



OFFICER REPORT TO LOCAL COMMITTEE (GUILDFORD)

BYWAY OPEN TO ALL TRAFFIC 137 (EFFINGHAM) TRAFFIC REGULATION ORDER

22 SEPTEMBER 2010

KEY ISSUE

This report seeks the approval to make the Order for a Traffic Regulation Order (TRO) for part of Byway Open to All Traffic 137 (Effingham).

SUMMARY

The Local Committee for Guildford resolved at their meeting on the 23rd June 2010 to publish Notice of Intention to make a Traffic Regulation Order to restrict the width on part of BOAT No. 137. The notice was published in the Woking News and Mail on Thursday 15th July. 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 Traffic Regulation Order as outlined below are met, and an Order should be made for Byway Open to All Traffic 137 (Effingham) as shown on Drawing No. 3/1/58/H13 (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.'

1.2 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. 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. 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.

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.

3.2 Only the Ramblers responded to the Notice of Intention, with no objection. The National Trust, CPRE and Effingham Parish Council were all strongly in favour of the proposal in their response to the informal consultation. To

prevent the menace of flytipping at this Green Belt site within the Surrey Hills Area of Outstanding Natural Beauty and of Great Landscape Value.

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 Access Budget. If the Committee decide to hold a Public Inquiry the cost of the Inquiry would be approximately £8,000 to £12,000.

4.2 There would be no costs to implement it on the ground, as the gates are already well established.

5 EQUALITIES AND DIVERSITY IMPLICATIONS

5.1 The 7ft gap allows accessibility for all users.

6 CRIME AND DISORDER IMPLICATIONS

6.1 The barriers to be authorised by the TRO have already reduced damage to adjoining land.

7.2 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 flytipping 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 TRO because of the long-standing benefits against flytipping that has already been seen since the implementation of the width restriction.

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BACKGROUND PAPERS:

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