

**Name of meeting and date:** CABINET 16 JUNE 2009

**Title of report:** REQUEST FOR A TRAFFIC REGULATION ORDER ON  
RAMSDEN ROAD / RAMSDEN LANE, HOLMBRIDGE  
PETITION 845

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	No
<b>Is it in the Council's Forward Plan?</b>	No
<b>Is it eligible for "call in" by Scrutiny?</b>	Yes
<b>Cabinet member portfolio:</b>	REGENERATION, ENVIRONMENT AND TRANSPORT

**Electoral wards affected and ward councillors consulted:**

HOLME VALLEY SOUTH

**Public or private:**

PUBLIC

## **1. Purpose of report**

To consider a request for a Traffic Regulation Order on Public Byway – Holmfirth 175 to restrict public vehicular traffic.

## **2. Key points**

- 2.1 The route is a Byway Open to All Traffic (BOAT), therefore it can be used by pedestrians, cyclists, horse riders and motorised vehicles.
- 2.2 Concerns were expressed in 2006 by a number of local residents and users about issues in relation to vehicular traffic and safety on this route. As a result of this, an initial consultation took place on the possibility of using a Traffic Regulation Order to restrict public vehicular access, however two of the Ward members did not support this proposal, so it went no further.
- 2.3 A petition was submitted in late 2007 asking for a Traffic Regulation Order to restrict public vehicular traffic and the following points were made in support of the request:
  - *That Ramsden Road is an unsurfaced highway that today only serves as an access for farmers and other land managers.*
  - *It lies within the Peak District National Park within an area of natural beauty and tranquillity, and the main users are walkers, horse riders and cyclists often in family groups.*

- *Whilst the majority of users seek peaceful, healthy enjoyment of the beautiful countryside away from the sights, sounds and smells of the urban sprawl, a small minority of users drive off-road motorised vehicles, sometimes modified, sometimes recklessly and at high speed for recreation and "fun". Apart from farm vehicles these are the only types of vehicles capable of negotiating Ramsden Road and when the road received its designation it was never intended that it should be used by off-road vehicles and quad bikes. These vehicles are incompatible with the peaceful enjoyment of the natural beauty so desired by walkers and riders. Their very presence, their noise and their emissions in this natural environment is unwelcome.*
  - *Importantly there are very significant risks and potential dangers due to the recreational use by motorised vehicles and extensive damage to the surface and verges of the byway is destroying it and restricting both its appeal and safe usage.*
  - *The Upper Holme Valley's delightful attributes are promoted by both Kirklees and Yorkshire water when inviting visitors to come and enjoy the area. Kirklees Council has an ambition to be seen as "a beacon for green living". This is inconsistent with allowing off-road vehicles and quad bikes to spoil one of our most beautiful environments.*
  - *Ramsden Road is to be part of Feeder Route for the Pennine Bridleway and the Countryside Agency (now Natural England) would like the Pennine Bridleway to be free of motorised vehicles. To quote the English National Parks Authority "Visiting the National Parks: Escape from urban sprawl to the pure tranquillity of the outdoors. A national park is the ultimate "green gym" for all seasons for peace and solitude or invigorating adventure"*
  - *In recent years, National Government and Local Authorities for example North Yorkshire County Council in the Dales National Park have increasingly acknowledged the case for restricting the use of Byways by motorised vehicles and have taken appropriate action to do so.*
- 2.4 Following the submission of the petition officers met with a number of local residents and representatives of some user local groups to explore the feasibility of providing some passing places on the narrower section of Ramsden Lane to allow vehicular traffic and other users to pass safely. A consensus could not be reached on this matter, however a suggestion was made at the meeting about the possibility of having an Experimental TRO in place for a period of either 6 or 12 months to ascertain what impact that restricting public vehicular access may have.
- 2.5 Whilst consideration was being given to the use of an Experimental TRO, officers were contacted by Yorkshire Water who informed us that they were planning to undertake works on Brownhill Reservoir, and needed to close a section of Brownhill Lane from April 2008 until July 2009, which has partially restricted vehicular traffic using the route in question.

Yorkshire Water have also now been given approval to close the section of Brownhill Lane in the immediate vicinity of Ramsden Lane, Kiln Bent Road and a significant amount of Ramsden Lane from 30 March 2009 to 29 March 2010, to facilitate work on Riding Wood Reservoir. This will mean that there will be no through traffic from Brownhill Lane up Ramsden Lane to Ramsden Road, and therefore no meaningful assessment would be able to be made of vehicular activity.

- 2.6 There is no hard data on the number of motor vehicles currently using this route, or the numbers of vehicles that have used it over the last few years. The surface of the route has been in a variable state in recent years due to a combination of water and vehicle damage, so usage levels have therefore fluctuated. Some "repairs" were undertaken by persons unknown in an effort to reduce the number of ruts in the road.

Use by off-road drivers has occurred both singularly and in organised groups and the Council was contacted by two off-road driving groups offering to undertake repairs on the route, to enable them to use it for their clubs' activities. This offer was turned down. Some minor repair works on the surface have been proposed as part of the Pennine Bridleway Feeder Route, but these are not imminent.

There have also been significant levels of use by motorbikes and small wheeled motorcycles on both Ramsden Road and surrounding roads. Some of these instances have been formally logged with the Police, but given the location it is very difficult for the Police to catch any culprits.

The highest level of usage of the route by large groups of vehicles appears to be at weekends, which would probably be the same for other types of users, therefore this is when problems most frequently occur.

There have been a small number of incidents where pedestrians have been injured by motorised traffic, however given the nature and status of the route and the fact that some options have already been explored, officers have had difficulty in identifying other measures which may improve the situation.

Vehicles have also caused damage to some sections of adjacent land which has also prompted some concerns.

- 2.7 Various suggestions have been put forward to resolve the conflict of use between motorbikes vehicles and other users. These are as follows:

- (i) Downgrading of the route to footpath or bridleway.

Public rights of way cannot be "downgraded" other than by undertaking extensive research to establish that status of the right of way was actually wrongly recorded. This would require a Map Modification order to legally rectify this situation.

(ii) Use of a Traffic Regulation Orders

These can be made to restrict certain uses of a public right of way, e.g. public motor vehicular use. The Natural Environment and Rural Communities Act 2006 gave National Park Authorities the power to make TRO's based on environmental impact of vehicles. This has been introduced on some routes in the Dales National Park and measures taken have included signage and publicity to make people aware of these restrictions. A section of this route falls within the Peak Park. If a TRO was introduced it is worth noting that the Police may have difficulties in enforcement given the fairly remote nature of this location.

(iii) Magistrates Court

Under the provisions of Section 116 of the Highways Act – local authorities have the option to apply to the Magistrates Court to have certain rights withdrawn. This application would be made on the basis that these rights are no longer needed. This may be difficult to prove in this case

- 2.8 The Council could give consideration to the implementation of an Experimental Traffic Regulation Order, to assess the impact of restricting public vehicular access from 30 March 2010 when the works by Yorkshire Water are completed. Such a measure would need to be undertaken in conjunction with the Peak Park Authority as part of this route falls within their boundaries.

### **3. Implications for the Council**

If the Council was to decide to pursue an Experimental Traffic Regulation Order then the costs would be in the region of £5000, which covers the costs of legal work, advertising and associated processes.

### **4. Consultees and their opinions**

Previous consultation has taken place with Ward Members. Cllr Sims and Cllr Patrick were not supportive of the introduction of a Traffic Regulation Order. Cllr Firth did not make any comment.

A number of walking, cycling and horse riding groups have supported the use of a TRO. LARA who represent recreational vehicular drivers supported the use of a Experimental TRO to assess its possible impact and to give the byway and adjacent land the chance to recover.

### **5. Officer recommendations and reasons**

There are concerns about both the potential suitability and effectiveness of a TRO on this route, given its location.

Given that a section of this route will be closed until end of March 2010 it is not possible to evaluate any measures to improve safety on the route in the immediate future.

It is suggested that discussions are held with the Peak Park Authority about the problem as part of the route falls within the Peak Park and they have experience of dealing with similar situations.

**6. Cabinet portfolio holder recommendation**

Agree with Officers Recommendations.

**7. Next steps**

To be tabled at Cabinet 16 June 09.

**8. Contact officer and relevant papers**

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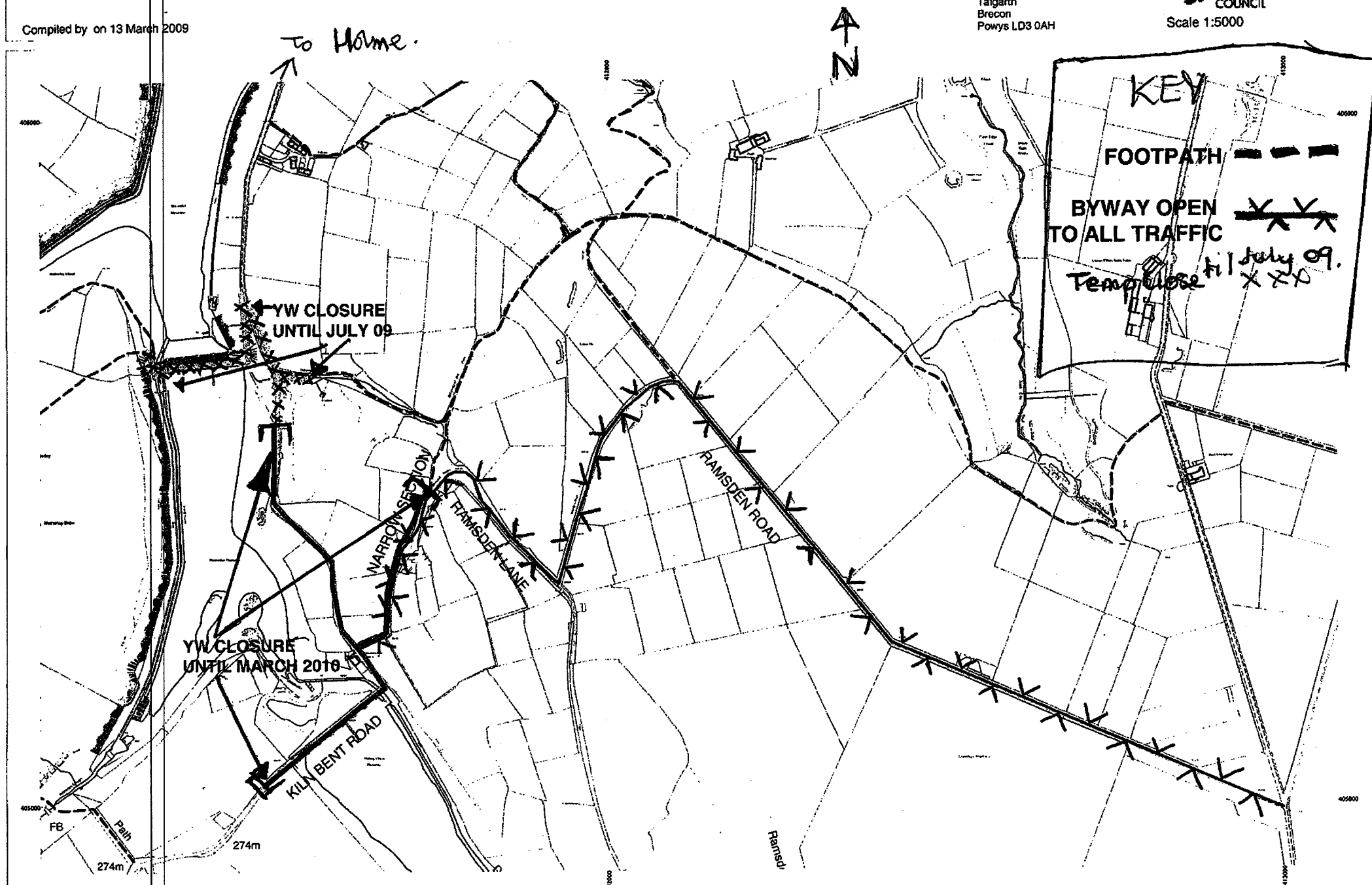
# Petition 845 - Ramsden Lane, TRO request

Compiled by on 13 March 2009

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## **APPENDIX 1**

### **Request for Traffic Regulation Order - Holmfirth 175 – Ramsden Lane/ Ramsden Road, Holmbridge**

#### **Background information on Public Byways**

It is useful to provide some background information on Byways to put matter in context.

- The National Parks and Access to the Countryside Act 1949 conferred a duty on local authorities to survey and record all footpaths, bridleways and roads used as public paths (RUPP's) on the Definitive Map and Statement.
- RUPP's were classified as a public path – the main use of which was as a footpath or bridleway – although motor vehicles could also use them. The evidence of use however was restricted to that by pedestrians and horse riders. In the 1950's there was a relatively low level of car usage, and the majority of cars would not have been able to use RUPP's, as many of them were rough tracks, although there may have been a higher level of usage by motor bikes who would probably have found this type of surface easier to use.
- The classification of RUPP's was seen as confusing and an attempt was made to resolve this matter via the Countryside Act 1968, which allowed RUPP's to be reclassified either as a footpath, bridleway or byway. Ultimately however this did not resolve the matter, and there was still confusion about the classification. There were also a significant number of legal challenges about the status of this type of route.
- In an effort to finally resolve the matter the Wildlife and Countryside 1981 imposed a duty on local authorities to reclassify RUPP's on the basis of rights which were shown to exist, i.e. footpath, bridleway or a BOAT. This Act allowed for "continuous review" of the definitive map which gave local authorities some breathing space, consequently however the RUPP issue was often not given high priority by many authorities.
- However with the local government reorganisation pending in the mid-1980's, West Yorkshire County Council made a decision to classify all RUPP's as BOATS. It is not clear whether there was any investigation into the actual rights that existed on these routes. As a result many routes which perhaps should have been classified as a footpath or bridleway, are now classified as BOATS.
- Many local authorities still did not reclassify RUPP's and the Countryside and Rights of Way Act 2000 automatically reclassified any outstanding RUPP's into Restricted Byways, which allow use by pedestrians, horse riders, pedal cycles and horse-drawn carriages. Motor vehicles are excluded and there are no restricted byways in Kirklees.

## Appendix 2

### PHOTOGRAPHIC INFORMATION - RAMSDEN LANE / RAMSDEN ROAD, HOLMBRIDGE – PUBLIC BYWAY – HOLMFIRTH 175

#### Picture 1

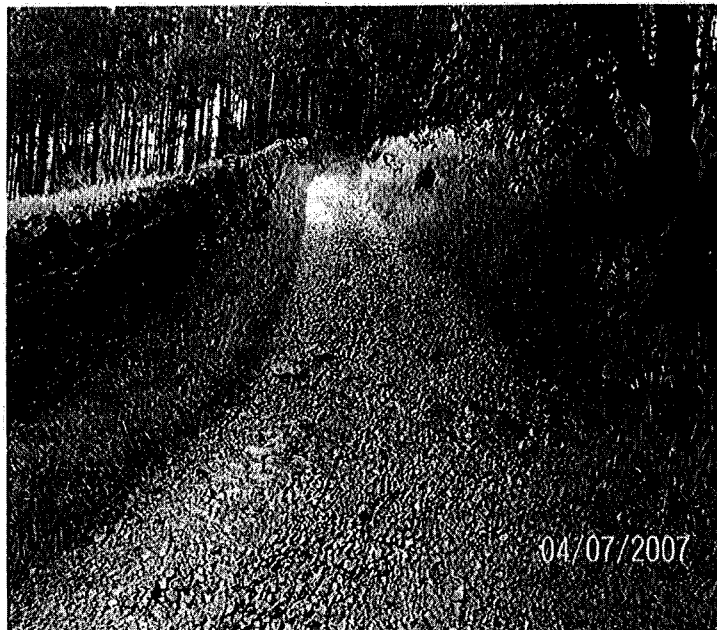
The photo is taken at the start of Ramsden Lane at its junction with Brownhill Lane / Kiln Bent Road. As you can see at this point there is just about room for a family saloon car to travel up. It is just about feasible for a pedestrian or cyclist to move to the side on the grass verge, and possibly a horse rider with a bit of manoeuvring.





## **Picture 2**

The photo below is taken from the first bend and shows the route narrowing significantly. If a larger vehicle such as a 4 x 4 was driving up the route pedestrians and dismounted cyclists would probably struggle to move to the side, and it would be virtually impossible for a vehicle to pass a horse safely.



## **Picture 3**

This picture shows the narrowest section of the route and pedestrians, cyclists and horse riders would all struggle to pass any large-sized vehicle.



#### **Picture 4**

This picture shows the route as it opens out and turns the corner. The photograph shows the raised area of ground, which off-road drivers have made their own and which they use as a more challenging part of the route. These tracks have been in place for several years.



#### **Pictures 5 and 6**

The picture below and the one overleaf show the wider uphill section with the raised section of ground shown in the previous photo to the right. You can see in the foreground of the first picture a long and deep rut. The second picture shows an attempt by persons unknown to fill some of the ruts with a mixture of cement, and part of what appears to be a boundary wall from further up the route.

These ruts have occurred partly as a result of water running down the byway, however concentrated vehicular use has made the situation much worse.



**Picture 6**



**Picture 7**

This section at the top of the straight section shows what one might expect to be normal water erosion on the right hand side . Interestingly large amounts of stone have been spread on sections of the route by persons unknown, clearly in an attempt to reduce the worst effects of the damage to the route. The track takes a 90 degree turn left, where it disappears from view towards the horizon.



**Picture 9**

This photo is taken from the bend and shows the widest section. Again the effects of water and vehicle damage are evident in the foreground.



**Picture 10**

This photo covers a stretch further along the wider and latter section. There is still significant evidence of vehicle use, and attempts have been made to fill some of the ruts using the loose stone.



**Picture 11**

This photo shows a section of land immediately adjacent to the byway, which has been used as an off-road activity area.

It is not clear whether those who have been using it have any permission from the landowner to use it in this manner.



## PETITION

### - to ban motorised vehicles on Ramsden Road / Lane, Holmbridge

We, the undersigned, petition Kirklees Metropolitan Council to impose a Traffic Regulation Order to prohibit the use of motorised vehicles (other than by essential users) on Ramsden Road and Lane between Brownhill Lane and White Gate Road, because:-

1. the Upper Holme Valley is an area of natural beauty and tranquillity in the Peak District National Park, and Ramsden Road is used by walkers, riders and cyclists whose peaceful enjoyment of the countryside is threatened by its rapidly increasing use by off-road motor vehicles;
2. a considerable stretch is too narrow for such vehicles to pass pedestrians, horse-riders and cyclists safely and is therefore DANGEROUS;
3. recreational use by motorised vehicles is causing extensive and unsightly damage to the surface and verges, reducing its amenity value, appeal and safe access by non-motorised users.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Subramanian	9 Holme View St Waplington	[Signature]
John Moxon	2 Beaumont St. HD3 4RE	[Signature]
J. McFadden	7. BRADON AVE WATERLOO HD5 8QZ	[Signature]
Metcalf	42 Slant Gate Kirkstall	[Signature]
Milton	114 Green Lane Halifax	[Signature]
W. Arnley	17 THE VILLAGE FARNLEY TYAS.	[Signature]
1 Mr Gurr	10, THE SYCAMORES, HORSLEY, WILKINS	[Signature]
Boydell	4, BROOKHURST AVE, EMLEY.	[Signature]
7 Boydell	_____	[Signature]
55	4 Moss Edge View Holmbridge	[Signature]
[Signature]	19 Boundary Waplington	[Signature]
Nayler	29 Buckton Acres Lane Kirkstall	[Signature]
[Signature]	Osborne House, Cliff Rd, Shepley HD8 8AS	[Signature]
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