

**Item 5 - Public Participation and Councillors' Questions**

**From Councillor Ernie Clark, Hilperton Division**

**Question**

Condition 10 of planning application (W)04/01389/FULES (as shown on the Notification of Planning Decision letter dated 22/8/06) clearly shows, amongst several others, an 'officer' condition stating that 'Zebra crossings will be provided on the new road adjacent to the Fieldways roundabout and the Wyke Road roundabout.' Reason – 'In the interests of highway safety...'

Despite contacting senior officers in the WC highways department I am unable to get any commitment from them that this condition is going to be enforced. On the contrary, I get the impression that they wish to vary the condition by taking a commuted sum from the applicant and not provide either crossing.

Can a written answer be provided by a senior highways officer confirming which of the above two scenarios is correct.

If neither scenario is correct, what is the intention of the WC highways department?

**Response**

Condition 10 of planning application (W)04/01389/FULES provides:

10 *Notwithstanding the details shown on the submitted drawings no development shall take place until details of the pedestrian crossings where footways and footpaths cross the road, and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority.*

*Zebra crossings will be provided on the new road adjacent to the Fieldways roundabout and to the "Wyke Road" roundabout. The development shall be carried out in accordance with the approved details before the road is opened to traffic.....*

*REASON: In the interests of highway safety, in order to safeguard amenity, and to facilitate access for all.*

The statutory power to establish crossings for pedestrians on roads for which the council is responsible is vested in the council as the local traffic authority under section 23 of the Road Traffic Regulation Act 1984. Consequently it is for the council as the local traffic authority to determine and approve the details of any pedestrian

crossings required on the new road in the interests of highway safety. Whilst the council will have regard to the stipulation regarding zebra crossings in condition 10 of the above planning permission it is not bound to adopt this and will decide what is appropriate in accordance with relevant policy and guidance.

Section 23 of the 1984 Act requires the council to consult the chief officer of police and to give public notice of any proposal to establish a pedestrian crossing. This is an executive function that will be exercised by the Cabinet Member for Highways and Streetscene and Broadband in due course.