

Item No.	Classification: Open	Date: 8 March 2024	Decision Taker: Cabinet Member for Climate Emergency, Clean Air & Streets
Report title:		Nunhead Controlled Parking Zone	
Ward(s) or groups affected:		Nunhead & Queens Road, Rye Lane	
From:		The Director of Environment	

RECOMMENDATIONS

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

1. Approves the extension of Controlled Parking Zone (“CPZ”) ‘B’ into the following roads: Sturdy Road, Ellery Street, Old James Street, Whorlton Road and partially into Scylla Road, covering a smaller area than proposed in public consultation, in response to resident feedback. This proposal is subject to the outcome of any necessary statutory procedures. The remaining roads consulted as part of this consultation will not be part of a controlled parking zone. The majority of residents living on the roads that are included in the new smaller zone were supportive of a CPZ on their road (53%). Otherwise, given the overall majority who didn’t want a CPZ, the revised extension, which significantly reduces the size of the proposed CPZ coverage, responds to the feedback of the majority of residents. Full details can be found in Appendix A as well as the boundary of the proposed CPZ extension.
2. Notes that the operational hours of the proposed CPZ extension will be in line with the existing zone: Mon-Sat 8.30am to 6.30pm.
3. Notes that a further report will be brought to the Cabinet Member should there be any valid statutory objections to the traffic order required to implement the proposed CPZ extension.
4. Approves the position and type of parking bays and restrictions for the proposed CPZ extension as shown in the outline design save for any amendments which may be required at the implementation stage, which may be determined by officers (Appendix B).
5. Notes that in addition to the controlled parking zone proposed as part of this report, officers will assess and propose double yellow line waiting restrictions across the entire consulted area where required for safety

reasons.

BACKGROUND INFORMATION

6. Between 11 December 2023 and 28 January 2024, the Council conducted a controlled parking zone consultation in Nunhead, an area identified as having high parking pressure. This area was reduced in size as a result of feedback from a consultation undertaken in mid-2023.
7. We carried out extensive non-statutory engagement with residents in the proposed zone, and following feedback from the earlier consultation, we increased the number and type of opportunities for residents to engage and have their views heard and recorded. All addresses within the Nunhead area were sent a detailed booklet setting out our plans and opportunities to respond, including details of three drop-in sessions that residents/businesses could attend to find out more information. We also carried out door knocking to seek to ensure we heard from residents in every road in the proposed area and received responses representative of people living/working in the area.
8. This report draws upon the detailed analysis of the consultation report (Appendix A), government legislation, parking enforcement experience, and good parking management practice.
9. Appendix F details officer responses to objection comments within the informal consultation process.
10. The plans set out in this report also support the aims of the 'Streets for People' strategy, which sets out a bold vision and a firm commitment to improve our residents' quality of life and take action on climate change, by changing how we all travel and use streets in our borough.

Streets for People supports:

- cleaner air
- safer and quieter streets with less traffic and fewer accidents
- healthy travel options like walking, cycling or wheeling
- greener, and more pleasant spaces for our communities to connect and socialise
- a better place for all who live, work, study and visit.

11. An extension to CPZ B into the Nunhead area will contribute to this aim.

Legal Requirements

12. The Council's power to make a CPZ, can be used where it is expedient to make it:
 - a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or

- b. for preventing damage to the road or to any building on or near the road, or
 - c. for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - d. for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - e. (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - f. for preserving or improving the amenities of the area through which the road runs, [or
 - g. for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).]
13. It is considered that the proposed CPZ (reduced) extension will be expedient to achieve purposes (a), (d), (e), (f) and (g), in accordance with sections 1 and 6 of the Road Traffic Regulation Act 1984 (“the 1984 Act”).
14. Section 45 of the 1984 Act gives the Council specific power to introduce CPZs with permits. In applying this power it is necessary to have regard (amongst other factors) to:
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
15. Section 122 of the 1984 Act provides:
- “(1) It shall be the duty of every ... local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway
... .
- (2) The matters referred to in subsection (1) above as being specified in this subsection are —
- (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

- (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) any other matters appearing to ... the local authority to be relevant.

16. Section 121B of the 1984 Act states that no London borough council shall exercise any power under the Act in a way which will affect, or be likely to affect a:
- GLA (TfL) road,
 - Strategic Road or
 - road in another London borough,
- unless:
- i) the council has given notice of the proposal to exercise the power to TfL; and in a case where the road concerned is in another London borough, to the council for that borough; and
 - ii) the proposal has been approved
 - in the case of a Strategic Road, by Transport for London and, where the road concerned is in another London borough, the council for that borough;
 - in the case of a road within another borough that is not a Strategic Road, by the London borough council concerned; or
 - iii) the period of one month after the date on which TfL and, where applicable, the council received notice of the proposal, TfL or the council objecting to the proposal; or
 - iv) any objection made by Transport for London or the council has been withdrawn; or
 - v) where an objection has been made by TfL or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.

In this instance the formal notifications of the adjoining boroughs and TfL, will take place in accordance with the Council's obligations to do so, should approval to make the proposed, now reduced, CPZ be given.

17. In considering this proposed, now reduced, CPZ, the Council has applied its network management duty under s16 of the Traffic Management Act 2004. In particular it is considered that the proposed reduced CPZ will be consistent with:

the management of the road network with a view to achieving, so far as may be reasonably practicable having regard to the Council's other obligations, policies and objectives, the following objectives—

- (a) securing the expeditious movement of traffic on the authority's road network; and
- (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

The Greater London Authority Act 1999

18. The Greater London Authority Act 1999 places a duty on each London local authority to have regard to the Mayor of London's Transport Strategy when exercising any function. This therefore includes the exercise of its Traffic Management Duty and when deciding whether to make a traffic order. It is considered that due regard to the Mayor's Transport Strategy has been accorded in planning and considering this proposed scheme.

Section 55 Road Traffic Regulation Act 1984

19. The cost of permits purchased for the proposed CPZ will be used to meet the costs of administration and enforcement of the proposed CPZ and help maintain and improve our streets. Any surplus income will be used to within the legal ring-fence for parking income under section 55 of the Road Traffic Regulation Act 1984. For example, it could be used for important things we all rely on, such as safer crossings and pavement maintenance.

KEY ISSUES FOR CONSIDERATION

Summary of consultation process and findings

20. Informal public engagement took place with all residents and businesses from 11 December 2023 to 28 January 2024.
21. The public consultation yielded 717 returned questionnaires from a total of 1,522 sent out, representing a 47% response rate, locationally, this is a 30% response rate from those responding from within the proposal area. A booklet (Appendix C) was sent to all addresses in the proposed area directing recipients to the online consultation hub. People could also send in completed questionnaires via the supplied freepost address and paper questionnaire. Three in-person drop-in sessions were held to discuss the proposals with officers on 14 December 2023, 6 January 2024 and 11 January 2024.
22. Door knocking was carried out in January 2024, focusing on roads which showed no response or less than a 20% response rate. The aim of this exercise was to encourage a high response rate and to ensure we received a response representative of the local community.
23. The consultation was extended from the original end date of 21 January to 28 January 2024, a letter was sent to all addresses in the area advising of this extension. The letter can be seen in Appendix D.
24. Analysis of the responses shows that 22% of respondents from within the proposed CPZ consultation area were in favour of the proposals being implemented on their street. Slightly more respondents were supportive of a CPZ on their road (27%) if one was implemented on a neighbouring road, recognising the knock-on impact of displacement if some roads are included and some are not.

25. If the responses from outside the CPZ area are combined with those within, 19% were in favour of parking restrictions and 80% against the proposals. Again, slightly more (25%) would want a CPZ if one was implemented on a nearby road.
26. The majority of residents on Whorlton Road, Ellery Road, and Sturdy Road were in favour of parking restrictions on their street, and residents on Old James Street were 50/50 on whether they would like parking restrictions if they were implemented on a nearby road. Scylla Road residents were against having controlled parking on their street as a whole, but the response from the postcode area covering this section was in favour of the zone being implemented. This equates to 53% support for controlled parking in the revised zone.
27. Parking stress surveys also point to the need for action on Ellery Road, Sturdy Road and Old James Street which have over 80% parking pressure, while Scylla Road and Whorlton Road have over 60% parking pressure.
28. It is, therefore proposed that there is a reduced extension of Controlled Parking Zone ("CPZ") 'B' into the following roads: Sturdy Road, Ellery Street, Old James Street, Whorlton Road and partially into Scylla Road, covering a smaller area than proposed in public consultation, in response to resident feedback.
29. This recommendation acknowledges that the majority of respondents were against the implementation of parking restrictions on their street, nor did they want a CPZ if it was introduced on a nearby road. It does, however, provide those who requested them, parking restrictions on their street and seeks to alleviate the parking pressure evidenced by parking pressure surveys undertaken prior to the consultation. Those streets not included in the CPZ will continue to be monitored for parking stress or safety issues.
30. Respondents from within the proposed area were most supportive of Mon – Fri 1pm – 3pm (42%), although the same respondents were in favour combined for one of Mon – Fri 8.30am to 6.30pm (23%), Mon – Sat 8.30am to 6.30pm (7%) and Mon – Sun 8.30am to 6.30pm (19%) being a total of 49%. Officers have recommended based on this and the locality of the roads to implement the hours of operation as Mon-Sat 8.30am to 6.30pm.
31. Further details of the consultation process and the responses can be found in the consultation report (Appendix A).
32. The revised area of the scheme aims to respond primarily to resident feedback, whilst also taking into account important safety and traffic flow considerations.
33. Officers recommend that the CPZ extension is implemented for the following reasons:

- a) It ensures that controlled parking is responding to the local experience, taking into account the preferences of local people.
- b) It will help to alleviate demonstrable parking pressure in the area.
- c) It helps to prioritise alternative forms of transport to driving, to help improve the local environment in line with statutory air quality targets and the council's Streets for People strategy.
- d) The majority of households within the borough (61%) do not own a car (Census 2021) so creating space for public realm improvements that benefit residents and people walking and cycling is a priority.

Policy framework implications

- 34. The recommendations contained within this report are consistent with the council's Streets for People objectives, particularly:
 - I. Objective 1. Reduce the need to own or use a car
 - II. Objective 2. Create good quality space that is accessible for all people
 - III. Objective 4. Improve safety and security for everyone using our streets
 - IV. Objective 11 – Reduce emissions from transport and improve air quality
- 35. 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

- 36. 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.
- 37. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
- 38. There is a risk that new restrictions may cause parking to be displaced and to indirectly have an adverse impact upon road users and neighbouring properties at that location. The scheme is designed to seek to reduce displacement where possible. The Council can address ongoing displacement effects following implementation of the scheme and consider whether any further or different potentially mitigating measures could be utilised.
- 39. With the exception of those benefits and risks identified above, the recommendations set out in this report are not considered to have a disproportionate effect on any particular community group.

40. The recommendations support the Council's equalities and human rights policies and promote social inclusion by:
- Providing improved access for key services such as emergency and refuse vehicles; and
 - Improving road safety, in particular for vulnerable road users, on the public highway.
41. Officers consider that the scheme (having regard to the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of the locality affected and the importance of facilitating the passage of public service vehicles) contributes towards the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Equalities (including socio-economic) impact statement

42. Please see Appendix C for the Equalities Impact Assessment
43. The equalities questions show that the responses are almost representative of the community living in the Nunhead area, except for the ethnic background question, which shows that those who stated they were white were overrepresented and those who stated they were black are underrepresented.
44. The majority of respondents were aged 16 to 64 at almost 82%. The data shows that 13% of respondents are disabled, which is slightly under representative of the area. The Equalities Impact Assessment covers, in more detail, how we have considered different groups as part of these proposals.
45. The proposals, if implemented, may cause visitors to places of worship within the affected area to pay for parking if they wish to park their vehicles within the scheme area. Residents and visitors will be required to pay for parking using resident permits, visitor vouchers or pay and display parking. Residents on lower incomes may not be able to afford the cost of permits.
46. These measures should promote healthier travel choices by encouraging more sustainable and cheaper modes of transport such as walking, cycling or using public transport. Public transport is widely available in this area and thus there are alternatives for those who can no longer purchase a permit for the new area. People with disabilities can apply for a discounted permit, and park for free in shared use bays for an unlimited amount of time..
47. The council offers carers' permits for a number of organisations providing care services for residents. From 1 April 2024, those who receive informal care from a family member or friend can purchase an informal carers' permit.

48. Officers do not consider that the proposals will have a disproportionate effect on any particular community group. However, the Council will continue to monitor the impacts of these measures to understand how it may better assist the groups mentioned above to mitigate any disadvantages.

Health impact statement

49. The proposals promote more sustainable modes of transport and the anticipated reduction in commuter parking in the area should reduce the amount of people driving to the area. This may improve air quality and encourage the use of more sustainable modes of transport.
50. The proposals support the Council's mission to reduce exposure to air pollution by reducing traffic volumes. Children, older people, and people with respiratory and health conditions are more vulnerable to the health effects of air pollution.
51. Residents and visitors who have mobility issues should benefit from the proposals, as they will be able to park closer to their destination because non-local traffic should be removed. Blue Badge holders will also be able to park in controlled bays when displaying their blue badge and parked within the Council's guidelines for blue badge parking.

Climate change implications

52. The report has clearly considered the impact of the proposed measures 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 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.
53. 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

54. The physical changes to implement the changes will be implemented using existing resources.
55. The enforcement of the CPZ extension will be carried out using existing resources.

Legal implications

56. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act 1984 (“the 1984 Act”).
57. Should the recommendations be approved, the council will give notice of its intention to make a traffic order and carry out statutory consultation in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales Regulations 1996) (“1996 Regulations”).

Financial implications

58. A total investment of £100,000 has been allocated towards this project made up entirely of parking revenue.

Consultation

59. An informal consultation has been carried out in advance of this report. The consultation is summarised in paragraphs 10 to 17 of this report.

Timeframes

60. Should the decision be taken to implement the recommendations, the council aims to carry out the statutory consultation in May/June 2024

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive (Governance and Assurance) - BJ

This report was approved by Browne Jacobson solicitors on 4 March 2024.

61. Traffic management orders are required to implement the proposed CPZ. The procedure for making a traffic management order involves statutory consultation carried out in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales Regulations 1996).
62. Any objection received will be evaluated by officers prior to any decision being made on whether to proceed with the making of the traffic orders. If one or more valid objections are received, such objections will be presented to the Cabinet Member so a decision can be made on whether to proceed with the making of the traffic orders.
63. The Equality Act 2010 introduced the public sector equality duty (PSED), 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 30 to 36 of the report detail the engagement which has taken place thus far to comply with the PSED

64. 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 purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property).
65. The statutory procedural safeguards which the Council would adopt, if it is decided to proceed with the making of the proposed scheme, will ensure that the requirements of Article 6 of the ECHR are observed.
66. In relation to Article 8, the right to respect for private and family life has a broad interpretation and extends to being in a public place if there is a reasonable expectation of privacy there. This right can be interfered with where lawful, necessary and proportionate to protect a number of other concerns including public safety and health. It is not considered that the proposed scheme would impede on any individual's right to respect for private and family life, either in public or on private land.
67. The right under Article 1 is qualified rather than absolute, as it permits the deprivation of an individual's possessions or rights where it is in the public interest. The public interest benefits of the proposed scheme are outlined within this report.
68. The implementation of a parking zone is not anticipated to breach the relevant Articles and provisions of the Human Rights Act 1998.
69. 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. The climate implications of the proposal have been considered in the report at paragraphs 40 to 41 above.
70. The Council's Constitution gives the Cabinet Member for Climate Emergency, Clean Air & Streets the responsibility for (amongst other things) road traffic management and road safety. Part 3D of the constitution provides that the responsibility for implementing a new traffic improvement project falls to the individual Cabinet Member. Should the Cabinet Member be satisfied with the contents of this report then they have the power to make the decisions recommended at paragraphs 1 to 5 of this report by virtue of Part 3D paragraphs 22 and 23 of the Council's Constitution.

Strategic Director of Finance (ENG23/166)

71. This report requests that the Cabinet Member for Climate Emergency, Clean Air & Streets approve the implementation of a new parking zone in

the Nunhead area.

72. The strategic director of finance and governance notes that this proposal is to be funded from the Parking Design budget financed by the Parking Service and that there are sufficient resources available.
73. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets.

Other officers

74. The Policy and Research Officer has reviewed the document and made comments on environmental and climate change issues within the document.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Streets for People	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Joanna Redshaw
https://moderngov.southwark.gov.uk/documents/s115187/Appendix%201%20Streets%20for%20People%20Strategy%202023-2030.pdf		
Climate Change Strategy	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Tom Sharland
https://www.southwark.gov.uk/environment/climate-emergency?chapter=3		

APPENDICES

No.	Title
Appendix A	Nunhead Consultation Report
Appendix B	Nunhead Scheme Design
Appendix C	Equalities Impact and Needs Assessment - CPZ
Appendix D	Nunhead Extension Letter
Appendix E	Nunhead CPZ Booklet
Appendix F	Response to Consultation Comments

AUDIT TRAIL

Lead Officer	Matt Clubb – Director of Environment	
Report Author	Jo Redshaw – Principal Project Manager	
Version	Final	
Dated	8 March 2024	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
Policy and Research Officer	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		8 March 2024