

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 16 November 2011	<b>Decision Maker:</b> Cabinet Member for Transport, Environment and Recycling
<b>Report title:</b>		Lucas Gardens controlled parking zone. Determination of statutory objections	
<b>Ward(s) or groups affected:</b>		Brunswick Park/Camberwell Green/Faraday	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATIONS

1. Consider the 6 objections received during statutory consultation of the Lucas Gardens (LG) Controlled Parking Zone (CPZ), detailed in Appendix A. and Reject the 6 objections for reasons stated in Table 2 in accordance with the recommended action for each objection.
2. That the cabinet member notes that all objectors will be informed in writing of the council's decision.

## BACKGROUND INFORMATION

3. This report makes recommendations for the determination of a number of objections that relate to traffic orders that are of a strategic nature as they relate to the introduction of a new controlled parking zone.
4. The objections were received following the conclusion of the statutory consultation procedure concerning the introduction and making of a controlled parking zone (CPZ) in the Lucas Gardens (LG) area. Part 3D of the council's constitution delegates decisions of this type to the Cabinet Member for Environment, Transport and Recycling for determination.
5. The Cabinet Member for Environment, Transport and Recycling approved<sup>1</sup>, on 23 September 2011, the introduction of a controlled parking zone (CPZ) in the Lucas Gardens (LG) area, subject to the outcome of statutory consultation.
6. The decision to introduce the LG CPZ was made following public and community council consultation on the principal and the detail of the CPZ. Full detail of that study can be found within the background documents.
7. In accordance with legislation<sup>2</sup>, the council advertised its intention to make traffic orders in respect of the LG CPZ on 29 September 2011.
8. The consultation period ran until 20 October 2011.
9. Notice was given in the London Gazette, local press (Southwark News) and street notices were placed in the affected area.
10. Notice was given to statutory consultees: London Ambulance Service, London Fire Brigade, Metropolitan Police Service, TfL Buses, Freight Transport Association, and the Road Haulage Association.

<sup>1</sup> <http://moderngov.southwarksites.com/ieDecisionDetails.aspx?ID=2401>

<sup>2</sup> [The Local Authorities' Traffic Orders \(Procedure\) \(England and Wales\) Regulations 1996](#)

11. Notice was also given to non-statutory consultees including: Transport for London, Southwark Disablement Association, Southwark Disability Forum, Southwark Cyclists, Living Streets and London TravelWatch.
12. Full details of the proposal were also made available for inspection on the council's website or by appointment.

**KEY ISSUES FOR CONSIDERATION**

13. A total of 13 pieces of correspondence were received as a result of the statutory consultation. They are classified by type in Table 1, below.

<b>TABLE 1</b>	<b>Quantity</b>
<b>Type of correspondence</b>	
Objection (not withdrawn)	6
Objection (withdrawn)	1
In support of proposals	3
General enquiry	3

14. A copy of each objection (that was not withdrawn) can be found in Appendix A. They are summarised in Table 2 with a recommended action for that objection.

<b>TABLE 2</b>	<b>Reference</b>	<b>Date received</b>	<b>Received from</b>	<b>Summary of objection</b>	<b>Action/ Recommendation</b>
	LG_003	04/10/2011	Resident. Shenley Road	Parking controls will cause displacement in surrounding roads	Reject objection. The objector is from outside the CPZ area where broad support has been identified.
	LG_008	17/10/2011	Resident. Grace's Road	CPZ will cause additional costs for trades persons and family	Reject objection. The public consultation identified broad support for the CPZ. Costs were identified as part of that consultation and are considered to be fair and reasonable and are set at a borough-wide

<b>TABLE 2</b>				
<b>Reference</b>	<b>Date received</b>	<b>Received from</b>	<b>Summary of objection</b>	<b>Action/ Recommendation</b>
LG_009	19/10/2011	Resident. Grace's Road	CPZ will cause additional costs for trades persons and family	level. Reject objection. The public consultation identified broad support for the CPZ. Costs were identified as part of that consultation and are considered to be fair and reasonable and are set at a borough-wide level.
LG_010	19/10/2011	Resident. Grace's Road	CPZ will reduce the number of available parking spaces. Will not address problems associated with visitors to the ministry. Will prevent them from having two vehicles: one as a trader, one for personal/domestic need.	Reject objection. The CPZ will eliminate commuter parking (~26%) and prioritise space for resident permit holders. Permits are limited to one per person to a max of 3 per household. Business permits are also available.
LG_011	20/10/2011	Resident. Grace's Road	Objector never has any difficulty parking and thinks the CPZ is unnecessary	Reject objection. The study showed high (>80%) levels of parking occupancy in each road and therefore the evidence demonstrates a need to elevate parking pressure in this area. Public consultation identified broad support for the CPZ.

<b>TABLE 2</b>				
<b>Reference</b>	<b>Date received</b>	<b>Received from</b>	<b>Summary of objection</b>	<b>Action/ Recommendation</b>
LG_012	20/102011	Resident. Grace's Road	Objector never has a issue with parking and thinks the CPZ is unnecessary. In current economic finding the money for parking charges will be difficult.	Reject objection.  The study showed high (>80%) levels of parking occupancy in each road and therefore the evidence demonstrates a need to elevate parking pressure in this area. .  The public consultation identified broad support for the CPZ. Costs were identified as part of that consultation and are considered to be fair and reasonable and are set at a borough-wide level.

15. One objection was withdrawn. The objection related to the proposed layout of parking in Grace's Mews. An officer met with the objector and agreed to amend the design and seek approval from the Community Council for that change. This was approved on 31 October 2011. The objection was formally withdrawn.

### **Policy implications**

16. The recommendations contained within this report are consistent with the polices of the PEP, the council's overall transport strategy and the emerging Transport Plan, particularly:
- Policy 1.1 – pursue overall traffic reduction
  - Policy 2.3 – promote and encourage sustainable travel choices in the borough
  - Policy 4.2 – create places that people can enjoy
  - Policy 8.1 – seek to reduce overall levels of private motor vehicle traffic on our streets

### **Community impact statement**

17. The operation of the CPZ contributes to an improved environment through the elimination

of on-street commuter parking and the associated reduction of local and borough-wide traffic levels.

18. The policies within the Parking and Enforcement Plan are upheld within this report have been subject to an Equality Impact Assessment.

### **Resource implications**

19. There are no resource implications associated with the recommendations contained within this report, that have not been previously agreed.
20. This report is to determine statutory objections made in relation to a proposed traffic order.
21. There are only very minor additional costs as a result of these recommendations. These additional costs will be contained within the original budget that was agreed for this project.

### **Consultation**

22. Statutory consultation has been carried out as detailed in paragraphs 7 to 12 of this report.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Strategic Director of Communities, Law & Governance (RM11/11/11)**

23. The Cabinet Member for Environment, Transport and Recycling approved the introduction of the LG CPZ on 23 September 2011, subject to the outcome of the statutory consultation process pursuant to the Road Traffic Regulation Act ("RTRA") 1984 and the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996.
24. The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 require the Council to consider any representations received as a result of publishing the draft order for a period of 21 days following publication of the draft order. The Cabinet Member will note from the report that the statutory consultation period expired on 20 October 2011 and that 13 consultation responses were received in response to the consultation process (Appendix A). Paragraph 13, Table 1, of the report advises that 6 of these objections have not been withdrawn to date and remain unresolved.
25. The recommendation requests the Cabinet Member for Transport, Environment and Recycling to consider the 6 objections received as part of the statutory consultation process, detailed in Appendix A and reject the objections for the reasons summarised at paragraph 14, Table 2 above. The recommendation further seeks the Cabinet Members' approval to communicate the Council's decision in writing to all objectors.
26. All objections received as part of the statutory consultation process must be fully considered in the light of administrative law principles, Human Rights law and the relevant statutory powers. In considering formal objections, the Council has discretion as to whether or not to hold a public inquiry before deciding whether or not to make a Traffic Management Order or to modify the published draft Order, under regulation 9. The purpose of such an Inquiry would be for the proposal to be explained and subjected to examination; and for the public to be given the opportunity to make their views known. It is generally considered that a public inquiry should be held where it would provide further information, which would assist the Council in reaching a decision.

27. Following careful consideration of the objections received, the Council does not consider the objections to warrant the holding of an Inquiry in this instance for the reasons summarised at paragraph 14, Table 2. The Council has undertaken careful consultation to ensure that all road users are given a fair opportunity to air their views and express their needs. The design of the scheme includes special consideration for the needs of people with blue badges, local residents and businesses. The needs of commuters are also to be given consideration but generally carry less weight than those of residents and local businesses. The Cabinet Member is therefore requested to approve the recommendation.
28. This decision falls under Part 3D, paragraph 22, of the Southwark Constitution 2011/12, which provides that the Cabinet Member for Transport, Environment and Recycling has authority to determine objections to traffic orders that are of a strategic nature.
29. This decision is categorised as 'strategic' as it relates to the introduction of a new controlled parking zone (CPZ) being a decision delegated to the Cabinet Member for Transport, Environment and Recycling under Part 3D, paragraph 22

#### **Finance Director (NR/11/11/11)**

30. This report recommends that the Cabinet Member for Transport, Environment and Recycling rejects 6 objections received during statutory consultation of the Lucas Gardens (LG) Controlled Parking Zone and writes to all objectors to inform them of the council's decision.
31. There are no immediate financial implications arising from the rejection of the objections as set out in Table 2.

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Lucas Gardens and Southampton Way 1st and 2nd stage controlled parking zone report	Southwark Council Environment Public Realm Network Development 160 Tooley Street London SE1 2QH  Online: <a href="http://moderngov.southwarksite.com/ieDecisionDetails.aspx?ID=2401">http://moderngov.southwarksite.com/ieDecisionDetails.aspx?ID=2401</a>	Tim Walker  020 7525 2021
Transport Plan 2011	Southwark Council Environment Public Realm Network Development 160 Tooley Street London SE1 2QH  Online: <a href="http://www.southwark.gov.uk/info">http://www.southwark.gov.uk/info</a>	Tim Walker  020 7525 2021

	<a href="#">/200107/transport_policy/1947/southwark_transport_plan_2011</a>	
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## APPENDICES

No.	Title
A	Objections received during statutory consultation 06 to 20 October 2011

## AUDIT TRAIL

<b>Lead Officer</b>	Gill Davies, Strategic Director Environment & Leisure		
<b>Report Author</b>	Des Waters, Head of Public Realm		
<b>Version</b>	Final		
<b>Dated</b>	16 November 2011		
<b>Key Decision?</b>	Yes	<b>If yes, date appeared on forward plan</b>	June 2011
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>	
Strategic Director of Communities, Law & Governance	Yes	Yes	
Finance Director	Yes	Yes	
<b>Cabinet Member</b>	Yes	Yes	
<b>Date final report sent to Constitutional Officer</b>			16 November 2011