

Open Report on behalf of Richard Wills - Executive Director - Development Services

Report to: **South Lincolnshire & Rutland Local Access Forum, Mid Lincolnshire Local Access Forum**
 Date: **9th & 10th July 20122**
 Subject: **Unclassified County Road – Sewstern Lane – “The Drift”**

Summary:

A report as to the progress made on resolving Public Path Orders

Recommendation(s):

That the report be noted & that the Local Access Forum provides advice to Natural England & Lincolnshire County Council regarding the proposed Traffic Regulation Orders.

1. Background

The route affected is an ancient route with the physical characteristics of a green lane, unsurfaced and hedged on both sides and is recorded on the List of Streets prepared under the Highways Act 1980 s.36(6). As a consequence Lincolnshire County Council has a duty to the protection of public rights and to the maintenance of the highway surface under the Highways Act 1980

In 1968 the route was registered as a Site of Special Scientific Interest (SSSI) on the basis of the presence of rare, species rich, calcareous grassland (a total of 7ha out of a total amount of 3000ha remaining in England).

In 1984 the route was re-registered under the Wildlife & Countryside Act 1981.

Both Natural England and Lincolnshire County Council also have further statutory duties and obligations relating to protected sites, including SSSI, under several pieces of legislation with additional duties relating to biodiversity.

As with all public bodies both Natural England and Lincolnshire County Council have a duty under Section 28G Wildlife and Countryside Act 1981, as amended by Countryside and Rights of Way Act 2000 :

“to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the special features on SSSIs”.

Both also have a statutory obligation to conserve biodiversity under section 40 Natural Environment and Rural Communities (NERC) Act 2006:

“have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Usage of the route has, over recent years, become an issue due to a significant increase in the number of motorised vehicles, both two and four wheeled, which has had the effect of rendering much of the route unusable for other classes of user (pedestrians, equestrians, cyclists and carriage drivers) and has a significant detrimental effect on the biodiversity of the SSSI. This has been compounded by LCC’s lack of maintenance on the route in previous years allowing the encroachment of invasive vegetation narrowing the route to less than its original width.

In 2009 the County Council, Natural England and the Lincolnshire Wildlife Trust entered into a Management Agreement to re-establish both the route and the declining biodiversity on the route. Works included the levelling and re-seeding of the damaged areas along with clearance of the encroaching blackthorn scrub to widen the route.

In conjunction with these works a temporary prohibition of driving order was put in place between October 2009 and March 2011 followed by a seasonal prohibition of driving order. Following consultation and Elected Member approval the first seasonal order was to close the site to 4-wheeled motor vehicles between 1st November 2012 and 30th April 2013.

It became very apparent however during a wet spring and early summer that motoring activity was again having a severely detrimental impact on the surface of the route and the flora and fauna and an emergency traffic regulation order was implemented to enable further restoration works to take place and for a longer term solution to the relevant issues to be sought.

2. Summary

Consideration is being given to a permanent closure of the route to all motorised vehicles and Natural England and Lincolnshire County Council wish to seek various opinions on this proposal from the County’s Local Access Forums.

The benefit of the closure will be that a year round sustainable route for non-motorised users can be provided through the prohibition and various access controls on the site itself.

It is intended that the closure be pursued under section 22A of the Road Traffic Regulation Act 1984 – Traffic regulation for special areas in the countryside – where the route is applicable by virtue of s.22(1)(a)(v), a road forming part of

“a nature reserve or an area subject to an SSSI agreement or an agreement under section 15 of the 1968 Act”

3. Consultation

a) Scrutiny Comments

n/a

b) Executive Councillor Comments

n/a

c) Local Member Comments

n/a

d) Policy Proofing Actions Required

n/a

4. Appendices

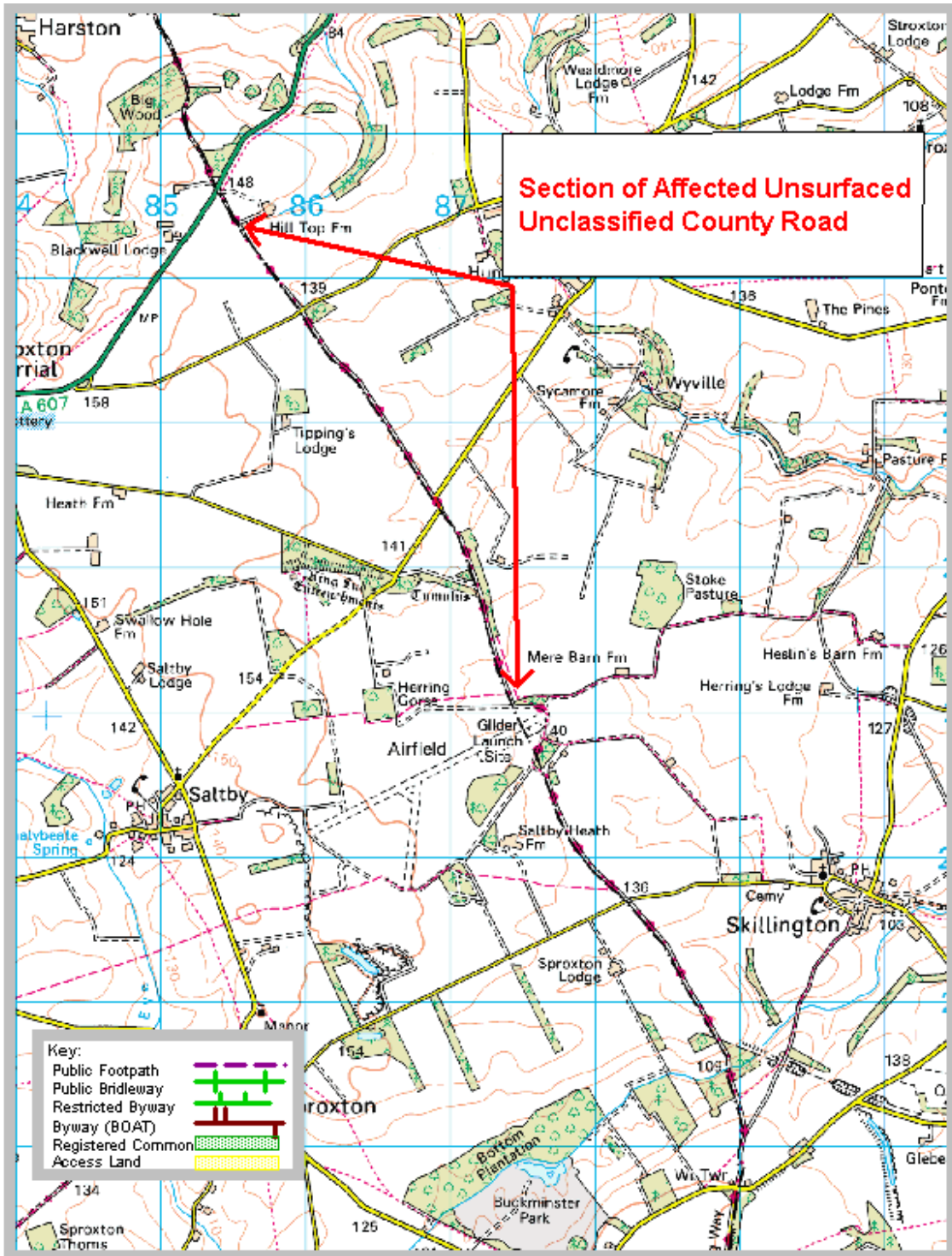
These are listed below and attached at the back of the report	
Appendix A	Map of Affected Sections of "The Drift"
Appendix B	Sample photographs of affected sections of the route.

5. Background papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Chris Miller - Countryside Access Manager, who can be contacted on 01522 782070 or countryside_access@lincolnshire.gov.uk.

Appendix A – Plan showing area of The Drift affected



	Rights of Way & Countryside Access R A Mills, Executive Director (Development Services) City Hall, Orchard Street, Lincoln LN1 1DN	Title: The Drift UOCR Ref: Compiled by: SK872275 Date: 2 October 2012 Scale 1:36388
	<p><small>This map is for information only and should not be regarded as the definitive plan. It is for use in conjunction with the Ordnance Survey map with the permission of the Controller of HMSO © Crown Copyright. Licence number</small></p>	

Appendix B – Sample photographs of the route

