

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Culture and Recreation
Date:	17 May 2011
Title:	Proposal to apply for a Traffic Regulation Order on part of Ashmansworth Byway Open to All Traffic No.18
Reference:	2884
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 advertise the Council's intention to make the aforementioned Traffic Regulation Order and begin the formal consultation.

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).

2. Background

- 2.1. This route has been subject to temporary closures for a period of approximately 3 years to allow significant repairs to take place. These repairs have now been completed and the surface allowed to settle.
- 2.2. The route, which is also part of the Wayfarers Walk and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), was significantly rutted by vehicular use and traditional repairs to bring it back up to a standard to sustain regular vehicular movements would have cost upwards of £75,000. An alternative approach was taken which involved the use of specialist machinery to rotovate and level the surface in a single pass. The total cost of the work was £12,500. Some previous levelling had been attempted in the past, however with no vehicular restrictions implemented, the repairs did not last, resulting in no public benefit from the investment made.
- 2.3. Following repairs in February 2008 the route was subject to a temporary closure Order, gated and closed to all users to allow for the surface to settle and surface vegetation to re-establish. After 6 months the route was made available to walkers, cyclists, horse riders and horse drawn vehicles. The restriction on all motor vehicles was extended to June 2009. From June 2009 the current order is to restrict all motorised vehicles with 3 or more wheels.
- 2.4. During the restrictions the route has been monitored and as a result the restrictions have been relaxed. Motorbikes using the route appear to have little impact on the new surface. Oxfordshire TRF have praised the work and the approach taken by HCC. The use of experimental restrictions followed up with regular monitoring has demonstrated that the route is able to sustain the current level of use by walkers, cyclists, horse riders, horse drawn vehicles and 2 wheel motorbikes. However it would be vulnerable to damage by vehicles with 3 or more wheels, as evidenced by the original condition which included ruts up to 3' deep. No stone or other material has been brought on site to prevent this from happening again.
- 2.5. In order to limit restrictions whilst also taking practical measures to protect this route from further erosion it is desirable to exclude motorised vehicles with 3 or more wheels during the winter months when the surface is vulnerable to damage.
- 2.6. The Parish Council have raised safety concerns relating to vehicles using the byway and conflict with other users, they also raised the potential

danger of vehicles emerging from Ashmansworth BOAT 18 and on to the A343 at point D due to poor visibility and the speed of traffic and as such it is proposed that this should be a permanent restriction, rather than a seasonal one. Highways have been approached to advise on the safety of this junction and are in agreement that visibility when exiting this BOAT onto the A343 is not sufficient for 3 or 4 wheeled vehicles, or horse-drawn carriages, to exit or enter safely.

3. Informal Consultations

3.1. Ramblers

The Ramblers has been consulted on this proposal and is in support of it, but would like to see the restriction on Ashmansworth BOAT 18 extended to include motorcycles as well.

3.2. National Farmers Union

The National Farmers Union has been consulted on this proposal and has no objection to it.

3.3. British Horse Society

The British Horse Society has been consulted on this proposal and is in support of it.

3.4. Open Spaces Society

The Open Spaces Society has been consulted on this proposal but has made no comment.

3.5. Land Access & Recreation Association

The Land Access & Recreation Association has been consulted on this proposal and has recommended that a 30mph speed restriction be placed on the A343 to make the exit from the BOAT onto the A343 safer, rather than restrict users from the BOAT. Concern was raised that the restriction could leave vulnerable users 'stranded' on the A343 if they are not able to use the BOAT.

3.6. Cyclists Touring Club

The Cyclists Touring Club has been consulted on this proposal but has made no comment.

3.7. British Driving Society

The British Driving Society has been consulted on this proposal but has made no comment.

3.8. Trail Riders Fellowship

The Trail Riders Fellowship has been consulted on this proposal but has made no comment.

3.9. Auto Cycle Union

The Auto Cycle Union has been consulted on this proposal and has commented that they welcome the works that have been carried out on this route but are concerned that the original proposal for a seasonal restriction has been amended to a permanent restriction. The existence of other routes with poor visibility on joining a main vehicular highway has been

highlighted and the validity of using this as a justification for restricting legitimate users has been questioned.

- 3.10. All Wheel Drive Club
The All Wheel Drive Club has been consulted on this proposal but has made no comment.
- 3.11. Local Member - Councillor Thacker
Councillor Thacker has been consulted on this proposal and has raised concern that 2 wheeled motorcycles may also cause damage to the surface.
- 3.12. Hampshire County Council – Highways Management
Hampshire Highways has been consulted on this proposal and has carried out a safety audit on the junction of Ashmansworth BOAT 18 with the A343, as detailed in 2.6 above.
- 3.13. Hampshire County Council – Environment Department
Hampshire Environment department has been consulted on this proposal but has made no comment.
- 3.14. Hampshire County Council – Crime & Disorder Risk Advisor
Hampshire’s Crime and Disorder Risk Advisor has been consulted on this proposal and has provided the following information. 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.
- 3.15. Basingstoke & Deane Borough Council
Basingstoke & Deane Borough Council has been consulted on this proposal but has made no comment.
- 3.16. 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.
- 3.17. Hampshire Police
Hampshire Police has been consulted on this proposal but has made no comment.
- 3.18. Hampshire Countryside Access Forum (HCAF)
The Motorised User Representative for HCAF has highlighted that, whilst it is dangerous to exit from the BOAT onto the A343, it is not necessarily hazardous to enter the BOAT from the A343. As such it has been questioned whether a TRO making this route one-way for horse-drawn carriages and vehicles with three or more wheels would be more appropriate.
- 3.19. North Wessex Downs Area of Outstanding Natural Beauty (AONB)
The North Wessex Downs AONB has been consulted on this proposal and is in support of it, but would wish to see this as a permanent restriction of all motor vehicles. They have highlighted Hampshire County Council’s duty under s85 of the Countryside & Rights of Way Act 2000 to have regard to

the purposes for which the AONB was designated, i.e. conserving and enhancing natural beauty. Implementing a permanent TRO against all motor vehicles would also assist in implementing the management plan for the AONB on a number of points.

4. Comments on Informal Consultations

- 4.1. The Ramblers has commented that it would like to see this restriction extended to include motorcycles. Councillor Thacker also raised this concern due to the possible damage that motorcycles might cause. However, given that it has been demonstrated that motorcycles are not having a significant detrimental effect on the condition of the surface, and that riders would have an adequate view when exiting onto the A343 which is not available to drivers of 4 wheeled vehicles or carriages, it is not felt that excluding motorcycles from exercising their right to use this route would be appropriate.
- 4.2. The North Wessex Downs AONB have stated that they would wish to see this as a permanent restriction, rather than a seasonal one. It is proposed that the section C-D should be under a permanent restriction due to road safety concerns where the route joins the A343 at point D. However it is not considered appropriate to change the proposal for the section A-B from a seasonal to a permanent restriction as this is not necessary to protect the surface and the road safety concerns do not apply here. This is in line with the Council's policy on seeking the least-restrictive option in each case.
- 4.3. The possibility of implementing a 30mph speed restriction on the A343, as requested by the Land Access & Recreation Association, has been explored with Hampshire Highways, who have confirmed that this proposal does not meet the required criteria to justify such a measure. Even if such a restriction were implemented there would still be insufficient visibility to safely exit from Ashmansworth 18 onto the A343.
- 4.4. It has been suggested by the Hampshire Countryside Access Forum that a one-way TRO be applied to allow access onto the route from the A343, but no access to exit out onto the A343 due to road safety concerns. This has been considered, however it would not be possible to enforce a one-way TRO with any kind of barrier and it is unlikely that the police authority would be in a position to enforce the TRO. Therefore a one-way restriction on Ashmansworth BOAT 18 is not considered a suitable option.

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 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 user groups to properly assess what level of use the route can reasonably sustain. This has clearly shown that the surface can sustain use by horses, 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 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 (see 2.6 above) and as such it is considered appropriate that the restriction placed on the section C-D is permanent to resolve this issue, whilst the section A-B can remain as a seasonal restriction. This combination of TROs represents the least restrictive option in this case.

6. Recommendations

- 6.1. It is recommended that Hampshire County Council should advertise its intention to 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 advertise its intention to introduce a **seasonal** Traffic Regulation Order, to be in force between 30 September 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.
- 6.3. Once comments have been received on this proposal from interested parties a further report should be prepared for the Executive Member seeking approval for the making of the abovementioned Traffic Regulation Orders, should it still be considered appropriate to do so in light of those comments.

CORPORATE AND LEGAL INFORMATION ABOUT THIS DECISION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	yes
Corporate Improvement plan link number (if appropriate):	

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	I:\Recreation and Heritage\Countryside Service\Rights of Way\Vicky Bowskill\Orders by Parish\TROs
Proposal File	VB/TRO/2010-11

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, reducing environmental impacts in the local area.	