

## City Response

BA, Beech Street ZEZ Saga	CoL observations
<p>In <b>May 2019</b> the City announced its <a href="#">City of London Transport Strategy</a> which proposed a very significant ZEZ extending from London Wall to the northern boundary of the Golden Lane Estate and from Aldersgate Street east as far as Moorgate; the whole area to be within the City boundary. The BA welcomed this proposal and was keen to help in its design and implementation.</p>	<p>As noted at the meeting on 10 August, we intend to begin engagement to understand aspirations for wider changes to improve air quality and the experience of walking, cycling and spending time in the Barbican and Golden Lane area by the end of the year. We look forward to engaging with the BA on this.</p>
<p>On <b>3 December 2019</b>, Streets and Walkways sub (S&amp;W) agreed to implement the Experimental Traffic Order (ETO) for the Beech Street ZEZ. This was followed by a press release by the City. No consultation had occurred with either the BA or through a public consultation. Subsequently, City officers were forced into an apology for their failure to consult with residents</p>	<p>We have acknowledged and apologised for the lack of communication in advance of residents hearing about the scheme via the press. However, consultation on Experimental Traffic Orders is undertaken when the order is in place. Our approach to consultation was tested in the statutory challenge of the Beech Street ETO and found to be legally compliant.</p> <p>There has been previous consultation on Beech Street, although not specifically on zero-emission restrictions, and there was engagement and communication in advance of scheme going live. Earlier consultations on the Air Quality Strategy, Barbican and Golden Lane Area Strategy and the Culture Mile Look and Feel Strategy showed a desire to see air quality and public realm improved on Beech Street.</p>
<p>The ZEZ was implemented on 18 March 2020 with no specific traffic monitoring in place, and minimal air quality monitoring.</p>	<p>The approach to monitoring was set out in a comprehensive monitoring plan which had input from both the BA and the Golden Lane Estate Residents' Association as well as LB Islington and Transport for London. Initial traffic monitoring was undertaken prior to the experiment. Post-implementation traffic counts were delayed due to various lockdowns and restrictions and eventually started in March 2021. Additional traffic counts will be undertaken in September before the experiment concludes.</p> <p>There was already extensive diffusion tube coverage of the area, and additional locations</p>

	<p>were added after discussions with the BA. The use of diffusion tubes to monitor NOx is industry standard. We also trialled mesh filters at two locations which proved to be unsuitable.</p> <p>We are happy to share any of the data that has been collected, both pre and post scheme. Some of this is still to be analysed.</p>
<p>On <b>23 March 2020</b> the country went into full lockdown. On <b>25 March</b> following a request from the BA, City officers refused to suspend the scheme, despite the Mayor of London suspending both the Low Emission and Congestion Charging Zones. The BA's request was based on the impossibility of conducting an experiment with no data collection and for the inevitable distress caused to all residents.</p>	<p>The Congestion Charge and ULEZ are not comparable to the Beech Street ETO. There is no way to access central London without entering the Congestion Charge and ULEZ zone. The suspensions were primarily to allow key workers to drive if they needed to. The ETO on Beech Street does not prevent key workers from accessing the Barbican or other parts of London.</p> <p>It is also worth noting that experimental schemes were introduced across London throughout the pandemic; supported by central Government and the Mayor.</p>
<p>On <b>10 May 2020</b> the Prime Minister announced a conditional plan for lifting lockdown, encouraging people who could not work from home to return to the workplace but avoid public transport. Buoyed by this announcement, City officers took the decision not to suspend or revoke the experimental traffic order without reference to S&amp;W.</p>	<p>There is no legal mechanism to suspend an ETO and the decision was taken not to revoke. The decision was delegated to Chief Officer in consultation with Chairman and Deputy Chairman of Streets &amp; Walkways</p>
<p>At the end of <b>July 2020</b>, the City started to enforce the traffic restrictions, issuing penalty charge notices to non-compliant vehicles traversing Beech Street. The trigger times were never published, but penalised residents complained that the threshold was set too high. These times were not revised until <b>December 2020</b>, when a determined Barbican resident took their PCN notice to the London Tribunal who found in favour of the appellant. It is not yet known if earlier cases have been reviewed. Because of the poor design of the scheme, inadequate signage and a minimal public awareness campaign, residents found it increasingly difficult to get deliveries or use taxis. Residents who raised these issues with senior elected members were ignored or</p>	<p>The minimum timings between cameras in the tunnel before a PCN is triggered were reviewed in December 2020. This was a planned review once travel volumes in the tunnel had settled and compliance levels had improved.</p> <p>It was always going to be challenging launching the first scheme of this kind in the country and ensuring drivers understood the signage. We used all our communication networks to advise drivers, including taxi drivers, of the restrictions and the ability to deliver and pick up and drop off but regrettably there have been some issues with lack of understanding. It seems that this is improving over time as we receive little correspondence on this now, but it is</p>

<p>received perfunctory replies. In the meantime, residents helped monitor the design and deployment of signage, as these tasks were impossible for officers working from home.</p>	<p>acknowledged that the BA often fields the complaints themselves.</p>
<p>In <b>October 2020</b> S&amp;W reviewed the scheme and approved an increase in the budget to £2.345m to provide for an escalation in costs. The committee authorised the creation of gaps in the Beech Street central reservation in an attempt to improve penalty-free access to residential blocks, but another six months passed before the gaps were eventually created. (They opened on 19 April 2021, more than a year after the scheme's introduction.) Throughout this time City officers and members of S&amp;W were working on the assumption that the scheme would pass seamlessly from an ETO to a permanent scheme. The BA supported this move, but only on the condition that a firm undertaking was made to investigate the larger scheme mentioned above. Such an undertaking was never made.</p>	<p>The creation of the central reservation gaps was only considered to be appropriate when traffic volumes had reached a suitably low level and compliance was high. This aspect was covered in the Committee reports.</p> <p>Committee reports were also clear that a transition to a permanent scheme would be reliant on the outcomes of the monitoring and public consultation and that it would be for Committee to make a decision.</p> <p>The BA made a formal representation to the February 2021 Committee (we have no record on one in October) requesting a commitment to a wider ZEZ scheme as set out in the Transport Strategy. This was supported by members and recorded in the minutes, essentially reaffirming the commitment made when the Transport Strategy was adopted in May 2019.</p> <p>As noted above, we intend to begin engagement on area wide air quality, transport and public realm improvements by the end of the year.</p>
<p>On <b>8 December 2020</b>, following an action by a resident, the High Court determined that the City had acted unlawfully in its execution of the scheme and that the City would not be permitted at the end of the experiment, to use the truncated procedure normally available for turning an ETO into a permanent traffic order. At this point, the scheme was doomed, not because of the judgement, but because of officers' failure to initiate the steps necessary to implement a permanent scheme. Officers decided to wait until the next S&amp;W meeting, two months later, for a decision to proceed with preparations for a permanent scheme. This meeting took place on <b>18 February 2021</b> by which time it was impossible to implement a permanent scheme to follow on from the end of the ETO.</p>	<p>We do not agree with the interpretation that the court determined the execution of the scheme was unlawful. The judgement concluded that the City Corporation was at fault on two procedural grounds. The experiment was deemed to be valid and the consultation to be legally compliant.</p> <p>The City Corporation does not agree that the scheme is 'doomed'. Now that we are permitted to by the court, we have resumed work on a potential permanent scheme.</p> <p>The report in February notes a challenging time frame, but it was not considered impossible to take steps to make an order permanent prior to the end of the experiment. There may well have been a gap between the two orders for a</p>

	<p>number of reasons, but this would only have had the effect of the scheme being suspended for a short period of time.</p>
<p><b>In March 2021</b> the City set out to plan consultation for the permanent scheme and finally installed traffic monitors in affected streets. The country was still in lockdown, and it is difficult to understand why on this evidence, the monitors were not installed earlier.</p>	<p>The approach to traffic counts, although delayed, is in line with the approved monitoring strategy. At various points over the previous 12 months there was a lack of clarity around lockdown and restrictions. When it became apparent in early 2021 that this may be an ongoing situation, we decided to start the first traffic counts in March 2021 with others planned throughout the rest of the experimental period.</p>
<p>On <b>15 April 2021</b> in a further judgement, the court made an order prohibiting the City from taking further steps towards the implementation of a permanent scheme. Erroneously, the City additionally interpreted this as an instruction to stop consulting on or evaluating the experimental scheme which resulted in the removal of the traffic monitors only a month after they were installed. It was only in <b>June 2021</b> that officers realised their misinterpretation. Throughout these developments members of S&amp;W were publically unaware that there was no possibility of the scheme moving to permanence by the end of the ETO.</p>	<p>The judge clarified her order at the June hearing. Lead members had been informed of the likely impact on the programme for the development of a permanent scheme in late April – we were awaiting clarification on the order before making this public knowledge, which did not come until the High Court hearing.</p> <p>While planned traffic monitoring was paused following external legal advice on the judge’s order, additional monitoring will be carried out in early September. Please note that traffic monitoring is generally not a continuous process and is a snapshot of traffic trends.</p> <p>Air quality monitoring continued throughout as this is also collected as part of the City’s wider emissions monitoring.</p>
<p>Only at the Planning and Transportation Committee meeting on <b>20 July 2021</b> was there a public acknowledgement that Beech Street would return to normal traffic after <b>18 September 2021</b>. The chair of that committee blamed this sorry state of affairs on “third parties”, which presumably means the Courts and Barbican residents.</p>	<p>We are not aware of Barbican residents having done anything to affect the process and timetable for the ETO and the possible permanent scheme that might follow it.</p> <p>The process and timetable have been impacted by the judgement from the statutory challenge and the interim order issued when the judicial review was granted permission to proceed.</p> <p>As a result of the latter, we were unable to publicly consult people on a permanent scheme, which is a requirement of making a permanent Traffic Order (as compared to an ETO when consultation is carried out once the</p>

	<p>scheme is in place). Without the ability to undertake this consultation we were unable to progress the permanent order until the outcome of the JR. Had the request for a JR not been made in April we may have been able to get a permanent order in place (subject to all statutory processes) before the ETO concluded or with only a short time gap between the two orders.</p>
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