



**OFFICER REPORT TO LOCAL COMMITTEE
(WOKING)**

**TRAFFIC REGULATION ORDER FOR DEVELOPMENT-RELATED
HIGHWAY WORKS ASSOCIATED WITH THE HOUSING
DEVELOPMENT ON LAND AT RYDENS WAY, OLD WOKING.**

29 JUNE 2011

KEY ISSUE:

To seek approval to progress a prohibition of driving Traffic Regulation Order for highway works for a housing development at Rydens Way, Old Woking.

SUMMARY

The planning permission for a housing development at Rydens Way involves development-related highway works on Rydens Way. A Traffic Regulation Order is needed to construct these works as per the planning permission, to prohibit driving on an existing link road, which will be soft landscaped. The developer will build a replacement link road.

RECOMMENDATION

Subject to the replacement link road being constructed to the Council's standards and there being a legal mechanism to secure it as part of the public highway, it is recommended that the committee agree:

- (a) The advertising of the prohibition of driving Traffic Regulation Order described above, and
- (b) That any significant objections received be considered by the Planning and Development Group Manager, in consultation with the acting Chairman who shall decide whether the TRO may be confirmed and shall subsequently report that decision to Committee, in accordance with the Council's Constitution, and
- (c) That if no significant objections are received or remain and once a legal mechanism exists to secure the replacement link road as part of the public highway, and the developer constructs the replacement link road to the Council's standards, the Traffic Regulation Order be made.

1 INTRODUCTION AND THE PROPOSALS

- 1.1 Planning permission has been granted to build a housing development on the linear stretch of open land at Rydens Way. To build-out the development in compliance with the planning permission, the developer must construct the highway improvement works in Rydens Way shown on the approved planning drawings.
- 1.2 Part of the Rydens Way highway improvement works involves the conversion of most of an existing link road into a soft landscaped area. A replacement link road will be built to replace and enhance the existing one being converted to soft landscaping. The existing link road currently connects the northern carriageway of Rydens Way with the southern carriageway, near Coniston Road. The replacement link road will be constructed slightly to the west of the existing link road.
- 1.3 A Traffic Regulation Order is necessary to remove the right for the public to drive motorised vehicles and ride pedal cycles over the existing link road following its conversion to soft landscaping.
- 1.4 To ensure continuity, the Traffic Regulation Order will not be made until:
- A legal mechanism exists to secure the replacement link road as part of the public highway, and
 - The developer has constructed the replacement link road to the Council's standards.

2 ANALYSIS

- 2.1 Road Traffic & Regulations Act 1984
Local authorities need to have regard to the provisions of the Road Traffic & Regulations Act 1984 in deciding whether to progress Traffic Regulation Order. Section 122 of that Act places a duty on the local authority to ensure, so far as is practicable, the expeditious, convenient and safe movement of vehicular and other traffic, including pedestrians.
- 2.2 The section of the proposed development-related highway works around the existing and replacement link road has been reviewed, to ensure that they are compatible with the requirements of Section 122, as summarised below.
- (a) Expeditious movement
The replacement link road is to be constructed alongside the existing link road. It will allow road-users to pass between the northern and southern sections of Rydens Way and therefore performs the same movement function as the existing link road.
- The replacement link road is wider than the existing link road and includes adjacent segregated pedestrian facilities, to enable people to cross between the northern and southern sections of Rydens Way.

This is an improvement on the arrangements at the existing link road, where pedestrians have to either walk in the road or on the grass.

If the replacement link road was not built and the existing link road retained, it would lead to less expeditious movement on the public highway, particularly for pedestrians.

(b) Convenient movement

The proposed highway works do not appreciably reduce convenience for any road users and are likely to enhance it. As above, the replacement link road is to be constructed alongside the existing link road and includes better facilities for pedestrians, to cross between the northern and southern sections of Rydens Way.

Like above, if the replacement link road was not built and the existing link road was retained, it could lead to inconvenience on the public highway, particularly for pedestrians.

(c) Safe movement

As part of the Council's normal procedures, the proposed development-related highway works have already undergone a stage 1 road-safety audit at planning to ensure road safety. A stage 2 audit will be undertaken on the detailed design of the highway works. In addition, post-construction there will be a stage 3 audit. The design of the highway works will meet the Council's safety standards.

Like above, if the replacement link road was not built and the existing link road was retained, it could lead to the public highway being less safe than it otherwise might be, particularly for pedestrians.

2.3 To conclude, so far as is reasonably practicable, the proposals secure the expeditious, convenient and safe movement of vehicular and other traffic, including pedestrians. Hence, there is no obvious Section 122 reason why the Council should not progress the Traffic Regulation Order, necessary to enable the construction of the proposed development-related highway works around the link road.

2.4 Case Law & Village Green

The Regina v Warwickshire ex-parte Powergen Plc judicial review case limits the Council's discretion to decline the proposed Traffic Regulation Order, consequential to development-related highway works that have planning permission. Unless there has been a change in material circumstances since planning, the Council should advertise the Traffic Regulation Order requested by the developer.

2.5 Since the granting of planning permission, a Village Green application has been submitted and is pending. However, at this time none of the Rydens Way development site has been designated as Village Green. The presence of a pending Village Green application does not constitute a

material change in circumstances. There has been no other obvious material change in circumstances.

- 2.6 Should any land in the development site be designated a Village Green in the future, the public highway would need to be reinstated and the Traffic Regulation Order be revoked.

3 CONSULTATIONS

- 3.1 The borough council and the developer consulted over the development as part of the planning application process. The County Council undertook its own inter-service consultations at planning. No further consultations are required to advertise the Traffic Regulation Order.
- 3.2 Advertisement of the Traffic Regulation Order itself obliges notice of the proposals to the Police, the public and Secretary of State, in accordance with the Council's normal procedures and the requirements of the above Act.

4 FINANCIAL IMPLICATIONS

- 4.1 The developer will reimburse the Council for the full cost of advertising, implementing and all matters associated with the Traffic Regulation Order. In addition, the Council / developer highway agreement, to enable the developer to construct the development related highway works, will include terms to protect the Council should any of the development site be designated a village green.
- 4.2 Therefore, there are no financial consequences for the Council in progressing the Traffic Regulation Order. However, there may be financial implications should the Council unreasonably decide to not advertise the Traffic Regulation Order.

5 SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 5.1 The proposals support the sustainable development objectives of the Local Transport Plan, by enhancing local pedestrian facilities and providing a replacement link road built to the Council's standards.

6 CRIME & DISORDER IMPLICATIONS

- 6.1 There are no adverse crime and disorder implications.

7 EQUALITIES AND DIVERSITIES IMPLICATIONS

- 7.1 As outlined under 'Analysis & Commentary' above, so far as is reasonably practicable, the highway works will be expedient, convenient and safe for all road-users. Furthermore, the highway works improve pedestrian facilities at the link road and the design will, so far as is reasonably practicable, meet the requirements of the Disability Discrimination Act.
- 7.2 Therefore, there are not considered to be any significant adverse equality and diversity implications, associated with progressing the above Traffic Regulation Order.

8 VALUE FOR MONEY

- 8.1 The developer will cover all costs associated with the Traffic Regulation Order and the construction of the highway works. Hence, there are no value for money consequences for the Council.

9 RECOMMENDATIONS AND CONCLUSIONS

- 9.1 As above, subject to the replacement link road being constructed to the Council's standards and there being a legal mechanism to secure it as part of the public highway, it is recommended that the committee agree:
- (a) The advertising of the prohibition of driving Traffic Regulation Order described above, and
 - (b) That any significant objections received be considered by the Planning and Development Group Manager, in consultation with the acting Chairman who shall decide whether the TRO may be confirmed and shall subsequently report that decision to Committee, in accordance with the Council's Constitution, and
 - (c) That if no significant objections are received or remain and once a legal mechanism exists to secure the replacement link road as part of the public highway, and the developer constructs the replacement link road to the Council's standards, the Traffic Regulation Order be made.

10 REASONS FOR RECOMMENDATIONS

- 10.1 The Traffic Regulation Order is required to enable necessary parts of the highway works, associated with planning permission for the housing development on land at Rydens Way, Old Woking.

11 WHAT HAPPENS NEXT

- 11.1 Subject to Local Committee approval, the Traffic Regulation Order will be advertised. Any significant objections that are received will be resolved in accordance with the Council's constitution.
- 11.2 If no significant objections are received or remain then, subject to the above provisos concerning the replacement link road construction, the Traffic Regulation Order can then be made. The existing link road may then be soft landscaped in conformity with the planning permission.

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BACKGROUND PAPERS: None

ATTACHMENTS (Annex 1): Drawing P746/TOP/01.