

Holly Hill- Experimental Traffic Order

**Assessment of The Kent County Council
(Byways Open to All Traffic (BOATs) MR45A, Snodland, NS245 & NS221,
Luddesdown)(Prohibition Of Driving) Experimental Order 2012**

**The Medway Council
(Byway Open to All Traffic (BOAT) RS221& Chapel Lane (part) Halling)
(Prohibition of Driving) Experimental Order 2012**

Consideration of Objections

1.0 In taking a decision the County Council must consider the representations made to the Traffic Regulation Orders. The introduction of the scheme followed a wide ranging consultation that was in effect an iterative process through which many of the initial objections and representations were addressed. As a result only three representations were received to the Experimental Traffic Regulation Orders, all of which objected to the scheme.

1.1 The objections along with the views of the PRow and Access Manager (in italics) are set out below:

1.2 I. The ETRO penalises all users for the misdemeanors of a few. The Highway Authority should deal with the actual problem through blocking off the damaged areas and using covert surveillance.

The Traffic Regulation Order is part of a suite of measures to improve the situation at Holly Hill including boundary strengthening. Policing and boundary strengthening had been tried previously and shown not to work in isolation.

II. The closure to all motor vehicle users for six months was not fair and along with other closures to BOATs, motocross and enduro events this would serve to increase illegal motor vehicle use.

The full closure for six months was to enable boundary strengthening work to be completed and surface and margin repairs to be undertaken without vehicle disturbance. The full closure also provided an absolute position in terms of policing which was of assistance in targeting irresponsible users.

III. There is no written policy regarding the issue of permits

The permit terms and conditions have been well publicised and have been provided in previous decisions involving Traffic Regulation Orders. The objector is correct in that there is no formal policy, the issuing of permits is implicit in respect of Traffic Regulation Orders for Bredhurst, Lenham and Holly Hill.

IV. There is no guarantee that at some point in the future both councils will simply refuse to issue any more permits?

There can be no guarantee given on this point. The Councils could not "fetter their discretion" to amend the Traffic Regulation Order or indeed to amend the permit system and conditions. However there are no intentions to act in this way, indeed the Councils have introduced this system to enable continued use by responsible vehicle users.

V. Will user groups have to apply to each council for a permit?
No, Kent County Council has issued the permits on behalf of both authorities.

VII. Kent County Council and The Medway council have instigated traffic orders on several byways over the last few years. Maidstone Borough Council have extinguished vehicular rights on a byway. All the councils concerned have promised to review the situation at a later date. None have a written policy regarding the review of long term Traffic orders.

This is a matter that is raised on a relatively frequent basis. The County Council has a power to review Traffic Regulation Orders it is not obliged to do so. To date it has not been considered that the circumstances under which the County Council had introduced Traffic Regulation Orders affecting BOATs had changed to such an extent as to justify a comprehensive review. Indeed motor vehicle use of BOATs has increased considerably since the introduction of many of the traffic regulation schemes as well as issues around unlawful and antisocial use. In the current climate review would be likely to result in the status quo if not further control on motor vehicle use.

VII. There has been a continual erosion of motor vehicle rights as a result of illegal activity

Unfortunately there are limited options to achieve the sustainable management of motor vehicle use on unsealed highways. TROs have generally been introduced where more traditional policing and maintenance has proved ineffective in addressing the issues. The implementation of TROs enables barriers to be installed and this has proved effective than other more labour intensive forms of policing at checking unlawful and criminal activity.

VIII. It is suggested that instead of having a radar-key operated side access gate that this gate is simply left unlocked. The barriers inconvenience legitimate users while not preventing motorcycle or quadricycle access. The combination locks are often difficult to open and malfunction in cold weather.

While it is accepted that the barriers could be improved upon the current arrangement does provide some level of deterrent for motorcycles and

quadricycles; particularly where the rider does not hold a permit as it makes capture more likely. There have been occasional reports of the padlocks failing. No viable alternatives have been identified.

Displacement Activity

- 2.0 Appendix B to the report omitted an assessment of displacement activity. Anecdotally there has been an increase in use of the byway network by motor vehicles. This may in part be due to the introduction of a number of prohibitions to vehicles reducing the number of routes available for such use.
- 2.1 There is however no evidence that the experimental scheme of traffic regulation led to the displacement of off road motor vehicle activity into other near by woodlands or onto other byways in the area.

Contact details

- **Graham Rusling, Public Rights of Way and Access Manager**
- **01622 69 6995**
- **graham.rusling@kent.gov.uk**