

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Economy, Transport & Environment
Date:	12 May 2015
Title:	Yew Tree Drive, Whiteley – Permanent opening of Bus Gate and associated Traffic Management Orders
Reference:	6635
Report From:	Director of Economy, Transport & Environment

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1. Executive Summary

1.1. The purpose of this paper is to seek approval to permanently open Yew Tree Drive Bus Gate by making two experimental Traffic Regulation Orders permanent. This will also have the effect of ensuring that heavy commercial vehicles are prohibited, except for loading and unloading at certain locations.

2. Background information

- 2.1. In November 2014 a paper was taken to the Executive Member for Economy, Transport & Environment reporting back on the results of the monitoring and public consultation that had been carried out in association with the three month trial opening of Yew Tree Drive Bus Gate.
- 2.2. Mitigation measures had been carried out during the winter of 2013/14 prior to the trial opening on 28 February 2014. These measures consisted of:
- a) Speed cushions on the length of Yew Tree Drive from its junction with Botley Road to its junction with Rookery Avenue. This is the most appropriate type of traffic calming for the road type and usage.
 - b) Toucan Crossing - a new signal controlled pedestrian and cycle crossing at an existing crossing place to the south of Gull Coppice, where the School Crossing Patrol currently operates. This will ensure a crossing facility is available all day and not just at school times.
 - c) Experimental Heavy Goods Vehicle ban - creation of a vehicle weight restriction, for all vehicles exceeding 7.5 tonnes on Yew Tree Drive between its junctions with Botley Road and Clydesdale Road (the Yew Tree Drive Bus Gate). The TRO will ban all HGVs movements through

the bus gate even for access. This restriction was experimental and monitored as part of the trial.

- d) Experimental Heavy Goods Vehicle ban - creation of a vehicle weight restriction, accept for access, for all vehicles exceeding 7.5 tonnes on Yew Tree Drive between its junctions with Rookery Avenue and Clydesdale Road. The TRO will allow for HGVs in excess of 7.5 tonnes to access Yew Tree Drive to serve residential areas etc., but will not allow Yew Tree Drive to be used as a through route. Access to Yew Tree Drive will only be allowed, however, via Rookery Avenue. This restriction was experimental and monitored as part of the trial.
- e) Additional white lining on Swanwick Lane – the introduction of carriageway edge lines and the removal of centreline markings along Swanwick Lane. The new edge of carriageway lining and removal of the centre line will start west of Angler’s Way, cease at the existing road markings designating the turning lane at Sopwith Way, and then continue again to the junction with Botley Road. This measure will create a change in the road environment aimed at reducing vehicle speeds. The impacts were monitored as part of the formal trial.
- f) Pedestrian refuge island on the western end of Swanwick Lane at the eastern end of the lay-by near to the playground. This will provide a safer and more convenient pedestrian crossing for people wishing to access the recreational facilities and provide a traffic calming effect.
- g) Uncontrolled crossing on Botley Road to the north of Station Road - measures include new dropped kerbs, tactile paving, reflective bollards and a coloured road surfacing strip, designed to highlight the crossing point.
- h) Uncontrolled crossing on Botley Road near Beacon Bottom – measures include new dropped kerbs, tactile paving, reflective bollards and a coloured road surfacing strip, designed to highlight the crossing point.
- i) Pedestrian refuge island on Botley Road midway between Rookery Avenue and Calabrese. This will provide a safer and more convenient pedestrian crossing and provide a traffic calming effect.
- j) Relocation of bus stops on Yew Tree Drive near Gull Coppice – relocation of the bus stop to the east of Sweethills Crescent to improve visibility of on coming vehicles for pedestrians wishing to cross Yew Tree Drive; relocation of bus stop east of the Gull Coppice entrance to allow waiting buses to be clear of the informal crossing point.
- k) Speed cushions on the un-calmed arm of Sweethills Crescent. This would complement the existing speed cushions already in Place along Sweethills Crescent.

- l) 20mph speed limit on Yew Tree Drive in the vicinity of Gull Coppice to include the proposed Toucan crossing. This will complement the speed cushions proposed along Yew Tree Drive to ensure vehicle speeds are reduced, especially in the vicinity of the school.
- 2.3. During the three month trial monitoring of the traffic took place to assist in determining how the local road network was affected by the bus gate being opened to all traffic and a public consultation exercise was undertaken to determine public perception regarding the opening of the bus gate and the effectiveness of the mitigation measures.
- 2.4. Analysis of the public consultation data demonstrated that there was overwhelming support for the permanent opening of the bus gate with 86% of the 2,128 responses received supporting the proposal.
- 2.5. Analysis of the monitoring data demonstrated that whilst the speed cushions on Yew Tree Drive were not universally popular, they had been successful in bringing about a significant reduction in speed. In addition concerns were raised about the increase in traffic and speed along Swanwick Lane and although the monitoring data supports the perception of increased vehicle flows it does not support the view that vehicle speeds have increased. The report approved by the Executive Member in November 2014 recommended that a study be carried out to identify additional measures for Swanwick Lane to reduce vehicle speeds, aid pedestrians, deter rat running and improve vehicle queues on Swanwick Lane at the signalised junction with the A27; this work is in hand.
- 2.6. The trial opening of the bus gate was supported by the introduction of two experimental Traffic Regulation Orders:
 - a) The Hampshire (Yew Tree Drive and Rookery Avenue, Whiteley) (Experimental Prohibition of Heavy Commercial Vehicles) Order 2014
 - b) The Hampshire (Yew Tree Drive, Whiteley) (Experimental Revocation of Prohibition of Entry (Except Buses)) Order 2013
- 2.7. These Orders were advertised between 24 January 2014 and 31 July 2014 and 6 December 2013 and 15 June 2014 respectively. During the course of these 6 month periods of public consultation, no objections or representations were received.

3. Legal Duties and Process

- 3.1 Through the TRO process the County Council as Highway Authority has a responsibility to come to a balanced conclusion on the obligations placed upon it by Section 122 of the Road Traffic Regulation Act 1984. Section 122(1) states:

"It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on

them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.”

3.2 The matters referred to in Section 122(2) of the Act have been considered by the County Council as follows;

(a) the desirability of securing and maintaining reasonable access to premises;

The opening up of Yew Tree Drive to all traffic increases the ability of people to access the properties and goods and services in the area more easily and directly through the use of this road. In addition a recent public consultation demonstrated significant local support for the permanent opening of the Bus Gate.

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run; .

The current TRO in place for the bus gate prohibits entry to all vehicles excepting buses. By removing the bus only restriction access to local amenities should be improved for residents. The proposed replacement of this Order with one allowing access to all vehicles is balanced with the proposed introduction of a TRO restricting access to HCVs via the Yew Tree Drive/Botley Road junction. HCVs will still be able to gain access to Yew Tree Drive to make deliveries etc. such as they can under the existing permanent Order, but will not be able to use the road to cut through from Swanwick and Botley to Whiteley but will instead still need to use the more appropriate A and B roads and the motorway.

(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

As part of the trial opening of the bus gate an air quality survey was carried out from January 2014 to the end of May 2014, to measure the concentration of nitrogen dioxide at locations intended to be representative of public exposure, within the practicalities of making the measurements at publically accessible locations. The measurements made relate to the annual mean, and were made using passive diffusion tubes. The measurement locations are shown in Figure 1. With the exception of one location on Botley Road, which is being followed up by Fareham Borough Council and may be affected by emissions from the M27 motorway, all of the measurements are within the EU and national standards. On this basis it may be concluded that the opening of the bus gate has not led to a breach of the air quality standard for nitrogen dioxide.

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;

The TRO's do not affect the passage of PSV's or people in any way.

(d) any other matters appearing to the local authority to be relevant.

The possible increase in noise and traffic experienced by the properties close to Yew Tree Drive has been considered by the Council. Whilst it is acknowledged that traffic volumes have undoubtedly gone up since the road has been opened, the increase and the associated impacts need to be balanced with the reduction in vehicle miles that the opening of the bus gate has led to. As vehicles are now able to use a far more direct route between Whiteley, and Swanwick and Botley the overall journey lengths of many drivers has reduced and the use of Yew Tree Drive will have led to a corresponding decrease in traffic volumes and therefore noise and emissions on other routes as drivers chose the new more expeditious route over their previous options.

- 3.3 On balance, the County Council considers that its responsibilities under s122 of the Road Traffic Regulation Act 1984 are fulfilled by opening the bus gate.
- 3.4 A planning application was made to Fareham Borough Council in February 2015 but was subsequently withdrawn by Hampshire County Council following further legal advice, the County Council considered that, as Yew Tree Drive is now adopted as publicly maintainable highway, the County Council is empowered as Highway Authority to deal with the bus gate through traffic legislation rather than the planning system. It is able to do so in this case by converting the experimental TROs into permanent TROs in accordance with the Road Traffic Regulation Act and the process laid out in regulation 23 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 3.5 It is noted that six objections were made to the planning application based around;
 - the increase in noise and pollution;
 - the fact that residents had been assured that Yew Tree Drive would never be opened on a permanent basis until the completion of Whiteley Way;
 - inadequate speed restrictions on Yew Tree Drive;
 - the need for further traffic surveys and the worsening of the current situation through additional house building and the construction of a cinema; and

- potential increase in crime now Whiteley is no longer a cul-de-sac.
- 3.6 One of the reasons that Whiteley is a popular residential area is due to its proximity to and ease of access onto the M27. However, this proximity brings with it a certain level of background noise from the motorway to daily life. Whilst it is noted that there are concerns from residents regarding the likely increase in noise from the opening of the bus gate, The Land Compensation Act 1973 (Part II s.20) provides for the implementation of Noise Insulation Regulations 1975 and exists to help people should they believe they have a claim for compensation or noise insulation as a result of works that have been carried out to the highway.
- 3.7 Whilst the County Council does not believe that any claims made under The Land Compensation Act 1973 nor the Noise Insulation Regulations 1975 will be considered eligible, this is not a formal position, and members of the public are able to seek their own advice in relation to such matters.
- 3.8 With regard to the other concerns expressed £14million has been secured from the Solent LEP towards the completion of Whiteley Way. Likely work will involve the completion of Bluebell Way and improvement to the existing Whiteley Way between R3 and the Solent Hotel Roundabout.
- 3.9 As detailed in paragraph 2.2 significant mitigation works have been carried out along Yew Tree Drive and speeds have reduced here as detailed in the November 2014 Decision Report on the results of the opening trial and monitoring.

4. Finance

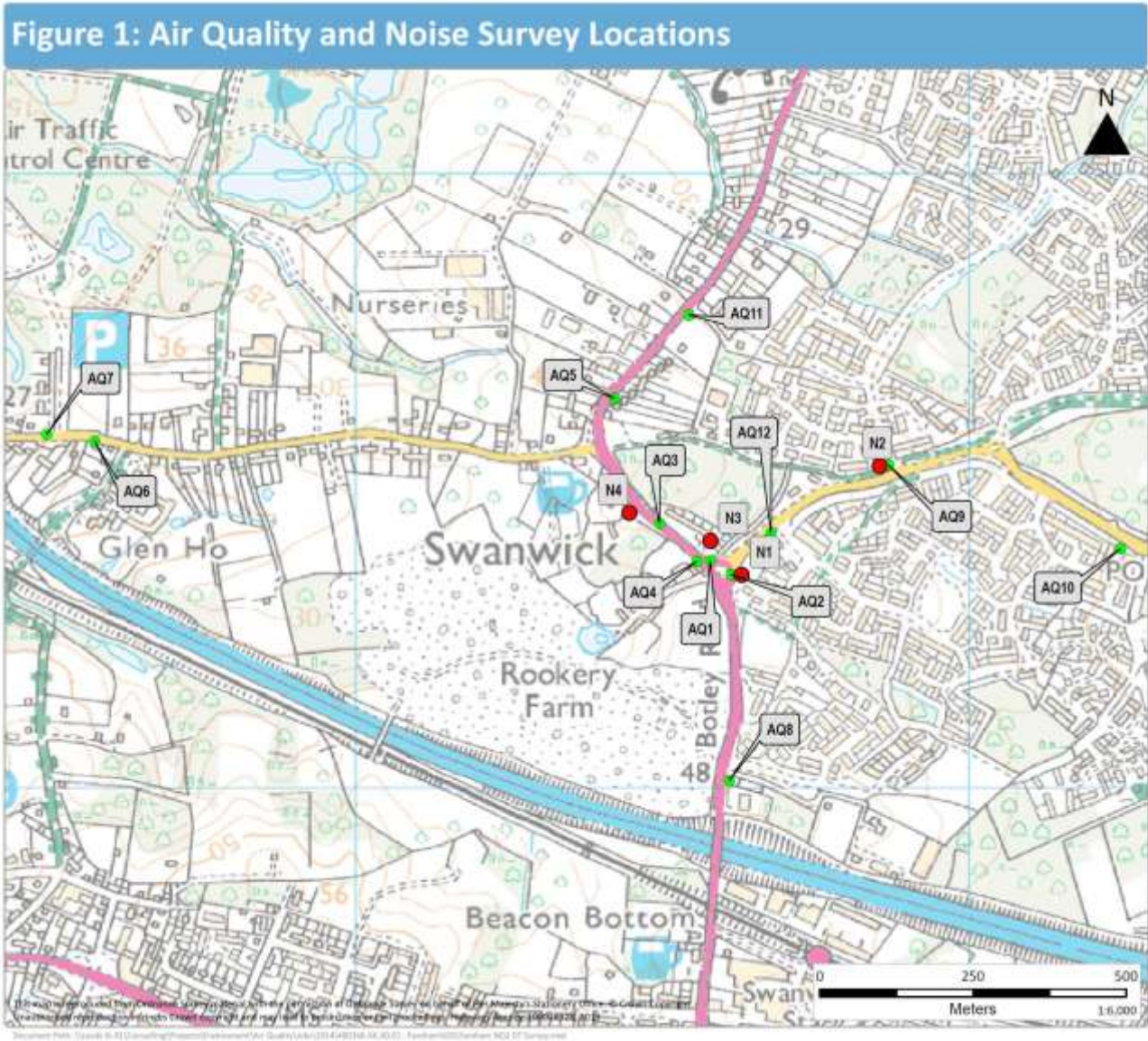
- 4.1 There are no financial implications associated with the implementation of the recommendations of this report apart from the resources associated with making the permanent TROs. It is believed that the likelihood of a successful claim under the Land Compensation Act 1973 is low.
- 4.2 Works required to remove the physical bus gate measures and equipment will be the subject of a separate Executive Member for Economy, Transport & Environment Decision Day report.

5. Recommendations

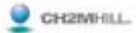
That the Executive Member for Economy, Transport and Environment:

- 5.1 Approves that Yew Tree Drive bus gate be permanently opened to all traffic with the exception of Heavy Commercial Vehicles.
- 5.2 Approves the analysis of the County Council's responsibilities under Section 122 of the Road Traffic Regulation Act 1984 and the conclusion that these are fulfilled by opening the bus gate as set out in paragraphs 3.2 and 3.3 of this report.

- 5.3 Approves that the provisions contained in 'The Hampshire (Yew Tree Drive, Whiteley) (Experimental Revocation of Prohibition of Entry (Except Buses)) Order 2013' be made permanent by way of implementing an order made under Section 1 of the Road Traffic Regulation Act 1984, which will revoke the existing Prohibition of Entry (Except Buses) Order (The Borough of Fareham (Yew Tree Drive, Whiteley) (Prohibition of Entry (Except Buses)) (No. 1) Order 2007 and the effects of which are to allow access to Yew Tree Drive between its junction with A3051 Botley Road and its south-western junction with Clydesdale Road.
- 5.4 Approves that the provisions contained in 'The Hampshire (Yew Tree Drive and Rookery Avenue, Whiteley) (Experimental Prohibition of Heavy Commercial Vehicles) Order 2014' be made permanent by way of implementing an order made under Section 1 of the Road Traffic Regulation Act 1984, the effects of which are to:
- (i) Prohibit heavy commercial vehicles (HCVs) on Yew Tree Drive, between its roundabout junction with Botley Road and its junction with Clydesdale Road; and
 - (ii) Prohibit HCVs except for loading and unloading on:
 - (a) Yew Tree Drive, between its junction with Clydesdale Road and its junction with Rookery Avenue (including all roads with an access therefrom); and
 - (b) Rookery Avenue, between its roundabout junction with Solent Way and its south-western termination (including all roads with an access therefrom).
- 5.5 Approves the continuation of the study to;
- i. identify additional measures for Swanwick Lane to reduce vehicle speeds, aid pedestrians, deter rat running and improve vehicle queues on Swanwick lane at the signalised junction with the A27;
 - ii. identify additional measures for Botley Road to reduce vehicle speeds and aid pedestrians; and
 - iii. assess the speed cushions on Yew Tree Drive with a view to making any necessary amendments or additions as required



- Legend**
- Air Quality Measurement Locations
 - Noise Measurement Locations



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CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	Yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Project Appraisal: Yew Tree Drive Bus Gate Opening Trial and Mitigation Measures in Burr ridge, Swanwick, Park Gate and Whiteley	5181	07/10/2013
Yew Tree Drive Bus Gate - Opening Trial and Monitoring of Mitigation Measures in Burr ridge, Swanwick, Park Gate and Whiteley	6034	04/11/2014
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	

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.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) 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.

1.2. Equalities Impact Assessment:

The works that have been carried out will have a positive impact on the groups identified. The measures look to reduce vehicle speeds, increasing safety for all road users, and improve crossing facilities for pedestrians. In this way they help those with mobility problems including pregnant ladies and those with pushchairs or wheelchairs. The measures also help those of school age by improving crossing facilities to the local primary school by providing a Toucan crossing linking two sections of off-road shared pedestrian / cycle route.

2. Impact on Crime and Disorder:

2.1 These works will have no impact on crime and disorder.

3. Climate Change:

3.1 How does what is being proposed impact on our carbon footprint / energy consumption?

Opening up of Yew Tree Drive bus gate provides a shorter route for vehicles wishing to travel between Whiteley and Park Gate or Botley thereby reducing vehicle mileages.

The number of vehicles using Yew Tree Drive has increased and therefore it is likely that noise and air quality levels along these roads will have increased. However Yew Tree Drive has always been a public road and the bus gate always had the potential to be opened. It is also likely that any increases in noise and air quality in this area will be balanced by a drop in levels in other locations through the reassignment of vehicles.

The introduction of speed cushions also reduces the speeds of vehicles and improves the safety of those using alternative means of transport such as pedestrians or cyclists.

3.2 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The measures look to provide a more direct route for vehicular traffic wanting to access Park Gate and Botley and conversely Whiteley whilst balancing the need to provide facilities and an environment to encourage the use of sustainable modes of transport.