

**THE RIDGEWAY NATIONAL TRAIL IN WILTSHIRE –
PROPOSED SEASONAL TRAFFIC REGULATION ORDER**

Purpose of Report

1. To consider proposals for the making of a Traffic Regulation Order (TRO) to prohibit use between 1st October and 30th April each year of motor vehicles on the sections of the Ridgeway National Trail in Wiltshire which have the legal status of Byways Open to All Traffic (BOATs).
2. To consider inclusion in the TRO of a number of connecting BOATs which would otherwise become culs-de-sac to motor vehicles during the period of closure.
3. The plan at **Appendix 1** shows the sections of The Ridgeway and the connecting BOATs which it is proposed to include in the Order.

Background

4. An “all-year” TRO came into operation on 8th March 2004 upon the Smeathe’s Ridge section of The Ridgeway National Trail, prohibiting the use of this section by motor vehicles. The TRO will remain in place until such time as a decision is made by the County Council to rescind it.
5. The primary reason for making the Smeathe’s Ridge TRO was to protect the National Trail from vehicular damage to the unsurfaced grass sward, as this is the only remaining part of The Ridgeway in Wiltshire to have retained this type of surface.
6. The issue of motor vehicles using The Ridgeway has long been a controversial one, primarily because the intended purpose of National Trails is to provide continuous walking, cycling or horse riding through the finest scenery. Vehicular use of the majority of National Trails is not an issue because for the most part they follow a series of linking footpaths and bridleways on which mechanically propelled vehicles are not permitted. Substantial sections of The Ridgeway, however, follow BOATs on which legitimate use by mechanically propelled vehicles is permitted.
7. Growing concerns about use of The Ridgeway by motor vehicles led to the Minister for Rural Affairs and Local Environment Quality, the Rt. Hon. Alun Michael MP, hosting a meeting in London on 28th January 2004. This was attended by the MPs and representatives of the Highway Authorities through whose areas The Ridgeway passes, officials from the Department for Environment, Food and Rural Affairs (DEFRA) and the Countryside Agency, and the Chairman of the Friends of The Ridgeway Group.
8. At that meeting Mr Michael made it clear that he wished the Highway Authorities to make, on an individual authority basis, TROs to prohibit the use of The Ridgeway by motor vehicles at least during the Winter months. Despite collective representation from the Highway Authorities and MPs that the matter should be addressed by central Government on a “whole trail” basis using the powers available under the Railways and Transport Safety Act, Mr Michael remained of the opinion that the issue should be dealt with at a local level.

9. Subsequent to the meeting with Mr Michael, the Ridgeway Management Group has agreed that each of the Highway Authorities will take the proposals forward on an individual, but consistent, basis.
10. If the TROs are to be in place for commencement in the Autumn of this year the decision to advertise the Orders must be made without delay to allow sufficient time for the statutory procedures to be followed.

Main Considerations for the Council

11. There are a number of reasons for which TROs may be made under the Road Traffic Regulation Act 1984, including:-
 - (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of such danger arising, or
 - (b) for preventing damage to the road or to any building on or near the road, or
 - (c) for facilitating the passage on any road or any other road of any class of traffic (including pedestrians), or
 - (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - (f) for preserving the amenities of the area through which the road runs.
12. A TRO may provide for the prohibition, restriction or regulation of the use of a road, or any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order, either generally or subject to such exceptions as may be specified in the order. This may be at all times, or at times, on days or during periods so specified.
13. It could be argued that all of the criteria listed at paragraph 11, above, are relevant to the rights of way that collectively form The Ridgeway in Wiltshire because of its designation as a National Trail, and that a case could perhaps be made for all-year round closure to motor vehicles. The Ridgeway Management Group is however mindful of the duties of the Highway Authorities to protect and assert the rights of all legitimate users and does not feel that an all-year closure would be appropriate. The Management Group does however support the principle of closure to motor vehicles over the Winter months. This would protect the Trail for Summer use by all legitimate users and easier Winter use by walkers, horse riders, cyclists and carriage drivers. This will however be kept under review so that any future decisions are made with the benefit of experience.
14. It is therefore necessary to consider the reasons for which TROs may be made (as listed in paragraph 11, above) in the context of Winter closure, and it is suggested that under these circumstances (b), (c), (d) and (f) are all satisfied to a greater degree during the Winter months, despite the difficulties of defining the “amenity” issues at (f).

15. Informal consultation has already been carried out with the Parish Councils for the area of The Ridgeway, the Members of Parliament, the Wiltshire Police, the landowners, user-group representatives, the Countryside Agency and the Friends of The Ridgeway. 18 responses were received, including one which simply acknowledged receipt of the consultation letter. 14 of the responses were supportive of the proposed TROs whilst three (all representatives of vehicle user organisations) contained varying degrees of opposition.
16. There was some difference of opinion between the consultees who support the proposed TROs about the length of the closure period. All appear to agree that the closures should start on 1st October but there are suggestions for the end of the closure period to be either 30th April or 31st May. It is suggested that if Members decide to support the proposed TROs then the end of the closure period should be 30th April as intended by the Countryside Agency.
17. The objections to the proposals are summarised in **Appendix 2**, together with officers' response.

Environmental Impact of the Proposals

18. The TRO is intended to protect the route during the Winter months where and when the path is most vulnerable to damage caused by motor vehicles. The aim is to ensure that it can be kept open to users other than motor vehicle users during the Winter, and to all users during the Summer months.

Risk Assessment

19. The proposed TRO will protect The Ridgeway from the risk of damage by motor vehicles during the Winter.
20. The lack of motor vehicles using The Ridgeway during the Winter will improve the safety of other users.

Financial Implications

21. The Countryside Agency has undertaken to pay for the costs of making the TRO, which is expected to be in the region of £4,000. There will, however, be minor additional costs to the County Council incurred in managing the closures on site and associated administration.

Options Considered

22. Members could decide:-
 - (i) not to proceed with a TRO.
 - (ii) to proceed, but to extend or reduce the period of closure (currently proposed to be from 1st October to 30th April.
 - (iv) that only The Ridgeway itself should be included in the TRO, and that the connecting byways that would become culs-de-sac should remain open.

Reasons for Recommendation

23. (i) To protect The Ridgeway from damage by motor vehicles during the Winter, so that it may be used more easily in Summer by all legitimate users and in Winter by walkers, horse riders, cyclists and carriage drivers, and
- (ii) To protect the amenity of the surrounding area.

Recommendation

24. That approval be given to the making of a Traffic Regulation Order to exclude the use by motor vehicles of The Ridgeway in Wiltshire and the connecting byways which would otherwise become culs-de-sac for motor vehicles, between 1st October and 30th April each year.

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The following unpublished documents have been relied on in the preparation of this Report:-

None

OBJECTIONS AND OFFICERS' RESPONSE

Objection Number	Nature of Objection	Officers' response
1	Not all of the sections proposed for closure (as shown on the consultation plan) suffer from vehicular damage.	The orders are not proposed solely to protect the path from damage but also on amenity grounds.
2	Not all of the connecting routes shown suffer from vehicular damage. Other cul-de-sac byways elsewhere in Wiltshire are used responsibly by vehicles without problems. Lack of use of some of the connecting byways could result in their becoming overgrown.	The orders are not proposed solely to protect the path from damage but also on amenity grounds. It is also considered that some motor vehicle users would be likely to disregard the TRO on The Ridgeway if they arrive at it and are then obliged to retrace their route. If they do retrace their route, the risk of damage to that route is doubled. Overgrowth is unlikely to become a problem during the Winter months.
3	Closure of some of the sections proposed would prevent access to other byways which it is not proposed to close.	The proposals have been revised in the light of this objection to keep such occurrences to a minimum.
4	Damage is also caused by private farm traffic and by horses; these should also be excluded by any TRO that is made.	There is no legal provision by which private access rights can be denied to the holders. However several of the landowners who have been consulted have agreed to avoid using The Ridgeway where they have other means of accessing their land. The purpose of National Trails is to provide high quality continuous routes for walkers and horse riders, so to include horse riders in the TRO would defeat part of the National Trail's purpose. In the majority of cases, the surface of The Ridgeway in Wiltshire is not especially prone to damage by horses.
5	The Ridgeway is one of the best maintained paths in Wiltshire and, when compared with other paths in the County, the expense of TROs cannot be justified.	As a National Trail, The Ridgeway is managed to the highest possible standard and a higher level of expenditure is justified. The Countryside Agency has agreed to meet the costs incurred by local authorities of making the TROs, so that existing budgets are not adversely affected.
6	There are variations between the legal route of The Ridgeway and the used route. Any orders made would need to take this into account.	The TRO, if made, will take this into account.
7	The closures proposed are believed not to be for maintenance purposes but are the start of measures to ban vehicles totally from The Ridgeway.	The TROs are intended to protect the route during the Winter months when and where the path is most vulnerable to damage caused by motor vehicles. The aim is to ensure that it can then be kept open to all users during the Summer months.
8	Use by motorcycles does not damage The Ridgeway. Although this objector (on behalf of The Trail Riders Fellowship) does not object in principle to a seasonal order, there is concern that once an order has been made it would be too easy to extend it.	There is limited evidence of damage by motorcycles which when combined with use by four-wheel drive vehicles is a major source of concern. The TROs are also being made for amenity reasons and it is considered that motorcycles are incompatible with the amenity of a National Trail.

Objection Number	Nature of Objection	Officers' response
9	The existing TRO on Smeathe's Ridge should be amended to a Winter seasonal one only; there is no material difference between Smeathe's Ridge and other parts of The Ridgeway.	Smeathe's Ridge, due to its grass sward surface, is at risk of vehicular damage at all times of the year. There is therefore no intention to re-open it to motor vehicle users for the Summer months.
10	Exclusion of vehicles from The Ridgeway may result in the use of and damage to less suitable routes.	This possibility is acknowledged, but the overall benefits to The Ridgeway as a National Trail are considered to outweigh any consequential effects elsewhere. However, other byways in the area will be monitored to see if this does become a problem.
11	Alternative routes should be opened up.	Where suitable alternative routes exist, appropriate information will be provided to potential users.
12	Consideration should be given to a weekend-only ban on vehicles.	Use by motor vehicles is not confined to weekends. A weekend-only ban could result in increased use during the week as users will be able to plan around the weekend closures.
13	Any order made should be kept under review to measure its effectiveness, and revoked if unsuccessful.	This point is accepted and the position will be reviewed at the end of the closure period, if the TRO is made.
14	Policing of the TRO will be an issue	The County Council and the Friends of The Ridgeway are working with Wiltshire Police to address this concern.
15	Irresponsible users will not observe a TRO.	This is not considered to be a sufficient reason not to attempt to resolve the problems of motor vehicle use. The County Council and the Friends of The Ridgeway are working with Wiltshire Police to address this concern.