

**Report for:** Cabinet Member Signing – 25 July 2022

**Title:** Low Traffic Neighbourhoods Exemptions

**Report**

**authorised by:** David Joyce, Director of Placemaking and Housing, and Eubert Malcolm, Interim Director of Environment & Neighbourhoods

**Lead Officer:** Rob Krzyszowski, Assistant Director of Planning, Building Standards & Sustainability, and Mark Stevens, Assistant Director Direct Services

**Ward(s) affected:** All

**Report for Key/**

**Non-Key Decision:** Key Decision

**1. Describe the issue under consideration**

- 1.1 On 7 December 2021, as part of the Council's ambitious Streets for People initiative, Cabinet approved three Low Traffic Neighbourhoods (LTNs) to be implemented on a trial basis under experimental traffic orders (ETOs): Bounds Green; Bruce Grove West Green; and St Ann's. As part of these decisions, Cabinet approved a series of exemptions to the non-hard closure filters in the LTN experimental schemes including for Blue Badge holders and special education needs and disabilities (SEND) transport. It was stated within the Cabinet reports that exemptions would be subject to an application process and exact criteria would follow in due course. It was also stated that there would be a separate route to obtain an exemption through an exceptional circumstance dispensation. In advance of the three LTNs being implemented in Summer 2022, this report seeks approval of the specific criteria and applications process that will apply in relation to the already agreed exemptions.
- 1.2 The Council's adopted Walking and Cycling Action Plan (WCAP) sets out a policy to deliver a network of LTNs across the borough as part of Haringey's Streets for People programme. The exemption criteria and application process set out in this report is proposed to apply to all Streets for People schemes going forward in which filtering of road is a key component including all LTNs.
- 1.3 Bounds Green LTN, Bruce Grove West Green LTN and St Ann's LTN are the first 3 LTNs to be implemented by the Council and are being installed on a trial basis. All properties within the LTNs will remain accessible by motor vehicle but the way certain properties are accessed will change. Experience of other LTNs in London has shown overall reductions in vehicular traffic volumes over time but with variance on certain roads and at certain times. By reducing the number of motor vehicles in and around the LTNs it is hoped that journey times will improve or stay the same benefitting those who need to make essential

journeys by car. However, some roads, especially as the schemes bed in, may see an increase in traffic volumes, especially at peak hours. The LTN exemptions have been developed to provide mitigation for people and groups who are more reliant on car travel and would be adversely affected by slower and/or longer journeys as a result of an LTN. As part of the trials, the Council will keep the exemption approach in this report under review and, when it takes a decision as to whether or not to make the trial LTNs permanent, it will consider the need to amend the exemptions approach.

## **2. Introduction**

- 2.1 Low Traffic Neighbourhoods (LTNs), alongside the building of energy-efficient, truly affordable, environmentally friendly housing designed for community life, are arguably the most far-reaching and effective infrastructure programmes for tackling systemic inequalities.
- 2.2 LTNs are all about turning the clock back to a time before the advent of GPS and SatNav when our residential roads were not used as through-routes by motor traffic. In the last decade, road traffic on quiet residential roads has doubled, just as car ownership has risen by over 10m nationally. These increases have been accompanied by exponential growth in air pollution and the associated health impacts. The traffic on once-quiet residential roads is also linked to social isolation as well as inactivity, both linked to increases in people suffering from depression and physical health conditions such as obesity, diabetes, and heart conditions. Haringey is a deeply unequal borough when it comes to health with people living in the East having, on average, 15 fewer years of good health.
- 2.3 Our lowest income households have the highest levels of non-car ownership. 60% have no car access, disproportionately affecting black residents and those from ethnic minorities, as well as women, children and young people. Exposure to traffic-related pollutants have a massive negative impact on people's health with traffic-related pollution associated with the risk of death and chronic disease, worse pregnancy outcomes, and exacerbation of asthma and chronic chest illnesses. Nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>2.5</sub>) emitted from vehicle exhausts and brake gear and tyres are principal sources of pollutants that impact on health. The Royal College of Physicians stated that the latter two pollutants are responsible for around 40,000 deaths annually in the UK.
- 2.4 There is also a strong relationship between deprivation and the number of road traffic collisions and deaths, with black children at least 1.5 times more likely to be seriously injured.
- 2.5 Car-ownership is also lowest among disabled residents and unsafe, congested roads and speeding considered one of the greatest obstacles to being able to participate in active travel solutions and are responsible for greater amounts of inactivity and social exclusion. The 'Pave the Way' report published by Transport for All revealed that low-traffic neighbourhood schemes were often perceived by many people with disabilities as problematic and divisive.

However, the perceived negative impacts were not borne out by data. Although there are several examples of increases in traffic on some boundary roads, the data repeatedly reveals a reduction in journey times in and around LTN areas, safer environments within LTNs which benefit those with hearing and visual impairments. The main issue for people with disabilities has been the lack of engagement and the very real sense that their needs have not been considered when rolling out schemes, especially in mitigating against potential negative impacts. That is why Haringey has taken the unprecedented steps of not only inviting feedback and comment from disabled people, groups and carers but in developing these comprehensive and detailed procedures which will complement the roll-out of our schemes from the very start. We have worked with other boroughs across North London (as well as engaging focus groups) to devise a scheme for exemptions which can be 'road-tested' throughout the consultation phase of the roll-outs to assess their effectiveness. The procedures can be refined during this time and improved and amended in the future, if and when the schemes are made permanent.

- 2.6 LTNs are Streets for People interventions aimed at addressing some of the systemic inequalities in our borough, promoting active travel for all and social cohesion for all. There is much more we need to do to truly make our streets more equitable, such as multiplying dropped kerbs, safe crossings, pedestrian-prioritised junctions and inclusive protected cycle lanes. But, whilst these are all critical, only LTNs can make dramatic transformative changes over such large geographical areas. We need streets for all people, and it is essential that, as we progress to this, those who are mobility-impaired are not further disadvantaged whilst any imperfections in those interventions are present. That is the purpose of the exemptions approach outlined in this report.

### **3. Recommendations**

The Cabinet Member is recommended:

- 3.1. To agree the Low Traffic Neighbourhoods Exemption Criteria and Applications Process as set out at Appendix A for the three Low Traffic Neighbourhoods authorised by Cabinet on 7 December 2021 and all future Low Traffic Neighbourhoods.
- 3.2. To agree to delegate to the Director of Environment and Neighbourhoods the approval of an application form in relation to the agreed Exemption Criteria and Applications Process.
- 3.3. To agree to delegate to the Director of Environment and Neighbourhoods authority to approve changes to Appendix A as part of the ongoing monitoring of the Exemption Criteria during the experimental period of the Traffic Management Orders for Bounds Green, Bruce Grove West Green and St Ann's Traffic Management Orders and for all future Low Traffic Neighbourhoods.

### **4. Reasons for decision**

- 4.1 The LTN Exemption Criteria and Applications Process discharges the commitment in the December 2021 Cabinet Reports for Bounds Green LTN, Bruce Grove West Green LTN and St Ann's LTN respectively to provide further detail on the exemptions which will be available in relation to the LTNs. The approach makes reasonable adjustments to Blue Badge holders and others with access and disability needs and supports the Council's objective to advance equalities as far as possible.
- 4.2 The LTN Exemptions Criteria and Applications Process will apply to all LTNs delivered in the borough going forward and provides a borough-wide framework in respect of LTN exemptions.
- 4.3 The decision will enable an application form to be developed and made available online in relation to the agreed exemptions criteria and applications process.

## **5. Alternative Options Considered**

- 5.1 The alternative options available to the Council are:

**Option 1:** Not to approve the LTN Exemptions Criteria and Applications Process. This option is rejected because: it would not discharge the commitment in the December 2021 Cabinet reports for Bounds Green LTN, Bruce Grove West Green LTN and St Ann's LTN to provide further detail on the exemptions which will be available in relation to the respective LTNs; and it would mean that the borough's first tranche of LTNs is implemented without appropriate clarification for the Council and residents and communities about exemptions that are available for the LTNs and the process to apply for them.

**Option 2:** Approve an alternative LTN Exemptions Criteria and Applications Process. The December 2021 Cabinet Reports for the Bounds Green LTN, Bruce Grove West Green LTN and St Ann's LTN set out a framework for the exemptions which would be applied to the respective LTNs. The LTN Exemptions Criteria and Applications Process set out in this report has been prepared consistent with the agreed framework. The option to offer exemptions based solely on protected characteristics is not recommended as it has numerous disadvantages. As most protected groups are broadly defined, they fail to recognise the nuanced mobility needs and capabilities of different subgroups (e.g., elderly people with different levels of mobility and fitness, disabled people that would benefit from active travel etc). Additionally, some people that would not necessarily fall within these categories would still benefit from an exemption, such as people suffering from short-term serious health conditions or receiving specialist care that require travel by car for a limited period. Exemptions based solely upon protected characteristic would not reflect the fact that many people in these groups do not rely on or, in fact, are not capable of driving, and would risk undermining the LTN objectives from which these people will benefit. In addition, a different Blue Badge holder exemption within the LTN Exemptions Criteria and Applications Process is not being recommended (i.e., more than one vehicle per Blue Badge holder) because the complementary individual circumstance exemption will ensure that, where

additional vehicle exemptions are required, these can be obtained (subject to appropriate evidence and justification).

## **6. Background**

### **Low Traffic Neighbourhoods**

- 6.1 Low Traffic Neighbourhoods (LTNs) are area-based traffic management schemes that aim to reduce or remove non-residential motor traffic from residential areas, as well as reducing the number of short trips made by vehicles which could be walked or cycled. A range of measures are usually introduced as part of LTNs which work together to make it more difficult for motor traffic to travel through an area, meaning it is only trips originating from local addresses or delivery and service vehicles that can be made. Measures that are normally introduced in LTNs include one-way streets, banned turns and features called modal filters where roads are closed to motor traffic (at one end or in the middle), removing the ability of motor vehicles to drive along a street. Modal filters can either be in the form of physical barriers or roads left open for access by permitted vehicles such as emergency services which, in some cases, are enforced via CCTV.
- 6.2 The major effect of introducing an LTN is that it alters vehicle travel behaviour. LTNs are a key tool to eliminate through-traffic (i.e., traffic that does not have an origin or destination within the LTN). The implementation of an LTN requires drivers who would ordinarily travel through the LTN to adjust their behaviour, either by taking an alternative route, switching to walking, cycling or public transport or even reducing the number of their journeys. LTNs can also require drivers living within the LTN area to alter their travel behaviour. While every home in an LTN can be accessed by car and can receive deliveries and services to their doors, it is the case that some residents and business visitors may have to drive further or use a different road to access their address. This raises a variety of potential issues including for businesses, religious institutions, people with disabilities, taxis and private hire, emergency services, and general permeability and accessibility of communities. To a large extent, potential impacts depend on how an LTN is planned and designed and the extent of engagement and consultation which is undertaken.
- 6.3 A key issue with LTNs is that they have the potential to impact disproportionately on individuals and groups who experience barriers to walking, cycling, and using public transport and who rely on a motor vehicle to get around. Specific groups who may be presented with difficulties by LTNs include older people and people with disabilities. People and groups who rely on motor vehicles may also be more affected such as those who have carers or who use transport services such as special educational needs and disabilities (SEND) transport. LTNs do not prevent anyone driving to their home or to a particular address as all addresses remain accessible. It is also worth noting that disabled people also walk and cycle – therefore, their needs will differ to those who use a motor vehicle to get around.

- 6.4 Each person with disabilities has different needs and they cannot be treated as one homogeneous group. A report by Transport for All set out that the positive impacts of LTNs experienced by different people with different disabilities included: easier and more pleasant journeys; increase in independence; decrease in traffic danger; and benefits to physical and mental health. The negative impacts included: longer journey times for residents and visitors; travel becoming more exhausting, complicated, or difficult and some cases of a negative impact on mental health; issues with taxis; and a perceived rise in traffic danger. It is crucial that the needs and requirements of these individuals and groups are properly considered as part of the design process of an LTN.
- 6.5 One tool which is available to councils is to issue exemptions to certain road restrictions within an LTN. This relies upon some modal filters being camera-enforced rather than enforced through physical barriers. This is commonly done across London for a variety of purposes. Some people in Haringey are eligible to apply for exemption for a free School Streets exemption including Blue Badge holders (who require access to the street during the specified times) and pupils of the school that have a disability that prevents them from walking or cycling to school.

#### **Approval of Haringey LTNs and related exemptions and previous community engagement**

- 6.6 On 7 December 2021, Cabinet approved three Low Traffic Neighbourhoods to be implemented on a trial basis: Bounds Green; Bruce Grove West Green; and St Ann's. At the same time, Cabinet also agreed a series of exemptions to apply to the three LTNs.
- 6.7 The recommendations approved by the Cabinet in relation to the exemptions for Bounds Green are set out below, with the same approved for Bruce Grove West Green and St Ann's:

*That Cabinet:*

*F) In relation to the LTN only, approve the exemption of:*

- a. Blue Badge holders living within the LTN or on its immediate boundary.*
- b. Special Educational Needs and Disabilities (SEND) transport; and*
- c. Essential Haringey Council services catering for people with a disability*

*to non-hard closure filters in the Bounds Green LTN experimental scheme as per paragraph 6.77 of this report.*

- 6.8 A separate section in the reports under the heading 'Exemptions' (paras 6.73 to 6.83 in the Bounds Green report and contained with the other two reports with different para numbers) provided further detail and context and the approach to exemptions. Key paragraphs are copied below:

*6.73 Where roads are closed with a physical barrier, whether through use of planters, bollard, etc, no exemptions are possible for any motor vehicle.*

*However, where they are signed as closed to motor traffic but not physically closed, the experimental traffic management order for the LTN will exempt all emergency vehicles and the Council's refuse services. These closures will likely be enforced by CCTV cameras.*

6.77 *On the basis of the above, and to ensure the Bounds Green LTN advances equality as far as possible, it is recommended that the following will be eligible for an exemption to non-hard closure filters in the Bounds Green LTN experimental scheme:*

- Blue Badge holders living within the Bounds Green LTN or on the immediate boundary of it*
- Special Educational Needs and Disabilities (SEND) transport*
- Essential Haringey Council services catering for people with a disability*

6.78 *This is a carefully balanced recommendation taking into consideration the reasonable adjustments that this approach will offer to Blue Badge holders and others with access and disability needs.*

6.79 *The exemptions will be subject to an application process and exact criteria will follow in due course.*

6.80 *There will also be a separate route for individuals who do not live within the LTN or on the immediate boundary of it to obtain an exemption to drive through a designated filter, through an exceptional circumstance dispensation.*

#### *Previous community engagement*

6.9 It is noteworthy that significant engagement and consultation took place on each of three LTNs approved by Cabinet. Over the course of a year, each of the LTNs was subject to three discrete engagements as well as numerous additional engagements with key stakeholders.

6.10 The decision to proceed with the agreed exemptions was informed by a significant amount of feedback received from the engagements and a direct consequence of the extensive listening the Council did, including via a Disabled People and Carers Survey. In addition, the decision to proceed with the exemptions was informed by a detailed and iterative Equalities Impact Assessment (EqIA) which assessed the likely impacts of the proposals on groups with protected characteristics, as defined by the Equality Act 2010.

### **Haringey LTN Exemption Criteria and Applications Process**

6.11 Since December 2021, further consideration has been given to an approved exemptions approach and the related criteria and application process. Engagement has taken place with a range of key stakeholders and a specific piece of work on LTN exemptions has been undertaken with 3 other North London boroughs which included: a literature review; research on the exemptions approaches of other local

authorities; engagement with stakeholders covering a broad range of categories; an appraisal of potential exemptions and related criteria; and consideration of a potential applications process and back-office implications.

- 6.12 Arising from this, key considerations for the exemption criteria and applications process were identified as follows:

**Case for LTNs/key principles:** LTNs are required to deliver the objectives set out in the Council's adopted Transport Strategy (2018) and adopted Haringey Walking and Cycling Action Plan (2022). They are being implemented as part of the Council's ambitious Streets for People initiative and are needed across the borough to 1) reduce pollution, especially NO<sub>2</sub> and particulate matter, which can affect lung function and breathing, worsening respiratory diseases including asthma in children and chronic obstructive pulmonary disease (COPD) in adults; 2) improve health outcomes related to inactivity; 3) reduce motor traffic collisions; 4) reduce carbon emissions in our attempt to avoid catastrophic climate change and finally 5) reclaim neighbourhood streets for pedestrians and communities and to make safe welcoming, inclusive spaces for all residents.

**Equalities:** Equality Impact Assessments (EqIAs) of the three approved LTNs assessed the likely impacts of the LTNs and complementary measures on groups with protected characteristics as defined by the Equality Act 2010. These found that the proposals will advance equalities for many protected groups with a disadvantage noted for those solely reliant on motor vehicles for transport. This potential disadvantage was noted for some individuals in the following groups: young people with SEND, older people, disabled people, carers, and pregnant people. To ensure the three LTNs would advance equality as far as possible, the Council approved numerous exemptions to non-hard closure filters in the LTNs, including an 'exceptional circumstance dispensation'. In the latter connection, there is a need to balance the equalities benefits of providing particular exemptions versus the benefits of minimising exemptions such that an LTN provides the safest possible environment for people to walk, wheel and cycle by significantly reducing motorised traffic and to reduce, as far as possible, congestion and air pollution and will have corresponding positive impacts for certain groups with protected characteristics.

**Practicalities:** Potential exemptions approaches must be considered having regard to their practicality of administering, managing and enforcing them for residents and also taking account of the Council's current back-office systems and processes and available resource. Save for readily identifiable vehicles like emergency service vehicles, the granting of exemption relies on the Council having a vehicle registration number registered on the appropriate filters' ANPR cameras on the day of the vehicle driving through the filter. Where a regular vehicle is used by an individual then this can be easily administered by the Council. In contrast, it would be much more complex for the Council to provide exemptions for someone who travels via a different taxi/private hire vehicle every day and the registration numbers are not known in advance. It is also



noteworthy that once exempt the Council cannot distinguish between who is making that journey and for what purpose.

- 6.13 Taking account of the above considerations and consistent with the expectation set out in the December 2021 Cabinet reports that further information would follow to Cabinet in relation to the approved exemptions, a Haringey LTN Exemptions Criteria and Applications Process has been prepared for approval (Appendix A).
- 6.14 The Haringey LTN Exemptions Criteria and Applications Process is proposed to apply to all LTNs delivered in Haringey, beginning with the Bounds Green LTN which will be implemented in Summer 2022.
- 6.15 The exemptions contained within the document do not apply to School Streets which are subject to a separate exemptions approach as detailed on the Council's website.
- 6.16 The Haringey LTN Exemptions Criteria and Applications Process provides the following exemptions:
1. Emergency service vehicles
  2. Council refuse and cleansing vehicles
  3. Blue Badge holders living within or on the immediate boundary of an LTN
  4. Special Educational Needs and Disabilities (SEND) transport
  5. Haringey Council services and commissioned services transporting people with a disability and Transport for London's Dial-a-Ride service
  6. Any other vehicles required for urgent safety matters with the permission of the Council
  7. Individual circumstance exemptions
- 6.17 The below sections summarise the proposed exemptions approach and, where relevant, the justification.

*Emergency services exemption*

- 6.18 The Cabinet reports for the three approved LTNs state that the experimental traffic management order for the LTNs will exempt all emergency service vehicles. This exemption will apply to all camera filters in all LTNs (i.e. borough wide).
- 6.19 Of note, the Council has carried out a significant amount of additional engagement with the emergency services following the December 2021 Cabinet decisions. In the process of drawing up the detailed engineering drawings for the three LTNs, there has been significant dialogue about the location and type of filters. A number of detailed changes to the agreed designs are proposed as result of that engagement, including changing some hard-closure filters to camera-controlled filters. These changes are due to be considered for approval by the Director for Environment and Neighbourhoods via a separate delegated authority report, consistent with the agreed delegation recommendation in the Cabinet reports for the approved LTNs.

*Council refuse and cleansing vehicles*

- 6.20 The Cabinet reports for the three approved LTNs state that the experimental traffic management order for the LTNs will exempt the Council's refuse services. It is proposed that Council cleansing vehicles be added to this exemption category. This exemption will apply to all camera filters in all LTNs (i.e. borough wide). The exemption will be limited to vehicles which are used for refuse and cleansing purposes and does not cover all vehicles which are used by the service.

*Blue badge holders living within or on the immediate boundary of an LTN*

- 6.21 The exemption recommendation approved by Cabinet in December 2021 refers to the "Blue Badge holder". Exemptions cannot be provided to a Blue Badge holder per se and must be linked to a specific vehicle or vehicles. The LTN Exemptions Criteria and Applications Process in Appendix A provides further detail in relation to the approved Cabinet recommendation, specifying that Blue Badge holders living within or on the immediate boundary of an LTN will be permitted to register a single motor vehicle for exemption for that LTN, or where the LTN constitutes discrete areas (e.g. Area A, B and C), the exemption will be for the part of the LTN in which they live/live on the boundary of.
- 6.22 The immediate boundary of an LTN is defined as the roads or parts thereof which face directly onto the LTN. For the purposes of the exemption, addresses on both sides that face the boundary road are included as part of the immediate boundary.
- 6.23 The vehicle would not need to be registered to their own address or owned by the Blue Badge holder. This is because engagement showed that many people with Blue Badges don't own a car and rely on a car registered at another address.
- 6.24 The granting of the exemption will be automatic provided that the necessary evidence is supplied including proof of address and Blue Badge status. On successful application, written notification of the vehicle exemption will be provided, which will allow the Blue Badge holder to drive, or be driven, through designated camera-enforced filters within the LTN.
- 6.25 The exemption is limited to the home LTN of the Blue Badge holder or part of their home LTN where the LTN constitutes discrete areas. Exemptions for other LTNs or other areas of the home LTN would need to be sought via the individual circumstance exemption.
- 6.26 The exemption is limited to a single vehicle per Blue Badge holder. The option of a default exemption for more than a single vehicle was considered but rejected as, where exemption for an additional vehicle is needed and the need can be adequately demonstrated, this can be secured via the individual circumstance exemption.
- 6.27 It is noted that Blue Badges are designed for parking purposes rather than for travel purposes. There are people who qualify for a Blue Badge but who have not applied for one and others who consider themselves disabled but for a variety of reasons do not have a Blue Badge. Individuals with these circumstances would be required to apply for an exemption via the individual circumstance exemption.

- 6.28 The Blue Badge exemption only includes filters which have an exemption permit plate. It therefore excludes a small number of filters e.g., diagonal filters where, for safety purposes, access is provided for emergency vehicles or council refuse and cleansing vehicles that could not otherwise turn around.
- 6.29 The proposal to enable Blue Badge holders to register a single motor vehicle complemented by an individual circumstance exemption category is considered to be a fair and proportionate response which will help mitigate potential impacts of the LTNs on Blue Badge holders whilst, at the same time, preserving the integrity of the LTNs in terms of appropriately managing vehicular movements through filters and not undermining some of their key benefits which are to reduce through traffic and create a safer environment to walk, cycle, wheel, etc. It is worth noting that disabled people don't always drive or are passengers in vehicles - some also walk and, for some, the preferred means of getting around is through cycling using an adapted bike.

*Special Educational Needs and Disabilities (SEND) transport*

- 6.30 The exemption recommendation approved by Cabinet in December 2021 refers to "SEND transport". SEND transport is intended to facilitate attendance at school and is not intended to cover any travel between educational institutions during the school day; or any travel to and from social or child care arrangements or at other times.
- 6.31 The Exemptions Criteria and Applications Process provides further detail in relation to the approved Cabinet recommendation. It specifies that exemptions will be provided for SEND transport organised by the Council, wherever practicable. In order to effectively administer exemptions, it is necessary to know the vehicle registration(s) in advance of the journey through the LTN filters. As a minimum, exemptions will be provided for vehicles which are part of the regular SEND vehicle fleet. Exemptions will also be available for home to school transport organised and paid for by the Council where this is part of a regular arrangement involving the same vehicle or vehicles. The exemption applies to all LTNs but only includes filters which have an exemption permit plate. It may therefore exclude some LTN filters e.g., diagonal filters where general vehicular access may not be safe.
- 6.32 Exemptions will not automatically be available for SEND transport organised and paid for by the Council via black cabs/private hire or for ad hoc services organised by the Council. This would be very complex to administer, manage and enforce and there is a key issue which is that the vehicles exempted would also be making non-SEND transport journeys at other times and there is no way to distinguish between journeys. Officers from Highways and Children Services will work in partnership to explore solutions to the challenge of exempting ad hoc SEND services.
- 6.33 Exemptions will not be available in this category for privately organised transport for SEND children (including where they get travel funding and where they do not). However, exemptions in this regard can be applied for via the individual circumstance exemption (provided that such transport is via the same vehicle on a

regular basis). The Council holds information on who these children are and will seek to contact their parents/carers to advise of the opportunity to apply for an individual circumstance exemption.

- 6.34 Exemptions will not be available in this category for parents/carers who live outside Haringey and transport children to SEND schools in Haringey. The Council does not have information regarding these children. The Council will contact SEND schools in the borough and ask them to contact these parents to advise them of the opportunity to apply for an individual circumstance exemption.

*Haringey Council services and commissioned services transporting people with a disability and Transport for London's Dial-a-Ride service*

- 6.35 The exemption recommendation approved by Cabinet in December 2021 refers to "Essential Haringey Council services catering for people with a disability". The Exemptions Criteria and Applications Process provides further detail in relation to the approved Cabinet recommendation. It specifies that Haringey Council organised or commissioned services for the transporting of people with a disability will be exempted (wherever practicable) and Transport for London's Dial-a-Ride service. As a minimum, this exemption category will include Council organised minibuses transporting adults with profound and multiple learning disabilities (PMLD) and learning disabilities. Exemptions will also be available for vehicles of external organisations where these have been commissioned by the Council to transport people with a disability (e.g., Development and Learning Opportunities Ltd) and where this is part of a regular arrangement involving the same vehicle or vehicles. Exemptions will be provided for Transport for London's Dial-a-Ride service via visual vehicle identification.
- 6.36 The exemption applies to all LTNs within the borough but only applies at those filters which state "except for permit holders". It may therefore exclude some traffic filters e.g., diagonal filters where general vehicular access may not be safe.
- 6.37 The exemption does not include any other organisations that need to transport individuals or groups with a disability. There is an opportunity for organisations that solely transport people with access or disability needs to apply for an individual circumstance exemption.

*Any other vehicles required for urgent safety matters with the permission of the Council*

- 6.38 A new exemptions category is proposed for exemption of any other vehicles required for urgent safety matters with the permission of the Council. This could, for instance, include a vehicle which requires access to carry out a repair to a dangerous structure that could not necessarily access the structure via unconstrained routes within the LTN.

*Individual circumstance exemptions*

- 6.39 The exemption recommendation approved by Cabinet in December 2021 refers to "a separate route for individuals who do not live within the LTN or on the immediate

boundary of it to obtain an exemption to drive through a designated filter, through an exceptional circumstance dispensation.” The Exemptions Criteria and Applications Process provides further detail in relation to the approved Cabinet recommendation.

- 6.40 As a starting point, it is recommended that the exceptional circumstance dispensation is renamed to “individual circumstance exemption”. As part of the engagement with stakeholders on potential exemptions, clear feedback was received that the original terminology was not appropriate and it risked singling out disabled people and people with other access needs. It has consequently been amended to be more inclusive.
- 6.41 The Council’s engagement and the specific piece of work on LTN exemptions that was undertaken with 3 other North London boroughs and included engagement with community groups showed that some protected groups have a higher reliance on car travel for their mobility (namely age, disability, pregnancy and maternity and sex). It is, however, considered that exemption approaches based solely around protected characteristics have numerous downsides. As most protected groups are broadly defined, they fail to recognise the nuanced mobility needs and capabilities of different subgroups (e.g. elderly people with different level of mobility and fitness, disabled people that would benefit from active travel). Additionally, some people that would not necessarily fall within these categories would still benefit from an exemption, such as people suffering from short-term health conditions or receiving specialist care that require to travel by car for a limited period. Exemptions solely based upon protected characteristics would not reflect the fact that many people in these groups do not rely on or, in fact, are not capable of driving, and would risk undermining the LTN objectives which, in turn, would also have negative impacts on both protected groups and non-protected groups. While specific mobility needs of protected groups more reliant on car travel requires consideration when developing exemptions criteria, basing the exemption criteria solely on protected characteristics is not recommended.
- 6.42 A Blue Badge can give people exemptions from some parking restrictions and access to designated parking spaces. To qualify for a Blue Badge, applicants need to demonstrate they have a disability or condition that affects their ability to walk. There are other circumstances when an individual can be eligible for a Blue Badge, on a case-by-case basis, such as having difficulty walking because of dementia, mental health problems, or having a terminal illness.
- 6.43 People who have difficulty walking are likely to be heavily reliant on car travel because of their mobility issues. As such, they may be negatively impacted by longer journeys if not provided with access to certain LTN filters. However, people with mobility impairments and difficulty in walking are not the only group negatively impacted by longer journeys or re-routing of trips. The stakeholder engagement exercise identified a number of groups that should be considered for an exemption, but that may not have a Blue Badge.
- 6.44 While implementing an exemption applications process for Blue Badge holders is relatively straightforward, granting exemptions for people falling in other categories and who may not have a Blue Badge presents more challenges, as some conditions may be self-defined and may be difficult to verify or certify.

- 6.45 Experience from other councils in London who have implemented LTNs has highlighted the importance of regular short journeys for people falling in the above categories as well as the potentially disproportionate impact of LTNs on these, a theme also picked up through stakeholder engagement. These types of journeys may be undertaken by people with a disability, carers, children being transported to/from school or another location amongst other groups. It is considered that the reducing the impact of the LTNs on these trips should be at the heart of the exemptions approach, as opposed to being framed around assessing a person's specific condition or circumstance.
- 6.46 Taking this into account, it is recommended that the individual circumstance exemption is eligible to the following, subject to submission of appropriate evidence and justification:
1. Person, or person with a child, with a condition that means sitting in a car or a re-routed journey causes overwhelming psychological distress;
  2. Person, or person with a child, with a chronic health condition that makes sitting in a car very difficult;
  3. A professional carer whose ability to transport a care recipient in a car or directly assist them with their care needs is significantly impaired by an LTN;
  4. An organisation that solely transports people with access or disability needs.
- 6.47 The above approach is considering to be the most appropriate one balancing the key considerations set out in paragraph 6.12 and allows for key circumstances such as: enabling a Blue Badge holder who does not live within an LTN or on the immediate boundary of that LTN but who needs to travel through it to register a vehicle for exemption to designated filters within that LTN (including Blue Badge Holders who live within an adjacent borough); enabling parents or carers travelling with children with a disability to register motor vehicles required for transport of those children to or through the LTN for exemption to designated filters within that LTN; enabling professional carers visiting an address in an LTN to administer care to a care recipient to register a motor vehicle for exemption to designated filters within that LTN.
- 6.48 Despite stakeholder feedback that exemptions for taxis and other private hire vehicles are important means of transport for some disabled people and other people with access needs, it is not currently feasible or practical for the Council to administer, manage and enforce exemptions where the transport is arranged on an ad hoc basis and the vehicles are subject to regular change and advance notice cannot be provided of the registration details. It is also the case the vehicles exempted would also be making transport journeys at other times with other occupants in the car that do not require an exemption and there is no way to distinguish between journeys. As such, taxis and other private hire vehicles are not included as part of the LTN Haringey Exemptions Criteria and Applications Process. As the roll out of LTNs across the borough progresses, consideration will be given to how such an exemption could be managed in the future.
- 6.49 The individual circumstance exemption will be subject to an application process. As part of the application process, the applicant will need to:

- provide the registration numbers of the vehicle or vehicles they are applying for;
- set out the category of exemption being sought (from the list of 1 to 4 above);
- identify the extent of the exemption being sought;
- explain why the applicant believes they are eligible for an exemption;
- provide necessary evidence to support the application such as proof of address and proof of circumstance in the case of an applicant with a circumstance that they believe necessitates an exemption;
- information of the nature and frequency of journeys impacted by the LTN or LTNs.

6.50 The Council will develop an application form in relation to the individual circumstance exemptions. It is recommended that the approval of this is delegated to the Director of Environment and Neighbourhoods. The Council subscribes to the social model of disability which states that people are disabled by barriers in society, not by their impairment or difference. It is important, therefore, that the application process for an exemption does not provide an unnecessary barrier to people. At the same time, however, it needs to be balanced against the need for applicants to properly evidence and justify the requirement for an exemption so as not to risk undermining the aims of LTNs. To help ensure the application process is as user-friendly as possible, the application form will include a tick box enabling the applicant to grant the Council permission to cross-check its current records for evidence purposes (e.g., proof of address). This will limit the need for applicants to supply information where the Council already holds it and address any related GDPR issues at the same time. The application form will be web-based. However, it will also be available to complete over the telephone with officers available to provide assistance, as required.

6.51 The application form will be focused on key details of the journeys impacted by the LTN or LTNs, such as the journey origin, the destination, the essentialness of the journeys, the journey duration, the time of day in which the journey must be made and the frequency of the journey.

6.52 Where an application is successful, the Council will confirm this in writing to the applicant, including providing details of the scope and extent of the given exemption that has been granted. This will either be linked to the expiry of the Blue Badge (at which point revised Blue Badge details would need to be provided) or time-limited to one year for non-Blue Badge owners. Where an application is unsuccessful, the Council will confirm this in writing to the applicant, including providing details of why it has been refused. There will be an appeals process for applications which have been refused. Further details are provided in Appendix A.

### **Co-design and community engagement for the LTN Exemptions Criteria and Applications Process**

6.53 As set out in paragraphs 6.9, 6.10 and 6.11, the LTNs have been subject to three discrete engagements (including numerous additional engagements with key stakeholders and a Disabled People and Carers Survey) and the LTN Exemptions Criteria and Application Process has since been informed by further significant

engagement and consultation including with people with disabilities and other access needs.

- 6.54 It has been prepared such that the exemptions criteria and applications process is in place on day 1 of the Council's first LTN being delivered (Bounds Green, expected in Summer 2022). The approach of having this in place on day 1 is very uncommon in a London-wide context. Research of other boroughs has shown that, in many cases, LTNs have been delivered at scale with often only very limited exemptions and without a fully worked up exemptions approach which includes an individual circumstance exemption. The comprehensive approach proposed in this report and set out in Appendix A goes beyond any other borough that officers are aware of.
- 6.55 Bounds Green LTN, Bruce Grove West Green LTN and St Ann's LTN are the first 3 LTNs to be implemented by the Council and are being installed on an initial trial basis via experimental traffic orders (ETOs). ETOs are schemes introduced as an experiment to see what their effects are and can be changed if necessary.
- 6.56 All properties within the LTNs will remain accessible by motor vehicle but the way certain properties are accessed will change. Experience of other LTNs in London has shown overall reductions in vehicular traffic volumes over time but with variance on certain roads and at certain times. By reducing the number of motor vehicles in and around the LTNs the expectation is that journey times will improve or, at worst, have marginal differences, thereby benefitting those who need to make essential journeys by car. However, some roads, especially as the schemes bed in, may see an increase in traffic volumes, especially at peak hours. The LTN exemptions have been developed to mitigate against this eventuality.
- 6.57 During the period in which the ETOs are in force, the Council will closely monitor the impacts of the experimental schemes, both through a comprehensive monitoring strategy and further engagement with the community and key stakeholders. As part of this the Council will seek feedback on the exemptions criteria and application process. The Council will review all formal objections and feedback provided and this, together with the comprehensive monitoring outlined above, will inform whether any changes are necessary to the LTN Exemptions Criteria and Applications Process.

### **Communication of Exemptions Criteria and Applications Process**

- 6.58 To ensure residents and stakeholders are adequately informed about the LTNs prior to implementation, the Council will be writing to all residents and businesses in or on the boundary of the LTNs with relevant updates. This will include notification of the Exemptions Criteria and Applications Process.
- 6.59 The Council's LTN webpages will also be comprehensively updated to ensure that visitors have all the information they need on the LTNs, including in relation to exemptions.

### **Resource implications**



- 6.60 The implementation of 3 x LTNs will have a variety of resource implications for the Council. In regard to this specific report, there will be resource implications of administering, managing and enforcing the recommended exemptions. It is not possible to predict with certainty how many applications will be received for exemptions, but, in any event, there is expected to be a significant impact on the Highways service back-office which will need to be managed. As the proposed exemptions are time-limited and will need to be reviewed periodically there will be an ongoing resource implication rather than just a one-off implication.

## **7 Contribution to strategic outcomes**

- 7.1 The approved LTN experimental schemes and complementary measures will support the 'Place' Priority of the Borough Plan 2019-23 and the delivery of key Council strategies including the Transport Strategy, Walking and Cycling Action Plan, Climate Emergency Action Plan, Air Quality Action Plan, and School Streets Plan. The Haringey LTN Exemptions Criteria and Applications Process will support Place Priority 10a to "Provide safe and accessible roads, pavements and other public spaces for everyone, especially vulnerable users" as well as the equality principles outlined in the Borough Plan to reduce inequality.

## **8 Statutory Officer Comments (Director of Finance (including procurement), Head of Legal and Governance (Monitoring Officer), Equalities)**

### **Finance**

- 8.1 The report is recommending the adoption of the Low Traffic Neighbourhoods Exemption Criteria and Applications Process as set out at Appendix A for the three LTNs authorised by Cabinet on 7 December 2021 and all future LTNs. Due to the lack of clarity on the number of exemptions that are likely to be made, it is not possible to accurately estimate the cost of administering the exemptions. At this stage it is estimated that the cost can be contained within existing budgets within the parking account.

### **Procurement**

- 8.2 N/A

### **Legal**

- 8.3 The legal comments for the making of the three LTNs mentioned in this report are contained in the Cabinet Reports of 7 December 2021. The Cabinet also authorised exemptions to Blue Badge holders living within the LTN or on its immediate boundary; Special Educational Needs and Disabilities (SEND) transport and Essential Haringey Council services catering for people with a disability. The details of the exemptions (together with the application process) that would apply to all LTNs are now contained in Appendix A of this report. The Cabinet Member has the authority in the constitution to authorise the recommendations contained in this report.

- 8.4 The three LTNs will be via Experimental Traffic management Orders (ETMOs) pursuant to section 9 of the Road Traffic Act 1984. Under regulation 6 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, various bodies need to be consulted prior to the making of the ETMOs.

### **Equality**

- 8.5 The Council has a Public Sector Equality Duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share those protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not.
- 8.6 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.7 The Council's adopted Walking and Cycling Action Plan sets out a policy to deliver a network of LTNs across the borough. In December 2021 the Council approved its first three LTNs to be implemented on a trial basis: Bounds Green, Bruce Grove West Green and St Ann's). Detailed EqlAs were prepared in support of the decisions to implement Bounds Green, Bruce Grove West Green and St Ann's LTNs. These found that the proposals for the LTNs and associated complementary measures will advance equalities for many protected groups with a disadvantage noted for those solely reliant on motor vehicles for transport. This potential disadvantage was noted for some individuals in the following groups: young people with SEND, older people, disabled people, carers, and pregnant people. Having regard to these identified impacts, Cabinet approved a series of exemptions to the non-hard closure filters in the LTN experimental schemes including for Blue Badge holders and special education needs and disabilities (SEND) transport. It was stated within the Cabinet reports that exemptions would be subject to an application process and exact criteria would follow in due course. It was also stated that there would be a separate route to obtain an exemption through an exceptional circumstance dispensation. In advance of the three LTNs being implemented in Summer 2022, this report seeks approval of the specific criteria and applications process that will apply in relation to the already agreed exemptions. The LTN Exemptions Criteria and Applications Process will apply to all LTNs delivered in the borough going forward and provides a borough-wide framework in respect of LTN exemptions.
- 8.8 Since the Cabinet decisions the Council has done a robust exercise to arrive at the specific criteria and applications process that will apply to the already agreed exemptions. This has involved extensive research and a thorough

engagement exercise with key stakeholders and/or their representative groups. The key considerations which have informed the recommended exemption criteria and applications process are set out in paragraph 6.12 of the report. In short, these are:

- the strategic case for implementing LTNs and the benefits which will be derived from reduced traffic in the LTN areas, including for groups with protected characteristics;
- the objective for LTNs to advance equality as far as possible including the need to balance the equalities benefits of particular exemptions versus the benefits of limiting exemptions to the LTN such that they will provide the safest possible environment for people to walk, wheel and cycle by significantly reducing motorised traffic and to reduce, as far as possible, congestion and air pollution and will have corresponding positive impacts for certain groups with protected characteristics;
- the need to have regard to the practicality of administering, managing and enforcing potential exemptions approaches including taking account of the Council's current back-office systems and processes and available resource. Save for readily identifiable vehicles like emergency service vehicles, the granting of exemption relies on the Council having a vehicle registration number registered on the appropriate filters' ANPR cameras on the day of the vehicle driving through the filter. Where a regular vehicle is used by an individual then this can be easily administered by the Council. In contrast, it would be much more complex for the Council to provide exemptions for someone who travels via a different vehicle every day and the registration numbers are not known in advance.

8.9 Taking account of the above considerations and consistent with the expectation set out in the December 2021 Cabinet reports that further information would follow to Cabinet in relation to the approved exemptions, a Haringey LTN Exemptions Criteria and Applications Process has been prepared for approval (Appendix A). This provides for the following categories of exemptions and provides details:

1. Emergency service vehicles
2. Council refuse and cleansing vehicles
3. Blue Badge holders living within or on the immediate boundary of a given LTN
4. Special Educational Needs and Disabilities (SEND) transport
5. Haringey Council services and commissioned service transporting people with a disability and Transport for London's Dial-a-Ride service
6. Any other vehicles required for urgent safety matters with the permission of the Council
7. Individual circumstance exemptions

8.10 The document provides specific details for each category about what will be exempt and what will not, taking account of the three considerations listed above. A particular focus of the document is on the individual circumstance exemption and how this will operate. It lists four circumstances where the

Council will grant exemptions subject to submission of appropriate evidence and justification. Individual circumstance exemptions will be subject to an application process with the onus on the applicant to demonstrate why an exemption is required.

- 8.11 The above approach will ensure that, in most cases, and where justified, groups identified as being at disadvantage from LTNs (young people with SEND, older people, disabled people, carers, and pregnant people) will be able to obtain an exemption to traffic restrictions. As such the Haringey LTN Exemptions Criteria and Applications Process is considered to have positive benefits for a range of groups with protected characteristics.
- 8.12 It is however noted that the LTN Exemptions Criteria and Applications Process is unable to remove all potential disadvantages which might occur to protected groups as a result of the LTN. While taxis and other private hire vehicles are important means of transport for some disabled people and other people with access needs, it is not currently feasible or practical for the Council to administer, manage and enforce exemptions where the transport is arranged on an ad hoc basis and the vehicles are subject to regular change and advance notice cannot be provided of the registration details. It is also the case the vehicles exempted would also be making transport journeys at other times with other occupants in the car that do not require an exemption and there is no way to distinguish between journeys. As such, in particular circumstances where people who would otherwise qualify for an exemption use taxis or private hire vehicles for particular journeys, it is considered that there may be a negative impact on groups with a protected characteristic. However, taking into account the complexities of managing a system of exemptions which could include taxis and private hire vehicles, this exclusion from the exemptions criteria is considered a proportionate means of achieving a legitimate aim.
- 8.13 The EqlAs for the Council's three approved LTNs (Bounds Green, Bruce Grove West Green and St Ann's) have been updated to reflect the recommended Low Traffic Neighbourhoods Exemption Criteria and Applications Process and the potential equalities implications have been assessed and analysed. The updated EqlAs are provided as Appendices B to D.

## **9 Appendices**

Appendix A: Low Traffic Neighbourhoods Exemption Criteria and Applications Process

Appendix B: Updated Bounds Green Equalities Impact Assessment

Appendix C: Updated Bruce Grove-West Green Equalities Impact Assessment

Appendix D: Updated St Ann's Equalities Impact Assessment

## **10 Local Government (Access to Information) Act 1985**

Cabinet report 7 December 2021: Bounds Green Low Traffic Neighbourhood.  
Link: [Agenda for Cabinet on Tuesday, 7th December, 2021, 6.30 pm | Haringey Council](#) (item 676)

Cabinet report 7 December 2021: Bruce Grove/West Green Low Traffic Neighbourhood. Link: [Agenda for Cabinet on Tuesday, 7th December 2021, 6.30 pm | Haringey Council](#) (item 675)

Cabinet report 7 December 2021: St Ann's Low Traffic Neighbourhood. Link: [Agenda for Cabinet on Tuesday, 7th December 2021, 6.30 pm | Haringey Council](#) (item 677)