

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director
(Neighbourhoods & Environment)

to

**Traffic Regulation Working Party
and Cabinet Committee**

on

4 January 2022

Report prepared by Sharon Harrington,
Head of Highways & Traffic Network

Petition Report
Esplanade Gardens proposal to replace Paving Slabs with Tarmacadam

Cabinet Member : Councillor Woodley
Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 For the Traffic Regulation Working Party and the Cabinet Committee to receive a petition referred by Council on 25 November 2021.

2. Recommendation

- 2.1 That the Traffic Regulation Working Party consider the request in line with current policy, and:-**

- a) Continue to implement the footway resurfacing programme in accordance with the current resurfacing policy;
- b) Not accept the petition request that footway resurfacing in Esplanade Gardens is in concrete slabs;
- c) Write to the lead petitioner advising them of the Council's decision.

3. Background

- 3.1 Cabinet at its meeting on the 25th February 2020 considered and approved a new footway resurfacing policy for the Borough. The report considered the difficulties with maintaining and repairing the existing concrete slab footways across the Borough and a cost analysis between slab and bitumen resurfacing. Many of the existing slab footways are in imperial sizes which are difficult to source and are more costly than modern bitumen materials to replace.

- 3.2 The existing slab footways are more susceptible to damage from vehicle overruns or lifting from the actions of tree roots. These can lead to trip hazards for pedestrians and insurance claims against the local authority including this location. By contrast bitumen footways are more resistant to vehicle overruns and the flexible nature of bitumen makes it less susceptible to tree root damage. It is also quicker and cheaper to install meaning that finite footway repair budgets can go further.
- 3.3 The new footway policy implements a change in footway materials where paving slabs will be replaced by bitumen surfacing at all locations. The only potential exception is in conservation areas where the retention of paving slabs is considered essential to the character of the area. Each location will be considered on a case-by-case basis and a decision reached only after discussion with conservation officers. The link to the adopted footway resurfacing policy report and the Cabinet decision can be found in the background section to this report.
- 3.2 Asphalt is more cost effective and has additional benefits:
- More of our defective footways within the given budgets
 - ASP paving is difficult to get hold of now in required quantities
 - There is a shortage of concrete products in the industry
 - Better health & safety for operative
 - Less issues with vehicle breakages (parking/vehicle crossovers)
 - Tree Root lift can happen overnight with slab
 - Easier maintenance for small repairs
 - Better fit around other assets, rather than concrete fillets which are prone to damage

4. Petition - Esplanade Gardens

- 4.1 A petition containing 26 signatures from 24 properties has been received requesting the Council to not use tarmac when undertaking highways improvement resurfacing work in Esplanade Gardens. 23 of the properties are located within Esplanade Gardens and 1 from Chalkwell Avenue. There are 6 properties within Esplanade Gardens who have not signed and no signatures from any property within Esplanade House (6 properties). A copy of the petition can be found in the Appendix to this report.
- 4.2 The petitioners make a case for retaining the existing slab footway on the basis that they believe it has cost savings, is environmentally more sustainable, longer lasting and more pleasing to the eye. The evidence submitted to Cabinet at the time the footway policy was adopted indicated that the bitumen replacement policy was more cost effective and longer lasting than slabs. The visual consideration of bitumen over slab construction was also taken into account at the time the policy was adopted and was not considered to be an issue (except and on a case-by-case basis in conservation areas). Esplanade Gardens is not in a conservation area and conservation officers have confirmed there are no plans to include Esplanade Gardens in a new conservation area.
- 4.3 The current 2021/22 resurfacing programme includes Esplanade Gardens and works were put on hold to enable the petition to be presented and its contents considered. The review of the contents of the petition does not find sufficient grounds to retain slab footways in the area and it is therefore recommended that

the petition is noted but the footway resurfacing will be in bitumen in accordance with the current footway resurfacing policy. It is also recommended that the decision not to allow the petition to change the current footway resurfacing policy and to resurface the footways in Esplanade Gardens is communicated to the lead petitioner.

5. Options Appraisal

Do nothing – maintain current policy

- 5.1 The current footway resurfacing policy was adopted in 2020 and was an essential tool in the delivery of the major footway resurfacing programme that is currently under way. Changing the policy so soon after its formal adoption has the potential to give the wrong message that Council policy is meaningless and can be changed at a whim.
- 5.2 Unless the new policy continues, the current footway resurfacing programme cannot be delivered without significant additional investment to enable like for like replacement or a reduction in the number of streets where footway resurfacing can occur.
- 5.3 If Members of the Traffic Regulations Working Party were minded to agree to the petition they would also need to agree:-
- (a) how and where the additional cost of resurfacing Esplanade Gardens would be funded as without it, the additional cost would prevent the works commencing, or
 - (b) which streets in the current programme will be dropped to pay for the cost of resurfacing Esplanade Gardens, or
 - (c) remove Esplanade Gardens from the current programme of resurfacing until such time if/when monies are available to pay for slab replacement.

6. Reasons for Recommendations

- 6.1 The current footway resurfacing policy was adopted in 2020 after careful consideration of the options to resurface with slabs or bitumen. The policy to resurface only in bitumen was considered and adopted as it offered 'best value' and was seen as being essential to enable the Council to meet its commitments to improve the safety and condition of footways in the Borough.
- 6.2 The only exception to the general policy is for a conservation area, not as a general all-encompassing exception but on a location-by-location basis. The decision to retain slab footways will only be reached where there is sufficient and overwhelming evidence that retaining slab footways is a significant factor of the conservation area itself.
- 6.3 Esplanade Gardens is not in a conservation area and there are no plans for it to become one. There is no technical or planning justification for changing the policy for Esplanade Gardens and to do so would set a precedent for other streets to request changes to Council adopted policy which would effectively make it unworkable. There is no budget to pay for the additional cost of retaining slab footways at this location.

7. Corporate Implications

7.1 *Contribution to Council's Vision & Corporate Priorities.*

Safe and Well – the footway resurfacing policy will reduce trips and hazards for pedestrians and help people feel safe and secure using the footway network in the Borough.

Active and Involved – more people have physically active lifestyles. Even and safe footways free from trips and hazards encourage people to chose to walk as part of a fitness regime rather or as an alternative to using other more polluting modes of transport.

Connected and Smart – people have a wide range of transport options including walking on safe and well maintained footways.

7.2 *Financial Implications*

The current estimate for the footway resurfacing of Esplanade Gardens is budgeted at £75,000 and is planned to be implemented in the 2021/22 financial year. The estimate for resurfacing Esplanade Gardens in slabs would increase the cost to around £100,000 and is currently unbudgeted. There is no surplus in the budget to cover the additional cost which would mean Members needing to agree additional funds to make up the difference or deleting other street(s) from the existing programme to make up the cost difference.

7.3 *Legal Implications*

None.

7.4 *People Implications*

Existing resources will be used to undertake assessments.

7.5 *Property Implications*

None.

7.6 *Consultation*

None.

7.7 *Equalities and Diversity Implications*

None.

7.8 *Risk Assessment*

Assessments form the basis for any risk assessments and if progressed for future works, Road Safety Audits are undertaken using independent auditors at the design and implementation stages.

7.9 *Value for Money*

The adoption of the existing footway resurfacing policy was based on a best value for money assessment and it is for this reason that the recommendation not to allow the petition to change the policy is made. The additional cost of slabs does not represent value for money and over time is likely to involve additional maintenance costs when slabs are broken.

6.10 *Community Safety Implications*

The existing slab footway has reached the end of its life. The surface is uneven and presents a trip hazard to the disabled and pedestrians where vehicles have overrun the slabs. Not resurfacing the footway would result in safety issues for the public and may result in insurance claims against the Council.

Resurfacing the footways in bitumen will remove the trip hazard and provide the best value for money solution.

6.11 *Environmental Impact*

None.

7. **Background Papers**

[\(Public Pack\)Supplementary Pack 2: Items 4, 6 and 10 Agenda Supplement for Cabinet, 25/02/2020 14:00 \(southend.gov.uk\)](#)

[Agenda Template \(southend.gov.uk\)](#)

8. **Appendices**

None