

**EXPLANATORY MEMORANDUM TO THE**  
**TRAFFIC MANAGEMENT (STRATEGIC ROADS IN GREATER LONDON)**  
**DESIGNATION ORDER 2005**

**2005 No. 476**

1. This explanatory memorandum has been prepared by the Government Office for London and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 By virtue of the Traffic Management Act 2004 (“the 2004 Act”), this order designates a network of roads in Greater London as strategic roads for the purposes of sections 301A of the Highways Act 1980 (“the 1980 Act”) and 121B of the Road Traffic Regulation Act 1984 (“the 1984 Act”). In conjunction with these sections the order enables Transport for London (“TfL”) to co-ordinate, for example, the carrying out of certain borough highways works and the implementation of traffic orders within the Capital.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative background**
  - 4.1 Section 60 of the 2004 Act enables the Secretary of State by order to designate roads and proposed roads in Greater London, other than roads for which either he or TfL is the traffic authority, as strategic roads for the purposes of sections 301A of the 1980 Act and 121B of the 1984 Act.
  - 4.2 Sections 301A and 121B, which were inserted by the Greater London Authority Act 1999, have been amended by the 2004 Act and provide that no London borough council shall exercise any power under the 1980 Act or the 1984 Act in a way which will affect, or be likely to affect, a Greater London Authority (“GLA”) road, a strategic road or a road in another London borough, other than a GLA road or strategic road, unless several requirements have been satisfied.
    - 4.2.1 The first requirement is that the council has given notice of the proposal to exercise the power in the way in question to TfL and in a case where the road concerned is in another London borough, to the council for that borough.

4.2.2 The second requirement is that-

the proposal has been approved-

- in the case of a GLA road, by TfL;
- in the case of a strategic road, by TfL and, where the road concerned is in another London borough, the council for that borough;
- in the case of a road in another London borough, other than a GLA road or strategic road, by the London borough council concerned;

the period of one month beginning with the date on which TfL and, where applicable, the council received notice of the proposal has expired without TfL or the council having objected to the proposal;

any objection made by TfL or the council has been withdrawn; or

where an objection has been made by TfL or a London borough council and not withdrawn, the GLA has given its consent to the proposal after consideration of the objection. (Before deciding whether to give any consent the GLA may cause a public inquiry to be held).

4.2.3 The Mayor of London may issue a direction dispensing with these requirements in such circumstances as may be specified in the direction.

4.2.4 If TfL has reason to believe that a London borough council is proposing to exercise a relevant power and that notice is required to be, but has not been, given, it may direct the council not to proceed with the proposal until the relevant requirements have been satisfied.

4.2.5 If a London borough council exercises any relevant power in contravention of either section 301A of the 1980 Act or 121B of the 1984 Act TfL may take such steps as it considers appropriate to reverse or modify the effect of the exercise of that power.

## **5. Extent**

5.1 This order applies to London only.

## **6. European Convention on Human Rights**

6.1 Not applicable.

## **7. Policy Background**

- 7.1 The main policy objective is to ensure better co-ordination of certain local authority road-works in London. The 2004 Act imposes a network management duty on a local traffic authority to secure the expeditious movement of traffic on the authority's road network and to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority.
- 7.2 Part of the network management duty is about working with other authorities for the benefit of the wider network. The new strategic road network will provide TfL with new powers to take a greater strategic overview of works on major routes in London and to step in where there is a wider interest to protect. The London boroughs will remain the highway authority responsible for roads in the strategic road network.
- 7.3 A steering group provided a draft network of strategic roads. A consultation was held with stakeholders on this draft network from 13 September to 6 December. One of the key issues was whether there should be strategic roads within the central London congestion charging zone.
- 7.4 There were fifty one responses to the consultation. This included responses from twenty eight boroughs. Other respondents included the Mayor; non Governmental bodies; London business interests; freight operators; coach operators; the emergency services and a group of concerned residents (which was considered as one response).
- 7.5 Of the fifty one responses, only twenty five respondents formally responded to the questionnaire, with twenty six simply providing written responses. Ten (40%) of the twenty five respondents to the questionnaire believe that the roads as set out in the consultation document should be designated as strategic. The other fifteen respondents (60%) to the questionnaire did not agree. Analysis of all fifty one responses indicates that of those who expressed a view in relation to the network, 22 respondents (49% of those who expressed a view) indicated some support for the network as proposed and 23 (51% of those who expressed a view) did not. Ten boroughs (36% of the boroughs that responded) indicated either acceptance or support for the network as proposed and fifteen (54%) objected. Three boroughs (10%) made no clear comment.
- 7.6 The questionnaire also sought comments on the number of roads within the network. From the analysis of the fifty one responses, sixteen respondents (48% of those who expressed a view on this particular issue) indicate that the number of roads in the network is correct and seventeen (52% of those who expressed a view on this issue) believe that there are too many. Many of the boroughs, including those who supported the

network, provided detailed responses on which roads should be included. As a result, there have been some modifications to the proposed network of strategic roads. These are relatively minor in nature and assist the provision of a coherent and consistent network. These changes are not considered to be legally or politically important.

- 7.7 There was some opposition to the principle of strategic roads in the central London congestion charging zone. Those opposed were concerned about the designation of strategic roads as the congestion charge had reduced traffic levels on roads within the zone and removed significant elements of the through traffic. Of the fifty one responses, thirteen (46% of those who expressed a view) indicated that they thought there should be strategic roads within the congestion charging zone and fifteen (54% of those who expressed a view) were opposed. Of the eight boroughs currently within the congestion charging zone, three (38%) supported the strategic road network as proposed, four (50%) were opposed and one expressed no views.
- 7.8 Ministers have decided to include roads in the central London congestion charging zone within the network. The network is not defined simply in terms of traffic volumes because there needs to be consideration of the location of the roads in London and of the cohesiveness of the network. Roads within the congestion charging zone are to be designated as strategic because of their importance to the management of the overall network and to the significant bus operations within central London. For these roads the volumes of general traffic carried are less important than the volumes of passengers carried.

## **8. Impact**

- 8.1 A full Regulatory Impact Assessment (“RIA”) was produced for the 2004 Act. A Partial Regulatory Impact Assessment was included within the consultation paper on the proposed network of strategic roads in London. A final RIA has been produced to accompany the order and a copy is attached to this memorandum.

## **9. Contact**

- 9.1 The official within the Government Office for London who can be contacted with any queries in relation to the Instrument is Graham Hanson, GLABE (Greater London Authority, the London Development Agency and Transport for London), Riverwalk House, 157-161 Millbank,

London SW1P 4RR (Tel: 0207 217 3736; e-mail:ghanson.gol@goregions.gsi.gov.uk).

## **REGULATORY IMPACT ASSESSMENT**

### **THE TRAFFIC MANAGEMENT (STRATEGIC ROADS IN GREATER LONDON) DESIGNATION ORDER 2005**

**2005 No.**

#### **Objective**

1. The Traffic Management Act 2004 (“the 2004 Act”) allows the Secretary of State to designate roads and proposed roads in Greater London, other than roads for which he or Transport for London (“TfL”) is the traffic authority, as strategic roads for the purposes of sections 301A of the Highways Act 1980 and 121B of the Road Traffic Regulation Act 1984.
2. By establishing a strategic road network the Secretary of State will provide TfL with a stronger role in co-ordinating London’s traffic management. These roads will remain the overall responsibility of the borough highway authorities but TfL will, for example, be able to object to some local highway authority works that would cause undue disruption within the network.

#### **Background**

3. The 2004 Act allows TfL to play a stronger role in co-ordinating traffic management in London. TfL is the highway authority for the network of roads known as the Transport for London Road Network (“TLRN”) which covers nearly 580km of London’s roads. This accounts for 5% of the roads but carries 30% of London’s traffic. TfL also control London’s traffic signal system.
4. The Government’s designation of the strategic road network covers mostly the next tier of major roads, including major bus routes. The 2004 Act provides for any subsequent amendments to the network to be made by the Greater London Authority (“GLA”), acting through the Mayor.
5. By virtue of sections 301A of the Highways Act 1980 and 121B of the Road Traffic Regulation Act 1984, a London borough that proposes to exercise certain highway or road traffic powers under these Acts which affect the TLRN or a road in another London borough must notify TfL and the borough council for that road. TfL have the power to object within one month of receiving that notice. The designation of strategic roads involves an extension of these existing powers.
6. The Government believes that an effective way of improving traffic management in London, in conjunction with other measures contained within the 2004 Act, is to provide TfL with more strategic powers whilst allowing the

boroughs to retain responsibility for their roads. The designation of strategic roads will provide a combination of local knowledge and a wider strategic view to deliver better traffic management on London's roads.

7. In addition to the designation of strategic roads the 2004 Act includes other measures that will affect London. In particular, the network management duty that applies to all local authorities and powers to operate a permit system for utility works. A copy of the Act can be found at:

<http://www.legislation.hmso.gov.uk/acts/acts2004/20040018.htm>

8. The Government recognises that whilst there is concern about utilities digging up roads there needs to be equity with regard to works carried out by local authorities. The Act contains powers to provide better co-ordination through the designation of strategic roads.

### **Risk Assessment**

9. The introduction of strategic roads is intended to address the limited powers that TfL currently have in respect of the co-ordination of local authority highway improvements and road-works across the London road network. TfL are the highway authority for the TLRN but there are significant gaps in this network. These gaps limit the strategic role TfL can play in the management of London's roads.

10. Any activity in the street can cause disruption if it limits the amount of space available to road users, for instance, by narrowing or even closing one or more lanes of the street. Exactly how much disruption is caused will obviously depend upon several factors, including how long the obstruction is there, how much of the road it takes up and the amount of traffic using the road.

11. TfL's new powers on strategic roads will minimise the risk of poor co-ordination with regard to certain road-works on some of the most important roads in London. It will also allow them to consider the strategic implications of new highways and traffic schemes across a wider network of roads.

### **Benefits**

#### **Business Sectors Affected**

12. The extent to which all sectors of society and business in particular, rely on the road network dictates that better traffic management will deliver benefits to a wide range of groups. There is a broad consensus amongst representative business groups including the CBI, the British Chambers of Commerce, the Federation of Small Businesses and in London, London First and Central London Partnerships that the 2004 Act is of benefit to businesses. Private motorists and other road users will also benefit from it.

13. Given the magnitude of the figures involved, and the fact that congestion in one place can impact on so many different groups of people and places, estimating the impact that congestion has on the economy is not something that can be done with great precision.

## **Environmental and Social**

14. Reducing congestion can have a significant impact on a wide range of road users and society as a whole:

- Businesses will be able to plan deliveries of their goods more reliably, and their customers in turn will be able to rely on those goods arriving on time.
- Motorists will spend less time in slow-moving traffic, and will arrive at their destinations more quickly. Journeys to work and for other purposes will be more reliable.
- Reducing traffic in congested areas will also reduce pollution for people who live and work in those areas, or visit those areas for any other reason.
- Buses will be able to operate to more reliable timetables, and provide a better quality service for those who rely on them and others who may choose to use them.

## **Issues of Equity and Fairness**

15. The designation of strategic roads does risk imposing some increased administrative cost on London boroughs and TfL. London boroughs will, among other matters, be required to notify TfL of certain works they plan to undertake on strategic roads. TfL are developing a process which seeks to minimise the need for notification and the amount of technical information. The Order will not have any race equality impact.

## **Costs**

### **Consultation with small businesses: the Small Firms Impact Test**

16. The impact on small business should be limited as the changes being introduced would predominantly affect the London boroughs and TfL. The Small Business Service have been consulted and were satisfied that the designation of strategic roads would have little impact upon small business.

### **Competition assessment**

17. There are no competition implications from the designation of the strategic roads in London. Businesses will bear no compliance cost, as these will be borne by the London boroughs.

### **Other costs**

18. The designation of strategic roads in London will add an additional administrative cost to local authorities as they will have to notify TfL of certain road-works on, or on roads which affect, a strategic road. There will also be an additional administrative requirement on TfL as they will have to establish and manage the notification procedure.

### **Costs for a typical business**

19. Businesses will bear no costs.

## **Enforcement Arrangements**

20. The 2004 Act imposes a network management duty for all local traffic authorities to secure the expeditious movement of traffic (including pedestrians) on their roads, and facilitate it on those for which another authority is responsible. The strategic road network in London is one of the considerations that local traffic authorities will need to take into account when meeting this duty. The Act contains powers of intervention if local authorities fail in their duty.

### **Monitoring and Evaluation Review**

21. TfL have agreed to undertake a review of the notification process, following its implementation, to ensure that the benefits to the network outweigh the costs to the boroughs.

### **Consultation**

22. The following organisations have been consulted:

Association of London Government  
All London boroughs.

TfL.

### **Public consultation**

23. A Steering Group looking at the designation of strategic roads in London was established in March 2004. Steering Group members represented the Association of London Government (“ALG”), Department for Transport (“DfT”), the London Technical Advisers Group (“LoTAG”), the National Joint Utilities Group (“NJUG”), Transport for London (“TfL”) and was chaired by the Government Office for London (“GOL”). In addition GOL wrote to a wide range of organisations including the London boroughs, motoring organisations, cycling and walking organisations, other Government Departments, the police and bus companies informing them of the work which the Steering Group was undertaking and inviting them to comment on an informal basis.

24. The steering group provided a draft strategic road network for consultation which lasted for 12 weeks between 13 September 2004 and 6 December 2004. Key stakeholders, including the London boroughs and representatives from London businesses, were invited to respond. The consultation document was available on the GOL web-site and the draft strategic road network was presented to a London seminar on the Act.

25. There were fifty one responses to the consultation. This included responses from twenty eight boroughs. Other respondents included the Mayor; non Governmental bodies; London business interests; freight operators; coach operators; the emergency services and a group of concerned residents (which was considered as one response).

26. Of the fifty one responses, only twenty five respondents formally responded to the questionnaire, with twenty six simply providing written responses. Ten (40%) of the twenty five respondents to the questionnaire believe that the roads as set out in the consultation document should be designated as strategic. The other fifteen



respondents (60%) to the questionnaire did not agree. Analysis of all fifty one responses indicates that of those who expressed a view in relation to the network, 22 respondents (49% of those who expressed a view) indicated some support for the network as proposed and 23 (51% of those who expressed a view) did not. Ten boroughs (36% of the boroughs that responded) indicated either acceptance or support for the network as proposed and fifteen (54%) objected. Three boroughs (10%) made no clear comment.

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28. There was some opposition to the principle of strategic roads in the central London congestion charging zone. Those opposed were concerned about the designation of strategic roads as the congestion charge had reduced traffic levels on roads within the zone and removed significant elements of the through traffic. Of the fifty one responses, thirteen (46% of those who expressed a view) indicated that they thought there should be strategic roads within the congestion charging zone and fifteen (54% of those who expressed a view) were opposed. Of the eight boroughs currently within the congestion charging zone, three (38%) supported the strategic road network as proposed, four (50%) were opposed and one expressed no views.

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### **Existing requirements**

30. The 2004 Act places a network management duty on local traffic authorities to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority. The strategic road network for London is complementary to this duty. It will allow TfL, the strategic transport authority, to ensure that some road-works and/or highway schemes will be co-ordinated across a London wide network.

### **Summary and Recommendation**

31. It is difficult to quantify the benefits of better traffic management through the designation of strategic roads. However, the benefits will be enjoyed by a wide range of organisations and individuals and no cost will be borne by businesses.

32. Failure to take any action in this area would constitute a failure to recognise that roads are subject to diverse pressures and that both road and street works can cause major disruption to road users.

**Regulatory Quality**

33. A Regulatory Impact Assessment was produced for the Traffic Management Act 2004.

I have read this further Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Tony McNulty

Minister of State for Transport

March 2005