

## Appendix 1 – Grounds for a Traffic Regulation Order

The County Council, as a Highway Authority, has the power (not a duty) to make a Traffic Regulation Order (TRO) on Byways Open to All Traffic (BOATs) subject to Parts I and II of Schedule 9 of the RTRA 1984 (powers reserved to the Secretary of State) under certain circumstances. TROs generally restrict users by type or designated time periods and reflect local needs in the type of restrictions in place and can be applied to all public rights of way. Enforcement is carried out by the Police.

Seven grounds are set out in S. 1 of the RTRA 1984 for making a TRO, which are set out below.

- (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, [or
- (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).]

Section 22 and 22A of the 1984 Act also provide additional grounds, that in the case of Areas of Outstanding Natural Beauty (AONB) and certain other environmental designations, the Council should, in addition to (a) to (g), consider the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the

study of nature in the area. Together paragraphs. 5 and 6 can be considered “the grounds” or reasons for making a TRO.