

Item No.	Classification: Open	Date: 10 December 2020	Meeting Name: Cabinet Member for Leisure, Environment and Roads
Report title:		Dante Road permeable closure	
Ward(s) or groups affected:		St George's	
From:		Head of Highways	

RECOMMENDATION

1. It is recommended that the Dante Road experimental closure is approved for making as a permanent traffic order subject to the outcome of statutory consultation.

BACKGROUND INFORMATION

2. Under Part 3D (paragraph 22) of the council's constitution, the Cabinet Member is responsible for:
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 non-strategic traffic and highways improvement
4. This report deals with the proposed permanent implementation of the experimental closure of Dante Road.
5. The origins and reasons for the recommendation discussed within the key issues section of this report and relevant appendices.

KEY ISSUES FOR CONSIDERATION

6. In line with the council's constitution, the proposal was circulated to ward councillors to allow them to make comments on the proposal before it goes for decision making. No comments were received.
7. Brook Drive is located on the borough boundary with Lambeth. Following the changes to Elephant and Castle implemented by TfL it became evident that traffic was being displaced onto these residential streets. In

late 2017, local residents and councillors on both sides of the boundary raised concerns about the through traffic travelling in both directions. A local residents action group was formed and a site visit attended by residents, officers and councillors from both boroughs was carried out that identified some options to take forward.

8. Within the Lambeth boundary there is an existing width restriction which has been repaired, but still allows most vehicles except HGVs to enter the area. Within Southwark's boundary, officers developed a proposal to close off Dante Road at the junction with Brook Drive to prevent through traffic access. A baseline video survey of the Brook Drive / Dante Road junction was carried out to inform the process. The measures were then implemented as an Experimental Traffic Management Order (ETMO) in April 2018, allowing a "live" consultation process, which could then be modified in response to the feedback and effects the scheme has in the area.
9. The original scheme introduced no entry for motor vehicles from Brook Drive into Dante Road. Motor vehicles were still able to enter from Newington Butts into Dante Road, allowing access for residents, service vehicles and deliveries to the Castle Centre (via Longville Road). Dante Road's junction with Brook Drive was blocked by a Fire Service access gate, with room to allow cyclists to pass either side.
10. Video surveys, following implementation of the gate, were carried out which showed multiple taxis and commercial vehicles being prevented from using Dante Road as a cut through.
11. The scheme was the recipient of a Healthy Streets Award in October 2018 in the Community Led Projects category.
12. The scheme was largely successful in its original position. With through traffic eliminated, it led to an improved sense of safety for cyclists and pedestrians, and perceptions of improved air quality. There were 153 responses in favour of the scheme and a petition in favour of the scheme comprising 1352 signatures. The scheme also received 44 objections and a petition against the scheme comprising 733 signatures.
13. An initial review of feedback received regarding the closure was more positive than negative. Many of the objections received could be resolved by relocating the gate to allow access for residents from the Brook Drive end of Dante Road.
14. Although the scheme was effective in its original position, officers believed that it could be more successful, as well as resolving the majority of the objections received, if moved to the southern end of Dante Road (providing improved access for residents of Holyoak Road, George Mathers Road and Dante Place). It also has the added benefit of stopping cars and motorcycles from cutting across the bus/cycle lane on Newington Butts to access and egress Dante Road.

15. A new experimental order came into force on 15 August 2019 (and will expire on 15 February 2021). This implemented a prohibition of motor vehicles from Newington Butts into Dante Road. Motor vehicles are able to enter from Brook Drive into Dante Road. Dante Road's junction with Newington Butts is blocked by a Fire Service access gate, with room to allow cyclists to pass either side.
16. Prior to the trial being implemented, the peak hourly flow of vehicles in Dante Road was recorded as 377 vehicles per hour between 18:00-19:00. Recent traffic counts (from 29 September 2019 to 5 October 2020) show that the average peak hourly flow is now 62 vehicles with less than 0.1% HGVs. This figure is way below the optimum Cycling Level of Service score set out in the London Cycling Design Standards for total volume of traffic (where cyclists are not separated).
17. With the gate in its new position, there have been 8 responses in favour of the scheme. The scheme received no objections to the new location within the six month objection period following its relocation.
18. There was some concern among local residents regarding the proposed development of the Woodlands Hospital site in Lambeth, with the developer initially submitting plans for construction traffic to enter the site via Dante Road. No official permission or plans have been submitted to Southwark Council at this time and construction traffic would not be permitted via this route.

Policy implications

19. The recommendations contained within this report are consistent with the relevant policies of the Movement Plan 2019, particularly:
 - 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

Community impact statement

20. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
21. 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.

22. There is a risk that new restrictions may cause a small number of vehicles to be displaced and, indirectly, have an adverse impact upon road users and neighbouring properties at the locations proposed, although this effect will be negligible given the current levels of traffic on those streets. In any case the traffic will return to the roads that it previously used prior to the changes at Elephant and Castle.
23. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any other community or group.
24. The recommendations support the council's equalities and human rights policies and promote social inclusion by improving road safety on the public highway, in particular for vulnerable road users, allowing people to access local shops and facilities in greater safety.

Resource implications

25. All costs arising from implementing the recommendations will be fully contained within the existing business unit capital and revenue Highways budgets.

Legal implications (Permanent TMO)

26. Although the original order was made under experimental traffic order provisions it is intended to make an order under normal provisions for the making of permanent orders to allow a full statutory consultation to be carried out.
27. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
28. 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).
29. 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.
30. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
31. 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.

32. 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
33. Following statutory consultation, the proposals will then move forward with due consideration of any objections by the Cabinet Member.

Consultation (Permanent TMO)

34. For the 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 Regulations¹ which include statutory consultation and the consideration of any arising objections.
35. 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:
 - 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 website² 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
36. 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 on the notice.
37. 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,

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

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

accede to or reject the objection. The council will subsequently notify all objectors of the final decision.

Programme Timeline

38. If this proposal is approved by the Cabinet Member it will be progressed in line with the below, approximate timeline:

Experimental schemes

- Advertising the notice of making – December 2020
- Implementation – February 2021

Strategic Director of Finance and Governance

39. This report requests approval from the Cabinet Member for Leisure, Environment & Roads to implement a non-strategic traffic and highway improvement proposal for the Dante Road experimental closure, to make it a permanent traffic order.
40. The strategic director of finance and governance notes that there is sufficient funding from existing Highways capital and revenue budgets to fund these improvements.
41. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

Director of Law and Democracy

42. The Cabinet Member for Leisure, Environment and Roads is asked to approve the making of a permanent traffic order for the permanent closure of Dante Road currently closed under experimental order, subject to the outcome of statutory consultation.
43. Paragraphs 26-33 of the report set out the powers under the Road Traffic Regulation Act 1984 in respect of the making of permanent traffic management orders which are required to implement the permanent closure of Dante Road. Paragraphs 34-37 set out the statutory consultation procedure required by the regulations.
44. Any valid written objections received following statutory consultation in respect of the proposed traffic management order required to implement the permanent road closure must be considered in accordance with administrative law principles of fairness, human rights law and statutory powers as referred to in paragraph 31. 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 Leisure, Environment and Roads to make a decision on the proposals.
45. The Human Rights Act 1998 imposes 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.

46. 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. Paragraph 24 of the report informs that other than those people living, working or travelling in the vicinity of the areas the proposals will have no disproportionate impact upon any other community or group. The duty towards those persons with protected characteristics must be exercised by the decision maker and the Member needs to form this conclusion.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH Online: http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809	Tobias Allen 020 7525 3197

APPENDICES

No.	Title
Appendix 1	Dante Road location
Appendix 2	Site plan

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Tobias Allen, Transport Projects Engineer	
Version	Final	
Dated	18 November 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	8 December 2020	