

Local Consultation on Proposals to Pedestrianise Berkley Lane & Dark Lane

It has long been known that this area, just outside of Frome, has been the District's biggest fly-tipping hotspot. When these roads have been open to traffic excessive fly-tipping and other unsightly environmental crime (burning of waste) has occurred, resulting in a significant detrimental impact to the environment and the community's enjoyment of the area. Additionally, it was costing Mendip District Council over £60,000 per annum in clearance costs due to the vast quantities and the frequency of fly-tipping clearances required.

Historically, to resolve these issues both Somerset County Council, through the implementation of a Temporary Traffic Regulation Order and Mendip District Council through the implementation of a Public Space Protection Order (PSPO), have closed the road for significant periods of time since 2016. This created a pleasant amenity for residents to enjoy, particularly by making walking, riding, and cycling safer. It also reduced fly tipping by 90% protecting the countryside from unsightly and damaging environmental crime and in addition resulted in a significant reduction in annual fly-tipping clearance costs.

On occasions, during this period, the road had to be temporarily opened and the reintroduction of vehicles not only saw an increase in fly-tipping but led to feedback from the Parish of Berkley and residents regarding the safety of the lane due to the speed of travelling vehicles. This is the situation currently and a cause of much concern.

In February 2021 Mendip's Cabinet, following consideration of legal advice, resolved not to extend the PSPO for a further period of time or make a further PSPO due to risk of further legal challenge and the area of law in question being untested in the Courts. Cabinet appreciated that this was an unpopular decision amongst local residents and at that same meeting sought to approve that the situation be reviewed to establish a long-term and sustainable solution as a priority.

This resulted in the formation of a multi-agency group consisting of:

Mendip District Council
Somerset County Council
Avon & Somerset Constabulary
Berkley Parish Council
Frome Town Council
Environment Agency
Devon & Somerset Fire & Rescue Service

Since March we have worked together with our partners in the multi-agency working group, and with your local District, County and Parish councillors, to consider and assess a wide range of potential solutions. Now we are pleased to announce that a

suite of actions have been identified and agreed as the most practical way to resolve the impact on the environment and the improvement of the amenity of the area.

The proposal is three-fold:

1. Mendip District Council as the Local Planning Authority will resolve to apply for an Order from the Secretary of State to Extinguish the Right to Use Vehicles on a Highway under section 249 of the Town and Country Planning Act 1990 (a Pedestrianisation Order).

This application is being sought to reduce the environmental criminality and anti-social behaviour in the area from both fly-tipping and speeding traffic to create a safe pedestrianised route for walkers, riders, and cyclists to enjoy.

2. Somerset County Council will, in support of this apply for a Traffic Regulation Order under Road Traffic Regulation Act 1984 to enable enforcement.
3. Somerset County Council to prevent access to vehicles, with the exception of highways maintenance vehicles, emergency services vehicles and those with permitted access, by means of bollards or other obstruction as it considers appropriate.

These proposed actions will apply to Berkley Lane and Dark Lane (note Option A and B) as indicated in the plans attached.

This initial consultation period will run for a minimum of 4 weeks up to 12th September to enable local businesses, residents and landowners to have their say on the proposals. Should Full Council resolve to apply for a Pedestrianisation Order, there would be a further public consultation when an application is submitted.

I am now writing to you to ask you to consider the proposal and to feedback to us your support, any concerns or other alternative ideas you may have, in writing by 12th September 2021. I appreciate this is a short timescale, but the desire is to present a report to enable Full Council to make a resolution on the matter at its next meeting on 27th September 2021.

The local consultation survey can be found on our website at www.mendip.gov.uk/survey and I ask you use this to make your representation. You can also write to us by responding to the survey questions at Berkley Lane Consultation Feedback, Community Health Team, Mendip District Council, Cannards Grave Road, Shepton Mallet, BA4 5BT

Further Guidance: [Apply to pedestrianise a highway - GOV.UK \(www.gov.uk\)](http://www.gov.uk)