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HIGHWAYS ASSET MANAGEMENT AND COMMISSIONING

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REFERENCE: HTW-22-2021

**PROHIBITION OF MOTOR VEHICLES (EXCEPT FOR ACCESS) RESTRICTION –
GRADIDGE LANE, SALISBURY**

Purpose of Report

1. To:
 - (i) Consider comments received following the formal advertisement of a Traffic Regulation Order (TRO hereafter) proposing the introduction of a Prohibition of Motor Vehicles (Except For Access) restriction in Gradidge Lane, Salisbury.
 - (ii) Recommend the making of the TRO as advertised.

Relevance to the Council's Business Plan

2. The proposal meets two of the priorities set out in the Council's Business Plan 2017-2027.
 - Priority 2 – Strong Communities.
 - Priority 4 – Working with partners as an innovative and effective Council.
3. Priority 2 has been met through the proposed introduction of a restriction that will address issues directly raised by members of the local community and their elected representatives. The proposed restrictions will also help improve access to the local Rights of Way network which in turn will provide safer access to the countryside and encourage physical activity. Addressing issues raised by members of the local community and encouraging increased physical activity will contribute towards the building of a stronger community.
4. Priority 4 has been met through the development of the proposals (to which this report relates) with members of the local community through the Council's Community Area Transport Group (CATG hereafter) process. The proposals were developed by the Salisbury CATG which is made up of elected members and officers from both Wiltshire Council and Salisbury City Council and representatives of local interest groups.

Background

5. Gradidge Lane is located to the north-west of Salisbury City Centre in the St. Francis and Stratford ward. Gradidge Lane is recorded as highway maintainable at public expense and forms a route between Stratford Road and Phillips Lane. In addition to this, Salisbury Footpaths 5 and 6 (formally recorded Rights of Way) intersect with Gradidge Lane. Gradidge Lane is not currently subject to any TROs. A plan showing the location of Gradidge Lane is attached as **Appendix 1**.

6. By virtue of its status as public highway Gradidge Lane is a two-way road subject to the national speed limit of 60mph (as there is no system of street lighting present along it to indicate that it is subject to a 30mph speed limit in line with the rules of the Highway Code nor a TRO restricting the speed at which vehicles may travel along the road). The Council's absolute minimum width for a one-way road is 2.75 metres and for a two-way road is 5.5 metres. At its widest point Gradidge Lane is approximately 4.2 metres wide and is approximately 2.1 metres wide at its narrowest point. The useable width is considerably narrower as a result of the presence of grass verges and existing foliage, with the usable width as narrow as 1.0 metres in places. Photos taken in May 2021 showing the physical layout of Gradidge Lane are attached as **Appendix 2**.
7. Over the last four years Gradidge Lane has started to become used as a regular location for fly-tipping; specifically, at the Phillips Lane end of the road. This end of the road is not overlooked by any properties and is well screened by trees. The lack of natural surveillance makes this location an attractive site for fly-tippers. In response to the fly-tipping problems the Council received a request from a resident of Stratford Road, through its CATG process, to address them.
8. Whilst investigating the issue of fly-tipping in Gradidge Lane brought this location to the attention of the Council, the narrowness of the road gave rise to several highway safety concerns – specifically, vehicles travelling in opposite directions meeting in the road, a vehicle encountering a pedestrian at a narrower section of the road and users unexpectedly encountering a pile of rubbish that has been fly-tipped. To address both the road safety concerns and the fly-tipping issues in Gradidge Lane the Salisbury CATG has pursued a solution that would reduce vehicular use of Gradidge Lane and limit its use to only those vehicles that it is essential have access to the road.
9. In 2018 the Council consulted on the introduction of a Prohibition of Driving (Except for Access) TRO covering Gradidge Lane. Such a TRO would have prohibited all motor vehicles from accessing the road. However, in consideration of the comments received in response to the 2018 consultation it was decided not to proceed with the introduction of that TRO and revisit the type of restriction it was proposed to introduce in Gradidge Lane.
10. A traffic survey undertaken along Gradidge Lane over a 7-day period between 4 – 10 February 2019 recorded the total volume of traffic using the road to be 39 vehicles. When factoring in the vehicles that are using Gradidge Lane to access the gas valve compound and adjacent fields it is evident that its use by other motorists is at an extremely low level.
11. Wiltshire Council is now proposing to introduce a Prohibition of Motor Vehicles (Except For Access) restriction on Gradidge Lane. The proposed restriction will prohibit cars and vans (which are the vehicles most likely to be used to transport the materials that are being tipped) from travelling along Gradidge Lane unless they are accessing the gas valve compound or the adjacent fields. However, in recognition of Gradidge Lane's status as public highway and in an effort to maintain its use by as many classes of vehicle as possible, cyclists and motorcyclists will continue to be able to use Gradidge Lane without restriction as it is considered unlikely that bicycles and motorcycles are being used to transport material for fly-tipping.
12. The proposed restriction would allow the Council to consider the introduction of access control features at one or both ends of Gradidge Lane to manage access to the road, so long as any features installed allowed vehicles that are permitted to continue using the road to do so. The provision of such features would support the underlying effect of the proposed TRO and their provision would reduce the requirement on the Police, whose responsibility it would be, to undertake enforcement of the proposed restriction. Any

decision to introduce access control features (and the form that they would take) is one that will be made by the Salisbury CATG but can only be made if approval to introduce the proposed Prohibition of Motor Vehicles (Except For Access) restriction is received.

13. A TRO proposing the introduction of a Prohibition of Motor Vehicles (Except For Access) restriction on Gradidge Lane was formally advertised for comment on 22 October 2020. The Council's closing date for receipt of objections or other representations to the advertised TRO, together with the grounds on which they were made, was 16 November 2020.

Summary of Proposals

14. The advertised TRO proposed:
 - A Prohibition of Motor Vehicles (Except For Access) restriction covering the full length of Gradidge Lane with exemptions for:
 - Statutory undertakers
 - The conveyance of persons or goods to or from premises or land adjacent to Gradidge Lane
 - Adjacent landowners in pursuance of the management of their land
 - Motorcycles
15. A plan showing the extent of the Council's advertised proposals is attached as **Appendix 3**.

Summary of Responses

16. A total of 14 items of correspondence have been received in response to the Council's proposals. Of the 14 items received 12 were in support of the Council's proposals, the remaining 2 objected to them.
17. A summary of the correspondents who wrote in support of the Council's proposals is attached as **Appendix 4**. A summary of the correspondents who wrote in opposition to the Council's proposals is attached as **Appendix 5**. A full copy of the comments raised by objectors, together with officer responses, is attached as **Appendix 6**.
18. Substantive comments are considered to be comments that would result in the Council seeking to make changes to the proposals it advertised. It is considered that no substantive comments have been submitted by the correspondents who objected to the Council's proposals.

Main considerations for the Council

19. Consideration needs to be given to the comments received to the Council's advertised proposals and whether changes should be made in light of them.
20. The basic principle of highway law is that users have a legal right to pass and repass over land recorded as maintainable at public expense. Therefore, any removal or restriction of that right must be carefully considered.

Overview and Scrutiny Engagement

21. There is none required as part of this scheme.

Safeguarding Implications

22. There are no safeguarding implications.

Public Health Implications

23. The introduction of the proposed Prohibition of Motor Vehicles (Except For Access) restriction will improve road safety by managing vehicular access to Gradidge Lane. This will reduce the likelihood of vehicles travelling in opposite directions meeting in the road and/or a vehicle encountering a pedestrian at a narrower section of the road from occurring. The proposed restriction, alongside the introduction of access control features at one or both ends of Gradidge Lane, would make the act of fly-tipping in the road more difficult and thereby reduced the likelihood of users of Gradidge Lane unexpectedly encountering a pile of rubbish that has been fly-tipped whilst travelling along the road.

Procurement Implications

24. There are no procurement implications.

Equalities Impact of the Proposal

25. There is no impact upon people who share protected characteristics.

Environmental and Climate Change Considerations

26. The Council's proposals would require the erection of signs on the public highway. Doing so would have an impact on the visual aspect of the area. However, there are already sign posts present at either end of Gradidge Lane on which the signage associated with the proposed Prohibition of Motor Vehicles (Except For Access) restriction could be erected. Therefore, the resultant impact of this aspect of the Council's proposals would be minimal.

Risk Assessment

27. Not proceeding with this scheme, given the overall level of support for the Council's proposals, improvements to road safety and addressing of fly-tipping issues risks undermining the Council's reputation and its engagement of the local community.

Financial Implications

28. There is an allocation in the 2021-2022 Salisbury CATG budget which allows for introduction of this scheme. Should the scheme not progress, the funding would be returned to the Salisbury CATG budget allocation and would be available to be put towards other schemes.

Legal Implications

29. The implementation of the proposed restrictions requires the processing of a TRO. The process of introducing a TRO is governed by the Road Traffic Regulation Act 1984 and associated procedural regulations. Failure to adhere to the statutory processes could result in the TRO being successfully challenged in the High Court.

Options Considered

30. To:
- (i) Implement the proposed TRO as advertised.
 - (ii) Amend the proposed TRO in consideration of the comments received.
 - (iii) Abandon the proposals.

Reason for Proposal

31. Currently any member of the public (whether travelling on foot, bicycle, horseback or by motor vehicle) has the legal right to travel along Gradidge Lane. To manage who can use a section of public highway a TRO must first be introduced. The introduction of the proposed Prohibition of Motor Vehicles (Except For Access) restriction would allow access to Gradidge Lane to be managed. The Council's proposals maintain vehicular access to the gas valve compound and the adjacent fields accessed via Gradidge Lane and address both the road safety concerns and fly-tipping issues identified.
32. The Council's proposals would impact on an extremely small number of users of Gradidge Lane based on the established level of use of the road. A suitable alternative route for those motorists who would not be able to use Gradidge Lane should the proposed restriction be introduced not only already exists but is evidently the favoured route for the overwhelming majority of vehicles travelling between each end of Gradidge Lane.
33. The proposals are in accordance with Priorities 2 and 4 of the Council's Business Plan.

Proposal

34. That:
- (i) The proposed TRO be implemented as advertised.
 - (ii) The correspondents who commented on the Council's proposals be informed accordingly.

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

None