

Wiltshire Council

Cabinet Member: Cabinet Member for Highways, Street Scene and Flooding

Cllr Nick Holder

Smallbrook Road, Warminster – Prohibition of Motor Vehicles

Purpose of Report

1. To consider the comments received following the formal advertisement of a proposed “*Prohibition of Motor Vehicles except for access to off street premises, from 1st February to 30th April, between 5pm and 5am*” on Smallbrook Road, Warminster and to recommend a way forward.

Relevance to the Council’s Business Plan

2. The proposed TRO meets three of the outcomes in the Council’s Business Plan 2022-2032.
 - Outcome 2 Resilient Society – communicate with communities in a way that promotes constructive discussion, tailored to the communities needs and developing better solutions to these. To empower communities and groups to act in their local area. This outcome has been met through the development of the proposals (to which this report relates) with Smallbrook Toad Crossing Patrol and thereafter members of the local community through the Warminster Area Board via the Warminster Local Highways & Footways Improvement Group (LHFIG hereafter) which is made up of elected members and officers from both Wiltshire Council and relevant Town and Parish Councils, as well as representatives of local interest groups.
 - Outcome 3 Thriving Economy – Deliver infrastructure to enable local communities to live, work and play locally, businesses to invest and everyone to take responsibility for the environment. Helping to build an efficient and effective transport network, including viable alternatives to the car. This outcome has been met through the proposed introduction of prohibition of motor vehicles that will address issues directly raised by members of the local community. The proposed “prohibition of motor vehicles” will address road safety concerns and help the Council to fulfil statutory obligations placed upon it in its role as the local highway authority.
 - Outcome 4 Sustainable Environment - Wiltshire’s natural beauty, historic sites, villages and houses, unique habitats and all wildlife play a key part in the county’s visitor economy and the wellbeing of the people of Wiltshire. This outcome has been met by aiding to conserve this well-known breeding site for

amphibians such as toads, which will habitually migrate in the area during the periods of restriction and is a good example of working together for the benefit of wildlife.

Background

3. Smallbrook Road is located within the Smallbrook Meadows Nature Reserve known as Smallbrook Meadows, which consist of six small water meadows, wet woodland, marsh, ponds, chalk rivers, hedgerows and ditches. This provides many different habitats for a large collection of species and is an established breeding site for amphibians such as toads. Toads migrate to their ancestral breeding ponds and are required to cross Smallbrook Road during their breeding season.
4. Common toads are a declining species in the UK, with their population having fallen by 68% in the last 30 years. Local groups, such as the Smallbrook Toad Crossing Patrol, are a group of volunteers that monitor and patrol areas during the migratory season, assisting the amphibians by relocating them from roads and other hazards in order to mitigate losses from non-natural predators and further population decline.
5. The reduction in numbers of toads and concern at the number of toad casualties within the breeding season by the volunteers in the Smallbrook Road area has been a topic of discussion over a number of years. Following the successful implementation of similar schemes locally and nationally, such as that in Charlcombe, Bath & North East Somerset, Warminster Town Council requested Wiltshire Council via the Warminster Local Highway Footway Improvement Group to assess the feasibility of restricting traffic use of Smallbrook Road during the breeding season and peak migratory periods of the day. Through restricting use by non-essential access traffic, this would reduce the likelihood of amphibians being killed by vehicles and provide improved safety for the volunteer toad crossing patrollers whilst undertaking their activities.

Main Considerations for the Council

6. To consider the comments received as part of the formal consultation as set out in the following section.

Consultation

7. The Traffic Regulation Order outlining the proposed restrictions was formally advertised for consultation on 4th October 2024. The Council's deadline for receipt of comments, together with the grounds on which they were made, was 28th October 2024. A copy of the proposal is provided in **Appendix 1**.

Through the statutory consultation process the following groups / individuals were advised of the proposals

- The locally elected Wiltshire Council Members
- Warminster Town Council
- Emergency services

8. During the consultation period a total of 82 items of correspondence were received in response to the proposal; 73 comments were received in support, 7 comments objecting to the proposals and 1 comment related to a general enquiry. Anonymised details of those who commented on the proposal are provided in **Appendix 2**. Details of the comments received and the Officers response to these can be found in **Appendix 3**.
9. Notable groups who have commented in support of the proposal are:
 - Froglife
 - Smallbrook Toad Crossing Patrol
 - Charlcombe Toad Rescue Group
 - County Recorder for amphibians and reptiles and Chair of Wiltshire Amphibian and Reptile Group
 - Wiltshire Wildlife Community Energy Community Fund Group
 - Wessex River Trust
 - Wessex Water
 - South West Wiltshire Green Party
10. Warminster Town Council expressed their general support for the Traffic Regulation Order.
11. The area covered by the TRO falls within two elected Wiltshire Council Members. Cllr Andrew Davis (Warminster East Division) is aware of the proposals and has raised no objections.
12. Cllr Tony Jackson (Warminster Broadway Division) requested clarification on the access restrictions and how to enable access to Smallbrook Lane Car Park and the surrounding businesses. It has been clarified that access to the car park and any other businesses within the restricted area will be maintained. The Hensford Marsh area is to be accessed via Upper Marsh Road and the estate around Gypsy Lane is to be accessed via Boreham Road.
13. Some supporters commented that they would like Smallbrook Road to be closed permanently. Smallbrook Road remains part of the Highway, and serves as an access to local facilities and properties. The Council, acting in its capacity as the Highway Authority has sought the advice of the Smallbrook Toad Crossing Patrol, who advised the migratory behaviour of the toads means they are most likely to be on the crossing roads between the time period of 5pm and 5am, and between the period of 1st February and 30th April. This is the recognised period when conditions are favourable for the migration. Outside of this period there remains no reason to prevent vehicular traffic from using the public highway other than meeting a localised community desire for reduced local traffic.
14. A number of comments in support requested the introduction of physical barriers to control access. This is not possible, as access to off-street premises within the

restricted area must be maintained. However, there will be clear and concise signage at the start of the restrictions and during periods of toad migration, the toad crossing patrol will be present. It is expected that the volunteer group will undertake work to communicate with the community of the restriction during this period and ensure a high level of compliance with the restriction.

15. Wessex Water commented in support of the proposals but wanted clarification that their purpose of business is accurately reflected in the traffic regulation order. This has been confirmed as Wessex Water classified as a statutory undertaker and exemptions with Section 2 of the TRO applies to their business needs.
16. A common subject of those objecting to the proposed TRO is based upon toads having been crossing Smallbrook Road for many years without a massive decline in numbers and that a toad crossing patrol already exists to mitigate losses. The purpose of prohibiting motorists from using the road at certain times, is to enable the toad crossing patrol volunteers to operate in a safer environment. The Wiltshire and Swindon Biological Records Centre "Wiltshire's critical species project" the Common Toad is important to conserve because it is classed as an "umbrella species" which means their conservation helps protect other species within the ecosystem. It is listed as one of Wiltshire's Critical Species.
17. The work of the volunteer group will assist in reducing toad and amphibian deaths, benefiting the species as a whole, assisting with addressing concerns on one of Wiltshires Critical Species.

Overview and Scrutiny Engagement

18. Proposed Traffic Regulation Orders and advertisement of highway infrastructure changes are not generally subject to engagement with the Overview and Scrutiny Committee. This proposal has not been to Overview and Scrutiny Committee however it has subject to the legal process and procedure set out within the Road Traffic Regulation Act (1984).

Safeguarding Implications

19. There are no safeguarding implications relating to this proposal.

Public Health Implications

20. The introduction of the proposed restrictions supports the wider aims of the Council to encourage working in partnership across the public, voluntary and community sectors as it will meet the ambitions of Warminster Town Council and the Toad Crossing Patrol. Working in partnership to reduce the number of toads being killed during breeding season, in turn creating a beneficial environment for public recreation within the Smallbrook Meadow Nature Reserve.

Procurement Implications

21. The installation of the signing and lining associated with this project, including supervision activities, materials and labour, will be procured through our existing Term Consultancy and Term Highways Maintenance contracts.

Equalities Impact of the Proposal

22. A review of the equality risk matrix has been undertaken and determined a low equality risk score therefore a full Equality Impact Assessment is not required.

Environmental and Climate Change Considerations

23. The proposal will require erecting signage on the public highway. Doing so could be considered to have an impact on the visual aspect of the area where they are to be introduced. As there are signs and other items of street furniture present in the area, the impact from the Council's current proposals is considered to be minimal.
24. The proposal will introduce additional street furniture in the form of traffic signs and the electricity supplied will be in the form of solar energy.

Workforce Implications

25. There are none with this proposal.

Risks that may arise if the proposed decision and related work is not taken

26. The requirement for the prohibition of motor vehicles has been identified and agreed through the Warminster LHFIG process. The formal advertisement relates particularly to the time periods the order will be in force, as well as clarification on vehicles which would require access at all times.

Should the decision be taken not to proceed as advertised, the toad crossing patrollers would carry out their voluntary duties on Smallbrook Road and retain risks associated with motor vehicles using the road at the same time as they are patrolling. Toads migrate depending on weather conditions and temperature, often in early spring on dark, damp evenings. Site constraints mean that visibility between the volunteers and approaching vehicles is limited and there is a potential risk of collisions.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

27. If the decision is made to proceed as advertised, there is a risk that there may be further challenge at the call-in stage. This is considered to be a minimal risk.

Financial Implications

28. The funding allocation for implementation is to be fully provided by Warminster Town Council. Should this scheme not progress the funding would remain within its budget allocation and would be available to be put towards other schemes or projects.

Legal Implications

29. The implementation of the proposed TRO "*Prohibition of Motor Vehicles except for access to off street premises*" requires formal advertisement and processing in line with the Road Traffic Regulation Act 1984 and associated procedural regulations.

Failure to adhere to the statutory processes could result in challenge through the High Court.

Options Considered

30. The options considered are:

- I. To proceed as advertised;
- II. To abandon the proposal.

Conclusions/Proposal

31. It is proposed to proceed as advertised. The proposals will assist the Smallbrook Toad Crossing patrol to operate in a safer manner, by reducing the amount of traffic during the toad migratory period, as well as directly benefitting the toads migrating to their breeding areas.

32. Implementation of the TRO in accordance with the Road Traffic Regulation Act (1984) minimises the potential for conflict arising from the Toad Crossing Patrollers and vehicles using the road.

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Appendices

Appendix 1 – Advertisement

Appendix 2 – List of respondents

Appendix 3 - Comments received and Officer response

Background Papers

None