

## NORTHUMBERLAND COUNTY COUNCIL

### PETITIONS COMMITTEE

At a meeting of the **Petitions Committee** held on Wednesday, 27 October 2022 at 2.00 p.m.

#### PRESENT

Councillor R. Dodd  
(Chair, in the Chair)

#### MEMBERS

Ball, C.  
Bowman, L.  
Cessford, T.  
Flux, B.

Reid, J.  
Scott, A.  
Swinburn, M.

#### CABINET MEMBERS

Horncastle, C  
Pattison, W.  
Riddle, J.

Community Services  
Adults' Wellbeing  
Local Services

#### OFFICERS IN ATTENDANCE

R. Murfin

Interim Executive Director of  
Planning & Local Services,  
Regeneration, Commercial &  
Economy

J. Murphy

Development Management Area  
Manager (South East)

N. Turnbull

Democratic Services Officer

Councillor Jones was also in attendance.

#### 1. MEMBERSHIP AND TERMS OF REFERENCE

The Membership and Terms of Reference, as agreed by Council at the meeting on 4 May 2022, had been circulated for information.

**RESOLVED** that the Petition Committee's membership and terms of reference, as agreed by Council on 4 May 2022, be noted.

Ch.'s Initials.....

## 2. MINUTES

Councillors Swinburn reported that he had been in attendance at the previous meeting on 26 January 2022.

It was noted that Councillor Flux had been marked in attendance whilst his apologies were also recorded. He queried whether he had been present at the meeting due to his familiarity with the item. This would be checked.

**RESOLVED** that the minutes of the meeting of the Petitions Committee held on Wednesday, 26 January 2022, as circulated, be confirmed as a true record and signed by the Chair, subject to the above verification and amendments.

## 3. REPORT OF THE INTERIM EXECUTIVE DIRECTOR OF PLANNING AND LOCAL SERVICES

### 3.1 Petition Against On-Going Planning Issues of Pedestrian Safety and Access to Local Services at Arcot Manor/The Fairways, Cramlington

The Petitions Committee were requested to acknowledge the petition received from residents of Arcot Manor/The Fairways in respect of on-going planning issues and to agree the Council's response. (A copy of the report is enclosed with the signed minutes).

Julia Dowd, the lead petitioner, addressed the Committee and made the following comments:

- Up until May 2022 residents had access to beacon Lane via an unrestricted dirt path.
- Without warning the path was blocked by the developers so that building work for the next phase of the development could commence. No alternative path was created to enable residents to access Beacon Lane. They now did not have safe access by foot to any local services.
- Concerns had been raised with the Council, developers and MP in May but no progress had been made to allow residents to safely exit the development on foot. More than 1,000 residents were affected with more moving in each month.
- The state was accessed from Fisher Lane which had a 50mph speed limit and no footpath. A bend in the road before the crossing creates poor visibility for pedestrians and motorists with the line of sight being even more restricted when there was a bus at the bus stop.
- The speed was often exceeded by motorists to get in front of other vehicles before the road merges into a single lane carriageway. There had been several accidents and near misses due to the poor design of the roundabout and position of the crossing points to access the bus stop on the other side of the road.

- Not all residents had access to cars and relied on local bus services to access local services including school children, wheelchair users and the partially sighted.
- There were no signs asking motorists to slow down or make them aware of the pedestrian crossing which made the crossing unsafe for all users.
- Residents were entering and leaving the state via the grass verges or by walking on the road often with traffic approaching behind them including families with small children and pushchairs.
- A response from Rob Murfin in June suggested that residents be mindful of their travel choices when leaving the estate. Some had no choice but to walk along Fisher Lane, should their safety be of less concern?
- Given the cost of living and environmental crisis, was it acceptable that the only safe option for residents was to leave the estate by car or pay bus fares. For some this was an unaffordable expense. The situation was impacting hundreds of residents including those in social housing and on low incomes.
- If a pedestrian is hit at 40mph they have a 90% chance of dying. Residents were expected to cross and walk on a 50mph road. How long would it be until somebody died and when it happened, who should be blamed?
- The defense repeatedly given was that there were mistakes in the planning agreement which was under a previous administration and not the fault of current representatives. Should they not improve or be better than seeking change or resolution?
- Recently Cramlington Town Council celebrated improvements to play areas which cost £180,000. Residents of Arcot Manor/The Fairways made a contribution via their Council Tax and received nothing in return as they had no path or play areas.
- Parents were terrified but had no choice to allow children to access their local school by bus, particularly during the winter months when mornings and evenings were dark.
- Pupils would love to participate in 'walk to school' initiatives but could not safely do so on this estate.
- A Travel Choices leaflet recently circulated by Persimmon and Belway encouraged walking and cycling from the estate but there was no safe way to do so. Whilst there were a number of issues with the estate, the safe crossing point and path connecting residents to local services was the most pressing.
- Whilst the Section 106 agreement stated that there be planned connectivity to Beacon Lane when there were 800 dwellings. Reference was made to travel plan measures 24, 27, 28 and 29 that prior to occupation and from first occupation and ongoing:
  - 'A permeable network of pedestrian routes linking the development with wider services.'
  - 'Developer to contribute to improve pedestrian links from the development to schools/town centre/Public Rights of Way.'
  - 'The TPC will facilitate the establishment of measures to encourage walking' and

- 'The needs of people with impaired mobility will be considered as appropriate.'
- The Section 106 Agreement has been contravened in respect of the Travel Plan Measures and how would this be remediated.

She asked how soon improvements could be made.

Judith Murphy, Development Management Area Manager (South East) explained that permission had been granted in approximately 2015/2016 for development of Cramlington's South West Sector by different developers.

None of the issues raised by the lead petitioner were disputed. On reflection the trigger points within the Section 106 Agreement for connectivity and pedestrian and cycle access to local services within the development were too late. Officers would ensure that this was not repeated at future developments.

She confirmed that the developers were working within the terms of the trigger points within the Section 106 Agreement and were not in breach of them at this stage. They were in discussions with Persimmon who were amenable to looking at the connectivity issues and footpath links to see what could be brought forward of what was stipulated within the terms of the Section 106 Agreement. Health and safety needed to be taken into consideration given that building work was taking place on the site which might prevent the footpath access to Beacon Lane. Funding was also a separate issue. However, they were willing to discuss what infrastructure improvements could be made and these were ongoing. Whilst the Highways Development Manager had recently left the Council's employment the discussions would be continued by a colleague.

The Interim Executive Director of Planning and Local Services explained that due to site cash flow, developers generally offered more money for Section 106 Agreements if they were tied to trigger points, such as the 400<sup>th</sup> or 800<sup>th</sup> house as opposed to more money up front.

In addition to reviewing whether any works could be brought forward, they would also look to see whether any temporary works could be carried out as an interim measure as there could be technical issues of implementing final solutions early before the work on the estate was completed. Any interim arrangements for temporary footpaths would require design work. He confirmed that, if necessary, he would raise the issue with Persimmon's Chief Executive and Regional Director.

Councillor Flux spoke as the local member who also lived nearby. From his recent experience of the work undertaken by developers at the St Nicholas' Manor site, he was skeptical of the timeframe in which infrastructure works would be carried out. He suggested that it would be helpful if the actions identified within the report were assigned dates. He was in regular communication with officers on the matter and hoped that a solution could be found as soon as possible.

The Interim Executive Director of Planning and Local Services agreed to provide a report or update as soon as a programme timetable was developed.

Several of the members expressed their frustration and raised the following issues:

- The roundabout next to the estate entrance was badly designed and it was queried whether any improvements could be made to the design to encourage the speed limit to be observed.
- The original Section 106 Agreement for the state had been reduced by £1 million due to affordability. However, reference was made to the recent half year profits being posted by the developers and salaries. The infrastructure was required for the residents of the development and the town.
- Officers needed to hold developers to account as it was unfair to residents to pay thousands of pounds for new homes when promises were not fulfilled.
- Whether a temporary footpath could be constructed with 'Heras type' fencing before the permanent solution could be implemented.
- Issues arose at every development whether it be safe crossings, footpaths, bus services etc.
- Whether work could be carried out and the cost recovered from the developers at a later date. It would be preferable for the developers to undertake the work as recovery could be difficult.

In answer to questions from Members, it was confirmed that:

- The footpath that had been closed had been an informal path and was not a public right of way. This would be double checked.
- A review of the Section 106 Agreement process had been undertaken with a more structured approach having been implemented.
- The new Local Plan had required that the infrastructure costs of all development sites be calculated, which had been the subject of a Public Inquiry. From the plan's adoption in March 2022, if developers raised unaffordability as an issue, planning permission could be refused to ensure policy compliant schemes.
- Significant housing development had taken place since 2016 under the previous out of date local plan and the permission had to be granted due to not having a 5-year housing land supply, unless there was a good reason to refuse.
- Email correspondence from Persimmon to the lead petitioner had confirmed that they could not allow public access to Beacon Lane due to construction works being undertaken. The land was private, they apologised if the closure caused any inconvenience, but it was necessary to keep members of the public safe.
- Residents needed to cross Fisher Lane to access bus services.
- Officers would investigate whether LTP funding could be utilised to carry out part of the work and the monies from Persimmon be used for another scheme when the trigger for the release of the funds was reached.

The lead petitioner thanked the Petitions Committee members for their consideration of the issue. Parents were extremely worried about school children having to cross the road without any warning signs being in place that there was a pedestrian crossing and that vehicles should slow down. She queried why the lack of compliance with the travel plan measures did not mean the Section 106 Agreement had been contravened. She asked if a gravel path on Fisher Lane, a 50mph road, could be installed to keep residents safe.

Councillor Flux confirmed that he had requested safety features on Fisher Lane adjacent to The Fairways/Arcot Manor development as part of his Local Transport Plan submission and the decision was awaited in the next few months.

The Interim Executive Director of Planning and Local Services agreed to highlight the request to the LTP team. He confirmed that the matter was being taken seriously and they would do their best to ensure that the issues were resolved. As Local Planning Authority, they dealt with more than 6,000 applications each year and unfortunately problems were experienced with a few legacy sites and unforeseen circumstances.

The Chair confirmed that if no progress was made within a reasonable timescale, the matter be brought back to the Petitions Committee.

**RESOLVED** that the Petitions Committee noted

- a) The issues raised in the petition.
- b) The explanation of the role of planning.
- c) The actions the Planning Service will undertake to resolve all outstanding matters with a timetable for completion including investigation of whether the triggers within the Section 106 could be brought forward or interim arrangements implemented.
- d) A progress update be sent to members of the Petitions Committee via email as soon as available including the lead petitioner.

#### **4. DATE OF NEXT MEETING**

The next meeting would be held on Thursday 26 January 2023 at 2.00 p.m.

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_