

# DELEGATED DECISION

## REGENERATION AND ECONOMIC DEVELOPMENT



11 May 2015

### Wolsingham Byway 157 (Hexham Lane) Proposed Traffic Regulation Order to prohibit motor and horse-drawn vehicles

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#### Report of Adrian White, Head of Transport and Contract Services

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#### 1.0 Purpose of the Report

To agree to make and seal a traffic regulation order (TRO) to prohibit motor vehicles and horse-drawn vehicles from being driven on Wolsingham Byway 157 (Hexham Lane).

#### 2.0 Background

On 16 October 2014 it was agreed under delegated decision [RED 1731](#) to proceed with a Traffic Regulation Order to prohibit motor vehicles and horse drawn vehicles from being driven on Wolsingham Byway 157 (Hexham Lane).

2.1 On 19 November 2014 intention to make the TRO was advertised. Due to objections (203 total) being lodged the proposal was presented to the Highways Committee on 13 March 2015. At that meeting the proposals were considered. The [report to the Committee](#) assessed the proposals against the necessary legal criteria (as contained in the Road Traffic Regulation Act 1984 [Sections 1\(1\)](#) and [122](#)), alternative options and the [objections to the Notice of intention to make a TRO](#). At the meeting representations objecting to the proposals were made in person on behalf of the Trail Riders Fellowship, The Green Lane Association and by a local motor bike rider and support for the proposals in person by a representative of the main landowner and a letter from the other landowner. After considering all the issues and representations the Committee agreed to endorse proceeding with the traffic regulation order.

#### 3.0 Details of any alternative options considered and rejected when making the decision

Alternative options are set out in the report to the Committee. On balance it is considered that other less restrictive options would be at odds with the reasons for making the TRO, particularly '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' and 'for preventing damage to the road or to any building on or near the road'. The purposes for making the TRO would not be achieved by a less restrictive option.

#### 4.0 Recommendation and reasons

Having regard to the Committee's consideration of the matter as described in paragraph 2.1 above which I have studied, and its conclusions to recommend proceeding with the TRO I am persuaded that the proposed TRO should be made and sealed. I therefore recommend that a TRO to prohibit motor vehicles and horse drawn vehicles from being driven on Wolsingham Byway 157 (Hexham Lane) be made and sealed.

#### 5.0 Decision

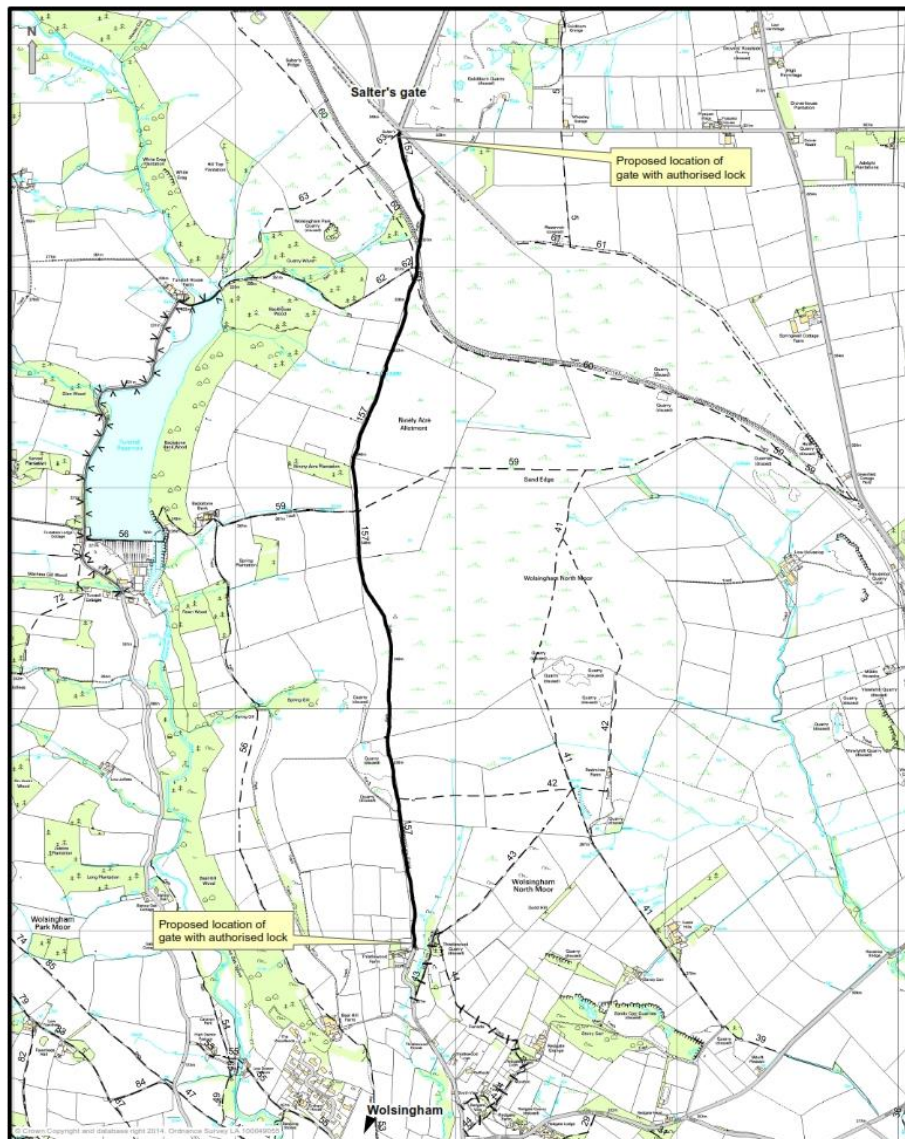
To make and seal a traffic regulation order to prohibit motor vehicles and horse-drawn vehicles from being driven on Wolsingham Byway 157 (Hexham Lane).


## Background papers

- [Delegated decision of 16 October 2014](#)
- [Highways Committee report](#) (including appendices) of 13 March 2015
- Road Traffic Regulation Act 1984 [Section 1\(1\)](#) and [Section 122](#)
- [Objections to the Notice of intention to make a TRO](#)
- [‘Making the Best of Byways’](#) Defra’s guide for local authorities managing and maintaining byways which carry motor vehicles
- Traffic Management Hierarchy Good Practice in Traffic Management on Unsealed Public Roads (Part [1](#) and [2](#)) produced by LARA which is the Motoring Organisation’s Land Access and Recreation Association which seeks to protect the interests of responsible motor vehicle users in the countryside.

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 IAN THOMPSON CORPORATE DIRECTOR REGENERATION AND ECONOMIC DEVELOPMENT DURHAM COUNTY COUNCIL COUNTY HALL DURHAM DH1 5UQ	<b>Wolsingham Byway No. 157 Proposed Traffic Regulation Order Prohibition of Motor Vehicles and Horse Drawn Vehicles</b>	Byway subject to the proposed Traffic Regulation Order	Public Rights of Way / Highways not affected by the proposal
		Scale: 1:15,000	--- Footpath  --- --- --- Bridleway Λ V Λ V Λ V Byway Adopted Highway
Postcode: DL13 4JP (North) DL13 3HG (South)		Drawn: 16 October 2014	

## APPENDIX 1 - Implications

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**Finance** – Costs of the implementation of the scheme will be funded through the Council's Rights of Way revenue budget

**Staffing** – The proposal and its implementation will be managed by the Access and Rights of Way team

**Risk** – There are minimal risks associated with this proposal

**Equality and Diversity** – It is considered that there are no Equality and Diversity issues to be addressed

**Accommodation** - No impact.

**Crime and Disorder** – It is not considered that the TRO would have any notable impact on crime and disorder although it would create an offence to drive along the byway with a motor vehicle or horse drawn vehicle. The introduction of a permit scheme to identify exempt drivers will enable more effective enforcement.

**Human Rights** – Although the right to drive a motor vehicle or horse drawn vehicle along the byway will be prohibited this is a proposal that can be introduced by the Highway Authority using primary UK legislation. It is considered that the proposal would not be a breach of human rights.

**Consultation** - Initial informal consultation (spring 2015) carried out with Police, Fire, Ambulance, DCC Traffic, County Councillors, Parish Council, owners of the land and immediate residents and user groups for motor vehicles, walking, cycling and horse riding. In accordance with SI:2489 for the advert of intention to make proposed order (Nov 2014).

**Procurement** – Work to be carried out by Highways Operations

**Disability Issues** – The proposals will prohibit the drivers of all motor vehicles and horse drawn vehicles from proceeding along the byway and does not specifically target or disproportionately affect disabled drivers.

**Legal Implications** – The proposals have been considered in accordance with the legislation described in this report and that of the Highways Committee of 13 March 2015.