

<b>Item No.</b> N/A	<b>Classification:</b> Open	<b>Date:</b> July 2017	<b>Meeting Name:</b> Cabinet Member for Environment and Public Realm
<b>Report title:</b>		Quietway 7: Elephant and Castle to Crystal Palace - determination of statutory objections	
<b>Ward(s) or groups affected:</b>		Village and College	
<b>From:</b>		Head of Highways	

### RECOMMENDATIONS:

1. That the objections received against traffic management orders related to Elephant and Castle to Crystal Palace Quietway statutory proposals are considered and rejected as summarised in paragraphs 9 - 14 and Figure 1. Detailed response provided in Appendix 1
2. That the proposals are implemented as consulted and any related traffic management orders made.
3. That officers write to notify all objectors to the decision made, and explain rationale behind new road markings proposed at shops on Dulwich Village.

### BACKGROUND INFORMATION

4. In line with part 3D of the council's constitution, the cabinet member shall '...determine statutory objections to traffic and highway improvement projects'.
5. This report deals with statutory objections to a number of traffic and highways improvement proposals related to Elephant and Castle to Crystal Palace Quietway.
6. The council approved the implementation of Elephant and Castle to Crystal Palace Quietway in November 2016, subject to statutory procedures, detailed design and safety review:

<http://modern.gov.southwark.gov.uk/mgDecisionDetails.aspx?Id=50008539&Opt=1>

### KEY ISSUES FOR CONSIDERATION

7. Statutory consultation was undertaken from 1 – 21 June 2017. During this period ten representations were received, seven of which directly objected to statutory elements of the proposals.
8. The details of representations are summarised in Figure 1 below. Full details and officer's response is contained in Appendix 1.

**Figure 1 – Summary of representations**

Representation	Reasons	Statutory Element	Appendix 1 Ref
Objection	<ul style="list-style-type: none"> <li>Waste of public money</li> <li>Proposal will cause obstruction and delays to traffic (change in priority)</li> </ul>	Segregated cycle lane on Calton Avenue	Obj 1
Objection	<ul style="list-style-type: none"> <li>Alternative design is being considered by residents</li> <li>New parking layout outside shops on Dulwich Village not flagged during public consultation</li> </ul>	Parking layout outside shops on Dulwich Village	Obj 2
Objection	<ul style="list-style-type: none"> <li>Waste of public money</li> <li>Cycle lane will cause obstruction and delays to traffic</li> <li>Trialling should be done before scheme is implemented.</li> <li>Parking restriction will adversely affect access to shops and restrict access for those with reduced mobility</li> <li>Road humps will impede emergency access</li> <li>Scheme is premature, should await alternative design by residents</li> <li>Concerns about marking parking bays adjacent to shops on Dulwich Village.</li> </ul>	Segregated cycle lane on Calton Avenue  Waiting/loading restrictions (north of Dulwich Village junction)  Parking layout outside shops on Dulwich Village  Road humps	Obj 3
Objection	<ul style="list-style-type: none"> <li>Scheme is premature, should await alternative design by residents.</li> <li>TMO is broader than consultation proposals</li> </ul>	Segregated cycle lane  Parking/loading restrictions	Obj 4
Objection	<ul style="list-style-type: none"> <li>Not to proceed with Quietway scheme until issue with school coaches is resolved</li> <li>Proposal not discussed with the public e.g. marking parking outside shops on Dulwich Village</li> </ul>	Parking layout outside shops on Dulwich Village	Obj 5

Representation	Reasons	Statutory Element	Appendix 1 Ref
Objection	<p>Parking restriction will affect:</p> <ul style="list-style-type: none"> <li>• access to shops on Calton Avenue and Dulwich Village</li> <li>• Affect businesses</li> <li>• Restrict those with reduced mobility</li> </ul> <p>Use parking to calm traffic.</p>	<p>Yellow lines at:</p> <ul style="list-style-type: none"> <li>• Gilkes Crescent /Calton Avenue junction</li> <li>• Calton Avenue – between Gilkes Crescent and Court Lane</li> </ul>	Obj 6
Objection	<ul style="list-style-type: none"> <li>• Scheme is premature. Should await alternative design by residents</li> <li>• Marking parking outside shops on Dulwich Village not flagged during consultation</li> <li>• Road marking will affect the local streetscape</li> <li>• Cycle lane will cause delays to traffic</li> <li>• Trialling should be done before scheme is implemented</li> <li>• Parking and loading restrictions will badly affect business and accessibility by those with less physical mobility.</li> </ul>	<p>Waiting restrictions at Calton Avenue junction with Gilkes Crescent</p> <p>Segregated cycle lane on Calton</p> <p>Echelon parking</p> <p>Road humps</p>	Obj 7
Comment (by two respondents)	<ul style="list-style-type: none"> <li>• Not to proceed with Quietway until school coaches are rerouted from Calton Avenue</li> <li>• Concerns about formalising parking outside shops on Dulwich Village may result loss of parking, which was not consulted on</li> <li>• Proposals predate new Peckham Rye to Dulwich Quietway</li> </ul>		
Comment	<ul style="list-style-type: none"> <li>• Not to proceed with Quietway until school coaches are rerouted from Calton Avenue</li> <li>• Concerns about formalising parking outside shops on Dulwich Village may result loss of parking, which was not consulted on</li> </ul>		

## Summary conclusions

9. Objections received relate to Dulwich Village junction and the area north of the junction i.e. Calton Avenue and its adjacent junctions.
10. Officers have carefully considered the objections and appropriate response provided in Appendix 1. The statutory elements outlined in fig 2 are the main focus of objections. These features are fundamental to the safe operation of the scheme. The statutory proposals will benefit all road users. They have been considered with a balanced and considerate approach, to reduce any adverse impact on local parking needs and are consistent with policies set out in paragraph 15. Concerns about potential traffic congestion on Court Lane due to change in priority will be trialled and carefully monitored. The priority could then be reversed if there is significant adverse impact. A new loading bay is to be introduced on Calton Avenue to accommodate business activities. The segregated cycle lane will be trialled to assess impact on the junction.

**Figure 2 - Benefits of statutory elements**

Feature	Reasons for proposals
Segregated cycle lane	<p>To separate cyclists from motorised traffic at the junction.</p> <p>Cyclists have their own space and phase which will help reduce conflict with traffic.</p> <p>Traffic modelling shows that the cycle lane will not adversely affect the junction operation.</p> <p>This feature will be trialled with temporary material to assess its impact. Any changes will be carefully considered.</p>
Parking restrictions at junctions	<p>To improve sight lines, provide clear access for pedestrians crossing the road. This is consistent with the council's borough wide junction protection approach.</p>
Parking restrictions at bottle necks along the road, due to parking	<p>To improve safe access for two-way traffic and remove pinch points which cause delays, safety issues and altercations during the rush hour period.</p>

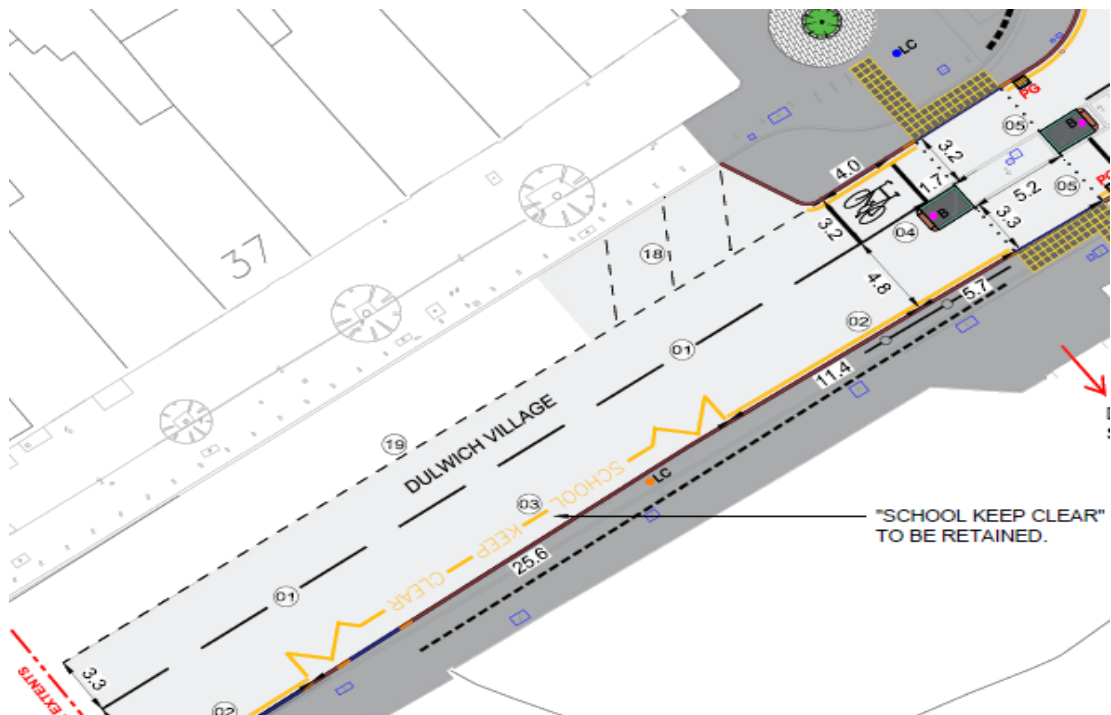
11. An independent safety audit for the proposed changes at Dulwich Village junction raised the following safety concerns about proposed parking layout outside the shops on Dulwich Village:
  - Proximity of parking bays to crossing may result in reduced inter-visibility between pedestrians and motorists
  - Proposed layout may result in increased collisions with other road users as they reverse into the traffic lane.
  - To address these issues, the following changes were proposed at the detailed design stage, which followed public consultation hence residents not being aware

of this change.

- Buildout the footway to improve visibility to the traffic lights and shelter the parking (there will be a loss of approximately one space, near the traffic lights.)
- Mark out two bays to ensure cars are aligned properly and do not stick out in the traffic lane. This will also ensure efficient use of the free parking space. See Figure 3.

**Figure 3**

**Proposed layout**



**Existing layout**



12. The alternative design for Dulwich Village junction championed by a group of local residents and stakeholders has been discussed extensively at meetings with them and both borough officers and TfL. The consensus of these meetings is that:

- The alternative design is at a very early stage and will require significant review and expenditure.
  - The consulted design will deliver safety benefits for all road users and is deliverable within programme and budget.
  - The consensus was therefore to proceed to implementing the consulted design. This position is advocated by TfL, the funding body of the scheme.
13. Calton Avenue school coaches rerouting: Council officers are working closely with TfL and the foundation coach service to find the best possible resolution of this issue. A meeting was held recently with key local stakeholders and TfL where 5 alternative options were considered, three of which were rejected. A preferred option has been shortlisted and borough officers and TfL are working on delivering this option in as short a timescale as possible, funded by TfL.
  14. Lambeth are currently reviewing their section of this Quietway. Although it is envisaged that the main route of the Quietway is now fixed, there may be some changes to the proposals at the College/Gipsy Hill ward boundary by Lambeth. Southwark officers will liaise with Lambeth to ensure any proposals are joined at the borough boundary and works coordinated to minimise disruptions.
  15. Boundary with works that therefore works on the section from Dulwich Wood Avenue to Rosendale Road should not proceed until the completion of the Lambeth review.
  16. A consultant has already been commissioned, as agreed by the cabinet member, to carry out holistic study to review traffic movement in Dulwich study. The report will be shared with the community council once completed. Supporters of the 'alternative design' project are encouraged to engage with this study as it has the potential to deliver further improvements common to both schemes in the medium term.

### **Policy implications**

17. The recommendations contained within this report are consistent with the policies of the Transport Plan 2011, particularly:
  - Policy 1.1 - pursue overall traffic reduction
  - Policy 2.3 - promote and encourage sustainable travel choices in the borough
  - Policy 4.2 - create places that people can enjoy
  - Policy 5.1 - improve safety on our roads and to help make all modes of transport safer
  - Policy 5.6 - create conditions where our roads are safe
  - Policy 6.1- make our street more accessible for pedestrians
  - Policy 7.1 – maintain and improve the existing road network making the best use of it through careful management and considered improvements
  - Policy 8.1 – seek to reduce overall level of private motor vehicle traffic on our streets

- Policy 8.2 – promote uptake of low emission vehicles.

### **Community impact statement and equalities**

18. The policies within the Transport Plan have been subjected to an equality impact assessment.
19. The recommendations are area based and therefore will have the greatest effect upon those living, working or travelling in the vicinity of the area where the proposal is made.
20. This scheme is intended to encourage the use of sustainable modes of transport.
21. The introduction of yellow lines at junctions gives benefits to all road users through the improvements of inter-visibility and therefore road safety. Yellow lines are introduced at certain section of the street with inadequate road width, to allow safe and smooth passage of traffic.
22. There is a risk that the new parking and loading restrictions may cause parking to be displaced and, this may in directly have an adverse impact upon road users and neighbouring properties. However, this cannot be realistically assessed and quantified until the recommendations have been implemented and monitored.
23. With the exception of those benefits and risk identified above, the recommendations are not considered to have any clear disproportionate impact on any other community or group.
24. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
  - Providing improved access for key services such as emergency and refuse vehicles.
  - Improving road safety, in particular for vulnerable road users, on the public highway.

### **Resource implications**

25. All costs arising from the implementing the recommendation will be fully contained within the existing Highways budget for the Quietway programme.
26. Any future maintenance costs arising from this investment will be funded from existing asset management maintenance budgets.
27. Staffing and any other costs connected with this recommendation will be contained within existing business unit budgets.

### **CONSULTATION**

28. The procedures for making a traffic order are defined by national regulations which include statutory consultation and the consideration of any arising objections.
29. Following publication of the proposal notice, any person wanting to object must make their objection in writing, state the grounds on which it is made and send to the address specified in the notice.

30. This report deals with a number of statutory objections which officers have not been able to informally resolve and as a result they must be formally considered and determined.
31. The council must follow the procedures contained with Part II and III of the regulation<sup>1</sup> which are supplemented by the council's own processes. This process is summarised as:
  - a) publication of a proposal notice in a local newspaper (Southwark News)
  - b) publication of a proposal notice in the London Gazette
  - c) display of notices in roads affected by the orders
  - d) consultation with statutory authorities
  - e) making available for public inspection any associated documents (eg. plans, draft orders, statement of reasons) via the council's website or by appointment at 160 Tooley Street, SE1
  - f) a 21 day consultation period during which time any person may comment upon or object to the proposed order.

### **Programme timeline**

32. If these items are approved by the cabinet member they will be progressed in line with tentative programme below:
  - Traffic orders (Notice of making) – July - August 2017
  - Implementation – July – November 2017.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Law and Democracy**

33. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act 1984 (RTRA 1984.)
34. The council must consider any representations received as a result of publishing the draft order for a period of 21 days following publication of the draft order.
35. Should any objections be received they must be properly considered in light of the relevant statutory power, the Equalities Act 2010, the Human Rights Act 1998 and other relevant considerations.
36. By virtue of section 122, the council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and provision of suitable and adequate parking facilities on and off the highway.
37. These powers must be exercised so far as practicable having regard to the following matters:
  - a) The desirability of securing and maintaining reasonable access to premises

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/1996/2489/contents/made>



- b) The effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity
  - c) The national air quality strategy
  - d) Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
  - e) Any other matters appearing to the council to be relevant.
38. The Equality Act 2010 introduced the public sector equality duty, which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely age, gender reassignment, pregnancy and maternity, religion and belief and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions:
- (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and
  - (ii) (ii) foster good relations between people who share a protected characteristic and those who do not.
39. The Human Rights Act 1998 imposed a duty on the Council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property).
40. The implementation of this scheme is not anticipated to have any detrimental impacts on a particular group or to breach the provisions of the Human Rights Act 1998.
41. The council's constitution gives the cabinet member for environment and the public realm responsibility for (amongst other things) traffic management and road safety. Part 3D of the constitution provides that the decision to implement a new traffic and highway improvement project falls under the individual cabinet member.

### **Strategic Director of Finance and Governance**

42. The strategic director of finance and governance notes the recommendations set out in paragraphs 1 - 3 of this report for the implementation of the Quietway 7: Elephant and Castle to Crystal Palace project.
43. The strategic director of finance and governance notes that any future maintenance costs arising from this investment, officer time to implement this decision and other related costs will be contained within existing divisional revenue budgets.

## APPENDICES

No.	Title
Appendix 1	Summary of objections received and officers response
Appendix 2	Proposed layout: <a href="http://www.2.southwark.gov.uk/download/downloads/id/14583/pedal_cycle_quietway_route_q7_green_dale_to_farquhar_road_-_public_notice_dated_01_june_2017">http://www.2.southwark.gov.uk/download/downloads/id/14583/pedal_cycle_quietway_route_q7_green_dale_to_farquhar_road_-_public_notice_dated_01_june_2017</a>

## BACKGROUND PAPERS

Background Paper	Held At	Contact
Transport Plan 2011	Southwark Council Environment Public Realm Network Development 160 Tooley Street London SE1 2QH	Clement A-Frempong 020 752 52305
<a href="http://www.2.southwark.gov.uk/info/200107/transport_policy/1947/southwark_transport_plan_2011">http://www.2.southwark.gov.uk/info/200107/transport_policy/1947/southwark_transport_plan_2011</a>		

## AUDIT TRAIL

<b>Lead Officer</b>	Matthew Hill, Head of Highways	
<b>Report Author</b>	Clement Agyei-Frempong , Principal Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	18 July 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
<b>Date final report sent to Constitutional Team</b>		21 July 2017