

Sustainable Communities Overview and Scrutiny Panel

18 January 2022

Wards: Lower Morden

School Streets: Aragon Primary School – Call In

Lead officer: Chris Lee, Director of Environment & Regeneration.

Lead member: Councillor Martin Whelton, Cabinet Member for Housing, Regeneration and the Climate Emergency.

Contact officer: Paul McGarry, Head of Future Merton.

Recommendations:

That the Sustainable Communities Overview and Scrutiny Panel consider the information provided in response to the call-in request and decide whether to:

- A. Refer the decision back to the Cabinet Member for reconsideration; or
 - B. Decide not to refer the matter back to the Cabinet Member, in which case the decision shall take effect immediately.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. On 3rd December 2021, the Cabinet member resolved to approve making the school street permanent and for a statutory consultation to be undertaken to change the hours of operation to 8:15-9:00 and 14:45-15:45 Mon-Fri during term time only.
- 1.2. Following the Cabinet Member's decision, the decision was called in on the 9th December 2021 by Cllr Nick McLean (Cannon Hill ward), Cllr Ed Gretton (Wimbledon Park ward) and Cllr Nigel Benbow (Abbey ward).
- 1.3. The reasons for the call in focus on proportionality and openness.

2 DETAILS

- 2.1. A school street is a road near a school with restricted access to vehicles at drop-off and pick-up times. The restricted area is also called a school safety zone.
- 2.2. As part of the Council's objective to reduce congestion, pollution, collisions, risk and provide a safe environment within the vicinity of schools, the Council has a rolling road safety and accessibility programme. Measures that are often implemented include 'school keep clear' zig-zag road markings to prevent drivers parking close to the school gates and to improve sightlines; 20mph speed limits with accompanying traffic calming measures and road safety education. These measures have been very successful in most areas, as there has been an improvement in perception of safety with a reduction in risk of injury. Although these measures have been successful in ensuring access and safety, the level of congestion, risk and air quality outside the schools remain a concern. The contributing factor is the high- localised

- volume of vehicular traffic and obstructive parking within the vicinity of schools often generated by parents / carers of pupils attending the school.
- 2.3. School streets allow children to safely walk, cycle and scoot into school. Reducing vehicle journeys and reducing traffic congestion immediately outside schools is important for improving road safety, air quality, climate change and will help to support a green recovery following restrictions resulting from the COVID-19 pandemic.
 - 2.4. As part of the Council's Active and Healthy Travel response to Covid-19 (supported by the Sustainable Communities Panel) Merton Council has introduced 28 school streets, becoming the leading borough in London for the greatest number of schools located in a school street.
 - 2.5. At the Sustainable Communities Overview and Scrutiny Panel on 19th January 2021, the Panel *"welcomed the decisive action from the Council on establishing the largest number of schools streets in London and request communications to encourage further resident feedback and explore expanding the scheme with the support of the schools"*.
 - 2.6. Now that the experimental schemes and statutory consultation has concluded, the Council is now assessing and moving to make permanent, the School Street interventions.
 - 2.7. **A: Proportionality**
 - 2.8. *"The decision to make the experimental traffic order permanent is not proportionate as it has not considered the views of the residents of Aragon Road who have expressed a clear view that the temporary school streets scheme should not become permanent."*
 - 2.9. As demonstrated in the Cabinet Member's decision pack and report (Appendix 1) and summarised below a considerable amount of information has been provided to residents and members and the consultation feedback has been provided in full.
 - 2.10. When considering the outcome of the statutory consultation, consideration must be given to the nature and validity of the comments / representations and the Council's objectives. A statutory consultation invites objections to the scheme and since only 24.8% of those households directly affected have chosen to object (some of which, issues that led to an objection are addressed by the subsequent update to the Council's exemption policy) it could be viewed that 75.2% of those directly affected do not object to the scheme.
 - 2.11. The Council considers that the benefits of the scheme outweigh some of the inconveniences some residents / motorists may experience; particularly with reference to the generous exemption policies that have been put in place. School streets are in line with other policies and initiatives across the borough and London, and believed to be the right step toward changing driver behaviour as well as achieving the various benefits.
 - 2.12. Benefits include improved safety / perception of safety; the removal of the school-associated obstructive parking; reduced risk to all road users; reduced pollution, including noise pollution; improved air quality in the restricted road as well as reduced traffic in general; after all if parents or

other visitors are discouraged to drive during the peak periods, there will be reduced traffic on route to and less vehicles directly adjacent to schools.

2.13. **D: Presumption in favour of openness**

- 2.14. *“The majority of residents who responded to the consultation including those within the newsletter postal area, and those from outside of it have made their views very clear. If 72.6% of all respondents oppose the scheme then a decision to proceed with it cannot be considered to be one that has been made with any presumption of openness as it seems clear that the decision was made a long time ago and the consultation has been used as a fig leaf of legitimacy for the administration”*
- 2.15. Full details of the consultation and supporting information has been in the public domain from the outset and is still available on the School Streets web-page.
- 2.16. As noted in paragraph 2.10, the percentage of objections is not the only contributing factor the council considers in making difficult decisions around road safety and the linked objectives of air quality and public health.
- 2.17. Consultation responses are only part of the decision making, it is not a referendum. All consultation responses have been presented to members in the Cabinet Member report. In many instances, although residents have noted an objection; many still acknowledge that there are issues with school-run congestion and many residents have noted that they understand why the council embarked on the project.
- 2.18. Many respondents who objected also provided useful reasons for their objection which have subsequently been addressed in the updated exemption policies. For example, accommodating the need for visitors and carers and local businesses. The exemption policy that has been developed through addressing the feedback from residents is one of the most generous exemption policies in London and highlights that the scheme is not aimed at disadvantaging residents, but purely to reduce vehicle movements and concentrations of poor air quality caused by the school-run at school times.
- 2.19. The school street restrictions do not prevent residents from accessing their homes, and the system makes provision for exemptions under certain circumstances. In terms of visitors, there is nothing preventing visitors arriving within the restricted periods as long as it is not in a motorised vehicle.
- 2.20. As mentioned in paragraph 2.11 the Council considers that the benefits of the scheme outweigh some of the inconveniences some motorists may experience; particularly with reference to the exemption policies that have been put in place. School streets are a strategic fit in line with other policies and initiatives across the borough and London seeking to address road safety, congestion, mitigating poor air quality outside schools and promoting better public health through walking and active travel.

3 ALTERNATIVE OPTIONS

- 3.1. To remove the restrictions. This would compromise if not totally undo all the benefits that have been gained thus far and it would do nothing to encourage a change in behaviour. It would be contrary to the cross departmental objectives on road safety, climate change and air quality the Council is trying to achieve.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Details are online at: School Streets Programme and Consultations
www.merton.gov.uk/schoolstreets

5 TIMETABLE

- 5.1. None for the purpose of this report

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. All the associated costs are covered by the funding provided by DfT / TfL for emergency active travel measures.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The Traffic Management Orders would be made under Section 6 of the Road Traffic Regulation Act 1984 (as amended). The Council is required by the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 to give notice of its intention to make a Traffic Order (by publishing a draft traffic order). These regulations also require the Council to consider any representations received as a result of publishing the experimental order.
- 7.2. 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 ETMO. A public inquiry should be held where it would provide further information, which would assist the Council in reaching a decision.
- 7.3. The Council's powers to make Traffic Management Orders arise mainly under sections 6, 45, 46, 122 and 124 and schedules 1 and 9 of the RTRA 1984.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The Council carries out 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, school children and businesses without prejudice toward charitable and religious facilities.
- 8.2. Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders published in the local paper and London Gazette.
- 8.3. The retention of the restrictions / improvements affects all sections of the community especially the young and assists in ensuring improved road environment and air quality for all road users and achieves the transport planning policies of the government, the Mayor for London and the Borough.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purpose of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. There may be some dissatisfaction amongst the objectors but the benefits of the scheme outweigh majority of the comments made against the scheme.

10.2. The risk of not retaining the improvements / restrictions would be a step backward in terms of Council's objectives and will not be in line with the Council's various strategies and projects.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix A: Scrutiny pack – Aragon School Street

12 BACKGROUND PAPERS

12.1. School Streets Programme and Consultations
www.merton.gov.uk/schoolstreets

12.2. School Street Guide for Residents
<https://www.merton.gov.uk/system/files?file=school20streets20-20guide.pdf>

12.3. Scrutiny Update 19th January 2021
<https://democracy.merton.gov.uk/ieListDocuments.aspx?CId=157&MId=3728>

12.4. Merton's Active and Healthy Travel Response to Covid-19
<https://www.merton.gov.uk/streets-parking-transport/lip3>

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