

SURREY COUNTY COUNCIL

LOCAL COMMITTEE (SURREY HEATH)

DATE: 13 MARCH 2014

LEAD OFFICER: DEBBIE PRISMALL, SENIOR COUNTRYSIDE ACCESS OFFICER

SUBJECT: BRIDLEWAY No. 19 CAMBERLEY & FRIMLEY
REQUEST TO CONSIDER A TRAFFIC REGULATION ORDER

DIVISION: FRIMLEY GREEN & MYTCHETT

**SUMMARY OF ISSUE:**

Surrey County Council has received a request from Network Rail to make a Traffic Regulation Order (TRO), under section 1 of the Road Traffic Regulation Act 1984, to prohibit horse use on Public Bridleway No. 19, Camberley and Frimley. The bridleway runs from The Hatches over the level crossing to the Hampshire county boundary where a TRO is already in place. The British Horse Society has raised objections.

It is recommended that a TRO be made for avoiding danger to persons or other traffic using the road, or for preventing the likelihood of any such danger arising. A copy of Drawing No. 3/1/84/H8 showing the route is at **Annexe 1**.

RECOMMENDATIONS:

The Local Committee (Surrey Heath) is asked to agree that:

The grounds for making a TRO as outlined are met, and a Notice of Intention to Make an Order should be published for Public Bridleway No. 19 (Camberley & Frimley) to prohibit equestrian use under s1(a) of the Road Traffic Regulation Order 1984 for avoiding danger to persons or other traffic using the road, or for preventing the likelihood of any such danger arising, as shown on Drawing Number 3/1/84/H8 (**Annexe 1**).

REASONS FOR RECOMMENDATIONS:

Officers do not have delegated powers to advertise TROs. Officers support the decision to make the TRO to enable Network Rail to make safety improvements at the level crossing that they would be unable to do with horse use.

1. INTRODUCTION AND BACKGROUND:

- 1.1 The bridleway is situated in Frimley Green and runs from The Hatches over the level crossing in a westerly direction along an enclosed route between fishing lakes to the Hampshire county boundary. It continues as bridleway no. 24, Rushmoor, Hampshire, which already has a TRO on it prohibiting horse use, and is therefore a cul de sac for horse riders.
- 1.2 Network Rail has identified Hatches as a high-risk bridleway crossing, due to its proximity to a housing estate and a high footfall. The crossing is well used by commuters to Farnborough North station, school children, dog walkers, cyclists and visitors to the fishing lakes. The sighting at the crossing is poor in both directions due to the curvature of the line and the current mitigation is whistle boards. These are not used between the hours 2300 to 0700, unless a person is seen at the crossing, as there is a blanket ban on the sounding of horns during the night. In comparison to other crossings, misuse is high. A risk score has been calculated which ranks the crossing as the second riskiest of the 186 footpath/ bridleway crossings on the Wessex route. The risk drivers at the crossing are: large number of users, frequent trains, low sighting time, user misuses and sun glare.
- 1.3 Following safety concerns, Network Rail undertook a census in April 2012. This showed the crossing was used 330 times on an average weekday. This included 104 cyclists, 7 people pushing wheelbarrow loads, 3 pushchairs and 1 wheelchair user.
- 1.4 Network Rail have stated the sighting at the crossing is deficient and the current set up is non compliant to both footpath and bridleway standards. Significant sighting improvements are not possible due to the curvature of the track.
- 1.5 They have investigated further options and carried out feasibility studies. These were:
 - a) Closure – there are no viable diversionary routes within the vicinity of the crossing. The shortest viable diversion is via Mytchett Road overbridge, which would increase the distance by approximately 3.9km.
 - b) Footbridge with steps – this solution is not advised due to access for cyclists, pushchair users and less able-bodied users. In addition there is insufficient space on the east side of the line to land the footbridge with the residential properties immediately adjacent to the railway boundary.
 - c) Footbridge with steps and ramps – this would be ideal, however, there is insufficient space around the crossing to accommodate such a structure.
 - d) Pedestrian underpass – this does not suit the topography of the surrounding land.
 - e) Miniature stop lights (MSL) with an audible warning is the recommended solution to increase safety. However, the possible use by horseriders means audible alarms cannot be installed as this may spook horses. An MSL set up without an audible warning alarm has been demonstrated as an ineffective means of mitigation.

- 1.6 The set up of the bridleway crossing means that horse riders are required to phone the Signaller to ensure that it is safe to use the crossing. The Signaller's occurrence book (dating back to 2009) shows that no horse riders have phoned to use the crossing. The phone is often misused by local youths leaving the telephone off the hook, thereby forcing trains to be cautioned over the crossing, and causing operational delays.
- 1.7 Members are asked to consider the Council's duty under Section 122 of the Road Traffic Regulation Act 1984, to conduct an adequate balancing exercise to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).
- 1.8 The County Council as the Traffic Authority has the power to make a Traffic Regulation Order, (subject to Parts I to III of schedule 9 of the Road Traffic Regulation Act 1984) where it considers it expedient:-
- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising
 - b) for preventing damage to the road or to any building on or near the road
 - c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians)
 - d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property
 - e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot
 - f) for preserving or improving the amenities of the area through which the road runs'
 - g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)

2. ANALYSIS:

- 2.1 Network Rail has identified the crossing as high risk. They are unable to implement certain safety improvements whilst still allowing horse use. There is no evidence that horse riders have used the route in recent years. The continuation of the route in Hampshire already has a TRO on it. Although it is not formally recognised for horse use the Blackwater Valley Path is still accessible from other locations.

3. OPTIONS:

- 3.1 To publish a Notice of Intention to make a TRO prohibiting horse use and advertise it for a statutory objection period. The results will then be reported back to Committee.

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3.2 Refuse the request to make a TRO.

4. CONSULTATIONS:

- 4.1 Legal Services, the CTC, Police, Farnborough Sixth Form College, Ramblers, British Horse Society, Surrey Heath Borough Council and Access Groups were consulted. The local Ramblers Secretary uses the route frequently and has never seen any sign of horses having used the path. The Principal of Farnborough Sixth Form College has given his full and unequivocal support to prevent equestrian rights. He says the crossing has rarely (if ever) been used by equestrians and certainly not within living memory. The safety of young people daily making their way to study should be the most important consideration. The Police have no formal objections as it is for safety reasons but asked that horse riders' views be considered.
- 4.2 The British Horse Society local representatives, Mrs Diane Beach and Mr Bob Milton, have raised concerns regarding the loss of the route for horses wishing to access the Blackwater Valley Path. Mr Milton has also queried whether there are higher public and/or private vehicular rights over the crossing.

COMMENTS ON THE CONSULTATION RESPONSES

- 4.3 Network Rail has stated that there was a private vehicular access to the former quarry, which was removed a number of years ago and the user compensated. The Highways Information Team records show no public vehicular rights. The prohibition of use by horses would not affect any private rights. Any private rights issues are a matter for Network Rail to negotiate and resolve.
- 4.4 The Blackwater Valley Path is a 37 km footpath that follows the River Blackwater and in parts the Blackwater Valley Route (A331) and runs in and out of Surrey/ Hampshire. The 10km section from Ash to Frimley is a multi user route suitable for bicycles, wheelchairs and pushchairs. In places the route is not suitable for horse riders and there is no funding currently available to make them safe. Therefore, bridleway rights are not formally recognised. In the future, if the route was improved for horse use there are various locations where horse riders could access the route and they would not need to use the link from The Hatches.
- 4.5 Steve Bailey, Manager of The Blackwater Valley Countryside Partnership, has said that he has not seen any horses nor had any reports of any using bridleway no. 19 in 20 years of working in the Blackwater Valley. He and Hampshire County Council have concerns about the potential conflict between horse riders and existing path users as the multi user section is regularly used for vehicle access, as well as pedestrian and cycle use. Work to bring the path up to a safe standard for horse users, especially the section close to the A331 under the railway, would require some expense. It was therefore decided not to pursue the option of dedicating the route as a statutory bridleway.

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 If a Notice of Intention to make a TRO were published, the cost of approximately £600 would be met by Network Rail.
- 5.2 If a TRO were subsequently made, further advertising costs in the region of £600 would be met by Network Rail.
- 5.3 Traffic signs and any improvement works to increase the safe use for pedestrians and cyclists at Hatches level crossing would be met by Network Rail.

6. EQUALITIES AND DIVERSITY IMPLICATIONS:

- 6.1 The improvements at the crossing would improve accessibility for pedestrians with or without pushchairs, wheelchair users and cyclists, who are the predominant users.

7. LOCALISM:

- 7.1 This issue is not relevant and cannot be considered under the current legislation.

8. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:
Crime and Disorder	Removal of the phones at the crossing would reduce vandalism and train disruption.
Sustainability (including Climate Change and Carbon Emissions)	No significant implications arising from this report.
Corporate Parenting/Looked After Children	No significant implications arising from this report.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report.
Public Health	No significant implications arising from this report.

9. CONCLUSION AND RECOMMENDATIONS:

- 9.1 To allow Network Rail to make safety improvements at Hatches level crossing Members are asked to approve that an Order be advertised in the following terms:

‘THIS Order may be cited as “The Surrey County Council Bridleway No. 19 (Camberley & Frimley) (Prohibition of Horses) Traffic Regulation Order 2014” and shall come into operation on (date to be completed).

- (i) In this Order and the preamble and schedule hereto:

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“the Act” means the Road Traffic regulation Act 1984; and “road” means any length of highway or any other length of road to which the public has access, and includes bridges over which a road passes.

(ii) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended applied consolidated re-enacted by or as having effect by virtue of any subsequent enactment

NO person shall cause any horse, ridden or led, to proceed in that length of road specified in the Schedule to this Order.

10. WHAT HAPPENS NEXT:

- 10.1 Should Members decide to proceed with the TRO, a Notice of Intention to make a Traffic Regulation Order will be published in a local newspaper and on site and all interested parties and user groups will be consulted.
- 10.2 After the advertising period has expired, Members will be asked to consider any representations at a future committee meeting to decide whether the legal criteria for making the Order still apply.

Contact Officer:

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Consulted:

Mr Chris Pitt County Councillor, Legal Services, Hampshire County Council, Blackwater Valley Countryside Partnership, British Horse Society, Farnborough Sixth Form College, Ramblers, Police, CTC, Surrey Heath Borough Council, Access Groups and Legal Services.

Annexes: Drawing No. 3/1/84/H8

Sources/background papers:

File BW 19 Camberley & Frimley proposed TRO including all correspondence, representations and responses to consultations can be viewed by appointment.
