

Item No.	Classification: Open	Date: 9 June 2023	Decision Taker: Cabinet Member for Climate Emergency, Clean Air & Streets
Report title:		Implementation of School Streets on the Kingswood Estate	
Ward(s) or groups affected:		Dulwich Wood	
From:		Head of Highways	

RECOMMENDATIONS

That the Cabinet Member for Climate Emergency, Clean Air & Streets

1. Considers and approves the non-strategic traffic and highway improvements and complementary streetspace measures for Kingswood Estate, incorporating Dulwich Wood Primary School and as detailed in the appendices to this report.
2. Notes the implementation to be subject to the outcome of any necessary statutory consultation and procedures.
3. Instructs officers to proceed with the making of the permanent Traffic Management Order (TMO).
4. Notes the scheme supports the Council's Streets for People aspirations.

BACKGROUND INFORMATION

5. Under paragraph 22 of Part 3D of the Council's Constitution, the Cabinet Member is responsible for decisions to implement a traffic and highway improvement project, subject to statutory consultation.
6. Under Part 3H of the Council's Constitution, the ward councillors within the relevant Multi-Ward Forum shall be consulted on any non-strategic traffic and highways improvements.
7. This report deals with the proposed introduction of a timed school street closure of the Kingswood Estate enforced by an ANPR camera at the Kingswood Estate - Dulwich Wood Primary School (on Bowen Drive and Lyall Avenue) by way of a permanent TMO.

KEY ISSUES FOR CONSIDERATION

8. In line with Part 3H of the Council's Constitution, the proposal in this report has been circulated to ward councillors to allow them to make

comments on the proposals before they go for decision making. No comments were received.

9. The rationale for the proposal is discussed in the associated appendices and contains a detailed design drawing.

Policy implications

10. 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 – Reduced exposure to air pollution
- M7 Action 16 – Zero people killed or injured on our streets by 2041

11. The proposals contained in this report are consistent with the actions contained in the Council's climate action plan, in particular to:

F.1.vi – Improve access to walking in the borough and actively promote this as a zero-carbon method of transport.

G.4.iv - Introduce measures to ensure that more roads around schools are car-free at the start and end of the school day

12. The proposed scheme fully supports and aligns 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

13. The policies within the Movement Plan have been subject to an Equality Impact Assessment.
14. 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.
15. The recommendations support the Council's equalities and human rights policies, promote social inclusion and uphold the missions within the Movement Plan. By creating an environment with less motor vehicle dominance, it will provide a better environment for walking and cycling.

Over time, these measures will contribute to a decrease in car usage as it becomes a less convenient way to get around.

16. The recommendations support the Council's equalities and human rights policies and promote social inclusion by:
 - Maintaining access for key services such as emergency and refuse vehicles; and
 - Improving road safety, in particular for vulnerable road users, on the public highway.
17. The recommendations are not considered to have a disproportionate effect on any other community or group.

Equalities (inc socio-economic) impact statement

18. There is a risk that new restrictions may cause traffic to be diverted and parking to be displaced and, indirectly, have an adverse impact upon road users and neighbouring properties at the locations proposed. However this cannot be entirely predicted until the recommendations have been implemented and observed.
19. The proposals are not considered to have any adverse effects including socio-economic or health impacts on those with protected characteristics. Safety for pedestrians and in particular those with protected characteristics such as children, the elderly and disabled persons will be greatly assisted by a reduction of vehicular traffic in the area.

Health impact statement

20. The proposals support the Council's mission to use the kerbside efficiently and promote less polluting vehicles, manage traffic to reduce demand on our streets and reduce exposure to air pollution by reducing the convenience of using a car in Southwark.
21. The measures will reduce the vehicular access to the area during the hours of operation. This is likely to encourage more residents to walk or cycle to visit the area. 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.
22. The reduction in traffic volumes and speeds in the vicinity of the school has a beneficial impact on health. Long-term reduction in traffic volumes will have an impact on local air pollution emissions that are particularly harmful to children, older people and those with certain health conditions.
23. Traffic reduction is also an essential element of creating safe and welcoming street environments that act as public spaces, encouraging

¹ Southwark Council. 2017. Active Travel JSNA.

residents to spend more time on our streets and increasing social interaction. This has the potential to have a positive impact on social and mental wellbeing, by creating connected and cohesive communities.

Climate impact statement

24. The report considers 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 measures strongly support that ambition by creating an area where walking and cycling are prioritised and motor vehicle usage is discouraged.
25. 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

26. All resource implications will be contained within the existing Highways structure

Legal implications (Permanent TMO)

27. TMOs are made under powers contained within the Road Traffic Regulation Act 1984 ("RTRA").
28. Should the recommendations be approved the Council will give notice of its intention to make a TMO in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 ("1996 Regulations").
29. The 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 of the RTRA, the Council must exercise its powers 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 the required statutory consultation, the proposals will then move forward with due consideration of any objections by the Cabinet Member.

Financial implications

34. The estimated costs for this batch of improvements is £50,000 to be funded by the School Streets fund.

Timescales

35. If these items are approved by the Cabinet Member they will be progressed in line with the below, approximate timeline:

- Statutory consultation – August 2023
- Implementation – By March 2024 (allowing for any objections received)

Consultation

36. Informal consultation was carried out from 8th February to 12th March 2023. The results of this online consultation can be found in Appendix 1c.

37. For the recommendations in paragraphs 1-4, the implementation of the timed closure and prohibition of motor vehicles requires the making of a TMO. The procedures for making a TMO are contained within the 1996 Regulations which includes statutory consultation and the consideration of any arising objections.²

38. Should the recommendations be approved, the Council must follow the procedures contained with Part II and III of the Regulations which are supplemented by the Council's own processes. This process is summarised as:

² <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 website³ 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
39. 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.
40. 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance (AGG 05/23)

41. The Cabinet Member is asked to approve, subject to the outcome of statutory consultation, the implementation of non-strategic traffic and highway improvements by way of a TMO, and streetspace complementary measures in the locations detailed in paragraphs 1-4. and the respective appendices.
42. The recommendations in this report are appropriate for determination by the Cabinet Member as set out in paragraph 5 the report.
43. Paragraphs 27-40 set out the relevant process for making a TMO.
44. 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.
45. 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

³ <http://www.southwark.gov.uk/trafficorders>

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 faith. Officers have considered the public sector equality duty as set out in paragraphs 13 to 23 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. Officers will continue to monitor the effect of the proposals in the event detrimental impacts to a protected group come to light at a later date.

46. 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 25 above.

Strategic Director of Finance and Governance

47. This report requests approval from the Cabinet Member for Climate Emergency, Clean Air & Streets to implement a number of non-strategic traffic and highway improvements and complementary street space measures as summarised in paragraphs 1-4 of this report.
48. The strategic director of finance and governance notes that the estimated costs for these batch of improvements is **£50k** and there is sufficient funding from existing Highways capital and revenue budgets to fund these proposals.
49. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

Climate Change Team

No additional comments.

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 (Tobias.Allen@southwark.gov.uk)

Climate Change Strategy	Southwark Council Environment and Leisure Highways 160 Tooley Street, London, SE1 2QH Online: https://www.southwark.gov.uk/environment/climate-emergency?chapter=3	Chris Page (Chris.Page @southwark. gov.uk)
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APPENDICES

No.	Title
Appendix 1A	Evidence base for proposal
Appendix 1B	Detailed drawing
Appendix 1C	Consultation results summary

AUDIT TRAIL

Lead Officer	Dale Foden – Head of Highways	
Report Author	Tobias Allen – Transport Projects Engineer	
Version	Final	
Dated	25/05/2023	
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
Climate Change Director	Yes	No
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	9 June 2023	