



OFFICER REPORT TO LOCAL COMMITTEE

(Runnymede)

COOPERS HILL LANE, ENGLEFIELD GREEN

PROHIBITION OF MOTOR VEHICLES

17 September 2012

KEY ISSUES

To consider introducing a Traffic Regulation Order (TRO) that prohibits motor vehicles (except for gaining access to adjoining premises/land) proceeding along the length of Coopers Hill Lane between Kingswood Hall of Residence and the property known as "Grand View".

SUMMARY

At its meeting on 18 June 2012 the Runnymede Local Committee considered a proposal to install a gate to prevent motor vehicles from entering the unmade section of Coopers Hill Lane beyond the Kingswood Hall of Residence.

The Local Committee was advised that a gate could legally be installed because there was an existing TRO made in 1954 which prohibited motor vehicles proceeding along the length of Coopers Hill Lane to be enclosed by the gate.

Having considered the Officer report on the proposal, the Local Committee resolved that the gate should be installed.

Following the meeting it has been established that the Local Committee was incorrectly advised and that the TRO made in 1954 has previously been revoked. As a result, there is no legal basis on which the gate can currently be installed.

A new TRO would therefore have to be made before a gate could be installed otherwise it would be an illegal obstruction on the highway.

OFFICER RECOMMENDATIONS

The Local Committee (Runnymede) is asked to agree one of the following options:

- (i) Option 1
 - To revoke its resolution made on 18 June 2012 and decide that the gate should no longer be installed since it has now been established that advice previously provided to the Local Committee was inaccurate and there is actually no existing legal basis on which the gate can be installed.
- (ii) Option 2
 - Approve that the installation of the gate is progressed as resolved by the Local Committee at its meeting on 18 June 2012 subject to a new Traffic Regulation Order being made (required to allow the gate to be legally installed),
 - Approve the advertising of a Traffic Regulation Order that has the effect of prohibiting motor vehicles (except for gaining access to adjoining premises/land) from proceeding along the length of Coopers Hill Lane shown in the plan attached as Annex 1 to this report,
 - Approve that any objections to the Traffic Regulation Order should be considered and resolved by the Area Team Manager for Highways in consultation with the Divisional Member and Chairman, and that this issue only be returned to Committee if any objections prove insurmountable,
 - Approve that once any objections have been considered and resolved, that the Order be made,
 - Approve that all costs associated with making and signing the Traffic Regulation Order are met by the owner of Grand View, Mr Shourie.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Coopers Hill Lane runs from the A328 St Jude's Road to the A30 Egham Bypass. It is publicly maintainable from St Jude's Road to a point just beyond the northern boundary of the Air Forces Memorial (close to its junction with public footpath number 3). From this point to the Bypass it is a privately maintainable road that is subject to full highway rights. The owners of the adjoining land are deemed to be responsible for the maintenance of this section of the lane.
- 1.2 At its meeting on 18 June 2012, the Runnymede Local Committee considered a request from the owner of Grand View, Mr Shourie, to install a gate in Coopers Hill Lane at his own expense. The proposed location of the gate is shown in the plan attached as Annex 2.
- 1.3 The applicant's reason for wanting to install a gate is to prevent fly tipping from taking place in the section of Coopers Hill Lane that would be closed off by the gate.
- 1.4 Runnymede Borough Council records show that between May 2011 and May 2012 there were 11 recorded incidences of fly tipping along Coopers Hill Lane. However, only one of these occurred in the section that would be enclosed by the gate with a further incident occurring near the proposed location of the gate.
- 1.5 The Local Committee was advised that there is no highway justification for installing a gate and no public benefit to be gained. The only grounds for installing a gate would be to address the limited fly tipping issue at the location. However, this would only benefit the adjoining landowners since the fly tipping is likely to be displaced to elsewhere on the highway network.
- 1.6 Due to the lack of evidence of fly tipping which would be eased if a gate were installed, the Borough Council has indicated it does not support the application.
- 1.7 The report presented to the Local Committee on 18 June 2012 stated there was a legal basis for installing a gate due to the existence of a TRO made in 1955 prohibiting motor vehicles from using the section of Coopers Hill Lane between the recreation ground car park and the Egham Bypass (except in order to gain access to the adjoining premises/land). In addition, it highlighted that a further TRO was made in 2000 that prohibits vehicular traffic from the section between Grand View and Langham Farm (except in order to gain access to Grand View and adjacent land). The later order is enforced by posts across the carriageway.
- 1.8 Following the Local Committee approving the installation of the gate, it has been established that the Committee were incorrectly advised and that the 1955 TRO has previously been revoked by Runnymede Borough Council. Unfortunately, the Order had not been stamped accordingly and the prohibition signs were not removed from site.
- 1.9 As such there is currently no legal basis to install a gate and it would therefore effectively be an illegal obstruction on the highway.

2.0 ANALYSIS

- 2.1 To enable a gate to be installed as previously resolved by the Local Committee it would be necessary to make a new TRO that restricts access over the length of Coopers Hill Lane to be enclosed by the gate (since at present any vehicle can be driven over the lane and therefore anything preventing access would be an illegal obstruction).

- 2.2 In the circumstances, it would be most appropriate to make a TRO which prohibits motor vehicles (with an exception for those accessing adjoining premises/land) from the section of Coopers Hill Lane to be closed off by the gate as shown in the plan attached as Annex 1 to this report.
- 2.3 The approval of the Local Committee would be required before a new TRO could be made.
- 2.4 If a new Order were made it would be solely for the purpose of allowing the gate to be installed. There would be no wider public benefit to be gained and no highway grounds for making the Order. Progressing with such a proposal would therefore set a precedent that may have implications for dealing with future requests from residents for measures that have no highway benefit (and would normally be refused on these grounds).

3.0 CONSULTATION

- 3.1 The adjoining landowners, emergency services, local County and Borough Members and other interested parties were consulted about the proposed installation of the gate. The comments that were received were summarised in paragraph 4.2 of the report presented to the Local Committee on 18 June 2012.
- 3.2 Surrey Police has confirmed it has no objection to the introduction of a Traffic Order prohibiting motor vehicles from proceeding along the length of Coopers Hill Lane indicated in Annex 1.
- 3.3 If the Local Committee agrees that a prohibition of motor vehicles should be introduced then a Traffic Regulation Order would be formally advertised and public notices displayed in the local press and on site. There would then be a period of time for any objections to the proposal to be submitted.

4.0 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 4.1 The Local Committee previously resolved the gate should be installed subject to all associated costs being met by the applicant and a commuted sum being paid for the maintenance of the gate.
- 4.2 There is no reason to make a TRO to prohibit motor vehicles from proceeding along the length of Coopers Hill shown in Annex 1 except to allow the proposed gate to be installed. As such, if the Committee decides to proceed with advertising a new TRO then it is recommended that all associated costs should be borne by the owner of Grand View.

5.0 EQUALITIES AND DIVERSITY IMPLICATIONS

- 5.1 There are no equalities and diversity implications arising from this report.

6.0 CRIME AND DISORDER IMPLICATIONS

- 6.1 There has been only one reported incidence of fly tipping between May 2011 and May 2012 along the section of Coopers Hill Lane that would be closed off by the gate, with another in the vicinity of the proposed location of the gate.
- 6.2 Whilst the installation of the gate would prevent fly tipping in the closed section of the lane, it is highly likely that it would still take place elsewhere, probably on the highway network.
- 6.3 There are no other crime and disorder implications arising from this report.

7.0 CONCLUSION AND RECOMMENDATIONS

- 7.1 In response to a request received from the owner of Grand View, the Runnymede Local Committee agreed at its meeting on the 18 June 2012 that a gate should be installed in Coopers Hill Lane to prevent vehicular traffic from entering the unmade section of the lane beyond the Kingswood Hall of Residence.
- 7.2 The Local Committee made this decision having been advised that the gate could legally be installed because an existing TRO prohibited motor vehicles from travelling along the section of the lane to be enclosed (except for the purpose of gaining access to adjoining premises/land).
- 7.3 It has subsequently been determined that this Order has actually been revoked. As such, there is no legal basis on which the gate can be installed.
- 7.4 In the circumstances, if the gate is to be installed then it would necessary to make a new TRO. This Order would be made solely for the purpose of allowing the gate to be installed and would have no wider public benefit. This would set a precedent that may have implications for dealing with future requests for measures that have no highway benefit.
- 7.5 The Local Committee is therefore being asked whether it still supports the installation of the gate and, if it does, then to agree the advertising of a new TRO.

8.0 WHAT HAPPENS NEXT

- 8.1 If it is decided that the gate should not be installed then the applicant and other adjoining landowners will be informed of the decision and no further action would be required.
- 8.2 If it is decided that a TRO should be made specifically to allow the gate to be installed then the Order would be formally advertised and public notices displayed in the local press and on site.
- 8.3 Any formal objections to the Order would have to be considered. Subject to no irresolvable objections being received the new TRO would be made.
- 8.4 Once the TRO has been made the gate would then be installed.

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BACKGROUND PAPERS: Report presented to the meeting of the Runnymede Local Committee on 18 June 2012 entitled "Application To Install A Gate In Coopers Hill Lane, Englefield Green, Egham".

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