



**COUNTRYSIDE ACCESS :
TRAFFIC REGULATION ORDERS ON
BYWAYS**

**SURREY COUNTY COUNCIL
LOCAL COMMITTEE (GUILDFORD)**

10th DECEMBER 2008

KEY ISSUE

This report seeks the views of the Committee on future policy relating to Byways Open to All Traffic (BOATs).

SUMMARY

This report presents information which was reported to the Environment & Economy Select Committee on 30 October 2008. Following requests at a previous meeting of the Local Committee, the report gives Members of the Committee the opportunity to comment before a report goes to the County Council's Executive on 6 January 2009.

Report by

Surrey Atlas Ref.

HEAD OF ENVIRONMENT &
REGULATION

N/A

GUILDFORD B.C. WARD (S)

COUNTY ELECTORAL DIVISION (S)

N/A

N/A

OFFICER RECOMMENDATIONS

The Committee is asked to agree:

- (i) that the Environment and Economy Select Committee Report as attached to this report as **ANNEXES A and B** be noted.
- (ii) that any views expressed by the Committee be reported to the meeting of the County Council's Executive on 6 January 2009.

INTRODUCTION and BACKGROUND

- 1 At its meetings on 18 June and 8 October 2008 the Guildford Local Committee asked that a report be brought forward on policy relating to Byways Open to All Traffic (BOATs).
- 2 A report was presented to the Environment and Economy Select Committee on 30 October 2008 on a range of topics relating to Countryside Access and the role of the County Council. One such topic was the making of Traffic Regulation Orders (TROs) on BOATs.
- 3 **ANNEXE A** to this report comprises paragraphs 9 to 16 of the Select Committee report, i.e. the section relating to TROs. **ANNEXE B** to this report sets out the grounds for making a TRO as provided in the Road Traffic Regulation Act.
- 4 **ANNEXE C** is an extract from an information leaflet produced by the Countryside Access team. This sets out guidance for the use of BOATs and lists all the BOATs in Surrey, including whether TROs apply in each case. Only those in Guildford are included in **ANNEXE C**.
- 5 The Select Committee resolved to advise the Executive that Traffic Regulation Orders should be used proactively where the countywide assessment of Byways Open to All Traffic indicated there is a strong case to prioritise restrictions because the route has been significantly damaged through motorised use. In these cases the TRO would be coupled with a programme of repair. In all other cases TROs should be considered under any of the grounds listed in the Road Traffic Regulation Act (**ANNEXE B**)

CONSULTATIONS

- 6 The topic of Traffic Regulation Orders on BOATs was discussed at the meeting of the Surrey Hills Board on 29 September 2008. The Board welcomed the County Council's review and offered to work with the County Council to manage the impacts of motorised use on land adjoining BOATs.
- 7 The report was also considered by the Surrey Countryside Access Forum at its meeting on 20 October 2008. The Forum supported the proposals contained in the Select Committee report (**ANNEXE A**, paragraph 15).

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 8 This report has no financial implications for the Local Committee. Any financial implications for the Environment and Regulation Service will be reported to the Executive.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 9 Use of Traffic Regulation Orders to curtail motorised use of byways may have a slight impact in reducing use of vehicles. However the County Council's approach, in line with Government advice, has always been to consider making Traffic Regulation Orders only as a last resort.

EQUALITIES AND DIVERSITY IMPLICATIONS

- 10 The Human Rights Act 1998 imposes an obligation on local authorities to act in accordance with the rights and freedoms guaranteed under the European Convention on Human Rights ("the Convention Rights"). Officer reports on rights of way issues routinely consider the implications of any proposals being put forward.

CRIME AND DISORDER IMPLICATIONS

- 11 This report has no significant, but some minor crime and disorder implications. Closure of a BOAT throughout the year is likely to increase the illegal use of alternative routes and open land, especially by motorcycles. Experience indicates that barriers and signs may be frequently vandalised. On the positive side, experience again suggests that there may be a reduction in the amount of fly-tipping.

CONCLUSIONS AND REASONS FOR RECOMMENDATIONS

- 12 This report has no direct recommendations. Any comments made by the Committee will be reported to the Executive on 6 January 2009.

WHAT HAPPENS NEXT

- 13 The report and the resolution of the Select Committee will be presented to the County Council's Executive on 6 January 2009. Any views expressed or resolution passed by the Local Committee will be included in the report to the Executive.

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BACKGROUND PAPERS

Report and Annexes to Environment & Economy
Select Committee, Item 9, 30 October 2008.

**ITEM 16, ANNEXE A : EXTRACT FROM ENVIROMENT & ECONOMY
SELECT COMMITTEE REPORT, ITEM 9, 30 OCTOBER 2008**

TRAFFIC REGULATION ORDERS ON BYWAYS

- 9 There are 129 Byways Open to All Traffic (BOATs) in Surrey. Currently 23, 13% of the total, are subject to Traffic Regulation Orders restricting vehicular use. Traffic Regulation Orders can be made by the County Council under the Road Traffic Regulation Act 1984, on the grounds set out in **ANNEXE B**. The County Council receives many complaints about both lawful and unlawful vehicular use of BOATs, while organisations representing motorised users of byways wish to retain and exercise their current rights. The County Council works with members of the Surrey Byway Users Group to address BOAT related issues. Up to present the County Council considers making Traffic Regulation Orders only as a last resort, which is in line with Government advice in "Making the Best of Byways".
- 10 In 2006 the Executive considered four possible options in order to control problems as follows:
- (a) Continue with the existing policy that Traffic Regulation Orders on BOATs "be only made on grounds of significant danger to users of the routes, or where the sub-soil is so unsuitable for vehicular use as to make the route unmaintainable without excessive expenditure, or significantly changing the nature of the route, and that each case be assessed on its own merits in relation to other routes throughout the County".
 - (b) Amend the policy in order to consider the making of orders under any of the grounds listed in the Road Traffic Regulation Act 1984 (see **ANNEXE B**). These grounds could be prioritised in the order set out in the Annexe to give a basis for decision-making.
 - (c) Make experimental Traffic Regulation Orders banning traffic for six months in particular cases to establish the effect on the condition of the byway.
 - (d) Make a comprehensive assessment of each BOAT in the County as to whether to ban motorised use of byways and consider making orders in particular areas such as within the Surrey Hills Area of Outstanding Natural Beauty.
- 11 Each of these options would require each individual route to be assessed on its merits in relation to other routes throughout the County. The Executive agreed in 2006 to continue its existing policy (option (a) above).
- 12 Since February 2006 there have continued to be many complaints to the County Council about vehicular use of BOATs. The County Council's Local Committees have considered a number of individual cases and agreed to make two Traffic Regulation Orders (one of which is seasonal). County Council officers now have completed a countywide assessment of all BOATs in Surrey considering their current condition, spending on maintenance repair work within the last 10 years and evidence of vehicle related unlawful activity on or adjacent to the BOAT. This assessment together with evidence from complainants, indicates that although there are problems of unlawful activity and perceived problems of danger due to conflicts between motorised and non-motorised users, the principal problem is erosion caused by vehicles, which then presents difficulties and dangers to non-motorised users. The County Council has spent almost £650,000 over the last ten years on repairing BOATs, The countywide assessment indicates that 10% of

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BOATs in Surrey currently are in bad condition needing considerable work. The cost of work needed on some BOATs is comparatively very large: in one case it is estimated that of the order of £100,000 will be needed, despite over £75,000 having been spent on this one route over the last ten years.

- 13 The County Council's approach has always been to try other ways of managing problems on BOATs in line with "Making the Best of Byways". In many cases where action is considered necessary a combination of maintenance, restraint (voluntary or regulatory) and repair will be needed. The Police will not support Traffic Regulation Orders unless there are physical restrictions on the ground to prevent vehicular access. However, unless it is not practical or if they are causing a problem, it is suggested that horse and carriages should not be restricted. The recent assessment has indicated that in most cases motorcyclists have not been the cause of much erosion and damage to BOATs. It is therefore suggested that, where considered practical, Traffic Regulation Orders could restrict the width of affected byways to allow carriages to pass through a gap, but not motor vehicles.
- 14 The Countryside and Rights of Way Act changed the status of Roads Used as Public Paths to Restricted Byways, which cannot be used by motor vehicles. Surrey did not have any Roads Used as Public Paths, since they were all reclassified under previous legislation, but neighbouring counties did. Evidence suggests that the effect of the reclassification of Roads Used at Public Paths in adjoining counties has been to increase motor vehicle use of BOATs in Surrey. If the County Council were to restrict motorised vehicles through use of Traffic Regulation Orders on BOATs, in effect this would create restricted byway routes.
- 15 It is therefore proposed that the County Council should implement a revised policy on Traffic Regulation Orders on BOATs, which should be used proactively where the countywide assessment of BOATs indicates there is a strong case to prioritise restrictions, coupled with programmes of repair as resources permit. The County Council would seek the advice of the Surrey Countryside Access Forum on the priorities.
- 16 As each case has to be assessed on its own merits, and the issues are often complex and contentious, consideration of a Traffic Regulation Order can be extremely time consuming for the staff involved. Traffic Regulation Orders are dealt with by the Countryside Legal team, which also has to deal with claims for new rights of way and applications for diversions, which must be processed within statutory time limits. In addition to staff time the making of Traffic Regulation Orders includes advertising and the erection of barriers and signage. The County Council's standing orders currently prevent public speaking on these cases at Local Committee or at Planning and Regulatory Committee, although the public are allowed to speak when Traffic Regulation Orders are being considered on roads. It is considered that this is anomalous and this should be changed by the County Council to allow public speaking on these matters.

**GROUNDS FOR MAKING A TRAFFIC REGULATION ORDER
UNDER SECTION 1 OF THE ROAD TRAFFIC REGULATION ACT 1984**

- 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 especially 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.

ITEM 16, ANNEXE C

EXTRACT FROM SURREY COUNTY COUNCIL'S LIST OF BOATS BOOKLET

When using byways please remember

1. **Rights of Way (ROW)** should always be clearly marked with direction and status indicators; Byways are waymarked with red arrows. You must not use either Public Bridleways, waymarked with blue arrows or Public Footpaths, waymarked with yellow arrows.
2. **Traffic Regulation Orders (TROs)** are used to close a Byway for repairs or alterations or to permanently prohibit vehicular traffic. You must follow the instructions displayed on the notices erected at the end of the affected section.
3. **Courtesy in the Countryside** - You have the same obligation to drive or ride carefully and considerately on a Byway as you have on any other road. You should be aware of the Codes of Conduct of the various user organisations, which include:
 - a) Slow down and be ready to stop if you meet other users (these may be walkers, cyclists or horse riders).
 - b) Give horses and animals a wide berth and if possible switch your engine off when they are passing you.
 - c) Leave gates as you find them; make sure that they are secure in either position.
 - d) Avoid trailing mud on to tarmac roads when leaving an unsurfaced ROW.
 - e) Do not use lanes which are too narrow for your vehicle. Avoid if at all possible damage to trees, hedgerows and boundaries. Report any obstructions or overgrown ways to the Countryside Access Group.
 - f) Minimise erosion and damage to vulnerable surfaces, especially in wet weather.

The County Council welcomes initiatives by all user groups to organise volunteer working parties for the improvement of the ROW network. There are Public Liability Indemnity implications in these, however, and work should only be done in conjunction with the user groups and the County Council.

4. **Byways** and their adjoining banks are historic landscape features. Please help to conserve them by not using them in very wet weather, when use will damage the surface, and **do not** drive on or over boundary banks, which are often hundreds of years old and can never be replaced.

There are a number of off-road clubs which have strict codes and pro-actively help in managing the byways through volunteer activity. The Countryside Legal Team would encourage all off-road drivers to join such a group.

Some useful websites are:

All Wheel Drive Club	www.awdc.co.uk
Green Lane Association	www.glass-uk.org
Trail Riders Fellowship	www.surreytrf.org.uk

For further information please:

Contact us by Telephone 08456 009 009

Contact us by post

Surrey County Council
Countryside Legal Team
Room 365a
County Hall
Penrhyn Road
Kingston Upon Thames KT1 2DY

Or visit the website

www.surreycc.gov.uk/rightsofway

ITEM 16, ANNEXE C

EXTRACT FROM SURREY COUNTY COUNCIL'S LIST OF BOATS BOOKLET

GUILDFORD BYWAYS OPEN TO ALL TRAFFIC

ROW No	Parish and Name of Road	Grid Ref Start	Grid Ref Finish	Explorer Map Nos.
507 (D223)	<i>Albury Ride Lane</i>	059 453	060 431	145
508 (D223)	<i>Albury Mayorhouse Lane</i>	055 442	060 441	145
509 (D215)	<i>Albury Madgehole Lane</i>	055 436	060 435	145
511 (D224)	<i>Albury Ponds Farm Lane</i>	063 442	068 462	145
517 (D219)	<i>Albury Water Lane</i>	044 493	046 484	145
518 (D30) (TRO)	<i>Ash Ash Green Lane West/East</i>	894 497	911 498	145
519 (D74) (TRO)	<i>Ash Spoil Lane</i>	890 495	886 496	145
520 (D71) (TRO)	<i>Ash South Lane</i>	895 498	896 505	145
521 (D68)	<i>Ash Drovers Way</i>	905 497	905 504	145
528 (D253)	<i>East Clandon Sandpit Lane</i>	060 519	061 517	145
516 (D246)	<i>East Horsley The Drift</i>	088 549	099 555	145
104 (C134/D134)	<i>East Horsley Sheepwalk Lane</i>	094 502	101 503	145
137	<i>Effingham Drove Road</i>	110 496	120 499	146
518 (D80) (TRO)	<i>Normandy Green Lane East</i>	911 498	895 498	145
521 (D68)	<i>Normandy Drovers Way</i>	901 502	904 504	145
522 (D65)	<i>Normandy Follyhatch Lane</i>	911 513	924 504	145
523 (D80)	<i>Normandy Green Lane West</i>	915 496	924 497	145
524 (D63)	<i>Normandy Beech Lane</i>	917 496	923 502	145
525 (D241)	<i>Ockham Elm Lane</i>	074 580	079 582	145
544 (D242)	<i>Ockham Hyde Lane</i>	078 569	073 573	145
529 (D48)	<i>Pirbright Heath Mill Lane</i>	954 558	963 548	145
530 (D50)	<i>Pirbright Old Guildford Road</i>	907 556	912 550	145
334 (D85)	<i>Puttenham Lascombe Lane</i>	910 473	923 475	145
519 (D74) (TRO)	<i>Tongham Spoil Lane</i>	887 493	890 495	145
527 (D86)	<i>Shackleford Lydling Lane</i>	932 461	929 454	145
511 (D224)	<i>Shere Ponds Farm Lane</i>	073 467	068 462	145
512 (D276)	<i>Shere Radnor Road</i>	086 447	102 429	145 & 146
513 (D275)	<i>Shere Radnor Road</i>	104 450	104 449	145
514 (D260)	<i>Shere London Lane</i>	072 479	077 496	145
515 (D263)	<i>Shere Beggars Lane</i>	092 476	101 491	145 & 146
537 (D249)	<i>West Horsley Green Lane West</i>	073 546	078 549	145
538 (D250)	<i>West Horsley Silkmore Lane</i>	076 536	072 545	145
539 (D257)	<i>West Horsley Fullers Farm Road</i>	078 504	068 515	145
540 (D256)	<i>West Horsley Wix Lane</i>	074 506	073 519	145
534 (D61)	<i>Worplesdon & Normandy Sandy Lane</i>	039 517	948 517	145