

Bath & North East Somerset Council

DECISION MAKER:	Cllr Roger Symonds, Cabinet Member for Transport		
DECISION DATE:	On or after 22nd October 2011	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2296
TITLE:	B3114 Bristol Road Chew Stoke Footway		
WARD:	Chew Valley North		
AN OPEN PUBLIC ITEM			
List of attachments to this report:			
None			

1 THE ISSUE

1.1 The provision of a new footway on the B3114 Bristol Road in Chew Stoke is dependent upon the acquisition or dedication of privately owned residential land. Negotiations with three landowners commenced in 2006 but communications with two of these have now ceased without any agreement being reached. Approval is required to commence CPO procedures so that this important road safety feature can be provided.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

2.1 The Council makes use of the 1981 Acquisition of Land Act statutory procedures for an Order under the Highways Act 1980 for the compulsory acquisition of rights over privately owned land for the construction of a new footway on the B3114 Bristol Road in Chew Stoke.

3 FINANCIAL IMPLICATIONS

3.1 Funding for this scheme will be from a Section 106 agreement relating to the Radfords development.

4 CORPORATE PRIORITIES

- Building communities where people feel safe and secure
- Promoting the independence of older people
- Improving life chances of disadvantaged teenagers and young people
- Providing safer routes to schools
- Improving transport and the public realm

5 THE REPORT

- 5.1 The existing footway at Chew Stoke runs along the eastern side of Bristol Road and is used extensively by school pupils and other pedestrians. This footway discontinues at the property known as “Bellfield” in the north and opposite the junction with Blind Lane in the south. The introduction of a new section of footway will necessitate the acquisition of private land at three residential properties due to the narrow width of the existing carriageway. Negotiations with the landowners commenced in 2006.
- 5.2 Verbal agreement has been reached with the owners of Plot 1, the dedication of a small parcel of land adjacent to the driveway of the property known as “Bellfield” and accommodation works including the resurfacing of the driveway.
- 5.3 Plot 2 is a 2 metres wide strip of land across the frontage to the property known as “Dippinstile” . Accommodation works would include the rebuilding of the stone boundary wall and modifications to the pull-in/driveway. It is understood that the owners of this property would be prepared to sell the land for a substantial sum. Negotiations ceased in 2010 without agreement.
- 5.4 Plot 3 is a small triangular area of land on the frontage to the property known as “Summerfield”. Accommodation works would include the replanting and realignment of a mature hedge adjacent to the highway boundary. It is understood that the owners of this property would not be prepared to dedicate the land without an undertaking that the Council would keep two clear traffic lanes open at all times. The Council is unable to give this assurance as it is obliged to manage the highway and road safety must be a priority. Negotiations ceased in March 2011 without agreement.
- 5.5 Attempts to acquire the land by agreement have failed after prolonged negotiations over a period of more than 5 years. As a last resort, the Cabinet Member is requested to approve the commencement of compulsory procedures.
- 5.6 Residents and school pupils currently use the public highway at this location and the provision of the new footway would provide an important road safety feature. However, the Cabinet Member should take a balanced view between these road safety benefits and the concerns and interference with the human rights of those whose interest in the land it is proposed to acquire compulsorily.

6 RISK MANAGEMENT

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 A proportionate equalities impact assessment has been carried out using corporate guidelines.

8 RATIONALE

8.1 The existing footway at Chew Stoke runs along the eastern side of Bristol Road and is used extensively by school pupils and other pedestrians. Where this footway discontinues, pedestrians walk within a narrow section of the Bristol Road. The introduction of a new section of footway would provide an important road safety feature but would necessitate the acquisition of private land at three residential properties due to the narrow width of the existing carriageway.

8.2 Attempts to acquire the land by agreement have failed after prolonged negotiations over a period of more than 5 years. As a last resort, the Cabinet Member is requested to approve the commencement of compulsory procedures.

9 OTHER OPTIONS CONSIDERED

9.1 A scheme requiring private residential land on the other side of Bristol Road was considered but rejected on road safety grounds.

9.2 A scheme reducing the carriageway width with a priority give way was also considered but rejected on road safety grounds.

10 CONSULTATION

10.1 Ward Councillor; Cabinet members; Parish Council; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Other Public Sector Bodies.

10.2 Consultations with residents and landowners have been in progress since 2005. The Parish Council and Ward Councillor have taken active roles in promoting the scheme and consulting residents.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 Social Inclusion; Customer Focus; Sustainability; Human Resources; Young People; Human Rights; Health & Safety.

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Mike Widdowson – Design and Projects 01225 395240
Background papers	None
Please contact the report author if you need to access this report in an alternative format	