



## **Byway Open to All Traffic 137 (Effingham) Traffic Regulation Order**

**Surrey County Council Local Committee (Guildford)**

**23 June 2010**

### **Key issue**

This report seeks approval to publish a Notice of the Intention to make a Traffic Regulation Order (TRO) for Byway Open to All Traffic 137 (Effingham), known as Drove Road, prohibiting motor vehicles exceeding 7ft in width.

### **Summary**

The above BOAT has been gated either side of Critten Lane for the last 4/5 years to discourage and prevent flytipping. The gates were installed as an experiment allowing all classes of users through an adjacent 7- foot gap. Since their implementation there have been no complaints from users and flytipping is no longer such a problem at these two key points. Officers would like to promote the making of a permanent TRO for preserving or improving the amenities of the area through which the road runs. The prohibition would apply to all vehicles exceeding 7 feet in width. Exceptions would apply to landowners and managers requiring access to land that cannot otherwise be easily accessed.

### **Recommendations**

The Committee is asked to:

- a) agree that the grounds for making a TRO are met, and a Notice of the Intention to make an Order should be published for Byway Open to All Traffic 137 (Effingham) prohibiting motor vehicles exceeding 7ft in width, as shown on Drawing No. 3/1/58/H13 (see appendix 1).

<b>Background</b>
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1. The County Council as the Traffic Authority has the power to make a Traffic Regulation Order, (subject to Parts I to III of schedule 9 of the Road Traffic Regulation Act 1984) 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 to 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 vehicular traffic 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 paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
  - f) for preserving or improving the amenities of the area through which the road runs'.
  
2. The Council's policy as agreed by the Executive on 6 January 2009 states:
  - a) 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.
  - b) 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
  - c) That the revised Priority Statement and Targets for Public Rights of Way be adopted.
  
3. These two key entry points to Drove Road were subjected to flytipping for many years. As a result of the continuous flytipping, gates were erected as an experiment to discourage the dumping and have since proved very successful as shown by the photos in appendix two.
  
4. The County Council as the Traffic Authority has the power to make a Traffic Regulation Order where it considers it expedient for preserving or improving the amenities of the area through which the road runs. Flytipping is an environmental polluter and a hazard to domestic animals and wildlife. It also costs the taxpayers significant amounts of money to clear away. The gates have preserved the lane from the illegal deposit of waste and improved what became an eyesore and a hazard for those who used the byway.
  
5. The Council's policy for making such orders states "That where a countywide assessment indicates a Byway Open to All Traffic is in

reasonable condition a Traffic Regulation Order be only made to prevent significant damage to the route.” 137 (Effingham) has been classed as a 1 in the countywide assessment. A 1 means it is good or predominately good throughout the length of the route. This TRO would therefore meet policy, as it will carry on protecting the route from the damage flytipping can cause.

### **Analysis**

6. This is a Green Belt site within the Surrey Hills Area of Outstanding Natural Beauty and of Great Landscape Value. The section of BOAT either side of Critten Lane has been a key point over the years for flytipping due to its discreet location and ease of access to those vehicles that have the capacity to dump large quantities of waste.
7. The exclusion of motor vehicles over 7ft will ensure that the flytipping does not become a nuisance for what is a very popular Byway for all users. The gates with the 7ft gap have been successfully established for the last 4/5 years. Officers, therefore consider it the only successful option to carry forward as a Traffic Regulation Order.

### **Options**

8. It is the Officer's recommendation that a 'Notice of Intention to make a TRO' prohibiting motor vehicles over a 7ft width be published, and the results of the consultation be reported to a future meeting of this committee for decision. Exceptions would apply to landowners and managers requiring access to land that cannot otherwise be easily accessed.
9. There is the option of removing the gates and the gap. However officers would not support this approach, because it is likely that flytipping would become an expensive issue once more.

### **Consultations**

10. No letters of objection were received from the initial consultation. Support was received from the National Trust, the Ramblers and the Campaign to Protect Rural England (CPRE) to address the issue of flytipping. However, CPRE Surrey would like to see further action taken to prevent all petrol driven vehicles from gaining access to the track which is often badly rutted and waterlogged as a result of their presence, making access for horse riders and walkers difficult and unattractive. CPRE would also like to record their view that the use of road vehicles and motorbikes on this right of way diminishes the enjoyment for other users, and harms outdoor recreational activity through noise disturbance and air pollution.
11. Surrey County Council are promoting this TRO to solely prevent flytipping whilst allowing all class of users access to the byway either side of Critten Lane. This byway does receive a high number of users, which is monitored annually in the byway assessment. It is not considered necessary to restrict any class of user as the surface condition is adequate.

### Implications (Financial, Equalities, Community Safety, Environmental)

12. If Notice of Intention to make a TRO is published this will incur advertising costs of approximately £500-700. If a TRO is subsequently made further advertising costs in the region of £500-700. All costs will be met from the Countryside Access Budget. There would be no costs to implement it in the ground.
13. The 7ft gap allows accessibility for all users. The barriers authorised by the TRO have already reduced damage to adjoining land. Surrey Police have no objection to the recommendation as long as suitable barriers can be installed to remove the need for enforcement, because they do not have available officers for this task.

### Conclusion and reasons for recommendation

14. Members are asked to approve publishing of a Notice of Intention to make a Traffic Regulation Order to safeguard the BOATs from flytipping.

### What happens next

15. Should members agree to publish a Notice of Intention to make an order, the notice will be published in a local newspaper and onsite. All interested parties and user groups will be consulted.
16. Members will then be asked to consider any representations at a future committee meeting to decide whether the legal and policy criteria for making the order still apply. Members will then decide whether the order should be made.
17. Alternatively, Members may decide to hold a public inquiry to decide the matter. There is no legal requirement to hold a public inquiry.

### Contact details

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