



Delegated Decision report

Date **27 APRIL 2023**

Title **THE ISLE OF WIGHT COUNCIL (RACECOURSE, NEWPORT, ISLE OF WIGHT) TRAFFIC REGULATION PROPOSALS**

Report of **CABINET MEMBER FOR INFRASTRUCTURE, HIGHWAYS PFI AND TRANSPORT**

EXECUTIVE SUMMARY

1. Proposed Traffic Regulation Orders – The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Speed Limits) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Entry) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Right-Hand Turn) Order No 1 2023.
2. This report provides the details of recommendation for introducing restrictions to the moving traffic in Whippingham Road, East Cowes and in Racecourse (A3054), Newport as detailed in **Appendix 1** (Proposals' plan).
3. The old racecourse's land is currently under development and a new football ground will be built on that site. If approved, the proposed restrictions will ensure safe entrance and exit from the football ground once it is commissioned, as follow:
 - 4.(1) The entrance to the ground, coming from East Cowes, will only be possible via the roundabout.
 - 4.(2) The exit from the ground will only allow left turn in order to direct all exiting vehicles to the roundabout.
 - 4(3) The speed limit on the approach to the roundabout from Newport will be lowered in both directions from 50mph to 40 mph.

RECOMMENDATION

5. That the restrictions which are subject to this report in relation to The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Speed Limits) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Entry) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Right-Hand Turn) Order No 1 2023 be approved as proposed.

BACKGROUND

6. The Isle of Wight Council (IOWC), as a Local Highway Authority, has a duty to ensure the expeditious and safe movement of people, services, and goods on the island's highway.
7. The proposals are based on The Planning Application P/01573/17 for developing the land between East Cowes Road and Fairlee Road, to north west of roundabout, Racecourse, Newport, Isle of Wight, PO30.
8. The Planning Application was for a development as follow: new football ground, grandstand and floodlights, clubhouse and associated roads and parking.
9. A Conditional Permission was given on 17 April 2018, subject to a Section 106 Agreement, where the developer agreed to fund the necessary traffic management improvements to the highways.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

10. The proposed new regulations are in line with the IOWC's [Corporate Plan 2021 – 2025](#) and more specifically with its vision and clear aim to work together openly and with our communities to support and sustain our economy, environment and people.

Responding to climate change and enhancing the biosphere

11. The proposals, if implemented, is unlikely to have a measurable positive or negative effect on carbon emissions.

Economic Recovery and Reducing Poverty

12. It is not anticipated that the new regulations would have a direct impact on reducing the number of residents living in poverty.

Impact on Young People and Future Generations

13. The proposals, if implemented, is unlikely to have a measurable positive or negative effect on young people and future generations.

Corporate Aims

14. The key priorities within the plan, that this report is supporting are: 'Listen to people' – a 28-day island wide consultation was conducted.

CONSULTATION

15. Following the legal TRO making process and its requirement for a Formal Consultation, public Notices, outlining the proposals and inviting public comments, were published in the Isle of Wight County Press on 27 January 2023. Notices and plans were also displayed on-street for a period of 28 days, which is a week longer than the legally required 21 days. The closing date for representations was 24 February 2023.
16. The Authority received 19 valid representations in total (including two from non-island residents), 10 of which were in support and nine objected the proposals.

17. All representations can be found in the **Background paper** (Planning Permission).

FINANCIAL / BUDGET IMPLICATIONS

18. The total estimated cost of making of the TROs and implementing the recommended changes on the highway will be covered by the developer.

LEGAL IMPLICATIONS

19. The Statutory Authority for making new TROs is contained within the Section 1 (1) of the Road Traffic Regulation Act 1984:
- (1) The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a “traffic regulation order”) in respect of the road where it appears to the authority making the order that it is expedient to make it
- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
 - (b) for preventing damage to the road or to any building on or near the road, or
 - (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - (f) for preserving or improving the amenities of the area through which the road runs, or
 - (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
20. Orders are progressed in accordance with the Local Authority’s Traffic Orders (Procedure) (England and Wales) Regulations 1996.
21. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
22. The council is under a duty pursuant to Section 16 of the Traffic Management Act 2004 to manage their road network, whilst having regard to their other obligations, policies and objectives at the same time, with a view to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

23. Consideration will need to be given to the duty under Section 122 of the Road Traffic Regulation Act 1984 when deciding whether to make, or to refuse to make a traffic regulation order.
24. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the council must have regard to the:
 - (a) desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run;
 - (c) any strategy prepared under section 80 of the Environment Act 1995 (the national air quality strategy);
 - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
 - (e) any other matters appearing to the local authority to be relevant.
25. Regulation 13 of the 1996 Regulations confirms that before making an order, the traffic authority shall consider all objections duly made to the TROs that have not been withdrawn.
26. The validity of any traffic regulation order made by the council can be challenged by application to the High Court within six weeks following the date the order on the grounds identified in paragraphs 35-36 of Schedule 9 to the Road Traffic Regulation Act 1984.
27. The Court has the power to suspend an order or any of its provisions until the final determination of the proceedings.

EQUALITY AND DIVERSITY

28. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
29. Under the Equality Act 2010 the Council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies.
30. Due regard to the Council's responsibilities under the Equality Act 2010 has been given at the formative stage of this proposal. An Equality Impact Assessment form has been completed in **Appendix 2** (EIA form).

OPTIONS

31. Option 1: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Speed Limits) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Entry) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Right-Hand Turn) Order No 1 2023 as proposed.
32. Option 2: Not to approve the restrictions that are subject to this report in relation to The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Speed Limits) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Entry) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Right-Hand Turn) Order No 1 2023, and to abandon the proposal.
33. Option 3: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Speed Limits) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Entry) Order No 1 2023; The Isle of Wight Council (Racecourse, Newport, Isle of Wight) (Prohibition of Right-Hand Turn) Order No 1 2023 with amendment.

RISK MANAGEMENT

34. A risk has been identified to pedestrians and cyclists, emergency access, safe and free movement of traffic once the new football ground is commissioned. The TRO proposals, if implemented, will ensure safety for all road users, whilst securing the movement of the traffic.
35. The Authority will monitor the impact of the changes and review the restriction if necessary.

EVALUATION

36. Option 1: To approve as proposed - The road safety and highway engineers in Island Roads strongly advised the approval on grounds of safety.
37. Option 2: Not to approve and to abandon the proposals – The road safety and highway engineers in Island Roads strongly advised against this option on grounds of safety: once a safety risk on the highway has been identified, the Local Highway Authority has an obligation to address it.
38. Option 3: To approve with amendment – The road safety and highway engineers in Island Roads advised against this option on grounds of safety: once a safety risk on the highway has been identified, the Local Highway Authority has an obligation to address it.

APPENDICES ATTACHED

- 39. Appendix 1 - Proposals' plans
- 40. Appendix 2 – EIA form

BACKGROUND PAPERS

- 41. [Planning permission](https://www.iow.gov.uk/documentlibrary/view/new-football-ground-tro-background-paper-final) at <https://www.iow.gov.uk/documentlibrary/view/new-football-ground-tro-background-paper-final>

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