

PETITION REQUESTING THE CONSTRUCTION OF A PEDESTRIAN FOOTWAY ON WEST QUAY DRIVE

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Cabinet Member for Planning, Transportation and Recycling.
Officer Contact	James Birch Planning, Environment, Education and Community Services.
Papers with report	Petition received October 2010 Appendix A – LOCATION PLAN

HEADLINE INFORMATION

Purpose of report	To inform the Cabinet Member that a petition of 170 signatures has been received supporting the request for a pedestrian footpath to be constructed on West Quay Drive.
Contribution to our plans and strategies	A safe Borough, a clean and attractive Borough.
Financial Cost	There are none at present associated with this report.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	Yeading

RECOMMENDATIONS

That the Cabinet Member:

- 1. Meets and discusses with petitioners' their concerns regarding pedestrian access to Willow Tree Marina and in particular Quayside Bistro from West Quay Drive.**
- 2. Notes the lack of space available for footway provision within the existing public highway and the consequent impact any proposals to construct a new footway adjacent to the highway will have on the adjacent green space.**
- 3. Subject to the outcome of (1), instructs officers to investigate feasible options to address the concerns of the petitioners and report back to the Cabinet Member and Ward Members on the findings.**

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Reasons for recommendation

To allow the Cabinet Member to discuss further with petitioners.

Supporting Information

1. The Council has received a petition with 170 signatures primarily from customers and staff of Quayside Bistro, a restaurant located on West Quay Drive under the following heading:

'We the undersigned want the construction of a proper 'Tarmac Footpath' along side the approach to the Willow Tree Marina on West Quay Drive – UB4 9TA'
2. West Quay Drive was redeveloped in the mid 1980s as a mixed use residential development leading down to the inland waterway marina on the Paddington Arm of the Grand Union Canal which provides home to approximately 100 boat owners. West Quay Drive runs from its junction with Glencoe Road to the Marina. There are footways along West Quay Drive from Glencoe Road to the junction with Marina Approach where the road forks as indicated in Appendix A.
3. From this point where the road forks there is no footway provision to the Marina along West Quay Drive.
4. On construction of the roadway of West Quay Drive down to the Marina no provision was made for a footway. A footway could not be constructed now as requested by the petitioners without drastically reducing the width of the carriageway or removing the majority of the shrubs, trees and vegetation on one side of the road.
5. There is currently no specific budget available for the construction of a new footway in this location and the estimated cost of providing a footway adjacent to the carriageway including the removal of trees and vegetation is £12,000.
6. West Quay Drive is not a through road and thus does not attract significant levels of vehicular traffic.
7. Should the Cabinet Member wish for officers to explore the feasibility of constructing a new footway alongside the carriageway this would benefit residents wishing to walk to the Marina and provide refuge from any passing vehicles but would have an impact on the natural vegetation lining the carriageway.

Alternative options considered

None at this stage

Comments of Policy Overview Committee(s)

None at this stage

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

Financial Implications

There are no financial implications directly associated with the recommendations of this report. If as a result of the hearing officers are instructed to identify feasible options to address the concerns, these will need to fully identify any costs and budgetary implications.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The recommendation will allow the Cabinet Member to discuss further the concerns with the petitioners. Officers will explore options for improving, if necessary, access to the Marina for the benefit of pedestrians and residents.

CORPORATE IMPLICATIONS

Legal Implications

A meeting with the petitioners is a legitimate part of a listening exercise, especially where consideration of the policy, factual and engineering issues are still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of all the necessary information being available upon which the decision should be based.

Section 66(1) of the Highways Act 1980 ("the Act") imposes a duty on the Highways Authority to provide adequate footways as part of the publically maintainable highway. This duty only arises where the Authority considers the provision of the footway as necessary or desirable for the safety or accommodation of pedestrians.

The Authority may also provide at public expense such raised paving, pillars, walls rails or fences as they think necessary for purpose of safeguarding pedestrians. The liability for the maintenance of such structures would then fall to the Authority.

The Authority is entitled to take into account financial considerations when deciding whether to provide a footway as part of an improvement scheme (R v Norfolk CC Exp Thorpe The Times, February, 9, 1998) An estimate of the costs to carry out these works have been referred to in the report.

The Act provides that the footway can be provided within or by the side of the existing adopted highway. Section 72 of the Act also gives the Authority the power to widen a highway and agree with the owner of the adjoining land for its dedication as a highway.

BACKGROUND PAPERS

A petition received October 2010

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press

APPENDIX 'A' – LOCATION PLAN



WEST QUAY DRIVE

Cabinet Member meeting with Petitioners

PART 1 – Members, Public and Press