for these measures will cost approximately £2,000. Removing the water-filled barriers is included in the overall cost of £1,500 for all sites specified above. The cost of the TTRO for implementation of the yellow lines is included in the cost of £1,000 for all sites specified above.

- 5.1.4 A new scheme of measures is proposed for Luxmore Street, following extensive discussions with ward members and review of the site. These measures would be included in the TTRO described in section 5.1.3.

#### a) Luxmore Street

**Existing situation** - Parked cars on both already narrow footways on the approach to Luxmore Gardens are making physical distancing difficult for pedestrians. Anyone wanting to access the park is forced to use the narrow carriageway due to parked vehicles.

**Proposal** – prohibition of parking on both sides of Luxmore Street using double yellow lines and closing the road to vehicular traffic using planters and a central droppable bollard, depending on site conditions. This street currently has footway parking on both sides of the road, making it difficult to safely practice social distancing, given the increased usage of the Luxmore Gardens as a leisure facility in the pandemic. This is also expected to have the effect of discouraging fly-tipping activity which has also had an impact on space available for social distancing.

**Commonplace** - 65 votes in favour of making the scheme permanent, 7 votes against, 2 undecided. The majority of people voting and commenting are in favour of further intervention here.

**Cost** - The cost of implementing this scheme, including yellow lines, signs and installation of planters and droppable bollard from existing stock is £1,100. The cost of the TTRO for implementation of the yellow lines and road closure is included in the cost of £1,000 for all sites specified above.

## 6. Process

- 6.1 In order to introduce these new restrictions within the timescales needed during the

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current public health emergency, certain proposed measures require that a Temporary Traffic Regulation Order (TTRO) be advertised and made under the provisions of the Road Traffic Regulation Act 1984 (RTRA). A TTRO may be in place for as long as the current emergency applies, up to a maximum of 18 months. The process to implement a TTRO requires publication of a Notice of Intent (NoI) to publicise the measure, followed by a Notice of Making (NoM) three weeks later. Further detail on the procedures which need to be followed for TTROs is provided in section 8.

6.2 Trip patterns will continue to evolve as the government reviews the available health evidence and lockdown restrictions are eased. Although the government has set out a broad road map of how it intends to do this, this is subject to change which introduces an element of unpredictability to the situation which makes it difficult for Councils to plan for. Restrictions are gradually being eased, with non-essential retail to reopen from 12 April 2021. This is likely to result in a significant increase in the number of trips being undertaken, but at this point is not certain.

6.3 Measures proposed as part of this package that require a TTRO to be implemented include:

- a. Modal filters (or road closures);
- b. new yellow line parking restrictions.

#### 6.4 Public engagement and consultation

6.4.1 The public '[Commonplace](#)' website (click to link to website) will be updated to show the revisions to each scheme. It asks users for feedback on any issues. As the RHSS and LSP programmes draw to a close, going forward any requests for new schemes will now be considered under the Council's LIP programme. Users can also sign up for updates that alert them of any changes. For the benefit of those users who do not have access to the internet, any letter drops or street notices will include an invite to write into the Council for further information on the scheme and / or provide their comments. Residents will also be able to log any urgent queries with the Council switchboard, which will then be passed onto officers for consideration.

#### 6.5 Engagement with the Emergency Services

6.5.1 Throughout the development of these measures there has been engagement with the three emergency services. Copies of the plans for all projects are being sent to the three emergency services, to provide an opportunity for them to comment. More detailed discussions have taken place with the Police and London Ambulance Service. The emergency services will also be consulted as part of the TTRO process as outlined in section 6

#### 6.6 Monitoring

6.6.1 The measures will be kept under review and will be lifted or amended if they are not considered to be contributing to the policy objectives set out in this report, or if the guidance referred to in section 3.5 of the report is changed or social distancing requirements are lifted.

6.6.2 Although these temporary measures are not intended to deliver permanent schemes, it is recognised that there may be an appetite amongst communities for some of the measures that are being put in place on an emergency basis to be retained on a more permanent, non-emergency basis. This would be in line with the Council's longer term policy objectives, as noted in section 3 of this report.

6.6.3 Subject to the easing of social distancing measures and future funding guidance documents from TfL, it is currently anticipated that the public feedback gathered during the period of the TTRO could be considered in determining whether to explore the

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viability of the long-term or permanent introduction of these and other measures. This decision would be taken under delegated authority by the Executive Director. Once this has been understood, this would be given consideration in the context of the Council's Local Implementation programme.

- 6.6.4 Should longer term measures be considered appropriate, these would be introduced under either the permanent Traffic Management Order (TMO) process under section 6 of the RTRA or the Experimental Traffic Order (ETO) process under the provisions of section 9 of the RTRA.
- 6.6.5 Introducing parking restrictions following the section 6 permanent TMO process requires statutory consultation prior to enforcement (a minimum of 21 days). Once the order is made and in force (and appropriate road markings and signs are in place) it is in effect until replaced or revoked by another TMO.
- 6.6.6 ETOs made under section 9 of the RTRA may be in force for up to 18 months, forming a statutory consultation period, and during which time changes can be made to the scheme. Further data collection and consultation with residents would take place during the period of the ETO to evaluate how the scheme has operated and if any of the measures should therefore be made permanent. A review would be undertaken after at least 6 months, which would determine if the restrictions would be retained on a permanent basis.

## **7. Financial implications**

- 7.1 This report is seeking approval for the revisions to a package of transport measures set out in section 5 above at an estimated cost of £10,900 plus ongoing monitoring/remedial costs for the Sangley Road barriers of £1100 per month.
- 7.2 Funding to cover these costs comes from the EU Reopening High Streets Safely Fund (RHSS) grant allocation to Highways and Transport of £100k (the spend deadline for which has been extended to June 2021), and £35k of 2020/21 Local Implementation Plan (LIP) funding from Transport for London, allocated in November 2020. It is anticipated that further LIP funding may be made available in next year's budget, subject to confirmation from TfL and DfT if required.
- 7.3 Costs for the schemes implemented to date, including design, installation and monitoring since July 2020 total approximately £56k and have been paid from the RHSS grant.
- 7.4 The projected spend for this project will utilise the complete funding allocation, and there is no requirement for Council's resources to be employed.

## **8. Legal implications**

- 8.1 On the 9th May 2020, the Secretary of State for Transport issued additional statutory guidance under Section 18 of the Traffic Management Act 2004 ("the act"). This does not replace the original Network Management Duty Guidance published in November 2004, but provides additional advice on techniques for managing roads to deal with COVID-19 response related issues. It applies to all highway authorities in England, who shall have regard to this guidance to deliver their network management duty under the act. It is effective from the date of publication and was last updated in February 2021.
- 8.2 This guidance sets out high-level principles to help local authorities to manage their roads and what actions they should take. The four projects included in this decision report are specified in the guidance as being appropriate actions for local authorities to take. It also specifies that Authorities should monitor and evaluate any temporary measures they install, with a view to making them permanent, and embedding a long-

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term shift to active travel as we move to recovery.

- 8.3 Paragraph 3.4 of this report referred to Guidance published by TfL for boroughs on 15<sup>th</sup> May 2020 setting out its expectations of boroughs. On 20 January 2021 the High Court handed down a judgment in relation to the two conjoined claims for judicial review brought by two trade bodies representing the 'Black Cab' industry (the United Trade Action Group and the Licensed Taxi Drivers' Association) ("the claimants") which amongst other things challenged that Guidance. The High Court quashed the Guidance but this was stayed until the outcome of an appeal by TfL. Therefore whilst the Guidance remains in effect until the outcome of that appeal any weight being placed upon such guidance needs to be considered in the light of that judgment. It should be noted that the scheme that was included as part of the challenge by the 'Black Cab' industry related to measures that restricted taxi access including picking up/dropping off activity at the kerbside over a part of the street at specific times of the week and day.
- 8.4 Section 75 of the Highways Act 1980 authorises a highway authority to vary the relative widths of the carriageway and of any footway in a public highway. This includes the power to widen a footway within the existing boundary of the road. No procedure and in particular no consultation is prescribed for the use of section 75. This power will authorise any proposed amendments to footway widths.
- 8.5 The Road Traffic Regulation Act 1984 (RTRA) sets out the legal framework for traffic management orders. These will be required for some of the schemes undertaken as part of the measures set out in Paragraphs 5 and 6 of this report.
- 8.6 Section 122 of the Act imposes a duty on the Council to exercise the functions conferred on them by the RTRA as (so far as practicable having regard to the matters specified in S122 (2)) 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'.
- 8.7 The matters set out in S122(2) 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;
  - c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
  - d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - e) any other matters appearing to the local authority to be relevant.
- 8.8 The procedures for making temporary traffic orders and the form that they should take are set out within the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (the Procedure Regulations). These regulations have been amended by '[The Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)', which also allows for TTROs made under Section 14 of the RTRA 1984 to be used for 'purposes related to the coronavirus'. This amendment also allows for alternative methods for publishing notices for TTROs where the traffic authority considers that it is not reasonably practicable to comply with the provisions of the 1996 procedure regulations for reasons connected to the effects of coronavirus. These alternative methods include publication in local newspapers, online publication (including websites, online

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newspapers, email and social media), leaflet distribution and letter delivery

8.9

8.10 Section 14(1) (b) of the RTRA states that temporary traffic regulation orders (TTROs) may be made where the traffic authority are satisfied that traffic on the road should be restricted or prohibited for reasons including the “likelihood of danger to the public”. Under this section, the Procedure Regulations require that an authority publish a notice of intent not less than seven days before making an order in a local newspaper and in the vicinity of the affected area and inform the police. No more than 14 days after making the order, the authority must similarly publish a notice stating that the order has been made. The maximum time limit for a temporary order is 18 months.

8.11 Under section 14(2) of the RTRA, the traffic authority for a road may at any time by notice (temporary traffic regulation notice or TTRN) restrict or prohibit temporarily the use of the road for reasons including the “likelihood of danger to the public” where that restriction or prohibition should come into force without delay. An order made under section 14(2) has a maximum time limit of 21 days, but may be continued under the provisions section 14(1) of the RTRA (for up to 18 months) without a need to publish a new notice of intent, although the publication of a notice stating that the order has been made is still required.

8.12 The procedures for making permanent and experimental traffic management orders and the form that they should take are set out within the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996. These Regulations have also been amended by [The Traffic Orders Procedure \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#) to provide for alternative publication and inspection requirements during the Coronavirus pandemic.

8.13

8.14 The Department for Transport published advice on 21st April 2020 at: <https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>. This advice suggests ways in which authorities can continue to make traffic orders, whilst complying with the intention of the legislation for making those orders. Certain requirements are difficult for local authorities to implement due to current restrictions under the circumstances of the Covid-19 emergency. Specifically, these are:

- the publishing of order adverts in local newspapers - newspapers may have moved to online publication only or closed
- the posting of site notices on streets and concerns about the risks to staff
- making traffic orders available for public inspection at an authority’s offices which may be closed

8.15 The Traffic Management Act 2004 (TMA) is the primary legislation for the management of parking in England. It reinforces the legal duty under the RTRA to ensure the expeditious movement of traffic. Part 6 of the TMA affects parking and is accompanied by statutory and operational guidance documents. Councils are legally obliged to ‘have regard to’ the former, while the latter sets out the principles underlying good parking management and recommends how this can be achieved.

8.16 The main principles advocated in the TMA statutory guidance are:

- managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the Traffic Management Act 2004 Network Management Duty
- improving road safety

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- improving the local environment
  - improving the quality and accessibility of public transport
  - meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car
  - managing and reconciling the competing demands for kerb space.
- 8.17 In April 2020, London Councils published guidance to assist local authorities to consider appropriate temporary measures in the unprecedented and very challenging circumstances around Covid-19. This guidance included advice that enforcement activity should focus on incidents of obstructive or dangerous parking that could have a more significant impact on safety and access for emergency and essential services. Continuation of enforcement for moving traffic contraventions, such as no entries, banned turns and yellow boxes, will also be important in order to ensure compliance. Authorities are advised to consider whether to continue the enforcement of non-safety critical controls. This guidance is available on the London Councils website: <https://www.londoncouncils.gov.uk/services/parking-services/operational-advice-during-covid-19>. It is considered that the Council's intention to enforce modal filters by camera in order to allow emergency services through these points, whilst reducing general traffic levels is in keeping with this guidance.
- 8.18 The Council enforces parking and moving traffic contraventions under the provisions of the London Local Authorities and Transport for London Act 2003. Enforcement against contraventions of signs placed prohibiting entry by vehicles to roads which are bus routes or emergency services routes may be taken under the provisions section 4(5)(b) of this act, which to section 36 of the Road Traffic Act 1988 which makes it an offence to fail to comply with the indication of a traffic sign which has lawfully been placed on or near a road. A sign is so lawfully placed if the indication is of a statutory prohibition, restriction or requirement. Signs can lawfully be placed in order to give effect to a TTO under section 68 of the RTRA 1984. Such signs must conform with the Traffic Signs Regulations and General Directions 2016.
- 8.19 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.20 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.21 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.22 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to

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Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>.

8.23 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.24 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>.

## 9. Equalities implications

9.1 All staff are trained to meet their responsibilities as outlined in the Equality Act 2010.

9.2 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.3 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.4 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

9.5 A full Equalities Analysis Assessment (EAA) was undertaken as part of the Council’s Transport Strategy and Local Implementation Plan 2019-2041 (LIP3). The proposals set out in this report align with the objectives set out in LIP3, and indeed the LIP3 contained proposals for footway widening, modal filtering, school streets and improvements to cycleways, albeit on a more permanent basis.

9.6 Table 1 provides an overall assessment of the current proposals as a whole. The analysis that follows then considers in more detail the protected characteristics where it is considered that there is an impact, and the reasons for this.

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Protected Characteristic	Overall Assessed Impact of Proposals
Age	Minor positive
Disability	Neutral
Gender reassignment	N/A
Marriage and civil partnership	N/A
Pregnancy and Maternity	Minor positive
Race	Minor positive
Religion or Belief	N/A
Sex	Minor positive
Sexual Orientation	N/A

Table 1 – Overall assessment of proposals

- 9.7 It has been evidenced that Coronavirus disproportionately impacts certain groups including the elderly, and those in BAME groups. By allowing people to socially distance, and encourage more walking, this will have a positive impact on all groups, but particularly these more vulnerable groups. In addition, pregnant women are considered to be a vulnerable group in relation to COVID19 and therefore creating more pedestrian space will benefit them by making it easier for them to stringently follow social distancing guidelines as advised.
- 9.8 The schemes set out in this report seek to improve the physical street environment for pedestrians, which will help those who may otherwise feel vulnerable, to feel safer and more able to walk. The Council's aspiration is for everyone to feel that they can walk on Lewisham's streets if they wish to do so.
- 9.9 If parking bays are suspended, then it is recognised that a potential negative impact is that people may have to walk further between a parking space and their destination. The impact on disabled people is mitigated in part through the provision of the blue badge parking scheme, which entitles holders to certain parking privileges that others do not have. Where dedicated and general disabled parking bays are affected by the measures opportunities to re-provide that parking as close as possible to the original locations and / or key destinations will be given consideration and implemented if practical and reasonable to do so.
- 9.10 Table 2 provides an assessment of the recommendation shown in section 4. Impacts have been assessed as minor, major, neutral, positive and negative and on whether the recommendation is temporary or permanent.

	Proposal	Impact	Extent	Period	Protected group
1	Urgent measures to tackle pressure points	Positive	N/A	Temporary	All

Table 2 - Assessment of each recommendation

## 10. Climate change and environmental implications

- 10.1 There is a legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part. Encouraging more journeys to be made by walking and cycling rather than private transport will help to protect against a car based recovery from the COVID-19

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pandemic, and the negative impacts associated with vehicular traffic. Keeping traffic and congestion to a minimum will help maintain the improved air quality that has been experienced under lockdown conditions. This will, in turn, help in achieving the objectives set out in the Council's Air Quality Action Plan and Climate Action Plan.

## 11. Crime and disorder implications

- 11.1 There are no specific crime and disorder implications resulting from these measures. The Council is working closely with the police counter terrorism advisor to ensure that any concerns in relation to crowding are mitigated where possible by the measures that are being introduced.

## 12. Health and wellbeing implications

- 12.1 Many residents have had reason to adapt their daily routines as a result of the COVID-19 pandemic. Looking back at the 3 years to 2017/18, on average only 35% of residents were walking or cycling for at least 10 minutes twice a day (or a single block of at least 20 minutes). Over half of the adult Lewisham population, and 37% of 10-11 year old and 21% of 4-5 year olds are overweight or obese. Road Transport is also the biggest contributor to NOx and PM10 emissions, contributing 64% and 55% of total emissions respectively. As a result of the COVID-19 pandemic we understand that there is evidence of an increase in walking and cycling for essential trips, particularly given the current fears over public transport use and limited capacity. The currently lower traffic volumes are also giving people greater confidence to cycle, that they may not otherwise have.
- 12.2 In order to protect public safety it is important that people are able to walk/cycle whilst maintaining social distancing recommendations. The Council must take steps to minimise road danger, where possible.
- 12.3 It is recognised within the government and TfL guidance that the introduction of the temporary measures to support walking and cycling may help to change travel habits, which may be sustained beyond the current pandemic, leading to longer term public health benefits. This would increase resilience against current and future pandemics.

## 13. Background papers

1. Transport Strategy and Local Implementation Plan 2019-2041 (LIP3)  
<https://lewisham.gov.uk/inmyarea/regeneration/transport-and-major-infrastructure/local-implementation-plan>
2. Overview & Scrutiny Business Panel meeting of 26 May 2020 – Item 3.  
<http://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=121&MId=5983&Ver=4>
3. Overview & Scrutiny Business Panel meeting of 29 September 2020 – Item 3  
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=121&MId=6375&Ver=4>
4. Overview & Scrutiny Business Panel meeting of 24 November 2020 – Item 3  
<https://councilmeetings.lewisham.gov.uk/ieListDocuments.aspx?CId=121&MId=6060&Ver=4>
5. Reallocating road space in response to COVID-19: statutory guidance for local authorities (DfT May 2020) <https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities>

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6. London Streetspace Plan: interim guidance for boroughs (TfL May 2020)  
<http://content.tfl.gov.uk/lsp-interim-borough-guidance-main-doc.pdf>
7. Corporate Strategy 2018-2022  
<http://councilmeetings.lewisham.gov.uk/documents/s61022/Draft%20Corporate%20Strategy%202018-2022.pdf>
8. Lewisham Air Quality Action Plan (2016-2021)  
<https://www.lewisham.gov.uk/my services/environment/air-pollution/Documents/LewishamAirQualityActionPlanDec2016.pdf>
9. Letter from St Barts Hospital to Islington Council (May 2020)  
<https://twitter.com/WalkIslington/status/1262317851349864448?s=20>
10. Local Authority Parking and Traffic Management Operational Advice during Covid-19 (London Councils April 2020)  
<https://www.londoncouncils.gov.uk/services/parking-services/operational-advice-during-covid-19>.
11. Traffic orders: advertising during coronavirus (COVID-19) (DfT April 2020)  
<https://www.gov.uk/government/publications/traffic-orders-advertising-during-coronavirus-covid-19>

## 14 Glossary

The table below includes a glossary of terms, abbreviations and acronyms used in this report

Term	Definition
COVID-19	Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus
DfT	Department for Transport
EHRC	Equality and Human Rights Commission
EAA	An Equalities Analysis Assessment (EAA) is undertaken when making changes to the way a service is being delivered to ensure that the Council is meeting its obligations in relation to the Equality Act 2010 and the Council's equality objectives
Equality Act 2010	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
ETO	An Experimental Traffic Management Order is a legal order made by a Local Authority which manages the behaviour of all road user where consultation is carried out after the order becomes live, with the restrictions already in place. This type of order may be in place for up to 18 months.
Highways Act 1980	An Act of the Parliament of the United Kingdom dealing with the management and operation of the road network in

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Term	Definition
	England and Wales
LLW	London Living Wage
Modal filter	a road closure that stops motor vehicles, but which still allows pedestrians and cyclists (including electric cargo cycles) and powered two wheelers through
Modal shift	The change from one mode of transport to another, such as from car to bicycle or public transport.
NHS	National Health Service
RTRA 1984	The Road Traffic Regulation Act 1984 is an Act of Parliament in the United Kingdom, which provides powers to regulate or restrict traffic on UK roads, in the interest of safety
TfL	Transport for London
TLRN	Transport for London Road Network – a network of roads for which Transport for London is the Highway Authority
TMA	The Traffic Management Act 2004 (TMA) is an act of parliament <b>that</b> was introduced to tackle congestion and disruption on the road network. The TMA places a duty on local authorities to make sure <b>traffic</b> moves freely and quickly on their roads and the roads of nearby authorities
TMO	A Traffic Management Order (TMO) is a legal order made by a Local Authority which manages the behaviour of all road users and which is consulted on prior to restriction being made live
TTO	A Temporary Traffic Order (TTO) is an order made by a Local Authority to restrict or prohibit traffic on the road for road works, where there is a likelihood of danger to the public or to allow litter and cleaning duties to be carried out. Normally requires a notice of intent for at least 7 days before
TTRN	A Temporary Traffic Regulation Notice (TTN) is a notice which may be use to immediately put into effect a TTO where it appears to a Local Authority that the restriction or prohibition should come into force without delay
Zero carbon	Achieving net zero carbon dioxide emissions by balancing carbon emissions with carbon removal or simply eliminating carbon emissions altogether

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## 15 Report author and contact

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## 16. I approve the recommendations in this report

**Signed:**



**Kevin Sheehan**

**Executive Director for Housing, Regeneration and Public Realm**

**19<sup>th</sup> March 2021**

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