

<b>Meeting Taker:</b>	Cabinet Member for Clean Air, Streets and Waste
<b>Date:</b>	21 November 2024
<b>Report title:</b>	Determination of Objections - Rotherhithe Village Controlled Parking Zone
<b>Ward(s) or groups affected:</b>	Rotherhithe
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	N/A
<b>From:</b>	The Director of Environment

## RECOMMENDATIONS

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

1. Considers the 26 representations received as summarised in Table One, during the statutory consultation for Ref: TMO 2425-014 Rotherhithe Village CPZ 'RV' relating to the proposal area controlled parking zone in the Rotherhithe Village area, which includes permit parking bays and double yellow lines on the following roads: Adams Garden Estate, Brunel Road, Canon Beck Road, Clarence Mews, Clifton Place, Elephant Lane, Hope Wharf, Isambard Place, Kenning Street, King Stairs Close, Mayflower Street, Railway Avenue, Rotherhithe Street, St Marychurch Street, Swan Road, Tunnel Road and Western Place.
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 implement the proposed operational hours of Monday to Friday – 8am to 6.30pm within the proposed CPZ area.

## BACKGROUND INFORMATION

5. On 02 April 2024, the Cabinet Member for Clean Air, Streets and Waste made the following decision:
6. Approves the proposed implementation of a new controlled parking zone ("CPZ") in Rotherhithe Village. This proposal is subject to the outcome of

any necessary statutory procedures including the statutory consultation process. Full details can be found in Appendix A.

7. Approves the proposed operational hours of Monday to Friday – 8am to 6.30pm within the proposed CPZ area.
8. Notes that a further report will be brought to the Cabinet Member should there be any statutory objections to the traffic order.
9. Approves the position and type of parking bays and restrictions for the proposed CPZ as shown in the outline design save for any amendments which may be required at the post statutory consultation stage or the implementation stage, which are delegated to officers to determine (Appendix B).
10. This report makes recommendations for the determination of a number of objections that relate to TMO(s) published proposing new parking restrictions across the Rotherhithe Village area.
11. A total of 27 representations were received during the statutory consultation, which ran from 19 September 2024 to 10 October 2024. One representation was removed as it was a duplicate from the same email account resulting in a total of 26 representations to be considered. 16 were classified as objections or part objections, 10 were classified as support or part support.
12. 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.
13. 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**

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

- Table Two, method of representation

<b>Method of Representation</b>	<b>Number</b>
AppyWay	23
email	3
<b>Grand Total</b>	<b>26</b>

19. It can be seen in Table Three below that the majority of people who made a representation identified themselves as residents.

- Table Three, category of individual of making representation

<b>Respond er Type</b>	<b>Partly Objec t</b>	<b>Partly Suppo rt</b>	<b>Wholl y Objec t</b>	<b>Wholly Suppo rt</b>	<b>Gran d Total</b>
Business		1	1		2
Resident	4	1	11	8	24
<b>Grand Total</b>	<b>4</b>	<b>2</b>	<b>12</b>	<b>8</b>	<b>26</b>

20. Below is a summary of the main comments from the objectors:

- I. No parking issues
- II. Design change
- III. King Stairs Close does not want parking
- IV. Money making scheme
- V. Cost of living

21. Although there were a greater number of objections than support for the scheme, officers recommend progressing with the proposals to implement the RV permit parking scheme in the Rotherhithe Village area as proposed, taking into account the feedback from both consultation exercises, the information from the parking pressure surveys and the Council's power to make a CPZ, namely:

- (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).

22. 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”).
23. 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.

24. The Council has taken into account information relating to parking pressure gathered by traffic surveys, and resident feedback from the informal consultation while applying this power to introduce a CPZ. When designing the scheme, due regard has been given to the road network layout and effect of the proposed scheme on traffic movement, in particular the placing of double and single yellow lines where required to address sight lines, visibility, pedestrians and cyclists’ safety. Consideration has also been given to crossovers with private off-road parking and access to premises. There is a mixture of on and off-street parking across this area. Therefore, we envisage this not changing due to the implementation of the proposed zone, however this will be monitored as part of the review period.

25. 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;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- (c) 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

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

26. 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:

- GLA (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.

27. In considering this proposed, 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

28. 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

29. 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.
30. 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**

31. 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
32. The implementation of the new Rotherhithe area CPZ will contribute to this aim.

#### **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.
34. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.

35. 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.
36. 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.
37. 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.
38. 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**

39. 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.
40. An Equalities Impact and Needs Analysis ("EINA") has been undertaken in line with the council's PSED to assess the impact of the Rotherhithe Village 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.
41. Mitigating actions were carried out by officers in the finalising the

design and implementation to address the negative impacts identified in the EINA as summarised below.

Description of issue	Action
<p>Potential that the introduction of a controlled parking zone may negatively impact older people.</p>	<p>Provision of bays to suit the needs of those who don't own a car or need to park close to local amenities. Where possible, consider the option of having drop-off facilities in nearby 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>
<p>Parking restrictions may isolate those who rely on their cars or visits from carers</p>	<p>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.</p>
<p>Potential that the responses to the parking consultation will not be representative of the demographics of that part of Southwark</p>	<p>Door knocking to take place during the consultation</p>
<p>Paid for parking could be a hurdle to those visiting a place of worship.</p>	<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>

42. The EINA concluded that the Rotherhithe Village 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.
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 shared use facilities by improving road surface, road markings, and signage.
- Improving access for pedestrians and cyclists to local facilities.

### **Health impact statement**

44. 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.
45. 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.
46. 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.
47. 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**

48. 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 20% of the borough's emissions. These measures strongly support that ambition.
49. A just and inclusive transition is at the heart of the Council's emerging climate policy. These proposals prioritise the movement of people first and foremost, while retaining 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

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

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

51. 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 Cabinet Member for Clean Air, Streets and Waste 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 8-9 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.
52. The decision maker should ensure that the decision is made in accordance with the relevant legal powers set out at paragraphs 18-26 of this report and apply public law principles including reasonableness and consideration of all relevant considerations whilst disregarding irrelevant considerations.
53. 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.

54. 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.
55. 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.

### **Consultation**

56. A total of 27 representations were received during the statutory consultation, which ran from 19 September 2024 to 10 October 2024. One representation was removed as it was a duplicate from the same email account resulting in a total of 26 representations to be considered. 16 were classified as objections or part objections, 10 were classified as support or part support.
57. 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.
58. 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.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Head of Procurement**

59. No advice required

#### **Assistant Chief Executive, Governance and Assurance**

60. The Cabinet Member for Clean Air, Streets and Waste is asked to approve the recommendation to implement a reduced CPZ in the Rotherhithe Village area.
61. Traffic management orders are required to implement the CPZ. The procedure for making a traffic management order involves statutory consultation carried out in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales Regulations) 1996.
62. All objections received in response to the Statutory Consultation have been evaluated and addressed by officers and presented as part of this report for the determination of the Cabinet Member for Clean Air, Streets and Waste.
63. The Equality Act 2010 introduced the public sector equality duty (PSED), which merged existing race, sex and disability equality duties and extended them to include other protected characteristics; namely

age, gender reassignment, pregnancy and maternity, religion and belief, and sex and sexual orientation, including marriage and civil partnership. In summary those subject to the equality duty, which includes the council, must in the exercise of their functions: (i) have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and (ii) foster good relations between people who share a protected characteristic and those who do not. The impact the proposal may have on those with protected characteristics is considered as part of this report. Officers 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 imposed 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 that is incompatible with these rights. The most important rights for highway and planning purposes are Article 8 (respect for homes), Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property).
65. The statutory procedural safeguards which the Council would adopt, if it is decided to proceed with the making of the proposed scheme, will ensure that the requirements of Article 6 of the ECHR are observed.
66. In relation to Article 8, the right to respect for private and family life has a broad interpretation and extends to being in a public place if there is a reasonable expectation of privacy there. This right can be interfered with where lawful, necessary and proportionate to protect a number of other concerns including public safety and health. It is not considered that the proposed scheme would impede on any individual's right to respect for private and family life, either in public or on private land.
67. The right under Article 1 is qualified rather than absolute, as it permits the deprivation of an individual's possessions or rights where it is in the public interest. The public interest benefits of the proposed scheme are outlined within this report.
68. The implementation of a parking zone is not anticipated to breach the relevant Articles and provisions of the Human Rights Act 1998.
69. 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. The climate implications of the proposal are considered as part of this report.

#### **Strategic Director of Resources (EL22/015)**

70. This objection report is requesting that the Cabinet Member for Clean Air, Streets and Waste approves a number of recommendations detailed in paragraphs 1 to 4 of this report pertaining to the proposals to implement a new Controlled Parking Zone in Rotherhithe Village area.

71. The Strategic Director of Finance notes that the estimated costs associated with these recommendations is £110,000 and there is sufficient funding available to support these proposals.
72. Staffing and any other costs connected with these recommendations to be contained within existing departmental budgets.

**Other officers**

N/A

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
Streets for People <a href="https://moderngov.southwark.gov.uk/documents/s115187/Appendix%201%20Streets%20for%20People%20Strategy%202023-2030.pdf">https://moderngov.southwark.gov.uk/documents/s115187/Appendix%201%20Streets%20for%20People%20Strategy%202023-2030.pdf</a>	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Jo Redshaw
Climate Change Strategy Please email <a href="mailto:highways@southwark.gov.uk">highways@southwark.gov.uk</a> to request a copy	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Tom Sharland
Informal consultation decision: <a href="https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?id=8051">https://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?id=8051</a>	Southwark Council Environment 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	Redacted version of each representation
Appendix 3	EQIA

## AUDIT TRAIL

<b>Lead Officer</b>	Matt Clubb – Director of Environment	
<b>Report Author</b>	Gurch Durhailay – Interim CPZ Project Manager	
<b>Version</b>	Final	
<b>Dated</b>	20 November 2024	
<b>Key Decision?</b>	No	
<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 of Resources	Yes	Yes
List other officers here		
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	21 November 2024	