PROHIBITION OF PEDESTRIANS – FOOTPATH NO. 431043 SALTOM PIT

1.0 EXECUTIVE SUMMARY

1.1 This report on behalf of the Traffic Management Engineer is to provide Members of the Copeland Local Committee with an additional update following an error in the report detailed to members 25 January 2013.

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

2.1 The report supports the achievement of Council’s Highways and Transport Strategies, Policies, Objectives and Targets in the new Local Transport Plan.

2.2 There are no specific equality implications within this report.

3.0 RECOMMENDATION

3.1 That Members, having noted the verbal update from the Traffic Management Engineer regarding the general consultation exercise recommend that the formal statutory advertisement procedure commence.

3.2 Following the statutory advertisement period and subject to no unresolved objections being received it is then recommended that members authorise the bringing into force of the Permanent Prohibition of Pedestrians Order on that part of Footpath No. 431043 at Saltom Pit shown on the plan attached as Appendix 2, having taken into consideration the matters contained in Section 122(2) of the Road Traffic Regulation Act 1984 which are more specifically referred to at paragraph 7.2 of this Report.
4.0 BACKGROUND

4.1 Some of the information detailed below as part of the background material is extracted directly from the report detailed to Members 25 January 2013, agenda item 18.

4.1 Cumbria County Council introduced a Temporary Prohibition of Pedestrians Order on the entire length of Footpath No. 431043 Saltom Pit, in the Parish of Whitehaven, in mid 2011. As a result of the error on the map noted to Members 25 January 2013 Cumbria County Council when Members were being requested to have regard to the making of a permanent Order, a further extension of the temporary order has been requested and approved by the Department for Transport until 21 August 2013. Details of the Temporary Notice are attached as part of Appendix 1.

4.2 The temporary order was introduced because of the unstable cliffs and subsidence over where the footpath runs. Originally it was hoped that there would be a diversion of the footpath. However, after further investigation it became apparent that this will not be possible until the half million tonnes of spoil causing the subsidence and instability have reached the sea. This is expected to take in the region of 15 years.

4.3 The Council therefore now have to make a permanent Traffic Regulation Order to ensure the safety of the public. The length of footpath which will be prohibited under the permanent order is shown on the plan attached as Appendix 2, ie. Starting at point A (grid ref – 296553 / 517431) running through points B and C to point with D (grid ref – 296387 / 517348).

4.4 Copeland Borough Council has agreed to fund the suggested permanent Traffic Regulation Order.

4.5 Subject to no formal objections being received it is recommended that the existing Whitehaven Consolidation Order is amended to incorporate the suggested changes as detailed in Appendix 1

4.6 The consultation process is based on Cumbria County Councils Service Procedures 12/013 and 12/014.

4.7 The scheme is designed fully in accordance with The Traffic Signs Regulations & General Directions 2002 (TSRGD 2002) and in line with advice outlined in Traffic Signs Manual Chapter 3 2008.
5 OPTIONS

5.1 Members proceed and agree for County Highways Officers to introduce the Permanent Prohibition of Pedestrians to Footpath 431043 Saltom Pit as per the recommendations detail in paragraph 3.1 and 3.2 subject to no unresolved objections being received.

5.2 Members may choose to apply to the Department of Transport to extend the Temporary Order, noting that these may not receive approval in the future as the DfT may be looking to the Council to put in place a more permanent solution.

6 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 The consultation, advertisement and (if agreed) implementation of the Traffic Regulation Order referred to at paragraph 3.1 will be funded by Copeland Borough Council

7 LEGAL IMPLICATIONS

7.1 The County Council, as Traffic Authority, must take into consideration the matters contained in Section 122(2) of the Road Traffic Regulation Act 1984 ("the 1984 Act"), (detailed in paragraph 7.2, below) in considering whether it is expedient to agree the recommendations detailed in para 3.1 and 3.2 of this Report, for the reasons specified at Section 1(1)(a) of the 1984 Act, namely for avoiding danger to persons using the footpath, or for preventing the likelihood of any such danger arising.

7.2 Under Section 122(2), the matters which must be taken into account in exercising that duty are: -

(a) The desirability of securing and maintaining reasonable access to premises;
(b) the effect on amenities of an area;
(c) the national air quality strategy prepared under section 80 of the Environment Act 1995;
(d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
(e) any other matters appearing to the authority to be relevant.
8.0 CONCLUSION

8.1 It is essential that the permanent Prohibition of Pedestrians is introduced to preserve the safety of the public at Saltom Pit given the unstable ground at the coast.

Andrew Moss
Assistant Director Highways & Transport
March 2013
APPENDICES
Appendix 1 – Temporary Notice
Appendix 2 – Location Plan, Permanent Prohibition of Pedestrians

Electoral Division(s): Kells and Sandwith

Executive Decision

Key Decision

If a Key Decision, is the proposal published in the current Forward Plan? No

Is the decision exempt from call-in on grounds of urgency? No

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained? N/A

Has this matter been considered by Overview and Scrutiny? No

Has an environmental or sustainability impact assessment been undertaken? N/A

Has an equality impact assessment been undertaken? N/A

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS
[including Local Committees]

No previous relevant decisions.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

None.

REPORT AUTHOR

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