

# Traffic Regulation Order Report:

## Proposed Prohibition of Driving & Prohibition of Motor Vehicles: Various Roads, Parishes of Newland & Littledean, Gloucestershire.

Version 1 – May 2024

Revision	Description	Author
1	First Issue	WC

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**Traffic Regulation Order Title:**

**GLOUCESTERSHIRE COUNTY COUNCIL (PROHIBITION OF DRIVING & PROHIBITION OF MOTOR VEHICLES) (VARIOUS ROADS IN THE PARISHES OF NEWLAND AND LITTLEDEAN) (FOREST OF DEAN DISTRICT) ORDER 2023**

**Case Officer: Will Cox, Traffic Engineer, Traffic Regulation Orders Ltd.**

**Senior Case Officer: Hannah Bassett-Louis, TRO Manager, Gloucestershire County Council.**

**1. Purpose of Report**

- 1.1. To provide background information on the proposed Traffic Regulation Order (TRO) entitled above.
- 1.2. To provide details of representations made in relation to the TRO. A copy of the representations received is included in the appendices at the end of this report.
- 1.3. To make a recommendation to the Traffic and Active Travel Manager on the way forward.

**2. Recommendation**

- 2.1. That, for the reasons given in this report and after consideration of the representations made, GCC now:
  - Makes the order as advertised in February/March 2023 with the exception of Track from Newland towards Bircham Wood (50034) which should be abandoned.

**3. Background and Purpose of the Scheme**

- 3.1. The proposal is to introduce the restrictions detailed below:

Prohibition of Driving:

- Coxbury Lane (50029), Redbrook from a point approximately 26 metres south-west of its junction with Tinmans Green (43212) to its junction with Coach Road (43025)

Prohibition of Motor Vehicles:

- Track from Newland towards Bircham Wood (50034), Newland from a point approximately 147 metres east of its junction with Road from Swanpool Wood to junction with Almhouse Road (C357) for a distance of approximately 728 metres in a north-easterly direction.

Prohibition of Motor Vehicles Restriction with access exemptions:

- High Street (40118), Littledean for its entire length
- The Ruffit (40118), Littledean for its entire length
- Callamore (45072), Littledean for its entire length
- The Ruffit (40119), Littledean for its entire length
- Reddings Lane (40118), Littledean for its entire length

- 3.2. The measures on Coxbury Lane, Redbrook are being proposed in order to address the inappropriate use of this section of Coxbury Lane by cycles and motorcycles. The Prohibition

of Driving restriction will prevent all vehicles from using the road, which is a stepped area with a central handrail, and will provide a safe area for pedestrians to utilise.

3.3. Following concerns raised by local representatives about unsuitable motor vehicle use, the measures along the Track from Newland towards Bircham Wood (50034), Newland are being proposed for the following reasons:

- For avoiding danger to persons or other traffic using the road or any other road or preventing the likelihood of any such danger arising.
- For preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.
- For preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot.
- To prevent unsuitable use by vehicles to provide a safe area for pedestrians, cyclists & horse riders.
- To prevent accelerated damage to vegetation, surrounding biodiversity, and the highway.

3.4. At The Ruffit, High Street, Callamore & Reddings Lane, Littledean it is proposed to make a minor change to the existing prohibition of driving (except for access) restrictions to a prohibition of motor vehicles (except for access) restriction. This alteration is primarily proposed in order to permit the roads to be used by cycles and other non-motorised vehicles without an access requirement and to aid enforcement of the current restrictions. This new proposed restriction will also provide clarity to the public regarding the scope of the restrictions, as it will match the existing signage at the site. There will be no material changes to the effect the restriction has on residents over the current situation.

## **4. Law and Policy**

4.1. The Road Traffic Regulation Act 1984 sets out the legal basis for making TROs. The proposal meets with Section 1 of the Road Traffic Regulation Act 1984 which allows GCC to make an order to:

- avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; and
- for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

4.2. Thorough consideration has been given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing this TRO. This requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians). In carrying out this exercise GCC must have regard to the:

- a) Desirability of securing and maintaining reasonable access to premises.
- b) The effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run.
- c) The strategy prepared under Section 80 of the Environment Act 1995 (the national air quality strategy).
- d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.

e) Any other matters appearing to the local authority to be relevant.

- 4.3. Any changes are made in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Under this procedure authorities are expected to consult local community groups and the Police together with other organisations listed where appropriate, such as the other emergency services and transport operators.
- 4.4. GCC is required to advertise the draft TRO it intends to make, to allow a period for representations of support or objection to be submitted. After this consultation, GCC must consider any representations received and having done so, to either:
- a) Resolve to make a TRO in the form originally intended and advertised; or
  - b) Modify the TRO from the originally advertised and re-consult where necessary; or
  - c) Abandon the proposal altogether.
- 4.5. Significant modifications to the proposed TRO would need to be consulted on with those that maybe affected to provide further opportunity for representations to be made.
- 4.6. Traffic Authorities have the flexibility to implement restrictions that are appropriate for an individual road, reflecting safety and road user needs whilst taking into account all local considerations.

## **5. Traffic Data**

- 5.1. There has been one recorded traffic collision on The Ruffit in the previous five years. There have been no recorded traffic collisions on Coxbury Lane or the Track from Newland towards Bircham Wood (50034). Collision Data can be found in Appendix F.

## **6. Consultation on the proposed TRO**

- 6.1. Residents and businesses directly affected by the proposals were consulted from 29<sup>th</sup> November 2022 to 4<sup>th</sup> January 2023. A letter and plan were posted directly to properties which explained the proposals and the reasoning behind them. Consultees were able to respond via email or post.
- 6.2. Statutory consultation for the proposed restrictions in the scheme was undertaken between 20<sup>th</sup> February 2023 and 17<sup>th</sup> March 2023. A letter and plan were emailed to the Statutory Consultees explaining the proposals and the reasoning behind them. Consultees were able to respond via email or post.
- 6.3. Formal public consultation (Notice of Proposal) was undertaken between 22<sup>nd</sup> February 2023 and 17<sup>th</sup> March 2023 with Notices placed on site and delivered to directly affected properties, in the local newspaper (The Forester), on the County Council's website and on deposit in the Map Room at Shire Hall, Gloucester. The representations made can be found in Appendix D.

## **7. Objections/Support**

- 7.1. The Statutory Consultees responded as follows:

<b>Name</b>	<b>Comments</b>
County Councillor for Blakeney and Bream	Supports the Proposal

County Councillor for Sedbury	No comments received but has been involved throughout the TRO process
District Council	Offered no objections to the proposals
Freight Haulage Association	No comments received
Road Haulage Association	No comments received
Police	Offered no objections but had concerns surrounding the enforcement of the restrictions
Fire & Rescue	No comments received
Ambulance Service	No comments received
Parking Enforcement Team	No comments received
Local Highway Manager	No comments received
Newland Parish Council	Supports the proposal

## 7.2. Other responses received during the Public Consultation (Notice of Proposal):

### Coxbury Lane, Redbrook

18 responses were received. Of these, one was in support and 17 were in objection to the proposal.

### Track from Newland towards Bircham Wood (50034), Newland

63 responses were received. Of these, 27 were in support and 36 were in objection to the proposal.

### The Ruffit, High Street, Callamore & Reddings Lane, Littledean

2 responses were received. Of these, one was an objection to the proposal and the other was a non-committal response.

## 8. Details of Upheld Objections and Case Officers Response

### Coxbury Lane, Redbrook

- 8.1. All objections received were from objectors that state they enjoy using this section of carriageway (the steps) for recreational purposes. A generic response from multiple respondents stated that they have used the road for the last 10-15 years and had experienced no problems with the road surface conditions. They stated that there was no reason that they could not continue to use this for recreational purposes and there have not been any interactions with other road users. Some of the objectors claim that a TRO here would not be the best use of public funds given that recreational use of this road is infrequent.
- 8.2. In response to the objections, the measures on Coxbury Lane are being proposed in order to address the inappropriate use of this section of Coxbury Lane by cycles and motorcycles. The Prohibition of Driving restriction will prevent all vehicles from using the road which is a stepped area with a central handrail. Given that this area is utilised for pedestrians, pedestrians will not expect vehicles to be using the area and there is potential for a serious safety issue should a pedestrian confront a vehicle here, given there is limited space for pedestrians to allow a vehicle (which may be travelling at speed) to pass and the elevation of the road. GCC, as the highway authority, has a duty to maintain safety for all road users and the introduction the prohibition of driving restriction here will provide a safe area for pedestrians to utilise. The proposal aligns with the council's duties under Section 1 of the RTRA 1984 "to prevent unsuitable use by vehicles to provide a safe area for pedestrians".

### Track from Newland towards Bircham Wood (50034), Newland

- 8.3. All objections that were received were from objectors that stated they enjoy using this section of carriageway for recreational purposes. A generic response from multiple respondents stated that they have used the road for the last 10-15 years and had experienced no problems with the road surface conditions. They stated that there was no reason that they could not continue to use this for recreational purposes and there have not been many interactions with other road users along this section.

The objectors state they drive slowly and respectfully when they encounter pedestrians and riders on horseback. They state that they are not aware of any incidents between recreational vehicle users and other road users. Therefore, they say there is no sufficient reason to close the road given that the recreational vehicle users make an effort to keep the road clear of branches and other obstructions. They stated that preventing the public from using the highway to go about lawful business must only be made as a last resort and in this case, it has been made as a first resort. Several organisations/clubs/groups volunteered to carry out maintenance and repair work on the highway in question.

Several objectors promoted the idea of sustainable and responsible use of this Class 5 highway and questioned whether it is fair to exclude one group (recreational motor users) for the benefit of the others (walkers, horse riders etc). They state that access shouldn't be influenced by a minority for a minority.

Another response stated that this road is a widely recognised method for people with disabilities to access the countryside.

One of the organisations cited Section 122 of the RTRA 1984, which places duty on traffic management authorities to use their powers to secure expeditious, convenient and safe movement of vehicles and other traffic and that the introduction of this TRO would go against these duties. They also stated there is no government guidance on what is 'unsuitable' or what makes one road suitable for horse riders or walkers compared with the character of other roads. They also cited Section 130 of the Highways Act 1980, which places a statutory duty on GCC to protect public rights to use and enjoy the highway and state that all users must be treated equally, fairly and without prejudice. They quote studies which show that the average daily public vehicle movement on the unsealed roads network is 2 cars and 1 motorcycle and therefore the impact of vehicles on this road (and the local neighbourhood) is very infrequent.

- 8.4. In response to these objections, as a result of a review, balancing both those in support and in objection to the proposal, GCC has decided to abandon the Prohibition of Motor Vehicles restriction on this road for the following reasons:
- The significant number of objections to the proposal show that there is a strong community who enjoy using this road for recreational purposes with vehicles suitable to the terrain of this Class 5 highway. The introduction of the TRO here would prevent this community from undertaking these activities.
  - The use of the road by recreational users is infrequent and therefore damage to the highway is unlikely.
  - The road has been utilised by these vehicle users for many years so is not a new phenomenon in the local area and is in keeping with the character of the road.

- There have been no reported collisions along this section of carriageway in the latest 5-year period.
- The road is located within a rural area and rural recreational activities are common occurrences in these areas and provides access to the countryside for all, and particularly those less able.
- Engagement from the recreational motor vehicle users and groups who have promised to use the road sustainably and responsibly, to lessen their impact on the local community. Therefore, GCC will work with these users and groups to ensure that these promises are met and if deemed necessary, will review the requirement for a TRO here in the future.

#### The Ruffit, High Street, Callamore & Reddings Lane, Littledean

- 8.5. One response was received which stated an objection to all the roads listed in the TRO proposal. No further detail was given on the objection in relation to The Ruffit, High Street, Callamore & Reddings Lane.
- 8.6. In response to the objection, it is proposed to make a minor change to the existing prohibition of driving (except for access) restrictions to a prohibition of motor vehicles (except for access) restrictions. This alteration is primarily proposed in order to permit the roads to be used by cycles and other non-motorised vehicles without an access requirement and to aid enforcement of the current restrictions. This new proposed restriction will also provide clarity to the public regarding the scope of the restrictions, as it will match the existing signage at the site. There will be no material changes to the effect the restriction has on residents over the current situation.

## **9. Equality Impact Assessment**

- 9.1. GCC has given due regard to the 3 aims of the general equality duty under the Equalities Act 2010 in relation to the 9 groups (Age, Disability, Sex, Race, Gender reassignment, Marriage and Civil partnership, Pregnancy & Maternity, Religion and/or Belief and Sexual orientation, along with other groups (such as long term unemployed, socio-economical deprived groups, community cohesion, human rights)) with protected characteristics and its decision to make parts of this Prohibition of Driving & Prohibition of Motor Vehicles restriction permanent does not adversely affect any of the groups with those protected characteristics (please see Due Regard Statements in Appendix E).

## **10. Summary**

- 10.1. The proposal is to introduce the restrictions detailed below:

#### Prohibition of Driving:

- Coxbury Lane (50029). Redbrook from a point approximately 26 metres south-west of its junction with Tinmans Green (43212) to its junction with Coach Road (43025)

#### Prohibition of Motor Vehicles:

- Track from Newland towards Bircham Wood (50034), Newland from a point approximately 147 metres east of its junction with Road from Swanpool Wood to junction with Almhouse Road (C357) for a distance of approximately 728 metres in a north-easterly direction.

#### Prohibition of Motor Vehicles Restriction with access exemptions:

- High Street (40118), Littledean for its entire length
- The Ruffit (40118), Littledean for its entire length



- Callamore (45072), Littledean for its entire length
  - The Ruffit (40119), Littledean for its entire length
  - Reddings Lane (40118), Littledean for its entire length
- 10.2. The measures on Coxbury Lane, Redbrook are being proposed in order to address the inappropriate use of this section of Coxbury Lane by cycles and motorcycles. The Prohibition of Driving restriction will prevent all vehicles from using the road, which is a stepped area with a central handrail, and will provide a safe area for pedestrians to utilise.
- 10.3. Following concerns raised by local representatives about unsuitable motor vehicle use, the measures along the Track from Newland towards Bircham Wood (50034), Newland are being proposed for the following reasons:
- For avoiding danger to persons or other traffic using the road or any other road or preventing the likelihood of any such danger arising.
  - For preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.
  - For preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot.
  - To prevent unsuitable use by vehicles to provide a safe area for pedestrians, cyclists & horse riders.
  - To prevent accelerated damage to vegetation, surrounding biodiversity, and the highway.
- 10.4. At The Ruffit, High Street, Callamore & Reddings Lane, Littledean it is proposed to make a minor change to the existing prohibition of driving (except for access) restrictions to a prohibition of motor vehicles (except for access) restriction. This alteration is primarily proposed in order to permit the roads to be used by cycles and other non-motorised vehicles without an access requirement and to aid enforcement of the current restrictions. This new proposed restriction will also provide clarity to the public regarding the scope of the restrictions, as it will match the existing signage at the site. There will be no material changes to the effect the restriction has on residents over the current situation.
- 10.5. Representations were received during the Notice of Proposal (Public Consultation) process from members of the public with regards to the proposed restrictions. As a result, the TRO proposal on the Track from Newland towards Bircham Wood (50034) in Newland has been abandoned. The TRO proposal on Coxbury Lane, Redbrook and The Ruffit, High Street, Callamore & Reddings Lane will proceed as proposed. All representations have been outlined and responded to within this report in Section 8, in alignment with GCC's duty under the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 10.6. In considering the assessment under Section 122 of the Road Traffic Regulation Act 1984, the proposed Prohibition of Driving restriction on Coxbury Lane, Redbrook & Prohibition of Motor Vehicles restriction on The Ruffit, High Street, Callamore & Reddings Lane meets GCC's obligations in that they would ensure the expeditious, convenient, and safe movement of vehicular and other traffic on the highway.

## **11. View of the Case Officer**

- 11.1. This report demonstrates that the introduction of the proposals is consistent with National Guidance and has been fully consulted upon in accordance with Gloucestershire County Council procedures and followed necessary statutory procedures, as set out in the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996.
- 11.2. A total of 54 Objections have been received from members of the public across the proposal areas during the Notice of Proposal (Public Consultation) process, which at Newland is a notable proportion of those consulted throughout the area. Therefore, GCC have abandoned the proposal at the Track from Newland towards Bircham Wood (50034), Newland and will proceed as proposed at Redbrook for safety reasons and Littledean where the proposals are deemed to be more acceptable to the vast majority.
- 11.3. The final proposals (as shown in Appendix D) have been designed, taking into account the representations received, but also balancing this with the Council's duties under Sections 1 and 122 of the Road Traffic Regulation Act 1984.
- 11.4. It is considered that the restrictions proposed meet GCC's objectives and therefore, it would be beneficial that the TRO be made as it were advertised in February/March 2023 with the exception of the Track from Newland towards Bircham Wood (50034) which should be abandoned.


## **12. Recommendation by the Senior Case Officer**

- 12.1. I am satisfied that the TRO has been correctly advertised and consulted upon in accordance with the Road Traffic Regulation Act 1984 and the procedures laid down in that Act.
- 12.2. The necessary statutory procedures as set out in the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996 have been followed, and guidance, including the Traffic Signs Regulations and General Directions 2016 have been considered.
- 12.3. Although 54 objections were made to the TRO, 36 of these were in objection to the Track from Newland towards Bircham Wood (50034). I am satisfied that all the objections have been duly considered, reviewed and responded to and that a balance has been drawn between the objections and safety of all road users.
- 12.4. After considering all background information, representations and data supplied in this report, I recommend that the formal representations for Redbrook and Littledean are considered as minor in nature.
- 12.5. I recommend that the TRO is made permanent as advertised in February/March 2023 with the exception of Track from Newland towards Bircham Wood (50034) which should be abandoned under delegated authority.

## **13. Decision By the Traffic & Active Travel Manager**

- 13.1. I have considered the report, recommendations and whether to hold a Traffic Regulation Committee. I have also considered the representations that we have received in relation to this matter in making my decision. I have decided that Gloucestershire County Council should:
  - Make the order as advertised in February/March 2023 with the exception of Track from Newland towards Bircham Wood (50034) which should be abandoned.

13.2. As a result of the above I give authorisation for the Assistant Director of Legal Services to act on my decision pursuant to delegations approved in accordance with the Local Government Act 1972 and subsequent legislation.

Signed: 

Nathaniel Davis – Traffic & Active Travel Manager

Date: 16/09/2024

## **Appendices**

**Appendix A** – Advertised Proposal Plans Prohibition of Driving & Prohibition of Motor Vehicles Restrictions.

**Appendix B** – Advertised Draft Legal Documents for Prohibition of Driving & Prohibition of Motor Vehicles Restriction.

**Appendix C** – Representations received during the Notice of Proposal Public Consultation.

**Appendix D** – Final Proposal Plans Prohibition of Driving & Prohibition of Motor Vehicles Restrictions.

**Appendix E** – Statement of Due Regard.

**Appendix F** – Collision Data.