

**WILTSHIRE COUNTY COUNCIL
NO.**

AGENDA ITEM

**CABINET
20th JUNE 2003**

THE RIDGEWAY NATIONAL TRAIL

Purpose of Report

1. To advise Cabinet of recent discussions concerning the management of the Ridgeway and to respond to the Chief Executive of the Countryside Agency.

Background

2. The Ridgeway is one of 15 National Trails and was 'assembled' from a string of paths with their own legal identity and legal status as recorded on the Definitive Maps of Rights of Way for the highways areas passed through. The legal status of the various components of the Trail confers legal rights which pre-date designation as a National Trail and which continue to exist. The Ridgeway National Trail has an unusual make-up. Nearly two-thirds is potentially open to all users, including motorised vehicles (32km of Byway Open to All Traffic (BOAT), 37km of Road Used as a Public Path (RUPP), 13km of sealed road). Only 40% (55km) is restricted to foot, horse or cycle traffic. Furthermore, landowners whose land is crossed by the Trail have their own rights to pass along their section, with agricultural or other vehicles if they wish, and they can give permission for others to similarly use their land regardless of its highway status.
3. In Wiltshire, the Ridgeway National Trail is classified for most of its length as a BOAT, meaning that there are public vehicular rights to use the Trail. The Ridgeway is also used by agricultural vehicles to access adjacent farmland.
4. The Countryside Agency has powers to improve, organise maintenance, promote and otherwise to oversee the overall management of these Trails in conjunction with the relevant Highway Authorities. It has set up groups for each Trail and provides funds through grants to facilitate their management. The Ridgeway Management Group is unusual in that it is run in conjunction with the Thames Path Management Group, because both Trails run through the same area very close to each other. The Ridgeway element of the Management Group includes officers from five Highway Authorities (Wiltshire, Swindon, West Berkshire, Oxfordshire and Buckinghamshire), the two National Trails Officers and a Countryside Agency representative.
5. The Ridgeway National Trail is expected to provide a high quality experience for the many thousands who use it every year. However, this is not always the case and major concerns have arisen over the condition of the surface in some

places. In October 2002 The Ridgeway Management Group published for consultation a set of improvement proposals that seek to redress the balance. Following a substantial level of response to the consultation, the proposals have been revised and are now beginning to be implemented.

6. At the same time there has been a strong lobby seeking the banning of non-essential recreational motor vehicles from those sections of the Trail designed as BOAT and RUPP. As a direct consequence, the Minister for Rural Affairs has taken a personal interest in the issue and has called meetings to assess progress by the Management Group, the Countryside Agency and the six Highway Authorities. These meetings have been attended by the Cabinet Member for Environment.

Management of vehicles on The Ridgeway (and other BOATS)

7. During recent discussions on countryside policy development, Members of the Environment Advisory Panel have expressed the general objective that, where problems exist, serious consideration should be given to banning non-essential motor vehicles from Rights of Way by means of Traffic Regulation Orders (TROs). Budget provision has been made in the current year to introduce a small number of TROs on appropriate sections of the network. However, the County Council has to be careful to achieve a balance between the conflicting duties to assert and protect the rights of all users of the network and the management of any displaced vehicular traffic.
8. In 1992 the Secretary of State drafted a TRO that would have banned the use of motor vehicles from most of the western section of The Ridgeway on Sundays and Bank Holidays. The basis of this TRO proposal was that vehicles using The Ridgeway were a danger to other users and that their presence damaged the amenity of the Trail. Physical damage to the Trail was not put forward as justification for the Traffic Regulation Order. This failed at Public Inquiry where the Inspector concluded that such a widespread ban was not justified.
9. Subsequently, the legal background has been added to through the introduction of the Human Rights, Disability Discrimination and Countryside and Rights of Way (CROW) Acts. The CROW Act provides an additional reason to make TROs on certain categories of road to conserve the flora, fauna and geological and physiological features of an area.
10. The circumstances in which the use of TROs would normally be considered include:-
 - Temporary TROs are often and routinely used to close a Right of Way for a short period to allow work to proceed. This might be repairs to the Right of Way itself or because other work is being undertaken.
 - Permanent TROs may be used to 'ban' certain classes of user and may specify a period of time, for example during certain months of the year.

11. TROs have a number of drawbacks as a tool to manage vehicular use on The Ridgeway:-
- (i) They are expensive in terms of both legal and management costs. Research suggests an average figure of £6,000.
 - (ii) Barriers, signs etc. needed would be intrusive features in the high quality landscape of the North Wessex Downs and Chilterns Areas of Outstanding Natural Beauty and alter the historic open character of large parts of the route.
 - (iii) Enforcement is a police matter and entirely dependent upon the priority they can give to it.
 - (iv) They may lead to a challenge unless there is good evidence that they are the only 'reasonable' solution and that the interference with the public vehicular right is justified in the particular circumstances of each case.
 - (v) Provision would still have to be made for private access and agricultural vehicles in many locations.
12. There will need to be a carefully balanced decision on whether a TRO will be appropriate and effective. This is far more likely to be the case for specific sections and to resolve specific management issues than it is for a whole Wiltshire section of the Trail.

The Ridgeway Management Group Proposals

13. In 1997 the Government responded to the growing concerns over the use of motor vehicles on Rights of Way by publishing a practical guide to managing the issue. *Making the Best of Byways* sets out measures that Highway Authorities should take in managing routes with vehicular access. It puts forward a staged approach of defining the problem, clearly identifying the status of the route, undertaking repairs, introducing voluntary restraints and, finally, if problems still arise, assessing the need for a TRO.

This national best practice advice has informed the Ridgeway Management Group's work to date. In this light the Management Group has drawn up specific proposals which aim to:-

- Clearly identify and properly define the problem;
- Develop appropriate maintenance strategies with the Highway Authorities through whose area the Trail runs;
- Where required, undertake further experimental work to evaluate possible solutions;

- Work with all user groups and landowners to achieve a high quality experience for all National Trail users;
- Plan and implement actions to ensure that The Ridgeway National Trail will meet the published surface quality standards.

The range of proposals is set out in **Appendix 1**. These include measures to collect good evidence of where and how the damage is occurring; vehicular use surveys; a range of practical measures to resolve local problems such as working with farmers to identify alternative agricultural access options and the involvement of the motor vehicle user groups and the police. The Management Group is also seeking the funding necessary to begin repairs and ongoing maintenance of the worst sections. TROs to restrict motor vehicles on certain sections are under consideration as just one of the 'tools' to finding a sustainable solution for The Ridgeway National Trail.

14. For Wiltshire, these proposals currently include:-

- Winter months (seasonal) TRO banning motorised vehicles at Smeathe's Ridge;
- Winter months (seasonal) voluntary restraint on use by motorised vehicles, Aldbourne Road to Swindon Borough boundary;
- Commence three-year programme of surface repairs. (This work is required to bring the surface up to an acceptable basic standard regardless of the question of future TROs).

15. Smeathe's Ridge is the last green sward left of the Trail and Members may wish to consider whether the winter months (seasonal) TRO goes far enough to preserve the special amenity of this length of the Trail. A good alternative route exists (via Gypsy Lane) for motorised vehicles displaced from the Smeathe's Ridge part of the Trail.

The Countryside Agency

16. At his second meeting with interested bodies on 8th April 2003, the Minister for Rural Affairs looked to the Countryside Agency to take a more proactive strategic lead. The Agency is due to report to the Minister before another meeting in June and has requested further information from the Highway Authorities. A copy of the Agency's letter is attached at **Appendix 2**. Until its work is complete the Agency recently announced that it would not provide grant offers to Highway Authorities towards planned work. Consequently, practical work to repair the surface is on hold. A proposed response to the Agency is attached at **Appendix 3**.

Environmental Impact of the Proposal

17. It is agreed by all parties that have so far been consulted (including vehicle user groups) that the ongoing damage to the Ridgeway is unacceptable. The proposals of the Management Group seek to deal with the issue in a sustainable and systematic manner.

Risk Assessment

18. The County Council has a responsibility for the safety of users of the Trail and consequent third party injuries and damage to property. Officers are aware and concerned that the present condition of parts of The Ridgeway in Wiltshire are sub-standard and require repairing. The works proposed in conjunction with the Ridgeway Management Group are aimed to address this responsibility. There are also potential financial risks in promoting TROs which may be the subject of challenge and expensive Public Inquiry or High Court action.

Financial Implications

19. The Countryside Agency will normally make a 75% grant towards repairs. The estimate for repairs in Wiltshire totals £86,880 (a County contribution would be £21,720). However, since preparing the estimate for the repair works the Countryside Agency has imposed a freeze on all grant aided works whilst it considers the overall financial implications of implementing the Countryside and Rights of Way Act. A summary of the financial position is set out in **Appendix 4**.

Options Considered

20. TROs to ban non-essential motorised traffic completely is the favoured option for some user and pressure groups and equally strong representations are made by the 'motorised' lobby for a more sympathetic approach. The Road Traffic Regulation Act and the Countryside and Rights of Way Act provide measures to regulate and control use of highways in general and for a range of environmental considerations. The options are:-
- Do nothing, except continue to repair and maintain The Ridgeway as a BOAT
 - Seek an outright ban on non-essential motorised vehicles from The Ridgeway in Wiltshire
 - Work through the Ridgeway Management Group with the Countryside Agency to determine site specific management issues and, where appropriate, consult on the use of site specific TROs to either:-
 - (i) Ban completely non-essential motor vehicles from identified sections
 - (ii) Impose seasonal use of The Ridgeway by motor vehicles
 - (iii) Impose width restrictions on the wider sections of the trail to segregate different user types

Reasons for Proposal

21. To establish Wiltshire's proposed management techniques for The Ridgeway National Trail.

Proposals

22. That the Cabinet be recommended to:-
- (i) Affirm the general objective that, where problems exist, non-essential motor vehicles should be banned from Rights of Way (subject to site specific considerations);
 - (ii) Endorse the Ridgeway Management Group's proposals for the management of repairs to the surface of The Ridgeway over its whole

length, including the use of site specific Traffic Regulation Orders (seasonal and permanent) to manage the use of the Trail;

- (iii) Urge the Countryside Agency to approve the bid for grant aid to carry out the necessary repairs to the Ridgeway within Wiltshire at a level of 75% in recognition of the national status and importance of The Ridgeway;
- (iv) Endorse the proposed response to the Countryside Agency detailed in **Appendix 3** of the Director's report.

GEORGE BATTEN

Director of Environmental Services

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

Minutes of meetings and reports of The Ridgeway Management Group.