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Dear Sir/Madam

**Public Byway Open to All Traffic (BOAT) No. 526 Capel & Wotton (D287)
(Wolvens Lane)**

The Countryside Access Team has recently carried out extensive repairs to the surface and boundary banks of Wolvens Lane over the winter months. The BOAT runs from Sheephouse Lane, Wotton (Grid ref: 512978 147384) to its junction with BOAT No. 527 (Coldharbour Common Road) and Abinger Road, Coldharbour. It was resurfaced with stone for most of its length and since that time it has remained temporarily closed, under the Road Traffic Regulation Act 1984, to motorised vehicles with 4 or more wheels and any horse drawn vehicle over 1500mm (4'11") in width. This has been re-enforced on site with metal gates and the appropriate traffic signs. The temporary closure is to allow the boundary banks and surface to consolidate and settle down following the works. Prior to the works, the surface of the BOAT, its boundary banks and neighbouring land had suffered significant misuse from motorised vehicles, including motorbikes.

Officers now have concerns that if/when the BOAT is re-opened to motorised vehicles, that some irresponsible motorised vehicle drivers will continue to damage the surface and boundary banks. Some may also cause a danger to other users including walkers, cyclists and horse riders. The BOAT is also a 'D' class road and as such has an unrestricted national speed limit on it. Some vehicular drivers, including motorcyclists, drive at speed, which can be particularly dangerous on narrow sections where there is restricted vision. Some motorised vehicles have historically used the boundary banks to ride/drive up and then drop down onto the Lane in close proximity to other users including horseriders. Wolvens Lane has a legal width of 10 – 15 feet, which can make it difficult for other users to pass vehicles safely or for 2 vehicles to pass each other without trespassing onto adjoining land.

This consultation seeks views on whether a more permanent solution to preventing damage and increasing safety should be considered.

The County Council as the Traffic Authority has the power to make a Traffic Regulation Order, (subject to Parts I to III of schedule 9 of the Road Traffic Regulation Act 1984) where it considers it expedient: -

- 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 the 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 especially 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)

The Council's policy for making TROs states "That TROs be used proactively where a countywide assessment indicates a BOAT is in poor condition, in need of significant repair and it is considered necessary to restrict traffic, coupled with programmes of repair as resources permit."

The options we are considering are:

1. To promote a permanent TRO to restrict all motorised vehicles with 2 or more wheels and all horse drawn carriages exceeding a width of 1500mm (4'11") from using the BOAT.
2. To promote a permanent TRO as above for horse drawn carriages but only restrict those motorised vehicles with 4 or more wheels.
3. To promote an Experimental TRO, which would ban all motorised vehicles, except those who had been issued with a permit to use the BOAT. Or this could be reduced to just those with 4 or more wheels who would need a permit. Numbers of permits would be restricted. Horse drawn carriages would also be restricted as in option (1).
4. The BOAT has no restrictions.

Any restrictions would be re-enforced on site with metal gates and the appropriate traffic signs. Breaking any restrictions imposed by a TRO would be a criminal offence, enforceable by the Police.

Following this consultation, a report will be made to the Surrey County Council Mole Valley Local Committee at its meeting on 9 June with the results of the consultation and asking for a decision from Members on the way forward. If a TRO were to be promoted it would be advertised for a statutory objection period. Members of the public can attend such meetings and a certain number are able to speak to the item. Further details on this can be sent out if requested.

If you would like to make any comments on the above options, please send them to me by email or letter by 19 April 2021.

Yours faithfully

Debbie Jones
Senior Countryside Access Officer