

Section 116 Highways Act 1980 – Stopping Up Order and Diversion Order – Sandbed Lane (Byway Arthington 11), Arthington, Leeds, LS21 1LH

Date: 29 June 2022

Report of: Site Development Team

Report to: The Chief Officer (Highways and Transportation)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report seeks to extinguish public motorised and horse drawn vehicular rights along the length of Sandbed Lane in accordance with Section 116 of the Highways Act 1980. This includes diverting and stopping up sections along its length as shown on drawing no.SD/217960/Z215/02 at **Appendix C**. In turn, Sandbed Lane would revert to a bridleway.
- Numerous reports have previously been presented to Highways Board in August 2018 and February 2020 as concerns were raised regarding the proposed stopping up and diversions. This was due to the location of gates proposed at the top of the hill on Sandbed Lane, as they would prevent the elderly or disabled from visiting the riverbank by car as they do now.
- Discussions have since taken place with the applicant/landowner and they have agreed to provide and install a parking area to accommodate visitors parking in close proximity to the proposed bridleway. The location and layout of the proposed parking area is indicated on drawing no. no.SD/217960/Z215/04 at **Appendix D**.
- The proposal supports the ambitions and priorities of the Best Council Plan through the removal of vehicular traffic from an area used mainly by pedestrians and horse riders for leisure activities, therefore reducing pedestrian and vehicle conflict and improving safety for users of the route.

Recommendations

The Chief Officer (Highways and Transportation) is requested to instruct the City Solicitor to apply to the magistrates' court for a Stopping Up Order under Section 116 of the Highways Act 1980 to:

- a) stop-up the length of Sandbed Lane between points B and C as shown on drawing no. S D/217960/Z215/02; and
- b) to extinguish public motorised and horse drawn vehicular rights along the length of Sandbed Lane between points A and B as shown on drawing no. SD/217960/Z215/02, with the length affected becoming a bridleway; and
- c) to divert the length of Sandbed Lane between points A and B as shown on drawing no. SD/217960/Z215/02.

Why is the proposal being put forward?

- 1 Warren Lane and Sandbed Lane are located north of A659 Arthington Lane between Pool in Wharfedale and Arthington, approximately 12km northwest of Leeds City Centre as shown on drawing no. SD/217960/Z215/01 Rev A attached at **Appendix B**.
- 2 Sandbed Lane is recorded as a Definitive Byway (ARTHINGTON 11) and is open to all traffic, it begins at the northern extent of Warren Lane and continues north from the western side of the viaduct for a distance of 600m.
- 3 Sandbed Lane originally served the former Castley Fjord across the river which is no longer in use because the river is too deep. Erosion at times of flooding has steepened the banks so there is no longer vehicular access to the riverbed. The byway extends to the centre of the river, from where the route nominally continues into North Yorkshire, but, in practice, is now a dead end.
- 4 For most of its length, the byway is too narrow for two-way traffic or for vehicles to park without obstructing it or trespassing on farmland. There is insufficient space for vehicles to turn at the northern end of the byway without trespassing on farmland so vehicles reaching the far end may need to reverse back along the entire length. For most of its length, the byway is immediately adjacent to the top of the riverbank and any need for reversing or parking close to the edge raises safety concerns.
- 5 Despite its shortcomings, Sandbed Lane can be used for vehicular access to the riverbank, mainly by dog walkers and people seeking to view the river and the viaduct, including some with limited mobility. Vehicular access to more distant views of the river and viaduct are available from Castley Lane on the other side of the river but the journey from Warren Lane is significant.
- 6 The landowner, who farms the land directly, has experienced vehicles causing damage by being driven across the field, fly tipping and theft of large items which would need vehicular transport to remove from the farm buildings accessed off the byway.
- 7 As a result, the landowner installed a gate across the byway just north of its junction with the Sewage Works entrance. The landowner has been unlocking and opening the gate in the morning to allow access to the byway and locking it again at night.

- 8 Following complaints from users of the byway, the landowner stopped closing and locking the gate but has requested that the byway be downgraded to a bridleway so that the land and property can be protected from open vehicular use.
- 9 To facilitate the above, an application to the Magistrates' Court is required under Section 116 of the Highways Act 1980 to divert, downgrade and extinguish part of the existing byway as shown on drawing no. SD/217960/Z215/02 at **Appendix C**.
- 10 Public Rights of Way have no objection to the proposals to divert, downgrade and extinguish part of the existing byway but have requested a 1.5 metre gap adjacent to any barrier at the entrance to it to allow ease of use for walkers and horse riders.
- 11 To facilitate ease of access for future users of the bridleway the existing gate will be relocated approximately 50m closer to the river and parking space for 3 to 4 cars will be laid out adjacent to its new position. Drawing no. SD/217960/Z215/04 at **Appendix D** shows the proposed layout, vehicular access would be restricted by a locked gate controlled by the landowner and by an Armco barrier with grass bunding around the parking area. A 1.5m gap will be provided between the locked gate and the Armco barrier/grass bund. These alterations have been agreed with and will be delivered by the landowner.
- 12 A pre-application enquiry has confirmed that the proposals fall within permitted development and that a planning application to lay out the parking area will not be required.

What impact will this proposal have?

Wards Affected: Adel and Wharfedale

Have ward members been consulted?

Yes

No

- 13 Consultation was carried out prior to the previous report and three objections were received. One from a Ward Member and two from regular users of the area.
- 14 As a result, concerns were raised by this Highways Board at the meeting on 28 August 2018 regarding;
 - The proposal to adopt Warren Lane under Section 228 of the Highways Act and
 - Access to the riverside via the steep lane for people with disabilities or the elderly if Sandbed Lane was gated at the top of the hill.
- 15 The original report recommended that a gate be provided at the top of the hill adjacent to the sewage works entrance to prevent motorised and horse drawn vehicles from continuing along Sandbed Lane as part of the proposal to downgrade Sandbed Lane to a bridleway. A 1.5m wide access to allow for pedestrians and horse riders would be provided adjacent to the gate.
- 16 As a result of the comments raised, particularly to the difficulty accessing the riverbank area for the elderly and disabled if they cannot access the area by car, it has been agreed with the landowner that the gate could be relocated to the bottom of the hill and the landowner has agreed to provide a car parking area for 3 to 4 cars adjacent to the new location of the gate on level ground.
- 17 The original objectors have been consulted on the new proposal to relocate the gate to the bottom of the hill and the provision of a car parking area for 3 to 4 cars and consider the proposal is now acceptable.

18 An equality, diversity, cohesion and integration screening (**Appendix A**) has been carried out and confirms that a full impact assessment is not needed. Except for disability and age, the proposal is not considered to impact on any one equality characteristic more significantly than any other. The screening found that:

- Sandbed Lane provides vehicular access to views of the River Wharfe and the viaduct carrying the Leeds to Harrogate railway across it which is particularly convenient for disabled residents of adapted bungalows in Warren Lane;
- there is concern that a stopping up order would discriminate on grounds of disability or age by preventing vehicular access to these views by those who, because of disability or age, would be less able than others to access them by other means;
- the landowner has agreed to relocate the gate and provide a parking area for 3 to 4 vehicles on the level ground at the bottom of the hill;
- vehicular access to more distant views of the river and viaduct would still be available from Castley Lane on the other side of the river;
- access from Sandbed Lane would still be legally available for wheelchair or mobility scooter users although the topography and surface are unsuitable;
- fitting a RADAR lock to the barrier, which would allow disabled people with RADAR keys to open it to gain vehicular access, has been considered but rejected because the track is too narrow for vehicles to turn without trespassing on farmland;
- the landowner has agreed to open the barrier for individual motorised users with mobility difficulties who approach him directly when the proposed order takes effect. Contact details would be made available at the point of access;
- removing vehicular access would improve conditions for non-vehicular users, particularly those with disabilities and older people, by removing potential conflict with vehicles.

19 It seems reasonable to conclude from these findings that there may be some adverse impact on people with mobility difficulties, affecting their ability to enjoy views of the river and viaduct. However, an alternative is available, and the proposal will, in itself, reduce existing risk of possible difficulties for that group and potential conflict with others.

What consultation and engagement has taken place?

- 17 Consultation was carried out prior to the previous report and three objections were received. One from a Ward Member and two from regular users of the area.
- 18 Ward Members were consulted with the amended proposal and no objections were received. The Ward Member who originally objected to the gate being located at the top of the hill no longer objects to the proposal to relocate the gate to the bottom of the hill.
- 19 The two objectors were consulted again with the amended proposal. One is now content with the proposed amendment. And the other has not replied to date.
- 20 The City Solicitor will inform statutory undertakers and emergency services as part of the statutory consultation process of promoting a Stopping Up and Diversion Order.

What are the resource implications?

- 21 The applicant (landowner) has paid the standard fee of £3,800 which includes £800 for advertising. The applicant has agreed to meet the costs, if any, which may be incurred by statutory undertakers exercising their rights under Section 116 of the Highways Act 1980 to recover from the council the cost of removing, diverting or abandoning any equipment located in, on, over, along or across any highway affected by an order granted under Section 116.

What are the legal implications?

- 22 None of the content of this report is exempt from public display or contains confidential information.
- 23 This report is not eligible for call-in, as it is not a key decision.
- 24 There are no specific legal implications arising from this report. All work will lie within the framework of highways legislation, specifically the Highways Act 1980. All other relevant legislation has also been taken into consideration, including duties under the Equalities Act.

What are the key risks and how are they being managed?

- 25 There is negligible risk to the council in pursuing this Stopping Up and Diversion Order.
- 26 Key remaining risks relate to the potential for further objections to the advertised Order procedure. However, these risks have been managed through the initial consultation detailed elsewhere within this Report and the further engagement with previous objectors.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

- 27 The Stopping Up and Diversion Order is sought to provide a more commodious environment and facilitate pedestrians, cyclists and horse riders free of vehicular traffic.
- 28 By removing vehicular traffic from an area used mainly by pedestrians and horse riders for leisure activities, the proposal will reduce pedestrian/vehicle conflict and improve the health and wellbeing of the users of the bridleway.
- 29 The bridleway will become a pedestrian space and the net increase in biodiversity resulting from this would help support the aims of tackling the climate emergency in Leeds and contribute to our ambition to be carbon neutral by 2030.

Options, timescales and measuring success

a) What other options were considered?

- 30 Taking no action would not resolve the fly tipping and security issues currently experienced by the landowner.

b) How will success be measured?

- 31 The objective will be to ensure that the Stopping Up and Diversion Order permits the continued use of the route by the public in a safer environment. Success will be measured by this objective having been achieved

c) What is the timetable for implementation?

32 An application to the Magistrates Court could be achieved in the summer of 2022.

Appendices

33 Appendix A – Equality, Diversity, Cohesion and Integration screening

34 Appendix B - SD/217960/Z241/01 – Location Plan

35 Appendix C - SD/217960/Z241/02 – Stopping Up and Diversion Order Extents

36 Appendix D - SD/217960/Z241/04 – Proposed Layout of Gate and Parking Area

Background papers

37 None.