

Divisions: Hendreds & Harwell

**CABINET MEMBER FOR ENVIRONMENT– 10 OCTOBER 2019
PROPOSED TRAFFIC REGULATION ORDER
OXFORDSHIRE COUNTY COUNCIL
(ARDINGTON, LOCKINGE, EAST HENDRED AND
WEST HENDRED - ICKNIELD WAY BYWAYS AND RESTRICTED BYWAY)
(PROHIBITION OF MOTOR VEHICLES AND LIMITATIONS ON DRIVEN HORSES)**

Report by Director of Community Operations

RECOMMENDATION

1. The Cabinet Member for the Environment is **RECOMMENDED** to approve the proposed prohibition of motor vehicles and horse drawn carriages from parts of the Icknield Way, with the single exception that subject to design constraints, technical approvals and project thresholds being satisfactorily met, permit light horse-drawn carriages that meet the stated weight and width limitations.

Introduction

2. This report considers responses to a consultation for a proposed Traffic Regulation Order (TRO) for two sections of the Icknield Way in order to deliver Route 1 of the Science Vale Cycling Network Project. It presents the arguments supporting and objecting to the proposed TRO along with background and supporting information. It includes proposed amendments to the TRO based on submitted representations and makes recommendations to the Cabinet Member for the Environment.

Background

3. The Icknield Way affected by the proposed TRO in Part A is currently a Byway Open to All Traffic (BOAT) starting from Well Street near Ardington running east to Ginge Road via the Ginge Brook crossing. The continuation of the Icknield Way affected by the proposed TRO in Part B is currently a BOAT before changing status to Restricted Byway at the West Hendred/East Hendred parish boundary continuing to the Newbury Road.
4. The Science Vale Cycle Network (SVCN) project is a package of measures on eight routes. The ambition is to raise the status of cycling in the Science Vale area through the provision of innovative and high-quality cycling facilities supporting the growth and investment being made in Science Vale. The project aims at providing easier and greater connectivity between three main employment centres at Harwell Oxford, Milton Park and Culham Science Centre and key urban centres: Didcot, Abingdon and Wantage within the Science Vale area. The whole SVCN project is being funded by the Oxfordshire Local Enterprise Partnership. The "Icknield Greenway", the subject of this report, is route 1 of the SVCN and is specifically being developed to improve access for cyclists and walkers as well as equestrians having regard to the protected designation of the North Wessex Downs Area of Outstanding Natural Beauty that it passes through. This project shortens the distance and improves the route direction compared with the current Sustrans cycle route 544 between Wantage and Harwell, and brings the route closer to the villages, residents and visitors of Ardington, West Hendred and

East Hendred. The scheme meets the aims of the adopted Oxfordshire Rights of Way Improvement Plan.

5. The Icknield Greenway will use existing public rights of way and carriageways (roads). It is proposed that one footpath will be upgraded to bridleway and one private track will be dedicated as bridleway. Public rights of way surfacing improvements will mostly be unsealed stone with one section having a renewal of the current asphalt surface with a more horse-friendly asphalt surface. A new crossing of the Ginge Brook is required along with construction of new access slopes each side of the crossing. Access gates will be provided for safety and convenience where needed along with bollards and gates to prevent unauthorised vehicle access at key points. On-road improvements include warning and direction signs in keeping with the local environment.

Reasons for proposed Traffic Regulation Order

6. It is considered necessary to restrict access to motor vehicles on the full length of the two sections of BOAT. Part A will restrict approximately 1400m with 350m required for greenway construction and operation. Part B will restrict approximately 1400m, all of which will be used for the greenway but of which around 600m is already Restricted Byway. It is not possible to create additional routes on Part A that would prevent the creation of cul-de-sac routes for motor vehicles which is why the road to road restrictions are necessary.
7. It is further considered necessary to restrict access to larger horse-drawn carriages on Part A of the route, but following consultation, a relaxation in the proposed restriction is considered possible for smaller lightweight carriages providing that technical assessments support this and that overall project delivery timescales and costs are not significantly impacted. Smaller carriages are those with a Gross Vehicle Weight below 0.5t and below 1.4m width.
8. Initial design and assessments have been undertaken by the lead designer, WSP after discussions with public rights of way officers, landowners and managers, local stakeholders and the project team. A 'byway user assessment' memo was issued, Annex 1, which informed the development of the formal proposed TRO consultation based on safety and engineering criteria. Further to that a Stage 1 Vulnerable Road User Audit, Annex 2, was issued to assess the project.
9. The TRO is being proposed on the following grounds of the Road Traffic Regulation Act (RTRA)1984
 - i. RTRA section 1(1)(a) "*for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising*"
 - ii. RTRA section 1(1)(c) "*for facilitating the passage on the road of any class of traffic (including pedestrians)*"
 - iii. RTRA section (1)(1)(e) "*for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot*"
 - iv. RTRA section (1)(1)(f) "*for preserving or improving the amenities of the area through which the road runs*"
 - v. RTRA section (22) (2) "*affording better opportunities for the public to enjoy the amenities of the area, or recreation ... in the area*"

Consideration of R122 (1) of the Road Traffic Regulation Act 1984

10. This duty requires Oxfordshire County Council *to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable*. In developing this scheme, OCC has looked at how access along the proposed route 1 Icknield Greenway can be improved in order to meet the aims of the SVCN project. It is considered that by creating new links and upgrading the existing status and condition of routes with the cooperation of the landowners it is possible to secure a more direct and shorter route for cyclists, equestrians and walkers thereby meeting the expeditious, convenience and safety duty.
11. Public motor vehicle and driven horse (carriage) use is currently lawful along the byway sections of the route which includes the whole of Part A, whereas for Part B lawful public motor vehicle use stops at the parish boundary creating a cul de sac. Horse-drawn carriages may use the full length of Part B route. Currently mechanically propelled vehicles (MPV) and carriage users are challenged by the Ginge Brook crossing and access slopes as well as the reported temporary use of logs and other barriers intended to prevent access for criminal activities. Both parts are currently not considered to be expeditious, safe or convenient for MPV or carriage users alongside non-MPV users. Note that the Ginge Brook crossing was installed at the request of the British Horse Society when the route was designated as a Carriage Road and Bridleway (CRB).
12. In order to secure safe access for MPV and large carriage users along Part A whilst ensuring safety of non-MPV users, it would be necessary to design a crossing and slope facility that met current construction design standards and that was buildable within the constraints of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) designation and the watercourse, and other considerations including land management. Given that this facility would have to be over 4m wide and capable of carrying up to 40t Gross Vehicle Weight (GVW), but more likely 3.5t GVW, and have significant additional excavations of the field to enable access to the approach slopes, it is considered that a shared access solution is not possible due to the constraints. An additional bypass route for any user type is not considered possible due to the site, environment and landowner restrictions. The only other possible option would entail removing the current bridge altogether and replacing this with a fording facility for all users apart from walkers where a footbridge could be provided. With no expected likelihood of securing consent for the necessary extensive excavation and regrading of the field to reduce the gradient it is considered that this solution would result in making it harder for all users apart from some MPVs and may or may not increase the likelihood of accident and injury as well as environmental damage. In addition, the cost of this undertaking would significantly exceed the project budget. On balance it is considered that access improvements to the route of the Icknield Greenway to facilitate walkers, cyclists and equestrians and achieve the aims of the SVCN project are safe, convenient and expeditious as well as being deliverable.
13. With regard to cul-de-sac sections it is not considered expeditious, safe or convenient for MPVs and large carriages to have to retrace the route from any point of the Part A route not forming part of the Icknield Greenway scheme. Because of this, and the design and other constraints for the Ginge Brook crossing and access slopes it is considered safe, convenient and expeditious for MPV and large carriage users to use the minor asphalt roads connecting each end of the entire Part A route. For Part B, it is not considered expeditious, safe or convenient for MPVs to have to retrace the route at the cul-de-sac alongside non-motorised users (NMU), and the alternative route via minor tarmac roads and the A417 is considered reasonable given that the A417 is the current access road for users outside of the villages

and MPVs have a greater design speed than NMUs.

14. A legal restriction on carriage-driving in the form of a 0.5t gross weight and 1.4m width limitation, alongside physical barriers to prevent larger vehicles gaining access is considered to be an acceptable way of providing some access for smaller and lighter horse-drawn carriages, providing that technical assessments including Road Safety Audit and Bridge Approval In Principle are successfully concluded and that overall project delivery timescales and costs are not significantly impacted.
15. It is noted that the continuation of the Icknield Way to the east of Newbury Road carrying the current route of NCN544 is an asphalt-surfaced byway which then changes status to restricted byway. Given that this existing asphalt surfaced roadway provides frequent vehicle access to farm businesses and this shared access has taken place for a number of years it is not considered necessary to extend the TRO to include this section. However, the byway does change status and the parish council has made this suggestion and so this may be considered for the future if it is deemed necessary.

Consultation

16. An 'informal' consultation took place for three weeks until May 2019 to present the proposal and gain input to the next steps. The thirty-six responses were considered and informed the development of the formal consultation for the proposed TRO. Background Document 1 contains the summary assessment of comments. Background Document 2 contains the issues and options document that officers used to aid discussions.
17. Formal consultation on the proposals as shown at Annex 3 was carried out between 12 August and 13 September 2019. A public notice was placed in the Oxford Times newspaper, and sent to statutory consultees, including British Horse Society, Trail Riders Fellowship, Thames Valley Police, Vale of White Horse Oxfordshire District Council, the Parish Councils and the local County Councillor.
18. One hundred and nineteen responses were received during the re-consultation period. Seventy-nine objections, thirty-four expressions of support and six non-comment, no view or no-objection responses. The responses are summarised at Annex 4 and with copies of the full responses are available for inspection by County Councillors.

Consideration of objections and other comments

19. A number of responses contain what officers consider to be inaccurate or incomplete statements. These inaccuracies are considered significant in terms of the validity of objections and so have been extracted and are included at Annex 5 to the report along with officer confirmatory comments. All representations have been considered in this report's preparation.
20. The Trail Riders Fellowship objection is detailed regarding procedural and technical issues and Annex 6 goes through each of the grounds for objection, counters these where appropriate, as well as containing the representation in full.
21. The British Horse Society objected to the restrictions on Carriage Drivers for part A of the proposed TRO and has supplied additional clarification. Annex 7 goes through each of the grounds for objection as well as containing the objection in full. Having had regard to this representation it is proposed to partially relax the restrictions on carriage driving on Part A to

enable access for smaller and lighter carriages, being under 0.5t GVW and 1.4m wide, providing technical assessments are successfully concluded and that overall project delivery timescales and costs are not significantly impacted.

Consideration of alternative options

22. The route for this project shortens the distance and improves the route direction compared with the current Sustrans cycle route 544 between Wantage and Harwell and brings the route closer to the villages, residents and visitors of Ardington, West Hendred and East Hendred. The new route will provide c3.4km of traffic free route (measured between West Lockinge junction and the Newbury Road junction with Icknield Way) with a road section of 1.4km through Ardington. This means 72% of the total 4.7km will be motor traffic free. The current NCN route provides c1.1 km of traffic free route with road sections of 4.8km. This means 19% of the total 5.9km will be motor-traffic free. Both figures exclude agricultural/service vehicle access. No alternative route options are possible.
23. In the initial work to develop the feasibility of the scheme a small number of other route options were considered. These included a segregated route running parallel to the A417 and a greenway route using footpaths through West Hendred and connecting bridleway to East Hendred. The A417 was not considered feasible due to topography, road junctions, properties and safety/cost considerations. The route through West Hendred was not considered feasible due to the Grade 1 Listed church and curtilage preventing construction of a cycle-able facility.

Financial and Staff Implications (including Revenue)

24. The budget for the proposed work is approximately £750k provided from Oxfordshire Local Enterprise Partnership. All staff costs are recoverable from the scheme. Design, implementation and monitoring of the scheme will enable the provision of a year-round usable route that helps meet current and future commuting, leisure, recreation and tourism needs.

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Background papers: Assessment of Informal Consultation responses
Internal working document – issues and options

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