



## OFFICER REPORT TO LOCAL COMMITTEE (GUILDFORD)

### BYWAY OPEN TO ALL TRAFFIC 521 (ASH) SEASONAL TRAFFIC REGULATION ORDER

30 SEPTEMBER 2009

#### KEY ISSUE

This report seeks the approval to publish a Notice of Intention to make a Seasonal Traffic Regulation Order (TRO) for part of Byway Open to All Traffic 521 (Ash).

#### SUMMARY

A particular section of the Byway Open to All Traffic (BOAT) has suffered from vehicular damage, which has created deep ruts in places. This section of BOAT 521 is currently assessed as condition 3 in the countywide assessment. Condition 3 is the highest level for which the criterion states, "in need of significant repair- whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/ or significant rutting/erosion." The sub soil is clay and a closure over the winter period from 30 September to 1 May would protect the surface from further damage. Barriers with a 5 foot (1.52m) width gap beside them to allow walkers, cyclists, horse riders, quads and motorbikes access would be placed at points A and B (see ANNEX 1). Other prohibitive works would be necessary either side of the barriers due to the considerable width associated with this particular byway to prevent unauthorised access by vehicles.

#### OFFICER RECOMMENDATIONS

**The Local Committee (Guildford) is asked to agree that:**

The grounds for making a TRO as outlined below are met, and a Notice of the Intention to make an Order should be published for part of Byway Open to All Traffic 521 (Ash).

## 1 INTRODUCTION AND BACKGROUND

1.1 The Council's policy as agreed by the Executive on 6 January 2009 states:

- (1) That Traffic Regulation Orders be used proactively where a countywide assessment indicates a Byway Open to All Traffic is in poor condition, in need of significant repair and it is considered necessary to restrict traffic, coupled with programmes of repair as resources permit.
- (2) That where a countywide assessment indicates a Byway Open to All Traffic is in reasonable condition a Traffic Regulation Order be only made on grounds of significant danger to users of the route, or to prevent significant damage to the route.
- (3) That the revised Priority Statement and Targets for Public Rights of Way be adopted.

1.2 This section of BOAT 521 is currently assessed as condition 3 in the countywide assessment. Condition 3 is the highest level for which the criterion states, "in need of significant repair- whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/ or significant rutting/erosion." This section of BOAT 521 does suffer from both deep founderous mud and in places significant rutting.

1.3 There has been a steady trickle of complaints about the surface condition recently and sporadically since 2006. A seasonal Traffic Regulation Order would slow the depreciation of the natural clay surface by removing the class of vehicle that causes the most damage at the wettest time of the year.

## 2 ANALYSIS

2.1 The section of BOAT 521 in question has suffered from excessive erosion caused by overuse during wet conditions, which the clay sub soil simply cannot handle. Even the axle load of light 4x4 vehicles is too much in these conditions. This has resulted in the BOAT becoming difficult to use by other user groups such as those on foot, horseback or on bicycle with potential safety implications.

2.2 A seasonal TRO should reduce the strain caused by vehicles on the route during the winter and allow it to recover from any summer use, thus increasing its durability.

2.3 A seasonal TRO should increase the durability of the route. It will also be a proactive response in line with policy as agreed by the Executive on 6 January 2009.

### **3 OPTIONS**

- 3.1 It is the Officer's recommendation that a Notice of Intention to make a TRO prohibiting all vehicles over 1500mm (5ft) width be published, and the results of the consultation be reported to a future meeting of this committee for decision. A width restriction of 1500mm (5ft) will effectively exclude all motor vehicles, except quad- and motorbikes, whilst permitting use by many horse drawn carriages.
- 3.2 The exclusion of most motor vehicles from 30 September to 1 May will ensure that the surface condition does not deteriorate further during the winter when the clay sub soil is easily damaged.
- 3.3 The alternative solution would be to do nothing. Without the seasonal TRO the condition of the route is likely to further deteriorate, eventually to the point where it is unusable to anything other than a specially adapted 4x4 vehicle. When the byway is then repaired it would require much more imported material and have much greater cost, which the Countryside Access Maintenance Budget local allocation will not be able to cover.

### **4 CONSULTATIONS**

- 4.1 A list of groups and individuals consulted is attached at ANNEX 2. A supporter's summary table is attached in ANNEX 3.
- 4.2 No objections were received and those in support include: Ash Parish Council, Guildford Borough Council, Surrey Police, Ramblers' Association, The Ramblers, Surrey Byways User Group and The Trail Riders Fellowship.

### **5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

- 5.1 If Notice of Intention to make a Seasonal TRO is published this will incur an advertising cost of approximately £500-700 which would have to be met from the Countryside Legal Budget.
- 5.2 If a Seasonal TRO were subsequently made further advertising costs in the region of £500-700 would have to be met from the Countryside Legal Budget. Barriers, correct traffic signs, installation costs and minor surface repairs in the region of £7000 would have to be met from the Countryside Access Maintenance budget.

### **6 EQUALITIES AND DIVERSITY IMPLICATIONS**

- 6.1 The surface improvements would improve accessibility for a wide range of users.

### **7 CRIME AND DISORDER IMPLICATIONS**

- 7.1 There are no significant crime and disorder implications.

7.2 Surrey Police are supportive of TROs where suitable barriers can be installed to aid enforcement, as they have no additional resources to police vehicle bans.

## 8 CONCLUSION AND RECOMMENDATIONS

8.1 To safeguard the BOAT from further deterioration Members are asked to approve publish of Notice of Intention to make an Order.

## 9 REASONS FOR RECOMMENDATIONS

9.1 Officers do not have delegated powers to issue Notice of Intention to make a Traffic Regulation Order. Officers support the proposed seasonal TRO over the winter period to protect the surface from further vehicle damage. Allowing the surface to recover during the winter should make it more accessible to other user groups.

## 10 WHAT HAPPENS NEXT

10.1 Should Members agree to publish Notice of Intention to make an order, the notice will be published in a local newspaper and onsite and all interested parties and user groups will be consulted.

10.2 Members will then be asked to consider any representations at a future committee meeting and decide whether the legal and policy criteria for making the order still apply. Members must then decide whether the order should be made.

10.3 Alternatively, Members can decide to hold a public inquiry to decide the matter. There is no legal requirement to hold a public inquiry.

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### BACKGROUND PAPERS:

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