



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**

SUMMARY PROOF OF EVIDENCE

Piers Cockroft

FOR THE LOCAL HIGHWAY AUTHORITY

Local inquiry date: 8th May 2008

1. Introduction

- 1.1 I am Piers Cockroft. I have a BSc in civil engineering. I am employed by Solihull Metropolitan Borough Council ("the Council") as Transport Policy Manager, and have been employed in a similar role in Solihull for more than 20 years. My duties include advising the Council on transport policy matters, and on the highway and transport implications of the Scheme.
- 1.2 I am familiar with the site and the current alignment of public footpath U26.

2. Statutory Basis

- 2.1 Utilising the powers contained within section 257 of the Town and Country Planning Act 1990, the Council has made the Metropolitan Borough of Solihull (Footpath U26, Haslucks Green Road, Shirley) (No.2) Public Path stopping up Order 2007 (Document CD/D/1) ("the Order"). A copy of this order is included within my Appendix 5.

3. Authorisation

- 3.1 The Council as local planning authority is permitted to make orders under section 257 of the Town and Country Planning Act 1990. The planning and regulatory committee are authorised to consider and make decisions in matters relating to section 257 of the Town and Country Planning Act 1990.

4. Procedure- advertising of order and public notice

- 4.1 In line with the Planning and Regulatory Committee decision on the 29th March 2007, the Order was made on the 23rd July 2007 and advertised on 25th and 27th July 2007 respectively in The Solihull Times and The Solihull News. A copy of the adverts from these papers are shown in my Appendix 3.

5. Footpath to be stopped up

- 5.1 Public footpath U26 runs for a distance of approximately 284 metres, from Haslucks Green at National Grid Reference 11570, 79479 (shown at point A on the plan in Appendix 2), to its junction with public footpath U27 at National Grid Reference 11792, 79314 (shown as point C on the plan in Appendix 2). The public footpath is surfaced throughout with an average width of about 1.8 metres.

6. New Footpath to be Created

- 6.1 The alternative path will begin to the Southwest of the junction of the current path with Haslucks Green Road, at National Grid Reference

11565, 79471 (shown as point E on the plan in Appendix 2). The route then follows a curved landscape path in a generally south-easterly direction for 274 metres to its junction with public footpath U27 at National Grid Reference 11749, 79286 (shown as point F on the plan in Appendix 2).

- 6.2 The alternative path will have a width of 2 metres along its length and will have a tarmac surface throughout.

7. Objectives Received

- 7.1 A total of 164 objections were received, 163 within the objection period. An additional objection received outside the objection period is included in the objections now being submitted to the Secretary of State.
- 7.2 Copies of the objections are included in appendix 4.

8. Purpose of Order and need for stopping up

- 8.1 The purpose of the order is to achieve the implementation of the Scheme for the re-development of Shirley Town Centre (the Scheme). The Scheme was granted planning permission (reference number 2006/735) on 20 September 2006.

9. Details of grant of planning permission and its effects on the existing footpath

- 9.1 The plan at Appendix 2 outlines the extent of the Scheme and its relationship to the alternative path. The Order plan in Appendix 5 shows the alignment of the current route, the alternative route and current park boundary.

10. Selection of alternative route and its general relationship to the development

- 10.1 The alternative line of public footpath U26 was selected following evaluation to the current line and the effect of the proposed Scheme on the local area. The alternative path remains within Shirley Park, and will not significantly increase walking distances.
- 10.2 The alternative path provides an improved environment for users of the route. It follows a curved alignment designed to integrate it into the park setting and reduce its visual impact, whilst its open nature will allow natural surveillance from adjacent properties, and promote a sense of safety. It will utilise existing gaps to ensure that no removal of hedgerow or trees will be necessary.

11. Linkages with other footpaths (U27) and paths through the Shirley development to Stratford Road

- 11.1 The alternative path is aligned to become part of the amenity of Shirley Park. It will replace the path affected by the Scheme. The alternative path will provide a pleasant walkway with views of the Park and a sympathetic relationship to the Scheme itself.
- 11.2 Both the current and proposed alternative alignments of public footpath U26 connect with the existing public footpath U27. This latter route will remain unchanged as a result of The Scheme.

12. Specification of new path

- 12.1 The alternative route will be 2 metres wide with 25mm tarmac wearing course, 10mm sub-base course and 50mm base course.
- 12.2 The alternative path will be completed prior to the stopping up of the existing path and the development of the adjacent part of the Scheme.

13. Responsibility of Shirley Advance to undertake work

- 13.1 The Order will not come into effect until the Council is satisfied that the alternative route has been created to a suitable standard. Until that time the current footpath will remain available for use by the public.

14. Costs

- 14.1 The costs of the Order including and costs in relation to the public inquiry are to be borne by the developer, Shirley Advance.

15. Commentary on whether users will be inconvenienced

- 15.1 The line of public footpath U26 runs parallel to Stratford Road and provides access via the shoppers car park to Stratford Road as well as into Shirley park and beyond via public footpath U27.
- 15.2 The proposed alternative route also runs between Haslucks Green Road and public footpath U27. The connecting points of the alternative path on both highways vary slightly from the current route.
- 15.3 The alternative path is shorter, 274 metres, than the current route, at 284 metres. However, pedestrians would have to walk 26 metres further on the new route between the same points in Stratford Road and Haslucks Green Road.
- 15.4 Pedestrians currently using the "short cut" through the car park to Stratford Road will have 24 metres further to walk. This is not significant, given the likely walk distances from the point of origin.

16. Loss of green space and trees

- 16.1 The current line of public footpath U26 is located within the boundary of Shirley Park and also within the boundary of the proposed Scheme. Construction of the Scheme would obstruct this route.
- 16.2 The alternative path will form part of the amenity of Shirley Park. It will not require any tree or hedgerow to be removed.

17. Length of new path and amenity objections

- 17.1 An alternative footpath is provided and is located as shown on the Order plan in Appendix 5. The alternative footpath links with Footpath U27 in Shirley Park and it also provides access to and links into the Scheme. The alternative route is immediately adjacent to the Scheme and does not extend further onto the park than is reasonable necessary.

18. Highway safety objections

- 18.1 The essence of these objections is that where the alternative footpath leaves Haslucks Green Road and runs alongside the Scheme there is a conflict between the use of the service road for the Scheme and pedestrians on the proposed footpath.
- 18.2 The service road will be separated from the path. It will carry no more vehicular traffic than a minor access road. The proximity of the footpath to the service road at its junction with Haslucks Green Road is similar to a footway alongside a minor access road at its junction with a major road. This is a perfectly normal urban feature which gives rise to no undue road safety risk to pedestrians.

19. Temporary car park objections

- 19.1 Some objections refer to the provision of the temporary car park required for replacement parking during the construction of the Scheme.
- 19.2 The alternative path is located between the Scheme and the temporary car park, which does not affect its location.

20. Development based objections

- 20.1 Planning permission has been granted for the Scheme. This evidence deals only with objections to the Order.

21. Procedural objection

- 21.1 This objection relates to technical points and makes no case on the merits of the Order. This is addressed in the Council's Statement of Case. Any points should be a matter for submission.

22. Conclusion

- 22.1 The order is required to enable the implementation of planning permission for the scheme, granted by the Council on 20th September 2006. It is considered that the Order meets the requirements of Section 257 of the Town and Country Planning Act 1990.