

Bath & North East Somerset Council

DECISION MAKER:	Cllr Charles Gerrish, Cabinet Member for Delivery Service	
DECISION DATE:	On or after 16 th October 2010	PAPER NUMBER 1
TITLE:	Traffic Regulation Orders to prohibit motor vehicles wider than 3ft 3in along Mill Lane (Priston) Ringspit Lane (Hursley Hill) and Birchwood Lane (Woollard)	EXECUTIVE FORWARD PLAN REFERENCE: E 1943
WARD:	Bathavon West, Farmborough and Publow & Whitchurch Wards	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 : Draft Traffic Regulation order Appendix 2 : Location plans Drawing No's TC1601D/001, TC1601F/001 & TC1601S/001 Appendix 3 : Road Traffic Regulation Act 1984 - Sections 1(1)(a) to (g), 22A & 122		

1 THE ISSUE

- 1.1 A Traffic Regulation Order has been proposed to deal with ongoing problems relating to use by motor vehicles on three Byways Open to All Traffic (BOATs).
- 1.2 Objections have been lodged to the proposed order and the Cabinet Member is required to consider the objections and decide whether to proceed with the TRO or not.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

- 2.1 A Traffic Regulation Order as set out in the draft attached as appendix 1 to this report is made and implemented.
- 2.2 Barriers of an appropriate design should be installed to ensure that the TRO is self-enforcing. Initially these will be spaced at approximately 1.4 metres apart but subsequent use of the routes will be monitored and the spacing reduced if the TRO is being broken.

3 FINANCIAL IMPLICATIONS

- 3.1 Implementation of the Traffic Regulation Order will require the installation of appropriate statutory signage. Furthermore, best practice indicates that to be effective such measures need to be designed to be self-enforcing, as the Police struggle to devote resources to such issues. It is estimated that the cost of installing appropriate barriers to make the barrier self-enforcing and the signage will be approximately £2,500. This will be met from existing Public Rights of Way (PROW) budgets.
- 3.2 Whilst there may be some increased future revenue expenditure on additional vegetation clearance this will be at least balanced by a reduced need for surfacing and drainage repairs on the routes affected.

4 CORPORATE PRIORITIES

- *Improving transport and the public realm* – the proposed Traffic Regulation Order will improve the public realm by ensuring that the routes are available and capable of being maintained in a condition suitable for use by vulnerable road users such as pedestrians, cyclists and equestrians. It will protect a valuable historic feature and will improve and enhance the environment surrounding the routes.

5 THE REPORT

- 5.1 Bath and North East Somerset Council, as the highway authority for the area, is responsible for managing a network of approximately 49.6km of Byways Open to All Traffic (BOAT). BOATS are defined as *“a highway over which the public have a right of way for vehicular and other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used”* (section 66, Wildlife & Countryside Act 1981).
- 5.2 The use of such routes by mechanically propelled vehicles, in particular, by 4x4's often provokes strong opinions and has been the subject of much government legislation and guidance. The Council's primary duty is set out in section 130(1), Highways Act 1980 which states *“it is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority...”* and this applies as much to legitimate recreational vehicular users as to any other users.
- 5.3 Nonetheless, the law recognises that there can be a conflict of interests in some circumstances and the making of Traffic Regulation orders is one example of where this primary duty may be limited for the greater public good. The making of TRO's is governed by the Road Traffic Regulation Act 1984. Section 1(1)(a) to (g) and section 22A prescribe the circumstances where the Council may consider making a TRO and section 122 sets out the balancing exercise that the Council must carry out in reaching a decision on whether to make a TRO or not. The relevant sections are set out in appendix 2 attached to this report.
- 5.4 The effect of the TRO if made as proposed will be to prevent access to vehicles wider than 1m to approximately 2.7km of BOAT.
- 5.5 An existing Stanton Prior TRO affects about another 460m of BOAT – thus total length of affected BOAT network is 6.4%.

5.6 OBJECTIONS/COMMENTS RECEIVED

5.7 There were forty six responses to the advertisement for narrowing the three byways relating to this report. The numbers and comments received were as follows;

	Support/No objections	Objections	Other Comments
Mill Lane	13	10	9
Ringspit Lane	14	12	8
Birchwood Lane	14	12	9
TOTAL	41	34	26

5.8 Several objections requested that the routes should remain open for authorised motor sport; others claimed that the use by 4x4s was sustainable and that the byway carriageway surface should be upgraded. Other comments included;

5.9 The Council is exaggerating its claims of damage by 4x4s on these byways.

5.10 Provide a height restriction with a bump stop to prevent fly tipping.

5.11 Restrict the use by motor cycles and quad bikes.

5.12 Horses and cycles should be allowed to use adjacent footpath.

5.13 Make a traffic order to make the byways one way or seasonal.

5.14 Access to an owner’s property at Woollard would be restricted.

5.15 The Council should not punish the majority for the actions of a criminal few.

5.16 RESPONSES;

5.17 These proposed width restrictions are to overcome unsustainable environmental and damage issues caused by the use of the byways by 4x4 drivers.

5.18 Damage being caused by the inappropriate use of the byways by 4x4s is considerable, particularly in Ringspit Lane where the route is difficult for pedestrians to use and possibly dangerous for equestrian use due to the depth and extent of the damage to the track.

5.19 Providing a height restriction with a bump stop would be a hazard for equestrians and the bump stop would not necessarily prevent fly tipping.

5.20 To restrict motor cycles would be unenforceable and a physical barrier to do this would also restrict use by other byway users.

5.21 Byways should be passable by equestrians; cycles and pedestrians, there should be no need to upgrade adjacent footpaths when there is an existing byway that should be accessible by these groups of users.

5.22 A one way or seasonal traffic order would be unenforceable.

5.23 A resident of Woollard is concerned about access, this will be resolved by the use of a lockable bollard and therefore access will be available when needed.

5.24 The proposed traffic regulation orders restrict the use of the byways to one group of users and are considered to be proportional to the damage caused by this group and the resulting benefits for other users.

6 RISK MANAGEMENT

- 6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.
- 6.2 The risk assessment for this project has indicated that there is a significant risk that if the traffic regulation orders were not implemented, the inappropriate vehicle use has the potential for significant environmental damage occurring.

7 EQUALITIES

- 7.1 The equalities impact resulting from this report are proportionate on the grounds that the issues of access affect all users and only restrict the use of these byways by leisure vehicles (4x4s) which are damaging the byways, making them hazardous for other users.

8 RATIONALE

- 8.1 The implementation of the width restrictions are intended to remove the major cause of environmental and physical damage to the byways and their surroundings together with the associated safety hazards that affect other byway users.

9 OTHER OPTIONS CONSIDERED

- 9.1 None.

10 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Overview and Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.*

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 Customer Focus; Sustainability; Property; Corporate; Health & Safety.

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	