

**AREA PANEL 1 COMMUNITY ISSUES – UPDATE REPORT
BACKGROUND INFORMATION
1 NOVEMBER 2006**

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1. Ref: 106001 – Pedestrian crossing request by Toys R Us, Chaddesden – received 11.01.06

Responsible officer(s) for more information:

Tony Gascoigne, Traffic Control Engineer, Regeneration and Community, telephone 715019

Issue:

The main pedestrian crossing point from the Meadow Lane footbridge is over the slip road off the A52 beside Toys R Us. Crossing this road is both time consuming and very dangerous with the volume of traffic throughout the day. It increases the difficulty for pedestrians and cyclists. The Panel were asked if a crossing point could be built near to the Fireplace Centre Shop.

Previous key points / action taken:

March 2006 - We have put forward a safety scheme at The Wyvern for the 2006/7 Local Transport Plan programme. As part of the overall proposals we are looking into a crossing between the footbridge and the Wyvern. As yet we have not finalised any design but subject to Cabinet approval and funding it is hoped that improvements can take place next financial year.

June 2006 - The scheme has been approved in principle by Cabinet. The design will be completed in 2006/7, but we do not yet have any firm design details as yet to consult upon. When the details are known we will inform the local ward councillors. Propose to note and put in outstanding issues table until more information becomes available.

A member of the public asked if the funding could be brought forward. Councillor Bolton explained that she had been speaking to Tony Gascoigne who has assured her that this is being moved on as quickly as possible. She confirmed that Council Cabinet had agreed the funding, but there needs to be a lot of investigative work carried out.

Response on 6 September 2006

Councillor Bolton reported that funding had now been secured and that plans had been drawn up showing the exact design and location

Actions agreed:

Update on progress

Update:

The pedestrian crossing on Pullman Way/Wyvern Way/A52 slip road westbound is on the 2006/07 highways and transport work programme and will be completed prior to the end of March 2007. Note and close.

2. Ref: 106019 – Petition - Eardley Close vehicle access, Chaddesden - received 06.09.06

Responsible officer(s) for more information:

John Edgar, Maintenance Manager, Regeneration and Community, telephone 715067

Issue:

A petition of 78 names was submitted in August 2006 requesting that the Council does not permit vehicular access to the rear garden of 21 Springfield Road. The petition outlined that Mr and Mrs Warner had erected a fence together with some shrubs at the rear of 21 Springfield Road and had maintained it for a number of years.

They asked that the fence be allowed to remain and vehicle access denied.

Previous key points / action taken:

New item.

Response on 6 September 2006

Christine Durrant presented a report in response to the petition. The report outlined the issue and details of the investigation that had taken place. The access is currently blocked by a fence erected on the highway and shrubs planted on the highway. The placing of the fence and shrubs is considered to be an unlawful interference with the highway.

Eardley Close is a cul-de-sac and is unusual in that beyond the turning area at the head of the cul-de-sac is a hard paved area. Highway adoption records show that the adopted highway includes the hard paved area which directly abuts the rear gardens of three properties in Springfield Road. The Council's Legal officers have advised that the owners of the three properties have by law a right of access to the adopted highway of Eardley Close for the reasonable enjoyment of their properties. This therefore entitles the owners to have vehicle access to their property irrespective of whether a formalised vehicle crossover is provided.

In highway terms, Council officers see no reason why a request for a vehicular cross over should be refused. The Accident Investigation Officer has visited the site and does not feel that a vehicular access would create an unacceptable risk.

The road markings placed on the highway outside 15 Eardley Close were placed at Mrs. Warner's request, and are intended as 'keep clear' signs. These are purely advisory rather than mandatory markings and do not restrict a vehicle driving over them to gain access to their property.

The Area Panel was informed that Mr and Mrs Warner have refused to remove the fence and shrubs from the highway and the Council's Legal officers will be serving a notice on Mr and Mrs Warner under Section 143 of the Highways Act requiring the removal of the fence, and under Section 141 for removal of the shrubs.

At the meeting on 6 September the lead petitioner explained that allowing a vehicle access to the rear of the Springfield Road property would cause health and safety issues, increase traffic and parking in Eardley Close as well as create more noise and disturbance for Eardley Close residents.

Councillor Roberts confirmed that residents in Springfield Road have by law a right of access to the adopted highway of Eardley Close for the reasonable enjoyment of their properties.

Actions agreed:

The Area Panel supported the action proposed to serve a notice requiring the removal of the fence and shrubs.

Update:

Officers have continued to communicate with the lead petitioner and a notice was served under Section 143 of the Highways Act requiring the removal of the fence, and under Section 141 for

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removal of the shrubs by 18 October. The resident has now indicated that they will be removing the fence and shrubs. Note and close.

3. Ref: 106007 – Croft Wood Railway Line Improvements, Derwent – received 11.01.06

Responsible officer(s) for more information:

Andrew Morgan, Landscape and Development Officer, Environmental Services, telephone 715547

Issue:

A resident reported that the Croft Wood area still suffers from use by off road motorbikes even after the efforts put in by the Police and other partners over the past 15 months. While enforcement measures still need to be planned, he suggested that a longer term solution could rest with reclaiming the area as an amenity for local residents and walkers. He asked if members of the area panel would work with local residents to achieve this.

Previous key points / action taken:

January 2006 - Councillor Rawson approved the suggestion and agreed that all three Derwent Councillors would support residents to take the idea forward. He felt more local residents needed to be involved and he would take advice from officers.

David Slinger, Team Leader - Natural Environment in Regeneration and Community has contacted John Holmes, of the Southern Derbyshire Countryside Service at the County Council based at Shipley Country Park to inform him of the interest local people have in resolving the issues in Croft Wood.

John Holmes confirmed that the County Council has been trying for some years to create a surfaced path along this stretch of the old railway, eventually linking to Ilkeston.

The stumbling block on the first section has been the ownership of a short section of the track, just north of Croft Wood by Leigh Environmental, now Onyx. John Holmes indicated that the County Council are trying to acquire this section of track bed which would allow them, hopefully next financial year, to start discussing a scheme to improve the path along the first section from the Paddock Pub to Breadsall.

It is not clear how the scheme would be financed but there is a possibility some of it could be funded through Local Transport Plan monies.

The Council own the first section of the track and as one way to overcome the issue of off road riding it has been suggested that as part of any scheme one solution may be to use selective felling as part of woodland management. This could involve placing selected hurdles down before putting a path in. To be effective it needs to be done in consultation with Erewash Borough Council and Derbyshire Wildlife Trust as Croft Wood is an important designated wildlife site.

David Slinger informed John Holmes of the considerable interest in local joint action to enhance the area and the need for plenty of consultation and forming of local partnerships before any plans are taken too far. John Holmes confirmed the issue and the interest of local residents would be discussed at the next County Council meeting. Updates on progress will be provided to the area panel.

The two 'No Motorcycle' signs have now been installed, one at the entrance adjacent to the Paddock Pub and one opposite Stratford Road. Parks will continue to work with the Police on enforcing no motorcycles. However, total control of access into Croft Wood is difficult as the adjacent land is in private ownership. While there is potential for local resident involvement in improving this area Parks staff resources are fully committed to other projects across the City at this stage. Once the County Council has secured a continuous route north of the city then Parks would work with local residents, other City Council Departments and the County Council to move the project forward, subject to staff resources and work priorities at the time.

March 2006 - Councillor Rawson reported that he had met with the resident who had first raised

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this issue, to discuss how this could be taken forward. They would be getting together with a number of other residents to gather support, who would put something in writing to the Council. He stated that once the land has been acquired, they would be looking at applying for funding.

June 2006 - John Holmes from the County Council has confirmed that the purchase of the land along the old railway route from the City Boundary to Ilkeston is a County Council priority. This will allow a surfaced cycle route to be installed. The County Council aim to complete the purchase of the necessary land from a variety of existing landowners during 2006/7. The County Council aim to produce detailed costings for the first phase of scheme from the Paddock Public House to Breadsall village in 2007. The scheme will include the installation of access controls along the route.

Once the County Council has secured a continuous route north of the city then Derby Parks would work with local residents, other City Council Departments and the County Council to move the project forward, subject to staff resources and work priorities at the time.

Propose to note and put in outstanding issues table until more information is available.

Response on 6 September 2006

Councillor Rawson reported that he had met with local residents, Derbyshire County Council and Breadsall Parish Council to update on progress. He confirmed that the route will be part of a cycle way and that a map outlining the proposals would be sent to the Council for comments. Councillor Rawson reported that he would make sure Oakwood Councillors were kept informed as well.

Actions agreed:

Update on any more progress.

Update:

Councillor Rawson has received copies of the plan indicating the proposed cycle route and has forwarded copies to the Derwent and Oakwood Councillors and the resident who is representing the local residents views. Council officers have also received copies of the plan and been asked for their views on local links.

The planned work has been brought forward because the County Council has successfully purchased part of the route, near to Breadsall village, from Onyx. The whole route from Ilkeston to the Paddock Public House is now in council ownership and Engineers have now walked the route and a costed scheme is being put together.

The County Council aims to start the scheme next financial year to improve the path along the first section from the Paddock Pub to Breadsall.

Note.

4. Ref: 106015 – Bus shelters on Scarborough Rise, Derwent - received 06.09.06

Responsible officer(s) for more information:

Peter Price, Transport Policy Manager, Regeneration and Community, telephone 715034

Issue:

A resident asked if two new bus shelters could be provided on Scarborough Rise at the existing bus stops adjacent to the Coniston Crescent junction and the Horncastle Road junction.

Previous key points / action taken:

New item.

Response on 6 September 2006

None.

Actions agreed:

To investigate with the Public Transport Unit and report back

Update:

There is no funding available this financial year as we are already committed to installing 20 new shelters city wide before March 2007. The request has been included in the list for possible inclusion in the 2007/08 highways and transport work programme. This isn't a guarantee that we would install the shelters at this location. The final programme for 2007/08 highways and transport schemes will be presented to Cabinet for approval in February 2007. Once the final programme is approved, we will provide a further report to the area panel outlining the schemes that will be delivered in their local area during 2007/08. Investigations would need to be carried out to determine whether the sites were suitable and that there was no major opposition from other residents whose properties faced them.

Note and close.

5. Ref: 106016 – Dropped kerbs by da Vinci Community College entrance, Derwent - received 06.09.06

Responsible officer(s) for more information:

John Edgar, Maintenance Manager, Regeneration and Community, telephone 715067

Issue:

A resident commented that there was now a 3 inch height difference between the pavement and the resurfaced entrance to da Vinci Community College. There had been dropped kerbs in place and because they had not been replaced it was now very difficult to access the pavement.

Previous key points / action taken:

New item.

Response on 6 September 2006

Christine Durrant explained that she was unaware of the details of the work and suggested that the work could be a temporary reinstatement and that the final work was waiting to be completed. Councillor Roberts asked that action is taken immediately to make sure the pavement is accessible.

Actions agreed:

To investigate and request the contractors make good the pavement immediately.

Update:

The entrance to the new school has been re-kerbed and tarmaced. The road to the school is basecoursed only and still needs a surfacing layer. When this has been done, the kerb height will be reduced. The surfacing will be carried out in the October half term.

Note and close.

6. Ref: 105033 – Dangerous wall – Spondon Village Hall, Spondon – received 02.11.05

Responsible officer(s) for more information:

Chris Edwards, Assistant Director - Property Services, Corporate and Adult Social Services, telephone 255070

Issue:

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A member of the public raised concern over the dangerous wall at the rear of Spondon Village Hall and asked the panel who it belonged to and what was happening with it.

Previous key points / action taken:

January 2006 - The Council completed a boundary wall inspection programme in 2004 and this wall was identified as being potentially dangerous. Safety fencing was erected immediately and further investigation carried out. Part of the wall was subsequently shored up to increase stability. In January 2005 there was a partial collapse and again the wall was stabilised and fenced off for safety. Our deeds on this wall indicate there is a shared responsibility with the adjoining property owners. A structural engineer has recently inspected the wall and we are awaiting his recommendations and quotes for the repair works. Due to the historic importance of the site, any remedial works will reinstate the wall to its original appearance even though the wall is not within the Spondon conservation area. Preliminary estimates indicate that this will be an expensive job and we will discuss a contribution towards the cost with the adjoining owners. Work will not start until the specification, quote, contributions and a budget have been confirmed.

March 2006 - Since the last area panel urgent temporary repair works have been carried out on a small section of the wall. A letter has been sent to all property owners adjoining the wall asking them to check their deeds so that we can start discussions over any split of the cost of the works. Received structural engineers recommendations and obtaining tender price for works.

Timescales: Tender documentation planned for sending out no later than Friday 17 March 06.

Tender returns will be required back by Wednesday 12 Apr 06.

Work could commence during May 06 and duration anticipated at 2 - 3 months. But the following needs to be resolved first. All adjoining owners to have confirmed their responsibility under their own title - we have now written to them all requesting this information.

Consultation with owners over liability, extent of works and share of the cost. The works vary along the various lengths of the wall and the split will not be even and will be subject to negotiation.

Considerable delays if any disputes arise.

There will be approval of funding for our share of the cost, wider public consultation as this adjoins the village hall and public car park, planning approval following consultation and agreement of the extent of works - 12 weeks. It is very difficult to estimate how long the issues above will take but we expect around 4-6 months and longer if there are any major disputes.

June 2006 - There was a delay sending out the tenders for the works. They are now due back by the end of May. Officers are chasing up the information requested from residents, as this has not all been received yet. A party Wall Surveyor will be appointed to advise on the repair works and how the costs should be apportioned. A letter was sent at the end of May to the residents adjoining the wall inviting them to a meeting on Wednesday 14 June at 6pm in the village hall. Ward councilors and a representative from Spondon Community Association have also been invited. The meeting is to consider the options following which there will be wider consultation on the preferred option.

September 2006 - The Council completed a boundary wall inspection in 2004 and this wall was identified as being potentially dangerous and was fenced off. Due to the historic importance of the site, remedial works will reinstate the wall to its original appearance. Discussions have started with all property owners adjoining the wall over any split of the cost of the works. A meeting was held on 14 July with the residents adjoining the wall. Broad agreement was reached on the way to proceed with the repairs to the wall subject to final prices on the cost of the works being agreed and legal advice on the ownership of the wall and the liability. If the Council still have Party liability then we anticipate that the works will be started in early autumn and will be completed by winter time.

Response on 6 September 2006

Councillor Poulter asked that contact is made with one of the residents affected to update them on progress because they had not received any information since 15 July.

Actions agreed:

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To contact the resident concerned and update on progress.
Report back to the next meeting on progress.

Update:

Officers have spoken to the resident who had not received any information since 15 July. The Council has not yet received confirmation of ownership from all of the adjoining owners. From the information supplied it would appear that the southern boundary is a party wall and the Council will joint fund either repair works or a new fence. Officers have written to those residents in October to set out the relative costs of the options to enable consensus to be reached on which option to progress. The work can then start.

The western boundary, rear of car park, is less clear cut. It appears at this stage that the wall is probably the residents' responsibility. Again, officers have written to the residents in October to seek clarification and then the Council will need to take a view on how to protect users on the Council side. Note.

7. Ref: 106018 – Recycling Batteries, all wards - received 06.09.06

Responsible officer(s) for more information:

Malcolm Price, Waste Manager, Environmental Services, telephone 716350

Issue:

A resident commented that there appear to be no arrangements in place to recycle batteries like torch batteries. When he rang the Council hotline he was informed to put them in his black bin and considers that this is in conflict with the Council's recycling ambitions. He asked if the panel was aware of the lack of arrangements for battery recycling.

Previous key points / action taken:

New item.

Response on 6 September 2006

Councillor Ahern referred to the car battery recycling facilities at Raynesway Civic Amenity Site and that previous reviews had identified a need for more battery recycling.

Councillor Smalley reported that Nicad batteries are very expensive to recycle and that there is no recycling facility in the UK. He explained that it is the accepted practice to dispose of batteries in small quantities in landfill.

Actions agreed:

To update on current Council procedures to recycle batteries such as torch batteries.

Update:

Derby City Council has a statutory target to recycle 30% of its domestic waste. We have implemented the kerbside recycling scheme to 12 of our 15 domestic refuse rounds, with the final three rounds being included next year to help to achieve this target.

As part of the Derbyshire Municipal Waste Management Strategy we are aiming to recycle a minimum of 45% with a target of 55% no later than 2020. It can therefore be seen that the Council is committed to recycling and initially implementing the current kerbside scheme to all properties to exceed the 30% target.

The Council will then pursue working on other material recycling - such as batteries - and waste minimisation projects to achieve the longer term targets.

Batteries are hazardous, but are not counted as hazardous waste when disposed of in small quantities in a domestic wheeled bin and they can still be sent to landfill. Note and close.