

REPORT TO: Petitions Committee

MEETING DATE: 11 June 2015

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Petition PET1503 – Calling on East Lothian Council to stop up the path/wall at Cameron Way, Prestonpans

1 PURPOSE

- 1.1 To present petition PET1503 - Calling on East Lothian Council to stop up the path/wall at Cameron Way, Prestonpans - to the Petitions Committee for consideration.

2 RECOMMENDATION

- 2.1 That the Committee considers the petition and takes action as required.

3 BACKGROUND

- 3.1 Petition PET1503 was submitted by Mr David Macleod on behalf of the residents of Priory Gate, Prestonpans and was received by the Council on 24 February 2015. The petition could not be considered at the Committee's meeting in March as two of the Committee members had declared an interest in the matter. However, following a change to the Council's Standing Orders, substitute members have been identified and the petition can now be considered by the Committee.
- 3.2 Further details of the petition, which is deemed to be competent, are outlined in Appendix 1. Mr Macleod has not submitted any additional information in support of his petition but will attend the Committee's meeting on 11 June.
- 3.3 Further information on the background, legal requirements and issues relating to the stopping up of the path/wall referred to in this petition are provided by Peter Forsyth, Asset and Regulatory Manager, in a report at Appendix 2.
- 3.4 The original petition can be viewed by contacting the Clerk to the Petitions Committee.

4 POLICY IMPLICATIONS

- 4.1 There are no immediate policy implications arising from this report. Depending on the action required and agreed by the Committee, there may be policy implications relating to particular issues arising from competent petitions. These will be subject to a separate report to the relevant committee, as required.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – dependent on the action agreed by the Committee.
6.2 Personnel – dependent on the action agreed by the Committee.
6.3 Other – dependent on the action agreed by the Committee.

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions Committee.
7.2 Appendix 1 – Summary of petition for consideration.
7.3 Appendix 2 – Background report by Peter Forsyth, Asset and Regulatory Manager

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|----------------------|---|
| AUTHOR'S NAME | Lel Gillingwater/Jill Totney |
| DESIGNATION | Democratic Services Manager |
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| DATE | 28/05/2015 |

EAST LoTHIAN COUNCIL PETITIONS COMMITTEE

| Petition Ref: | Subject of Petition | Date Received | Principal Petitioner | Number of Signatures |
|---------------|--|---------------|----------------------|----------------------|
| PET1503 | <p data-bbox="412 520 1061 587">Calling on East Lothian Council to stop up the path/wall at Cameron Way, Prestonpans</p> <p data-bbox="412 632 1111 1031">The petitioner contends that the wall opening is unnecessary as an alternative already exists. He also states that anti-social behaviour is impacting on the quality of residents' lives as the wall opening is being used as an escape route. There have also been instances of criminal damage to property. He indicates that residents wish the path to be stopped up and the wall to be infilled to resolve the situation. He also states that the police are in support of this proposal.</p> | 24/02/15 | David Macleod | 36 |
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APPENDIX 2



REPORT TO: Petitions Committee

MEETING DATE: 11 June 2015

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Petition Seeking the Stopping up of footpath on Cameron's Way, Prestonpans

1 PURPOSE

- 1.1 This report presents the background, legal requirements and issues to a request for the stopping up of a public footpath in Cameron Way, Prestonpans.

2 RECOMMENDATIONS

- 2.1 To decline a request to progress the stopping up of the remote footpath as on the basis that the footpath has become un-necessary.

3 BACKGROUND

- 3.1 Section 68(1) of the Roads (Scotland) Act 1984 gives power to the local Roads Authority to stop up roads by means of promoting an Order. To enable the stopping up the Roads Authority must satisfy themselves that:
- a). the route has become dangerous, or;
 - b). will become unnecessary.
- 3.2 The stopping up has been requested by several residents of Cameron Way who are concerned about un-restricted access to the housing site from a remote footpath, which bounds Preston Lodge High school. This footpath leads on to a playground and subsequently connects Gardiner road to Appin Drive.
- 3.3 The request to close the route is proposed by residents to stop youths entering the housing area under the cover of darkness and cause a disturbance. There is a substantial record of youth related anti-social behaviour issues at the locus and that the route facilitates ease of access/egress by youths to disperse into the wider network.

- 3.4 As a means to establish the extent of the problem Police Scotland was asked to provide a report, which is appended. The report highlights the fact that complaints have significantly dropped off between 2012 and 2104. This may be due to the serving of ASBO on the main protagonists, however, it is noted that reports were still being received in April 2014 and the problem was described as “the youth related antisocial behaviour continues unabated within the general locality...”.
- 3.5 Feedback from the local community warden highlights the majority of reports received pertain to youths either being in the grounds of Preston Lodge High School (3G pitches) or Cemetery Park.

The warden notes: there is 5 entry points into Gardener Road Playpark;

- 1) *Schaw Road/Cameron Way Path (East Access Point);*
- 2) *Gardiners Road (South East access point);*
- 3) *Nethershot Road (North East Access Point);*
- 4) *Coffin Lane/West Loan (North West Access Point).*

And that the youths when approached in the park have been okay. The poor lighting conditions in the park probably attracts the youths, as at night time they are out the way and can't be seen.

I have not seen any evidence to say that closing the wall at Cameron Way would make a difference.

- 3.6 Antisocial behaviour records indicate that youth related disturbances have been ongoing since 2009 prior to the formation of the footpath. Allegedly, representations were made to stop the formation of the footpath at that time but required a change to the planning application. It is unlikely the removal of this link would have been supported by Transportation.
- 3.7 A pedestrian link was included as part of 00/01165/OUT - Outline planning permission for residential development, construction of earth mounds of market garden/agricultural land/open grass area - Site Of Fomer Longdykes Market Garden, Nethershot Road, Prestonpans, East Lothian, EH32 9AW and subsequent stamped approved site plan drawings dated 5 Jan 05 within reserved matters on outline planning permission 00/01165/OUT.
- 3.8 This site has been developed in accordance with The East Lothian Council Standards for Development Roads 2008, which looks to provide a a highly permeable layout for all users with convenient connections to the existing network wherever practical. Thus allowing ease of access for pedestrians to the playground and surrounding amenities.
- 3.9 Cameron Way has been formally adopted - report was lodged in the members' library advising of the addition of Cameron Way, Prestonpans to the list of public roads on 30th June 2011.

3.10 A pedestrian survey was carried out on Thursday 26th June 2014 and Saturday 28th June between 6 a.m. and 10 p.m. to establish pedestrian usage. The site (Dia. 1) was divided into 4 links and a count of pedestrian movements carried out every 15 min period.



Dia 1 – Pedestrian Usage Survey

3.11 A total of **331** trips were recorded by **536** (pedestrians/cyclists) over the survey period (Thursday 26th June 2014) of which **167** were male under 16, **88** female under 16, **112** male 16 to 65, **144** female 16 to 65, **17** 65 male and over and **8** female 65 and over.

| Count of TRIP | ORIGIN | | | | Grand Total |
|---------------|--------|--------|--------|--------|-------------|
| | ZONE_1 | ZONE_2 | ZONE_3 | ZONE_4 | |
| DESTINATION | | | | | |
| ZONE_1 | 2 | 4 | 22 | 30 | 58 |
| ZONE_2 | 6 | 2 | 36 | 64 | 108 |
| ZONE_3 | 25 | 43 | | 4 | 72 |
| ZONE_4 | 26 | 60 | 5 | 2 | 93 |
| Grand Total | 59 | 109 | 63 | 100 | 331 |

The peak hour is between 3 p.m. - 4 p.m. and the majority of trips are under 16 years of age, which corresponds to the school travel times. A total of **57** trips originate from and **56** go to zone 1.

34.1% of the total number of trips move from or to zone 1 (**84** cyclists/pedestrians) of which **50%** are under 16 years of age.

3.12 A total of **205** trips were recorded by **302** (pedestrians/cyclists) over the survey period (Saturday 28th June 2014) of which **69** were male under 16, **49** female under 16, **81** male 16 to 65, **80** female 16 to 65, **17** 65 male and over and **6** female 65 and over.

| Count of TRIP | ORIGIN | | | | |
|---------------|--------|--------|--------|--------|-------------|
| DESTINATION | ZONE_1 | ZONE_2 | ZONE_3 | ZONE_4 | Grand Total |
| ZONE_1 | 2 | 5 | 9 | 16 | 32 |
| ZONE_2 | 9 | | 19 | 38 | 66 |
| ZONE_3 | 11 | 27 | | 7 | 45 |
| ZONE_4 | 13 | 45 | 1 | 3 | 62 |
| Grand Total | 35 | 77 | 29 | 64 | 205 |

The peak hour is between 6 p.m. - 7 p.m. but there is no clear specific demographic using the paths. A total of **33** trips originate from and **30** go to zone 1.

30.7% of the total number of trips use zone 1 (**46** cyclists/pedestrians) of which **39%** are under 16 years of age.

3.13 To gauge community concerns and support for the stopping up a Consultation was placed on the Councils Website – Consultation hub. The consultation ran from 29th August until 29th September 2014.

Four responses were received, one in support of the stopping up and three opposed. It may be of interest to note that the main complainer is the only member of the public who is in support the stopping up.

3.14 To promote a stopping up Order for the removal of the footpath from the list of public roads, the local Roads authority must be satisfied that the footpath is either dangerous or has become unnecessary. The Authority must also be satisfied that an alternative route exists.

The evidence provided clearly shows that the footpath is in use and used widely. It is recognised that an alternative route exists via Cameron Way to the east onto Appin Drive then westward along the remote footpath bounding Preston Lodge High School, a distance of 300m or thereby, an estimated increase in journey time of 4 minutes. While this may be reasonably acceptable for the majority of the community this would be detrimental to the elderly or infirm.

Considering all of information presented and the lack of support by the community, it is un-clear how this will benefit the community and/or address the anti-social behaviour issues. Cognisance should be taken that the antisocial behaviour started at the locus prior to the opening of the route and that the occurrences are dissipate over time.

3.15 The argument that the route allows for or facilitates antisocial behaviour is not a material consideration under the Act and whilst being sympathetic to the requester's circumstances the test is that the footpath will become un-necessary and regrettably this is not the case in this instance.

4 BACKGROUND PAPERS

4.1 None

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| DATE | 05.03.2015 |