

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

**Purpose of Report**

1. To:-
  - (i) Report on objections and representations received to the proposed Traffic Regulation Order (TRO) to prohibit use between 1<sup>st</sup> October and 30<sup>th</sup> April annually by motor vehicles on those sections of the Ridgeway National Trail in Wiltshire that are not already covered by TROs and which have the legal status of Byways Open to All Traffic (BOATs).
  - (ii) Enable the Committee to decide whether to make the proposed Order, and also whether any variations from the draft Order are required.

**Background**

2. The Regulatory Committee, at its meeting on 14<sup>th</sup> July 2004, resolved to:

*approve the making of a Traffic Regulation Order to exclude the use of motor vehicles on The Ridgeway in Wiltshire and the connecting byways which would otherwise become culs-de-sac for motor vehicles, between 1<sup>st</sup> October and 30<sup>th</sup> April each year.*
3. The draft Order, a copy of which is attached at **Appendix 1**, was advertised between 19<sup>th</sup> August and 13<sup>th</sup> September 2004 inclusive.
4. The plan at **Appendix 2** shows the sections of The Ridgeway and the connecting BOATs which are proposed for inclusion in the Order.
5. Thirty two letters of objection to the draft Order were received, all from persons who oppose the inclusion of motorcycles within the prohibition of motor vehicles. A breakdown of the objections is attached at **Appendix 3**, together with the officers' comments on the objections.

**Main Considerations for the Council**

6. The report presented to the Regulatory Committee on 14<sup>th</sup> July 2004 set out the relevant considerations under which TROs may be made, as follows:-
  - (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.
7. The report suggested that 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).
  8. Informal consultation carried out in April 2004 included 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. Only 17% of the consultation responses expressed objections. The Committee considered the objections and resolved that a Traffic Regulation Order should be made as detailed in paragraph 2 above. A copy of the objections made at that time, together with the officers’ comments, is attached to this report at **Appendix 4**.
  9. The Committee must now consider the objections to the draft Order as set out at **Appendix 3** and determine how it wishes to proceed.
  10. Copies of the letters of objection are available for inspection in the **Members’ Room**.

#### **Additional Considerations**

11. Although not lodged as an objection to the draft Order, representation has been made to the County Council that the inclusion of that part of The Ridgeway which passes along Ogbourne St. George Byway 10 will result in the continuation of Ogbourne St. George Byway 9 to the south becoming a cul-de-sac route for vehicles, denying access to a through route to and from Ogbourne St. Andrew. As the short (190 metres) section of Byway 10 has a tarmac surface it is unlikely to suffer damage from vehicular use in the Winter. It is therefore proposed that Byway 10 should not be included in the Order.
12. Some of the objectors have suggested that the proposed Order should be considered at a Public Inquiry to allow an independent assessment to be made of the need for the Order, and in particular the intention to include motorcycles in the prohibition of motor vehicles. This is an option that the Committee may wish to consider. However, there is no legal requirement upon the County Council to arrange for a public inquiry to be held in these circumstances. The Minister for Rural Affairs and Local Environment Quality, when proposing that the Highway Authorities should make these Orders in preference to the Government, advised that he did not consider that Public Inquiries would need to be held.
13. Several of the objectors questioned the inclusion in the draft Order of the byways that connect to The Ridgeway where they become culs-de-sac if they remain open whilst The Ridgeway is closed to motor vehicles.

14. This proposal is controversial because it will, if approved, prevent motor vehicles from having access to approximately an additional 8km of the byway network together with the 24km of the Wiltshire section of The Ridgeway itself. One of the reasons for the inclusion of these connecting routes was to reduce the likelihood of motor vehicle users having to turn back upon reaching The Ridgeway, doubling any problems of damage and disturbance. In addition, it would discourage those inclined to disregard The Ridgeway closure having progressed that far along their chosen route.
15. Although the report considered by this Committee on 14<sup>th</sup> July, 2004 looked at this issue, Members may wish to reconsider the matter in the light of the objections received. One possible solution could be to allow the connecting routes to remain open but to provide clear information at their starting points indicating the closure of The Ridgeway itself.
16. Objection number 16 (see **Appendix 3**) states that:- The draft order contains errors in the map and schedule in respect of byways Berwick Bassett 14 and Winterbourne Bassett 9, which would seem to necessitate re-advertising the Order.

**Officers response:** The error concerns the labelling of these byways on the map and their description in the schedule. The labels contain the parish identifier for Wootton Bassett; the correct parishes as identified in the schedule to the Order should be Berwick Bassett and Winterbourne Bassett. It is not considered that this error has a material effect upon the ability to interpret the effect of the draft Order upon the routes concerned. The draft Order does not in these circumstances require readvertisement. The map to accompany the Order will be correctly labelled and the schedule corrected.

17. Objectors to the draft Order have pointed out that a Public Inquiry held in 1992 into a TRO made by the Secretary of State to exclude motor vehicles from the section of the Ridgeway between Overton Hill in Wiltshire and Streatley in Berkshire on Sundays and Bank Holidays, found no overwhelming reason to do so.
18. The Inquiry Decision Letter, issued in December 1993 (**Appendix 5**), shows the Inspector concluded that the evidence presented to him was insufficient to justify curtailing long-established vehicle rights. The Secretary of State, although not fully accepting that the justification for the imposition of the TRO needed to be as strong as the Inspector appeared to think, accepted his findings and decided not to confirm the Order. The Committee may wish to take account of the reasons for this decision before deciding whether the Order now being proposed should be made.

### **Environmental Impact of the Proposals**

19. The TRO is intended to protect the route during the Winter months where and when the path is most vulnerable to motor vehicular damage. The aim is to ensure that it can be kept open to non-motorised users during the Winter, and to all users during the Summer months.

### **Risk Assessment**

20. The TRO, if made, will protect The Ridgeway from the risk of damage by motor vehicles during the Winter.
21. The lack of motor vehicles using The Ridgeway during the Winter will improve the safety of other users.

### **Financial Implications**

22. 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. It should be noted that if the Committee were to resolve to arrange for a Public Inquiry to be held the costs would rise by an estimated additional £3,000.

### **Options Considered**

23. The Committee could decide on any one of the following options:
- (i) Not to proceed with a TRO;
  - (ii) To proceed with a TRO, but to extend or reduce the period of closure, which the draft Order proposes to be from 1<sup>st</sup> October to 30<sup>th</sup> April, annually;
  - (iii) To proceed with the TRO as per the draft Order but incorporating the amendments identified at paragraphs 11 and 16, above. **NB:** The Order would take effect from the earliest opportunity for the 2004-05 Winter period;
  - (iv) To proceed with the TRO as at (iii) above, but to make motor cycles exempt from the Order;
  - (v) 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, with appropriate signage; or
  - (vi) To arrange for a public inquiry to be held for the reasons given in paragraphs 12 to 15 above.

### **Reasons for Recommendation**

24. 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 also to protect the amenity of the surrounding area.

### **Recommendation**

25. That the Traffic Regulation Order to exclude the use of The Ridgeway in Wiltshire by motor vehicles and the connecting byways which would otherwise become culs-de-sac for motor vehicles, between 1<sup>st</sup> October and 30<sup>th</sup> April annually, be made with the amendment from the draft as proposed at paragraphs 11 and 16 above.

### **GEORGE BATTEN**

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

None