

Report for: Head of Service for Highways and Parking following consultation with the Cabinet Member for Tackling Inequality and Resident Services

Title: Proposed Zebra Crossing on Muswell Hill Road, N10

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Ward(s) affected: Muswell Hill

**Report for Key/
Non-Key Decision:** Non-key decision

1 Describe the issue under consideration

- 1.1 To determine if the proposed zebra crossing on Muswell Hill Road, between Cranley Gardens and Woodside Avenue, N10 should be implemented.
- 1.2 To request approval to proceed to implementation, after considering objections and officer's views regarding to those objections.

2 Cabinet Member Introduction

- 2.1 N/A

3 Recommendations

The Head of Highways and Parking following consultation with the Cabinet Member for Tackling Inequality and Resident Services is asked to:

- 3.1 Consider all feedback to the public and statutory consultation carried out from 25 October to 15 November 2023 set out in Appendix D, on the proposals outlined in Appendix A together with officers views regarding that feedback set out in paragraph 8.2 of this report.
- 3.2 Agree that the Council shall exercise its discretion to not cause a public inquiry to be held for the reasons set out in paragraph 8.3 of this report.
- 3.3 Approve the implementation of the proposed zebra crossing on Muswell Hill Road, between Cranley Gardens and Woodside Avenue N10, as set out on the plan in Appendix A and the making of all necessary traffic management orders (TMOs) to enable the proposed zebra crossing to be implemented.

4 Reasons for decision

- 4.1 The Council as a local authority has a duty under Section 39 of the Road Traffic Act 1988 to improve safety and reduce road traffic collisions. The proposals consulted on will provide a clearly defined crossing point and will give pedestrians the right of way over traffic, enabling them to cross the road safely, which will assist in reducing personal injury collisions.

- 4.2 The decision does not result in a contract being awarded or expenditure in excess of £500,000 being incurred nor any virements, so it is not a key decision for that reason. The decision also relates to only one ward and so it is not a key decision for that reason as the effects of the decision will not have a significant impact on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

5 Alternative options considered

- 5.1 Do nothing: This option was rejected as it would not deliver an improvement to road safety and so the Council would not be discharging its duty under section 39 of the Road Traffic Act 1988 to “take steps to prevent accidents”.

6 Background Information

- 6.1 Haringey Council regards road safety, particularly pedestrian safety, as a high priority and actively promotes road safety measures across the borough to reduce vehicle speeds, the number of road traffic accidents and to enhance the environment for all road users.
- 6.2 **The Road Danger Reduction Action Plan and Investment Plan supports the Mayor’s London-wide ambition to reach ‘Vision Zero’, by having no killed or seriously injured (KSI) casualties on Haringey’s roads by 2041; and supports the Council’s own ambition to reduce all casualty types (KSIs and ‘slight’ injuries) with specific attention to vulnerable road users, including motor cyclists.**
- 6.3 Officers investigated the collision data for 3 years up to 31/12/2022 on Muswell Hill Road, between Cranley Gardens and Woodside Avenue which revealed that there were 5 slight recorded road traffic collisions, which resulted in slight injury to 3 cyclists and 2 motorcyclists.
- 6.4 Following requests from the local community, as part of this year’s Road Danger Reduction Investment Plan, the Council is proposing to introduce a zebra crossing on Muswell Hill Road between Woodside Avenue and Cranley Gardens, as detailed on the plan in Appendix A. The proposals include the following:
- Implement a zebra crossing on Muswell Hill Road N10 under Section 23 of the Road Traffic Regulation Act 1984.
 - To revoke the existing Double Yellow Lines on the western side of Muswell Hill Road N10, from a point 10.4 metres north from its northern junction with Cranley Gardens, north for approximately 26.3 metres.
 - To revoke the existing Double Yellow Lines on the eastern side of Muswell Hill Road N10, from a point 1.3 metres south from the property boundary of No.162/164, south for approximately 30.4 metres.

The above parking changes are required to facilitate the installation of the proposed zebra crossing and associated zig-zag markings on Muswell Hill Road N10, on which vehicles would be prohibited from stopping at all times. These will be placed on the carriageway either side of the crossing; the southern set will be 17 metres on the west side and 8.6 metres on the east side of the carriageway. The northern set will be 4.45 metres on the west side and 17 metres on the east side of the carriageway. The centre of the crossing will be located at the existing refuge south of property No.160.

- 6.5 The zebra crossing will improve the walking route for school children travelling to and from St James C of E Primary School and Tetherdown Primary School.

- 6.6 The proposed zebra crossing will provide a clearly defined crossing point and will give pedestrians the right of way over traffic, enabling them to cross the road safely, which will assist in reducing PIA's.
- 6.7 The total cost of the scheme is £49k, which will be funded via the Local Implementation Plan (LIP) settlement for 2023/24. It may be helpful to explain that the LIP is the process through which TfL provides funding to boroughs for schemes to improve their transport networks, in line with the Mayor for London's Transport objectives.

7 Consultation

- 7.1 Ward Councillors were informed about the proposals on 11 October 2023 and no comments were received.
- 7.2 Notification documents were distributed to properties in the vicinity of the proposals on 25 October 2023. A copy of the public and statutory consultation document is attached as Appendix A and copy of the consultation boundary can be found in Appendix B.
- 7.3 **The notification letter was uploaded on the Council's website. Legal notices were placed on-street and in the local newspaper and London Gazette. A copy of the legal notice is attached as Appendix C which gave parties 21 days to make representations regarding the proposals in Appendix A as required by the Local Authorities' Traffic Orders (Procedure)(England and Wales Regulations 1996 ("LATOR"). A copy of the legal notice and draft order together with the statement of reasons explaining why the Council has proposed to make the order was made available at its offices as required under LATOR.**
- 7.4 As part of the statutory process, the following statutory bodies were also notified as required by LATOR:
- AA
 - London Transport
 - Police (local)
 - Fire Brigade
 - London Ambulance Service
 - Freight Transport Association
 - Road Haulage Association
 - RAC
 - Metropolitan Police (traffic)
 - London Travel Watch
 - Haringey Cycling Campaign

8 Responses to Consultation

- 8.1 The full consultation report from which table 1 was extracted, is attached as Appendix D.

Table 1 – Public and Statutory Consultation Analysis

		Count	%
Support or Object	Support	15	75%
	Object*	4	20%
	Other view	1	5%
	Total	20	100%

8.2 The Council received 20 responses during the public and statutory consultation period, 15 (75%) in support, 4 (20%) objections and 1 (5%) who had other views on the proposal. Objections have been summarised below together with officer's view recommended response.

8.2.1 Objection 1 – The zebra crossing will further increase traffic congestion in the area

'Couple of reasons to object. First of all is that there have been some road changes already made on the relevant section of Muswell Hill road such as larger traffic islands. It would make sense to see if that has addressed safety concerns rather than adding changes. Other reasons for objecting relate to unintended consequences. I have a concern that with a pedestrian crossing, mini roundabout and zebra crossing in close proximity this will create a traffic choke point resulting in increased congestion which may back all the way back to Muswell Hill Broadway. This would mean that the 43 and 134 buses run much slower discouraging public transport use. In addition the impact on Muswell Hill could be severe if it is full of queuing traffic as it would be more polluted, noisier and less attractive'.

Officer Response

The recent highway improvement works on Muswell Hill Road, involved kerb re-alignments, reconstruction of traffic islands and anti-skid road surface treatments. These measures are aimed at traffic calming and improving safety of traffic movements through these junctions.

Over the years, the Council has received several requests from the local community to introduce a formal pedestrian crossing on Muswell Hill Road, between Cranley Gardens and Woodside Avenue, which is also on a walking route to St James C of E Primary School and Tetherdown Primary School, both accessed via Woodside Avenue. Whilst there is a formal pedestrian crossing (signalised) provided south of junction with Cranley Gardens, this does not meet the desire line of pedestrians wishing to cross Muswell Hill Road whilst approaching from north of Woodside Avenue.

The proposed zebra crossing is unlikely to have a significant impact on traffic flows but will give pedestrians the right of way over traffic, enabling them to cross the road safely, thereby helping to reduce future collisions.

The proposed zebra crossing will also assist in conforming to the **Mayor of London's 'Healthy Street Approach' on creating streets that are pleasant, safe and attractive** where accessibility is not a barrier that prevents people, particularly the most vulnerable from getting out and about.

8.2.2 Objection 2 – The proposed zebra crossing location will increase road traffic accidents

'5 slight personal injury accidents in 36 months does not justify introduction of a zebra crossing - it should not be taken as certain that a zebra crossing would reduce any incidence of future accidents - I would consider it quite feasible that the introduction of a zebra crossing in the proposed location could lead to an INCREASE in pedestrian injuries - the proposed location for the zebra crossing will VERY LIKELY lead to a rise in road traffic accidents. The junction in question is already a complex one. A zebra crossing will make it worse - there is already a pelican crossing only 50 metres away on the same road. This is already a safer place for pedestrians to cross'.

Officer Response

The zebra crossing has been proposed following requests from the local community for a formal crossing point on Muswell Hill Road between Cranley Gardens and Woodside Avenue. The zebra crossing will also improve the walking route for school children travelling to and from St James C of E Primary School and Tetherdown Primary School.

The formalising of the existing uncontrolled crossing will provide a clearly defined crossing point and will give pedestrians the right of way over traffic, enabling them to cross the road safely, thereby helping to reduce future collisions.

The zebra crossing is designed in accordance with Chapter 6 of the Traffic Signs Manual and the Traffic Signs Regulations and General Directions 2016 and therefore conforms to the relevant safety regulations. Nevertheless, as with all schemes of this nature, if approved, officers will be arranging for an independent road safety audit to be carried out, prior to progressing with the scheme and any issues highlighted will be considered and responded to accordingly.

Whilst it is noted that there is an existing pelican crossing on Muswell Hill Road south of its junction with Cranley Gardens, a formal crossing assessment has identified that the location of the proposed zebra crossing is on the pedestrian desire line.

Section 15.4.1 of Chapter 6 of the Traffic Signs Manual states that “any crossing should be located as near as possible to the desire line – that is, the route pedestrians actually want to, and do, take, which is not always the same as where a designer may wish to place it. Providing a crossing on the desire line will reduce the risk of pedestrians crossing near or in the “shadow” of the crossing, which may be dangerous”.

The installation of the zebra crossing will support the delivery of the Council’s Road Danger Reduction Action Plan, by introducing a safe crossing point for pedestrians, in particular vulnerable road users. It will also support the delivery of the Council’s wider [Transport Strategy](#), encouraging walking, as pedestrians will feel more confident and safe when needing to cross the road.

8.2.3 Objection 3 – The proposed zebra crossing is not required

‘I don't think it's necessary because there is a pedestrian crossing 10-15m away by the bus stops. Also there is a subway in the exact same place you propose having the zebra. The scheme would be duplicative and not give value for money. Furthermore, it will cause chaos on the mini roundabout at the top of Cranley Gardens’.

Officer Response

Over the years, the Council has received several requests from the local community to introduce a formal pedestrian crossing on Muswell Hill Road, between Cranley Gardens and Woodside Avenue, which is also on a walking route to St James C of E Primary School and Tetherdown Primary School.

The existing pedestrian underpass, albeit located adjacent to the proposed crossing, is generally disliked by pedestrians, especially the less able, as they prefer the fastest and most direct way to cross the road. It should also be noted that some pedestrians dislike using the underpass due to personal security concerns.

Whilst it is noted that there is an existing pelican crossing on Muswell Hill Road south of its junction with Cranley Gardens, a formal crossing assessment has identified that the location of the proposed zebra crossing is on the pedestrian desire line.

The formalising of the existing uncontrolled crossing will make it safer for pedestrians to cross the road, especially the less able, thereby further reducing the risk of road traffic collisions, which is in line with the Council's Road Danger Reduction Action Plan.

8.2.4 Objection 4 – No need for a zebra crossing / waste of money

'There is already a crossing twenty metres from the proposed site and there is no need for both. I might add that there has already been a new costly crossing area added at that very position. There is even also a tunnel under the road! It is surely a waste of more money at a time when there have to be better priorities. Five 'slight PIAs' in 36 months is a) a very small number b) probably caused by people not using the existing crossing or underpass. I consider this idea pointless and a waste of money. Spend it in poorer areas of this borough please'.

Council Response

Please refer to the officer response under section 8.2.3.

8.3 The order does not prohibit loading or unloading at any time nor prohibit or restrict the passage of public service vehicles and so there is no obligation to hold a public inquiry. This report does not include a recommendation to hold a public inquiry as the implementation of the measures described in paragraph 6.4 above will contribute towards improved safety and road danger reduction and that holding a public inquiry would lead to expense and delay while being unlikely to alter the ultimate decision.

8.4 The Council has a duty under section 122 of the Road Traffic Regulation Act (RTA) 1984 to (in summary) **"secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway having regard to securing and maintaining access to premises, preserving or improving the amenities of the areas, national air quality, facilitating the passage of public service vehicles and safety and convenience of people using such vehicles as far as practicable."**

Officers consider that the factors which have pointed in favour of implementing the proposed zebra crossing include:

- The opportunity for pedestrians to safely cross Muswell Hill Road.
- **The safe and convenient movement of pedestrians on the Council's road network** including children travelling to and from nearby schools.
- not restricting the passage of public service vehicles.

9 Contribution to strategic outcomes

9.1 The installation of the new formal crossing at this location will support the **delivery of the Council's Road Danger Reduction Action Plan** action, by improving road safety. It supports the following high-level strategic priority outcomes contained within the Corporate Delivery Plan:

Theme 1: Resident experience, participation and collaboration

- Positive Resident Experience
- Inclusive Public Participation

Theme 2: Responding to the Climate Emergency

- A Greener and Climate Resilient Haringey
- A Just Transition

- A Low Carbon Place

It will also support the delivery of the Council's wider [Transport Strategy, encouraging walking as road users will feel more confident and safe.](#)

10 Carbon and Climate Change

- 10.1 The scheme will help contribute positively to carbon emission reduction and mitigate climate change in the following way:
- 10.1.1 Improving road safety: Improving road safety through provision of a safe crossing point, will encourage more people to seek active transportation modes such as walking. This not only reduces greenhouse gas emissions but also promotes a healthier lifestyle, which, in the long run, can reduce healthcare, related emissions linked to sedentary lifestyles.

Statutory Officers' comments

11 Comments of the Chief Financial Officer

- 11.1 This report seeks the approval for the implementation of the proposed zebra crossing on Muswell Hill Road, between Cranley Gardens and Woodside Avenue, N10 for a total cost of £49k. **The full cost of this proposal will be met from the current Council's capital programme plan, under capital scheme 309 – TfL LIP Programme.**

12 Comments of the Head of Legal Services and Governance

- 12.1 Pedestrian crossing facilities are provided under powers contained in Section 23 of the Road Traffic Regulation Act 1984, in accordance with the Pelican Pedestrian Crossings Regulations and General Directions 1987 and varying no parking restrictions under Sections 6 and 124 of the Road Traffic Regulation Act 1984.
- 12.2 Before establishing a controlled pedestrian crossing, the Council must consult with the parties described in paragraph 7.4 above and place/publish notice of the proposal(s) and make the draft order/notice available for inspection at its offices as described in paragraph 7.3.
- 12.3 When a consultation has been undertaken, the Council must take into account the representations received in response to that consultation when taking a decision. **The consultation responses received are sent out in Appendix D to this report and officers'** consideration of the same set out in section 8.2 of this report which must be taken into account before the decision whether to implement the zebra crossing/make the necessary TMOs is taken. A judgment is to be exercised as to how much weight each representation should carry and whether or not to approve any of the measures in the proposals in light of those representations.
- 12.4 The Courts have held that a decision maker must consider consultation responses with 'a receptive mind' and be prepared to change course if persuaded by a response, but is not under a duty to adopt the views of consultees.
- 12.5 Section 122 of the RTRA requires the Council to have regard to factors pointing in favour of imposing a restriction on the movement of traffic and those pointing in favour of securing the convenient and safe movement of such traffic, balancing the various considerations and concluding that the restrictions represent an appropriate outcome.

- 12.6 The factors which have pointed in favour of introducing a controlled pedestrian crossing are set out in paragraph 8.4 of this report.
- 12.7 Regulation 9(1) of LATOR sets out when an authority must hold a public inquiry before making an order and when it has a discretion to hold one. The TMOs will not prohibit loading or unloading at any time nor prohibit or restrict the passage of public service vehicles as stated in paragraph 8.3 above and so there is no obligation on the Council to hold a public inquiry. Having considered the objections to the proposal, it would be lawful for the Council to decide not to hold a public inquiry for the reasons explained in paragraph 8.3-8.4 of this report.
- 12.8 The decision to approve the highway works/alter/install highway infrastructure and make/vary an order to introduce a pedestrian crossing is an executive decision that can be exercised by the Head of Highways and Parking **in accordance with the Council's** Constitution and delegation given by the Director of Environment and Resident Experience in this scheme of delegation dated 13 March 2023.

13 Equality Comments

- 13.1 The council has a Public Sector Equality Duty (PSED) 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 protected characteristics and people who do not**
 - **Foster good relations between people who share those characteristics and people who do not.** The three parts of the duty apply 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. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic
- 13.2 The consultation documents were distributed to all households / businesses within the agreed consultation area to ensure that all stakeholders were made aware **of the council's proposals.**
- 13.3 The introduction of a zebra crossing would benefit, allow greater accessibility and safety of those in wheelchairs, and/or with buggies, including children (especially school children) and the elderly, thereby advancing equality of opportunity for groups with protected characteristics such as disability as well as pregnancy and maternity.

15 Use of Appendices

- Appendix A – Public and Statutory consultation letter and plan
- Appendix B – Consultation Boundary
- Appendix C – Legal Notice
- Appendix D – Full consultation report