

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Highways Operations
Date:	10 March 2022
Title:	Prohibition of Driving Traffic Order, Brookers Lane, Gosport
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to detail the objections received to the proposed amendment to the Prohibition of Driving Traffic Regulation Order (TRO) on Brookers Lane for consideration and gain approval to progress with the amendment of the TRO.

Recommendation

2. That the Executive Member for Highways Operations approves a Traffic Order to be made under the Road Traffic Regulation Act 1984 (RTRA), the effect of which will be to remove the small section of Prohibition of Driving order from the green hatched area shown on plan TM/JR/01 (Appendix A), Brookers Lane, Gosport.

Executive Summary

3. This paper sets out the case for approving the proposed Traffic Regulation Order (TRO) on Brookers Lane shared use cycle way and footway and considers the objections presented by Local Members Councillors Philpott and Hayre and members of the public.

Contextual information

4. The TRO was prepared to allow Hampshire County Council to fulfil its responsibilities as a Highway Authority to allow a new permanent access to the new approved Bargate Homes development of affordable properties from Brookers Lane.
5. The development was granted planning permission at appeal on the 28 July 2021 and requires a small area of the current shared use cycleway and footway to provide the access to the site. This area is shown on plan TM/JR/001 in appendix A, in green hatch incorporating the northern side of the facility for approximately 35metres.

6. The proposal will amend the existing prohibition of driving order (except cycles) which was completed in 2018. This prohibition of driving order supported the use of the section of Brookers Lane between the eastern end of Woodcote Lane and the Peel Common residential area as a route for the public as a pedestrian and cycle route, and not using motorised vehicles. It was also introduced to avoid any misuse or anti-social behaviour created by persons with motorised vehicles.
7. The shared use facility will remain with the prohibition only slightly shortened, and so still fulfil the aims of the 2018 prohibition of driving order (except cycles) and is proposed to join the new access road to the development at a formal cycle junction to continue via road, mirroring the current arrangement. Pedestrians will be able to continue via footway in all directions with tactile paving and dropped kerbs on improved footway routes. The general arrangement plan provided by Bargate Homes shows the proposed new layout on plan ITB13747-GA-004 in appendix B.
8. There have been no recorded Personal Injury Accidents in the vicinity of the new access road on Brookers Lane or The Drive in last five years of data (between 1 July 2016 and 30 June 2021).
9. Attached are:
 - (i) a plan of the amendment;
 - (ii) the general arrangement plan provided by Bargate Homes; and
 - (iii) the traffic order.
10. In making this recommendation, due consideration has been given to RTRA section 122(1) and 122(2) and any other relevant legislation. In this case, it is considered that the Traffic Order is expeditious for the convenient and safe movement of vehicular and other traffic (including pedestrians and cyclists) to the Bargate Homes development.
11. The proposal outlined in paragraph 2 (above) to exercise the functions of the Local Authority under RTRA section 122(1) and 122(2) is made on the basis of what is reasonably practicable after due regard has been given to:
 - the desirability of securing and maintaining safe and reasonable access to premises which will form the Bargate Homes development.

Finance

12. The cost of the TRO and implementation of the site works are being/will be met by the Developer.

Consultation and Equalities

13. The introduction of an access to the development site on Brookers Lane was an essential part of the Planning Permission for the site and as such was part of the consultation for the development. As the access required an amendment to the Prohibition of Driving TRO to allow space for the access road, consultation through the TRO process was also required.

14. The amendment to the prohibition of driving has not raised objections from the Police.
15. The public advertisement of the proposals was carried out from 4 February to 25 February 2021, eighty-five representations were received including objections by both Local Members, Councillor Philpott and Councillor Hayre, and one signed by a resident's association. Full details of the concerns raised followed by the lettered officer responses are included in the exempt appendix.

Local Member's View

16. The local Members, Councillor Philpott and Councillor Hayre, object to the proposal. Their objections are outlined with officer responses in the exempt appendix.
17. Their concerns highlighted safety issues both with the reduced distance of the shared use cycle way/foot path and the increased vehicular use of the surrounding roads, both Members wanted to support residents walking and cycling. They also had concerns that the proposed entrance to the development was badly designed, too narrow and wanted to highlight the disruption they believed additional road access would inflict upon the nearby residents and schools. These and other concerns are addressed in the "Officer Response" section below.
18. Several issues were included within both the Local Members and resident's objections that related specifically to issues relating to Planning consent or requesting other TROs in their areas, these issues are noted, but not considered as an objection relating to this TRO as they don't relate to the proposed amendment to the Prohibition of Driving directly.

Officers Response

19. To allow the objections to be considered in full, an appendix has been included containing objections received. However, this has been made exempt to protect the personal information of those who submitted their views.
20. The eighty-five objections received covered seven key issues related to the proposed TRO, and linked to the agreed development:
The Pinch point access to the development is inadequate/ too narrow and too dangerous.
21. The access arrangement was agreed at the planning permission appeal on 28 July 2021. It complies with all current highway design standards and guidance and was subject to the independent Road Safety Audit process. The agreed design is considered safe and acceptable by the Highway Authority and the planning inspector.
22. The Section 278 process will ensure all built highway works are subject to further checks at the detailed design stage and completion of a Stage 3 Road Safety Audit prior to opening.

Safety on the shared use cycle path: No motorist movements should occur along the path on Brookers field. I don't want to lose the path due to safety concerns and introducing motor vehicles on the site will discourage walking and cycling from Newgate Lane to Brookers field. Hedges and Trees provide habitat for wildlife.

23. The cycleway link to Newgate Lane will remain in place, protected by bollards at either end. The segregated cycle lane will be approximately 35m shorter to allow for the new access road with cyclists joining at a formal cycle junction, but the majority of the lane will remain as it is now, without motorist movements on the shared use cycle path/foot path.
24. There are no plans to remove hedges or trees from the link beyond those requiring removal within the 35 metres to allow construction of the development access road.

25. The lane will not be a through road to Newgate Lane for vehicular traffic.

The Drive and Brookers Lane are quiet residential areas, allowing a new access road through it would create traffic, noise, pollution, additional parking and disruption to current Peel Common residents and the nearby schools. Safety issues and collisions are likely to occur with the local schools and construction traffic will be disruptive. Data that supported the planning application wasn't credible.

26. This concern relates to the traffic arising from the construction of new houses, rather than the TRO amendments itself. However, it is acknowledged that the amendment proposed by the TRO will allow access to Brookers Lane and is related to these concerns.
27. The impact of the forecast additional traffic generated by the consented development was not considered a severe impact in highway terms by the Highway Authority and was considered acceptable by the planning inspector. The access is forecast to see vehicular usage of 44 vehicles in the AM peak hour and 50 vehicles in the PM peak hour, less during other hours of the day.
28. There are currently no reported personal injury accidents within the estate area (Brookers Lane, The Drive, The Curve, The Parkway and associated roads) in the last five years of reported data, between 1 July 2016 and 30 June 2021.
29. Construction access has been agreed in principle from Newgate Lane East, subject to detailed design. Therefore, it's likely that no construction traffic would be permitted to use Brookers Lane/The Drive to access the site during the site construction.

Congestion will occur on the local roads.

30. This concern again relates to the traffic arising from the construction of new houses, rather than the TRO amendments itself. However, it is acknowledged that the amendment proposed by the TRO will allow access to Brookers Lane and are related to these concerns.
31. The level of traffic generated by the new houses was assessed as part of the planning application and, given the mitigation secured, was not considered to

have a severe impact on the highway network. As such, no objection to the planning permission was ultimately raised by the Highway Authority.

An access road should be constructed from Newgate Lane to the new development.

32. The planning application did not include proposals for an access onto Newgate Lane East, therefore this was not considered by the Highway Authority or planning inspector, who must consider what is proposed within the application. However, the purpose of the recent improvements made to Newgate Lane were to address existing traffic congestion and environmental issues on Newgate Lane and other corridors providing access to the Gosport peninsula and to facilitate better strategic access to jobs at the Solent Enterprise Zone at Daedalus. Installing new accesses through additional junctions directly onto this strategic link would negate the improvements gained through this scheme and are therefore unlikely to be considered acceptable by the Highway Authority.

I am concerned that this will lead to future development in the area.

33. The Highway Authority was clear in planning responses that any further development of adjacent sites to this one accessing via Brookers Lane would not be acceptable. Conditions included in the planning permission mean that there can be no vehicular links to neighbouring land accessed via Brookers Lane.

The access lane was given under Covenant to the people of Peel Common.

34. The area of land indicated in blue and green in appendix A is subject to highway rights and is part of the public highway network and will remain so. The proposal would amend a small part of the shared use cycleway and footway to become footway and carriageway, ending the cycle way 35metres west of its current eastern point. Cyclists would join at a formal cycle junction, but the majority of the lane will remain as it is now, without motorist movements on the shared use cycle path/foot path.

Climate Change Impact Assessments

35. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
36. The tools employed by the County Council to assess impacts on climate change adaption and mitigation were utilised and found not to be applicable on the grounds the decision is seeking to amend a legal order. This is related to a planning application which would have already considered and gained

approval through the planning process to assess any climate impacts or mitigation measures.

Conclusions

37. The minor adjustment proposed to the existing TRO will allow continued safe access to users of the shared use footpath and cycle path as well as meeting the obligations of the planning consent for the development of affordable housing.
38. The failure by the Highway Authority to use the required secondary legislation to enable development approved by the Planning Inspectors decision would be likely to leave the County Council open to legal challenge.
39. It is recommended that the TRO be amended as advertised.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

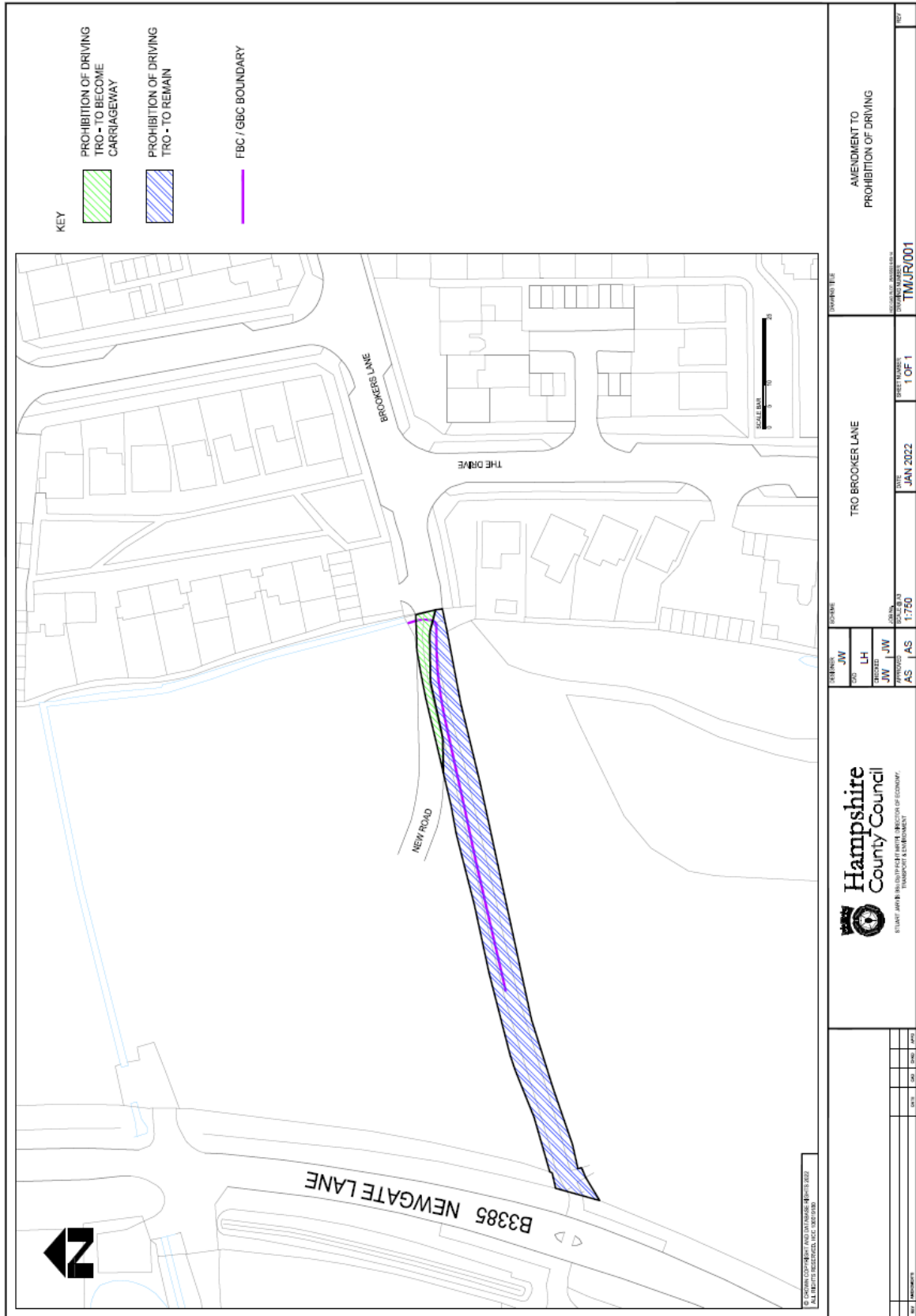
- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

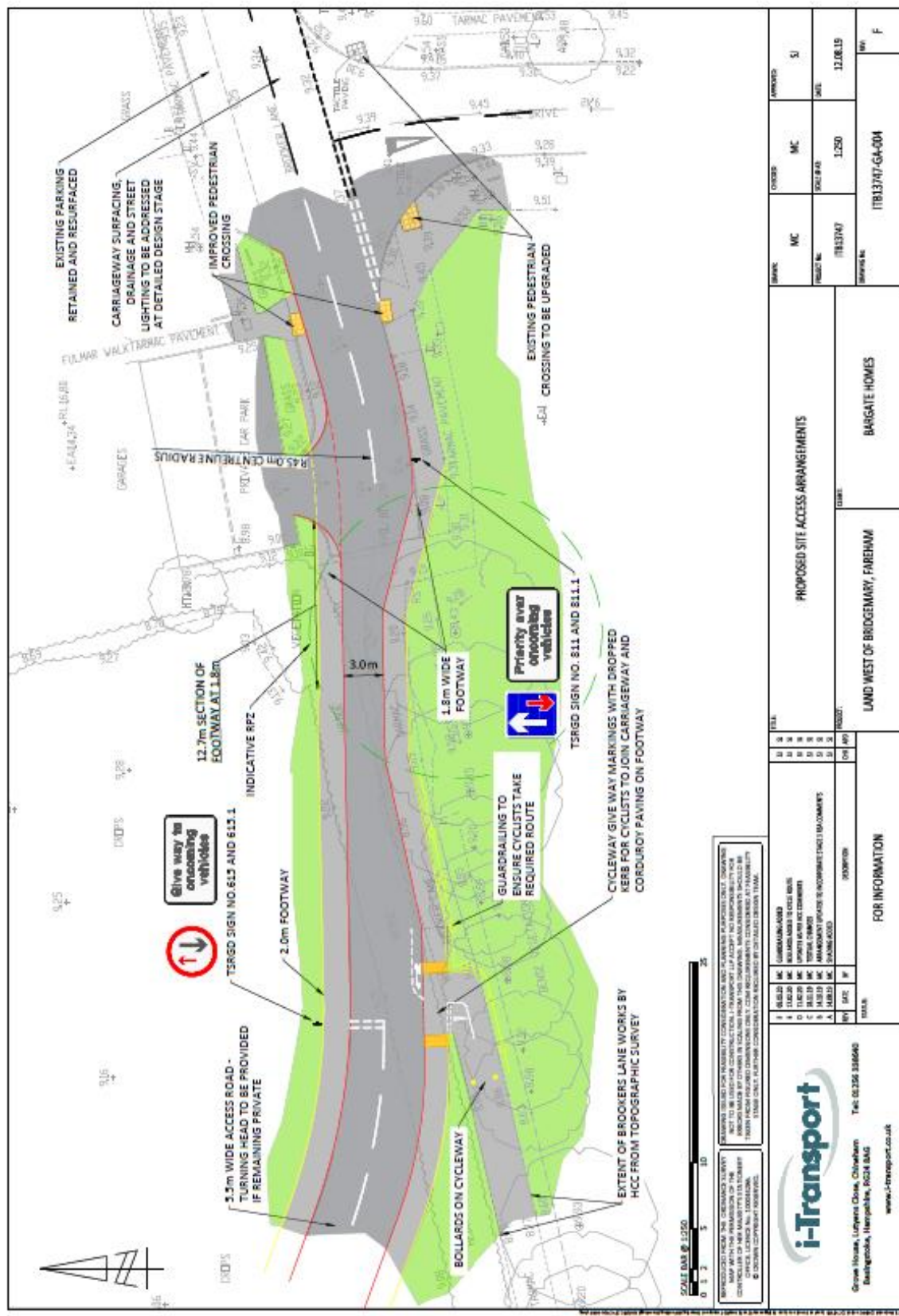
Particularly old and young people, those with a mobility or visual disability may experience low negative impacts as the shared use, traffic free route is shortened by approximately 35metres. This will be mitigated by the tactile paving, dropped kerbs and improved footway routes that will be provided by the new development. The new arrangement protects the remainder of the shared use route with bollards. Low traffic flows are expected from the new development and the design has been fully safety audited.

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APPENDIX A



<p>Hampshire County Council <small>UNITED KINGDOM OF GREAT BRITAIN REGION OF ENGLAND TRANSPORT AUTHORITY</small></p>		<p>SCHEMATIC</p> <p>TRO BROOKER LANE</p> <p>AMENDMENT TO PROHIBITION OF DRIVING</p>	
<p>DESIGNED BY: JW</p> <p>CHECKED BY: LH</p> <p>APPROVED BY: JW</p> <p>DATE: 17/05/2022</p>	<p>DATE: JAN 2022</p> <p>SHEET NUMBER: 1 OF 1</p>	<p>SCALE: 1:750</p> <p>DATE: 17/05/2022</p> <p>PROJECT: TM/JR/001</p>	<p>PROJECT</p>



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HAMPSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**THE HAMPSHIRE (VARIOUS ROADS NEWGATE LANE AREA, FAREHAM
AND GOSPORT) (PROHIBITION OF DRIVING) (EXCEPT FOR ACCESS)
ORDER 2018 (VARIATION) ORDER 2022**

Hampshire County Council in exercise of its powers under Sections 1, 2 and 3 of the Act, and all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following order:

1. In this order the Principal Order means The Hampshire (Newgate Lane Area, Fareham and Gosport) (Prohibition of Driving) (Except for Access) Order 2018
2. The Principal Order shall have effect as though:
 - (A) item (i) of Schedule II is replaced with the following:
 - (i) Brookers Lane between a point 31 metres west of its junction with The Drive and its eastern junction with the B3385 Newgate Lane East, an approximate distance of 145 metres and shown hatched blue on the plan attached hereto, excluding the section shown hatched green; and
 - (B) the plan referred to above and attached hereto is included.
5. This order shall come into operation on 2022 and may be cited as "The Hampshire (Newgate Lane Area, Fareham and Gosport) (Prohibition of Driving) (Except for Access) Order 2018 (Variation) Order 2022".

GIVEN this day of 2022

THE COMMON SEAL of HAMPSHIRE)
COUNTY COUNCIL was hereunto affixed)
in the presence of:)

Authorised Signatory