



**Westmorland  
& Furness  
Council**

## **WESTMORLAND AND FURNESS COUNCIL**

### **(C5028 HIGH CUNSEY BRIDGE, NEAR FAR SAWREY) (PROHIBITION OF HEAVY COMMERCIAL VEHICLES OVER 7.5 TONNES MAXIMUM GROSS VEHICLE WEIGHT) AND (C5080 RIGMADEN BRIDGE, NEAR BARBON) (PROHIBITION OF ALL TRAFFIC) ORDER 2024**

#### **Statement of Reasons**

*(As amended by Minute 31 of the Meeting of the South Lakeland Locality Board  
on 18 October 2023)*

Westmorland and Furness Council considers that it is expedient to make the above order for the following reason (s) in Section 1(1) Road Traffic Regulation Act 1984:

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road.

#### **High Cunsey Bridge (Drawing SLBRIDGE2023.001)**

An inspection and structural assessment of High Cunsey Bridge has found that the bridge is incapable of carrying any load exceeding 7.5 tonnes without unacceptable risk to members of the public from potential sudden catastrophic collapse. We therefore had to close the bridge to all vehicles carrying any load exceeding 7.5 tonnes under a Temporary Order made by Cumbria County Council which came into operation on 14<sup>th</sup> March 2022, as a result of the unsafe bridge and to enable subsequent repair works to be carried out.

Repairs to the bridge will be a significant engineering project which will require time to design, to obtain all necessary statutory consents, and to construct. In addition, we will need to obtain the substantial funding for the scheme.

We therefore propose a Traffic Regulation Order to prohibit all vehicles exceeding 7.5 Tonnes Maximum Gross Vehicle Weight from proceeding along that section of C5028, near Far Sawrey

County Hall, Busher Walk, Kendal, Cumbria, LA9 4RQ  
T. 0300 373 3306

[westmorlandandfurness.gov.uk](http://westmorlandandfurness.gov.uk)

from its junction with the U5057, extending in a southerly direction, over High Cunsey Bridge, for a total distance of approximately 47 metres.

NB: Police, Fire and Ambulance Vehicles will be exempt.

### **Rigmaden Bridge (Drawing SLBRIDGE2023.002)**


An inspection and structural assessment of Rigmaden Bridge has found that the bridge is incapable of carrying any load without unacceptable risk to members of the public from potential sudden catastrophic collapse. A risk review to national guidelines has shown that this substandard bridge cannot be kept open with monitoring, nor can immediate repairs be undertaken to improve the load-carrying capacity. We therefore had to close the bridge to all traffic under a Temporary Order (TTRO) made by Cumbria County Council on 11 January 2022, which became operative on 18 January 2022, as a result of the unsafe bridge and to enable subsequent repair works to be carried out.

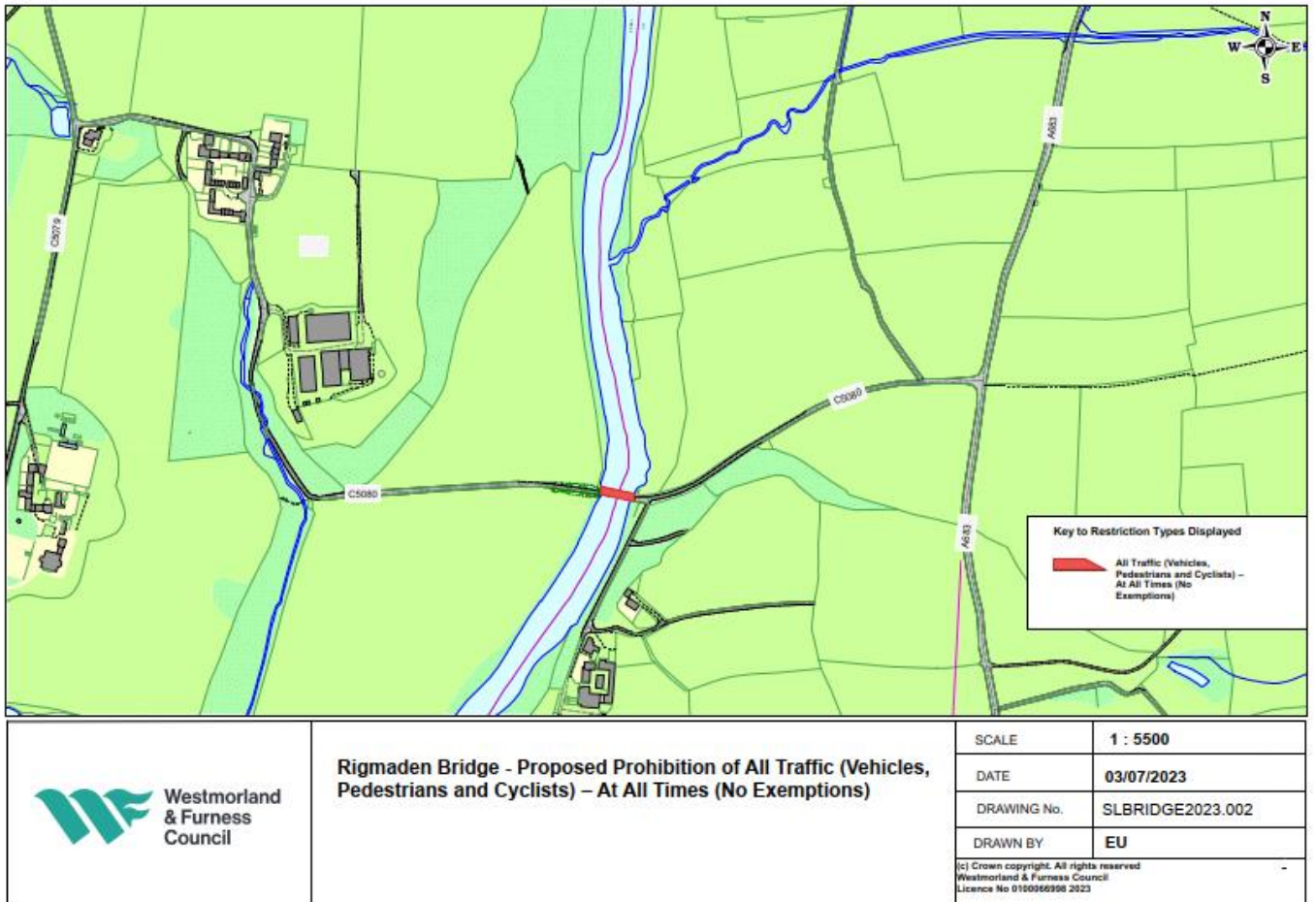
The TTRO has been continued in force with the approval of the Secretary of State for Transport until 18 January 2024.

Repairs to the bridge will be a significant engineering project which will require time to design, to obtain all necessary statutory consents, and to construct. In addition, we will need to obtain the substantial funding for the scheme.

We therefore propose a Traffic Regulation Order to replace the TTRO. The proposal is to prohibit all traffic (i.e., vehicles, pedestrians and cyclists and horse-riders) from proceeding along that section of the C5080 carried by Rigmaden Bridge.



 <p><b>Westmorland &amp; Furness Council</b></p>	<p><b>High Cunsey Bridge Weight Restriction Not Exceeding 7.5 Tonnes</b></p>	SCALE	<b>1 : 2500</b>
		DATE	<b>05/07/2023</b>
		DRAWING No.	SLBRIDGE2023.001
		DRAWN BY	<b>EU</b>
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South Lakeland Locality Board Minute : -

RESOLVED, that, having taken into account the representations, which were received during the statutory consultation and advertisement and having also taken into consideration the matters contained in Section 122(2) of the Road Traffic Regulation Act 1984, which are more specifically referred to at paragraph 8.1 of the Report, the Westmorland and Furness Council (C5028 High Cunsey, near Far Sawrey) (Prohibition of Heavy Commercial Vehicles over 7.5 Tonnes Maximum Gross Vehicle Weight) and (C5080 Rigmaden Bridge, near Barbon) (Prohibition of All Traffic) Order 2022 (<“the Order”>) be approved and be brought into operation as advertised.

WESTMORLAND AND FURNESS COUNCIL

(C5028 HIGH CUNSEY BRIDGE, NEAR FAR SAWREY) (PROHIBITION OF HEAVY COMMERCIAL VEHICLES OVER 7.5 TONNES MAXIMUM GROSS VEHICLE WEIGHT) AND (C5080 RIGMADEN BRIDGE, NEAR BARBON) (PROHIBITION OF ALL TRAFFIC) ORDER 2024

Westmorland and Furness Council, in exercise of its powers under Sections 1(1) and 2(1) to (4) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on 15 January 2024 and may be cited as Westmorland and Furness Council (C5028 High Cunsey Bridge, near Far Sawrey) (Prohibition of Heavy Commercial Vehicles over 7.5 Tonnes Maximum Gross Vehicle Weight) and (C5080 Rigmaden Bridge, near Barbon) (Prohibition of All Traffic) Order 2024
2. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-
  - (1) "heavy commercial vehicle" has the same meaning as in section 138 of the 1984 Act and which has an operating weight exceeding 7.5 tonnes;
  - (2) "junction" means, unless otherwise indicated in this Order, intersection of the general alignment of the highway boundaries of two or more roads.
3. Save as provided in Article 4, no person shall cause or permit any heavy commercial vehicle, the maximum gross weight of which exceeds 7.5 tonnes, to proceed in the length of road specified in Schedule 1 to this Order.
4. Nothing in Article 3 shall apply to vehicles being used for Police, Fire Brigade or Ambulance purposes.
5. No person shall proceed or cause or permit any vehicle, cycle or horse to proceed in the length of road specified in Schedule 2 to this Order.
6. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Dated the 9<sup>th</sup> day of January 2024

THE COMMON SEAL OF )  
WESTMORLAND AND FURNESS COUNCIL )  
was hereunto affixed )  
in the presence of:- )

Authorised Signatory .....



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## **SCHEDULE 1**

### **7.5 Tonnes Maximum Gross Vehicle Weight Limit (except for Emergency Vehicles)**

That length of the C5028, near Far Sawrey, from a point approximately 47m south of the centre of its junction with the U5057, extending over the full expanse of High Cunsey Bridge.

## **SCHEDULE 2**

### **Prohibition of All Traffic (Vehicles, Pedestrians, Cyclists and Horse-riders) – At All Times (No Exemptions)**

That length of the C5080 at Rigmaden, near Barbon, from a point approximately 450m south-west of the centre of its junction with the A683 extending over the full expanse of Rigmaden Bridge.

WESTMORLAND AND FURNESS COUNCIL

(C5028 HIGH CUNSEY BRIDGE, NEAR FAR SAWREY) (PROHIBITION OF HEAVY COMMERCIAL VEHICLES OVER 7.5 TONNES MAXIMUM GROSS VEHICLE WEIGHT) AND (C5080 RIGMADEN BRIDGE, NEAR BARBON) (PROHIBITION OF ALL TRAFFIC) ORDER 2024

1. Westmorland and Furness Council hereby give notice that on 9 January 2024 it made the above Order under Sections 1 and 2 of the Road Traffic Regulation Act 1984.
2. The Order will come into operation on 15 January 2024 and its effect will be to: -
  - i) Prohibit any vehicle exceeding 7.5 tonnes maximum gross vehicle weight from proceeding along that length of the C5028, near Far Sawrey, from a point approximately 47m south of the centre of its junction with the U5057, extending over the full expanse of High Cunsey Bridge, (NB: emergency service vehicles are exempt); and
  - ii) Prohibit all traffic (ie. all vehicles, pedestrians, cyclists and horse-riders) from proceeding along that length of the C5080 at Rigmaden, near Barbon, from a point approximately 450m south-west of the centre of its junction with the A683 extending over the full expanse of Rigmaden Bridge (NB: There are no exemptions to this restriction).

PLEASE REFER TO THE DOCUMENTS ON DEPOSIT AND ON THE COUNCIL'S WEB-SITE FOR FULL DETAILS.

3. Full details of the Order, together with plans showing the lengths of road concerned, and a statement of the Council's reasons for making the Order, may be: -
  - (i) viewed on the Council's website using the following link: -;  
<https://www.westmorlandandfurness.gov.uk/parking-streets-and-transport/streets-roads-and-pavements/road-maintenance-closures-and-improvements/proposed-traffic-regulation-orders-tros>
  - (ii) on deposit at Ambleside Library, Kelsick Road, Ambleside, LA22 0BZ; and
  - (iii) at the offices of the undersigned; and
  - (iv) may otherwise be obtained by emailing  
TROconsultation@westmorlandandfurness.gov.uk
4. If you wish to question the validity of the Order or of any provision contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984 or on the grounds that any requirement of that Act or any instrument made there under has not been complied with in relation to the Order, you may within six weeks of 9 January 2024 apply to the High Court for this purpose.

Chief Legal and Monitoring Officer, Westmorland and Furness, South Lakeland House,  
Lowther Street, Kendal, LA9 4DQ

Dated 11 January 2024



Cumberland Council  
Cumbria House  
117 Botchergate  
Carlisle  
Cumbria CA1 1RD  
cumberland.gov.uk

Please ask for: Kim Baxter (Lawyer – Highways  
and Road Traffic)  
Mobile: 07919298672  
E-mail: [kim.baxter@cumberland.gov.uk](mailto:kim.baxter@cumberland.gov.uk)  
Your ref:  
Our ref: KB/4.4.1113

Ambleside Library  
Kelsick Road  
Ambleside  
Cumbria  
LA22 0BZ

Date: 9 January 2024

Dear Sir/Madam

WESTMORLAND AND FURNESS COUNCIL

(C5028 HIGH CUNSEY BRIDGE, NEAR FAR SAWREY) (PROHIBITION OF HEAVY  
COMMERCIAL VEHICLES OVER 7.5 TONNES MAXIMUM GROSS VEHICLE WEIGHT)  
AND (C5080 RIGMADEN BRIDGE, NEAR BARBON) (PROHIBITION OF ALL TRAFFIC)  
ORDER 2024

**I am acting for Westmorland Council in this matter.**

Please find enclosed a copy of the above proposed Traffic Regulation Order, together with other relevant documentation. I should be grateful if you could hold them on deposit for public inspection until 29 February 2024.

I should also be grateful if you could acknowledge receipt of the documents by completing and returning the slip attached to this letter via email to the above address.

Thank you for your assistance.

Yours faithfully

*K Baxter*

Kim Baxter

Lawyer



TO: Senior Manager – Legal Practice  
Cumbria House  
Carlisle  
CA1 1RD

REF: KB/4.4.1113

WESTMORLAND AND FURNESS COUNCIL

(C5028 HIGH CUNSEY BRIDGE, NEAR FAR SAWREY) (PROHIBITION OF HEAVY  
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AND (C5080 RIGMADEN BRIDGE, NEAR BARBON) (PROHIBITION OF ALL TRAFFIC)  
ORDER 2024

I acknowledge receipt of the documents relating to the above proposed Traffic Regulation Order and agree to hold them on deposit for public inspection until 29 February 2024.

Signed .....

Address .....

.....

Dated .....