



## Report to Leader (Transport portfolio)

<b>Decision Date:</b>	4 January 2022
<b>Reference number:</b>	TR01.22
<b>Title:</b>	<b>Raised uncontrolled crossing point – Liston Road, Marlow, Buckinghamshire</b>
<b>Relevant councillor(s):</b>	Councillor Steve Broadbent, Councillor Neil Marshall, Councillor Alex Collingwood, Councillor Carol Heap
<b>Author and/or contact officer:</b>	Ian Sharp Highways DM Team Leader Delivery ian.sharp@buckinghamshire.gov.uk
<b>Ward(s) affected:</b>	Marlow
<b>Recommendations:</b>	<b>It is recommended that the Leader approves the build out as approved through the planning process and subsequently approved through detailed technical approval procedure conducted by Highways Development Management.</b>
<b>Reason for decision:</b>	The raised uncontrolled crossing point is condition (3) of the outline planning permission (21/05488/FUL) and has received no objections to the subsequent consultation, required as part of the <a href="#">Highways (Road Humps) Regulations 1999</a> .

### 1. Executive summary

- 1.1 Buckinghamshire Council, in conjunction with Lidl Great Britain Ltd proposes to install a raised uncontrolled crossing point in the publicly maintained section of Liston Road, Marlow. The works will consist of a raised table in the same location as the existing uncontrolled crossing point between the rear of the new Lidl store & Liston Road Car Park. A statutory consultation has been undertaken as required by the [Highways \(Road Humps\) Regulations 1999](#).

## **2. Content of report**

- 2.1 Full Planning Permission reference number 21/05488/FUL secured the works that are to be conducted under a S278 Agreement, this includes detailed design, consultation and if appropriate, the delivery of the raised uncontrolled crossing point in Marlow.
- 2.2 Under the [Highways \(Road Humps\) Regulations 1999](#) the Highway Authority is required to consult the chief of police for the area along with such persons or organisations who use the highway or who are otherwise likely to be affected by the traffic calming work as the highway authority thinks fit. The list of consultees is included as a background paper/appendix to this report
- 2.3 No formal objections were received during the consultation stage although one response from Buckinghamshire Council's Passenger Transport Team was received, which is included as a background paper/appendix to this report.

## **3. Other options considered**

- 3.1 The raised uncontrolled crossing point was proposed by way of mitigation to the development. No alternative has been considered.

## **4. Legal and financial implications**

- 4.1 There will be no direct financial resource implications because the consultation process and highway works are to be funded by the developer.
- 4.2 The Council's main powers in relation to provision of Road Humps are set out in the [Highways Act 1980](#) ("the Act"). Section 90D of the Act allows a traffic authority to install road humps on roads on which they are the traffic authority.

Before carrying out such works, the highway authority is required under section 90C of the [Highways \(Road Humps\) Regulations 1999](#) to consult the chief officer of police about the proposal and to consult such person or organisations representing persons who use the highway or who are otherwise likely to be affected by the works as the highway authority thinks fit.

- 4.3 It has been determined by the courts that to be effective, a consultation must meet the following tests:
  - the consultation must be at a time when proposals are still at a formative stage;
  - the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
  - adequate time must be given for consideration and response; and

- that the product of the consultation must be conscientiously taken into account in finalising any statutory proposals.

It would appear from the content of this report and the background documentation that the above tests were met in this instance.

## **5. Corporate implications**

5.1 All works including this consultation are funded by the developer.

## **6. Local councillors & community boards consultation & views**

6.1 The local members have been consulted during the statutory consultation and support the raised crossing point. Councillor Collingwood states “Thanks for your email just to clear I am also fully supportive as I believe Cllr Heap is”. Councillor Marshall states “Thanks Ian, we have had a brief exchange and support the raised crossing”

## **7. Communication, engagement & further consultation**

7.1 There is no further communication, engagement or consultation proposed.

## **8. Next steps and review**

8.1 All Consultees will receive the outcome in either the manner in which they contacted us or via email.

## **9. Background papers**

- [Full Planning Consent 21/05488/FUL](#)
- [Planning Drawing 5080-0303](#)
- List of statutory consultees for this scheme
- BC Consultation Letter

## **10. Your questions and views (for key decisions)**

10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).