

Forward Plan reference number: Not Applicable

Report title: Proposed implementation of No Waiting at Any Time restrictions on Great Berry Lane, Little Berry Lane, Langdon Hills, Basildon	
Report to: Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	
Report author: Paul Crick, Director for Highways and Transportation	
Date: September 2023	For: Decision
Enquiries to: Julia Johnson – Interim Head of Design, Essex Highways Julia.Johnson@essexhighways.org Jennifer Boxall – Local Highways Officer – Epping Forest & Castle Point Jennifer.Boxall@essexhighways.org	
County Divisions affected: Basildon Westley Heights	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out four strategic aims and 20 commitments for Essex County Council to deliver over the next 4 years. As part of the high-quality environment strategic aim and a good place for children and families to grow, a key commitment is to deliver a step change in sustainable travel across the country, by maintaining safe and sustainable transport infrastructure.

2. Recommendations

- 2.1 Agree to the implementation of the 'No Waiting at Any Time Restrictions, on Great Berry Lane, Great Berry Farm Chase, Little Berry Lane, Langdon Hills, in the Borough of Basildon, as formally advertised in (Appendix 1).

3. Background and Proposal

- 3.1 Essex County Council (the Council) has formally advertised its intention to implement 'No Waiting at Any Time' restrictions on Great Berry Lane, Great Berry Farm Chase, Little Berry Lane, Langdon Hills, Basildon (the Proposal), as requested by the Basildon Local Highways Panel (LHP). As objections have been received to the Proposal, the Cabinet Member is now asked to decide whether the Proposal should be implemented. Several objections have been received from residents regarding the proposal to implement 'No Waiting at Any Time Restrictions at the end of both Great Berry Lane and Little Berry Lane'.
- 3.2 This scheme has been taken forward following a request from Basildon Local Highway Panel (LHP) as it is considered that it will prevent problems with parking, which cause the cycle cut-through to be blocked by vehicles and making the cut-through unusable by cyclists.

- 3.3 The County Council is proposing to implement No Waiting at Any Time restrictions to reduce parking on Great Berry Lane and Little Berry Lane, Langdon Hills in the District of Basildon. The restrictions will help with the movement of traffic and safety for residents and pedestrians.

Consultation

- 3.4 On the 10 February 2022 Essex County Council advertised in accordance with the statutory process contained in “The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996” a proposal to introduce the ‘No Waiting at Any Time’ Restrictions on Great Berry Lane, Little Berry Lane, and Great Berry Farm Chase Langdon Hills, in the Borough of Basildon.

- 3.5 The Proposal was advertised on the Essex Highways website and in the South East Essex Evening Echo. Public notices were also displayed on street furniture and letters were sent to nearby residents within the vicinity of the proposal.

The results of this formal consultation were as follows:

- Essex Police made no comment.
- South Essex Parking Partnership supported the proposal.

- 3.6 During the consultation period, five objections and three notes of support were received to the scheme via email.

Objections

- 3.7 Five of the objections received can be considered to stem from the extent that, the double yellow lines go across the objecting individual's driveways.
- 3.8 Essex Highways explained that it has been identified that residents of Great Berry Farm Chase will derive additional benefit from this scheme by way of junction protection allowing better day-to-day access to their properties by road. This can be considered to further contribute to Essex County Councils strategic aims for communities.
- 3.9 Another objection raised was that residents were concerned about the availability of road space for the access and turning of emergency vehicle.
- 3.10 Essex Highways explained that this proposal will address the problem and with the implementation of the parking restrictions the road would be free of Parked vehicles. Essex Highways also explained that the use of these roads as overflow parking for nearby recreational facilities and infrastructure has been brought to their attention including a request to extend restrictions to another road which is located on the estate. Residents have been referred to the local highways panel to express their concerns.
- 3.11 Another objector commented that, Essex Highways believes it would be a benefit with the restrictions to make it easier for larger vehicles to carry out turning manoeuvres in particular vehicles, such as refuse lorries and goods delivery vehicles. But it is obvious the road without parked vehicles, still

cannot accommodate the turning of larger vehicles.

3.12 Essex Highways explained that reports received from residents stating that larger vehicles in Little Berry Lane habitually turn into Rosecroft Close when manoeuvring. They also explained that the consultation documents should have explained, in a clearer way, that this additional benefit only really affects Great Berry Lane and Great Berry Farm Chase.

3.13 The final objection was that one person, who is disabled, further up the road objected to the request for single/double yellow lines as they would not be able to accommodate the carer(s) parking outside the property. However, it was explained that it would be possible to arrange (subject to an appropriate order being made) for a Disabled Parking Bay marked out on the road directly outside the disabled neighbour's home, which would ensure that no one parks there except the carer(s) and then continue to install single and double yellow lines in the road which we have been requesting.

3.14 It was explained that if an individual has a disability, they are able to contact Essex County Council and request a disabled parking bay. However, there is strict criteria for blue badges and disabled parking bays. Unfortunately, any person(s) without a disability would not be able to apply for a blue badge and as such, the carer(s) would not qualify and would not be able to park in the disabled bay outside the property.

4. Links to our Strategic Ambitions

4.1 This report links to the following aims in the Essex Vision

- Strengthen communities through participation.
- Develop our County sustainably.
- Connect us to each other and the world.

4.1 This report links to the following strategic priorities in the emerging Organisational Strategy 'Everyone's Essex':

- A high-quality environment.
- Health wellbeing and independence for all ages.
- A good place for children and families to grow.

5. Options

5.1 Option A - Abandon Scheme (not Recommended)

Abandoning this scheme would not solve the parking issue that the scheme was designed to address. This option would disappoint the residents who have actively expressed their support for this scheme. However, the incorrect implementation must be a consideration and the restrictions removed if it is necessary.

Option B - Implement Scheme as Formally Advertised (Recommended)

Proceeding to confirm this proposal as legally enforceable will be a benefit to cyclists and pedestrians who use the cut-through on a daily basis for access to the train station and town centre and will allow free movement without the hindrance of parked cars. Residents who have expressed their objections to the scheme will not be satisfied.

5.2 Option C - Commission New/Modified Design for Scheme (Not Recommended)

Instruct the local highways panel to review the feedback from the consultation and amend the restriction already in place or agree on a new set of restrictions taking on board the suggestions put forward by the consultees.

Accommodating the feedback of the consultees in relation to the extent of the design in Little Berry Lane has the benefit of demonstrating that Essex Highways listens to residents as we endeavour to contribute to Essex County Council's strategic aims for communities.

6. Issues for consideration

6.1 Financial implications

The Proposal consultation and all associated works have been funded by the Local Highways Panel. If the scheme is abandoned or modified more funds will need to be assigned from their budget.

6.1.1 The proposal set out within this report will be funded through the Local Highway Panel budget previously allocated within Essex Highways. Therefore, there are no additional financial implications because of this proposal.

6.1.2 The 'No Waiting at Any Time Restrictions currently in place cost £4000 and was funded by the Basildon Local Highway Panel budget.

6.2 Legal implications

6.2.1 The Road Traffic Regulation Act 1984 (as amended) gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient, and safe movement of traffic of all kinds, including pedestrians, and to provide suitable and adequate One-Way Restrictions. So far as practical the Council is also required to have regard to

- (a) The desirability of securing and maintaining reasonable access to premises.
- (b) The effect on the amenities of any locality affected so as to preserve or improve the amenities of the areas through which the roads run.
- (c) The importance of facilitating the passage of buses and their passengers.

6.2.2 Justifiable 'No Waiting at Any Time' restrictions assist with the expeditious, convenient, and safe movement of traffic and pedestrians.

- 6.2.3 Whilst there appears to be no real legislative requirement to hold a public enquiry, in view of the objection received, the decision to make the Order may be subject to judicial review, whilst judicial review is a risk, there have been clear and reasoned considerations put forward by Essex County Council as to why it is still going to make the Order. These clear and reasoned considerations ought to have alleviated objector concerns.
- 6.2.4 The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the Regulations') provides that, before making an Order, the Council is required to publish a notice of the Proposal.
- 6.2.5 Any person or Authority required to be consulted by the Council may object to the making of an Order by the date specified in the notice, or, if later, the end of the period of 21 days beginning with the date on which the Council has complied with all the requirements of the Regulations. Any objections must be made in writing, state the grounds on which it is made; and be sent to the address specified in the notice of proposals.

7. Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.1.1 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.1.2 The Corporate Impact Assessment indicates that the proposals in this report Will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of Appendices

Appendix 1 – Proposed Scheme Drawing
Appendix 2 – Objection Report
Appendix 3 - Equality Comprehensive Impact Assessment

9. List of Background papers

Full consultation responses

I approve the above recommendations set out above for the reasons set out in the report.	Date 28/09/2023
Councillor Lee Scott, Cabinet Member for Highways Maintenance and Sustainable Transport	

In consultation with:

Role	Date
Director Highways and Transportation	03/02/2023
Paul Crick	
Nicole Wood – Executive Director for Finance and Technology	Consent Not Needed
Director, Legal and Assurance (Monitoring Officer)	19.09.2023
Laura Edwards on behalf of Paul Turner	
Interim Head of Network Management	03/02/2023
Jo Haynes	
Interim Head of Design	01/02/2023
Julia Johnson	