



OFFICER REPORT TO LOCAL COMMITTEE
(Surrey Heath)

Chobham Common
Cattle Grids

15th October 2009

KEY ISSUE & SUMMARY

To consider a proposal for the introduction of cattle grids on the highway at Chobham Common.

OFFICER RECOMMENDATIONS

The Local Committee (Surrey Heath):

- i. Agrees in principle to the proposal of cattle grids on the highway at Staple Hill Road and Chertsey Road and/or designation of a quiet lane at Gracious Pond Road, Chobham;
- ii. Agrees to conduct a consultation on the proposals and to report the outcome of that consultation to a future meeting of the Committee;
- iii. Agrees to support the work of the Trust and that Surrey Highways continue to support the work of steering group and assists them by conducting the consultation.

INTRODUCTION AND BACKGROUND

Future Management of Chobham Common

1. Surrey Wildlife Trust in partnership with Surrey County Council, the landowner, manages Chobham Common for people and wildlife. The Common is regionally significant as public open space for recreation and is greatly valued by the local community. In addition it is nationally and internationally important for nature conservation; being designated a Site of Special Scientific Interest (SSSI), National Nature Reserve, Special Protection Area (for birds) and Special Area of Conservation (for its size and diversity of heath land habitat).
2. Much of Chobham Common has been declared as being in unfavourable conservation condition by Natural England (NE), which has encouraged and supported the Trust in its attempts to obtain the views of local communities and others in order to reach agreement on a way forward. Surveys undertaken by Natural England have determined this condition for Chobham Common mainly due to the increasing conversion of heather dominated heath land to grass, but also to the encroachment of scrub and trees onto the heath. A consultation process, which commenced in spring 2008, is on-going,

in order to involve the community in the decision making process for future management of the common to achieve favourable conservation condition and meet the Government's PSA target that 95% of SSSIs should be in favourable condition by 2010.

3. The consultation outlined the range of options on habitat management available to managers (e.g. grazing, cutting/mowing, controlled winter burning, turfing and scrub clearance) and asked for views about these and various recreational issues.
4. Following this consultation and discussions with other local and national organisations, the Trust decided that a combination of all the habitat management options (including grazing) was the best way forward as well as implementing a programme of visitor improvement works.
5. The re-introduction of grazing is one aspect of achieving favourable condition that has raised concern, as it would involve placing structures on the Common that would require consent from the Planning Inspectorate as the Common is registered Common land. Some local organisations have said that while they are opposed to permanent perimeter fencing as they feel that it would detract from the present open aspect of the site, they would prefer a scheme that included cattle grids.
6. Surrey Highways was approached by the Surrey Wildlife Trust to help develop a solution that would allow cattle grazing on Chobham Common. Officers of Surrey Highways have met with SWT and Surrey Police to discuss options and the use of cattle grids is a consideration.

ANALYSIS AND COMMENTARY

7. SWT has investigated and engaged a highways consultant to undertake a feasibility study into cattle grids placed on the three roads, which cross the Common; these being B386 Chertsey Road (between B383 and Longcross Road), Staple Hill Road and Gracious Pond Road. The consultant collected data on traffic volume and speed from these roads and has liaised with Hampshire County Council to consider their experience of cattle grids in the New Forest. The consultants' reported back to a steering group consisting of SWT, SCC Highways and Surrey Police (road safety) and concluded that cattle grids are a feasible option but only with a 40mph speed limit and some form of additional traffic management in place.
8. The consensus view of the Steering Group was to propose cattle grids initially only on Staple Hill Road. The group felt that it would be potentially more difficult to place cattle grids on the Chertsey Road as it could be harder to effectively manage traffic speed on this road and that Gracious Pond Road may be more suitable to be designated as a quiet lane at present. A Quiet Lane designation is traditionally a minor rural road that can be shared by walkers, cyclists, horse-riders and drivers/riders. Examples of these are being created in Surrey Hills Area of Outstanding Natural Beauty and are reengineered to help reduce the volume and speed of traffic and to keep their rural character.
9. Horse riding representatives have expressed reservations about grids in the Gracious Pond area due to the proximity of many of their stables, although others have expressed support and the Trust intends to hold further discussions on this issue.

Environmental Benefits of the proposed Cattle Grids

10. If cattle grids were installed at either end of Staple Hill Road this would, with fencing elsewhere, enable grazing of the National Nature Reserve to achieve the Government target of favourable condition whilst greatly minimising the fencing required to help meet the wishes of the local community. The associated traffic calming and speed reduction would allow visitors to cross the road from the present car parks more safely and better integrate sections of the Common presently fragmented by the road. Many responses requested SWT to remove vegetation growing immediately alongside Stable Hill road to open up views of the Common. Such vegetation removal would be necessary as part of installing cattle grids and would dramatically enhance landscape quality by opening up improved views of the Common. Many organisations are opposed to fencing along this road, but if cattle grids were not achievable, retention of the vegetation screen would be necessary to hide any fencing installation.
11. A grazing system using cattle grids is employed by the Corporation of London to graze their nature reserve at Farthing Down on the edge of Croydon, just outside the SCC boundary with Croydon Borough. This was introduced approximately twenty years ago and only one accident has been recorded in that time, the cause of which was considered to be unrelated to the cattle-grazing scheme.
12. The introduction of additional traffic management measures is essential and would seek to help mitigate against further adverse impact on the Common from potentially increasing traffic volumes.
13. SWT held further consultation days in mid-September presenting detailed proposals on the application of all the heath land management techniques at Chobham Common, with a programme of visitor improvements over a five-year period. These include grazing, and final proposals will include as many of the outcomes of the stakeholder engagement process as possible. The grazing scheme currently under consideration includes a variety of solutions including fencing, a ha-ha and cattle grids to take full account of considerations around landscape and public access.
14. The Trust continues to welcome further suggestions and support from the local community as these proposals progress and where required taken through their respective statutory processes.

Statutory requirements for implementing cattle grids on the highway

15. The Highways Act 1980 section 82 to 90 provide highway authorities power to provide, manage and enter into agreements for cattle grids and bypasses in or adjacent to the highway. The main provision is contained in Section 82 and Section 87 provides for the highway authority to enter into an agreement with a landowner should it be necessary for an access or gate to be placed in conjunction with a cattle grid on land that is not highway. An agreement may be required in this respect although in this case the owner would be SWT/Surrey County Council.
16. Schedule 10 of the Highways Act 1980 indicates the procedure for determining the provision of cattle grids. This is set out in Annex A.

Maintenance of cattle grids

17. If constructed cattle grids would form part of the highway infrastructure and would be classed as highway structures. This would require regular inspection and checks similar to that of other highway structures, bridges etc. It is considered that if cattle grids were provided then Surrey Highways would need to fund their ongoing maintenance. The maintenance of other associated infrastructure to the cattle grids, bypass gates etc could be maintained by others and the detail of this would form part of any future formal proposal to the Committee.
18. One of the primary issues discussed amongst the steering group members was the implication for collisions involving livestock. Experience offered by the Hampshire Police in the New Forest area indicate that the majority of those collisions are usually classified as either minor injury (to people) or animal injury/death collisions. Incidents where livestock (primarily ponies or cattle) escape from the Forest roads onto other roads, including strategic routes do also occur. Generally these types of incidents have been minor and result in the animal being returned to the Forest safely. Experience has also found that some animals will get over the grids by simply rolling across them. Cattle can also jump fences or push their way through a fence.
19. Hampshire Police has a good relationship with the organisation responsible for livestock in its area and operate a set of procedures to deal with incidents. It is clear that should livestock be deployed on the Common then a similar arrangement would be required between Surrey Police and the SWT.
20. Should livestock be introduced to the common and cattle grids provided then monitoring of road casualties and incidents involving animals would be required. This would be done through Surrey's casualty reduction working group, which meets two times a year.
21. No formal measures have been investigated at present to assist with traffic management in the locations being considered.

CONSULTATION

22. The purpose of this report is to advise members of the proposals, its reasons and to seek authority to undertake a consultation for the placing of cattle grids on Staple Hill Road, B386 Chertsey Road (between B383 and Longcross Road) and Gracious Pond Road, Chobham. Currently Staple Hill Road is considered the most suitable of the three roads for the provision of cattle grids and this location could be taken forward independently as it will also have the most impact with regard to common management.
23. Whilst some consultations have been carried out these have focussed solely on the issues on the management of the common. This further consultation is necessary to explain the impacts of the proposal to the highway and its users. Consultation will be undertaken with relevant stakeholders and as many road users as possible.
24. Surrey Police are part of the steering group and have been supportive of general concept of cattle grids, obtaining a considerable amount of reference material from colleagues, which have helped to assess the projects impacts.

FINANCIAL IMPLICATIONS

25. Surrey Wildlife Trust, with financial support from Natural England, would propose to fund the supply and installation of the cattle grids and other associated infrastructure. Initially this may be for two facilities in Staple Hill Road. The Trust would also bear the cost of and undertake the required vegetation removal. Full details of any other associated costs and how they could be funded would be included in any subsequent report.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

26. The grazing of animals on the common would greatly assist SWT as it is a natural method of heath management and would greatly help to bring the common into a more favourable condition. Whilst grazing could take place with fencing, it is clear there is some local opposition to this. The provision of cattle grids would enable the common to be grazed with very limited fencing use.

CRIME & DISORDER IMPLICATIONS

27. There are no direct implications.

EQUALITIES IMPLICATIONS

28. Across the range of transportation issues and problems to be addressed the needs of all highway users require equal consideration. Proposals may benefit a particular group or individuals but it is important to consider and address how one impact may worsen others. An equality assessment for this proposal will be required.

CONCLUSION & REASONS FOR RECOMMENDATIONS

29. The introduction of cattle grids is a possible option that would assist with management of the common. It may also contribute toward improved traffic management in a rural location and is worthy of specific consultation and further detailed investigation.

WHAT HAPPENS NEXT

30. If approved, the consultation process can take place with the outcome brought back to a future meeting of the Committee.

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BACKGROUND PAPERS: None

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Annex A

PROCEDURE FOR DETERMINATION BY HIGHWAY AUTHORITY OF CERTAIN QUESTIONS ARISING IN CONNECTION WITH PROVISION OF CATTLE-GRID OR BY-PASS

1. — (1) Before determining, under section 82 or 86 of this Act, the question—

(a) whether it is expedient to place any part of a cattle-grid in, or provide a by-pass on, any such land not forming part of a highway and not belonging to the highway authority therefor as is mentioned in section 82(4), or

(b) whether it is expedient to provide a by-pass along any part of a highway, or

(c) whether the purpose for which a right to install gates is exercisable will be adequately achieved by the provision of a cattle-grid,

a highway authority shall comply with the requirements specified in sub-paragraph (2) below.

(2) The requirements referred to in sub-paragraph (1) above are as follows, namely, that the authority shall—

(a) publish in 2 successive weeks in one or more local newspapers circulating in the area where the cattle-grid is to be, or has been, provided a notice—

(i) stating generally the question for determination,

(ii) naming a place within the said area where a copy may be inspected free of charge at all reasonable hours of such plans or other descriptive matter as appear to the highway authority to be requisite for enabling the nature of the question to be understood, and

(iii) specifying the time (which shall not be less than 28 days from the date of the first publication of the notice) within which and the manner in which representations may be made to the highway authority, and

(b) display a like notice in a prominent position at the place where the cattle-grid is to be or has been provided.

2. If no representation is duly made under paragraph 1 above, or if every representation so made is withdrawn, the highway authority may proceed to determine the question.

3. — (1) Where a representation is duly made as aforesaid and not withdrawn, the following provisions have effect.

(2) Where the highway authority is not the Minister, the authority shall forward the representation to the Minister, together with their observations thereon and their proposals, in the light of the representations, for determining the question.

(3) The Minister shall consider any representations received by him (and, where the highway authority is not the Minister, the authority's observations and proposals forwarded to him as aforesaid) and shall either cause a local inquiry to be held or afford to any person by whom a representation has been duly made and not withdrawn and, where the highway authority is not the Minister, to that authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(4) After the Minister has considered the report of the person who held the inquiry under sub-paragraph (3) above, or the person appointed under that sub-paragraph, as the case may be,—

(a) the Minister may, where he is the highway authority, proceed to determine the question;

(b) where he is not the highway authority, the authority may determine the question in the affirmative if the Minister consents, but not otherwise, and subject to compliance with any conditions subject to which his consent is given.

(5) Notwithstanding anything in sub-paragraph (3) above, except where a representation is made by a highway authority other than the Minister, the Minister may, if satisfied that in the special circumstances of the case the holding of a local inquiry or the affording to the person making such representation as aforesaid of an opportunity to be heard by a person appointed by the Minister is unnecessary, proceed without compliance in this respect with the provisions of the said sub-paragraph (3).

(6) As soon as may be after the determination of the question, a notice of the determination shall be sent by the Minister to any person by whom a representation has been made under the foregoing provisions of this Schedule.

4. For the purpose of displaying a notice as required by paragraph 1 above, a highway authority may, on the highway or on adjoining land (whether or not belonging to the authority), erect and maintain posts or boards or affix a notice to any building or structure; but the powers conferred by this paragraph shall not be exercised on land off the highway which is occupied, except with the consent of the occupier.

5. In relation to the exercise by a council of functions of the Minister as highway authority delegated to the council under section 89 of this Act, the foregoing provisions of this Schedule apply as if the council, and not the Minister, were the highway authority.