

May 2023, London

The Rt Hon Greg Hands MP
House of Commons
Westminster
London SW1A 0AA

Dear Greg

Low Traffic Neighbourhoods (LTNs)

Thank you for meeting us in Fulham recently, and for the useful discussion on the impact of LTNs. We are delighted that the wider impacts of LTNs are now being highlighted at different levels of government, and particularly the launch of your survey in Fulham has contributed to the debate – without even knowing the outcome of the survey.

We have noted below some points which seem at odds with wider Government objectives around economic growth, environmental sustainability, and communities, which we consider would benefit from deeper and objective analysis. It is our view that there are some regulatory or legislative updates that would resolve these issues, and we would be pleased if you were able to instigate such consideration within Government and even the House.

Improvements specifically relating to traffic schemes would come from:

- Defined consultation requirements of Local Authorities, including standards, objectivity, and an obligation to consult with all those impacted – not simply the perceived beneficiaries; and mandatory alignment of LA decisions with consultation results
- Standardised data collection, reporting and benchmarks, including “before and after” comparisons on factors such as changes to traffic volume, pollution, congestion, noise, journey miles and time, business revenue, resident impact, visitors, protected groups, emergency services, public transport and communities outside administrative boundaries
- Obligatory links to National objectives for traffic schemes implemented by Local Authorities (and TfL, DfT), such as economic growth, social cohesion; and the reflection of those National objectives in a revised “Hierarchy of Road Users” where the cyclist is not dominant, and pre-eminence of groups is not secured by detriment to other groups
- Legislative and regulatory changes around the recipient of fines, whereby the excess from fines is transferred to central government in the same manner as business rates so there is no structural imbalance or incentive to favour traffic schemes over business
- An absolute obligation on Local Authorities to enable free movement of the population (“keep traffic moving”), shifting the balance from the “stick” to the “carrot”
- Better oversight of LAs, an overhaul of the LGSCO, and the introduction of a less costly binding method of dispute resolution for community groups prior to judicial review

We have expanded these points with more comprehensive views in the Appendix, which we would be content for you to use in any way that might deliver a positive impact.

Yours sincerely,
For the Traffic Camera Consulting Group



Donald Grant
Chair

Caroline Shuffrey
Secretary and Treasurer

Caroline Brooman-White
Deputy Chair

APPENDIX – LOW TRAFFIC NEIGHHOORHOODS

1. Economic Impact

- a) Businesses within and around LTNs across the country invariably report a downturn in **trade** as a result of their introduction. This does not appear to be a significant factor in the decision path of Local Authorities (LAs) to implement LTNs, and the long term economic impact of this remains unknown. As Business Rates are paid to the Government yet LAs retain all income from fines, there is little financial incentive to consider businesses. Whilst LAs are quick to point out that revenue from such fines can only be spent on roads and associated expenditure, it does enable them to divert funding from general budgets which would otherwise be spent on roads. Some schemes generate their revenue from residents and visitors of other LAs and this has been shown to discourage customers from businesses around LTNs.
- b) The economic impact of the significant quantity of **fines** is unknown, and the true value of the fines remains opaque as LAs are coy about releasing full or separate information on them. A daily newspaper estimates that over £100m has been earned by LAs in 3 years, yet this could be a large underestimate – indications are that the first LTN in the London Borough of Hammersmith and Fulham (LBHF) generated around £10m net revenue from the first year alone. This could be deemed as contributing to the overall tax burden of the country, which Central Government often seeks to influence with controls such as capping Council Tax. There is therefore a compelling argument that all excess income from traffic schemes should be paid to the Government for redistribution in the same manner as Business Rates.
- c) The increased **journey time** arising from forcing more traffic onto less roads often results in people wasting more time travelling. Buses carrying people to their workplace also tend to travel on these roads. Resilience has been taken out of the road network by reducing alternative routes when roadworks, accidents or events occur. Despite motor vehicles having brought so much prosperity to the country over decades by enabling mobility, the traffic schemes by LAs risk negating such prosperity by making journeys longer and more inconvenient. Whilst the direct cost to businesses and trades can be crudely calculated, there appears to be no independent objective studies into the economic impact of the reduced mobility and longer journey times resulting from LTNs.

The Government has specifically targeted supporting local businesses to improve productivity and GDP in its Levelling Up White Paper; it is difficult to understand how local LTNs contribute to that National objective, and benefits might therefore be derived from Government intervention.

2. Environmental Sustainability Impact

- a) There is no consistent objective **evidence** available to demonstrate the overall impact to the environment from the implementation of LTNs. A recent report by Breathe London demonstrated that air is not cleaner inside LTNs since their creation, yet there are corresponding reports produced by LAs claiming to demonstrate the opposite. The design of LTNs means that vehicles generally travel more miles to reach destination, so it is difficult to correlate this with reduced emissions. Indeed, LBHF have rebranded their LTNs as “Clean Air Neighbourhoods”, but are silent on the impact to other neighbourhoods, particularly outside their borough such as Chelsea and Wandsworth where traffic has been displaced to. This is also evident in LTNs in other LAs, and the lack of consistent data means it is almost impossible to confirm or challenge claims of environmental and sustainability improvements from LTNs.

b) Examples of the discrepancies in **measuring** environmental impact are:

- Traffic measurements are not taken over the wider area impacted by LTNs, which in individual London boroughs is known to be pan-London, and therefore the total impact on pollution, congestion and journey time is largely unknown. Accordingly, the proportion of traffic displacement versus alleged evaporation is anecdotal at best
- Similarly, the locations of pollution monitors do not provide a wider picture of the impact of LTNs. It is also known that some pollution monitors used are not accredited for measuring the pollution from traffic affecting pedestrians
- The manufacturer of the sensors typically used to measure traffic flow (MetroCount) have publicly advised that they should not be used for low-speed traffic; yet they are routinely used by LAs to portray a successful LTN. The London Borough of Enfield Council admitted in a recent court hearing that their statistics were incorrect as a result of this, and nearby Islington Council also publicly acknowledged this
- Due to incentives initiated during Covid resulting in many new LTNs, measurements have been taken during the recovery period when many people were working from home for a greater proportion of the week. There are also concerns that measurements are taken during school holidays, or strikes, or when road works are underway, or for short periods when seasonal variations are not reflected. Many measurements do not therefore reflect a true picture of post-LTN traffic
- Comprehensive measurements were not taken before implementation of LTNs therefore there is scant basis to assess their impact on either congestion, pollution or journey time. This also leaves residents and businesses, who experience the changes in traffic over time, unable to confidently challenge decisions by LAs

Accordingly, it is impossible to measure the environmental impact of LTNs accurately.

c) There are ongoing complaints of disruption from LTNs to **public transport** journey time by both passengers and drivers of buses, mini-cabs and taxis. It is difficult to establish the level of disruption, particularly in London where TfL is responsible for surface transport, walking and cycling, as collective responsibility limits conflicting results from conflicting schemes being transparently released into the public domain. It has even led to the absurd situation in LBHF where it is now even easier for local residents to drive around the smaller streets, where there are less traffic controls and ULEZ cameras, in whatever vehicle they desire, than to use public transport. Some LTNs therefore discourage the use of public transport and the reduction of car ownership.

Paradoxically, the Government states the desire to bring local public transport closer to London standards in its Levelling Up White Paper; LTNs are inadvertently closing the gap by reducing that London standard – not the direction the Government intended!

It would therefore be beneficial to undertake a proper review of the data points which should be used to measure the environmental effects of LTNs. It would also be helpful to introduce standardised methods of measurement, and establish a benchmark of minimum key data which could be accepted by both supporters and opponents of LTNs.

3. Communities, Social Cohesion and Levelling Up

LTNs have become a significant and emotive issue for the communities in which they have been implemented for several reasons, and have even been raised in the House of Commons several times recently¹. Areas of concern surround the disproportionate impact on less

¹ Theresa Villiers MP, Rt Hon Member for Chipping Barnet; 3/5/23, Ten Minute Motion; Hansard Vol 732 Col 117
Andy Latchford MP, Hon Member for Warrington South; 14/11/22, Adjournment Debate; Hansard Vol 722, Col 488

affluent and more vulnerable members of society, the divisions being created in communities, and the perception that benefits are directed towards elite groups:

a) There are clear **disproportionate impacts** to some groups including the elderly and disabled, but there does not appear to be a consistent benchmark to assess whether the perceived benefits of a proposed LTN outweigh the detriment to those groups. For example, the equality analysis recently undertaken by LBHF identified specific detriments to some groups, but they were considered insufficient to prevent the implementation of their second LTN, despite local concern. Some examples are:

- Blue badge holders cannot access some areas – either physically, or by not being exempt from traffic camera fines
- Patients and visitors to and from hospitals and medical facilities either cannot use public transport, or cannot travel quickly due to the congestion on roads where traffic is displaced to
- Special-needs children and adults who need to use special transport are affected by the increased congestion on roads where traffic is displaced to; even when they are permitted through normally restricted areas, they are impacted by longer journeys to reach these restricted areas, or to their educational or care establishment
- Older and non-digitally enabled members of society may be unable to confidently operate smart phones or websites to allow visitors to pass through cameras; we have heard sad reports of elderly residents who believe they now need to pay for their relatives visit them, and save up for this
- Elderly, younger, disabled, less affluent and indeed environmentally conscious groups rely more on mini-cabs including Ubers, and taxis; yet they (mini-cab users in particular) suffer problems such as being restricted in some LTNs. Passengers report a greater level of cancellations particularly when drivers face congestion around boundary roads, greater difficulty requesting pick-ups and drop-offs within LTNs, and being routinely dropped off far from their destinations. This can be to avoid extra journey times or longer routes in and out of areas, and from uncertainty exacerbated by inconsistent LTN rules across LAs – a problem particular to London where journeys can originate from anywhere across London and the Home Counties
- Young women are particularly affected by the problems around mini-cabs, especially at night, when they can be dropped off far from home
- Residents on boundary roads where traffic has been displaced to are generally less affluent and sometimes more transient, and therefore less likely to resist the shifting of detriment on to them. The mother of Ella Adoo-Kissi-Debrah who died from toxic air poisoning actively speaks out against LTN's due to this

Mitigations might be along the lines of airports, who often provide grants to local communities subject to noise from aircraft, usually to insulate windows and roofs. There may be merit in using a portion of the excess revenue from LTNs as grants to address the issues affecting those groups and residents experiencing detriment from LTNs.

b) The Government's work on **social cohesion** in the White Paper on Levelling Up envisages "Pride in Place" to rise, and observes that disparities often happen within towns rather than between them. It comments that "hyperlocal pockets of affluence and deprivation may exist in the same district" and levelling up is "not about pitting one part of the country against another". It identifies the social capital from strength of communities, relationships and trust as an effect that will level up communities. Unfortunately LTNs have achieved exactly the opposite on a local level:

- The basic principle of shifting detriment from traffic and hence noise, congestion, and pollution from one set of residents to another does nothing to help neighbourly relations – actually pitting one part of a neighbourhood against another

- Residents and businesses on very populous and already busy roads where traffic is typically displaced to are left feeling sacrificed to provide better conditions for residents inside LTNs, which are typically inhabited by wealthier residents
 - Visitors, delivery drivers, trades people and mini-cab drivers routinely receive fines of £130 which can represent a day's earnings. Although prompt payment can reduce fines to £65, the notifications can come in days later by which time multiple fines have accumulated; many are left feeling unwelcome in the area
 - Some LTNs such as those in LBHF (re-branded as CANs) now make it easier for residents at the other end of the borough to use their cars within LTNs regardless of their emissions status, whilst residents in adjacent streets but in neighbouring boroughs cannot drive even electric cars within the LTNs. Within a metropolis the size of London, it appears tremendously divisive to discriminate the use of public roads on the basis of administrative boundaries set nearly 60 years ago
 - There has not been a consistent or objective view of LTNs across the media, which simply fuels division – although there are now signs of a tide against LTNs
- c) There appears to be a common division across most LTNs between committed **cyclists**, and necessary or non-cyclists. Divisions are not helped by the new Government executive agency Active Travel England, and the new 'Hierarchy of Road Users'. This is centred around “harm”, placing cyclists above public transport without regard to the detrimental effects on businesses, residents, visitors, workers and communities – both inside and outside the LTNs. This division is more prevalent in London, having a TfL (Walking and Cycling Commissioner, and the London Cycling Campaign – ardent supporters of LTNs in denial of the impact to residents, visitors and businesses on the roads where traffic is displaced to.

The placement of cyclists above public transport in the new hierarchy simply fuels the debate; an example is the built-out bus stops with a cycle lane through them – not only introducing danger to other minority groups like the blind, mobility impaired and elderly, but to everyone not on a bicycle. It would be worthwhile to review these initiatives and consider adjusting their objectives to align with increasing benefits to the majority, rather than reducing harm to minorities.

- d) The impact on **Emergency Services** is hotly debated, and it is difficult to ascertain the true picture from the diplomatic statements issued by their Leaders, and the inconsistent data released by emergency services. It is inconceivable that there is no impact on communities when police are delayed from responding to serious incidents, when ambulances take longer to reach ill or dying patients, when paramedics in short supply spend longer in traffic, and when fire fighters lose crucial minutes in LTNs.

An independent, objective analysis of LTNs (separate to the current review of the Active Travel scheme by the conflicted Prof Aldred) would identify the beneficiaries and the disadvantaged, and to what extent. This would enable measures to be considered which might help LTNs contribute to National objectives around Levelling Up, and contribute to safety, inclusion, and equal treatment of all groups in a welcoming and harmonious society.

4. Local Authorities – Objectivity, Duties, Oversight and Challenge

The common factor in most disputes around LTNs is around activities which are the responsibility of LAs, and it would be useful to establish what guidance and oversight Central Government can provide in these areas.

- a) The most common complaint around LTNs is that they have been introduced across the country without proper and wide **consultation**, or without LAs taking heed of consultation. The various road traffic regulations do not define specifically which groups

should be consulted, and where, when or how. The latest statutory guidance provided by the Secretary of State for Transport attempts to describe consultation requirements, but it remains ill-defined; for example it confuses consultation with engagement, and refers to polling to National Standards but concurrently discourages local referenda. A solution would be to convert the Gunning Principles enshrined in case history into statutory requirements for consultation, to be undertaken with all potentially affected road users – not simply beneficiaries or respondents within single LAs.

- b) There is a requirement within the Traffic Management Act 2004 for LAs to facilitate the expeditious **movement of traffic** on roads which they manage, and on roads of neighbouring authorities (Section 16(1)). However, there is the ability to opt out of that obligation by “having regard to their other obligations, policies and objectives”, and this has a greater impact within London. The obligation to consult with neighbouring LAs also appears to be hindered by party politics and routinely ignored, with disputes common. Some LAs even challenge each other in court, using public funds – for example Bromley Council supporting the judicial review of an LTN implemented by Croydon Council.

These disputes, and the initial increased congestion, could be avoided if LAs’ obligations to expedite free-flowing traffic was made an absolute requirement on through and main roads, and if the ability of LAs to opt out of that obligation was removed from the Act. A “Duty to Cooperate” between LAs could also be introduced, learning from and improving on the little-used duty to cooperate on local planning matters.

- c) Communities are provided little **recourse**, and typically rely on crowd funding to bring judicial reviews against LAs, who have access to greater public resources to employ superior counsel. Accordingly, cases taken by communities against LAs have generally failed, despite breaches sometimes being found. The Local Government & Social Care Ombudsman (LGSCO) also appears to be aligned with LAs, with responses being ‘cut & pasted’ from LAs’ responses, being reluctant to rule against LAs in these matters.

One alternative could be an independent Inspectorate based on the Planning Inspectorate model, charged with vetting local proposals for alignment with National and Regional policies or interests, local economic growth and social cohesion rather than political or revenue concerns. Another option could be an independent binding Alternative Dispute Resolution process, such as found in disputes with airlines, as a precursor to the courts. Of course it is difficult to find independence in this divisive topic, so it could be coupled to published standards on data collection and reporting, and consultation requirements.

- d) There is growing concern over the **intrusion** from the Automatic Number Plate Recognition cameras which are spreading throughout streets to monitor LTNs. Whilst it is clearly less detrimental to have LTNs which do not physically block roads, cameras have introduced the potential to generate significant revenue for LAs. This expansion of cameras in public places could be limited if the excess revenue from fines was required to be paid to the Government, and if proposals were required to be approved by an independent Inspectorate as suggested above.
- e) The **Government** does not appear to acknowledge its part in the introduction of LTNs; its revised response to a public petition into LTNs passed responsibility firmly back to LAs. Similarly, this is the typical Government response when questions about LTNs are raised in Parliament. The Government also announced a ‘deep dive’ review of Active Travel schemes under which many LTNs were introduced. However this is to be led by Professor Rachel Aldred at the University of Westminster who is clearly conflicted by her history with the cycling lobby, and will do little to build confidence in the Government or the review’s objectivity.

It is ironic that the bodies charged with improving local communities and economies appears to be achieving the opposite in relation to LTNs, and delivering schemes contrary to National objectives using both current and previous Governments' legislation.

Summary

We consider that solutions to the problems being experienced from Low Traffic Neighbourhoods could come from Government, and could deliver positive impacts on the economy, environment and social cohesion. These solutions would come from:

- Defined consultation requirements of Local Authorities, including standards, objectivity, and an obligation to consult with all those impacted – not simply the perceived beneficiaries; and mandatory alignment of LA decisions with consultation results
- Standardised data collection, reporting and benchmarks, including “before and after” comparisons on factors such as changes to traffic volume, pollution, congestion, noise, journey miles and time, business revenue, resident impact, visitors, protected groups, emergency services, public transport and communities outside administrative boundaries
- Obligatory links to National objectives for traffic schemes implemented by Local Authorities (and TfL, DfT), such as economic growth, social cohesion; and the reflection of those National objectives in a revised “Hierarchy of Road Users” where the cyclist is not dominant, and pre-eminence of groups is not secured by detriment to other groups
- Legislative and regulatory changes around the recipient of fines, whereby the excess from fines is transferred to central government in the same manner as business rates so there is no structural imbalance or incentive to favour traffic schemes over business
- An absolute obligation on Local Authorities to enable free movement of the population (“keep traffic moving”), shifting the balance from the “stick” to the “carrot”
- Better oversight of LAs, an overhaul of the LGSCO, a potential traffic scheme Inspectorate, and the introduction of a less costly binding method of dispute resolution for community groups prior to judicial review

We would be very happy to provide further material, including media articles, details of petitions, contacts of other groups, and a report commissioned by local businesses, if helpful.