



**Havering**  
LONDON BOROUGH

## **HIGHWAYS ADVISORY COMMITTEE**

**7 November 2017**

**Subject Heading:**

**Proposals to close Little Gerpins Lane,  
Rainham.**

**SLT Lead:**

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**Policy context:**

**Havering Local Development  
Framework (2008).  
Havering Local Implementation Plan  
2017/18 Delivery Plan**

**Financial summary:**

**The estimated cost of £0.06m (£60k) for  
the improvements would be met from  
Corporate Capital funds.**

**The subject matter of this report deals with the following Council  
Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

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## SUMMARY

The Council's Highways Advisory Committee had considered proposals on the permanent closure of Little Gerpins Lane in September this year [Agenda item 9]. The Committee decided to defer the report on the grounds that consideration should be given to closing the road on experimental basis and moving the position of the second closure point closer to Gerpins Lane.

The proposals on experimental basis were investigated, however, these were not found to be viable based on the current scale of the problem. This report seeks approval that recommendation for permanent closure is implemented.

The scheme lies between two ward boundaries i.e. **Upminster** on the north side and **Rainham and Wennington** ward on the south side.

## RECOMMENDATIONS

That the Committee having considered the report and the representations made, recommend to the Cabinet Member for Environment and Community Safety that one of the following measure is implemented:

1. Option 1 – The proposals are abandoned with no further action is taken or,
2. Option 2 – The closure of Little Gerpins Lane is authorised at the following locations:
  - 2.1 **North-western side of Little Gerpins Lane, Rainham** (through construction of traffic island) – at its junction with Berwick Pond Road to restrict vehicular traffic with the exception of cyclists, pedestrians and horse riders would be retained. The proposals are shown on drawing No. QQ033-OF-101 and,
  - 2.2 **South-eastern side of Little Gerpins Lane, Rainham** (through removable bollard) – the proposed road closure would be situated approx. 58 metres from the north-western kerb line of Gerpins Lane at its junction with Little Gerpins Lane. This closure would permit access to general traffic, mainly the local occupiers. The proposals are shown on drawing No.QQ033-OF-102.
3. **Proposed implementation of two-way traffic flow**

That Traffic Management Orders are amended as necessary to give effect to recommendations (2.1 and 2.2 as above) by permitting two-way traffic flow in Little Gerpins Lane, between the proposed closure points as shown on drawing Nos. QQ033-OF-101 and QQ033-OF-102.

4. That the estimated cost for implementation is £0.06m. The funding for carrying out the works is now available from the Council's Corporate Capital funds.

<b>REPORT DETAIL</b>
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## **1.0 Background**

- 1.1 The Council's Highways Advisory Committee considered a report in September 2017 [Agenda item 9] on proposals to close Little Gerpins Lane to overcome the problems of fly-tipping. A copy of the report giving the background details is appended with this report.
- 1.2 During the meeting, it was explained that Little Gerpins Lane is sometimes closed to traffic due to fly-tipping which is taking place with increasing regularity at both house hold and commercial levels. This matter is of great concern to the Council due to high level of expenditure involved to clear the rubbish.
- 1.3 At the previous meeting, a representative of Ingrebourne Valley Ltd (IVL) spoke against parts of the scheme. He explained that the IVL site was part of a larger restoration and public access project which was then managed by the Forestry Commission. It was agreed that fly-tipping was an issue that needed to be tackled but that the proposed location of the gate at the southeast end of Little Gerpins Lane would leave a spur within which offenders could still fly-tip. The Committee was informed that CCTV was problematic as it could be vandalised and people often used false number plates on their vehicles when fly-tipping. IVL considered the closure should be located closer to Gerpins Lane thus removing the spur.
- 1.4 During the debate, a member of the committee suggested that the high charges set by the borough to dispose of waste leads to fly-tipping and that closing roads would push the problem elsewhere. The member was of the view that the principle of closing roads is draconian, but in this case, the proposals should be at each end of the lane and implemented on experimental basis to assess the potential displacement of fly-tipping should the problem be removed from Little Gerpins Lane.
- 1.5 As a result, the Committee voted in favour of deferring the proposals on the grounds that officers should consider the closure of the road on an experimental basis and the possibility of moving the position of the second closure point closer to Gerpins Lane.

## **2.0 Staff Comments**

- 2.1 In general, experimental schemes allow the effect of the scheme to be monitored before it is made permanent and provides flexibility to modify the scheme or even abandon it should operational experience show it to be desirable. Such schemes operate on maximum 18 months with the first six months being a statutory objections period. Staff considers that an Experimental scheme is inappropriate for the following reasons:
- 2.2 The Council's Environmental officers have identified the likely sites which could be susceptible to fly-tipping in the event of closure of Little Gerpins Lane. The sites will be actively monitored in the event that the proposals are approved.
- 2.3 Officers consider that the measures used to close the road on a temporary basis would be highly susceptible to vandalism and would be unlikely to prevent determined fly-tippers from continuing to access the road. The measures designed for a permanent closure are much more robust and better able to deal with vandalism.
- 2.4 The Council's Environmental officers and the Metropolitan Police want this road to be closed as soon as possible as fly-tipping is damaging the environment at a large scale, anti-social behaviour and the abuse of drugs.
- 2.5 Experimental traffic orders are usually used to gauge the effect on traffic flow in the roads. In the case of Little Gerpins Lane it is located in a rural area which conveys very low numbers of vehicles. Therefore, the closure would not have a particular traffic impact which could be monitored. The road has been temporarily closed in the past by the Council to deal with fly-tipping and there were no complaints received from drivers or local occupiers in the area.
- 2.6 The experimental scheme involves placing temporary measures, such as heavy concrete blocks on site for the closure to be affective. The blocks are costly to hire over a period of 18 months duration. At the end of the scheme, the blocks need heavy construction plant to lift and transport them.
- 2.7 The concrete blocks can potentially be moved by offenders. Staff have experience of having to reset temporary measures which have been accidentally knocked on other schemes such as Cedar Road, Romford and Faircross Avenue, Collier Row. Staff are concerned that those organising fly-tipping would push temporary measures out of the way. The blocks need heavy lighting equipment to re-align them. In addition, there is staff time involved to supervise the works.
- 2.8 At the end of the experimental scheme, if decision is taken to close the road permanently to traffic, the money spent on the temporary closure will be additional costs (estimated as £10k) which will be carried forward to permanent closure. Although it is costly to implement a permanent scheme (ie £60k), however, the scheme is financially justified in terms of the cost savings and benefits it provides over the years.

- 2.9 The estimated cost of implementing an experimental scheme is approximately £10k. This does not include any additional costs incurred should temporary measures be maliciously moved.
- 2.10 Officers have discussed the concerns of IVL, including moving the position of the closure point closer to Gerpins Lane with the owner of the Gerpins Farm Airfield. The owner confirmed that they require vehicular access for their visitors to the Little Gerpins Lane and a restriction closer to Gerpins Lane would severely impact their operations. The relocation of the closure would also present operational difficulties in the owners' ability to maintain the boundary hedge of the airfield which is within the flight path of his airfield. Furthermore, in the previous report it was explained that the suggested location would not be safe from the grounds of road safety.
- 2.11 In response to dealing with issues related to gangs using false number plates or stolen vehicles, the Council's Environmental officers have been engaged in special operations in conjunction with the Metropolitan Police and have successfully convicted offenders.
- 2.12 In response to the suggestion that charges for depositing of rubbish at the recycling centres is leading to fly-tipping. Officers confirm that there are no charges set for disposing household waste if members of the public are from one of the Boroughs within the East London Waste Authority (ELWA), which consists of Barking & Dagenham, Havering, Newham and Redbridge. For residents outside of ELWA and for commercial waste disposal, charges apply. The non-resident charge is set by ELWA. The commercial charge is set by Renewi (formerly known as Shanks) who manage the site.

### **3.0 Proposals**

- 3.1 Officers propose to permanently close Little Gerpins Lane at its junction with Berwick Pond Road on the west side as originally set out in the September report. The closed section of the road will only be accessible by cyclists, pedestrians and horse riders. The proposals are shown on drawing No. QQ033-OF-101.
- 3.2 The second closure would be on the south east side of Little Gerpins Lane. The proposed road closure would be situated approx. 58 metres from the north-western kerb line of Gerpins Lane at its junction with Little Gerpins Lane. This closure would permit access to general traffic, mainly the local occupiers. The proposals are shown on drawing No. QQ033-OF-102.
- 3.3 Once the closures are implemented, the Council has proposals to install CCTV enforcement cameras at potential sites where fly-tipping could be displaced following the closure of Little Gerpins Lane. The sites identified being most susceptible to fly-tipping are East Hall Lane, Ferry Lane, Pea Lane, Launderers Lane Little Gerpins Lane and Stubbers Lane. The equipment will be protected from vandalism by installing special anti-climb barriers fitted on the camera masts. In addition, the Council's Environmental team will monitor the sites and reactively respond to any problems arising.

## 4.0 Conclusion

- 4.1 Experimental schemes are generally implemented to monitor and assess the impact of introducing measures on a temporary basis. They also provide the flexibility to modify a scheme during its operation. Different schemes have different forms of impacts and it is imperative to assess them before making the final decision.
- 4.2 The possibility of implementing the proposals under an experimental scheme was considered in details and discounted by officers as not viable. The Council's Environmental officers are aware of the potential locations where fly-tipping could be displaced to once Little Gerpins Lane is closed. The locations will be monitored and CCTV enforcement cameras will be installed as part of post-monitoring to prosecute the offenders.
- 4.3 The Council's Environmental officers and the Metropolitan Police have recommended the permanent closure of Little Gerpins Lane to deal with the issue of fly-tipping, anti-social behaviour and drug abuse. From the environmental perspective the toxins infiltrated into the ground will produce detrimental effects which will only be seen with time. It is, therefore, recommend that the road is permanently closed.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

This report is asking the Highways Advisory Committee to recommend to the Cabinet Member for Environment the implementation of the above scheme.

The estimated cost for implementation of the road closures is £0.06m. The funding for carrying out the works is not yet available but is subject to a separate bid which has been made for corporate capital funds. Stakeholders were made aware throughout consultation that the works would only be carried out if capital funding becomes available but by going through the consultation process in advance, the scheme is ready to be installed as soon as funding is agreed.

The costs shown are an estimate of the full costs of the scheme, should all proposals be implemented. It should be noted that subject to the recommendations of the committee a final decision then would be made by the Lead Member – as regards to actual implementation and scheme detail. Therefore, final costs are subject to change.

This is a standard project for Street Management and there is no expectation that the works cannot be contained within the cost estimate. There is an

element of contingency built into the financial estimate. In the unlikely event of an over spend, the balance could be met from the same budget.

### **Legal implications and risks:**

The Council's power to make an order regulating or controlling vehicular traffic on roads is set out in section 6 of Part I of the Road Traffic Regulation Act 1984 ("RTRA 1984"). Schedule 1 of the RTRA 1984 lists those matters as to which orders can be made under section 6. These include:

*'For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times (Schedule 1, Section 2, RTRA 1984);*

*'The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street or likely to cause danger to passengers or vehicles (Schedule 1, Section 19, RTRA 1984).'*

The installation of traffic feature restricting vehicular use of the road is complaint with the Councils powers under the RTRA 1984.

Before an Order is made, the Council should ensure that the statutory procedures set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 (SI 1996/2489) are complied with. The Traffic Signs Regulations and General Directions 2002 as amended by the Traffic Signs Regulations and General Directions 2016 govern road traffic signs and road markings.

Section 122 of RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. This statutory duty must be balanced with any concerns received over the implementation of the proposals.

In considering any responses received during consultation, the Council must ensure that full consideration of all representations is given including those which do not accord with the officer's recommendation. The Council must be satisfied that any objections to the proposals were taken into account.

In considering any consultation responses, the Council must balance the concerns of any objectors with the statutory duty under section 122 RTRA 1984.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all users. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people with protected characteristics (mainly, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

There will be some physical and visual impact arising from the required traffic signs and road lining works. Where infrastructure is provided or sustainably upgraded, reasonable adjustments should be made to improve access for the disabled, which will assist the Council in meeting its duties under the Equality Act of 2010.

<b>BACKGROUND PAPERS</b>
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None.



## **Appendix 1**

Plans showing details  
of the road closures

## **Appendix 2**

Copy of HAC report  
of 5<sup>th</sup> September 2017