

NORTH SOMERSET COUNCIL DECISION

DECISION OF: COUNCILLOR MIKE SOLOMON. THE EXECUTIVE MEMBER FOR NEIGHBOURHOODS AND COMMUNITY SERVICES



WITH ADVICE FROM: THE DIRECTOR OF PLACE

DECISION NO: 21/22 DP 92

SUBJECT: TOWN & VILLAGE GREEN APPLICATION, THE PERRINGS, NAILSEA

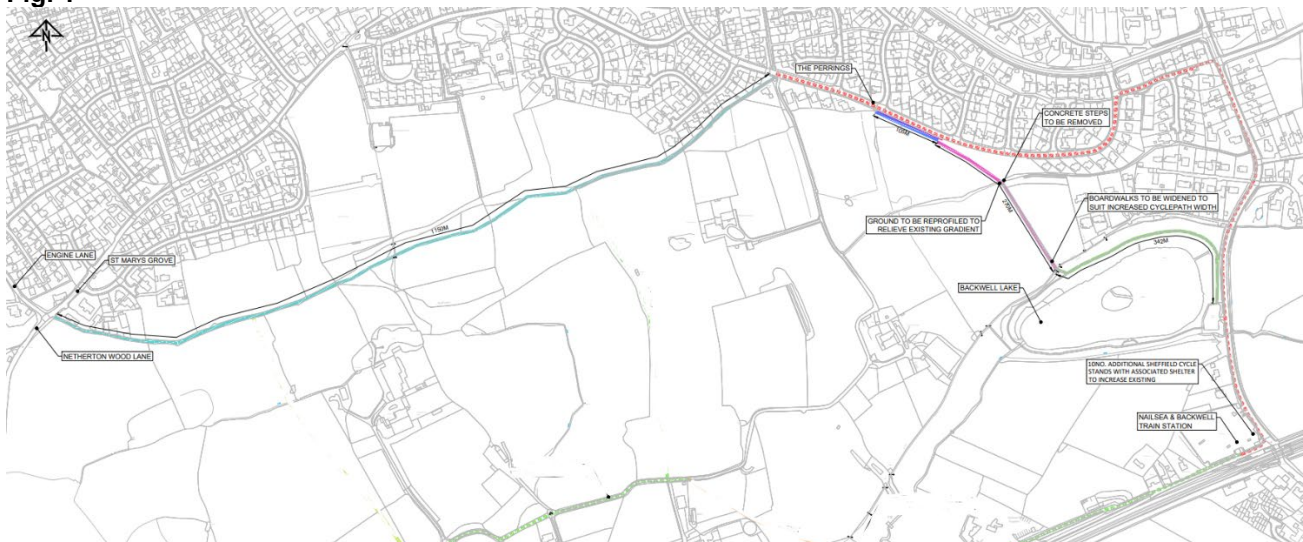
KEY DECISION: NO

REASON: Financial implications are less than £500,000; impacts are within a single ward.

BACKGROUND:

At the appeal hearings into planning application 16/P/1677/OT2, land north of Youngwood Lane and east of Netherton Wood Lane, Nailsea, the Council successfully argued that a cycle and pedestrian path should be provided between the application site and the railway station. Figure 1 shows the overall agreed alignment.

Fig. 1



The Council's argument was that since the highway junction at A370 / Station Road (Backwell Crossroads) is over saturated in peak hours, the impacts of the development would be severe as defined by NPPF. It was agreed that since physical capacity improvements cannot be made at this junction the impacts of the development would be offset by the provision of the cycle & pedestrian path – not only that residents from the development could use the path to access the railway station, but that existing residents of Nailsea could use the path also, increasing rail use, reducing overall car trips passing through the Backwell Crossroads junction, releasing capacity for residual car trips arising from the development.

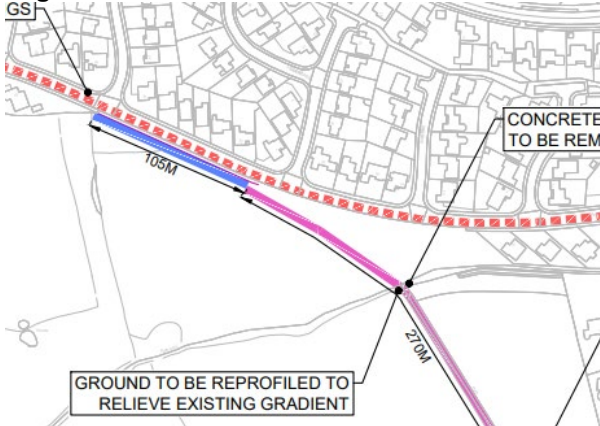
The Inspector supported this view and conditioned the applicant to fund the path upon completion of the 50th house. The Council is to deliver the path.

Nailsea Town Council has submitted to Corporate Services, North Somerset Council an application for Town & Village Green status on land to the south of The Perrings. The land in question coincides with part of the alignment of the cycle & pedestrian path. Figure 2 indicates the TVG land, figure 3 indicates the cycle & pedestrian path over the land in question.

Fig. 2



Fig. 3



Confirmation of the TVG application would prevent construction of the path because it would become a criminal offence to;

- Wilfully lay materials (such as stone or tarmac) on the green;
- Drive mechanically propelled vehicles (during construction or maintenance) over the green;

Further, could the path be constructed it would become a criminal offence to ride an electric powered bicycle on the path.

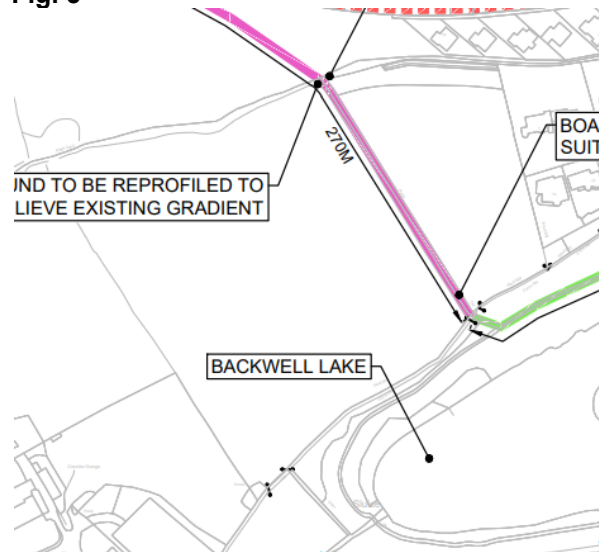
Officers have written to the Town Council seeking reassurance that it was not the Town Council's intent to prevent construction or use of the path and that the application will be modified accordingly. The Town Council has responded that it is unwilling to modify the application.

Further, the proposed cycle & pedestrian path would utilise an existing permissive footpath over land immediately to the south of the TVG land. Figure 4 indicates this land. Figure 5 indicates the alignment of the proposed cycle & pedestrian path over this land.

Fig. 4



Fig. 5



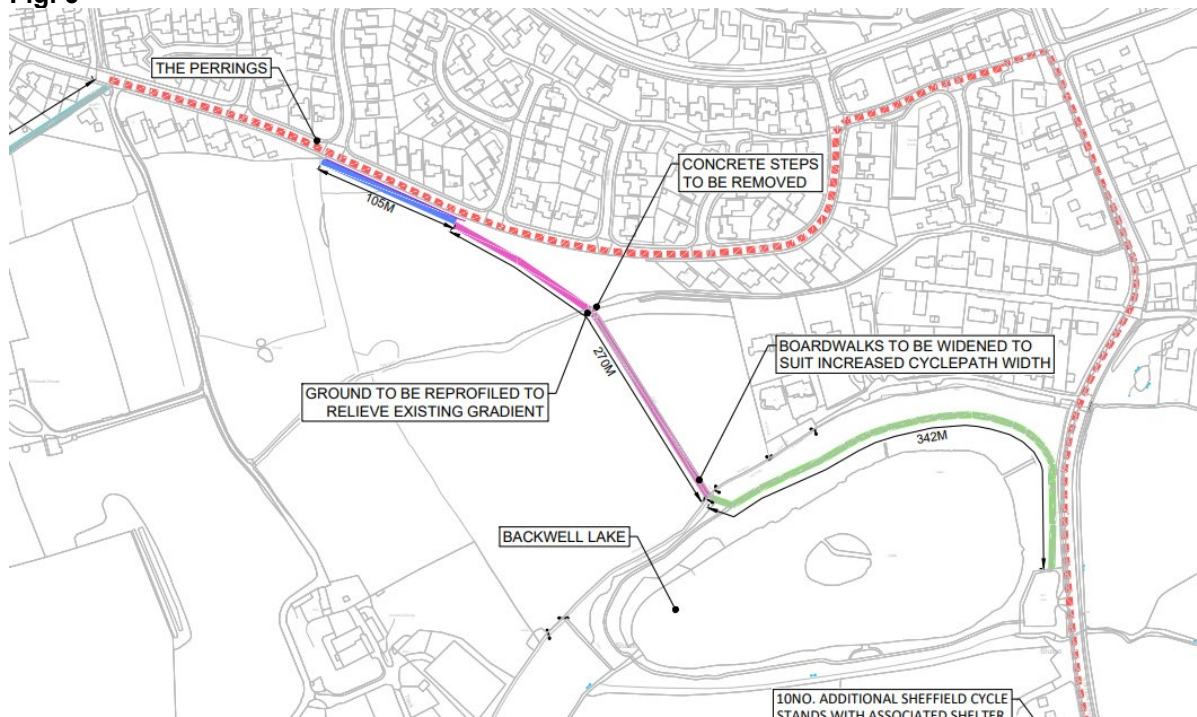
The existing footpath over this land is permissive. That is to say that pedestrians use the land by kind permission of the landowner, there is no public right of way here. It is understood that the ownership of the land has recently changed hands. The new owner has contacted the Public Rights of Way Team to inform them that the permissive access on foot has been withdrawn. The Public Rights of Way Team report that the new landowner is unlikely to reintroduce permissive access, formalise a public right of way or allow construction of a cycle & pedestrian path.

Options

Discussed above are two notable impediments to the delivery of the cycle & pedestrian path as envisioned at the appeal hearing. However, at the hearing Officers were keen to demonstrate to the Inspector that should implementation of the path become undeliverable there were alternative options available – to give the Inspector certainty of delivery in one form or another.

On the agreed drawings arising from the appeal hearing Officers indicated an on-carriageway alternative. This is indicated in dotted red on figure 6. On-carriageway provision would not be affected by the TVG application.

Fig. 6



DECISION:

That the Council does not object to the Town & Village Green application and implements the on-carriageway alignment.

REASONS:

Given the withdrawing of the permissive path to the south of the TVG land, it is not considered viable to oppose the TVG application.

OPTIONS CONSIDERED

Opposition to the TVG application is considered unlikely to be successful as the Council could not demonstrate that, with the path being constructed over the TVG land, a complete alignment can be delivered.

That the on-carriageway alignment offers similar connectivity between the development site at Youngwood Lane and the railway station.

FINANCIAL IMPLICATIONS:

The cycle & pedestrian path is to be delivered by the Council using S106 funding from the Youngwood Lane development. There are no financial implications of delivering either the on-carriageway or off-carriageway alignments.

The decision relieves the Council of Officer and Legal fees associated with opposing the TVG.

Costs

The decision has no direct costs

Funding

The decision has no direct funding implications

LEGAL POWERS AND IMPLICATIONS

In making this decision and implementing the on-carriageway alignment the Council acts under its powers as Local Highway Authority (Highways Act 1980).

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The decision to implement the on-carriageway alignment has similar benefits for climate change and potentially less environmental impacts

CONSULTATION

Internal consultation has been undertaken amongst Officers who are party to the development and implementation of the cycle & pedestrian path.

RISK MANAGEMENT

Delivery of the on-carriageway alignment is seen as having less risk than opposing the TVG application.

EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? ~~Yes~~ / No

CORPORATE IMPLICATIONS

There are no cross service implications.

APPENDICES

none

BACKGROUND PAPERS

none

SIGNATORIES:

DECISION MAKER(S):

Signed: 
Community Services

Executive Member for Neighbourhoods and

Date: 18.06.21

WITH ADVICE FROM:

Signed: 

Director of Place

Date: 17 June 2021