



The Planning  
Inspectorate

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# Report to Durham County Council

by Malcolm Rivett BA (Hons) MSc MRTPI

an Inspector appointed by Durham County Council

Date: 3 February 2012

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## ROAD TRAFFIC REGULATION ACT 1984

### THE COUNTY COUNCIL OF DURHAM (UNCLASSIFIED STANHOPE FORD, STANHOPE) (PROHIBITION OF DRIVING) ORDER 2010

Date of Inquiry: 17 January 2012 – 19 January 2012

Ref: DPI/X1355/11/21

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## **CASE DETAILS**

- The Order would be made under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984 and all other enabling powers and is known as:  
THE COUNTY COUNCIL OF DURHAM (UNCLASSIFIED STANHOPE FORD, STANHOPE) (PROHIBITION OF DRIVING) ORDER 2010.
- The effect of the Order, if made, would be to prevent any vehicles from proceeding on the Unclassified Stanhope Ford, Stanhope from a point 83m south of its junction with the A689 in a southerly direction for a distance of some 100m to its junction with the B6278.

### **Summary of Recommendation: I recommend that the Order is made**

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#### **1. PREAMBLE**

- 1.1 I was authorised by Durham County Council to hold a non-statutory Public Local Inquiry for the purpose of hearing objections and representations relating to the above draft Order.
- 1.2 The Inquiry sat for three days from 17 January 2012 until 19 January 2012 at St Thomas' Church Hall, Front Street, Stanhope. I carried out unaccompanied site inspections of the ford on each of the above days and, on the final day of the Inquiry, I visited locations in the surrounding area, referred to in evidence, including the fords at Westgate and Huntshield.
- 1.3 At the commencement of the Inquiry there were 23 objections to the Order and two paper-based petitions and an online Facebook petition with a total of around 480 signatures. I have also been provided with copies of 10 consultation response cards indicating a lack of objection to the scheme and a copy of one letter submitted in support of the Order.
- 1.4 The draft Order was prepared and published by Durham County Council. In the light of the objections received the Council resolved to hold a non-statutory Public Inquiry to consider the scheme. In opening the Inquiry I made it clear that, whilst I would make a recommendation to the Council as to whether or not the Order should be made, the final decision lies with the Council which is not bound to accept my recommendation. I also indicated that, in the light of the provisions of the Road Traffic Regulation Act 1984, I would be seeking to ascertain whether or not it is expedient to make the Order, having particular regard to its advantages and disadvantages.
- 1.5 At the Inquiry three officers of the County Council and representatives of Durham Constabulary and Durham Fire and Rescue Service gave evidence in support of the Order. Two County Councillors for the Weardale Ward, representatives of Stanhope Parish Council, the Beamish Reliability Run and the North East Club for Pre-War Austins and three local residents spoke in opposition to the Order. One local resident spoke giving her observations but indicated neither support for nor opposition to the Order. The Council officials confirmed that all the statutory formalities in connection with the promotion of the Order to this point have been completed correctly.

#### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 Stanhope Ford is an adopted, un-numbered, unclassified road across the River Wear close to the centre of Stanhope. It links the A689, which runs through Stanhope, with the B6278 on the south side of the river. The nearest other

vehicular crossing of the river is the B2678, known as 'Stonebridge' which is around 600m to the west of the ford. The A689 links Stanhope westwards towards Alston and eastwards towards Bishop Auckland and Durham. The B6278 provides a north-south link between Consett and Barnard Castle, via Stanhope.

- 2.2 In 2007 the County Council made an Order closing the ford to vehicular traffic between October and March each year. Shortly after its seasonal re-opening in April 2008 the ford was closed by the police using their emergency powers following an incident and it has remained so since under temporary traffic regulation orders. The ford is closed to vehicular traffic by means of metal barriers, although pedestrian use of it, including via stepping stones, is maintained.

### **3. THE ORDER**

- 3.1 The proposed Order, if made, would permanently close the ford to vehicular traffic throughout the year. Pedestrian access across the river would continue to be maintained, including via the stepping stones.

### **4. THE CASE OF DURHAM COUNTY COUNCIL'S OFFICERS AND THEIR SUPPORTERS**

Mrs Holding clarified that the case presented was that of the Durham County Council officers present at the Inquiry (and of supporting representatives of Durham and Darlington Fire and Rescue Service and Durham Constabulary) and is not necessarily the formal view of the County Council as a whole. The material points are:

- 4.1 The Council's case focuses on the incidents at the ford which have necessitated the calling of the emergency services. The Council's witnesses have provided evidence of the steps considered by the County Council in attempting to make the ford safer for vehicular usage during unsafe conditions. It is the Council's duty to ensure the safety of all highway users, including users of the ford at Stanhope. Evidence has been provided of the number of incidents since 2000, which may be due to drivers who may not know the area well and who have taken a chance in crossing the ford when the conditions were unsuitable. Such incidents put the lives of drivers, their passengers and rescuers at risk and there is a cost attached to rescues.
- 4.2 Adequate warning signs have been ignored and, thus, the Council initially concluded that an order prohibiting driving between 1 October and 31 March would solve the problem. Regrettably this action did not achieve its aim because a further incident occurred on the first day that the ford re-opened following its seasonal closure. The evidence (DCC/CD/4) is that these incidents can occur at any time of year. Whilst during late spring and summer incidents are not as frequent as in the autumn and winter there is no guarantee that such events will not occur at these times.
- 4.3 Highway legislation does not authorise the Council or Police to impose the suggested £1000 penalty notice and only signs authorised by the Department for Transport regulations can be erected on the highway. In any case, regrettably the threat of prosecution for dangerous driving (which has been imposed in instances) has not proven a sufficient deterrent to prevent drivers from entering the ford in inappropriate conditions.
- 4.4 Although the River Wear is not a "rapid responding river" (ie there is not threat of flooding to property within three hours), Mr Armin indicated that its level can rise rapidly to that likely to cause an incident at the ford. Such

incidents can happen at any time of year, requiring vehicles to be rescued and placing lives at risk. Capital Symonds' hydraulic modelling of the river demonstrates that storm events happen on a fairly regular but unpredictable basis throughout the year and can lead to increased water levels at the ford, in excess of what is considered to be safe. A 1 in 5 year storm event (ie a type of event which has a 20% chance of occurring in any one year) can lead to water levels 300mm above the base flow of 100mm. A 1 in 20 year storm will raise the river to 570mm within 7 hours and a 1 in 100 year storm could raise the level to 1000mm.

- 4.5 Appendix 3 of Mr Armin's evidence demonstrates that a rise in water levels to 250mm can occur at the ford within 2 hours. Mr Atkinson, who knows the area well, stated that he would not take his vehicle across the ford if the water level were in excess of 150mm. Photographs indicate that incidents have occurred at water levels of around 300mm. Mr Armin has shown that the air intake of certain vehicles (eg the Subaru Impreza) can be as little as 350mm above the ground. If water enters the engine it can instantly cause a compression lock, leading to irreparable damage to the engine, the vehicle stalling and it needing to be rescued.
- 4.6 The Environment Agency's supplementary note *Flood Hazard Ratings and Thresholds* (Mr Armin's Rebuttal evidence) indicates that, dependent on the speed of the flow, water levels of 200mm can be a danger to some people, including children, the elderly and the infirm and that at certain flow speeds a 400mm water level can present a danger to everyone, including the emergency services. Debris in the water adds to the danger and water levels of 125mm-200mm can be reached at Stanhope Ford within less than 2 hours of rainfall.
- 4.7 The stepping stones are 400mm above the height of the ford and the Parish Council have stated that it is considered unsafe for pedestrians to cross when the stones are covered by water. On the face of it pedestrians appear to heed this danger although some drivers seem unable to gauge the depth of the water despite the presence of depth gauges. This is not disputed by many of the objectors who have provided evidence. Indeed, Cllr Mews (for the Parish Council) acknowledged in cross-examination that, if the ford were to re-open to vehicles, there would be further incidents involving vehicles.
- 4.8 Local residents consider that a build-up of rock and gravel downstream of the ford has caused increased water levels. However, removing these deposits would have implications in relation to contamination by heavy metals and impacts on ecology and may not preclude a fresh deposit of gravel at this location. The written statement of the Environment Agency appears to concern the deposit at "The Butts", although the County Council officers believe that the conditions relating to this deposit would apply equally to that nearer the ford. In any case, in response to the Inspector's question, Mr Wilcox made it clear that removal of the deposits near to the ford would have only minimal effect, reducing the water level at the ford by no more than 50mm.
- 4.9 Consideration has been given to the installation of a telemetry warning system and automatic barriers. However, detailed assessment of the river's characteristics would be required, a number of water gauges would be needed and determining the appropriate location for these would not be straight forward. Mr Armin's evidence also refers to the added complication of discharges from Burnhope Reservoir which can take place without warning when river water levels are both high and low. It is accepted that telemetry could provide data on when/how the river is rising but it would not be

- provided in sufficient time to ensure that the ford is closed when it poses a risk to vehicular traffic.
- 4.10 Mr Wilcox discounts as inappropriate the use of automatic barriers which could trap a motorist between them or be wilfully obstructed. Manual closure of barriers would also be problematic: it could take highway officers some time to mobilise closure of the ford, as they would not be based in Stanhope and could be deployed at other incidents at the time. Such officers might not be able to close the ford in time to prevent a dangerous incident.
- 4.11 It was said in evidence that an agreement had been reached with the Fire and Rescue Service that retained duty fire-fighters at Stanhope could close the barrier when required. However, these officers could be attending another incident when needed to close the barriers. Use of local residents to close the ford has been considered but is deemed by Mr Wilcox to be inappropriate because it could not be guaranteed that they could be contacted or that they would respond. The point here is that it remains the County Council's duty to ensure that access across the ford is safe. Consequently, Mr Wilcox believes that the safety of the public travelling by vehicle can only be achieved by closing the ford.
- 4.12 It is claimed that the ford's closure to vehicular traffic will lead to loss of tourism although, other than anecdotes, no evidence or data indicates that this would be the case. Whilst the number of inquiries at Tourist Information Centres in Teesdale and Weardale indicates a reduction in tourism generally this may be due to the economic climate. It is difficult to prove that not being able to access the ford by vehicles has, in itself, had an impact on tourism. Use of the ford on foot, and recreational events, would not be precluded by the Order and the tourism feature offered by the ford would still be available.
- 4.13 There is no need for vehicles to cross the ford for access purposes and Stonebridge is a suitable alternative route only  $\frac{3}{4}$  mile longer. Mr Poole provided evidence that the bridge is suitable for 40 tonne lorries and therefore caters for all but abnormal loads. This being the case there should be no reason for motorists to divert onto the C73 passing Frosterley Primary School. The problems occurring there are, according to the evidence of Mr Straugheir, typical of school gate parking problems prevalent throughout the County.
- 4.14 In conclusion there is considerable risk to the public when the ford is open and water levels increase. Methods for closing the ford in such conditions are not guaranteed and therefore risks to motorists and rescuers cannot be eliminated. Keeping the ford open to vehicles is not acceptable in the circumstances, particularly when the alternative route via Stonebridge does not create an unreasonably lengthy diversion. Suggestions that closure of the ford has been promoted by the Council because of its poor condition have been discredited by Mr Poole and, indeed, the Parish Council accept that it is in reasonable condition. Furthermore, Mr Wilcox confirmed that funding will be found for maintenance of the ford. Mr Poole stated that it has been appropriately maintained to date, but accepts that the usual two year check on the ford is due soon and that possible works will be required. If works are required it may be necessary to close the ford during the summer period for the works to be undertaken, dependent on the nature of the repairs and the requirements of the Environment Agency.
- 4.15 It is strongly asserted by officers of the County Council that prohibiting driving across the ford is the only guaranteed method of ensuring safety to the public. Clearly, if some method could be devised in the future which would guarantee the safety of users the Order could be revoked and vehicular rights reinstated.

Regrettably this cannot be achieved at this time. It is considered that the public safety benefits in closing the ford outweigh any disbenefits asserted by objectors to the Order. Therefore, it is considered expedient to make the Traffic Regulation Order.

## **5. THE CASES OF THE OBJECTORS TO THE ORDER**

The material points are:

### **Stanhope Parish Council**

- 5.1 Several witnesses agree with the Parish Council that the ford is a major tourist attraction in its own right with many visitors congregating in the area. They are also agreed that the ford is important to the local economy. Tourism is very important to the economy of the dale and is growing to replace declining heavy industry. Outside of the winter months Stanhope is a very busy tourist destination which increases the pressure on local infrastructure and, in particular, the roads. Weardale has never had its fair share of expenditure on infrastructure which struggles to cope with large flows of traffic in the summer months. Alternative routes to Teesdale and Barnard Castle are B and C roads and many are unsuitable for heavy traffic.
- 5.2 In the 1990s Hag Bridge at Eastgate was badly damaged by a storm and had to be closed. For about a year people living on the south side of the river were cut-off from Eastgate and had a 6 mile round trip to get to the village. If there were to be damage to Stonebridge the alternative route would be past Frosterley School, where there are already traffic/parking problems. This is local knowledge which the County Council does not have.
- 5.3 The ford is already closed to vehicles between October and March so the Inquiry should only focus on evidence and actions in the period between 1 April and 30 September. The evidence and actions in the closed period cannot be relevant.
- 5.4 It is clear that no discussion has taken place between the County Council and the Environment Agency about the installation of automatic vehicle barriers at the ford and it states that continued use of the ford by vehicles is not likely to raise any immediate concerns of pollution or flood risk. The Agency's comments about gravel deposits refer to those at "The Butts" and no assessment of the gravel closer to the ford has taken place by either the Agency or the County Council. There is no evidence to show that there is agreement between the Agency and County Council as to the implications of the removal of the gravel near to the ford. Furthermore, there is no technical evidence to indicate that the gravel deposits are causing increased water levels at the ford.
- 5.5 Much of Mr Wilcox's evidence must be considered irrelevant – the traffic flow survey was undertaken in January (ie outside the period of relevance to the Order) and there is not accurate data available for the summer months. The tourist data is flawed as it only relates to visits to the Tourist Information Office and not to use of the ford. The County Council has failed to provide accurate data about use of the ford.
- 5.6 The County Council has also given contradictory statements as to the condition of the ford. In the past the Council has said that the ford is uneconomic to repair (and this was used as a reason for closing it to traffic) although this has been contradicted at the Inquiry by Mr Poole. Indeed, he said that no recent inspection of the ford, or costing of necessary repairs, has been undertaken. This is not acceptable and the information put forward

cannot be relied on. It is also apparent that little has been spent on the ford in recent years – a total of £8,939 between 2000 and 2010 with nothing spent between 2001 and 2009. It is clear that lack of maintenance in recent years has resulted in the need for urgent repairs to keep it in good condition. This view is supported by Mr Jolley and Cllr Savory. We believe that the County Council deliberately let the ford deteriorate knowing that it could be used as part of a future plan to close it permanently.

- 5.7 We also dispute the evidence of Mr Armin which should be examined by an independent expert. This is a difficult area and the County Council should have employed the services of an outside expert to ensure credibility, rather than relying on a member of its own staff. Mr Armin stated that the filling-in of drainage gulleys on the fells would have minimal impact although local farmers and gamekeepers have confirmed to the Parish Council that it will have a big impact on river depths. Until the submission of the County Council's written evidence we were unaware of the possibility of raising the height of the ford. However, this could dam the river and is an option we would oppose.
- 5.8 Many people have spoken in support of automatic barriers. If they can be safely used on high speed rail crossings then similar technology must be available for the ford. However, the County Council has dismissed this out of hand without any requests for detailed information or costings for this type of equipment. This is a dereliction of duty on the part of the County Council.
- 5.9 The penalty for crossing the ford in flood conditions should be made clear by signage and drivers who become stuck should face the full force of the law. Everybody is responsible for their own actions. We are not a 'Nanny State' although some people would like to think we are. The Fire and Rescue Service has campaigned to have the ford closed but looking at their record they have been consistent in being inconsistent. All of their reasons for not undertaking water rescue are feeble and there is a lack of evidence as to what are their procedures for permitting fire-fighters to enter the water. Local fire-fighters at Stanhope should be trained to a level to enable them to deal with incidents in flood conditions. Weardale is not adequately covered for swift water rescue. This is a disgrace given the rural landscape and the fact that, as Council Tax payers we are entitled to the same service levels as any other area.
- 5.10 Incidents which occurred outside the period 1 April to 30 September are not relevant to the Order. The data shows that only 11 incidents occurred during this period between 2000 and 2008. More importantly only three of these incidents involved rescues by the Fire Service or RAF. [Inspector's Note: the data (DCC/CD/4) suggests that four out of the 10 'summer' period incidents involved Fire Service rescues and one by the RAF. Other incidents involved the emergency services in recovering vehicles. In an open session at the Inquiry nobody present suggested that this data is incorrect]. On this basis the ford is hardly dangerous and there is no reason to close it. The 'open period' of the ford has never been given a fair chance. Despite requests for it there is also no information to show how many times the specialist water rescue unit based at Bishop Auckland has attended incidents at the ford. It is vital evidence and its absence suggests that it would embarrass the Fire Service.
- 5.11 The last incident which occurred on the 1 April 2008 was a minor one involving no action by the Fire Service. Nonetheless, the police used their emergency powers to close the ford. We believe the emergency services and County Council used this as an opportunity to have the ford closed permanently: a disgraceful act.



- 5.12 The results of this Inquiry will have far reaching consequences for any ford in the country, of which there are over 1,800, 49 of which, like Stanhope, are classed as tourist attractions in their own right and receive a Five Star rating. Closure of Stanhope Ford could set a dangerous precedent for the closure of other fords, ruining the countryside as we know it.
- 5.13 The Prime Minister has pledged to tackle the "health and safety monster" to make sure that businesses and public services feel that they can get on without the threat of litigation. It must be stressed that there has never been a fatality or serious injury at Stanhope Ford. There are risks in everything we do and if we are to stop everything in the name of health and safety we might as well stop living. The Fire Service and Police seem more concerned about the Health and Safety of their officers. They clearly need to take a closer look at themselves because we have lost the status of a civilised nation when people who enter the rescue services to save lives choose to put their own first.
- 5.14 In conclusion the evidence of the County Council, Police and Fire Service is inconsistent, lacking credibility and deeply flawed. Behind it are collusion and a plan to close the ford at any cost. The evidence presented does not justify its closure. These authorities have no mandate to go against the wishes of the vast majority of the local people and Stanhope Parish Council, the most local democratically elected authority. The application to close the ford should be dismissed.

**Cllr John Shuttleworth**

- 5.15 Cllr Shuttleworth has represented the people of Weardale (including Stanhope) since 1997. The issue of the ford has resurrected itself quite a number of times; more so since the introduction of satellite navigation for vehicles. Part of the cause of the flooding is due to the creation, by the National Rivers Authority (the predecessor of the Environment Agency), of a chicane downstream of the ford. There is resistance to the removal of the gravel downstream of the ford and consequently there have been numerous sudden floods which have caused vehicles to be stranded. In their letter of 25 June 2008 (appendix to INQ/1) the Environment Agency acknowledges that they would not have built such a structure in a water course today.
- 5.16 It is fair to say that, because of the various incidents which have occurred, local people accept the seasonal closure of the ford for vehicular traffic between 1 October and 31 March. However the ford is something of a tourist attraction with its stepping stones and scenery. It would be detrimental to the local economy to have a permanent closure and local people oppose this.
- 5.17 Prior to the Highways Committee Report which recommended the matter be considered at a Public Inquiry, a previous uncirculated report (appendix to INQ/1) recommended closure of the ford. The County Council is deliberately passing the determination of the issue to an independent Inspector at great expense to the Council Tax payer. Anyone not from the area would certainly recommend the ford's closure based on the County Council's submission and the views of the majority of the statutory consultees who, with links to the Council, have been influenced to support the Order. The uncirculated report states that there are no financially viable, workable solutions to overcome the problems of flash flooding and rising water levels. However, the email of 9 January 2012 from the Fire and Rescue Service's Director of Community Protection (appendix to INQ/1) indicates that the service feels the ford is a relatively safe method of crossing the river when water levels are low. The email also indicates the Service's willingness to utilise their staff, based at

Stanhope, to open/close barrier during severe weather conditions. The County Council appears to have resisted looking at this option.

- 5.18 The County Council's submission is flawed in that there is an economically viable and workable solution to the flash flooding problem. It should be compelled to discuss the closure of the barriers during any floods with the Fire and Rescue Service.

**Cllr Anita Savory**

- 5.19 Cllr Savory represents the residents of Weardale. Stanhope Ford is a unique part of the heritage of the residents of the area. Over the years it has been the sole reason for many tourists to travel with their families to enjoy the memorable experience of crossing the ford in their vehicle whilst spending the day around the riverside and the nearby children's recreation facility. It is a cost-free venue in contrast with the huge entry fees of many children-orientated attractions. One may argue that on a summer's day there is no better venue in the County.
- 5.20 The closure of some of the dale's major industries means that tourism is vital to the area and to so many of its small businesses which depend on visitors. A recent conversation with a local business indicates that trade has been poor since the ford has been closed. Businesses depend on summer trade to sustain them through the winter months. Mr Wilcox, for the County Council, recognises the ford to be a popular attraction for locals and tourists during the summer months. And, as one of the few fords in the country which traverses a main river, it is surely worth preserving. The ford is every bit as important to Stanhope as High Force is to Teesdale and Hardwick Park is to Sedgefield.
- 5.21 Local residents are fully aware of how and when to safely cross the river by the ford. When it is closed traffic must use Stonebridge, although this is narrow and cannot accommodate some larger trucks which must travel via Bollihope and negotiate a steep incline passing Frosterley Primary School. The road is narrow here and has no footpath on one side and this presents danger for school children and mothers with prams and pushchairs. In time trucks must weaken the strength of Stonebridge which would then need repair. How much would this cost and what alternative route would there be if the ford were permanently closed?
- 5.22 The County Council's survey states that in January 2007 an average of 50 vehicles a day used the ford, but we have no accurate figures of just how many vehicles crossed the ford safely. This is a vital piece of evidence needed in order to determine the future of the ford.
- 5.23 There have been 28 incidents at the ford, ten of which occurred during the summer months. Obviously safety is an issue so stricter penalties should be imposed on motorists who use the ford recklessly. Road crossings of railways carry a stern warning with a penalty of up to £1000. Could this not be tried at the ford as the consequence for having to be rescued? Other highways, many of which give clear warnings of accident statistics, carry risks but remain open.
- 5.24 The Beamish Rally group have safely used the ford for 42 years – this is an event which brings visitors to, and boosts the economy of, the dale. Sadly a fatality occurred at High Force in Teesdale in 2010, but this is still open to the public. Yet, the ford at Stanhope, where there have been no fatalities, is under the real threat of permanent closure.
- 5.25 Very little has been spent on repairs to the ford over the years and now cost,

as well as health and safety, is being cited as an issue. However, culture is priceless and every avenue should be explored to keep the ford open throughout the summer months so this unique landmark can be safely enjoyed by future generations. Weardale folk are passionate about keeping the ford open: listen to their voice.

### **Harry Irwin**

- 5.26 Jobs in Weardale are scarce and tourism represents the main industry for job creation in the future: we cannot afford to dismiss any opportunity to enhance the attractiveness of the locale to visitors. This is demonstrated by the Spatial Vision for County Durham, prepared by the County Council, which states the intention that by 2030 County Durham will have a thriving economy and that locations such as Stanhope will be known for their high quality of life and will be realising their tourism potential.
- 5.27 Stanhope ford is one of the UK's few five star rated fords; it is part of the heritage of the dale and attracts motor rallies (Beamish Run in June and the Land's End to John O'Groats run in December). The traffic survey, undertaken at the quietest period, shows an average of 50 vehicles a day using the ford – a minimum annual total of 18,200. Against this there has been slightly over one rescue per annum which puts the problem in the right perspective. [Inspector's Note: the agreed evidence (DCC/CD/4) indicates 28 incidents in 8 years – 3.5 per year].
- 5.28 Stanhope Parish Council have detailed the tiny sums of money invested by the County Council in the upkeep of the ford so the need for repair is not surprising. However, their own costing for repairs amounts to only a few thousand pounds per year for ten years. This is an acceptable amount to help realise the objectives of the County Council's own plan.
- 5.29 Health and safety concerns have been blown out of all proportion and one must question if this has been encouraged as part of a strategy to close the ford. As a retained fire officer Mr Irwin practised the rescue procedures at least once a year using a rocket and line, followed by secure attachment of a rope across the river upstream of any vehicle allowing firemen to safely reach a vehicle with the flow of the river behind them. Now that local fire-fighters are not allowed to enter the river we have to depend on a special water team, with no local knowledge, which can take up to 40 minutes to arrive. Well-practised, conventional methods with local fire-fighters (who have indicated their willingness to implement them) would be far quicker. Unnecessary, over-reacting use of helicopters has created unwanted media attention which is mainly responsible for the proposed closure.
- 5.30 There are almost 2,000 fords across the country and nowhere else does it seem necessary to use such a costly and complicated method for simple recoveries of people and vehicles from water. The ford at Reading has many more rescues each year, none of which require helicopters.
- 5.31 The Prime Minister has stated that our society has become risk averse in the extreme and that the government is seeking ways to unwind the unjustifiable use by bureaucrats of health and safety as a justification for the prevention of normal activities by adults and children. The ford should remain open all year, closed only during floods either by automatic barriers or manually controlled ones which could be operated by Council employees at the nearby Newtown House old people's home.

**Beamish Safety and Reliability Run**

- 5.32 The ford is an historic byway in use for upwards of 1500 years. It is a convenient crossing point of the River Wear for locals and visitors. It is important to tourism in Stanhope. Mr Jolley has personally used the ford for upwards of 55 years, as have others in the pursuit of hobbies and pleasure, and why should this be interrupted? We pay too many road taxes for the admitted lack of maintenance of the ford to occur.
- 5.33 The Beamish Safety and Reliability Run for vintage and old vehicles was restarted in 1970/71 over routes used between 1918 and 1939. The event is nationally and internally recognised and attracts up to 150 entrants from near and far. Stanhope Ford is an important integral component of the route, as it is for many other similar events. The British historic vehicle movement is shown to sustain a £4bn industry (INQ/5).
- 5.34 The so-called incidents at the ford were not caused by our use but mainly by modern, off-road type vehicles in which the driver feels invincible. These vehicles should not be available to the general motoring public and should be prohibited from use of the ford, as is the case in other areas. During our use of the ford we have six experienced marshals and we do not permit its use if the water flow rate or level makes it unsuitable. Sensible people should not be inconvenienced by the reckless few. This is grossly unfair: the latter should take the punishment not the majority. A penalty notice, say a charge of at least £1,000, should be levied if a miscreant causes an emergency.
- 5.35 Today's technology would surely allow a water flow meter and river depth gauging equipment which would trigger warning lamps and close a gate. The alternative route via the bridge will not last forever – it is an 18<sup>th</sup> century structure on roman foundations. It would cost many times more than the ford to repair.
- 5.36 If the closure goes ahead there will be much local discontent with political repercussions.

**North East Club for Pre-War Austins**

- 5.37 The club, and other similar ones, are an important part of the area's tourist industry. Since the closure of the ford four vehicle events are no longer passing through Stanhope. Surely telemetry offers a solution to closing the ford only during flood conditions. There have been no fatalities at the ford and the Environment Agency does not fully support the County Council.

**Mr Atkinson**

- 5.38 Mr Atkinson has been a resident of Stanhope for 27 years. The evidence heard from objectors challenges the financial data put forward by the County Council. The Council has insisted that safety is the paramount consideration yet there have been no injuries or fatalities at the ford. Rather than merely indicating the depth of the water the gauges at the ford should indicate the level at which it is dangerous to cross. Barriers, closing when the water depth exceeds 100-150mm, should be considered.

**Mr Thompson**

- 5.39 It is clear that money was the original motive of the County Council in seeking to close the ford, yet £100,000 is not very much money. However, the Council is now stating that health and safety is the main reason for the proposed closure. Mr Thompson has traversed the ford at least 4,000 times without incident, but some modern vehicles are not fit to go through the ford.

5.40 Helicopters are not needed for rescues at the ford and the emergency services should charge motorists the full costs of any recovery. There are other dangerous roads and places – why not close them too? The Weardale Area Action Partnership supports continued vehicle use of the ford [Inspector's Note: the letter of 17 November 2010 from the Partnership (DCC/DJW/11) states "in principle the board agreed that they would like to see the ford remain open subject to it being safe and financially viable"].

## **6. THE CASE OF OTHER INTERESTED PERSONS**

### **Mrs Davies**

- 6.1 Mrs Davies, who lives close to the ford, neither supports nor opposes the Order, but merely wishes to inform the Inquiry of her observations. She used to find it convenient to use the ford, particularly to go to Teesdale, but stopped using it after splashing some children on the stepping stones.
- 6.2 After the ford's emergency, and then temporary, closure all year round in 2008 a large number of vehicles, including large lorries tried to cross it and were forced to turn round at the barrier. Mrs Davies eventually realised that satnavs were directing vehicles to use the ford and she believes that heavy vehicles may have caused damage to the ford and the surface of the road leading to it.
- 6.3 She is concerned about the impact on children playing at the ford if heavy vehicles were to be using it and also understands that some irresponsible holidaymakers have driven to and fro across it with the deliberate intention of splashing people.
- 6.4 When the weather is good tourists will come whether or not the ford is open. Parking can be an issue and if there were more parking spaces then more people would stay in the area and not just drive straight over the ford. The Beamish Rally is an attraction for spectators but the cars do not stop at Stanhope.
- 6.5 Mrs Davies does not know what the solution is. Could the local MP investigate the satnav problem? If closed could the ford be maintained for vehicles from rallies to traverse it when the barrier could be opened? If the barrier had been left closed for a few more days in April 2008 the last incident could have been avoided.

## **7. WRITTEN REPRESENTATIONS**

### **Environment Agency**

- 7.1 The Environment Agency indicated by return of a consultation response card that it had no objections to the Order. An email of 21 January 2011 (DCC/DJW/15) sets out its views in more detail on a number of points: (i) that removal of gravel in the river has implications in relation to the heavy metal content, the disturbance of ecology and the likelihood of re-deposition; (ii) that raising the level of the ford could have property flooding and fisheries implications (iii) that floating barriers at the ford may not be suitable; and (iv) the agency would investigate and consider the potential for telemetry.
- 7.2 For the Inquiry itself Mary Weatherby, Environment Agency Asset System Management Team Leader, submitted a written statement. She indicates that she would not attend the Inquiry because of time factors and in order to remain neutral and not prejudice the consideration of any future applications to the Agency for works consents. The material points of the statement are:
- 7.3 Continued use of the ford for pedestrian use and play by children is not likely

to raise any immediate concerns of pollution or flood risk, although the agency reserves its position in the event of such incidents occurring in the future. It is likely that physical works to improve the ford or make it safer for vehicles would require the agency's consent. Whilst the agency cannot reasonably withhold consent any such works must not increase flood risk to local property or land, increase scour or erosion of the river bed or banks or have a detrimental impact on fisheries or biodiversity. Byelaw consent may be required for automatic barriers and/or warning systems. No comment is made as to the possible merits or demerits of any works to the ford.

### **Other Written Representations**

- 7.4 In addition to those who spoke at the Inquiry letters and consultation response cards indicating objection to the Order were received from 17 people/organisations, mostly local residents. These primarily echo sentiments expressed by objectors who spoke at the Inquiry including the heritage/tourism value of the ford, the need to fine motorists who require rescue, the potential for closure only during floods and the inappropriateness of the 'Nanny State' punishing the majority of sensible drivers for the reckless behaviour of a few.
- 7.5 A handwritten petition, indicating "complete opposition" to the Order, was signed by 82 people and, as of 18 November 2010, a Facebook listing contained 350 or so signatures. This listing states that the ford is a unique and historic river crossing, a vital piece of infrastructure and a key tourist attraction in an area greatly dependent on tourism. As part of its written evidence the Beamish Safety and Reliability Run submitted a petition of 51 signatures objecting to the ford's closure to vehicles on the grounds of its convenience, heritage and tourism value.
- 7.6 In addition to that submitted by the Environment Agency, seven consultation response cards were returned indicating 'no objection' to the Order, several people using the card to indicate active support for the closure. A further 'no objection' return was made without a name or address.

## **8. CONCLUSIONS**

References in [square brackets] are to earlier paragraphs of this report.

### **Advantage which would arise from the Order**

- 8.1 Whilst it is generally agreed that, when the water levels are low, the ford is a relatively safe way of crossing the river by vehicle [5.17] (and that many vehicles safely do so), DCC/CD/4 indicates that in the seven years between April 2001 and April 2008 ten incidents involving the recovery of vehicles from the ford occurred during the months between April and September. This equates to one incident every four months or so. Whilst such incidents occurred more frequently in the October – March period (18 between October 2000 and March 2007) I consider the number and frequency of the 'summer' period (ie April – September) incidents to be both significant and undesirable.
- 8.2 I recognise that a number of the 'summer' period incidents did not involve the Fire and Rescue service [5.10] and that none resulted in a fatality or serious injury [5.37]. However, to my mind, becoming stranded in a vehicle in a main river and the driver and passengers having to extricate themselves and their vehicle, or be rescued by the emergency services or members of the public, is inherently dangerous and the risk of serious injury or death to everybody involved is considerable. Elimination of these incidents by closure of the ford to vehicular traffic would, therefore, be a benefit of significant weight.

DCC/CD/4 indicates that there have been no incidents since the emergency/temporary year-round closure was effected.

### **Disadvantages which would result from the Order**

- 8.3 It is common ground that the ford is a notable tourist attraction in Weardale [5.1, 5.20] and the Stanhope Town Map leaflet (INQ/8) and a number of local tourism websites (INQ/7) suggest that it is a feature of Stanhope worth visiting. There is also no dispute that the area's economy is increasingly reliant on tourism [5.26]. However, actual evidence on the number of tourists visiting the area prior and subsequent to the ford's temporary year-round closure is sketchy. DCC/DJW/18 does not provide a clear picture of changes in the number of tourists visiting the information centres and attractions in Weardale and Teesdale in recent years. Moreover, although visitors to Stanhope Tourist Information Centre declined by around 10% in 2008 and 2009 in comparison with 2005-2007 there is nothing to indicate that this is related to the ford as opposed to the difficult economic situation since 2008, the weather or other factors [4.12]. Whilst a number of objectors strongly believe that visitor numbers to Stanhope have reduced since 2008 as a direct result of the ford's closure to vehicles [5.20] I have seen nothing to substantiate this.
- 8.4 It appears to me that there are likely to be some motorists who would choose not to visit the ford if they were unable to drive through it and reference has been made to the historic vehicle rallies which no longer pass through the area [5.37], although notably Mr Jolley indicated, in response to my question, that the number of participants in the Beamish Safety and Reliability Rally has not reduced since the ford's closure. The Order would not prevent walking across the ford or the stepping stones or children playing in the river, activities which I understand are enjoyed by many people particularly on sunny summer days [5.19]. Moreover, whilst the novelty of seeing vehicles drive through a river would be lost, the absence of vehicles on the ford (including some relatively large ones) would, to my mind, make for a much safer and more attractive venue for children to play, and one which could be promoted to tourists by the local community.
- 8.5 Although the ford would remain, its heritage value would to some degree be diminished by the prohibition of vehicular traffic across it. However, if its existence for 1500 years or more is correct [5.32], then motorised traffic (the primary concern of objectors) has used it for only a limited period of its overall existence. Furthermore, I was advised at the Inquiry that there are two other highway fords across the River Wear within 10 km or so of Stanhope, neither of which have any restriction over vehicular use. Whilst neither are as long as that at Stanhope (or enjoy its five star rating by the [www.wetroads.co.uk](http://www.wetroads.co.uk)) [5.12, 5.27] their presence, and potential use by motorists keen to enjoy the experience of driving through a river, limits to a considerable degree the loss of Weardale's heritage which would result from the Order.
- 8.6 The alternative route to use of the ford (via Stonebridge) is longer by a little over a kilometre [4.13], although no serious argument has been put forward that this is a significant inconvenience for people in vehicles. Objectors make more of Stonebridge's limitations [5.2, 5.21, 5.35]. However, whilst the bridge's width and visibility are not ideal for large vehicles its use by such vehicles (or the use of the bridge at Frosterley near the Primary School) is, to my mind, preferable to the use of the ford, particularly as that is a location in which children are encouraged to play. In any case, Stonebridge or the Frosterley route have to be used by all vehicles in the winter months when the

ford is closed, such closure being supported by the majority of objectors [5.16]. It is of course the case that Stonebridge may need to be closed at some point for repairs or reconstruction, although that is the case with most river crossings and does not, to my mind, justify unrestricted vehicular use of the ford in the summer months.

### **Alternatives to the Order**

- 8.7 Mr Wilcox suggests that the gravel which has built-up a short distance downstream of the ford may have resulted in increased water levels at the ford itself and, thus, its removal has been investigated. However, whilst I note that the County Council and Environment Agency appear to have, to some extent, corresponded at cross-purposes about this matter [5.4], it seems to me that the presence of heavy metals and a protected beetle in the gravel is likely and would make its removal difficult or impossible [4.8]. In any case, the County Council argues that removal of the gravel would be likely to have an insignificant (no more than 50mm [4.8]) impact on water levels at the ford, and although I have seen little to substantiate this there is also no detailed evidence to contradict it.
- 8.8 It makes sense that infilling of drainage gulleys on the fells will reduce water levels in the Wear [5.7], although in the absence of details of the precise extent and impact of this it seems to me unlikely that it would have a significant effect on water levels at the ford during or after storms.
- 8.9 Raising of the level of the ford has also been considered, but the County Council's argument that this would be likely to increase the threat of flooding to nearby property is persuasive and I also note that it is not an option supported by the Parish Council [5.7].
- 8.10 In theory I see the attraction of telemetry which could predict increased water levels at the ford and trigger either automatic or manual closure of barriers to prevent its use by vehicles. However, at some 171 sq km (para 3.1 of Mr Armin's Proof of Evidence), the catchment area of the river at the ford is very large and it includes a significant number of tributaries of the River Wear. The water level at the ford at any particular time would vary according to the amount and precise location of precipitation and ground saturation levels and I envisage that it would be very difficult to accurately predict. Predictions would be further complicated by discharges from Burnhope Reservoir [4.9].
- 8.11 Furthermore, even if a reliable forecast of water levels at the ford could be made in sufficient time to take appropriate action, it is by no means clear at what depth of water the ford should be closed. Para 5.3 of Mr Armin's evidence indicates that 350mm deep water would be likely to cause problems for a Subaru Impreza whilst a Mitsubishi L200 would be able to adequately traverse water up to 800mm deep. At the Inquiry some objectors suggested that they would not cross the ford in a vehicle if the water was more than 400mm deep (ie the depth at which the stepping stones are covered by water), whilst others suggested a level of 100-150mm [5.38]. It seems to me that if the most cautious approach were to be adopted, the ford would need to be closed during/after even limited amounts of rain almost anywhere in the catchment area, preventing its use by many vehicles which would have been safely able to traverse it. Conversely, if a less cautious approach were to be taken to closure of the ford vehicles with lower than average level air intakes would be at significant risk of 'failing' mid-river. For this reason I consider the suggestion of water level gauges indicating a dangerous level [5.38] to be impractical: what is a safe level for one type of vehicle would be hazardous for another.



- 8.12 Ensuring closure of the barriers themselves would also be problematic. I agree with the County Council that the potential for obstruction of automatic barriers indicates the need for manual closure [4.10]. However, it is not clear who could be relied on to close and open the barriers at the correct time across 24 hours a day for six months of the year. The County Council does not have highways staff stationed in the vicinity and I consider use of Council staff at the nearby old people's home [5.31] would be highly inappropriate as their primary responsibility would, at all times, be the care of their residents. Moreover, retained fire-fighters at Stanhope could be attending other incidents when needed at the ford [4.11]. It has been suggested that telemetry controlled barriers at the ford would be akin to railway crossings of roads [5.8]. However, the passage of trains is far more predictable and controllable than river water. In any case railway crossings are generally considered to be a risky and undesirable element of the country's transport network.
- 8.13 Many objectors suggest that fines (eg £1,000) for either crossing the ford recklessly or for requiring rescue would be sufficient deterrent [5.9, 5.23, 5.34] to prevent reoccurrence of the incidents which have happened in recent years. However, it is not clear under what powers the County Council or emergency services could levy such fines [4.3]. More fundamentally I am not persuaded that they would be likely to be effective. Bearing in mind the danger at which they put themselves and their passengers and the cost of the damage to their vehicles, it seems unlikely to me that any of the drivers involved in the incidents of recent years would have been dissuaded from using the ford by the possibility of a fine. I consider it most likely that these drivers used the ford in the mistaken belief that it was safe for them to do so, not because there was no threat of a fine.
- 8.14 Even if it proved legally possible to ban certain 'at risk' makes of vehicle from using the ford [5.34], it appears to me that enforcement of this would be almost impossible.
- 8.15 In the light of the above I therefore conclude that, at the present time (and whilst noting the Council's comment that it is possible that the situation will change in the future [4.15]), none of the suggested alternatives to the Order would be likely to result in a significant reduction in the number of incidents at the ford.

### **Other Matters**

- 8.16 With reference to procedures of years gone by, and elsewhere in the country, a number of objectors express the view that the response of the emergency services to the incidents at the ford in recent years has been excessive [5.11, 5.29, 5.40]. However, I believe the services themselves are best placed to determine the most appropriate form of response at the time of an incident (including whether or not the swift water team is required) and, as a general rule, it seems to me that the more 'informal' the response the more likely it is that motorists, passengers or the rescuers would be injured or killed. Furthermore, fundamentally, this issue concerns only the cost (and to some extent the speed) of rescues and the precise nature of the emergency services response would not prevent an incident occurring in the first place. In the light of this, whether or not Stanhope has adequate emergency services cover [5.9] is not a matter of relevance to my deliberations.
- 8.17 It is unfortunate that the Order has been progressed by the County Council without any indication of the number of vehicles likely to be affected by it [5.5, 5.22]. The only actual traffic flow data is for January, commonly agreed to be the ford's quietest period of usage and there is nothing to indicate that

Mr Wilcox's statement (para 14.1 of his Proof of Evidence) that "less than 100 vehicles per day will have to divert and use 'Stonebridge'" is anywhere near accurate. Nonetheless, whatever the usage of the ford in the summer months, serious incidents have occurred during this time at the rate of about one every four months and I am not persuaded that a lack of data concerning the number of motorists likely to be affected by the closure justifies not making the Order.

- 8.18 In response to my question Mr Wilcox explained that a County Council panel exists to consider and implement the temporary 'waiving' of traffic regulation orders to cater for community events and the like. Whilst I recognise the undesirability of there being a very large number of 'waivings' of the ford closure Order, it appears to me that this mechanism would allow for occasional, carefully managed, use of the ford by vehicles for specific events (eg historic vehicle rallies) likely to attract significant numbers of tourists to Stanhope.
- 8.19 Many objectors claim that the physical condition of the ford and the cost of repairs is, or at least was, a primary motive of the County Council in seeking to introduce the Order [5.6, 5.25, 5.28, 5.39]. I have seen no persuasive evidence of the ford being deliberately allowed to fall into disrepair. However, I have some sympathy with the objectors' view, particularly in the light of the County Council's letter of 11 May 2010 to the Parish Council (Appendix 7 of the Parish Council's written statement) in which it is stated "we therefore must now conclude that the ford is beyond economic repair...". Moreover, at the Inquiry Mr Poole was unable to answer my question as to the influence the cost of maintaining the ford had had in the officers' decision to recommend closure of the ford to vehicular traffic. However, given that the ford's routine two-yearly condition assessment is shortly due [4.14], that the cost of necessary work (if any) is unclear and that the number of users of the facility is unknown, it seems to me that the assessment that the ford is beyond economic repair cannot currently be reasonably made. On the evidence I have seen and heard I consider that the structural condition of the ford and the cost of repairs/maintenance should not influence the decision as to whether or not the Order is made.
- 8.20 I also have some sympathy with the view of objectors that it is unfair that the Order would 'punish' the vast majority of responsible, road tax paying, motorists because of the reckless behaviour of a minority of people [5.23, 5.34, 7.4]. However, there are many examples in modern life of restrictions over the activities of all to protect the reckless few. Furthermore, I consider the 'punishment' to be a relatively minor one in comparison with the potentially life threatening implications of not introducing the Order. It is also claimed that the Order represents the 'Nanny State' [5.9, 7.4] although it seems to me that motorists taking risks driving through a river and relying on the emergency services to rescue them is equally representative of such a society. I am not persuaded that a fear of litigation is a motive behind the Order [5.13]. I have no doubt that there are sections of highway in the County with higher rates of incidents and casualties which are not proposed for closure to vehicular traffic [5.23] although I am not aware that there are any which, like the ford, are not needed to access any land or property. Unless the circumstances were to be very similar to those at Stanhope I see no reason why the making of the Order would set a precedent for the closure of fords elsewhere.

### **Overall Balance**

- 8.21 In summary I consider that the elimination of serious, and potentially life threatening, incidents, which have occurred at the ford at an average rate of around one every four months during the April – September period, would be a significant benefit of the Order, a benefit which would not be achieved by any of the suggested alternatives. The main disadvantages of the Order would be some potential loss of tourism in Stanhope and a reduction in the ford's heritage value. However, the extent of these disadvantages would be limited by the potential for the ford to be made more attractive as a venue for locals and tourists not intent on driving through it (particularly families with children) and the continued existence in Weardale of at least two other fords with no restrictions over their vehicular use. I have also borne in mind that the Order could be permanently rescinded if workable methods of ensuring safe vehicular use can be introduced in the future and that arrangements already exist for the temporary 'waiving' of the Order for special events.
- 8.22 I have taken account of the local knowledge [5.2] that emerged through the Inquiry process and I have given weight to the strength of local opposition to the proposal [5.14], including that of the elected Parish Council and County Councillors. However, I conclude that on balance the benefits of the prohibition of vehicular use of the ford outweigh its likely disadvantages and that, thus, it is expedient to make the Order.

### **9. RECOMMENDATION**

- 9.1 For the reasons set out above I recommend that the proposed Order is made.

*Malcolm Rivett*

INSPECTOR

**APPENDIX A - APPEARANCES****FOR DURHAM COUNTY COUNCIL**

Mrs Patricia Holding	Principal Solicitor, Durham County Council
She called:	
David Wilcox	Strategic Highways Manager, Neighbourhood Services, Durham County Council
Brian Poole	Section Manager, Bridge Group, Durham County Council
Paul Armin	Senior Area Drainage Engineer, Neighbourhood Services, Durham County Council
Colin Bage	Head of Operations (Delivery) County Durham and Darlington Fire and Rescue Service
Michael Straugheir	Traffic Management Officer, Durham Constabulary

**OBJECTORS TO THE ORDER**

Cllr Richard Mews	Stanhope Parish Council
Cllr John Shuttleworth	Weardale Ward Councillor, Durham County Council
Cllr Anita Savory	Weardale Ward Councillor, Durham County Council
Mr Harry Irwin	Local Resident
Mr George Jolley	Beamish Safety and Reliability Run
Mr Derek Cansfield	North East Club for Pre-War Austins
Mr Atkinson	Local Resident
Mr Thompson	Local Resident

**OTHER INTERESTED PERSONS:**

Mrs Davies	Local Resident
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**APPENDIX B – DOCUMENTS**

PRE/1            Inspector's Pre-Inquiry Note

Proof of Evidence of David Wilcox (and appendices DCC/DJW/1-19)  
Proof of Evidence of Brian Poole (and appendices)  
Proof of Evidence of Paul Armin (and appendices)  
Proof of Evidence of Colin Bage (and appendices)  
Proof of Evidence of Michael Straugheir  
Written Statement of Stanhope Parish Council  
Written Statement of the Environment Agency  
Appendices of Core Documents DCC/CD/1 – DCC/CD/9

The Appendices of David Wilcox includes at DCC/DJW/10-15 the letters of representation submitted in response to the proposed Order.

**APPENDIX C – DOCUMENTS SUBMITTED AT THE INQUIRY**

INQ/1            Written statement of Cllr John Shuttleworth  
INQ/2            Written statement of Cllr Anita Savory  
INQ/3            Written statement of Mrs Davies  
INQ/4            Written statement of Harry Irwin  
INQ/5            Extract from 'Automobile', Feb 2012  
INQ/6            Traffic flow figures A689  
INQ/7            Extracts from tourism websites (2010)  
INQ/8            'Stanhope Town Map' tourism leaflet  
INQ/9            Closing Submissions of Stanhope Parish Council  
INQ/10          Closing Submissions of Durham County Council's Officers