



SOLIHULL METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 etc

**THE METROPOLITAN BOROUGH OF SOLIHULL (FOOTPATH
U26, HASLUCKS GREEN ROAD, SHIRLEY)(No.2) PUBLIC
PATH STOPPING UP ORDER 2007**

**REBUTTAL PROOF OF EVIDENCE
RELATING TO THE OBJECTIONS OF KEEP SHIRLEY
ALIVE, SHIRLEY RESIDENTS ASSOCIATION AND THE
SOLIHULL RATEPAYERS ASSOCIATION**

Piers Cockroft

FOR THE LOCAL HIGHWAY AUTHORITY

Local inquiry date: 8th May 2008

1. Introduction

- 1.1 This Rebuttal Proof has been prepared in response to points made in the Proof of Evidence from Solihull Ratepayers Association ('the Association') and to the letters from Keep Shirley Alive ('KSA') and Shirley Residents' Association.

2. Solihull Ratepayers Association

- 2.1 In their paragraph 4 the Association refer to the trees and hedgerow overhanging the path and screening it and the park from the existing development. Whilst this is an attractive feature of the path on a bright and dry day, it can be a deterrent to users during the hours of darkness and in inclement weather. Although this may not be an issue for recreational users of the path and park, it is a potential problem for those using the path to access work, the shops, or for other necessary purposes. The screening described conceals pedestrians from the view of those in the park or nearby premises, and may also conceal others of doubtful intent.
- 2.2 The proposed alternative route would be open to the park, and residents of the new development would overlook users. This creates a more secure environment for pedestrians, and one that is likely to encourage greater use of the facility. In addition, although some of the screening of the park will be lost, the proposed path will be integrated into the proposed development. The interface will be much more attractive than the existing commercial and retail development.
- 2.3 In paragraph 5 the Association make the point that the path is used as a convenient pedestrian access to the park.
- 2.4 This point is not disputed. On its proposed new route the path provides at least an equally convenient access to the park from Haslucks Green Road. The Scheme will also deliver improved pedestrian access to the park from Stratford Road.
- 2.5 In paragraph 6 reference is made to the established character of the existing path.
- 2.6 Attention has been paid to the visual character of the proposed path. It will, of course, be new. However it has been designed to ensure that it will be integrated into its park setting as well as with the Scheme. I refer to Mr Williams' rebuttal evidence in this respect.
- 2.7 Paragraph 8 voices of a lack of imaginative design for the alternative path.
- 2.8 Both the old and new routes are tarmac paths in an edge of park setting. The new path attempts to create an attractive and

secure route. The new route has been designed to complement the scheme and as such it has been designed with that in mind. In addition, the new route is designed to be as convenient to users as the old route and to ensure that the removal of trees would not be required. Again, I refer to Mr Williams' rebuttal evidence.

- 2.9 It is contended in paragraph 9 that the stopping up order is not in the interests of the local community.
- 2.10 The alternative path provides equally convenient or improved access to the park. It is not significantly longer than the existing path as a through route between Stratford Road and Haslucks Green Road. Access to new shops within the Scheme will be facilitated. The path offers a new surface and a safe attractive environment. These features should encourage greater usage, to the benefit of the local community.
- 2.11 The Association states in paragraph 10 that the Council failed to bring forward a proposal for public consultation on the alternative footpath.
- 2.12 The consultation requirements of both the planning application for the Scheme, and for the order, have been met. The alternative route serves the same purpose as the original route, and follows its alignment reasonably closely, as well as integrating better with Shirley town centre with the additional benefits this gives rise to as stated above.

3. Keep Shirley Alive

- 3.1 The first point made by KSA relates to safety where the alternative path meets Haslucks Green Road. The concern is that the adjacent service yard access is unsafe and that this will create safety problems for users of the alternative path.
- 3.2 The proposed access to the service yard is safe. It has been designed to be used by Heavy Goods Vehicles ("HGV") and to constrain them to approach and leave, via Haslucks Green Road, to and from Stratford Road only. The A34 Stratford Road is a primary route linking Birmingham City Centre with the motorway network. It is the main arterial road for this section of the West Midlands conurbation. It is entirely appropriate, reasonable and likely that HGV drivers will use this route. The section 106 agreement includes the requirement for management plans for the service yard. The service yard will be under the control of the food store operator who will be required to enforce this routing for HGV traffic. Accordingly the proposal is for a one-sided radius at the access road junction that would not encroach in front of the path. Thus at the point where pedestrians would emerge from the path on to the footway of Haslucks Green Road, the footway will be of full depth.

- 3.3 A section 278 agreement, necessary before such works can be implemented, will require a detailed design for the access to be approved. This will seek to make the turning restriction as self-enforcing as is practicable, and will also require an independent safety audit to be carried out.
- 3.4 To put the risk into context, the service yard is expected to be used by about thirty vehicles per day, generating sixty vehicle movements. The majority of these will not be HGVs, but will be smaller vehicles. Two way traffic flows of about six vehicles per hour are predicted. This very low level of movement does not create a material risk to pedestrians. The arrangement of a footway alongside a vehicular carriageway is similar to that found at almost every minor side road junction with a busier road. This common arrangement will be very familiar to pedestrians and poses no unusual risk.
- 3.5 The majority of pedestrians using the path are expected to turn to and from the southwest along Haslucks Green Road. They will have no new difficulties to face. Those turning to the north west, and wishing to cross to the northern side of Haslucks Green Road will have the opportunity to use a new signal controlled crossing that will be incorporated into the main car park access for the Scheme. Residents of up to twelve properties on the northern side of Haslucks Green Road may feel that this would be of little advantage to them. However they would be able to continue with their existing arrangements.
- 3.6 Points discussed in 3.1 to 3.5 above are about matters beyond the extent of path U26. However they are relevant to pedestrians using the route. Pedestrian access and safety are important matters that have been taken into account in the Scheme as a whole, and not just in the context of this path.
- 3.7 The second point of KSA is that the park entrance (alternative path route) would be alongside a busy service road.
- 3.8 At 3.4 I have detailed the likely vehicular movements in the service road. This minimal level of traffic is unlikely to be a deterrent to users of the path.
- 3.9 Points 4 and 5 mention hedgerows and seclusion. It describes the feeling of walking through a woodland glade, in summer, and also expresses concern about the proposed temporary car park.
- 3.10 Whilst the woodland glade feel is undoubtedly pleasant, on a sunny summers day, it can be a deterrent to the use of the path at other times. The proposed route will remain within the park, but be more open to it. It will also be overlooked by residential development. This would make it more attractive to use the path at other times of the day and of the year. I refer to Mr Williams' rebuttal evidence in this respect.

- 3.11 The temporary car park would not be a permanent feature. It does not prevent the alternative path being created from the outset.
- 3.12 KSA point 6 refers to increased walking distances. Users of the path do so for a number of different reasons. They may not use its whole length; it is likely to be just part of the route walked. The additional distance involved will depend on this. Sections 15.8 and 15.10 of my proof (SMBC7/3) identifies that for many users the through route between Stratford Road and Haslucks Green Road will increase by 24 or 26 metres. This is not considered to be significant in the context of the total walk distances involved.

4. Shirley Residents Association

- 4.1 The letter from Shirley Residents' Association makes it clear that they endorse the views of KSA, and that their views will be represented by KSA. They make the same points as KSA and introduce no new ones. I therefore refer them to my responses in section 3 above.

5. Conclusion

- 5.1 In conclusion, it is considered that the matters identified by the Solihull Ratepayers Association and KSA (together with Shirley Residents Association) do not accurately describe the effect the proposed development and the new footpath on the park, users of the park and users of the footpath.