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Members of Licensing and Regulatory
Committee

Date: 2 September 2020
Our Ref:
Your Ref:

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Dear Councillor

LICENSING AND REGULATORY COMMITTEE - MONDAY 7TH SEPTEMBER, 2020

I refer to the agenda for the above meeting and now enclose 2 petitioner statements in objection to the proposals, which have been submitted subsequent to the Agenda being published.

Agenda No.	Item
4	A59 Northway - Receipt of Petition (Pages 3 - 4) Petitioner Statement – Mr Carroll
6	Wildlife and Countryside Act 1981, Section 53, Application to modify the Definitive Map and Statement to include various public rights of way on and around St Luke's Church Road, Formby. (Pages 5 - 6) Petitioner Statement – Mr McComb

Yours faithfully,

Ruth Appleby

Democratic Services Officer

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ITEM NO. 4 – A 59 NORTHWAY

PETITIONER STATEMENT - MR CARROLL

WORD COUNT 640

I am local resident and I have concerns about the busy junction of the A59 junction with Kenyons Lane, L31.

I have been in conversation with Sefton Council Highways dept (SCH) and our local councillor, John Sayers for over a year now. John Sayers shares my concerns whilst SCHs do not. As quite simply, there have been no serious or fatal collisions, therefore they will not make his junction safe.

SCHs have stated that they carried out traffic measurements in 2016 and deemed the 60mph/40mph/20mph junction safe as the volume of traffic and pedestrians was not high enough. Therefore, it doesn't require safety measures. My first question is, does the volume of traffic or pedestrians dictate if something is safe or not?

Our concern is that there is no assisted pedestrian crossing at this junction. Travelling along the A59 towards Liverpool, you will notice that every crossing upto Switch Island has an assisted pedestrian crossing in the form of bridges, pelican crossings and even a tunnel. Yet, A59/Kenyons Lane has nothing and in my opinion is the most dangerous junction.

At this junction, three very different speed limits meet, causing major hazards. At the A59 towards Ormskirk the limit increases from 40mph to 60mph immediately after the junction, causing drivers to increase their speed to 60pmh plus on approach to the junction. In the opposite direction, it decreases from 60mph to 40mph which I have witnessed to be even more dangerous as drivers dont not slow down to 40mph after crossing the junction. And in all honesty, whilst travelling in the 60mph zone towards Maghull, vehicles travel in excess of 70mph, and they often continue this speed into the 40mph. But this is apparently safe.

Kenyons Lane has a 20mph on both sides as It is deemed to be a vulnerable road with risks. Yet, the A59 60/40mph road it crosses the "vulnerable" 20mph zone does not have any safety measures. In my opinion, it appears that SCHs has placed this junction in the "to hard to do box" even though it is by far, the most dangerous

These hazards are extremely difficult to anticipate when attempting to cross the junction. Adding to the existing hazards, there is no pause in between each cycle. As soon as one ATS turns red another one turns immediately green, making it almost impossible to cross safely. Also, when crossing the A59 it is Impossible to see into either side of Kenyons Lane due to the high hedges, so it is literally "take a chance" to cross when Kenyons Lane lights are green. Viability is less than limited.

In combination with these major risks, on either side of the A59 are numerous vulnerabilities. Large housing estates on both sides, Children's playgrounds on both sides, which includes a park and playground on the junction itself. The grass in this park is less than 8 meters from the actual junction. St Thomas Primary School on

Agenda Item 4

Keynons Lane and Lydiate Primary School where parents attempt to cross their children to walk to school and an assisted living home (Keynons Lodge). Also a shell Garage with a local shop inside. People from each housing estate attempt to cross the A59 at Keynons Lane to access all of the above locations and each time risking their lives. And with all due respect, this is not an exaggeration.

I refuse to cross this road while with my 3 and 4 year old as I have experienced a large number of near misses. I'm forced to walk 15 minutes to the pelican crossing at Dodds Lane. And as previously mentioned, this particular junction has an assisted crossing, although I see less risks than the junction of Keynons Lane.

The petition is still live and currently sits at 470 signatures. Lets be proactive in protecting our local community, including the drivers who use the junction.

Kind Regards

Mr David Carroll

ITEM NO. 6 – PUBLIC RIGHTS OF WAY ON AND AROUND ST LUKE’S ROAD, FORMBY

PETITIONER STATEMENT - MR McCOMB

WORD COUNT 650

Members are given a choice to either refuse to accept the evidence that rights of way subsist or to reaffirm and endorse a 24-year-old resolution and proceed to make the Orders. Members will note in 4.2,12 a compromise agreement was reached with the Parish Council in 2004 which sought to restrict the paths for pedestrian use only and not with vehicular rights. Furthermore, Members will note the level of additional applications within section 5 of the report that would suggest time has moved on, the environment has changed, public use of the area, the community, housing and infrastructure. Therefore, I would suggest that Members when making these various decisions have been aware of the original resolution when asked to consider additional applications from 1994 through to the latest resolution in 2018 and presumably discounted the 1994 resolution in doing so. The Committee will appreciate that resolutions from 24 years previous would not have the same considerations or weight in modern day.

It is now necessary for me to obtain Counsels opinion with regard to the financial implications of the Council’s own legal search (Con 29) process. The Council’s legal opinion has not sought a view on these legal implications for either the Council or landowners. The financial implications could be significant for all parties, if the 1994 resolution was not provided in property transaction searches. Specifically, the search question states, “Has the Council made an Order but not yet implemented it’. The cost of the roadworks was circa £600,000 and would not have been undertaken.

The report states in 4.1,6, the dedication agreements to enable the general public to use the paths is on-going but in 4.1,10 the Parish Council is frustrated with the lack of Council progress and therefore, independently referred the matter to the SoS.

As landowner, I have provided a legal dedication together with The National Trust.

In 2.7 of the report, Members will see the extent of evidence, which is required to prevent a way from becoming a public right over a period of years. I can confirm these measures have been in place for some time and for example, a gate across the path has been erected far earlier than 2001 when I purchased the property. This in itself refutes the previous evidence by the claimants. In addition, there are statutory notices readily visible confirming that the paths in question are private with the use of the paths permissive. Members are able to make a site visit to inspect these signs, as your officer confirms within the report.

Agenda Item 6

Merseyside Police is supportive of the landowners, given the number of anti-social incidents, particularly with vehicular use and 4x4's.

It's accepted that the routes are important to the local community and therefore, recognising the wider community benefit, I have given consent for their use as 'Permissive.'

Officers will confirm the costly and time consuming process if Members approve the making of the Orders and also, the responsibilities upon the Council for future maintenance, repair and litigation. The current situation provides for the routes as permissive and negates all of the aforementioned issues, whilst still allowing the general public to use the paths.

The residents can enjoy the same rights now regardless if the Council resolve to make the Order. No complaints have been made to either landowners or the Council of the public being unable to use the paths for the types of lawful purpose.

In conclusion, I would respectfully ask the Committee to refuse the evidence from the applicant to the claim for the paths to be recorded on the DM, on the basis that the paths have the benefit of permissive rights together with the lack of additional legal information on the financial implications for all parties.

If Members are minded to approve the making of the Orders, I would respectfully ask for a deferment of the decision to enable Counsels opinion.

Thank you