

Pedestrian Accessway Closure Policy 2020

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1. Introduction

1.1 Definition of Pedestrian Accessway

A Pedestrian Accessway is primarily a footpath (sometimes coupled with a cycle path) that links two roads, but excludes motor vehicles (see Appendix C). They are also known as laneways. They can be held by the Council as legal road or as fee simple land, or as a reserve.

2. The importance of Pedestrian Access Ways

Generally Pedestrian Access Ways shorten the distance that pedestrians need to travel, and can provide all, or some of the following public benefits:

- An important access route to community facilities such as schools, shops, public open spaces (reserves), Churches, Libraries and public Transport Connections.
- Forming part of a cycle network, safe route to school, or recreational walking route.
- Allowing people to walk around their neighbourhood, to shop, exercise (including dog walking) or for its own

sake.

- Facilitating utility easements through a public area, such as power, water supply, etc.

3. The importance of Walking in our Transport Network

The New Zealand Travel Survey (1997 – 2014) reveals that most walking trips (70%), are under a kilometre in length and that above this distance people are likely to opt for travel by car. Pedestrian access ways commonly facilitate shorter and more direct walking distances particularly for local trips.

Maintaining and enhancing the “walkability” of our communities is at the heart of ensuring a healthy future for walking with its’ benefits as a transport mode.

Walking binds our urban transport systems together and is therefore of primary importance. It is the mode of choice for short trips, as well as being an integral component of public transport and many motor-vehicle trips. Walkability allows for transport choice, supports local facilities and businesses and provides numerous health benefits.

Additionally walking assists with accessibility for those in our communities who face problems with the lack of a vehicle &/or driving licence, low income, mobility, age, disability, child care & parenting, etc. Accessibility is enhanced with a common-sense walking network avoiding severance and network gaps.

A lack of walkability is known as severance. This may be caused by busy roads or a lack of connections through a developed area. High severance is associated with social isolation and has significant adverse effects on mental and physical health and life expectancy.

4. Reasons for this Policy

The Council receives requests to close Pedestrian Access Ways from residents directly adjoining, or living close by. The purpose of this Policy is to guide an objective assessment of such requests, based on the assessment criteria developed in this Policy. The assessment criteria look objectively at the benefits and dis-benefits of Pedestrian Access ways in the context of their effect on the immediate and wider community.

Pedestrian Access Ways may be held by the Council as legal roads or in some other form. If a request involves stopping a legal road, then the Council’s Road Stopping Policy 2020 will also apply. If there is any conflict between this Policy and the Road Stopping Policy, then the Road Stopping Policy will prevail.

5. Who should use the Policy?

- a) Parties requesting closure (procedures are outlined for making an application)
- b) Council Officers (procedures are outlined for investigating applications for closure)
- c) Elected Members (Guidelines and general principles are provided for making decisions)

6. Objectives

The objectives of this Policy are to:

- a) Provide guidance to Council on the evaluation of applications for the closure of Pedestrian Access Ways
- b) Provide guidance to applicants on the matters Council will take into consideration when evaluating applications for closure of Pedestrian Access Ways (see Appendix F).

7. General Principles

In considering applications for closure of Pedestrian Access Ways, Council shall have regard to the following **general principles**:

- a) **Access to Community Facilities, Assets and Services** – Where a Pedestrian Access Way provides an important access route to public or community facilities, assets and services, closure will **not** be supported.
- b) **Alternative Routes** – Closure will only be supported where a viable alternative route is available. This means a route that does not result in substantially longer walking distance to community facilities and services.
- c) **Network Effects to other Transport Modes** – Where a Pedestrian Access Way forms part of a pedestrian network (e.g. Safe Routes to School) and closure would result in the discontinuation of the pedestrian network, closure shall generally **not** be supported. Where a Pedestrian Access Way forms part of the Christchurch Cycling Network and where no viable alternative exists, closure will generally **not** be supported.
- d) **Walkability** – It should be possible to walk around a neighbourhood for its own sake, regardless of destination. A basic measure of walkability used in the Christchurch District Plan is that new neighbourhoods should be designed so it is always possible for residents to walk around the block in any direction on public land and return to the start point in a maximum distance of 800m. In denser built-up urban areas, a smaller perimeter is appropriate. The closure would **not** be supported where the walkable block distance would not be met in any direction, or where it would create a general lack of walkability and access.

8. Other Matters to Consider

In considering applications for closure of Pedestrian Access Ways, Council will have regard to the following additional matters:

- a) **Anti-Social Behaviour Consideration Related to the Pedestrian Access Way** – Where closure requests involve consideration of the extent to which a Pedestrian Access Way may serve to facilitate anti-social behaviour (e.g. graffiti, vandalism, burglary and litter), supporting evidence by way of photos, police case reports or case numbers should be provided. Please note that in the decision in *Re Napier CC [2010] NZEnvC 80*, the Court declined to confirm closure of a walkway on the basis that it was a site for drunken behaviour and disturbance to immediate neighbours. Other members of the community had the benefit of the pedestrian access, and the Court held that their rights should not be ignored under a walkway closure policy. Antisocial behaviour was not confined to the particular walkway, and it was relevant that the walkway made an important contribution to local amenity values. Antisocial behaviour was not confined to the particular walkway, and it was relevant that the walkway made an important contribution to local amenity values.
- b) **Access for those with Special Needs** – Special consideration should be given to a Pedestrian Access Way in close proximity to housing for the elderly and providing access to community facilities and services and any disadvantages to people with disabilities that a closure would create.
- c) **Remedial Action** – Trialling remedial action that may result in an improvement to safety, design and appearance should be considered. Consideration should be given to widening and/or improving the accessway.
- d) **Comments/Views of Adjoining Neighbours, Users, Service Providers** – Comments from neighbours and users should be gathered and considered on their merits. Comments from service providers should also be gathered and considered.

9. Transitional Provisions

Notwithstanding anything else, this Policy only applies to Pedestrian Access Way closure applications received after the date of adoption of this Policy by the Council (“the Operative Date”). Pedestrian Access Way closure applications received prior to the Operative Date will continue to be dealt with under the previous Pedestrian Access Way Closure Policy **2002** which shall continue to apply for that purpose.

References and related documents

Document	Link
<i>Local Government Act 1974 s.342 & schedule 10</i>	http://www.legislation.govt.nz/act/public/1974/0066/latest/DLM415532.html?src=qs
<i>Public Works Act 1981 s.116</i>	http://www.legislation.govt.nz/act/public/1981/0035/latest/DLM45427.html?src=qs
<i>Reserves Act 1977</i>	http://www.legislation.govt.nz/act/public/1977/0066/latest/DLM444305.html?src=qs
<i>Road Stopping</i>	http://www.ccc.govt.nz/the-council/plans-strategies-policies-and-bylaws/policies/streets-roads-and-pavements-policies/

Policy name	Pedestrian Accessway Closure Policy
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Resolution number	CNCL/2020/00030
Review date	2030
Department responsible	Transport Unit
Position responsible	Team Leader Asset Planning Transport

Appendix A- PROCEDURES FOR THE PUBLIC

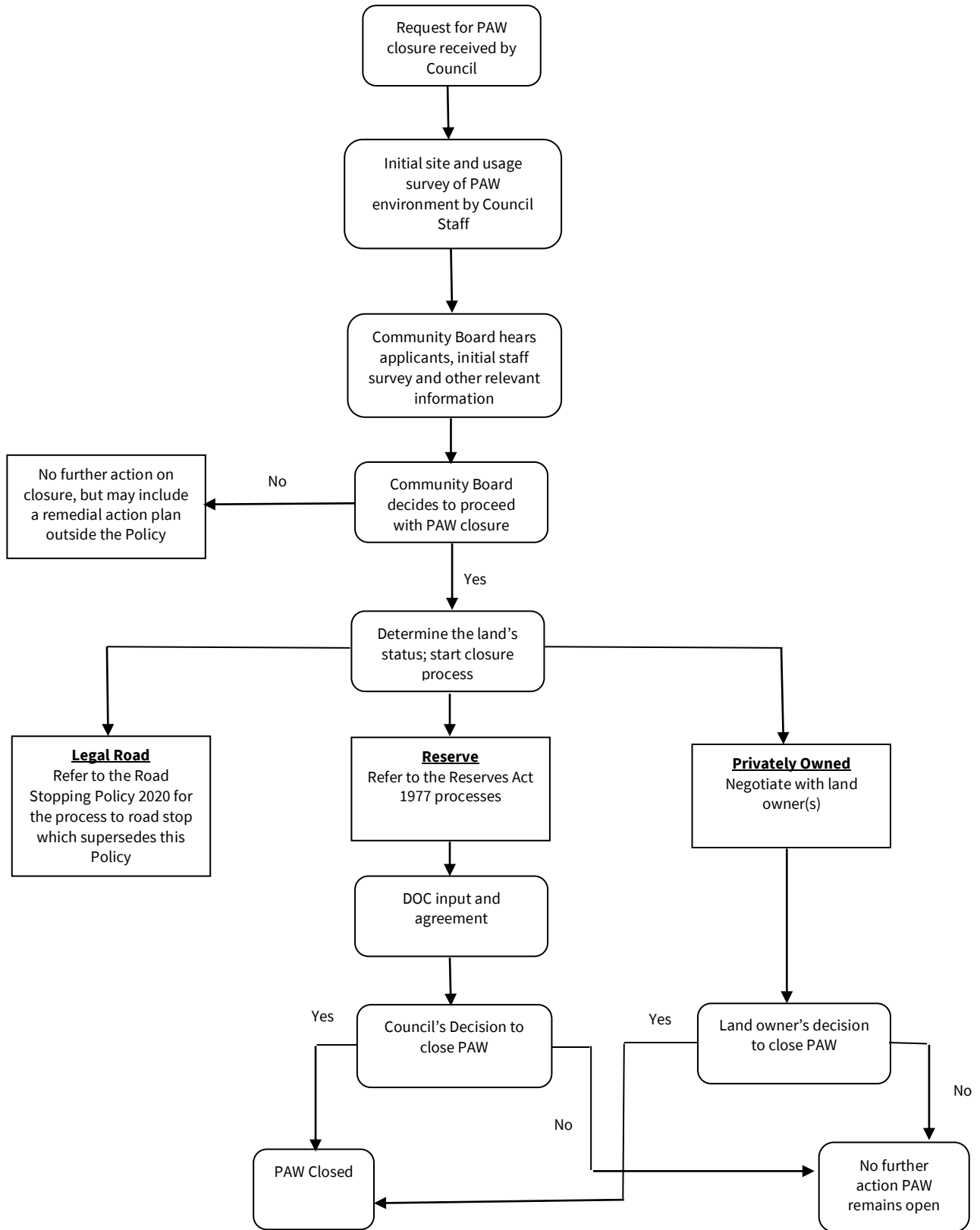
Procedures for the Public

Submission of a petition or letter requesting closure

Details to be included with the petition or letter should follow a standard form and include:

- a) Legal Description and location map
- b) If the Pedestrian Access Way is on legal road, then include a road stopping application form and fee
- c) Names and addresses of all adjoining property owners
- d) Petition signed by at least 51% of all the adjoining property owners
- e) Description of the issues of concern and reasons for closure (this should be supported by photographic and/or police report evidence wherever possible and appropriate)
- f) Proposed new use of the Pedestrian Access Way if closed

Pedestrian Accessway (PAW Closure Process that is not a road stopping)



APPENDIX C: Examples of Christchurch Accessways



Typical examples of accessway treatment in Christchurch.

- High Fences
- Limited visibility





Excellent examples of open space treatment of accessways

- Clear, open sightlines
- Planting
- Easy for informal surveillance
- Pleasant environment

However, a lot of land is required for this type of treatment





Examples of where graffiti, litter, poor visibility and destruction of the fence is apparent



APPENDIX D: Facts to be collected

Base Information Template

Information	Specific Aspect
Walkability	Walkable block sizes - compare with or without the Pedestrian Accessway
Public usage (daytime)	User profiles- age, gender, time of day
Proximity to Community/Recreation facilities	
Practicality of alternative routes and distances	
Links to cycle routes, pedestrian networks & public transport routes	
Criminal Activity in the accessways	Frequency/Type
Criminal Activity in the Area	Frequency/Type
Ownership details/Legal status of accessway	
Graffiti in the accessway	Frequency/extent
Graffiti in the neighbourhood	Frequency/extent
Cleaning arrangements	Frequency
Level of funding in the area for accessways	Past and future planned
Site Survey and environment description	Quality of fencing Level of planting Surface of accessway Visibility/sightlines Lighting Infrastructure Access e.g. staples
Access to utilities	

APPENDIX E: Assessment Criteria

In considering applications for closure of Pedestrian Access Ways, the following assessments should be conducted and scaled on a ranking of high, medium or low:

1. Urban Design Assessment

- ***Access to Public and Community facilities or assets***
- ***Availability of Alternative Access Routes***
- ***Relationship to Pedestrian network, Cycle Routes, Public Transport Routes and 'Safe Routes to Schools'***
- ***Level of Access (increased walking distances)***
- ***General Walkability***
- ***Quality of accessway***

2. Nuisance Assessment

- ***Frequency of Occurrences***
- ***Number of Offences***
- ***Nature of Offences***

3. Community Impact Assessment

- ***Interviews and observations with local residents***

Urban Design Assessment	Nuisance Assessment	Community Impact Assessment
<p>High</p> <ul style="list-style-type: none"> • Pedestrian Access Way (PAW) provides a direct route to community facilities • Safe, alternative route does not exist • PAW part of a continuous PAW link- i.e. a chain of two or three PAWs and is linked to streets with existing path systems • PAW is designated 'safe route to school', "cycle route' • Otherwise there is a low measure of walkability in the area 	<p>High</p> <ul style="list-style-type: none"> • There is a high and consistent frequency in the occurrence of criminal activity and/or antisocial behaviour compared to elsewhere in suburb • The number of difference occurrences is high and is directly related to the PAW • The severity of criminal activity and/or antisocial behaviour is considered higher than elsewhere in the suburb Occurrences substantiated by questionnaire responses 	<p>High</p> <ul style="list-style-type: none"> • Significant portion of respondents not in favour of closures (50%) • High portion of households use the PAW regularly • High portion of users inconvenienced by closure (over 50%)
<p>Medium</p> <ul style="list-style-type: none"> • PAW provides a route to community facilities but not direct • An alternative route exists but some inconvenience • PAW not designated as a 'safe route to school' or cycleway 	<p>Medium</p> <ul style="list-style-type: none"> • Frequent occurrence of criminal activity and antisocial behaviour compared to elsewhere in the suburb • There are several different types of occurrences that are directly related to the PAW • The severity of criminal activity and/or antisocial behaviour is considered higher than elsewhere in the suburb 	<p>Medium</p> <ul style="list-style-type: none"> • Medium proportion of respondents not in favour of the closure (e.g., over 30%) • Moderate level of households using the PAW • Moderate level of users inconvenienced by closure (30- 50%)
<p>Low</p> <ul style="list-style-type: none"> • PAW not linked or associated with a community facility • A nearby safe, reasonable alternative walkway exists • PAW is not part of a continuous route to or between community facilities • PAW is not designated as a "safe route to school" or a cycleway 	<p>Low</p> <ul style="list-style-type: none"> • Occurrence of criminal activity or antisocial behaviour similar to elsewhere in the suburb • Types of offences are limited to antisocial behaviour • The severity of antisocial behaviour is similar to elsewhere in the suburb 	<p>Low</p> <ul style="list-style-type: none"> • High number of residents in favour of closure (over 75%) • Low number of households using the PAW • Few users inconvenienced by closure (less than 30%)