



**OFFICER REPORT TO LOCAL COMMITTEE
(GUILDFORD)**

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

9th DECEMBER 2009

KEY ISSUE

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

SUMMARY

The Local Committee for Guildford resolved at their meeting on the 30 September 2009 to publish Notice of Intention to a make a Seasonal Traffic Regulation Order on part of BOAT No. 521. The notice was published in the Aldershot & Camberley News on Friday 16 October. No objections were received within the statutory period. Members are asked to consider whether the legal and policy criteria for making the Order still apply. Alternatively, Members can decide to hold a Public Inquiry to decide the matter. There is no legal requirement to hold a Public Inquiry.

OFFICER RECOMMENDATIONS

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

The grounds for making a Seasonal TRO as outlined below are met, and an Order should be made for part of Byway Open to All Traffic 521 (Ash) as shown on Drawing No. 3/1/54/H15 (see Annex 1).

1 INTRODUCTION AND BACKGROUND

1.1 The County Council as the Traffic Authority has a power to make a Traffic Regulation Order, (subject to Parts I to III of Schedule 9 of the Road Traffic Regulation Act 1984 and Section 1 (4) of the Act) 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, or
- b) for preventing damage to the road or any building on or near the road, or
- c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicles in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- e) without prejudice to the generality of the road in a case where it is specially suitable for use by persons on horseback or foot, or
- f) for preserving or improving the amenities of the area through which the road runs.'

1.2 A particular section of the BOAT has suffered from vehicular damage, which has created deep ruts in places. 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 1.5m (4ft 11") 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.

2 OPTIONS

2.1 Members are asked to consider whether the legal and policy criteria for making the Order still apply. Members must then decide whether the Order should be made.

2.2 Alternatively, Members can decide to hold a Public Inquiry to decide the matter. There is no legal requirement to hold a Public Inquiry.

3 CONSULTATIONS

3.1 A list of groups and individuals consulted is attached at Annex 2. No Objections were received within the statutory time period.

4 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

4.1 If the Committee decide that the Order should be made, advertising costs would be in the region of £500-700, which would have to be met from the

Countryside Legal Budget. If the Committee decide to hold a Public Inquiry the cost of the Inquiry would be approximately £1,000 to £3,000.

4.2 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.

5 EQUALITIES AND DIVERSITY IMPLICATIONS

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

6 CRIME AND DISORDER IMPLICATIONS

6.1 There are no significant crime and disorder implications.

6.2 Surrey police have no objection to TROs where suitable barriers can be installed to aid enforcement, as they have no additional resources to police vehicle bans.

7 CONCLUSION AND RECOMMENDATIONS

7.1 To safeguard the BOAT from further deterioration Members are asked to approve that an Order be made.

8 REASONS FOR RECOMMENDATIONS

8.1 Officers do not have delegated powers 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.

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BACKGROUND PAPERS:

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