

## HAMPSHIRE COUNTY COUNCIL

### Executive Decision Record

<b>Decision Maker:</b>	Executive Member for Culture, Recreation and Countryside
<b>Date:</b>	16 July 2015
<b>Title:</b>	Proposal to make a Traffic Regulation Order on Bentworth Byway Open to All Traffic Nos. 23, 27 & 28 and Wield Byway Open to All Traffic Nos.17, 19 & 20
<b>Reference:</b>	6729
<b>Report From:</b>	Director of Culture, Communities and Business Services

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#### 1. The decision:

That the Executive Member for Culture, Recreation and Countryside approves the proposals to:

- 1.1. Make a Traffic Regulation Order under section 1 of the Road Traffic Regulation Act 1984, to prohibit all motorised vehicles except for permit holders from proceeding along Bentworth Byway Open to All Traffic Nos. 23, 27 & 28 and Wield Byway Open to All Traffic Nos. 19, & 20, as shown on the attached plan.
- 1.2. Make a Traffic Regulation Order under section 1 of the Road Traffic Regulation Act 1984, to prohibit all motorised vehicles from proceeding along Wield Byway Open to All Traffic No. 17, as shown on the attached plan.

#### 2. Reason(s) for the decision:

- 2.1. In 2013, Hampshire County Council consulted user groups and local residents on the future of Bentworth Byways Open to All Traffic (BOATs) 23, 27 and 28 and Wield BOAT 17, whose surfaces had suffered significant damage. Officers commissioned repairs and considered in some detail how best to protect the surface from future damage, taking into consideration the views of stakeholders, the law and the practicality of a range of options. The consultation and the options were described in detail in a September 2013 report to the Executive Member.
- 2.2. The Executive Member, having considered the evidence, authorised the use of an Experimental Traffic Regulation Order (ETRO) as described in

paragraph 9 of the legislation above. The Order came into effect on 28 May 2014, covering the repaired routes and contiguous routes Wield BOATs 19 and 20. The effect is that motorcycles and other motor vehicles can only legally use the routes if they have applied for and been issued with a permit by the Council. In this way it was anticipated that the irresponsible use that caused so much damage to some of these routes could be better controlled without the need to prevent access for responsible motorised users.

- 2.3. The ETRO has now been in place for a year on Bentworth BOATs 27 and 28 and just over 6 months on Bentworth BOAT 23 and Wield BOATs 19, 20. Signs and barriers with combination locks were installed as the ETRO came into effect and officers have created a permit scheme and monitored use with CCTV, monthly visits and information from local people.

**3. Other options considered and rejected:**

- 3.1. To extend the Experimental Traffic Regulation Order (ETRO) – the ETRO has now been in place for a year and has served its purpose.
- 3.2. Re-open the routes to motorised traffic - Officers are of the view that the level and nature of motorised use on these byways prior to the ETRO is not sustainable and if reopened to all it would inevitably result in a reoccurrence of the damage previously seen.
- 3.3. Introduce a seasonal traffic regulation order - Although this measure has been introduced on other BOATs in the county, due to the variable weather conditions in recent years throughout what have traditionally been drier periods, officers believe that as a result this measure has become a less effective means of minimising surface damage.
- 3.4. Impose a permanent restriction against motorised users (without a permit system) - Officers are of the view that the ETRO has demonstrated that this would be overly restrictive and therefore would not be compliant with the County Council's Traffic Regulation Order policy.

**4. Conflicts of interest:**

- 4.1. Conflicts of interest declared by the decision-maker:  
None.
- 4.2. Conflicts of interest declared by other Executive Members consulted:  
None.

**5. Dispensation granted by the Conduct Advisory Panel: none.**

**6. Reason(s) for the matter being dealt with if urgent: not applicable.**

**7. Statement from the Decision Maker:**

**Approved by:**

**Date:**

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**16 July 2015**

**Executive Member for Culture, Recreation and Countryside  
Councillor Andrew Gibson**