

**COMMITTEE: REGULATION****DATE: 5<sup>th</sup> NOVEMBER 2008****SUBJECT: DEMOLITION OF FOOTBRIDGE BETWEEN THE STATION AND BUTE STREET AND THE DIVERSION OF THE PUBLIC RIGHT OF WAY****REPORT BY: HEAD OF ENGINEERING AND TRANSPORTATION****CONTACT OFFICER: 7106 Philip Cunningham****IMPLICATIONS:**

<b>LEGAL</b>	✓	<b>COMMUNITY SAFETY</b>	
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>	
<b>FINANCIAL</b>	✓	<b>CONSULTATIONS</b>	✓
<b>STAFFING</b>		<b>OTHER</b>	

**WARDS AFFECTED: SOUTH AND HIGH TOWN**

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**PURPOSE**

1. To update Members on changes to the design of the proposed diverted public right of way following objections to the published order for the diversion approved by the Committee at their meeting on 12<sup>th</sup> March 2008.
2. To seek approval of the Regulation Committee to the amended diversion of the public right of way on the footbridge between the station and Bute Street to a new ground level right of way. This would then allow the demolition of the footbridge to take place thereby improving the pedestrian route from the station to the town centre, particularly for people with mobility difficulties.

## **RECOMMENDATION(S)**

3. **The Regulation Committee is recommended to :**
- (i) note the publication of the Order approved by the Regulation Committee on 12<sup>th</sup> March 2008.**
  - (ii) approve amendments to the proposed diversion of the public right of way following objections received to the publication of the above Order**
  - (iii) authorise the Head of Legal Services to make and publish an Order under Section 119 of the Highways Act 1980 for an amended diversion of the public right of way on the footbridge between the station and Bute Street to a new ground-level right of way, and to refer the Order to the Secretary of State for confirmation in the event that objections or representations are received.**

## **REPORT**

4. The demolition of the footbridge and diversion of the public right of way was considered by the Regulation Committee on 12<sup>th</sup> March 2008. The Regulation Committee resolved:
- (i) That the report (Ref 5.1) be noted.
  - (ii) That the Head of Legal Services to make and publish an Order under Section 119 of the Highways Act 1980 for the diversion of the public right of way on the footbridge between the station and Bute Street to a new ground-level right of way, and to refer the Order to the Secretary of State for confirmation in the event that objections or representations are received.
5. Following the publication of the Order (approved by the Regulation Committee on 12<sup>th</sup> March 2008) in May 2008, a number of objections were received. These objections have been carefully considered and amendments to the proposed diversion of the public right of way have now been made in order to try to address some of the issues and concerns raised.
6. The diverted route has now been made slightly shorter by minimising the 'dogleg' of the new route as it crosses Station Road and then enters the station car park south of Station Road. In order to do this the proposed stairway has been moved slightly to the west. The stairs have been widened as much as possible whilst still being fitted between the existing bridge support (which is being retained for the new stairs) and the lift facility. The pedestrian crossing points on Station Road and at Bute Street have been improved and both of these will now be on raised speed tables to further minimise any inconvenience to pedestrians. A plan showing the revised diverted route will be tabled at the Committee meeting.

7. Members will recall that the previous committee report made the following points in relation to the diversion of this footpath from a footbridge to ground level:
- The ground level footpath will follow the same general alignment as the existing footbridge.
  - This matter was reported to the Disability Advisory and Access Forum on 7<sup>th</sup> February 2008 where in principle support for the demolition of the footbridge and its replacement with a ground level path was obtained.
  - Network Rail have agreed, in principle, to dedicate the land as public highway for an alternative ground level public right of way to the Council.
  - In order to demolish the existing footbridge and build a new ground level footpath, the existing public right of way on the footbridge would need to be “diverted” from the footbridge to the new ground level path. This diversion requires an Order under Section 119 of the Highways Act 1980.
  - As well as being of benefit to people with mobility problems the proposed ground level path would be beneficial to rail passengers alighting or boarding trains from London via Platform 5 (and people using the bus stops on Station Road).
  - The demolition of the footbridge would have the added benefit of facilitating the redevelopment of the Luton Gateway area between Guildford Road and the railway (A Master Plan for this area has now been agreed). This development is a joint venture between Network Rail and the Council and should help fund a new/refurbished station.
8. The new multi-story car park between the railway and Midland Road should be opened late 2009. This car park is being built in order to replace the station car parking on either side of Station Road. After the opening of the new car park, it is anticipated that the new surface level pedestrian route can be constructed between Station Road and Bute Street without any vehicular conflict. The only remaining conflicts between pedestrians and vehicles on the diverted public right of way would be at Station Road where pedestrians would have priority via a raised zebra crossing and at Bute Court where there is a very low level of vehicular traffic and where pedestrians would cross via a raised speed table/ crossings. As stated above this crossing has been improved as a result of consultation received in serving the Order in May 2008

9. Proposals for the land towards the west of the station, forming part of the current Station Road Car Park including a new transport interchange with stopping facilities for the Luton – Dunstable Busway (The Busway received conditional approval from the Government in September which allocated £74.39 million to this project, its design and build contracts are due to be issued later this year, with construction starting late 2009/early 2010). Demolition of the footbridge and replacement at ground level will provide increased and better access to these new facilities both from Luton Station and the Town Centre.
10. This revised proposed 'diverted' ground level public right of way will still maintain a contiguous public right of way between High Town and the town centre. In detail it has been improved in response to the objections received. The proposals are in line with the Council's Public Rights of Way Improvement Plan. First Capital Connect have written to the Council in support of the removal of the footbridge.
11. The next step for the Council is to serve the revised order as soon as possible. If objections are received, the Council will refer the matter to the Planning Inspectorate to determine whether a public inquiry is necessary. The diversion will take effect 90 days after the Order is confirmed. The Order will include a provision that the existing public right of way will not be extinguished (as opposed to temporary closure for works) until the Highway Authority certify that the work in providing the diverted route has been carried out.

### **FINANCIAL IMPLICATIONS**

12. The original estimate for removing the footbridge and constructing the diverted public right of way has increased due to additional costs associated with the making of the Order. Any other additional costs that may be required to deliver the outcomes will be assessed as to affordability before being incurred as all costs will be funded from Growth Area Fund, which is a finite amount.
13. Agreed by the Finance Manager (Environment & Regeneration) on 28<sup>th</sup> October 2008.

### **LEGAL IMPLICATIONS**

14. The making of a diversion order under S119 Highways Act is only the initial stage of the process. The order does not take effect until it is confirmed. Once the order is made it is open to public consultation. It must be advertised in the local press and by site notices, and notices served on relevant landowners. If no objections are received the order can be confirmed by this committee as an unopposed order. If there are duly made objections the order must be submitted to the Secretary

of State who will arrange a public inquiry or informal hearing to consider them.

15. Legal implications are as set out in the report as agreed by Richard Stevens on 27<sup>th</sup> October 2008.

## **EQUALITIES**

16. An Equalities Impact Assessment was carried out on the closure of the bus station and bus station car park and this identified the need to address problems faced by people with disabilities, the elderly and people with pushchairs, scooters, etc. The Equalities Impact Assessment indicated that the demolition of the existing footbridge and its replacement with a ground level crossing would be the preferred way in which to address this issue. This matter was discussed at the Disability Advisory and Access Forum on 7<sup>th</sup> February 2008 and in principal support for the demolition of the footbridge and its replacement with a ground level path was obtained.

## **OPTIONS**

17. That the Committee do not approve the Order for the diversion of the public right of way and therefore demolition of the existing footbridge. This will mean the problems now faced by people with mobility difficulties will continue. The other benefits associated with the demolition of the footbridge and its replacement with a ground level path will not be obtained.
18. That the Committee approve the Order for the diversion of the public right of way and therefore demolition of the existing footbridge. This will mean the problems now faced by people with mobility difficulties will be addressed more fully and the other benefits associated with the demolition of the footbridge and its replacement with a ground level path will be obtained. **This is the recommended option.**

## **APPENDIX**

19. None

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Equalities Impact Assessment for closure of bus station and bus station car park  
Regulation Committee 12<sup>th</sup> March 2008  
Public Rights of Way Improvement Plan  
Luton Gateway – Master Plan