

OBJECTION TO TRAFFIC REGULATION ORDER: BYWAYS OPEN TO ALL TRAFFIC No3 WENTWORTH, No4 WENTWORTH, No5 WENTWORTH No6 WENTWORTH, No8 WITCHFORD, No9 WITCHFORD, No19 COVENEY AND No13 HADDENHAM

To: Cabinet

Date: 28th September 2010

From: Acting Executive Director: Environment Services

Electoral division(s): Haddenham, Sutton

Forward Plan ref: Not applicable **Key decision:** No

Purpose: To consider objections to the proposed Traffic Regulation Order: Cambridgeshire County Council (Byways Open to All Traffic No3 Wentworth, No4 Wentworth, No5 Wentworth, No6 Wentworth, No8 Witchford, No9 Witchford, No19 Coveney and No13 Haddenham) (Prohibition of Driving) Order 2010

Recommendation: That Cabinet:

- (i) determine the objection without holding a Public Inquiry;
- (ii) introduce the Order as advertised
- (iii) inform the objectors accordingly.

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1. BACKGROUND

- 1.1 Byways Open to All Traffic No3 Wentworth, No4 Wentworth, No5 Wentworth, No6 Wentworth, No8 Witchford, No9 Witchford, No19 Coveney and No13 Haddenham form a network of soft droves west of Ely.
- 1.2 These routes have been subject to Temporary Closure Orders since February 2010 to allow for restoration works to the surface and (at Witchford and Wentworth) for biodiversity improvements, which includes reseeded with wildflower mix. Limited restoration work has been undertaken on sections of the byways with the assistance of local farmers over the past 3 years. This work has included the installation of french drains, levelling and sections of surfacing with loose aggregate. The network of byways in this area is extensive and the authority does not have sufficient funds to improve the standard of the surface sufficiently to withstand vehicular traffic all year round. The quality of the natural environment and proximity to the village of Witchford also makes this a popular place for regular walking and riding which will be compromised if further damage is allowed to occur in the winter. Seasonal restrictions have proved successful on other byways ensuring that all users retain their rights of access so far as is compatible with the surface of the routes and needs of other users. Now that restoration work has been completed, management of the traffic to maintain the surface in the interest of all users is required.

2. MAIN ISSUES

- 2.1 Protection of these byways can be achieved by closing them to motor vehicles with more than 2 wheels between the dates of 1st October and 30th April, with the possibility of closure outside these periods should weather conditions make it likely that significant damage to the surface of the highway would occur.
- 2.2 It is proposed that the Order will be enforced by means of statutory signage, with gates erected where affected byways meet the adopted highway or other byways not covered by the Order.
- 2.3 Letters of support for the proposed Order have been received from Mr E L Tebbitt on behalf of land occupiers in North Fen Haddenham and from Witchford Parish Council. Haddenham Parish Council has no objections. Coveney Parish Council has no objection but asks that the Council ensure that any signing is provided in a sensitive manner. The Wildlife Trust, the District Council Tree Officer and the Internal Drainage Board support the proposals.
- 2.4 Objections have been received to the proposal from a resident in Witcham and a resident in Coveney.
- 2.5 The resident in Witcham states that the routes have become more difficult to use with a cycle since being closed, and that the signage is inappropriate for the rural location. The resident from Coveney objects to the signage and gates, stating that they are 'horribly obtrusive and out of place in open countryside'. He also states that the surfaces of the routes are less usable to

walkers and cyclists because vehicular use of the routes used to roll down the surface and smooth out pock marks made by horses. Mr Nix objects to 'the proposition that the lanes are some sort of recreational/nature corridor [which] is completely at odds with their historic use as access routes to fields'.

- 2.6 Copies of the objections and proposed restrictions will be available at the meeting.
- 2.7 The County Council as Highway Authority has no discretion over the form, design and placing of the statutory signage as this is clearly set out in the Traffic Signs Regulations. Gates are necessary to ensure illegal access does not take place. Previous attempts at voluntary restrictions agreed with organised user groups have failed.
- 2.8 These routes are registered as byways open to all traffic, the statutory definition of which is:
- 'a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used' (S66 Wildlife and Countryside Act 1981)
- Therefore, it is expected that, although the public have the right to use these routes with vehicles, the main use will be by pedestrians, cyclists and horse riders. The County Council manages the routes accordingly.
- 2.9 Reports of surface damage by vehicles and injury to pedestrians date back to 1998. There have been repeated complaints that very deep rutting of the surface has made the routes difficult to use by pedestrians and horse riders.
- 2.10 Under the Natural Environment and Rural Communities Act (NERC) 2006 the Authority must take account of biodiversity in all its actions. There are Biodiversity Action Plan species of national and local significance on or adjacent to these routes, and significant areas subject to Tree Preservation Orders. Seasonal closure will bring a significant improvement to the habitat and the species it supports during winter months. Approximately 5 kilometres of the routes have been reseeded with appropriate grass and wildflower mix.

3. SIGNIFICANT IMPLICATIONS

3.1 Resources and Performance

Failure to implement this Order could result in further damage to the Rights of Way and, therefore cost implications for the Authority in rectifying these.

3.2 Statutory Requirements and Partnership Working

The Orders will help us support our contribution to delivering the outcomes desired through NERC 2006.

3.3 **Climate Change**

There are no significant implications for any of the headings within this category.

3.4 **Access and Inclusion**

Maintenance of the Rights of Way Network is an important contribution to rural accessibility and leisure for the community.

3.5 **Engagement and Consultation**

Public consultations have taken place with local, countywide and national bodies.

Source Documents	Location
Correspondence and maintenance records of the Public Rights of Way and Access Team	A Wing 3rd Floor Castle Court Box CC1305