

THE LUTON (BUTE STREET TO LUTON STATION)
FOOTPATH DIVERSION ORDER 2008

STATEMENT OF GROUNDS FOR CONFIRMING THE ORDER

1. The purpose of the Order is to divert a section of the footpath which runs between Bute Street and Midland Road in Luton. The path is part of an important pedestrian link between the High Town area of Luton to the north; Luton Station, and via Bute Street; the town centre further south. The Order proposals relate to the Footbridge between Bute Street and Luton Station. There is some lateral diversion proposed by the Order, but its main effect is to divert the path from a footbridge to ground level. The purpose of this Order is to provide improved access and inclusive environment for the mobility impaired, and people with mobility vehicles, the vulnerable young and old in accordance with the Disability Discrimination Acts (DDA) 2005 and policy for the mobility impaired. The footbridge also does not provide convenient access to cyclists, people with pushchairs or heavy luggage.
2. The environment of the Order footbridge and stairs to Bute Street are in substantial need of significant improvement. An improved footbridge and stairs however, would be less desirable than an at-grade footpath, in particular for users of the buses, ground level car park and cycle and motor bike stands on Station Road and in the future the proposed transportation improvements to the Luton Station Area. An upgrading the footbridge would not provide value for public money.
3. The whole path from Bute Street to Midland Road (shown in Appendix A) is accommodated on a railway footbridge which

provides both the public right of way and station access, and which has three elements:

- (a) At the southern end stairs ascend from the highway footway in Bute Street to a footbridge span of approximately 110 metres which extends north to join the upper level of Luton Station. This is the section to be diverted, and comprises about half the length of the whole path.
 - (b) The middle section of the path continues through the upper concourse level of Luton Station where there is access to the ticket hall and platforms. There is also access to ground level in Station Road by stairs and a lift which are not part of the public right of way. These stairs are internal to the station and can be closed by the owners. The lift directly opens up onto the footbridge and is maintained by the local authority.
 - (c) The northern section of the path continues from the station building to the highway footway at Midland Road, which it joins on the level, Midland Road being substantially higher than the station ground level.
- 4. The station building and the northern footbridge to Midland Road serve to carry the footpath over all platforms 1 to 5 and railway lines at Luton Station. Platform 5 can be accessed at surfaced level from Station Road via a small entrance.
 - 5. The southern footbridge, carrying the Order footpath to be diverted, was originally provided to carry the public right of way over the former Welwyn to Dunstable railway constructed in the 19th Century. The present bridge was constructed in the 1970s, although passenger traffic on the

Dunstable line had ceased, and its Bute Street station had been demolished.

6. The station car park and Station Road are owned by Network Rail and leased to First Capital Connect Ltd, the Train Operating Company at Luton Station.
7. The diversion will bring particular benefit to people with disabilities, the mobility impaired, cyclists the vulnerable young and old and people with prams or heavy luggage and those with mobility vehicles. At the Bute Street end of the current footbridge there is no alternative to the stairs. It was previously possible, by making a detour across a spur footbridge (not part of a public right of way), to make use of the Bute Street Bus Station and Car Park lift, however this has now been demolished as part of redevelopment plans for car parking and bus facilities in Luton town centre. A lift at Luton Station allows access from Station Road on to the footpath, however there is no convenient ground level access between that lift and Bute Street or the Town Centre. The alternative route take people with mobility vehicles, cycles etc via Old Bedford/ Guildford Street/ Station Road. In recognising the problems for the mobility impaired, the diversion is strongly supported by the Luton Disability Advisory and Access Forum.

DESCRIPTION OF THE FOOTBRIDGE

8. The footbridge and its associated stairs are approximately 110 metres long. The footbridge is constructed from a steel truss, with a concrete deck and corrugated steel roof. The main section of the footbridge has a clear width of around 3.67 metres between the timber handrails that run along both sides, the vertical sides of the footbridge reduces the effective width of the path. The public right of way narrows

down to a clear width of 2.7 metres including a 50mm diameter steel centre hand rail on the stairs down to Bute Street.

THE DIVERSION

9. The footpath will be diverted by removing the footbridge between Bute Street and Luton Station and by providing a new path to modern standards at ground level. It will therefore be the case that the diverted path would join at its northern and southern ends, the Bute Street footpath and the footpath within Luton Station. The new footpath diversion would create a public right of way access to High Town as presently the case but also at surface level to buses, cycle stands and surface level car parks on Station Road.
10. A new paved and engineered footpath will continue north, effectively on the same line as the current footbridge, across the Luton Borough Council (the Council) land and across the station car park owned by Network Rail and leased to First Capital Connect. Where the path crosses the existing mixed pedestrian and vehicle areas of the car park, a new pedestrian path and public right of way will be created. The opening of the new multi-storey car park on Midland Road (presently under construction) will allow Station Road car park to be closed and part of the area to be dedicated as a public right of way. This has been agreed with Network Rail.
11. Where the new path reaches Station Road it will deviate slightly to the east to cross Station Road by a new raised Zebra crossing. Network Rail has agreed to dedicate a section of Station Road as public highway so that the proposed crossing will have full legal effect.

12. New stairs, forming a public right of way will be constructed from the Station Road footway to the upper station concourse level, joining the diverted path to the remaining middle and northern sections of the whole path. The proposed stairs will be sited alongside the station lift which links Station Road to the upper concourse of the station and public right of way. At this location there is the option for the mobility impaired and others requiring assistance to use the lift. This lift is available for use by the public and is maintained by the Council. The capacity of the stairs has been designed by the Local Highway Authority to cater for the anticipated pedestrian demand (in accordance with DfT Design Manual for Roads and Bridges BD 29/04 Design Criteria for Footbridges).
13. The dimensions of the new footpath are approximately 4 metres in width, (narrowing to around 3 metres at the stairs at the station) and around 137 metres in length. The area covered by the proposed footpath is essentially the same alignment as the existing footbridge however, the increase in length is a result of providing the new stairs alignment at Station Road.

Interim Public Square

14. Proposals for the interim public square have been drawn up and presented at Appendix B: Plan of Interim Station Square. These proposals build on the diversion route described above however; include a wider area at Station Road and environmental improvements. The red line area will be adopted, once the new Midland Road Car Park is opened and Network Rail transfer the area over to the Council for adoption as a public right of way. This is programmed in the spring of 2010. Funding to deliver this

interim scheme has been secured through the Government's Growth Area Funding programme.

15. There is a longer term aspiration to provide a high quality public square (described below). The delivery of this will depend on wider regeneration schemes in the area.

CURRENT ROUTE AND ALTERNATIVES

16. The current Order route does not comply with mobility policy. There are three key options to improve accessibility in accordance to policy:
 - Maintaining the footbridge and Bute Street stairs and make mobility improvements to the Guildford Street – Old Bedford Road route;
 - Proposals for improvements/ upgrade of the footbridge and the installation of new lift at the Bute Street (southern) end of the footbridge; or
 - Proposal shown in Order.
17. The option to maintain the footbridge and Bute Street stairs and providing improvements to the alternative via Guildford Street and Old Bedford Road would result in an excessively long route at 565 metres (see Appendix C) for the mobility impaired, cyclist, people with pushchairs mobility vehicles and those with heavy luggage. Also given the constraints along this route there is only a limited amount of improvements that could be made, particularly to the width of the footway and the narrow pedestrian tunnel on Guildford Street. Therefore, this option would be contrary to mobility policy.
18. As stated above, the existing route over the footbridge from the station to Bute Street is unacceptable for the mobility

impaired, highly undesirable for cyclists and difficult for those with mobility vehicles, heavy luggage and pushchairs. In addition the environment of the footbridge and the Bute Street stairs are in need of substantial upgrades. Improvements would include a new roof; new flooring, particularly to the stairs; and side panels to make the footbridge weather proof. In order to ensure that these improvements comply with DDA and mobility policy, a lift would also need to be installed at the Bute Street end of the footbridge. These improvements would however, still result in a route which would be less convenient for the mobility impaired, cyclist and those with heavy luggage and pushchairs seeking access to buses, the ground level car parks, and the cycle/ bike parking facility on Station Road. The level of improvements required, including a lift at Bute Street would not provide value for money. Also the provision of an upgraded footbridge would incur higher costs for maintenance for the Council, including the maintaining two lifts.

19. With any improvements provided to the footbridge, the area under the footbridge would remain vulnerable and attract anti social behaviour, particularly at the Bute Street/ Bute Court end and the entrance to the University Halls of residents. In addition maintaining a footbridge at this location would mean that the problem of overlooking into the students accommodation would remain. Installing a lift which is not attached or part of a building would be difficult to manage in the event of a break down as well as being vulnerable to vandalism.
20. A variation on this option would be to provide a shorter new footbridge across Station Road only with new stairs and a lift adjacent to Station Road on the south side. However, a number of the concerns described above would equally

apply to the provision of a short footbridge. Particularly with regards to access to some of the bus stops on Station Road for the mobility impaired and also concerns over value for public money.

21. The option for upgrading the footbridge and new lift would be a short term solution due to the wider regeneration proposals for the area, including the committed proposals for the wider regeneration proposals, including a transportation interchange at Luton Station (see below).
22. It is therefore clear that the existing situation is unacceptable and requires significant improvements and the only reasonable and practicable way to overcome the current problems of convenient and safe access for groups including the mobility impaired is by way of diversion at ground level in accordance with the proposed Order. In the longer term, from 2012 when the transportation interchange is affected together with development of area in accordance with adopted policy, the proposed Order route would be of even greater benefit in terms of connecting the railway station, transportation interchange and the redevelopment area with the town centre.
23. The remainder of this Statement of Grounds provides further details on the Order proposals in accordance with legislation.

SECTION 119 HIGHWAYS ACT 1980 – COMMENTS ON THE CRITERIA

Section 119 (1) - Expediency in the interests of the owner, lessee or occupier of land crossed by the path, or of the public.

24. The owners of the land are Luton Borough Council and Network Rail, with First Capital Connect having a lease on land owned by Network Rail (including the surface level car park on Station Road) (see Appendix D). The Council is mandated with among others to provide highway and regeneration functions in the public interest as well as the Disability Equality Duty under DDA. Network Rail is mandated by the Government to improve the safety, reliability and efficiency of the railway. First Capital Connect hold a franchise to run trains through Luton Station. Both Network Rail and First Capital Connect strongly support the Order.
25. The existing footbridge is not compatible with adopted policy. The existing footbridge is an outdated, stark utilitarian structure which presents a poor welcome to Luton, it requires substantially and costly up-grading both to improve its environment and to comply with mobility requirements. The new footpath at ground level would link to a public right of way, the town centre, to bus stops on Station Road, the station, High Town and in the future the proposed transportation interchange. Currently there is no direct public right of way from the station to ground level bus stops and Station Road (a private road). The proposed Order footpath is fully compatible with adopted policy. Even an upgraded improved footbridge would remain as a segregated route for pedestrian, and not in accordance with mobility policy, and fail to integrate the town centre with the station and High Town.
26. The diversion is considered expedient in the interest of the owners, leaseholders and occupiers and also expedient in the interest of the public. The proposed scheme will provide benefit to all users by providing an inclusive environment, in

particular for those who are mobility impaired, station and bus users, cyclist and others using the link between High Town and the town centre. Of particular concern is the lack of a direct route for people with mobile disabilities, prams and heavy luggage. The alternative indirect route is provided along Guildford Street/ Old Bedford Road, some 565 metres, is unacceptable.

27. As stated above, the option to improve the footbridge and Bute Street stairs would be vulnerable to vandalism and anti – social behaviour and would not provide value for money. Also installing a lift in this location would also leave the lift difficult to manage and vulnerable to vandalism and anti–social behaviour. Also in this option any improvements to the footbridge would be a short term measure as the area surrounding and including Luton Station is the subject of comprehensive regeneration plans some of which have been committed.
28. The reconfiguration of car parking coupled with the replacement of footbridge with a ground level path provides opportunities to make better use of this area, including proposals for an interim station square. Leaving the footbridge will make the land immediately under the footbridge sterile.
29. The overall strategy for the Luton Gateway area is shown in the Appendix E: Luton Town Centre Transport Scheme. This includes proposals for the Luton Dunstable Busway (formerly known as Translink); bus interchange; kiss and ride and taxi drop off facilities; major refurbishment plans at Luton Station; Gateway Inner Relief Road; and a large public square, referred to here collectively as the transportation interchange.

30. The function of Luton Station is to provide a gateway to the town. The proposed transportation schemes strengthen this function as well as providing the new transport proposals for the area. Pedestrian connectivity with the transportation interchange (all modes, including buses and rail, in particular for the mobility impaired) provides essential links to and from the town centre with this area, and is a constituent part of regeneration policy and proposals for the town centre. A surface level link would best integrate these areas and functions.

Section 119 (2)(b). Where the point of termination of the path is on a highway the Order shall not alter it “Other than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public”.

31. The northern (Midland Road) end of the whole path is not affected and the southern end would remain on Bute Street. Therefore, the proposed footpath would be connected to highway at both ends.

Section 119 (6). Will the diverted path be “Substantially less convenient to the public”?

32. The existing footbridge, for reasons given above, is unacceptable in its present state. There is no adequate means of access for mobility impaired those with cycles, pushchairs, prams and with mobility vehicles. The existing environment of footbridge is in need of significant improvements which would not provide value for money. The footbridge at its northern end fails to connect at ground level to the buses, car park, taxis and cycle stand on Station Road.

33. The Council is mindful that the existing route at first floor level provides poor facilities for people with disabilities, the less mobile and people with prams or heavy luggage. The current route contains a dog leg stair case down to Bute Street which discharges onto a relatively narrow, crowded footway. This will disappear and the options to descend/ascend at the station will be the existing stairs and lift within the station or a new stairs designed to modern standards. The proposed Order route is in accordance with DDA requirements. The diversion is strongly supported by the Luton Disability Advisory and Access Forum.
34. Census data does not exist on the mobility impaired. There are however, currently 7,465 registered Blue Badge holders in Luton who would find using the current route inconvenient. The area currently provides public transport facilities which will be expanded in the future and providing a more convenient and direct path as set out in the Order footpath and will increase its use by the mobility impaired as well as cyclists and people with pushchairs and heavy luggage. The Council working with its partners, in particular Network Rail, are complying with mobility policy as well as policy to encourage use of public transport for all.
35. Objections are made to the Order on the basis of alleged inconvenience, even danger, but the diversion will not require pedestrians to walk substantially further, or present them with anything but ordinary features found in an urban setting. The proposed pedestrian crossing would be designed to modern requirements and would be wholly acceptable in terms of safety and convenient for users.
36. The diversion will be slightly longer than the existing route (due to the alignment of the proposed stairs), providing an acceptable and safest alignment at Luton Station. For most

people this short section of path will only be a part of their journey. The Bute Street entrance to Bute Court is designed and already used as a mixed pedestrian and vehicle route.

37. Where the path crosses the existing mixed pedestrian and vehicle areas of the existing car park, a new pedestrian path and public right of way will be created within this section of the existing car park. This car park is planned to be closed, once the Midland Road car park is opened in spring 2010. The reconfiguration of car parking in the Luton Station area will allow the Interim Station Square to be delivered (Appendix B). The proposed Interim Square has secured public funding from the Government's Growth Area Funding programme.
38. Station Road itself is already crossed, both outside the station and along its entire length, by pedestrian users of the station, the car park and bus stops. Traffic surveys (October 2007) show a peak hourly traffic flow equating to about 10 vehicles per minute. During the past three years there have been no reported personal injury accidents on Station Road (excluding the junctions at either end). The provision of a Zebra crossing will provide pedestrian priority for users of the diverted footpath and for increased safety for existing users (see Appendix F: Traffic Survey).
39. It is accepted practice for pedestrians to cross busy roads in town centres and outside rail stations using Zebra crossings e.g. there is currently a Zebra crossing on Midland Road at the entrance to the Luton Station. The design of the Zebra crossing has been approved by the Highway Authority. The proposed route for pedestrians is a safe and appropriate alternative to the current footbridge. An independent Stage 1 and 2 Road Safety Audit has been carried out into the

proposed pedestrian route and found the Order proposals to be satisfactory from a safety perspective (see Appendix G).

40. The partial shelter from the elements provided by the existing footbridge roof will be lost, for a distance of some 110 metres. This represents only a part of most walking journeys which typically have no roof cover. However, as already noted the environment of existing footbridge is poor.
41. Users of the diverted route will need to exercise no more than ordinary care, as they must for the remainder of their journey. However, the features of the new route do not, taken in isolation or together, merit the provision or maintenance of a footbridge. There will be no substantial loss of convenience arising from the diversion.
42. As stated previously, the diversion will bring particular benefit to people with disabilities, the less mobile and people with prams or heavy luggage. At the Bute Street end of the current footbridge there is no alternative to the stairs. It was previously possible, by making a detour, to make use the Bute Street Bus Station and Car Park lift, however this has now been demolished. The lift at Luton Station provides no convenient ground level access between that lift and Bute Street or the Town Centre with a footbridge in situ. However with a ground level footpath this lift would provide convenient access between Bute Street and the Station to the footpath at first floor level at the station and across to Midland Road.
43. Even with an upgraded footbridge the area under it would remain vulnerable to anti-social behaviour, as is the case with many urban footbridges. It is likely that land under southern end, under the footbridge pillars, would remain unattractive. This area, adjacent to the University of halls of

residents is not overlooked; it lies in a quiet location and is typical of similar locations where anti-social behaviour takes place. A lift, if added to the location would be vulnerable.

44. Consideration has been given to identify and assess alternative options to the proposed Order route. The options for environmental improvements to Guildford Street, Old Bedford Road or upgrading the existing footbridge with a new lift at the southern end would not be convenient options for the public, in particular the mobility impaired, cyclists people with pushchairs, heavy luggage and with mobility vehicles. The Guildford Street would be substantially longer, 565 metres and therefore less convenient. An upgraded footbridge and lift would also be less convenient for the mobility impaired seeking access to the existing buses, taxis, cycle stands and ground level car parks on Station Road.
45. The Council has secured wider regeneration proposals for the area around Luton Station, including a new transportation interchange (including building of the Busway) which can be provided with a pedestrian priority crossing and the provision of a new larger public square. The proposed ground level route will assume far greater importance with the provision of the new transportation interchange, as well as providing immediate easy access and new right of way on Station Road at ground level to the buses; taxis and proposed transportation interchange at the station in addition to platform 5 at the station. Pedestrian improvements are also proposed for Bute Street and the remainder of the route to the Town Centre.
46. Without the removal of the footbridge and its replacement with a ground level of a footpath, the Council could not maximise opportunities to allow access to these new facilities in accordance with public transport policy. It is

important that these transportation interchange proposals are provided with access, particularly for the mobility impaired, cyclists, and people with pushchairs, heavy luggage and those with mobility vehicles.

Section 119 (6)(a) – The effect of the diversion on public enjoyment of the path as a whole.

47. The Council is of the view that this diversion of the footpath to at-grade level will result in a more convenient, open and pleasant route as well as providing an inclusive environment. The footbridge forms only part of the route linking Luton Town Centre to Luton Station and High Town. The remaining route will be unaffected by the removal of the footbridge and its replacement with an at-grade footpath. The footbridge is one of the first experiences that visitors coming to Luton by train have of the town. It provides a less than attractive entrance to the Luton. The proposed Order route will provide direct visual and psychological links to and from the Luton Station into the town centre. By creating a new route at ground level with overlooking and more activity in the wider area, it is anticipated that the number of people using the route will increase.
48. The current footbridge is outworn and unattractive. It in effect traps potential victims and is a relatively narrow and enclosed space and can intimidate vulnerable users, in particular after dark. The current route also restricts permeability to the surrounding areas, once on the footbridge pedestrians have to complete the route.
49. The existing footbridge requires all pedestrians to use stairs at Bute Street. The current route for people with mobility impairments, people with prams etc is via the lift at the station and then via a long detour down Station Road, to Old

Bedford Road and then along Guildford Street this route is some 565 metres long. All users have to pass through the tunnel on Guildford Street which is narrow, has a poor environment and safety concerns, particularly for vulnerable people.

50. The new footpath will still involve the use of stairs (this time at the station) for most pedestrians but crucially provides much improved facilities for people with mobility impairments, people with pushchairs and others etc who can again use the lift at the station. They can also gain direct access to the town centre on the new ground level footpath. The proposed removal of the footbridge is strongly supported by the Luton Disability Advisory and Access Forum.
51. The proposed footpath will allow greater penetration by pedestrians and cyclists into the area in front of Luton Station i.e. by all sustainable modes of travel, fully in accordance with Government public transport policy. It would allow easier and quicker access to Luton railway station, as well as bus stops, taxis and cycle stands and the proposed transportation interchange, particularly for those coming to the Station from the town centre. For example, currently, in order to catch any of the buses at the stops on Station Road, pedestrians will need to either use the footbridge into the station and double back out of the station staircase (non public right of way) and exit close to platform 5 or they will need to access the bus stops via Station Road's junction with or Old Bedford Road. This journey will be the same for pedestrian accessing the taxis and the cycle stands.
52. Providing a ground level route ensures maximum number of people will be using the area at all times, therefore providing an inclusive environment. It would increase the ability for better security and surveillance. The proposed footpath will

be open to both sides and much more visible and should therefore reduce the perceived risk of danger and risk of personal attack. For many the perception is one of safety, having to pass along a corridor without escape routes and for potential attacker to hide at either ends of the footbridge. This concern has been expressed to the Council and is recognised by many females and vulnerable users, especially at night.

- 53 A route at ground level will increase surveillance and security of the users and eliminate environment conducive to anti-social behaviour. Concerns have been raised by the University regarding female students in the living accommodation facing the footbridge. The proposed footpath will also benefit the students at the Hall of Residents as their entrance will not be obscured by the footbridge and overlooking from the footbridge into the residents would be resolved. The access road to the University buildings does not pose a significant safety issue for pedestrian on the proposed route.
54. By 2012 (year when the Busway and bus interchange will be delivered) the diversion will provide a more convenient access to the transportation interchange facilities. The at-grade footpath will allow the public coming from the Station to get to these transportation interchange facilities using either the proposed new stairs or existing lift. For the public coming from the town centre it will be more convenient as they can walk directly to the Busway and bus interchange from Bute Street without the needs for steps

Section 119 (6)(b) – The effect on other land served by the existing right of way

55. The only land served by the existing right of way is the railway land of Network Rail and First Capital Connect both of whom strongly support the proposal. Access to all other land served by the existing footbridge would be either be unaffected or improved.

Section 119 (6)(c) – The effect of the new public right of way as respects the land over which the right of way is so created and any land held with it

56. The benefits to the land over which the new path will run have been set out above.
57. The proposal will lead to increased pedestrian traffic across the land of Network Rail and First Capital Connect. The proposed raised Zebra crossing will interrupted the flow of traffic in Station Road in favour of pedestrian who will have right of way over vehicles using Station Road. It will be made a highway (maintained at public expensive) and therefore statutory highway requirements will need to be observed by all users. Both companies, support the proposal and are willing to dedicate the necessary land to public use. The proposal will bring the footpath down to ground level on the Luton Borough Council land, currently beneath the footbridge.

Section 119 (6A) - Rights of Way Improvement Plan

58. Paragraph 9 of Schedule 6 to the Countryside Rights of Way (CROW) Act 2000 is inserted into section 119 (6A) into the Highways Act. It is a statutory requirement that regard is to be had to any material consideration in terms of the Public Right of Way Improvement Plan prepared by the local authority, whose area includes land over which the Order would create or extinguish a public right of way.

59. The Luton Rights of Way Improvement Plan was adopted by the Council's Executive on 14 July 2008, and includes an action to improve routes to district/town centres and other key travel attractors for pedestrians (in particular mobility impaired people) and cyclists. The action plan in the Rights of Way Improvement Plan specifically identifies the route between High Town/Luton station and the town centre for improvement in 2008/09.
60. The purpose of the proposed Order is to improve the public enjoyment of the footpath as a whole and to bring public benefits. The new footpath would not be substantially less convenient to public and would improve the route to the town centre, station, bus stops, High Town and the future proposed transportation interchange, in particular for mobility impaired, cyclists, and people with pushchairs and those with heavy luggage.

CONSULTATION

61. The Council's proposals for the Luton Gateway scheme have been considered during various consultation processes including during the adoption process of the Local Plan, Local Transport Plan, the Town Centre Development Framework and Public Right of Way Improvement Plan. It has also been through Statutory advertising processes in the local press.
62. In addition discussions with Stakeholders are ongoing, including Area Committees and the Luton Disability Advisory and Access Forum. The Committees and the Forum have supported the Order Proposals. The Council have received letters of support for the Order, including letters of strong support from Network Rail, First Capital Connect and the

University of Bedfordshire. Four letters of objections have been received. The objections raised and the Council's response is provided in the table at Appendix H.

POLICY CONTEXT

Disability Discrimination Act 2005

63. Highway and planning authorities must comply with the Disability Equality Duty under the Disability Discrimination Act 2005. Authorities are required to have due regard to the principles of:

- Promoting equality of opportunity between disabled persons and other persons;
- Promote positive attitude towards disabled persons;
- Eliminate unlawful discrimination;
- Eliminate unlawful harassment;
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

64. The Council has had due regard to the advice given in "Planning, Buildings, Streets and Disability Equality. A Guide to the Disability Equality Duty and Disability Discrimination Act 2005 for Local Authority Departments Responsible for Planning, Design and Management of the Built Environment and Streets".

Planning Policy Guidance and Statements

65. In proposing the diversion of the footbridge to provide an at-grade footpath, the Council has been mindful of the

Government's sustainability policy. A general approach set out by PPS 1: Delivering Sustainable Development includes the provision of:

"improving access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car, while recognising that this may be more difficult in rural areas." (Paragraph 27 (v))

66. The Council's purpose in providing an at grade footpath between Luton Town Centre and the station is to ensure that there is improved access for all to the existing transport facilities in station area, including buses and taxis. The Council's future plans, some of which have the relevant approvals, are due to be delivered in 2012 will develop an integrated public transport hub at in the Luton Station area. It is worth noting that the Government's approach states improving access for all. This will include the mobility impaired, cyclists, and people with pushchairs, heavy luggage and those with mobility vehicles.

67. PPG 13: Transport supports schemes that are designed for use by disable people. It state under the section on Mobility Issues that

"the Government wants to promote public transport that is accessible to disabled people and a pedestrian environment that enables them to make use of it." (Paragraph 31)

68. On particular relevance to the Order proposals is an objective set out in the PPG 13 state that local authorities should:

“Ensure that the needs of disable people as pedestrians, public transport users and motorist – are taken into account in the implementation of planning policies and traffic management schemes, and in the design of individual developments; consider how best to reduce crime and the fear of crime, and seek by the design and layout of development and areas, to secure community safety and road safety” (Paragraph 6. Bullet Point 9)

69. In its section on Walking (Paragraphs 75 – 77) local authorities are advised to create more direct, safe and secure walking routes, particularly in and around town centres and local neighbourhoods, and to schools and stations, to reduce the actual walking distance between land uses, and to public transport. Its advice on Cycling is to encouraging more use of public rights of way for local journeys and helping to promote links in rights of way networks.

70. Government guidance for town centres in Planning Policy Statement 6: Planning for Town Centres seeks to ensure that:

“access is easy and safe and convenient for pedestrians, cyclists and disable people.” (Paragraph 3.25)

71. The Government’s Planning for Town Centres: Guidance on Design and Implementation Tools (Companion to PPS 6) states that:

“Local authorities should seek to improve access to and from town centres by all modes of transport, but in particular pedestrian access from the main point of arrival (such as bus or railway stations or car parks) to the main attractions, such

as the primary shopping area. Improving the pedestrian environment of a town centre, including areas beyond the primary shopping area, can make a significant contribution to its overall attractiveness and competitiveness.”

72. The diversion of the Order footpath will ensure that there is improved integration between all users of the proposed footpath, linking Luton Station to the town centre and the extended public transport hub proposed for the area.
73. The Planning and Access for Disabled People: A Good Practice Guide, published by ODPM (March 2003) aims to ensure that the planning system in England successfully and consistently delivers inclusive environments as an integral part of the development process. The document is important in that it provides a definition of an ‘inclusive environment’ which “is one that can be used by everyone, regardless of age, gender or disability” (Paragraph 2.1.1).
74. The guide sets out good practice guide for local planning and highway authorities as well as for developers, occupiers and owners of land. It also sees the important role that local access forums can make in considering development proposals in light of mobility issues. Of relevance to the Order proposals is the emphasis put on designing schemes that understand the fundamentals of inclusive access. As noted above Luton Disability Advisory and Access Form support the Order proposals.

Regional Local Plan Policies

75. The provision of proposed footpath is in line with both regional plan policies. Also the proposals for the Luton

Dunstable Busway and bus interchange are also outlined as priorities for implementation. The relevant plans are:

- East of England Plan (May 2008)
- Milton Keynes and South Midlands Sub – Regional Strategy (MKSM) (March 2005)

76. The East of England Plan's Policy T13: Public Transport Accessibility seeks to improve public transport, including measures to improve accessibility to public transport to a high proportion of households as possible. Policy T4: stresses the priority to bring about a shift to cycling and walking in urban areas, including key centres such as Luton.
77. Emphasis on better and improved accessibility for all pedestrians and cyclists, particularly to public transport is reiterated by the MKSM strategy (Strategic Policy 3: Sustainable Communities). For Luton Town Centre, the strategy seeks to enhance accessibility by public transport; and to improve public safety and security (Paragraph 89). It also gives priority to

“creating improved interchange arrangements, including convenient and attractive access to railway stations.”
(Paragraph 75, 4th bullet point)

Local Plan Policies

78. Relevant adopted plans include:

- Luton Local Plan 2001 – 2011
- Luton Local Transport Plan (LTP) 2001 – 2006
- Luton Town Centre Development Framework – 2004
- Luton's Community Plan – 2002 – 2012

79. All these adopted statutory documents emphasis the importance in providing pedestrian access to all to transport infrastructure. They also take account of meeting the needs of cyclists.
80. Policy T4 of the Luton Local Plan on Mobility states:
- “The Borough Council will require all new developments, including transport infrastructure, to be accessibility to, and usable by people with mobility difficulties.”*
81. The Council’s LTP (page. 37) sees access and mobility as an important issue and therefore the 2020 Transport Strategy Vision states that the transport system will:
- “promote equal opportunities and access to services for all members of the community by improving transport infrastructure for non-car owners and the design of transport facilities for mobility impaired people;”*
82. The Town Centre Development Framework states:
- “Accessibility and mobility are at the heart of the LBC’s policy. It is essential that any new development is permeable and provides convenient and attractive route for pedestrians throughout the day and night”.*
83. One of the six themes and associated aspirations of the vision for Luton as set out in adopted Community Plan is “A Greener, Cleaner Luton with Sustainable Communities and Accessible Services”. This theme includes the aspiration by 2012 for a better access, mobility and quality of life for all of the community (page 9). It should be noted that a Strategic Priorities is to improve access and mobility for all the community with minimal detriment to the environment (Page

13). A ground level path as proposed by the Order would meet this priority.

Luton Borough Council Equality Policy Revised May 2007

84. The Council has a strong commitment to address equality and diversity issues in all areas of its work and influence. The purpose of this policy is to set out the arrangements to help reduce inequality, eliminate discrimination, promote good relations and to protect human rights in line with the duties of the Equality and Human Rights Commission and the Equality Act. The Council has a number of commitments, which seek to eliminate unlawful and unfair discrimination, and promote positive action to overcome the effects of past discrimination.
85. Section 4 of the Equality Policy sets the Council and all its service department's commitments. Commitments which are most relevant to the Order proposals include:
- *Services users to receive fair treatment when accessing services;*
 - *Services, buildings and information systems which are accessible to service users and members of the public and where required reasonable adjustments are provided; and*
 - *Disable people are not treated less favourably for a reason related to their disability.*

Transportation Interchange Proposals in Local Plans and Strategies

86. In terms of the wider transportation interchange proposals outline in this Statement of Grounds, the various local plans are fully supportive.

87. The Local Plan emphasises the importance of public transport. Policy T7 make provision for Transport interchange, stating The Borough Council will require proposals for development at railway stations and other modal interchanges to make effective provision for pedestrians, cycles, buses and taxis. Policy T8 encourages walking and cycling. The adopted Local Plan acknowledges the Borough Council's town centre strategy which seeks to give pedestrians priority over all other modes of transport in the town centre.
88. The Local Plan further sets out the role of the town centre as set out in the Luton Town Centre Development Framework. Policy CA6 specifically deals with improvements of bus and railway stations in the Action Areas section of the plan.
89. The improvement of public realm (streets, footpaths, and public spaces) is a key element of the Town Centre Development Framework, involving the creation of a series of high quality public spaces linked by pedestrian-friendly streets, together with the improvement of buildings surrounding them. The Development Framework divides the town centre into 8 distinct areas based on current uses and planned development, with the Luton Gateway area being "perhaps the most important". It acknowledges that as initial impressions people's overall perception of the character of the town centre the Gateway area must sent out a strong and positive message to visitors that they have arrived in a modern attractive town.
90. Objectives in the Development Framework include public transport interchange facilities which are modern and easy to use. The Busway, bus interchange and railway station must be close together in order that people can access facilities

easily and conveniently and linked with good pedestrian communications with the town centre as well as between each other. It looks to enhance pedestrian links to the town centre and High Town and proposes a “Station Square”. This new space, it is proposed, should link together the main entrance to the railway station and new bus interchange, where the emphasis on high quality will ensure that a good first impression is given to the town centre.

91. Proposals outlined by the Luton Town Centre Development Framework are also outlined in Local Transport Plan which includes the major transport improvements in the area, for example, the Thames Link Programme, the Busway, transport interchange etc.

Manual for Streets – Department for Transport (2007)

92. In designing the diversion to the current footbridge for an at-grade level footpath, the Council used the principles set out in Manual for Streets (MfS). It advocates a return to more traditional patterns which are easier to assimilate into existing built-up areas and which have proven to stand the test of time in many ways. It emphasises an interdisciplinary approach, innovation and flexibility, and the needs for a better balance between pedestrians and vehicles in the design of residential and lightly trafficked streets. It also states that these principles could equally be applied to other urban streets.

93. With respect to the Disability Equality Duty the MfS states:

“Not only is there an expectation of positive action, but the duty is retrospective and local authorities will be expected to take reasonable actions to rectify occurrences of non-compliance in exiting areas.” (Paragraph 2.7.2)

94. Section 6: Street Users Needs states that street designs should be inclusive. It states that there is a specific obligation for those who design, manage and maintain buildings and public spaces to ensure that disable people play a full part in benefiting from, and shaping, an inclusive built environment (Paragraph 6.1).
95. This section further goes on to advice that footbridges should be avoided unless local topography or other conditions make them necessary (Paragraph 6.3.7). The footpath which runs along the footbridge over station platforms, railway tracks and on to Midland Road is unavoidable however, there no reason for the a footbridge to remain between Bute Street and Luton Station. The Order footbridge no longer serves its original essential purpose of crossing a railway.
96. By removing an unattractive poorly designed and constructed footbridge which is unacceptable in its current state, for the mobility impaired in particular, the Council aims to provide a more inclusive environment and the other aims outlined above.

CABE Better Streets

97. In providing guidance on urban design and street design CABE have carried out a number of case studies. Its conclusion and findings from these case studies show that:

“Street design policies, formalised in the 1960s though reports such as Buchanan’s “Traffic in Towns”, sought to simplify and organise streets through segregation. The result is that too many streets are designed for traffic movement alone, dominated by traffic signs, with people herded behind

guard rails into pinch points to cross the road. We know that streets are far more than the tarmac between pavements, but that is where priority has been focused.”

98. It further states that:

“Growing awareness of the importance of risk in public space has important implications for street design. The complex and unpredictable outcomes of removing barriers illustrate how reconsidering long – standing assumptions about safety and behaviour can provide opportunities for high quality street. However, research for the case studies indicates that the role of highway engineers and the scope of the legal and regulatory framework remain widely misunderstood.”

99. CABE’s 2006 progress report on improving the quality of street and public spaces, *“Transforming our Streets”*, drew attention to inclusive design as a fundamental concern in the design of the street environment. It also stated the continuing need to overcome widespread confusion about risk, innovation, liability and the use of processes such as safety auditing.

100 A 2007 research report, *“Living with Risk”*, evaluating the impact of risk on the design of 10 public spaces and set out an agenda for public space design that is risk aware, not risk–averse. MfS provides clarification of liability and street design. It proposes a quality audit to help integrate many of the fragmented processes involved in delivering streets (Page 5).

101 The current footbridge was constructed in the 1970 based on policies at the time. This was when Buchanan’s *“Traffic in Towns”* aimed to keep pedestrians segregated from traffic of

Station Road. Policy guidance has now changed significantly as shown above, particularly with respect to disability. CABE's recent studies and guidance provided in the Government's MfS encourage direct and psychological links based on "traditional" street patterns. They also encourage the provision of integrating access for all with public transport in particular for the mobility impaired, cyclist, those with pushchairs, heavy luggage and mobility vehicles.

Appendices

Appendix A – Route Plan and Existing Area
Appendix B – Plan of Interim Station Square
Appendix C – Length of Different Route Options
Appendix D – Land Ownership
Appendix E– Luton Town Centre Transport Scheme
Appendix F – Traffic Surveys – summary
Appendix G – Stage 1 and 2 Road Safety
Appendix H – Comments on Objections

Relevant Websites

www.luton.gov.uk
www.communities.gov.uk
www.dotheduty.org
www.tso.co.uk
www.gos.gov.uk/goeast
www.dft.gov.uk
www.cabe.org.uk