



Guidance for delivery of experimental Healthy Streets schemes

October 2022

Contents

1	Purpose of this document.....	3
2	An introduction to ETROs.....	3
3	Using ETROs.....	3
3.1	Introduction to ETROs	3
3.2	Monitoring process for ETROs.....	4
3.3	Considerations for ETRO review process.....	5
3.4	Access, inclusion and the public sector equality duty	5
3.5	Engagement and consultation.....	6
3.5.1	ETRO Engagement approach.....	7
3.5.2	Who should be engaged:.....	9
3.5.3	Statutory consultation	10
3.5.4	Public consultation	10
3.6	Ending the experiment.....	11

1 Purpose of this document

This document outlines the approach that boroughs should take when considering experimental streets schemes primarily using an Experimental Traffic Regulation Order (ETRO). It is not intended to be prescriptive, recognising that boroughs will have different local processes and circumstances, but instead the intention is that boroughs will find this guidance useful when planning experimental schemes.

2 An introduction to ETROs

In July 2021, the DfT published additional statutory guidance under section 18 of the [Traffic Management Act 2004](#) that applies to all traffic authorities in England. It replaces the guidance published on 9 May 2020 and updated on 23 May 2020 and 13 November 2020. The guidance does not replace the original [Network management duty guidance](#) published in November 2004, but provides additional advice especially around how to make permanent and build on changes made during the pandemic and meet longer term active travel ambitions.

Where interventions require Traffic Regulation Orders (TROs) there are several types an authority can employ. The main ones as advised by the DfT are permanent, experimental or temporary. All these orders are open to boroughs to use although TfL generally recommends that boroughs progress trial Healthy Streets schemes using Experimental Traffic Regulation Orders (ETROs). Where decisions about temporary schemes already delivered cannot yet be made, these should be transitioned to experimental orders and follow the experimental process laid out in this guidance.

Experimental schemes provide a balance between speed of delivery and the ability to effectively engage with residents and businesses, whilst allowing impacts to be closely monitored (something the DfT advises 'must' happen) along with offering formal consultation mechanism during the early life of a project. This mechanism also allows flexibility within scheme orders to respond to feedback and changes in circumstances. For clarity, ETROs require clear objectives to be at the start of the experiment and have associated monitoring plans and formal processes of consultation during the lifetime of the project.

3 Using ETROs

3.1 Introduction to ETROs

ETROs are used to trial schemes that may then be made permanent, they need robust monitoring and ongoing consultation with the public and stakeholders once the experiment begins. Schemes installed using experimental orders are subject to a requirement for ongoing consultation for 6 months once in place, with statutory consultees including bus operators, emergency services and freight industry representatives. This consultation allows a trial scheme to be adjusted in the light of experience and feedback, which can lead to a better scheme overall. Schemes should be monitored and evaluated to help make decisions as to whether the scheme should be made permanent and if so in what form. ETROs speed of delivery and flexibility will therefore mean they form an important part of delivering the changes for walking and cycling aspired to at national and London levels during the recovery from the pandemic.

Once it has been decided to use an ETRO, it is essential that the experiment is correctly carried out, this means developing and then following consultation and engagement plans (see [ETRO Engagement and Consultation](#)) and monitoring and review processes (see [Monitoring process for ETROs](#) and [Considerations for ETRO review process](#)).

For schemes on the Strategic Road Network (SRN), that will impact the SRN or TLRN or have significant adverse effects on buses or taxis, it may be necessary to seek approval from TfL's Traffic Manager via the Road Space Performance Review Group (RSPRG) prior to commencement of the

experimental order. In addition, Boroughs should be aware of the need to comply with the requirements of [Section 121B of the Road Traffic Regulation Act, 1984](#), which sets out the responsibilities of boroughs and powers of TfL when a Borough is considering the exercise of its powers to make traffic regulation orders that will or are likely to affect a GLA road, strategic road or a road in another Borough. In the first instance the need for this approval must be discussed with the borough sponsor who will advise next steps. If RSPRG consent is required, then subsequent reviews may need to be brought to RSPRG to approve changes or permanency decisions. This review process should include the use of an Equality Impact Assessment to identify and mitigate where possible any potential impact on people with protected characteristics.

When designing experimental schemes, it should be remembered that taxis have a distinct legal status, but they are not mass public transport and there may be circumstances in which buses are given priority over taxis. Under TfL's Bus Lane Policy, hackney carriages will ordinarily be permitted to use bus lanes, save where there are safety or operational reasons. Boroughs may have their own policies. Consideration should also be given to permitting taxis to pass through bus gates and ensuring that where a cycle lane is introduced, there are safe and appropriate places for taxis to pick up and drop off passengers.

3.2 Monitoring process for ETROs

Monitoring is an essential part of the ETRO process. It must be used to understand if schemes are having the intended impacts, also to inform where changes are required. Ultimately, data collected as part of the monitoring plan for a scheme will inform decisions about whether to modify, retain or remove a scheme at the end of the ETRO. It is vital that a full evaluation of the experiment can take place, therefore experimental schemes should be left in place for the full duration of the ETRO, this time is needed to allow the scheme to bed in and for behaviour to adjust to it including changing mode as a result of the enhanced conditions for walking and cycling. Modifications can be made to optimise the scheme, but these should seek to enhance and retain the integrity of scheme outcomes. However it is vital that the scope and scale of these modifications does not undermine the original purpose of the experiment. Such modifications cannot introduce new controls to the experimental scheme and any modifications which are required to the controls or restrictions within the ETRO need to follow the statutory process under S10(2) of the Road Traffic Regulation Act, 1984. Authorities should note that the use of a S10(2) order will re-set the statutory objection period for a further six months but does not lengthen the 18-month life of the ETRO.

Therefore it is important to consider the impact that the re-setting of the six-month objection period will have on the 18-month timeline when considering the introduction of a modification. The 18-month period cannot be extended so any consideration to introduce a modification must allow sufficient time for the new six-month objection period to complete and sufficient time for the associated decision and order making processes within the original 18-month period.

To make these evidence led judgments across a wide range of metrics and insights, prior to commencing an ETRO scheme, a monitoring plan should be established that sets out the core objectives of the scheme. This will ensure that the evidence needed to determine if the experiment has been a success or otherwise will be available, at key decision points.

The monitoring plan should link into the ETRO process, by defining:

- What the experiment is and what the key objectives are
- What you need to understand to determine whether the experimental scheme has been successful
- How you will identify, mitigate and monitor any potential negative impacts on road users, including equality issues.

- What data you will need to inform future decisions.
- How review mechanisms can be built into the experiment and what the trigger points are.

Further guidance on how to conduct monitoring is available in the monitoring guidance for boroughs¹.

3.3 Considerations for ETRO review process

Monitoring should be undertaken with a view to a scheme review, this can either inform changes to the scheme during the experimental order period (noting that new controls cannot be introduced) or a final decision on permanence (including potential changes) or removal. However, any decisions on whether to remove or modify schemes must be publicly consulted on with the same rigour as decisions to install them, following all necessary democratic processes and be fully transparent.

This review process is vital. The 18-month life of an ETRO is a finite period, at the end of which the order expires. During the 18-month experiment, processes needed to make the scheme permanent or have it removed must take place with a realistic timescale albeit after sufficient data has been collected to make a decision based on the scheme bedding in and considering broader factors such as seasonality.

The experiment should be assessed based on strong evidence with a documented decision made via the borough's due process within that 18-month experiment about the scheme's future after the expiration of the ETRO. This means working backwards from the end of the 18-month period considering all the steps that may be necessary to make a scheme permanent or remove it, including but not limited to engagement, processing of monitoring, Road Safety Audits, democratic approvals and undertaking the relevant statutory processes, whilst allowing sufficient time for monitoring, analysis and engagement.

Boroughs should decide on the process that works within their own areas, utilising existing processes and structures where appropriate. Reviews should seek to assess the impacts of the scheme against objectives initially set out prior to commencement of the experiment. Reviews should factor in underlying trends in the data outside of the scope of the scheme, such as, but not limited to, roadworks / adverse weather and broader transport trends. It is also understood that an experiment may reveal findings, positive or negative, that were not expected at the start and therefore not set out as factors in the experiment. Any such findings should be considered in the overall decision making during both its duration and at the end of the experimental scheme.

If monitoring identifies that the scheme is not meeting its core objectives, mitigations could be identified to address the challenges. Mitigations could include (but are not limited to): changes to signal timings, modifications to the scheme, adjustments to bus services or bus assets such as stops or other physical changes at nearby locations. A number of these measures may require TfL decisions, therefore early and ongoing dialogue with TfL's borough sponsor is strongly encouraged throughout the experimental period. It is worth noting that if substantial changes to the experimental scheme are required, this may require a new ETRO to be drafted and approved however it will be necessary to differentiate any new experimental scheme from the existing scheme.

3.4 Access, inclusion and the public sector equality duty

The public sector equality duty applies to TfL and to boroughs when carrying out their functions, including making temporary/ experimental and permanent changes to the road network. As separate public bodies, boroughs will need to make their own decisions on how they document their considerations under the public sector equality duty. This includes whether they choose to undertake EqIAs on their schemes and if so what scale of project this applies to. The public sector equality duty

¹ <https://tfl.gov.uk/info-for/boroughs-and-communities/streetspace-funding>

needs also to be discharged throughout the duration of the experiment so ongoing consideration of these issues is required.

TfL undertakes an Equality Impact Assessment (EqIA) on all TfL led schemes. The aim is that the EqIA is used to analyse and record the effect of the scheme on people with protected characteristics. It is started early in the scheme development process to ensure that potential issues are identified and mitigated where possible.

The EqIA should take into account the outcomes of [consultation and engagement](#) carried out on the scheme. Additional information from a variety of sources, such as TfL's own prior analysis set out in *Understanding our Diverse Communities*². The DfT has also signposted guidance which provides advice on designing temporary measures for visually impaired people jointly produced by Guide Dogs, RNIB, the Thomas Pocklington Trust and Visionary³.

Any impact on people with protected characteristics recorded through the monitoring of the experimental scheme should also feature in the EqIA. It is also advised to capture the cumulative impacts across multiple schemes such as the amount of kerbside access removed or changes to blue badge parking where relevant. The EqIA can influence the scale and type of monitoring that takes place, including targeted engagement, for example with disabled people's stakeholder groups.

Notably, consideration will need to be given to access for Blue Badge holders, including parking and safe access to the kerb at sufficient locations to enable access, to pick up and drop off badge holders, including taxi services. Changes impacting upon Blue Badge parking provision needs to be carefully considered and local groups representing disabled people should be engaged at an early stage and consulted, this may include the location of any relocated Blue Badge parking, to ensure it is accessible and in a useful location for accessing destinations. TfL does this at concept design stage, and the outcomes of the engagement are used, as much as possible, to inform detailed design.

3.5 Engagement and consultation

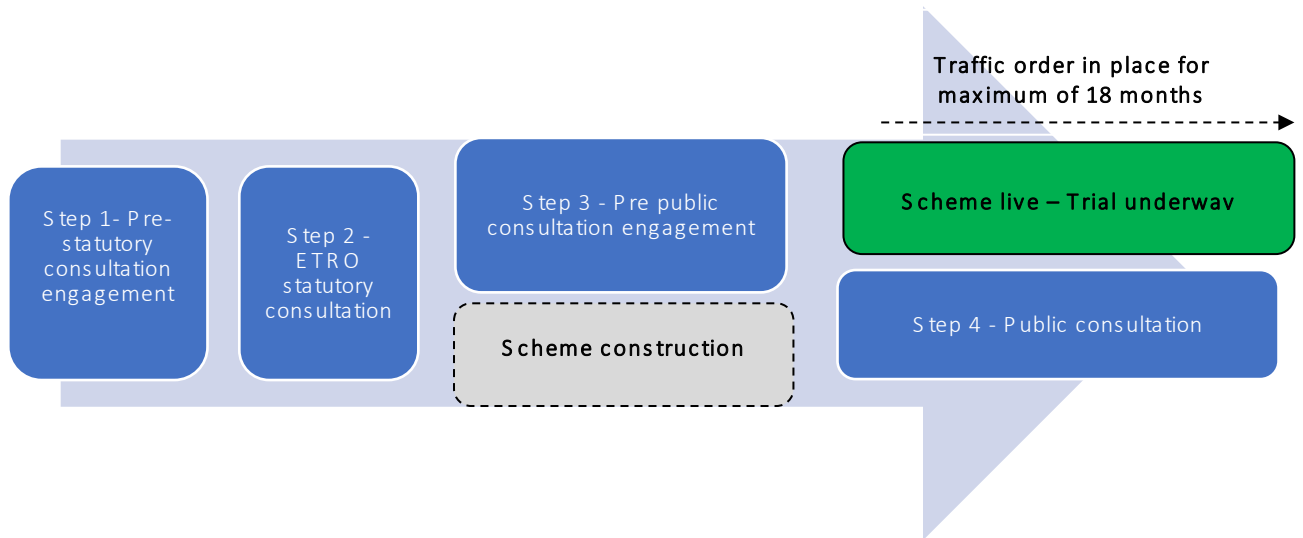
An ETRO requires an authority to consult on the trial while the traffic order is in place. A public consultation is not required prior to the introduction of an ETRO, but a statutory consultation, with statutory consultees, will take place before the making of the experimental order. It is advised to provide a 14-day consultation period for the Emergency Services to assist them in responding to multiple proposals across London.

Following this period of engagement, a statutory consultation is undertaken before the ETRO is made and following that a public consultation, once a scheme is live. This multi-stage approach to engagement and consultation is set out in the graphic below.

² Understanding our diverse communities, 2019 - <http://content.tfl.gov.uk/travel-in-london-understanding-our-diverse-communities-2019.pdf>

³ Street design guidance for local authorities, <https://www.guidedogs.org.uk/about-us/what-we-do/research/policy-and-guidance-for-businesses/street-design-guidance-for-local-authorities/>

Figure 5: Engagement and consultation process for schemes introduced through an ETRO



As the main public consultation is undertaken during the lifetime of the trial, i.e. when the scheme is in place, authorities should also undertake a period of ‘Active, Accessible and Inclusive Listening’ engagement with a diverse range of residents, businesses and other impacted stakeholders before the consultation period. While this is not statutory consultation, it may generate feedback through accessible opinion surveys and engagement opportunities with local people and impacted stakeholders. This feedback should be captured and reviewed to determine how and when any reasonable adjustments to a scheme can be made.

A minimum six-month statutory objection period commences once the ETRO is made. During this period members of the public and impacted stakeholders can make a formal objection to the ETRO and the controls/restrictions contained within it. Authorities then are required to follow the legal process in managing those objections. This runs in parallel with any stakeholder engagement work but it is important that the statutory process is followed to remove the risk of any legal challenge.

When a modification is made to the ETRO it is this six-month objection period which is re-set, this will have an impact on the public consultation timelines.

3.5.1 ETRO Engagement approach

Public engagement is recommended throughout the lifetime of the programme. Engagement allows people to understand the reasons for undertaking a change and helps to shape the introduction and delivery of experimental measures.

It is recognised that effective engagement with local communities and a diverse range of key stakeholders is essential to ensure political and public understanding of the rationale for introducing a new experimental scheme.

Active, accessible and inclusive listening engagement follows four steps that are repeated throughout the engagement exercise. These are:

Figure 6: Active listening engagement approach



Feedback on a scheme can be gathered through a range of engagement opportunities with residents, businesses, elected representatives and other stakeholders. This approach successfully allows a better understanding of how a new scheme is impacting on a local area.

When implementing an 'Active Listening' engagement approach, an authority should consider a reasonable level of engagement to reflect the scale of a scheme being introduced, for example the known local support for such measures (based on previous engagement, consultation or public opinion surveys). Authorities may want to consider commissioning objective methods for gauging public opinion, such as professional polling to British Polling Council standards. Doing so can help to establish a representative picture of local views, although there are limitations to this method and it should not be seen as a replacement to traditional engagement or consultation. Polling is a method that can support engagement or consultation activity.

Local authorities should look to engage at the earliest opportunity (see Figure 5 – step 1) with their communities and stakeholders to explain:

- What changes will be made
- Why the changes are needed
- When changes will be introduced
- How and when public consultation will be undertaken, and its purpose (to make the point that there will not be a public consultation before the introduction of the scheme)
- How feedback can be provided during the engagement stage, and why the authority is looking for feedback
- The ongoing steps that will be taken to engage and consult with communities and stakeholders during the life of the ETRO

Local authorities should also provide communities and stakeholders with ongoing opportunities to express local sentiment on experimental schemes. To date many London authorities, including TfL, have hosted online engagement surveys that allow for regular reviews of public sentiment and to help identify local issues with schemes.

During the construction of an experimental scheme (see Figure 5 – step 3) there can be disruption, which may raise concerns with the local community about the long-term impact of these measures. TfL has been pioneering with suppliers an approach to inclusive construction that minimised the physical barriers that it can create for older and disabled people.

To ensure these concerns are addressed and construction impacts are minimised, authorities should continue to actively engage and listen to impacted communities and stakeholders. This level of engagement should reflect the scale and impact of the change that is being introduced.

On commencing a consultation, local authorities need to ensure relevant scheme information is published online and is easily accessible. Materials will ideally be tailored to the needs of the community (e.g. material could be provided in other languages) and provided in large print, audio, British Sign Language-video format, and easy read formats if requested.

3.5.2 Who should be engaged:

The scale of engagement is best defined through a stakeholder mapping exercise that determines the level of impact on stakeholders along with stakeholder interest and influence on the proposal to make a scheme permanent. This will then determine an appropriate engagement plan that best fits with the needs of a local community and interested stakeholders.

When planning their engagement, local authorities should ensure that this includes engaging with groups with protected characteristics. It is crucial to ensure that the stakeholders engaged represent minority and disadvantaged groups.

In line with the public sector equality duty, local authorities are required to have 'due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities'⁴.

The public sector equality duty applies in the context of experimental schemes and decisions to retain or remove such schemes. Typically, the impact of a scheme on groups with protected characteristics will be captured in an equality impact assessment (or similar document), along with mitigating action to address any identified negative impacts. This assessment can also be shared to support the process of 'intelligent consideration' carried out through the statutory consultation.

As per DfT guidance the following should be engaged when a scheme is proposed to be made permanent:

- Local residents,
- Local businesses (where they are directly impacted by the scheme),
- Police and emergency services,
- Bus operators (who operate services through a scheme⁵) and taxi & private hire representative groups,
- Royal Mail, Freight Transport Association and Road Haulage Association, and
- Elected representatives e.g. MPs, Ward councillors and Assembly Members

This is to allow objections to be made to the experimental scheme becoming permanent.

When developing a fair approach to engagement strategy, an authority should look at opportunities to engage with a wide range of relevant stakeholders, not just those listed above. Other groups that may be engaged with include, but are not limited to, taxi and private hire trade groups, cycling and road safety groups, freight stakeholders, utility companies, NHS Trust(s), including GP surgeries, and hospitals impacted by a scheme, local schools (primary and secondary) and Transport user groups.

On commencing engagement, local authorities should ensure relevant scheme information is published online and is easily accessible. Materials should be tailored to the needs of the community

⁴ <https://www.gov.uk/guidance/equality-act-2010-guidance#public-sector-equality-duty>

⁵ TfL already engages with operators on a regular basis and so to meet this requirement local authorities and TfL should agree how best to undertake this activity

(e.g., material could be provided in other languages) and provided in large print, audio, British Sign Language-video and easy read formats if requested.

3.5.3 Statutory consultation

Before the ETRO is made statutory consultation is required (see Figure 5, step – 2). In summary, this will involve a consultation period with statutory consultees, followed by the making and publication of the traffic order online and in local press. This is not the same as a public consultation.

To introduce an ETRO, authorities will follow the process set out in the relevant regulations⁶.

3.5.4 Public consultation

Following a second engagement phase (step 3), a public consultation should commence at the earliest viable opportunity once a scheme has been built and the trial of the road changes has commenced (see Figure 5 – step 4).

The purpose of the public consultation is to ensure those impacted by a new Experimental scheme:

- Have access to sufficient information to allow ‘intelligent consideration’ of what is being consulted on. This should include the rationale for the scheme’s introduction and any relevant supporting materials; this might include an explanation of the purpose of the consultation, the monitoring strategy that will be followed and a summary of the changes that have been made. The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
- Have adequate time for consideration and response - there must be sufficient opportunity for consultees to participate in the consultation process and to submit their response. TfL considers that a six-month consultation gives opportunity for an experimental scheme to embed and for the public and other stakeholders to come to a view about their experiences of it (it also allows for these views to change over time)
- Can provide an authority with their views on the measures introduced.

As per the engagement phase, authorities should refresh their stakeholder mapping to ensure that all relevant parties are consulted with.

Authorities should ensure that stakeholders representing those with protected characteristics continue to be engaged with and are made aware of the consultation and the opportunity to respond. These stakeholders may help the authority to reach those people who are commonly ‘seldom heard’; they could be asked what support they could give the authority in reaching the ‘hard to reach’.

As an ETRO public consultation can be a lengthy process, authorities should consider providing regular updates on a scheme. These updates should highlight any changes or improvements that have been made to a scheme as a result of the consultation or engagement that has been undertaken. Updates should be shared with the public and any stakeholders that have been consulted with.

At the end of the public consultation, the output should be analysed to identify key themes and issues from respondents and a consultation report would then be produced and published by the authority.

Decision makers must review and undertake ‘conscientious consideration’ of consultation responses before a decision is made. Decisions to end or make permanent a trial scheme should not usually be made prior to the end of the six-month public consultation, since the outcomes from the public consultation should inform such decisions. It may be possible to modify an experimental scheme, however. Indeed, if respondents to the public consultation are highlighting an unforeseen and

⁶ Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996/2489

negative impact it might be beneficial to modify the scheme to address such impacts. In such circumstances authorities should engage with local communities and other stakeholders to inform them of the intended change(s) and the necessity for them.

A decision will then be reached to either:

1. End the trial and remove the scheme
2. Continue the trial, possibly with further modifications, and continue to consult and monitor the scheme impact, or
3. End the trial and make the scheme permanent.

If the decision is reached to make the scheme permanent, then the relevant steps will be taken to convert the ETRO into a permanent traffic order. Whatever the decision, it will be necessary to publish the consultation report to respondents and to undertake further engagement as necessary to ensure the local community and other stakeholders understand the decision and its implications.

3.6 Ending the experiment

It must be remembered that once installed, the 18-month life of the experimental order is a finite period, at the end of which the 18-months, the ETRO will expire, and the scheme would no longer be lawful. The experiment must therefore be judged with a documented decision made via the Borough's due process within that 18-month experiment about the scheme's future after the expiration of the ETRO.

Prior to commencement, boroughs using ETROs should consider how they will conclude their experiment in a timely and ordered manner. Further details about considerations for reviewing ETROs and the monitoring behind that are set out in [the Monitoring process for ETROs](#) and the [Considerations for ETRO review process](#)

Processes needed to make the scheme permanent i.e. those the borough would follow for a permanent order or to remove it should be planned with realistic and achievable timescales, built around borough procedures for permanent schemes and a good understanding of potential risks that may cause delays. Good practice would be for boroughs to work back from the end of the 18-month period considering all the steps that may be necessary to make a scheme permanent or remove it, including but not limited to engagement, processing of monitoring, equality impact assessment, Road Safety Audits, democratic approvals and undertaking the relevant statutory order making processes.