



## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS)

### MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 9TH SEPTEMBER, 2021

PRESENT: Councillor Robinson (in the Chair)  
Councillors D'Albuquerque, Cluskey, Grace, Killen,  
Chris Maher, Myers, Page and Sathiy

ALSO PRESENT: Councillors Carr, Fairclough and Murphy

#### 7. APPOINTMENT OF CHAIR

In the absence of the Chair and Vice-Chair at the meeting nominations were sought for an elected Member to chair this meeting of the Committee.

RESOLVED:

That Councillor Robinson be appointed Chair for this meeting of the Committee.

#### 8. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blackburne, Hansen and John Sayers.

#### 9. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

#### 10. ITEM CALLED IN - PROPOSED TEMPORARY TRAFFIC REGULATION ORDER - ANGERS LANE, MELLING - ONE-WAY

The Committee considered (a) the report of the Chief Legal and Democratic Officer, which set out the decision of the Cabinet Member – Locality Services in relation to the Proposed Temporary Traffic Regulation Order – Angers Lane, Melling – One-Way and the reasons why the decision had been called-in; and (b) the report of the Head of Highways and Public Protection which was considered by the Cabinet Member – Locality Services in relation to this matter.

The decision taken by the Cabinet Member – Locality Services on 5 August 2021 in relation to this matter was as follows:

**Decision Made:** That

- (1) the temporary one-way Order on Angers Lane, Melling be approved; and

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- (2) the necessary legal procedures be carried out, including the advertising of the temporary Order.

### **Reason for Decision:**

The Council has the power to make temporary Traffic Regulation Orders under Section 14 of the Road Traffic Regulation Act 1984.

### **Alternative Options Considered:**

None.

The decision was subsequently called-in by Councillors Carr, Dodd and Pugh.

Paul Fraser, Senior Democratic Services Officer reported on the validity of the call-in and highlighted that the call-in requisition:

- had been received within the specified call-in period;
- had been signed by three Members of the Council who were not Members of the Cabinet, in accordance with the provisions in Chapter 6, Paragraph 38(a) of the Council's Constitution; and
- referred to a specific decision made by the Cabinet Member – Locality Services and provided a reason for call in, in accordance with Chapter 6, paragraph 40 of the Constitution.

Councillor Carr, on behalf of Councillors Dodd and Pugh, addressed the Committee and outlined and amplified the reasons for the call-in as follows:

After reviewing the proposed road changes, the idea of turning Angers Lane into a one-way street to route construction traffic down to the proposed building site in Maghull must be questioned. The following grounds were identified to be scrutinised. 1. Air Quality and Pollution • Currently Angers Lane had low traffic volumes, the increase in traffic due to the routing of thousands of HGVs over the next few years would significantly decrease the air quality and increase particulate pollution. 2. Noise Pollution and Vibration Damage • The buildings on Angers Lane were either Georgian or Victorian and the deep concern was that the vibrations from the increased HGV traffic would result in damage to the fabric of the buildings and the additional traffic would cause noise pollution that was not presently a concern. 3. Road Traffic Speed • Angers Lane was currently a narrow two-way street where motor vehicles needed to slow down to pass each other, changing the road to a one-way street would increase vehicle speeds. Vehicle drivers may also be tempted to drive faster because they did not expect any oncoming vehicles. If motor vehicles speeds increased, this would reduce how safe the road was. 4. Highway Pedestrian Safety • Angers Lane was an adopted road and that as such any vehicle could currently use it. However just because it was legal did not make it the right choice in this instance. When it came to building sites the law stated that, pedestrians or vehicles must be able to

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use a traffic route without causing danger to the health or safety of people near it. Angers Lane had no footway or grass verge for 80% of its length so pedestrians had no refuge when confronted by the occasional HGV that currently used the route. Furthermore, the hedges that ran the length of the lane were sufficiently high to obscure oncoming traffic from pedestrians and pedestrians from the driver of a vehicle, even the cab of an HGV thus creating blind bends. The lack of visibility was further exacerbated in the winter months as the road had no street lighting. In the past the fact pedestrians were in the highway with traffic had caused some issues and indeed there had been RTCs involving pedestrians, but the low traffic levels meant these incidents were few and far between. The proposed plan to route thousands of HGVs down Angers Lane would force pedestrians into the same space as thousands of HGVs and potentially speeding cars over the next few years. Further road traffic incidents were inevitable and fatalities entirely possible.

5. Highway visibility • The entrance of a number of properties were hidden as the entrances were set back and hidden by high hedges. Likewise, the length of Angers Lane was lined with high hedges that provided a lovely rural feel not to mention a habitat for wildlife but provided next to no visibility on a high-speed route. The low traffic volumes currently enjoyed meant that this has not caused an issue however the higher traffic volumes that would result in construction traffic using the narrow Angers Lane to access the building site would increase the risk of collision

6. Vehicular access • The road was 4.1 meters wide at points occasionally this could cause issues when HGVs delivered to the plant nursery on Angers Lane which travelled east to west on Angers Lane and could not get past due to the legally parked vehicles. It was fair to say that on occasion Angers Lane was blocked by farm machinery, maintenance vehicles attending to the overhead power supplies etc. Finally the United Utilities Pumping Station situated just along on Leatherbarrow's Lane pumped thousands of gallons of water per day beneath the surface of Angers Lane and as such it was felt that the shear increase in weights and volumes of such traffic would compromise this pipework having substantial impact upon local residents.

Councillor Carr acknowledged that due to the Planning Condition imposed by the Planning Inspector construction traffic servicing the development site should not access the site from the west and should do so from the east of Maghull; stressed that he was opposed to the implementation of the TTRO due to its detrimental impact on local residents' amenity and highway safety; and that the developers should be urged strongly to construct a haul road for site access to alleviate the impact on local residents and the highway network.

With the permission of the Committee a representative of the public made representations in support of the call-in; and the representative argued that the TTRO should not be implemented for reasons of highway safety, pollution, traffic congestion, Angers Lane not being able to withstand the levels of construction traffic, and the impact on the built environment i.e. damage to houses. The local resident concluded that residents considered that their lives would be blighted for the next two years.

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Councillor Fairclough, Cabinet Member – Locality Services explained the decision and the reasons why it was taken by him. Councillor Fairclough indicated that he considered that the haul road would be a good solution but that he had no control over this because he had to base his decision on the condition imposed by the Planning Inspector relating to the Construction Environmental Management Plan (CEMP); that he had no authority to alter the Planning Inspector's decision and therefore he had no option but to approve the TTRO to ensure that the safest route was introduced in accordance with the planning condition. Councillor Fairclough concluded that he did not consider that the call-in was valid because it was in objection to the Planning Inspector's decision.

Stephen Birch, Transport Planning and Highway Development Manager reported on the issues and the reasons for his recommendation and advice to the Cabinet Member – Locality Services. Mr. Birch referred to the purpose of the TTRO to service the development site following approval of the planning application appeal; that the issue of construction traffic featured heavily at the appeal hearing and that the Inspector had heard evidence from the developer, the Council and Maghull Town Council; that the Inspector included a detailed condition relating to the CEMP that included the requirement that construction traffic routes should exclude the use of residential roads to the west of the site; this condition meant that the construction traffic route needed to access from the east; and that the role of the Council as highway authority was to ensure that the planning condition was met as safely as possible and was managed properly.

Mr. Birch stated that bearing in mind the above and due to the potential difficulties of widening Giddygate Lane, the developers had proposed that a one-way system using Angers Lane and Giddygate Lane should be used. The use of Angers Lane for inbound construction traffic would prevent opposing HGVs from meeting on the narrower section of Giddygate Lane, but due to the width of Angers Lane itself, would require this to be made one-way to prevent issues with opposing general traffic meeting head-on. There was still a section of Giddygate Lane on this route where oncoming large vehicles would not be able to pass, but it was a shorter section and appropriate measures could be implemented to ensure visibility and manage the movement of vehicles.

This has implications for the farm business and residential property on Angers Lane, but it also meant that both those properties and the residential properties on Giddygate Lane would only experience the construction vehicles travelling in one direction.

In order to enable appropriate management of construction traffic and to ensure safety along the route, it was therefore essential to make a Temporary TTRO to implement the one-way arrangement on Angers Lane. This would ensure that the route was used as safely as possible and with as little disruption as possible. If the TTRO was not made, then there would be a significantly reduced level of control over the construction traffic route; and vehicles would be able to use either Angers Lane or

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Giddygate Lane as they wished, with the consequent risk of opposing traffic meeting head on and being unable to pass each other.

Mr. Birch concluded that the Council was obliged to implement the planning condition set out by the Planning Inspector and the creation of the one-way system on Angers Lane was a key part of the process and essential for managing the construction traffic to and from the development site.

Councillor Carr, lead call-in Member, Councillor Fairclough, Cabinet Member – Locality Services and Stephen Birch, Transport Planning and Highway Development Manager responded to questions/comments posed by Members of the Committee in relation to the call-in concerning:

- Bill Esterson M.P.'s letters to the developers urging construction of a haul road and the difficulties experienced with negotiations between the developers in respect of this issue
- If the TTRO was not introduced the ability of construction traffic to use whichever roads it wished to access the site as no enforceable restrictions would be in place
- The Council being legally obliged to comply with the Planning Inspector's condition and the Construction Environmental Management Plan
- Difficulties with the construction of a haul road due to land ownership issues
- Potential flooding issues and the responsibility and liability for repairing infrastructure damages
- The potential for the Cabinet Member to raise serious concerns about the requirement for a haul road which could pressurise the developers to construct such a road
- If the TTRO was not introduced and construction traffic used whichever routes they wished the safety of the highway could be compromised

Councillor Fairclough, Cabinet Member – Locality Services then summed up his position.

Councillor Carr, on behalf of Councillors Dodd and Pugh summed up the position of the call-in Members.

A Motion was moved by Councillor Myers and seconded by Councillor Page that the Committee is not concerned about the decision made by the Cabinet Member – Locality Services.

The Democratic Services Officer officiated the vote and the Chair declared that the Motion was carried by 7 votes to 2 and it was

RESOLVED: That

- (1) the validity of the call-in be accepted; and

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- (2) the Committee is not concerned and accepts the decision made by the Cabinet Member – Locality Services in relation to the Proposed Temporary Traffic Regulation Order – Angers Lane, Melling – One-Way.