

**CABINET MEMBER FOR TRANSPORT, WASTE, STREET SCENE AND FLOODING –
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HIGHWAYS AND TRANSPORT

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REFERENCE: HTW-25-2021

ROAD TRAFFIC REGULATION ACT 1984
1 THE COUNTY OF WILTSHIRE (EASTON LANE, CHIPPENHAM)
(PROHIBITION OF MOTOR VEHICLES) ORDER 2018
2 THE COUNTY OF WILTSHIRE (BYWAY 108, CHIPPENHAM)
(PROHIBITION OF MOTOR VEHICLES) ORDER 2018

Purpose of Report

1. To consider nine objections and seven of support/comments in connection with the proposed Prohibition of Motor Vehicle Orders affecting part of Easton Lane and Byway 108, Chippenham (see **Appendix 2**).

Relevance to the Council's Business Plan

2. To encourage resilient communities by facilitating safer pedestrian and cyclist links between residential and community/employment areas.

Background

3. The changes to Easton Lane and Byway 108 form part of Section 278 works required as part of the development on land to the south identified as the 'Hunters Moon' development. The application submitted to the Council bearing reference number 16/12493/FUL, and duly approved, granted planning permission to carry out development including demolition of existing buildings and structures, and mixed-use development comprising up to 450 dwellings, up to 2.41ha of employment (B1, B2 and B8) development, public open space, landscaping and all associated infrastructure works.
4. A Section 106 Agreement was concluded and signed by all parties on 15 December 2017. As part of the identified highway works this required "*Closure of Easton Lane including Traffic Regulation Order (TRO) to through traffic between Methuen Park extension and access to Hunters Moon; cycle track works completion as per drawing reference A098811-GA02*". As such, this closure and the means to enforce it is a longstanding part of the agreed works. An Agreement under Section 38 and Section 278 was duly signed on 22 August 2018 to deliver these associated highway works.
5. With respect to Byway 108, the same Section 106 Agreement states in respect of works that this should include "*Payment of a contribution to be agreed with the Council for the improvement of Byway Chip108 surface for cycle and pedestrian use and the cost to be incurred by the Council for a TRO (Prohibition of Driving) Between Easton Lane and Methuen Park*". So again, what is sought now with this TRO is simply to enforce works 'required' under the planning agreement.

6. The works include a re-alignment of part of Easton Lane to connect with a new junction with Methuen Park, and connection with a new primary access road serving the new development area of 'Hunters Moon' to the south. To the immediate east of this new junction, the 'through' route along Easton Lane is proposed to be broken to remove 'through' traffic usage. The TROs thus advertised seek to enforce the closure here to vehicular traffic, as well as to Byway 108, to prevent its use as a convenient 'short-cut' bypassing the restricted part of Easton Lane. The drawing included in **Appendix 3** shows the highway reconfiguration to this part of Easton Lane (S278 works).
7. The Orders for closing this part of Easton Lane and Byway 108 (Prohibition of Driving) were first advertised in April 2018. Objections were received, but almost exclusively for changes to rights over Byway 108. However, due to officer changes there was a significant delay in preparing the Cabinet Report to address/rebut these objections, such that this was not conducted until December 2019 when a 'Single Member Decision' was made. In responding to objections at this time it was agreed to concede ground in retaining motorcycle access along Byway 108 to appease the Trail-Riders. The other change was altering the 'Prohibition of Driving' TRO for Easton Lane to the correct and more appropriate 'Prohibition of Motor Vehicles'. However, this delay and that duly needed for finalising and sealing the Orders meant that the stipulated maximum two-year deadline for implementation from first advertisement was exceeded. This is the reason it has become necessary to re-advertise the modified TROs emerging from the first Cabinet Report process again.
8. In the meantime, a separate exercise seeking public comment on proposed 'active travel' measures for Easton Lane has taken place (Emergency Active Travel Schemes - Tranche 2). A consultation event took place in December 2020 asking residents to note their level of support for this scheme, based on a prohibition of motor vehicles, in order to focus the Tranche 2 budget allocated by DfT (£681K). A Cabinet Member decision on the report setting out the results emerging from the consultation concluded in respect of the Easton Lane that "*The schemes at Hilperton to Melksham via Semington and Easton Lane at Chippenham be subject to further consultation*". The further consultation on 'active travel' measures for Easton Lane commenced on 24 June 2021 and is due to finish on 18 July 2021. Examination of some objections made in respect of these TROs does seem to relate to this wider Tranche 2 scheme. This is covered in the considerations below.

Main Considerations for the Council

9. Five of the nine objections received, and indeed the comments from the MP Michelle Donelan, cite concerns about the closure of Easton Lane, and effective loss of the alternative route to the A4 between Corsham/Gastard and Methuen Park. Increased traffic pressure on the A4 between Corsham and Chippenham, difficulties of right turn egress onto the A4 Bath Road at the Chequers Hill junction and worsening of congestion at the A4/A350 'Sainsburys' Roundabout are all stated in objection to the TROs. However, it should be noted that the short closures within Easton Lane as proposed within this TRO do not break the vehicle route between Easton Lane and Methuen Park. As such, it is considered some respondents to the TRO have become confused with the wider 'active travel' changes being promoted for Easton Lane in the Tranche 2 cycle proposals, which were initially consulted on in December 2020 and are in a further round of consultation now. This Tranche 2 scheme, as currently proposed, does introduce a section prohibited to motor vehicles between the A350 bridge and Methuen Park, so would prevent Easton Lane being used as an avoidance route to the A4 or local 'rat-run' for drivers routing between Corsham/Gastard and Methuen Park. Interestingly, three supporting responses are to 'the closure of Easton Lane', which this TRO only does in part by preventing 'through' vehicle access to Saltersford Lane. As noted, the ability for vehicle traffic to route between Easton Lane and Methuen Park is retained, with the implemented s278 works creating a junction access to Methuen Park and the new Hunters Moon development (Haystack Avenue). In short, the wider

diversionary impacts and congestion/safety concerns (A4) stated in objection to this specific TRO affecting Easton Lane are considered invalid and misplaced. Whilst the route along Easton Lane for vehicles is broken between Methuen Park and Saltersford Lane, access if required would remain available using the 'loop' road to the south within the new Hunters Moon development. However, the aim is not to encourage this, but rather reduce traffic on this part of the lane to the benefit of non-motorised users. It is also in keeping with the aspirations in the s106 Agreement for the development.

10. Retention of vehicle access through Byway 108 would offer a very convenient short-cut around the part of Easton Lane proposed to be closed. This would encourage and increase vehicle use of this short length of byway, to the detriment of safety to pedestrian, cycle and equestrian users. Barriers necessary to prevent vehicles from entry could be adapted to allow the passage of horse drawn carriages ('Kent Carriage Gap' bollard arrangement). As noted, the originally advertised 'Prohibition of Driving' Order for Byway 108 has been adapted to a TRO prohibiting 'Motor vehicles except solo motorcycles', this requiring the use of different regulatory signs. Whilst considered undesirable in creating a safe and amenable pedestrian/cyclist link via this byway, it would retain use for all sizes of solo motorcycle. It was also recognised that it would be difficult to physically exclude motorcyclists anyway with the system of bollards proposed to maintain byway access to horse riders. Original discussion with the 'Rights of Way' team within the Council also suggested there could be a high risk of challenge from bodies representing this group such as the 'Trail Riders Fellowship'. It is noted that no such objection has been received from this group with the readvertised amended TRO for Byway 108.
11. Two objections to the TRO for Byway 108 this time around refer to its existence as a historical route for vehicles, which was originally part of the London to Bath turnpike road. As such, it is argued that such a historical route should not be lost to vehicular usage. A further objection argues that access for 4x4 vehicles should be retained in addition to the concession made already for motorcycles. In response to the latter it would be difficult to make a case for exempting 4x4 vehicles without retaining rights for all light vehicle traffic. The safety case for not doing this has been set out earlier, insofar as it would provide a convenient 'short-cut' around the restriction in Easton Lane. As such, it could attract an unsuitable level of vehicle use unless restricted as proposed.

Safeguarding Implications

12. Not applicable.

Public Health Implications

13. The Prohibition of Motor Vehicle Orders will assist in creating safer pedestrian/cycle routes by removing 'through' vehicular traffic, helping to promote healthier means of travel.

Corporate Procurement Implications

14. Not applicable.

Environmental and Climate Change Considerations

15. Will assist in deterring car use and carbon emissions by promoting sustainable modes of travel.

Equalities Impact of the Proposal

16. Previous objections to initial advertisement of the TROs (April 2018) considered that motorcyclists and drivers of horse drawn vehicles would be unfairly disadvantaged, specifically by exclusion from using Byway 108. However, an exemption for motorcycles has been added to the TRO for Byway 108. This TRO does not expressly prohibit horse drawn carriages either although the bollard arrangement as installed would need to be changed to facilitate passage. Neither group raised any objection to the latest advertising of these TROs.

Risk Assessment

17. Not applicable.

Financial Implications

18. All costs associated with the advertisement/processing and implementation on site are to be met by the developer.

Legal Implications

19. The previous view expressed by the 'Rights of Way' team was that, with either a 'Prohibition of Driving Order' as advertised for Byway 108 (or alternatively a 'Prohibition of Motor Vehicles'), there would be a very high risk of applications for judicial review of the Cabinet Member's decision by either motorcyclists (Trail Riders) or the Wiltshire Bridleways Association, which if the applications were granted and successful in overturning the Orders could cost the Council somewhere in the region of £50,000. The potential challenge from the Trail Riders has been removed by allowing the exemption for solo motorcycles in the 'Prohibition of Motor Vehicles' TRO being proposed now. However, it is not possible to wholly eliminate the risk of challenge particularly from car and larger motor vehicle users.

Options Considered

20. To:
 - (i) Implement the proposals as advertised.
 - (ii) Not implement the proposals.
 - (iii) Implement the proposals with amendments

Reason for Proposal

21. The introduction of a Prohibition of Motor Vehicles Order is to legally enforce the closure of a section of Easton Lane to vehicles (except cyclists) removing 'through' traffic on the section where residential development is taking place to the south (Hunters Moon). This is to create a safer environment for existing pedestrians and cyclists using this part of Easton Lane, as well as for new pedestrian/cycle trips arising from residents within the surrounding new development. Byway 108, which connects Easton Lane with Methuen Park to the north east of the proposed restriction in Easton Lane, was also advertised with a proposed Prohibition of Motor Vehicles Order. This is proposed for similar reasons to Easton Lane but, in addition, to prevent Byway 108 being used as a convenient short-cut by drivers to avoid the closed part of Easton Lane. Excess vehicle usage of this Byway, which is otherwise likely to occur, would be detrimental to the highway safety and amenity of existing non-motorised users.

22. It should be noted that the changes to which these TROs relate form no part of the wider Tranche 2 'active travel' measures proposed for Easton Lane for which consultation started on 24 June and is due to finish on 18 July 2021. This wider scheme as currently indicated would see the prohibition of motor vehicles on Easton Lane at the bridge over the A350, removing through traffic and creating a light traffic route, before linking with the Wiltshire Cycleway. As such, it would have a potentially greater impact in removing the vehicle route along Easton Lane between the Easton Road junction and Methuen Park. This is important to note in considering the nature of some of the objections listed in **Appendix 2**, which appear to be directed more at this rather than the specific changes linked to these TROs.

Proposals

23. That:
- (i) The proposal for Easton Lane (TRO 1) be implemented as advertised.
 - (ii) The proposal for Byway 108 (TRO 2) be implemented as advertised.

The following unpublished documents have been relied on in the preparation of this Report:

None