

CABINET MEMBER FOR ENVIRONMENT – 11 FEBRUARY 2016

PROPOSED AMENDMENT TO PROHIBITION OF DRIVING ORDER - CHOLSEY OLD READING ROAD / CAPS LANE

Report by Deputy Director of Environment & Economy (Commercial)

Introduction

1. This report presents comments and objections received in the course of a statutory consultation on a proposal to amend the existing Prohibition of Driving Order that currently applies on the full length of the Old Reading Road at Cholsey between its junction with Caps Lane and the southern end of this road, which is closed off where it meets the A329 Wallingford – Reading Road, as shown at Annex 1.

Background

2. In July 2015 South Oxfordshire District Council approved – following extensive local consultation – a planning application relating to the use of land adjacent to the Old Reading Road for an agricultural business. The approved access arrangements included the relocation of the current access to the business (point A as marked in the plan at Annex 1) in Caps Lane. This required the existing Prohibition of Driving Order on the Old Reading Road - which provides for no exemptions for any purpose along its length – to be amended to permit use by vehicles requiring access to land adjacent to the road.
3. It should be noted that a planning condition to also provide a no left turn restriction from the Old Reading Road into Caps Lane was subsequently removed by South Oxfordshire District Council following further discussions with the County Council's Road Agreements Team as the workability of such a restriction was agreed to be impractical given that there was no viable means of making the restriction self-enforcing.

Consultation

4. The formal consultation on the proposal was carried out between 25 November and 24 December 2015 and included letters to properties in the immediate area and emails to statutory consultees, including Thames Valley Police, the Fire and Ambulance services, Cholsey Parish Council and the local County Councillor. A notice of the proposal was also published in the Didcot Herald.

5. Nine responses were received. 5 objections, 2 responses raising one or more areas of concern, 1 in support. Thames Valley Police responded raising no objection. These responses are summarised at Annex 2. Copies of the full consultation responses are available for inspection in the Members' Resource Centre.
6. Thames Valley Police had no objection in principle to the proposals providing the existing gate at the Caps Lane junction was retained and suggested that exempt users should be provided with a key/code to gain access.
7. County Councillor Mark Gray expressed concerns that the proposed access arrangements would lead to additional traffic on Caps Lane, posing dangers to pedestrians walking on this narrow road and suggested that a far preferable arrangement would be for the opening of the Old Reading Road where it met the A329 (point B on the plan at Annex 1).
8. Cholsey Parish Council expressed concerns over sight lines, in particular in relation to the use of the new access by large delivery vehicles and also requested that warning signs be provided on the old Reading Road and on Caps Lane.
9. Objections were received from five parties (9 individuals) who live in Caps Lane on the grounds of increased risk of accidents on both Caps Lane and its junction with the A329 and the loss of amenity for residents and the current users – including pedestrians and cyclists – of Caps Lane due to increased traffic. Several of the responses strongly recommended that the access to the Old Reading Road should be provided by creating a new junction at its south end where it met the A329 (point B on the plan at Annex 1). Concerns were also expressed that the proposals benefited only one party and that public money was being spent to facilitate a private business and that the proposals would increase the risk of unauthorised use of the Old Reading Road.
10. Some respondents referred to the left turn prohibition from Old Reading Road to Caps Lane that was included as a planning condition but subsequently removed by South Oxfordshire District Council and therefore not the subject of this consultation. Concerns were expressed about how compliance with this restriction would be enforced.
11. The response of the agricultural business noted that planning approval was given after full consideration of the traffic impact of the proposals.

Response to objections and concerns

12. The comments of Thames Valley Police are noted. While the proposed traffic regulation order does not make specific provision for the operation of the gate, it is envisaged that this will be kept locked outside the times when access is required to the premises.
13. County Councillor Gray's suggestion that the access to the site should be provided by creating a new junction with the Old Reading Road at point B shown at Annex 1 is noted. However, the creation of an additional access

onto a busy 'A' class road is not considered advisable on road safety grounds, given that the existing Caps Lane junction with the A329 has a very good safety record with no injury accidents reported since 2000. Furthermore, as part of the Cholsey Meadow development the speed limit was reduced here to 40mph in 2012, which should further enhance safety.

14. A new junction with the A329 with only quite light use by vehicles accessing the business might be expected to have a higher than average risk of shunt type accidents behind vehicles turning right off the A329, as these movements may be less expected by other road users. Assuming a gate was also provided at this junction it could prove problematic if vehicles were to turn into the new junction and find that they were unable to proceed due to the gate being locked and then have to manoeuvre back on to the busy A329.
15. It is accepted that Caps Lane itself is a narrow road with no footway and several bends, but the revised access arrangements mean that vehicles travelling to and from the business will – if accessing from Caps Lane from the A329 – only use a very short part of the lane where there are no residential premises directly fronting onto the lane. Traffic speeds on Caps Lane by the Old Reading Road junction are – in addition to the 30mph speed limit – significantly constrained by the proximity to the A329 junction and the bends to the west on Caps Lane itself.
16. The accident record on Caps Lane is also very low, with only one slight injury accident reported since 2000.
17. Cholsey Parish Council's concerns over the use of Caps Lane – and in particular by large vehicles – and requests for warning signs are also noted. As mentioned above the proposed revised access arrangements will mean that vehicles accessing the premises from the A329 have no need to travel along the narrow part of the lane. Notwithstanding this, consideration could be given to providing signs (at the applicant's expense) warning drivers of the absence of a footway.
18. The objections on the part of the residents relating to road safety and that the creation of a new junction with the A329 at the southern end of the Old Reading Road would be a far preferable option have been discussed above.
19. Some residents also were very concerned that public funds might be used to facilitate the operation of the business. However, all the costs of implementing the revised arrangements if approved would be met by the business. In addition, the developer has funded the cost of the Traffic Regulation Order.
20. Residents also expressed a concern that the removal of the concrete blocks currently placed in front of the highway gate might – together with the more regular opening of the gate in connection with the operation of the business – lead to more risk of unauthorised use of the road. The intention is, however, that the gate will be locked at times when use associated with the business is not required. It should also be noted that the same potential issue would arise with the suggested creation of a new junction with the Old Reading Road and the A329.

How the Project supports LTP3 Objectives

21. The proposals would help facilitate the flow of motor traffic in the area by creating a more suitable access to agricultural land to the one currently in use on Caps Lane.

Financial and Staff Implications (including Revenue)

22. Funding for the proposal is being delivered by the developers of land; the appraisal of the proposals and consultation has been undertaken by officers as part of their normal duties.

RECOMMENDATION

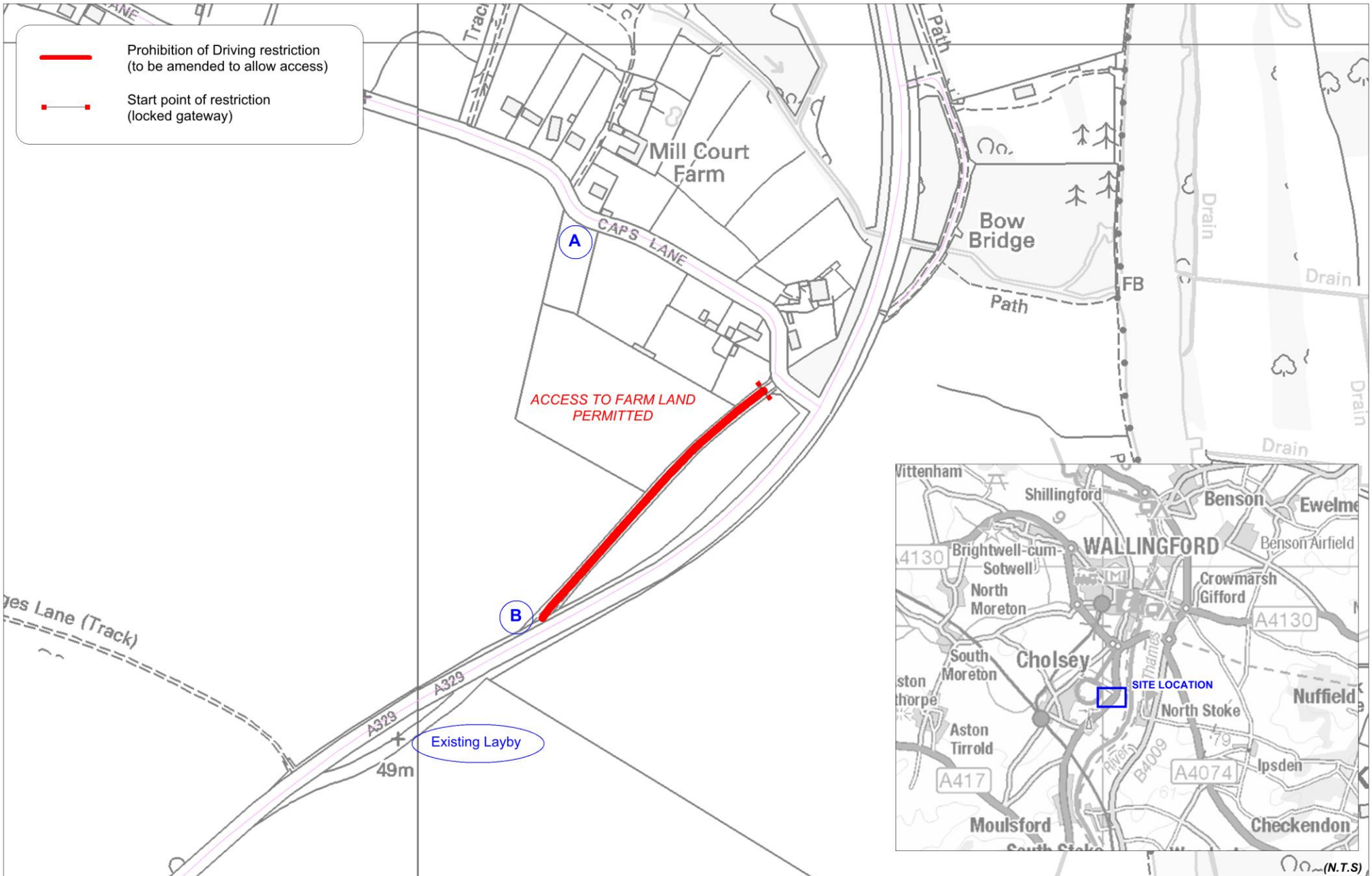
23. **The Cabinet Member for the Environment is RECOMMENDED to approve the implementation of proposal as advertised.**

MARK KEMP
Deputy Director of Environment & Economy (Commercial)

Background papers: Consultation responses

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ANNEX 2

RESPONDENT	SUMMARISED COMMENTS
Thames Valley Police	No objection providing that the existing physical restriction (gate) remains in place. Notes that this kind of restriction will feature extremely low in terms of policing priorities.
County Councillor Gray	No objection – but is concerned about the level of traffic exiting the access. Would rather see access opened at the southern end, with a junction directly onto the A329. Is concerned about safety of pedestrians on Caps Lane.
Cholsey Parish Council	No objection – but is concerned about the safety of large vehicles entering the amended location and would like to see warning signs placed on Caps Lane to increase safety for pedestrians/cyclists.
Developer / Applicant	<p>Supports – and notes that:-</p> <ul style="list-style-type: none"> ▪ Planning permission for the development was granted and consideration given to the impact on local residents . ▪ The occasional use would cause minimal disturbance and poses no danger to local residents. ▪ Current access arrangements are not suitable for the requirements. ▪ Business has already suffered due to the drawn out process and believes rural businesses should be encouraged.
Local Resident	<p>Objects – due to the following reasons:</p> <ul style="list-style-type: none"> ▪ Opening the road after 40 years will have immediate impact on local residents. ▪ Feels the proposal is in fact creating a private road for the local landowner and that they should bear the costs of maintaining the road should approval be given, ▪ Believes the creation of a cul-de-sac would only encourage fly-tipping and has concerns about cost of clearing waste.

	<ul style="list-style-type: none"> ▪ Has concerns that removing the concrete blocks from the gated entrance will encourage members of the travelling community to return. ▪ The safety of vehicles will be compromised due to the increase in traffic wishing to enter/exit an already dangerous junction. ▪ Allowing vehicles to access the previously closed section of road will significantly impact on the safety of walkers and cyclists who are regularly seen in the area.
Local Resident	<p>Objects – due to the following reasons:</p> <ul style="list-style-type: none"> ▪ Concerned about safety with regards to increased traffic onto and off the A329, feels the combination of 50mph speed limit and road layout make it particularly hazardous, ▪ Would rather see access opened at the southern end, with a junction directly onto the A329, ▪ Concerned about the cost to taxpayers with regards to the proposal.
Local Resident	<p>Objects – due to the following reasons:</p> <ul style="list-style-type: none"> ▪ Concerned that there will be no control over the amount of increased traffic using the new access. ▪ Believes that safety of vehicular traffic will be compromised through the increased use of the junction with the A329. ▪ Concerned about the unsuitability of Caps Lane for increased amount and weight of vehicles likely to use it and feels the current no right turn will not be enforced effectively. ▪ Would rather see access opened at the southern end, with a junction directly onto the A329.
Local Resident	<p>Objects – due to the following reasons:</p> <ul style="list-style-type: none"> ▪ Feels the proposal is in fact creating a private road for the local landowner with no other beneficiaries. ▪ Believes the creation of a cul-de-sac would only encourage fly-tipping. ▪ Has concerns that removing the concrete blocks from the gated entrance will encourage members of the travelling community to return. ▪ The safety of vehicles will be compromised due to the increase in traffic wishing to enter/exit an already

	<p>dangerous junction.</p> <ul style="list-style-type: none"> ▪ Feels the current no right turn will not be enforced effectively. ▪ Wants to ensure that all associated costs are borne by the local land owner and not the Council.
<p>Local Resident</p>	<p>Objects – due to the following reasons:</p> <ul style="list-style-type: none"> ▪ The safety of vehicles will be compromised due to the increase in traffic wishing to enter/exit an already dangerous junction. ▪ Concerned about the unsuitability of Caps Lane for increased amount and weight of vehicles likely to use it, and feels the current no right turn will not be enforced effectively. ▪ Feels the current restriction should remain as it to ensure safety for local residents and those using the A329 Reading Road.