

The Motoring Organisations' Land Access & Recreation Association.

## Traffic Management Hierarchy.

Good Practice in Traffic Management on Unsealed Public Roads.

Part 1: A Selective Approach to Traffic Management.

Second Edition: May 2014.



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Part 1: A Selective Approach to Traffic Management.

This report is revised and reissued periodically.

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See also *Part 2: Technical and Background Materials*.

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You can find LARA at [www.laragb.org](http://www.laragb.org) and contact us at [admin@laragb.org](mailto:admin@laragb.org)

*This publication has not been revised since April 2014 and is currently (summer 2021) being re-written. Significant developments in traffic management legislation and best practice have occurred since the paper was published. If you have any queries please contact LARA at [admin@laragb.org](mailto:admin@laragb.org)*

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# 1. Introduction

Recreational motoring on unsealed roads and byways is an emotive and complex issue. Some people think that motor vehicles should simply be banned from unsealed roads and nothing is easily going to change that view, but there is increasingly a 'middle ground' approach from highway authorities, which seeks to apply a considered 'least restrictive approach' philosophy to traffic management on our minor highways.

Over the last few years two new factors have come to bear upon this issue: the financial cuts suffered by councils, and the increasing frequency of extreme weather events, leading to waterlogged ground conditions far more often than a decade ago. LARA has witnessed the increasing frequency with which it and some of its Member Organisations have had to intervene where traffic authorities have initiated incorrect actions against legitimate motor vehicle access. This guidance, which has been checked through exposure to legal opinion and peer review, is intended to be helpful to all concerned, and to avoid resort to the courts at great expense to all parties in terms of manpower and money. A proper understanding of the recreational traffic management process can only be gained by reading the guidance in full, because this is an esoteric and complex business.

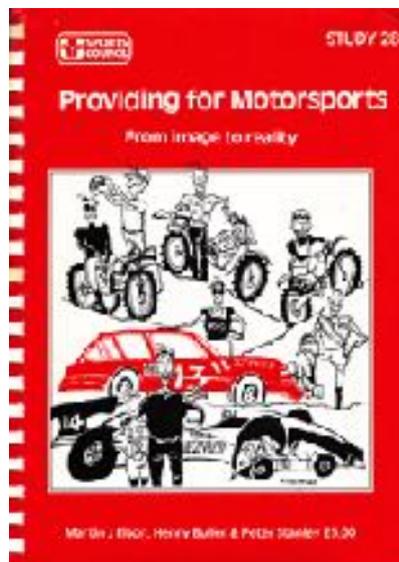
LARA believes that consensus management of motor traffic on unsealed roads, appropriate to the circumstances in each case, together with sufficient maintenance and a realistic expectation of what a byway should be like, is the way ahead.

This is the first version of LARA's Traffic Management Hierarchy, and we invite and welcome suggestions for improvement. LARA and its Members are ready and willing to work with highway authorities, and I hope that this positive attitude will be reciprocated.

*John Richardson*, Honorary Chairman of LARA.

## 2. About LARA.

- 2.1. LARA is the *Motoring Organisations' Land Access and Recreation Association* and acts as a national forum for the principal groups in countryside motor sport and recreation. LARA does not organise events or act as any sort of governing body, but it does assist its members in a wide range of land access issues: policy, practice and problems. If you want to know more about motor sport and recreation - how to take part, land access issues, planning problems, etc - then either LARA or one of its member groups probably has the answers you seek.
- 2.2. LARA was formed in June 1986 for greater involvement in political action and the formalised procedures associated with land use planning and statutory environmental management, and to be more effective in securing the future legitimacy of motorcycle sport and recreation. These roles had previously been carried out ineffectually through informal consultative channels. Coincidental with this 1986 initiative was the publication of the Sports Council report *Providing for Motorsport - From Image to Reality*.



- 2.3. The report concluded that, long overdue, was: "...the formation of a national motorsport ... group which would, through an activist role, and through advocacy and persuasion, become a respected consultee on all aspects of the provision of facilities, and the control of, motorsports ..."

- 2.4. Motorsport took that advice and created the Motoring Organisations' Land Access and Recreation Association (LARA). For over twenty-seven years LARA has operated to assist its member organisations in their own procedures and problems, acted as a unified voice to national and local government, and generally flown the flag for responsible motorsport and recreation in these increasingly restrictive times.
- 2.5. Motorsports (here meaning motor sport and motor recreation) are a product of twentieth century leisure patterns and technology. They constitute a set of legitimate activities whose attributes fall clearly within any commonly-held definition of sport. For participants and enthusiasts they are exciting, involving skill, physical exercise, achievement and great fun.
- 2.6. LARA's prime role is to act corporately on behalf of, and for the benefit of, all or any of its members in ways which benefit from a corporate approach; on issues which may require skills, expertise, knowledge and availability which cannot always be retained or adequately exercised independently by member organisations.

### **3. LARA members and contacts.**

You can find LARA at [www.laragb.org](http://www.laragb.org) and contact us initially at [admin@laragb.org](mailto:admin@laragb.org)

#### **LARA full member organisations.**

Association of Land Rover Clubs Ltd. [www.alrc.co.uk](http://www.alrc.co.uk)

British Motorcyclists Federation (bmf). [www.bmf.co.uk](http://www.bmf.co.uk)

Green Lane Association (GLASS). [www.glass-uk.org](http://www.glass-uk.org)

Motor Sports Association Ltd. [www.msauk.org](http://www.msauk.org)

Trail Riders Fellowship. [www.trf.org.uk](http://www.trf.org.uk)

Vintage Sports Car Club. [www.vsccl.co.uk](http://www.vsccl.co.uk)

#### **LARA associate member organisations.**

Amateur Motor Cycle Association. [www.amca.uk.com](http://www.amca.uk.com)

Association of Classic Trials Clubs (ACTC). [www.actc.org.uk](http://www.actc.org.uk)

Association of Eastern Motor Clubs (ASEMC). [www.aemc.org.uk](http://www.aemc.org.uk)

Association of North Western Car Clubs (ANWCC). [www.anwcc.org](http://www.anwcc.org)

Association of Northern Car Clubs. (ANCC). [www.ancc.co.uk](http://www.ancc.co.uk)

Association of South Eastern Motor Clubs (ASEMC). [www.asemc.org.uk](http://www.asemc.org.uk)

Association of South Western Motor Clubs (ASWMC). [www.aswmc.org.uk](http://www.aswmc.org.uk)

Association of West Midland Motor Clubs (AWMMC). [www.awmmc.org.uk](http://www.awmmc.org.uk)

Auto-Cycle Union (ACU). [www.acu.org.uk](http://www.acu.org.uk)

British Trials and Rally Drivers Association (BTRDA). [www.btrda.com](http://www.btrda.com)

Federation of British Historic Vehicle Clubs (FBHVC). [www.fbhvc.co.uk](http://www.fbhvc.co.uk)

Peak Rights of Way Initiative (PRoWI).

The Motor Cycling Club (MCC). [www.themotorcyclingclub.org.uk](http://www.themotorcyclingclub.org.uk)

Vintage Motor Cycle Club Ltd. [www.vmcc.net](http://www.vmcc.net)

Welsh Association of Motor Clubs (WAMC). [wamc.org.uk](http://wamc.org.uk)

## 4. Why traffic regulation?

- 4.1. The concept of everyday traffic – particularly vehicular traffic – being regulated by local government is not new. In 45BC a regulation was promulgated for the City of Rome, including this provision:

“The following regulation applies to streets, whether present or future, within the continuous built-up area of the City of Rome. From next January 1 onwards, no waggon is to be led or driven within this area during the daytime, that is to say after sunrise or before the tenth hour of the day – with the exception that this provision does not apply to haulage or carriage of materials (i) into this area for use in the building of temples or in other public works or (ii) out of the City, including the sites aforesaid, on any demolition work that is being carried out under contract with the public authorities. Exceptions will also be made to provide for particular cases.”

- 4.2. In Britain, with its traditional distrust of centralised government, traffic regulation before the motor era was largely by local byelaw, although national statute was brought to bear on matters such as the weight of carts, the number of draught horses per vehicle, and the width of wheels. These provisions were intended to force the nature of the traffic to suit the generally execrable roads, rather than to oblige the inhabitants of any locality to improve the roads to meet the needs of changing traffic. That was ‘the British way.’
- 4.3. The coming of (first) the pedal cycle, followed by the motor cycle and motor car, and then commercial motor transport, obliged a rethink as to how the character of the roads and the character of the traffic were kept in step with each other. The first twenty years of the 20th Century saw a widespread, crude, ‘tar-spraying’ approach, primarily as a dust-control method. After 1920, with the first ‘Ministry of Transport’, came more planning and a quickly developing national and local model for road improvements, with the two decades leading up to the Second World War bringing the basis of the ‘sealed road network’ as we know it today.
- 4.4. Once the private motor vehicle became relatively widespread – beyond the parson and the doctor – traffic regulation, in the sense of where vehicles

could be driven, started to become an issue. As Kenneth Graham's *The Wind in the Willows*, 1908, clearly shows, the private motor vehicle was by no means universally welcomed on Britain's roads – particularly in formerly quiet country areas. The Road Traffic Act 1930 was the first proper 'motor traffic regulation' provision, providing express offences of driving motors on footpaths, bridleways or open land, and also a system of regulating and prohibiting traffic on 'motor roads'. This was first seen in 'No Entry' and 'No Right Turn' provisions in built-up areas, but it did also affect rural areas, and before the Second World War a 'No Motors' prohibition was put on a narrow unsealed road known as 'Jenkins' Chapel', near the Goyt Valley, with an exemption for RAC- and ACU-authorized competitive trials events.

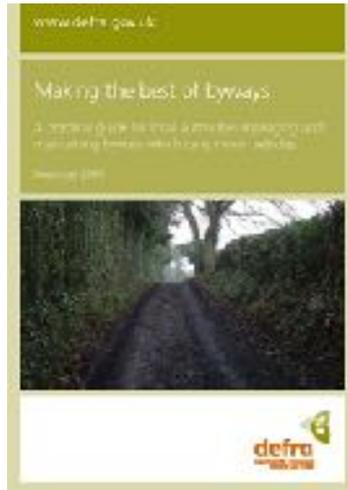
- 4.5. After the War, with the National Parks and Access to the Countryside Act 1949 bringing in the 'definitive map and statement of public rights of way' and – for right or for wrong – the 'Road Used as a Public Path' (RUPP), there is little recorded instance of traffic regulation in the countryside. In the early 1960s there was something of a campaign by walkers' groups against motor cycle trials events (which events then had something of the character that is now called 'trail riding'), and some agitation about motors on The Ridgeway (which concern dates back pre-WWII, as well). Many RUPPs were in everyday and substantial use by everyday cars, trucks and motor cycles, and it was only in the mid-to-late 1960s that the general improvement in roads triggered an evolution in road vehicles that made these increasingly less capable on rough roads; and so a new generation of drivers came along to whom the notion of driving a car 'off road' was alien and unsettling.
- 4.6. In the late 1960s the Japanese 'trail bike' arrived in Britain, sparking a noticeable increase in 'green lane motorcycling', even though the before-and-after actual numbers were low – nationally just a few thousand participants, at the most. Just as pioneer competition motorists had sought out the worst roads to test their machines and themselves (and they did not have to look very far) so this new generation of 'trail riders' sought out the remaining unsealed public roads for the enjoyment of driving on these in a non-competitive, exploring, way. In 1968 the Countryside Act set out to resolve the status of the RUPPs – deciding which were vehicular roads, and which not – in a further round of status-based traffic regulation, albeit somewhat poisoned by the 'suitability' and 'hardship' tests. In the twenty years from 1968 not much happened in the way of 'traffic regulation orders' in the countryside, but

circa 1986 things started to change with the arrival and increasing popularity of the imported '4x4 vehicle', although people had been using Land Rovers on unsealed roads since the late 1940s, and MGs and similar pre-war 'sports cars' a long time before that.

- 4.7. For the last twenty years, the use of traffic regulation orders (TRO) on unsealed roads has become far more widespread, leading in a considerable number of cases to concern from the motoring public that the making of orders has been variously unwarranted, inappropriate and unfair. The concerns expressed on all sides of the 'vehicles in the countryside debate' have led to the introduction of government guidance (particularly '*Making the Best of Byways*' – see below) and the extension of TRO-making powers for vehicular roads to the national park authorities, independent of the highway authority for the area of the national parks. In 2008 the decision of one national park authority to impose a set of no motors TROs led to a successful High Court challenge from motoring organisations – not because some degree of traffic regulation is unnecessary, but because of the way the decision-making process was carried out – the alleged absence of 'fairness and objectivity' in the process.
- 4.8. At the same time as legal challenges have been mounted against unreasonable traffic regulation orders, a growing number of traffic authorities have evolved towards using much more sophisticated and problem-specific orders, thereby gaining the respect and engagement of the motorists. The pioneering traffic management programme in the Lake District, now spanning nearly 20 years, shows how highway managers and the users can work together if the will and determination are there. If this works for some authorities, then it will (with limited exceptions) work elsewhere too. This guidance seeks to set out the checks and balances in the order-making process, and balances the use of orders against a highway authority's general duty to all highway users, together with the availability of other management tools.

## 5. The Traffic Management Hierarchy.

- 5.1. LARA has drafted a practical 'Traffic Management Hierarchy' which is founded upon a 'traffic light' categorisation of routes. This LARA approach is consistent with, and builds upon, the Government's advice in *Making the best of byways . A practical guide for local authorities managing and maintaining byways which carry motor vehicles. December 2005.*



- 5.2. At its simplest, a traffic light approach has green, amber and red categories, but a hard distinction between these adversely affects the ability of well-designed management tools to achieve the desired outcome. The graphic below shows how there is a gradual distinction between the colour categories, rather than a sudden shift from one class to another.

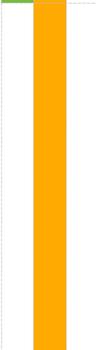


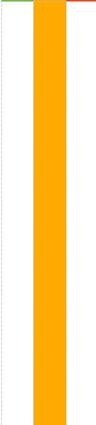
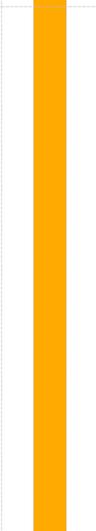
- 5.3. This Hierarchy seeks to show how the various management measures available can be combined and varied according to the situation. The colour coding here is only indicative.
- 5.4. **GREEN** indicates a route that needs little, if any, formal traffic management by the traffic authority. A green route would generally be resilient (e.g. stone-

surfaced and/or well drained) and where there is a generally low level of non-motor recreational traffic.

- 5.5. **RED** indicates a route that is genuinely so sensitive, either permanently, or for a period, that all non-access motor traffic is to be prohibited. A red classification is to be fairly, objectively and inclusively arrived at, and is not to be a preferred or default option, or the whole management process is devalued. On a red route consideration must be given to the impact of agricultural and forestry traffic.
- 5.6. **AMBER** indicates a route that has ongoing or occasional traffic management issues, and which generally needs a 'tailored' permanent traffic regulation order so as to find a sustainable balance of the different traffic uses, character, and maintenance. Short sections of what could be classified red, but are repairable at low cost, in an otherwise green/amber route, should result in an amber overall classification. Amber is the widest and most sophisticated banding in this Hierarchy.

Management Measure.		Characteristics and Virtues.	Resource.
Individual common-sense.		Cheap, flexible, applicable where needed, and engages the driver in the wider context of his activity. Unfortunately, common sense is lacking in some people (if it were not, we might not need speed limits, or give-way lines, etc.) and effective management sometimes needs some bite.	
Codes of conduct.		LARA Member Organisations have codes of conduct regarding driving on unsealed roads. LARA has an 'umbrella code' that can be used by local authorities by agreement.	<a href="http://www.laragb.org">www.laragb.org</a> .

<p>Police action against illegal and nuisance use.</p>		<p>The police and highway authorities are much more likely to have the assistance of the motoring groups in education and enforcement on red routes where such permanent orders are used only as part of a broad-spectrum management policy approach.</p>	<p>The police now have a wide range of powers available: <i>Regulating the use of motor vehicles on public rights of way and off road.</i></p> <p><i>A guide for Local Authorities, Police and Community Safety Partnerships</i></p> <p><i>December 2005</i></p> <p><a href="http://www.defra.gov.uk/wild-life-countryside/">www.defra.gov.uk/wild-life-countryside/</a></p>
<p>Voluntary restraint.</p>		<p>Voluntary restraint has been shown to work well, particularly with drivers who are members of national organisations. LARA has a centrally co-ordinated, national scheme in place. No voluntary scheme can be 100% effective, just as few TROs are 100% effective.</p>	<p><i>Making the best of byways</i></p> <p><i>A practical guide for local authorities managing and maintaining byways which carry motor vehicles</i></p> <p><i>December 2005</i></p> <p><a href="http://www.defra.gov.uk/wild-life-countryside/">www.defra.gov.uk/wild-life-countryside/</a></p> <p><a href="http://www.laragb.org">www.laragb.org</a>.</p>
<p>Notices.</p>		<p>When an unexpected situation arises – e.g. flooding – the highway authority can by notice close the road affected for two periods of 21 days, and if more time is needed to effect repairs, use that time to seek voluntary restraint, or make repairs.</p>	<p>Section 14, Road Traffic Regulation Act 1984.</p>

<p>Pro-active maintenance and improvement</p>		<p>The highway authority is under a statutory duty to keep publicly maintainable highways repaired fit for the 'ordinary traffic of the neighbourhood'. The standard required is not high, and certainly does not demand sealed surfacing except in very rare cases.</p> <p>Repair by voluntary groups is considered to be good practice where appropriate. Volunteer maintenance and repair is valuable in bringing routes out of red classification and into amber, and keep them there.</p>	<p>Section 36, Highways Act 1980.</p> <p>Section 130, Highways Act 1980.</p> <p><i>Making the best of byways</i></p> <p><i>A practical guide for local authorities managing and maintaining byways which carry motor vehicles</i></p> <p><i>December 2005</i></p>
<p>Experimental traffic regulation orders.</p>		<p>Something of a red herring as regards minor road management. There has to be a 'valid experiment', intended to provide traffic managers with information that they could not otherwise gain. Government guidance on misuse is clear.</p>	<p><i>Regulating the use of motor vehicles on public rights of way and off road</i></p> <p><i>A guide for Local Authorities, Police and Community Safety Partnerships</i></p> <p><i>December 2005</i></p>
<p>Temporary traffic regulation orders</p>		<p>Relatively expensive, slow and cumbersome, but may be necessary to continue the period of a notice, to allow works to be carried out.</p>	<p>Section 14, Road Traffic Regulation Act 1984.</p> <p><i>Making the best of byways</i></p> <p><i>A practical guide for local authorities managing and maintaining byways which carry motor vehicles</i></p> <p><i>December 2005</i></p>

Full-time, weather-dependent traffic regulation orders		Have been used successfully in (e.g.) Hertfordshire, Bedfordshire, and the Lake District, but demand the cost and complexity of making individual orders.	Section 1 Road Traffic Regulation Act 1984.  <i>Making the best of byways</i>  <i>A practical guide for local authorities managing and maintaining byways which carry motor vehicles</i>  <i>December 2005</i>
Selective traffic regulation orders		These typically restrict 'larger/heavier/wider' traffic, e.g. prohibiting 4x4s whilst not prohibiting motorcycles. These are not uncommon.	Section 1 Road Traffic Regulation Act 1984.  <i>Making the best of byways</i>  <i>A practical guide for local authorities managing and maintaining byways which carry motor vehicles</i>  <i>December 2005</i>
All-motors traffic regulation orders for a specific period.		The Motoring Organisations will not object to an 'all-motors' TRO if such is genuinely necessary for repair, consolidation, etc. Temporary orders might suffice?	Section 1 Road Traffic Regulation Act 1984.
All-motors traffic regulation orders intended to be permanent.		The Motoring Organisations will not object to an 'all-motors' TRO if such is genuinely necessary, and 'lower level' management is proven not to work.	Section 1 Road Traffic Regulation Act 1984.

## 6. LARA's Byway Code.

LARA publishes an advisory 'code of conduct' for recreational motorists using unsealed public roads. This is called the 'Byway Code' and is periodically updated. LARA usually has printed copies available on request, and a formatted PDF of the paper version is available to download on the LARA website at [www.laragb.org](http://www.laragb.org)

This is the text of the version issued in September 2013. © LARA 2014.



### What is LARA?

The Motoring Organisations' Land Access & Recreation Association (LARA) seeks to protect the interests of responsible motor vehicle users (both competitive and recreational) in the countryside. LARA is always ready to offer advice and information to vehicle users, landowners, local authorities and others with an interest in countryside access. We are often able to offer real solutions to access problems. There is normally no charge for this service. Contact LARA at [www.laragb.org](http://www.laragb.org).

Some organisations regard private motor vehicles on unsurfaced public roads as unacceptable, and would like to see them restricted to major surfaced roads.

LARA believes that all users of the countryside can enjoy their pastime without upsetting others as long as we all exercise care and consideration.

This code of conduct is intended to help you gain the most from your recreation and to protect our future access to the countryside. If you want a 'challenge' then please join a 4x4 motor club, a motorcycle club which promotes off-highway competitive events, or visit a 4x4 'pay and play' site or M-X practice track.

### **Drivers' & Riders' Byway Code of Conduct.**

1. Use only public vehicular roads. Not all unsealed roads have vehicular rights.
2. Keep to the defined track. Report any obstructions to the highway authority. If the route is not obvious on the ground, ask locally, or check on the maps held at the highway authority offices.
3. Travel at a quiet and unobtrusive pace, and when travelling in groups keep the numbers small, with a suggested maximum of four 4x4s, or six motorcycles. Use of roads by rallies, classic trials, etc., is governed within the law of the land by the requirements of the event authorising bodies (MSA, AMCA, ACU).
4. Ensure that your vehicle and yourself are fully road legal. Unsealed roads are subject to the same laws as roads with sealed surfaces. There is no public right to drive on common land, moorland, sand dunes, or beaches.
5. Pay Attention to the Four Ws.
  - **Weather:** Do not travel on unsealed roads when they risk surface impact beyond a point of natural recovery when the weather improves.
  - **Weight:** Do not use roads which may be seriously impacted by the wheel pressure applied by your vehicle.
  - **Width:** Do not use roads that are too narrow for your vehicle. Avoid damage to trees, hedgerows and boundaries.
  - **Winches:** The use of winches on public roads is inappropriate and should not be required.
6. Respect the life of the countryside. Be courteous to other road users, including walkers, and take great care when passing horses. Be prepared to stop your engine if necessary. Leave gates as you find them and take care near livestock.

7. Remember that wildlife faces many threats, and that the margins of some unsealed roads can be valuable habitats. Take special care in spring and early summer.

### **Voluntary Restraint.**

As an alternative to more-formal measures, LARA operates a system of voluntary restraint to help solve problems on unsealed roads. Signs are erected to indicate that the system is in place and for what period, giving contact details for enquiries.

The system is only applied after agreement with local motor users. Motor vehicle users are asked to abide by the spirit of voluntary restraint. Details of the voluntary restraint scheme are on LARA's website. If you do not respect these signs, vehicular use will eventually be lost permanently.

### **Public Roads.**

You have a legal right to use byways open to all traffic (BOAT) and most unsealed unclassified roads (UUR). There are rights of way shown on old Ordnance Survey maps as roads used as public paths (RUPP), but these routes changed status following the Countryside and Rights of Way Act 2000. Check with the local highway authority as to the current status of former RUPP. Restricted byways are not open to the public with motor vehicles.

Recent OS maps may indicate unsealed unclassified roads as other routes with public access (ORPA) but do not assume that these, or any other minor road or track, has public vehicular rights. It is better to check the road's status with the highway authority than risk prosecution. Advice may be available from local motor clubs.

Some vehicular rights of way have been closed to motor vehicles by traffic regulation orders (TRO). Where lawful traffic signs are in place it is an offence to disregard them. Report drivers who ignore the signs to the police or highway authority.

## 7. 'Default Traffic Regulation Orders'

**LARA's system for making motor traffic management on vulnerable unsealed roads more responsive, easy to implement and manage, and fairer.**

- 7.1. In 2009 LARA came up with a proposal for lightly amending the Road Traffic Regulation Act 1984 to allow the use of 'emergency notices' to close unsealed (and sealed, if needed) public roads when these are flooded or waterlogged for up to a period of 84 consecutive days in a year, rather than the somewhat constrained 42-day maximum currently in force.
- 7.2. This was (and remains) a proposal called *Wet Gates*, and it was tabled at the Rights of Way Review Committee, but did not progress (the proposal is included in the appendices volume of this paper: *Part 2: Technical and Background Materials*). Legislative amendment would be needed to implement the *Wet Gates* system. LARA said: 'Over the past three years – and at the start of 2009 – the weather patterns and resulting ground conditions suggest that Britain is becoming 'wetter for longer' in each year, not just in terms of precipitation, but, more importantly, as regards the surface condition of minor roads. This paper looks at proposals for minor legislative or regulatory change to allow quick, simple, cheap and responsive 'conditions-sensitive traffic management' on byways open to all traffic (BOAT) and unsealed unclassified roads (UUR) in England and Wales.'
- 7.3. Five years later, at the start of 2014, the problem of extreme weather events, waterlogging, and in places unacceptable levels of vehicle impact on unmetalled (as distinct from unsealed) roads, remained generally worse than in 2009. Some roads that previously were most often dry and resilient are now most often wet and vulnerable, although 'stone' roads, and unmetalled roads where the ground drains and dries quickly, generally hold up well. At the same time, highway authorities' budgets have been cut, and the cost of management measures is more of an issue than it once was.
- 7.4. Over the last 20 years there has been a steady trend away from 'all motors' permanent prohibition of driving orders on 'green roads', towards limited, and problem-specific, orders, which aim not to restrict lawful traffic more than is essential. Such orders include provisions for:

- Permit access for residents and recreational users.
- Seasonal orders, prohibiting all, or heavier, vehicles in the winter months (on the basis that these are wettest). In general seasonal orders are enforced by locked gates and appropriate statutory signs to prohibit 4x4s whilst motorcycles pass via the 'horse gap or gate'.
- Weekend prohibitions. Such was used to balance vehicular traffic on the Great Ridgeway against peaks on non-vehicular traffic.
- 'Open day' exemptions from otherwise permanent prohibition of traffic orders. The order is expressed to be in force except on days by agreement with the highway authority, and is normally enforced by a locked gate. Motor cycles are normally exempt.
- 'Locked gate' orders. A permanent TRO is in force, but operational only when a gate is locked in bad weather. Motor cycles are normally exempt.
- Width restrictions.
- Weight restrictions.
- Wheel (number of) restrictions.
- Type of vehicle restrictions (e.g. specifically exempting 'quads' from an order that prohibits 'cars').

7.5. In general, as regards vehicle impact on the road surface, the issue to be managed comes down to two principal elements:

- Ground condition. The worse the ground condition, the greater the likelihood of vehicle impact.
- Vehicle weight (4x4s are much heavier than motorcycles). The heavier the vehicle, the greater the vehicle impact, but motor cycle engine power and tyre patterns are material as well.

7.6. Most of the various types of tailored prohibitions listed above are intended to address vehicle weight particularly in periods when roads surfaces are vulnerable. LARA believes that these aims - including *Wet Gates* fast-response - can be achieved by using a form of traffic order made under

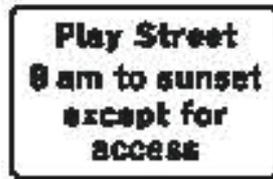
existing statutory provisions, and which allows considerable, and administratively easy, flexibility in the management time period and type of vehicle affected. That is important because extreme weather events are now by no means confined to the late-autumn-through-winter months.

- 7.7. LARA proposes that where a road, or a group of roads, is, or is sometimes, waterlogged, or soft enough to be vulnerable to excessive motor impact, then the traffic authority makes a 'default permanent traffic regulation order', prohibiting motors (potentially horse-drawn vehicles, but see below), with the prohibition expressed in the order to be in force only when the statutory signs are displayed (which, as regards police enforcement, almost goes without saying anyway). The schedule to the order will state that activation of the order by signs will be in accordance with an agreed council procedure or protocol, perhaps with Local Access Forum supervision, except in extreme circumstances (e.g. a sudden flood).
- 7.8. So, whereas an emergency notice, or a temporary traffic order, has to be made afresh each time it is needed, the 'default traffic order' is in force all the time, but is only activated (by an agreed administrative procedure) when circumstances require. It may well be that on a route prone to waterlogging the prohibition is activated as the normal situation, and is deactivated only when ground conditions allow. The mechanism is this:
- 7.9. Where the prohibition starts a standard 'no cars' traffic sign is placed, alongside the field gate (if there is one - there usually is in such TRO situations). Gates are not mandatory. Signs alone will suffice in places.



- 7.10. This sign of itself authorises the locking of the gate, and prohibits 'cars' from passing the sign, but needs to be removed for the periods when the order is not activated. The Department for Transport acknowledges the need to activate/deactivate traffic signs in its guidance, and suggests covering sign-heads with sacks. The use of a conventional 'fold-down', or 'flip', sign,

lockable in either position, would work. Alternatively (and probably better) there could be a statutory 'sign plate', like this.



- 7.11. The wording would say, 'When gate is locked shut' (or similar) and would need to be approved by the Department for Transport, which can be done for individual route orders, or for a multi-route order, or (probably) prospectively for an agreed form of order. The ongoing 'Traffic Signs Review' has proposals to make it easier for traffic authorities to get 'special signs' approved.
- 7.12. This sign, and the plate, could also be authorised by the Department to be smaller, and mounted on the gate itself, like the ones in use on Gatescarth Pass in the Lake District National Park.



- 7.13. A gap is left at the side of the field gate (or an additional smaller gate is used if stock control is an issue) for the passage of motor cycles, horses, and walkers. In most circumstances ground conditions that require the prohibition for a period of 4x4s will not also require the prohibition of motor cycles, but some routes, at some times, will require such a prohibition. This sign is used.



7.14. If the activation of the motor cycle prohibition is only to be occasional and in response to special circumstances, then the bolting of the sign to a pole (or bolting it to a gatepost) is not an onerous task. If the motor cycle prohibition is to be seasonal, or at weekends and bank holidays, then a 'flip sign' plate (as above) would be used.

7.15. Consideration needs to be given to horse-drawn vehicles and motor cycle sidecar outfits. Horse-drawn vehicles likely to use the types of roads where a locked-gate TRO would be in force would generally be small 'traps'. If the gate or gap at the side of the field gate is 5'-6" or more wide, then most small traps will pass through anyway.



7.16. Councils already address HDV issues by providing for gate-key-permit access, or by a general prohibition like this.



- 7.17. Motor cycle sidecar outfits and quads (quadricycles) fall under the 'car' sign. Because both the car sign, and the motor cycle sign, are authorised by, and enforce, the same order, a sign plate can provide an sidecar outfit exemption if this is needed locally.
- 7.18. The activation of any 'default traffic order' will be in accordance with an agreed council procedure or protocol, as stated in the schedule to the order. Ideally, Government-approved guidance would set out model clauses, and the production of this procedure would be an inclusionary process, but Local Access Forums would also be able to draft, consult, and publish the necessary protocols. Failure to make an use a proper process would make an authority open to a maladministration complaint, or, in extreme cases, judicial review, and would in any event undermine the consensus approach that underpins and validates a process such as this. The council's protocol will name the officer in charge of the process.
- 7.19. Although the 'default traffic order' is primarily intended for fast and proportionate management of traffic during poor grounds conditions, it can also be used in National Parks, and other honeypot locations, to balance motor traffic against users for amenity reasons. On the more heavily used, or sensitive, routes, the default situation could be closed to motors, with agreed open periods, either generally, or on a permit-on-request basis. In some circumstances the presumption would be towards full ongoing closure.
- 7.20. In general these orders would not be necessary on robust stone-surface roads, or well-drained 'grass and dirt' roads, for ground condition purposes, but might, on a case-by-case basis, be justified for amenity purposes.
- 7.21. In early 2014 the Meteorological Office has said again that in its view there will be more, and more-frequent, extreme weather episodes in the United Kingdom, and that these will not be confined to the colder months of the year. This is, for the moment at least, the new 'normal', and minor road users and managers have to adjust to this different normality. This system of having available default motor traffic prohibition, disapplied according to local circumstances, is cheap, flexible, responsive to road conditions, adaptable, consensus-based, and can be easily disapplied should the sun shine and wind blow for sufficient periods. And further, it requires no legislative or regulatory change, and could be introduced, via guidance, with minimal delay.

## 8. Examples of ‘selective’ traffic regulation orders.

*LARA holds examples of many traffic regulation orders, and this is a representative sample.*

<b>Authority.</b>	<b>Location</b>	<b>Type of order.</b>
Bath & NE Somerset	Burledge.	Locked gate excluding 4x4. Agreed number of ‘open days’ in a year. Long-established classic trial facilitated. Order to be reviewed in time.
Bath & NE Somerset	Ringspit Lane	1-metre width access restriction, enforced by bollards.
Cambridgeshire	Witchford	No motors with more than 2 wheels, 1 October-31 May annually, plus the ability for the council to close the road at other periods due to extreme weather.
Cambridgeshire	Wentworth.	No motors with more than 2 wheels, 1 October-30 April annually.
East Sussex	Warbleton & others.	No motors with more than 2 wheels, 1 October-31 March annually.
Hampshire	Butser Hill	No motors other than motor cycles due to narrow width and steep gradient.
Hampshire	Swanwick	No motors with 3 or more wheels, to prevent fly-tipper access.
Hertfordshire	Goose Green	TRO authorises a field gate across the BOAT with a motor cycle and horse gap at the side. When weather conditions require the council may lock the gate against 4x4s.
Kent	Charing	No vehicles except horse-drawn, pedal cycles, motor cycles, quadricycles.
Kent	Snodland	Motors prohibited except by permit.
Kirklees	Birchen-cliffe	No motors other than motor cycles and ‘invalid’.
Lake District	Rusland Pools	Motors prohibited from the ford October-May to protect salmon spawning.

Lake District	Gatescarth Pass	Permit access system. 100-inch wheelbase maximum (due to tight bends). Motor cycles in 2 directions, 4x4 in one direction. No 4x4 December through March.
Neath	Sarn Helen	No motors except between 31 May and 22 August each year.
North Yorkshire	Danby	Duck Bridge. No 'cars'.
Northamptonshire	Nassington & others	No motors except motor cycles, and no horse-drawn vehicles, between 1 November and 30 April.
Northumberland	Boulmer	Minor highway - good through route for trail riders. Also serves as an access to the coast-guard station. Problems with parked cars blocking access. TRO introduced to prevent motor vehicles other than motorcycles passing along. Works well in practice.
Powys	The Gap Road	No motors. Open periods for all vehicles, 1-31 March and 1 September - 15 October, each year.
Powys	Gywne y Fawr	No motors, exception for vehicles with fewer than 4 wheels.
Powys	The Monks' Trod	No motors, exception for motor cycles.
Somerset	Old Bristol Road, Shepton Mallet.	Serious problem of "new age travellers" occupying part of "cut-off" length of county road. Original proposal to TRO against all vehicles. Compromise agreed to prohibit vehicles that cannot pass through a "horse gap" alongside the gate erected to enforce the TRO. SCC agreed to review the TRO after 3 years. SCC expressed regret at the loss of public rights, but regarded the case as "wholly exceptional".
Suffolk	Whepstead	No motors except motor cycles and permitted traffic.
Suffolk	Wordwell	No motors between 31 October and 30 April.
Surrey	Effingham	Motors with '4 or more wheels' prohibited.

Surrey	Ash	Motors with '4 or more wheels' prohibited, 30 September - 1 May.
Swindon	The Ridgeway	No motors except motor cycles, 1 October - 30 April.
West Berkshire	Beedon	Motor cycles only. 4x4 prohibited.