

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 19 December 2022	<b>Decision maker:</b> Cabinet Member for Leisure, Parks, Streets and Clean Air
<b>Report title:</b>		Determination of Objections for Southwark Spine package 4	
<b>Ward(s) or groups affected:</b>		Rye Lane	
<b>From:</b>		Head of Highways	

## RECOMMENDATION(S)

That the Cabinet Member for Leisure, Parks, Streets and Clean Air:

1. Considers the representations received during statutory consultation for *TMO2223-018 Spine 4 Bellenden Rd* and *TMO02223-018 Spine 4 Bellenden Rd 2* as summarized in Tables One and Two. The consultations relate to proposed changes along Bellenden Road between the junctions with Chadwick Road and Danby Street to facilitate safer walking and cycling for members of the public in the area ("Proposal"), which will form part of the Southwark Spine cycleway improvement scheme.
2. Considers the officer's response to the representations received and reject the grounds for objections and/or approve amendments proposed by the officer to the Traffic Management Order(s) (TMO).
3. Instructs officers to write to each person who made representations to inform them of the council's decision.
4. Instructs officers to make the necessary traffic order (TMO2223-018 Spine 4 Bellenden Rd 2)
5. Approves the amendments proposed by officers in response to the objections received as shown in paragraph 22.

## BACKGROUND INFORMATION

6. This report makes recommendations for the determination of a number of objections to the proposed TMO in relation to Southwark Spine Package 4.
7. The Cabinet Member for Leisure, Parks, Streets and Clean Air approved the progression of Southwark Spine Package 4, as shown in the draft outline design, subject to the necessary statutory procedures on 24 February 2022. The measures proposed included:

- i. Bellenden Road footway widening
  - ii. Change single yellow lines to double yellow lines with loading restrictions at certain times (from Monday to Sunday 7:30am – 9am and 3pm – 6:30pm)
  - iii. Introduction of raised crossings on Bellenden Road and Choumert Road
  - iv. Introduction of a footway buildout at junction of Danby Street and Bellenden Road
8. On 24 September 2022, the Council advertised its intention to make TMO(s) to introduce the Southwark Spine Package 4.
9. A total of four responses were received by email during the statutory consultation period (which ran from 22 September - 13 October 2022). The grounds for representation are summarised in Table One. Of the four responses to the consultation, two were classed as objections and two were classed as enquiries or comments regarding this proposal.
10. An 11 signature petition against the proposed no loading restrictions from Monday to Sunday between 7:30am – 9am and 3pm – 6:30pm was received via email. A copy of the page of this petition is included as Appendix D.
11. Due to a slight amendment to the TMO and the public notice for the intention to make the TMO, statutory consultation was re-advertised from 27 October - 17 November 2022. The amendments clarified the operation times of loading restrictions and removed erroneous text in the notice. No substantive change was made to the proposals. Nineteen objections and one support for the proposal were received during this period. The grounds for representation are summarised in Table Two.
12. Both statutory consultation period ran for 21 days from 22 September - 13 October 2022 and 27 October - 17 November 2022.
13. In statutory consultation periods, notice was given in the London Gazette, local press (Southwark News) and street notices were placed in the affected area.
14. 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.
15. 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.
16. Full details of the proposals 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.

## KEY ISSUES FOR CONSIDERATION

17. During the first statutory consultation period of the TMO, two of the responses were objections to the scheme and two were comments or enquiries. During the second statutory consultation period, eighteen objections and one of support was received. Individual responses provide more than one reason for objections. Please refer to Appendix A for full details of responses received.
18. An 11 signature petition against the proposed timed loading restriction was also received via email. Proposed amendment on timed loading restrictions from Monday to Sunday between 8am-9am and 4pm-6:30pm.
19. The objections and comments are outlined in Table One and Table Two.

**Table One – Summary of Representations (Some respondents included more than one comment) for the statutory consultation period: 22 September - 13 October 2022**

Ref	Reasons of Objection/concern	Number
1	<p>Converting single yellow lines to double yellow lines will have a huge negative impact on our livelihood. We can't only rely on passing trade on foot as we have customers coming from all over South East London so where are they going to park?</p> <p>Companies like Deliveroo and Uber take 35% plus VAT so once you have deducted their fees and after taking out costs we aren't left with much profit.</p> <p>No parking left due to the high demand from the other businesses past Choumert Road.</p> <p>I would like you to consider putting a 20minute free parking spot or keep a space for a single yellow line.</p>	1
2	The junction of Bellenden Road and Maxted Street is dangerous and toxic at rush hour. Can this added to the road closure scheme, particularly the stretch of Maxted between Bellenden Road and Sandison Street.	1
3	Parking on this section of the road makes it difficult for two way traffic to pass. There are frequent blockages making it dangerous for, cyclists, cars and traffic to pass. If parking is needed it would be helpful if it was restricted to one side of the road.	1
4	The widening of car parking bays to SUV widths is strongly opposed and the opportunity should be taken to reduce car parking bays to deliver modal shift	1
5	Time restrictions of loading restrictions should be extended.	1
6	Preliminary procedural issues – errors on Traffic Management Order, that means new order will need to be advertised	1
7	Failure to reduce road danger – the scheme proposes to make the street safer through traffic calming but this area is due to the volume of motor traffic, not the speed.	1

<b>Ref</b>	<b>Reasons of Objection/concern</b>	<b>Number</b>
8	Failure to consider minimum pavement widths – fails to consider at all national or TfL guidance on pavement widths. The proposed layouts are so poorly designed that they would prevent widening of some pavements on Bellenden Road that at 1.6m wide are below minimum widths and discriminate against those with disabilities	1
9	Failure to consider Network Management duty guidance – According to DfT in April 2022, it requires local authorities to make “continue to make significant changes to their road layouts to give more space to cyclists”. The scheme fails to comply with the guidance.	1
10	Failure to consider funding challenges – TfL’s funding for active travel has been severely reduced, for 2022/23 down from £414 million to £80 million guaranteed, and this before the UK has entered into a major recession. Were the area to become a LTN and there to be any funding left to do this, the proposed pavement changes would need to be changed again, wasting the funding.	1
11	No alignment to net zero 2050, let alone 2030 – The scheme fails to prioritise active travel substantively or even meeting minimum standards of DfT or TfL guidance.	1
12	Design quality and conservation area – The changes to kerb line and street furniture would have a devastating impact on layout and setting of the world famous Anthony Gormley bollards that form a key element of the conservation area.	1
13	Equalities impacts – Though the report upon which the scheme was approved promised an Equality Impact Assessment, no such document has been made public. The text relating to this is legally flawed, focusing only on direct discrimination, thereby ignoring the statutory duties to reduce inequality in the Equality Act 2010.	1

**Table Two – Summary of Representations (Some respondents included more than one comment) for the statutory consultation period: 27 October - 17 November 2022**

<b>Ref</b>	<b>Reasons of Objection/concern</b>	<b>Number</b>
1	Converting single yellow lines to double yellow lines	5
2	Accessibility to the shops and parking is limited	4
3	Makes it difficult for businesses to load / unload	3
4	Add one or two 20mins parking bays for businesses	3
5	Nowhere to park for visitors when visiting family or shops	3
6	No parking for local shops and no parking for residents	1
7	Disregards the needs of the elderly, disabled and less able bodied (and often isolated) members of our society. Damaging to local businesses in a time of economic uncertainty.	1

<b>Ref</b>	<b>Reasons of Objection/concern</b>	<b>Number</b>
8	The widening of car parking bays to SUV widths is strongly opposed and the opportunity should be taken to reduce car parking bays to deliver modal shift	1
9	Times of loading restrictions should be extended.	1
10	Preliminary procedural issues – The orders advertised rely on a “map-based schedule” defined as “the map attached to and to be read in conjunction with this Order”, yet no such map is attached to the order that has been advertised.	1
11	Failure to reduce road danger – the scheme proposes to make the street safer through traffic calming but this area is due to the volume of motor traffic, not the speed.	1
12	Failure to consider minimum pavement widths – fails to consider at all national or TfL guidance on pavement widths. The proposed layouts are so poorly designed that they would prevent widening of some pavements on Bellenden Road that at 1.6m wide are below minimum widths and discriminate against those with disabilities	1
13	Failure to consider Network Management duty guidance – According to DfT in April 2022, it requires local authorities to make “continue to make significant changes to their road layouts to give more space to cyclists”. The scheme fails to comply with the guidance.	1
14	Failure to consider funding challenges – TfL’s funding for active travel has been severely reduced, for 2022/23 down from £414 million to £80 million guaranteed, and this before the UK has entered into a major recession. Were the area to become a LTN and there to be any funding left to do this, the proposed pavement changes would need to be changed again, wasting the funding.	1
15	No alignment to net zero 2050, let alone 2030 – The scheme fails to prioritise active travel substantively or even meeting minimum standards of DfT or TfL guidance.	1
16	Design quality and conservation area – The changes to kerb line and street furniture would have a devastating impact on layout and setting of the world famous Anthony Gormley bollards that form a key element of the conservation area.	1
17	Equalities impacts – Though the report upon which the scheme was approved promised an Equality Impact Assessment, no such document has been made public. The text relating to this is legally flawed, focusing only on direct discrimination, thereby ignoring the statutory duties to reduce inequality in the Equality Act 2010.	1
18	Another loading bay in front of the shops	1

20. Each piece of correspondence received during statutory consultation was responded to with an acknowledgement email.

21. It should be noted that some responses contained more than one reason for objection.

22. In response to the objections, we proposed to amend the no waiting and loading restrictions by changing single yellow lines to double yellow lines with loading restrictions at certain times from (between 7:30am – 9am and 3pm – 6:30pm) to (between 8:00am – 9:00am and 4pm – 6:30pm).
23. As concerns were raised by businesses regarding the impact of the proposals. We will pass these concerns to the Local Economy team and continue to monitor the impact of the parking and loading restrictions.
24. In response to the other objections, please refer to Appendix B for officers detailed responses to each objection.

### **Policy framework implications**

25. 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
  - M4 Action 7 – Reduce the number of cars owned in the borough
  - 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**

26. 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 by interventions proposed along Bellenden Road between its junction with Chadwick Road and Danby Street by creating an environment with less motor vehicle dominance, providing a better environment for walking and cycling. Car usage has been made less convenient and this will, over time, contribute to a decrease in car usage as it becomes a less convenient way to get around. It is anticipated that traffic speeds will reduce along Bellenden Road with the introduction of the raised pedestrian crossings and narrowed traffic lanes.
27. If implemented, further monitoring will be undertaken to establish the effectiveness of the scheme. Additional measures can be considered in the future if the volume of traffic is high on Bellenden Road.
28. The recent changes to the Highway Code came into force on 29 January 2022, the new rules give priority to pedestrians and cyclists in the Hierarchy of Road Users. The aim of this scheme is to prioritise the safety to road users and improve the comfort of people walking, cycling, but also to encourage drivers to reduce their speeds, and this supports the Hierarchy of Road Users under the revised Highway Code.

29. 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.
30. With the concerns raised by local businesses, proposed timed no loading restrictions will be reduced so that they are able to continue the loading/unloading activities near their shops. In addition, there are short stay parking bays and shared parking bay in the adjacent streets for customers to visit the shops.
31. 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 people walking, cycling and wheeling, on the public highway.
  - ii. Improving existing shared use facilities by improving road surfaces, tactile paving, road markings, and signage.
  - iii. Improving existing pedestrian and cycle facilities by improving delineation, tactile paving, road marking, and signage.
32. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate effect on any particular age, disability, faith or religion and ethnicity and sexual orientation.

### **Equalities (including socio-economic) impact statement**

33. The proposals are not considered to have any adverse effect on socio-economic or health equalities. Safety for pedestrians and in particular those with protected characteristics such as the elderly and disabled persons will be greatly assisted with safer crossing points and clearer locations where parking is permitted.
34. Widening the footway on one side of Bellenden Road will accommodate people with disabilities and people with buggies to facilitate access their destinations.

### **Health impact statement**

35. The proposals support the Council's mission to deliver infrastructure to support active travel, enabling people to get and stay active and promote less polluting vehicles, manage traffic to reduce demand on our streets and reduce exposure to air pollution by reducing the availability of parking for those commuting into Southwark.
36. The proposed measures are likely to encourage more residents to walk and/or cycle to the area. Also, the proposed measures are likely to discourage travelling by car within the area.

37. Active travel is an effective way to integrate physical activity into daily routines, and just 20 minutes of physical activity per day can reduce the risk of several health conditions<sup>1</sup>.
38. The anticipated reduction in traffic speeds on Bellenden Road will have a beneficial impact on health. Reduced vehicle speeds will minimise the risk of road traffic collisions, injuries and fatalities.
39. The proposals aim to improve access to local services and amenities within the Bellenden Village area. Improved access to services and amenities has a positive impact on health and wellbeing. Creating safe and welcoming street environments also has the potential to have a positive impact on social and mental wellbeing, by creating connected and cohesive communities, which will encourage residents to spend more time outdoors, which will increase their social interaction.

### **Climate change implications**

40. The report has 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 kms travelled and a shift to active and public transport; road transport currently accounts for 15% of the borough's emissions. These measures strongly support that ambition by creating an area where walking and cycling are prioritised over motor vehicle usage.
41. We will use additional planting, sustainable urban drainage or rain gardens on the highway to ensure the scheme is further in line with the Climate Change Strategy's Priority 3 – Thriving Natural Environment which include actions to 'create greener streets'.
42. 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**

43. All resource requirements will be contained within the existing highways structure.

### **Legal implications**

44. Should the Cabinet Member approve the recommendations set out at paragraphs

---

<sup>1</sup> Southwark Council. 2017. Active Travel JSNA.



1-5 of the report, the Council will need to make TMO(s) under the powers contained within the Road Traffic Regulation Act 1984 Act ("RTRA 1984").

45. Before making a TMO the Council must carry out notification and consultation procedures in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("1996 Regulations"). The Council has completed the statutory consultation, see paragraphs 8-16 of this report.
46. The Council must also consider all objections before making the TMO and where it does not "wholly accede" to an objection, they must provide reasons for this in its notification of the making of an order to any person that has objected (regulation 13 and 17(3) 1996 Regulations). This is recommended in the report recommendations.
47. The Council shall, within 14 days of making the TMO, publish in the London Gazette and a newspaper circulating in the area in which any road or place to which the order relates is situated, a notice:
  - (i) stating that the order has been made; and
  - (ii) containing the particulars specified in Parts I and III of Schedule 1 of the 1996 Regulations
48. A TMO shall only come into force once the Council has published the notice, referred to in paragraph 38 above, which confirms the notice has been made.
49. The Council may modify a TMO in light of objections received in consultation as set out in the recommendations. If the modifications appear to make a substantial change in the order, the Council will need to take the steps specified in Regulation 14(4) 1996 Regulations, this includes informing persons likely to be affected, giving those persons an opportunity to make representations and ensuring the representation are considered by the Council. Officers do not consider modifications to the TMO to be substantial.
50. Any objections the Council receives must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
51. After TMO(s) are made the Council must ensure proper signage is implemented in the vicinity in accordance with Regulation 18 1996 Regulations.

### **Financial implications**

52. The cost of implementing the changes along Bellenden Road is estimated to cost £220,000 and will be funded from existing Capital Fund cost code L-5110-0063.

## **Consultation**

53. Statutory consultation has been carried out as detailed in paragraphs 8 to 16 of this report.
54. Informal consultation was also undertaken as detailed in Appendix C.

## **Timescales**

55. Civil works will be expected to start in the 6 February 2023 to 16 May 2023 followed by resurfacing if recommendations approved.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance (AM 11/2022)**

56. The Cabinet Member for Leisure, Parks, Streets and Clean Air is asked to approve the recommendation to implement proposed changes along Bellenden Road between its junction with Chadwick Road and Danby Street to facilitate safer walking and cycling for members of the public in the area ("Proposal") as part of the Southwark Spine Package 4 by way of making TMO(s). Implementation of the Proposal will require one or more TMO(s) made in accordance with the procedure prescribed by the RTRA 1984 and the 1996 Regulations.
57. Should the Cabinet Member be satisfied with the contents of this report then they have the authority to make the decision recommended at paragraphs 1-5 pursuant to paragraphs 28-29, Part 3D of the Council's Constitution.
58. 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 these proposals is not anticipated to engage or breach the provisions of the Human Rights Act 1998.
59. The Council has a duty, pursuant to section 149 of the Equality Act 2010, to have due regard in the exercise of its functions to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics include age, sex, disability, pregnancy and maternity. Officers have considered the public sector equality duty as set out in paragraphs 26 to 39 of this report and have concluded that at this time the proposals will have no detrimental impacts on a particular protected group or on the equality of opportunity under the Equality Act 2010.
60. Council Assembly on 14 July approved a change to the 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 between paragraphs 33 and 42 above.

### **Strategic Director of Finance and Governance (EL22/074)**

61. This report is requesting the Cabinet Member for Leisure, Parks, Streets and Clean Air to approve the recommendations in paragraphs 1-5 of this report pertaining to the Southwark Spine package 4.
62. The strategic director of finance and governance notes that the estimated costs associated with these recommendations is £220k and there is sufficient funding within the Cycling Infrastructure Fund to fund these proposals.
63. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue and capital budgets.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Movement Plan 2019	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Joanna Redshaw
<a href="http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809">http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809</a>		
Climate Change Strategy	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Chris Page 020 7525 7259
<a href="https://www.southwark.gov.uk/environment/climate-emergency?chapter=3">https://www.southwark.gov.uk/environment/climate-emergency?chapter=3</a>		

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Responses received from emails redacted
Appendix B	Officer Responses to the received emails redacted
Appendix C	Consultation Summary Report
Appendix D	11 Signature Petition page
Appendix E	Equality Impact Assessment
Appendix F	Final Designs

## AUDIT TRAIL

<b>Lead Officer</b>	Cabinet Member for Leisure, Parks, Streets and Clean Air	
<b>Report Author</b>	Dale Foden, Head of Highways & Coco Mak	
<b>Version</b>	Final	
<b>Dated</b>	16/12/22	
<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 Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
List other officers here: Policy and Research Officer (Climate Emergency)	Yes	Yes
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	19 December 2022	