COUNTY COUNCIL LOCAL COMMITTEE FOR COPELAND

Meeting date:  19 July 2013

From: Corporate Director – Environment

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 update regarding the introduction of Permanent Prohibition of Pedestrians restriction following the formal consultation and statutory advertisement. This report also follows a report put to Local Members 22 March 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 formal objection received to the statutory advertisement, and, 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 authorise the bringing into force of THE COUNTY OF CUMBRIA (VARIOUS ROADS, WHITEHAVEN)(CONSOLIDATION OF TRAFFIC REGULATIONS) (ORDER 2009) VARIATION ORDER (NO.4) 2013. The effect of the Order is summarised in the Notice which is attached as Appendix 1
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 and the report detailed to members 22 March 2013, agenda item 15.

4.2 Cumbria County Council introduced a Temporary Prohibition of Pedestrians Order ("the Temporary Order") on the entire length of Footpath No. 431043 Saltom Pit, in the Parish of Whitehaven, on 21 August 2011, following two emergency notices dated 10 July and 31 July 2011 respectively.

4.3 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.

4.4 As a result of the continued likelihood of danger to the public posed by the unstable cliffs over which the footpath runs and visual subsidence caused, subsequent applications for extensions of the Temporary Order were made to, and approved by, the Secretary of State. The current extension of the Temporary Order will expire on 21 August 2013.

4.5 Because it will not be possible to introduce a permanent diversion of the footpath for a number of years, Cumbria County Council considers that in order to continue to protect the public, it is necessary to introduce a permanent restriction on this Footpath.

4.6 Consequently a permanent Prohibition of Pedestrians ("the Permanent Order") restriction was advertised as a fourth variation to The County of Cumbria (Various Roads, Whitehaven) (Consolidation of Traffic Regulations) Order 2009.

4.7 Copeland Borough Council has agreed to fund the Permanent Order.

4.8 As a result of the error on the map and the extent of the footpath to be restricted which was advertised and which was noted to Members on 25 January 2013 (when Members were being requested to have regard to the bringing into force of the Permanent Order), it was necessary to advertise a further Permanent Order, restricting only that length of footpath as 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). The statutory objection period to this re-advertisement closed on 2 May 2013.
Following the statutory advertisement period 1 formal objection was received. Local officers reviewed the objection and with that in mind are satisfied that it is necessary to propose to make the Permanent Prohibition of Motor Vehicles Order, to the extent which has been re-advertised which is shown on the plan attached as Appendix 2, to protect the public from the dangers posed by the instability of the cliffs and visual subsidence of the area. The objection received and Cumbria Highways follow up response are attached as part of Appendix 3.

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

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.

OPTIONS

Members proceed and agree the bringing into force of the Permanent Prohibition of Pedestrians to Footpath 431043 Saltom Pit as per the recommendation detail in paragraph 3.1.

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

RESOURCE AND VALUE FOR MONEY IMPLICATIONS

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.

There are no financial implications to the Local Committee Highways budget within this report.

LEGAL IMPLICATIONS

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 recommendation detailed in para 3.1 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 As reiterated in previous Local Committee Reports 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
July 2013
APPENDICES

Appendix 1 – Permanent Prohibition of Pedestrians Variation Order
Appendix 2 – Location Plan, Permanent Prohibition of Pedestrians
Appendix 3 – Objection and follow up response

Electoral Division(s): Kells and Sandwith

Executive Decision

Yes

Key Decision

No

If a Key Decision, is the proposal published in the current Forward Plan?

N/A

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

Contact: Kevin Cosgrove, 01946 506005 kevin.cosgrove@cumbria.gov.uk