

## **CABINET MEMBER FOR ENVIRONMENT - 14 JANUARY 2016**

### **PROPOSED AMENDMENT ONE WAY TRAFFIC RESTRICTION – OLD MINSTER LOVELL**

**Report by Deputy Director of Environment & Economy (Commercial)**

#### **Introduction**

1. This report presents comments and objections received in the course of the statutory consultation on a proposal to clarify the precise extent of current one-way traffic restriction on a minor road in Old Minster Lovell which has been in place in some form since 2008.

#### **Background**

2. In 2008 a one-way system was introduced on the roads between Old Minster Lovell Bridge and Burford Road (B4047). Initially implemented on a trial basis with an Experimental Traffic Regulation Order (TRO), the TRO was made permanent in March 2010.
3. Over recent years there has been some uncertainty about the interpretation of the TRO and exactly where the 'No Entry' signs should be located on the eastern 'arm' of the one-way system (ie the un-named road which allows traffic to travel from B4047 down into Old Minster Lovell village). This is of particular interest to the residents of the property called 'Windrush' (shown as 'Windrush Farm Cottage' on maps) which has a second access just south-east of Old Minster Lovell Bridge. These residents argue that the detailed description of the one-way restriction in the current TRO means that the 'No Entry' signs should be sited to allow entry into their second access from the Bridge. Conversely the Parish Council have argued that the clear intention of the one-way scheme, as illustrated by the plan distributed as part of the consultation in 2008/9 was for the 'No Entry' signs to be located at the Bridge junction (where the un-named road meets School Hill).
4. Following receipt of complaints after the most recent alteration of the signs, and in the light of advice from the County Solicitor, it was agreed that the most appropriate way to resolve this uncertainty was to formally consult on a new TRO which would be worded in line with the Parish Council's understanding of how the one-way system was intended to operate and the signs are currently positioned (see plan at Annex 1) and to consider any objections and comments received before making a final decision.

## Consultation

5. The Formal consultation on the proposals was carried out between 12 November and 11 December 2015. Letters were sent to approximately 85 properties in the immediate area, whilst street notices were also put up at intervals along the road. A public notice was advertised in the Oxford Times on 12th November, with an email sent to the statutory consultees, including Thames Valley Police, Fire & Rescue Service, Ambulance service, the Parish Council and local County Councillors. A total of 10 responses were received as part of the consultation process and these are summarised at Annex 2. Copies of all the consultation responses are available for inspection in the Members' Resource Centre.
6. Thames Valley Police had no objections but note that the signing should match the Order, whilst the Fire and Rescue Service had no adverse comments.
7. The Parish Council fully support the proposal to correct what they consider to be an unacceptable situation; a further three local residents also responded in support of the proposal and another respondent has stated they do not object to the proposal but do raise several issues about a junction remote from the one that is the subject of this report. Councillor Rose (who represented the area when the one-way was originally introduced) supports the proposal, noting that it had never been intended to allow any left turn after leaving the river bridge and the only safe place for the start of the one-way is immediately over the river bridge, at the start of School Hill.
8. Objections have been received from the residents of 'Windrush' and from their Solicitor. The key issue for the residents is their ability to gain entry to their property at the access near to the Bridge (the 'Lower Access') from the north side of the Bridge. The residents ask why it is considered that this movement is any more dangerous than that at a neighbouring property on School Hill where access from that driveway requires backing into traffic.
9. The objection from the Solicitor states that the residents were instrumental in instigating the current one-way system through Old Minster Lovell and that at the time of introduction it was stated by an OCC officer that it would be in the spirit of the TRO to enable access to the property from the Lower Access; in the intervening period the 'No Entry' signs have been moved several times, being placed either above the Lower Access (thus enabling that to be accessed directly from the Bridge) or at the School Hill junction (thus preventing direct access into the Lower Access).
10. The objection challenges the measurements used within the draft TRO to indicate the start and end point of the one-way restriction as they are significantly different to those in the extant Order. The objection also states that the TRO as drafted cannot be made without Secretary of State consent as it prevents access to the property for more than 8 hours in any period of 24 hours (contrary to Section 3 (1) (b) Road Traffic Regulation Act 1984), although it is noted that such access is possible at all times via the one-way

system, but it is believed that this is disproportionate given the existence of the Lower Access.

## **Response to objections and comments**

11. The matter of road safety at the junction south of the Bridge has been raised by the objectors, by Cllr Rose in his response and has previously been raised by the Parish Council. The objectors have suggested that to have an occasional vehicle turning left over the Bridge and travelling the short distance to use the Lower Access is no more dangerous than other residents reversing onto driveways. Others have suggested that to have the 'No Entry' signs other than as shown at Annex 1 creates a risk that drivers unfamiliar with the area could turn left after crossing the Bridge only to have to manoeuvre back to then go up School Hill. The layout shown is more typical of one-way restrictions and as it is clear and unambiguous it could be considered to be safer. It should be noted that there have been no recorded injury accidents in this vicinity in the last five years.
12. The objectors' challenge regarding the measurement of the restriction is partly a misreading of the draft TRO description compared with the current Order. In addition, the location of the southern start point of the one-way (which is not in dispute) has been more clearly defined to try to avoid further confusion. The argument that the current proposal requires the consent of the Secretary of State as it prevents access to premises for more than 8 hours in 24 hours is incorrect as, if approved, access would not be prevented but rather be restricted to being from one direction only, as with all one-way streets. It is recognised that in this instance the diversion that would be required to comply with the proposals is quite lengthy if arriving at 'Windrush' from the north.

## **Conclusion**

13. The purpose of the consultation has been to resolve the confusion that there has been about the extents of the one-way restriction and hence the location of the associated 'No Entry' signs. The responses to the consultation have shown that, with the exception of the residents of 'Windrush', there is strong support for the one-way scheme as shown on the plan at Annex 1. Whilst it is very unfortunate that there is one property which is particularly affected by the scheme it is recommended, that in the light of the support from local representatives who can be assumed to reflect the views of the wider local community, the scheme should proceed as advertised.

## **Financial and Staff Implications (including Revenue)**

14. The appraisal of the proposal and consultation has been undertaken by officers as part of their normal duties.

## **RECOMMENDATION**

- 15. The Cabinet Member for the Environment is RECOMMENDED to approve the implementation of proposal as advertised.**

MARK KEMP

Deputy Director of Environment & Economy (Commercial)

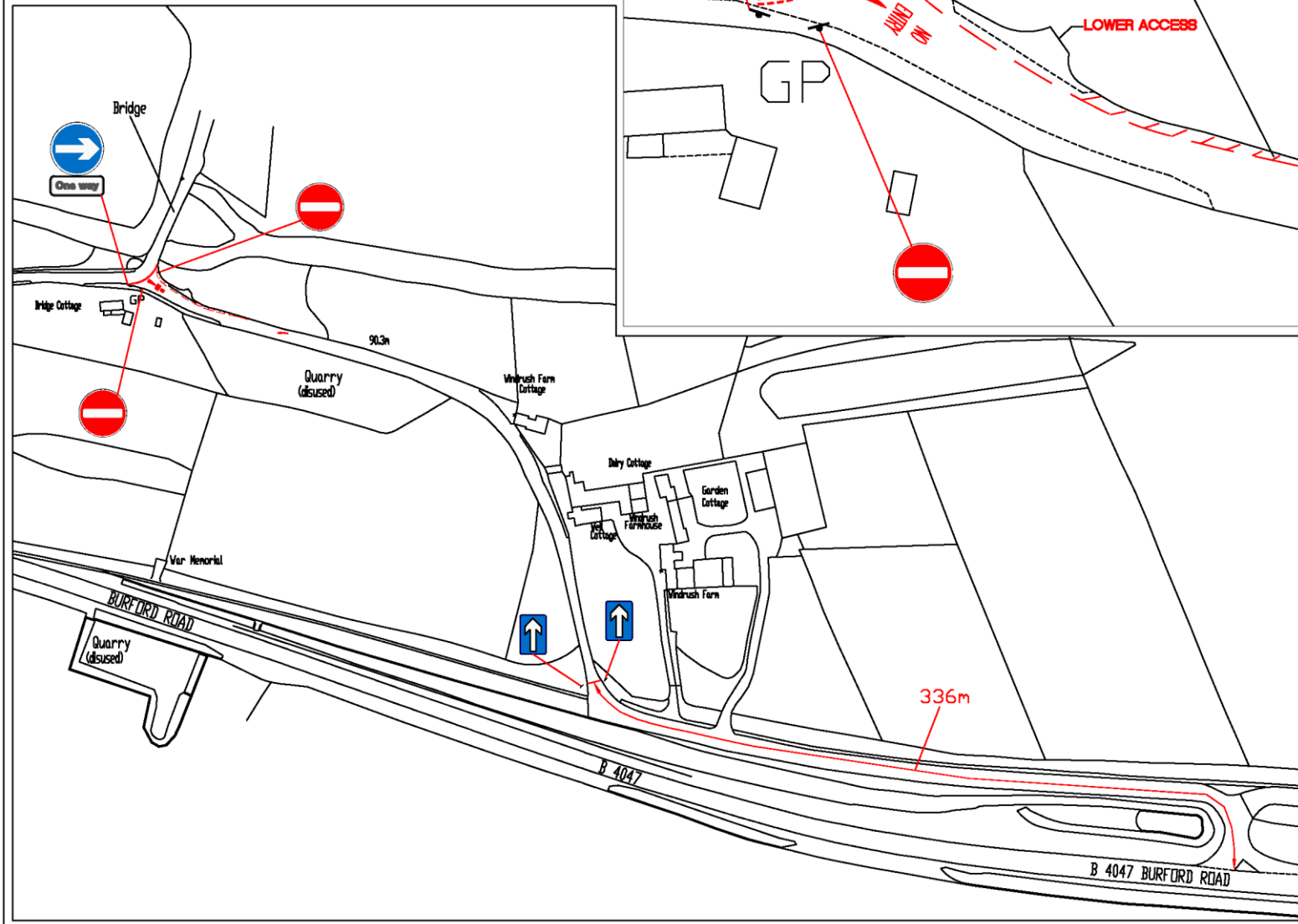
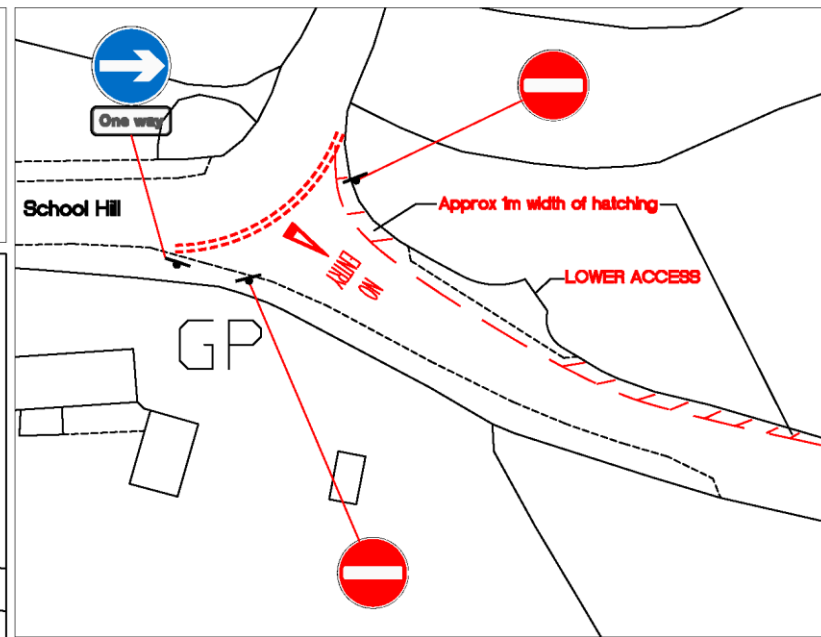
Background papers:            Consultation responses

Contact Officers:                Owen Jenkins 01865 323304

December 2015

# ANNEX 1

Roads in Old Minster		Permitted direction
Road past Windrush Farm	From a point approximately 336m west of its junction with the B4047 Burford Road, north-westwards to the junction with School Hill.	north westwards



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Rev.	Date	Purpose of revision	Drawn	Checked	Approved


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Scale @ A3	Drawn by <b>JEW</b>	Checked by	Approved by
	Date drawn <b>SEPT 2015</b>	Date checked	Date approved

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## ANNEX 2

RESPONDENT	SUMMARISED COMMENTS
Thames Valley Police	No objection. Comment that the signs must reflect the detailed location in the Order, something that has in the past been complicated by access problems near the junction with School Hill.
Fire & Rescue Service	No objection or adverse comments.
Minster Lovell Parish Council	The Parish Council fully supports the proposal which corrects the currently unacceptable situation of vehicles being able to travel against the flow of traffic.
Cllr Rodney Rose	<p>Supports the proposal with the following comments:</p> <ul style="list-style-type: none"> <li>▪ When the one-way restriction was originally implemented it was never intended to allow any left turn after leaving the river bridge when travelling from Leafield;</li> <li>▪ The Parish Council considered the layout requested by the residents of 'Windrush' to be dangerous, and did not reflect the "one-way system" they thought they had agreed to,</li> <li>▪ To make a left turn just over the bridge, rather than following the right-of-way up School Hill, and then within a few metres to be stopped at a field gate by the "no-entry" sign. Certainly an easy mistake to make for visitors to the area, of which there are many. This then left a single option of reversing back onto the bridge, to allow onward journey to School Hill, a reversing operation into a carriageway, with vision partly obscured by bridge parapets.</li> <li>▪ Finally the "No Entry" signs should be visible from the bridge, with the only option being to then turn right into School Hill.</li> </ul>

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<p>Resident, (‘Windrush’, Old Minster Lovell)</p>	<p>Objects to the proposal as it will prevent access to the property from the Leaffield direction and for access by tractors and trailers. Asks why it is believed that any more danger exists from the occasional use of the Lower Access than the use of other accesses nearby where residents reverse into oncoming traffic. Notes that previously OCC officers have considered the entry into Lower Access from the north is not dangerous.</p>
<p>Solicitor (on behalf of residents of ‘Windrush’, Old Minster Lovell)</p>	<p>Object as the proposal would restrict clients’ ability to gain entry to and egress from their property via the Lower Access. Notes that the clients were instrumental in instigating the current one-way system and were told at that time that it would be in the spirit of the TRO to enable access to the property via Lower Access, hence the siting of the No Entry signs above this access. States that at some point OCC mistakenly moved the signs down to the junction, but then in 2013 following representations from the clients the signs were moved back. Then in January 2015 the Parish Council complained that the junction had been altered “to allow residents / visitors of 'Windrush' to access their property against the flow of traffic using the one-way system which has created an extremely dangerous situation" and the signs were subsequently moved back to the junction without any consultation.</p> <p>State that the draft TRO is inaccurate as the measurements given are significantly different from those the current Order. Also consider that the TRO cannot be made without consent from Secretary of State as it would prevent the clients from being able to access their property for more than 8 hours in any period of 24 hours. – although notes that the clients are able to access their property by going all the way around the one-way system, but that such a requirement (when there is an alternative access) seems disproportionate.</p> <p>Requests that the draft TRO is amended to either end the one-way at the Lower Access (thus allowing entry direct from the Bridge) or to specifically exempt the owners for the time being of our clients' property from that part of TRO covering the distance from the junction with School Hill to the Lower Access for the purposes of access to and egress from their property and, as a consequence, move the No Entry sign to above the Lower Access</p>

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Resident, (Old Minster Lovell)	Supports the proposal. Feels that existing order was unlawfully altered approximately six months ago.
Residents, (Minster Lovell)	Supports the proposals to regularise the bridge junction at Old Minster Lovell.
Resident, (Little Minster)	Supports the proposal as there needs to be more clarity over this restriction and the current signage does not adequately guide the traffic in the right way.
Resident, (Old Minster Lovell)	No objection to the proposal but makes a number of comments about the junction of School Hill and School Lane