

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Culture and Recreation
Date:	26 September 2011
Title:	Proposal to make a Traffic Regulation Order on part of Ashmansworth Byway Open to All Traffic No.18
Reference:	3198
Report From:	Director of Culture, Communities and Business Services

Contact name: Vicky Bowskill

Tel: 01962 846891

Email: vicky.bowskill@hants.gov.uk

1. Executive Summary

- 1.1. The purpose of this paper is to consider requests to make a Traffic Regulation Order on Ashmansworth Byway Open to All Traffic (BOAT) No.18, as shown on the attached plan, under section 1 of the Road Traffic Regulation Act 1984.
- 1.2. This paper seeks to provide the Executive Member with the necessary information to determine whether to give authority to make the aforementioned Traffic Regulation Order, now that formal consultations have been carried out.

Extract from the **Road Traffic Regulation Act 1984**

1. The Traffic Authority for a road outside Greater London may make an order under this section (referred to in this Act as a 'Traffic Regulation Order') where it appears to the authority making the order that it is expedient to make it -
 - 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 any 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).

122. Exercise of functions by local authorities.

- 1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland the road.
- 2) The matters referred to in subsection (1) above as being specified in this subsection are—
 - a) the desirability of securing and maintaining reasonable access to premises;
 - b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
 - c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - d) any other matters appearing to the local authority to be relevant.
- 3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.

2. Background

- 2.1. A report detailing the reasons for proposing to make a Traffic Regulation Order (TRO) on Ashmansworth Byway Open to All Traffic (BOAT) 18 was considered by Executive Member on 17 May 2011.
- 2.2. The decision was made that Hampshire County Council should advertise its intention to introduce a **permanent** TRO to restrict vehicles with three or more wheels and horse-drawn carriages on Ashmansworth BOAT 18 **between points C and D**, and a **seasonal** Traffic Regulation Order, to be in force between 31 August and 31 May each year to restrict vehicles with three or more wheels **between points A and B**, as shown on the attached plan.

- 2.3. The advert was placed in the local press on 17 June 2011, notices were posted onsite between 17 June and 15 July 2011 and sent to the relevant statutory consultees. Responses to this formal consultation are detailed below.

3. Formal Consultations

- 3.1. The Ramblers
The Ramblers has been consulted on this proposal and has no objection to it.
- 3.2. British Horse Society
The British Horse Society has been consulted on this proposal and has no objection to the proposed restrictions on motor vehicles. However, it does object to the proposal to restrict horse-drawn carriages between Points C and D on the attached plan.
- 3.3. Byways and Bridleways Trust
The Byways and Bridleways Trust has been consulted on this proposal and objects to the proposal to restrict horse-drawn vehicles between Points C and D on the attached plan.
- 3.4. National Farmers Union
The National Farmers Union has been consulted on this proposal, but has made no comment.
- 3.5. Open Spaces Society
The Open Spaces Society has been consulted on this proposal but has made no comment.
- 3.6. Land Access & Recreation Association
The Land Access & Recreation Association has been consulted on this proposal but has made no comment.
- 3.7. Cyclists Touring Club
The Cyclists Touring Club has been consulted on this proposal but has made no comment.
- 3.8. British Driving Society
The British Driving Society has been consulted on this proposal but has made no comment.
- 3.9. Trail Riders Fellowship
The Trail Riders Fellowship has been consulted on this proposal but has made no comment.
- 3.10. Auto Cycle Union
The Auto Cycle Union has been consulted on this proposal, but has made no comment.
- 3.11. All Wheel Drive Club
The All Wheel Drive Club has been consulted on this proposal but has made no comment.

- 3.12. Basingstoke & Deane Borough Council
Basingstoke & Deane Borough Council has been consulted on this proposal but has made no comment.
- 3.13. Ashmansworth Parish Council
Ashmansworth Parish Council has been consulted on this proposal and is in support of it, pointing out that the northward connection on the rights of way network is of bridleway status so this restriction would not create a 'missing link' for the excluded classes of user.
- 3.14. Hampshire Police
Hampshire Police has been consulted on this proposal but has made no comment.

4. Comments on Formal Consultations

- 4.1. The only point of objection appears to be the proposal to restrict horse drawn carriages between Points C and D on the attached plan. This restriction has been proposed in order to improve road safety due to the poor sight lines when joining a fast stretch of the A343 at Point D. Whilst the objection to this part of the proposal is noted, the road safety concerns are such that Officers believe the proposed restriction is appropriate.

5. Compliance with Hampshire County Council's Traffic Regulation Order Policy and Countryside Access Plans

- 5.1. The Countryside Access Team of Hampshire County Council has published a Traffic Regulation Order (TRO) policy which was approved by the Executive Member for Recreation and Heritage in June 2006 (www3.hants.gov.uk/row/making-changes/traffic-regulation-orders/tro-policy.htm). This policy says that each case will be assessed on its individual merits and the least restrictive option will be sought after exploring alternative methods to manage the problems that exist. The recommendations contained in that policy have been taken into account in developing this proposal.
- 5.2. This proposal is also in line with the aims of the Hampshire Downs Countryside Access Plan, in particular issues 2, 3 and 5 of that plan, which talk about the problems that path users encounter in using vehicular highways to link between traffic-free routes and the need to properly maintain existing rights of way (<http://www.hants.gov.uk/rh/countryside/access/hampshire-downs.pdf>).
- 5.3. This route was temporarily closed whilst surface improvements were carried out and has since then been gradually opened up to different classes of user to properly assess what level of use the route can reasonably sustain. This has clearly shown that the surface can sustain use by horses, horse-drawn carriages, cyclists and walkers. Officers are confident that, during dry conditions, the surface would be able to sustain use by motorised vehicles at the expected levels of use. However, if there is a period of wet weather during the summer months the route could be susceptible to damage if no traffic management controls are in place. A

seasonal TRO to allow use by motorised vehicles with three or more wheels during the summer months only is believed, on balance, to be an appropriate solution.

- 5.4. The issue of road safety in exiting onto the A343 at point D was raised as part of the consultations on this proposal, detailed in the report considered on 17 May 2011, and as such it is considered appropriate that the restriction against motorised vehicles with three or more wheels and horse-drawn carriages placed on the section C-D is made permanent to resolve this issue. The TRO on section A-B can remain as a seasonal restriction as the cited road safety issue at Point D does not affect that section. This combination of TROs is believed to represent the least restrictive option in this case.

6. Recommendations

- 6.1. It is recommended that Hampshire County Council should introduce a **permanent** Traffic Regulation Order under section 1 of the Road Traffic Regulation Act 1984 to restrict vehicles with three or more wheels and horse-drawn carriages on Ashmansworth Byway Open to All Traffic (BOAT) 18 **between points C and D** on the attached plan.
- 6.2. It is further recommended that Hampshire County Council should introduce a **seasonal** Traffic Regulation Order, to be in force between 31 August and 31 May each year, under section 1 of the Road Traffic Regulation Act 1984 to restrict vehicles with three or more wheels on Ashmansworth Byway Open to All Traffic (BOAT) 18 **between points A and B** on the attached plan. The Traffic Regulation Order to be reviewed after a period of two years to assess its continued suitability.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:

Links to the Corporate Strategy		Yes	No
Hampshire safer and more secure for all	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Maximising well-being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Enhancing our quality of place	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
OR			
This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:			

Section 100 D - Local Government Act 1972 - background documents	
The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report.	
(NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)	
<u>Document</u>	<u>Location</u>
General Correspondence	HantsFile\CCRA\Countryside\Countryside HQ\Countryside Orders\Traffic Regulation Orders 1
Proposal File	VB/TRO/Ashamnsworth18

IMPACT ASSESSMENTS:

This decision has been assessed to see what impact it may have in the following areas. If it has been identified that there are possible implications which may have a negative impact this grid should identify the part of the report which covers the recommendation about how those potential negative impacts are managed or avoided.

Impact Level: **S**= Significant Impact **L** = Low Impact **None** = No impact

IMPACT AREA	IMPACT LEVEL	COMMENTS	WHERE COVERED IN REPORT (Where there are details of how impact could be managed)
Equality & Diversity Impact	L	The restriction of motorised vehicles on this route will enable surface improvements to be maintained, making the route easily accessible by a wide range of path users.	
Crime Prevention (under Section 17)	None	The introduction of the proposed Traffic Regulation Orders will enable the restrictions to be effectively enforced by physical structures, rather than policing. The area is very low in crime; suffering no crime within a 1km radius of the location for nearly every month of 2010/11 and the proposals made are anticipated to have no impact on increasing crime and disorder.	
Environmental	L	The proposed restrictions will reduce use of the route by motorised vehicles, nominally reducing environmental impacts in the local area.	