

**TRAFFIC REGULATION ORDER OBJECTIONS ASSOCIATED WITH
BYWAYS OPEN TO ALL ACCESS IN EAST CAMBRIDGESHIRE**

To: Highways and Community Infrastructure Committee

Meeting Date: 2nd June 2015

From: Executive Director: Economy, Transport &
Environment

*Electoral
division(s):* Sutton

Forward Plan ref: N/A *Key decision:* No

Purpose: To determine objections received to the Traffic
Regulation Order (TRO) associated with Byways
Open to All Access in East Cambridgeshire

Recommendation: a) Approve and make the Order as advertised
b) Inform the objectors accordingly

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1. BACKGROUND

- 1.1** A Byway Open to All Traffic (BOAT) is a public right of way. They can be paths or tracks and the surfaces of these may be paved over or not at all. Anyone has the right to use them, provided a Traffic Regulation Order (TRO) is not in effect. An overview of the location of the BOAT being considered by this report is shown in **Appendix 1**.
- 1.2** In 2012 a review of the network of Rights of Ways (RoW) was conducted by the Council's RoW Team. This review showed how savings could be made in the annual maintenance budget for RoW. The review also highlighted further issues including incorrect signage and ongoing maintenance with current barriers on the network. Furthermore the TROs that restrict some BOATs are out of date and therefore may not be fully enforceable.
- 1.3** The approach currently adopted is for TROs used on the BOAT network to be updated and standardised in order to make them all fully enforceable. This in turn makes them easier to understand to members of the public and potentially help reduce year on year maintenance costs.
- 1.4** The TRO will prevent vehicles with four wheels or more from using specific BOATs between the 1st of October until the 30th of April or 'when barrier is locked closed'.
- 1.5** The restriction will prevent damage being caused by heavier vehicles during periods of poor weather and during the wetter winter months thereby helping to reduce associated maintenance costs. It will still allow motorcycle access as they are not as damaging to the route. An example of one of the BOATs is shown in **Appendix 2**.

2. TRO PROCESS

- 2.1** The TRO procedure is a statutory consultation process that requires the Highway Authority to advertise, in the local press and on-street, a public notice stating the proposal and the reasons for it. The advert invites the public to formally support or object to the proposals in writing within a twenty one day notice period.
- 2.2** The TRO was advertised in the Ely Standard on the 21st of January 2015. The statutory consultation period ran from the 21st January until 11th February.

The statutory consultation resulted in one objection; this has been detailed in **Appendix 3**. The Police support the proposal whilst there has been no response from any other emergency service.
- 2.3** On the basis of this analysis it is recommended that this Order is made for the reasons:

- Avoiding danger to persons or other traffic using Byway or for preventing the likelihood of any such danger arising.
- Preserving the Character of the Byway.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

The necessary resources to progress this project have been secured through the Transport Delivery Plan.

4.2 Statutory, Risk and Legal Implications

The statutory process for this TRO has been followed. Should the objections not be determined by this Committee, it may be necessary to hold a public inquiry.

4.3 Equality and Diversity Implications

There are no significant implications for this priority.

4.4 Engagement and Consultation Implications

The statutory consultees have been engaged – (County Councillor, the Police and the Emergency Services).

Notices were placed in the local press and were also displayed on the roads affected by the TRO. The proposal was available to view at the offices East Cambridgeshire District Council, The Grange, Ely and at the reception of Shire Hall.

4.5 Localism and Local Member Involvement

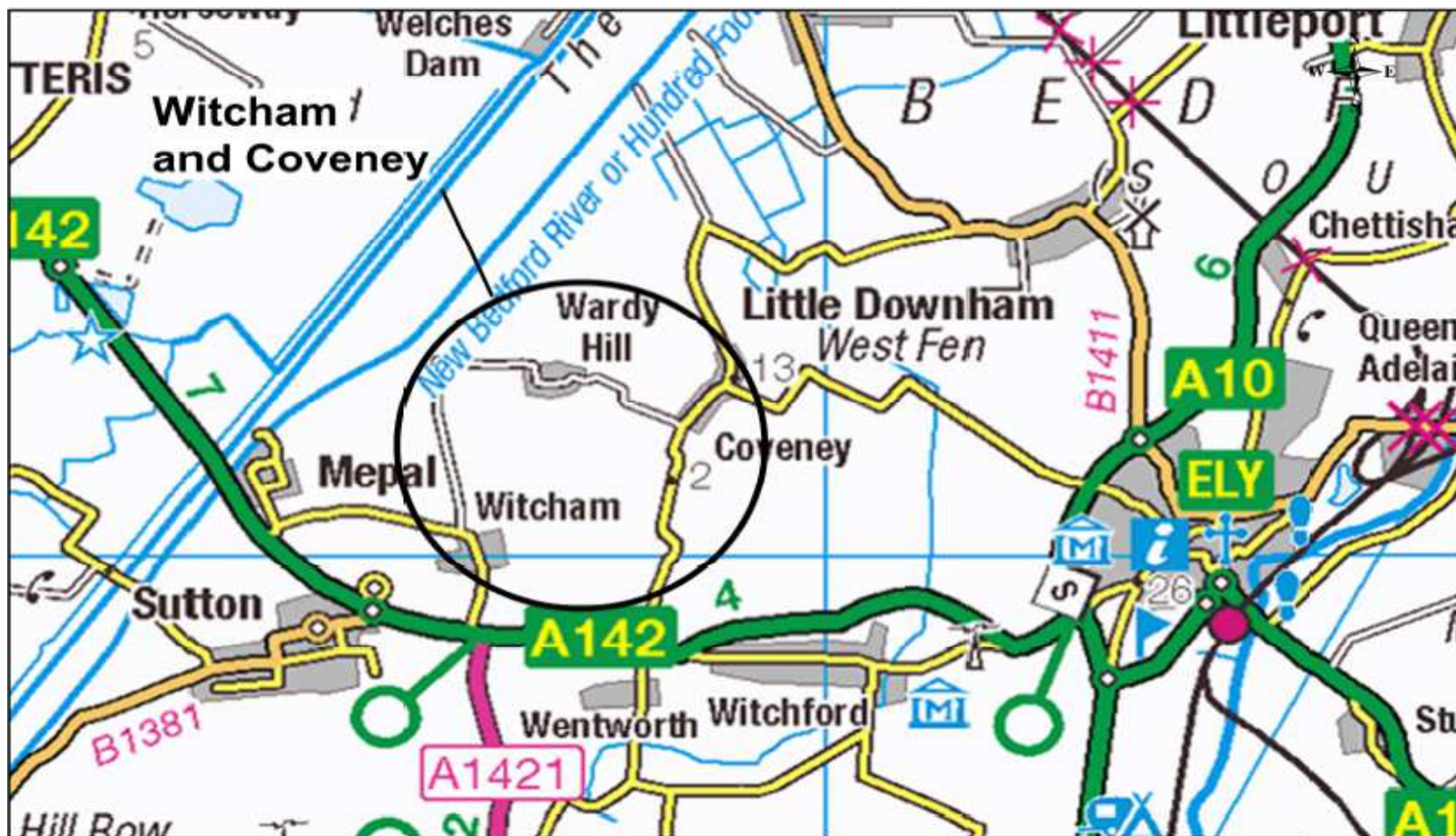
The Local Member Philip Read supports the proposal.

4.6 Public Health Implications

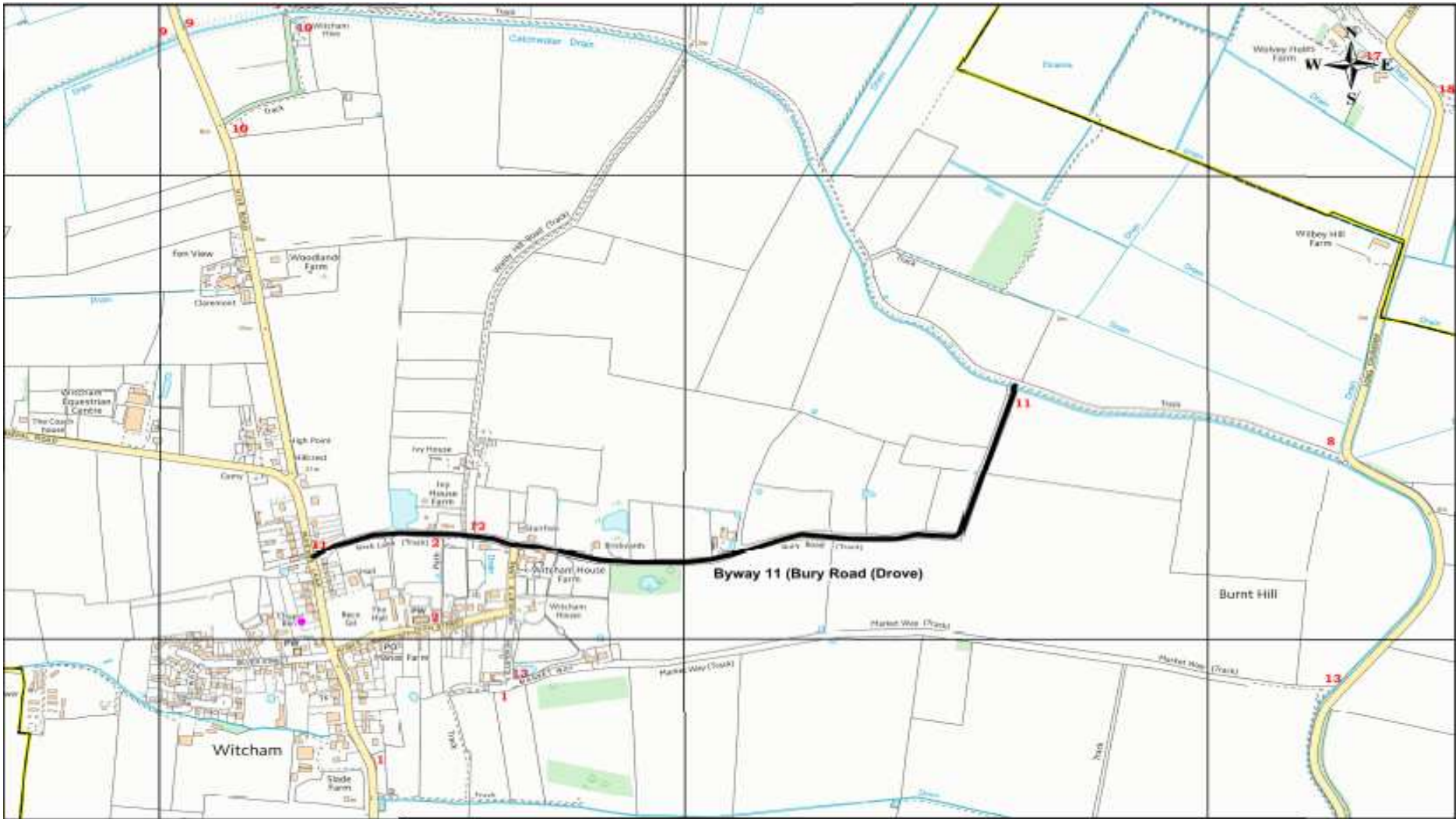
There are no significant implications within this category.

Source Documents	Location
Draft Traffic Regulation Order Letters of Objection	Room 209 Shire Hall Castle Hill Cambridge CB3 0AP

APPENDIX 1 – OVERVIEW



APPENDIX 2 – WITCHAM BOAT 11 (BURY ROAD (DROVE))



APPENDIX 3

Objections		Officer's Response
1.	Using the same Order to control a number of byways fails to take account of differences in conditions and use.	The proposed TRO is designed to be universally applicable to BOATs across the County. This will benefit users as there will be one TRO to understand County wide and therefore prevent confusion.
	With reference to (Bury Drove) Byway 11, reducing the extent of the closure from May to April will open the byway during the wettest months, resulting in potential damage. The earlier opening of routes contradicts TRO aims.	The proposal is flexible enough to allow County Rights of Ways Officers to legally prevent access to the BOATs at any time necessary in order to prevent damage occurring.
	Allowing a measure of flexibility (as contained in the Order) unnecessarily transfers discretion to the Highway Authority who has proved to be negligent in applying powers currently available.	This TRO will reinforce the County Council's ability to legally manage the routes by way of legal Order. It is the case that previous Orders may have been in need of updating so that they can be fully enforceable.
	<p>The application has been incorrectly notified, publicised or consulted on.</p> <p>I am one of the landowners directly affected by this proposal and despite knowing all landowners' contact details full well, notification of this proposal was not sent to me.</p>	<p>The County Council has met with all statutory requirements for publicising the TRO. The proposal was advertised in a local paper (Ely Weekly News) on the 21st of January 2015. Notices were placed on site and statutory consultees including the Local Member and emergency services have all been consulted. In addition the draft Order, including a statement of reasons for making the Order and an associated plan were all available for viewing at the East Cambridgeshire District Council Office in Ely.</p> <p>It is not a requirement in the statutory process to send notification of proposed TROs to individuals.</p>
	Bury Drove (Byway 11) should be	Whilst it may be beneficial to split the

	<p>treated separately and split into 3 manageable sections with gates separating each.</p>	<p>Drove as you have suggested, it would necessitate the installation of additional gates and signs which are currently not considered necessary operationally however, your comments have been noted. Additional infrastructure would result in increased maintenance costs.</p>
	<p>The TRO for Bury Drove should extend the prohibition of driving from the beginning of October until the end of July the following year. This should be publicised on the County website.</p>	<p>The current proposed TRO gives the County Council enough flexibility to enact a route closure at any time should it be deemed necessary. To propose a different TRO for this specific Drove would not only be unnecessary but would require additional funding as the legal process would have to be restarted.</p> <p>The County Council already has a web page dedicated to giving information about the Rights of Way network which will be updated as and when the associated TROs have been implemented.</p>
	<p>It would make sense to transfer the administration of the route closures to the Parish Council and local landowners all of which have a direct interest in looking after the local area.</p>	<p>The County Council has a legal responsibility to manage the Public Highway including BOATs. Whilst it is definitely beneficial to be working in partnership with local parishes and community groups, the ultimate responsibility for these BOATs lies with the County Council.</p>