

DELEGATED DECISIONS BY CABINET MEMBER FOR ENVIRONMENT (INCLUDING TRANSPORT)

MINUTES of the meeting held on Thursday, 27 March 2014 commencing at 10.30 am and finishing at 1.30 pm

Present:

Voting Members: Councillor David Nimmo Smith – in the Chair

Other Members in Attendance: Councillor Sandy Lovatt (for Agenda Item 4)
Councillor Neil Fawcett (for Agenda Item 4)
Councillor Neil Owen (for Agenda Item 8)
Councillor Jenny Hannaby (for Agenda Item 11)
Councillor Zoe Patrick (for Agenda Item 11)
Councillor John Sanders

Officers:

Whole of meeting G. Warrington (Law & Culture); M. Kemp (Environment & Economy)

Part of meeting

| Agenda Item | Officer Attending |
|--------------------|---|
| 4. | D. Tole, P. Fermer & K. Santiago (Environment & Economy); D. Mytton (Law & Culture) |
| 5. | C. Rossington & D. Round (Environment & Economy) |
| 6,7,8, 9, 10 & 11 | D. Tole (Environment & Economy) |
| 13E | A. Field & T. Darch (Environment & Economy) |

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

15/14 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 3)

| <i>Speaker</i> | <i>Item</i> |
|---------------------------------|-------------|
| Anthea Norman-Taylor (Resident) |) |
| Roberta Nichols (Resident) |) |

- b) Highway alterations had been implemented comprising the introduction of an additional crossing of Ock Street to the east of Drayton Road and the relocation of the existing crossing further west on Marcham Road and the associated traffic signals were first in operation.

The reason for this, as outlined by the Inspector and discussed in detail at the appeal, had been to avoid severe transport effects that would otherwise arise from the development.

Anthea Norman-Taylor a resident in this area suggested that this proposal had been formulated purely for traffic reasons associated with the proposed housing development and not to meet any identifiable need or provide any advantage for pedestrians. She considered the Inspector's decision flawed and that the proposed crossing sites presented a clear and significant danger to pedestrians which she felt would inevitably result in fatalities.

Roberta Nichols (Abingdon Civic Society) pointed out that the original objection by the County Council had been based on the potential for severe traffic congestion. There had been little success in identifying a suitable scheme to alleviate and mitigate against traffic impact and yet the Inspector had agreed this condition. These crossings would not help the situation. However, if it was to go ahead then a trial period of say 2 weeks in school term time should be introduced.

Anne Dodd a local resident of 37 years used the crossing daily and addressed specific concerns regarding school children. The proposed site was not on a desire line and she considered it reasonable to expect that children would not use them therefore increasing the risk of accidents. She was familiar with traffic modelling but residents were all to aware of the problems this would cause.

Roger Bush considered the proposals flawed. The roads were already subject to an unacceptable level of queuing and the only conclusion to be drawn was that that situation would worsen if these proposals went ahead. Air pollution levels would also increase and he questioned whether these had been adequately considered.

Councillor Samantha Bowring (Abingdon Town Council) referred to the work previously undertaken to mitigate the effects of traffic in Abingdon which would be undermined by piecemeal changes. That should be resisted. These proposed sitings offered limited pedestrian visibility with little advantage for wheelchair users. Recent improvements achieved in air quality levels would inevitably be affected by increased traffic queuing. She urged the Cabinet Member to consider the strength of feeling locally.

Councillor Alice Badcock (Abingdon Town Council) expressed disappointment that the Town Council's 3 page consultation submission had been reduced to just 4 lines. Referring to the numbers of schoolchildren in this area she emphasised that for them the natural way would always be the quickest way possible and this proposal did not offer that. The current crossing points were put in by the County Council as part of the AbITS traffic management scheme and extra barriers would exacerbate an already bad situation and also restrict access to the MG gardens. The repercussions of this development not going ahead would be nothing compared to what would happen if there was a fatality.

Councillor Jeanette Halliday (Vale of White Horse District Council) referred to yet another crossing on Ock street and the impact that that would have on local residents. Concerns that air quality would worsen had been dismissed by the Inspector who had suggested that traffic levels would have minimal effect and yet air quality monitoring work undertaken by the Vale of White Horse District Council had suggested nitrogen dioxide levels close to unacceptable. The District Council also took the view that the proposed crossings would affect and increase traffic congestion on a narrow road which was already subject to frequent queuing. Approval would make matters worse.

Councillor Jim Halliday (Vale of White Horse District Council) had grave concerns regarding the effect of these proposals on local residents. The current crossings had been installed in the 1990s on carefully selected desire lines and any alteration needed to be carefully considered otherwise the fear of increased accidents could be realised. The Vale of White Horse had commissioned a report on this and whilst fencing might help it would not meet the requisite space criteria because of narrow pavements. Urging that the proposals be rejected he did not consider the promise of house building to be worth the threat of losing a single life. He also felt that at the very least a trial scheme should be undertaken.

Councillor Richard Webber (Vale of White Horse District Council) was a resident in an adjoining area but was at the meeting to present the Vale of White Horse District Council's report. The Inspector's decision had effectively meant that safety had now become the major concern rather than one of acceptability as the proposal was to replace the existing set up which was clearly on a desire line with one which was generally regarded as less safe and where pedestrians would be asked to use 3 crossings instead of the existing one. The Cabinet Member also needed to take into account the effect on air quality. These issues flew in the face of the work undertaken by local Councils and put issues of safety and air quality in the hands of the Inspector. He also urged that if a trial period were considered then it should when children were using the crossing.

County Councillor Sandy Lovatt suggested deferral on the grounds that information was incomplete. Ock Street was currently well over capacity with 800 cars per hour which resulted in huge tail backs through Abingdon and caused huge pollution problems. AbITS would be seriously undermined and other plans seriously affected. It seemed a relatively minor matter but would in fact have a huge impact over a very wide area and the report didn't address those issues.

County Councillor Neil Fawcett had assumed that the County Council had to undertake this work but it was clear that when assessing the siting of a crossing that assessment should be based on safety and benefit to pedestrians. The report did not seem to address that and he did not consider the proposed sitings to be the best placement whereas the current crossing was on a clear desire line. It seemed to him that the decision of the Inspector that planning permission should be subject to the County Council moving the crossings meant that a clear decision had been left to the County Council and to do that the Council needed to pay adequate attention to the relevant guidance. The Inspector had concluded that there would be severe traffic impacts arising from the new development in Drayton Road and in his view had said

that the proposal for the crossings would reduce that but he had not considered the impact on other roads. Traffic already went back into the town centre. The County Council was not bound by the planning framework as was the Inspector. He was not confident that children could be persuaded away from using 1 easy crossing in order to use 3. It was no longer a question of acceptability but one of safety and he felt that the proposal should be turned down on the grounds that there would normally be no case for making such a change. If a trial was considered then that should be undertaken during school and university term time.

Ms Santiago confirmed that modelling had been carried out to assess impact and whether or not the proposal for the crossings would mitigate the effect of the development. That modelling had been scrutinised by 2 independent parties and discussed at length at the Public Inquiry and the Inspector had been satisfied that he had all the facts to form an opinion.

Mr Tole advised that a decision was required in accordance with the decision of the Inspector and bearing in mind the different roles regarding planning and highway matters that came down to whether the proposal for the crossings was safe. He confirmed the information at Annex 3 that no pedestrian accidents had been recorded. He had observed personally the situation in the am peak and it was clear that some pedestrians from south of the bridge would still need to cross twice. He accepted it was a difficult decision but it was to be hoped that if the proposal went ahead then children could be educated and encouraged to use the crossings as nobody wanted injuries occurring.

Mr Fermer said that it was important to note that both the County Council and the Vale of White Horse District Council had been legally advised that there were no grounds for a challenge to the Inspector's decision. He confirmed that lights could be linked and timings reviewed in order to optimise traffic flow.

The Cabinet Member dismissed calls for a trial period as the proposed set up had been devised with the new development in mind and any temporary set up now would not relate to that development.

Councillor Sanders referred to the National Policy Planning Framework and the term "severe". Could the Inspector be considered a traffic expert and in a position to adjudicate what was severe in traffic terms? There was no case history here to gauge severe but there was an opportunity to investigate that and a trial would help in gauging levels of danger.

Mr Mytton confirmed that for these purposes the Inspector should be considered a traffic expert and that the congestion issue had been considered. In Counsel's opinion there was no case to challenge. The key issue was one of safety and the County Council had to make a decision with regard to all relevant factors. The Inspector's judgement was an important consideration and the County Council must not be blind to the Inspector's conclusions in granting planning permission. If a decision was taken not to comply with the Inspector's judgement then it would be for the applicant to consider whether or not to challenge that decision.

The Cabinet Member recognised this was a difficult decision and having regard to that, the arguments and options set out in the documentation before him, the representations made to him and the further considerations set out above he confirmed that he was minded not to approve implementation of the proposals for 2 proposed pelican crossings on the A415 Marcham Road and Ock Street Abingdon as advertised.

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Cabinet Member for Environment
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17/14 THE PLAIN ROUNDABOUT CYCLING IMPROVEMENT SCHEME
(Agenda No. 5)

The Cabinet Member considered (CMDE5) a report seeking approval to progress to detailed design and construction of a cycling improvement scheme at the Plain roundabout and proposed modification to the nearby A420 High street junction with Longwall Street as a complementary improvement.

Simon Hurst (Cyclox) thanked officers for the discussions undertaken on the scheme and whilst in principle he supported its aims he felt that without additional measures it would not work such as reducing speeds on the roundabout to say 10/15 mph . As the scheme would require alteration of the geometry of the roundabout an opportunity to increase segregation had also been missed. His organisation were happy to discuss further proposals for lane marking eastbound of the roundabout but the scheme had not been audited for all aspects of cycle traffic.

Graham Smith (CTC) considered the scheme in its present terms unacceptable. The aim should be to introduce the presence of cyclists and make them visible to motorists. Tabling a handout which highlighted lane line marking off Magdalen Bridge and right off St Clements he felt give way at right angles would have been a better option. In his view this scheme lent itself to a similar type scheme as the Copenhagen hybrid scheme which would not result in a reduction of space for pedestrians and other vehicles. He felt there was a design attitude problem with regard to this scheme.

Noam Bleicher (Bus users UK) opposed the scheme as it would result in additional delays to bus users of almost a minute when travelling from Cowley Road in the morning peak where journeys through the roundabout already took four and a half minutes. Bus journeys in the city were already slow and nothing should be introduced to make that any worse. There were proposals for future retail development in the city and any reduction in road network capacity could be disastrous. He felt the money could be better spent elsewhere and urged rejection.

Mr Rossington confirmed a great deal of work had been undertaken with stakeholders and contrary to some views felt the scheme was ambitious and represented a great improvement in promoting cycle use and increased safety

bearing in mind the constraints that existed at the roundabout such as the need to retain traffic flow, limited space and the tight timescale for delivery. The need to find a balance had been met with considerable gains for pedestrians and cyclists. He accepted some delay for buses would be inevitable but felt that would be offset by some gains as a result of the changes proposed at the Longwall Street lights. Stage 2 would follow when funding was available. On-carriageway facilities had been carefully considered and clearly set out with approach work now fixed but he was happy to consider minor changes to signing and lining. He confirmed that officers had reached agreement with Sainsburys to resolve concerns that they had had regarding loading bay arrangements.

Councillor Sanders supported the modifications to Longwall street and suggested signing asking cyclists to dismount rather than sharing the pavement. He was unhappy with the central cycle lane off the bridge which he felt could make cyclists vulnerable and wondered whether that could be considered under phase 2. He was also concerned at the financial constraints placed on major alteration schemes and suggested permanent lane colouring and supported more segregated space.

The Cabinet Member recognised this was an evolving process with other cycling representatives involved and having regard to that, the arguments and options set out in the documentation before him, the representations made to him and the further considerations set out above he confirmed his decision as follows:

- a) approve the latest scheme design set out in Annex 3 to the report CMDE5 for detailed design and construction;
- b) approve the TROs as advertised for (i) changes to loading bays at The Plain and (ii) removing the exemption to the left turn ban for cyclists at the Longwall Street/High Street junction;
- c) approve the conversion of a new section of footway at the Longwall Street/High Street junction into shared use footway/cycle way as described in paragraph 17 of the report CMDE5;
- d) authorise officers to apply to the Department for Transport for special authorisation to make the necessary amendments to the traffic signals at Longwall Street to allow a head start for cyclists.

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Cabinet Member for Environment

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18/14 PROPOSED REVISED SPEED LIMIT B4477, FILKINS

(Agenda No. 6)

The Cabinet Member considered (CMDE6) an objection from Thames Valley police to a proposal to extend the existing 30 mph speed limit on the B4477 Alvescot Road at Filkins in place of the current 40 mph limit.

Having regard to the arguments and options set out in the documentation before him the Cabinet Member for Environment confirmed his decision as follows:

to approve implementation of the proposed revised speed limit on the B4477 at Filkins as advertised.

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Cabinet Member for Environment
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19/14 PROPOSED 40MPH SPEED LIMIT - OXFORD ROAD, KENNINGTON (THROUGH BAGLEY WOOD)

(Agenda No. 7)

The Cabinet Member considered (CMDE7) an objection to a proposal to extend the existing 40 mph speed limit on the Oxford Road at Bagley Wood to include the site of a major maintenance scheme following the collapse of part of the embankment noting support from the local member Councillor Bob Johnston.

Having regard to the arguments and options set out in the documentation before him the Cabinet Member for Environment confirmed his decision as follows:

approve implementation of a 40 mph speed limit on the Oxford Road, Kennington (through Bagley Wood) as advertised.

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Cabinet Member for Environment
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20/14 PROPOSED PARKING RESTRICTIONS - SHILTON PARK, CARTERTON

(Agenda No. 8)

The Cabinet Member for Environment considered (CMDE8) objections to a formal consultation on proposals to introduce new parking restrictions on the Shilton Park estate in Carterton.

Yvonne Conway spoke in support of the revised proposals. The original proposals had been wholly unfair insofar as they had removed the option of parking their second car on the road outside their property particularly as parking in that area did not create safety issues or traffic flow problems.

The Cabinet Member noted the comments from another resident Mrs Caroline Martland which had been set out on the addenda sheet and also the support for the revised proposals expressed by County Councillor Peter Handley (Carterton South & West)

Mr Tole commended the revised proposals which represented a good solution. Regarding the comments raised by Mrs Martland he felt the costs involved were justified in order to meet problems identified by the consultation and to support bus services into the estate. He confirmed that it was not the County Council's intention to introduce this sort of restriction on all estates and each case would be considered on its merits.

Councillor Neil Owen (Burford and Carterton North) supported the proposals and thanked officers for setting out the revisions to the original scheme which now had the support of the majority of residents.

Having regard to the arguments and options set out in the documentation before him, the representations made to him and the further considerations set out above the Cabinet Member for Environment confirmed his decision as follows:

approve the proposed parking restrictions for Shilton Park Estate, Carterton as advertised and amended and as described in the report CMDE8 and shown at Annex 3 to the report CMDE8.

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Cabinet Member for Environment

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21/14 CONSIDERATION OF OBJECTIONS TO EXPERIMENTAL TRAFFIC REGULATION ORDER - PARKING IN SHIPLAKE

(Agenda No. 9)

The Cabinet Member considered (CMDE8) objections to a consultation on an experimental traffic regulation order introducing parking restrictions in the vicinity of Shiplake station in response to concerns expressed over a number of years by the Parish Council and individual residents that parking by rail commuters was causing congestion, nuisance and preventing large vehicles manoeuvring.

The Cabinet Member confirmed that the local member was comfortable with the scheme although he had forwarded concerns from the Parish Council regarding the need to carry out further formal consultations on minor additions to the proposals in view of the time it had taken to arrive at this point. He asked officers to respond to the Parish Council and the local member regarding those concerns.

Mr Tole confirmed the proposals had significantly divided the community and further consideration had been required regarding additional measures to deal with the effects of cars displaced by the existing restrictions as set out in Annex 3 to the report.

Having regard to the arguments and options set out in the documentation before him, the representations made to him by the local member and the further considerations set out above the Cabinet Member confirmed his decision as follows:

- a) approve the making of a permanent traffic regulation order for the parking restrictions in Shiplake that were the subject of the Experimental Order;
- b) instruct officers to carry out formal consultation on the proposed minor additions as set out in the report CMDE9 and to report the results of that consultation to a future meeting.

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 Cabinet Member for Environment

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22/14 PROPOSED PARKING RESTRICTIONS - BURFORD ROAD/MOOR AVENUE, WITNEY
 (Agenda No. 10)

The Cabinet Member for Environment considered (CMDE10) objections received to a statutory consultation on a proposal to introduce waiting restrictions on Moor avenue and Burford Road in the vicinity of Tower Hill Community School.

Mr Tole confirmed the support of the local member Councillor Laura Price. Objections had been received from some local residents but the problems being experienced were those usually experienced at school drop off times.

Having regard to the arguments and options set out in the documentation before him the Cabinet Member for Environment confirmed his decision as follows:

to approve implementation of parking restrictions on Burford Road/Moor Avenue, Witney as advertised and set out in the report CMDE10.

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 Cabinet Member for Environment

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23/14 PROPOSED DISABLED PERSONS PARKING PLACES VALE OF WHITE HORSE AND SOUTH OXFORDSHIRE DISTRICTS
 (Agenda No. 11)

The Cabinet Member considered (CMDE11) objections received as a result of a formal consultation on proposals to introduce one new disabled persons' parking place in Orchard Way, Wantage and the removal of 3 spaces in Henley.

Councillor Jenny Hannaby (Grove & Wantage) spoke in support of the proposal for Orchard way, Wantage.

The Cabinet Member confirmed that a recommendation was being made to the Henley Town Council not to object to the removal of the spaces in Henley.

Having regard to the arguments and options set out in the documentation before him, the representations made to him and the further considerations set out above the Cabinet Member for Environment confirmed his decision as follows:

to approve the proposed Disabled Persons' Parking Place changes as set out in the report CMDE10.

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Cabinet Member for Environment

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24/14 EXEMPT ITEM
(Agenda No. 12)

RESOLVED: that the public be excluded for the duration of item 13E since it was likely that if they were present during that item there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) relating to the financial or business affairs of any particular person (including the authority holding that information) and since it was considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information on the grounds set out in that item.

25/14 BUS SERVICE SUBSIDIES
(Agenda No. 13)

The Cabinet Member for Environment considered proposals for subsidised bus services in the Witney, Woodstock and Chipping Norton area and two other services elsewhere in the county.

Item F – Mr Darch undertook to discuss with the operator the possibility of additional evening services.

Councillor Sanders welcomed the savings under Services F G and H as a result of these services being operated commercially but asked for confirmation regarding the viability of the operator and the long term ability to continue the services.

Mr Field confirmed that under deregulation rules operators were able to run a service if they so wished. Officers monitored operators to ensure services were maintained. If an operator was unable to continue then each service would need to be reviewed on a case by case basis. In this case the operator was a community interest company operating smaller buses and therefore its operating costs were lower. They were a reputable operation with a solid structure and the recommendation before the cabinet Member had been based on good data.

Officers were thanked for their work on the review.

Having regard to the arguments and options set out in the documentation before him, the representations made to him and the further considerations set out above the Cabinet Member for Environment confirmed his decision as follows:

- a) make decisions on subsidy for the services described in this report on the basis of the tender prices (and the periods of time) as set out in Supplementary Exempt Annex 2;
- b) record that in the opinion of the Cabinet Member the decisions made in (a) above are urgent in that any delay likely to be caused by the call in process would result in service discontinuity and in accordance with the requirements of Scrutiny Procedure Rule 17(b) those decisions should not be subject to the call in process;
- c) authorise the production of timetable booklets to publicise subsidised and commercial bus services in the Witney, Chipping Norton and Woodstock area to coincide with the introduction of revised services in June 2014.

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Cabinet Member for Environment

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