

MAGNOLIA ROAD, HAWKWELL – REPORT ON CURRENT SITUATION

1 SUMMARY

- 1.1 This report refers Members to sources of information and discussions that have taken place regarding the above location and puts forward a recommendation following the matters discussed at the Committee meeting of 17 April 2003.

2 RECENT HISTORY

- 2.1 A detailed appraisal on the status of Magnolia Road, interested groups, environmental issues, and other incidents causing concern, in addition to the results of an informal consultation on restricting vehicular movements is contained in a previous report submitted to the Committee for the 26 February 2003 meeting. A copy of the report and minute of that meeting are shown at Appendix 1 of this report. The resource and legal implications of implementing a scheme at Magnolia Road are also considered in that report.
- 2.2 At that meeting of the Committee the following four options were offered to members of the public and interested groups for discussion:
1. Proceed with a road closure at the northern end, notwithstanding almost equal opposition and support for the scheme.
 2. Introduce a closure on an experimental basis for nine months and monitor the effects.
 3. Introduce a width restriction to remove only large vehicles using the road rather than a road closure.
 4. Do nothing and maintain the status quo.
- 2.3 Following that original meeting, on 18 March 2003, there was an alternative proposal from the Environment Overview & Scrutiny Committee for the Highway's Area Manager to consider erecting "No Through Road" signs on the approaches to Magnolia Road, but without implementing the road closure. A copy of the minute of that meeting is shown at Appendix 2 of this report.

3 CURRENT DISCUSSION

- 3.1 Magnolia Road is a public footpath and a private street, but not an adopted public highway. As such, the Highway Authority has no clear right to implement schemes which are directed at easing or restricting vehicular movements.
- 3.2 Having taken legal advice, Essex County Council's District Manager has confirmed that it would not be permissible to put up signs such as "No Through Road" which could be considered misleading, and if such misleading signs were put up, they would have to be removed immediately should the Highway Authority receive an objection to them being there. This was reported to the Committee of 17 April 2003. A copy of the minute of that meeting is shown at Appendix 3 of this report.

4 RECOMMENDATION

It is proposed that the Committee **RESOLVES**

To recommend that no action be taken by the Highway Authority to restrict vehicular movements in Magnolia Road as it is a private street.

N McCullagh
Area Manager, Highways and Transportation
Essex County Council

Background Papers:

All correspondence and the results of traffic surveys are held by the Area Manager at the South Area Office, Rayleigh on File No T/2/11/HAWKWELL

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**MAGNOLIA ROAD, HAWKWELL –
PROPOSED PROHIBITION OF DRIVING**

1 SUMMARY

- 1.1 The purpose of this report is to ask Members to consider a request by several residents and recreational users of Magnolia Road to restrict traffic movement along the Public Right of Way, and the content of the resultant replies from the informal consultation process.

2 INTRODUCTION

- 2.1 Magnolia Road is a public footpath, but is also a private street over which the public have vehicular access. It is only maintainable at public expense to footpath status, the frontagers are also responsible for the maintenance.
- 2.2 It is joined in the east to Rectory Road at the outskirts of Ashingdon, and then runs in a north-westerly direction parallel to the Liverpool Street – Southend Railway line. It emerges in the west onto White Hart Lane, Hockley, where it crosses the rail track via a brick built bridge.
- 2.3 The location of Magnolia Road is indicated on the attached map (11/2274/A).
- 2.4 Relatively narrow in width and for the greater part of its length having an unmade surface, it is located in a rural environment on the urban fringe, providing access for plot-land developments in Durham Road, and Lincoln Road, and also to the Rochford Hundred Rugby Club. The Rights of Way network in this area – including Magnolia Road – is also considered to have great amenity value for walkers and riders, and is also used by school children as a route to Greensward School.
- 2.5 Due in part to the success and popularity of the Rugby Club, but also to its availability as a short-cut, in recent years there has been a notable increase in vehicular traffic both during the week, and especially on Saturdays during Rugby Club home fixtures. This has not only resulted in environmental damage to verges, ditch-lines, and hedgerows, but has also resulted in reports of several accidents and near-miss incidents involving walkers, and horse-riders. In addition, there are regular incidents of fly tipping and the dumping of stolen cars.

- 2.6 The Environmental Services Committee have already considered this matter on 5 September 2002, when Members requested a more detailed investigation. Further consultation has since been carried out with the Police, and the Fire and Rescue Service.

3 PROPOSAL

- 3.1 In the interests of safety, and to preserve the environment, the Highways Department were asked by residents and their representatives at the north western end of Magnolia Road where it becomes White Hart Lane to consider the merits of restricting the movement of through traffic by erecting a lockable barrier across the right of way at the location also indicated on the map.
- 3.2 Following concerns raised by local residents regarding increased journey times and distances, should the proposal go ahead, a survey was undertaken by Highways staff from the area office. Starting at the southern end of Durham Road, the detour route, via Rectory Road, and finishing at the White Hart P.H. took 7 minutes to travel 2.4 miles. By comparison, the more direct route via White Hart Lane took 5 – 6 minutes to travel 0.9 miles.
- 3.2 The usual informal consultation process was undertaken in which all the residents and landowners affected by the proposal were also consulted. Details of the written responses are listed below. All those who responded, together with the residents of Magnolia, Durham and Lincoln Roads have been invited to the meeting.

4 OBJECTIONS

- 4.1 Fifteen (15) written objections were received whose comments are summarised below:

5 Objectors	Objections	Comments
1. Mrs Smith Durham Road	Strongly objects – lived there 33 years, feels they need both ways in and out otherwise there would be occasions when they would be blocked in due to fires, abandoned cars etc. Traffic problems on rugby club	Traffic problems already exist on Rugby Club home fixtures, but may increase as there are only two suitable passing places. There have been incidents of arson in the area in the past, a repeat may well

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days would be excessive if there was only one route available.

result in fire tenders preventing the ingress and egress of residents if one access is blocked off. However, this could also happen on many estate roads in the Rochford area, and is therefore not a situation unique to Magnolia Road. A representative of Essex Fire Service was met on site. Fire appliances could access from Rochford and Hawkwell should the situation be serious enough. Equipment is carried on all tenders that would permit access.

2. M Drinkwater
Woodlands Road

Landowner in Magnolia Road. Regards access to White Hart Lane as an emergency access as essential.

The emergency services should not be unduly inhibited as provision for removing bollards, or opening gates is carried on the vehicles. A gate was installed in Gusted Hall Lane, Rochford in 1988 following a similar situation as is currently arising in Magnolia Road.

3. Mr & Mrs Gibson
Magnolia Road

Landowner in Magnolia Road – protesting in strongest possible terms. Problems of fly tipping, arson, and abandoned cars will increase if the right of way is blocked off. Feels maintenance of the surface at the eastern end is long overdue, and more people would use that end if the surface was repaired.

Incidents of fly-tipping and abandoned cars are already occurring, but may increase if a lockable barrier is introduced. The District Council Cleansing Department do not feel that there will be a significant increase in fly-tipping as a result of the road no longer being a through route. Magnolia Road is maintainable at public expense to footpath status only - it is not a byway.

4. Mr Thornback
Lower Road

Considers the resultant lengthy detour a nuisance, and is concerned about delays to emergency vehicles should the need arise.

The detour route along Rectory Road is indeed a greater distance – 2.4 miles in comparison with 0.9 miles for the direct route using White Hart Lane. A time trial conducted by highways staff revealed that the direct route to Hockley via Magnolia Road and White Hart Lane took 1 – 2

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		minutes less than the detour route. Emergency vehicles do carry the necessary key to unlock barriers.
5. Mr Goodchild Magnolia Road	Strongly objects – most environmental damage has been done by rugby club to increase parking facilities, not by traffic. Maps should be amended to indicate that the best route for access is from Rectory Road.	Hedges were faced back to improve access and cut down by the Rugby Club to enlarge parking facilities, but the continuing damage being done to ditches and verges is also coming from other sources besides Rugby Club supporters – ie “through” traffic using Magnolia Road as a short-cut to Rectory Road. The Highway Authority has been in contact with Ordnance Survey, who have agreed to consider submissions for amending some maps and street atlases. However, original maps would still be in circulation.
6. Mr & Mrs Roberts Durham Road	Resident for 45 years, runs boarding kennels, regularly uses route to Hockley – strongly objects to increased time getting to vets. Worried about getting blocked in if Rectory Road end was closed for any reason.	The detour route along Rectory Road will increase journey time to Hockley, which is likely to be in the region of 1 – 2 minutes. Emergency vehicles will temporarily obstruct access if called to fires etc and bollards were in situ at north western end.
7. Mr Swanson Durham Road	Resident for many years and regularly uses Magnolia Road to get to Hockley. Feels it is a right for local people to use it. Highway Authority should consider restricting access for cars only.	Highway Authority could consider access for cars only, by the installation of a width restriction but provision at north western end for access to delivery vehicles and small tankers to remove domestic effluent will still be necessary.
8. Mrs Hazle Lincoln Road	Residents of Magnolia, Durham and Lincoln Roads use route daily, and should not lose right of access. Strongly objects.	See previous comments.
9. Mr & Mrs Edwards	Traffic problems on rugby club	See previous comments.

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Magnolia Road	days would be excessive if there was only one route available.	
10. Mr & Mrs McKimmell Magnolia Road	As above, plus concern about lack of access for emergency vehicles if one route is blocked off. If proposal goes ahead road repairs are needed at south eastern end.	See previous comments.
11. Mr Laban Durham Road	Restricting access at one end will increase surface damage at east end, which is already badly pot-holed. Access to White Hart Lane in an emergency is essential. Most residents would be disadvantaged by proposal, whilst only two would benefit.	See previous comments.
12. Mr Drinkwater White Hart Lane	Use of Magnolia Road takes some distance off of journey for local residents going to work or shop in Hockley. Due to developments each end of Magnolia Road it is not surprising that there is an increase in traffic. Mini Bus business at 'The Olive Branch' will create more hazards to walkers if they can only use one route of access.	The alternative route using Rectory Road will increase journey times to Hockley. Two members of staff from the Area Office measured the increase in distances and journey times between the junction of Durham Road with Magnolia Road to the White Hart Public House at the junction of White Hart Lane with Southend Road on two different occasions. The Rectory Road route took 7 minutes to cover 2.4 miles. The Magnolia Road route took 5 – 6 minutes to cover 0.9 miles. Forcing all mini-bus traffic west may well result in more hazardous conditions for those on foot and horse, although most inconsiderate driving is likely to come from non-residents.
13. Mr & Mrs Neave Rectory Road	Damage to Magnolia Road would increase if most traffic was restricted to eastern end resulting in an increase in cost	Increased traffic flow southeast will result in further surface damage to Rectory Road end of right of way. Highway Authority could consider

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	to property owners to maintain area fronting property. Will do more good to implement a weight/width restriction.	introducing a width restriction, but provision for the needs of the two properties at the northwestern end will still be necessary.
14. Mr & Mrs Glynn Lincoln Road	Lived in area 41 years. Proposal would be detrimental to all those businesses that trade from the affected roads. There are only two passing places in Magnolia Road. Traffic movements would be severely impeded during match days. Concern raised about possible accident on railway line. Plot-lands were established 100 years ago – the access roads were installed for benefit of landowners.	The proposal could well prove detrimental to the businesses that trade from the affected roads. Traffic conditions on match days could deteriorate further if one access route was denied to spectators. The situation from 100 years ago has changed dramatically, and the drastic increase in vehicular traffic over the last few years has produced highway user safety issues that now require attention.
15. Essex Police	Cannot support a new Order primarily based on environmental issues. Chief Constable can only support new Orders that are introduced to deal with proven road safety problems or improvement to traffic flows. Experience would indicate that there would be a high rate of non compliance. The issue of keys for emergency services is not practical and therefore the Chief Constable is mindful to object to the proposal. However, Essex Police would support the introduction of a width restriction.	Although there is only one recorded injury accident, when a cyclist was dismounted following collision with an obstruction in the lane, there have been several 'near miss' incidents (one very serious), and much anecdotal evidence to support the proposal on safety grounds.

5 SUPPORT FOR THE PROPOSAL

- 5.1 There were fourteen (14) written responses and one e-mail response in support of the proposal whose comments are listed below.

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Proposers	Views on Proposal	Comments
1. Essex Bridleway Association	Have lodged claim to upgrade Magnolia Road from footpath to bridleway. More horse riders are likely.	Horse traffic in the area may increase should Magnolia Road be upgraded from public footpath to bridleway. There are approximately 25 horse owners currently in the area who are already using Magnolia Road on a regular basis during the summer months, but with reduced use in the winter.
2. Hawkwell Parish Council	Very concerned at the amount of traffic. Suggest width restriction if opposition is too great.	The siting of a width restriction will require careful consideration as delivery lorries (household goods) will have to reach properties in the north western end of Magnolia Road, where it becomes White Hart Lane. Small tankers are also employed to remove domestic effluent.
3. Mrs D Haydon White Hart Lane	Very concerned at increase of volume and speed of traffic. Upset at environmental damage inc surface of right of way.	Highway Authority will look at ways to protect verges and ditches, and the water supplies to the properties at the north western end of the lane. Extra (deterrent) signing at the White Hart Lane end is being organised, which may also help.
4. Mr Smith Landowner of 'Cobbletrees' since 1940s	Upset at Rugby Club widening and re-surfacing track, even buses can now access from White Hart Lane end. Ditchlines are now damaged and filling in. Speeds of vehicles are high during night-time hours. Has witnessed vehicle and horse riders meeting head-on, on blind bends.	The Highway Authority will be seeking methods to protect the verges.
5. Mrs E May Hamilton Gardens	Frequent horse rider in Magnolia Road. Vehicles show no consideration for others. Had near-miss experience unnerving	Comments are typical of those who use the right of way for its amenity value. Should the proposal be rejected, the Highway Authority could

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	her horse. Lorries fill lane, no room for horses to step off.	look for areas where passing points can be constructed.
6. Mrs Ward Bosworth Close	Stables horse locally and frequently uses Magnolia Road. Similar comments to above.	As above.
7. Mrs Robinson Bramerton Road	Knocked down by vehicle whilst putting horse in field. Weekend traffic to the Rugby Club is dreadful and some have no consideration for horse riders.	As above.
8. Ms Mapes Cromwell Road	Frequent horse rider and carriage driver, weekend traffic is very bad including speeds.	As above.
9. Miss Himsley Bramerton Road	Frequent horse rider and carriage driver, weekend traffic is very bad including speeds.	As above.
10. Mrs Drinkwater White Hart Lane	Local dog walker. Vehicles are a hazard inc mini-bus company based in Magnolia Road.	Mini-Bus Company will have to make all traffic movements via White Hart Lane, if barrier is introduced to southeast of 'The Olive Branch'. However, they are sympathetic to the proposal, and should drive with due care and attention.
11. Mrs Cork White Hart Lane	Resident for 25 years, and has noted deterioration in that time. Property/water supplies have been damaged by vehicles. Speeding by vehicles particularly bad at night. Surface damage makes it difficult to walk on. There are not many facilities for walkers and horse riders – vehicles are now spoiling it for them.	
12. Mr Holland Helena Close	Regular walker – vehicular traffic has become worse over last few years to extent that it is now dangerous to use the footpath.	A traffic census commissioned by the area office recorded 259 vehicle movements in and out of Magnolia Road on Thursday 31 January 2002, and 716 on Saturday 2 February

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	Now a potential safety hazard.	2002 – a home fixture for the Rugby Club.
13. Mr & Mrs Booth White Hart Lane	Concerned about volume of traffic – inc large vehicles – and the damage they are doing to the environment. Horse riders and walkers are particularly vulnerable.	As above.
14. Mr Bunker White Hart Lane	Resident for 15 years – aware of increase in traffic.	As above.
15. Mrs T Chapman CC Member	Supports experimental 9 month closure.	

6 OPTIONS

- 6.1 Proceed with the closure, notwithstanding the objections.
- 6.2 Introduce a closure on an experimental basis for nine months and monitor traffic levels to closely monitor the effects of the closure to determine if the objectors concerns are realised.
- 6.3 Introduce a width restriction to remove large vehicles.
- 6.4 Do nothing and maintain *status quo*.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 Please note the comments submitted by Essex Police – 4.1(15)

8 ENVIRONMENTAL IMPLICATIONS

- 8.1 It is anticipated that the natural environment will begin to recover should the proposal proceed, with the exception of the hedge-line which was removed to provide extra parking facilities adjacent to the Rugby Club playing field.

9 RESOURCE IMPLICATIONS

- 9.1 Funding for the project will be found from the locally determined budget for Rochford District.

10 LEGAL IMPLICATIONS

- 10.1 A temporary closure order, or width restriction Traffic Regulation Order will have to be introduced if the proposal is agreed upon.

11 PARISH IMPLICATIONS

- 11.1 Please note the comments submitted by Hawkwell Parish Council – 5.1(2).

12 RECOMMENDATION

- 12.1 It is proposed that the Committee assesses the evidence from:
- the site visit
 - the views expressed by residents and interested parties at this meeting
 - the contents of this report

and forms a response for the Environmental Services Committee.

N. McCullagh

Area Manager, Transportation & Operational Services
Essex County Council

Background Papers:

All correspondence and the results of traffic surveys are held by the Area Manager at the South Area Office, Rayleigh on File No T/2/11/HAWKWELL

For further information please contact Peter Craig on 01268 771458 or
Craig@essexcc.gov.uk

98 MAGNOLIA ROAD, HAWKWELL – PROPOSED PROHIBITION OF DRIVING

The Chairman welcomed local residents and other interested parties to the meeting and outlined the procedure, a copy of which had been provided for those present. All those who had responded to the previous consultation from the County Council had been invited to attend.

It was noted that the purpose of the meeting was to provide Members of the Committee with information and evidence concerning the request which had been made by several residents and recreational users of Magnolia Road to restrict traffic movement along the public right of way.

Background information had been provided in the form of a report, prepared by the County Council's Area Manager and a site visit had been arranged for Members of the Committee, together with Officers of the County and District Councils. Attached to the report were details of the written responses received during the informal consultation process which had taken place prior to the meeting of the Environmental Services Committee held on 5 September 2002, at which this matter had previously been considered, before being referred to this Committee for a more detailed investigation to be carried out.

Interested parties were invited to speak in favour of the proposal, during which the following comments were noted:-

- The traffic along Magnolia Road had increased greatly during recent years, together with a gradual widening of the road to the extent that it would now allow large lorries/coaches to travel the length of this road, which has resulted in erosion of verge area.
- The residents are required to maintain their own road to an acceptable standard and should be able to determine the future of the road.
- A proportion of those in favour of the proposal would support a width restriction instead of a barrier, which would prevent the traffic of vehicles larger than a car.
- A width restriction of be around 5 feet ought to be maintained, should the positioning of bollards not be the preferred option.
- Standards of car driving have deteriorated over recent years with increased speeds along this road, making for dangerous conditions for dog walkers and horse riders.
- Horse riders can't be seen by drivers coming over the railway bridge in White Hart Lane.

Interested parties were invited to speak against the proposal, during which the following comments were noted:-

- The majority of the objectors to the proposal are the actual residents who have spent money on the upkeep of the road and would therefore wish to see access retained from both ends.
- Magnolia Road is a well used route for children going to Greensward school
- Concern that restricting the traffic movement would encourage fly tipping and the dumping of cars.
- Difficulties for the Green Goddess machines when used during the Firefighters' strike.
- The Rugby Club are now a valuable part of the community and this would affect the traffic using the Club.
- A better solution would be to widen the White Hart Lane end of Magnolia Road.
- Residents have put in an application for Footpath No 7 to be raised to bridleway status, to encourage horse riders away from using Magnolia Road.
- More traffic than is necessary uses the White Hart Lane end due to inaccuracies on many maps, which show the other end to be closed.
- If a barrier were to be considered, it ought to be at the end of Magnolia Road and not as suggested on the map, where a blind bend exists.
- Increased likelihood of flytipping and abandoned vehicles if lockable barrier introduced.

Responding to various comments, the County Council's Area Manager confirmed that:-

- if a width restriction were ultimately the preferred option, a turning point at a suitable point would need to be found and advance notice would be provided.
- the use of speed humps was heavily regulated and that this would completely change the nature of the road.
- He would arrange for a speed check to measure actual speeds along the road.
- It would be difficult to impose a speed restriction, although better signage could be organised.
- The application relating to upgrading footpath No 7 to a bridleway was likely to be successful.
- The County Council acknowledges the work that has been achieved by residents.

- There is insufficient width to separate walkers and horseriders from cars.
- Ordnance Survey have been contacted with regard to rectifying maps that show the Rectory Road end of Magnolia Road to be closed.
- New signs could be erected indicating that the road is unsuitable for heavy vehicular traffic.
- The County Council could look at ways of protecting verges and ditches.

The Police representative reported that a lockable barrier with a key would cause problems for them in the practicalities of maintaining a supply of keys to all those who might at any time be called to the scene.

Resolved

That a recommendation be deferred until the next meeting of the Environment Overview & Scrutiny Committee, to be held on 18 March 2003, in order that adequate consideration could be given to the views expressed. (Area Highways)

133 MAGNOLIA ROAD, HAWKWELL – PROPOSED PROHIBITION OF DRIVING

The Committee considered the evidence which had been gathered from the meeting of the Committee held on 26 February 2003.

The County Council's Area Manager complemented the District Council on the format of that meeting when members of the public and interested parties had been in attendance to give their views.

A Motion was moved by Cllr Mrs M A Weir and seconded by Cllr C A Hungate that the County Council investigate designating Magnolia Road as a no through road with adequate signage. The County Council's Area Manager confirmed that it would be necessary to consider all the implications, including discussion with the Police, and to report back to this Committee on the effectiveness of such a proposal.

Members noted that any signage would need to be backed by a Traffic Regulation Order, enforceable by the Police. However, gaining evidence in such circumstances and ascertaining legitimate uses of the road would often be difficult.

Resolved

That the County Council investigate the implications of designating Magnolia Road as a no through road, with appropriate signage, and report back to this Committee. (Area Highways)

202 PROGRESS ON DECISIONS

Magnolia Road, Hawkwell – Proposed Prohibition of Driving

Members noted that at the meeting held on 18 March 2003, the decision had been taken to explore the option of using appropriate signage to identify Magnolia Road as a no-through road.

The County Officer confirmed that it would not be permissible to put up signage which would be misleading. Any signage without barriers would have to be removed once an objection had been received. A width restriction would allow cars to traverse, whilst restricting larger vehicles.

Resolved

That a detailed report be brought to the next meeting of this Committee in June 2003. (Area Highways)