
Cabinet Member for City Services

17th June 2024

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director approving submission of the report:

Director of City Services and Commercial

Ward(s) affected:

Bablake

Title:

Watery Lane, Corley Moor – Objections to Proposed Prohibition of Driving Restriction

Is this a key decision?

No

Executive summary:

Residents, with the support of Allesley Parish Council, have contacted the Council on several occasions over the previous 18 months+ regarding ongoing concerns associated with antisocial behaviour (ASB) and misuse of Watery Lane, Corley Moor. The concerns raised include fly tipping, late-night gatherings, antisocial behaviour and conflict between drivers and non-motorised road users.

In response to the concerns raised a scheme proposing the introduction of restrictions that would prevent motor traffic from using a section of Watery Lane was developed in liaison with the Parish Council. The scheme as proposed would use bollards to prevent motor vehicles from entering the section of Watery Lane between Oak Tree House and Hollyberry Hill Farm as shown in **Appendix 1**. These bollards would be removable, and keys provided to those requiring access to land accessed from the restricted section of highway. Through the scheme, the adjoining section of Watery Lane between Oak Tree House and Green Lane would also be subject to a prohibition of driving except for access restriction, however this would be signed only and remain physically open.

Consequently, on the 7th March 2024 a Traffic Regulation Order (TRO) proposing the introduction of prohibition of driving except for access on Watery Lane was advertised. This commenced a twenty-one (21) day statutory consultation period. Six (6) objections were subsequently received. In accordance with the City Council's procedure for dealing with objections to TROs, they are reported to the Cabinet Member for City Services for a decision as to how to proceed

The objections received raised several concerns associated with the impact and inconvenience of the restriction on residents and landowners and highlighted the risk facilitating other types of antisocial behaviour on Watery Lane and neighbouring roads.

The cost of introducing any measures resulting from this report, would be funded from the Highways Maintenance and Investment Capital Programme budget through the CRSTS Settlement.

Recommendations:

Cabinet Member for City Services is recommended to:

1. Consider the objections to the proposed City of Coventry (Watery Lane, Parish of Allesley) (Prohibition of Driving) Order 2024.
2. Subject to recommendation 1, approve that the Order as advertised is not implemented at the current time and that the location continues to be monitored with any future reports of fly tipping, antisocial behaviour and criminal activity being reported to colleagues in Environmental Services and West Midlands Police as appropriate for consideration and action.
3. Subject to recommendation 2, endorse officers exploring options around the introduction of a Quiet Lanes signing scheme to highlight the rural nature and promote the use of the lane by active modes of travel.

List of Appendices included:

The following appendices are attached to the report:

- Appendix 1 – Watery Lane TRO Location Plan.
- Appendix 2 – Watery Lane TRO Objection Summary.

Background papers:

None

Other useful documents

CPRE's Guide to Quiet Lanes - <https://www.cpre.org.uk/resources/cpres-guide-to-quiet-lanes/>

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Watery Lane, Corley Moor – Objections to Proposed Prohibition of Driving Restriction

1. Context (or background)

- 1.1. Watery Lane is a rural unclassified road located in the Parish of Allesley. The road is a continuation of Clay Lane to the south and connects to Wall Hill Road in the north. The most northerly 75m section of the road, where it links to the village of Corley Moor, sits outside of the City boundary within Warwickshire.
- 1.2. Watery Lane is predominately a single-track road, narrowing to 3m in places with no footway and limited passing places. The section of Watery Lane, which is subject to the proposed prohibition of driving, is the southern section commencing from its junction with Clay Lane and running in a northerly direction for a distance of 1.07km to its junction with Green Lane. Of this length only the initial 660m section of the lane would be subject to physical restrictions (bollards) with the remainder relying on signage. The 660m section proposed to be physically closed is the section of lane that does not provide direct access to any residential property, but is used to access adjacent agricultural land, in various ownerships, including equine stabling.
- 1.3. Whilst there are a small number of properties and commercial enterprises on Clay Lane, Green Lane, Windmill Lane and Watery Lane which sit outside of the restriction area and who would use Watery Lane as the primary means of access to Corley Moor, Allesley and surrounding areas, overridingly Watery Lane remains lightly trafficked with only limited use when compared to the surrounding network.
- 1.4. A review of the personal injury collision history for Watery Lane has shown that there have been no recorded personal injury collisions in the last three (3) years (the time period that is used when assessing and prioritising local safety schemes).
- 1.5. Concerns have been raised over the use of the Watery Lane / Clay Lane corridor by through traffic. The narrow width and high banks in the central section presents issues to oncoming drivers as forward visibility is reduced. Furthermore, the route is popular with non-motorised road users (NMUs) such as pedestrians, cyclists and horse riders; the narrow width of much of this route may present a hazard to NMUs when encountering oncoming motor vehicles, however it is noted as referenced above in section 1.4 of this report, that there are no recorded instances of such hazards resulting in an injury causing collision. It is also noted that this central section of the route is relatively remote from properties and as such is vulnerable to instances of antisocial behaviour such as fly-tipping and late-night congregations.
- 1.6. A higher-quality parallel alternative route avoiding the proposed restriction is available via Wall Hill Road and Bridle Brook Lane.
- 1.7. Having reviewed the location and the availability of alternative routes, a scheme consisting of a prohibition of driving, except for access, restriction was developed in consultation with the parish council in response to the issues raised.
- 1.8. As part of the statutory procedure, the TRO necessary to facilitate the installation of that restriction was advertised in the local press on 7th March, advising that any formal objections should be made in writing by 29th March. Notices were also posted on site and a land registry search conducted to identify landowners. Letters were then sent to those it was considered would be directly affected.
- 1.9. Six (6) objections were received during the statutory consultation period. It is also noted that Allesley Parish Council are supportive of the introduction of the restriction proposed.

2. Options considered and recommended proposal

- 2.1. The six (6) objections received to the proposals are summarised in **Appendix B**. This sets out the grounds on which the objections received have been made. Having reviewed each in detail, all cover a range of topics which can broadly be grouped into the following four (4) themes:
- A. Inconvenience and impracticality associated with the need to regularly remove bollards to permit access, including the impact on farming practices, land value and emergency response times.
 - B. The suggestion that the extent of fly tipping and ASB is not that significant at this location and therefore doesn't warrant the measures proposed.
 - C. Risk of displacing and concentrating ASB and fly tipping to other locations in the area, notably Clay Lane.
 - D. The impact of increased traffic and parking on Clay Lane as vehicles visit Elkin Wood and the separation to rural communities that the loss of this link would create.
- 2.2. The concerns raised associated with inconvenience and impracticality are noted. Whilst keys would be issued to any person with a valid need to access land within the closure point; Officers are aware that every journey into and out the restriction would require the bollards to be unlocked, removed, driven through, replaced and locked. It has been highlighted that during peak farming periods there may be a requirement to access the lane on numerous occasions each day which will increase the impact and burden. There is a risk that the bollards will be removed and not replaced if they are found to be inconvenient which would create an ongoing maintenance and operational burden. It is noted that at other locations in the city where keys are issued to members of the public where access is needed, locks are frequently not returned/locked which can cause local tension and an ongoing administrative burden for the Authority as it seeks to manage and maintain access.
- 2.3. One objector suggests that the closure does not operate at all times and is only in place over night when farming activities are reduced and ASB activities are more likely to take place. Whilst the benefits of this arrangement are recognised, it would be impractical and unaffordable for the Authority to operate such an arrangement and therefore could not be progressed. Whilst it is possible that a local member of the parish may offer to undertake the opening and closing of the lane on behalf of the Council, this is not something that could be supported from a risk and liability standpoint.
- 2.4. The comments associated with land value and emergency response times are noted. It is not considered that the introduction of this restriction would affect land values. Watery Lane is not an emergency response route and therefore is not expected to impact emergency response times. It is acknowledged that an emergency service or vet attending land accessed from the closure point would be restricted and access may need to be co-ordinated with a key holder in such instances, or the padlock physically cut off.
- 2.5. To assess the extent of ASB related activities and fly tipping that occurs on Watery Lane, colleagues in Environmental Services and the Police have been consulted. The data provided is summarised below in section 2.6 and 2.8, respectively.
- 2.6. Table showing reports of fly tipping received by Coventry City Council:

Year	Watery Lane	Clay Lane
2020	9	2
2021	4	6
2022	17	7

2023	3	1
2024 (Jan to May)	1	0

- 2.7. The data above shows that there has been significant annual fluctuation in the level of fly tipping that has been reported on both Watery Lane and Clay Lane. The data indicates that generally, except for 2022, there has been a downward trend in the number of fly tipping reports received by the Council.
- 2.8. The Police have provided data for 2024 (Jan to May) which shows that four (4) logs have been recorded over the first five (5) months of the year. Three (3) of the four (4) logs recorded, all related to fly tipped items suspected of being related to criminal activity, and occurred on Clay Lane, with the fourth related to ASB activity associated with motorbike use of Watery Lane and Clay Lane
- 2.9. Whilst it is recognised that there is likely to be a degree, sometimes significant, of underreporting, the data made available to Officers and summarised above does not support the suggestion that Watery Lane is a hot spot for persistent or significant ASB and fly tipping, above that which would typically expect to be seen on a route on this nature. It is also noted that none of the activities logged with the Police to date in 2024 would have been prevented by the installation of the proposed scheme.
- 2.10. Regarding the suggestion that the introduction of the restriction on Watery Lane would increase activities on Clay Lane, this is noted and would need to be monitored if the proposed scheme was introduced. The data available at present suggests that Clay Lane is subject to an equal if not greater level of activity at present, however it is difficult to predict the impact on Clay Lane should the closure of Watery Lane progress. It is noted that the provision of a physical restriction across the road may hamper the Polices ability to respond to reports of motorbike related ASB in the future.
- 2.11. It has been suggested that the introduction of the restriction would isolate residents south of the restriction with the community of Corley Moor. Whilst this impact would be dictated by the start and end points of any journey; it is anticipated that a typical journey between Clay Lane and Corley Moor will increase by approximately 1.3km, this represents a 57% increase over the current journey but would typically only add an extra minute or two to a vehicle journey. The impact of such an increase will vary depending on the circumstances of the individual, however it is recognised that for some, as highlighted within the objections received, the impact could be significant.
- 2.12. In considering the objections received and the subsequent discussions with stakeholders the following options have been identified and considered:
- I. make the proposed Order as advertised,
 - II. not to proceed with the making of the Order as advertised,
 - III. the merits of Quiet Lane signing schemes as an alternative.
- 2.13. The introduction of the restriction (order) as proposed is intended to address the concerns raised by residents of Watery Lane. The proposal will restrict access to through traffic, reducing traffic flows on the lane and the likelihood of conflict with NMU users using the lane. The restriction also has the potential to reduce future instances of fly tipping and antisocial behaviour in the closed section of road by preventing access and reducing the permeability of the network. This could discourage late night gathering in cars which it has been suggested occurs at this location.

- 2.14. Six (6) objections have been received in response to this proposal and have highlighted a range of concerns regarding the implications of the closure. Valid concerns have been raised regarding the impact of the closure on operational activities for local members of the community who regularly rely on Watery Lane to access land and nearby amenities.
- 2.15. Whilst it is acknowledged that instances of fly tipping and ASB related activities do take place on Watery Lane, as set out in sections 2.6 to 2.8, the frequency and extent of such events, based on available information, does not appear to be significantly more at this location than at other locations within this area. A focused intervention at Watery Lane therefore appears unlikely to materially reduce instances of fly tipping and ASB and may result in displacement of issues to connecting sections of Clay Lane. For these reasons and those set out above, it is recommended that option II is taken forward at the current time.
- 2.16. The concerns raised regarding conflict between oncoming traffic and NMU users is acknowledged, however it is also noted that at present there are no reports of any such conflict resulting in a personal injury collision on the roads affected.
- 2.17. Mindful of this, and the need to balance the access needs of the wider community with the concerns raised regarding NMU conflict, it is recommended that Officers progress option III and explore the potential and benefits of introducing a Quiet Lane based initiative on Watery Lane. Such initiatives whilst not widely used, may be a positive way of highlighting and promoting the shared use nature of this rural low trafficked road. Through positive, low impact signing, drivers would be encouraged to drive appropriately and be mindful of oncoming NMU traffic, the overall goal being to help promote the rural environment through which the road runs.
- 2.18. Quiet Lanes do not physically restrict the road and as such would maintain access for those members of the local community who have raised concerns regarding a physical closure. This would remove the hazard and reduce risks associated with road traffic collisions with any bollards or other infrastructure installed on a rural unlit road as part of a prohibition of driving restriction.
- 2.19. It is noted that such an initiative would not address residents' concerns regarding fly tipping and ASB and such issues would need to continue to be raised with colleagues in the Police and the Council's Environmental Services team. Should evidence from such reports show an increase in reports in the future, then appropriate options could be considered and taken forward at that time if deemed necessary.

3. Results of consultation undertaken

- 3.1. A statutory consultation period took place between the 7th and 29th March. During this time notices were posted on site, properties and land identified as being affected were written to and a copy of the notice was deposited for public inspection and available to view on the Council's website. Six (6) objections were received, as summarised in Appendix 2.

4. Timetable for implementing this decision

- 4.1. If the recommendations of this report are approved, the order as advertised will not be implemented and no further action taken in the regard. The provision of "Quiet Lane" scheme will be reviewed over the summer of 2024 with the intention of being in a position to implement a scheme from autumn 2024.

5. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

- 5.1. Financial Implications

The cost of introducing the proposed TROs is anticipated to be in the region of £12,500 and if approved, would be funded as part of the Traffic Management allocation from the Local Network Improvement Programme (LNIP) for 2024/25 which itself forms part of the Highways Maintenance and Investment Capital Programme budget, funded via the City Region Sustainable Transport Settlements (CRSTS).

The cost of introducing a Quiet Lane scheme is estimated to be in the region of £2500 and would again be funded through the Traffic Management allocation of the LNIP for 2024/25.

5.2. Legal Implications

The Road Traffic Regulation Act 1984 allows the Council to make a Traffic Regulation Order on various grounds e.g. improving safety, improving traffic flow and preserving or improving the amenities of an area provided it has given due consideration to the effect of such an order.

In accordance with Section 122 of the Road Traffic Regulation Act 1984, when considering whether it would be expedient to make a Traffic Order, the Council is under a duty to have regard to and balance various potentially conflicting factors e.g. the convenient and safe movement of traffic (including pedestrians), adequate parking, improving, or preserving local amenity, air quality and/or public transport provision.

There is an obligation under the Road Traffic Regulation Act 1984 to advertise our intention to make Traffic Orders and to inform various stakeholders, including the Police and the public. The Authority is obliged to consider any representations received. If representations are received, these are considered by the Cabinet Member for City Services. Regulations allow for an advertised Order to be modified (in response to objections or otherwise) before a final version of the Order is made.

The 1984 Act provides that once a Traffic Order has been made, it may only be challenged further via the High Court on a point of law (i.e. that the Order does not comply with the Act for some reason).

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

The measures identified within this report link with the delivery priority of improving outcomes and tackling inequalities within our communities. The recommendations set out have been developed mindful of the concerns and feedback that were initially raised by residents and have been balanced against the feedback received following the statutory consultation process on the scheme. The recommended way forward seeks to address concerns raised whilst providing opportunities for the scheme to be revisited in the future should this be necessary.

6.2. How is risk being managed?

No direct risk identified as part of the decisions recommended by this report. Any project risk will be managed through internal project governance processes.

6.3. What is the impact on the organisation?

None identified

6.4. Equalities / EIA?

The introduction of a physical restriction on Watery Lane applies to all road users (except for designated key holders) and is not intended to impact any one group over another. Notwithstanding this, the statutory consultation undertaken has highlighted that the installation of physical restrictions has the potential to isolate members of this rural community and reduce opportunities to access local facilities.

6.5. Implications for (or impact on) climate change and the environment?

The measures to be adopted are intended to contribute towards the Councils air quality targets by promoting, encouraging and enabling active forms of travel. The introduction of a promoted quiet lane will highlight to other motorists the primary use of the lane and direct through traffic on to more appropriate corridors which will improve the local environment and aid NMU use of the lane.

6.6. Implications for partner organisations?

Allesley Parish Council are supportive of the proposal that has been advertised having highlighted the concerns of residents of Watery Lane living within the proposed restriction. The parish council consider that the measures proposed will benefit residents and address the concerns raised.

Warwickshire County Council Officers have been consulted on this proposal and we currently await their response. A verbal update will be provided at the meeting.

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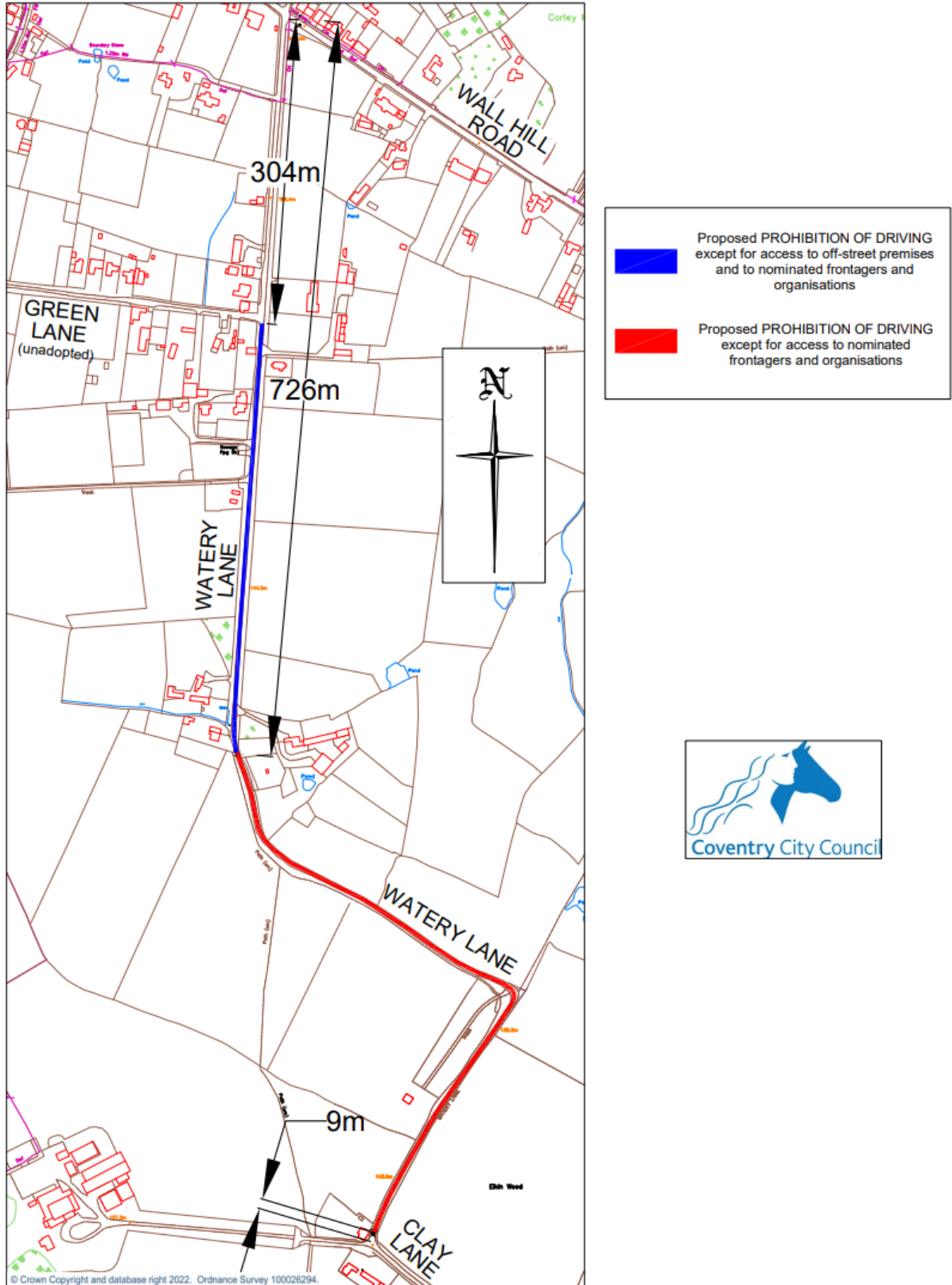
Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
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Appendix 1 – Watery Lane TRO Location Plan

LOCATION PLAN - PROPOSED PROHIBITION OF DRIVING
WATERY LANE, PARISH OF ALLESLEY



Appendix 2 – Watery Lane TRO Objection Summary

Summary of representations received to Watery Lane TRO

Ref	Description
Objection 1	Lived locally for several years. Not witnessed significant fly-tipping and ASB over this time. Comments that the only conflict is occasionally and mainly between cars and horses on a Saturday, when there is a little more traffic. Suggests that cars can reverse, and that restricting horse access would be an alternative option. Believes that residents are pushing for this restriction as they believe it will create a private/restricted road that will increase property value.
Objection 2	Concerns that this will result in more fly tipping on Clay Lane. Suggests that the lane may be misused by motor bikes if the restriction is introduced. It is a useful route for moving livestock and will not be convenient to open multiple barriers. Believes this is being driven by a desire to create a private road for the benefit of a few.
Objection 3	Concerned that bollards would reduce usefulness and asset value of land accessed from it. Equine business in this section would be impacted. Emergency response rates would be slowed.
Objection 4	Concerned that 24-hour presence of physical bollards and their frequent removal / replacement would be impractical and would impact those managing land and looking after livestock. Suggests the bollards need only be in place between 6pm to 8am.
Objection 5	Comments that ANPR cameras have already been in place at both ends of the road to tackle the issue, however no enforcement action takes place. Anti-social behavior is not restricted to this location and the proposed closure would just concentrate the problem elsewhere, including Elkin Wood on Clay Lane. It will make Clay Lane busier which may impact residents on the lane and those that use this for dog walking. Closure would inconvenience their day-to-day journeys and at present do not consider there is a conflict with oncoming motorists or NMU users. Suggests that balance is not being shown and more regular police patrols are needed to combat the issue.
Objection 6	Concerned that restriction would detach residents of Clay Lane from the Corley Moor community. Walking is impractical for some and a significant detour on the alternative driving route. It is noted that Elkin Wood is popular with dog walkers and during 'bluebell season', the closure would further limit parking which would create greater demand on Clay Lane. Flags access issues with positions of bollards and driveways.