

TYNEDALE LOCAL AREA COUNCIL

DATE: 10 APRIL 2018

RESPONSE TO PETITION OBJECTING TO THE CLOSURE OF PUBLIC FOOTPATH NO 22 TO PREVENT DANGER TO THE PUBLIC ARISING FROM CONSTRUCTION ACTIVITY

Report of Director of Local Services and Housing: Paul Jones

Cabinet Member for Environment and Local Services: Glen Sanderson

Purpose of report

To acknowledge the petition received objecting to the temporary closure of public footpath no. 22 Parish of Prudhoe and to inform the Local Area Council of the reasons for the closure and the steps to be taken by the Council and the developer to mitigate the closure when safe to do so.

Recommendations

The Council will continue to liaise with the developer (Gentoo Homes Ltd) during the course of the temporary closure to identify occasions when the public would not be endangered by construction works and the temporary closure could be temporarily suspended.

Link to Corporate Plan

This report is relevant to the following priorities included in the NCC Corporate Plan 2013-2017:

- **Places and Environment** - Managing our Streets and Spaces. We want to restore local pride in our neighbourhoods and villages. We will do this by continuing to find cost-effective ways to maintain our highways and keep our roads open in bad weather.
- **Stronger communities and families** - Our aim is to ensure that all residents genuinely feel safe, belong, and have a say in how the county is run, and to provide a range of quality community and cultural services and facilities which inspire creativity and participation.

1. KEY ISSUES

- 1.1. A petition of 208 signatures has been received objecting to the continued temporary closure to prevent danger to the public of public footpath no. 22 Parish of Prudhoe
- 1.2. The petitioners are requesting that the Council revoke the current excessive and unreasonable temporary closure; require Gentoo to provide safe access across the site; and significantly reduce any future temporary closure periods.
- 1.3. The footpath was originally closed by the Council under the provisions contained in Section 14(1) of the Road Traffic Regulation Act 1984.
- 1.4. The original temporary closure was extended, at the request of the Council, by the Secretary of State until the 30 April 2019.

2. BACKGROUND

- 2.1. Public footpath no. 22 crosses the site that was formerly occupied by Prudhoe Hospital. It is nearly a kilometre in length and runs from Park Lane, Prudhoe in an easterly direction through the former Prudhoe Hospital to the County boundary on the Stanley Burn where it connects to other public footpaths. These other footpaths are available for public use but cannot currently be accessed by public footpath no. 22.
- 2.2. In 2014 planning permission was granted for the demolition of non-listed buildings and the construction of 392 houses and associated access, landscaping and infrastructure works on land which was previously occupied by Prudhoe Hospital and crossed by public footpath no. 22.
- 2.3. At the end of 2016 site works for the new development commenced and Gentoo Homes made an application to the Council under the provisions of Section 14 of the Road traffic Regulation Act 1984 for the temporary closure of the public footpath. The application was for a period of 6 months, which is the maximum amount of time for which the Council can make an order for a public footpath (S15.1(a) Road Traffic Regulation Act 1984).
- 2.4. Extensions to temporary closures of public rights of way can be made by the Secretary of State on application by the Council for further periods. The Council made an application to extend the closure to October 2017 and then

requested a further extension to 30 April 2019 which was approved by the Secretary of State on 11 October 2017.

- 2.5. The Council decided to request a closure through to 30 April 2019 because it was aware that this is a major development site and it was likely that Gentoo Homes would be making repeated requests on six monthly intervals to close the right of way to prevent danger to the public. At the same time Gentoo Homes agreed that it would seek to open the public right of way at times when it was safe to do so during the closure period. This approach has helped to reduce the administrative burden and cost associated with making repeated applications to the Secretary of State for the temporary closure of public rights of way on major development sites.

Impact of the temporary closure on members of the public

- 2.6. Public footpath No. 22 is a well used public footpath by local residents and provides a good link to other public footpaths along the Stanley Burn and connections into Gateshead. For residents who live on the housing estates to the south-east of Prudhoe the closure of the footpath is undoubtedly an inconvenience. Users from this area who wish to access the other footpaths around the Stanley Burn will need to walk further distances to do so using public roads. However, there is a good network of footpaths to the west which do serve as alternative recreational routes while the footpath is closed.

The need for the temporary closure

- 2.7. The Council and the Secretary of State is able to temporarily close public rights of way where works are being or are proposed to be executed on or near the public right of way **or** because of the likelihood of danger to the public. The Council and the Secretary of State are satisfied that these conditions exist and that the temporary closure is necessary for the duration of the construction works.

Mitigating circumstances

- 2.8. The development on site has commenced in accordance with the planning permission and the developer is acting in accordance with conditions for the development of the site including the temporary closure of the public footpath.
- 2.9. Nevertheless, in recognition of the importance of the footpath to local residents the Council is seeking to ensure that the footpath will be made available to the public when the developer is satisfied that no danger to the public exists during the course of the temporary closure. Currently it has not

been deemed safe to open the footpath for any temporary period and it has therefore remained closed. It is anticipated that the footpath will be able to be used by the public for a temporary period in the spring of 2018 once one phase of development has been completed in the vicinity of the footpath and before other works commence.

2.10. The developer or the Council is unable to give assurances far in advance of periods when the path may be available for public use during the period of the temporary closure. This is because of uncertainty associated with the timing of the development phases on site. However, in discussion with Gentoo Homes it has been agreed that:

- Gentoo Homes will work with its groundworks contractors to identify a start date for the reconstruction of the first section of the public footpath no. 22
- Once the date is known the information will be communicated to the Council, local County Councillors and Prudhoe Town Council
- Gentoo Homes will aim to produce their next newsletter prior to the temporary re-opening of the footpath and deliver this to homes in the area

3. CONCLUSIONS

3.1. The Council recognises that the temporary closure of the footpath is an inconvenience to local residents of Prudhoe who have previously enjoyed this recreational asset as of right. It is also acknowledged that the size and nature of the development that has planning permission at the former Prudhoe hospital requires the closure of a footpath for an extensive period in a location where there were no options available for a temporary alternative route.

3.2. Balanced against this is the fact that this is a major development site and that the developer has a right to request the closure of the footpath to enable their project to be delivered in a safe manner.

3.3. The Council is satisfied that the closure of the path is necessary but will continue to work with Gentoo Homes to secure periods during the construction phase when the closure can be temporarily suspended.

Policy	The closure of the footpath is in accordance with Council Policy and procedures for public rights of way affected by development.
Finance and value for money	n/a
Legal	Correct legal procedure has been followed.
Procurement	n/a
Human Resources	n/a
Property	n/a
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	n/a
Risk Assessment	The reason for the closure is to avoid danger to the public.
Crime & Disorder	n/a
Customer Consideration	The closure has inconvenienced the public. The Council and Developer will seek to open the footpath during periods when it is safe to do so.
Carbon reduction	n/a
Wards	Prudhoe South

Consultation

Gentoo Homes have been consulted on the petition and their views sought.

Background papers:

None

Report sign off.

Senior Officer	Initials
Finance Officer	
Monitoring Officer/Legal	
Human Resources	
Procurement	
I.T.	
Executive Director	PJ
Portfolio Holder(s)	GS

Author and Contact Details

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Appendices

None