



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

**BYWAY OPEN TO ALL TRAFFIC
515 (SHERE) & 137 (ABINGER)
TRAFFIC REGULATION ORDER**

10 MARCH 2010

KEY ISSUE

This report seeks the approval to make the Order for a Traffic Regulation Order (TRO) for Byways Open to All Traffic 515 (Shere) & 137 (Abinger).

SUMMARY

The Local Committee for Mole Valley resolved at their meeting on the 8 December and Guildford at their meeting on the 30 September 2009 to publish Notice of Intention to make a Traffic Regulation Order on BOATs No. 515 (Shere) & 137 (Abinger). The notice was published in the Surrey Advertiser on Friday 15 January 2010. Five 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 TRO as outlined below are met, and an Order should be made for Byways Open to All Traffic 515 (Shere) & 137 (Abinger) as shown on Drawing No. 3/1/68/H28 (see appendix 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.'

1.1 These byways are a central point in the byway users network and popular with 4x4 users and so get substantial use. However, they have suffered a high level of irresponsible use with vehicles damaging the surface, banks and surrounding land. Large wallows formed off the surfaced track and the banks were badly affected. As a result of the condition of the byways temporary closures were made to avoid danger to the public and to prevent further damage to the surface of the highway. They came into operation on the 23 October 2008 and are due to expire on 23 April 2010.

1.2 Repairs to the byways have improved the surface of the byways and resolved the danger to the public. However, the costs of repairs were substantial and without changing the character of the way completely (e.g.: by providing a sealed Tarmac surface), it is unlikely that any kind of unbound surface would sustain the level of use prior to closure.

1.3 The County Council has decided that Motorcycles should not be excluded because they do not cause the damage that the 4x4s currently do. The impacts of the passage of motor vehicles on the surface of the route are largely determined by the bearing capacity of the surface and the axle loading of the vehicle. Motorcycles generally have the lowest axle loading of any vehicle but their ability to accelerate quickly can produce rutting on soft surfaces. The BOATs have been repaired to a high standard and should be able to withstand motorcycle traffic, but use by motorbikes will be monitored.

- 1.4 A TRO prohibiting vehicles will make the unbound surface more sustainable and preserve the amenities of the area through which the road runs. The Councils Policy as agreed by the Executive states a TRO can be made to prevent significant damage to the route (see annex 3- previous reports).

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 table summary of the letters of objection and support is attached at ANNEX 2.
Five letters of objections were received, one from the Surrey Byway User group, two from users of the byway, one from a local resident and one from the Four Wheel Drive Club. The main points raised were that closing these byways will increase pressure on other popular byways which could lead to future closures; a lot of the damage caused to Beggars Lane and Drove Road was from a rogue element of 4x4s, Nynex's contractors and natural erosion. There should also have been more police enforcement (see annex 2). Three letters of support were also received, one from Eric Fowler in support of the closure over maintenance issues but highlights motorbikes are still a concern as well as Mole Valley District Council who would like the motorbikes to be monitored. A letter of support was also received from CPRE Surrey who believes the Traffic Regulation Order will protect this nationally important countryside and its ecological environment.

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 and installation costs in the region of £3,000 would have to be met from the Countryside Access Maintenance budget.

5 EQUALITIES AND DIVERSITY IMPLICATIONS

5.1 The surface improvements have improved accessibility for a wide range of users.

6 CRIME AND DISORDER IMPLICATIONS

6.1 The barriers installed throughout the temporary closure have reduced the problems associated with the use of the byways.

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 in the following terms:

1 'THIS Order may be cited as "The Surrey County Council Byways Open to All Traffic No. 515 (Shere) and No. 137 (Abinger) Traffic Regulation Order 2010" and shall come into operation on 26 March 2010.

2 (1) In this Order unless the context otherwise requires-

"enactment" means any enactment whether public general or local and includes any order byelaw rule regulation scheme or other instrument having effect by virtue of an enactment

"motor cycle" has the same meaning or is to be interpreted in accordance with the provisions specified for that expression in column 2 of the Table contained in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)

"motor vehicle " has the same meaning as in Section 136 of the Act

(2) 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

3 NO person shall use, cause or permit any motor vehicle with four or more wheels and any horse drawn vehicle over 1500mm (4"11ft) width to enter or proceed in that length of BOAT 515 (Shere), which extends from a point 300 metres north east of its junction with Dorking Road (A25) in a north easterly direction to its junction with BOAT 137 (Abinger). BOAT 137 (Abinger) then extends from this point in a north easily direction to its junction with BOAT 137 (Effingham) a total of 2.6km.

8 REASONS FOR RECOMMENDATIONS

8.1 Officers do not have delegated powers to make a Traffic Regulation Order. The proposed TRO is supported by officers because of the long-standing benefits the closure will have to the BOAT's surface condition. The Council except that there will unfortunately be a loss of right of way for the 4x4 users but maintaining the surface is a priority.

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BACKGROUND PAPERS:

Version No. 1 Date: 25/02/10 Time: 10:00 Initials: HLG No of annexes: 3