

SUMMARY OF OBJECTIONS AND COMMENTS RECEIVED ON THE COUNCIL'S PROPOSAL TO INTRODUCE A PROHIBITION OF MOTOR VEHICLES (EXCEPT FOR ACCESS) RESTRICTION IN GRADIDGE LANE, SALISBURY

Comment Ref. No.	Comment	Officer Response
1	<p>I'm writing on behalf of the Green Lane Association (GLASS) in respect of the above proposed Traffic Regulation Order (TRO) reference LJB/TRO/SALSpmv. In the accompanying statement of reasons, it is stated that the reason for the proposed TRO is in respect of Section 1(1)a of the Road Traffic Regulation Act 1984, namely, 'For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising'.</p> <p>It is accepted that the Highway Authority (HA) has the discretion to make a TRO on the basis of a 'danger' that may not yet have been shown to exist. Nevertheless, it is reasonable to expect that such a proposal, which would remove the right of the public to the use of the highway with vehicles (other than motorcycles), has been made following the analysis of all of the available evidence gathered and which would, on balance, demonstrate the need, or potential requirement, for such action to be considered. For example, if the area was subject to a proposed development and as a result there was the potential for Gradidge Lane to see a substantial increase in the volume of traffic using it, that may provide a reason to consider the need for traffic management along it or alternatively the need to improve the highway itself. However, it appears that the only undertaking by the HA has been a survey, conducted over a period of 7 days, which established that Gradidge Lane is subject to very light vehicular use.</p> <p>The survey revealed that there were 39 vehicle movements over 7 days which equates to 5.6 vehicles per day or 1 vehicle every 4.3 hours, or thereabouts. It is noted that the survey did not record any use by cyclists, pedestrians or equestrians, these being the more 'vulnerable' class of users it is suggested have raised safety concerns. However, in reality, it appears that the potential for any users of this highway to ever encounter other users, by whatever means they are travelling along it, is about as negligible as it could possibly be. The recorded level of use on this highway demonstrates that it can by no means be regarded as a 'rat-run' and the HA has failed to provide any evidence to suggest that there is potential for any substantial increase in the current volume of traffic using the highway. Whilst there is discretion in making such decisions there must also be a</p>	<p>These comments have been submitted on behalf of the Green Lane Association (GLASS hereafter). GLASS is a national user group for those who enjoy using the country's network of ancient unsurfaced public roads and vehicular rights of way. The group seeks to promote legal and responsible driving of unsurfaced public roads and vehicular rights of way as a way of enjoying the countryside, campaigns against irresponsible use of them and works to keep such facilities open for all to use.</p> <p>As is outlined in the main body of the report the issue of fly tipping is what brought Gradidge Lane to the attention of the Council. But it is a combination of its physical layout and its low level of use by vehicular traffic that has led the Council to propose the introduction of a Prohibition of Motor Vehicles (Except For Access) (PoMV hereafter) restriction.</p> <p>As is acknowledged by GLASS the traffic survey undertaken in Gradidge Lane establishes that the road is subject to a very light level of vehicular use. The Council accepts the comments made by GLASS that when factoring in the vehicles that are using Gradidge Lane to access the gas valve compound and adjacent fields that its use by other motorists is at an extremely low level and the risk of users encountering users travelling in opposite directions is equally low. However, the potential for users travelling in opposite directions to meet remains and the risk of it occurring can be reduced further still through the introduction of the proposed PoMV restriction which would limit the use of Gradidge Lane.</p> <p>Below is a photo supplied by a member of the public showing an example of the fly-tipping that occurs in Gradidge Lane. As can be seen the fly-tipping was encountered by a family of cyclists legitimately using Gradidge Lane. Although, in this instance the fly-tipping did not result in an accident occurring it had the potential to. The fly-tipping seen in the photo occurred closer to the Phillips Lane end of Gradidge Lane which, as is outlined in the main body of the report, is not overlooked by any properties and is well screened by trees, meaning the lack of natural surveillance makes this location an attractive site for fly-tippers. This is likely to remain the case. The proposed PoMV restriction would allow the introduction of access control</p>

threshold, a benchmark, at which point it can be reasonably argued that the evidence, or the potential for such 'danger' to users, can be shown to exist or potentially exist. I would submit that the HA has abjectly failed to demonstrate this and has provided no justification whatsoever for the implementation of the proposed TRO.

Gradige Lane serves one property and 4 fields, which begs the question as to how many of the 39 vehicular movements recorded were those of the owners or occupiers in addition to any other users on motorcycles? These figures are not disclosed within the HA's statement and yet they are important in order to understand whether or not the objectives and therefore the purpose of the proposed TRO is likely to be met. Through the HA's own study, should one choose to ignore those users who would be exempt, it can be demonstrated that at best the TRO would result in the prevention of some 5 vehicle movements a day. However, should the majority, or a significant proportion of these users, be the owners, occupiers or those on motorcycles, then there will be no significant reduction in the vehicular use of the highway and the objectives of the TRO simply cannot be achieved as these users are exempt from the provisions of the TRO. Consequently, the recorded level of use and the lack of any real potential for user conflict simply cannot justify the imposition of the proposed TRO on Gradige Lane.

The HA's reference to the carriageway width is somewhat disingenuous, whilst the figures quoted may well be what the HA applies to new highways on new developments, to arbitrarily apply this standard to the existing historical highway network would result in a plethora of TRO's and potentially result in the closure of the vast majority of the rural highway network to vehicle users. This highway may be considered as being narrow by the standards of today, but its level of use is insignificant and no evidence has been offered to suggest that there has ever been, currently exists or potentially exists any conflict or any potential for conflict between users, including pedestrians, cyclists and equestrians.

There is also a vague reference made to the fact that the road is unrestricted and subject to the national speed limit of 60mph, presumably this is mentioned in order to highlight the potential speed users could travel at and the potential danger that may arise should they be able, or foolhardy enough, to achieve it. Gradige Lane is no different to any other unrestricted rural highway, by their very nature they tend to self-govern themselves in terms of the speed at which traffic passes along them. However, what the HA fails to mention is the fact that should they believe it to be desirable or necessary, in the interest of road safety, they could impose a speed limit on the road whether or not it has street lights.

Should the HA seriously consider that an unrestricted highway of the width

features such as removable bollards or a lockable gate at one or both ends of Gradidge Lane which would in turn not only address the fly-tipping concerns but also the resultant highway safety concerns that the fly-tipping gives rise to.

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, the removal or restriction of that right must be carefully considered. In this instance the introduction of the proposed PoMV restriction, with associated access control features, would enable access to Gradidge Lane to be maintained for those motorists who require access to the gas valve compound and the adjacent fields, address the road safety concerns highlighted above and would impact on an extremely small number of users of the public highway.

A suitable alternative route for those motorists who would not be able to use Gradidge Lane should the proposed PoMV restriction be introduced already exists. Gradidge Lane is approximately 475 metres in length. The alternative route that would take vehicles between each end of Gradidge Lane is approximately 975 metres in length.

The stating of the Council's standards for highway widths is a simple statement of facts and nothing further. More generally, the introduction of a PoMV TRO covering Gradidge Lane does not mean that the Council would seek to take this approach to other similar types of ancient highway in the county. As with Gradidge Lane each location would be considered on a location by location basis in the context of the any issues raised with the Council. The location by location approach outlined above is typified by the fact that the Council is proposing to allow motorcycles to continue using Gradidge Lane.

The stating of the speed limit in place on Gradidge Lane is again a simple statement of facts. Nowhere is it suggested that the Council believes that vehicles are travelling at this speed or that the Council considers the speed at which vehicles are using Gradidge Lane to be either excessive or of concern. As is evident from the photos in Appendix 2 the physical layout of Gradidge Lane is controlling the speed at which motor vehicles are using the road.

In response to the fly-tipping problems occurring in Gradidge Lane the Council has erected signage indicating that the area is not to be used for fly-tipping and that the area is under surveillance to try and deter fly-tipping from occurring. The surveillance takes the form of ad-hoc site visits. The possible use of CCTV cameras is one that has been considered, but the Council has thus far decided to focus the deployment of its CCTV cameras at locations

of 4.2 metres with additional pinch points as the benchmark for the imposition of TRO's, prohibiting their use by vehicles, then perhaps they ought to prepare themselves for an influx of requests for TRO's. I can think of many such highways in Wiltshire, as well as the rest of England and Wales, which would easily satisfy such criteria, but which, significantly, carry much higher volumes of vehicular traffic. The width of Gradidge Lane, its level of use and the fact that it is unrestricted provide no reasonable justification for the imposition of the proposed TRO.

It is stated that over the last 3 years Gradidge Lane and specifically the Philips Lane end of the road has been subject to fly-tipping. This raises the question as to what measures the HA, or more specifically Wiltshire Council, has undertaken to deter such anti-social and criminal behaviour over the last 3 years? There is no mention of any such actions being taken on behalf of Wiltshire Council other than the sledgehammer and nut approach now being proposed which, if implemented, will override the rights of those law-abiding members of the public to the use of the highway whilst simply moving the criminals to another location and thereby, potentially, creating 'new' victims who will then be subjected to indiscriminate fly-tipping. There is no justification for the implementation of a TRO on the grounds of fly-tipping, especially so when the HA have failed to provide any evidence of having undertaken or even considered any alternative measures, for example, the use of CCTV, Police and community involvement or increased inspections, as a means by which to deter or eradicate the problem.

Other, more imaginative and often more cost effective solutions to what are often perceived as being the draconian use of TRO's are available and in use throughout England and Wales. Not least of which involves consultation with interested user groups, which in the case of vehicular rights ought to include both the TRF and GLASS. However, in this instance, it would be more appropriate that some concerted effort by Wiltshire Council, in order to deter and prosecute those involved in such criminal activities as fly-tipping, be employed rather than simply removing the rights of ordinary law abiding members of the public. Should it be necessary to impose some form of traffic management on Gradidge Lane then prior to the imposition of a TRO, prohibiting vehicular use, the employment of alternative management tools ought to be considered. For example, the use of gates with coded locks, the details of which would only be made available to owners, occupiers and TRF and GLASS members. This would achieve the main objective of this proposed TRO, for which little if any supporting evidence has been provided and which I would submit has nothing whatsoever to do with 'avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising', but has everything to do with the criminal act of fly-tipping.

that are subject to greater volumes or frequencies of fly-tipping activities.

It is interesting that GLASS has suggested an as alternative to the proposed TRO that an access control feature be introduced in Gradidge Lane. As mentioned above 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. This means that any member of the public (whether travelling on foot, bicycle, horseback or by motor vehicle) currently has the legal right to travel along Gradidge Lane. If a coded gate was to be provided without a TRO then every member of the public would need to be made aware of the code because they have a legal right to use the road. This would make the provision of a coded gate redundant. However, the introduction of a TRO that controls which vehicles can use Gradidge Lane would allow access control features to be introduced so long as they allow the vehicles that are permitted to continue using the road to do so.

	<p>Should I have not made myself clear, then please accept this as an objection to the proposed TRO on Gradige Lane made on behalf of the Green Lane Association.</p>	
<p>2</p>	<p>I would like to object to the is order for the reason that is it no different in character to many other minor highways and byways in the county, therefore your statement of reason doesn't not hold true:</p> <p><i>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.</i></p> <p>Indeed, it is entirely suitable for traffic!</p> <p>Also I believe the current TRO signs are illegally erected</p>	<p>As is outlined in the main body of the report a proposal to introduce a Prohibition of Driving (Except For Access) restriction covering Gradidge Lane in Salisbury was consulted upon in 2018 but not taken forward. All people who submitted comments in response to the 2018 TRO consultation were contacted by the Council and invited to comment on the proposed PoMV restriction. This correspondent provided a response objecting to the 2018 proposals and in response to the current consultation asked for their previous comments to stand. The comments provided in 2018 are therefore what are being considered.</p> <p>When advertising TROs the highway authority promoting the order must identify the grounds on which it is proposed from a standard set of reasons defined in the Road Traffic Regulation Act 1984.</p> <p>The grounds on which the proposed TRO was consulted upon in 2018 is shown to the left in italics. However, the grounds on which the PoMV TRO is proposed differ from that used in 2018. The PoMV had been proposed on the following grounds.</p> <ul style="list-style-type: none"> • For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising. <p>The above grounds for proposing the TRO are considered appropriate given the road safety concerns (outlined in the main body of the report) that the proposed PoMV restriction would address.</p> <p>Turning to the issue of the TRO that the correspondent believes to be illegally erected. It is evident from this comment that the correspondent has not visited Gradidge Lane recently, if ever. The signs in question were PoMV vehicle signs and they were removed in 2015.</p> <p>There is evidence that a Prohibition of Driving restriction covering Gradidge Lane was proposed in 1968 by the then New Sarum City Council. Given the signage previously present at either end of Gradidge Lane it is assumed that this restriction was formally introduced on the ground and this resulted in the signs that were subsequently removed originally being provided.</p> <p>In late 2015 the Atkins Street Lighting Team identified a wide base post at the Stratford Road end of Gradidge Lane as needing replacing as part of its routine maintenance works. The wide base post in question was duly replaced. However, the PoMV signage on the post was not replaced. Atkins</p>

advised that the signs had not been replaced because in checking that they were providing the most appropriate signage they had been informed that no PoMV TRO covering Gradidge Lane was held by the Council. Consequently the signage in question was never replaced at the Stratford Road end of Gradidge Lane and the PoMV signage was subsequently removed from the Phillips Lane end of the road.

Photo Referred to in Response to Comment Reference No. 1

