



**OFFICER REPORT TO LOCAL COMMITTEE
(REIGATE AND BANSTEAD)**

**NETHERNE ON THE HILL
NETHERNE LANE ROAD CLOSURE**

21 SEPTEMBER 2009

KEY ISSUE

To consider the implementation of a permanent traffic regulation order on Netherne Lane, for the prohibition of all vehicles (except bicycles and emergency vehicles) in certain sections of the road.

SUMMARY

The new village at Netherne-on-the-Hill was granted outline planning permission in 1996, and since then there have been various planning permissions on the site. The developers are close to completion on the site and as part of the implementation of planning permission have erected some timber gates and posts at various locations along Netherne Lane to restrict access to all vehicles, except bicycles and emergency vehicles. The effect of closing parts of Netherne Lane will provide a quiet, traffic free route for pedestrians and cyclists.

The purpose of this report is to obtain agreement from the Local Committee to advertise a permanent traffic regulation order for the prohibition of vehicles, with the exception of bicycles and emergency vehicles, at various specified sections of Netherne Lane, an existing highway, maintained at the public expense.

OFFICER RECOMMENDATIONS

The Local Committee (Reigate and Banstead) is asked to agree that:

- i) A permanent traffic regulation order is advertised for the prohibition of all vehicles (with the exception of bicycles and emergency vehicles) at certain points on Netherne Lane, as marked on the attached plan (see Appendix 1), and should any objections be raised, these will be brought back to this committee.
- ii) Consultation with emergency services is undertaken and any objections are brought back to this committee to be resolved.

1 INTRODUCTION AND BACKGROUND

- 1.1 The housing development at Netherne-on-the-Hill is close to completion after receiving outline planning permission in 1996. The planning permission for the development includes the provision of road closures at various locations along Netherne Lane, an adopted highway maintainable at public expense. The road closures provided are wooden gates, which prevent access for all vehicles with the exception of bicycles and emergency vehicles, and wooden posts, which prevent access for all vehicles, with the exception of bicycles.
- 1.2 The location and type of structure within the highway is shown at Appendix 1, which includes a road closure plan, showing the location of the road closures, and photographs, to show the structure at each location.
- 1.3 The road closures provide the following:
 - **Location A** – Wooden posts located on Netherne Lane 18 metres to the north of Netherne Lane junction with Rookery Mead.
Effect : Prohibition of all vehicles, with the exception of bicycles and emergency vehicles, from driving a 18 metre stretch along Netherne Lane between the wooden posts on Netherne Lane and the junction of Netherne Lane with Rookery Mead.
 - **Location B** – A wooden gate located on Netherne Lane, 45 metres south of the junction of Netherne Lane with Rookery Mead.
Location C – Wooden posts located on Netherne Lane 5 metres north of the junction of Netherne Lane with Netherne Drive.
Effect: Prohibition of all vehicles, with the exception of bicycles and emergency vehicles, driving a 45 metre stretch of Netherne Lane between location B and C.

- **Location D** – A wooden gate located on Netherne Lane, 95 metres to the south of the junction of Netherne Lane with Upper Lodge Way.
Location E – A wooden gate located on Netherne Lane, 107 metres to the south of the junction of Netherne Drive with Upper Lodge Way
Effect: Prohibition of all vehicles, with the exception of bicycles and emergency vehicles, driving a 12 metre stretch of Netherne Lane between location D and E.
 - **Location F** – 2 sets of wooden posts located on Netherne Lane, one set 3 metres to the south of the junction of Netherne Lane with Cayton Road, and another set 25 metres to the south of this junction.
Effect: Prohibition of all vehicles, with the exception of bicycles, from driving a 22 metre stretch along Netherne Lane between these 2 sets of wooden posts.
- 1.4 A temporary road closure was effective for 18 months from 11 February 2002 along Netherne Lane. This temporary road closure has expired, and there has been no permanent traffic regulation order in place. The reason that a permanent traffic regulation order could not be implemented was that there was no suitable alternative route for drivers to use through the site. The route of Cayton Road, Rookery Mead and Blue Leaves Avenue was in a poor condition and had not been surfaced, so presented a risk to the public, and the road was not in a state to be adopted as highway.
- 1.5 The alternative route, of Cayton Road, Rookery Mead and Blue Leaves Avenue has now been completed to an adoptable standard by Gleasons, the developer of the site. At the time of writing this report, the County Council are close to the completion of the highway works adoption under Section 278 of the Highway Act 1980, which will mean that the alternative route can be adopted as highway, offering an alternative public route to the closed highway on Netherne Lane.
- 1.6 The legal order to prohibit vehicle access along the identified stretches on Netherne Lane, provides a safe cycle and pedestrian route through the site, whilst an alternative route for vehicles through the site is provided.

2 ANALYSIS

- 2.1 Reigate and Banstead Local Planning Authority considered the proposals for the wooden gates and posts and the alternative route for vehicles through the site, when the outline planning application was submitted in 1996. Planning permission was subsequently granted in 1999, which was subject to the partial closure of Netherne Lane to vehicular traffic.
- 2.2 Whilst the gates and posts have been in place for some time, their purpose to prevent access to certain sections of Netherne Lane for all

vehicles, with the exception of bicycles and emergency vehicles, has not been endorsed through the correct legal process. The reason that this has not been possible is that there has not been a suitable adopted highway as an alternative route for drivers to use, which has meant that the necessary traffic regulation orders could not be put in place. The Highway Authority has a duty under Section 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority.

- 2.3 Surrey County Council has worked closely with Gleasons, the developers of the site, to ensure that the situation is resolved. This has involved lengthy negotiations between the two parties for various highway works to improve the condition of the road, so that the Highway Authority can adopt the road.

3 OPTIONS

- 3.1 There is another option available if the Local Committee is minded not to agree to the advertising of the traffic regulation order. This would be to keep the full length of Netherne Lane open for all vehicles. However this would not be preferable as the width of the road is not suitable for vehicles to pass simultaneously, which would cause highway safety implications. The use of the highway for sustainable travel modes, walking and cycling would also not be encouraged.

4 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 4.1 The developers have already implemented the structures and necessary signing, so there is no additional cost associated with that.
- 4.2 The costs involved in advertising and the officers' time will be borne by the developers, so there will be no associated cost to the County Council.

5 CRIME and DISORDER, SUSTAINABLE DEVELOPMENT and EQUALITIES and DIVERSITY IMPLICATIONS

- 5.1 The closure of sections of Netherne Lane could improve the safety for all road users in Netherne Lane. The effective width of Netherne Lane is narrow, and would not allow simultaneous passing of vehicles in certain parts. The closure of the road would improve safety for pedestrians and cyclists by removing vehicles, so providing an off road cycle route and will contribute to the objectives of the Local Transport Plan.

6 CONCLUSION AND RECOMMENDATIONS

- 6.1 Approval is sought to advertise the permanent traffic regulation order for the prohibition of vehicles, except bicycles and emergency vehicles, in the stretches identified within this report. It is recommended that the Local Committee approve the advertising of the traffic regulation order for these closures.
- 6.2 Should there be any objections raised by the emergency services then a further report will be brought back to this committee.
- 6.3 Should there be any representations received as a result of the advertising of the traffic regulations order, then a further report will be brought back to this committee.

7 REASONS FOR RECOMMENDATIONS

- 7.1 Planning permission has already been granted for the development and the wooden gates and posts have already been installed as part of the planning permission. If the Local Committee does not agree with the recommendations, the County Council would have to take out the structures within the highway, at a cost to the County. Although this money would be sought back from the developer, this may take some time to recover. The planning permission and Section 106 agreement would have to be amended accordingly.
- 7.2 The removal of the structures within the highway would also mean that further works would have to be carried out to make these sections of Netherne Lane safe to use for all vehicles, which would add additional cost.

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APPENDIX 1

Road Closure Plan – Netherne Lane
Photographs of road closure structures

Road Closure Plan - Netherne Lane







