

Policy for the management of traffic on Hampshire's public rights of way network and the use of Traffic Regulation Orders

Reviewed 22/01/20

1. The legislation which gives highway authorities the powers to impose Traffic Regulation Orders (TROs) is the Road Traffic Regulation Act of 1984. Section 1 of the Act sets out the powers and describes the circumstances or criteria which have to be met for this power to be exercised.
2. Hampshire County Council's approach to the use of these powers is to consider every individual case on its merits. It will consider whether a TRO is appropriate for a specific path rather than consider the implementation of TROs for an area. The policy and individual decisions taken should, wherever possible, be in accordance with the guidance set out in the revised version of 'Making the Best of Byways' and recent Government Guidance document entitled 'Regulating the Use of Motor Vehicles on Public rights of way and Off-Road'
3. If a previously unrecorded route is added to the Definitive Map as a route with public vehicular rights, or if the recorded status of a route is changed to show the existence of public vehicular rights, then the County Council will only consider the restriction of vehicles if there are specific local circumstances which warrant such action. However, where there is no evidence of significant use of the route by motor vehicles in the previous twenty years then the presumption will be that this traffic should be prohibited.
4. Road Traffic Regulation Act Criteria: The criteria will be considered in relation to the circumstances which exist in each specific case.
5. Every Traffic Regulation Order will be reviewed by HCC officers at least once every three years to see if the circumstances which led to the imposition of the Order still apply. The conclusions of the review should be made publicly available.
6. The response to a problem or a potential problem should always be the least restrictive necessary. The Council will consider a series of other options before considering the implementation of a TRO. If a TRO is to be considered it should be the least restrictive necessary.

If a problem exists which is due to the use, or likely future use, of a route by certain types of traffic then the following must be considered

- Allowing traffic to continue to use the route but undertaking closer monitoring of use and impact of use over a period (usually several months).
- Assessing whether private use of the route is a contributory factor and if so liaising with those responsible to find a solution.
- Undertaking remedial works to a standard which can support the expected level of public use of the route.

If the problem is deemed to be more severe, and the above measures have not worked or would not work, the following options will be considered:

- The use of signs requesting particular classes of traffic to desist from use at times when such use would be harmful (Eg. after rain or over winter). In addition, asking known contacts within user groups to publicise the case and to ask that the route identified be avoided for a period of time, or at certain times of the year, depending upon the nature of the problem

- If the problem is one deemed to be caused by public use of the route by motor vehicles, the Council can ask the organised groups to agree to promote a 'Voluntary Restraint' (VR) by certain classes of vehicles and/or at certain times of the year. These VRs are accompanied by LARA (Land Access and Recreation Association) signs and an agreement that members of LARA and affiliated societies are asked to abide by the restraint being promoted.
- If a VR is deemed to be insufficient, or has been tried but been unsuccessful, then the next consideration is the implementation of a Traffic Regulation Order. Again, this should be the least restrictive necessary. Consideration will be given to limiting the restriction to as short a period as is necessary and should only apply at certain times of year if appropriate. In particular, if there is an immediate risk, consideration should be given to the implementation of an 'Experimental TRO' as described in the recent Government guidance. Although these can be imposed quickly, they must then be subject to the same decision making process as non-experimental TROs and, in any event, the legislation does not allow for these to be in place for longer than 18 months.

Process for Making a Traffic Regulation Order

If a proposal for a TRO is to be considered, the details of what is most appropriate may change before the TRO is actually made. Interested parties including the owners or managers of the land, local councils and user groups should be informed of such changes and have the opportunity to comment. A summary of the responses and proposed action should be made available to all consultees. The same contacts will also be notified when a proposed TRO is to be considered by the Executive Member.

Whatever the outcome feedback will be provided to those consulted.

7. Provision of Information. An annual report will be produced and made publicly available which lists:
 - all the existing TROs in the county,
 - dates they commenced, the reasons why the TROs have been made and are still in place,
 - the traffic prohibited and at what times,
 - dates and conclusions of reviews undertaken,
 - details of remedial works which are planned.

This information will also be constantly available on the County Council Countryside Service web pages.

8. Signage and Barriers. Unless enforcement or non-compliance difficulties arise signs and barriers will be limited to those which are necessary to achieve the intended effect of the Order. A minimum in every case will be a permanent sign which explains clearly in words, with easily understood graphics, the traffic which is prohibited from using the route and at what times. If barriers are necessary, every reasonable attempt will be made to physically allow access to the traffic which is not prohibited by the Order. This will include the use of the 'Kent Carriage Gap' where the intention is to prohibit access by 4 wheeled vehicles but allow horse drawn carriages to continue to use the route. The Kent Carriage Gap is a series of low bollards which are placed sufficiently close together to allow most carriages through but too close to allow access for most motor vehicles.
9. County Council officers will help encourage Hampshire Police to monitor adherence to all Traffic Regulation Orders across the county and to take appropriate enforcement action. In particular HCC officers will encourage local Police to take action against offenders where clear problems exist.
 - [Policy Statement](#)
 - [Full Policy Report](#)

Approved by the Executive Member for Recreation and Heritage on 18 May 2006