

# WIRRAL COUNCIL

## HIGHWAYS AND TRAFFIC REPRESENTATIONS PANEL

21<sup>ST</sup> MARCH 2012

<b>SUBJECT:</b>	<b>REVIEW OF EXPERIMENTAL TRAFFIC REGULATION ORDER FOR OLDFIELD DRIVE, HESWALL</b>
<b>WARD/S AFFECTED:</b>	<b>HESWALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF TECHNICAL SERVICES</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR DAVE MITCHELL, STREETSCENE AND TRANSPORT SERVICES</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to request the Panel to review the Experimental Traffic Regulation Order (ETRO), introduced on Oldfield Drive, Heswall to reduce the amount of motor vehicles using this part-surfaced Byway.

### 2.0 RECOMMENDATION

2.1 The report recommends that the Panel note the contents of this report and recommends to the Sustainable Communities Overview & Scrutiny Committee that the existing Experimental Traffic Regulation Order (ETRO) is made permanent (Option A in Section 7).

### 3.0 REASON FOR RECOMMENDATION

3.1 This option aims to achieve a balance between encouraging too much traffic to use Oldfield Drive and restricting it to too few residential properties.

### 4.0 BACKGROUND AND KEY ISSUES

4.1 The section of Oldfield Drive referred to is between Telegraph Road and Oldfield Road, Heswall – see location plan attached as **Appendix 1**. It is an unadopted road but with Council responsibility to maintain the surface to a reasonable standard as a Public Right Of Way to Byway Open to all Traffic (BOAT) status.

- 4.2 Byways are available for use by walkers, cyclists, horse riders and motor vehicles. However the balance of use should seek to be in favour of non-vehicular use.
- 4.3 Previously the road surface condition of this section of Oldfield Drive was very poor, being subject to numerous large potholes and flooding problems. Over the years, but primarily throughout 2008, a number of complaints were received from the residents of Oldfield Drive regarding the condition of the road surface.
- 4.4 Therefore in the summer of 2008 the surface was scraped away, re applied and compacted with a roller. However within two months the surface was as bad if not worse than it was before. Therefore it was decided to repeat the process but this time bitumen was used to bind the loose planings together in order to alleviate previous problems. This is not a road surface built to 'adopted' standards, and is not suitable for the provision of speed humps.
- 4.5 Whilst the resurfacing has made the road surface safer and more pleasant for all potential users, it has had the effect of encouraging more use by motor vehicles. This is an unfortunate side effect of a reasonable remedy to the previous problems.
- 4.6 Following the resurfacing of the carriageway, a number of complaints were received suggesting that the increased vehicular traffic was discouraging the use of the byway by other users such as walkers, cyclists and horse riders.
- 4.7 In an effort to redress that claim an ETRO was introduced on the 1<sup>st</sup> December 2010 for Oldfield Drive, Heswall between Telegraph Road and Oldfield Road and incorporating no vehicle access along that length of road other than to gain access to the properties of Oldfield Drive, Greenfield Lane, The Akbar, Heathside, Oldfield Farm Lane and Oldfield Road from the junction with Oldfield Drive up to and including The Ridge. A photograph of the signage in relation to the ETRO is shown in **Appendix 2**.
- 4.8 It was considered necessary to include access to these other roads because those residents have historically had use of Oldfield Drive for access to their properties and feedback we received in the form of phone calls during the summer of 2010 from the residents of those roads was that there would be strong objection from those residents should they not be included. The purpose of the ETRO was to prevent use of the relevant section of Oldfield Drive as a through access to Heswall Dales, Pipers Lane and beyond to Lower Heswall.
- 4.9 The decision to include those roads was considered to be the common sense approach to enable the ETRO to work and be effective. The Experimental Traffic Regulation Order came into force on the 1<sup>st</sup> December 2010.

## 5.0 CONSULTATION AND OUTCOMES OF THE TRAFFIC SURVEY

- 5.1 As part of the review process, a traffic survey was carried out in October 2011. Over a period of 7.5 hours throughout the day there was an average of 26 vehicles per hour, which is not an unreasonable amount for this semi - rural byway. It was found that 85 % of vehicles were travelling under 30mph.
- 5.2 All residents of the roads affected by the ETRO were informed by letter on the 22<sup>nd</sup> November and 1<sup>st</sup> December 2010 informing them of the details of the ETRO coming into force on the 1<sup>st</sup> December 2010. The proposal was also advertised on site and in the local press on 1<sup>st</sup> December 2010.
- 5.3 The six month consultation period ended at the end of May 2011, during which time 14 responses were received. Merseyside Police, Merseyside Fire and Rescue Service and North West Ambulance did not raise any objections.
- 5.4 On the 24<sup>th</sup> November 2011 as part of the ETRO review process, 104 letters were sent out to all residents of the roads affected and those that had replied earlier in the year.
- 5.5 The cut off date for the review responses was 14<sup>th</sup> December 2011, by which time 10 responses had been received, 7 of which were from residents who had previously objected and were re-iterating their position (two of those residents were from the same address) and 3 were new representations.
- 5.6 From the 24 responses from 17 separate respondents (see **Appendix 3**) received during both consultations, only one is in favour of keeping the ETRO. This resident is from Greenfield Lane. Another resident agrees with the ETRO becoming permanent only as long as the whole of Oldfield Drive receives surface improvements.
- 5.7 The other responses were all objections:
  - One resident from Broomfield Close, immediately off the lower section of Oldfield Drive and out of the included area for access is objecting because they are not included.
  - One resident from The Akbar objects to the order because they feel there should be no restrictions.
  - All the responses from the residents (including an MP on behalf of one of the residents) of the affected section of Oldfield Drive between Telegraph Road and Oldfield Road are against the Order.

Although the comments and suggested remedies are wide and varied the over-riding message was that the ETRO is ineffective because it allows too much traffic to properties beyond the section of road within the

Order, and that the speed of that traffic is too high. The local Society that responded re-iterates the concerns of the residents.

5.8 Regarding the suggestion that there is too much traffic using Oldfield Drive, the ETRO if made permanent and enforced by the Police should help remedy the situation. Restricting the Order to allow access only to residents of Oldfield Drive would invite objection from residents from the roads currently entitled to use Oldfield Drive for access in the Order.

5.9 Regarding the speed of the vehicles, solutions from residents include:

a) Speed humps: As mentioned in 4.4 above, the option for speed humps has been considered but rejected on legal and technical grounds. The construction of the road is inadequate to withstand the pounding of the traffic either side of the speed hump. The noise of vehicles going over the humps is a problem these residents have not experienced.

b) Other suggestions from the residents for other traffic calming measures such as gates, posts and width restriction are all possible but would conflict with previously registered views from these residents of over urbanisation of a byway. In addition these could have serious implications for access for emergency vehicles and may result in objections from the Emergency Services.

5.10 With regards to objections stating there are too many exceptions to the order i.e. that access to Oldfield Drive is permitted to those requiring access to other roads in the immediate vicinity. These issues are discussed within the background section and relate to the historical access rights of residents and the probability of objections to any Order which restricted those access rights.

5.11 In relation to objections that the ETRO if made permanent is not possible to enforce, a regular presence by enforcement officers could have a beneficial effect in enforcing the Order. Police Officers have visited Oldfield Drive in recent weeks to enforce the Experimental Order and stopped a number of vehicles.

5.12 Copies of all the responses have been made available to Members for their information and consideration as part of this review process. **These responses have been placed in a file in the Members Room.**

## **6.0 RELEVANT RISKS**

6.1 If the ETRO is not confirmed the amount and type of motor vehicles will be totally uncontrolled causing a nuisance to residents, an imbalance to byway users to the detriment of walkers/cyclists/horse riders and increased deterioration of the road surface with an increase in maintenance costs.

## **7.0 OPTIONS**

7.1 Potential options identified are as follows:

**A) Confirmation of the Experimental Traffic Regulation Order as a Permanent Order:**

The Experimental Traffic Regulation Order along Oldfield Drive has been implemented as a deterrent to the use of that road by through traffic in order to seek to keep the balance between use by vehicular traffic and other users. There have been some objections to the ETRO as set out in this report. The majority of those consulted have not made any response. It is believed that the Order, with enforcement, is a reasonable response to dealing with the issues.

**B) Modifying the Experimental Traffic Regulation Order:**

The modification proposed by some objectors is that the Order be limited to only allow access to residents of Oldfield Drive. Although this option would be easier to enforce, it is considered that it would attract considerable objection from local residents currently able to access Oldfield Drive between Telegraph Road and Oldfield Road. This would be a significant change to the advertised ETRO and would require further notification, legal advertising and consultation. Starting the process again with an amended Experimental Traffic Regulation Order to exclude access by residents of the other roads currently included may well be met by a large quantity of objections and pressure to remove such an Order completely.

**C) Terminating the Current ETRO:**

Terminating the ETRO without making a permanent Order or modification would permit all vehicles to have access through Oldfield Drive. This will have the effect of returning to an in-balance between vehicular and other users along this Byway. Terminating the ETRO, removing the signs and allowing the status quo to return, would definitely increase the amount of motorised vehicle traffic. This is not a preferred option because the road surface is not suitable for a significant volume of through traffic and would only exasperate the current feeling amongst some residents that there is too much traffic travelling at too high a speed along Oldfield Drive.

## **8.0 CONCLUSION**

8.1 In reviewing the ETRO it is necessary to take into consideration the comments from those residents that have written in with their views. Only one resident that has responded over the last year is in favour of the current ETRO.

8.2 The other responses were all objecting to the ETRO. However the essence to most of the objections is based on the opinion of residents that the ETRO should be move stringent because too many properties

are included in the 'access only'. This not only allows too many vehicles at too high a speed to use the section of Oldfield Drive but also enforcement is difficult albeit not impossible.

- 8.3 Overall, Option A is considered to be a reasonable compromise between the respondents to the consultation requesting a more stringent Order (Option B) and removing the ETRO altogether (Option C).

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 9.1 No specific implications identified through this report.

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 10.1 Existing staff resources will be utilised depending on the option selected.

- 10.2 The financial implications will depend upon the decision taken by Members in respect of this report.

- 10.3 Future maintenance costs will be met from the Highway Management Revenue budget.

## **11.0 LEGAL IMPLICATIONS.**

- 11.1 The current ETRO can only exist for a maximum of 18 months before it is made permanent, modified or terminated. The purpose of this review is to request that Members review the current position and determine which option to approve.

## **12.0 EQUALITIES IMPLICATIONS**

- 12.1 None applicable for the purpose of this report.

## **13.0 CARBON REDUCTION IMPLICATIONS**

- 13.1 None.

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 14.1 None.

**REPORT AUTHOR:** **Robin Tutchings.**  
Rights Of Way Officer.  
telephone: (0151) 606 2480.  
email: [robintutchings@wirral.gov.uk](mailto:robintutchings@wirral.gov.uk)

## **APPENDICES**

Appendix 1: Plan of the area.

Appendix 2: Photo of Oldfield Drive from Telegraph Road showing the ETRO road signs.

Appendix 3: Consultation responses

## **REFERENCE MATERIAL**

Consultation responses have been placed in a file in the Members Room at Wallasey Town Hall.

## **SUBJECT HISTORY :**

<b>COUNCIL MEETING</b>	<b>DATE</b>
<b>NONE.</b>	