

HERTFORDSHIRE COUNTY COUNCIL

THE HERTFORDSHIRE (TYKESWATER LANE - ALDENHAM BYWAY 079, ELSTREE AND ELSTREE & BOREHAMWOOD BYWAY 060, BOREHAMWOOD) (PROHIBITION OF DRIVING) ORDER 2022

NOTICE is given that the Hertfordshire County Council has made an Order under the Road Traffic Regulation Act 1984 to introduce a prohibition of driving except permit holders on byways in parts of Elstree and Borehamwood as specified in the Schedule to this Notice. Permits and Permit Holders shall have the meaning as given within the Order. The Permit issuing authority will be Hertfordshire County Council. The prohibition will apply in respect of any Motor Vehicle and any Horse-Drawn Vehicle. The Order will come into effect on Monday 29 April 2024.

Documents giving more detailed particulars of the Order are held on deposit and may be viewed from 25 April 2024 to 6 June 2024 during office hours at Main Reception, Hertfordshire County Council, County Hall, Pegs Lane, Hertford or online at www.hertfordshire.gov.uk/trafficorders by selecting Hertsmere and looking at Ref: H00422

Enquiries relating to the Order should be referred to the Highways Engineer concerned Dawn West tel: 01992 555235 or dawn.west@hertfordshire.gov.uk

Any person wishing to question the validity of the Order, or of any provision contained in it, on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of the Act or any Instrument made under it has not been complied with in relation to the Order, may within 6 weeks from the date of this Notice apply to the High Court for this purpose.

SCHEDULE: Prohibition of Driving – those sections of byway listed below and as set out in the Order and scheme plan – Entire length of Tykeswater Lane (Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood).

County Hall
Hertford
Herts SG13 8DN

25 April 2024
Mark Doran
Executive Director, Growth and Environment

HERTFORDSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

Date of Order: 16/04/2024

Order No: 8619

THE HERTFORDSHIRE (TYKESWATER LANE - ALDENHAM BYWAY 079, ELSTREE AND ELSTREE & BOREHAMWOOD BYWAY 060, BOREHAMWOOD) (PROHIBITION OF DRIVING) ORDER 2022

The Hertfordshire County Council in exercise of their powers under Sections 1, 2, 3 and 4 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984 hereby make the following Order: -

1. This Order may be cited as “The Hertfordshire (Tykeswater Lane - Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood) (Prohibition of Driving) Order 2022” and shall come into operation on Monday 29 April 2024.
2. The Hertfordshire (Tykeswater Lane - Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood) (Prohibition of Driving) Order 2022 Plan No **H00422P** inclusive of its keys and as listed in the Schedule to this Order (herein after referred to as the “prohibition of driving plan” is incorporated into this Order.
3. **Interpretation:** In this Order the following expressions shall have the meaning assigned to them –

“Horse Drawn Vehicle” shall have the meaning as any carriage drawn by a horse and for the avoidance of doubt shall include 2 or 4 wheeled modern carriages, any 2 or 4 wheeled traditional carriages or any horse drawn passenger carrying vehicle, being drawn by a horse.

“motor vehicle” shall have the meaning as given in Section 136 Road Traffic Regulation Act 1984.

“permit” shall have the meaning as a written permit in a form prescribed by Hertfordshire County Council issued by an Authorised Officer of that Council, which entitles a ‘motor vehicle’ or a ‘horse drawn vehicle’ being used by a permit holder to enter or be in those lengths of Tykeswater Lane (Aldenham Byway 079 and Elstree & Borehamwood Byway 060) restricted by Article 4 of this Order.

“permit holder” shall have the meaning as any person who is the holder of a permit issued by Hertfordshire County Council which entitles a ‘motor vehicle’ or a ‘horse drawn vehicle’ being used by the holder to enter or be in those lengths of Tykeswater Lane (Aldenham Byway 079 and Elstree & Borehamwood Byway 060) restricted by Article 4 of this Order.

the “prohibition of driving plan” has the meaning as The Hertfordshire (Tykeswater Lane - Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood) (Prohibition of Driving) Order 2022 Plan No **H00422P** inclusive of its keys

4. Save as provided in Article 5 to this Order no person shall cause or permit any “motor vehicle” or “Horse Drawn Vehicle” to enter or be in those lengths of Tykeswater Lane (Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood), between its junction with A5183 Watling Street, Elstree and its junction with Theobald Street, Borehamwood, as indicated in “the prohibition of driving plan”.

5. Nothing in Article 4 to this Order shall apply to so as to prohibit a “motor vehicle” or “Horse Drawn Vehicle” being used by a permit holder, who holds a valid permit issued by Hertfordshire County Council which entitles the user thereof, to enter or be in those lengths of Tykeswater Lane (Aldenham Byway 079 and Elstree & Borehamwood Byway 060) restricted by Article 4.
6. Hertfordshire County Council being satisfied that –
- (i) for avoiding danger to persons or other traffic using the road to which the order relates, and
 - (ii) for preventing damage to the road, and
 - (iii) for facilitating the passage on the road or any other road of any class of traffic, in particular for horse riders and pedestrians
- it is requisite that subsection 3(1) of “the Act of 1984” should not apply to the Order and accordingly, lockable gates will be installed on the lengths of road restricted by Article 4 of this Order, to control access.
7. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
8. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any other regulations made or having effect as it made under the Act of 1984 or by or under any other enactment.

SCHEDULE

Schedule	the “prohibition of driving plan” – H00422P
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Signed

Charlotte McKay
Charlotte McKay
Assistant Chief Legal Officer

Dated: 16/04/2024

HERTFORDSHIRE COUNTY COUNCIL

STATEMENT OF REASONS

THE HERTFORDSHIRE (TYKESWATER LANE - ALDENHAM BYWAY 079, ELSTREE AND ELSTREE & BOREHAMWOOD BYWAY 060, BOREHAMWOOD) (PROHIBITION OF DRIVING) ORDER 2022

The Hertfordshire County Council in order to improve safety and prevent damage to the highway, propose to prohibit the driving of motor vehicles and horse drawn vehicles on Tykeswater Lane (Aldenham Byway 079, Elstree and Elstree and Borehamwood Byway 060, Borehamwood), with some exceptions as set out in the Order.

The restrictions will comprise of –

- A Prohibition of driving motor vehicles and horse drawn vehicles except permit holders on the entire length of Tykeswater Lane (Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood) between its junction with A5183 Watling Street and its junction with Theobald Street.

The entire length of Tykeswater Lane (Aldenham Byway 079, Elstree and Elstree & Borehamwood Byway 060, Borehamwood) is proposed to be subject to a prohibition of driving motor vehicles and horse drawn vehicles. It is proposed that a permit system will be introduced by the Authority to permit and control access by authorised persons and their vehicles. Permits shall be limited to drivers who are members of officially recognised organisations, with a responsible Code of Conduct, access will be via a locked gate, with dropped centre for horse access.

The Police have been consulted and have supplied crime and anti-social behaviour data to HCC.

Having also considered the duty imposed by Section 122 Road Traffic Regulation Act 1984, the TRO is considered necessary and expedient -

1. 'for avoiding danger to persons or other traffic using the byways and for preventing the likelihood of any such danger arising' – to prevent the anti-social behaviour, deliberate damage from driving on the ditches (breaking the revetment, bridges and causing flooding) and trespass activities which have been prevalent on the woodland beside the byway.
2. for 'preventing damage to the byways' – damage is arising associated with misuse by vehicles to the edges of the lane and the drainage features, which are being damaged by overruns. driving is also occurring in ditches (breaking the revetment, bridges and causing flooding) and trespass activities which have been prevalent on woodland beside the byway.
3. for the preservation of the local area character and amenity, we will secure, as far as practical, the expedient, convenient and safe movement of other traffic (including motorcycles, horses, cycles and pedestrians), which are affected by the blockages causes by vehicles damaging the drainage systems.

All the above measures have been the subject of consultation with the local and County Councillors representing the area and Hertsmere Borough Council. The local Police, Ambulance, Fire & Rescue Services, Aldenham Parish Council, Elstree and Borehamwood Town Council, Network Rail, Affinity Water, Thames Water, East Anglia Pipelines Cadent Gas Ltd, RoW Statutory User Group Consultees, CPRE, Radlett Society and Green Belt Association, Elstree and Borehamwood Green Belt Society, TRF, GLASS, Trail Riders' Fellowship, The Auto Cycle Union, Lea Valley Landrover Owners Club, British Driving Society, British Horse Society, Byways and Bridleways Trust, The Open Spaces Society, The Ramblers, East Herts Footpath Society, Cyclists Touring Club, CSC Highways, Historic Environment, Flood and Water Management, Environment Agency, All Terrain UK, Star Property Investments Ltd, local residents and neighbouring landowners have also been consulted.

**THE HERTFORDSHIRE (TYKESWATER LANE ALDENHAM BYWAY 079, ELSTREE AND ELSTREE & BOREHAMWOOD BYWAY 060, BOREHAMWOOD)
(PROHIBITION OF DRIVING) ORDER 2022 PLAN NO H00422P**

