

Decision Taker:	Cabinet Member for Clean Air, Streets and Waste
Date:	12 November 2024
Report title:	Determination of Objections - Nunhead Controlled Parking Zone
Ward(s) or groups affected:	Nunhead
Classification:	Open
Reason for lateness (if applicable):	N/A
From:	The Director of Environment

RECOMMENDATION(S)

That the Cabinet Member for Clean Air, Streets and Waste:

1. Considers the 37 representations received as summarised in Table One, during the statutory consultation for '**TMO 2425-010 CPZ 'B' ext**' relating to the proposal to extend the existing 'B' permit zone in the Nunhead area, which includes permit parking bays and double yellow lines on the following roads: Sturdy Road, Ellery Street, Old James Street, Whorlton Road and partially into Scylla Road and only double yellow lines on Linden Grove and Forester Road.
2. Considers and determines each objection and comment as per the table prepared by officers in Appendix 1 and notes the comments made online in Appendix 2.
3. Instructs officers to write to each person who made representations to inform them of the Council's decision.
4. Instructs officers to make the existing Traffic Management Order(s) (TMO) to proceed with the proposal to extend the 'B' Controlled Parking Zone (CPZ) operating from Monday to Saturday from 8.30am to 6.30pm.

BACKGROUND INFORMATION

5. In March 2024, the Cabinet Member for Clean Air, Streets and Waste made the decision:
 - i. That it be approved that the extension of Controlled Parking Zone ("CPZ") 'B' into the following roads: Sturdy Road, Ellery Street, Old

James Street, Whorlton Road and partially into Scylla Road, covering a smaller area than proposed in public informal consultation, in response to resident feedback. This proposal is subject to the outcome of the statutory procedures. The remaining roads consulted as part of this consultation will not be part of a controlled parking zone. The majority of residents living on the roads that are included in the new smaller zone were supportive of a CPZ on their road (53%). Otherwise, given the overall majority who didn't want a CPZ, the revised extension, which significantly reduces the size of the proposed CPZ coverage, responds to the feedback of the majority of residents. Full details can be found in Appendix A as well as the boundary of the proposed CPZ extension.

- ii. That it be noted that the operational hours of the proposed CPZ extension will be in line with the existing zone: Mon-Sat 8.30am to 6.30pm.
 - iii. That it be noted that a further report will be brought to the cabinet member should there be any valid statutory objections to the traffic order required to implement the proposed CPZ extension.
 - iv. That the position and type of parking bays and restrictions for the proposed CPZ extension as shown in the outline design be approved, save for any amendments which may be required at the implementation stage, which may be determined by officers (Appendix B).
 - v. That it be noted that in addition to the controlled parking zone proposed as part of this report, officers will assess and propose double yellow line waiting restrictions across the entire consulted area where required for safety reasons.
6. This report makes the recommendations above following the determination of a number of objections that relate to TMO(s) published proposing new parking restrictions across the Nunhead area.
 7. A total of 38 representations were received during the statutory consultation, which ran from 5 September 2024 to 3 October 2024. One representation was removed as it is a duplicate from the same email account resulting in a total of 37 representations to be considered. 21 were classified as objections or part objections, 15 were classified as support or part support, and 1 was neutral. 1 response was received late and was logged as an objection.
 8. At the start of the statutory period, notice was given in the London Gazette, local press (Southwark News) and street notices were placed in the affected area.

9. Notice was also given to statutory and non-statutory consultees including Transport for London, Southwark Disablement Association, Southwark Disability Forum, Southwark Cyclists, Living Streets and London Travel Watch.

KEY ISSUES FOR CONSIDERATION

10. Appendix 1 gives a breakdown of all objections and the officer response to each objection.
11. Appendix 2 shows a redacted version of each representation.
12. Each piece of correspondence received during statutory consultation was responded to with an acknowledgement email/letter.
13. It should be noted that some responses contained more than one reason for objection
14. Representations were made in a number of ways, this can be seen in Table One below;
 - Table One, method of representation

Method of representation	Number
Appyway	32
E-form	2
Email	3

15. It can be seen in Table Two below that the majority of people who made a representation identified themselves as residents.
 - Table Two, category of individual of making representation

Responder	Neutral	Partly Object	Partly Support	Wholly Support	Wholly Object	Wholly Support	Grand Total
Other					1		1
Resident	1	3	9	5	16	1	36
Visitor					1		1
Other							
Total	1	3	9	5	18	1	37

16. Below is a summary of the main comments from the objectors:
 - i. Not enough parking spaces have been provided in the proposed design for the zone
 - ii. Scheme is not big enough

- iii. Will cause displacement on to uncontrolled roads
- iv. There are no parking issues
- v. This is a money-making scheme
- vi. Cost of living

17. Although there were greater number of objections than support for the scheme, officers recommend progressing with the proposals to extend the existing 'B' controlled parking zone in the Nunhead area (Sturdy Road, Ellery Street, Old James Street, Whorlton Road and partially into Scylla Road) due to the council's power to make a CPZ:

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs, or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

18. It is considered that the proposed reduced CPZ will be expedient to achieve purposes (a), (d), (e), (f) and (g), in accordance with sections 1 and 6 of the Road Traffic Regulation Act 1984 ("the 1984 Act").

19. Section 45 of the 1984 Act gives the council specific power to introduce CPZs with permits. In applying this power it is necessary to have regard (amongst other factors) to:

- (a) the need for maintaining the free movement of traffic;
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.

20. Section 122 of the 1984 Act provides:

"(1) It shall be the duty of every ... local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them

by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway

(2) The matters referred to in subsection (1) above as being specified in this subsection are —

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the strategy prepared under section 80 of the Environment Act 1995 (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; and

(e) any other matters appearing to ... the local authority to be relevant.

21. Section 121B of the 1984 Act states that no London borough council shall exercise any power under the Act in a way which will affect, or be likely to affect a:

- Greater London Authority (Transport for London (TfL)) road,
- Strategic Road or road in another London borough, unless:

i) the council has given notice of the proposal to exercise the power to TfL; and in a case where the road concerned is in another London borough, to the council for that borough; and.

ii) the proposal has been approved

- in the case of a Strategic Road, by Transport for London and, where the road concerned is in another London borough, the council for that borough;
- in the case of a road within another borough that is not a Strategic Road, by the London borough council concerned; or

iii) the period of one month after the date on which TfL and, where applicable, the council received notice of the proposal, TfL or the council objecting to the proposal; or

iv) any objection made by Transport for London or the council has been withdrawn; or

v) where an objection has been made by TfL or a London borough council and not withdrawn, the Greater London Authority has given its consent to the proposal after consideration of the objection.

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

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

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

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

The Greater London Authority Act 1999

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

Section 55 Road Traffic Regulation Act 1984

24. The cost of permits purchased for the proposed CPZ will be used to meet the costs of administration and enforcement of the proposed CPZ and help maintain and improve our streets. Any surplus income will be used to within the legal ring-fence for parking income under section 55 of the Road Traffic Regulation Act 1984. For example, it could be used for important things we all rely on, such as safer crossings and pavement maintenance.
25. Each individual objection has been duly considered and a comprehensive response provided as set out in Appendix 1. It is not considered that any of the points made in the objections warrant a change or amendment to the original proposals.

Policy framework implications

26. The plans set out in this report also support the aims of the 'Streets for People' strategy which sets out a bold vision and a firm commitment to improve our residents' quality of life and take action on climate change, by changing how we

all travel and use streets in our borough.

Streets for People supports:

- i. cleaner air
 - ii. safer and quieter streets with less traffic and fewer accidents
 - iii. healthy travel options like walking, cycling or wheeling
 - iv. greener, and more pleasant spaces for our communities to connect and socialise
 - v. a better place for all who live, work, study and visit
27. The implementation of the new Queen's Road area CPZ will contribute to this aim.

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

Community impact statement

28. 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.
29. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
30. There is a risk that new restrictions may cause parking to be displaced and to indirectly have an adverse impact upon road users and neighbouring properties at that location. The scheme is designed to seek to reduce displacement where possible. The council can address ongoing displacement effects following implementation of the scheme and consider whether any further or different potentially mitigating measures could be utilised.
31. With the exception of those benefits and risks identified above, the recommendations set out in this report are not considered to have a disproportionate effect on any particular community group.
32. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
- Providing improved access for key services such as emergency and refuse vehicles; and
 - Improving road safety, in particular for vulnerable road users, on the public highway.
33. Officers consider that the scheme (having regard to the desirability of securing and maintaining reasonable access to premises, the effect on the amenities of the locality affected and the importance of facilitating the passage of public

service vehicles) contributes towards the expeditious, convenient, and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Equalities (including socio-economic) impact statement – Appendix 3

34. 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.
35. An Equalities Impact and Needs Analysis (“EINA”) has been undertaken in line with the council’s PSED to assess the impact of the Nunhead area CPZ on groups with protected characteristics and to assess whether any mitigating actions could be taken to promote equality and tackle inequalities (see Appendix 3). The identified protected characteristics affected by the proposals include age, religion and disability.
36. Mitigating actions were carried out by officers in finalising the design and implementation to address the negative impacts identified in the EINA as summarised below.

Description of issue	Action
Potential that the introduction of a controlled parking zone may negatively impact older people.	<p>Provision of bays to suit the needs of those who don’t own phone or need to park close to local amenities, where possible, offer payment to be taken in local shops.</p> <p>Paper questionnaires and Door knocking to take place during the consultation to capture the views of people that would not respond online or at drop-in sessions.</p>
Parking restrictions may isolate those who rely on their cars or visits from carers	There will be a general increase in spaces because of the reduction in commuter parking, there are multiple free/discounted bays for those with Blue Badges. There are specific carer permits available.

Potential that the responses to the parking consultation will not be representative of the demographics of that part of Southwark	Door knocking to take place during the consultation
Paid for parking could be a hurdle to those visiting a place of worship.	<p>Bays to be introduced to ensure that places of worship are still accessible. Permit parking does not prevent people from being able to drive, but there will be a cost implication if services are during the operational hours.</p> <p>Each individual place of worship to be considered and mitigation such as additional disabled bays/short stay bays to be introduced.</p>

37. The EINA concluded that the Nunhead area CPZ proposals have mainly a positive impact on protected characteristic groups. This and in light of the mitigation actions undertaken, the proposals are not considered to have a disproportionate effect on any particular protected characteristic group.
38. 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 shared use facilities by improving road surface, road markings, and signage.
 - Improving access for pedestrians and cyclists to local facilities.

Health impact statement

39. The proposals promote more sustainable modes of transport and discourage car use. This should assist in the council's objective of reducing car journeys in the borough and would assist in improving air quality. By discouraging car use, the council is delivering changes that promote active travel, encouraging people to get active and stay active.
40. Encouraging walking and cycling has a positive impact on levels of physical activity of people living in or travelling through the area, and just 20 minutes of physical activity per day can reduce the risk of several health conditions.
41. The proposals support the council's mission to reduce exposure to air pollution by discouraging vehicle usage in an area. Children, older people, and people

with respiratory and health conditions are more vulnerable to the health effects of air pollution.

42. Residents and visitors who have mobility issues should benefit from the proposals, as they will be able to park closer to their destination because non-local traffic should be removed. Blue Badge holders will also be able to park in controlled bays when displaying their blue badge and parked within the Council's guidelines for blue badge parking.

Further Guidance

Climate change implications

43. The report has considered the impact of the proposed measures on climate change above. The measures support the aims of the council's climate change Strategy under Priority 2 – Active and Sustainable Travel. Key aims of the council's Climate Change Strategy include to 'reduce car journeys to a minimum by 2030' and to 'be a borough where walking and cycling becomes the default way to get around'. Part of meeting the borough's ambition of net zero emissions by 2030 includes a reduction in vehicle kms travelled and a shift to active and public transport; road transport currently accounts for 15% of the borough's emissions. These measures strongly support that ambition.
44. A just and inclusive transition is at the heart of the council's emerging climate policy. These proposals prioritise the movement of people first and foremost, while retaining vehicle access for those who require it. In delivering a safer and more equitable highway network, the measures are in accordance with the council's approach to addressing the climate emergency.

Resource Implications

45. All resource implications will be contained within the existing Highways Structure.

Legal Implications

46. The cabinet member is asked to approve, subject to the outcome of statutory consultation, the implementation of traffic and highway improvements by way of TMOs at Nunhead area.
47. Should the cabinet member approve the recommendations set out at paragraph 1 of the report, and one or more TMOs are made under the powers contained within the Road Traffic Regulation Act 1984, officers will proceed with statutory consultation as per the requirements set out in regulation 8 of the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 ("1996 Regulations").
48. In order to approve the recommendations set out at paragraph 1-4 of the report,

and proceed to make the proposed TMOs under the powers contained in the 1984 Act, the Strategic Director of Environment, Neighbourhoods and Growth should form the view that the following matters have been addressed:

- The council has carried out notification and consultation procedures in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (“1996 Regulations”). This is dealt with at paragraphs 5-9 of this report, with a summary of the consultation responses at paragraphs 10-17 of this report;
 - The council has properly considered all objections received as part of the statutory consultation in a satisfactory manner, and in accordance with administrative law principles, Human Rights law and the relevant statutory powers. Appendix 1 provides a breakdown of all objections received, and the officer response to each objection for the consideration of the decision maker.
49. The decision maker should ensure that the decision is made in accordance with the relevant legal powers set out at paragraphs 22-31 of this report, and apply public law principles including reasonableness and consideration of all relevant considerations whilst disregarding irrelevant considerations.
50. In accordance with the requirements of regulation 17 of the 1996 Regulations, should the decision be made to make the TMOs as per the recommendations of this report, the council shall, within 14 days of making the TMOs:
- publish in the London Gazette and a newspaper circulating in the area in which any road or place to which the order relates is situated, a notice:
 - (i) stating that the order has been made; and
 - (ii) containing the particulars specified in Parts I and III of Schedule 1 of the 1996 Regulations
 - notify in writing any person who has objected to the order as part of the statutory consultation process, where their objection has not been “wholly acceded to” including the reasons for the decision (in accordance with regulation 13 and 17(3) of the 1996 Regulations). This is reflected in the recommendation at para 3 of this report.
 - take such other steps of the kinds referred to at regulation 7(1)(c) of the 1996 Regulations as the council considers appropriate for the purpose of ensuring that adequate publicity is given to the making of the TMOs.
51. The TMOs shall only come into force once the council has published the notice, referred to in paragraph 49 above, which confirms the order has been made.

52. After the TMOs are made, the council must ensure proper signage is implemented in the vicinity in accordance with Regulation 18 of the 1996 Regulations.
53. An appeal can be made to the High Court within six weeks of the TMO's are made, if the public feels the council has not followed the correct procedures in making the order.

Financial Implication

54. The implementation cost of this scheme is approximately £100,000 and will be met from the parking revenue budget.

Timeframes

55. Should the decisions be taken that that proposals are to be implemented, we will be looking to 'make' the traffic order in November 2024. Work is planned to start in December 2024 and expected to go live in February 2025.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive, Governance & Assurance

56. The Cabinet Member for Clean Air, Streets and Waste is being asked to consider the representations and objections received within the statutory consultation period in respect of the proposal to extend the Controlled Parking Zone B ('CPZ B') to specific streets as outlined in this report at the first paragraph. These representations have been acknowledged and responded to.
57. The cabinet member is being asked to approve the implementation of the extension of the CPZ B to the specific streets with the reasoning provided in paragraph 18 of this report.
58. Paragraph 20 of this report sets out the specific powers which the council has to make traffic management orders under the Road Traffic Regulations Act 1984. Under Part 3D paragraph 22 of the Southwark Constitution, the relevant cabinet member has authority to implement a new traffic improvement project as recommended by this report.
59. The statutory consultation process of notice of intention to make the traffic orders to implement the new parking zone has been complied with as evidenced by paragraphs 8 and 9 of this report.
60. The cabinet member will note the consultation has been carried out in connection with this decision. It is necessary as a matter of law for the Cabinet Member to carefully take account of the outcome of this consultation as set out in the report in reaching its conclusion on the recommendations.

61. The cabinet member will need to fully consider the objections (redacted to exclude personal information) included in Appendices 1 and 2. In doing so they will have had regard to the officers' responses and reasons for rejecting the objections at Appendix 1. It is the cabinet mdecision whether or not to accept or reject the objections after fully considering them in accordance with the principles of decision making within Article 1.3 of Southwark Council's Constitution.
62. The cabinet member will also need to have due regard to the need to eliminate discrimination, advance equality of opportunity, and to foster good relations between people with protected characteristics and others in accordance with the public sector equality duty in section 149 Equality Act 2010. Reference is made to this in the 'Community, equalities (including socio-economic) and health impacts' section above and an equalities impact assessment has been carried out which the cabinet member should take account of in its deliberations.

Strategic Director of Finance (ESL24/087)

63. This report requests that the cabinet member for Climate Emergency, Clean Air & Streets approve the implementation of a new parking zone in the Nunhead area.
64. The strategic director of finance notes that this proposal is to be funded from the Parking Design budget financed by the Parking Service and that there are sufficient resources available.
65. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

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

	London SE1 2QH	
Cabinet Member for Clean Air, Streets and Waste March 2024 decision	Southwark Council Environment, Sustainability and Leisure & Highways 160 Tooley Street London SE1 2QH	
Informal consultation decision: https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?Id=805 1	Southwark Council Environment, Sustainability and Leisure Highways 160 Tooley Street London SE1 2QH	Jo Redshaw

APPENDICES

No.	Title
Appendix 1	Breakdown of all objections and the officer response to each objection
Appendix 2	Summary of responses
Appendix 3	EQIA

AUDIT TRAIL

Lead Officer	Matt Clubb, Director of Environment	
Report Author	Gurch Durhailay, Interim CPZ Project Manager	
Version	Final	
Dated	12 November 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
Cabinet Member	Yes	
Date final report sent to Constitutional Team		12 November 2024