



Report to the Secretary of State for Transport

by **Martin Whitehead LLB BSc(Hons) CEng MICE**

an Inspector appointed by the Secretary of State for Transport

Date: 27 February 2018

CYCLE TRACKS ACT 1984

THE LONDON BOROUGH OF WALTHAM FOREST (CYCLE TRACKS) (NO 1) ORDER 2016

Inquiry held and site inspection made on 6 February 2018

Aubrey Road and Howard Road, London E17

File Refs: NATTRAN/L/CYCLETACK/94 and DPI/U5930/17/7

Case Details

- This Order was made under section 3(1) of the Cycle Tracks Act 1984 and is known as 'The London Borough of Waltham Forest (Cycle Tracks) (No 1) Order 2016'.
- The Council for the London Borough of Waltham Forest submitted the Order, dated 3 June 2016, for confirmation to the Secretary of State for Transport.
- If confirmed, the Order would authorise the Council for the London Borough of Waltham Forest to designate an existing part width of unnamed footpath between Aubrey Road and Howard Road, London E17 as cycle track.
- There were 7 objections outstanding at the time of the Inquiry.

Summary of Recommendation: That the Order be confirmed.

1. Preamble

- 1.1 I was appointed to hold a public local Inquiry into the above Order, and to report to the Secretary of State for Transport (SofS).
- 1.2 The section of public footpath that would be converted into a cycle track under the 'The London Borough of Waltham Forest (Cycle Tracks) (No 1) Order 2016' (the Order) is 2.5m wide for a distance of approximately 29m and is situated between Aubrey Road to the west and Howard Road to the east.
- 1.3 Objections have been received by the Department for Transport (DfT) from 7 parties¹. The main grounds for the objection to the Order were regarding concerns about the safety of pedestrians that would use the segregated facility, especially children, pushchair users and people with disabilities, and the safety of cyclists that would use the cycle track. In support of the Order, an e-mail from three Council Liaison Officers on behalf of Waltham Forest Cycling Campaign² was received on 7 August 2017, and a letter of support from Walthamstow Family Bike Club³ and a further 10 e-mails of support⁴ were received by the DfT prior to the Inquiry.
- 1.4 I opened the Inquiry on Tuesday 6 February 2018, following a postponement from the original date of 5 September 2017 to allow the notices to be served, and it sat for one day at Low Hall, Argall Avenue, Leyton, London E10 7AS.
- 1.5 I made an unaccompanied inspection of the Order land and the surrounding highway network at about 1600 hours on 5 February 2018. I carried out an accompanied site inspection after close of the Inquiry at about 1630 hours on Wednesday 6 February 2018 with John Lowe and Christian Muncney.
- 1.6 The Council for the London Borough of Waltham Forest (the Council) has confirmed compliance with all necessary statutory formalities⁵. No one has disputed this compliance.

¹ Document INQ1 Section D (Jane Stokes), Section E (Wendy Davis), Section F (Stephen Tippell), Sections G and P (Christine Greig), Sections H and N (Waltham Forest Streets for All), Section O (Colin Berry) and Document INQ2: Gladys Jones.

² Document INQ1 Section J

³ Document INQ1 Section Q

⁴ Document INQ6

⁵ Document INQ1 Sections A, K, L and M

- 1.7 This report contains a brief description of the site and surroundings, the gist of the cases presented together with my conclusions and recommendation. Lists of Inquiry appearances and documents are given in the Appendix.

Description of the Site and Surroundings⁶

- 2.1 The public footpath, which is referred to as 'the alleyway' is bounded on both sides by the side walls and boundary walls of terraced dwellings that front Howard Road to the east. It is about 5.3m wide and 29m long and links Aubrey Road to the west with Howard Road. There is no separate footway on the eastern side of Aubrey Road adjacent to the alleyway and Howard Road has a footway that is about 2.4m wide on its western side adjacent to the alleyway. The heights of the boundary walls either side of the alleyway on Howard Road were agreed at the site inspection as being about 1.1m on the northern side and 1.26m on the southern side.
- 2.2 At my site inspections I observed that the work to create the cycle track has already been carried out, with surface treatment, road markings and bollards in place. As such, there is nothing in place to prevent cyclists from using it or warn them that it is not a cycle track. The widths of the proposed pedestrian footpath as set out on the southern side of the alleyway was agreed on site as being about 2.15m from the edge of the brick gutter to the centre of the dark grey brick demarcation strip, with a minimum width of about 1.15m between the edge of the planter in the centre nearest to the eastern end and the adjacent overhanging utility box and about 1.7m between the planter and the gutter. The width of the 2 way cycle track as set out on the northern side of the alleyway was agreed on site as being about 2.65m to the centre of the dark grey demarcation strip, narrowing to a minimum of about 2.2m adjacent to the planters.
- 2.3 One-way traffic is permitted along Aubrey Road in a southerly direction in the area of the alleyway and a raised table and give-way markings have been installed adjacent to the entrance to the alleyway. Two-way traffic is permitted along Howard Road and it has parking bays either side. Some parking bays have been removed to extend the paving into the carriageway adjacent to the alleyway entrance.

3 The Case for the Council

The material points were⁷:

- 3.1 As part of the Waltham Forest Mini-Holland programme, a 'Villagisation' scheme was implemented in the Hoe Street and Wood Street area of Walthamstow which aimed to encourage a modal shift towards walking and cycling by removing barriers. These barriers included high traffic volumes, high traffic speeds, lack of cycle infrastructure and permeability and poor pedestrian provision.
- 3.2 The Hoe Street and Wood Street area scheme was initiated in March 2015 via an online 'Perception survey' from 13 March to 3 April 2015, the results of

⁶ Documents INQ1

⁷ Document INQ1 Sections I and I1

which were used to inform the design of the scheme. Schemes were then developed through a series of 'Co-design' workshops with interested residents to further inform the preliminary design which was presented as part of the Public Consultation undertaken between 28 September and 19 October 2015. A number of schemes were proposed, including allowing both cyclists and pedestrians to travel through the alleyway between Aubrey Road and Howard Road, separated by trees, a flower bed and a lighting column.

- 3.3 Following completion of the preliminary design, further engagement was carried out with interested residents, particularly those who had historically maintained the concrete planters within the alleyway. On 26 November 2015 the Council's Cabinet signed off the proposed scheme for the Hoe Street and Wood Street area after approval was given for it at the 'Portfolio Liaison Meeting'. The results of the public consultation and schemes that were to be implemented were detailed in an update that was delivered to all households within the scheme area. Meetings were held with members of the Aubrey Road Residents' Association during this time.
- 3.4 The aims of the scheme are to:
- improve permeability and accessibility for all users, particularly for users with mobility issues;
 - improve the aesthetics of the alleyway with new planting, trees and surfacing;
 - encourage local residents to walk and cycle on short local journeys;
 - improve lighting; and
 - reduce traffic speeds by installing a traffic calming table on Aubrey Road.
- 3.5 The alleyway has historically operated as a pedestrian only thoroughfare, as a link between Howard Road and Aubrey Road, allowing pedestrians and cyclists to reduce their journeys by almost 500m. Council officers have observed that the majority of cyclists using the alleyway were not dismounting. However, they have not been made aware of any serious incidents or collisions. Offset barriers were in place at the western end to encourage cyclists to dismount. Bollards were in place at the eastern end to block motor vehicles from entering. Concrete planters and a lighting column obstructed pedestrian flow.
- 3.6 The cycle track design provides separate paths for walking and cycling, removing conflict issues and improving safety at the junctions either end of the alleyway by providing traffic calming and widened footways. An independent safety audit⁸ raised no issue regarding the new mixed use working. These works were carried out between 24 April and 18 May 2016, with the surfacing laid on 23 September 2016 following the relocation of the lighting column, and they included the cycle logo road markings. Since then, no incidents have been reported to the Council.
- 3.7 The works included the removal of concrete planters and offset barriers and provision of new flower beds, two trees, bollards, a raised informal crossing

⁸ Document INQ5

point at the Aubrey Road junction and a build out at the Howard Road junction to improve sightlines, resurfacing and the relocation of the lighting column and litter bin centrally. These works were carried out prior to the completion of the statutory consultation process due to the time constraints of the Mini-Holland budget, a strong resident desire to see them carried out as soon as possible and the statutory procedures of the Cycle Track Act 1984. All the works are consistent with a pedestrian only upgrade except for the cycle logo markings which were required to be marked with the resin bonded gravel surface.

- 3.8 Six objections to the Order were received by the Council⁹. No objections have been received from the statutory consultees, consisting of emergency services (fire, ambulance and police), the Road Haulage Association and the Freight Association.
- 3.9 The alleyway has been divided in half between pedestrians and cyclists, although generally cyclists require a greater width, and the defined paths have been separated by flower beds, a lighting column and trees. The separate paths are defined by cycle logos at each end and tactile paving at the western end for the visually impaired. The pedestrian footpath width is generally 2.3m, with a minimum of 1.2m at a point adjacent to the eastern tree pit, which adheres to recommended footway widths set out by the DfT and Transport for London (TfL).
- 3.10 The new build out at Howard Road does not imply that pedestrians or cyclists have right of way and there is a clear definition between footway/cycle track and carriageway. This transition is not mentioned as a concern in the safety audit. The offset barriers at the Aubrey Road end have been removed to improve cycle permeability and allow utility and cargo bicycles to pass as well as double buggies and electric mobility scooters.
- 3.11 A Council enforcement programme would ensure that the restrictions related to motorbikes would be adhered to. Issues with regard to use of footways and cycle tracks by motorcycles are common across the Borough but it is not an acceptable solution to obstruct and/or block legitimate users.
- 3.12 The scheme adheres to all accessibility requirements and the Council has not been informed of any issues with regards to conflict between pedestrians and cyclists using the new infrastructure. The alleyway provides a vital link in the Borough's new 'Local area cycle network', allowing cyclists to travel east/west without having to use the high volume roads of Forest Road and Church Hill and sustainable users to avoid higher air pollution.

⁹ From Jane Stokes, Colin Berry, Mrs Osbourne, BT Openreach, Stephen Tippell and Wendy Davis. I have not included Mrs Osbourne and BT Openreach as outstanding objections to the Order as they have not submitted official objections to the DfT.

4 The Cases for the Supporters

The material points were:

Waltham Forest Cycling Campaign and Walthamstow Family Bike Club¹⁰

- 4.1 Against a very small number of objectors must be weighed the far greater numbers of local residents who have expressed clear support for the scheme and the measures in the 'Mini-Holland' programme, which has won awards across the United Kingdom. The alleyway has long been used as a cycle corridor, forming part of a key quiet route taking in the Wood Street area, Walthamstow Market and other amenities, including local schools. It is used as a link for pupils accessing a girls' secondary school and a primary school that are very close to it. It avoids the need for cyclists to use Forest Road to the north or Church Hill to the south, both of which are busy, dangerous roads, and provides a safer and more attractive route for less confident cyclists.
- 4.2 The scheme improves matters for cyclists by making the exit onto Aubrey Road easier and safer, including for families with children. It improves the clarity as to where those walking would be likely to encounter cycling with ground markings and planters separating the two modes. The resin bonded gravel surfacing has improved the public realm and ensured that cycle speeds have remained low and safe to avoid conflicts with pedestrians. Sightlines have been improved at the exit onto Aubrey Road by the removal of the barriers. The installation of a raised table and the removal of through motor vehicle traffic on Aubrey Road and the build out of the pavement at the Howard Road junction have further improved safety, increasing sightlines on Howard Road and reducing interactions with cars and speeds of cars on Aubrey Road.
- 4.3 Accessibility has been improved for all users by the removal of the barriers and levelling the ground. There have been no reported collisions or injuries in or near the alleyway since the scheme has been implemented. The design has passed all of the relevant safety audits, there is clear evidence that most residents support it and it is an improvement on previous conditions for those walking and cycling and for wider accessibility. In terms of motorcycle use of the alleyway, a resident living close to it has suggested that the use took place before the barriers were removed.

Other Supporters¹¹

- 4.4 The alleyway is generally not unsafe and is hardly used by cyclists and motorcyclists. However, its use by motorcycles is unsafe and something needs to be done about it. Those cyclists that have used it tend to cycle slowly and cautiously due to its short length and the road layout on Howard Road into Seaford Road. The removal of the barriers has improved its use for a double buggy and made the route more popular. It offers a safe route for cyclists.

¹⁰ Document INQ1 Sections J and Q and oral evidence of Paul Gasson at the Inquiry

¹¹ Document INQ6

5 The Cases for the Objectors

The material points were:

Waltham Forest Streets for All (WFS4ALL)¹²

- 5.1 WFS4ALL is a voluntary organisation that was formed from a number of groups in Waltham Forest who have experienced serious problems as a result of the Council's 'Mini-Holland' programme, of which the proposed cycle track is a part. It is not opposed to the aspirations of this programme, which are to encourage walking and cycling and reduce air pollution levels. Its concerns about the proposed cycle track in the Aubrey Road to Howard Road alleyway focus on the detriment to pedestrian safety.
- 5.2 In terms of process, there has been an imbalance in consultation with residents, pursuit of legalising illegal behaviour of cyclists and premature implementation of the works. The Council announced that TfL has awarded funding of £27 million to three boroughs, including Waltham Forest, for the 'Mini-Holland' programme to make significant improvements and encourage more local people to walk and cycle. The Hoe Street area is one of a series of residential areas in the Borough being invested in as part of the programme to create places that are great to live, work and travel around.
- 5.3 The alleyway was one of six public spaces that the Council suggested local residents would like to develop to enhance the look and feel of the area, following a perception survey in March 2015. The package of proposed improvements were listed as tree planting and greenery, improved access for pedestrians and cyclists, encouraging pedestrians and bicycles to use the alleyway to reduce anti-social behaviour, link with the local cycle network for onward journeys and create new public artwork. This was relatively popular amongst those responding to the part of the consultation that dealt with developing public spaces '*to enhance the look and feel of the area*'. The Council proceeded with this with further consultation but there is no evidence that the Council considered the potential impact on pedestrians with respect specifically to the alleyway.
- 5.4 'Our Streets' organisation carried out a survey in March 2017 of Howard Road residents, of which 147 responded. That survey identifies that 67 wished it to be turned back into a pedestrian route and 26 wished to reverse the sides which pedestrians and cyclists would use¹³.
- 5.5 The Council's Waltham Forest Mini-Holland Design Guide indicates that the proposal for a cycle track in the alleyway serves as a paradigm for '*legalising illegal behaviour*'. This is contrary to the Design Guide's assertion that the '*Mini-Holland programme is not just for people who cycle*'.
- 5.6 The physical implementation of the intent of the Order took place before the Order was made or published. The barriers at Aubrey Road end have been removed. Similar barriers at the Howard Road end of the alleyway had

¹² Documents INQ1 Sections H and N and oral evidence of John Lowe and Wendy Davis at the Inquiry

¹³ Document E1

previously been removed but not as part of the scheme¹⁴. It is not known how wide the space between the off-set barriers had been, but it measures about 1.2m when scaled from the scheme drawing¹⁵. No motorcycles had been seen using the alleyway before the barriers were removed and cyclists had to dismount. There have been complaints about the use by motorcycles since their removal¹⁶ and many incidents have not been reported.

- 5.7 The Order if confirmed without modification would have the effect of designating a width of 2.5m at the northern side of the footpath as being a '*right of way for pedal cycles and a continuing right of way for pedestrians*'. Cycle Track Act 1984 section 3, subsections 8 and 4(c) make it plain that the Order takes effect no earlier than the date on which the notice of confirmation is first published.
- 5.8 With regard to design, there is no serious demarcation between the cycle track and the pedestrian part of the alleyway, no indication that any of the width is reserved for pedestrians, no cycle-slowing measures or anything to show cyclists that they are sharing the alleyway with pedestrians, an extension of the surface treatment across Howard Road footway, poor sightlines at the exit of the alleyway, no warnings to cyclists of the exit onto a carriageway and no practical restraint on the use of the alleyway by motorised vehicles.
- 5.9 The guidance laid down in TfL's '*London Cycling Design Standards*' Version 2, dated September 2016 (LCDS) has not been applied and neither has its alternative requirement that '*any decision to depart from the advice should be accompanied by a reasoned justification for doing so...*'¹⁷. To provide a demarcation between the cycle track and the part reserved for pedestrian use the means of separation in the LCDS include white line delineation and use of pedestrian and cycle symbols on the path, use of raised delineator 12-20mm in height to reinforce the separation and strong continuous visual contrast between cycle and pedestrian sides¹⁸. The preferred form of delineation should be arrived at following consultation with representatives of the visually and mobility impaired.
- 5.10 The cycle track should be in the southern half and the pedestrian space in the northern half. The reasons for this are that the pedestrian space would not be compromised by street furniture; the visually impaired would have the continuous wall on the north to follow without obstruction; cyclists would be able to pass through the restricted width due to street furniture faster than pedestrians; and cyclists making the mandatory left turn onto Aubrey Road would not cut across the path of the pedestrians towards Aubrey Road's footway on the west side.
- 5.11 Pedestrians would be legally entitled to use the whole width of the alleyway and they should not be penalised with undue additional risk if they walk on the cycle track. The LCDS implies that there should be more concern for

¹⁴ Oral evidence given by Wendy Davis at the Inquiry

¹⁵ Response by John Lowe to a question by the Inspector at the Inquiry, which the Council could not verify

¹⁶ Oral evidence given by Wendy Davis at the Inquiry and Document INQ8

¹⁷ Document INQ11 paragraph 1.1.3

¹⁸ Document INQ11 paragraph 4.5.12

pedestrians as the more vulnerable party¹⁹. Cyclist slowing measures should be used, such as those included in the LCDS²⁰ and cyclists should be made aware of the legitimate presence of other users of the alleyway.

- 5.12 The extension of the alleyway's surface treatment across Howard Road footway will be seen by cyclists as a creating continuous priority for them over the footway. The LCDS indicates that *'subtly demarcated routes through shared areas should stop short of the carriageway at crossings, so as to encourage cyclists to give way to pedestrian movement along the footway'*²¹. The footway should be restored to the appearance of a footway across the entrance to the alleyway to show whose space it is.
- 5.13 Although the sightlines at Howard Road are given by the Council as 15m, they are obstructed by boundary walls and this would only be the minimum distance for speeds up to 12 mph. There is nothing to prevent cyclists travelling at higher speeds, particularly when coming from Seaford Road²². The difficulties that poor quality of exit sightlines impose on cyclists can be inferred by the LCDS²³. These problems are posed to pedestrians and they are often more vulnerable than a cyclist in any conflict between them. The poor sightlines at the alleyway are determined by the boundary walls and mitigation is therefore required, which would slow cyclists down. These include warning signs and markings.
- 5.14 Restoration of the footway at Howard Road and the relocation of the cycle track to the southern half of the alleyway would help to remedy the concerns about the warning given to cyclists when they exit the alleyway. With regard to the use of the alleyway by motorised vehicles, the LCDS argues that 'where concerns are raised about access by powered two-wheelers, clear codes of conduct, better enforcement and/or use of double humps are all preferable to barriers and chicanes'²⁴. It particularly recommends the use of 'double humps' to 'prevent use by powered two wheelers'. The illegal use by motorcycles is a key concern and the alleyway would be a convenient route for them to use after a crime has been committed.
- 5.15 If the Council is not willing to take steps to conform to the LCDS so that difficulties and dangers currently posed by the alleyway can be overcome, WFS4ALL object to the introduction of the cycle track and insist that the alleyway be restored to pedestrian only use with safeguards against illegal cycling reinstated.

Stephen Tippell²⁵

- 5.16 Since the layout has been implemented Stephen Tippell has witnessed 3 instances of bicycles cutting the corner across the pedestrian area and also the use of the alleyway by a motorcycle. The barriers had previously stopped

¹⁹ Document INQ11 paragraph 4.5.1

²⁰ Document INQ11 paragraph 4.5.16 and Figure 4.20

²¹ Document INQ11 paragraph 4.5.13

²² Document INQ4 paragraphs 6.3 and 6.4 and oral evidence given by Wendy Davis at the Inquiry

²³ Document INQ11 paragraph 4.5.8

²⁴ Document INQ11 paragraph 4.5.15

²⁵ Document INQ1 Section F and oral evidence at the Inquiry

children running onto Aubrey Road and since their removal it has been more dangerous for them. At the Howard Road end, the sightlines rely upon people being able to see over the adjacent boundary wall and small children and wheelchair or mobility scooter users would not be visible due to the height of the wall.

- 5.17 The illegal use of the alleyway by motorcycles has been surveyed as being 5 per day on average with a maximum of 25 per day²⁶. A comparison with other roads in the area is not applicable as they are roads that have been stopped up²⁷. The problem with motorcyclists using the alleyway has been created by the scheme and a failure of enforcement. The Council's survey shows that the alleyway has a very low use by cyclists²⁸ and it is not on a cycle route. Therefore, there should not be a problem with using barriers to slow them down or make them dismount. The infrequent use of the alleyway by cyclists increases the safety risk.

Colin Berry²⁹

- 5.18 Colin Berry is a Howard Road resident who is disabled from a stroke and uses the alleyway to exercise regularly. Since the changes to the alleyway he has witnessed near misses between cyclists and pedestrians due to the cyclists going too fast and cutting off the corner. This is caused by the removal of the barriers and the whole surface treatment being the same colour and texture with cyclists not noticing the lanes and pedestrians using the cycle lane. This has resulted in local residents not wishing to use the alleyway as it is too dangerous³⁰. There is also insufficient space on the pedestrian side of the alleyway.

Other Objectors³¹

- 5.19 The alleyway is regularly used by local residents to access the shops and services in Hoe Street, to access schools and other facilities in the Church Hill area and access the station and town centre. It is a popular cut-through for people with pushchairs and has historically been a pedestrian only footpath in which cycling is banned.
- 5.20 The work has been completed in advance of the application being published. The segregated facility has created a very narrow path with street furniture in the way of pedestrians and is not wide enough for a pushchair or wheelchair, with there being no clarity of where the footpath ends and the road begins. It is dangerous for pedestrians, including people with disabilities and sight impairments to negotiate, as cyclists are likely to go fast in both directions. It is also dangerous for cyclists exiting the cycle track onto Howard Road with only road markings warning drivers of cyclists. There is a semi-blind corner where pedestrians enter the footpath from Aubrey Road and there is a blind

²⁶ Document INQ3 paragraph 6.2

²⁷ Document INQ3 paragraph 6.3

²⁸ Document INQ3 paragraph 1.1

²⁹ Document INQ1 Section O and oral evidence at the Inquiry

³⁰ Document INQ2

³¹ Document INQ1 Sections D, E, G, N and P and Document INQ2

corner at the junction of the alleyway and Howard Road footway, which restrict the visibility between pedestrians and cyclists.

- 5.21 The Council did not consult on the detailed proposals with residents of Howard Road, Falmer Road, Hurst Road and The Drive. Previously children were protected from running out into the road and pedestrians protected from cyclists by overlapping metal barriers at the Aubrey Road end. These barriers enabled pushchairs to pass but made cyclists dismount and prevented them from riding in the alleyway at speed. Motorcyclists are now using the alleyway making it dangerous and causing disturbance due to noise and increasing risk of crime.
- 5.22 Access Guidelines produced in the 1990s warn against cyclists and pedestrians using the same space. The recent report by the Government's Women and Equalities Committee and disability organisations also advocate against the design. The design allows cyclists to cross the designated pedestrian route at either end, which does not encourage walking as the Council suggests in its 'ENJOY' publicity. The Access Guidelines recommend a 2m width for pedestrians wherever possible and a minimum of 1.5m clearway with street furniture positioned to the sides.
- 5.23 The works for the Order have removed parking spaces that are part of the Car Parking Zone (CPZ) for parking permits. The different materials, tactile paving and additional signs have harmed the streetscape. The scheme is completely unnecessary and is a waste of public money.

6 Response by the Council

The material points were³²:

- 6.1 The cycle track is segregated using planted flower beds and street furniture, in particular a lighting column, which has improved the light by using a double headed LED lantern. It is demarcated by these features and mode is indicated with 2 cycle markings at each end of the alleyway. Pedestrian and cycle flows are considered to be very low³³.
- 6.2 A single surface treatment was the preferred solution in terms of aesthetic considerations and it would help highlight that the alleyway is an active area of public space as well as a through route, in turn encouraging lower cycle speeds. At the Aubrey Road end of the alleyway the pedestrian path is indicated using tactile paving and 'Look left' and 'Look right' pedestrian road markings. The end of the cycle track is demarcated by a change in surface texture and colour (resin bound gravel to tarmac) and a standard flush kerb.
- 6.3 At the Howard Road end of the alleyway there is a small section of shared space. This is demarcated from the surrounding footway by corduroy tactile paving and an alternate surface texture and colour. The end of the cycle track is indicated by bollards which are placed near to the eastern end of the alleyway.

³² Document INQ3 and oral evidence given by Christian Muncey at the Inquiry

³³ Document INQ11 Figure 4.15

- 6.4 The alleyway has the following features that reduce the ability to cycle at speed:
- the short length of the alleyway which impedes high speeds;
 - horizontal calming provided by the 90 degree turn that is required to enter the alleyway from either end which reduces the entry speeds;
 - the resin bound surface;
 - the flower bed which slows cycles by implying use and activity; and
 - the positioning of street furniture that includes bollards at Howard Road end of the track located in the centre.
- 6.5 As part of the programme, offset fencing has been removed from a number of locations as they impede permeability for many types of user, and in particular wheelchair, double buggies and those using mobility scooters. Their removal is supported by the LCDS³⁴ and Wheels for Wellbeing's 'A guide to inclusive cycling, November 2017' (Disability Cycling Charity). The installation of double humps is not suitable at this location due to the issues it would cause to disabled users.
- 6.6 At the junction of Howard Road and the alleyway, sightlines are 15m. When pedestrians enter the alleyway from the Aubrey Road junction they have a view of its whole length including any cyclists within it. Cycles exiting onto Aubrey Road are protected from oncoming traffic by a cycle island and vehicles are required to give way to cycles at this location. When considering the sightlines the front walls of the properties either side of the alleyway have been taken into account and they have been calculated with a 2.4m set back from the end of the cycle path.
- 6.7 The Council has undertaken a survey between Monday 10 July and Sunday 23 July 2017 to assess the illegal use of the alleyway by motorcyclists. This information along with approaches being developed elsewhere will be used to design an enforcement and management programme to discourage and prevent illegal usage.
- 6.8 In the short to medium term the Council is currently considering the introduction of 'flying motorcycle' regulatory signage and to allow mobile CCTV or static cameras to be used for enforcement purposes at several locations across the Borough. Assessments are currently being carried out to ascertain if it is feasible to install signage to allow enforcement in line with regulatory conditions that must be adhered to.
- 6.9 The majority of works associated with improving the alleyway took place before the statutory consultation process associated with the Order. However, all works carried out were consistent with a general/pedestrian only upgrade except the inclusion of cycle logo markings to indicate the section of the alleyway for cycle use. All other elements, including paving material changes, de-cluttering, lighting upgrades and planting do not in themselves constitute cycle specific improvements or changes.

³⁴ Document INQ11 paragraph 4.5.15

- 6.10 The works started on 24 April 2016 and had largely been completed by 18 May 2016, with the resin bonded surfacing installed on 23 September 2016. The Order was made on 3 June 2016 and was advertised and notices placed on site on the 6 June 2016 as per the statutory requirements. No accidents in the area of the alleyway had been reported between 1 January 2012 and 31 December 2016 and, since the installation of the scheme, there have been no reported collisions within the alleyway or at its junctions with Aubrey Road and Howard Road.

7 Inspector's Conclusions

- 7.1 Bearing in mind the representations I have reported, I have reached the following conclusions. Reference is given in brackets [] to earlier paragraphs where appropriate.
- 7.2 Section 3 of the Cycle Tracks Act 1984 does not give any statutory tests to apply when deciding whether or not to confirm orders to convert footpaths into cycle tracks. However, I have considered the concerns that have been expressed by those objecting to the Order in the light of the most relevant up-to-date design standards. I have also taken account of the premature implementation of the scheme and that part of the alleyway has been operating as a cycle track since September 2016 without the public being informed that cycling is not permitted. **[2.2, 3.6, 5.1, 5.6, 5.7 and 5.20]**
- 7.3 With regard to the design standards, I am satisfied that the most relevant to this Order are provided in the document: the London Cycling Design Standards (LCDS). The LCDS has been produced by the TfL and sets out the design outcomes desired to deliver The Mayor of London's Vision for Cycling 2013. It has been subject to minor amendments in September 2016 since its publication in December 2014. It requires all infrastructure delivered through TfL funded programmes to apply guiding principles to help clarify the delivery and gives detailed design guidance to support the requirements and principles that it sets out. **[5.2 and 5.9]**
- 7.4 The Council has provided evidence to show that the alleyway is a public right of way which could be used for walking, running, mobility scooters and powered wheelchairs³⁵. It has accepted that the alleyway currently does not have any legal rights of use by bicycles or motorcycles. As such, any use of the alleyway by these vehicles would be illegal. However, there is very little evidence before me to show that the Council has tried to enforce the prohibition of cycling in the alleyway, and this is particularly the case since it implemented the cycle track scheme. Although it has carried out a survey of the use by motorcyclists and has suggested enforcement measures, there does not appear to me to be any measures in place, other than police intervention, to prevent the illegal use of the alleyway by motorcyclists. **[3.5 and 5.19]**
- 7.5 I have not been given any details of the numbers of cyclists or motorcyclists that used the alleyway before the implementation of the scheme, which included the removal of the barriers at the Aubrey Road end. However, based on a recent survey, the Council has indicated that the use by cyclists since implementation is in the 'very low' category in the LCDS but a maximum of 25 motorcyclists a day have been observed using the alleyway. This use is strictly not permitted, even though I did not observe that there are any signs to warn against it. **[3.7, 5.6, 5.17, 6.1 and 6.7]**
- 7.6 In my opinion, the barriers that have been removed would not necessarily have prevented the illegal use by bicycles and motorcycles but it would have deterred it and acted as a means of reducing the speed of those vehicles. However, the barriers also would have acted as an obstacle to the legal use of

³⁵ Document INQ10

the alleyway by pushchairs, motorised scooters or wheelchairs. Furthermore, there is nothing in place to ensure that the barriers would be reinstated should the Order not be confirmed. Taking these matters into account, in the event of the Order being confirmed, I recommend in the interests of safety that clear signs should be provided either end of the alleyway to warn motorcyclists that it should not be used by them. **[3.11, 5.6, 5.17, 5.18, 5.21, 6.7 and 6.8]**

- 7.7 The Council has indicated that the removal of the barriers and the surface treatment, relocation of planters, improvements to lighting and changes to the kerbs did not require the Order to be confirmed to implement them. Given that this is the case, should the Order not be confirmed, it would only be necessary to remove the road markings and cycle logos and the tactile paving. This would remove some of the regulatory measures to improve safety. Even with 'no cycling' signs, which the photographs provided indicate were in place before the scheme had been implemented, the evidence suggests from its past use that bicycles and motorcycles would still use the alleyway. This illegal use would be difficult to control or enforce against. **[3.7, 3.11, 4.3, 4.4, 5.15 and 6.9]**
- 7.8 With regard to the safety of the use of part of the alleyway as a cycle track, an independent safety audit has been undertaken on the Walthamstow Village-Hoe Street and Wood Street Area schemes under the 'Mini-Holland' programme of works. The audit which included the proposals for the alleyway only made one recommendation regarding the Aubrey Road to Howard Road link and this has been taken on board in its implementation. Furthermore, the Council has demonstrated that there have been no recorded accidents in the area of the alleyway up to December 2016 and that it has not been made aware of any since that date when the scheme had been implemented. However, some local residents have expressed concerns about the number of near misses or incidents that they have either been involved in or witnessed. **[3.6, 4.2, 4.3, 5.1, 5.16, 5.18, 5.20 and 6.10]**
- 7.9 To identify whether the scheme design is safe, I have examined it against the recommendations in the LCDS. In this respect, I am satisfied that the exclusion of cyclists from the alleyway would subject them to longer cycle trips and more exposure to risk on the alternative Forest Road or Church Hill. The alleyway is a relatively short link with the Council's recent survey indicating low pedestrian and cycle flows, albeit that the cyclists have unknowingly been illegally using it. It is not part of a signed cycle route and therefore its use by cyclists would be unlikely to be high. The alleyway is wide enough, at over 5m, to prevent the need for space to be shared between pedestrians and cyclists and the proposal separates the cycle track from the walkway, which in such circumstances is given as the preferred option in paragraph 4.5.12 of the LCDS. **[2.1, 3.5, 3.9, 3.12, 4.1, 5.7 and 5.19]**
- 7.10 The LCDS suggests that off-road, cyclists are the faster, less vulnerable user and design decisions about cycle infrastructure need to reflect this by designing for slower speed cycling. It provides details of cyclist slowing measures in paragraph 4.5.16 and suggests that such measures should be included at path/footway junctions. The design of the alleyway and adjacent footway along Howard Road, with the same coloured surfacing throughout, would not act as a deterrent to speed. However, the rougher resin bonded surface material could result in a speed reduction, as would the narrowing of

the cycle track by planters and the change in direction required to enter and exit the alleyway. **[4.2, 5.11 and 6.4]**

- 7.11 Whilst some of the objectors have suggested that cycle speeds could be above 12mph, I have no evidence to show that this is the case given the above mentioned features that should prevent excessive cycle speeds. I am satisfied that the planters and dark grey brick strip act as a suitable demarcation between the pedestrian only side and the cycle track. I also consider that the general width of the pedestrian side of the alleyway at over 2m would be sufficient to ensure that pedestrians and those with pushchairs and mobility scooters would be given adequate room. The narrowing of the pedestrian side adjacent to planters and street furniture down to just under 1.2m would be over such a short distance that it should not act as an insurmountable obstacle to pedestrian access, given that the planters are flush with the paving and could be overrun if necessary. However, I accept that the scheme layout would present potential safety risks to pedestrians even at the lower cycle speeds, particularly where there is a conflict with cycle movements at either end of the alleyway. **[2.2, 3.9, 5.9, 5.13, 5.18, 5.20, 5.22 and 6.1]**
- 7.12 These conflicts occur as a result of cyclists turning left out of the alleyway onto Aubrey Road crossing the path of pedestrians exiting the alleyway and needing to cross Aubrey Road to reach the only footway that is on the opposite side. Also, there would be a risk due to cyclists emerging from the alleyway onto Howard Road with inadequate visibility of pedestrians using the footway along that road, due to the height of the adjacent walls potentially obscuring children and wheelchair and scooter users. Whilst there is a change of surfacing and tactile paving across the footway along Howard Road to warn pedestrians, this would not necessarily prevent small children from crossing the path of cyclists. Given that it is a public footway, there should be greater protection given to pedestrians using it at this location, with a potential change in priority or surfacing material, to make cyclists more aware of pedestrians using the footway, in accordance with paragraph 4.5.13 of the LCDS. **[2.2, 3.10, 4.2, 5.10, 5.12, 5.13, 5.14, 5.16, 5.20, 6.2, 6.3 and 6.6]**
- 7.13 In examining the aims of the Waltham Forest 'Mini-Holland' scheme, I find that the works to the alleyway have improved permeability and accessibility for all users, particularly cyclists and those with mobility issues, by the removal of the barriers. They could well have resulted in improvements to the aesthetics of the alleyway and the lighting, based on the photographs provided showing its appearance before the works had been completed, and made it easier for local residents to cycle on short journeys. However, I am not convinced that they have resulted in encouraging local residents to walk on short journeys due to the perceived increase in risks of the shared use by pedestrians and cyclists. **[3.4, 3.10, 4.3, 4.4, 5.1, 5.10, 5.22, 6.1 and 6.5]**
- 7.14 I have considered all the concerns expressed by the objectors to the Order, including those that I have mentioned above. However, given the existing use of the cycle track and the results of the safety audit and reported accidents, together with the LCDS being for guidance only, I have insufficient substantive evidence to show that the proposed cycle track would present an unacceptable safety risk. Also relevant to this is the potential illegal use of the alleyway should the Order not be confirmed and the need to provide a greater level of

enforcement against the use of the alleyway by motorcyclists regardless of whether or not the Order is confirmed. **[3.11, 4.3 and 4.4]**

- 7.15 With regard to consultation, there is enough evidence to demonstrate that extensive consultation was carried out for the Mini-Holland programme that included the use of the alleyway. This consultation involved the Police and there are no records of them having objected, which indicates to me that they were not concerned about the potential use of the alleyway by criminals. However, residents to the east of the alleyway do not appear to me to have been fully consulted with regard to the scheme details, as the resident group that was involved represented those to the west. Furthermore, the Council accepted at the Inquiry that it did not consult with any groups representing those with mobility or visual impairments. I am satisfied that this has been remedied by the Inquiry which has given the opportunity for these groups of people to present their views. In this respect, the Council has provided evidence to show that all the statutory formalities, including the relevant advertisements and notices, have been complied with and no one has disputed this compliance. **[1.6, 3.1, 3.2, 3.3, 3.8, 4.1, 5.2 to 5.5 and 5.21]**
- 7.16 For the reasons given, I find that the cycle track in the Order would provide an acceptable level of safety for all existing and potential users, including the use of the alleyway by pedestrians, pushchairs and those that are visually impaired and those that are in wheelchairs, but I would recommend that additional measures be taken to improve this safety. These measures should include signs to warn motorcyclists not to use the alleyway, a better demarcation of the cycle track and pedestrian only area at the entrances to the alleyway by way of surfacing or paving and a greater warning to cyclists that they are crossing the footway at Howard Road by either a 'give way' to pedestrians and/or a change in paving. Also, there should be a higher level of enforcement against potentially dangerous or reckless use of the alleyway by cyclists and illegal use of it by motorcyclists. However, having regard to all matters raised, I conclude that the Order should be confirmed. **[3.11 and 5.9]**

8 Recommendation

- 8.1 I recommend that The London Borough of Waltham Forest (Cycle Tracks) (No 1) Order 2016 be confirmed.

M J Whitehead

INSPECTOR

APPENDIX

Appearances

For the Council for the London Borough of Waltham Forest:

Anne Williams	Of Counsel, instructed by the Legal Services of the Council for the London Borough of Waltham Forest
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She called Christian Muncey	Principal Engineer, Council for the London Borough of Waltham Forest
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For Walthamstow Family Bike Club:

Paul Gasson

For Waltham Forest Streets for All (WFS4ALL):

John Lowe
Wendy Davis

Interested Persons:

Stephen Tippell	Local resident
Christine Greig	Local resident
Colin Berry	Local resident

Inquiry Documents

INQ1	Inspector's Dossier
INQ2	Letter, dated 31 January 2018, from Mrs Gladys Jones
INQ3	London Borough of Waltham Forest response to written representation of objection from WFS4ALL, 29 January 2018
INQ4	WFS4ALL response to representations of London Borough of Waltham Forest, 4 February 2018
INQ5	Walthamstow Village- Hoe Street and Wood Street Area Stage 1/2 Road Safety Audit, 31 March 2016, Royal Haskoning DHV
INQ6	10 e-mails supporting the Order
INQ7	Photographs showing posting of notices
INQ8	E-mail, dated 16 November 2016 from John Winnifrith, submitted at the Inquiry by WFS4ALL
INQ9	Copy of advertisement of notice in a local newspaper, submitted at the Inquiry by the Council
INQ10	Copy of the public right of way map and schedule, submitted at the Inquiry by the Council
INQ11	Extracts from the London Cycling Design Standards, 2014, submitted at the Inquiry by the Council
INQ12	Attendance Sheet