



**Byway Open to All Traffic 514 Shere (D260)
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 Byway Open to All Traffic (BOAT) 514 (Shere) (D Road 260) known as London Lane.

SUMMARY

The BOAT has suffered from vehicular damage, which has created ruts and wallows. This section of BOAT 514 is 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 clay on the northern section and a closure over the winter period 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 C (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 Byway Open to All Traffic 514

(Shere) (D260) 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/H29 (Annex 1).

1 INTRODUCTION AND BACKGROUND

- 1.1 The Byway is situated north of Shere in the Surrey Hills ANOB. A substantial section of the byway is located between Netley Park a SNCI (Site of Nature Conservation Importance) and Coombe Bottom a SSSI (Site of Special Scientific Interest).
- 1.2 The northern section on top of the North Downs currently suffers from substantial standing water in the winter months, which gets washed over and damages the banks by vehicular traffic. 4x4 vehicles have also trespassed and caused damaged on adjoining land. The section of London Lane that runs south off the North Downs tunnels water along the chalk-surface, which results in silt building up at the bottom of the byway near Shere. There is currently a soak away pit located on the southern section of the byway but it fills quickly and requires regular emptying at a cost, 4x4 vehicles may exacerbate the amount of material washed down.
- 1.3 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).
- 1.4 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)
- 1.5 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.

1.6 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.

1.7 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 514 in question has suffered from excessive erosion caused by use during wet weather and the clay sub soil simply cannot handle the axle load of even light 4x4 vehicles in these conditions. This has resulted in the BOAT becoming difficult to use for other user groups such as those on foot, horseback or on bicycle.

2.2 Monitoring data taken from a 4x4 vehicle counter on London Lane shows that use is relatively regular throughout the year (see appendix 2). However, during the winter months the same average flow that the summer months receive appears to cause more erosion to the clay surface, especially in places when the standing water is washed over the banks.

2.3 A seasonal TRO should reduce the strain caused by 4x4 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.

2.4 Repairs are scheduled to take place during this summer at a cost of £20,000. These repairs will fill in the rutts and wallows and bring the level of the surface up. A seasonal TRO will help prevent damage to the surface after repairs are made and facilitate the passage of all other class of traffic on the byway during wet conditions.

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 will ensure that the surface condition does not deteriorate further during the winter when the clay sub soil is easily damaged.
- 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 a local user.
- 4.3 The Parish Council states the following: 'My Council is convinced that the use of the BOAT by all users, but particularly by motorised vehicles, loosens the material which makes up the surface of the Byway. On the next occasion of heavy rainfall this gets washed down towards Shere village. The soakaways which are installed at the bottom of the BOAT rapidly get silted up and then the silt washes down into the village centre, sometimes causing a muddy deposit up to three inches deep in places. It is acknowledged that vehicles using the BOAT are not the sole cause of this but it is felt that they are the major contributory factor and closing the Byway to vehicular traffic in the Winter would certainly ease this.'
- 4.4 Shere Parish Council would also like a permanent TRO considered as the problems mentioned above can occur during the wet summer months.
- 4.5 Officers consider that regular management of the soakaways is required and the surface will be dry enough to handle vehicular traffic during the summer months.
- 4.6 Objections were received from the Surrey Byways User Group (SBUG), the Range Rover Register and two users.
- 4.7 The Range Rover Register state that London Lane is suffering from a lack of maintenance. The Council has not maintained the byway adequately and a lack of drainage is an issue. They state that 'preventative maintenance would alleviate the problems encountered.' They also state that 'the point loading of a horse drawn carriage wheel is in excess of that provided by a motorised vehicle fitted with suitable tread on pneumatic tyres. So why are horse drawn carriages to be exempt?'
- 4.8 Officers will be repairing the byway at a cost of £20,000, funding to repair BOATs is limited and done on a priority basis. Horse drawn carriages are not included in the order as there is no evidence to suggest they have caused any

damage. Horse drawn carriages do not use the byway as heavily as 4x4s and their numbers are limited.

4.9 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.

4.10 Officers have considered a shorter closure period, however 4x4 vehicular counter data shows an increase in activity during October when rainfall increases and the topsoil becomes susceptible to damage (see Annex 2). The byway will have the width restriction on until the 1 May, so that the subsoil can dry out before vehicular traffic uses it.

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 £20,000 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 £1,500 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

7.1 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 Byways Open to All Traffic No. 514 (Shere) (D 260) 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 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

8.2NO 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 along BOAT 514 (Shere) 40 metres East of its junction with Combe Lane south towards Shere, to a point 45 metres north of Upper Street’.

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.

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