

Item No. N/A	Classification: Open	Date: 14 April 2023	Decision maker: Cabinet Member for Leisure, Parks, Streets and Clean Air
Report title:		Determination of Objections for Windsor Walk: Denmark Hill accessibility improvement	
Ward(s) or groups affected:		Champion Hill and St Giles	
From:		Head of Highways	

RECOMMENDATION(S)

That the Cabinet Member for Leisure, Parks, Streets and Clean Air (“Cabinet Member”):

1. Considers two representations received during statutory consultation for ‘TMO2223-031 Windsor Walk’ as summarized in Table One. The consultations relate to proposed changes along Windsor Walk between the new Denmark Hill station entrance and the junction with Champion Park to create more space for pedestrians, cyclists as well as business owners and market traders (“Proposal”).
2. Instruct officers to write to each person who made representations to inform them of the council’s decision.
3. Consider the officer’s response to the objections received and determine the grounds for objections and instruct officers to make the necessary traffic order (TMO2223-031 Windsor Walk) in order to proceed with the implementation of the Proposal as per the Individual Decision Making report agreed on 29 September 2022.
4. Notes the scheme supports the Council’s Streets for People aspirations.

BACKGROUND INFORMATION

5. This report makes recommendations for the determination of a number of objections to the proposed Traffic Management Order(s) (“TMO”) in relation to the Proposal for the Windsor Walk accessibility improvement scheme.
6. A total of two representations were received through our consultation portal during the statutory consultation period (which ran from 2-23 February 2023), as shown in Table One. These two representations are considered objections.

7. Initially informal consultation for the Windsor Walk accessibility improvement scheme took place in 2022, see Appendix B. The Cabinet Member for Leisure, Parks, Streets and Clean Air approved the progression of the Windsor Walk accessibility improvement scheme, subject to the necessary statutory procedures on 29 September 2022. This design has now been refined and now includes the following measures:

Phase one

- Removal of any redundant signage, poles and road markings to reduce street clutter and enhance the historic environment, and create opportunities to provide more cycle parking.
- Installation of bollards and cycle stands at both ends of the closure to create more space for pedestrians and cyclists by preventing vehicles from blocking the ends of the bridge.
- Extension of the footway at both sides of the junction with Champion Park to reduce the crossing distance for pedestrians and indicate the route for cyclists.
- Footway widening to create more space for pedestrians, and for business owners and market traders subject to the necessary licensing arrangements.

Phase Two

- Widen the footway at the corner connecting the northern and eastern arm of Windsor Walk and continuing to the new station entrance. This will remove approximately seven parking spaces. The current construction activity on one side of Windsor Walk will be completed by this time, which will reinstate four temporarily suspended parking spaces. The intention is to reinstate about seven spaces (subject to a parking stress survey in the area) and use the other seven parking spaces to widen the footway on the station side.
- Relocate the speed humps outside of the station to create a raised table between proposed footway buildouts. This is to help people cross the road and disperse by using both footways on Windsor Walk, and to extend the accessibility improvements out from the new station entrance. This will also slow vehicles as they pass by the station.
- Cycle stands will be provided on the widened footway to increase the cycle parking provision in the area and protect pedestrians from potential footway overrun.
- Slightly raising the carriageway on the bridge and the corner of Windsor Walk will be investigated to remove the low kerb as it is a trip hazard. This would make walking/wheeling easier and create a wider and easier to use space.

- We will investigate planting trees to reduce carbon and pollutants in the area
8. A total of two responses were received by email during the statutory consultation period (which ran from 2-23 February 2023). These representations are classed as objections and are summarised in Table One.
 9. At the start of the statutory consultation period, notice was given in the London Gazette, local press (Southwark News) and street notices were placed in the affected area.
 10. 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.
 11. 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.
 12. 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

13. During the statutory consultation period two objections were received. Each individual objection may contain more than one reason for objecting to the proposals. Please refer to Appendix A for full details of responses received.
14. The objections and comments are outlined in Table One.

Table One – Summary of Representations (Some respondents included more than one comment)

Ref	Reasons of Objection/concern	Number
1	xxx objects to this scheme on the basis of conflict of cycles and pedestrians with the large number of pedestrians crossing Windsor Walk to reach the station. There would be constant starting and stopping of pedestrian flow. Often people nearing the station are stressed to catch their train and are not always as careful as at other times.	1
2	The bike lane would be used by delivery cyclists on motor (electric) bikes that operate at high speed often with little regard for pedestrians. The scheme risks accidents.	1
3	The bike route across the pedestrianised area outside the Phoenix pub has not been consulted on	1
4	Cycles should not include electric cycles these are motor bikes	1
5	The bike route should be re-routed away from a pedestrian zone to the junction of Grove Lane before turning north	2
6	the bike route across the pedestrianised area outside the Phoenix pub is a safety hazard as people use this new pocket piazza for relaxing, in summer it gets very crammed with people enjoying the tranquility with children and older people using the space also	1
7	Cycle lanes crossing pedestrian areas should have a speed limit sign and warning signs for both cyclists and pedestrians	1
8	Cycle lanes crossing pedestrian areas should have speed reducing chicanes as cyclists are not as considerate as one would wish	1
9	If the bike lane has to cross the pedestrian area outside the Phoenix then it should be pushed close to the bridge parapet so allowing as much of the existing space to be retained for residents' and local NHS workers' leisure as possible	1
10	The disabled drop off bay on the east-west section of Windsor Walk should be signed as such - older people would worry about stopping on a double yellow line	1
11	The disabled drop off zone should be signposted from the main entrance of the station on Champion Park.	1

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

16. In response to the objections, please see below Table 2.

Reasons of Objections	Officer Responses
xxx objects to this scheme on the basis of conflict of cycles and pedestrians with the large number of pedestrians crossing Windsor Walk to reach the station. There would be constant starting and stopping of pedestrian flow. Often people nearing the station are stressed to catch their train and are not always as careful as at other times.	We're proposing continuous footway treatment to make it clear pedestrians need more space at this junction and that they have priority. Cyclists coming from Champion Park will have to slow down due to the bollards and pedestrian at the junction. Cyclists coming from the northern section will also have to slow down as we've added a ramp in the design.
The bike lane would be used by delivery cyclists on motor (electric) bikes that operate at high speed often with little regard for pedestrians. The scheme risks accidents.	As mentioned above, the continuous footway treatment crossing indicates that it's pedestrian area. The proposed ramp should slow them down to avoid accidents. The visibility at the junction is good. Appropriate road marking could also be added on the design to warn cyclists to slow down.
The bike route across the pedestrianised area outside the Phoenix pub has not been consulted on	During the initial consultation period (4 July 2022 to 7 August 2022), we consulted the area on proposals to raise the carriageway and introduce pedestrian and cycle improvements with improving access to the station as our main focus. It is common practice to take a scoping/less detailed design to the Cabinet Member for approval of the concept, subject to statutory consultation, which will often present slightly more detailed drawings. Those with an interest in the area have been given two opportunities to shape this proposal, this feedback plus our council priorities and design guidelines have led us to this final proposal.
Cycles should not include electric cycles these are motor bikes	Windsor Walk prohibits access to motor vehicles including motorbikes.
The bike route across the pedestrianised area outside the Phoenix pub is a safety hazard as people use this new pocket piazza for relaxing, in summer it gets very cramped with people enjoying the tranquility with children and older people using the space also	We understand that one of the main uses of this closed off area is for those enjoying the local businesses and thus we have, in consultation with the businesses and our Highways Licensing team, provided space for the street furniture subject to the correct licenses being issued. I should add that this area remains public highway and thus its main purpose is to facilitate the movement of people, including those

	<p>who choose to cycle. The space allocated to cyclists is aimed to reduce conflicts between those walking, those sitting and enjoying the space and those who would like to cycle through. Any form of barrier that prevents cyclist from using the area would restrict access for those using wheelchairs or pushing pushchairs, therefore, we believe it makes the most sense to designate space for different uses to ensure clarity and safety.</p>
<p>The bike route should be re-routed away from a pedestrian zone to the junction of Grove Lane before turning north</p>	<p>Those cycling will often use the most direct route and as we will not barrier off the space, they are likely to use this as a through route regardless.</p>
<p>Cycle lanes crossing pedestrian areas should have a speed limit sign and warning signs for both cyclists and pedestrians</p>	<p>We will use appropriate signage and changes in surfacing to indicate that people must exercise caution when walking and cycling.</p>
<p>Cycle lanes crossing pedestrian areas should have speed reducing chicanes as cyclists are not as considerate as one would wish</p>	<p>Chicanes often present a challenge for those using adapted bicycles, thus it is not common practice to use them. This restriction may encourage people cycling to avoid the cycle lane and use the area we have designated for the tables and pedestrians.</p>
<p>If the bike lane has to cross the pedestrian area outside the Phoenix then it should be pushed close to the bridge parapet so allowing as much of the existing space to be retained for residents' and local NHS workers' leisure as possible</p>	<p>The current cycle lane allows for people using the pavement to use either side of the bridge depending on their desire line. It also ensures that not just one side of the bridge is crowded.</p>
<p>The disabled drop off bay on the east-west section of Windsor Walk should be signed as such - older people would worry about stopping on a double yellow line</p>	<p>Drop off bays are often abused by those wishing to park near the station, it is thus more beneficial for those with Blue Badges or who require a drop off space for the station to implement double yellow lines instead.</p>
<p>The disabled drop off zone should be signposted from the main entrance of the station on Champion Park.</p>	<p>Drop off bays are often abused by those wishing to park near the station, it is thus more beneficial for those with Blue Badges or who require a drop off space for the station to implement double yellow lines instead.</p>

17. The objections have been duly considered and a comprehensive response provided as above. It is not considered that any of the points made in the objections warrant a change or amendment to the original proposals.

Policy framework implications

18. 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

19. The recommendations fully support and align with the council's Streets for People strategy which outlines the council's ongoing commitment to, and ambition for, healthier neighbourhoods, cleaner air, thriving town centres and safer roads.

Community, equalities (including socio-economic) and health impacts

Community impact statement

20. 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.

21. 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.

22. With the concerns raised by local resident, appropriate signage and road marking will be provided to ensure that any restrictions are clear.

23. 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.

24. 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, ethnicity and sexual orientation.

Equalities (including socio-economic) impact statement

25. 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.
26. Widening the footway on Windsor Walk will accommodate people with disabilities and people with buggies to facilitate access their destinations.

Health impact statement

27. 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.
28. The proposed measures are likely to encourage more residents to walk and/or cycle to the area safely. Also, the proposed measures are likely to discourage travelling by car within the area.
29. 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 conditions¹.
30. The proposals aim to create more space to pedestrian, cyclists and potentially for businesses and the fruit and vegetable market trader. Creating safe and welcoming street environments 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

31. 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%

¹ Southwark Council. 2017. Active Travel JSNA.

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.

32. We will use additional planting and sustainable urban drainage 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'.
33. There are proposals to plant additional trees as part of this scheme.
34. 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

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

Legal implications

36. Should the Cabinet Member approve the recommendations set out at paragraphs 1-3 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").
37. 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 7-11 of this report.
38. 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.
39. Any objections the council receives must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.
40. 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

41. A TMO shall only come into force once the council has published the notice, referred to in paragraph 39 above, which confirms the notice has been made.
42. 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

43. The cost of implementing the changes on Windsor Walk is estimated at £210,000 for both phases and will be funded from existing Capital Fund and LIP funding L-2022-0040.06 and R-4020-0071.02. Total funding is £300K. We will have £225K left for the next financial year 23/24.

Consultation

44. Statutory consultation has been carried out as detailed in paragraphs 7 to 11 of this report.
45. Informal consultation was also undertaken as detailed in Appendix B.

Timescales

46. Civil works of phase one will be expected to be completed 1-31 May 2023 followed by resurfacing if recommendations are approved.
47. Civil works of phase two are expected to start in early August 2023 followed by resurfacing if recommendations are approved.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

48. The cabinet member for Leisure, Parks, Streets and Clean Air is asked to approve the recommendation to implement proposed changes on Windsor Walk to create more space for walking and cycling for members of the public in the area (“Proposal”) as part of the Windsor Walk accessibility improvement scheme 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.
49. Should the cabinet member be satisfied with the contents of this report then they have the authority to make the decision recommended at paragraphs 1-3 pursuant to paragraphs 23, Part 3D of the council’s Constitution.
50. 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.

51. 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 but are not limited to age, sex, disability, pregnancy and maternity. Officers have considered the public sector equality duty as set out in paragraphs 17 to 27 of this report and have concluded that the proposals will have no detrimental impacts on a particular protected group or on the equality of opportunity under the Equality Act 2010.
52. Council Assembly on 14 July 2021 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 28 and 31 above.

Strategic Director of Finance and Governance (EL22/153)

53. This report is requesting the cabinet member for Leisure, Parks, Streets and Clean Air to approve the recommendations in paragraphs 1-3 of this report pertaining to the Windsor Walk accessibility improvement. The strategic director of finance and governance notes that capital funding via a GLA grant of £143,635 and TfL LIP funding of £75,000 is available for this proposal.
54. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue and capital budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Joanna Redshaw
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 A	Responses received from emails redacted
Appendix B	Consultation Summary Report
Appendix C	Final Designs

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Coco Mak, Project Manager Transport Projects	
Version	Final	
Dated	22 March 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Policy and Research Officer (Climate Emergency)	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team / Scrutiny Team		