
Meeting: Traffic Management Meeting
Date: 27 March 2012
Subject: Petition – Access through Rectory Court, Sandy
Report of: Basil Jackson
Summary: The purpose of this report is to present a petition received from Councillor Naomi Sheppard and signed by 38 signatories.

Contact Officer: Nick Chapman
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Public/Exempt: Public

Wards Affected: Sandy

Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Financial:

None as a result of this report.

Legal:

None as a result of this report.

Risk Management:

None as a result of this report.

Staffing (including Trades Unions):

None as a result of this report.

Equalities/Human Rights:

None as a result of this report.

Community Safety:

The safe passage of schoolchildren to and from school could be affected by this proposal.

Sustainability:

None as a result of this report

RECOMMENDATION(S):

- 1. That the views of the Executive Member for Sustainable Communities – Services are requested.**
- 2. That the lead petitioner be informed of the outcome.**

Background and Information.

1. A petition of 38 signatures was presented to Central Bedfordshire Council by Councillor Naomi Sheppard in January 2012. The petition asked Sandy Town Council and Central Bedfordshire Council to refuse any changes to public access via and through Rectory Court in Sandy. Rectory Court is a privately owned residential development including a courtyard, as shown on the plan in the Appendix to this report. The walkway through the courtyard is Public Highway, with bollards preventing access by vehicles.
2. Stopping up of public access through Rectory Court was originally promoted by the organisation Rectory Court (Sandy) Ltd in a letter to Central Bedfordshire Council dated 1st June 2010. In a responding letter dated 19th November 2010, the Council confirmed that it would have no objection to the stopping up of the courtyard and access between St Swithuns Way and the High Street. This was on the condition that Rectory Court (Sandy) Ltd would fund all of the administrative costs involved in the stopping up. The intention of the organisation is to gate the courtyard off from High Street. The view is that access to public utilities would not be hindered by this proposal.
3. The petition was considered at the meeting of Sandy Town Council's Planning, Parks and Open Spaces Committee on 9th January 2012. The Committee resolved to recommend that the Town Council make no objection to the stopping up of an area of Rectory Court as indicated in the plans which were on the agenda. This was ratified at the meeting of the full Town Council on 16th January 2012.

Discussion of the request in the petition

4. The reason the petition has been presented is that the petitioner has concerns that closing access through Rectory Court would increase inconvenience and risk of injury to schoolchildren walking to and from St Swithuns Lower School. A school crossing patrol operates across High Street in the immediate vicinity of the courtyard. The petitioner is concerned that if the courtyard is closed to public access, then the longer alternative would be via St Swithuns Way to the Ivel Road / High Street junction which is perceived as wide and lacking a clear safe crossing route. The view is that schoolchildren would be likely to attempt the crossing without using the crossing patrol.

5. If the courtyard is left as public highway, then the residents of Rectory Court will always consider that they have to suffer the inconvenience and nuisance caused by disruptive members of the public. On the other hand, any publicly advertised order for stopping up highway by an application to the Magistrates Court could be hindered by local residents who feel it their right to continue using this route. An alternative method of stopping up highway is by submitting a planning application for a development which would require the stopping up of the section of public highway. It is not clear what development Rectory Court (Sandy) Ltd would be intending to submit for this planning permission.
6. An alternative solution to this situation is to use a Gating Order under Section 129 of the Highways Act 1980. This permits access to public highway to be restricted during certain periods when particular problems caused by disruptive members of the public are expected. Arrangements could be made to close access to the courtyard during stated periods. In this way the courtyard could be left open for safe passage by school children during school access periods, but nuisance to Rectory Court residents could be reduced. The disadvantage of this arrangement is that there would need to be a stated responsibility for opening and closing a gate to the courtyard at certain times.
7. Although neither Sandy Town Council, nor Central Bedfordshire Council have objected to the stopping up of public highway through Rectory Court, it has not been fully considered and supported as a highway proposal. Stopping up of highway can be a contentious issue and can easily be opposed. There should be consideration of other methods of policing the courtyard and preventing nuisance caused to Rectory Court residents.

Conclusion and The Way Forward

8. Further consideration should be given to alternative methods of reducing the nuisance. Currently no discussions have been undertaken with the police or school crossing patrol service to determine what, if any, opinions they have that may influence the decision.

It is appreciated that residents, probably many of them elderly, feel threatened by activity at night or by numbers of young people. However, with no supporting evidence yet in place, this cannot be evaluated.

It is therefore recommended that the views of the police be sought and further discussions be undertaken on alternative options before a final decision is offered, and that the result be brought to a future Traffic Management Meeting for consideration.

Appendix: Plan of Rectory Court, Sandy (please see the next page)