

DIVERSION OF FOOTPATH 36 - LONDON SOUTHEND AIRPORT

1 SUMMARY

- 1.1 The report concerns an application by Southend Airport Co. Ltd under Section 119 of the Highways Act 1980 (as amended by the Wildlife & Countryside Act 1981, for the diversion of part of public footpath 36, which runs through the operational boundary of London Southend Airport.

2 BACKGROUND

- 2.1 The present route of public footpath 36 is shown on the attached plan no. PROW-12-013 by a solid black line (A - D).
- 2.2 The footpath provides uncontrolled access to operational areas of London Southend Airport and extends across the route of a live aircraft taxiway that connects the aircraft maintenance areas to the main operational area of the airport.
- 2.3 The taxiway is in regular use by aircraft and operational vehicles with currently approximately 15 aircraft movements a day,, which will increase with further expansion of the airport.
- 2.4 The development of the airport in recent years with the completion of the runway extension, terminal and railway station and growth of commercial services has accentuated the security risk and potential danger presented by the footpath. This is recognised as a risk on the Airport Risk Advisory Group's assessment, which the airport is required to take measures to address.
- 2.5 In addition to the safety risk to the public of aircraft taxiing across the footpath, the footpath also provides a means by which incursions could present a threat to the safety of aircraft operations and the security of the airport.
- 2.6 The airport company has explored all options that would allow the safe retention of the existing footpath across the taxiway, including tunnelling or bridging the footpath and installing controlled gates, but no practicable solution has been found.

3 APPLICATION

- 3.1 The application to divert the footpath is made under Section 119 of the Highways ACT 1980 (as amended by the Wildlife & Countryside Act 1981), which enables the Council to divert a public footpath if it is in the interests of the owner of the land, which the footpath crosses, or it is expedient that the line of the path or part of that line should be diverted onto land of another owner.

- 3.2 The Council must be satisfied that the proposed diversion does not result in the alteration of the termination point of the footpath. The Council must also consider whether the diversion is expedient, the effect of the diversion on the public enjoyment of the path, and whether the diversion will be substantially less convenient to the public.

4 PROPOSAL

- 4.1 The proposal is to close the footpath from the point that it intersects with Footpath 40, to the north of Aviation Way, to the point where it intersects with Aviation Way to the south of the Essex County Hotel. The total length proposed for closure is 976 metres long.
- 4.2 A diversion route is proposed from the point that Footpath 36 intersects with Footpath 40 and then following a route along the vehicular access road to the West Barrow Angling Club and along the southern side of the northern leg of Aviation Way to the north west corner of Aviation Way where it will join up with the existing Aviation Way Footway that runs along the western leg of Aviation Way and Footpath 50.
- 4.3 The proposed diversion route is 1,044 metres long and is shown by a black dashed line between points (A – G) on the attached plan.
- 4.4 Whilst the diverted route is longer overall it will offer a shorter, safer and more convenient route for pedestrians who may use the path to access the various business and leisure premises along the northern part of Aviation Way. It will also offer an all weather surface and more accessible route than the existing path, which is adjacent to a water course and within a flood risk zone.
- 4.5 The proposed diversion will also offer a more direct route between Footpath 40 and Bridleways 48 and 10 to the west of Cherry Orchard Way (via Footpath 50).
- 4.6 The Airport Company has undertaken informal consultations with the Parish Council and the Local Ramblers Association and also with Southend Borough Council, as landowners, and Essex County Council, as the Highways Authority, who have confirmed their support to the proposal.
- 4.7 The diversion does not result in an alteration of the termination point of the footpath.

5 RISK IMPLICATIONS

- 5.1 There is a danger to health and safety of the public associated with the use of the present footpath as it crosses a live aircraft taxiway as well as being an operational risk to aircraft.

6 ENVIRONMENTAL IMPLICATIONS

- 6.1 The proposed route would appear to be equally convenient to the public, will facilitate use of the footpath and will enable the applicant to utilise the airport more effectively and reduce the risk that presently exists.

7 RESOURCE IMPLICATIONS

- 7.1 The Council's expenses in making the Diversion Order will be borne in full by the applicant.

8 LEGAL IMPLICATIONS

- 8.1 In the event that the Council supports the proposed diversion, public notice and statutory consultation will need to be undertaken with Rochford Parish Council, the Highways Authority and other prescribed organisations.
- 8.2 Any representations or objections will be considered prior to the confirmation of the Order; if there are objections the application will be referred to the Secretary of State for determination.

9 RECOMMENDATION

- 9.1 It is proposed that Council **RESOLVES**

That, subject to London Southend Airport Limited agreeing to undertake and bear the cost of all necessary accommodation works, together with the Council's costs in making the order :-

- (1) An Order be made under Section 119 of Highways Act 1980, diverting Footpath No. 36 in the Parish of Rochford, as shown on the attached Plan No. PROW-12-013, on the grounds that it is expedient to do so in the interests of the owner and occupiers of the land concerned.
- (2) That in the event of there being no objections outstanding upon the expiry of the notice period or such longer period that may be afforded to resolve any objections received, the Order be confirmed by the Council; or
- (3) In the event that there are objections to the Order outstanding at the expiry of the notice period or such longer period that may be afforded to resolve any objections received, the Head of Legal Estates and Member Services be authorised to determine whether to submit the Order to the Secretary of State for confirmation.

Albert Bugeja
Head of Legal, Estates and Member Services

Background Papers:-

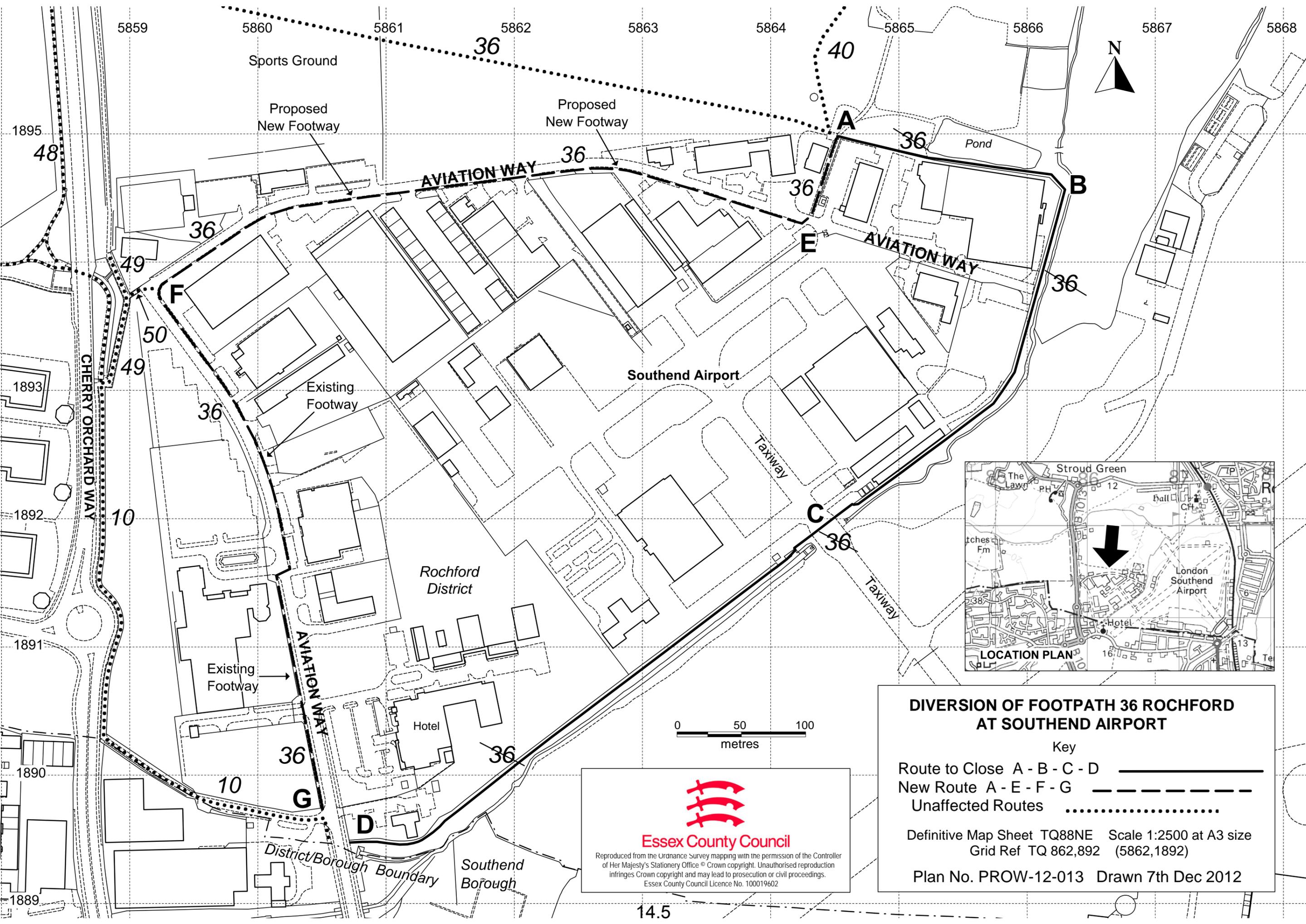
Letter dated 24 October 2012 from Vantage Planning Ltd.

For further information please contact Albert Bugeja (Head of Legal, Estates and Member Services) on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.



DIVERSION OF FOOTPATH 36 ROCHFORD AT SOUTHEND AIRPORT

Key

Route to Close A - B - C - D

New Route A - E - F - G

Unaffected Routes

Definitive Map Sheet TQ88NE Scale 1:2500 at A3 size
Grid Ref TQ 862,892 (5862,1892)

Plan No. PROW-12-013 Drawn 7th Dec 2012

Essex County Council

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