

[REDACTED]

10 July 2023

Kally Chemma LLB  
Senior Coroner Cumbria  
Fairfield, Station Road  
COCKERMOUTH  
Cumbria  
CA13 9PT

Dear Ms Cheema

**THE LATE ELSIE MARY MURPHY – DECEASED  
INQUEST: 18 MAY 2023 AT CORONER’S COURT – COCKERMOUTH**

Thank you for your letter dated 23 May 2023 in relation to the above Inquest and the Regulation 28 report dated 19 May 2023 regarding the same.

Firstly, on a personal note, can I say how sad I was to hear about Elsie’s passing and we send our condolences to her family and close friends.

In response to the Regulation 28 report, the Council has made a number of enquiries.

**Ownership/responsibility for the area of land in question**

We can now confirm that we have completed our internal enquiries into this matter and have been able to clarify the following in relation to the area of land in question:

- The area of land is not under the registered ownership of Cumberland Council.
- The area of land is not under the registered ownership of the previous district Council Allerdale Borough.
- The area of land is shown on the street gazetteer, held by us as the Transport Authority, but only as a private street with access for pedestrian and vehicle traffic.
- Cumbria County Council as Highway Authority had in the past repaired the road lighting at this location.
- None of the area in or around the immediate area of the incident is inspected by Cumberland Council as Highway Authority.
- Neither the lane/part grassed area between 25 Ewanrigg Road and the hospital leading up to the steps onto Ewanrigg Road nor the path at the location of the incident which turns 90 degrees right at the steps and runs in front of the houses on Ewanrigg Road has any registered owner.
- The area of land is not a recorded Public Right of Way (footpath, bridleway etc).

- The steps do not form any structure that is inspected or maintained by Cumberland Council.

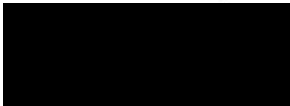
Taking the above information into account, the Council has now exhausted all available avenues of tracing the owner of this area of land.

As Highway Authority, Cumberland Council has a power albeit not a duty under 130 (2) of the Highways Act 1980 to “assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the Highway Authority...”

**Remedial action undertaken/proposed**

With this in mind, the Highways Department had commenced work to install additional drainage in this area to further prevent standing water. Subsequent to that work commencing, information was received from United Utilities and it would appear that their water/sewerage systems may have been defective and contributed to the standing water. United Utilities have confirmed it has now been repaired and is currently being monitored by them. Should the problem reappear, we will take further action as required.

Yours sincerely



**Chief Executive**

