

In the Borough of Maidstone

The Kent County Council
(Byway Open to All Traffic KH219 Lenham)
(Prohibition of Driving) Experimental Order 2008

Road Traffic Regulation Act 1984

Statement of Reasons

Byway Open to All Traffic (BOAT) KH219 forms a link in the North Downs Way National Trail. It provides access to an area of unimproved grassland beneath Lenham Cross, and is much valued locally as a site for quiet recreation. Lenham Cross is a war memorial and is as such a place of quiet contemplation and remembrance. The site is entirely situated within the Kent Downs Area of Outstanding Natural Beauty.

A report was produced for the Byways Working Group following consultation with the local community, vehicular users, public rights of way user groups and other interested parties. The report was produced as a result of concerns being expressed about vehicular use of the BOAT over a number of years. The report addressed all of the points made in response to the consultation including local concerns relating to antisocial behaviour, criminal damage and disturbance and damage to the BOAT surface as a result of vehicular use.

The County Council recognises the right of lawful vehicular users to access BOATs and also recognises the fact that a majority of vehicular users will do so responsibly.

However BOAT KH219 bisects the site and does provide access for irresponsible users and those engaged in criminal and antisocial activity; a proportion of that criminal and antisocial behaviour involves motor powered vehicles. Substantial evidence was provided by the local community during the consultation of the following issues impacting upon the amenity of the area:

- The use of motor powered vehicles on land other than the highway including the area around the Cross.
- Criminal damage to gates and fences
- Degradation of the surface of the BOAT through vehicular use.
- Fly tipping

The County Council intends to introduce an experimental scheme of traffic regulation to address the issues. A similar scheme has proved successful at Bredhurst Woods (BOAT KH94) in resolving many of the same issues as recorded at Lenham Cross. The scheme at Bredhurst has:

- Preserved a right of access for lawful users
- Accommodated one off vehicular events
- Reduced anti-social and criminal behaviour

- Encouraged the use of woodlands by the wider community

It also appears to have brought about a change in how motor vehicular users are perceived.

In addition a survey of the BOAT by Jacobs, the County Councils engineering partner, identified that its surface was vulnerable to damage in wet conditions. While sympathetic repairs to the existing damage are to be undertaken the County Council wishes to maintain the existing character of the route.

The County Council wish to proceed by way of an experimental scheme as it wishes to assess the impact of the scheme :

- In halting degradation of the BOAT surface resulting from vehicular use
 - In reducing reported instances of antisocial behaviour/ criminal damage
- and to assess whether the administrative burden of operating a permit scheme encompassing a section of the North Downs Way National Trail can be met.

The experimental scheme of traffic regulation has no impact on the underlying highway rights. It has been designed as far as is possible to allow continued use of the BOAT by responsible vehicular users. Motor vehicular users and horse drawn carriage users will be exempted from the terms of the Experimental Traffic Regulation Order by permit. Permits will be provided to lawful users willing to abide by the terms and conditions of the permit.

It is hoped that the introduction of the permit system will encourage responsible vehicular use during wet weather when the BOAT surface is particularly vulnerable to damage by heavier vehicles.

The Order may be amended at any time if it becomes clear that a change would improve its effectiveness. The Order will be kept under constant review and it is intended that a decision on whether to make it permanent or abandon it will be taken after 12 months of its operation.

Details of how to apply for a permit will be provided at site and be made available by request from the Countryside Access Service, 01622 221568 and online www.kent.gov.uk/countrysideaccess . Applicants will have to provide their details, details of their vehicle or vehicles and agree to adhere to the terms and conditions of the permit. IE limit their use strictly to the route of the BOAT. Permit holders will be provided with the lock combination.

The permit for the Bredhurst scheme will be extended to provide access for permit holders to BOAT KH219.

The ETRO will primarily be enforced by means of a horse friendly vehicle barrier locked with a combination lock. Users of mobility vehicles will be able to bypass the barrier by means of a radar-key operated gate. A database of all registered owners and permit holders including registration details will be held. Details of vehicles seen off the line of the BOAT would be checked

against the database and details passed to the police. Permit holders seen off the route would have their permit revoked and a new combination for the barrier locks would be issued.

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