

**REQUEST FOR MAYORAL DECISION – MD596**

**Title: Mayor’s Transport Strategy Finalisation**

Executive Summary:

The Mayor has decided to produce a new Mayor’s Transport Strategy (MTS) 2010 to revise and replace the previous version approved in 2001 and subsequently revised in 2004 and 2006. The MTS is the principal policy tool through which the Mayor and Transport for London (TfL) exercise their responsibilities for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London. The MTS has been the subject of two phases of statutory consultations firstly with the Assembly and functional bodies and secondly with the general public and stakeholders. The second stage ended on 12 January 2010. TfL has produced a report (Appendix B) on the outcome of the consultation and made consequential recommendations as to changes to the strategy’s text.

The text of the Mayor’s Transport Strategy (as so changed) is contained in the document at Appendix A. In addition, consistency between the MTS and the Mayor’s other emerging strategies has been considered and, where appropriate, amendments have been made to the MTS. Other minor changes in population data have also been reviewed and incorporated in the text as appropriate. No material changes outside the scope of the above changes have been made to the text. The Mayor’s approval will enable the MTS to be published as the strategic transport policy for Greater London.

The Mayor is recommended to approve the MTS as his statutory transport strategy to 2031. Relevant and material considerations to the making of his decision whether to approve the policies and proposals contained the MTS are drawn to the Mayor’s attention in this decision form.

**Decision:**

The Mayor is requested:

- i) To have regard to and take into account Transport for London’s Report to the Mayor on the Public and Stakeholder Consultation on the Public Draft MTS contained at Appendix B;
- ii) To approve the final recommended text of the revised Mayor’s Transport Strategy (2010) contained in Appendix A (“the MTS”) for publication in accordance with sections 41, 43, 141, and 142 of the Greater London Authority Act 1999; and
- iii) To approve that Monday 10 May 2010 be the legal date of publication of the MTS, and that publication of this Mayoral decision form on the GLA website be deferred until that date; and
- iv) To authorise TfL to arrange for the printing and publication of the MTS, and to determine what other measures are necessary to give the MTS adequate publicity, including the setting of charges (if any) for supplying copies of the document to persons requesting it.

**Mayor of London**

The above request has my approval.

**Signature**

**Date**

## Decision required – supporting report

### 1. Introduction and background

- 1.1 This form seeks approval for the publication of the Mayor’s Transport Strategy (at Appendix A). Once approved and published this will replace the 2001 version (as revised) and will cover the period until 2031 or until such time as the Mayor decides to revise the strategy. (Unless the context otherwise requires, mention in this form of the “MTS” refers to the text of that document at Appendix A.)
- 1.2 In February 2007 Transport for London (“TfL”) was delegated responsibility [MA2781] for the preparation of a revised Mayor’s Transport Strategy and the necessary consultation documentation. The Mayor retained the role of approving the documents that would form the subject of the two statutory consultations with the London Assembly and Functional Bodies (Phase 1 of the consultation), and subsequently with the general public and stakeholders (Phase 2). The approach to be adopted in developing the MTS was outlined in detail in the Mayoral Decision Form that approved the consultation arrangements for the London Assembly and Functional Bodies consultation (MD 399 2009 refers). This included coordinating its development, and sharing the evidence base, with the revision of the Mayor’s Spatial Development Strategy (“the London Plan”) and the Mayor’s Economic Development Strategy (“EDS”).
- 1.3 Phase 1 of the consultation with the Greater London Assembly and Functional Bodies was undertaken in summer 2009 (MD 339/2009 refers) and this is described in sections 2.12 to 2.15 below. The Phase 2 consultation, with the public and stakeholders on the “Public Draft” MTS, commenced in October 2009 and closed in January 2010 (MD 462 October 2009 refers) and this is described in sections 2.16 to 2.26 below.

#### *The purpose and legal context of the Mayor’s Transport Strategy*

- 1.4 Under section 141(1) of the Greater London Authority Act 1999 as amended (“the GLA Act”) the Mayor is required to “develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London”. This is the Mayor’s ‘general transport duty’. The Mayor is required to publish a transport strategy that sets out these policies, as well as proposals that will secure the provision of the transport services and facilities<sup>1</sup> that are safe, integrated, efficient and economic.
- 1.5 Once the new strategy is published the Mayor must exercise the powers of the GLA for the purpose of securing the services and facilities set out in the policies and proposals in the MTS. In addition, TfL is under a duty to exercise its own powers to secure and facilitate the implementation of the MTS generally. Persons and organisations exercising statutory functions in respect of Greater London, including the 32 London boroughs and the Corporation of London, are under a statutory duty to have regard to the MTS when exercising any function. The MTS also forms the basis for the Corporation and London boroughs’ Local Implementation Plans (LIPs), which must contain transport proposals that are consistent with the MTS and must seek to implement its policies and proposals in their particular area.

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<sup>1</sup> In this context “transport facilities and services” includes facilities and services required to meet the needs of persons living or working in, or visiting Greater London including those required for pedestrians and for the transportation of freight.

*TfL's Report to the Mayor (Appendix B) on Public and Stakeholder Consultation (Phase 2 Consultation) on the Public Draft Mayor's Transport Strategy*

- 1.6 The second phase of consultation with the public and stakeholders on the Public Draft MTS ran for 13 weeks between 12 October 2009 and 12 January 2010 in accordance with Cabinet Office guidance. Additional time was added to the usual 12 weeks because of the holiday period.
- 1.7 TfL has prepared a Report to the Mayor on this phase of consultation, which is attached at Appendix B. The Report contains information about the consultation process, the issues raised by respondents and TfL's recommendations to the Mayor for changes to be made to the MTS in response to matters raised in the public and stakeholder consultation.

*The Mayor's Transport Strategy (Appendix A)*

- 1.8 The MTS has been informed by the Mayor's vision for transport set out in Way to Go! which was subject to a non-statutory consultation between November 2008 and January 2009. Following this the MTS has been developed through the two statutory consultation phases described in this form. Sections 2.12 to 2.27 below provide further information about the consultation processes.
- 1.9 The MTS contains three main parts setting out:
- the vision and context (Part 1)
  - the challenges, policies and proposals (Part 2)
  - and delivery (Part 3)
- 1.10 The following six goals set out how the Mayor's transport vision should be implemented. The Transport Strategy should (MTS paragraph E6):
- Support economic development and population growth;
  - Enhance the quality of life for all Londoners;
  - Improve the safety and security of all Londoners;
  - Improve transport opportunities for all Londoners;
  - Reduce transport's contribution to climate change and improve its resilience;
  - Support delivery of the London 2012 Olympic and Paralympic Games and its legacy.
- 1.11 The MTS takes into account the economic and population projections for London to 2031, how this growth can be sustainably supported and what challenges this presents to London's transport system. The analysis underpinning the MTS is set out in Chapter 6 of the Strategy. This analysis has had regard to the work undertaken for the revisions of the London Plan and the Mayor's Economic Development Strategy (EDS) and shares a common Economic Evidence Base. This analysis has informed the content of the policies and proposals contained in MTS and the expected outcomes of the transport strategy.
- 1.12 The MTS includes both committed schemes, as set out in TfL's Business Plan to 2017/18, and details policies and proposals needed to support the projected population and employment growth in Greater London to 2031. It includes an Implementation Plan (MTS, Part 3, Chapter 7) which sets out phases for the delivery of named projects and policies, in the short term (up to and including 2012), the medium term (2013 to 2020) and the long term (post 2020).
- 1.13 In accordance with s142(2) of the GLA Act, the Public Draft MTS included an Accessibility Plan that set out the Mayor's proposals for the provision of transport which is accessible to people with mobility problems and a timetable for implementation of these proposals.

1.14 Legal considerations relating to the Mayor's decision whether to approve the MTS are set out in Section 4 below.

## **2. Issues for consideration**

### **a) Consistency among strategies and Corporate Plan**

- 2.1 It is a statutory requirement of the GLA Act (s 41 GLA Act) that in revising any of his 12 statutory strategies the Mayor must have regard to the need to ensure that it is consistent with each of his other statutory strategies. The GLA Act also requires the Mayor to have regard to the need to ensure that the MTS is consistent with national policies and with such international obligations as the Secretary of State notifies to the Mayor.
- 2.2 TfL has developed arrangements to ensure that statutory obligations and good practice are met in relation to integration and consistency between the Mayor's London Plan, EDS and the revised MTS, and also with other Mayoral strategies and policies that have been or are being revised contemporaneously with the MTS (notably the Mayor's Air Quality Strategy, Climate Change Adaptation Strategy and Climate Change Mitigation and Energy Strategy). At publication of the MTS the strategies mentioned above may not have all been adopted. While regard has been had to the issue of consistency with the Mayor's strategies at present in force, these strategies do not address current circumstances, in particular, the up-to-date forecasts of population and employment growth. Accordingly, consistency in the MTS has been sought with the current drafts of the emerging revised strategies and not with the soon to be superseded statutory strategies currently in force.
- 2.3 The revision of the Mayor's Transport Strategy is included within the GLA's Corporate Plan and incorporated into the workplan of the GLA Transport Team. It forms the transport strategy and policy basis of TfL's Corporate and Business Plans.
- 2.4 Section 4.13 provides further detail in regard to the consistency between the MTS and other strategies.

### **b) Impact assessments and consultation**

#### *Impact assessments*

- 2.5 When delegating the revision of the MTS to TfL, the Mayor also gave TfL responsibility for preparing and consulting on the Strategic Environmental Assessment ('SEA') which must be undertaken in respect of the revised MTS in order to fulfil the requirements of the Environmental Assessment of the Plans and Programmes Regulations 2004 ('the SEA Regulations'). In addition to an SEA, revising the MTS triggers the need to carry out other assessments which, taken as a whole, identify the likely significant effects the revised MTS will have on people, places, habitats and the environment in London.
- 2.6 TfL engaged consultants to undertake an Integrated Impact Assessment ("IIA") of the policies and proposals contained in the Public Draft MTS. The IIA combined the assessment of their impact upon a wide range of areas so as to meet the statutory requirement to assess their strategic impact on the environment and sensitive habitats<sup>2</sup>, the four cross-cutting themes under the GLA Act of health and health inequalities of people in Greater London, sustainable development and climate change adaptation/mitigation, the full range of equalities legislation, social inclusion, crime and disorder and

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<sup>2</sup> As required by the Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004/ 1633) ("the SEA Regulations") and the Conservation (Natural Habitats etc.) Regulations 1994 (SI 1994/ 2716), as amended.

the GLA's principal purposes of economic development and wealth creation, social development and environmental improvement. The IIA took place alongside the revision of the MTS and has informed the content of the MTS. There are two stages to the process; the scoping stage and the IIA Report stage. A scoping report was issued in early 2009. The IIA Report, taking into account the matters identified for assessment in the scoping report, met the requirements for an environmental report and consultation under the SEA Regulations. A habitat screening report was also made available during the public consultation.

- 2.7 Following the scoping stage, the MTS policies and proposals were assessed using the IIA assessment framework (agreed by the three statutory SEA consultees). The framework had six objectives which were similar to the MTS goals but 'health and well being' was identified as a separate category. The six IIA objectives were:
- to contribute to, and facilitate, more sustainable and efficient economic progress within London;
  - to enhance equality and actively mitigate the barriers to this;
  - to contribute to enhanced health and wellbeing for all within London;
  - to promote safety and security for all working, travelling and using London transport services facilities;
  - to contribute to the mitigation of and adaptation to climatic change;
  - to protect and enhance the physical, historic, archaeological and socio-cultural environment and public realm.
- 2.8 The IIA identified likely significant effects or impacts across a range of considerations including environment, health and climate change that are expected to be incurred as a result of the implementation of the strategy. It also set out mitigation and enhancement measures. In addition, a sustainability summary was produced.
- 2.9 The IIA scored the overall performance of the Public Draft MTS against each IIA objective. It had a 'strong positive impact' against the equality objective and a 'positive impact' for the other IIA objectives. The consultants concluded the Public Draft MTS provided a clear strategic direction and framework for facilitating delivery of a sustainable transport network.
- 2.10 The IIA Report was consulted upon with the public and stakeholders during the time of the consultation on the Public Draft MTS (in the period 19<sup>th</sup> October 2009 to 12<sup>th</sup> January 2010) as required by the SEA Regulations. The Mayor had regard to the IIA Report when he approved the Public Draft MTS for consultation.
- 2.11 As soon as practicable after the Mayor publishes the MTS TfL will publish a Post Adoption Statement (PAS) that complies with Regulations 13 and 16 of the SEA Regulations.

*Phase 1 Consultation – Assembly and Functional Bodies (May-July 2009)*

- 2.12 Prior to consulting with the public and stakeholders, TfL acted on behalf of the Mayor to consult with the London Assembly and the four Functional Bodies, as required by the GLA Act. In accordance with the requirements of the London Olympic Games and Paralympic Games Act 2006, the Olympic Delivery Authority was also consulted at this stage. The processes involved in this first phase consultation were set out in MD 339, and are summarised below.
- 2.13 On 18 May 2009 the Mayor published the *Mayor's Transport Strategy Statement of Intent* to begin an eight-week consultation with the Assembly and functional bodies. A copy of the Statement of Intent (Sol) was placed on the TfL and GLA websites. In addition to consulting with the statutory bodies, responses were accepted from the public, other organisations and businesses.

- 2.14 Following the completion of the Phase 1 consultation TfL prepared a Report to the Mayor which included a detailed consideration of the comments made by the four Functional Bodies, and TfL's response to the issues that they raised, where appropriate. It also summarised the issues raised by other stakeholders in their response to the consultation and sets out TfL's response.
- 2.15 As required by Section 42A of the GLA Act, the Mayor, having had regard to the report on Phase 1 consultation, submitted a written statement to the Chair of the London Assembly regarding its comments prior to undertaking the Phase 2 consultation. TfL's Report to the Mayor, and the Mayor's Statement to the Chair of the Assembly were the subject of MD form 462, which also sought and received the Mayor's approval for the commencement of the Phase 2 consultation on the Public Draft MTS.

*Phase 2 Consultation – Public and Stakeholders (October 2009 – January 2010)*

- 2.16 Phase 2 of the consultation was conducted with the general public and stakeholders. The GLA Act states that the Mayor must, among other matters, consult the following:
- the Disabled Persons Transport Advisory Committee and other organisations/ persons representing the interests of people with mobility problems;
  - each London borough council and the Corporation of London; and
  - any other body or person whom he considers it appropriate to consult (see below).
- 2.17 The GLA Act states that the Mayor must consider consulting each of the following when deciding who else it is appropriate to consult:
- Voluntary bodies some or all of whose activities benefit the whole or part of Greater London;
  - Bodies which represent the interests of different racial, ethnic or national groups in Greater London;
  - Bodies which represent the interests of different religious groups in Greater London;
  - Bodies which represent the interests of persons carrying on business in Greater London.
- 2.18 The above bodies were included in the public consultation campaign and around 500 stakeholders were sent an email notifying them of the start of the public and stakeholder consultation. The public and stakeholder consultation ran for 13 weeks between 12 October 2009 and 12 January 2010.
- 2.19 In order to make good use of resources, and to effectively communicate the Mayor's overarching Vision for London, much of the public communication activity for the MTS was integrated with activities to raise awareness of the consultations on the revisions to the London Plan and the Economic Development Strategy (EDS).
- 2.20 Accordingly, the consultations on the three strategies were branded together under the tagline 'Help Shape London's Future', shared a website page, and involved joint consultation road shows across London and where appropriate shared stakeholder meetings. This was intended to foster an awareness of the revised strategies as an integrated approach to shaping London's future, and to enable the public and stakeholders to engage with, and respond to, all three strategies in parallel.
- 2.21 The consultation process included comprehensive engagement with stakeholders, building on the pre-engagement that had been undertaken during the first phase of consultation.

- 2.22 TfL published a 32-page information leaflet entitled 'The Mayor's Transport Strategy: A consultation on the key policies and proposals', which included a questionnaire for respondents to complete by giving their views on the Public Draft MTS, and an invitation to return the completed questionnaire to TfL for analysis. The questionnaire was also available on the website for completion on-line.
- 2.23 A telephone number was provided in the information leaflet, advertised on the Shaping London consultation website and on printed advertisements so that the public could request a leaflet, a copy of the Public Draft MTS or ask questions about the draft Strategy and the consultation process.
- 2.24 A single, umbrella campaign was created to integrate all three consultations for the most cost effective approach. Advertisements were used to inform the public that the Mayor was seeking their views on how London will develop over the next 20 years. These adverts invited the public to find out more by visiting a road show (of which 21 were held across London) or going on line or calling the call centre for more information.
- 2.25 From the public 5,578 responses were received and from stakeholders 151 responses were received.
- 2.26 The preparation of the MTS (Appendix A) has taken into account the comments received from stakeholders and the public through the public consultation. In addition, consistency between other emerging strategies has been checked and where appropriate amendments to the MTS made. Other changes in population data have also been reviewed. The Report to the Mayor (Appendix B) sets out full details of the public consultation, the responses received and TfL's recommended changes to the text of the MTS. The MTS at Appendix A includes these recommended changes.

**c) Risk**

- 2.27 GLA officers consider that TfL has adopted sound project management techniques meeting its obligations under the Mayor's delegation to it of the preparation of and consultation on the revised MTS, and that risks have been appropriately mitigated throughout the process of the development of the revisions to the MTS.

### **3 Financial Comments**

- 3.1 The Executive Director - Resources comments that, with the exception of officer time, there are no direct financial consequences for the Greater London Authority arising from this report.
- 3.2 TfL will bear all the costs of exercising the functions delegated by the Mayor from its own budget. The estimated total TfL expenditure to publish the MTS is £80k excluding TfL permanent staff costs.
- 3.3 The implementation of MTS is aligned with TfL's business planning process which currently is set out until 2017/18. The MTS however also looks beyond this period to 2031 and funding this far ahead is necessarily attended by a degree of uncertainty.

### **4 Legal Commentary**

- 4.1 TfL commends to the Mayor, as complying with the requirements of the GLA Act, the document contained in Appendix A for the purposes of its approval by him as his statutory transport strategy for publication in accordance with sections 41, 43, 141, and 142 of the Act.

*The Mayor's General Transport Duty and the MTS*

- 4.2 The GLA Act imposes<sup>3</sup> on the Mayor a “general transport duty”: to develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London, including facilities and services for pedestrians and persons living or working in, or visiting, Greater London, and those required for the transportation of freight.
- 4.3 The GLA Act<sup>4</sup> requires the Mayor to prepare and publish a document to be known as the “transport strategy” containing the policies and proposals for discharging his General Transport Duty. The final recommended text of the revisions to the MTS contained in Appendix A is the strategy by which the Mayor discharges this legal obligation. It is intended that it will replace and supersede the current MTS which was approved in 2001 (and as subsequently revised). Section 1.5 above sets out further information concerning its significance in terms of the Mayor, TfL, the boroughs and the City of London Corporation, and other persons or bodies exercising statutory functions in respect of Greater London.

#### *MTS revision and consultation*

- 4.4 The Mayor is under a statutory duty to keep the MTS and his other s 41 strategies under review, and to make such revisions to the strategies as he considers necessary. In considering whether the strategy needs to be revised the Mayor has to have regard to the matters set out in sections 41(4) and (5) of the Act. The Mayor is advised that he has complied with the Act’s consultation procedures and requirements.
- He has consulted the London Assembly and the 4 Functional Bodies, as well as the Olympic Delivery Authority, on the policies and proposals contained in the Statement of Intent for the MTS. Their responses were reported to the Mayor together with those from a number of other interested persons and organisations, including London boroughs.
  - The Mayor has provided the Chair of the Assembly with a written report indicating which of the Assembly’s proposals he intended to implement in the final version of the revised strategy, and which he did not, giving his reasons<sup>5</sup>.)
  - He has consulted the general public, the Disabled Persons Transport Advisory Committee and a range of stakeholders and groups complying with statutory requirements upon the Public Draft MTS. The Assembly and ODA were consulted on the Public Draft MTS, as were Natural England, English Heritage and the Environment Agency under SEA Regulations (see below).

#### *Public and stakeholder consultation*

- 4.5 The public and stakeholder consultation on the Public Draft MTS took place between 12 October 2009 and 12 January 2010 (13 weeks). Consultations must take place when proposals are at a genuinely formative stage. The law requires the Mayor to give proper consideration to the arguments and evidence placed before him at the time he takes the various decisions involved in determining the final content of the revised MTS. This duty necessitates that he must not have made up his mind in advance and he must not give the appearance of bias in favour of any one outcome or the other in relation to the matters subject to consultation. The Mayor must consider all representations made with an open mind.
- 4.6 TfL’s Report at Appendix B gives details of the consultation exercise, and summarises stakeholder and the public’s responses. It sets out TfL’s recommendations as to whether, and if so how, particular issues have been taken into account in the final recommended text of the Strategy or have

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<sup>3</sup> Section 141(1), GLA Act 1999

<sup>4</sup> Sections 41(1) and 142(1), GLA Act 1999

<sup>5</sup> Section 42A, GLA Act 1999.



otherwise been addressed. Full copies of the stakeholder, public, business and other responses to consultation have been made available to the Mayor for his consideration.

#### *Integrated Impact Assessment and SEA requirements*

- 4.7 The MTS is a plan or programme covered by the “SEA Regulations”. The MTS has been subject to strategic environmental assessment and associated consultation.
- 4.8 An Integrated Impact Assessment (“IIA”) was undertaken, by consultants engaged by TfL, of the policies and proposals contained in the Public Draft MTS. The IIA Report met the requirements for an environmental report and consultation under the SEA Regulations, and a copy of the report, including a habitats screening exercise, was made available during the public and stakeholder consultation. The IIA Report also identified likely equalities impacts and other impacts of the policies and proposals in the strategy in line with the Mayor’s and TfL’s public body equalities duties (outlined below). Also covered were likely impacts in relation to age, sexual orientation and faith, as well as likely health and economic impacts. The Mayor had regard to the IIA Report when he approved the Public Draft MTS.
- 4.9 As soon as practicable after the Mayor publishes the MTS TfL will publish a Post Adoption Statement in accordance with the SEA Regulations. The impact of the changes between the Public Draft MTS and the Strategy’s final recommended text are not considered significant to warrant a revision of the IIA Report. The Mayor has been supplied with a copy of the IIA Report (including its appendices) and is asked to have regard to that document in coming to his decision whether to approve the final text of the MTS (Appendix A) for publication as his transport strategy.

#### *Statutory requirements concerning the MTS*

- 4.10 In addition to such other proposals as the Mayor considers appropriate, the MTS must set out the Mayor’s policies and proposals for discharging his general transport duty. The MTS contains policies and proposals, with supporting narrative text and figures; proposals (in green) show how the MTS’ policies (in red) will be implemented over the lifetime of the strategy. The MTS sets out his proposals for the provision of transport which is accessible to persons with mobility problems and a timetable for their implementation<sup>6</sup>. Although proposals relevant to this issue appear throughout the strategy document, the Accessibility Plan section, at Section 7.2 of the MTS, lists these proposals and contains an implementation timetable. The Disabled Persons Transport Advisory Committee was consulted on these proposals.
- 4.11 The MTS must also contain<sup>7</sup> those policies and proposals relating to transport as are available to him that the Mayor considers are best calculated to: promote improvements in the health of persons in Greater London (including mitigating any detriment to health which would otherwise be occasioned by the revision); promote the reduction of health inequalities between persons living in Greater London (including mitigating any increase in health inequalities which would otherwise be occasioned by the revision); contribute to the achievement of sustainable development in the UK; and contribute towards the mitigation of, or adaptation to, climate change<sup>8</sup> in the UK, except to the extent that the Mayor considers that any action that would need to be taken by virtue of the above requirements is not reasonably practicable in all the circumstances of the case. GLA officers

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<sup>6</sup> Section 142(1), GLA Act 1999.

<sup>7</sup> As required by s 41(7), GLA Act 1999

<sup>8</sup> Section 361A(6) of the GLA Act 1999 defines ‘adaptation in relation to climate change as meaning the preparation for, or adjustment in response to, any consequences of climate change appearing to the Mayor to affect Greater London; ‘consequences’ in relation to climate change (a) means consequences which have occurred, are occurring or might reasonably be expected to occur, and (b) includes any phenomena reasonably thought to be consequences of climate change; and ‘mitigation’ in relation to climate change includes prevention.

commend the MTS at Appendix A as a document that he can conclude meets these statutory requirements.

4.12 In deciding whether to revise the MTS the Mayor must have regard to a number of additional statutory requirements summarised below. GLA officers commend the MTS at Appendix A as a document that he can conclude meets the following additional requirements:

- The Mayor must have regard to the GLA's principal purposes of promoting economic development and wealth creation in Greater London; promoting social development in Greater London; and promoting the improvement of the environment in Greater London.
- He must also have regard to the effect that the proposed revision would have on the health of persons in Greater London, health inequalities between persons living in Greater London, the achievement of sustainable development in the UK, and on climate change prevention and mitigation, and the consequences of climate change<sup>11</sup>. The likely significant effects of the revision on these issues were identified in the IIA exercise conducted in parallel with the preparation of the Public Draft MTS.
- The Mayor must have regard to the need to ensure that his transport strategy is consistent with national policies<sup>9</sup> and also with such international obligations<sup>10</sup> as the Secretary of State notifies him for the purposes of that provision. The Aarhus Convention, and the Kyoto and Copenhagen Treaties have been formally notified, and the Government have indicated that obligations under the Communities Treaties have direct effect and should be complied with in any case. The IIA Report identified the various national policies and international obligations that have been taken into account in the preparation of the revised MTS. (Further advice regarding the position of the policies concerning Heathrow Airport is provided below.)
- The Mayor must also have regard to the resources available and likely to become available for the revised strategy's implementation. The issue of resources is addressed in Chapter 8 of the MTS, which has been prepared having regard to TfL's current Business Plan which covers the period until 2018. Resources required after this date are not settled.
- He must<sup>11</sup> also have regard to the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight. This duty is reflected in the sections of the MTS dealing with the Thames and the wider Blue Ribbon Network at Chapter 5.7.
- As required by Olympics legislation<sup>12</sup>, the Mayor has had regard to the contents of the Olympic Transport Plan published by the Olympic Delivery Authority (this was first approved in October 2008 and is currently in the process of being revised by the ODA, the latest draft of which has been considered in preparing the revised Strategy). The ODA were consulted on the Statement of Intent and the Public Draft MTS, and their response concerning the latter document is reported in the Consultation Report. (In preparing or revising its Olympic Transport Plan the ODA must also have regard to the MTS.)

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<sup>9</sup> Defined as any policies of HM Government which are available in written form and which have been laid or announced before, or otherwise presented to either House of Parliament, or have been published by a Minister of the Crown.

<sup>10</sup> "International obligations" are defined by s 41(10) of the GLA Act as international obligations of the United Kingdom under any treaty, including obligations under the Community Treaties

<sup>11</sup> Section 41(5)(d), GLA Act 1999.

<sup>12</sup> Section 12(7) of the London Olympic Games and Paralympic Games Act 2006.

- Under s17 of the Crime and Disorder Act 1998 the Mayor must exercise his various functions, including those regarding the MTS and its revision, with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment the misuse of drugs, alcohol and other substances in its area, and re-offending in its area).<sup>13</sup> Reducing crime, fear of crime and antisocial behaviour is set out in Section 5.17 of the MTS at Appendix A.
- In revising the MTS the Mayor must<sup>14</sup> make appropriate arrangements with a view to securing that in the formulation of the policies and proposals to be included in the revised MTS, and in its implementation, there is “*due regard to the principle that there should be equality of opportunity for all people*”. In addition, the Mayor and TfL have general “public body” duties under equal opportunities legislation<sup>15</sup> to exercise their functions with due regard to the need to eliminate unlawful race, sex and disability discrimination and unlawful harassment of disabled persons and sexual harassment, and to promote equality of opportunity for those groups. Further, the Mayor is required to have due regard to the need to take steps to take account of disabled persons’ disabilities even where that involves more favourable treatment, to promote positive attitudes towards disabled persons and to encourage participation by disabled persons in public life. The policy of improving transport opportunities for all Londoners is set out in section 4.5 of the MTS.
- When exercising their functions, the Mayor and TfL (and any bodies acting for or on behalf of them) must have regard to the need to promote equality of opportunity for all persons irrespective of their race, sex, disability, age, sexual orientation or religion; to eliminate unlawful discrimination; and to promote good relations between persons of different racial groups, religious beliefs and sexual orientation.<sup>16</sup> The policy of improving transport opportunities for all Londoners is set out in section 4.5 of the MTS.

4.13 In revising the transport strategy the Mayor must<sup>17</sup> also have regard to the need to ensure that the MTS is consistent with each of the other 11 strategies mentioned in s 41(1).

- The duty requires the Mayor to ‘have regard to’ the need for consistency. The duty does not require slavish compliance with his other strategies where there are other material considerations which would mitigate against compliance; nor does the duty override the Mayor’s primary duty under s141 and 142 of the GLA Act.
- The Mayor has endeavoured to seek consistency by his decision to bring forward the revisions of the MTS, the London Plan and the Economic Development Strategy at the same time, using a shared evidence base and common public consultation timetable.
- The preparation of the recommended final text for the MTS has been undertaken in close collaboration with the parallel preparation of the draft revised Mayor’s Air Quality Strategy (“MAQS”). This was launched for its public consultation on 28 March 2010. Air quality issues are addressed in the MTS final recommended text, in particular at Section 5.21.
- The consultation drafts of the Mayor’s two climate change strategies (the Mitigation and Energy Strategy (“CCMES”) and the Adaptation Strategy (“CCAS”) were also taken into

<sup>13</sup> TfL is covered by the same duty.

<sup>14</sup> Section 33(1), GLA Act 1999

<sup>15</sup> The amended Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 (“the DDA”)

<sup>16</sup> Section 404, GLA Act 1999, which is applied to TfL by means of a direction under section 155 of the Act.

<sup>17</sup> Section 41(5)(b), GLA Act 1999.

account to seek to ensure consistency with the revised MTS (both were launched on 9 February 2010; the CCMES for consultation with the Assembly and Functional Bodies and the CCAS for public and stakeholder consultation).

- In developing the MTS the s 41 emerging strategies relevant to the MTS have been considered in regard to the need for consistency and no significant issues arising have been identified.
- In the event that future revisions of other Mayoral strategies lead to the situation where the MTS is inconsistent with them, then the matter will be examined to see whether the MTS requires formal revision as a consequence. For example, the London Plan has yet to complete its Examination in Public, and the Inspector may recommend changes to the plan that the Mayor will need to consider whether or not to implement in its final adopted version that could make it inconsistent with the MTS.

### *Climate Change Action Duty*

- 4.14 The Mayor's attention is drawn to his and the Assembly's duties under s 361A of the GLA Act to address climate change, so far as relating to Greater London. In the case of the Mayor, this duty consists of each of the following:
- to *take action* with a view to the mitigation of, or adaptation to, climate change;
  - in exercising any of his functions under this Act or any other Act (whenever passed), to take into account any policies announced by Her Majesty's government with respect to climate change or the consequences of climate change; and
  - to have regard to any guidance, and comply with any directions, issued to the Authority by the Secretary of State with respect to the means by which, or manner in which, the Mayor is to perform the duties imposed on him as above.
- 4.15 GLA officers commend the MTS at Appendix A as a document that the Mayor can conclude meets the requirements of s 361A.
- The duties apply to the revision of the MTS, and issues impacting on climate change and its mitigation and adaptation are addressed in the strategy's final recommended text, particularly in Chapter 5.20 on transport's contribution to carbon reduction.
  - In revising the MTS regard has also been had to the GLA's and TfL's duties under s 62 of the Climate Change Act 2008 to report to the Secretary of State their assessment of the current and predicted impact of climate change in relation to their functions; and a statement of their proposals and policies for adapting to climate change in the exercise of its functions and the time-scales for introducing those proposals and policies.

### *Secretary of State's powers in respect of the MTS*

- 4.16 Where the Secretary of State considers that the revised transport strategy (or any part of it) is inconsistent with national policies relating to transport, and the inconsistency is detrimental to any area outside Greater London, he may direct the Mayor to make such revisions of the transport strategy in order to remove the inconsistency, as specified in the direction. The Mayor is then required to revise the transport strategy in accordance with the direction.<sup>18</sup>

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<sup>18</sup> Section 143, GLA Act 1999.

- 4.17 The Secretary of State was consulted on the policies and proposals set out in the Public Draft MTS, and the Minister of State for Transport, the Rt. Hon. Sadiq Khan MP provided the Government's response by letter dated 12 January 2010 (Appendix C). This is reported in Chapter 3 Section 19 of the TfL's Report to the Mayor at Appendix B.

*Other issues*

- 4.18 Other issues set out below are brought to the Mayor's attention for his consideration in deciding whether to approve the MTS at Appendix A.

Heathrow Airport Expansion

- 4.19 It is Government policy to support a third runway at Heathrow Airport, as referred to in the Minister of State's letter mentioned above. Proposal 48, Paragraph 5.12.1 of the MTS (Airport capacity) and Policy 6.6 of the London Plan (Aviation) oppose any capacity increases (third runway) at Heathrow. In this respect they are in conflict with Government policy found in the White Paper: *The Future of Air Transport 2003* and in *The Air Transport White Paper Progress Report 2006*.

- 4.20 The Mayor's attention is drawn to the requirement in s 41(5)(a) of the GLA Act that he has regard to the need to ensure that the revised transport strategy is consistent with national policies. As mentioned at paragraph 5.14 above (in relation to other strategies) the Mayor is advised that his duty to 'have regard to' the need to ensure the MTS's consistency with national policy does not mean that the Mayor has to ensure compliance where there are other material considerations that would militate against compliance. The Mayor has to have regard to national policies but they do not override his primary duty under ss.141 and 142 of the GLA Act to promote safe, integrated, efficient and economic transport facilities within Greater London and to publish an MTS containing those policies<sup>19</sup>. The Mayor is advised to have due regard to Mr Khan's letter and to take it into account when addressing the issue of consistency and whether to approve Proposal 48, and Paragraph 5.12.1 of the MTS.

The Western Extension Zone

- 4.21 The recommended final draft of the MTS contains a proposal (Proposal 129) to remove the Western Extension Zone ("WEZ") from the central London Congestion Charging Zone. The same proposal was included in the Public Draft MTS. Alongside his general consideration of the consultation responses, when deciding whether or not to include Proposal 129 in the final approved Strategy, the Mayor is invited to carefully consider those made in relation to this particular proposal. They are reported in the Report to the Mayor (Appendix B) at Chapter 3 Section 37 and copies of the originals are made available to him.. Should the Mayor decide to include the proposal in the final approved version of the MTS, TfL will proceed with the necessary legal steps to effect removal by the end of December 2010 by making a Variation Order to amend the Greater London (Central Zone) Congestion Charging Order 2004 to remove the area of the Extension and to deal with related matters. Schedule 23 of the GLA Act requires that the public and stakeholders are consulted on the Variation Order. TfL will then report the consultation responses to the Mayor, after which he will be required to decide whether to confirm the Order (with or without modification), taking into account all material considerations including the responses made to consultation.

Phase 3 of the Low Emission Zone

- 4.22 The recommended final draft of the MTS contains a proposal (Proposal 95) to defer the extension of the London Low Emission Zone ("the LEZ") to heavier light goods vehicles and minibuses from 3 October 2010 until 2012 ("Phase 3"). The same proposal was included in the Public Draft MTS. Alongside his general consideration of the consultation responses, when deciding whether or not to include this proposal in the final approved Strategy, the Mayor is advised to consider carefully those

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<sup>19</sup> R. v. London Underground Ltd (2) LRT, ex parte TfL [2001] EWHC admin 637 Sullivan J

made in relation to this particular proposal. They are summarised in the Report to the Mayor at Chapter 3 Section 28 and copies of the originals are made available to him. Should the Mayor decide to include the proposal in the final approved version of the MTS, TfL will proceed with the necessary legal steps to effect this. TfL will make a Variation Order that will state the date to which Phase 3 is to be deferred, and this will be subject to public and stakeholder consultation. TfL will then report the consultation responses to the Mayor, after which he will be required to decide whether to confirm the Variation Order (with or without modification), taking into account all material considerations and the responses made. If the Variation Order is confirmed, the Greater London Low Emission Charging Order 2006 will be amended accordingly. (The Mayor should also note TfL's powers under s 7 of the Transport for London Act 2008 to suspend (or partially suspend) the operation of a TfL road user charging scheme such as Phase 3 of the LEZ, for such period or periods as TfL thinks fit where it appears to TfL to be desirable or expedient.)

#### *Implementation targets*

- 4.23 Section 41(9) of the GLA Act states that the Mayor shall from time to time set such targets with respect to the implementation of the MTS as he may consider appropriate, having regard to any related targets or objectives set nationally, and any performance indicators set by the Secretary of State, whether nationally or locally, which affect the exercise of functions by authorities involved in the implementation of the strategy. No formal targets under s 41(9) are set in the MTS as it is considered desirable to set them separately, outside the framework of the MTS.

#### *Legal approval and publication of the revised MTS*

- 4.24 If, by means of this Mayoral decision form, the Mayor approves the recommended final text for the MTS contained in Appendix A then that document will become the Mayor's statutory transport strategy for the purposes of sections 41, 43, 141 and 142 of the GLA Act.
- Section 43 of the GLA Act states that the Mayor must take such steps as in his opinion will give adequate publicity to the current version of the MTS, and must send to each London borough council and the City of London Corporation a copy of the revision. A copy must be kept available by the Mayor for inspection by any person on request free of charge at City Hall and at such other places as he considers appropriate. A copy of the document must be supplied to any person requesting it, and the Mayor can determine the level of the charge to be made for supplying it. It is proposed that the setting of the charge (if any) be delegated to TfL.
  - For the purposes of sections 41(1), and 142 of the GLA Act the Mayor is asked to approve that **Monday 10 May 2010** be the legal date of publication of the Strategy, and that publication of this mayoral decision form on the GLA website be deferred until that date. Copies of the MTS will be sent as required by the Act and printed hardcopies, and electronic copies downloadable from the GLA website will be made available to the public.
  - From **Monday 10 May 2010** the 2001 transport strategy (as revised) will be completely replaced by the MTS (2010) at Appendix A, and of no further legal effect. That MTS will continue until the end of its planned life, which is 2031, subject to any future statutory revision in accordance with the GLA Act.
- 4.25 It is proposed that TfL be delegated responsibility for determining what other measures are necessary to give the MTS adequate publicity and the setting of charges (if any) for supplying copies of the document. This proposed delegation is reflected in Recommendation No.3 at the front of this form.

## 5 **Background/supporting papers**

5.1 The following documents are attached to this form:

**Appendix A** – *Final recommended text of the Mayor’s Transport Strategy (2010)*

**Appendix B** – *TfL’s Report to the Mayor on the Public and Stakeholder Consultation on the Public Draft Mayor’s Transport Strategy*

**Appendix C** – *Letter from the Rt. Hon. Sadiq Khan MP to the Mayor of London dated 12 January 2010*

**Public access to information**

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the Greater London Authority website within 1 working day of approval. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of this approval to be deferred? **Yes**

If yes, for what reason: To allow sufficient time for the printing of the document and to avoid publication of the MTS until after the London borough elections and the General Election on 6 May 2010.

Until what date: **10 May 2010**

Is there a part 2 form - No

**ORIGINATING OFFICER DECLARATION:**

*Tick to indicate approval*

**Sponsoring Director:**

Fiona Fletcher-Smith has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities. ✓

**Mayoral Advisor:**

Kulveer Ranger has been consulted about the proposal and agrees the recommendations. ✓

**Legal advice:**

The Public Law team has commented on this proposal. ✓

**Financial Advice:**

The D&E finance team have commented on this proposal on behalf of the Assistant Director of GLA Finance. ✓

**OFFICER APPROVAL****Executive Director, Resources**

I have been consulted about the proposal and confirm that Financial and Legal advice have been taken into account in the preparation of this report.

**Signature**

**Date**

**Chief of Staff**

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

**Signature**

**Date**