

REQUEST FOR MAYORAL DECISION – MD1600

Title: Parliament Square Gardens Two-Stage Turn for Cyclists and Additional Pedestrian Crossing with Access Improvements

Executive Summary:

The East-West Cycle Superhighway is Transport for London's (TfL) flagship scheme of the Mayor's Vision for Cycling in London. It will provide a substantially segregated, dedicated cycle route through the heart of central London, significantly improving cyclists' safety and modernising London's roads.

The Superhighway route runs adjacent to parts of Parliament Square Gardens (PSG), and plans approved by TfL for the Superhighway include the north east corner of PSG becoming a shared space for cyclists and pedestrians to enable cyclists travelling westbound from Bridge Street on the East-West Cycle Superhighway to turn right into Parliament Street in two stages. A ramp to adjoin the north west corner of PSG would also be constructed to provide step free access to PSG from a new pedestrian crossing. The construction of the ramp will require an existing retaining wall on PSG being partially removed to create a 2.1 metre gap and an existing flowerbed being removed.

The proposed changes to PSG require Mayoral approval.

Decision:

That the Mayor:

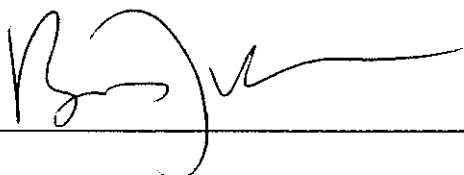
- agrees to the north east corner of Parliament Square Gardens (PSG) becoming a shared space for cyclists and pedestrians;
- authorises, under paragraph 5(1)(s) of the PSG Byelaws, the careful use of pedal cycles on the shared space for cyclists and pedestrians on the north east corner of PSG; and
- approves permanent alterations to the north west corner of PSG to enable a ramp to be constructed to adjoin that corner of PSG.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

3.3.2016

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 With actual increases in population ahead of previous forecasts, there are considerable challenges facing London's transport system. Cycling has an important role to play in delivering a sustainable transport system to satisfy this demand, and to meet the overall goals of the Mayor's Transport Strategy (MTS).
- 1.2 The 'Mayor's Vision for Cycling in London', published in March 2013, set out an ambitious programme of work to deliver a step-change in the quality of provision for cyclists in London. Included in these plans are a number of key projects and programmes that will generate and support a large anticipated growth in cycling, with a target of 5% modal share by 2026. Cycle Superhighways are a key component of the Vision - routes that provide safe, fast, direct, continuous and comfortable ways of getting into and across central London by bicycle along recognised commuter routes.
- 1.3 The East-West Cycle Superhighway is the backbone of the Cycle Superhighways programme, which commits to creating a *"flagship route – a true Crossrail for the bicycle – will run for at least 15 miles, very substantially segregated, from the western suburbs, through the heart of the Capital, to the City, Canary Wharf and Barking in the east. It will use a new segregated cycle track along, among other places, the Victoria Embankment and the Westway flyover."*
- 1.4 In February 2015 the TfL Board, with the Mayor acting as Chair, approved plans for the construction of the East-West Cycle Superhighway.
- 1.5 Construction commenced in April 2015 and, at present, works are underway on most sections of the route, and some sections are largely complete.
- 1.6 The approved plans for the EW Cycle Superhighway include the construction of a two-way segregated cycle lane that runs adjacent to parts of PSG on the north side of the square.
- 1.7 The detailed designs for the route around PSG have been agreed between TfL and Westminster City Council, and construction of this section of the EW Cycle Superhighway has now commenced.
- 1.8 The proposals relating to PSG, and which are explained in section 2 below, include:
 - (i) the north eastern corner of PSG (which is currently pedestrian only) becoming a shared space for cyclists and pedestrians, to enable cyclists travelling westbound from Bridge Street on the EW Cycle Superhighway to conduct a two-stage right turn into Parliament Street; and
 - (ii) a ramp being constructed to adjoin the north west corner of PSG to provide step free access to PSG from a new pedestrian crossing.
- 1.9 These proposed changes to PSG require Mayoral approval. In addition, to enable cyclists to use the north east corner proposed to be a shared space with pedestrians, the Mayor's permission is required under the PSG Byelaws.

2. Objectives and expected outcomes

The north eastern corner of PSG

Shared cycling and pedestrian space

- 2.1 It is proposed that an area of 130 square metres on the north east corner of PSG becomes a shared space for cyclists and pedestrians. This will allow cyclists travelling on the EW Cycle Superhighway from Bridge Street to use the space to conduct a two-stage right turn into Parliament Street.
- 2.2 A diagrammatical plan of the proposals is contained in Appendix 1 to this Mayoral Decision.
- 2.3 To preserve the aesthetic and character of the area, the proposed shared space will be indicated by a cycle symbol which will be inset into the paving to indicate that the space is to be used by cycles. This minimal signage is sympathetic to the heritage of the Square, whilst still alerting pedestrians to the shared use of the space.
- 2.4 The proposals drawn up by the scheme designers has been reviewed by experts at TfL, Westminster City Council (WCC) and Historic England. They have also been subject to separate independent road safety audits commissioned by TfL and WCC respectively, which have assessed all aspects of the scheme, including the use and safety of the shared space proposals. It is anticipated that cyclists will remain on their cycles only to make the two-stage turn here. As there is no destination for cyclists elsewhere on PSG which could not be reached more quickly by using the cycle track installed on the highway to the northern side of Parliament Square it is not anticipated that cyclists will wish to access any other areas while on their cycles.

Cyclists using the shared cycling and pedestrian space

- 2.5 The Mayor is legally responsible for the care, control, management and regulation of PSG, and is responsible for making Byelaws to this end.
- 2.6 Under paragraph 5 of the existing PSG Byelaws, the Mayor may permit the use of pedal cycles on PSG. Paragraph 5 of the Byelaws says:

"5. Acts within the Square for which written permission is required

(1) Unless acting in accordance with permission given in writing by the Mayor, or any person authorised by the Mayor under section 380 of the Act to give such permission, no person shall within the Square –

...

(s) use any pedal cycle, roller skate, ice skate, scooter, roller blade, skate board or other foot-propelled device..;"

- 2.7 Under this Mayoral Decision, the Mayor is asked to authorise under paragraph 5(1)(s) of the PSG Byelaws, the careful use of pedal cycles on the shared cycling and pedestrian space on the north east corner of PSG, for the purpose of enabling cyclists travelling westbound from Bridge Street on the EW Cycle Superhighway to conduct a two-stage right turn into Parliament Street. This is the extent of the written permission given by the Mayor as to the use of pedal cycles on PSG, and so any other use is not authorised, and could result in prosecution for a contravention of the PSG Byelaws.

2.8 This written permission will be available to the public on the GLA website and on request.

The north west corner of PSG

2.9 Part of the plans for the EW Cycle Superhighway in relation to PSG include TfL installing and operating a new pedestrian crossing that will adjoin the north west corner of PSG.

2.10 The addition of the new pedestrian crossing creates a new access to PSG at a point where pedestrians currently cross in gaps between traffic. This is intended to simplify the route for visitors using the space, and improve pedestrian safety. The area where the crossing would join PSG is currently bound by steps.

2.11 To improve accessibility, the proposals are to provide step free access from the crossing to PSG, which will involve constructing a ramp that will adjoin the north west corner of PSG.

2.12 In order to construct the ramp and provide step free access, an existing retaining wall on that corner of the square will need to be reduced in width. As much of the original 1940's design will be retained, but it will be necessary to remove a section of the existing wall at the back of the planter to allow the gap of 2.1m required to allow those using the ramp to access PSG. The gradient of the ramp will be 2.0% (1:50). The surface of the ramp will be matched to the existing stone on the square, with a section of tactile paving placed at the crossing point as an accessibility measure. There will be tactile paving used on the dropped pavement end to indicate the edge of the square.

2.13 A diagrammatical plan of this proposal is contained in Appendix 2 to this Mayoral Decision; Appendix 3 shows an indicative sketch of the ramp, and Appendix 4 shows a cross-section here.

2.14 The construction of the ramp will require an existing flowerbed, which is approximately six square metres, being removed.

2.15 The Greater London Authority will be responsible for the cleaning and maintenance of the ramp access once the project has been completed.

3. Equality comments

3.1 An Equalities Impact Assessment (EQiA) of the East West Cycle Superhighway scheme was undertaken by TfL and produced in January 2015. It was included in the papers considered by the TfL Board when it approved delivery and construction of the scheme in February 2015.

3.2 The overall impacts of the East-West Cycle Superhighway were assessed in the EQiA as having positive impacts for black and ethnic minority groups, females, disabled cyclists, and cyclists under 25 and over 65 years of age. Positive and negative impacts were identified for disabled pedestrians: the scheme involves a number of improvements to pedestrian facilities including enhanced crossing facilities, increased footway widths and new pedestrian crossings; it also involves cutting back footways in some areas, though the minimum 2 metre standard for footway widths have been maintained throughout to allow two wheelchairs to pass safely.

3.3 The installation of the ramp on the north west corner of PSG will give a flat access route onto Parliament Square Garden for all visitors to the site.

3.4 Converting the north east corner of PSG to shared space will allow cyclists (who may be less confident) to turn right from Bridge Street into Parliament Street while separated from general traffic. This is expected to benefit cyclists and those who do not yet cycle for whom interaction with general traffic may be a barrier to cycling.

3.5 The proposals for a shared pedestrian-cycling space were contained in the proposals for the East West Cycle Superhighway that were subject to consultation from September – November 2014.

- 3.6 The consultation exercise involved engagement with numerous stakeholders, including meetings with accessibility groups such as City of London Access Forum, London Visual Impaired Forum, and Guide Dogs.
- 3.7 As is detailed in TfL's Response to Consultation on the EW CSH published in January 2015, five respondents including ICOMOS UK and Sustrans were concerned about the shared space area and the potential for conflict¹.
- 3.8 Guide Dogs submitted a consultation response expressing concern about shared space proposals, commenting that this can be unnerving and potentially dangerous for blind and partially sighted pedestrians, and suggesting that such shared facilities should have appropriate tactile paving². Such concerns were shared by the Thomas Pocklington Trust³
- 3.9 Westminster City Council also suggested an alternative proposal for the route through PSG, which would have involved the cycle track running against the northern curb of Bridge Street and PSG, and remaining on the north side of Great George Street – such that the banned left turn from Victoria Embankment onto Westminster Bridge could be reinstated. This proposal would not have entailed a shared space facility on PSG⁴.
- 3.10 TfL engaged with WCC concerning its alternative proposal for PSG but concluded that, as the EW CSH approaches PSG on the eastern side of Victoria Embankment, its own proposals for the cycle track on the southern side of Bridge Street allow for a more intuitive turning movement from Victoria Embankment for cyclists. They also avoid relocation of a busy bus stop outside Westminster station and interaction with loading facilities and the busy footway on Bridge Street. WCC's alternative option also did not include a straight-across pedestrian crossing between Saint Margaret Street and PSG to allow pedestrians easy access to the eastern side of PSG.
- 3.11 The physical constraints of the junction mean that there is no space to accommodate the two stage turn other than by using the proposed shared space. WCC has agreed to TfL's proposals.
- 3.12 The proposals for a shared space are not considered to generate the potential for conflict between pedestrians and cyclists. The area of shared space is located away from the signalised pedestrian crossing onto PSG, ensuring it is away from the anticipated pedestrian routes. The area of shared space is not on a pedestrian desire line and is essentially a dead-end for pedestrians, significantly reducing the potential for pedestrian footfall in this area. Additionally, to use the facility cyclists will be required to turn through 90 degrees, forcing a curtailment in speed. It is not felt that this represents a negative impact upon pedestrians, including those with visual impairments.
- 3.13 TfL has also considered the option of using hazard paving to demarcate the shared space area, and recommends this is not installed here. In 2015 TfL conducted research into the effectiveness and understanding of the different forms of hazard paving. This research concluded that hazard paving used to define the extents of shared space areas was largely misunderstood by those with a visual impairment and therefore ignored and ineffective. This research indicated that to maintain the understanding and effectiveness of hazard paving, it may be advantageous to limit its use to areas of impending hazards, such as the top and bottom of stairs, and to demarcate the start of a segregated cycle facility (but on the cycle side only). Furthermore, hazard paving can be a hindrance to the mobility impaired, especially those in a wheelchair. As such, TfL's view is that hazard paving for the purpose of defining the extent of shared use areas is likely to be confusing and ineffective, and is therefore superfluous.

¹ Page 133 of TfL's Response to Consultation on the EW CSH

² Page 193 of TfL's Response to Consultation on the EW CSH

³ Page 194 of TfL's Response to Consultation on the EW CSH

⁴ Page 134 of TfL's Response to Consultation on the EW CSH

- 3.14 For the reasons above, TfL does not consider that the absence of hazard paving to demarcate the shared use area at PSG is a road safety concern. It considers that its absence would not increase the likelihood of conflict with visually impaired pedestrians over and above if the paving was present
- 3.15 In summary, the proposed route via shared space on the north east corner of PSG provides the best balance for all road users compared to alternatives. The limited pedestrian usage of the area, requirement for cyclists to turn through 90 degrees, absence of hazard paving and appropriate signage all ensure this proposal will not negatively impact pedestrians, including those with visual impairments. In view of this, and the overall equality impacts of the East-West Cycle Superhighway, it is considered appropriate to proceed with this proposal.

4. Other considerations

Key Risks

- 4.1 The two-stage right turn for pedal cycles on Parliament Square is an integral part of the East-West cycle route for this area. It allows cyclists to safely turn right from Bridge Street into Parliament Street across the flow of traffic. Without this facility there is a greater risk of accidents occurring between cyclists and other road users due to the placement of the bikes whilst waiting to turn right.
- 4.2 The north east corner is an established gathering site for tour groups and protestors. At times when the corner may be congested, it is expected that cyclists may choose to dismount and walk their bikes through the space.
- 4.3 The north west corner of Parliament Square is regularly used as a pedestrian crossing, despite the lack of road markings. The creation of a crossing here formalises the use by visitors to the square and therefore makes it safer for pedestrians to gain access.
- 4.4 The proposed ramp in the north west corner is an integral part of the crossing design, and will increase accessibility to the square.

Links to Mayoral Priorities

- 4.5 The East-West Cycle Superhighway is TfL's flagship scheme of the Mayor's Vision for Cycling in London, as published in March 2013.

Consultation

- 4.6 Officers within the GLA have consulted with TfL officers over the proposals for altering the square. Meetings have also had representation from Historic England and Westminster City Council (WCC). A large number of both statutory and non-statutory stakeholders have been consulted on the proposals, including Parliamentary Estates, Westminster Abbey, the Supreme Court, the Westminster Society and the Metropolitan Police Service.
- 4.7 WCC have confirmed that planning permission is not required for the works to the square and so further consultation was not necessary for this.

5. Financial comments

- 5.1 Approval is sought to proceed with the alteration of Parliament Square. The programme includes the Parliament Square Garden Two-Stage Turn for Cyclists and Additional Pedestrian Crossing with Access Improvements to make the route safer for cyclists and other road users.
- 5.2 This expenditure will be covered in the existing contracts and will not incur additional cost.

- 5.3 All costs associated with the installations will be covered by TfL.
- 5.4 The equalities impacts, requirements and H&S impact have been taken into consideration.
- 5.5 Transport for London will be responsible for managing the programme; the Greater London Authority will be responsible for ensuring that all project activity and associated expenditure complies with the Greater London Authority's Financial Regulations, Contracts & Funding Code.

6. Legal comments

- 6.1 Under section 384(1) of the Greater London Authority Act 1999 (as amended) ("the GLA Act"), the Crown owns the land comprised in the central garden of Parliament Square (referred to in the document as PSG).
- 6.2 Although the Crown owns the land, the Mayor is responsible for the care, control, management and regulation of PSG (under section 384(3) of the GLA Act).
- 6.3 The Court of Appeal has ruled that, although title to the land is vested in the Crown, every aspect of ownership and possession is vested in the Mayor of London: he has complete control and regulation of PSG; and decides what activities can occur on it; how it is to be laid out and maintained, what statues or structures are to be erected there, who can come onto PSG, what they can and cannot do when they are there (see Hall & Ors v Mayor of London (on behalf of the Greater London Authority) [2010] EWCA Civ 817).
- 6.4 Accordingly, under these powers, the Mayor is permitted to agree to the north east corner of Parliament Square Gardens (PSG) becoming a shared space for cyclists and pedestrians, and to agree to permanent alterations to the north west corner of PSG to enable a ramp to be constructed to adjoin that corner of the square, as proposed and detailed in this Mayoral Decision.
- 6.5 In taking the decisions contained in this Mayoral Decision, the Mayor is under a duty – which may not be delegated – to have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). In addition, advancing equality of opportunity involves, in particular, having regard to the need to remove or minimise any disadvantage suffered by those who share a relevant protected characteristic that is connected to that characteristic; to take steps to meet the needs of people who share a relevant protected characteristic which are different from the needs of those who do not share it; and encourage people who share a relevant protected characteristic to participate in public life, or in any other activity, where their participation is disproportionately low – this includes tackling prejudice and promoting understanding.
- 6.6 Accordingly, the Mayor is advised to have due regard to the equalities implications set out section 3 of this Mayoral Decision, in deciding to take the proposed decisions.
- 6.7 The works required to construct the ramp do not require planning permission. They are permitted development within Part 9 Class A (A(b)) of the Town and Country Planning (General Permitted Development) (England) Order 2015, comprising the carrying out by a highway authority on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway. Westminster City Council, the local planning authority for the area including PSG, has confirmed that these works constitute permitted development.

- 6.8 PSG are adjacent to a UNESCO World Heritage Site, the Palace of Westminster. PSG do not, however, form part of that site and are not therefore subject to the planning law considerations and requirements applicable to such sites. In addition, although PSG are listed on English Heritage's Register of Parks and Gardens of Special Historic Interest, the wall it is proposed to reduce in width and the flowerbed it is proposed to remove and relocate, are not listed under the Planning (Listed Buildings and Conservation Areas) Act 1990. Accordingly, the Mayor may agree to the changes to PSG as proposed in this Mayoral Decision.
- 6.9 Transport for London is responsible for delivering the works to create the shared pedestrian and cycling space, and to construct the ramp to adjoin the square. It is advised that the parties enter into a simple licence agreement for these purposes. Both parties will need to obtain legal advice in connection with this.
- 6.10 Under section 385 of the GLA Act, the Mayor may make and enforce such byelaws to be observed by persons using PSG as are considered necessary for the purposes of securing the proper management of the square, and the preservation of order and the prevention of abuses there.
- 6.11 Under paragraph 5 of the existing PSG Byelaws, the Mayor may permit the use of pedal cycles on PSG by giving his written permission to this effect.
- 6.12 Under this Mayoral Decision, the Mayor gives his permission for the careful use of pedal cycles on the shared cycling and pedestrian space on the north east corner of PSG, but only for the purpose of enabling cyclists travelling westbound from Bridge Street on the EW Cycle Superhighway to conduct a two-stage right turn into Parliament Street. Any other use of a pedal cycle on PSG must be specifically authorised in writing by the Mayor. Failure to seek written authorisation, may result in prosecution for a contravention of the PSG byelaws.
- 6.13 A written notice containing this permission will be available to the public on the GLA website and on request.

7. Investment & Performance Board

- 7.1 This project falls outside the scope of the Investment and Performance Board

8. Planned delivery approach and next steps

Activity	Timeline
Procurement of contract [for externally delivered projects]	Complete
Delivery Start Date [for project proposals]	March 2016
Final evaluation start and finish (self/external) [delete as applicable]:	May 2016
Delivery End Date [for project proposals]	Summer 2016
Project Closure: [for project proposals]	Summer 2016

Appendices and supporting papers:

Appendix 1: Plan showing area to be designated as shared space

Appendix 2: Plan showing area to be converted to ramp to improve pedestrian access

Appendix 3: Indicative sketch of proposed ramp

Appendix 4: Cross-section of proposed ramp

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Alexander Fleming has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Simon Grinter has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

Martin Clarke has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Sir Edward Lister has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Blce

Date

2.3.16

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

Edmund Hill

Date

2:3:2016

