

**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND WASTE –  
CLLR BRIDGET WAYMAN**

**HIGHWAYS AND TRANSPORT**

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**REFERENCE:** HTW-32-19

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**ROAD TRAFFIC REGULATION ACT 1984**  
**1 THE COUNTY OF WILTSHIRE (EASTON LANE, CHIPPENHAM)**  
**(PROHIBITION OF DRIVING) ORDER 2018**  
**2 THE COUNTY OF WILTSHIRE (BYWAY 108, CHIPPENHAM)**  
**(PROHIBITION OF DRIVING) ORDER 2018**

**Purpose of Report**

1. To consider five objections and one of support in connection with the proposed Prohibition of Driving Orders affecting part of Easton Lane and Byway 108, Chippenham (see **Appendix 2**).

**Relevance to the Council's Business Plan**

2. To encourage resilient communities by facilitating safer pedestrian and cyclist links between residential and community/employment areas.

**Background**

3. The changes to Easton Lane and Byway 108 form part of Section 278 works required as part of the development on land to the south identified as the 'Hunters Moon' development. The application submitted to the Council bearing reference number 16/12493/FUL, and duly approved, granted planning permission to carry out development including demolition of existing buildings and structures, and mixed-use development comprising up to 450 dwellings, up to 2.41ha of employment (B1, B2 and B8) development, public open space, landscaping and all associated infrastructure works.
4. A Section 106 Agreement was concluded and signed by all parties on 15 December 2017. As part of the identified highway works this required "*Closure of Easton Lane including Traffic Regulation Order (TRO) to through traffic between Methuen Park extension and access to Hunters Moon; cycle track works completion as per drawing reference A098811-GA02*". As such, this closure and the means to enforce it is a longstanding part of the agreed works. An Agreement under Section 38 and Section 278 was duly signed on 22 August 2018 to deliver these associated highway works.
5. With respect to Byway 108, the same Section 106 Agreement states in respect of works that this should include "*Payment of a contribution to be agreed with the Council for the improvement of Byway Chip108 surface for cycle and pedestrian use and the cost to be incurred by the Council for a TRO (Prohibition of Driving) Between Easton Lane and Methuen Park*". So again, what is sought now with this TRO is simply to enforce works 'required' under the planning agreement.

6. The works include a re-alignment of part of Easton Lane to connect with a new junction with Methuen Park, and connection with a new primary access road serving the new development area of 'Hunters Moon' to the south. To the immediate east of this new junction, the 'through' route along Easton Lane is proposed to be broken to remove 'through' traffic usage. The TROs thus advertised seeks to enforce the closure here to vehicular traffic, as well as to Byway 108, to prevent its use as a convenient 'short-cut' bypassing the restricted part of Easton Lane.

### **Main Considerations for the Council**

7. The five objections received were primarily to the restrictions in use of Byway 108 by trail-riders (motorcycles) and horse drawn carriages. These refer to its existence as a historical route for vehicles, which was originally part of the London to Bath turnpike road. As such, it is argued that such a historical route should not be lost to vehicular usage. The Wiltshire Bridleways Association raises concern that, in addition to horse drawn carriages, horse riders may also be excluded from Byway 108 and the proposed restricted section of Easton Lane. This is not the case.
8. With respect to the restrictions affecting Easton Lane (TRO 1) it would be possible to amend the proposed 'Prohibition of Driving' Order to a 'Prohibition of Motor Vehicle' Order. This will allow the 'exemption for cyclists' clause to be omitted, as this is a default provision with a 'Prohibition of Motor Vehicle' Order. It is also compliant with the proposed use of the regulatory signs to Diagram 619 (see **Appendix 3**).
9. Retention of vehicle access through Byway 108 would offer a very convenient short-cut around the part of Easton Lane proposed to be closed. This would encourage and increase vehicle use of this short length of byway, to the detriment of safety to pedestrian, cycle and equestrian users. Barriers necessary to prevent vehicles from entry could be adapted to allow the passage of horse drawn carriages ('Kent Carriage Gap' bollard arrangement). However, either the advertised 'Prohibition of Driving' Order or an alternative 'Prohibition of Motor Vehicle' Order would prevent the use of Byway 108 by motorcycles. Discussion with the 'Rights of Way' team within the Council suggest there could be a high risk of challenge from bodies representing this group such as the 'Trail Riders Fellowship' (refer to paragraph 18 below under 'Legal Implications').
10. As such, the advertised 'Prohibition of Driving' Order for Byway 108 could, if necessary, be further adapted to a TRO prohibiting '*Motor vehicles except solo motorcycles*', this requiring the use of different regulatory signs. Whilst considered undesirable in creating a safe and amenable pedestrian/cyclist link via this byway, it would retain use for all sizes of solo motorcycle. It is also recognised that it would be difficult to physically exclude motorcyclists anyway with the system of bollards proposed to maintain byway access to horse riders and horse drawn carriages.

### **Safeguarding Implications**

11. Not applicable.

### **Public Health Implications**

12. The Prohibition of Driving Orders will assist in creating safer pedestrian/cycle routes by removing 'through' vehicular traffic, helping to promote healthier means of travel.

### **Corporate Procurement Implications**

13. Not applicable.

### **Environmental and Climate Change Considerations**

14. Will assist in deterring car use and carbon emissions by promoting sustainable modes of travel.

### **Equalities Impact of the Proposal**

15. Objectors consider that motorcyclists and drivers of horse drawn vehicles will be unfairly disadvantaged, specifically by exclusion from using Byway 108. However, refer to paragraphs 9 and 10 describing options available for redress.

### **Risk Assessment**

16. Not applicable.

### **Financial Implications**

17. All costs associated with the advertisement/processing and implementation on site is to be met by the developer.

### **Legal Implications**

18. The view expressed by the 'Rights of Way' team is that, with either a 'Prohibition of Driving Order' as advertised for Byway 108 (or alternatively a 'Prohibition of Motor Vehicles), there would be a very high risk of applications for judicial review of the Cabinet Member's decision by either motorcyclists (Trail Riders) or the Wiltshire Bridleways Association, which if the applications were granted and successful in overturning the Orders could cost the Council somewhere in the region of £50,000. However, it is not possible to wholly eliminate the risk of challenge, particularly from car and larger motor vehicle users.

### **Options Considered**

19. To:
- (i) Implement the proposals as advertised.
  - (ii) Not implement the proposals.
  - (iii) Implement the proposals with amendments

### **Reason for Proposal**

20. 'As advertised', the introduction of a Prohibition of Driving Order to close a section of Easton Lane to vehicles (except cyclists) is to remove 'through' traffic on the section where residential development is taking place to the south. This is to create a safer environment for existing pedestrians and cyclists using this part of Easton Lane, as well as for new pedestrian/cycle trips arising from residents within the surrounding new development. Byway 108, which connects Easton Lane with Methuen Park to the NE of the proposed restriction in Easton Lane, was also advertised with a proposed Prohibition of Driving Order. This is proposed for similar reasons to Easton

Lane but, in addition, to prevent Byway 108 being used as a convenient short-cut by drivers to avoid the closed part of Easton Lane. Excess vehicle use of this Byway, which is otherwise likely to occur, would be detrimental to the highway safety and amenity of existing non-motorised users.

### **Proposals**

21. That:

- (i) The proposal for Easton Lane (TRO 1) be implemented, but with the 'Prohibition of Driving' Order as advertised amended to a 'Prohibition of Motor Vehicle' Order. This will allow the 'exemption for cyclists' clause to be omitted, as this is a default provision with a 'Prohibition of Motor Vehicle' Order. It is also compliant with the proposed use of regulatory signs to Diagram 619, so not Diagram 617 which are less readily understood.
- (ii) The Schedule relating to the Order for Easton Lane (TRO 1) be amended as necessary to make it clear that there are two separate lengths subject to the restriction, not a single length. The new junction with Methuen Park and the extension of this road link into the 'Hunters Moon' site retain a need for the permitted driving of vehicles across the interim part between the two closure points.
- (iii) The proposal for Byway 108 (TRO 2) be implemented, but with the 'Prohibition of Driving' Order as advertised amended to a 'Prohibition of Motor Vehicle except Solo Motorcycles' Order. This will allow the 'exemption for cyclists' clause to be omitted as this is a default provision. It will also permit solo motorcycles (i.e. without side cars) to continue to use the byway where other motor traffic is prohibited. The proposed use of regulatory signs to Diagram 619 would have to be slightly modified to Diagram 619.1, the latter omitting the motorcycle symbol from the sign faces. This will remove the risk of legal challenge from this specific user group.

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

None