



Joint Local Access Forum (JLAF)

for Bath & North East Somerset, Bristol City and South Gloucestershire

Chris Hogg, Secretary to the JLAF
Floor 2 South, Riverside, Temple Street, Keynsham, BRISTOL. BS31 1LA.

Telephone: 01225 394161
Facsimile: 01225 394205
Email: secretary@jlaf.org.uk
<http://www.jlaf.org.uk>

Ray Newbigin, Chairman, Robin Winfield, Vice Chairman
Ron Phelps, Deputy Chairman

Reference: S:\Prow\JLAF\JLAF Meetings,Business\JLAF17 upto JLAF18\2009-05-11 JLAF response Gating Informal Bristol FP163.doc

By email to: christopher.orlik@bristol.gov.uk

Christopher Orlik, Public Rights of Way,
Bristol City Council
Wilder House
Wilder Street
BRISTOL
BS2 8PH

Monday, 11th May 2009

Dear Mr Orlik,

Informal Consultation on the Proposed Gating of Prow 163, Fishponds

This letter constitutes formal advice from the Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire. Bath & North East Somerset, Bristol City and South Gloucestershire Councils are required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

Thank you for giving the Joint Local Access Forum (JLAF) the opportunity to contribute to the informal consultation regarding the application to erect gates across Prow 163 and other neighbourhood paths under section 129 of the Highways Act 1980.

As you know the JLAF is concerned in the interests of public health and well-being to protect and promote access to the outdoors for all sorts of potential users. Public Rights of Way are a precious heritage which allow visitors and residents the freedom to move conveniently around a neighbourhood. But so, also, do other neighbourhood paths whose status has not been legally determined. It is accepted that a case may be made for gating paths where significant distress is caused to local residents and all other reasonable means to alleviate the problem have been tried and have been shown to fail.

The JLAF has already made its views known to the Council with a twelve point check list (copy attached for ready reference) against which it will judge any gating proposal. We would ask that the final consultation document pays full attention to all the issues that the check list raises.

 Printed on Recycled Paper

The JLAF is a statutory body established by the three councils shown below, to provide advice as to the improvement of public access to land in the area of Bath & North East Somerset, Bristol City and South Gloucestershire for the purposes of open-air recreation and enjoyment of the area. Its views do not necessarily represent those of the three councils.

**Bath & North East
Somerset Council**



**South Gloucestershire
Council**

At this informal stage of the process we would emphasise our interest in the following points:

1) Prow 163 is clearly a useful route making easy pedestrian connections to two large immediately adjacent institutions – The St Matthias Campus of the University of the West of England and the Vassal Centre which deals with disabled care. Closure would entail a significant diversion for those users and many others wishing to pass between Vassal Road and Oldbury Court Road..

2) None of the backs of the properties are protected by gating prow 163. Only the sides of three properties of the 36 affected dwellings are made any safer and these are already adequately fenced.

3) A further three gates are required to shut off rear access but this would give no real protection against criminality as access to the rear would be easily obtained between the properties.

4) We will be particularly interested in the level and type of crime suffered by residents and an explanation of how gates will alleviate the problem.

5) What other means have been tried to reduce problems e. g. lighting, increased police presence, closed circuit television etc, neighbourhood watch etc.

6) What are the road safety implications of moving pedestrians and cyclists from a relatively quiet alley on to busy roads?

We look forward to being able to respond to the full report and detailed proposals when they are available.

Yours sincerely

[submitted by email from secretary@jlaf.org.uk]

Ray Newbigin, Chairman of the JLAF.

cc. Ray Newbigin, Chairman
Robin Winfield, Vice Chairman
Ron Phelps, Deputy Chairman

Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire

Position Statement on Gating Orders. The wording below was ratified by the JLAF at their meeting on the 6th March 2009.

This constitutes formal advice from the Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire.

Bath & North East Somerset, Bristol City and South Gloucestershire Councils are required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

The Highways Act 1980 (Gating Orders) (England) Regulations 2006 – Duty of Councils to Consult

The above Regulations set out the duty of Councils to notify the Local Access Forum, among others, of the intention to make a gating order under Section 129A of the Act thus:

3. *Before making a gating order under section 129A of the Act, a council shall -*
- (a) cause to be published on its website and in a newspaper circulating in its area a notice -*
 - (i) identifying specifically or by description the relevant highway;*
 - (ii) setting out the general effect of a gating order being made;*
 - (iii) identifying the alternative routes which would be made available to pedestrians and vehicular traffic if the proposed order were to be made;*
 - (iv) setting out a draft of the proposed order; and*
 - (v) inviting written representations, within such period as is specified in the notice, being not less than 28 days, as to whether or not a gating order should be made.*
4. *Copies of the notice referred to in regulation 3(a) shall be given by the council to -*
- (f) any local access forum through whose area the relevant highway passes.***

The JLAF is keen to make the consultation as meaningful as possible and to avoid any undue delays. To make this possible the following information would be required in addition to the bare details of the notification: (Please note that currently we meet three times a year in early March, July and November.)

- 1) A copy, or website address, of the Council's policy regarding gating orders including the arrangements for annual review.
- 2) What crime and/or anti-social behaviour the gating is designed to address.
- 3) What evidence there is regarding the level of such crime or the fear of such crime?
- 4) How the gating will affect a decrease in crime/anti-social behaviour taking into account the possibility of displacement of crime, or evasion of the gate(s).
- 5) What other means have been tried to reduce crime or the fear of crime and whether gating is a last resort.

- 6) Whether the gating is the minimum necessary to deal with the problem e.g. have consideration been given to restricted hours, or access to pedestrians, cyclists and others where a vehicular nuisance is being addressed.
- 6) What the impact will be on local residents and users not directly benefitting from the gating.
- 7) What level of objection has been expressed or is anticipated from those not directly benefitting from the gating.
- 8) Whether it is anticipated that further gating orders will be made locally.
- 9) The position and design of the gate(s)/barrier(s) to be used and an assessment of the visual impact taking into account the urban or rural landscape.
- 10) What are the installation, maintenance and annual review costs and the cost of removal should this become appropriate.
- 11) How the costs are to be met particularly the proportion from local residents, and from which Council budget.
- 12) If the Procedure is not being led by the Public Rights of Way Department whether that Department has been consulted and whether they are in favour.