

Table of Objections

Objection	Officers' Comments
Evidence	
No official evidence of serious accidents or deaths has been presented	SCC has not had any reports submitted to them.
There has been no accidents reported involving vehicles	The Police do not hold records on any specific Incidents involving vehicles on either byway.
No impartial or substantiated evidence has been presented to support the reasons for making a TRO.	<p>Guildford Local Committee considered the officer's report and resolved to make TROs in order to:</p> <ul style="list-style-type: none"> • prevent damage to the road or to any building on or near the road; and/or • prevent 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.
No evidence has been provided to support the idea of damage to the existing character of road or adjoining property.	Officers agree
The police do not hold any reported incidents on Fullers Farm road.	Agreed- The police do not hold details of any specific incidents involving vehicles on Fullers Farm Road.
The police do not hold any reported incidents on Silkmore Lane.	Agreed- The police do not hold details of any specific incidents involving vehicles on Silkmore Lane.

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How do motorbikes cause “significant danger to users “ or cause “significant damage to the route”. As objectors how do we respond to unsubstantiated evidence?	Officers are not aware of any damage or danger caused by motorbikes.
What will the order achieve?	The aim of the petition was to prohibit vehicle access thus avoiding danger to those on foot, pedal cycle, horseback or horse drawn vehicles.
Condition	
No complaints were received before the petition for Silkmore Lane, therefore no chance to maintain.	Complaints were received in relation to the surface of Fullers Farm Road so it was placed on the maintenance list and has since been repaired. If a bid for funding is successful for Silkmore Lane from the Landscape and Access Team Maintenance budget, repairs will cost around £6000.
That the stated ground for making the TROs, to prevent significant damage to the route, is not valid in relation to Silkmore Lane, as the lane is in “very good condition” (SCC Officer’s Report) apart from the two sections which were ‘deliberately left rough’ by SCC in the past, to discourage fly tipping, when work was completed some years ago.	The two ends that were left rough did deter flytipping. However, after 6 years of use they now require some maintenance work.
Closing the routes will not improve their condition, which is mainly caused by water erosion.	Wear and tear from vehicular use over time will cause erosion. Water runoff also causes erosion. Both are considered when Officers conduct the Annual Byway survey.
Silkmore Lane is a Condition 2 byway- In need of some repair. It is the Council’s duty to maintain byways.	Agreed- Surrey County Council has a statutory duty to maintain both Silkmore Lane and Fullers Farm Road.
Inaccurate information was presented regarding the availability of funding for repairs to one of the byways in question, at the June 2010 Local Committee	The report that went to Guildford Local Committee on the 23 June 2010 stated that there was a successful bid for funding from the Landscape and Access Team maintenance budget for

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	Fullers Farm Road for around 10,000+.
Horses cause as much damage as motorcycles. Motorcycles have been excluded in previous TROs in the Guildford area because they do not weigh enough to cause significant damage.	Previous reports to Guildford Local Committee where TROs were made suggested that the impacts of the passage of motor vehicles on the surface of the route are largely determined by the bearing capacity of the surface and the axle loading of the vehicle. Motorcycles generally have the lowest axle loading of any vehicle but their ability to accelerate quickly can produce rutting on soft surfaces.
These byways have limited use- no evidence or analysis to show traffic flow	Officers have not conducted a survey to measure use.
Safety	
That the Police have powers to deal with any alleged illegal activity (and which, if it is occurring, would unlikely to be stopped by a TRO).	The police do have powers to take enforcement action against criminal activity. A TRO would be enforced with the placing of barriers and signs on site, which would restrict 4x4s. It is difficult to restrict motorcycles but allow access to horses, carriage drivers and mobility scooters.
Erection of half barriers to facilitate carriages increases the danger to horse riders. Some horses are very nervous about going through these type of gates, and their presence increases danger to equestrians on the roads in question. Dogs pose a danger to equestrians as much or more than motorcycles.	The location and design of barriers would be carefully considered. Dogs are the responsibility of their owners and should be kept under control.
If half barriers are installed, how does the council plan to enforce the illegal ingress to these roads, when they are already unable to enforce the law when dealing with this type of illegal use now? Motorcycles will still be able to pass through the barriers. While legal users will abide by the law, the illegals will continue to use these roads, it seems a little 'bonkers' to penalise lawful use	Police have limited resources to enforce TROs. Gates with a 1500mm gap restrict 4x4s but allow other users through. It is very difficult to restrict motorcycles but allow horses, carriage drivers and mobility scooters through.

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and do nothing to curtail illegal use.	
TROs will increase vehicular pressure on other byways, in particular on byway 540 that has stables along it.	Concerns were raised by the 540 Byway landowners association over increased traffic when repairs were being made on Fullers Farm Road.
Safety concerns were raised with regards to Fullers Farm road being too narrow for different users to pass and poor sight lines. Is this now the case with the overgrown hedges and foliage having been cut back? There are plenty of passing places along the length of Fullers Farm road.	Vegetation has been cut to improve sight lines. The Definitive Statement states the width of Fullers Farm Road as 20 feet. Officers consider there to be adequate passing places.
Procedural	
SCC failed to undertake its duties under S.122 of the Road Traffic Regulation Act 1984 (which places a duty on the County Council to conduct an adequate balancing exercise to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians)).	Members were given other management options to consider but chose to pursue TROs on the grounds of significant danger to users of the route, or to prevent significant damage to the route.
That if the order is made, SCC are not proposing to offer any further opportunity to appeal and therefore the only legal recourse is to take SCC to the High Court.	This is an option available to objectors.
That the main proponent of the TROs, a Councillor on the West Horsley Parish Council, has personal interest as she lives on one of the roads in question	Parish Councillors do not sit on the Guildford Local Committee, and as such do not vote on the decision made.
Request a Public Inquiry or Independent Committee to obtain a fair hearing due to anti- vehicular views expressed by some	Noted.

councillors.	
SCC stated protocol (2009 for ROW issues) with reference to Human Rights procedures, consultation, balance, etc have not been adhered to.	Noted
Consider both routes on a 'case by case' basis.	The decision to make TROs will be made separately for both Byways 538 & 539.
Carriage drivers objected to being included in the original notice of intention, as Councillors had not agreed to restrict them.	The modified notice of intention was modified to no longer include them in the restriction.
Policy and Guidance	
Surrey CC has failed to adhere to its own policy.	Noted.
Surrey CC failure to adhere with DEFRA guidance Making the Best of Byways Action Sheet 6	Members considered other management options before proceeding with a TRO.
The type and quality of evidence required before making a traffic regulation order should include one of the following: <ul style="list-style-type: none"> – A condition survey which indicates that the byway is unsafe for traffic. – Sufficient substantiated reports in one year which show that the byway has become unsafe for users not using mechanically propelled vehicles. – Data from byway surveys over several years that show that the byway cannot sustain traffic (or some types of traffic) during some seasons of the year. – Data from byway surveys over several years that show that the byway can no longer sustain traffic (or certain types of traffic). 	Surrey County Council conducts an annual countywide byway assessment on their condition. It is the Council's policy to use Traffic Regulation Orders proactively where the countywide assessment indicates a Byway Open to All Traffic is in poor condition (i.e. condition 3). Condition 3 byways are those in need of significant repair or where the whole route or substantial sections of the route are in poor condition e.g. deep/founderous mud and/ significant rutting/erosion.

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<p>– Risk assessments which show that the byway cannot sustain traffic and cannot be repaired for ecological or heritage conservation reasons.</p>	
<p>Surrey CC has failed to try other management solutions before imposing the most restrictive management solution, a complete ban on users of motor vehicles.</p>	<p>Fullers Farm Road has now been fully repaired. Officers would like the opportunity to repair Silkmore Lane and then monitor the condition of both byways.</p>
<p>The Traffic Regulation Orders threaten trail-riding as a legitimate and historic past-time; and reduced law abiding citizen's freedoms for evermore: "Rights to these pastimes should not be taken away simply to avoid maintenance obligations".</p>	<p>SCC is not avoiding maintenance obligations. Fullers Farm Road has recently been repaired and a bid for funding to repair Silkmore Lane has been put in to the Landscape and Access Team Maintenance budget for £6000.</p>
<p>Surrey County Council states there are only 2143 miles of footpaths, bridleways and byways across the County. Of these just 76 miles are byways, and only some of these can be used by vehicular traffic. That is less than 4 per cent.</p>	<p>Correct.</p>
<p>The reports make clear that there is insufficient evidence to support the making of the TROs. No impartial or substantiated evidence have been presented which to support the reasons for making the TROs.</p>	<p>Guildford Local Committee considered the officer's report and resolved to make TROs in order to:</p> <ul style="list-style-type: none"> • prevent damage to the road or to any building on or near the road; and/or • prevent 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.
<p>Surrey CC has not considered less draconian/restrictive measures.</p>	<p>Guildford Local Committee considered less restrictive measures presented in the officer's report, but resolved to make TROs.</p>

<p>Both of the byways are roads; use by vehicles is an inherent characteristic of roads. The roads are not private estates, footpaths, nature reserves but roads and therefore use by vehicles is suitable.</p>	<p>Noted.</p>
<p>Users are concerned that that the closure of these lanes will impact on their chosen leisure pursuit greatly, as Surrey ratepayers it is Surrey County Council's duty to keep open and maintain all their byways for all to use and enjoy and not to penalise certain sections of the community.</p>	<p>Noted.</p>
<p>TRO GROUNDS</p>	
<p>Prevention of danger: Usage of the lanes is light and therefore the risk of future reduction of danger does not arise.</p>	<p>Officers have not conducted a survey of usage for either lane.</p>
<p>Prevention of damage to the road or any other building nearby: The properties are well set back from the lanes. Damage to the surface is exacerbated by lack of maintenance, and simply closing it will not help in any way.</p>	<p>Fullers Farm Road has now been repaired. Silkmore Lane is on the maintenance list to be repaired.</p>
<p>Existing character of road or adjoining property: There are in total 3 properties only on both lanes nearby, all well set back from these roads. Vehicles being referred to as of 'unsuitable kind' is incorrect- these vehicles are roadworthy, insured, taxed and M.O.T.'d. Horse drawn vehicles are generally in a good state of repair by their enthusiast owners, and eminently suitable to county lane usage, so this reference is simply not correct. The character of the road is not affected by the use of such traffic being part of a small network of long established byways. These supplement a tremendous and extensive network of</p>	<p>Noted</p>

<p>paths and bridleways in the area open only to horse riders and pedestrians.</p>	
<p>Preserve the roads for persons on horseback or foot: There are statutory rights to preserve rights of way for all users, and there are many specific footpaths in this area, and many dedicated bridleways. Horse riders and pedestrians all currently co-exist with the vehicles quite sensibly and amicably on these lanes, and have done for many years. There is no reason here to change this now in favour of one or two specific user groups. In any case the proposed orders are against the SCC's policy on ROW, statutory criteria and section 122 of the Highways Act 1984. The inherent character of these two BOATs could be argued to be well suited for vehicle and horse drawn carriage, contrary to the reason for TRO as stated.</p>	<p>Noted</p>
<p>Preserve Amenities for the area: The Council has not demonstrated in any way as how the amenities of the area would be preserved or improved, or even altered in any way, by ceasing vehicle usage. They have also not stated how 'amenity' is currently being harmed. The closure of these roads would detract from the amenities of the area for lawful users and the barriers and signs proposed would have a major physical and visual impact.</p>	<p>Noted</p>