

Appendix 1 - Objections received to TRO No 2 of 2024 – Various Roads in Holmfirth

Objection 1

As a resident and frequent user of these routes I support the proposed Traffic Regulation Order (TRO) in principle, but object to the proposal for permissive use by some recreational motorists and to the lack of consultation regarding Ramsden Road and connecting routes. I therefore object to elements of the first schedule and to the references to permits in the proposed order and the statement of reasons.

My response groups the roads into through routes, because our points differ for each of these routes.

Ramsden Road, Holme Woods Lane, Kiln bent Road, Rake Head Road & Old Gate

- You indicate in the current draft TRO that it will not apply to motor vehicles which display a permit issued by you. But, unlike the 2021 PSPO, you have not specified what the conditions for issuing permits will be. I think, to meet the issues identified by the 2007 petition, by you in the 2009 report to Cabinet, by PDNPA, and to fulfil the statutory purposes (avoiding danger, preventing damage, facilitating the passage of non-motorised traffic, preserving the character of a road especially suitable for walking and horse-riding) given in your statement of reasons, you should only issue permits for use as indicated in paragraphs 2.2.1, 2.2.2 and 2.3 of the draft TRO and for use by people requiring access to land accessed from the route, i.e. all recreational motor vehicles (cars, quad bikes and motorcycles) should be prohibited.
- Unlike the other routes on this proposed TRO, legitimate access is required by Landowners and others. The route will tolerate this limited access without significant intervention but it is quite clear that the damage caused by recreational vehicles and motorbikes is unsustainable unless frequent maintenance is carried out; something that Kirklees has been reluctant to do historically and in any case would be an inappropriate use of public funds.
- It seems to me that imposing a permit TRO for motorised access to these lanes (other than Old Gate) would inconvenience owners and occupiers of land and other premises adjoining the route, and their visitors.
- Consultation; once again it seems that this has been particularly poor for this area. A recent FOI request revealed that no-one has actually been consulted on the proposed TRO meaning that residents, landowners (and their tenants) or Holme Valley Parish Council have not had an opportunity to shape the proposal. One resident in particular would effectively be “locked in” behind gates / barriers without any explanation how such a system would operate.
- Gates / Barriers; these were installed in February 2023 for the then proposed PSPO. Again these were positioned without any consultation and it was quickly recognised by residents and landowners that at least two of the four were inappropriately located and would lead to unnecessary inconvenience if they were ever to be put into operation. These gate form part of the proposed TRO and therefore are unacceptable.

Cheese Gate Nab Side, Scar End Lane and Scaly Gate

These three unsealed unclassified roads are outside PDNPA, but close enough to the routes described above to form part of the circuits popular with recreational motor vehicle users of green lanes. In the 19th century they were well-maintained for horse-drawn vehicles, but were not (or only partially) sealed with tarmac in the 20th century because there are alternative tarmac roads in their vicinity which provide access between the A616 and the top of the steep hillside to the north-east. Use by recreational motor vehicles (motorbikes and 4x4s) has led to significant damage and nuisance for local residents and other non-motorised users of these routes.

However the TRO as drafted does not cover the western end of Scaly Gate or the southern end of Scar End Lane, the sections of these roads where recreational motorists (mainly motorcyclists) access unenclosed moorland. I think you should include these sections of the roads in the TRO, i.e. the 85 metres of Scar End Lane between its junction with Scar Hole Lane and the proposed barrier location (closure point on Plan 5), and the section of Scaly Gate between the proposed eastern barrier location (closure point on Plan 5) and its junction with Hirst Lane, Intake Lane and Scar End Lane. If you do not include these sections in the TRO, the motor vehicle damage to these unenclosed areas will continue. There will also be problems from recreational motorists driving on these two narrow sections and then having to turn round when they get to the barriers. I do not ask that you change the barrier locations, as I understand local residents and businesses have been consulted on these (unlike the Yateholme area), merely that you extend the lengths of road covered by the TRO to allow you to put up TRO traffic signs at the southern end of Scar End Lane and the eastern end of Scaly Gate.

Objection 2

Peak Horsepower Bridleway Group represents the interests of horse riders throughout the Peak District. We have over 400 individual members. We are affiliated to the British Horse Society. Bridleway groups throughout the Peak District are affiliated to us.

Recreational motor vehicle use of Scaly Gate, Scar End Lane, Ramsden Rd, Brownhill Lane, Kiln Bent Rd, Rake Head and Old Gate is making these tracks unsafe or inaccessible for horses and riders. The problem for equestrians is twofold: a) the ruts made by off-road 4x4s and motorbikes are making much of these routes impassable for horses; b) the speed at which vehicles are driven, in particular motorbikes, is making the routes dangerous, particularly where there are unsighted bends.

We want to see TROs on these routes but object to the TROs as currently proposed because the public has been given no information about the proposed permit scheme. This makes it impossible for anyone responding to the consultation to give an informed opinion.

We think that the failure to include essential information about the permit scheme invalidates the consultation and that Kirklees needs to start all over again, this time providing full details of the aims and operation of any permit scheme: how many permits would be issued, who or what class of motor vehicle would be entitled to have a permit,

how many passes a year by motor vehicles the scheme would allow, how and by whom the scheme would be managed, how it would be enforced, and how abuse of the scheme (for example by the sharing of padlock codes to any locked gates) would be prevented.

The Statement of Reasons says that the purpose of the TROs is to prevent danger and damage, to facilitate the passage of users along the routes, and to 'preserve their character for walkers and horse riders'. Should the proposed permit scheme be intended to allow continued passage by any recreational 4x4s and/or motor bikes, the danger and damage and the effective exclusion of equestrians will continue.

Because of their character the only motor vehicles which should be allowed to use these tracks are those of residents, landowners and farmers needing access, plus the emergency services.

The TROs should be full-time excluding all types of recreational motor vehicles.

Objection 3

I object in the strongest possible sense to the proposed order.

Having read the statement of reasons on the issue, on the face of it, the reasons for the claimed proposal seem sensible issues that would be good to argue, however, the points made have all been created by the obviously apparent policy of Kirklees council to stop any kind of "Green Laning" activity in the borough.

The "considered increase in vehicular use" mentioned is an effect of this policy, by persistently closing legal routes used it concentrates use on the remaining routes. I have no doubt there are an incredibly small minority of anti-social users of the roads mentioned, this does include walkers and horse riders but only vehicle users are getting banned.

IF YOU BAN VEHICULAR USE, YOU WILL NOT STOP ANTI SOCIAL VEHICULAR USE, AS THESE ARE PEOPLE WHO DONT CARE AND WILL STILL USE THE ROUTES.

Everyone else who legally and courteously use the routes will suffer for the incredibly small minority.

"Avoiding danger to persons or traffic"

Danger is present in the vicinity of any highway.
Are you suggesting we close all roads to avoid danger?
Nobody has been injured by a vehicle on these routes.

"Preventing damage to the road or buildings nearby"

I have ridden and walked all the routes in question, the "damage" to the roads is in the vast majority by storm water and the bare minimum of maintenance would prevent this.

"Facilitating the passage of traffic"

Are you kidding me? You are contradicting yourselves ! Are you not trying to ban traffic?

"Preserving the character of a road especially for walking or horse riding"

Let us not forget that throughout the whole proposal, the routes that are being proposed are repeatedly being referred to as ROADS, or HIGHWAYS, and all legal users should have equal right to use them.

I will finish by saying I feel this email is a waste of time. Pretty sure nobody will read it or reply, nor will it have any impact given the councils proven track record on these matters, expense of surveys and how far down the road this forgone conclusion seems to be, as people who enjoy these roads in, or on vehicles are a minority. The lack of support for this minority both in the council, and with the vastly larger walking and bike riding community makes it easy to get away with the obvious discrimination on display over past decades.

Objection 4

I have lived around the local area all my life and have a passion for off road motorcycle riding. Ramsden Road has been a big part of enjoying the local area on my motorcycle without the need to travel farther afield in my van to get the same enjoyment that is on the door step. Surely this could be policed better by putting speed limit signs on it or the police utilising the public expense of their off road bikes and parking on there every once in a while to educate the minority who are abusing it. There are 100s of miles of foot paths in the area that walkers can use and it seems abit unfair that the limited facility's that we have to ride and enjoy our motorcycles what we have spent money on to enjoy the local lanes are getting targetted and closed down by people who don't understand our interests and it is called "Ramsden Road" not Ramsden Footpath. I hope this will remain open for all users to keep enjoying.

Objection 5

The use of permits is impossible to police. It will not stop the number of, or illegal vehicles using the roads.

Permits will not stop the further destruction of the already dangerous roads.

Permits will not stop the invasive noise from these vehicles in the surrounding areas of the roads.

Permits will not stop the exhaust pollution which does travel in the surrounding areas of the roads.

Permits will not stop the dangerous speeds at which the vehicles are driven.

I have myself, witnessed a neighbour falling over when a train of vehicles did not attempt to slow down to pedestrians, these speeds are dangerous on single track roads. I have myself ended up in the drainage ditch after having to slam on my brakes as a number of bikes sped at ridiculous speed down the road, they did not stop, permits will not stop this occurring and it is only too common.

Permits will not stop the negative impact on wildlife and fauna.

Permits will not stop the destruction of walls, again I have witnessed this occurring. The roads are not suitable for vehicles such as these and it is only a matter of time before a serious accident happens if it hasn't already.

Objection 6

Peak & Northern Footpaths Society object to the proposals on the following grounds.

1. The orders propose a permit scheme but include no details of the type of vehicles, numbers, or times of year these vehicles would be permitted access and how the scheme would be policed effectively.
2. The council does not provide any assessment of the effect the vehicle permit scheme use will have on the highways in terms of damage and loss of amenity to other users and on adjoining land.
3. The Society considers that ALL public motor vehicles should be restricted from these lanes at ALL times. Without this the stated aims of the orders cannot be met.
4. It is the normal motor vehicle traffic on the lanes which is causing the damage rather than any increased vehicle use. This has previously been admitted in writing by Kirklees officers. No data is included in the statement of reasons to back up the councils view.
5. The damage caused to surrounding land, walls and drains is deliberate and the Society has provided numerous video evidence of motor cycle groups and 4x4 groups participating in such activity. Presumably, these are the same groups who will have permit access? But this is not clear.
6. Siting of ALL the proposed barriers needs comprehensively reviewing to ensure they are in the correct location and effective. A review of how they affect persons of some protected characteristics under the Equalities Act does not appear to have been carried out and should be done urgently. This was promised by officers under previous proposals.
7. The current damage on Ramsden Road which is caused by normal motor vehicle use of the byway is costing Kirklees some £300k to repair a stretch of about 500m. The proposed orders will not protect this investment or further damage to the highway here.
8. The other lanes contained in the orders are in a similar state of disrepair and again the orders as proposed will not protect them from further ongoing damage from vehicles.

Objection 7

First I want to say that as a resident of Butterley Lane and regular walker of Scaly Gate and Scar End Lane (and occasionally of Cheese Gate Nab) I am very pleased that the Council are proposing this order. I agree with the statement of reasons generally (but not the repetition of the Council's attempts to suggest the police are in some way responsible). For completeness I suggest that restoration of the amenity of the area could be added to the reasons.

However I do have some observations, as follows:

1. Article 2.2.3 contemplates permits although no clue is given as to the circumstances in which this might apply. I cannot see that any access will be required other than for the parties identified in articles 2.2.1 and 2.2.2 (adjoining owners already have access by definition).

2. I am concerned that article 2.2.3 might be employed to permit access contrary to the principles set out in the statement of reasons, e.g. for recreational use (which is the cause of all the problems). Such use of permits would clearly be inappropriate if not unlawful.

3. Physical barriers will certainly be required to prevent access. The use of permits raises the prospect of barriers which can be opened and so will materially handicap the effectiveness of physical barriers.

In conclusion I suggest that article 2.2.3 should be deleted.

Objection 8



16 OCT 2024

12.10.2024

Re Traffic No 02 Order 2024
Various Roads in Holmfirth (Plan 5)

Ref DEV/HG/D116 -2402

To TRO Objections @ Kirkdees Council

As residents of [REDACTED] we are in total agreement for these lanes (PLAN 5) to be closed but object to permits being given to anyone other than emergency services and local farmers /landowners.

The majority of these lanes are impassable now due to the damage caused by the reckless drivers in 4x4 vehicles and motorbikes. Allowing permits to be obtained by these people is going to allow the destruction and everyday disturbance to continue. A large majority of these vehicles are not road legal and do not have visible number plates (motorbikes) As they tend to travel in convoys up and down at any time day or night this causes huge risk for cyclists, walkers, horse riders etc. as the lanes have not got passing places and have high bankings on either side.

We have to listen to the constant noise of revving engines as they travel up the steep lane directly in front of our house which is made worse during wet or snowy weather when the number of vehicles increase. The damage to the surface of the lanes is indescribable making it dangerous and impassible in places for people on foot – drains are blocked and when wet this allows torrents of water to take hardcore, stones, sludge etc to lower levels- we then have the task of clearing up as road sweepers seem to be a thing of the past.

Large Concrete blocks were installed (by Kirkdees Council) a good while ago on the above lanes and also surrounding nearby lanes to put a stop to this situation and it worked instantly. As soon as they were removed for reasons unbeknown to us we were inundated by the vehicles immediately and the scenario continues.

The Concrete Blocks Work
Permits will not Work

Yours Faithfully



Objection 9



Kirklees Council Legal Services,
PO Box 1720,
Huddersfield, HD1 9EL

By email TRO.Objections@kirklees.gov.uk



11 Oct 2024

Dear Legal Services,

DEV/HG/D116-2402 - PROPOSED TRAFFIC REGULATION ORDER (NO 02) VARIOUS ROADS IN HOLMFIRTH 2024 - CHEESE GATE NAB SIDE, BROWNHILL LANE, HOLME WOODS LANE, KILN BENT ROAD, OLD GATE, RAKE HEAD ROAD, RAMSDEN LANE, RAMSDEN ROAD, SCALY GATE, SCAR END LANE, HOLMFIRTH

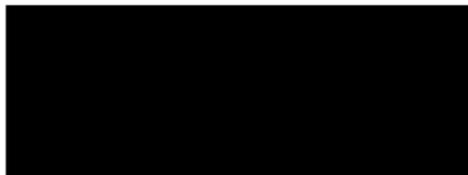
CPRE PDSY opposes the draft TRO as written and urges Kirklees Council to amend it before further consultation. All the above named routes and associated verges banks and walls have been severely damaged by recreational 4x4s and motorbikes. The use of such vehicles on these routes has also brought nuisance for residents, and danger for non-motorized users (NMUs). We have long campaigned for the application of TROs restricting the use of these routes to NMUs only. However, Kirklees is proposing a permit scheme for use of the lanes by some vehicles, the details of which are not available with the consultation. Also, Kirklees should strengthen the statement of reasons for the TRO.

Permit scheme

The TRO would prohibit any vehicle unless it *'displays in the relevant position a permit issued by the Council'*. No details are given about the permit scheme - times of year when it would apply, number of days of use, which vehicles would be subject to a permit, number of permits that the Council intends to issue, which direction vehicles may travel in, conditions under which permits may be cancelled, how the scheme would be enforced and who would administer it. There is no suggestion that it would only be open to residents. Any public consultation must make available sufficient information (in an accessible and easily interpretable format) to enable the public to give 'intelligent consideration' to the proposal (Gunning Principles). Full information about the permit system must be available with the draft TRO.

Reasons for proposed TRO

The purposes of the TRO as given in the Statement of Reasons includes:



Objection 10

1. GLEAM campaigns for the rights of walkers, horse riders, pedal cyclists, carriage drivers and the disabled to use green lanes (byways open to all traffic and unsealed unclassified roads) without danger, difficulty and inconvenience caused by recreational motor vehicle use.
2. We would support this proposed Traffic Regulation Order (TRO) in principle, but object to the proposal for permissive use by some recreational motorists. We would also like to point out ways in which the TRO could be clarified, improved and made more effective. We therefore object to elements of the first schedule and to the references to permits in the proposed order and the statement of reasons. We also comment on what Kirklees Council might learn from its own previous experience of trying to protect these roads, and the land they provide access to and the communities they serve, from the problems caused by recreational motor vehicle use. Our response groups the roads into five through routes, because our points differ for each of these routes.

Ramsden Lane and Ramsden Road

3. This route is a byway open to all traffic (Holmfirth 175 and 180 on Kirklees Council's definitive map and statement of public rights of way). This definition means that it can legally be used by the public on foot, on horses, on cycles, and with horse-drawn and motor vehicles, but is mainly used for the purposes for which footpaths and bridleways are used i.e. by walkers and horse riders.
4. You (Kirklees Council) first consulted on a TRO proposal for this route in 2006, because of concerns expressed "by a number of local residents and users about issues in relation to vehicular traffic and safety", but did not take it forward because two of the councillors for the Holme Valley South ward did not support the proposal. You then received a petition in late 2007 asking for a TRO because "off-road motorised vehicles" were using the route, a use "incompatible with the peaceful enjoyment of the natural beauty" of the area by non-motorised users, and because the recreational motorised use resulted in "very significant risks and potential dangers.. and extensive damage to the surface and verges of the byway". This petition was considered by Cabinet in June 2009. The officer's report included an appendix with photos and descriptions of sections of the route where its width makes it difficult/unsafe for a car to pass a non-motorised user and where "off-road drivers" had driven on and damaged the boundary banks and verges and an old quarry adjoining the route. This appendix noted that ruts had "occurred partly as a result of water running down the byway, however concentrated vehicular use has made the situation much worse". The officer's report also noted "a small number of incidents when pedestrians have been injured by motorised traffic". Walking, cycling and horse riding groups supported a TRO, and LARA, the Land Access and Recreation Association which represents recreational motor vehicle user groups, supported the use of an experimental TRO to assess its impact. However, Cabinet accepted the officer recommendation to discuss the problem with the Peak District National Park Authority (PDNPA), as the route is in/adjacent to the national park.

5. PDNPA classified the route as ‘may be unsustainable’ in 2013 (it scored 14 out of a possible maximum score of 15) and approved it as a priority route in 2014. PDNPA identified the issues as “user conflict – recreational value for all users of the route and area”, “route nature- section of the route is steep and narrow with limited visibility”, “route condition – poor surface”, adjacent to Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Natural Zone, and “impact on adjacent land - illegal use”. The Peak District Local Access Forum Green Lanes Sub-group surveyed the route in 2017 and said that a TRO “may need to be considered to address the on-going issues”.

6. You made an experimental TRO in November 2018 because of “severe damage caused by recreational use of 4wd vehicles” but rescinded this TRO in early 2019 following a legal challenge by the Green Lane Association (GLASS). The publicity about this challenge and about the PSPO (see below) is likely to have led to an increase in use by recreational motorists who see these routes as a challenge to exercise their driving skills.

7. You proposed a Public Spaces Protection Order (PSPO) in 2021 for this route and others in the Yateholme area to “manage and restrict anti-social use by ... 4x4 and similar type vehicles i.e. damaging recreational off-road driving ... and other anti-social behaviour activity, such as fly-tipping, by means of physical exclusion .. (barriers)”. This was not a complete ban on 4x4s and similar vehicles, but specified that such use would be by permit, requiring agreement to conditions of use e.g. a maximum total of 32 vehicle movements per week. You did not propose any restriction on motorcycles or quad bikes, despite motorcycle use being a risk for non-motorised users on the steep narrow section of the route, and despite motorcyclists damaging the verges and driving illegally in the quarry adjoining the route. You did not put this PSPO into effect, nor renew it at the end of its statutory 3 year term, so it has now lapsed.

8. You indicate in the current draft TRO that it will not apply to motor vehicles which display a permit issued by you. But, unlike the 2021 PSPO, you have not specified what the conditions for issuing permits will be. We think, to meet the issues identified by the 2007 petition, by you in the 2009 report to Cabinet, by PDNPA, and to fulfil the statutory purposes (avoiding danger, preventing damage, facilitating the passage of non-motorised traffic, preserving the character of a road especially suitable for walking and horse-riding) given in your statement of reasons, you should only issue permits for use as indicated in paragraphs 2.2.1, 2.2.2 and 2.3 of the draft TRO and for use by people requiring access to land accessed from the route, i.e. all recreational motor vehicles (cars, quad bikes and motorcycles) should be prohibited.

9. We point out that our reading of section 3(1) of the Road Traffic Regulation Act 1984 (RTRA 1984) “... a traffic regulation order shall not be made with respect to any road which would have the effect

....

(b) of preventing for more than 8 hours in any period of 24 hours access for vehicles of any class, to any premises situated on or adjacent to the road, , or (as the case may be) for vehicles of that class, from, and only from, the road.”

is that you must permit access to premises on or adjacent to Ramsden Road/Lane for at least 16 hours in each day.

10. We provide photographic evidence in Appendix 4 (previously submitted to Will Acornley) of the reasons why a TRO prohibiting all recreational motor vehicles is required on Ramsden Lane/Road. We also re-submit Appendix A which summarises the applicability of the reasons for a TRO to all the roads covered by the current TRO proposal.

Brownhill Lane, Holme Woods Lane, Kiln Bent Road, Old Gate, Rake Head Road

11. Old Gate is a byway open to all traffic (Holmfirth 182) which branches off the through unsealed unclassified road made up of Rake Head Road, Holme Woods Lane, Kiln Bent Road and the unsealed section of Brownhill Lane.

12. PDNPA classified these routes as 'may be unsustainable' in 2013 (a score of 7 out of a possible maximum score of 15) and approved them as a priority route in 2014. PDNPA identified the issues as "disturbance to residents", "conflict – recreational value for all users of the route and area", "route condition – poor drainage" and "impact on adjacent land - illegal use". The Peak District Local Access Forum Green Lanes Sub-group surveyed the route in 2017 and recommended that PDNPA officers work with you (Kirklees Council) and the landowner to address illegal use and progress repairs. PDNPA logged the numbers of motor vehicles using the route in 2016 as 1.4 large vehicles and 9.8 motorcycles per day, indicating that motorcyclists are the majority motorised users of this route and of Ramsden Lane/Road which terminates on it.

13. The (Yateholme) PSPO you proposed for Ramsden Lane/Road in 2021, but did not bring into force, also covered these roads.

14. Our impression, following a site visit in 2023, is that the main issue with these lanes is the illegal use by motorcycles and 4x4s of an area of land at the junction of Old Gate, Rake Head Road and Holme Woods Lane. This illegal and damaging use has been taking place since at least 2013 despite signs warning that it is illegal and that offenders' vehicles may be seized. Other than Old Gate, which is a narrow byway, the other routes are relatively wide (wide enough in the case of Rake Head Road to allow walkers to park their cars on it). It seems to us that imposing a permit TRO for motorised access to these lanes (other than Old Gate) would inconvenience owners and occupiers of land and other premises adjoining the route, and their visitors. We also repeat the point made above for Ramsden Lane Road that prohibiting access for owners and occupiers is not legal under the TRO as drafted.

15. We suggest that you decide whether to implement the TRO as proposed for Brownhill Lane, Holme Woods Lane, Kiln Bent Road and Rake Head Road in the light of consultation with owners and occupiers of adjacent land and premises and with Holme Valley Parish Council. And also that you monitor whether a TRO prohibiting all motor vehicle use of Ramsden Lane/Road and of Old Gate except for access results in a reduction in the illegal use of the land at the Old Gate/Rake Head/Holme Woods Lane junction.

Cheese Gate Nab Side, Scar End Lane and Scaly Gate

16. These three unsealed unclassified roads are outside the Peak District National Park, but close enough to the routes described above to form part of the circuits popular with recreational motor vehicle users of green lanes. In the 19th century they were well-maintained for horse-drawn vehicles, but were not (or only partially) sealed with tarmac in the 20th century because there are alternative tarmac roads in their vicinity which provide access between the A616 and the top of the steep hillside to the north-east. Use by recreational motor vehicles (motorcycles and 4x4s) has led to significant damage and nuisance for local residents and other non-motorised users of these routes.

17. You (Kirklees Council) made temporary TROs on these roads in 2022 for repairs, but the temporary TROs lapsed or were revoked and you have not done any repairs. These temporary TROs followed complaints by local residents to you via the Parish Council and via Holme Valley South ward councillors. We sent you (Will Acornley) detailed photographic records of the problems caused on these three roads and adjacent land by recreational motor vehicles in April this year, i.e. why a TRO prohibiting all recreational motor vehicle use is needed, and re-submit these Appendices 1 to 3. We also suggested that additional statutory reasons (from section 1 and section 22 RTRA 1984) could be used for a TRO on these roads (Appendix A). But you have not taken our suggestions into account in the current proposal. For instance, we suggested that you could use the reasons “for preserving or improving the amenities of the area through which the road runs” (RTRA section 1(f)) and “conserving the natural beauty of the area” (RTRA section 22A) for these three lanes. A TRO based on these reasons could protect residents from the disturbance and intimidation caused by recreational motor vehicle use, and protect the flora of the verges and adjacent unenclosed moorland from damage.

18. However the TRO as drafted does not cover the western end of Scaly Gate or the southern end of Scar End Lane, the sections of these roads where recreational motorists (mainly motorcyclists) access unenclosed moorland (see last photo in Appendix 2 and the photos of Hullock Bank in Appendix 3). We think you should include these sections of the roads in the TRO, i.e. the 85 metres of Scar End Lane between its junction with Scar Hole Lane and the proposed barrier location (closure point on Plan 5), and the section of Scaly Gate between the proposed eastern barrier location (closure point on Plan 5) and its junction with Hirst Lane, Intake Lane and Scar End Lane. If you do not include these sections in the TRO, the motor vehicle damage to these unenclosed areas will continue. There will also be problems from recreational motorists driving on these two narrow sections and then having to turn round when they get to the barriers. We do not ask that you change the barrier locations, as we understand local residents and businesses have been consulted on these (unlike the Yateholme area), merely that you extend the lengths of road covered by the TRO to allow you to put up TRO traffic signs at the southern end of Scar End Lane and the eastern end of Scaly Gate.

Allowing some recreational motor vehicle use by permit

19. We question why you appear to be proposing motorised access to all these roads by permit, not just for those requiring access to their premises, but also for some recreational motorists. Our experience of TROs and PSPOs which allow recreational motorised use by

permit is that they are administratively complex, require testing before implementation, and even then they may not be effective.

20. Lake District National Park Authority (LDNPA) made a permit TRO for Gatescarth Pass byway open to all traffic in 2004, following a public inquiry and an experimental permit TRO. This TRO allows a maximum of 30 motorcyclists and 4x4 drivers to use the route on one specified day per month, subject to them agreeing to conditions of use in advance, and subject to cancellation for bad weather and poor ground conditions. LDNPA staff patrol the route on permit days to ensure these conditions are being met and that only permit holder motorists are using the route. You should also note that Gatescarth Pass is not comparable to the Kirklees routes you are proposing a TRO on in terms of its amenity for non-motorised users and its use by farmers and other landholders. Also the maximum number of motor vehicles per month on Gatescarth Pass is equivalent to an average of 1 per day, much less than the 11.2 per day on Kiln Bent Road logged by PDNPA in 2016, i.e. Gatescarth Pass is much less popular with recreational motor vehicle users than the green lanes covered by your proposed TRO.

21. Kent County Council (KCC) has made permit TROs on some of its byways open to all traffic. As with LDNPA, these were preceded by an experimental TRO in 2007 to test whether permits would be effective. But, unlike LDNPA's aim of restricting motor vehicle numbers and days of use to protect the byway, KCC's aim was to prevent illegal and anti-social motorised use e.g. driving off the byway into adjoining woodland, so there is no limit on permits but permit-holders are asked to report vehicles seen being driven irresponsibly off the routes to the county council and the police. But the permit TROs have not stopped illegal and anti-social use. Kent police reported in February 2024 that they had patrolled one of the areas (Bredhurst, Boxley and Detling) where a permit TRO is in force and had "given advice [to motorcyclists holding permits] regarding their use of the tracks and not affecting other people"; they had also found some motorcyclists without permits (indicating that the code to the barrier had been shared) and one who was uninsured. Kent police also reported nuisance motorcycles and quad bikes in this area in August 2024.

22. Erewash Borough Council made a PSPO in 2023 prohibiting motorised use of an unsealed unclassified road (Brackley Gate) because of anti-social behaviour and fly-tipping on land accessed from the road, except by permit. GLASS and Trail Riders Fellowship (TRF, another organisation representing recreational motorists) have agreed with Erewash Borough Council that their members will be granted permits by the council on application and proof of membership. These organisations may suggest to you that a similar permit system be used for your TRO. We would oppose this on two grounds: first, that the problems caused by recreational motorised use affect the roads, not just land accessed from the roads, and second, that a TRF group have been amongst the recreational motorists who drive illegally on land (see photos of Hullock Bank in Appendix 3) accessed from Scar End Lane.

Section 122 RTRA 1984

23. Following the judgment (2019) by the Court of Appeal in a case in which the Trail Riders Fellowship challenged a TRO made by Hampshire County Council for three green

lanes, the Court concluded that the traffic authority should have in mind the duty (s122(1)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable, and then have regard to factors in favour of imposing a restriction, which will include the reasons in section 1 RTRA 1984. We suggest that you should follow this approach explicitly in your decision. We point out that these roads are not expeditious or convenient for motor vehicle users (nor are most of them safe having narrow sections) compared with nearby tarmac roads.

Minor errors in the First Schedule

24. We think two of the plan references in Column 1 of this schedule are wrong. The plan showing Meal Hill Lane and Nichol Lane (Column 2) is Plan 4, not Plan 5. The plan showing Nichol Lane and Dick Edge Lane (Column 2) is Plan 4, not Plan 1. Also we think the reference in Column 2 to the junction of Ramsden Lane with Brownhill Road should read Brownhill Lane, not Brownhill Road.

Conclusion

25. Non-motorised users and residents have been asking you for a TRO prohibiting all recreational motorised traffic on Ramsden Lane/Road since 2006 for reasons of safety, amenity, natural beauty and preserving suitability for non-motorised use. This demand and reasons also apply to Cheese Gate Nab Side, Scar End Lane and Scaly Gate. A TRO which allows some recreational motorised traffic by permit will not satisfy these reasons. Furthermore consultees cannot make an informed response to this consultation because you have not provided any information about which motorised users will benefit from the permit scheme. We object to the TRO as proposed because of this lack of information, the failure to exempt access to premises, and because of the omissions in the statement of reasons and in the extent of the TRO (for Scaly Gate and Scar End Lane).

Objection 11

Proposed TROs: Scaly Gate, Scar End Lane, Ramsden Rd, Brownhill Lane, Kiln Bent Rd, Rake Head, Old Gate

All the above routes have been severely damaged by recreational 4x4s and motor bikes. Kirklees has recognized that this use has created public nuisance for residents, danger for non-motorized users and environmental damage to verges, trees, banks and walls. We wish to see TROs on all these routes but we are opposed to the TROs as currently drafted. The statement of reasons for the TROs says that their purpose is to end nuisance and danger to other highway users and to stop damage to the highways and their surrounding landscape such as blocked streams, damaged walls 'etc'. It says that the TROs will allow for avoiding danger, preventing damage to the roads, facilitating the passage of [unspecified but presumably non-motorized] traffic, and preserving the character of the roads, especially for walkers and horse riders.

As drafted, the TROs will have an exemption for any motor vehicle if it 'displays in the relevant position a permit issued by the Council'. The reasons for proposing a permit scheme, the scope of the scheme, how it would operate, the number of permits to be issued, and to whom or to what class of user have not been explained. Kirklees is, in effect,

asking the public to give its views on a proposal about which it has no information. This is an unacceptable way to carry out a public consultation.

We can only speculate on the nature of the permit scheme. If permits are to be restricted to residents needing access, we would have no objection. If they are to be issued to motorcyclists, which we understand may be the intention, then we strongly object.

Motorcycles present more danger to non-vehicle users than 4x4s because of their speed, particularly on unsighted bends. On soft ground motor bikes damage surfaces by creating wide sets of deep parallel ruts. As well as damaging surfaces, this makes routes inaccessible to some users and it encourages motor cyclists to drive on and damage verges. All of this has happened on these routes. For these reasons, a permit scheme permitting motorcycle use defeats the very purposes of the TROs given in the Statement of Reasons.

If the intention is to give access to motor cycles under a permit scheme, the Authority should be setting out and sharing with the public as part of this consultation its view on the volume of motorcycle use (per week, or month or year), and hence the number of permits, that it believes will not cause damage or danger, and it should be explaining how it has reached this view. It has done neither.

Where permit schemes for recreational motor vehicles have been tried in other parts of the country, they have been easily open to abuse, for example by vehicle users the sharing of pass codes to padlocked gates.

In summary, we are opposed to these TROs as drafted if the proposed permit scheme gives continuing access to motorcycles. Only full TROs excluding all types of recreational motor vehicle are sufficient to achieve the Authority's stated aims for these routes.

We also think that, because Kirklees has failed to provide any information about the proposed permit scheme, the public cannot reach an informed view and that the consultation is therefore fatally flawed.

Objection 12

With regard to the above TRO reference we totally AGREE with the closures as shown on Plan 5. However we believe this should be a total closure and NOT with the use of permits as they will be open to abuse by persons with motorised vehicles. If the correct signage is in place then this will stop all motorised vehicles. As there is no access to fields between the proposed closures there is no need for a permit system as it would only be for the purpose of recreational use by motorised vehicles. Why have a permit system when the lanes have been closed and cannot be policed it will be open to any amount of abuse. We have assumed that you are proposing to install gates when the concrete blocks which were used before worked perfectly well and allowed the lanes to recover somewhat from the damage created by the 4x4 vehicles and motorbikes. The priority use of these lanes as a B.O.A.T is for horses pedestrians and cyclists only not for motorised vehicles. We need to stop these vehicles once and for all as they are constantly alarming residents the general public our horses sheep and other farm animals with the noise and pollution they are causing along with all the rubbish they are leaving behind. The most important reason for a permanent closure of these lanes is to stop the further erosion and destruction.

While writing the closure point on Plan 5 No3 needs to be 10m past our gate to gain access to our field.

Objection 13

We have today become aware of a proposed TRO affecting Ramsden Road.

Please may we have an opportunity to lodge an objection to the proposed TRO

We would normally be notified and consulted in accordance with regulation 6(1), item 7(c), of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and consider that we should have been so consulted in this instance. The regulation allows for TRF to be consulted and lodge an objection at this stage of the TRO process.

The Trail Riders Fellowship ("TRF") is an organisation representing users affected by the proposed order. Kirklees will be aware of TRF, having agreed the attached consent order relating to a previous TRO affecting Ramsden Road.

If Kirklees will not allow TRF opportunity to object, please can we have a reasoned explanation as to why not.

Objection 14

Hope you are doing well.

I was participating on a video call (May 2024) regarding Ramsden road with council representatives as well as TRF (##) and MAG (##) representatives (representing local TRF riders using the Ramsden road). We discussed at that time about limiting access to 4x4 but still allowing recreational motorbike riding.

I was surprised when we went with a group of riders doing our ride (we do it once a few months) to find that the Ramsden road was completely blocked by concrete blocks (unpassable).

Upon inspection we found a TRO that does not only close Ramsden road, but multiple roads which are part of our ride. This TRO was past due to Object for us as we did not ride there for a while.

I checked with ## if WY TRF was consulted about this TRO and it wasn't communicated at all.

This was really shock to us, as even though only once a few month, we organize a ride where members from other parts of Yorkshire (West Yorkshire TRF) join us and we guide in our local area and then we get offered the same treatment riding with them in their local areas. I have to say our local run was really liked, closing these lanes will cause major blow to our ride and force us to have longer tarmac time to connect to other lanes (that are still open) using longer road through villages.

Most of us are hard working "older" gentlemen that face daily stress at work, business and riding the bikes is a way for us to relax. Same as someone likes chess, someone likes rugby, someone rides horses, we do like adrenaline and tiredness from green lane riding. Riding offroad is a balsam for my stress and many of our members feel the same...

We as TRF are promoting legal riding, however I am afraid, if more and more lanes are being closed then there is no reason for people to join TRF as there won't be much we can offer to them. Green lane map that TRF maintains will show less and less legal lanes.

Putting on TRO will only stop law abiding citizens, it won't stop the riders that don't care and I assume this type of riders is the one you don't want on those roads.

Please could you speak to the responsible parties to ensure this situation does not become a standard? We would like to be consulted on any proposals, this way we can object, but also we can keep our green lane map up to date.