

1 August 2023

**For consideration by the Minister**

**Lead official:**  
Anthony Ferguson

# Low Traffic Neighbourhoods – Advice for No10

## Issue

1. Following the Prime Minister’s media interview last weekend, No10 have asked (**Annex A**) for advice on next steps in relation to reviewing Low Traffic Neighbourhoods (LTNs).

## Recommendation

2. Officials recommend that you agree to send the note attached at **Annex B** to No10.

## Background

3. As part of the emerging ‘Plan for the Motorist’, DfT officials proposed this on LTNs: “we will explore options for preventing local authorities inappropriately using traffic management measures to restrict access for drivers. This could include reviewing existing guidance to local authorities and their use of DVLA data for enforcement purposes”. No10 have asked how DfT will take this forward, in the context of the PM’s proposed review of LTNs.
4. There is potentially a wide range of approaches. A full review of existing LTNs could entail a very large piece of analytical work. LTNs are not strictly defined and traffic management restrictions, which is what LTNs are, have been in place for decades across the country and there are thousands of examples. The DfT proposal in the ‘Plan for the Motorist’ took a different approach, which was to review the process for making LTNs to ensure only those that were well designed and had broad support are taken forward. Notwithstanding the challenges of reviewing existing schemes, some options could be developed.

## Considerations, Handling & Clearances

5. Under current legislation, Government has few legal powers to intervene in how local authorities run their roads. What powers do exist have an extremely high bar attached to their use. But there is an option that could provide an effective way forward.
6. Local authorities must meet the Network Management Duty (NMD) set out in section 16 of the Traffic Management Act 2004. In essence, the duty requires authorities to secure “the expeditious movement of traffic on the authority’s road network”. The Act sets out various requirements to be met to fulfil this duty, including ‘having regard’ to statutory guidance issued by the Secretary of State. Whether or not they have done so would be one metric by which an authority may be judged not to be meeting their duty. Ultimately, if an authority is deemed to be failing, the Secretary of State may step in and appoint a Traffic Director to run the network on their behalf, but this would require evidence of systemic failure.
7. Statutory NMD guidance was originally published in 2004. Supplementary guidance was published in 2020 (and updated in 2021) relating to road space reallocation for active travel during Covid. This included reference to LTNs as one of the measures LAs should be considering and as a first step we recommend withdrawing this guidance.
8. We recommend replacing this with new supplementary statutory guidance that sets out how authorities should ensure traffic management schemes are well designed and enjoy wide support. The core of the guidance would direct authorities to use the toolkit developed by Active Travel England (ATE) to ensure rigorous, consistent assessment of proposals. In

the recent Active Travel Fund, no LTNs met the extremely high bar set by this ATE toolkit on a comprehensive set of metrics such as traffic displacement mitigation, porosity and permeability and therefore none were eligible for funding.

9. We propose the new guidance would also set high standards for community engagement in scheme development, including seeking wide views on them. This would help ensure schemes are community-led. The ATE toolkit already includes metrics on the effectiveness of engagement. This element of the toolkit could be developed further to include tools such as polling to ensure that community and resident views are properly represented.
10. The guidance could be drafted relatively quickly. Consultation on a draft would be advisable but could be limited to key stakeholders over a few weeks. This guidance would apply to all new schemes coming forward, regardless of how they are funded. It would also create the opportunity for Ministers to ask ATE to inspect compliance against the guidance on a much wider range of schemes in the future.
11. The Plan for Motorists also suggested that local authority access to DVLA keeper data might be restricted where it is to be used for LTN enforcement. DVLA are considering whether and how this might be possible, but distinguishing the relevant data and the circumstances when it would not be made available is legally and technically challenging.
12. The draft note to No 10 focusses initially on the approach we proposed in the Plan for Motorists, not least as under current legislation, Government cannot require local authorities to remove existing LTNs. The note goes on to include options for a retrospective study - we have identified two possible approaches. These have not yet been considered in detail but could be developed further.
13. First, the Department commissioned research on circa 20 large active travel schemes, including LTNs, funded by DfT in 2021. This will consider value for money, the extent to which they enable mode shift, and impact on congestion, journey times, safety and car ownership. This is a necessarily long-term piece of work and will not conclude until 2026. We could explore the scope to conduct separate and/or interim analysis of LTNs building on this evaluation and possibly extending the number of schemes covered.
14. Secondly, LTNs are local schemes and we do not have an accurate picture of how many there are. Ministers could write to LAs seeing key information on how many LTN schemes have been implemented since 2020, what signs/features are used, whether they are being regularly enforced and any evidence on their impacts collected. This would not be a rigorous study but could give us a useful snapshot of the extent of LTNs and how they are being implemented. This could inform future options for more in-depth analysis.
15. No new issues are raised by this advice in relation to the **Public Sector Equality Duty**. Further consideration will be given when any draft guidance is developed. At this stage, given the requirement for speed and the very limited circulation, we have not taken **legal** advice. Legal advice would be obtained on the drafting and handling of new guidance.
16. There is significant **media** interest in the review following the Prime Minister's announcement over the weekend. There is an expectation among media that the review will look at existing LTNs and may lead to unpopular schemes – especially those that do not allow access to cars – being removed. We will face criticism if new measures introduced are not retrospective. Depending on your decision we will work with No10 comms to develop appropriate communications handling, which could include publication of the terms of reference for the review.