

NORTH LINCOLNSHIRE COUNCIL

**SAFER, GREENER AND CLEANER SPACES
CABINET MEMBER**

**PROPOSED TRAFFIC REGULATION ORDER – BRIDGE LANE, HORKSTOW,
AND HOLMES LANE, WINTERTON**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To urgently consider an objection lodged with respect to an Experimental Traffic Order (ETO) and to make a Traffic Regulation Order (TRO) at the cessation of the ETO if the ETO is deemed to be serving its purpose.

2. BACKGROUND INFORMATION

- 2.1 In March 2017 North Lincolnshire Council implemented an ETO under section 9 of the Road Traffic Regulation Act 1984. The purpose of this was to stop or greatly reduce vandalism and anti-social behaviour in the vicinity of Horkstow Bridge by preventing offenders from gaining direct access to it in motor vehicles (**see Appendix 1**).
- 2.2 The ETO expires on 2 September 2018 and the TRO, if approved, would begin as soon as the ETO lapsed.
- 2.3 Horkstow Bridge is in a remote location with no dwelling or other premises nearby. Policing the ETO was therefore problematic, especially given why it was implemented. Two robust metal gates were therefore installed, one across Holmes Lane and the other across Bridge Lane, at the start of either end of the length of road to which the ETO was applied. These include combination locks to allow legitimate users, such as the owners and occupiers of adjacent land, to continue to enjoy freedom of access.
- 2.4 The consensus amongst the local Neighbourhood Action Team, affected landowners, The Environment Agency (owners of the grade-two-listed Horkstow Bridge), English Heritage, the police, local councils and North Lincolnshire Council officers is that vandalism, fly-tipping and anti-social behaviour have greatly reduced since the ETO began. Logically, therefore, a TRO would ensure this improved situation continued. Without it, the gates would have to be removed and the problems would be likely to return.

- 2.5 One objection only has been lodged since the ETO's implementation, which was on behalf of the Barton-upon-Humber Wildfowlers' Club. Their grievances, which relate to Bridge Lane only (not Holmes Lane), are that they were not consulted and is that Bridge Lane has been a public right of way for over ninety years, neither North Lincolnshire Council nor anyone else can obstruct it, therefore Bridge Lane is obstructed illegally, the obstruction prevents access for emergency vehicles and the [Bridge Lane] gate is difficult to open (**see Appendix 2**).
- 2.6 In response, we would adjust the design of the Bridge Lane gate to make it easier to open, provide the emergency services with the combination code for the lock and ensure public bridleway access is maintained. But contrary to the wildfowlers' other assertions, the ETO was lawfully made and any prior consultations were conducted according to statutory requirements.
- 2.7 Since the ETO was made, the bridge at the end of Bridge Lane has been closed to vehicular traffic by the Environment Agency, who own the bridge. This is in response to a structural assessment. This means anyone denied access to Bridge Lane would in any event still be denied vehicular access across the bridge by virtue of the physical obstruction placed there by the Environment Agency. The Environment Agency have no future plans to repair this bridge to an adequate standard to allow vehicular access to resume.
- 2.8 As well as allowing us to maintain gates across Bridge Lane and Holmes Lane, a TRO has an additional deterrence effect in that contravention is a criminal offence.
- 2.9 An urgent decision is required in order to meet the legal timescales for making the TRO at the cessation of the ETO.

3. OPTIONS FOR CONSIDERATION

- 3.1 Whether or not a TRO should be made corresponding with the current ETO and taking effect when the latter lapses.

4. ANALYSIS OF OPTIONS

- 4.1 By not making a TRO, the lapsing of the ETO on 2 September 2018 will return us to the status quo ante. The problems that triggered the making of the ETO would be likely to return.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The cost of advertising the TRO is around £1,000.

5.2 Some modifications to the existing gates will be required to enable equestrian access to the bridleway. This could be funded from within existing budgets.

5.3 There are no other resource implications associated with this report.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IAA) IF APPLICABLE

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The required statutory consultations were undertaken in accordance with the making of the ETO. Further consultation for the TRO is therefore unnecessary. The one objection these elicited, viz. from the Barton-upon-Humber Wildfowlers' Club, is as discussed above.

8. RECOMMENDATIONS

8.1 It is recommended that the cabinet member approve the making of a TRO to run concurrent to the cessation of the present ETO (namely, a 490-metre length of Holmes Lane, Winterton, between SE96771808 and SE97251813 and a 645-metre length of Bridge Lane, Horkstow, between SE97961898 and SE97321900, the two being connected by a public bridleway along the western bank of the River Ancholme New Cut, which the public are already prevented from using with mechanically propelled vehicles under section 34(1)(b) of the Road Traffic Act 1988).

EXECUTIVE DIRECTOR: COMMERCIAL

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Author: Colin Wilkinson
Date: 13 August 2018

Background Papers used in the preparation of this report: None

APPENDIX 1

NORTH LINCOLNSHIRE BOROUGH COUNCIL

THE NORTH LINCOLNSHIRE BOROUGH COUNCIL
(BRIDGE LANE, HORKSTOW AND
PART OF HOLMES LANE, WINTERTON)
(PROHIBITION OF DRIVING) (EXPERIMENTAL) ORDER 2017

North Lincolnshire Borough Council (hereinafter referred to as "the Council") in exercise of its powers under Section 9 of the Road Traffic Regulation Act 1984 (hereafter referred to as "the Act of 1984") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order:

- 1 This Order shall come into operation on the 3rd March 2017 for a period of 18 months and may be cited as The North Lincolnshire Borough Council (Bridge Lane, Horkstow and Part of Holmes Lane, Winterton) (Prohibition of Driving) Order 2017.
- 2 No person shall except upon the direction or with the permission of a Police Constable in uniform cause or permit any mechanically propelled vehicle to enter the lengths of road specified in the Schedule to this Order.
- 3 Nothing in Article 2 of this Order shall apply so as to prevent any person from driving any vehicle on the said lengths of road if the vehicle is being used
 - (a) For ambulance, police, special forces or fire purposes;
 - (b) In connection with any building operation or demolition in or adjacent to the said lengths of road, the removal of any obstruction to traffic in the said lengths of road or the laying, erection, alteration or repair in or adjacent to the said lengths of road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telegraph Act 1878;
 - (c) In the service of a Local Authority in pursuance of statutory powers or duties;
 - (d) For agricultural purposes in connection with land adjoining the said lengths of road;
 - (e) Is a relevant permit holder and is permitted to enter the road as authorised by the Council; and
 - (f) Any vehicle as authorised by the Council.

THE SCHEDULE
Prohibition of Driving with the Exemption of
Emergency Vehicles and Authorised Users

<u>Road</u>	<u>Length Affected</u>
Bridge Lane, Horkstow	From the northerly extent of Bridleway 302, Horkstow in an easterly direction for a distance of 890 metres
Holmes Lane, Winterton Winterton	From the southerly extent of Bridleway 302, in a westerly direction for a distance of 475 metres

Given under the Common Seal of North Lincolnshire Borough Council on the 27th
day of February 2017.

**THE COMMON SEAL of
NORTH LINCOLNSHIRE
BOROUGH COUNCIL** was
hereunto affixed in the
presence of:



Wiley

Authorised Officer

Seal No. 8423

APPENDIX 2

Dear Sirs at North Lincolnshire Council,

To Clarify the facts:-

1. We do not accept in principle of the gate being there.
Our Solicitor was incorrect in making the statement she made in the letter she sent you.
2. This gate has caused myself and our club members more aggravation since it was erected last year than all the troubles over the last 20 years in this area.
3. At no time has North Lincolnshire Council ever consulted our Club with regards to this gate at Bridge Lane Horkstow.
4. Bridge Lane has been a Public Right of way for 90 + years.
5. Neither North Lincolnshire Council or any other group or persons has any legal right to prevent Public access on this Lane.
6. The Blocking of Bridge Lane is therefore an illegal activity.
7. The gate prevents access for the emergency services to our land at Horkstow / this is a health and Safety issue.
8. This gate is an intrusion to our legal right of access and also the Public Right of access.
9. Two of our members have injured themselves in endeavouring to open this gate with it's long deep welded cover, both are looking at making a legal claim against the owners of the gate and the persons who authorised the alterations to the gate, which made the gate almost impossible to open.

PLEASE REMOVE THIS GATE AT BRIDGE LANE HORKSTOW.

Regards

Roy Hodsdon.

Secretary of The Barton on Humber Wildfowlers Club.