

Meeting Taker:	Cabinet Member for Clean Air, Streets & Waste
Date:	July 2024
Report title:	Determination of Objections - Installation of Pedestrian Crossings
Ward(s) or groups affected:	Peckham and St Giles
Classification:	Open
From:	Head of Highways

RECOMMENDATION(S)

1. It is recommended that the Cabinet Member for Clean Air, Streets & Waste (Cabinet Member”):
 - i. Consider the one objection as summarised in Appendix 2 received during statutory consultation relating to the proposal to install a controlled pedestrian crossing on Southampton Way by the junction with Charles Coveney Road.
 - ii. Consider officer’s response to the objections and the subsequent amendments as set out in Appendix 2.
 - iii. Instruct officers to make the necessary Traffic Management Orders (“TMO”) to lay new double yellow lines to the north of the proposed pedestrian crossing on Southampton Way in accordance with sections 6 and 124 of the Road Traffic Regulation Act 1984 (“1984 Act”) and the Local Authorities Traffic Orders (Procedure) (England and Wales) regulations 1996 (“1996 Regulations”).
 - iv. 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.

BACKGROUND INFORMATION

2. This report makes recommendations for the determination of one objection received during statutory consultation in respect of the proposed TMOs concerning the proposal to install a controlled pedestrian crossing and a short length of double yellow lines outside Oliver Goldsmith Primary School on Southampton Way.

Statutory Consultation

3. One objection was received via email during the statutory consultation period, which along with the officer response can be found in Appendix 2.
4. Part 3D, paragraph 23 of the council's constitution sets out that the Cabinet Member has the authority to; determine statutory objections to a traffic and highway improvement project.
5. On 18 March 2024, the Cabinet Member approved the officer recommendations for the proposal (as described in Table 1) and decided to proceed with the installation of a controlled pedestrian crossing at this location and begin the TMO making process.¹
6. In accordance with the 1996 Regulations the council advertised its intention to make TMOs in respect of the proposed pedestrian crossing on 02 May 2024.
7. The consultation period ran for 21 days from 02 May 2024 until 23 May 2024.
8. Notice was given in the London Gazette², local press (Southwark News) and street notices were placed in the affected areas.
9. Notice was given to the following statutory consultees: London Ambulance Service, London Fire Brigade, Metropolitan Police Service, Transport for London, bus operators, Freight Transport Association, and the Road Haulage Association.
10. Notice was also given to non-statutory consultees including: Southwark Disablement Association, Southwark Disability Forum, Southwark Cyclists, Living Streets, Lambeth Council and London Travel Watch.
11. Full details of the proposals were also made available for inspection on the council's website or in person by appointment at 160 Tooley Street.

KEY ISSUES FOR CONSIDERATION

Table 1 –Summary of the Proposal

Location	Ward	Proposal	TMO	Funding	Reason for proposal
Southampton Way by the junction with Charles Coveney Road	Peckham/St Giles	Install a zebra crossing, extend the raised table, double yellow lines, and introduce give way markings at the junction.	Perm	LIP	To improve accessibility for pedestrians and reduce the speed of traffic.

¹ <https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=8065>

² <https://www.thegazette.co.uk/notice/4615991>

Scheme Key

Perm – Permanent

LIP – Local Implementation Plan

12. Officers responded to the objection with an acknowledgement email, and further information was provided regarding the proposed measures. The objection received was in opposition to the proposed controlled pedestrian crossing.
13. Upon receipt of further information, the objector was given the opportunity to withdraw their objection. The objector wished to maintain their objection.

Policy framework implications

14. The proposed controlled pedestrian crossing supports the below pledges and objectives of the Streets for People Strategy 2023 (approved by Cabinet in July 2023 detailed in background documents) by providing a safe and level crossing point for pedestrians.
 - Objective 1 - Reduce the need to own or use a car
 - Objective 2 - Create good quality space that is accessible for all people
 - Objective 4 - Improve safety and security for everyone using our streets
 - Objective 5 – Make walking, cycling and wheeling easier
 - Objective 6 – Make walking, cycling and wheeling easier for children and young people

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

Community impact statement

15. The implementation of this project creates a range of community impacts. This proposal is locally based and therefore will have the greatest effect on those people living and travelling within the vicinity of the proposed controlled pedestrian crossing.
16. Following traffic surveys and site investigations being carried out, a clear need has been identified for improvements to the junction and a raised controlled crossing point.
17. The proposals are not considered to have a disproportionate effect on any particular community group.
18. The proposals support the council's equalities and human rights policies and promote social inclusion by:
 - Improving opportunities to travel sustainably.

- Improving quality of life through active travel and by making it safer and more convenient for pedestrians, primarily young children and their parents accessing Oliver Goldsmith Primary School.
- Improving accessibility for vulnerable road users by reducing crossing distances for pedestrians, and introducing a raised controlled crossing.

Equalities (including socio-economic) impact statement

19. The Public Sector Equality Duty (“PSED”) is set out in section 149 of the Equality Act 2010 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.
20. Officers have determined a suitable location for the controlled pedestrian crossing, and have also recommended safety improvement measures to the junction of Charles Coveney Road and Southampton Way. The proposed measures will improve sight lines for pedestrians in order to prevent vehicles from speeding when travelling around the junction, realigning the crossing points so that they are on the pedestrian desire line and introduce a new controlled crossing point across Southampton Way.
21. Officers have liaised with Transport for London and they are satisfied that bus journey times will not be impacted as a result of the proposed measures.
22. An equalities impact and needs analysis has been undertaken in light of the council’s PSED to assess the impact of the installation of the proposed controlled pedestrian crossing on groups with protected characteristics and to assess whether any mitigating actions could be taken to promote equality and tackle inequalities. The proposals are not considered to have any adverse effects including socio-economic or health impacts on those with protected characteristics. The proposals will provide a safe and accessible pedestrian crossing for all members of the community, promoting active, sustainable and economical travel options.

Health impact statement

23. The proposals support the council’s mission to have zero people killed or injured on our streets by 2041 by introducing a safer crossing point for pedestrians and calming measures.

Climate change implications

24. The measures support the aims of the council's Climate Change Strategy under Priority 2 – Active and Sustainable Travel. The report highlights that the installation of the pedestrian crossing will assist greater numbers of pedestrian journeys which is a sustainable mode of transport.
25. 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 by prioritising the use of walking and wheeling.
26. A just and inclusive transition is at the heart of the council's emerging climate policy. These proposals prioritise the movement of people sustainably, and the installation of the pedestrian crossing is in accordance with the council's approach to addressing the climate emergency.

Resource implications

27. Design and management of the proposals will be contained within the council's existing staffing and management budgets.

Legal implications

Statutory framework

28. In summary, if the recommendations are approved by the Cabinet Member, the traffic and highway improvements set out in Table 1 will be carried out by the council under powers within the 1980 Act, the 1984 Act and any restrictions will be introduced by TMOs made under the 1984 Act.

Traffic Calming Measures - Road Humps

29. For the purposes of this section the introduction of the traffic calming measures/raised table will be referred to as "road humps."
30. 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 maintain or remove any road humps it has previously constructed.³ Road humps are proposed at Southampton Way by the junction with Charles Coveney Road.

³ "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."

Procedure for implementing road humps

31. 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 will also be consulted.
32. 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.
33. 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.
34. 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.
35. The council must ensure the humps are constructed to the standards prescribed in the 1999 Regulations.

Pedestrian Crossings

36. A new pedestrian crossing is proposed at this location. 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. 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 1984 Act

37. 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).
38. 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.
39. The proposed TMOs will introduce a section of 6m double yellow lines on Southampton Way to the North East of the junction with Charles Coveney in accordance with paragraphs 14 and 15 of Schedule 1 of the 1984 Act.
40. 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.
41. 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.

42. In light of the issues discussed in this report and having regard to the matters listed in section 122(2), officers consider that the proposal set out in Table 1 will enable the council to meet its duty under section 122 of the 1984 Act. Officers refer to the relevant reasons for proposals in Table 1. The matters which have pointed in favour of implementing the proposals are that the introduction of the double yellow line on Southampton Way will prevent vehicles from parking close to the junction and obscuring sight lines for pedestrians crossing the junction.
43. 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.
44. Officers consider that the council's duty under section 16 of the Traffic Management Act 2004 is satisfied for the reasons set out at paragraph 42.

Financial implications

45. The estimated cost for the delivery of the recommendations contained in this proposal is £100,000.
46. All costs associated with the recommendations contained in this report will be accommodated within the Highways budget.
47. There are no additional revenue budget or staffing requirements arising from the recommendations in this report.

Consultation

48. Statutory consultation has been carried out as detailed in paragraphs 3 to 11 of this report.

Statutory Consultation and Objections

49. Statutory consultation has been carried out in accordance with regulation 8 of the 1996 Regulations.
50. None of the proposals require the council to hold a public inquiry although the council may decide that one is necessary in light of the objections to the proposed TMO, in accordance with regulation 9 of the 1996 Regulations. In light of the objection received, officers do not consider that a public inquiry is

necessary because a response to the key concerns relating to the need for a controlled pedestrian crossing at this location has been shared with the objector.

51. As a result of the statutory consultation no changes to the proposed pedestrian crossing and associated improvements have been made.

Making of the TMOs

52. If the recommendations in this report are approved, officers will proceed to make the TMOs in accordance with the procedure set out at regulation 16 and 17 of the 1996 Regulations.
53. Officers will make a copy of the TMO as made, available for inspection at the council's Tooley Street offices and, within 14 days of making the TMOs publish in the London Gazette and a local newspaper (Southwark News), a notice of making of the TMO. Officers will individually notify all those persons who made an objection to the TMO and did not withdraw.
54. The TMO will only come into force once the council has published the notice of making, confirming the order has been made.
55. 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.

Programme Timeline

56. If the recommendation is approved by the Cabinet Member they will be progressed in line with the approximate timeline below :
Notice of Making – August 2024
Implementation – October 2024

Conclusions

57. The objector was not willing to withdraw their objections, following the officer's response via email.
58. Officers have recommended that the Cabinet Member considers the objection and officer response and approves the implementation of the proposals.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive, Governance and Assurance (AGG 05/06/24)

59. The Cabinet Member is asked to consider the objection (received during statutory consultation) to the proposal to install a controlled pedestrian crossing on Southampton Way by the junction with Charles Coveney Road along with double yellow lines to the north of the crossing.

60. Officers recommend that the pedestrian crossing is installed and double yellow lines are introduced by way of permanent TMOs. These recommendations fall within the powers of the individual Cabinet Member for determination in accordance with paragraphs 22 and 23, Part 3D of the council's constitution.
61. The background to the proposal and the reasons for the making of the TMOs are detailed in the body of the report. The installation of the pedestrian crossing is done under powers within the 1984 Act and implementation of the double yellow lines require TMOs made in accordance with the powers prescribed by the 1984 Act and the process under the 1996 Regulations. The relevant legal powers are set out in the Legal Implications section above.
62. 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 41 and 42. Officers have carried out the exercise of balancing this duty with the various matters listed under section 122(2) and have recommended that the proposals are implemented.
63. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 19 to 22 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.
64. 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.
65. 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 24 to 26 above.

Strategic Director of Finance (ENG24/038)

66. This report is requesting the Cabinet Member for Environment, Transport and the Climate Emergency to approve a number of recommendations pertaining to the proposals to install a controlled pedestrian crossing and safety improvements at the junction of Southampton Way and Charles Coveney Road.
67. The strategic director of finance and governance notes that funding for these recommendations is to be met from Capital Highways budget and that there are sufficient resources available to fund these proposals.

68. Staffing and any other costs connected with these recommendations are to be contained within existing departmental revenue resources

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Streets for People Strategy 2023	Southwark Council Environment, Neighbourhoods and Growth Department Highways 160 Tooley Street London SE1 2QH	George Mellish George.Mellish@southwark.gov.uk
Multi-ward profiles 2023 – East Central Southwark https://www.southwark.gov.uk/health-and-wellbeing/public-health/southwark-health-data/our-population/census-and-demographics	Southwark Council Environment, Neighbourhoods and Growth Department Highways 160 Tooley Street London SE1 2QH	George Mellish George.Mellish@southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Proposed pedestrian crossing design drawing
Appendix 2	Officers Response

AUDIT TRAIL

This section must be included in all reports.

Lead Officer	Head of Highways – Steven Grayer	
Report Author	Principal Engineer – George Mellish	
Version	FINAL	
Dated	11/06/2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director, Finance	Yes	Yes
List other officers here		
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	17 July 2024	

