
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	16 April 2002	CATEGORY: DELEGATED/
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	Tony Burdett	DOC:
SUBJECT:	Footpath Link at Woods Meadow Elvaston	REF: 9/0796/0290/D
WARD AFFECTED:	Elvaston	TERMS OF REFERENCE:

1.0 Reason for Exempt (if appropriate)

1.1 Open

2.0 Recommendations

2.1 That no further action be taken and the footpath link is retained.

3.0 Purpose of Report

3.1 To seek the Committee's instruction in respect of a change to approved plans by the physical closure of a footpath link connecting the development to local facilities in Derby City Council's administrative boundary.

4.0 Executive Summary

4.1 Complaints have been received to the effect that the footpath link formed within the housing development has attracted crime to the Woods Meadow estate. On this basis it is requested that the footpath be sealed up and the Parish Council supports this request. Closure of the path would, it is alleged, preclude safe and convenient access to nearby local facilities and frequent bus services in to the city.

4.2 The Highway Authority and the City Council value the link and wish to see its retention.

5.0 Detail

5.1 Outline permission was granted in 1995 (9/0295/0892/O). Access to the site would be gained from the realigned Snelsmoor Lane after construction of the A50 Derby Southern Bypass. Approval of reserved matters was granted in February 1997 (9/0796/0290/D).

5.2 Concerns had been raised by the Highway Authority and Derby City Council about the provision of pedestrian links into the city. Following negotiation the applicant

agreed to provide a footpath link from the development that would cross a piece of open land in the adjacent Castle Court development in the city. The application was approved on the basis of the amended plan showing the footpath link. This would provide a convenient route to the shops and public house in Bembridge Drive at a distance of some 300m from the site. The alternative route involving the use of grass verges along Snelsmoor Lane and the A6 would amount to a distance of some 950 m and be less attractive to prospective users.

- 5.3 Insofar as it is within the South Derbyshire the footpath was provided concurrent with the approved residential development, surfaced and with street lighting. The remainder of the path within the city has recently been constructed and the link is now complete.
- 5.4 There is a two-way 15 minute bus service in Bembridge Drive, giving an effective 8 buses per hour in to the city compared with 2 per hour on Shardlow Road (A6).
- 5.5 The City Council granted planning permission for the section of the footpath in its area in July 2000, following protracted discussion over land ownership and rights of way.
- 5.6 Complaints about incidences of crime and general nuisance in the area were received in the middle of last year. It is alleged that the perpetrators were attracted by and used the footpath link. The problem became manifest when the pre-existing fence at the city boundary was removed. Requests were made to close the path.
- 5.7 Following complaints in respect of incidences of crime in the area Elvaston Parish Council has written in the following terms:
 - a) Local residents on the Woods Meadow estate have endured multiple misdemeanours by adolescents and children from off site who have gained access via the subject pathway.
 - b) Derby City Constabulary polices the area. Despite diligent endeavours to contain the problem there continue to be recurrences.
 - c) The Parish Council has conducted a ballot of the area. Responses were received from 31 houses (39%). Of 59 votes 88% voted for closure of the path and 12% to keep it open.
 - d) The Parish Council supports the requests of residents to close the path.
- 5.8 The Highway Authority makes the following comments:
 - a) The Highway Authority requested that the route be provided to enable a safe and direct pedestrian access to the shops and other services in Bembridge Drive, without having to cross the A6 Shardlow Road, which is also a much longer route.
 - b) Closure of the path would deprive residents of this choice of shorter route and is likely to lead to an increase in car journeys.
 - c) Before the footpath link was fully provided the separating fence was broken down, thus allowing unofficial usage by pedestrians. If the path were to be closed the fencing would have to be very well maintained to prevent this being repeated.
- 5.9 Derby City Council maintains its view that it is desirable to provide the footpath link. The footpath would provide reasonably convenient access to the nearest shops, pub and bus service. The higher frequency of buses into the city from Bembridge Drive is felt to be important. Steps should be taken to finish the link. Reference is

made to correspondence between the City Council and Mark Todd MP on the matter.

- 5.10 The closure of the path would eradicate any possibility of a convenient footpath link to the services in Bembridge Drive. Government policy in PPG3 and PPG13 strongly encourages provision for people on foot and good access to bus services. Closure of the link would clearly be counter this guidance. Furthermore those pedestrians who currently use the link would be forced to use a less commodious route or travel by car.
- 5.11 The crime problems encountered by local residents are rightly a matter for the police. The closure of the path is only likely to transfer problems elsewhere.
- 5.12 If it is resolved to close the path there will be a residual problem of a spur of metalled and lit footpath that leads to nowhere, along with potential problems for maintenance of any fence at the city boundary. It is unlikely that such a spur of footpath would be considered for adoption. The developer would also need to be persuaded to bear the cost of any restoration works and there could be no compulsion in this regard.

6.0 Financial Implications

- 6.1 Given that the developer could not be compelled to fund the closure of the path the Council could come under pressure to do so.

7.0 Corporate Implications

- 7.1 None

8.0 Community Implications

- 8.1 The closure of the path would preclude the chance to provide a link to facilities and bus services.
- 8.2 The removal of the link may address the concerns of local residents concerning crime and disorder.

9.0 Conclusions

- 9.1 The closure of the footpath would result in inconvenience to pedestrians and potential detriment to safety as pedestrians would need to use grass verges and/or cross the A6 to gain access to a footway.
- 9.2 Furthermore the proposal would be contrary to current government advice in PPG3 and PPG13 that seeks to minimise the need to travel by private car and to link development with public transport. The police are currently addressing the problem of crime. The potential to reduce crime by closure of the path is outweighed by the need to maintain good pedestrian access to the local facilities and frequent bus services.

10.0 Background Papers

- 10.1 Planning application file 9/0796/0290/D

