

Town and Country Planning Act 1990 - Section 77
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Site:	Anglia Square including land and buildings to the north and east
Appeal by:	Weston Homes PLC
PINS reference:	APP/G2625/V/19/3225505
LPA reference:	18/003/00330/F

Norwich Cycling Campaign

Proof of Evidence

Cycle and Pedstrian routes

PoE-CYC/202

3rd December 2019

Prepared by Anthony Clarke
Contact: anthony.clarke88@btinternet.com 07811747890

1 Cycle and Pedestrian routes across the site

1.1 Much has been made by the developers of the routes across the site for cyclists as part of the Yellow Cycleway. However, there is no mention of a Right of Way.

1.2 I emailed Bruce Bentley of Norwich City Council and he replied as below:

Email from Bruce Bentley of Norwich City Council 19 Nov 2019

Hi Bruce

I will be representing Norwich Cycling Campaign under Rule 6 at the upcoming Inquiry into the Anglia Square Development.

I see that you will be giving evidence at the Public Inquiry and I would like to open a discussion on a couple of matters which perhaps we can resolve and thus save time at the hearing.

I have been concerned about the exact status of the cycle routes through the proposed development.

I understand that the historic Rights of Way were extinguished when the present site was redeveloped in the 1960s.

The original Botolph Street was stopped up at some time during the 1960s. The current Botolph Street was stopped up October 2009. Both of these were adopted highways rather than rights of way, and there are no other rights of way in the site. Consequently, all the land, so far as I am concerned is privately owned

I have not been able to discover what the rights the public have to enter, or to pass through the site. I have read that the owners at some time around 1970-80 proposed to erect gates to prevent access at certain times. I also note that more recently the owners have placed "No Cycling" notices, and painted surface symbols indicating the same. However, they have not stated clearly that cycling on the site would represent a trespass and would not have been an offence under the 1835 Act as their actions implied.

The land is private. So far as I am aware this act would only apply to public highway

- Is a legal agreement in place between Norwich City Council and the current developers which secures the public Right of Way to enter and cross the site by cycle and on foot?

No, the land is private

- Does this agreement cover the application of design standards, notices etc published by Department for Transport (or other Departments)?

There isn't any agreement

- Does this agreement cover maintenance and liability?

There isn't any agreement. This is something that I would expect to achieve should planning permission for the development be granted

- Are in fact these issues covered by statute?

Only if a right of way across the site was established. It has not been.

The answers to these questions may assist in resolving the second issue. The publication *The Inclusive Transport Strategy: Achieving Equal Access for Disabled People* Dept for Transport states:

- (Page 17) Recommend that Local Authorities pause the development of shared space schemes which incorporate a level surface while we review and update guidance. Alongside this, we will temporarily withdraw Local Transport Note 1/11: Shared Space

LTN 1/11 applied to the public highway. There isn't any within this site. In addition, government have subsequently made it clear that any moratorium is for schemes like Exhibition Road in Kensington. They have not withdrawn the advice in MfS or MfS2

- (Page 50) While we consider CIHT and DPTAC's recommendations and how to take them forward, we are requesting that local authorities pause any shared space schemes incorporating a level surface they are considering, and which are at the design stage. We are also temporarily suspending Local Transport Note 1/11. This pause will allow us to carry out research and produce updated guidance.

See above

End of Email

1.3 It seems that the land is private and no Right of Way exists. Mr Bentley indicates that he is seeking an agreement - after Permission has been granted.

1.4 Jack Shenke, writing in *The Guardian* 24 July 2017 said

“Under existing laws, public access to pseudo-public spaces remains at the discretion of landowners who are allowed to draw up their own rules for “acceptable behaviour” on their sites and alter them at will. They are not obliged to make these rules public. The result is that unless landowners choose to volunteer the information themselves, members of the public have no way of knowing what regulations they are bound by.”

1.5 It therefore appears that the Developers (or their successors) can make rules, for instance to ban cyclists, at any time and without further consultation. They do not appear to have to follow regulations, or design guides, or best practice in the design or operation of this routes through the site.

1.6 Norwich Cycling Campaign have several detailed points they wish to raise with the regard to the design of the routes, however, this seems pointless in view of 1.3 above.

1.7 A Condition should be applied in the event that the Development is approved to secure :

- Permanent Right of Way for cyclists and pedestrians
- The developer and future owners adhere to National Standards and take account of Best Practice in design and operation of these Rights of Way.
- No changes to the operation of these Rights of Way shall take place without the agreement of the LPA