

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 Langrish Byway Open to All Traffic No.14
Reference:	2885
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 a request to make a Traffic Regulation Order on Langrish Byway Open to All Traffic (BOAT) No.14, 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 a Traffic Regulation Order (TRO) since 1977 that restricts use by motorised vehicles with three or more wheels, made under the Traffic Regulation Act 1967.
- 2.2. This steep route is subject to a high level of use by motorcycles and has suffered badly from erosion as a result, making it virtually impassable to cycles and horses, and a difficult walk for pedestrians. Local residents have been campaigning since 2004 for this route to be repaired and protected from further damage.
- 2.3. On two occasions capital funds have been raised to repair the route but the repairs have proved unsustainable in the face of such use by motorcycles and the erosion has reoccurred.
- 2.4. The route is remote and difficult to access when accidents do occur and on three occasions a helicopter rescue has been necessary following accidents on the route.
- 2.5. This route runs along the edge of the Queen Elizabeth Country Park and the Ranger Team there are ideally placed to monitor compliance with the Order, having access to the DVLA database to identify offenders that display a vehicle registration plate.

3. Informal Consultations

- 3.1. Ramblers
The Ramblers has been consulted on this proposal and is in support of it.
- 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 disputed that the damage to the route has been caused by motorbikes, saying that it appears to be erosion caused by running water.

- 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 these proposals and has commented that this route would be difficult to use, regardless of the erosion, owing to its steepness. An incident on nearby East Meon BOAT30 resulted in a pedestrian being air lifted so they have asked if this would be justification for closing that route to pedestrians. The ACU has requested that the challenge of this difficult route remain available to users and not be regulated away.
- 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 West
Councillor West has been consulted on this proposal and is in support of it.
- 3.12. Hampshire County Council – Highways Management
Hampshire Highways has been consulted on this proposal but has made no comment.
- 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. East Hants District Council
East Hants District Council has been consulted on this proposal but has made no comment.
- 3.16. Langrish Parish Council
Langrish Parish Council has been consulted on this proposal but has made no comment.

3.17. Hampshire Police

Hampshire Police has been consulted on this proposal but has made no comment.

4. Comments on Informal Consultations

- 4.1. Of all the consultation responses received to this proposal, most are either in support of it or have no objection to it.
- 4.2. Site staff have responded to the comments of the Land Access & Recreation Association agreeing that running water is a factor in the erosion of this route. However they point out that they manage the effects of running water on many steep routes in Queen Elizabeth Country Park, but this is the only route that also has regular motorbike use and it clearly suffers significantly as a result of this use in combination with the action of running water.
- 4.3. The Auto Cycle Union has asked that this route remain open to motorcycles and that the 'challenge' of its difficult condition not be regulated away. Hampshire County Council has a duty to maintain public rights of way in a safe condition for all users and powers are available under section 1 of the Road Traffic Regulation Act to assist in that regard where there is a type of use that is causing damage to the route and danger to other users of the route.

5. Compliance with our Policy for the Management of Traffic on Hampshire's Public Rights of Way Network and the Use of Traffic Regulation Orders

- 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. Improvements have been made on two occasions to the surface of this route to try and resolve the dangerous conditions that exist. However due to the steep gradient and the high level of use by motorcycles these improvements have not been sustainable. In comparing this route to other similar routes nearby that are not used by motorcycles, it is clear that motorcycle use is a major factor in causing this surface damage, which is then further aggravated by water erosion. It is therefore considered appropriate to prohibit use by all motor vehicles in order to maintain this route in a safe and suitable condition for use by the public.

6. Recommendations

- 6.1. Officers recommend that Hampshire County Council should advertise its intention to replace the existing permanent TRO (which restricts motor vehicles with three or more wheels), with a new permanent TRO restricting motor vehicles with two or more wheels under s1(b) for preventing damage to the road, s1(c) for facilitating the passage of other classes of traffic (i.e. horse riders, cyclists and pedestrians), 1(d) for preventing use by vehicular traffic in a manner which is unsuitable and 1(e) for preserving the character of the road.
- 6.2. 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 a permanent Traffic Regulation Order 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 Order will enable the restriction 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 restriction will reduce use of the route by motorised vehicles, reducing environmental impacts in the local area.	