

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL
SUBJECT:	OPTION TO MODIFY THE DEFINITIVE MAP AND STATEMENT BY ADDING A FOOTPATH
DATE OF DECISION:	15 FEBRUARY 2011
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY
STATEMENT OF CONFIDENTIALITY:	
N/A	

BRIEF SUMMARY

As a consequence of Panel's determination of a Schedule 14 Application at its meeting 23rd November 2010, (item 13; minute 93), the Rights of Way Officer was tasked to prepare and present to Panel a report on the alternative courses of action that:

- ◆ addressed the matter of public safety in and around the site of the footpath; and
- ◆ adds a public right of way footpath to the Definitive Map and Statement.

This Report introduces two Appendices:

- ◆ Appendix 1: Investigation Report into Pedestrian Safety at and across the Delivery Service Area off Lord's Hill Centre East; serving those businesses within Units 1 to 17 Lord's Hill District Centre, ("The Safety Report").
- ◆ Appendix 2: Investigation Report into Options that add the right of way footpath, at the rear of Lord's Hill District Centre, to the Definitive Map and Statement, ("The Options Report").

RECOMMENDATIONS:

- (i) That Panel accepts the conclusions contained in the Safety Report, (Appendix 1), in that whilst there were risks associated with use of the original footpath, these were minimal and not as severe as to warrant its closure.
- (ii) That Panel agrees to the recommendation made in the Options Report, (Appendix 2), in that the original route, now designated a public right of way footpath, be diverted to an alignment, as illustrated on plan1 contained within that report.
- (iii) That Panel authorise the Head of Legal Services to make a Combined Public Path Diversion Order.

REASONS FOR REPORT RECOMMENDATIONS

1. To comply with Panel's directive at its meeting 23rd November, to prepare and report to Panel on the two issues of pedestrian safety and options available to update the Definitive Map and Statement.

DETAIL (Including consultations carried out)

Consultations

2. This report has been sent to officers within Legal, Finance, Travel and Transport Policy and the Cabinet Member with Portfolio for Environment and Transport.
3. A draft copy of both Supplementary Reports, (Appendices 1 and 2) was sent to the representative of the land owner / land occupier for comment.

Alternative Options

4. There were no alternatives regarding the directive from Panel requesting this report and its appendices.
5. The Options Report, Appendix 2, details the two alternatives that meet the aims referred to above, (paragraph 1), and a final recommendation for Panel to consider (paragraphs 3(ii) and (iii)).

Background

6. At its meeting on 23rd November 2010 (item 13) Panel resolved that a public right of way subsists over a specified route and had accrued public right of way status by presumed dedication, as defined in Section 31 of the Highways Act 1980, and that it should be added to the Definitive Map and Statement.
7. Discussion centred on what options would best serve the two issues of public safety and what options were available that addressed that issue and recorded the right of way on the Definitive Map and Statement.
8. As a consequence, the Rights of Way Officer was tasked in producing and presenting to Panel a report on these matters

Investigation; Safety

9. The investigation looked into three themes:
 - i. Statistical data relating to reported / known incidents / accidents that have occurred in and around the Service Area;
 - ii. Vehicular Traffic movement to and from the Service Area; and
 - iii. Statistical data relating to pedestrian use of the footpath.
10. The conclusions, based on the lack of or minimal available statistical data, are that:
 - ◆ there has not been any serious incident or number of incidents to warrant the obstruction of the footpath;
 - ◆ any inherent risk in using the original route had been accepted by users, irrespective of increased traffic movement over the last 25 years and therefore;
 - ◆ the risks associated with traffic movement, considered as high importance by the land owner / occupier, were not so severe as to warrant the closure of the route.

Investigation; Options

11. The investigation identified two possible courses of action;
 - ◆ To create a footpath that lies parallel to and alongside the southern side of the entrance. The diverted right of way to be added to the Definitive Map and Statement by means of a Combined Public Path Diversion Order; or
 - ◆ To re-establish the original route to a standard that was recorded in October 2009, but with additional improvements, including the re-siting of the brick storage compound that lies just inside the entrance. The original alignment of the right of way to be added to the Definitive Map and Statement by means of a Definitive Map Modification Order.
12. The diversion of the route onto a new footpath meets both aims and concentrates all works in and around one site with little interference to the continual traffic movements in and about the extant access.
13. The re-establishment of the original footpath, together with any agreed improvements would necessitate the additional costs of relocating the storage compound, (owned and administered by Corporate Portfolio), and the interruption to the continual use of the access.

RESOURCE IMPLICATIONS

Capital/Revenue

Capital: None

Revenue:

14.
 - ◆ In considering the original application, any financial implications were not taken into account, as the Council had a statutory duty to determine the application.
 - ◆ The recommendations would necessitate costs of the making of the Combined Public Path Diversion Order being met by this Council, for which only the Highway Authority can apply.
 - ◆ Funding for the rights of way service is currently contained within the Environment and Transport Revenue Estimates, under the Planning and Sustainability Division.

Property/Other

15. If Panel disagrees with the recommendation and opts to have the original footpath re-established, Corporate Portfolio will need to agree to the relocation of the storage compound with the additional responsibility of having the area re-registered in its Title and that of the surrounding Titles through H.M. Land Registry at Weymouth.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

16.
 - ◆ Section 53(5) of the Wildlife and Countryside Act 1981
 - ◆ Sections 53(2) and (3) of the Wildlife and Countryside Act 1981

- ◆ Schedules 14 and 15 of the Wildlife and Countryside Act 1981
- ◆ Section 31 of the Highways Act 1980
- ◆ Sections 116 and 117 of the Highways Act 1980

Other Legal Implications:

17. None

POLICY FRAMEWORK IMPLICATIONS

18. The proposals and recommendations are not covered in the Policy Framework but as a direct result of applying the statutory duties contained within Highway and Rights of Way Legislation.

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Investigation Report into Pedestrian Safety at and across the Delivery Service Area off Lord's Hill Centre East; serving those businesses within Units 1 to 17 Lord's Hill District Centre
2.	Investigation Report into Options that add the right of way footpath, at the rear of Lord's Hill District Centre, to the Definitive Map and Statement

Documents In Members' Rooms

1.	N/A
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	NO
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	N/A	
Integrated Impact Assessment and Other Background documents available for inspection at:		RIGHTS OF WAY SECTION, ONE GUILDHALL SQUARE
WARDS/COMMUNITIES AFFECTED:		COXFORD