

Email received 01 July 2021:

Dear Cllr Mustoe and Mevagissey Parish Council,

### **Proposed Stainless Steel Railings at Portmellon**

Further to your correspondence with our Service Provider (Cormac) regarding the proposed railings at Portmellon, Cornwall Council has been advised that there is a reasonably foreseeable risk of an incident with the potential to endanger life occurring at this location as a result of pedestrians and motorists being swept off the wave return wall in times of storm surge.

We acknowledge no previous incidents have been recorded at this location, however there is video footage of a number of individuals putting themselves in significant danger which has resulted in the hazard being identified. It is our professional opinion and that of our service provider that there is a reasonably foreseeable risk that we are legally obliged to address.

I have been provided with a copy of previous correspondence on this matter and note your objection to the original scheme and the concerns you have raised. Furthermore I understand Cllr Mustoe met with Nigel Blackler and was promised a feasibility study would be undertaken to look at other options.

Please find a copy of this feasibility study attached. You will note the recommendation of this study is that Option 1 should be progressed – Stainless steel railings. I believe this proposal to be more or less as previously put to you by our service provider. The report sets out the reasons behind this recommendation and the design has now been updated to address your concern that pedestrians would not be able to easily pass from one side to another in times of emergency. 1.2m wide openings have now been detailed at 6m intervals along the railings length.

I have set out a responses to the other concerns and comments that have been raised with our Service provider below:

#### **Why aren't the Council required to seek planning permission for these works or to widely consult on the same**

I have double checked with our legal department, particularly as these works would take place within an Area of Outstanding Natural Beauty (AONB) and it has been confirmed we are able to rely on our exemption under The Town and Country Planning (General Permitted Development) (England) Order 2015 Part 9 Class A as Cornwall Council are a Highway Authority and these works are to be undertaken in the interests of public safety.

#### **The lack of accident history**

There is footage of many individuals putting themselves in significant danger which has resulted in the hazard being identified as reasonably foreseeable and hence action is required. After seeking an opinion on this and our stance regarding the same from our legal department I have been advised that if we have been made aware of a danger then we absolutely need to act or we will be

negligent and could find ourselves answering questions at an Inquest. Safety has to be our priority. Legal have confirmed they consider our proposed actions to be reasonable and proportional to the risk.

#### Why are these works required at this location and not in similar situations around the county

There are very few locations in Cornwall where there is an unprotected drop from a vehicular highway into the sea at the top of a coastal structure. There are 2 locations we are aware of, Abbey Basin Penzance, a short section of highway at relatively low level that does get some wave action, though relatively minor inside the harbour, and Padstow Inner Harbour which is relatively high up so not subject to wave action. The level of danger at Portmellon is unique in Cornwall due a combination of factors such as the low level of the highway relative to the sea, regular flooding and large wave action not necessarily only at high tide or on spring tides.

#### Why are these works now proposed

Our service provider has been monitoring the regularity of dangerous occurrences at this location and first raised concerns about the location and highway users continuing to use the highway in dangerous conditions many years ago. Since then we have been monitoring the situation and believe there is now substantial evidence in the public domain to support the assessment that the risk to life is reasonably foreseeable. It has also been noted that even the Coastguard now issues warnings not to use the road in such conditions.

#### What alternative measures have been tried in the interim and what has been the response to these? i.e. have we cleaned signs / renewed signs / installed new signs are markings to alert to the danger? What has been the response to these?

The lit signs that have been present of a number of years are ignored, we have renewed the plastic bollards but they do not survive wave action, we have some cast iron bollards over a short length, they rust and need regular painting. Additional cast iron bollards are unavailable, only aluminium bollards are now manufactured and they lack the necessary strength to withstand the wave forces. The stainless steel handrails above the slipway which is adjacent to the wall have withstood the wave climate for a good number of years, the proposed handrails are similar but with additional bracing to provide further resistance to wave action.

#### The railings may become dislodged in a storm, resulting in damage to private property.

Please refer to the drawings of the railings in the attached feasibility, the posts and diagonal bracing will be cored directly into the mass concrete of the wall. This design approach has been adopted to withstand the local environment with regular inspections to ensure that the railings are maintained in good condition. Similar design using the same material has been used in locations with comparable high exposure with no failure occurring.

#### The railings will affect the ability to access the beach over the wave return wall.

There can be significant level differences from the top of wall to the beach as a result of changing sand levels which could result in an injury, After consideration of your comments the design does however now include 1.2m wide openings at 6m intervals along the length of the railing although we would still recommend and prefer the public use the slipway to access the beach.

The railing will hinder a rescue.

The railings would greatly reduce the risk of either a pedestrian or motorist being dragged off the wall by wave action, they would also provide suitable points for anyone in difficulties or rescuers to hold on to and for rescue equipment to be secured to. As above the design now provides for 1.2m wide openings at 6m intervals along the railings length allowing easy movement from one side to the other when necessary.

After a storm seaweed will be caught on the railings.

This is likely, at present in such circumstances there is seaweed strewn across the carriageway resulting in it being slippery, Cormac action this removal and attend site to deal with this transient condition. This would be no different with the railings.

The Wall is often used to sit on at high tide

The wall is there as a coastal protection structure, but we acknowledge it has an amenity value with visitors using it to sit at high tide. The railing (now with openings at intervals) will not prevent this. There will still be plenty of room for this and this will in fact be safer with a railing between them and traffic using the highway.

We are making plans to install the railings as recommended by the feasibility report before next winter and would prefer to do so with your support. The opportunity for a discussion with a small group of representatives via Teams remains open and I therefore look forward to hearing from you with regards to taking up this offer.

Yours sincerely,

Daniel Evans | Assistant Highway Asset Manager

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