

STATEMENT BY THE MAYOR CONCERNING HIS DECISION TO CONFIRM THE VARIATION ORDER FOR THE WESTERN EXTENSION OF THE CENTRAL LONDON CONGESTION CHARGING ZONE WITH MODIFICATIONS

Introduction

1. I have reached a decision which will be welcomed by some Londoners, but which will be unpopular with others (including it would seem large numbers of those most immediately affected). I have decided to confirm with modifications TfL's Variation Order for a western extension to the Central London Congestion Charging Zone. The Order goes by the name of The Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2005. Charging to use roads in the western extension will be introduced in February 2007, and a single charge will apply across the extended charging area.

2. The Variation Order is the latest stage in the endeavour to reduce congestion levels in Central London, which began with the publication of my Transport Strategy in July 2001 and the introduction of Congestion Charging to the central area in February 2003. In August 2004, following extensive consultation, I published a revision to my Transport Strategy which allowed for an extension of the central London congestion charging zone to cover adjacent areas to the west of the current zone.

3. In addition to rounds of discussion and consultation in the latter part of 2004 and in early 2005, TfL has carried out wide-ranging consultation with the public and with stakeholders since making the Variation Order in early May 2005. TfL has provided a Report to me which sets out its consideration of the responses to the consultation, its recommended modifications and associated matters. I have personally been supplied with all the stakeholder responses, and those few responses received after September 13th upon which I have not had the benefit of TfL's views. These late responses did not add materially to the arguments previously expressed. I am arranging for TfL's Report to be published, and also the advice of GLA Officers which I have followed in confirming the Variation Order with modifications.

Effect of the Variation Order

4. The Variation Order extends the central London Congestion Charging zone to include an additional area to the west, bounded by Harrow Road (with a number of deviations), the West Cross Route, the inner southbound arm of the Earls Court One Way System and Chelsea Embankment. There will be no charge for using these boundary routes, and there will also be no charge for using the elevated section of the A40 (Westway) and the western arm of the Inner Ring Road (Edgware Road, Park Lane, Grosvenor Place and Vauxhall Bridge Road). Without charge-free passage on these routes, lengthy diversions would be necessary for some through traffic.

5. The Variation Order includes provision for residents' discount, as with the existing scheme, but the residents' discount zone is extended to the outer arm of the diversionary route in cases where this differs from the location of the extended charging zone boundary. Thus residents living between the inner (southbound) and outer (northbound) arms of the Earls Court One Way System will be eligible for the residents' discount, as well as those residents who live between the new charging zone boundary south of Harrow Road and Harrow Road itself, the diversion route of the extension. There are seven further locations around the existing central London Congestion Charging zone where an extended residents' discount area will also apply. These are:

- King's Cross one way system
- The Angel one-way system
- Aldgate Gyatory
- Vauxhall Cross
- Old Marylebone Road
- Victoria Transport Interchange; and
- The area enclosed by Bressenden Place, Lower Grosvenor Place, Grosvenor Gardens and Victoria Street.

The residents' discount for those areas around the central zone will be implemented in advance of the western extension, on 5 December 2005.

6. The Order also extends the residents' discount area in four zones to alleviate potential parking and severance issues. These are:

- The area between Grosvenor Road and the River Thames
- The area where houseboats are moored on the Thames just west of Battersea Bridge
- The area between the outer (northbound) arm of the Earls Court One Way System and the West London Railway Line, which is a barrier to movement, as is the River Thames at the above two areas.

In addition, TfL have recommended a modification to include the Chelsea Harbour area, where residents are broadly in a similar position to these between the Earls Court One Way System and the West London Railway Line, within the residents' discount area. I have accepted this recommendation.

7. Once the western extension is operational, the finish time for charging within the whole of the charging zone as extended will be 6.00 pm, Monday to Friday (rather than 6.30pm as at present), with no charge on public holidays or between Christmas Day and New Year's Day. The charge (including discounts and exemptions) will continue to be kept under review to see whether adjustments are needed to maintain the objective of reducing traffic congestion, or to respond to changes in circumstances.

8. No change is proposed to existing discounts and exemptions, and the extended scheme will operate in the same manner as the existing scheme in terms of signage, road marking, payment channels, number plate recognition technology and enforcement.

9. However, in addition to the modification I have made to the Variation Order in relation to Chelsea Harbour, I have also accepted TfL's recommendation to introduce a

'pay next day' facility. This will enable the charge to be paid at the existing rate (rather than, as at present, an enhanced rate) up to midnight on the charging date, and at an increased rate of £10 up to midnight on the next charging day after travelling. I believe this will be generally welcomed.

Complementary measures

10. The TfL Report details a number of public transport and traffic management improvements that are planned in conjunction with the western extension. TfL estimates that up to 7,400 extra bus passengers will travel into the western extension area from the north, south and west in the three hour morning peak period, including approximately 3,700 extra passengers in the morning peak hour. The proposed bus network enhancements will provide additional capacity to meet this demand. I am aware that particular concern has been expressed about TfL's ability to create suitable north-south routes for buses. I am specifically asking TfL to ensure that suitable bus enhancements (to include north-south bus routes) will be in place before implementation in February 2007, following appropriate consultation.

The principle of the extension

11. I am very aware of the objections of those who consider that (whatever the case for the original scheme) the western extension is misguided. I have deliberately sought to approach these objections setting aside both what I see as the clear gist of the western extension proposals in my Revised Transport Strategy and also my own previously expressed views that a western extension should be explored. I appreciate that the merits of the extension need to be reconsidered afresh and consider that I have before me the materials which enable me to do this.

12. I regret the projected small increase in traffic (about 2%) and of levels of congestion (about 4-5%) within the existing charging zone which will inevitably follow from the extension. This results from some residents of the western extension zone becoming eligible for a discount and choosing to drive more in the existing charging zone, and from some east-west traffic that previously diverted round the central zone which will choose to pay to drive through the extended zone. However, I am told that traffic in the central zone will still be about 15% below pre-charging levels. Further I am satisfied that existing traffic and levels of congestion in the western area are such as to warrant introduction of charging, and that there will be considerable benefits to Londoners from the projected 15% to 22% reduction in congestion within the western extension area. I also appreciate that the cost-benefit ratio of the extension is relatively low, though I note that in financial terms the scheme is expected to pay for itself over time. Overall, I regard the benefits as considerably outweighing any disbenefits. This is particularly so taking into account what GLA officers describe as "the strategic fit of the proposal" in making a significant contribution towards meeting key objectives of my Transport Strategy such as reducing congestion, encouraging greater use of public transport, and improving the reliability of bus services.

13. I have followed with particular interest the arguments concerning the effects of the extension on business, and in particular retail interests. Opponents pray in aid the experience of the existing scheme, whilst pointing to the possibility of a greater impact particularly on the retail and restaurant sectors from the extension than has so far been experienced in the existing charging area. The evidence for any considerable impact is slender – other causes appearing to be much more significant in accounting for such reduction in turn-over as has so far occurred. On the other hand I accept that there have been some cases where congestion charging has had an impact on profitability, and I have been advised by GLA officers to adopt the precautionary approach that there may (and I emphasise the word may) be impacts of charging on business which it has not been possible to identify through the analysis undertaken to date. Nevertheless I have seen nothing to suggest that the impact on businesses of the western extension will be more than minimal, and I do not consider that the concerns – seriously and strongly expressed as they are - should cause me to decline to confirm the extension.

Boundaries

14. Apart altogether from the argument that there should be no extension, or at any rate no western extension, there have inevitably been arguments about what the boundary should be (there being suggestions for example of a boundary of the A40 (Westway) or along the West London Railway Line), and about whether there should be one single or two separate charging zones.

15. I am entirely satisfied that it would be unduly complex to have two separate charging zones, though I appreciate that this is what several local authorities consider more appropriate.

16. There will be disappointment that I have not amended the boundary of the extension area, but the boundary has received detailed scrutiny and adjustment on several occasions prior to the making of the Variation Order, and I am satisfied that the boundary in the Variation Order is justified for the reasons given in the TfL Report, though I accept this is a difficult balance to strike. I have also noted recent representations from Westminster City Council seeking some minor changes to the boundary to avoid an exit from the Park Lane car park being charged, and to keep the Westbourne bus garage outside the charging zone, and have asked TfL to give further consideration to these proposals.

17. Regarding the boundaries of residents' discount areas, this also has been the subject of prolonged consideration, and, save for the single modification mentioned above in the case of Chelsea Harbour, I do not consider in general that other adjustments than those proposed by TfL are appropriate. However this is a matter which will be kept under review, and in particular I have asked TfL to give further consideration to the feasibility of introducing two additional small extensions to the residents' discount zone, in Kennington (the area bounded by Harleyford Road, Kennington Oval, Harleyford Street, Kennington Park Road, Kennington Road, and the existing zone boundary), and in

north Battersea (the area bounded by Westbridge Road, Parkgate Road, Albert Bridge Road, and the River Thames).

Other concerns

18. In this short Statement I cannot deal with all the matters raised (which include charging during peak periods only, and immediate introduction of the shortened 6pm ending, rather than waiting till February 2007). The TfL Report categorises representations under 22 themes, and addresses each in turn. Some of these themes have been further analysed by GLA officers in their advice to me.

19. Apart from the two modifications proposed by TfL to which I have already referred, I do not consider other changes are appropriate – certainly at this stage. As previous variation orders have shown, there is scope for minor adaptations of the scheme from time to time, and this may continue to be the case. I have no immediate proposals for any further broad extension of the charging area, though I shall be interested to receive proposals put forward for other charging areas.

20. In the case of the original Order which I confirmed in February 2002, there were major concerns raised about traffic modelling and potentially adverse traffic impacts. These proved largely misconceived, and I have noted that concerns on these scores have featured less prominently in objections received. Nevertheless continued monitoring will be essential to assess the performance of the central London charging scheme in the period before the western extension is introduced, and in the period thereafter. This will inform future decisions aimed at preserving and enhancing the benefits and effectiveness of the scheme, and ensuring that any unforeseen disbenefits are appropriately mitigated.

21. I have already, albeit briefly, mentioned business concerns. There have also been concerns from residents' groups about the impact on their activities, and representations about hardship to low paid workers, particularly shift workers. None of these are different in kind from objections received when congestion charging was first introduced. I do not dismiss these concerns out of hand, for I recognise that there will be some inconvenience and that charging at a single rate, regardless of length of trip or journey purpose, has an element of "rough justice". The advice I have received from GLA officers has considered the equalities implications and I share the views they expressed regarding the fact that poorer Londoners liable to the charge who continue to drive into the zone will be harder hit than average. But I am unpersuaded that the representations received (or any other matters) outweigh the arguments in favour of the extension.

22. There has, as is always the case, been criticism of the consultation process itself. Some of the 700,000 plus leaflets which have been distributed have apparently not reached those intended to receive them, and there are those who criticise the information supplied as insufficient, incorrect or misleading. Some say that the outcome was always a foregone conclusion, undermining the utility of any consultation. The very large response to the consultation confirms that the public were well aware of the proposal and

of the opportunity to voice views, and the active campaigning of certain key stakeholders has heightened local awareness within the areas most affected. Just as the original scheme was modified in numerous ways as a result of consultation, so too the detail of the western extension has been extensively revised. I am satisfied that there has been genuine consultation, and for my own part I have done my best to understand the points of view expressed and to judge the matter on its merits, free from preconceptions.

23. I am well aware that only 24% of the public responses to the consultation supported the proposal. However, I also note that from a representative London wide survey, levels of support (at 41%) and opposition (at 43%) are broadly equal. GLA officers have particularly drawn my attention to the responses from Westminster City Council and the Royal Borough of Kensington and Chelsea, the Association of London Government, London First, the London Chamber of Commerce and Industry, John Lewis, and the West London Residents Association and the Earl's Court Neighbourhood Association. Nor should anyone assume that because those consultees have been singled out, that the representations of other individuals and bodies have been ignored. I now turn to three particular issues: environmental impact, prematurity, and whether to hold an inquiry.

Three particular issues

(a) environmental impact

24. The first concerns the environmental impact of the proposal. An environmental assessment was carried out by consultants, which concluded that there would be no significant environmental impact due to the introduction of the western extension. Potential changes in noise levels caused by the reductions in road traffic would be smaller than the perceptible threshold and the visual impact of the scheme – signage and cameras – would not in their opinion be significant. GLA officers are satisfied that the western extension is not likely to have a significant environmental impact (positive or negative), although there will be some benefits from reduced emissions.

25. The legal advice I have received is that the western extension does not require environmental impact assessment under the European Directive 85/537/EEC (as amended). Nevertheless, in case it were to be held that the congestion charging scheme is an urban development project and the decision to confirm the order a development consent, I have been advised to decide whether in my view the western extension is likely to have significant environmental effects having regard to the criteria set out in Annex III of the Directive and to give my reasons. I have decided that, for the reasons I have just summarised, it is not likely to have significant environmental effects having regard to those factors.

(b) prematurity

26. There is almost invariably someone who claims that a decision should be postponed, because it is premature. Understandably (as with the original scheme) there

are those who have represented that there has been insufficient analysis of scheme impacts; some contend that the scheme should await greater understanding of the effects of the recent increase in the charge from £5 to £8; others that more sophisticated technology will soon be available which should be used to replace the present camera technology.

27. I find the views of TfL and GLA officers compelling and do not consider it premature to introduce the western extension in February 2007. I have already indicated that monitoring of the existing scheme will continue and the results will be available to inform any further variations.

(c) holding an Inquiry

28. The legislation gives me the power to hold an inquiry, or cause an inquiry to be held, for the purposes of any order containing a charging scheme.

29. Three matters have been raised by objectors. First, that I should have held some form of inquiry either before TfL made the Variation Order or whilst it was being consulted upon. Second, that I should now set up a Public Inquiry before reaching my decision whether or not to confirm the Variation Order. Third, that even if I were not to call a Public Inquiry, I should cause some form of inquiry to be held to inform my decision-making.

30. I did not consider it appropriate at an earlier stage to hold an inquiry in connection with the western extension. I do not consider that the fact that I did not hold such an inquiry flaws the other processes, including widespread public consultation, that have taken place.

31. I have taken legal advice and am clear that I am under no duty to hold a Public Inquiry, nor do I consider that the form of Public Inquiry as usually understood (as for example in the case of a planning appeal or an investigation into a major accident) would be appropriate. There would be very considerable problems in programming such an inquiry, for example in dealing with the lengthy process of proofs of evidence and cross-examination which would be likely to be generated by a large number of participants. I do not think any benefits that might be obtained would outweigh these difficulties.

32. I appreciate, however, that there could be some merit in a more confined form of inquiry, more like the Examination in Public which took place in respect of my draft London Plan or that which was held when congestion charging was contemplated in Edinburgh. Whilst it might prove possible to improve on the timetable achieved in Edinburgh (panel appointed in December 2003, inquiry opened late April and sat on 34 days to 1 July, report published in October 2004), such an Inquiry would I think almost certainly postpone the introduction of the western extension by at least a year. That is not an overriding consideration, because I have to allow for the possibility – which, I accept, cannot be entirely excluded, that (unlike what occurred in Edinburgh) the Inquiry Report

recommended that the scheme be abandoned or changed in a major way, and that I accepted the recommendation.

33. TfL's view is that I should not call an Inquiry, but that I should take specific legal advice on the issue. I have taken the advice of Leading and Junior Counsel. That advice is that there are no matters here which compel me to hold an Inquiry, and that I may lawfully decide to hold, or not to hold, an Inquiry. I have been advised by Counsel that the decision whether to hold an Inquiry is for me alone to take, and I have been given guidance on the general approach to be taken when making this decision. GLA officers have advised me that in their view an Inquiry might be critical of the value for money of the western extension, but doubt that it would significantly add to information already available both in relation to the costs and benefits of the scheme and the impact of the extension on businesses and others affected by it. They do not consider that there are any issues of fairness which point strongly to the holding of an Inquiry, and on balance they consider the disadvantages of holding an inquiry outweigh the potential benefits.

34. In making this difficult decision I have had regard to the analysis on this issue in the TfL Report, and to the advice of GLA officers. I have also taken into account the general guidance contained in Counsels' Advice that the essential question is whether I am able properly to assess the information and weigh conflicting views without an Inquiry being held, and recognising that my assessment of the information before me must not be predetermined by any indications I may have given in the past or indeed by the contents of my Transport Strategy. I have been advised also that considerations of expense and delay should not be accorded overriding weight, and that I should not regard the fact that I did not cause an Inquiry to be held before confirming the existing scheme as a reason for not holding one into the proposed western extension.

35. I am satisfied that I have enough information now to reach a decision on the western extension. I consider it unlikely that an Inquiry would produce evidence or arguments materially different from those which have already been expressed. I am satisfied that those who object to the extension have had a proper opportunity to voice their concerns and that I am in a position, assisted by the TfL Report and the advice of GLA officers, to weigh the conflicting views without an Inquiry (of whatever sort) being held.

36. A further period of delay seems to me to be undesirable, though of itself that is not determinative. Whatever an Inquiry were to recommend, I consider that the western extension would remain a contentious issue, and that I was elected precisely to take such contentious decisions and be answerable for them. Therefore I have decided not to hold an Inquiry, and not to seek from TfL or others further information before reaching my decision on the Variation Order.

Conclusion

37. I thank all those (including individual members of the public) who troubled to respond to the various rounds of public consultation, whether at the time of the Revised Transport Strategy, or before or after the making of the Variation Order. I also thank members and officers of the various local authorities, including those opposed to the western extension, for their assistance in clarifying the areas of dispute and disagreement, and I hope that this cooperation will continue in devising appropriate traffic management measures and ensuring appropriate standards of design over the next year and a half. Thirdly, I thank the officers of TfL who conducted the consultation exercise and developed the proposals in the Variation Order.

38. As I said when confirming the original Order only time will tell what further, if any, adjustments need to be made in the light of experience and monitoring, although on this occasion the success of the Central London Charging Scheme suggests that problems will not be as great as were predicted when that scheme was authorised. Nevertheless, I will continue to keep the scheme and the way in which it operates under review.

39. I am pleased to see that central government is now itself beginning to address the issue of national road pricing. I understand that no dates have yet been set, and that pilot projects are awaited. It gives me considerable pleasure that London should continue to blaze the trail, and I hope that opponents of the western extension may eventually discover its worth.

Signed:

Ken Livingstone, Mayor of London

Date: