

<b>Meeting Name:</b>	Cabinet Member for Clean Air, Streets & Waste
<b>Date:</b>	17 June 2024
<b>Report title:</b>	Goose Green Streets for People - Melbourne Grove, Elsie Road, Tell Grove, Derwent Grove, Tintagel Crescent Pocket Parks
<b>Ward(s) or groups affected:</b>	Goose Green
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	No
<b>From:</b>	Head of Highways

## RECOMMENDATIONS

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

1. Considers the 193 responses (summarised at Appendix 2) received in relation to the public consultation for Goose Green Streets for People design, as shown on the drawing at Appendix 1. Considers officers’ response to the consultation and notes that approximately 64% of representations received were in support of the proposal, 15% were partially supportive and 21% not at all.
2. Instructs officers to proceed to the detailed design stage for the Goose Green Streets for People improvements proposal.
3. Notes the Equality Impact and Needs Analysis (“EINA”) addressing concerns raised in the consultation responses for this proposal (paragraphs 40 to 44).
4. Authorises officers to proceed to implement the Goose Green Streets for People area Improvements by way of powers under the Highways Act 1980 (“1980 Act”), powers under the Road Traffic Regulation Act 1984 (“1984 Act”) and permanent Traffic Management Orders (“TMOs”) made pursuant to sections 6 and 124 (and other powers) of the 1984 Act, subject to statutory consultation carried out in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“1996 Regulations”).
5. Authorises officers to exercise discretion as to whether or not to hold a public inquiry in the event objections are received pursuant to regulation 9(1) of the 1996 Regulations.
6. Notes that in the event objections are received following statutory consultation a further report will be presented to the Cabinet Member in order for him determine whether to proceed with the making of the TMOs.
7. Authorises 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”).

## **BACKGROUND INFORMATION**

### Decision-Making

8. 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. The Cabinet Member also has the authority to determine statutory objections to a traffic and highway improvement project (paragraph 23 of the council's constitution).

### Background

9. In the summer of 2020, the council introduced traffic filters at Melbourne Grove north, Melbourne Grove South, Derwent Grove, Elsie Road and Tintagel Crescent as experimental measures under the Dulwich Streetspace scheme. The aim of the scheme was to make the area a healthier, more active and greener place. A review was carried out in summer 2021 and decision was made to make the measures permanent by way of a TMO in February 2022.
10. The council have since been working with the community to develop ideas and proposals to transform the repurposed space in the East Dulwich area of which Goose Green forms part.

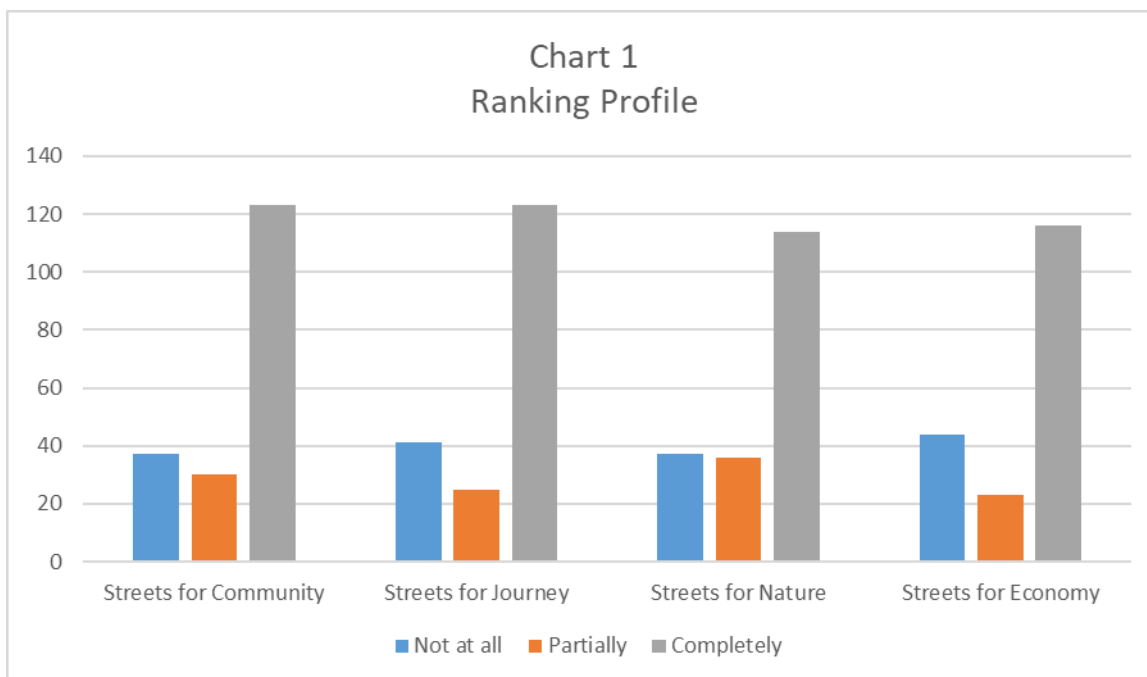
## **Public Consultation**

11. See Appendix 2 for a full report on the public consultation.
12. The consultation took place from 19 February 2024 to 18 March 2024. A postcard flyer notifying local people of the upcoming consultation was circulated to 1540 addresses.
13. The aim of the consultation was to seek comments on the features of the Goose Green Streets for People design.
14. The questions were based on the core Streets for People (“SfP”) themes:
  - Streets for Communities
  - Streets for Journeys
  - Streets for Nature
  - Streets for Businesses
15. The questions were framed to ascertain from the public to what extent the Goose Green Streets for People align with the four SfP themes, based on the specific proposal and visualisations presented. Respondents were invited to rank from a scale of 1 to 3:
  - 1 (not at all)

- 2 (partially)
  - 3 (completely)
16. In total there were four SfP questions for each of the 193 respondents to rank from 1 to 3 and there was an opportunity to provide comment for each ranking.
  17. Officers anticipated 772 representations (4 questions x 193 respondents) based on all rankings. 749 representations were received, indicating a robust engagement rate of 97%.
  18. A total of 911 comments were received across all of the four SfP themes and have been analysed. The main themes that arose can be found in Appendix 2.

### Ranking feedback

19. Chart 1 shows all the rankings across the four SfP themes.



20. Some of the key themes that arose from all comments, across the consultation were:
  - Concerns about existing traffic restrictions in the East Dulwich area and its impacts on traffic displacement and congestion on the main roads eg East Dulwich Grove
  - Concerns over the loss of parking and the need to retain parking close to the shops for accessibility and to support business
  - Suggestions for more trees and green areas
  - Concerns over safety regarding cyclists and pedestrian conflict
  - Concerns over the narrowing of the road and the impact this will have on

cars

- Concerns over the removal of the railings
- Careful consideration on proposed location of street furniture such as seating and trees.

## KEY ISSUES FOR CONSIDERATION

21. Officers have carefully considered the following factors in making the recommendations in this report to implement the Goose Green Streets for People proposal:

- Consultation feedback and modifications proposed
- Local profile
- Active travel monitoring data
- Streets for People Policy
- Relevant statutory duties including the network management duty
- Climate resilience and adaptation benefits
- Equality Impact and Needs Analysis (“EINA”) and the Public Sector Equalities Duty

22. Table 1 below shows how officers have considered the above factors to inform the recommendations in the report.

<b>Factor</b>	<b>Consideration</b>
<b>Consultation feedback and modifications proposed</b>	A large number of the comments received were related to the existing closures, in respect of a decision made in February 2022. Therefore this report is concerned with the Goose Green proposal and officers are focused on the feedback and suggestions received related to the proposed designs such as safety concerns and request for more greenery and seating. Officers will further review this at the next stage of the design.

<b>Local profile</b>	There are a number of schools in this area, which means measures to improve safer active travel to / from school will help improve the well-being and safety of pupils and reduce congestion on the network. Some of the proposed measures such as wider pavements and continuous footways encourage active travel and footfall in the area, this will benefit local businesses as the area will be a more enjoyable place to shop and spend time in.
<b>Active travel monitoring data</b>	There has been an increase in cycling movements on Grove Vale in December 2023 compared to December 2022. <ul style="list-style-type: none"> <li>• Average cycle count per day in December 2022 - 272</li> <li>• Average cycle count per day in December 2023 – 456</li> </ul>
<b>Streets for People Policy</b>	The proposal aligns with all the SfP themes, as set out in paragraphs 27 to 32.
<b>Climate resilience and adaptation benefits</b>	Proposal will encourage walking and cycling Improve climate resilience through urban cooling and incorporation of SUDS Reduce carbon in design materials and construction Refer to paragraphs 49 to 57.
<b>Equality Impact and Needs analysis (PSED)</b>	An inclusive and accessible design has been considered in this proposal: <ul style="list-style-type: none"> <li>• Wider pavements</li> <li>• Wider and more level crossings</li> <li>• A new pedestrian crossing</li> <li>• Places to rest, seating and comfort</li> <li>• Shaded areas and trees</li> <li>• Segregated cycle pathways</li> <li>• Blue badge access provided on Derwent Grove</li> <li>• Consider additional disabled bays close to Grove Vale</li> <li>• Consider larger adaptable cycle parking</li> </ul>

23. Table 2 (Appendix 3) summarises key issues and themes raised in the consultation comments across all the four SfP themes and officers responses to these issues can be found in the third column. The key issues/themes are:

- Concern about the wider traffic displacement impact of traffic management measures already implemented on other roads in the East Dulwich area
- Concern about the loss of parking and the impact on local businesses
- Request for more greenery and trees
- Improve safety for pedestrians and slow cyclist speeds at pedestrians area
- Concerns over the narrowing of the road and the impact this will have on traffic and congestion
- Concerns over the removal of railings
- Concerns over the placement of seating and whether it will encourage anti-social behaviour

#### Summary of All Proposed Measures

24. The general highway improvements and traffic restrictions (some of which will be implemented by way of TMOs) required to implement the Goose Green improvements is summarised in Appendix 3 (Table 3).

#### **Feedback from ward councillors**

25. In line with Part 3H of the council's constitution, the proposals in this report have been circulated to the councillors who form the South Multi-Ward Forum to allow them to make comments on the proposals before they go to the Cabinet Member for a decision.
26. The local councillors are in support of the proposals. An initial concern was raised regarding the entrance width on Derwent Grove as it appeared welcoming to vehicles. Following this feedback the designs were modified with a more narrow entrance.

#### **Policy framework implications**

#### **How the design of the Goose Green improvements meets the SfP objectives:**

27. In response to the consultation feedback, officers consider that the design for the proposed Goose Green Streets for People improvements meets the SfP objectives, which was also set out in the consultation, for the reasons noted below.
28. **Streets for Communities:**  
Reclaiming street space to make it accessible for our communities to connect, socialise and play, in a safe and pleasant environment.
- A new, wider and continuous footpath to make the area more accessible for people walking and pram/wheelchair users
  - Bollards to deter vehicles from entering to make it safer for people, except for Derwent Grove that remains open to blue badge holders

- Outdoor seating to encourage social interactions and enjoyment of the space
- More trees and greenery to create a sustainable drainage system and ensure proposal is climate resilient

29. **Streets for Journeys:**

Making healthy and sustainable travel the safest, easiest, quickest and most convenient choice.

- A new pedestrian crossing on Grove Vale to make it easier and more convenient to actively travel - loss of two pay-by-phone parking bays
- More trees and greenery to make the environment more pleasant to travel around in
- A wider and continuous footpath to make walking easier and more convenient
- A right turn island for cyclists on Grove Vale to make active travel safer and more convenient
- A wider footway on Grove Vale to provide more space for pedestrians to make travelling safer and more accessible
- More cycle parking to facilitate and encourage more sustainable modes of transport
- A bookable loading bay that will be used for pedestrians during peak hours to prioritise access and safety for those walking/wheeling to East Dulwich Station.

30. **Streets for Nature:**

Cleaning our air and reducing the impact of climate change by increasing biodiversity, making our streets greener and more resilient to extreme weather.

- More greenery that will provide climate benefits, biodiversity and as a natural sustainable drainage system
- Delegated cycle lanes to promote active travel and reduce driving
- More trees to provide canopy cover and shaded areas for people seeking refuge from increased temperatures
- Widened footways to provide more space for pedestrians, pram and wheelchair users to improve walking conditions and reduce driving
- Wider footway and green space on Tintagel Crescent - loss of one pay-by-phone parking bay

31. **Streets for Economy:**

Supporting our town centre economies to run efficiently and sustainably, reclaiming space to create high quality environments where people want to spend time.

- A quality open environment, with seating and planting, away from traffic where people want to spend time and use the local businesses
  - Continuous footpaths to create a better and safer walking route where people want to travel through
  - A bookable loading bay and more cycle parking to encourage footfall in the local area
  - More cycle parking to facilitate and encourage more sustainable modes of transport
  - Widened footways to provide more space for pedestrians to make the area more enjoyable to travel around and encourage footfall in the area
32. The Goose Green Streets for People improvements are consistent with the pledges and objectives set out in the 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 objectives are:

- **Objective 2 – Create good quality space that is accessible for all people.**

The area has been designed to be inclusive and accessible for cyclists and pedestrians. Quality materials, segregate cycle lanes, greenery and street furniture will improve the quality of the space. The proposals ensures that pedestrian crossing are along pedestrian desire paths and provide easier access to the local amenities and station. The proposals deliver on our Equal Pavements Pledge by widening footways and making the streets more accessible for everyone.

- **Objective 3 – Reclaim, reallocate and repurpose public land for community use**

The Goose Green Streets for People improvements design repurposes the streetspace for community use by creating a new public space, which will have outdoor seating to support local businesses. The proposed trees and rain gardens will improve the look and feel of the areas. The simplified layout would make the area cleaner, greener and safer from car traffic.

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

Creating a community space in East Dulwich will improve natural surveillance as more people use the space by using the seating, will maximise the ability to see what is occurring, and optimise the potential to spot suspicious persons or activities. New gateway features, such as the narrowing of the entrance at Derwent Grove, will deter vehicles. The new layout with its traffic calming geometry will improve safety for vulnerable road users using the community space.



- **Objective 5 - Make walking, cycling and wheeling easier**  
The proposals aim to provide more cycle and sustainable freight parking. Cyclists at junctions will have their own cycle lane and island to improve safety and confidence of cyclists. Pedestrian crossings will be introduced along desired paths, continuous footways and widened to improve priority to pedestrians (e.g. at Melbourne Grove, Derwent Grove, Elsie Road, Tintagel Crescent).
- **Objective 6 – Make walking, cycling and wheeling easier for children and young people**  
Creating a safer environment for walking, cycling and wheeling will encourage pupils to actively travel to/ from school. The wider footway on Grove Vale and proposed pedestrian crossing will make it easier for young people to journey by bicycle or on foot. This will reduce emissions from transport and improve air quality.

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

### **Community impact statement**

33. 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. The Goose Green Streets for People improvements align with the objectives in the SfP strategy for the reasons set out above.
34. People who walk to the high street spend up to 40% more than those who drive (TfL, 2013).<sup>1</sup> The Goose Green Streets for People improvements will increase pedestrian movement by improving the active travel environment which will then have a positive impact on the local economy at East Dulwich.
35. People on low incomes want greater investment on walking (58%) and cycling (50%), than driving. So creating a safer and attractive environment for cycling and walking will benefit those on low income (Sustrans 2022).<sup>2</sup>
36. The cycle track on Melbourne Grove and segregated cycling facilities on Grove Vale provides a safer route for pupils to improve their physical activity and mental wellbeing by cycling to school. Additionally, the new cycle island provides a further safety measure for cyclists to stop and turn.
37. The widened footways and loading bay provide more space for people to walk comfortably and safely, encourage active travel. The proposed seating and trees on Melbourne Grove and Elsie Road create a community space for social interaction, community surveillance and well-being.
38. The safer cycling and walking environment provides wider benefits for the whole community, including improvement of pedestrian accessibility to local amenities along Grove Vale, to the station, schools and local shops.

<sup>1</sup> <https://content.tfl.gov.uk/walking-cycling-economic-benefits-summary-pack.pdf>

<sup>2</sup> <https://www.sustrans.org.uk/media/11397/cost-of-living-report.pdf>

Therefore, the measures are considered to have a positive community impact.

39. The proposed zebra crossing provides a safer route for pupils to improve their physical activity and mental wellbeing to the local schools. Other benefits of the zebra crossing includes better pedestrian accessibility to local shops and amenities.

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

40. 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.

41. An EINA has been undertaken on the Goose Green Streets for People Improvements in light of the council’s PSED to assess and improve the design to be more inclusive and accessible for those persons with protected characteristics. As set out in Table 1 mitigating actions will be carried out to promote equality and tackle inequalities during the detailed design and implementation phases. The identified protected characteristics affected by these proposals include age, disability, maternity, and gender. Table 1 outlines some of the considerations officers are taking to protect these protected groups.

42. The EINA concluded that the Goose Green Streets for People improvements has a positive impact on those persons with protected characteristics, particularly those that are reliant on walking. This and in light of the mitigation actions to be undertaken during the detailed design phase, the proposals are not considered to have a disproportionate effect on any particular protected characteristic group.

43. The recommendations support the council’s equalities and human rights policies and promote social inclusion by:

- Improving road safety, in particular for vulnerable road users including pedestrians and cyclists, on the public highway.
- Improving existing pedestrian and cycle facilities by improving surfaces, road markings, and signage.
- Improving access for pedestrians and cyclists to local facilities.
- Providing street furniture, which accommodates the needs of certain demographic groups, such as disabled, elderly and other mobility

impairment.

- Widening footways will benefit those groups reliant on walking and those who find difficult to navigate such as disabled people or people walking with prams or mobility aids.
- Improving conditions for pedestrians and create opportunities for social cohesion. This will benefit many protected groups and low-income groups who are more likely to walk and less likely to own a car.

44. The Goose Green Streets for People improvements will have a significant positive effect on socio-economic equalities, especially for those on low incomes whose main means of journeying is active travel. The proposals will create quality safer community spaces for active travel, improve interaction with nature, support the local economy and promote community cohesion and surveillance.

### **Health impact statement**

45. The proposals support the council's mission to have zero people killed or injured on our streets by 2041 by introducing more space for pedestrians and safety measures for cyclists.
46. Introducing dedicated cycle lane and island for cyclists on Melbourne Grove improves safety for cyclists. The proposed zebra crossing improved pedestrians' priority and safety by encouraging the use of safe crossing point. This will improve the health and well-being for the community.
47. The wider pavements and crossings encourages active travel, this will improve physical activity and help improve mental wellbeing. The seating and trees also provide stop and rest points and shaded areas that will encourage more community interaction and improve the general mental wellbeing.
48. Lesser traffic noise and air pollution will have a positive impact on the health and wellbeing of the community.

### **Climate change implications**

49. The Goose Green Streets for People improvement scheme supports the aims of the council's Climate Change Strategy under Priority 2 – Active and Sustainable Travel. Key aims of the council's Climate Change Strategy include to 'reduce car journeys to a minimum by 2030' and to 'be a borough where the walking and cycling becomes the default way to get around.' Part of meeting the borough's ambition of net zero emissions by 2030 includes a reduction in vehicle kms travelled and a shift to active and public transport; road transport currently accounts for 15% of the borough's emissions. These measures strongly support that ambition.
50. The Dulwich Streetspace scheme, made permanent in 2022, created a positive modal shift away from private car ownership and towards active travel. The proposals in this report aim to strengthen these traffic reduction measures further by improving conditions to make active travel the safer, cheaper, enjoyable, faster and convenient choice. The measures prioritise the use of the

streets by pedestrians, cyclists, wheelers, scooters giving effect to the above Climate Change Strategy objective.

51. Benefits of walking and cycling: The Goose Green Streets for People improvements include active travel infrastructure and pedestrian related enhancements. These will improve the overall user experience, accessibility and safety for pedestrians and cyclists.
- Widening of footway to accommodate for high footfall during school peak hours and peak travel times to East Dulwich Station.
  - Improved crossing facilities with the proposed pedestrian crossing on Grove Vale
  - Segregated cycle lane on Melbourne Grove and Elsie Road
  - Improved turning facilities with the cycle island on Grove Vale
52. Improve Climate Resilience: The proposal improves climate resilience through the following:
- The proposal of paving and greening will reduce heat absorption in this area.
  - Proposal of greening and trees will create a cooler space. Tree canopies will create additional shade.
  - Sustainable Drainage (SuDS) of rain gardens will contribute to reducing ever growing flood risk concerns. Storing surface water within proposed SuDS will reduce pressure from Thames Water network. Raingardens have wider benefits including biodiversity enhancement and creating a visually nicer public realm space
53. Reduce Carbon :
- Carbon Offset
    - Proposal of greening through raingardens, landscaping and trees will assist in offsetting overall carbon emitted for the scheme.
    - Post implementation of scheme will help to encourage more sustainable modes of transport (walking and cycling)
  - Footway and Pavement Design
    - Reutilising existing carriageway to act as base for the footway build out sections. This minimises the amount of excavation required on site and reduces overall carbon emitted.
    - Reuse of existing materials where feasible.
54. During the detailed design phase, officers will consider locations where climate resilient and adaptable measures can be introduced (e.g. more greenery, including trees to having a cooling effective improving bio-diversity and employing SUDS in the management of water).

55. A Carbon Calculator Assessment will be carried out in the next detailed design phase of design to ensure that designs and construction plans have fully considered and made appropriate action to reduce carbon emissions during construction stage.
56. The council's Climate Change Strategy and Action Plan, Appendix B, sets out detailed carbon analytics on borough's pathway to net zero by 2030. This modelling includes an overall reduction in vehicle km by a minimum of 9% by 2030, alongside a complete shift away from petrol and diesel vehicles.
57. A just and inclusive transition is at the heart of the council's emerging climate policy. These proposals priorities the movement of people first, 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**

58. There are no additional staffing implications, as provision will be made from the Highways department to deliver the recommendations included in this report.

### **Legal implications**

#### **Statutory Framework**

59. In summary, if the recommendations are approved by the Cabinet Member the Goose Green Streets for People improvements will be introduced under powers within the 1980 Act, the 1984 Act and any restrictions will be introduced by TMOs made under the 1984 Act.

#### Improvements under the 1980 Act

60. Section 62 of the 1980 Act gifts the council with 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.
61. There are specific powers under the 1980 Act which enable the council to carry out the following on the highway for the delivery of the Goose Green Streets for People improvements:
  - vary the relative widths of the carriageway and of any footway (section 75);
  - the creation of a segregated cycle track (sections 66(4) and 65).
  - construct road humps and certain traffic calming works (sections 90A-90F);
  - plant trees, lay out grass verges (section 96);
  - lighting of highways (section 97); and
  - enhancing the amenity of the highway and its immediate surroundings e.g. outdoor seating within the public (section 115B).

#### Traffic Calming Measures - Road Humps

62. For the purposes of this section the introduction of traffic calming measures by way of raised tables will be referred to as “road humps.”
63. 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.<sup>3</sup> Traffic calming measures by way of a raised table are proposed at Derwent Grove and Railway Rise. A raised table is a type of road hump with a long flat section.

#### Procedure for implementing traffic calming measures (road humps)

64. Section 90C of the 1980 Act requires the council, when proposing to construct a road hump under section 90A to consult with the chief officer of police. 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 will be consulted formally again as part of the statutory process.
65. 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 relevant 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.
66. 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.
67. 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.
68. The council must ensure the humps are constructed to the standards prescribed in the 1999 Regulations.

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<sup>3</sup> “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.”

## Pedestrian Crossings

69. The Goose Green Streets for People improvements involve the creation of new pedestrian crossing on Grove Vale. The council may establish pedestrian crossings on its highway and may alter or remove any such crossings in accordance with section 23 of the 1984 Act. This does not require a TMO. Before introducing a new pedestrian crossing the council will consult the chief officer of police and notify the public about the proposal (section 23(2)).

## Restrictions to be introduced by way of TMOs made under the 1984 Act

70. Some of the measures to implement the Goose Green Streets for People improvements set out in table 6 require traffic restrictions which will be implemented by way of TMOs made under sections 6 and 124 of the 1984 Act (and the specific sections mentioned below).
71. Section 6 of the 1984 Act 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 1984 Act; or
  - any other purpose which is a purpose mentioned in any of paragraphs: (a) to (g) of section 1(1) of the 1984 Act. 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).
72. Section 124 and Part IV of Schedule 9 of the 1984 Act provides that certain provisions apply for the making of orders under section 6, such as consulting with the chief officer of police.
73. The TMOs will:
- (a) introduce double yellow lines (no waiting/parking) which is authorised by paragraphs 14 and 15 of Schedule 1 of the 1984 Act;
  - (b) introduce cycle parking in accordance with section 63 of the 1984 Act;
  - (c) introduce blips (loading restrictions) between, restricted hours to be confirmed, authorised by paragraph 7, schedule 1 of the 1984 Act.
74. The relevant purpose set out in paragraph 92 above for which the TMOs will be made is (f). The reduction of vehicular traffic by implementing the double yellow lines and loading restrictions will make the area more pleasant and

safer for pedestrians and cyclists and will complement the new public space to improve the overall amenity of the East Dulwich area.

75. Officers note that any road marking or traffic signs required to convey the above traffic restrictions will be introduced in accordance with section 64 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016.
76. By virtue of section 122(1) of the 1984 Act, 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.
77. 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.
78. In light of the issues discussed in this report and having regard to the matters listed in section 122(2), officers consider that the Goose Green Streets for People improvements will enable the Council to meet its duty under section 122 of the 1984 Act. The matters which have pointed in favour of implementing the proposals are the encouragement of active travel, which in turn reduces pollution, improve air quality and enhance the amenity of the area. The Goose Green Streets for People improvements will provide a public space which will improve the amenity of the area, whilst also improving the safety of pedestrians and cyclists using the highway. These also give effect to the objectives in the SfP Strategy as explained above.
79. 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:
  - (f) securing the expeditious movement of traffic on the authority's road network; and
  - (g) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
80. Officers consider that by implementing the Goose Green Streets for People improvements, the Council's network management duty is satisfied for the reasons discussed at paragraph 100.



## Statutory Consultation and Objections

81. Should the Cabinet Member approve the recommendations set out in this report, the council will need to make TMOs under sections 6 and 124 of the 1984 Act and in accordance with the procedure set out in the 1996 Regulations.
82. 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.
83. 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.
84. 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 1984 Act. 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.
85. None of the proposals requires 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

86. 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).
87. 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).
88. 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.

89. The TMO will only come into force once the council has published the notice of making, referred to in paragraph 110 above confirming the order has been made.
90. 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.

### **Financial implications**

91. The estimated cost for the delivery of the recommendation contained in this proposal is circa 650k and this will be funded by:
  - Parking revenue ( L-8000-2022.01.02)
  - Devolved Highways (L-5110-0040.24.6.14)
  - Community Infrastructure Levy (L-7000-2021.02.10, L-7000-2021.02.13)

### **Consultation**

92. See paragraphs 11 to 20 for details of public consultation carried out, and further details in Appendix 2.
93. Officers engaged with Ward Councillors, local people and businesses. Their feedback has informed the design changes. Officers will carry out a follow-up briefing with local Councillors following the outcome of this decision-making report.
94. The design has been reviewed to Urban Design London, a review panel who offer impartial design advice and guidance on a variety of highway, public realm and development schemes to improve the quality of our built environment and help us achieve more sustainable places.

### **Timescales**

95. If the recommendation is approved by the Cabinet Member they will be progressed in line with the approximate timeline below :
  - Statutory 21 day consultation – August 2024
  - Reporting back to Cabinet Member with determination of objections (if necessary) – October 2024
  - Implementation – from January 2025

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive – Governance and Assurance (SH 16/05/24)**

96. The Cabinet Member is asked to approve the recommendations set out at paragraphs 1, 2, 4, 5 and 7 of this report to proceed to detailed design stage and then permanently implement the Goose Green Streets for People Area

Improvements by way of improvements to the highway and permanent TMOs. 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.

97. The background to the Goose Green Streets for People Area Improvements and the reasons for the making of the TMOs are detailed in the body of the report. Implementation of the proposals will require TMOs made in accordance with the powers prescribed by the 1984 Act and the process under the 1996 Regulations as set out in the Legal Implications section above. In the event there are objections to any of the proposals following statutory consultation, a further report will be presented to the Cabinet Member to determine whether to proceed with the making of the relevant TMO.
98. The Council's duty under section 122 of the 1984 Act 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 42 to 44. Officers have carried out the exercise of balancing this duty with the various matters listed under section 122(2) and have recommended that the Goose Green Streets for People Area Improvement works should be implemented by way of a TMO.
99. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 40 to 44 of this report and have concluded that the proposals are not considered to have any adverse impacts on persons with protected characteristics, and will advance equality of opportunity.
100. 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 of the proposals is not anticipated to engage or breach the provisions of the Human Rights Act 1998.
101. 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 paragraph 44 above.

### **Strategic Director of Finance (ENG24/011)**

102. This report requests approval from the Cabinet Member for Leisure, Parks, Streets and Clean Air to consider a number of non-strategic traffic and highway proposals pertaining to Goose Green Streets for People improvements.
103. as summarised in paragraphs 1 to 7 of this report.
104. The strategic director of finance notes that the estimated costs for these batch of improvements is £650k and there is sufficient resources within the capital budgets specified in paragraph 60 of this report to fund these proposals.

105. Staffing and other costs connected with this recommendation to be contained with existing departmental revenue budgets.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Streets for People background paper <a href="https://www.southwark.gov.uk/tran-sport-and-roads/streets-for-people?chapter=2">https://www.southwark.gov.uk/tran-sport-and-roads/streets-for-people?chapter=2</a>	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Matt Clubb
Southwark's Climate Strategy 2021 <a href="https://www.southwark.gov.uk/environment/climate-emergency?chapter=3">https://www.southwark.gov.uk/environment/climate-emergency?chapter=3</a>	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Tom Sharland

## APPENDICES

No.	Title
Appendix 1	Goose Green Streets for People
Appendix 2	Consultation report
Appendix 3	Officers response

## AUDIT TRAIL

<b>Lead Officer</b>	Steven Grayer – Head of Highways	
<b>Report Author</b>	Nazihah Begum – Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	05/05/2024	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
<b>Cabinet Member</b>	Yes	No
<b>Date final report sent to Constitutional Team</b>		17 June 2024