



**Parts of Byway Open to All Traffic 511  
Shere/Albury (D224) request to consider a  
seasonal Traffic Regulation Order  
Road Traffic Regulation Act 1984**

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

**22 June 2011**

**KEY ISSUE**

This report seeks approval to publish a Notice of Intention to make a seasonal Traffic Regulation Order (TRO) for Parts of Byways Open to All Traffic (BOAT) 511 (Shere/ Albury) (D Road 224) known as Ponds Lane.

**SUMMARY**

The BOAT has suffered from vehicular damage, which has created deep ruts in places. These sections of BOAT 511 are currently assessed as condition 3 in the countywide assessment. Condition 3 is the highest level for which the criterion states, "in need of significant repair- whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/ or significant rutting/erosion." The sub soil is a mixture of sand, mud and clay and a closure from 30 September to 1 May would protect the surface from further damage. Barriers with a 1500mm (4ft 11ins) width gap would be placed at points A and B (see ANNEX 1) to allow walkers, cyclists, horse riders, quads and motorbikes access.

## OFFICER RECOMMENDATIONS

The Committee is asked to agree that:

The grounds for making a seasonal TRO as outlined are met, and a Notice of Intention to make an Order should be published for parts of Byways Open to All Traffic 511 (Shere) & 511 (Albury) (D224) to prevent damage to the surface and to facilitate the passage of all other class of traffic on the byway during wet conditions, as shown on Drawing Number 3/1/68/H30 (Annex 1).

### 1 INTRODUCTION AND BACKGROUND

- 1.1 The Byway is situated south of Shere and the railway line. The section to be closed to 4x4s during the winter months runs from a point just south of the property Hillview south past Ponds farm, to a point just north of the driveway to Dilton Farm. The northern most section of the closure is narrow, rutted, has an uneven road surface and is quite sandy. Once it reaches Ponds Farm the width increases but the surface is rutted, and can get quite muddy in the winter.
- 1.2 Members are asked to consider the Council's duty under Section 122 of the Road Traffic Regulation Act 1984, to conduct an adequate balancing exercise to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).
- 1.3 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'
  - g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)
- 1.4 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.

1.5 The Priority Statement and Targets for Public Rights of Way states we will process TROs in accordance with County policy as the need arises. Processing TROs is number 8 of 9 in the Priority Statement.

1.6 Level of physical condition in the annual byway assessment:

(a) Good- predominantly good throughout length of route.

(b) In need of some repair- e.g. short section of mud or limited rutting/erosion.

(c) In need of significant repair- whole route or substantial sections of route in poor condition e.g. deep/founderous mud and/or significant rutting/erosion.

## **2 ANALYSIS**

2.1 The section of BOAT 511 in question has had wear caused by 4x4 vehicles during the wet months. Equestrian and motorbike use does not appear to have contributed to the level of erosion caused by 4x4s.

2.2 Repairs to the byway at a cost of £18,000 will be required to bring the surface of the byway up to its original level and to even out the ruts. This is a significant cost 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. A seasonal TRO prohibiting vehicles will make an unbound surface more sustainable and useable during the summer months.

2.3 A seasonal TRO should reduce the strain caused by vehicles on the route during the winter and allow it to recover from any summer use, thus increasing its durability. It will also be a proactive response in line with policy as agreed by the Executive on 6 January 2009.

## **3 OPTIONS**

3.1 It is the Officer's recommendation that a Notice of Intention to make a seasonal TRO prohibiting all vehicles over 1500mm (4ft 11ins) width be published, and the results of the consultation be reported to a future meeting of this committee for decision. A width restriction of 1500mm (4ft

11ins) will effectively exclude all motor vehicles, except quad- and motorbikes, whilst permitting use by many horse drawn carriages.

- 3.2 The exclusion of most motor vehicles from 30 September to 1 May each year will ensure that the surface condition does not deteriorate further during the winter when the surface is most susceptible.
- 3.3 The alternative solution would be to do nothing. Without the seasonal TRO the condition of the route is likely to further deteriorate, eventually to the point where it is unusable to anything other than a specially adapted 4x4 vehicle. When the byway is then repaired it would require much more imported material and have much greater cost, which the Countryside Access Maintenance Budget local allocation will not be able to cover.

#### **4 CONSULTATIONS**

- 4.1 No objections were received from the Surrey Police, the Ramblers & the Trail Riders Fellowship.
- 4.2 Letters of support were received from Shere Parish Council, Campaign to Protect Rural England (CPRE) and seven local equestrians.
- 4.3 CPRE state the following: 'We can confirm that, even now during the unusually dry weather we have been experiencing recently, the sunken track is heavily rutted with significant erosion for long stretches which would make it inappropriate for use by motor vehicles. We can well envisage that in heavy rain it would rapidly deteriorate further with heavy water run-off causing additional channel erosion. It is apparent that flooding from water run-off has occurred in the past at Ponds Farm.'
- 4.4 CPRE also state; 'It is our view that this BOAT is not appropriate for motorbike use, especially as we believe there is a safety aspect that needs to be considered due to the narrowness of the track, its heavily rutted condition, and its use by walkers and horse riders.'
- 4.5 Officers have noted that the ruts are caused by 4x4 vehicles and there have been no reported problems with motorbike use.
- 4.6 Local equestrian users state that use during the winter months is difficult and sometimes impossible as the track is too rutted and slippery from repetitive vehicle use. Another issue is that the byway is too narrow so passing vehicles can be an issue.
- 4.7 Objections were received from the Surrey Byways User Group (SBUG), the Range Rover Register and two users.
- 4.8 The Range Rover Register state that Ponds Lane has 'suffered from poor drainage problems for many, many years. That can be seen by the exposed tree roots along the lengths of the bank demonstrating lots of soil

erosion, not caused by users of the lane- and certainly not by motorists. Inadequate maintenance remains the problem.'

4.9 Officers are scheduling repairs hopefully for this summer at a cost of around £18,000. To make the repairs sustainable a closure during the winter months would make the surface conditions better for all users including 4x4s during the summer months.

4.10 SBUG object on three grounds:

(a) SBUG object to the making of the seasonal TRO; as it would affect law abiding 4x4 users who do not cause damage; but also

(b) if a STRO has to be made, SBUG agree that it should be made as proposed, that is, excluding motorcycles from the TRO.

(c) if a STRO has to be made, as per point b, SBUG would like to shorten the closure time by one month at each end of the closure period.

4.11 Officers have considered a shorter closure period. However, leaving it open later into winter will mean the topsoil is more susceptible to erosion from 4x4 use. If it is opened too early the sub soil will not have had enough time to dry out. The closure period will sustain the byway surface making it easier for 4x4 and all other users to use.

## **5 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

5.1 If a Notice of Intention to make a Seasonal TRO is published this will incur an advertising cost of approximately £500-700 which would have to be met from the Countryside Access (County Hall) budget.

5.2 Repairs are scheduled to be made at a cost of £18,000 from the Capital budget allocated to the Landscape and Access Team.

5.3 If a Seasonal TRO were subsequently made further advertising costs in the region of £500-700 would have to be met from the Countryside Access (County Hall) budget. Barriers, traffic signs and installation costs in the region of £1500 would have to be met from the Landscape and Access Team Maintenance budget.

## **6 EQUALITIES AND DIVERSITY IMPLICATIONS**

6.1 The surface improvements would improve accessibility for a wide range of users. 4x4s will only have access to the Byway during the summer months and will be restricted during the period between 30 Sept-1 May annually.

## **7 CRIME AND DISORDER IMPLICATIONS**

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.

## 8 CONCLUSION AND RECOMMENDATIONS

8.1 To safeguard the BOAT from further deterioration Members are asked to approve that an Order be advertised in the following terms:

'THIS Order may be cited as "The Surrey County Council Part of Byways Open to All Traffic No. 511 (Shere) & 511 (Albury) (D224) Seasonal Traffic Regulation Order 2011" and shall come into operation on 28 September 2011.

- (i) 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
  - "prohibited period" means that period which extends from the 30 September in any one year to the 1 May in the following year inclusive
  - "year" means a calendar year
- (ii) 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

8.2 No person shall use, cause or permit any motor vehicle with four or more wheels and any horse drawn vehicle over 1500mm (4ft 11ins) width to enter or proceed in that length of BOAT 511 (Shere/Albury) from a point just south of the junction of Parklands Road and Ponds Lane and the property Hillview to a point just north of the driveway to Dilton Farm.

## 9 REASONS FOR RECOMMENDATIONS

9.1 Officers do not have delegated powers to advertise TROs. Officers support the decision to make seasonal TROs because it would meet Surrey County Council Policy and would protect the durability of the byway during the winter when it is most susceptible.

## 10 WHAT HAPPENS NEXT

10.1 Should Members decide to proceed with the seasonal TRO, a Notice of Intention to make a seasonal Traffic Regulation Order will be published in a local newspaper and on site and all interested parties and user groups will be consulted.

10.2 After the advertising period has expired, Members will 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.

**LEAD OFFICER:** Debbie Prismall, Countryside Access Manager  
(County Hall)

**TELEPHONE NUMBER:** 020 85419343

**E-MAIL:** Debbie.prismall@surreycc.gov.uk

**CONTACT OFFICER:** Hannah Gutteridge, Countryside Access Officer  
(County Hall)

**TELEPHONE NUMBER:** 020 8541 8941

**E-MAIL:** Hannah.Gutteridge@surreycc.gov.uk

**BACKGROUND PAPERS:** Defra (2005) *'Making the best of byways'* UK  
Local Authorities' Traffic Orders (Procedure)  
(England and Wales) Regulations (Statutory  
Instrument 1996 No. 2489)