To the Complaints Resolution Team

**STAGE 2 Complaint: No Entry Addiscombe Court Road / Canning Road Scheme**

**My name is \*\*\*\*\* and I live at \*\*\*\*\*. This scheme has resulted in injustice to me because \*\*\*\***.

I do not believe my complaint has been properly addressed by the Highways Improvement Team which did not fully consider the points raised in my original complaint. This scheme is symptomatic of council maladministration. There has been a disregard for proper procedures leading to a lack of legal compliance. Fault has flowed from inadequate analysis on the part of the Highways department with a lack of scrutiny from Councillors.

This environmentally damaging traffic displacement scheme which results in 4 consecutive through roads being made one way in the same direction (southbound) would never have come about were it not an expedient solution to a political problem. There was controversy about the decision to make Lebanon Road one way southbound in 2015. The northbound traffic displacement onto ACR resulted in a very public campaign on “Inside Croydon.” Councillors responded by appeasing the aggrieved residents of ACR, apologising to them (see report for TMAC 5th July 2017). The desire to appease influenced both council officers and councillors to the extent that evidence to support this scheme was cherry picked by the Highways department whilst negative impacts were minimised or entirely left out. This poor decision was not in the public interest, the legal process was flawed and principles of natural justice overlooked.

**(1) Legal Flaws**

The council did not comply with consultation provisions in the Local Authorities’ Traffic Order (procedure) (England and Wales) Regulations 1996:

* According to TMAC report for October 2017, the scheme aimed to *“mitigate traffic congestion and road safety concerns in Addiscombe Road, Addiscombe Court Road and Canning Road.*” Under Part II 6 (1), where the order is likely to affect traffic on a road on which a tram car is provided, the operator of the service must be provided with documentation in accordance with Part II 7 (2). **Tram operator FirstGroup was not consulted**.
* Under Part II 7 (1) (3)& (4), deposited documents are to be made available to include under Schedule 2 (c) a map which clearly shows the location and effect of the order as proposed to be made or as made (as the case may be) and, where appropriate, alternative routes for diverted traffic. **No such map was made available with the deposited documents.** Mike Barton has confirmed that the deposited documents were as follows: PN80 (Proposed traffic order), PN80 (drawing of layout) Addiscombe Court Road, PN80 (drawing of layout) Canning Road.

<https://www.croydon.gov.uk/transportandstreets/parking/prcpr/july-2017>

* These documents were insufficient for proper consultation with the emergency services, all of whom would have considered these changes to be small scale when in fact an entire road system was being altered. The proposed order makes no reference to the loss of access to Lower Addiscombe Road or that these roads lie within a restricted area shared with the tram; there is nothing that would suggest the huge impact of closing these roads to northbound traffic. There is now evidence of emergency ambulances being stuck in gridlocked traffic on both Chepstow Road and Elgin Road which the Council should reflect upon with shame.
* Contrast this with the additional documents made available to implement the scheme which better describe the huge impact of the scheme (Advance warning signs plan and map).

<https://www.croydon.gov.uk/transportandstreets/parking/prcpr/january-2018>

**(2) The report of the Highways Team for TMAC October 2017 was too narrow and therefore misleading, contains inaccuracies and omits key information**

**Report was too narrow**

The scheme was presented to introduce “*small scale measures*” which were “*not proposed to increase the traffic in the area.*” The notice of proposed traffic order suggested that the scheme would “*assist in improving air quality and reducing carbon emissions contributing to the council’s objectives.*”

The report did not say that the scheme is actually a massive northbound traffic displacement scheme that moves traffic from one area to another and places immense pressure on the next northbound route, another residential road, Elgin Road, now functioning as a main road for through traffic. Elgin Road has virtually the same profile as Canning Road, but the scheme protected Canning Road and sacrificed Elgin Road. The report did not say that the scheme cuts off a large residential area from Lower Addiscombe Road, creating longer vehicle journeys, more congestion and pollution overall and introducing a road system which is confusing and invites chaotic and illegal driving in an area where the road is shared by the tram and safety should be paramount.

The report did not outline the *“important facts*” listed in the Highways department Stage 1 responses set out below:

*“Residents* ***would*** *face longer journeys to or from their homes.”*

*“Northbound traffic* ***would*** *displace further east.”*

*“The main road network* ***would*** *need to carry more traffic as a consequence.”*

*“Congestion and pollution* ***would*** *increase if journey times or distances were longer.”*

This advice was never set out in Mike Barton’s original report which presents the scheme as small scale and only discusses longer journeys for residents of ACR and Canning Roads (the least impacted) and minimises the possibility of traffic displacement: *“one aim of this proposal is to encourage traffic to stay on the main road network and discourage drivers from using residential as through routes. It is appreciated that some traffic* ***may*** *use other nearby residential roads if ACR and Canning Road are made no entry, and that Elgin Road does provide an alternative route, should Canning Road become no entry for northbound traffic. During these busiest times, Elgin Road is only one of several choices for those going north using Addiscombe Road. It is also likely that some traffic will remain on the main road network or disperse via alternative routes. Depending on where motorist journeys originate from, some drivers may completely change their route and drive through another area altogether.”*

**Inaccuracies**

The report prepared for 11th October 2017 states that “*the matter of vehicles illegally overtaking trams stopped at Lebanon road tram stop to then turn into ACR is a road safety issue which needs to be resolved.*” At 4.8: “*The road safety issue of vehicles overtaking trams at Lebanon road will be removed, should the measures be approved.*” In reality, nothing has been done to prevent vehicles overtaking the tram and safety issues still exist, therefore councillors and the public have been misled.

Mike Barton has not addressed why there was no formal consultation with TFL/ FirstGroup Tramlink to resolve this safety issue, which should have happened as part of the legal process in any event. The council’s view that there was no alternative solution other than to make ACR ‘no entry’ is not accepted under these circumstances.

An inaccurate map which shows a number of roads two way when they are one way and which does not mark alternative routes for northbound traffic, was included in TMAC documentation, but both councillors and council officers have confirmed was this map was not part of the public consultation. Regardless of this, it was the map made available to the public by the council and as a result it was uploaded onto at least two residents’ association websites (Park Hill & ECCO). Mike Barton apologises for a “*minor error*” on the map appended to TMAC documents for July and October 2017 meetings. He has not explained why an accurate map was appended to TMAC documents for February 2017 but a confusing and inaccurate map was substituted at the consultation and decision making stages, which showed the next available northbound route as Clyde Road rather than Elgin Road. Clyde road has been one way southbound for years. Other roads were shown as two way rather than one way. It cannot be ruled out that this map mislead both members of the public and councillors.

**Omissions**

The Highways department has refused to analyse and refer to traffic data in its report, pretending it only has value in the context of ‘before’ and ‘after’ analysis. This can only be justified when a trial is being undertaken and does not stand up to scrutiny when permanent changes are being made to roads. The Highways department is steadfastly and rather childishly ignoring the data at the present time because it does not support this scheme.

The data collected from surveys undertaken prior to the scheme’s implementation is key when considering the issue of northbound traffic displacement. When the data was analysed by HOME Residents’ Association and presented to the council during the consultation phase, it showed that Elgin Road was already the busiest of the residential roads which included ACR and Canning Road. In a meeting with MP Sarah Jones and members of HOME RA on 29th January 2018, Mike Barton confirmed that he did look at the data but only to predict that if ACR was closed to northbound traffic, the resulting displacement would be untenable for the residents of Canning Road. He did not go on to consider that if less than half of the combined northbound traffic from ACR and Canning Road transferred to Elgin Road then it would carry more traffic than he considered untenable for the residents of Canning Road.

He has not explained why no analysis appears to have been undertaken by the Highways department to consider whether volumes of traffic would be untenable for the residents of Elgin Road, as the next available northbound route. If no analysis was undertaken, this demonstrates preferential treatment being given to the vocal minority of residents of Canning Road who supported the closure of their road to northbound traffic. The Highways department Stage 1 response opines that once motorists reach Elgin Road they have a choice of northbound routes and will not necessarily use Elgin Road; whereas motorists using Canning Road had it remained open would have no alternative route. This is incorrect. Restricted hours are only between 7am-10am and 4pm-7pm on weekdays ie 30 hours out of 168 hours in a week, so motorists could make alternative choices for 138 hours in the week. Even during restricted hours, regular motorists could choose to change their northbound route if volumes of traffic significantly increased. Add to this that there is no evidence of Croydon Council enforcing the restrictions at Chepstow Road/ Addiscombe Road junction which means that vehicles (including council bin lorries) are regularly seen to violate these restrictions in order to travel along Addiscombe Road. Thus the restrictions in themselves would not prevent motorists finding alternative northbound routes to Canning Road had it remained open; restrictions need to be enforced if they are to be effective and in this case they are not.

The data also demonstrates that roughly equal levels of southbound traffic to northbound traffic are successfully carried on the same roads without any roads closed to southbound traffic. It is because the council has badly handled northbound traffic that problems have arisen.

**(3) Natural justice overlooked resulting in bias**

Objections were not seriously considered, they were minimised in the Highways department report for 11th October 2017 and councillors did not properly scrutinise the work of council officers, perhaps for overriding political reasons. Mike Barton has not explained why the views of Canning Road residents, who were overall not in support of change, were sought if they were simply to be ignored. Residents’ views are routinely over ridden when making a ‘best interest decision’. However, this is an example of residents’ voices being ignored to serve a political aim as this scheme with its negative environmental impacts is clearly not in the best interests of the area and serves a relatively small number of residents.

Complaints have been suppressed by the council. There are examples of formal complaints being treated as enquiries and when this issue has been raised there is no evidence that it has been properly investigated.

**(4) Noise and pollution**

Elgin Road has effectively been turned into a main road and Chepstow Road is experiencing serious congestion at peak hours. There has been no monitoring of pollution levels. It is not accepted that Mike Barton is qualified to provide an expert opinion on whether the levels of noise and pollution are significantly high enough to affect the health and wellbeing of residents of local residents; it is noted that the whole of the London Borough of Croydon is an Air Quality Management Area. Councillor Stuart King has dismissively confirmed that he does not believe that this scheme is likely to have had a net negative impact on air quality in Croydon and as a result there are no plans to change the existing air quality monitoring arrangements within the borough. He has been asked to provide the evidence for his belief in terms of how this has been measured.