

# Department for **Transport**

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Your Ref: RW/Closures-DC

Our Ref: NATTRAN/SE/TRO-S14/01/359

Date: 4 November 2011

Dear Sir

## **ROAD TRAFFIC REGULATION ACT 1984 REQUEST FOR FURTHER EXTENSIONS TO ISLE OF WIGHT COUNCIL ORDERS**

1. With reference to your letter of 24 October 2011, I am directed by the Secretary of State for Transport to inform you that she hereby approves of the continuing in force of the following Orders until **7 January 2012** or until the completion of the works whichever is the earlier:

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH V124, THE UNDERCLIFF, VENTNOR, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH C34, WHALE CHINE, CHALE, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH NT47, REETH BAY, NITON, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH NT48, PUCKASTER, NITON, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH NT49, PUCKASTER, NITON, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH NT50, PUCKASTER, NITON, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH NT51, PUCKASTER, NITON, ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH CS35, GURNARD SEA WALL,  
ISLE OF WIGHT) (TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2006

THE ISLE OF WIGHT COUNCIL (PUBLIC FOOTPATH NT30, NITON, ISLE OF WIGHT)  
(TEMPORARY PROHIBITION OF PEDESTRIANS) ORDER NO 1 2007

2. Whilst understanding that these are not the timescales that you have requested within your letter, the Secretary of State has extended these by two months during which time she will consider the position of these temporary orders, due to the length of time they have been in place. Given that the footpaths have been closed for a considerable period of time she may be reluctant to grant any further extensions to the above orders without having substantially more evidence before her, of the actions and timescales proposed by the council to either divert or extinguish these footpaths. This evidence should be sent to the above address by 15 December 2011. Paragraph 3 below refers.

3. As you are aware, in line with Section 15(3) of the Road Traffic Regulation Act 1984, the Secretary of State is able to extend an order subject to the time limit of 18 months if the Council is in the process of making the restrictions permanent by way of a permanent order and is unable to make the permanent order to come into operation before the temporary order ceases to be in force. Section 15 (3)(a) states that the Secretary of State must be satisfied that a permanent order 'which the authority that made the temporary order proposes to make under any other provision of this Act has the sole effect of reproducing the provisions of the temporary order and continuing them in force'

4. In making a temporary Order and when requesting an extension to a temporary Order the Council should be satisfied that the nature of the Order is temporary and that a satisfactory permanent conclusion to the temporary closure or restriction is proposed. In the main we would expect that this should be by the highways concerned being restored to their rightful highway use after the temporary works or danger has been removed. However, where the Council considers that this is not possible then it should be satisfied that timely and progressive action is being taken to secure a statutory Order, which will permanently close or restrict the highway concerned.

5. The Secretary of State directs that notice of these further extensions be published in the same newspaper in which notice in respect of the Orders was published together with a description of the alternative routes available.

6. It is requested that a copy of the further notices be sent to this office.

Yours faithfully



Karen Davies  
Head of National Transport Casework Team