

REGULATORY COMMITTEE  
23<sup>rd</sup> AUGUST 2004

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**CHARLTON: PROPOSED CLOSURE OF C105 BRAYDON POND -  
OBJECTION TO TRAFFIC ORDER**

**Purpose of Report**

1. To consider an objection to the Order to permanently close the C105 at Braydon Pond pending the reconstruction of the dam.

**Background**

2. The matter was considered by this Committee on 8<sup>th</sup> October 2003 when it was resolved, inter alia:-

*To consult and advertise the intention to apply to the Secretary of State for Transport for a permanent closure of the C105 at Braydon Pond, Charlton, until the necessary repairs are completed.*

3. The power to make the Order rests with the County Council and not the Secretary of State. The proposal to make the temporary closure permanent was subsequently advertised by the County Council in March 2004. Legal advice indicated that despite the error in the wording of the resolution, the Committee decision empowered the County Council to take this action.
4. A further and final extension of the temporary Order was issued by the Secretary of State (with an expiry date of 3<sup>rd</sup> September 2004) to cover the period of time necessary to bring a permanent Order into operation.
5. As a result of the advertisement, one objection was received from Minety Parish Council. The letter is attached at **Appendix 1**.

**Detail**

6. The Parish Council understands the need for the closure but feels, if the Order is made permanent, there will be less focus on the necessity for completion of the reconstruction.
7. The Parish Council was advised that works were planned for the Summer with reopening of the road by the Autumn. Consequently, the objection was not reported to Committee for resolution as the works were due to be complete.
8. However, the design and programming of the works has been more complicated and protracted than originally envisaged.
9. It is now anticipated that tenders will be invited during this financial year and works will commence in April 2005. This will result in the road being reopened during Summer 2005.
10. Consequently, it is necessary for the permanent Order to be brought into operation by 3<sup>rd</sup> September 2004 to cover the period until the works are complete.

### **Main Considerations for the Council**

11. Members are asked to consider making the permanent Traffic Regulation Order with a commitment to rescind it on completion of the reconstruction works.

### **Environmental Impact of the Recommendation**

12. The replacement of the temporary Order with a permanent Order will have no impact on the environment.

### **Risk Assessment**

13. If the permanent Order is not brought into operation on the expiry of the temporary Order, there would be considerable risk to the public if they were allowed to attempt to negotiate the area, with the likelihood of claims against the County Council for permitting unsafe access.

### **Financial Implications**

14. The extra cost of making the Order permanent and rescinding it on completion of the works is minimal compared with the costs of the reconstruction, and can be funded from the repair budget.

### **Options Considered**

15. To make the Order permanent and subsequently rescind it.
16. To seek further temporary extensions.

### **Reasons for Recommendation**

17. It had previously been indicated that further temporary extensions by the Secretary of State would not be forthcoming and thus the permanent Order is necessary until the completion of the works.

### **Recommendation**

18. That:-
  - (i) The Order to permanently close the C105 at Braydon Pond be brought into operation;
  - (ii) A further report be presented to this Committee in twelve months time confirming that the proposed works have been completed;
  - (iii) The Order be rescinded on the satisfactory completion of the reconstruction works;
  - (iv) The Parish Council be advised accordingly.

### **GEORGE BATTEN**

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**The following unpublished documents have been relied on in the preparation of this Report:**

None