

Item No. N/a	Classification: Open	Date: 10 July 2019	Decision maker: Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities
Report title:		Determination of Statutory Objections relating to Parking Control Measures in Parks	
Ward(s) or groups affected:		All Wards	
From:		Rebecca Towers, Interim Director of Leisure	

RECOMMENDATIONS

1. That the deputy leader and cabinet member for culture, leisure, equalities and communities:
 - a. Considers the 388 representations and objections (Appendix A) received in response to the proposed traffic management orders (TMO).
 - b. Instructs officers to make the TMO in accordance with the statutory process to implement parking control measure in park car parks that will apply at all times during park opening hours, except in Belair Park which will be deferred until further notice. Maps of areas are shown in Appendix D
 - c. Instructs officers that the order should be made with an exception for Emergency 'A' permit holders.
 - d. Instructs officers to write to each person who made representations and to inform them of the council's decision.
 - e. Instructs officers to undertake a full review 12 months after implementation as set out in paragraph 34 of this report.
 - f. Instructs officers to increase cycle parking within the affected parks by 50% within 12 months to encourage travel to parks by bicycle. Dulwich Park will be the first location to receive extra bicycle parking provision, which will be installed before any car parking charges are applied. Southwark currently has 24 sites (112 stands) allocated to cycle parking in parks with car parks.

BACKGROUND INFORMATION

2. On 5 February 2019 Cabinet approved¹, as part of the annual setting of fees and charges, a parking charge of £2 per hour for parking in park car parks.

¹ <http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=302&MeetingId=6087>

3. On 25 February 2019 the Deputy Leader and Cabinet Member for Culture, Leisure, Equalities and Communities approved² an Individual Decision-Making (IDM) report to:
 - a. consult formally, through the traffic order procedures, parking controls and charges in
 - i. Belair Park
 - ii. Burgess Park
 - iii. Dulwich Park
 - iv. Honor Oak Recreational Ground
 - v. Peckham Rye
 - vi. Southwark Park
 - b. extend the informal consultation period to a period of six weeks
4. The IDM report set out the reasons for the proposals and also identified that the process to introduce enforceable parking controls is through the making of a Traffic Management Order (TMO) which is governed by legislation.³
5. Legislation requires that should an objection be received then the council must consider that objection before making a TMO.
6. Part 3D of the Southwark Constitution sets out that determination of statutory objections are reserved to the cabinet member.
7. In reaching a decision, the council will consider whether to modify the proposal, accede to or reject the objection. The council will subsequently notify all objectors of the decision.

Proposed traffic management order and statutory consultation

8. A TMO, notice and statement of reasons was drafted that proposed to give the authority the power to designate parking places and charge for parking as follows:
 - a. introduce a flat rate for parking at £2 per hour, which would only be payable via the PaybyPhone cashless parking option. Blue badge holders would be exempt from this charge;
 - b. designate parking places of various types and restrict parking in all other places, within the existing park car parks;
 - c. allow Penalty Charge Notices (PCN) to be issued if vehicles are in contravention of the TMO.
9. The council gave notice of its intent to make the off-street TMO on 11 April 2019.
10. Notice was given in the London Gazette, local press (Southwark News) and public notices were placed in the affected parks.
11. Notice was given to the following statutory consultees: London Ambulance Service, London Fire Brigade, Metropolitan Police Service, TfL Buses, Freight

² <http://moderngov.southwark.gov.uk/mgIssueHistoryHome.aspx?IId=50018970&PlanId=548>

³ The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

Transport Association, and the Road Haulage Association.

12. Notice was also given to non-statutory TMO consultees including: ward members, Southwark Disability Forum, British Motorcyclists Federation, Transport for London, London Travel Watch, LT Buses, Public Orders Information Exchange, London Taxi Drivers Association, Southwark Disablement Association, Southwark Cyclists, Sustrans and various internal officers.
13. Full details of the proposed TMO were also made available for inspection on the council's website or in person by appointment at 160 Tooley Street.
14. Comments on the proposed TMO were required to be submitted by 6 May 2019, in line with statutory guidance.

Extended informal consultation

15. In addition, the council went over-and-above the statutory TMO requirements for consultation by:
 - a. Considering, as part of this report, any representations made to the February IDM
 - b. Writing to all park stakeholders listed in Appendix B
 - c. Giving an announcement at each Community Council meeting
 - d. Asking the Park Liaison Officers to raise awareness of the consultation with park users
 - e. Setting up a council webpage that explained the proposal and provided maps of the proposed car park arrangements
 - f. Creating an online form where comments or objections could easily be submitted during the period 6 April to 13 May
16. Responses were accepted up until 13 May 2019.

KEY ISSUES FOR CONSIDERATION

Summary of consultation responses

17. A total of 388 representations have been received (Appendix A). This is made up of 343 comments made during the April-May consultation and 45 representations made to the February IDM.
18. Table 1 summarizes which car park those representations were made about (where given). It is noted that some respondents commented about more than one park and therefore the total number of comments is greater than the total number of representations.

Park	Number of comments or objections
Burgess Park	6
Belair Park	77
Dulwich Park	83
Honor Oak Recreational Ground	16
Peckham Rye	27
Southwark Park	20
No park referred to <i>or</i> all parks	179

Table 1 - Representations by park

19. Table 2 summarises, where stated, whether the respondents wanted the representation considered as an objection or as feedback. This grading system was available to respondents during the April-May consultation but not the February IDM.

Wholly support	Support	Neither support nor object	Object	Wholly object	Not stated	Total
32	18	16	48	201	28	343

Table 2 - Type of representation

20. Figure 1 and Table 3 summarize the themes of the representations made. Table 3 also includes the council's response to the points raised. It is noted that most representations included more than one theme and therefore the total number is greater than the number of individual representations.

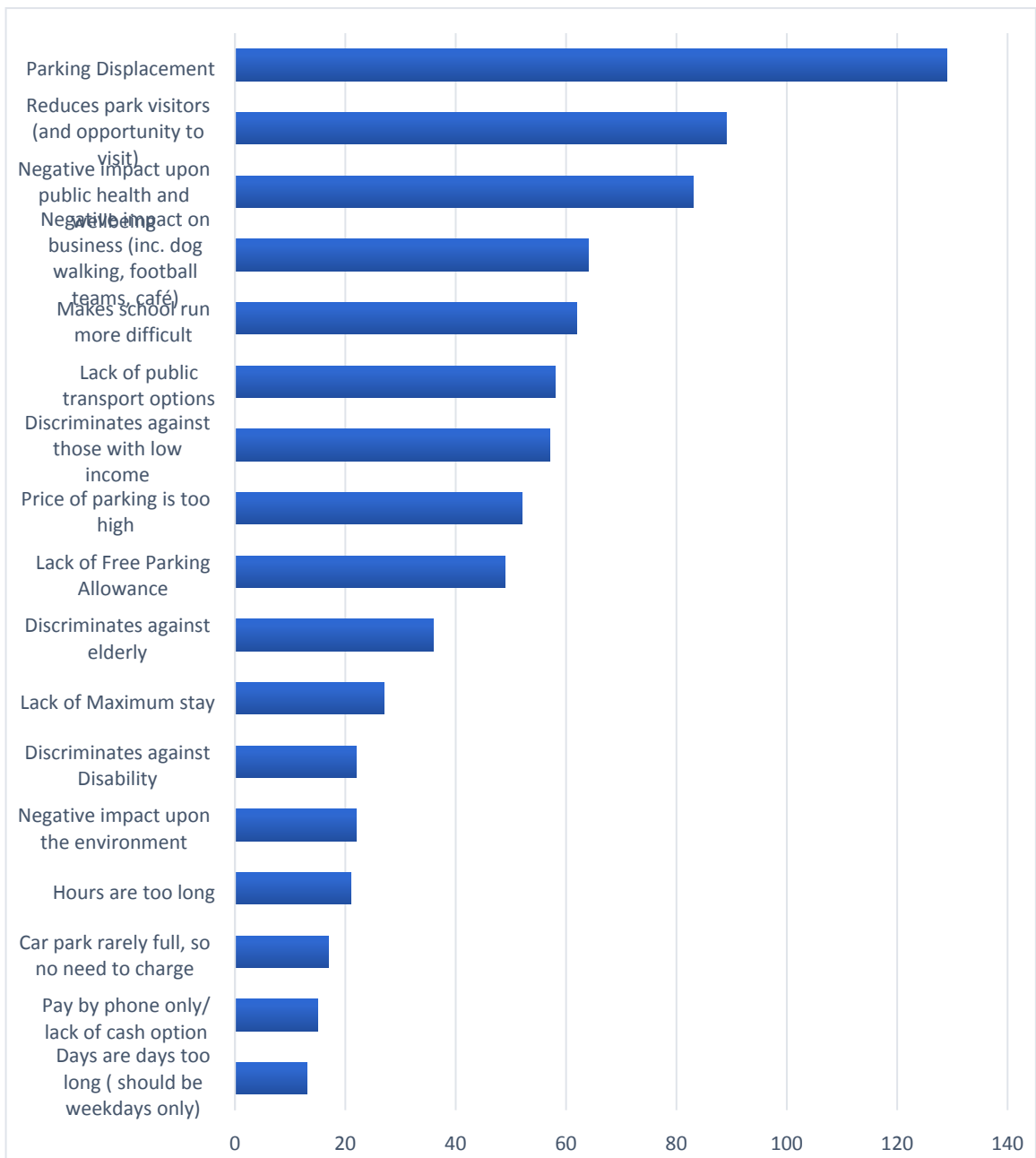


Figure 1 - Theme of representations

Ref	Theme of representation or grounds for objection	Number of comments	Council's response	Council's Decision
1	Parking displacement	129	<p>There is a risk with any new restrictions that a proportion of the parking may be displaced into a neighbouring area and, indirectly, have an adverse impact upon road users and/or neighbouring properties.</p> <p>However, such patterns cannot be clearly pre-empted until the scheme has been implemented and observed in operation.</p> <p>Should displacement occur that requires action under the duties of the Traffic Management Act then the Highways team will assess what steps should be taken to mitigate.</p>	Objection not acceded to
2	Reduces park visitors (and opportunity to visit)	89	<p>The proposals do not stop people from visiting the park by car they merely apply a charge to those visitors who enjoy the benefits of a car park.</p> <p>Visitors who drive will be entitled to park in the car park as they currently do but will be obliged to contribute to the costs of the service and pay a parking fee - which can quickly be completed via phone or app.</p> <p>The current, uncontrolled, parking allows for parks to be used by commuters and other visitors to the area who are not using the park. This results in parking spaces being occupied by non-park users leaving less space for park visitors.</p> <p>Of the five sites, four parks (listed below) have been awarded green flag status and have therefore achieved a recognised quality mark for welcoming and accessible entrances:</p> <ul style="list-style-type: none"> • Southwark Park, • Burgess Park 	Objection not acceded to

			<ul style="list-style-type: none"> • Peckham Rye Park • Dulwich Park <p>Recent work at Honor Oak Recreation ground car park has created a segregated route for pedestrians to safely access the grounds.</p> <p>In 2018, projects at Burgess Park, Southwark Park and Honor Oak included the installation of an additional 20 cycle stands.</p> <p>Measures that will further improve cycle access to these parks will be delivered. This includes increasing the number of cycle stands, and identifying opportunities to increase and improve cycle quietways and green links to and from parks.</p> <p>There is a commitment to increase in cycle parking across parks with car parks by 50% within 12 months, to encourage travel to parks by bicycle.</p>	
3	Negative impact upon public health and wellbeing	83	<p>The proposals do not stop people from visiting the park by car they merely apply a charge to those visitors who enjoy the benefits of a car park facility.</p> <p>Parking controls are one of the few mechanisms the council has in reducing unnecessary car trips. It is assumed that, by introducing charges, there will be a reduction in the number of vehicles driving to and parking within the park. Therefore the proposal will assist in improving air quality within the park as well as routes to the park.</p> <p>When considering how to travel to the park, the cost of parking is likely to be sufficient to encourage some people to cycle or walk instead, thus improving their own and other people's health.</p>	Objection not acceded to

			<p>The proposal ensures that the park will remain a place where the public can enjoy the health benefits associated with access to public open spaces.</p> <p>Southwark Council has reinforced its commitment to tackling climate change by declaring a Climate Change Emergency and setting the target of carbon neutrality by 2030.</p> <p>This includes introducing measures that will reduce vehicle emissions, improve air quality and encourage cycling and walking.</p> <p>Public Health England's (PHE) guidance to Local Authorities 'Working Together to Promote Active Travel' (2016)⁴ recommends that councils consider ways to reduce car parking as a way to promote sustainable transport.</p> <p>The PHE report finds that increased use of motor vehicles contributes both directly and indirectly to adverse health impacts. These include increased disease burden due to reduced levels of physical activity; road traffic collisions and injuries; air pollution and noise; reduced social cohesion and increased social isolation.</p> <p>Transport for London's Business Plan 2019-2024⁵, shows that almost 50% of car trips by Londoners could be cycled in around 10 minutes, and more than 30% could be walked in under 25 mins.</p> <p>Reducing traffic dominance and prioritising walking, cycling, and public transport use will help Londoners live active, healthy lives and help create a city that works well for all its residents.</p>
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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523460/Working_Together_to_Promote_Active_Travel_A_briefing_for_local_authorities.pdf

⁵ <http://content.tfl.gov.uk/tfl-business-plan-2019-24.pdf>

			<p>PHE find that if people are encouraged to undertake just two 10 minute periods of walking or cycling per day, many of the greatest health risks associated with inactivity can be avoided.</p> <p>There is a commitment to increase in cycle parking across parks with car parks by 50% within 12 months, to encourage travel to parks by bicycle.</p>	
4	Negative impact on businesses (inc. dog walking, football teams, café)	64	<p>The proposals do not stop people from visiting the park by car they merely apply a charge to those visitors who enjoy the benefits of a car park.</p> <p>Visitors who drive will be entitled to park in the car park as they currently do but will be obliged to contribute to the costs of the service and pay a parking fee - which can quickly be completed via phone or app.</p> <p>Furthermore, the proposal is expected to increase the turnover of parking space and therefore help visitors to find a parking space who may, in turn, contribute to the local economy. One of the positive impacts of the proposed TMO is to reduce commuter parking within parks, increasing available spaces for users of park facilities and access to those businesses operating within the parks and open spaces.</p>	Objection not acceded to

5	Makes school run more difficult	62	<p>It is acknowledged that some parks (in particular Belair and Dulwich) are frequently used for school drop-off / pick-ups. However, this is not the intended purpose of park car parks which are provided for genuine park visitors.</p> <p>We do, however, recognise that our park car parks are used for multiple purposes and for that reason we are not limiting the use solely to park visitors (like supermarkets frequently limit their car parks to their own shoppers). Therefore school-run parents will be able to park in the car park as they currently do but will be obliged to contribute to the costs of the service and pay a parking fee - which can quickly be completed via phone or app.</p>	Objection not acceded to
6	Lack of public / alternative transport options	58	<p>All of Southwark's parks can be reached by bus. All have a Public Transport Accessibility Level (PTAL) greater than 2 (Dulwich), with Southwark Park at 6a.</p> <p>Furthermore, many of our parks have had significant investment made to cycling within or close to them, providing a healthier option to reach the park instead of driving.</p>	Objection not acceded to
7	Discriminates against those with low income	57	<p>Parking costs (and, more generally, motoring costs) are not means tested.</p> <p>The £2 per hour cost of parking is very low when compared to the overall cost of running a motor vehicle. E.g. an average 2018 Ford Fiesta 1.0 costs over £4000 per year to run.</p> <p>An Equalities and Health Impact Assessment (EqHIA) has been completed which considers the potential impacts (positive and negative) of these proposals on groups with 'protected characteristics'.</p>	Objection not acceded to

			The EqHIA finds that this proposal will neither benefit nor disadvantage people based on their socio-economic status. See Appendix C	
8	Price of parking is too high	52	<p>The £2 per hour parking charge was approved as part of the annual setting of fees and charges, by Cabinet in February 2019.</p> <p>The proposals are made in recognition of the cost of providing the service and are considered to be below average when compared to similar parks – benchmarking was completed as part of the February IDM.</p>	Objection not acceded to
9	Lack of a free parking allowance (ie the first hour free and then charges apply)	49	The proposal is made on the basis that providing a car park has a cost and those wanting to benefit from that facility should contribute towards its cost, even if they are only staying for a short period.	Objection not acceded to
10	Discriminates against elderly	36	<p>Parking costs (and, more generally, motoring costs) are not means tested.</p> <p>The £2 per hour cost of parking is very low when compared to the overall cost of running a motor vehicle. E.g. an average 2018 Ford Fiesta 1.0 costs over £4000 per year to run.</p> <p>There is potential that the proposals will have a positive impact on those eligible for a blue badge (disabled) parking permit. Blue badge holders will be permitted to park free of charge and without time limit in any bay within the car parks. Dedicated, enforceable, blue badge parking bays will also be provided at each site.</p> <p>It is noted that free parking is a general concession of the national Blue Badge scheme in on-street locations however it has been agreed that this concession is voluntarily extended to our off-street (parks) car parks.</p>	Objection not acceded to

			<p>An Equalities and Health Impact Assessment (EqHIA) has been completed which considers the potential impacts (positive and negative) of these proposals on groups with 'protected characteristics'.</p> <p>The EqHIA finds that the proposal will not disadvantage any particular age group. See Appendix C.</p>	
11	Maximum stay	27	<p>Views have been expressed that the removal of a maximum stay period stay (existing in Southwark Park and Burgess Park) will allow commuters to park all day and prevent genuine visitors from finding a space. Suggestions have been made that a 4 hour stay (and no return period) should be kept or introduced.</p> <p>It is not recommended that this is necessary at this point as, from experience on the highway, the parking charges will be sufficient to deter most all-day commuters. Should it become necessary in future (parking transaction data would reveal if this was a problem) the TMO could be amended at a later date.</p> <p>In line with the council's usual practice for the introduction of parking controls, post monitoring of the scheme will be carried out to ensure its efficacy, including monitoring of the average duration of stay. Should the need arise the council will act accordingly.</p>	Objection not acceded to
12	Negative impact upon the environment	22	<p>Most air pollution in London is caused by road transport. These proposals are intended to improve air quality and the environment by reducing the number of car trips to our parks.</p> <p>Recently Southwark Council reinforced its commitment to tackling climate change by declaring</p>	Objection not acceded to

			<p>a Climate Change Emergency and setting the target of carbon neutrality by 2030.</p> <p>This includes introducing measures that reduce vehicle emissions, improve air quality and encourage cycling and walking</p> <p>There is a commitment to increase in cycle parking across parks with car parks by 50% within 12 months, to encourage travel to parks by bicycle.</p>	
13	Proposed times of operation are too long	21	The TMO proposes that the controls operate at any time (i.e. whenever the gates are open). The proposal was made on the basis that providing a parking service within a park has the same cost, irrespective of the time of day.	Objection not acceded to
14	Car park rarely full, so no need to charge	17	<p>The TMO proposes a flat fee of £2 per hour and is not based upon the level of demand.</p> <p>The proposal is made on the basis that providing a parking service within parks has the same cost, irrespective of the level of parking occupancy.</p>	Objection not acceded to
15	Pay by phone only / lack of cash option	15	<p>It is proposed that payment is made through the established pay by phone system which can be easily accessed by app, phone, and text services.</p> <p>This option is already available and widely used by motorists at various car parks and in all parking zones in the borough. On-street, 95% of all transactions are Paybyphone and in the council's newer parking zones it is 100% as there is no other alternative.</p> <p>The council's policy is to move to digital by default.</p>	Objection not acceded to

16	Proposed days of operation for days too long	13	The TMO proposes that the controls operate everyday. The proposal was made on the basis that providing a parking service within parks has the same cost, irrespective of the day.	Objection not acceded to
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Table 3 - Themes of representations

Policy implications

21. The recommendation contained within this report is consistent with the policies of the Transport Plan 2011:

- 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 6.5 - Provide essential parking for residents with mobility difficulties.
- Policy 7.5 - Enforce parking regulations firmly but fairly.
- Policy 8.1 – seek to reduce overall levels of private motor vehicle traffic on our streets

22. On the 30 April 2019 the Cabinet approved the adoption of the council’s Movement Plan with effect from 10 May 2019. While not applicable retrospectively to the decision to approve statutory consultation on proposals to charge for car parking in car parks in parks (dated 15 March 2019) it should be noted that this proposal is still consistent with the missions of the Movement Plan 2019, particularly:

- M2 Action 1 – Reduce noise pollution
- M3 Action 5 – Enable people to get active
- M4 Action 9 – Manage traffic to reduce demand on our streets

Community impact statement

23. The policies within the Transport Plan and the proposed TMO have been subject to an Equality Impact Assessment.

24. There are no community impact implications associated with the recommendations contained within this report that have not been previously discussed and agreed.

25. This report is to determine statutory objections made in relation to a proposed traffic order.

26. An Equalities and Health Impact Assessment (EqHIA) has been completed which considers the potential impacts (positive and negative) of these proposals on groups with ‘protected characteristics’.

27. The EqHIA finds that the proposal will not disadvantage any particular age group. See Appendix C

Financial implications

28. The estimated cost of implementing this project is £130,500, as set out in table 4.

Item	Location(s)	Cost	Note
Signs, lines and physical works	Belair	£7,500	Deferred until further notice
	Burgess	£1,000	
	Dulwich	£3,000	
	Honor Oak Rec.	£1,500	
	Peckham Rye	£1,500	
	Southwark Park	£28,000	Includes 26k allowance for resurfacing and drainage
IDM engagement and TMO	All	£9,000	
Parking Survey	All except Belair Park	£32,000	Baseline survey detail to enable parking comparison data at 12 month review
Cycle Parking	All	£47,000	Increase in cycle parking across the parks by 50% within 12 months, to encourage travel to parks by bicycle.
Total		£130,500	

Table 4 – Implementation costs

29. The costs associated with these works (£130,500) will be funded through capital funding already secured and available within Parks Infrastructure and Investment (L-2340-0401). The approved 2018/19 + budget is £2.59m with current uncommitted funds of £1.12m.
30. There are no resource implications associated with the recommendations contained within this report that have not been previously agreed.
31. This report is to determine statutory objections made in relation to a proposed traffic order.
32. Any additional costs as a result of these recommendations will be contained within the original budget that was agreed for this project.

Consultation

33. Consultation has been carried out as detailed in paragraphs 9 to 15 of this report.

Review Period

34. The impact of the introduction and/or amendment of parking controls in existing park car parks will be considered as part of a 12 month review. This will take form of:
 - a. Review of car park use comparing pre-implementation use against post implementation use of the five car parks.
 - b. Post implementation monitoring of parking transaction data to determine average durations of stay.
 - c. Consultation with businesses and stakeholders operating and utilizing the parks to discuss impacts of the TMO.
 - d. Review of feedback captured in issues, complaints and compliments log over 12 months
 - e. Review of cycle parking across parks with car parks, including engagement with Sustrans, Southwark Cyclists and friends of groups.
 - f. Visitor feedback and satisfaction survey - online questionnaire on Southwark Consultation Hub July / August 2020
 - g. Park visitor count – July / August 2020.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

35. This report seeks approval to determine representations and objections received in response to the traffic management orders (TMOs) which are proposed to be made for the purpose of implementing parking control measures in park car parks.
36. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 prescribe the process that the council is required to follow when making TMOs, which includes the consideration of representations and objections made in response to the formal consultation exercise. Paragraphs 8 to 16 of this report describe the statutory and voluntary actions taken by officers to demonstrate and ensure compliance with the legislative requirements and to maximise publicity and awareness of the proposals.
37. The determination of statutory objections is one of a number of matters which are expressly reserved to the cabinet member for decision under Part 3D of the Southwark Constitution.
38. In determining the representations and objections received and deciding whether to authorise the making of the TMOs the cabinet member must, in line with the Public Sector Equality Duty imposed by the Equality Act 2010 have due regard to the need to:
 - (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Marriage and civil partnership are protected in relation to (a) only.

Strategic Director of Finance and Governance (EL19/025)

39. The report is requesting the deputy leader and cabinet member for culture, leisure, equalities and communities to consider the 388 representations and objections (Appendix A) received in response to the proposed traffic management orders (TMO) and instruct officers for proposed actions as reflected in paragraphs 1(b) to 1(e). Full details and background are contained within the main body of the report.
40. The strategic director of finance and governance notes that the costs of the implementation of recommendations will be contained within the departmental capital budgets for the "Parks Infrastructure and Investment" project allocated under the Council's capital programme, as mentioned in financial implications.
41. The total expenditure for the scheme will be monitored and reported on as part of the overall capital programme.
42. Staffing, subsequent maintenance and any other costs connected with this project to be contained within existing parks and leisure division revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
File and background papers	3 rd Floor, 160 Tooley Street	Emily Xi 020 7525 0331

APPENDICES

No	Title
Appendix A1	Objections and comments to proposed Car Parking Charing in Parks (IDM February 2019)
Appendix A2	Objections and comments to proposed TMO
Appendix B	Park consultee list
Appendix C	Car Parks Equalities and Health Impact Assessment
Appendix D	Car Park Design

AUDIT TRAIL

Lead Officer	Rebecca Towers, Interim Director of Leisure	
Report Author	Tracy Umney, Interim Group Manager – Business Development	
Version	Final	
Dated	9 July 2019	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	Yes	No
Date final report sent to Constitutional Team / Community Council / Scrutiny Team	9 July 2019	