

Appendix 1. Proposal to gate footpath - anonymised consultation feedback (Aug-Sept 2022)

Local Resident in Baird - Hoads Wood Road

As a resident adjacent to this footpath I would welcome the closure of this footpath. For years there have been issues with groups causing a nuisance from using the pathway as a motor bike track to target practice at resident's windows with BB guns. Low level nuisance is using the space as a dog toilet and the disposal of dog poop bag. Groups are also using the footpath as a place to drink and then throwing the cans and rubbish into gardens adjacent to the path.

Local Resident in Baird - Hoads Wood Road

In response to the above proposal, I would like to advise that I fully support the gating of said footpath. Having been on the receiving end of the anti-social behaviour I cannot stress the importance of this enough!

Local Resident in Baird - Hoads Wood Road

While I understand there have been problems with antisocial behaviour in this area and the gating of this footpath would be good for the surrounding residents, there has also been for many many years antisocial behaviour on the footpath between Linley Drive and Hoads Wood Road. An incident this year resulted in a bin being set alight at the Hoads Wood end which then caught a residents fence alight and the emergency services had to put it out. Groups of youths we're also caught loitering in people's driveways. The residents of **redacted** have also been intimidated by youths using this footpath.

You can guarantee that any trouble in this part of the road stems from this footpath.

Please could a consultation also be put forward to consider a much needed gating on this footpath too?

Local Resident Pilot Road

I live at **redacted** and my boundary runs directly along this footpath.

If I may add my comments at this late stage it would be that I fully support the closure of this pathway. It is a constant source of anxiety for me and my family due to the antisocial behaviour that takes place here.

For starters, our property had a break in back in 2016. The thieves entered our property over the fence from the Baird pathway, broke into our property (where they were heard by our neighbour and police were called) and the thieves escaped down this alleyway. They were not caught, but my neighbour saw one keeping lookout at the top of the pathway. We have had to spend a lot of money fixing our broken door and window. We have also had to spend out on an alarm system and security cameras just to feel safe in our property.

On top of this we have heard foul language, motorbikes riding up and down the path, youths throwing stones at local drunks (some of which fly over the fence and one narrowly missed my head), graffiti, litter, urination, I have been personally heckled through the fence, my children have been spoken to by strangers and people generally hang around there at night time.

This pathway does not serve any purpose but than to promote antisocial behaviour.

You would have my full support if you gated this pathway.

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Local Resident Pilot Road

In reference to the closure of this passageway by gates I would fully support this action.

This passageway has been an ongoing issue for my family since we moved into our property at **redacted** 10 years ago.

The number of incidences that have been reported to the Council, East Sussex highways and the local police is vast over this time period. These incidences have not been limited to a few residents but affecting the whole community around Pilot Road and Hoads Wood Road. Many of the incidents have been serious both from a safety point but also financially from damage and cleaning up.

The below are just some of the ongoing and past incidences that have had a direct impact on me and my family.

Brick wall at the top of the passageway belonging to us kicked down (now removed, **redacted**)

Teenagers constantly spraying graffiti on metal lamp posts.

Graffiti cans dumped in bushes.

Mopeds/bikes/scooters going up and down the passageway

Taxi drivers pulling up and urinating in the passageway.

Teenagers urinating in the passageway.

Drug paraphernalia in bushes.

Public exposure through the bushes of an obscene nature urinating while my daughter was in garden by older man.

Cider cans and broken glass constantly thrown in the hedges and up the passageway

Kids running up and down hitting the fence of **redacted** making the dog bark.

Dog fowling daily (the smell is awful when in the garden)

Hedges being pulled on so they are largely ruined leaving holes.

Disgusting language and shouting which is ruining family life for us and the children.

Stolen items (I assume) papers, bags, tools etc dumped in the middle as its a blind spot.

Attempted break in at **redacted** from blind spot in passageway.

I have notified various departments over the years with photos, times and concerns so this should all be on record.

Furthermore, I want to add that this has completely ruined my enjoyment of my garden especially during 2020 and 2021 in which the incidences during lockdown were unbearable and we couldn't even use the garden.

I can't speak directly for other residents but I do know that they are also very upset and concerned too and have also logged these with the local authority and police. There are many elderly residents in the immediate area too who are concerned about the passageway and incidences but fear reprisals from direct contact with in particular the younger ones.

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Whilst it's been a very long road to get to where we are now I am hopeful that we can finally resolve these years of misery and feel safe in our homes.

Local resident

I am aware of what is described as a "consultation" where there is an intention to install a gate at each end of this 64-metre public right of way (PROW) HAS 232. It is unfortunate that it has been chosen not to include further details of the actual "anti-social behaviour" that prevents any opportunity to make meaningful comments.

What is important for members to the cabinet who peruse the submitted comments is that it is essential for the Community Safety Department to endeavour to ensure that all aspects of this PSPO Gating order are carried out and respect all required planning procedures. It must be established if the proposed development is of a type that requires a planning application to HBC. A planning application will offer an opportunity for consultees to make appropriate comments and planners to include required conditions before action is taken to erect gates.

The Community Safety department may need to be reminded that it is essential to follow required procedures and avoid casual and slipshod methods of working and that all procedures occur in the appropriate order so that retrospective planning applications do not occur.

Redacted

Sussex Police – Hastings & Rother

I am emailing with regards to the proposal to gate the footpath between Hoad's Wood Road and Pilot Road (HAS 232/1).

As the Neighbourhood Policing Team Sergeant for the area I am in favour of the proposal to gate the footpath. I believe by gating said footpath it will reduce ASB/Crime; consequently improving the quality of life for those who live close by.

Data demonstrates that ASB/Crime is occurring in the surrounding area and this footpath is often used as a cut through for offenders. That said, the footpath itself is frequently the catalyst of ASB/Crime with reports of damage and public order being reported.

Anecdotally, I believe there are far more issues that go unreported. I have attended 2 community meetings this year and local residents have complained about noise, damage, public order, abuse, drug dealing, the use of motorbikes and ASB that occur on or around the footpath. They often do not report it as they wither feel it is too low level to report, it is over relatively quickly, or, that nothing will/can be done.

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By gating this footpath we will block off a 'hidden' spot for drug dealing and the gathering of persons out of sight for them to often be a nuisance (noise/litter/throwing of objects causing damage). It will also deny the use to those responsible for the ASB/Crime – these people will cause problems and then use the footpath as an easy escape route or use it for easy access to neighbouring roads.

The footpath itself is not significant in nature and the closure will not cause any undue delays to the journey of pedestrians.

ESCC Public Right of Way Service.

PROPOSED GATING ORDER (PSPO) – PUBLIC FOOTPATH HASTINGS 232

Thank you for consulting us on the Borough Council's consideration of a PSPO to gate the public footpath running between Pilot Road and Hoads Wood Road. I am only able respond on the basis of the limited information provided in support of this order. My comments here will not necessarily take full account of the history of problems which the Community Safety Team may be aware of. However, I would take the view that substantive evidence is fundamental to any case for a PSPO and that the evidence should show both that the path itself is facilitating the problems and that other reasonable measures to address the issues have been attempted.

I am aware of two very serious incidents, where an air rifle was discharged from the path at a window and a bin fire was started alongside the path. I would suggest that incidents of this kind do not fall within the scope of the type of persistent ASB problems the PSPO gating powers were intended to address. It would clearly not be a proportionate or reasonable approach to respond to incidents of such a serious criminal nature by closing the highway on which they occur. I am also aware of past issues with motorbike use on the footpath and of problems with litter. Use of the path by motorbikes has the potential to cause significant disturbance and distress to residents, as well as being an obvious safety concern. But the problem is presumably confined to a select number of individuals, who would be driving not only on the footpath but on the highways to reach the path. The issue warrants targeted enforcement, for example the confiscation of bikes, rather than the closure of the footpath which is being used illegally. If enforcement has been tried and has been ineffective, the installation of motorbike inhibitors or other restrictive furniture would be a more proportionate response than closing the path to all public use.

I would suggest that problems with litter cannot reasonably be grounds for the application of a gating order. On recent inspection there was a very small amount of litter on the footpath. Typical unfortunately of that you could find on any urban path or footway. Other reports of incidents in the area do not appear to relate to the footpath or be facilitated by the path. For example, damage to walls and cars. Again, I recognise that the documented accounts of issues I have seen is unlikely to amount to a complete record of the nuisance residents have been subjected to. But it is essential that a gating order is supported by documented evidence of incidents and/or crime reports which identify specific issues associated with the path and support the case for a PSPO as the proportionate measure.

The rear aspects of two properties on Hoads Wood Road are exposed to the footpath, which no doubt does expose those properties in particular to any activity on the path. Both properties have low hedging, which is relatively unusual from properties adjoining public footpaths. It should not be the case of course that the owners should need to make changes to protect themselves against nuisance

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behaviour. But it is perhaps an unavoidable necessity to consider a privacy fence in such a location. In terms of the character of the footpath and its general location, there is nothing which obviously distinguishes it from other paths in the area. Nor any reason why it should be particularly susceptible to problems of anti-social behaviour. In this respect, the proposal to gate it risks setting a very difficult precedent for the protection of the public's access to other paths. It is obviously crucial that incidents which are attributable to identifiable individuals do not prompt restrictions which limit the freedom of the law-abiding majority.

I am aware that some action has been taken by the Police targeted at individuals in the area. The criteria for applying a gating order cannot simply be a question of whether the closure of a path would cause significant inconvenience to the public. There has to be scrutiny of the nature of the issues affecting the path and consideration of other means of addressing those issues. In this case, there appears to be insufficient evidence to show that the path is the cause of the problems in the area and no real evidence to show that more proportionate deterrents have been attempted. For example, notes from a public meeting in June 2021 record that police-managed re-deployable CCTV was not being considered because there had been a significant reduction in ASB levels. Whilst the meeting was more than a year ago, my understanding is that the PSPO is being considered in response to activity which dates back over several years. I note that the Police support the order, but I would have to contend that the reasoning for not considering CCTV last year undermines the case for the Borough Council to consider a PSPO .

This particular path has existed for at least 120 years. The bar for closing any highway to the public clearly ought to be a high one. Sufficient that the prevention of the problems associated with it justifiably outweighs depriving the public from using it. The application of gating orders where the evidence does not exist to show that a path is the cause of the problems, or in circumstances where other less restrictive measures should be deployed, risks undermining the powers and setting an unsustainable precedent.

I am not satisfied that there is sufficient evidence to support a PSPO in this case and I would have to question whether the Borough Council can be reasonably satisfied that an order is justifiable.

For the reasons outlined above we must object to the proposal. Notwithstanding our view of the case for an order, I would suggest that the practical implications of gating the path should also be considered. As you are aware, a PSPO would not have the effect of extinguishing the public right of way and would need to be reviewed after a maximum period of three years. The path would therefore need to remain physically available and capable of being reinstated. Since no access is gained to properties from the path, the only use of it would be by the adjoining residents for the occasional maintenance of boundary fences and hedges. In effect, the path would become a gated void, and this would have the potential to attract its own problems. For example, it could become a dumping ground for litter and fly tipping. The path would also be difficult to gate securely, particularly between the boundary hedges of the properties on Hoads Wood Road. Without robust gates, again the path would potentially be vulnerable to other problems. Substantial gates and security fencing would also be likely to have a stark appearance, out of keeping with the neighbourhood. I would stress that these practical considerations are, however, secondary to our view of the case for the order.