

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> June 2020	<b>Meeting Name:</b> Cabinet Member for Environment, Transport and the Climate Emergency.
<b>Report title:</b>		Covid-19 – Post lockdown highway schemes	
<b>Ward(s) or groups affected:</b>		Various (detailed in Table 1)	
<b>From:</b>		Head of Highways	

## RECOMMENDATION

1. It is recommended that the traffic and highway improvements, detailed in the Appendices to this report and summarised in Table 1, are approved for implementation subject to the outcome of any necessary statutory consultation and procedures.

## BACKGROUND INFORMATION

2. Under Part 3D of the council's constitution, the Cabinet Member is responsible for:
  - 4.1 Transport Issues:
    - To decide to implement a traffic and highway improvement project, subject to statutory consultation
3. Under Part 3H, the relevant ward councillors shall:
  - be consulted on any traffic and highways improvement
4. This report informs the Cabinet Member of the initial measures proposed to fast track the borough in moving into the post-lockdown period. These measures are required to help lift the lockdown whilst protecting people by social distancing and to maintain the current modal change that has minimised driving, improved air quality and increased Active Travel.
5. This report deals with a number of traffic and highway improvement proposals. A number of the proposals have already been widely consulted as part of larger schemes across the Borough, such as Our Healthy Streets Dulwich and Walworth Road Low Emission Neighbourhood.
6. The origins and reasons for the recommendations, and the links where appropriate to post lockdown benefits, are discussed within the key issues section of this report and the relevant Appendices.

## KEY ISSUES FOR CONSIDERATION

7. The Covid-19 pandemic required the government to introduce changes to society that have fundamentally altered people's travel patterns, modes, ways of living and working and how they use Southwark's streets and spaces. There is an immediate

need to enable physical distancing of two metres and to help the public following the lifting of restrictions using the measures here.

8. The lockdown has created profound changes in people's travel patterns and modes that have delivered a wide range of transport, health, environmental and climate change benefits in accordance with many of the council's policies. There have been significant benefits to air and noise pollution, as well as reducing carbon emissions, all of which have positive health benefits but also have benefits to the broader environment.
9. The government will begin to ease restrictions, and in doing so, the council should seek to maintain as many of the benefits as possible, whilst helping the borough to recover. Put simply driving and associated air pollution have been considerably reduced but may return to higher levels than before the lockdown as people are concerned about using public transport. Therefore, there is an urgent need to maintain lower levels of driving and to quickly improve walking and cycling.
10. It is important to note that Covid-19 is a respiratory infection that appears to be exacerbated by air pollution according to early analysis. Covid-19 also has a greater infection and fatality rate amongst many vulnerable groups (including those with respiratory and cardio-vascular conditions, the elderly, BAME people, those on low incomes and men). Given the demographic makeup of Southwark, large parts of our population are likely to be affected worse than the population as a whole. Any measure that reduces air pollution will have a particular benefit to these vulnerable groups.
11. The return to daily life is likely to be staggered for different groups over several weeks and possibly months. When people return to work they are likely to work more flexibly and so stagger their hours, which will extend commuting times. People will also be required to socially distance for a considerable period of time to reduce the risk of subsequent waves of Covid-19 infections that would cause greater disruption to schools, shops and businesses as they may close for a second time.
12. To help people return to work there are two main reasons why Southwark needs to fast track various transport measures to increase walking and cycling and keep driving low. Firstly, the return to work process will involve the phased opening of different schools, shops, businesses and leisure facilities. The growing number of premises that are reopened is likely to require a steady increase in space for pedestrians so they can queue and pass each other on pavements and in certain places in roads. Secondly, during the first year up to 40% less people are likely to use public transport to return to work in London because of concerns about social distancing and contact. This will encourage many people to drive, possibly to higher levels than before the lockdown and so result in greater problems of congestion, pollution and deterrence of Active Travel.
13. In line with the council's constitution, all of the individual proposals in this report have been circulated to ward councillors to allow them to make comments on the proposals before they go for decision making.
14. The rationale for each proposal is discussed in the associated Appendix and contains a detailed design drawing.

Location	Ward(s)	Proposal	Funding	Perm or Exp	Appendix
RYE LANE CONTRAFLOWS	Rye Lane	To introduce cycle contraflow lanes on existing one way roads	DHB	Exp	1
CONSORT ROAD	Rye Lane	To introduce a raised zebra crossing	DHB	Perm	2
DULWICH VILLAGE	Dulwich Village	To introduce a prohibition of motor vehicles	Dulwich Healthy Streets	Exp	3
MELBOURNE GROVE SOUTH	Goose Green	To close Melbourne Grove at a point between Tell Grove and Ashbourne Grove	Dulwich Healthy Streets	Exp	5
BRAGANZA STREET	Newington	To implement "no motor vehicles" modal filters, one way operation & right turn ban into Braganza St	MAQF	Exp	6
PULLENS GARDENS	Newington	Implement "no motor vehicles" modal filters at the junction of Amelia and Street Crampton Street, at the junction of Penton Place and Manor Place and on Crampton Street north of the entrance to Clarence Yard	MAQF	Exp	7
PASLEY PARK	Newington	Introduce "no motor vehicles" modal filter on Chapter Road north of Carter Street and on Manor Place at the junction of Braganza Street	MAQF	Exp	8
CARTER STREET	Newington	Introduce "no motor vehicles" except buses and permitted vehicles at the junction of Carter Street and Penrose Street	MAQF	Exp	9
COOKS ROAD	Newington	Introduce "no motor vehicles" modal filter on Cooks Road between Fleming Road and Forsyth Gardens	MAQF	Exp	10

MERROW STREET	Faraday	To implement "no motor vehicles" modal filter on Merrow Street just west of the junction with Queens Row	MAQF	Exp	11
WALWORTH ROAD	North Walworth	To implement permeable closures of the junctions with Browning Street and Larcom Street including the removal of one-way operation on Larcom Street	MAQF	Exp	12
EAST STREET	North Walworth	To implement permeable closures of the junctions with Blackwood Street and Walworth Place	MAQF	Exp	13
COMBER GROVE PRIMARY SCHOOL	Camberwell Green	To an at any time prohibition of motor vehicles outside Comber Grove Primary School	School Streets	Exp	14
GOODRICH PRIMARY SCHOOL	Dulwich Hill	To implement an at any time prohibition of motor vehicles outside Goodrich School	School Streets	Exp	16
RYE OAK PRIMARY SCHOOL	Rye Lane	To implement an at any time prohibition of motor vehicles outside Rye Oak Primary School	School Streets	Exp	17
CAMELOT PRIMARY SCHOOL	Old Kent Road	To an at any time prohibition of motor vehicles outside Camelot Primary School	School Streets	Exp	18
SOUTHWARK BRIDGE ROAD	Borough & Bankside	Upgrade to Cycle Superhighway 7 along Southwark Bridge Road	LSP	Exp	19
CHAMPION HILL	Champion Hill	Extension of Exp Order	LSP	Exp	20

**TABLE 1**

**Funding key**

DHB – Devolved Highways Budget    LSP – London Streetspace Programme  
LIP - Local Implementation Plan    MAQF - Mayor's Air Quality Fund

## Policy implications

15. The recommendations contained within this report are consistent with the relevant policies of the Movement Plan 2019, particularly:
  - M2 Action 1 - Reduce noise pollution
  - M2 Action 2 – Create simple and clear streets
  - M3 Action 4 – Deliver infrastructure to support active travel
  - M3 Action 5 - Enable people to get active
  - M4 Action 8 – Use kerbside efficiently and promote less polluting vehicles
  - M4 Action 9 – Manage traffic to reduce the demand on our streets
  - M7 Action 15 - Reduce exposure to air pollution
  - M7 Action 16 – Zero people killed or injured on our streets by 2041
16. The recommendations contained in the report and the individual proposed schemes will all contribute and complement the proposed Borough Streetspace Policy due to be presented to Cabinet in July 2020.

## Community impact statement

17. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
18. The recommendations are locally based and therefore will have greatest effect upon those people living, working or travelling in the vicinity of the areas where the proposals are made.
19. The proposals have no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation.
20. 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

21. All costs arising from implementing the recommendations will be fully contained within the existing business unit capital and revenue Highways budgets.
22. The estimated costs, by funding stream, for the schemes detailed in Table 1 are given in the below Table 2.

Funding Stream	Cost
Mayor's Air Quality Fund	£50,000
Dulwich Healthy Streets	£45,000
Devolved Highways Budget (NPR)	£43,000
Southwark School Street	£40,000
London Streetspace Programme	£140,000

### **Legal implications (Permanent TMO)**

23. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
24. Should the recommendations be approved the council will give notice of its intention to make a traffic order in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales Regulations 1996).
25. These regulations also require the Council to consider any representations received as a result of publishing the draft order for a period of 21 days following publication of the draft order.
26. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
27. 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.
28. These powers must be exercised so far as practicable having regard to the following matters
  - The desirability of securing and maintaining reasonable access to premises
  - 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
  - The national air quality strategy
  - Facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
  - Any other matters appearing to the Council to be relevant
29. The constitution contains details of decision making in relation to Traffic Management Orders (TMO) and these are confirmed at paragraphs 2 and 3 of this report. Further, at paragraph 23, it is explained that a statutory consultation will be required to be undertaken for schemes requiring TMOs.
30. Following statutory consultation, the proposals will then move forward with due consideration of any objections by the Cabinet Member.

### **Consultation (Permanent TMO)**

31. For the permanent recommendations in paragraph 1, the implementation of changes to parking requires the making of a traffic order. The procedures for making a traffic order are defined by national Regulations<sup>1</sup> which include statutory consultation and the consideration of any arising objections.
32. Should the recommendations be approved, the Council must follow the procedures contained with Part II and III of the Regulation which are supplemented by the Council's own processes. This process is summarised as:

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

- 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<sup>2</sup> 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
33. Following publication of the proposal notice, any person wanting to object must make their objection in writing within 21 days, stating the grounds on which it is made and send to the address specified on the notice.
34. Should an objection be made that officers are unable to resolve so that it is withdrawn, it will be reported to the Cabinet Member for determination. The Cabinet Member will then consider whether to modify the proposal, accede to or reject the objection. The council will subsequently notify all objectors of the final decision.

#### **Legal implications (Experimental TMO)**

35. An Experimental Traffic Management Order would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984 as amended.
36. Section 22 of the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 states the requirements in the case of an experimental order.
37. The proposals detailed in Table 1 as experimental are trials and the orders are to be experimental, as such consultation and feedback will be considered during the period of the order and a decision made on whether the order is to be made permanent after a period of twelve to eighteen months.
38. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
39. Following the experimental period, the proposal will then move forward in accordance with paragraph 43 of this report with due consideration of the objections prior to final decision by the Cabinet Member.

#### **Consultation (Experimental TMO)**

40. For the schemes shown as being implemented as experimental in table 1, traffic orders will be made under experimental traffic order powers contained in section 9 of the Road Traffic Regulation Act 1984 (as amended). The procedures for making an experimental traffic order are defined by national Regulations<sup>3</sup> which includes the consideration of any arising objections.
41. Should the recommendations be approved, the council must follow the procedures contained with Part II and III of the Regulation which are supplemented by the council's own processes. This process is summarised as:

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<sup>2</sup> <http://www.southwark.gov.uk/trafficorders>

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/1996/2489/contents/made>

- a) publication of a notice of making in a local newspaper (Southwark News)
  - b) publication of a notice of making 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<sup>4</sup> or by appointment at 160 Tooley Street, SE1
  - f) representations can be made at any point during the trial period
42. Following publication of the notice of making, 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 on the notice.
43. Should an objection be made that officers are unable to resolve so that it is withdrawn, it will be reported to the cabinet member for determination at the end of the experimental period. The cabinet member will then consider whether to modify the proposal, accede to or reject the objection. The council will subsequently notify all objectors of the final decision.

### **Programme Timeline**

44. If these items are approved by the cabinet member they will be progressed in line with the below, approximate timeline:
- Statutory consultation (TMO)/ Notice of proposal (ETMO) – Summer 2020
  - Implementation – Summer 2020
  - These schemes will be implemented within three weeks of final approval of this report, subject to availability of contractor's resources.

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

45. This report requests approval from the cabinet member for environment, transport and the climate emergency to implement a number of traffic and highway schemes as summarised in Table 1 of this report, to fast track the borough in moving into the post Covid-19 lockdown phase, to aid social distancing and to maintain some benefits gained due to reductions in motor vehicle usage during the lockdown period.
46. The strategic director of finance and governance notes that funding for these recommendations is to be met from environment and leisure departmental revenue budgets and that there are sufficient resources available to fund this implementation.
47. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

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

48. The cabinet member for environment, transport and the climate emergency is asked to approve, subject to the outcome of statutory consultation, the

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<sup>4</sup> <http://www.southwark.gov.uk/trafficorders>

implementation of traffic and highway schemes in the locations detailed in the respective appendices and summarised in Table1.

49. All but one of the proposed traffic and highway schemes summarised in Table 1 are experimental schemes which require Experimental traffic orders to be made. A permanent traffic order is to be made for the raised zebra crossing in Consort Road. Paragraphs 23-30, and 35-39, of the report set out the powers under the Road Traffic Regulation Act 1984 and statutory process with regard to permanent and experimental traffic management orders which are required to implement these traffic and highway improvements.
50. Any valid written objections received following statutory consultation in respect of the proposed traffic management orders required to implement the traffic and highway improvements must be considered in accordance with legal principles and statutory powers. The report confirms that if any such objections received regarding the proposals are unable to be resolved and withdrawn, they will be reported to the Cabinet Member for Environment, Transport and the Climate Emergency to make a decision on the proposals.
51. 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) foster good relations between people who share a protected characteristic and those who do not.

The officer's view is that the implementation of the proposals has no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation. It is not known if there any detrimental impacts on other particular protected groups under the Act. The PSED duty must be exercised by the decision maker and the Member needs to form this conclusion.

52. 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 highway and planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation of the proposals is not anticipated to engage or breach the provisions of the Human Rights Act 1998.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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Movement Plan 2019	Southwark Council Environment and Leisure Network development Highways 160 Tooley Street London SE1 2QH  Online: <a href="http://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809">http://modern.gov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809</a>	Tobias Allen 020 7525 3197
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## APPENDICES

No.	Title
Appendices 1-20	Evidence base for each proposal
Note – there is no Appendix 4 or 15	Note: Appendices with letter, ie 1a, 7b contain drawings associated with individual scheme

## AUDIT TRAIL

<b>Lead Officer</b>	Dale Foden, Head of Highways	
<b>Report Author</b>	Tobias Allen, Transport Projects Engineer	
<b>Version</b>	Final	
<b>Dated</b>	1 June 2020	
<b>Key Decision?</b>	Yes	
<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
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>	4 June 2020	