

Open Report on behalf of Richard Wills

Report to:	Planning and Regulation Committee
Date:	4 December 2013
Subject:	Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order

Summary:

This paper updates the Committee on progress since approval was given to consult to permanently prohibit all motorised vehicles from using this length of road for all of the year rather than the seasonal closure.

Recommendation(s):

It is recommended that the Committee consider the options outlined in Section 3 and that it determines which of these options should be implemented under Section 22(1) (viii) of the Road Traffic Regulations Act.

1. Background

1.1 The Drift is an ancient highway that follows the boundary between Lincolnshire and Leicestershire. It also forms part of the long distance footpath known as The Viking Way. A section of The Drift between the A607 and Saltby airfield passes through King Lud's Entrenchment which, together with The Drift in this area, forms part of a Site of Special Scientific Interest (SSSI).

1.2 The Drift / Viking Way SSSI in this location was designated because it is one of the best remaining examples of limestone grassland in Lincolnshire.

1.3 Sections of this area had, in the past, deteriorated with a suggestion that this had been caused by the use of motorised vehicles. Following discussions with Natural England and Lincolnshire Wildlife Trust, an extensive scheme of restoration works was undertaken. Works included removal of areas of scrub, felling of some trees and re-establishing the calcareous grasslands. This was in accordance with Lincolnshire County Council's duties under the Wildlife & Countryside Act, that is, to take reasonable steps to further the conservation and enhancement of Sites of Special Scientific Interest.

1.4 To enable this restoration to take place the removal of all vehicles using this route was required. Accordingly, an 18 month temporary Traffic Regulation Order (TRO) was introduced for this purpose and included the installation of large tree trunks across the relevant accesses to The Drift / Viking Way to physically stop vehicles gaining entry.

1.5 Following the end of this period it was considered that the introduction of a seasonal Prohibition of Driving Order would be the most appropriate solution for this area as it would enable the SSSI to be maintained but yet be open to all users for part of the year.

1.6 It was therefore decided to consult on a proposal to prohibit all vehicles on The Drift / Viking Way from the A607 near Denton at Hill Top Farm southwards to Saltby Airfield near Skillington, a distance of about 3.8km (2.25 miles). The closure was to be in place from 1st October to 31st March annually, with the road open to all vehicles in the intervening times.

1.7 Full consultations on this proposal commenced in August 2011 with the public advertisement being displayed on site from 23rd September to 21st October 2011. During this time 65 objections and comments were received and after consideration of these it was decided to re-propose the scheme with two minor revisions. These were to change the dates in which the order is in force to 1st November to 30th April and to exempt motorcyclists from the order.

1.8 Consultations then took place on this revision scheme from 4th January 2012 to 1st February 2012 and the public advertisement ran from 10th February 2012 to 9th March 2012. Three objections were received during these periods and following a report to the Planning and Regulation Committee in April 2012 it was decided to overrule the objections and implement the order.

1.9 Following meetings with senior officers from both Lincolnshire County Council and Natural England due to further damage being caused by motorised vehicles to the SSSI, it was decided to consult on a fresh proposal to ban all motorised vehicles from using this stretch of the Viking Way. This would mean that the road could be used by walkers, horses, horse and carriages, and bicycles throughout the year but not the more potentially damaging 4x4 recreational vehicles.

2. Consultations

2.1 Consultation Process

2.1.1 Statutory consultations on this revised scheme took place between 22nd February and 28th March 2013, and a paper was brought before this Committee on the 15th July 2013 (agenda item 5.5) to gain approval for this proposal to be publicly advertised. This was agreed and subsequently the proposal was publicly advertised on site between 6th September and 4th October 2013.

2.1.2 Sixteen responses were received during the consultation phase and 20 were received from the public advertisement stage.

2.2 Objections Received

The Green Lane Association (GLASS) have raised several points:

2.2.1 They would like the seasonal ban trialled with Lincolnshire County Council having the authority to close the road in wet weather and only open it when the highway could withstand motorised traffic again. They state orders of this nature are in place in Bedfordshire and Cambridgeshire and work effectively.

2.2.2 They also state that whilst Lincolnshire County Council (LCC) has a duty to conserve and enhance the SSSI, it also has a duty to maintain the highway for the ordinary traffic which they believe LCC has failed to do.

2.2.3 They believe that the trackway of The Drift in this area is not a natural surface and cannot be a SSSI and therefore Lincolnshire County Council should have been aware of this and should have excluded the trackway when the original order for the SSSI was made. They believe that this exclusion could mean that the area should be maintained to an appropriate standard for the motorised traffic which uses the highway.

2.2.4 They believe that The Drift is only part of the SSSI and that the rest of the site has not been subject to clearance and reseeded.

2.2.5 They state that other highways in areas of calcareous grassland have sustainable trackways or tarred roads with protected verges such as Byards Leap.

2.2.6 They have suggested that a permit scheme could be introduced to allow controlled use of the area by members of specified clubs who would be responsible for policing it.

2.2.7 GLASS believe that the introduction of the TRO would lead to a great loss to greenlaners nationally and that a permanent order should only be used in exceptional circumstances when other management strategies have been tried and failed.

2.2.8 Leicestershire & Rutland Land Rover Club believe that the proposal is unfair to all motorised users. They would support a seasonal TRO between November and April.

2.2.9 The Land Access and Recreation Association (LARA) are concerned about the all year prohibition of motors on this lane. They state that this route is very important to them and that the right balance between highway use and conservation is vital.

2.2.10 The Association of Land Rover Clubs has similarly objected as they believe this lane is a valuable means of access to the countryside for recreational vehicle

drivers. They also want a reasonable balance between the use of the highways and its conservation with appropriate traffic management measures.

2.2.11 One objector would like to leave the route open to all vehicles but closed for walkers, horse riders, and cyclists. He would like the road to be a dedicated route for motor enthusiasts.

2.2.12 Another respondent has objected as he believes it is victimisation against motorcyclists.

2.2.13 A further objector would like extra fencing installed to stop users from deviating from the designated route. He would also like to see motorcycles exempt from the order.

2.2.14 The Trial Riders Fellowship would support the banning of all vehicles over 500kg and with more than 2 wheels.

2.2.15 A different objector would be happy for seasonal restrictions but would like all vehicles over 150kg and more than 2 wheels banned.

2.2.16 Sixteen respondents all objected stating that they would like to see motorcycles exempt from the order.

2.3 Comments Received

2.3.1 A letter not objecting to the proposal was received from Denton Parish Council.

2.3.2 Letters supporting the proposal were received from Skillington Parish Council, Lincolnshire Wildlife Trust, and the Hungerton Estate.

2.3.3 Lincolnshire Wildlife Trust have also submitted a petition supporting this proposal. This petition is supporting a permanent all year ban of all motor vehicles and has received 519 signatures.

2.3.4 Natural England have stated that they strongly support the proposal. They believe that the proposal is essential to protect the SSSI and the species-rich grassland along its length. They have stressed that the existing restoration of The Drift will not be successful if the lane remains open to motor traffic.

2.3.5 A local farmer has commented that he needs to be able to cross The Drift at certain points.

2.3.6 The British Horse Society and also the Poacher Harness Club support the order providing there is provision for horse and carriage drivers as they are worried that the tree trunks would prevent them from gaining access. They recommend other means of blocking access.

3. Conclusion

3.1 There are two feasible options for the Committee to consider. The first is to implement a total ban for all motorised vehicles; this would include motorcycles. This is the solution that Natural England strongly recommends we implement. Implementing this option would ensure that Lincolnshire County Council is taking all reasonable steps to comply with its duties under the Wildlife And Countryside Act and Section 22(1)(viii) but would be in conflict with its duty to protect the rights of the Highway user, as required in the Highway Act 1980.

3.2 Any Prohibition of Driving Order imposed on this area of The Viking Way would have to legally leave enough access of sufficient width to allow for horses and carriages to use. It is considered however to be extremely difficult to install any obstruction that would effectively deter motorcyclists whilst allowing these horse driven carriages to pass.

3.3 A second option to allow the use by motorcycles which would satisfy some of the objections and remove the need to implement onerous access constraints (that may not be effective in any event) should be considered.

3.4 This compromise would allow walkers, bicycles, horses, horse driven carriages and motorcycles to continue to use the lane whilst banning the larger 4x4 motorised vehicles which, from previous site inspections / visits, are considered to have caused the greatest damage to this important SSSI. Natural England does not however support this compromise proposal.

3.5 It is suggested that if the committee is minded to approve this second option it should be reviewed after twelve months to assess if it has been effective in significantly reducing the damage to this section of highway. A further report would be brought to Planning and Regulation for further consideration and determination of a change to the permanent proposal if deemed necessary.

3.6 Whichever option is approved, Lincolnshire County Council will continue working with Natural England to enhance this SSSI area.

Policy Proofing Actions Required

N/A

Appendices

These are listed below and attached at the back of the report	
Appendix A	Committee Paper from 15 July 2013
Appendix B	Minutes of Planning and Regulation Committee Meeting of 15 July 2013
Appendix C	The Drift/Viking Way Map
Appendix D	The Drift/Viking Way Plan

Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Report to Planning and Regulation Committee 10 April 2012: Denton to Skillington, The Drift/Viking Way - Proposed Prohibition of Driving Order	Committee Records
Minutes of Planning and Regulation Committee Meeting of 10 April 2012	Committee Records

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