

**Minute Extract 21, Finance Overview and Scrutiny Committee 10/7/02****21 LAND AT ARISTOTLE LANE**

The Vice-Chair (Councillor Stannard) chaired the meeting for this item.

The Committee was advised that Councillors Redman, Armitage, Goddard and Fooks had called in Aristotle Lane: Access to Trap Grounds Allotments (decision taken on 17 June) on the grounds that the SS Philip & James Governors had met recently and had reiterated their previously-held position: that they believed the railway crossing should be closed on safety grounds and that they did not support the compromise proposed by the allotment association.

It was also advised that the Executive Board had decided to seek a land swap that excluded a perimeter strip around the school land to enable the access to continue to be provided by the Council over the railway line direct to the allotments.

The Committee considered a report of the Property Manager (previously circulated and now appended).

Ms Jones said that she understood that the County Council would be likely to reduce land available for a land swap if the City Council reduced the land it offered for the land swap. This could result in a reduction of two houses on the proposed development. Railtrack had informed her that it would seek an alternative access for its contractors if the private rights were extinguished.

Mr Karlake said that the footbridge route provided a suitable alternative access to the allotments. There was a gradual incline either side of the bridge. He confirmed that, after a site inspection that morning, there had been no flooding.

Ms Carley said that she understood that an application had been made to the County Council for there to be public rights of way over the private access over the railway line. It might be 12 months before the County Council Rights of Way Office determined the application. If they were to decide that there was a public right of way and the access had been closed, then the County Council would require that it be reopened. She also said that Councillor Fooks had pointed out that the proposed GTE route would run adjacent to the railway line and trains on this route would be travelling at speed and more frequently than the trains.

Ms Jones also informed the Committee that the North Area Committee had agreed to ask the Executive Board and the Finance and Performance Management Overview and Scrutiny Committee:

- (a) to consider the impact and economic viability of the Trap Grounds housing development application if the land swap did not happen;

- (b) to clarify the position and Railtrack on safety issues and Ameys access;
- (c) to ensure the safety of the children and allottees without intruding on the allottees' access.

In response to Councillor Tanner's question, Mr Karlake confirmed that there was no access at present at the south east corner of the allotments: an access might be created but there would be problems of flooding and the steep embankment at this point.

Mr Bullock said that he was a member of the Trap Grounds Allotments Association. The Association had 90 paid up members and about 350 people were involved with the allotments if other members of the members' families were counted. The Association wanted a level access to the allotments. He said that it was a steep hill at both ends of the bridge which some members of the Association would find difficult to negotiate. Some members had indicated that they might cease their tenancies if the existing private rights were extinguished. He added that the bridge and accesses were overgrown with for example nettles and there was dog fouling. He said that there could be flooding in the winter months. He considered that a southern access would be difficult and damming or streaming work would need to be undertaken. He suggested that the costs for the work would be higher than £9000 allocated. He said that such works would be unnecessary if the private rights were maintained. The School Governors had asked for a path of 2 metres outside the boundary fence to be provided to the bridge. He said that there was a steep bank on the boundary to the school and the boundary fence would have to be provided at the bottom of the bank. He said that he had met the School Governors on site. The Governors had wanted the maximum area for the school because the site might be just below the Government's guidelines. If 1800 square metres were to be provided to the north of the school site, this would be of more practical use to the school than a bank. The proposed spine road to the development could also go ahead. The Association wanted the Executive Board's decision to be upheld.

Councillor Redman addressed the Committee and said that Sally Pressdee, Chair of the Governors' Premises Committee, had set out the Governors' position in a letter to Mr Hollander, the Chairman of the Allotments Association. She had said that, if the City Council made a formal proposal to transfer the bulk of the triangle to the County Council together with such part of the northern strip which would make up the balance of the untransferred area of the triangle, she would put that proposal to the relevant committee of the Governors for further consideration. However, she had also said in her letter that the Governors had other concerns, not least the proximity of an open and accessible crossing to the boundary of a primary school site. She had said that as Governors, they had to take account of the advice contained in the health and safety assessment commissioned by Mr Borien on behalf of the County Council. This assessment had recommended that the right of way to the allotments should be closed and that Railtrack should be approached with a view to closing the present pedestrian crossing.

This assessment had been included in the report to the Executive Board on 17 June as an appendix. The report had also included a letter to the City Council from the Senior Liability Manager at Railtrack, who had said that there had been previous attempts by Railtrack to persuade the allotment holders to give up their use of the foot crossing and that the construction of the school would increase the potential for trespass on to the railway at this point.

Councillor Tanner suggested that Section 106 funding be sought from the housing development to pay for the improvements to the bridge.

Resolved: to inform the Executive Board that it concurred in its decision to seek a land swap that excluded a perimeter strip around the school land to enable the access to continue to be provided by the Council over the railway line direct to the allotments subject to the viability of the housing development not being affected, the private access being gated, locked, controlled and restricted to use by allotment holders and additional fencing being provided for the children's safety.