

Item No.	Classification: Open	Date: 14 October 2022	Decision Taker: Cabinet Member for Leisure, Parks, Streets and Clean Air
Report title:		Determination of Objections to Traffic Management Order (TMO) for Dulwich Upper Wood Wall	
Ward(s) or groups affected:		Dulwich Wood	
From:		Head of Highways	

RECOMMENDATION(S)

1. It is recommended that the Cabinet Member for Leisure, Parks, Streets and Clean Air
 - i. Considers the seven representations as summarised in Table One received during statutory consultation relating to the proposal to introduce a no right turn traffic restriction at the northern junction only of Jasper Road, where it joins Farquhar Road.
 - ii. Consider and determine each objection and comment as per the table prepared by officers in Appendix 2
 - iii. Instruct officers, following the appropriate statutory notice periods, to make the Order under sections 6 and 124 of the Road Traffic Regulation Act 1984 (TMO2223-014_Farquhar Rd)
 - iv. Instruct officers to write to each person who made representations to inform them of the Council's decision.
 - v. Instruct officers to proceed with traffic restriction as part of the Dulwich Upper wood Wall scheme as per the Individual Decision Making report agreed on the 23 March 2022.

BACKGROUND INFORMATION

2. This report makes a recommendation for the determination of a number of objections to the proposed traffic order, of the prohibition of right turning vehicles from the northern junction only of Jasper Road, where it joins Farquhar Road.
3. Part 3D, paragraph 23 of the council's constitution sets out that determination of

objections to traffic orders is reserved to the Cabinet Member for Leisure, Parks, Streets and Clean Air.

4. In March 2022, the council approved the implementation of a scheme in Farquhar Road SE19 to do the following:
 - Provide a new retaining wall to support the embankment and trees in Dulwich Upper Wood
 - Create a new pedestrian and cycle lane in front of the new retaining wall; and
 - Impose additional safety features to reduce speed and improve safety on Farquhar Road for all modes of transport.
5. The scheme will reduce the carriageway width of Farquhar Road at the junction of Jasper Road SE19. In the design of the scheme, road users, motorised and non-motorised, are at risk with vehicles exiting Jasper Road into Farquhar Road. The Road Safety Audit in the design of the scheme identified this risk. The estimated cost of the construction works is £550,000. The capital funds approved for this scheme covers the construction cost and all fees.
6. A statutory consultation was undertaken on 28 July 2022 for the proposal to prohibit the movement of vehicles from the northern junction only of Jasper Road, where it joins Farquhar Road. In accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“1996 Regulations”) , the council advertised its intention to make the traffic order to introduce the Prohibition of vehicles turning right from Jasper Road into Farquhar Road.
7. Notice was given to the following statutory consultees: London Ambulance Service, London Fire Brigade, Metropolitan Police Service, TfL Buses, Freight Transport Association, and the Road Haulage Association.
8. Notice was also given to non-statutory consultees including: Transport for London, Southwark Disablement Association, British Motorcyclists Federation, Southwark Disability Forum, Southwark Cyclists, Living Streets and London Travel Watch.
9. Full details of the proposal were also made available for inspection on the council’s website or in person by appointment at the council’s offices at 160 Tooley Street.
10. The implementation of the TMO is to occur at the completion of the construction works for the Dulwich Upper Wood wall scheme. The construction works commenced on the 26 September 2022. The target completion is the end of January 2023. In order to implement the Traffic Management Order (TMO), the following activities must occur:
 - September/October 2022 - Approval of the TMO

- October 2022 - Make the Order under sections 6 and 124 of the Road Traffic Regulation Act 1984 (TMO2223-014_Farquhar Rd)
- November 2022 Instruct officers to proceed with traffic restriction as part of the Dulwich Upper wood Wall scheme as per the Individual Decision Making report agreed on the 23 March 2022.
- January 2023 - Implement TMO for effective operation

Results of the Statutory Consultation.

11. The statutory consultation period ended on 18 August 2022. The council received the following responses as set out in Table one below.

Table One Objections and Responses			
Date	Name	Comment	Officers Responses
16/08 /2022	Resident	I am surprised they are now closing off jasper and Farquhar rd off to cars as this was not going to happen before. We were only asked of what plan we preferred which was an a and b. I do not want to be restricted in my car in any part of Farquhar rd. not really happy.	Jasper Road is not being closed off. There is a restriction being put in place to ensure the safety of the road user on both Farquhar Road and the users exiting Jasper Road.
19/08 /2022	Resident	I didn't realise that the proposals for the wall would mean traffic restrictions. Do you have a map view of the traffic proposal you could send me please? I'm nervous of making it harder for the residents of the area to get into their roads or access the triangle.	The TMO restricts the movement of southbound motorised vehicles from Jasper Road into Farquhar Road. All other movements are maintained. This issue was identified in the outline design stage of the scheme and also highlighted in the Road Safety Assessment of the scheme, RSA 2.
19/08 /2022	Resident	Thanks for yr email. I am surprised they are now closing off jasper and Farquhar rd off to cars as this was not going to happen before. We were only asked of what plan we preferred which was an a and b. I do not want to be restricted in my car in any part of Farquhar rd. not really happy. Can you please forward my email. I'm at work and don't have time to forward to a different email.	The TMO does not close Jasper Road at the junction with Farquhar Road. There will be a restriction of right turning southbound traffic from Jasper Road into Farquhar Road.
19/08	Resident	Narrowing the street is all the speed	The comments received are

/2022		<p>restriction that is required Speed bumps cause unnecessary danger and a massive amount of extra noise. None of this would be necessary if you were not determined to introduce a completely unnecessary cycle lane onto a very wide and very quiet residential street. Expand the pavement, narrow the road, don't have cycle lanes. Simple. You could have done this five years ago. This whole thing is ridiculous. Speed ramps have been introduced along Dulwich Wood Park, which as it is an A road has heavy traffic and now we have 5am skips shuddering our properties. It is also a bus route and pensioners regularly injure themselves trying to get off the bus that goes over speed bumps just before the stops. Well done everyone. Just fix the wall!</p>	<p>welcomed, however officers across the Highways department are aware of resident concerns of speeding vehicles. Narrowing the road would not achieve the objective of slowing down vehicles. The Road Safety Assessment of the scheme determined the appropriate measures for installation for the safety of all users of the network.</p>
19/08 /2022	Resident	<p>Thanks for this info. I don't suppose there is map to show this plan? I can't work it out from the words!</p>	<p>Not an objection but will direct the resident to the webpage where all the details are kept.</p>
19/08 /2022	Resident	<p>thanks Gonzalez for the update I know how challenging a project like this is to deliver and I am delighted that you are replacing speed humps with speed tables as this will address local concerns about cars speeding on Farquar Road it isn't clear what cycle provision you have made, if any I have confidence in Highways and am sure I will support the designs and include measures to support active travel where feasible, but I don't have a clear picture of what is being done can you / highways share the designs by emailing them to me at this email address. I'd be happy to display them on the notice boards locally as I have the keys.</p>	<p>Not an objection and the officer will contact the resident to direct them to the website with all the scheme details.</p>

		many thanks	
16/08 /2022	Resident	<p>Hi</p> <p>Narrowing the street is all the speed restriction that is required</p> <p>Speed bumps cause unnecessary danger and a massive amount of extra noise.</p> <p>None of this would be necessary if you were not determined to introduce a completely unnecessary cycle lane onto a very wide and very quiet residential street.</p> <p>Expand the pavement, narrow the road, don't have cycle lanes. simple.</p> <p>You could have done this five years ago.</p> <p>This whole thing is ridiculous.</p> <p>Speed ramps have been introduced along Dulwich Wood Park, which as it is an A road has heavy traffic and now we have 5am skips shuddering our properties.</p> <p>It is also a bus route and pensioners regularly injure themselves trying to get off the bus that goes over speed bumps just before the stops.</p> <p>Well done everyone.</p> <p>Just fix the wall!</p>	<p>The comments received are welcomed, however officers across the Highways department are aware of resident concerns of speeding vehicles. Narrowing the road would not achieve the objective of slowing down vehicles. The Road Safety Assessment of the scheme determined the appropriate measures for installation for the safety of all users of the network. The Road Safety Assessment of the scheme determined the appropriate measures for installation for the safety of all users of the network. The scheme is implementing the measures.</p>

12. In total, the council received seven responses of which one is duplicated, reducing actual receipt to six. Of the responses, four respondents objected to the proposal. There was one neutral response and one positive response.

KEY ISSUES FOR CONSIDERATION

13. There are no overall objections to the proposal to restrict right turning traffic from the northern junction of Jasper Road only into Farquhar Road, as there are no restrictions to the other movements into and out of Jasper Road. The safety risk to non-motorised users of the revised layout on the east side of Farquhar Road will be removed with the implementation of the Order.
14. The key issue for consideration is the safety of non-motorised users of the public highway in Farquhar Road. The Traffic Management Order reduces the risk of collision between motorised and non-motorised users in Farquhar Road.
15. The Cabinet Member for Leisure, Parks, Streets and Clean Air is being asked to approve the implementation of the proposed prohibition of right turning traffic from the northern junction only of Jasper Road into Farquhar Road SE19.

Policy framework implications

16. The proposals contained within this report are consistent with the Missions 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, equalities (including socio-economic) and health impacts

Community impact statement

17. The council's Movement Plan has been subjected to an equalities impact assessment. The missions within the Movement Plan have been upheld in this report.
18. The recent change of Highways Code has come into force on 29 January 2022, the new rules gives priority to people walking and cycling in the Hierarchy of Road Users. The aim of the Dulwich Upper Wood Wall scheme is to encourage drivers to reduce speed, prioritise the road safety to road users and reduce the fear of people walking and cycling. This supports the Hierarchy of Road Users under the revised Highway Code.
19. The implementation of any transport project creates a range of community impacts. All transport schemes aim to improve the safety and security of vulnerable groups and support economic development by improving the overall transport system and access to it.
20. There is a risk that new restrictions cause a displacement of parking on to the peripheral network and have an adverse impact on road users and neighbouring properties. However, officers consider that the proposal has no disproportionate impact on any particular age, disability, faith or religion and ethnicity and sexual orientation.
21. The proposals support the council's equalities and human rights policies and promote social inclusion by:
- i) Improving road safety, in particular for vulnerable road users including pedestrians and cyclists, on the public highway.
 - ii) Improving existing shared use facilities by improving road surface, tactile paving, road markings, and signage.
 - iii) Improving existing pedestrian and cycle facilities by improving delineation, tactile paving, road marking, and signage.

22. 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.

Equalities (including socio-economic) impact statement

23. One of the Southwark Stands Together pledges is working to address and prevent structural racial inequalities and structural racism within our organisation, to organisations we partner with and within the service we deliver.
24. Dulwich Wood ward has a lower proportion of Black, Asian and minority ethnicity residents (36.8%) when compared with the borough as a whole (45.8%).
25. In the interest of protecting users of the footway with certain protected characteristics, the proposed design of the footway has changed slightly since the public consultation in order to introduce separate space for pedestrians and cyclists. The aim of this modification is to make the pedestrian part of the footway safer for people with disabilities, children, the elderly, and pregnant women.

Health impact statement

26. Providing a cycle lane increases safety for cyclists and encourages cycling, which is sustainable form of transport with associated health benefits.

Climate implications

27. The report has clearly considered how the proposed measures impact on climate change. The measures support the aims of the council's Climate Change Strategy under Priority 2 – Active and Sustainable Travel. Key aims of the council's Climate Change Strategy include to 'reduce car journeys to a minimum by 2030' and to 'be a borough where the walking and cycling becomes the default way to get around'. Part of meeting the borough's ambition of net zero emissions by 2030 includes a reduction in vehicle km's travelled and a shift to active and public transport; road transport currently accounts for 15% of the borough's emissions. These measure strongly support that ambition.
28. A just and inclusive transition is at the heart of the council's emerging climate policy. These proposals prioritise the movement of people first and foremost, while retaining vehicle access for those who require it. In delivering a safer and more equitable highway network, the measures are in accordance with the council's approach to addressing the climate emergency.

Resource implications

29. The council's Parks and Leisure team is funding the scheme and will meet the full costs of the proposed works and any associated costs.

Legal Implications

30. To implement the recommendations, the council will make a traffic management order(s) under powers contained within the Road Traffic Regulation Act 1984 (“RTRA 1984”).
31. Should the cabinet member approve the recommendations, the traffic management order must be made between twenty one days and two years following the publication date of the notice of proposals.
32. The 1996 Regulations also requires the council to do the following within 14 days of making the Order:
 - i) Publicise a notice that the Order has been made in a local newspaper;
 - ii) Publication of notice that the Order has been made in the London Gazzette;
 - iii) Provide notice to any person who objected to the Order under the 1996 Regulations and has not withdrawn the objection and, where the objection has not been wholly acceded to, shall include in that notification the reasons for the decision.

Consultation

33. Statutory consultation has been carried out as detailed in paragraphs 8 to 13 of this report.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

34. The Cabinet Member for Leisure, Parks, Streets and Clean Air, is asked to approve the recommendations detailed in paragraph 1 in order to make the Order preventing vehicles from the northern junction only of Jasper Road turning right onto Farquhar Road and replace existing traffic calming measures on Farquhar Road.
35. Implementation of the proposals will require a traffic management orders made in accordance with the procedure prescribed by the RTRA 1984 and the 1996 Regulations. The cabinet member has the authority pursuant to paragraph 23, Part 3D of the council’s constitution, to determine statutory objections to the proposals. This report has been prepared as there are unresolved objections to the proposals following the statutory consultation.
36. 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.. Paragraphs 8 to 13 of the report detail the engagement which has taken place thus far to comply with the public sector equality duty.

37. 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 these proposals is not anticipated to breach any of the provisions of the Human Rights Act 1998.
38. Council Assembly on 14 July 2021 approved a change to the council's constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered in the report at paragraphs 24 to 26, above.
39. Should the cabinet member be satisfied with the contents of this report then they have the power to make the decisions recommended at paragraph 1 of this report by virtue of Part 3D paragraph 22 of the council's constitution.

Strategic Director of Finance and Governance

40. This report requests that the Cabinet Member for Leisure, Parks, Streets and Clean Air approves the proposals pertaining to Right Turning' vehicles from the northern junction only of Jasper Road SE19 into Farquhar Road as summarised in paragraph 1 of this report.
41. The Strategic Director of Finance and Governance notes that the planned costs for these works is to be met from the existing Parks Infrastructure & Inv. capital programme and there is sufficient budget to fund this proposal.
42. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Upper Dulwich Wood Wall (Farquhar Road)	Environment and Leisure, Southwark council 160 Tooley Street London SE1 2QH	Anthony Davis, Structures Manager, 07599545757
Policy and Resources Strategy: capital monitoring report outturn 2021-22, Paragraph 81.	Environment and Leisure, Southwark council 160 Tooley Street London SE1 2QH	Anthony Davis, Structures Manager, 07599545757
Movement Plan 2019	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Anthony Davis, Structures Manager, 07599545757
http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809		
Climate Change Strategy	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Chris Page 020 7525 7259
https://www.southwark.gov.uk/environment/climate-emergency?chapter=3		

APPENDICES

No.	Title
Appendix 1	Scoping Design & Swept Path Analysis
Appendix 2	Objections Received

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Anthony Davis, Project Manager	
Version	Final	
Dated	21 September 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
List other officers here: Policy and Research Officer (Climate Emergency)	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	13 October 2022	