



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

**BYWAY OPEN TO ALL TRAFFIC 514 SHERE (D260)  
REQUEST TO CONSIDER A SEASONAL TRAFFIC  
REGULATION ORDER  
ROAD TRAFFIC REGULATION ACT 1984**

**22 SEPTEMBER 2011**

**KEY ISSUE**

This report seeks the approval to make the Order for a Seasonal Traffic Regulation Order (TRO) for Byway Open to All Traffic (BOAT) 514 (Shere) (D Road 260) known as London Lane.

**SUMMARY**

The Local Committee for Guildford resolved at their meeting on the 22 June 2011 to publish a Notice of Intention to make a Seasonal Traffic Regulation Order on BOAT No. 514 (Shere). The notice was published in the Surrey Advertiser on Friday 15 July 2011. Three 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 seasonal TRO as outlined are met, and a Order should be made 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 **(Annexe 1)**.

## **1 INTRODUCTION AND BACKGROUND**

1.1 The Byway is situated north of Shere in the Surrey Hills AONB. 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 A report was taken to the June 2011 Guildford Local Committee where it was resolved that:

“The Local Committee agreed 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).

### **Reason for decision:**

“To safeguard the BOAT from further deterioration.”

1.3 London Lane is a condition 3 byway, which means that is in need of significant repair because the whole route or substantial sections of route are in poor condition e.g. deep/founderous mud and/or significant rutting/erosion. Due to the condition, £20,000 has been allocated this year for significant repairs. The Policy as agreed by the Executive on 6 January 2009 states that Traffic Regulation Orders be used proactively for Byways in poor condition coupled with programmes of repair. A seasonal TRO will increase the durability of the byway, by restricting vehicles on the clay subsoil, which when hydrated during the wet winter months cannot withstand the weight of vehicular traffic, with out eroding. However, during the summer months the dried out subsoil can withstand the traffic.

1.4 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).

1.5 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)

1.6 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.

1.7 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.

1.8 Level of physical condition in the annual byway assessment:

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

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

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

## **2 ANALYSIS**

2.1 BOAT 514 has suffered from excessive erosion caused by use during wet weather when 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 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.

### **3 OPTIONS**

3.1 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.

3.2 Another option 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 to provide a levelled surface and have a greater cost, which the Countryside Access Maintenance Budget local allocation will not be able to cover.

3.3 Alternatively, Members can decide to hold a Public Inquiry to decide the matter. There is no legal requirement to hold a Public Inquiry.

### **4 CONSULTATIONS**

4.1 Please see [Annexe 2](#) for consultation replies.

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

5.1 Repairs will be made within this financial year at a cost of £20,000 from the Capital budget allocated to the Landscape and Access Team.

5.2 If a Seasonal TRO is made further advertising costs in the region of £500-700 would have to be met from the Countryside Access (County Hall) budget.

5.3 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.

6.2 Any 4x4 or horse drawn carriages over 4ft 11 ins (1500mm), 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**

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 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

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 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 make a Seasonal Traffic Regulation Order. The proposed Seasonal TRO will help maintain the surface condition during the winter months when it is most susceptible to erosion.

## **10 WHAT HAPPENS NEXT**

**SURREY COUNTY COUNCIL LOCAL COMMITTEE (GUILDFORD) ITEM 9**

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

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**BACKGROUND PAPERS:**

Version No. 1    Date:                      Time:                      Initials: HLG                      No of annexes: 2