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## Meeting of Executive Members for City Strategy and Advisory Panel

7 June 2006

Report of the Director of City Strategy

### **Public Rights Of Way - Petition Seeking Closure of a Snicket Leading from Stratford Way, Huntington, onto New Lane**

#### **Summary**

1. This report advises the Executive Member of the receipt of a petition signed by 70 residents living in Stratford Way, Huntington, requesting the closure of a snicket leading from Stratford Way onto New Lane, because of problems with criminal activity and anti-social behaviour. The origins of the snicket, its' purpose and usage are described, together with alternative routes. The appropriate legislation is also set out, together with the consultation undertaken. Options are presented and analysis of these concludes with a recommendation that the snicket remains open for public use, including the installation of combined vehicle/pedestrian access gates.

#### **Background**

2. The snicket in question is an adopted highway in the control of City of York Council and is therefore a public right of way. Its purpose is to provide both an emergency vehicle access and route for pedestrians from New Lane, Huntington into Stratford Way, which is a cul-de-sac (see plan 1 in Annex 2).
3. To comply with the City of York Council Highway Design Guide, one of the conditions of granting planning permission for the Stratford Way development was the provision of an emergency vehicle access link onto New Lane. Without this access point, the emergency services would only have one way into Stratford Way, from Huntington Road. Other streets within this development are Alderley Court, Aylesham Court, Stow Court and Hazelmere Court. These are also cul-de-sacs branching off from Stratford Way.
4. Whilst there is no definitive legislation relating to the provision of emergency vehicle access links on new developments, guidance is laid out in a number of best practice documents including Design Bulletin 32, produced by the Department for Transport and in our own Highway Design Guide which has been before members and approved as policy on new residential schemes.
5. The need for a separate means of emergency vehicle access is triggered by the number of units on a residential development and is also guided by the

design of the proposed layout. Stratford Way is a linear estate road in the region of 550m long serving 81 properties, which is accessed from Huntington Road.

6. The emergency services are required to respond to incidents within times recommended by the Home Office. The extinguishment of highway rights over the link, will result in emergency vehicles which are responding to an incident at the end of Stratford Way, having to travel an extra 742m along traffic calmed routes. The possibility of highway works or another incident precluding access to Stratford Way should also be considered which due to its layout, would hinder any access to the end of Stratford Way.
7. The snicket in question also doubles as a valuable route to improve accessibility to the estate for those walking, cycling and using public transport. This link ensures that households on Stratford Way are within a 400m walk of public transport facilities (see plan 2 in Annex 2, which shows the nearest two bus stops in New Lane at 99m and 125m) as recommended in the best practice document 'Providing for Journeys on Foot' and policies as set out in our 'Draft Local Plan'.
8. The snicket in question provides a short cut to the local shopping complexes for pedestrians and cyclists, as well as a short cut for employees of Portakabin and other businesses at Monk's Cross Industrial Estate. This is in keeping with the Council's policy to reduce car usage. It is also one of the safe routes to school for pupils attending Huntington Secondary School.
9. Approximately 2 years ago, City of York Council Transport Planning Unit installed metal barriers to prevent unauthorised vehicular access (see photographs in Annex 3). This was done as a result of a request from Cllr Keith Hyman in response to residents' complaints of similar problems. These barriers comply with legislation relating to disabled access, unfortunately, they are not removable and therefore could constitute an unlawful obstruction, as in an emergency, they would have to be removed by the use of cutting equipment.

## **The Petition**

10. The petition, a copy of which is attached to this report in Annex 5, was presented to the meeting of the full Council on 24 January 2006, by Cllr Keith Hyman. It was referred to 'the Executive or appropriate Committee' for consideration.
11. The petition is signed by 70 residents of 45 dwellings out of a possible total of 85 dwellings in this estate covering Stratford Way, Alderley Court, Aylesham Court, Stow Court and Hazelmere Court and also including 2 residences in New Lane, asking for the snicket to be closed off between Stratford Way and New Lane, or for lockable gates to be installed. The statement for the closure request reads: -

*"We, the residents of Stratford Way, wish to express our concern over the increase in vandalism and general anti-social behaviour in our neighbourhood.*

*We believe this is due to the public access through from Stratford Way onto New Lane late at night and in the early hours of the morning. We now petition for this snicket to be either alley-gated at night, or blocked off permanently.”*

## **Relevant Law**

12. Section 118B of the Highways Act 1980, which was amended by the Countryside and Rights of Way Act 2000, allows the closure of a public right of way for the purposes of crime prevention, if it meets certain criteria. Part of the criteria for closing a public right of way under this legislation is that it must be within an area designated by the Secretary of State as a high crime area. There are presently three designated areas in York; Clifton, South Bank and The Groves. Huntington is not in any of those areas.
13. Other legislation exists for closing highways, namely Section 118 of the Highways Act 1980. This legislation does not rely on the designation of an area, but it would have to be proved that the route is no longer needed for public use, which would not be possible.
14. On 7 April 2005, the Clean Neighbourhoods and Environment Act 2005 was given Royal Assent. Section 2 of this Act refers to ‘Gating Orders’ and came into force on 1 April 2006. Once the authority has received guidelines from the Department for Environment Food and Rural Affairs (DEFRA), it is intended to amend the City of York Council Alleygating Policy document to reflect the change in legislation.
15. Gating Orders allow the gating of public rights of way in a similar way to Alleygating legislation. The same criteria has to be met regarding crime and anti-social behaviour, but affected public rights of way do not have to be in a designated area.
16. Gating Orders also allow conditional closure of public rights of way, such as at night. The petitioners are requesting that, if the snicket cannot be closed permanently, then it should be gated at night. The main problem here is the locking of the gates at night and then opening them the next morning. Legislation states that the ‘gatekeeper’ must be identified on the Gating Order, which presents logistical problems should the ‘gatekeeper’ move, or for some other reason, be unable to fulfil his/her duties. Failure to lock/unlock the gates could render the authority liable to prosecution for unlawful obstruction of a highway. These logistics will be addressed in any new Alleygating Policy document.
17. Another effect of the new legislation is that if any of the emergency services object to a closure, then the gating order must go to a public inquiry for determination. Costs would be borne by the local authority.
18. Even if the snicket in question were to meet the criteria of this new legislation, it would not be considered appropriate to close it due to the amount of use by the public and the lack of reasonably convenient alternative routes. In addition, objections to the closure have been received from the Police and Fire Service (Paras 26-29 refer).

## **Alternative Pedestrian Routes**

19. There are two alternative pedestrian routes within the vicinity (see plan 2 Annex 2) and although the length of either of these alternatives would depend on the point of origin and eventual destination, the following distances have been calculated using the Huntington Road/Stratford Way junction as the point of origin and the New Lane/Stratford Way junction as the destination.
20. Also taken into account is the extra time it would take to walk these alternative journeys at an average walking speed of 1.4 metres per second. Stratford Way is approximately 550metres long, from Huntington Road to New Lane (see plan 2 in Annex 2); therefore to walk the full length of Stratford Way at this speed, it would take approximately 7 minutes.
21. The first alternative would be to travel south from the point of origin along Huntington Road, back towards the city, turn left into Whitestone Drive and on into Dorian Drive, left into Dorian Avenue, right into Priory Wood Way, then left into New Lane to the destination point. This is a total of approximately 1.28km, or more than double the distance of the Stratford Way route. It would also add approximately 9 minutes to the journey, making a total of 16 minutes as opposed to 7 minutes.
22. The second alternative is to travel north from the point of origin, away from the city along Huntington Road, turn right into a snicket alongside Huntington School tennis court near to the junction with Arbor Close, out of the snicket into Hambleton Way then right into New Lane and down to the destination point. This is a total of approximately 850metres, which would add approximately 4 minutes to the journey, making a total of 11 minutes as opposed to 7 minutes. Neither of these routes would be acceptable as reasonably convenient alternatives.

## **Alternative Emergency Vehicle Route**

23. The alternative routes for emergency vehicles, as with the pedestrian alternatives, depend on the point of origin. Although emergency vehicles have main bases of operation, they may be called to incidents whilst 'on the road'. However, as the road is closed at the New Lane junction, the two alternatives shown are for vehicles travelling either from Huntington or York.
24. When travelling from Malton Road, the alternative vehicle route would be the reverse of the southerly pedestrian route as shown in Para 21, which would be to turn left into Priory Wood Way, left into Dorian Avenue, right into Dorian Drive, carry on into Whitestone Drive, right onto Huntington Road, then right into Stratford Way. Assuming that the incident was at the New Lane end of the road, this would increase to journey by 1.288km or approximately 1.5 minutes at 30mph.

25. When travelling from Huntington village, the route would be carrying on along Huntington Road, instead of turning left into New Lane, then turning left into Stratford Way. This would increase the journey by 625metres or approximately 50 seconds at 30mph.

## **Consultation**

26. As this snicket is intended for use as an emergency vehicle access, the three emergency services; Police, Fire and Rescue Service and Ambulance Service have all been consulted to see if they had any observations on the requested closure.
27. Both the Police Traffic Manager and the Architectural Liaison Officer have discussed this request for closure and have raised their concerns that this is an emergency vehicle access route. They both point out the City of York Council Highways Design Guidelines relating to minor access roads, which state that if a cul-de-sac is in excess of 200 metres long and serves more than 50 dwellings, then an alternative access for emergency vehicle use should be provided. They also point out that, as this was relevant at the estate's planning stage, it is still considered to be so. They are unable to support the proposal to close the access.
28. The Fire and Rescue Service have stated that they would prefer the access to remain open with a barrier installed which is either removable, or is secured by a padlock. If a padlock were to be fitted, it could be removed by bolt croppers, in the absence of a key, with minimal delay to services and minimum damage to the barrier.
29. The Ambulance Service state that they would be unlikely to use this access link as the surface is unsuitable for ambulance vehicles. They have consulted with the Fire and Rescue Service and whilst they understand the desire for the Fire and Rescue Service to retain the access link, its closure would not affect the ambulance services. They would not object to its closure.

## **Options**

30. Option A. Do nothing and leave the snicket open to public use.
31. Option B. Use S118 of the Highways Act 1980 to close the snicket.
32. Option C. Close the snicket by means of a Gating Order.

## **Analysis**

33. Option A - Do nothing and leave the snicket open to public use. The problems faced by the petitioners would still exist, and may escalate in time (see Annex 4). However, it may be possible to install combined vehicle access and pedestrian gates (see Annex 6) at each end of the snicket, which would allow continued use by pedestrians and cyclists; allow use by emergency

services if required; deter, although not guarantee to stop, unauthorised use by motorcyclists. With any such combination, the pedestrian gate would have to allow the passage of large mobility disabled scooters. Funding for this option would be from Transport Planning Unit's minor schemes budget. The gates would be bespoke items and would cost approximately £450 each. This option is recommended.

34. Option B - Use S118 of the Highways Act 1980 to close the snicket, as the snicket is not in an area designated by the Secretary of State for the Environment, Food and Rural Affairs as a high crime area. This would entail starting a process, which could take up to six months to complete and is not likely to be successful as it would have to be proved that the snicket is not needed for public use. This would also close down the emergency access route as well as a pedestrian access route. The lack of the pedestrian and cycle route would not be in line with the council's corporate objectives on transport. This is not recommended.
35. Option C - Close the snicket by means of a Gating Order. Although the instances of crime and anti-social behaviour may provide evidence to support this option, the fact that both the Police and Fire Service object to its closure would necessitate a public inquiry. This could be a costly and time-consuming exercise, which, having regard to all the facts, is not likely to be successful. As in Para 34, this would also close down the emergency access route, but would also close down a pedestrian access route. The lack of the pedestrian and cycle route would not be in line with the council's corporate objectives on transport. This is not recommended.

## **Corporate Objectives**

36. The recommended option ties in with the council's Corporate Aim No1: *Take Pride in the City, by improving quality and sustainability, creating a clean and safe environment.*
37. The second Local Transport Plan (LTP2). The *hierarchy of transport users* is firmly embedded within this plan, with pedestrians and cyclists being at the top of our priority when considering travel choice. It is evident from the preceding comments that the retention of the link for public use fits soundly within council transport policy. The encouragement of travel by sustainable modes also corresponds with other 'wider quality of life objectives' as contained in the Community Strategy, such as those relating to health. The closure of the link would have the potential to encourage increased trips by private car, which does not accord with Objective 1.3 to: *Make getting around York easier, more reliable and less damaging to the environment.*

## **Implications**

- **Financial**

38. Funding would need to be sought to implement the recommended proposal, which would normally come from the ward committee budget. In this case, permanent cycle barriers have been fitted, which could constitute an unlawful obstruction preventing emergency access. These will have to be removed should officer recommendation be agreed and the cost of resolving this would be met by the Transport Planning Unit minor schemes budget.

- **Human Resources (HR)**

39. There are no HR implications.

- **Equalities**

40. The recommendation in Option A of this report, would have to be put before the Disabled Person's Advisory Group (DPAG) for their comments prior to implementation, to see if it met the needs of users with a wide range of disabilities.

- **Legal**

41. Other than any relevant legal orders being made, there are no other legal implications.

- **Crime and Disorder - Crime Analysis**

42. A report by the Police Architectural Liaison and Crime Prevention Officer, PC Jim Shanks, shows crimes committed between 1 January 2005 and 31 December 2005 (see Annex 4) within the area bordered by Stratford Way, Alderley Court, Aylesham Court, Stow Court and Hazelmere Court. It is not possible to narrow the search to the snicket in question or, due to data protection, identify the location of each individual crime. For the same reason, PC Shanks was unable to furnish details of non-crime general incidents relating to the snicket, although he has included a list of crimes and general incidents for the six months from 1 August 2005 to 14 January 2006 for the same area.

43. The crime analysis shows that during the period 1 January 2005 and 31 December 2005, there were a total of 34 crimes; 17 of which were auto crime, which include thefts of and thefts from motor vehicles; 5 of the crimes were burglary, 6 were criminal damage and 3 each of thefts and assaults. There were a further 6 anti-social behaviour incidents during the latter 6 months of the year, however, as previously discussed it is not possible to attribute all of these crimes and incidents to the snicket. PC Shanks' investigations did reveal that approximately 10 of these crimes and incidents were directed against one family, who were the victims of a hate campaign following an incident at Huntington School in the latter half of 2005. This still leaves 30 crimes and incidents recorded by the police for that area.

44. There is no doubt that this area has suffered from high levels of crime and anti-social behaviour, even discounting the attacks against the one family, however, it is not possible to identify the snicket as the cause of these incidents. The

police are aware of these problems and with the recent introduction of new Neighbourhood Policing Teams (NPT), they are hoping to address anti-social 'hot-spots' in the various wards.

- **Information Technology (IT)**

45. There are no IT implications.

- **Property**

46. There are no property implications.

- **Other**

47. There are no other implications.

## **Risk Management**

48. The risks involved with doing nothing, are that the existing barriers are a permanent fixture and therefore cannot be removed should emergency access be required. This could constitute an unlawful obstruction for which the council would be liable to prosecution. If the barriers are removed without replacing them with some form of removable barrier, then the link may continue to remain a concern in terms of the potential relationship with crime and anti-social behaviour.

## **Recommendations**

49. It is recommended that the Advisory Panel advise the Executive Member for City Strategy to accept **Option A**, and resolve to:

1. Note the petitioners' request for closure; and
2. Refuse the request on the grounds that there is presently no available legislation, which would allow the closure of this emergency access route.
3. Explore the possibility of installing a metal construction combined vehicle and pedestrian access gate at each end of the snicket, which would still allow the lawful use by pedestrians, cyclists and the emergency services, but deter unlawful use by motorcyclists.
4. Consider the effectiveness of the gates in 12 months time, against updated crime statistics. If required, consider applying for a Gating Order under the Clean Neighbourhoods and Environment Act 2005, in accordance with to the revised City of York Council Alleygating Policy, which is currently under review.
5. Refer the matters raised in the petition to North Yorkshire Police, for them to try and address the problems faced by the residents of



Stratford Way, by the use of target led patrols in the area, in line with new Neighbourhood Policing Team strategies.

The reason for making this recommendation is set out in para 48.2 in that there is presently no available legislation, which would allow the closure of this emergency access route.

### Contact Details

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**Report Approved**  **Date** 23 May 2006

Tel: 551338

**Wards Affected:**

All

Huntington Ward

**For further information please contact the author of the report**

**Background Papers:**

Highways Act 1980  
Countryside and Rights of Way Act 2000  
Clean neighbourhoods and Environment Act 2005  
City of York Council Alleygating Policy  
Department for Transport Design Bulletin 32  
City of York Council Highway Design Guide

**Annexes**

1. Decision summary.
2. Plan 1 showing location of emergency access link in Stratford Way.  
Plan 2 showing alternative routes and amenities in the area of Stratford Way.
3. Photographs of emergency access.
4. Crime analysis from North Yorkshire Police.
5. Residents' Petition
6. Design for proposed gates.