

ANNEX 2- Table of those objecting to the TRO

Objector	Objection	County Council's Comments
<p>Nick Gage Four Wheel Drive Club</p>	<p>Damage to the chalk section of Beggars Lane is acknowledged by all parties to be mainly due to water run-off and NOT 4x4s.</p> <p>Illegal users will carry on using the route therefore proper enforcement of enhanced Police powers and user education is needed.</p> <p>The damage to the surface of Drove Road is due to the surface laid by Nynex's Contractors being unfit for purpose and the neglect of work since.</p> <p>Increased traffic from the closure could affect Sheepwalk Lane and London lane and possibly lead to further closures.</p>	<p>Vehicles loosening and damaging the surface - then the water washing the loosened material away cause the damage to Beggars Lane. It would look very different if it were non-motorised traffic only - and the wear patterns would be different.</p> <p>The Police do not have the resources to expend on rural enforcement of this nature.</p> <p>The cable company using traditional techniques, which have a sound engineering background, repaired the Drove Road to a good standard. Surface repairs have been carried out both by Surrey County Council and Wotton Estate since the Cable Company's repairs.</p> <p>The other Byways of Surrey are monitored proactively through the Council's Countywide Annual Assessment.</p>
<p>Mr Bob Symes</p>	<p>The temporary closure of Drove road has increased the traffic going down Sheepwalk Lane and damaged the surface of the Byway.</p>	<p>Officers will be monitoring the condition of other popular byways during the year and as part of the BOAT Condition Annual</p>

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	<p>Permanently closing the Byway would maintain the pressure on Sheepwalk. If the Drove Road is closed, Sheepwalk should be as well.</p>	<p>Assessment.</p> <p>The Surrey Hills Byway User Group has initiated a campaign to encourage responsible use of the byways, which has already brought positive results in the number of incidents involving 4x4s and motorbikes reported to the Police. This should have a knock on effect on the use of Byway surfaces.</p>
<p>Mr John Trumper</p>	<p>If the proposal is to close the route because of the acts of an irresponsible minority (joyriders) then this is not a justified reason, as these people will continue to abuse the surrounding area.</p> <p>Part of the route in question is rutted this is due to water runoff forming a deep gully which could easily be addressed with a drainage pipe under some ballast infill. On other parts of the route the damage described in the report has not be seen.</p> <p>These Byways are central to linking many byways.</p>	<p>Drove road and Beggars Lane have suffered from irresponsible use, which the Police have not got the resources to deal with. However, the lanes have also received a lot of use due to their popularity, which they cannot sustain.</p> <p>Drove Road received a lot of damage to the verges and banks. Which in places caused large wallows. Beggars Lane did suffer from run off but this was exacerbated by vehicular use and required substantial funding for the expansive repairs required.</p>
<p>Mr Mark Bell BSc MSc</p>	<p>Irresponsible users may use the track to gain illegal access to adjoining private land but it is an issue for the owner of the land to address and prosecute as required, not the County Council.</p>	<p>The Landowner has done little to help alleviate the problem. Whilst, the Council is only concerned with the surface of the Byway, the adjoining banks that fall within the 12 feet as mentioned in the Statement have been subjected to erosion and damage from those that have used the Byway to get into the adjoining land.</p>

	<p>Mark states that he has not seen any evidence at all presented by or to the Council to prove that such illegal access is a regular nuisance. The surrounding land is a working forest and as such very large agricultural machines with axel heights far in excess of anything on a 4x4 are utilised on the BOAT and on the land. These vehicles will not be subject to this TRO and can cause substantial damage to wet conditions due to their weight.</p> <p>The large wallows by the side of the track cannot possibly have been formed by 4x4 use. These very large pits are several feet deep and represent the excavation of many hundreds of tonnes of material, which seems to have simply disappeared. Just how a 4x4 with typical ground clearance of less than 12” is supposed to have managed this engineering miracle has never been explained.</p> <p>Mr Bell claims it is doubtful that the banks are as old as the BOATs in question as they do not seem to run adjacent to the old parish Boundary. Has the Council taken the advice of the County Archaeologist as to</p>	<p>A part of the byway runs through SSSI land and so the County Council have a duty to protect the land.</p> <p>Whilst the Council does not have any data from the police of illegal access, with police resources being so stretched and this area of land being relatively hidden it is not surprising. However, the scar to the landscape was dramatic and showed the clear intention of those going off track. Forest vehicles do go down the byways but very infrequently. The Access officers predict they only go down once every couple of years and they repair the routes after they have used them.</p> <p>The officers do not agree with Mr Bell’s claims. The wallows have developed on the edges of the byway and show clear vehicular use. The surfaced central section of the byway could in places handle vehicular use but the soft verges either side could not. Video evidence posted on You Tube and other website show exactly how the wallows form through the misuse of standard 4x4 vehicles.</p> <p>The route follows the same alignment as shown on the County Series maps. The Council have not consulted the County Archaeologist in respect of this particular byway. However, previous advice indicates that banks</p>
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	<p>whether these banks are indeed ancient or even historic?</p> <p>As discovered in the Fells and Peaks of the North, increased usage of popular tracks, even by walkers, leads inexorably to deterioration of surface. Since the relatively recent restriction of vehicular access (NERC 2006) the tiny percentage of non-metalled roadway left in the County has suffered increased usage densities from an increasing number of recreational drivers and these BOATs are no exception.</p> <p>Limiting the stock of un-TROed BOATs further will simply increase the tendency until all BOATs have effectively become footpaths (of which there is no shortage in the county). This is hardly a policy to be presumed by a Council trying to fulfil its obligations to keep BOATs open to all users.</p>	<p>adjoining long established public routes may date to the early mediaeval period, and are of significant archaeological and landscape importance. Officers have checked the first edition OS county series maps from the 1870s and the route of the Byway follows a similar alignment which would suggest that the boundary banks have been there a long time. Regardless of whether the banks are historic they have suffered a wide range of damage.</p> <p>Surrey County Council are looking for ways to alleviate the problems associated with substantial use of the byways, through forums such as the Surrey Hills Byway User Groups. A recent campaign from the Surrey Hills Byway user group will hopefully encourage people to report irresponsible and illegal use of the byways</p> <p>The Byways are assessed annually to monitor them carefully to establish whether there has been increased use and or deterioration of the surface. Traffic Regulation Orders are only 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, couple with</p>
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	<p>Beggars Lane as with any footpath, track, bridleway or BOAT in the area there is no chance for any sort of plant growth to survive on the track way and so erosion is a problem. The steep incline and complete lack of any drainage combine to allow streams to form during and after rainfall, exacerbating the erosion and leading to the peculiar succession of humps in the steep section as the water alternately hits more or less soft chalk.</p> <p>I know the Surrey BOAT and footpath network well and this ‘feature’ only occurs here, casting doubt on the idea that it is somehow caused by 4x4 traffic. BOATs that are all sandy or stony such as those to the North or South have broadly similar usage but do not show this pattern of wear.</p> <p>Drove Road (BOAT 137), in so far as it is subject of this TRO runs mostly flat through wooded terrain over mud. When it rains, as anyone who can remember the Surrey County Fairs on Stoke Park in the 1980s can testify, mud gets very sticky and difficult to walk over. This is true for a ploughed field as it is for a BOAT, bridleway or footpath and the last few years have seen rather a lot of rain. In fact, I distinctly recall BOAT 137 being more of a dust bath than a mud bath during the</p>	<p>programmes of repair as resources permit.</p> <p>The officers agree that water run off did cause erosion on Beggars Lane but that the erosion was greatly exacerbated by intense use and unsustainable activities by vehicles. The effects of similar usage on other BOATs will affect the surface completely differently depending on the gradient and the soil properties. Beggars Lane before repair had become unusable.</p> <p>Large wallows on either side of the main surfaced section of the byway were caused deliberately and were not just caused from wet weather. Some of the wallows were particularly deep and dangerous for other users.</p> <p>Surrey County Council considers each TRO on its own merits and TROs are used proactively where a countywide assessment indicates a BOAT is in poor condition and in need of significant repair which have</p>
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	<p>last drought. To suggest that the Council is somehow liable if a bare path or BOAT becomes muddy after prolonged rain or that such is justifiable cause for a TRO is surely just an egregious argument for the wholesome banning of 4x4s from un-made ways, which, as an aside, is the published position of the Rambler's association.</p> <p>There is no need to spend £100,000 repairing these BOATs. The only work that is required is the digging/maintenance/clearing of the drainage ditches so that they can act as something other than sinking ponds and for the restitution of the ancient practice of rolling crushed stone into the muddier sections to allow for increased drainage and reduced erosion. Wiltshire County Council (WCC) has achieved this in the past for free by stipulating that it's major subcontractors dispose of suitably crushed aggregate from their sites by distributing it on the BOAT network rather than sending it to landfill. WCC also uses seasonal TROs to restrict access for anything heavier than a walker across land that seasonally floods during our wetter seasons. Why has SCC not considered a seasonal TRO in this instance?</p>	<p>both occurred in this situation.</p> <p>Surrey County Council does not have the facility to roll crushed road arisings on byways. This is only appropriate on certain more level routes and not on steeply sloping routes, where small diameter aggregates is soon displaced by water and traffic. Previous repairs were damaged quickly and beyond what was safe for all users. £96,000 was needed to put in drainage ditches and major surfacing repairs, crushed road stone alone would not have solved the problem.</p> <p>A seasonal TRO was considered for the Drove Road and Beggars Lane but was not considered effective because sections of Drove Road can remain wet throughout the year. Seasonal TROs are predominately used on clay byways where the surface cannot hold up to any vehicular traffic during the winter but can do in the summer when it becomes dry and solid.</p>
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<p>Steve Sharp Surrey Byway User Group</p>	<p>The damage to the ancient banks, surrounding woodland and the surface of the Byway has been caused by a rogue element of 4x4 users.</p> <p>There has been a lack of enforcement to stop the damage by the rogue element.</p> <p>SBUG suggest tougher Police enforcement and education be carried out. The situation could then be monitored for a period of time before TROs are considered.</p> <p>SBUG would also like to see signs erected to make clear that users should stay on the Byway. This would reinforce the message, take away any excuse that people may have for not staying on the Byway and make prosecution easier.</p> <p>SBUG are concerned that the closure would put extra traffic on to the adjacent Byways potentially causing damage and problems to these by extra use.</p>	<p>Unfortunately the Police do not have the resources to enforce acceptable use of byways.</p>
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Table of those supporting the TRO

Supporter	Comments
Eric Fowler	Supports the TRO but states ‘use by motor cycles of unmade roads is dangerous to pedestrians and horse-riders, and can cause just as many ruts, quagmires and potholes through wear and tear, as four-wheeled vehicles. For this reason, I believe it is the public interest that the ban should include motorcycles.’
Mole Valley District Council	Mole Valley District Council support the TRO but there is a reservation over the continued use of the BOATs by motorcycles. They have asked that the condition of the surfaces be monitored, together with the use of motorcycles, and that the TRO be reviewed if they are obviously causing damage.
Tim Harrold CPRE Surrey	‘Far from objecting to this Order, CPRE Surrey wishes to express its wholehearted support for this action. The BOATs

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	<p>are on Green Belt land and within the Surrey Hills Area of Outstanding Natural Beauty and of Great Landscape Value. The Traffic Regulation Order will protect this nationally important countryside and its ecological environment. It will also enhance the tranquillity of the landscape and restore its rural character. The damage done by 4x4 vehicles to this area has been a major source of concern to residents and visitors alike.’</p>
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- Other responses came from the Police