

Item No. N/A	Classification: Open	Date: 2 May 2024	Decision Taker: Cabinet Member for Climate Emergency, Clean Air & Streets
Report title:		C35 segregated cycleway on Peckham Rye	
Ward(s) or groups affected:		Rye Lane, Peckham Rye	
From:		Head of Highways	

RECOMMENDATION(S)

That the Cabinet Member for Climate Emergency, Clean Air & Streets (“Cabinet Member”):

1. Considers the 499 responses (as summarised in the consultation report at Appendix 1) received in relation to the proposed cycle route adjacent to Peckham Rye Park between Nunhead Lane to Stuart Road (shown on the drawing at Appendix 3) (“C35 Phase One”).
2. Considers the Equality Impact and Needs Analysis (“EINA”) prepared for the purposes of this report, in response to consultation and in appraisal of the C35 Phase One scheme (see Appendix 2).
3. Instructs officers to make changes to the design based on comments received in the consultation feedback. See Appendix 4 for the amended version to progress to detailed design stage.
4. Authorises officers to proceed to implement C35 Phase One by way of powers under the Highways Act 1980 (“1980 Act”) and permanent Traffic Management Orders (“TMOs”) made pursuant to sections 6, 49(5), 63 and 124 of the Road Traffic Regulation Act 1984 (“RTRA”) subject to statutory consultation carried out in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“1996 Regulations”).
5. Notes that a further report will be brought to the Cabinet Member should the council receive any objections during statutory consultation.
6. To authorise officers to exercise discretion as to whether or not to hold a public inquiry in respect of the objections pursuant to Regulation 9(1) of the 1996 Regulations.
7. Authorise officers to carry out the necessary statutory notification in accordance with sections 90A to 90F of the 1980 Act and the Highways (Road Humps) Regulations 1999 (“1999 Regulations”).

8. To authorise officers to exercise discretion as to whether or not to hold a public inquiry in the event objections are received in respect of the proposed traffic calming measures (road humps) in accordance with section 90C(4) of the 1980 Act.
9. Notes that any changes to the highway boundary to enhance the C35 Phase One scheme are subject to planning permission and this will be pursued as part of the development of the designs.

BACKGROUND INFORMATION

Decision Making

10. 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.

Introduction to the proposals

11. The cycle route between Nunhead Lane and Stuart Road is proposed as part of Cycle Route 35 which is part of a larger London wide plan through which Transport for London (TfL) are looking to implement 24 new cycle routes throughout London to connect existing cycleways and provide better infrastructure for cyclists.
12. Cycle Route 35 was proposed to connect Lewisham to Bermondsey, which is a north / south desire line for cyclists. It is currently at various stages of delivery, with some sections in the north of Southwark already completed and sections in the south still being designed.
13. In 2022, the council received permission to proceed with the Peckham Rye sections from TfL, who are sponsoring the scheme. The route has been further split into two phases for delivery in this project. Phase one being from Nunhead Lane to Stuart Road and phase two being a continuation south from Stuart Road to Brockley Mews on the Lewisham boundary. The content of this report relates to proposals for phase one, between Nunhead Lane and Stuart Road (C35 Phase One).
14. Currently the C35 Phase One route does not meet cycle design criteria and yet it is used by 1096 cyclists daily (weekday average). The route requires upgrading to make it safer for active travel.
15. The proposed design is for a segregated uphill cycle track to provide safe space for southbound cyclists, separate from vehicle traffic and pedestrians. Zebra crossings are proposed to improve pedestrian safety in locations where there are currently pedestrian refuges or traffic islands. Additional measures such as waiting and parking restrictions and the re-location of cycle hangars are proposed to give effect to, and complement the measures.

Public Consultation

16. See Appendix 1 for a full report on the consultation.
17. The consultation took place from 21 August to 1 October 2023. An online consultation questionnaire was publicised via postcard flyers that were circulated to 1833 addresses of affected streets and nearby streets. 30 posters were put up in the affected streets and in the surrounding park to raise awareness of the consultation. A drop-in session took place on 2 September 2023 at the Peckham Rye Fete in Peckham Rye Park. Council officers followed up with doorstep visits to all immediately affected streets to undertake surveys in person.
18. 499 unique responses were received in the public consultation period. The response rate for Peckham Rye was 7% and 63% of all the responses were from local residents (directly affected or nearby roads).
19. The consultation received majority overall support for C35 Phase One:
- 64% of those respondents agree with the proposal for cycle improvements in the area
 - 71% of those respondents would cycle more than they currently do if infrastructure was improved.
20. The public consultation also highlighted some other issues along the route. The most frequently mentioned requests are set out below and will be passed onto the relevant departments or considered in the next stage of design (further information can be found in Appendix 1):
- i. Further refine the design to try to eliminate or reduce the pedestrian/cyclist conflict
 - ii. Disjointed / indirect cycle track design
 - iii. Loss of parking
 - iv. Cycle track not wide enough
 - v. Consider alternative using adjacent park land
21. The drawings in Appendix 3 are those which were displayed in the consultation, and the drawings in Appendix 4 show the proposed changes to be implemented subject to planning. The amended design with a segregated uphill cycle track resolves most of the frequently mentioned comments (above). Minor design amendments may be made where feasible in light of the feedback received in the statutory consultation, but the substantive elements of the design will remain.

KEY ISSUES FOR CONSIDERATION

Proposed measures

22. The general highway improvements and traffic restrictions (some of which will be implemented by way of TMOs) required to give effect to the C35

Phase One design are as follows:

Road	Measure
Peckham Rye	Parking and waiting restrictions (double yellow lines and no loading blips) Removal of parking bays With-flow segregated cycle tracks Relocation of cycle hangar Zebra crossing Raised tables Varying widths of footway/carriageway Footway/carriageway resurfacing Drainage works Amended kerblines and new road layout (markings) Relocation of bus stop cages
Cheltenham Road	Loading bay Varying widths of footway/carriageway Amended kerblines and new road layout (markings) Extended bus cage Footway/carriageway resurfacing
Stuart Road	Parking and waiting restrictions (double yellow lines and no loading blips) at junction with Cheltenham Rd Footway/carriageway resurfacing
Somerton Road	Parking and waiting restrictions (double yellow lines) Raised table Footway/carriageway resurfacing Drainage Works
Rye Hill Park	Parking and waiting restrictions (double yellow lines) Raised table Footway/carriageway resurfacing Drainage Works
Waveney Avenue	Parking and waiting restrictions (double yellow lines) Raised table Footway/carriageway resurfacing Drainage Works
Straker's Road	Raised table Footway/carriageway resurfacing Drainage Works

Feedback from Ward Councillors

23. In line with Part 3H of the council's Constitution, the proposals in this report have been circulated to the Councillors who form the Multi-Ward Forum to allow them to make comments on the proposals before they go to the Cabinet Member for decision.

24. Officers have engaged with Ward Councillors throughout the project to keep them informed of the scheme proposals as the designs have been developed. During the consultation regular communication took place and a meeting was held between Ward Councillors, the Cabinet Member and council officers on 19 September 2023 to examine feedback received on the C35 Phase One scheme.

25. This decision report has been circulated to Ward Councillors on 13 December

2023 to allow them to make comments on the proposals before the decision is taken on the proposals. No additional issues were raised.

26. Officers will continue to engage with Ward Councillors throughout the remaining design stages, during the construction phase and for the post-implementation monitoring.

Policy framework implications

27. The recommendations contained within this report are consistent with the pledges and objectives set out in the Streets for People (“SfP”) strategy (approved by Cabinet in July 2023), which outlines the council’s ongoing commitment to, and ambition for, healthier neighbourhoods, cleaner air, thriving town centres and safer roads. The relevant SfP pledge is:

- Your street will have improvements to make it cleaner, greener and safer, chosen by you

28. The relevant SfP objectives are:

- **Objective 1 – Reduce the need to own or use a car**

As part of the C35 Phase One proposal the carriageway has been reduced, parking removed and a new segregated cycle track provided to facilitate active travel. Better cycling infrastructure will assist residents in making more journeys by bicycle instead of car.

- **Objective 4 – improve safety and security for everyone using our streets.**

The C35 Phase One will create a safer street for cyclists and pedestrians by providing protected infrastructure and upgraded formal crossings to reduce conflict with traffic and potential for a collision with a motor vehicle.

- **Objective 5 – Make walking, cycling and wheeling easier**

Improved cycling and walking environment by implementing the scheme.

- **Objective 6 – Make walking, cycling and wheeling easier for children and young people**

Segregated cycle lanes of sufficient width provide safer space for all types of cyclists. Upgrading the informal dropped crossings / pedestrian islands to formal zebra crossings will make walking easier for vulnerable road users. More journeys by bicycle or on foot will reduce emissions from transport and improve air quality.

- **Objective 11 – Reduce emissions from transport and improve air quality**

Increasing the walking and cycling experience will reduce car reliance and improve air quality.

29. C35 Phase One is consistent with the actions contained in the Council’s climate action plan, in particular:

Priority 2 – Active and Sustainable Travel – “Be a borough where walking and cycling becomes the default way to get around”.

30. The recommendations in this report and the introduction of C35 Phase One will support achieving the following objectives of the council’s Delivery Plan:

24a - Work with local communities to design safer, greener and healthier streets for walking and cycling, prioritising areas with high health inequalities and low car ownership first.

24c - Deliver on our equal pavements pledge, working with older people, those with disabilities and limited mobility to make sure Southwark’s streets are accessible for everyone

25e - Ensure older and younger people, women and our Black, Asian and minority ethnic communities all have a full say, so we design streets and public transport that works for everyone.

26b – Installation of segregated cycle lanes (including the Peckham Rye Park cycleway)

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

Community impact statement

31. 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.

32. As set out above the proposals align with the objectives in the SfP strategy to provide a better environment for walking and cycling.

33. If implemented, the C35 Phase One will be monitored and reviewed after implementation and from feedback the scheme will be further refined to better suit the needs of the area if necessary.

34. Additional work will be undertaken with Transport for All on accessibility improvements that can be made as part of the detailed design of this scheme.

Equalities (including socio-economic) impact statement

35. The Public Sector Equality Duty (“PSED”) is set out in section 149 of the Equality Act 2010 (“2010 Act”) which requires the council, in the exercise of its functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation;
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
- foster good relations between persons who share a relevant protected

characteristic and those who do not share it.

36. An EINA has been carried out by Norman Rourke Pryme on behalf of the council in light of its PSED to assess the impact of the proposal on groups with protected characteristics and is included in Appendix 3.
37. The EINA identified persons with protected characteristics who would be most affected by the C35 Phase One scheme are those with disabilities, the elderly (age), pregnancy and maternity, race, and sex. Although not a protected characteristic under the 2010 Act, the EINA identifies socio-economic factors as a significant group to which the council could improve its services to meet diverse needs, promote equality, tackle inequalities and promote good community relations.
38. The EINA does not identify any major adverse equalities impacts for C35 Phase One.
39. The EINA considers that there are minor negative impacts which could affect groups with protected characteristics that rely on taxi/vehicle travel, such as disabled and frail older people where parking spaces have been removed from the roadside. Double yellow lines still permit loading activities (up to 40mins) and blue badge holders are still able to park (up to 3 hours max). Parking stress surveys were carried out in September and October 2023 and showed low parking stress (<25%) on Peckham Rye. Alternatively there is a car park within nearby Peckham Rye Park and parking bays on Straker's Road for visitors to the park which are all underused.
40. The EINA identifies that C35 Phase One may have a negative impact on older or disabled pedestrians given the narrower footway widths and proposed areas of shared cycle pedestrian space. This has been addressed in the amended design, see Appendix 4, which maintains footways to required standards and there are no areas of shared space.
41. The design has also been amended to mitigate other negative impacts on those with disabilities. These include improving footway surfacing especially near trees, providing tactile paving and upgrading crossing facilities. The segregated uphill cycle track will provide better protected space for disabled persons using adapted bicycles and can be used by wheelchairs. A full list of detailed mitigating actions can be found in the EINA in Appendix 3.
42. The proposals are not considered to have any significant adverse effect on socio-economic or health equalities. The EINA concluded that the scheme proposals will have no major disproportionate impact on those with protected characteristics. However, officers will continue to monitor impacts once C35 Phase One has been introduced to determine whether additional mitigating actions are required.
43. On balance the EINA identifies that C35 Phase One will have more positive impacts than negative impacts on those with protected characteristics. The C35 Phase One reallocates road space to provide a much safer cycling

experience and provides benefits for walking and improvements to road safety. As set out above, mitigations have been put in place to promote equality of opportunity and foster good relations between persons with and without protected characteristics.

Health impact statement

44. The proposals support the council's mission to have zero people killed or injured on our streets by 2041. Reducing conflict between cyclists, pedestrians and vehicles will reduce road traffic accidents.
45. Providing an uphill segregated cycle track of adequate width will better accommodate mobility scooters and adapted mobility cycles which would have previously had to use the carriageway to travel, this will particularly benefit the mobility impaired.
46. The proposal if implemented would provide better cycle infrastructure within Southwark that separates cyclists on busier main roads and implements small interventions on quieter roads in accordance with local and national recognised policy. A safer cycle route will encourage active travel, less reliance on motor vehicles and therefore have health benefits for those that walk or cycle more as a result of the changes.

Climate change implications

47. 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, of which around 99% come from on-road transport.
48. The proposed scheme supports residents to make a positive modal shift away from private car ownership and towards active travel. The proposed changes to the highway layout aim to reduce reliance on car journeys by prohibiting waiting and parking of motor vehicles and prioritising the use of the streets by pedestrians and cyclists giving effect to the above Climate Change Strategy objective.
49. 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 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.
50. A carbon cost budget has been set for the scheme and subsequent designs and construction plans will be planned to reduce carbon emissions during the project life cycle.

Resource implications

51. All resourcing implications will be contained within the existing Highways structure.

Financial implications

52. The estimated cost for the delivery of the detailed design of phase one is £186,731. Funding will be available in the 24/25 financial year to implement the detailed design.

Legal Implications

Statutory Framework

53. To introduce C35 Phase One the council will exercise its powers under the 1980 Act, the RTRA and will also make TMOs under the RTRA.

Improvements under the 1980 Highways Act

54. Section 62 of the 1980 Act gives the council the power to improve its highways. This general power enables the council to carry out any work, including the provision of equipment, for the improvement of the highway. The council may carry out carriageway and footway resurfacing and provide dropped and new kerbing necessary to implement C35 Phase One under this general power.

55. There are specific powers under the 1980 Act which enable the council to carry out the following on the highway which are relevant to C35 Phase One

- vary the relative widths of the carriageway and of any footway (section 75);
- construct and remove road humps and certain traffic calming works (sections 90A-90F);
- plant trees, lay out grass verges (section 96);
- the creation of a segregated cycle track (sections 66(4) and 65); and
- provide for drainage of highways (section 100).

Traffic Calming Measures - Road Humps

56. In accordance with section 90A of the 1980 Act, the council may construct road humps on a highway which is subject to a motor vehicle speed limit of 30mph or less, and may remove any road humps it has previously constructed.¹ Traffic calming measures by way of a raised table are proposed at side roads joining Peckham Rye; Somerton Road, Waveney Road, Rye Hill Park, and Straker's

¹ "Road humps" are defined within section 90F as "an artificial hump in or on the surface of the highway which is designed to control the speed of vehicles, and references to a road hump include references to any other works (including signs for lighting) required in connection with such a hump."

Road, and raised tables are proposed at four locations on Peckham Rye. A raised table is a type of road hump with a long flat section.

57. For the purposes of this section the introduction of traffic calming measures by way of raised tables will be referred to as "road humps."

Procedure for implementing traffic calming measures (road humps)

58. Section 90C requires the council, when proposing to construct a road hump under section 90A to consult with the chief officer of police and regulation 3 of the 1999 Regulations requires consultation with the chief officers of the local fire brigade and ambulance services, and any organisations appearing to the council to represent persons who use the highway to which the proposal relates, or to represent persons who are otherwise likely to be affected by the road hump. Officers consider that organisations such as bus operators, waste collection services, and maintenance services have been consulted informally as part of the public consultation and will be consulted formally again as part of the statutory process.

59. The council shall also, as required sections 90C(2) and (3), publish in one or more local newspapers (e.g. the London Gazette) and place at appropriate points on the highway a notice of the proposal stating the nature, dimensions and location of the proposed road humps and the address to which, and a period of not less than 21 days (beginning with the date on which the notice is first published) within which, any objections to the proposal may be sent.

60. In accordance with section 90C(4) the council will consider any objections sent in response to the notice and consider if such objections cause a local inquiry to be held and where it does not "wholly accede" to an objection, they will provide reasons for this to any person that has objected.

61. Section 90CA sets out a special procedure for road humps in London whereby the council must notify the Secretary of State for Transport before starting to construct the road hump. The notice shall include the nature, dimensions and location of the proposed road hump, the type and description of signs in connection with the proposed hump and a period of not less than one month within which, and the address to which, the Secretary of State may send any comments on the proposal to the council. This is so the council may have regard to the comments of the Secretary of State in deciding whether to proceed with the construction of the road hump.

62. The council must ensure the humps are constructed to the standards prescribed in the 1999 Regulations.

Pedestrian Crossings

63. C35 Phase One requires the alteration and creation of new pedestrian crossings. The council may establish pedestrian crossings on its highway and may alter or remove any such crossings in accordance with section 23 of the RTRA. This does not require a TMO. Before establishing, altering, or removing

a pedestrian crossing the council shall consult the chief officer of police and notify the public about the proposal. The council shall carry out any necessary works (such as the erection of traffic signs, road markings) in connection with establishing, altering, or removing a pedestrian crossing.

TMOs under the RTRA

64. C35 Phase One requires traffic restrictions which will be implemented by way of TMOs made under sections 6 and 124 of the RTRA (and the specific sections mentioned below) for the following purposes set out in that statute:

- a) section 1(1)(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians),
- b) section 1(1)(f) for preserving or improving the amenities of the area through which the road runs;
- c) paragraph 7 of schedule 1 (prescribing loading and unloading conditions)
- d) paragraph 8 of schedule 1 (prescribing conditions for delivery and collection of goods)
- e) paragraph 14 of schedule 1 (vehicles, or vehicles of any class, when unattended; and
- f) paragraph 15, of schedule 1 (restricting waiting/parking on streets).

65. Section 6 of the RTRA enables the council to make TMOs to control or regulate vehicular and other traffic (including pedestrians) for:

- any of the purposes or with respect to any of the matters, mentioned in Schedule 1 of the RTRA; or
- any other purpose which is a purpose mentioned in any of paragraphs (a) to (g) of section 1(1) of the RTRA. These purposes are:
 - a) avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising,
 - b) for preventing damage to the road or to any building on or near the road,
 - c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians),
 - d) 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,
 - e) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot,
 - f) preserving or improving the amenities of the area through which the road runs;
 - g) any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

66. Section 124 and Part IV of Schedule 9 of the RTRA provides that certain provisions apply for the making of orders under section 6, such as consulting with the chief officer of police.

67. The relevant purposes set out in paragraph 66 above for which the TMOs will be made are (a), (c) and (f). By prohibiting motor vehicles from waiting and parking, the TMOs will facilitate the passage on the road for pedestrians and cyclists by giving these road users better facilities, thus reducing danger from traffic, and will improve the general amenity of the area by reducing the presence of motor vehicles and the noise and pollution they cause.

68. More specifically, the TMOs will:

- a) Introduce double yellow lines to prohibit parking and waiting at any time which is authorised by paragraphs 14 and 15 of Schedule 1 of the RTRA along Peckham Rye, at the junction of Peckham Rye and Solomons Passage, the junction of Peckham Rye and Somerton Road, the junction of Peckham Rye and Waveney Avenue, the junction of Peckham Rye and Rye Hill Park, the junction of Peckham Rye and Homestall Road, Stuart Road and Cheltenham Road;
- b) Removal of the parking bays on Peckham Rye by revoking the existing designation order made under section 45 which created the parking bay. This revocation is authorised by section 49(2) of the 1984 Act;
- c) Relocate the existing bicycle parking hangar as authorised by section 63 of the RTRA;
- d) Creation of a loading bay on Cheltenham Road authorised by paragraphs 7 and 8 of schedule 1 (prescribing loading and unloading conditions and conditions for the delivery and collection of goods);
- e) Introduction of “No Loading At Any Time”(double yellow blips) on Peckham Rye and Stuart Road authorised by paragraph 7 of schedule 1.

69. By virtue of section 122(1) of the RTRA, the council has a duty in the exercise of its function as highway and traffic authority so as 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. These powers must be exercised so far as practicable having regard to the following matters listed at section 122(2):

- (a) the desirability of securing and maintaining reasonable access to premises.
- (b) 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.
- (c) the national air quality strategy.
- (d) 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.
- (e) any other matters appearing to the council to be relevant.

70. The council in satisfying this duty must have proper regard to its s122(1) duty and balancing this duty with the matters set out at s122(2) when making any decision to implement TMOs. It is considered on balance, given the benefits the C35 Phase One will bring such as encouraging active travel, reducing

traffic, minimising road danger, improving air quality, the proposals will enable the Council to meet its duty under section 122 of the 1984 Act.

71. Section 16(1) of the Traffic Management Act 2004 sets out the traffic management duty. The Council as traffic authority has a duty to manage its road network with a view to achieving, so far as may be reasonably practicable having regard to their 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.

72. It is proposed that by implementing C35 Phase One the council's network management duty is satisfied by minimising conflict between vehicles, cyclists and pedestrians to achieve an overall improvement in road safety. Furthermore by investing in better infrastructure for cyclists the council is working towards reducing congestion in the borough and thus better managing its road network.

Statutory consultation and objections

73. Any objections the council receives must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers. The Cabinet Member has authority to determine statutory objections pursuant to paragraph 23, Part 3D of the council's Constitution and a further report will be prepared should there be any objections received through the statutory consultation process for TMOs and the installation of the traffic calming measures (as set out above).

74. Should the Cabinet Member approve the recommendations, the council will need to make TMOs under sections 6, 49(5), 63 and 124 of the RTRA and in accordance with the procedure set out in the 1996 Regulations.

75. The council must first consult statutory consultees (such as the police). The council will publish a notice of the proposed TMO in a local newspaper (Southwark News), and the London Gazette, and make all relevant documents available for public inspection at its Tooley Street offices during normal office hours. The council may publish the notice in other places it considers appropriate to ensure adequate publicity such as posting notices on the road in question; or by writing to those premises which may be affected by the TMO.

76. Any person who wishes to object to the making of the TMO must do so in writing within 21 days of the notice, or, if later, within 21 days of the council's compliance with the publicity and deposit rules, in accordance with regulation 8 of the 1996 Regulations.

77. Should any objections be received they must be properly considered in light of administrative law principles, Human Rights law and the relevant statutory powers and section 122 of the RTRA. The council must 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.

78. None of the proposals require the council to hold a public inquiry, but the council may decide that one is necessary in light of the objections to the proposed TMO (regulation 9 of the 1996 Regulations). Officers have asked the Cabinet Member to allow them the discretion whether to hold an inquiry or not.

Making of the TMOs

79. Following statutory consultation, any objections will be reported to the Cabinet Member for him to determine whether to proceed with the making of TMOs. Officers may consider that the proposed TMO requires modification before it is made. Again, this will be reported to the Cabinet Member. Any substantial modifications may require a fresh consultation process (regulation 14).

80. In the event there are no objections to the proposed TMOs or if objections are received and the Cabinet Member decides to proceed with the making of the TMO, the council may make the TMOs any time between the end of the period set for receipt of objections and a date two years after publication of first notice (regulation 16).

81. The council will make a copy of the TMO as made available for inspection at its Tooley Street offices and, within 14 days of making the TMOs and publish in the London Gazette and a local newspaper (Southwark News), a notice of making of the TMO. The council must also individually notify all those persons who made an objection to the TMO and did not withdraw.

82. The TMO will only come into force once the council has published the notice of making, referred to in paragraph 81 above confirming the order has been made.

83. Before the TMO comes into force the council must ensure proper and necessary signage is implemented on or near the affected road to secure that adequate information as to the effect of the TMO is available to persons using the road in accordance with regulation 18 of the 1996 Regulations.

Timescales

84. The scheme has a provisional timescale as follows:

- i. Outline Design changes and Planning Permission – April 2024 to November 2024
- ii. Detailed Design – November 2024 to January 2025,

- iii. Statutory consultation –April to May 2025
- iv. Implementation – Summer 2025

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS
Assistant Chief Executive (Governance and Assurance) (AGG 10/04/24)

85. The Cabinet Member is asked to approve the recommendations set out at paragraphs 1 to 9 of this report to implement C35 Phase One by way of permanent TMOs and powers exercised under the 1980 Act and the RTRA. These recommendations fall within the powers of the individual Cabinet Member for determination in accordance with paragraph 22, Part 3D of the council's constitution.
86. The background and reasons for C35 Phase One is detailed in the body of the report. To implement some parts of the scheme the council will make TMOs in accordance with the powers prescribed by the RTRA and the process under the 1996 Regulations as set out in the Legal Implications section above. In the event there are objections received via the statutory consultation to any of the TMOs then officers will present a further report to the Cabinet Member for him to determine whether to proceed with the making of the relevant TMO (in accordance with paragraph 23, Part 3D of the council's constitution).
87. The Council's duty under section 122 of the RTRA 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 has been considered at paragraphs 69 and 70. Officers have carried out the exercise of balancing this duty with the various matters listed under section 122(2) and have recommended that the TMOs required to implement C35 Phase One should be made.
88. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 35 to 43 of this report and have concluded that whilst there may be adverse impacts on persons with protected characteristics (including the elderly and those with disabilities) these are considered to be minor and officers have considered and undertaken mitigating actions to reduce the impact on these groups.
89. 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 relevant rights for highway and traffic purposes are Article 8 (respect for homes); and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation C35 Phase One is not anticipated to engage or breach the provisions of the Human Rights Act 1998.
90. 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

at paragraphs 47 to 50 above.

Strategic Director of Finance and Governance (ENG23/134)

91. The report is requesting the Cabinet Member for Climate Emergency, Clean Air & Streets approve a number of recommendations detailed in paragraphs 1 to 9 of this report pertaining to the proposals to create a Cycle route on Peckham Rye between Nunhead Lane and Stuart Road.

92. The strategic director of finance notes that the estimated costs associated with these recommendations is estimated at £186,732, expected to be funded via the Streets for People programme in next financial year 24/25 to implement the detailed design.

93. Staffing and any other costs connected with these recommendations to be contained within existing departmental budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Streets for People 2023	Southwark Council Environment, Neighbourhoods & Growth 160 Tooley Street London SE1 2QH	Tom Robison
https://www.southwark.gov.uk/transport-and-roads/streets-for-people		
Climate Change Strategy	Southwark Council Environment Leisure Highways 160 Tooley Street London SE1 2QH	Tom Sharland
https://www.southwark.gov.uk/environment/climate-emergency?chapter=3		

APPENDICES

No.	Title
Appendix 1	Consultation Summary Report
Appendix 2	Equality Impact and Needs Analysis
Appendix 3	Consultation Drawing
Appendix 4	Amended Outline Design

AUDIT TRAIL

Lead Officer	Steven Grayer – Head of Highways	
Report Author	Josh Kerry - Project Manager	
Version	Final	
Dated	May 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 of Finance and Governance	Yes	Yes
Climate Change Team	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team		2 May 2024