

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

6 May 2014

Report of the Strategic Director – Economy, Transport and Environment

**OUTSEATS BYWAY OPEN TO ALL TRAFFIC 84
LONG CAUSEWAY**

(1) **Purpose of the Report** To seek authority to make a Revocation Order in respect of the current temporary closure of Outseats Byway Open to All Traffic (BOAT) 48.

(2) **Information and Analysis** A temporary Closure Order was made in respect of Outseats BOAT 48 on 30 May 2013 on the grounds of public safety due to the condition of the retaining wall. Work has been scheduled to take place on the route as a part of the Capital Programme this summer.

In May 2013, the County Council made a Temporary Traffic Regulation Order (TRO) following an investigation into the stability of the retaining wall and the condition of the route. This closure will expire on 31 March 2015. During this period, the County Council will be carrying out extensive repairs to the route.

In September 2012, the Peak District National Park Authority (PDNPA) gave notice and publicised its intention to make a TRO. On 20 September 2013, the PDNPA concluded it should promote a TRO to prevent the use of Long Causeway by mechanically propelled vehicles. The legislation requires the PDNPA to make the TRO within two years of giving notice of its intention to make a TRO. The two years expires in September 2014. The legislation prevents the PDNPA from making a TRO whilst there is another TRO in place and therefore the County Council's own temporary TRO prevents the PDNPA from progressing with its Order. This means that it will be necessary to revoke the current temporary TRO on completion of the restoration work.

Revoking the temporary TRO will leave users and the retaining wall vulnerable between the point when the County Council Order is no longer operative and the PDNPA Order comes into effect. This is entirely due to the fact that it will almost certainly be used by 4 x 4 vehicles during this period. The risk failure is considered to be low given that users drive with care and are slow moving, however, a small risk remains. Appropriate signage will be maintained to

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discourage drivers from driving too close to the retaining wall. It is officers intention to liaise very closely with the PDNPA to ensure the revocation and the implementation of the PDNPA TRO run as close together as possible.

An eight week programme of repairs is planned to commence in June 2014. On completion of the work it will be necessary to lift the current temporary TRO in time for the PDNPA to bring its Order into effect.

(3) **Financial Considerations** The cost of the Revocation Order, governed by local advertising rates, will be in the region of £1,200 which is made up of two advertisements, one for each Order, in the local press. This can be met from the Rights of Way Revenue Budget.

(4) **Legal Considerations** The PDNPA is using powers available to it which are now available under the Road Traffic Regulation Act 1984 (as modified by Section 72 of the Natural Environment and Rural Communities Act 2006).

The Council is empowered under Section 14 of the Road Traffic Regulation Act 1984 to promote an Order to temporarily close a highway, including a Right of Way. The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 provides a mechanism to revoke an order.

Under Regulation 8, which provides the procedure for making revocation orders, not less than 7 days before the making of the Revocation Order, a notice shall be published of the intention to make the Order in one or more local newspapers circulating in the area. Thereafter, within 7 days after the making of the Order, notice of the Order being made shall be given to the persons or bodies specified in Regulation 6(3) along with any other traffic authority who consented to the making of the previous Order. Regulation 6(3) states that notice shall be given to the chief officer of police and chief officer of the fire authority for the area, along with any organisations representing those using the road or who are likely to be affected by any provisions of the Order.

(5) **Environmental and Health Considerations** The restoration of Long Causeway will provide the opportunity for a wider range of users to move between Sheffield and Derbyshire.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

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(8) **Background Papers** None. Officer contact details – Peter White, extension 39673.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises the Director of Legal Services to make a Revocation Order to re-open Outseats Byway Open to All Traffic 48.

Mike Ashworth
Strategic Director – Economy, Transport and Environment