

Sent: 07 February 2023 11:31

Subject: Further comments from PROW on 2022/93230 - Windy Ridge Quarry

Hi Farzana

Application: 2022/93230

Description: Deepen and extend Windy Ridge Quarry; increase the number of HGV movements permitted; excavate former landfill to recover recyclable materials (retrospective); temporarily store soils on part of the previously restored quarry area (retrospective); form new access; restore the site by landfill operations to include the importation of inert waste and recycle imported construction; demolition and excavation wastes

The Public Rights of Way Team wishes to make further comments regarding this application. This is in light of the receipt of reports regarding the current use and poor condition of parts of Cartworth Moor Road.

On 09/01/2023 KC PROW offered the following comments regarding Cartworth Moor Road, inter alia comments on other aspects of the application:

"...The route taken by HGVs to and from the quarry is via Cartworth Moor Road. A significant length of this road (approx. 1km), whilst maintainable by the highway authority, has an unsealed surface and is maintained 'in character'. This route is subject to an application for a Definitive Map Modification Order to record a public bridleway, as mentioned in the submission from the British Horse Society. However, it is possible that higher public rights exist (i.e., public vehicular rights).

The PROW team shares the concerns raised by the British Horse Society (BHS) regarding the increased number of HGV movement above that currently (from 16 to 30), including the potential impact on the surface of this route and the potential for conflict between vulnerable users and vehicular traffic. However, we stop short of objecting to this increase should the suggested passing places and other

surface improvement be carried out..."

Further to offering these comments we have received reports of the rapidly deteriorating condition of part of Cartworth Moor Road, including damage to verges and the stone surface. This is apparently due to increased numbers of HGV movements to and from Windy Ridge Quarry. This is reflected in a number of responses to the neighbour consultation which claim that vehicle movements may already be around or even in excess of the 30 per day proposed under this application.

An application has also been made for a Definitive Map Modification Order (DMMO) under s53 of the Wildlife and Countryside Act 1981 to record part of Cartworth Moor Road on the Definitive Map and Statement of Public Rights of Way (the DMS) as a public bridleway. The application has not yet been determined. However, we have discovered evidence that suggests that the whole length of Cartworth Moor Road is a vehicular public carriageway. The highway authority has treated it as part of the highway network. It is possible that the unsealed part of Cartworth Moor Road would be considered to be recordable on the DMS as a Byway Open to All Traffic (BOAT). Section 66(1) of the Wildlife and Countryside Act 1981 defines a Byway Open to All Traffic (BOAT) as: "a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used". Whether a vehicular road is considered to be a BOAT or an 'ordinary' road will depend on its character or type. Other routes of a similar nature elsewhere have been recorded as BOATs.

In light of the above, we have considered further the impact that this application would have on the public's enjoyment of Cartworth Moor Road. With particular reference to the potential impact on use of the unsealed part by pedestrians, equestrians and cyclists.

It is now apparent from the recent deterioration in surface condition due to HGV traffic, that the level and type of improvement to the surface of the way that would be required to sustain the increase to the permitted level of HGV traffic contemplated, is beyond what has been suggested. To improve to a sufficiently high standard - to allow use by the increased number of heavy vehicles safely and without damage - would likely negatively affect the enjoyment of non-motorised users. Effectively a quiet rough track would likely need to be turned into a wider vehicular road, with loss of verges. Provision of a sealed surface, whilst not contemplated in the current proposal, would also not be favoured and can cause safety risk for e.g., equestrians. The work required to improve the route to accommodate the increased quarry traffic and other users would likely be beyond the isolated 'surface repair works' and the provision of two HGV passing places described in the transport assessment. We have also considered the potential for conflict between vehicles and vulnerable users on Cartworth Moor Road with the limited repairs and improvements described.

As a result, KC PROW now ***OBJECTS*** to ANY increase in permitted HGV movements, including on Cartworth Moor Road. This is in addition to our previous objection to any increase in the number of permitted HGV movements using bridleway HOL/94/10 prior to any replacement quarry access road coming into use.

A description is given at 2.2.2 in the Transport Assessment of bridleway HOL/94/10, currently used as access to the quarry. It is described as having "grass verges on both sides providing step

off areas for pedestrians and cyclists should a HGV be travelling along the track". However, the verges that previously existed have been damaged or removed as part of the quarry operations and are currently largely unusable for the purpose described. No mention is made of equestrian users who are considered particularly vulnerable. The suggestion given is that that vulnerable non-motorised users would need to step aside and show deference to vehicular traffic. This is not appropriate, and in practice there is currently little opportunity to do so. The same situation will also apply to parts of Cartworth Moor Road.

While Cartworth Moor Road is generally wider than bridleway Holmfirth 94, with verges to either side, it is noted that there has recently been damage to verges. This limiting use of those areas by vulnerable users, who in any case would not be obliged to show deference to HGV traffic or may not find it possible or safe to do so. Cartworth Moor Road has an overall width between walls of approx. 9.1m (30ft). However, along the unsealed length, the surfaced part of the carriageway is in places as little as 3.4m wide. This is indicated in the drawing at appendix C to the Transport Assessment. The usable width of verges may also be constrained in places by roadside ditches.

A 20 tonne rigid vehicle of the type likely to be regularly used may have a width in excess of 3m. It would not be safe or possible to pass a horse rider allowing 2 metres of space required by the Highway Code (rule 215), without a rider moving well aside or a HGV driving over and damaging the offside verge. While two additional passing places are contemplated, there would still be considerable lengths where no safe passing would be possible without verge damage or without vulnerable users giving way and moving aside. This is not considered acceptable and the virtual doubling of permitted traffic will significantly increase the likelihood of conflict occurring.

Attention is also drawn para 100 of the NPPF which states *"Planning policies and decisions should protect and enhance Public Rights of Way and access, including taking opportunities to provide better facilities for users, for example by adding links to the rights of way networks including National Trails."* Some elements of the proposal would lead to a benefit to the public rights of way network - e.g. by eventually removing quarry traffic from bridleway HOL/94/10 and on to a new access road. However, this is outweighed by the negative impact on Cartworth Moor Road, particularly the part that may be recordable as a Byway Open to All Traffic, by the proposed increased numbers of heavy vehicles. This is contrary to the principle that planning decisions should protect and enhance PROW.

Regards

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