

Meeting Taker:	Cabinet Member for Clean Air, Streets & Waste
Date:	26 July 2024
Report title:	Determination of objections – Camelot Primary School
Ward(s) or groups affected:	Old Kent Road
Classification:	Open
Reason for lateness (if applicable):	
From:	Head of Highways

RECOMMENDATIONS

That the Cabinet Member for Clean Air, Streets & Waste

1. Consider the objection made during statutory consultation to the installation of a timed School Street closure on Bird in Bush Road and the officer response;
2. Instruct officers to write to the objector with the outcome of this consideration;
3. Instruct officers to proceed with the implementation of the timed School Street closure on Bird in Bush Road; and
4. Instruct officers to make the necessary Traffic Management Order (“TMO”) 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”).

BACKGROUND INFORMATION

5. The proposal seeks to introduce a timed closure on Bird in Bush Road between Commercial Way and the access road to Peterchurch House, to accompany the “at any time” restriction from the access road to the junction with Green Hundred Road. A drawing of this can be found in Appendix 2.
6. 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.
7. One objection was received during the statutory consultation period, details of which can be found in Appendix 1.
8. Under paragraph 23 of Part 3D of the Council’s Constitution, the Cabinet Member is responsible for the determination of statutory objections to a traffic and highway improvement project.

9. On 4 October 2023 the Cabinet Member for Climate Emergency, Clean Air & Streets approved to proceed with the implementation of a number of schemes, including the timed School Street closure on Bird in Bush Road and instructed officers to commence the TMO process.
10. Ward councillors were consulted at the public consultation stage and no issues were raised.
11. On 22 February 2024 and in accordance with the 1996 Regulations, the Council advertised its intention to make TMO in respect of the introduction of traffic and highways improvements.
12. The consultation period ran for 21 days from 22 February 2024 to 14 March 2024.
13. Notice was given in the London Gazette¹, local press (Southwark News), and street notices were placed in the affected areas.
14. Notice was given to the following statutory consultees: London Ambulance Service, London Fire Brigade, Metropolitan Police Service, Transport for London (TfL) Buses, Freight Transport Association and the Road Haulage Association.
15. Notice was also given to non-statutory consultees including: TfL, Southwark Disablement Association, Southwark Disability Forum, Southwark Cyclists, Living Streets, Lambeth Council and London Travel Watch.
16. Full details of the proposal were also made available for inspection on the Council's website or in person by appointment at the Council offices located at 160 Tooley Street, Southwark.

KEY ISSUES FOR CONSIDERATION

17. One objection was received to the statutory consultation. A copy of the objection can be found at Appendix 1 and stated
'My objections are that it is a needless waste of valuable resources. The proposed changes are not needed or wanted. The proposals for road change in Southwark are numerous, seemingly continual and seldom have any value to road users of all and any kind. The funds allocated should be spent on projects of real social value.'
18. The Council responded to the objection by email, providing further details of the reasoning behind the proposal and requesting further information from the person who made the objection, including their relationship to the proposal location and whether they are a resident. A copy of the officer's response to the objection can be found at Appendix 1.
19. The person who made the objection responded to the Council's email confirming they would not be withdrawing their objection. They did not respond to the Council's request for further information, therefore their relationship to the proposal location is unknown.

¹ <https://www.thegazette.co.uk/notice/4559955>

Policy framework implications

20. The recommendations contained in this report are consistent with the pledges and objectives of the Streets for People Strategy 2023 (approved by Cabinet in July 2023 detailed in background documents) particularly:
 - a. Objective 1 - Reduce the need to own or use a car
 - b. Objective 2 - Create good quality space that is accessible for all people
 - c. Objective 4 - Improve safety and security for everyone using our streets
 - d. Objective 5 – Make walking, cycling and wheeling easier
 - e. Objective 6 – Make walking, cycling and wheeling easier for children and young people
21. The Streets for People Strategy further contains a pledge to provide a school street or other new safety improvement at all schools in the borough. The making of this order will count towards the delivery of that pledge.
22. The proposal contained in this report is consistent with the actions contained in the Council’s climate action plan, in particular to:

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

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

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

Community impact statement

23. The recommendations are locally based and therefore will have greatest effect upon those people living, working or travelling in the vicinity of the areas where the proposals are made.
24. The introduction of a timed prohibition of motor vehicles benefits vulnerable road users by reducing the number of vehicles, making it easier to cross the road and increasing road safety. An environment with less motor vehicle dominance creates a better environment for walking and cycling.
25. The recommendations support the Council’s equalities and human rights policies and promote social inclusion by:
 - Maintaining access for key services such as emergency and refuse vehicles; and
 - Improving road safety, in particular for vulnerable road users, on the public highway.
26. The recommendations are not considered to have a disproportionate effect on

any community or group.

Equalities (including socio-economic) impact statement

27. The public sector equality duty (“PSED”) is set out in section 149 of the Equality Act 2010 (“2010 Act”). The PSED requires public authorities, in the carrying out of their functions, to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the 2010 Act, advance equality of opportunity between persons who share a protected characteristic and persons who do not share it, and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
28. The proposal is not considered to have any adverse effects including socio-economic or health impacts on those with protected characteristics. Safety for pedestrians and in particular those with protected characteristics such as children, the elderly and disabled persons will be greatly assisted by a reduction of vehicular traffic in the area.

Health impact statement

29. The proposal supports the Council’s mission to promote less polluting vehicles, manage traffic to reduce demand on our streets and reduce exposure to air pollution by making walking cycling and wheeling easier and more convenient. This is achieved by reducing motor vehicles volumes and improving the street for pedestrians and cyclists.
30. These measures will reduce the vehicular access to the area during the hours of operation. This is likely to encourage more residents to walk or cycle to visit the area. Active travel is an effective way to integrate physical activity into daily routines, and just 20 minutes of physical activity per day can reduce the risk of several health conditions².
31. The reduction in traffic volumes and speeds in the vicinity of the school has a beneficial impact on health. Long-term reduction in traffic volumes will have an impact on local air pollution emissions that are particularly harmful to children, older people and those with certain health conditions.
32. Traffic reduction is also an essential element of creating safe and welcoming street environments that act as public spaces, encouraging residents to spend more time on our streets and increasing social interaction. This has the potential to have a positive impact on social and mental wellbeing, by creating connected and cohesive communities.

Climate change implications

33. The proposal 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

² Southwark Council. 2017. Active Travel JSNA.

includes a reduction in vehicle km's travelled and a shift to active and public transport; road transport currently accounts for 22% of the borough's emissions. These measures strongly support that ambition by creating an area where walking and cycling are prioritised.

34. A just and inclusive transition is at the heart of the Council's emerging climate policy. The proposal prioritises the movement of people first and foremost, while retaining vehicle access for those who require it. In delivering a safer and more equitable highway network, the measures are in accordance with the Council's approach to addressing the climate emergency.

Resource implications

35. All costs arising from implementing the recommendations will be contained within the Highways Capital budget.
36. The cost of the scheme is estimated to be approximately £20,000.

Note: Legal/Financial implications (and when to seek supplementary advice)

Legislative Powers

37. In summary, if the recommendations are approved by the Cabinet Member, the TMO will be made under sections 6 and 124 of the Road Traffic Regulation Act 1984 ("the 1984 Act").
38. 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).
39. Section 124 and Part IV of Schedule 9 of the 1984 Act provides that certain provisions apply for the making of TMOs under section 6, such as consulting with the chief officer of police.

40. The relevant purposes set out in paragraph 38 for which the TMO will be made are (a) and (c). The TMO will facilitate the safe use of active travel (e.g. bicycles, walking and scooters) and reduce vehicular dependence for journeys, making the streets quieter and more pleasant, thereby improving the amenity of the area whilst also reducing emissions through vehicle usage.
41. 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. 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.
42. 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 a TMO.
43. 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 to implement a timed School Street closure 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 proposal are the encouragement of active travel and improving the amenity of the area. These also give effect to the objectives in the SfP Strategy. Officers consider that there are adequate exemption provisions for residents to minimise disruption and access to their own properties.
44. 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.
45. 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 40.

Consultation

46. Statutory consultation has been carried out as detailed in paragraphs 11 to 16 of this report in accordance with regulation 8 of the 1996 Regulations.

47. 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 proposal at this location has been shared with the objector.

Making of the TMOs

48. 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.
49. 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 the person who made an objection to the TMO and did not withdraw.
50. The TMO will only come into force once the council has published the notice of making, confirming the order has been made.
51. 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.

CONCLUSION AND TIMESCALE

52. In light of the nature of the objection and the considerations set out in this report, officers recommend that the Cabinet Member considers the objection and officer response, and approves the implementation of the proposal.
53. Implementation subject to Cabinet Member approval in July 2024.

Assistant Chief Executive, Governance and Assurance (BAS – 12.06.24)

54. The Cabinet Member is asked to consider the objection received in relation to the timed closure on Bird in Bush Road between Commercial Way and the access road to Peterchurch House.
55. Officers recommend that the proposal is introduced by way of a permanent TMO as set out at paragraph 4 of this report. These recommendations fall within the powers of the individual Cabinet Member for determination in accordance with paragraphs 23 and 34, Part 3D of the Council's Constitution.
56. The background to the proposal and the reasons for the making of the TMO is detailed in the body of the report. Implementation of the proposal will require a TMO 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.

57. 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 to 43. Officers have carried out the exercise of balancing this duty with the various matters listed under section 122(2) and have recommended that the timed closure on Bird in Bush Road between Commercial Way and the access road to Peterchurch House should be implemented by way of a permanent TMO.
58. Officers have considered the council's PSED under section 149 of the 2010 Act at paragraphs 27 and 28 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.
59. 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.
60. 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 23 to 34 above.

Strategic Director of Finance (ENG24/028)

61. The report is requesting the Cabinet Member for Climate Emergency, Clean Air & Streets approve a number of recommendations detailed in paragraph 1 of this Objection Report pertaining to the installation of a timed school street closure on Bird in Bush Road.
62. The strategic director of finance and governance notes that the estimated costs associated with these recommendations is £20,000 and there is sufficient resources within the Highways service budgets to fund these proposals.
63. 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 (https://www.southwark.gov.uk/transport-and-roads/streets-for-people)	Southwark Council Environment Neighbourhoods and Growth Highways 160 Tooley Street, London, SE1 2QH	Tobias Allen (Tobias.Allen@southwark.gov.uk) 020 7575 3197
Climate Change Strategy (https://www.southwark.gov.uk/environment/climate-emergency?chapter=3)	Research & Policy (Climate Change) Southwark Council 160 Tooley Street SE1 2QH	Tom Sharland (Tom.Sharland@southwark.gov.uk)

APPENDICES

No.	Title
Appendix 1	Camelot Primary School Street – Objection Correspondence
Appendix 2	Camelot Primary School Street – Extents plan

AUDIT TRAIL

Lead Officer	Steven Grayer – Head of Highways	
Report Author	Tobias Allen – Project Manager	
Version	Final	
Dated	19/06/2024	
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	No
Date final report sent to Constitutional Team	25 July 2024	