

STATEMENT OF REASONS

FOR PROPOSING TO MAKE THE ORDERS PROHIBITING USE BY SPECIFIED VEHICLES OF ROUTES AT GREAT MUNDEN 13 AND OTHERS, ARDELEY 10 AND OTHERS AND CLOTHALL 12 AND WESTON 39

1. Hertfordshire County Council ("HCC") has received complaints from District and Parish Councils and local residents that damage has been caused to the surface of the above routes; that the routes are dangerous for use by horseriders, amongst others; and that the routes are not suitable for use by motorised vehicles.
2. In the case of the Great Munden routes an order was proposed in 1990, but because a legal technicality was not confirmed. Nevertheless, the signs indicating closure of the route to vehicles used by the public remained and use of the routes by vehicles causing damage has been reduced. It is therefore proposed to make and confirm an order.
3. HCC has conducted a consultation exercise starting on 20 January 1995. Parish and District Councils, landowners and user groups were consulted. The response to the consultation exercise was extensive and varied. Further evidence was also provided on use of the routes. On the basis of the evidence available to HCC and the support expressed for the proposals, HCC has decided to publish the proposed orders.

The Hertfordshire County Council, in exercise of their powers under Sections 1(1), 2(1) to (3) and 3(2) of the 1984 Act, 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 1984 Act, hereby made the following Order:-

1. Save as provided in Article 3 of this Order no person shall cause any Specified Vehicle (which for the purposes of this Order means any vehicle except any non-motorised bicycle) to enter or proceed at any time along the Routes (which are specified in the Schedule to this Order) except at such times as any gates are left in the open position.
2. In accordance with Section 92 of the 1984 Act, on the coming into operation of this Order, locked gates and bollards will be placed on the Routes so as to prevent the entry and passage of any Specified Vehicle, except those referred to in Article 3 of this Order.
3. Nothing in Article 1 or 2 of this Order shall prevent any person from causing or permitting a Specified Vehicle to enter or proceed in the Routes if that Specified Vehicle is being used:-
 - (a) for fire brigade, ambulance or police purposes.
 - (b) where necessary for access to adjoining land for agricultural purposes

The background to this matter is that the above routes are identified on the Definitive Map for Hertfordshire as Byways Open to All Traffic or Roads Used as Public Paths. The County Council has received complaints from Parish Councils, local residents and North Hertfordshire District Council regarding the routes. The 1984 Act provides that the County Council may make a Traffic Regulation Order where it appears to it expedient for

- (a) avoiding danger; or
- (b) preventing damage; or
- (c) facilitating passage of any class of traffic including pedestrians; or
- (d) preventing traffic which is unsuitable with respect to the existing character of the road; or
- (e) preserving the character of the road where this is especially suitable for persons on horseback or on foot; or

Anyone who wishes to object to the order or make any other representation relating to the order must do so in writing specifying the grounds on which the objection/representation is made by writing to:-

W J Church
Director of Law & Administration
Hertfordshire County Council
County Hall
HERTFORD SG13 8DE

by 25 April 1995. Any objection/representation received after this date will not be considered.

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NB: The Spur = Cottered BOAT47.

HERTFORDSHIRE COUNTY COUNCIL

**ROAD TRAFFIC REGULATION ACT 1984("the 1984 Act")
ORDER UNDER SECTION 2(1)**

DATE OF ORDER: 24th May 1995
ORDER NO:

**THE HERTFORDSHIRE (PROHIBITION OF USE OF ARDELEY 10 AND 24,
COTTERED 20, 34 AND THE SPUR AND GREAT MUNDEN 28 AND 59 BY
ALL VEHICLES EXCEPT WHEELCHAIRS AND NON MOTORISED
BICYCLES) ORDER 1995**

The Hertfordshire County Council, in exercise of their powers under Sections 1(1), 2(1) to (3) and 3(2) of the 1984 Act, 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 1984 Act, hereby made the following Order:-

1. Save as provided in Article 3 of this Order no person shall cause any Specified Vehicle (which for the purposes of this Order means any vehicle except any wheelchair or non-motorised bicycle) to enter or proceed at any time along the Routes (which are specified in the Schedule to this Order) except at such times as any gates are left in the open position.
2. In accordance with Section 92 of the 1984 Act ,on the coming into operation of this Order, locked gates and bollards will be placed on the Routes so as to prevent the entry and passage of any Specified Vehicle, except those referred to in Article 3 of this Order.
3. Nothing in Article 1 or 2 of this Order shall prevent any person from causing or permitting a Specified Vehicle to enter or proceed in the Routes if that Specified Vehicle is being used:-
 - (a) for fire brigade, ambulance or police purposes.
 - (b) for access to any premises adjacent to the Routes
 - (c) where necessary for access to adjacent land for agricultural purposes
4. This Order shall come into operation from 2 June 1995 and may be cited as "The Hertfordshire (Prohibition of Use of Ardeley 10 and Others by any Specified Vehicle) Order 1995.

SCHEDULE

The entire lengths of routes known as:-

Ardeley 10 from GR 310285 to GR 335266 for a distance of 2450 metres; and

Ardeley 24 from GR 323267 to GR 325272 for a distance of 760 metres; and

Cottered 20 from GR 323283 to GR 331277 for a distance of 960 metres; and

Cottered 34 from GR 310285 to GR 329270 for a distance of 3080 metres; and

Cottered The Spur from GR 331277 to GR 329270 for a distance of 780 metres; and

Gt Munden 28 from GR 340263 to GR 338259 for a distance of 400 metres; and

Gt Munden 59 from GR 335266 to GR 355256 for a distance of 2300 metres

IN WITNESS whereof the Common Seal of the Hertfordshire County Council was hereunto affixed this 24th day of May 1995

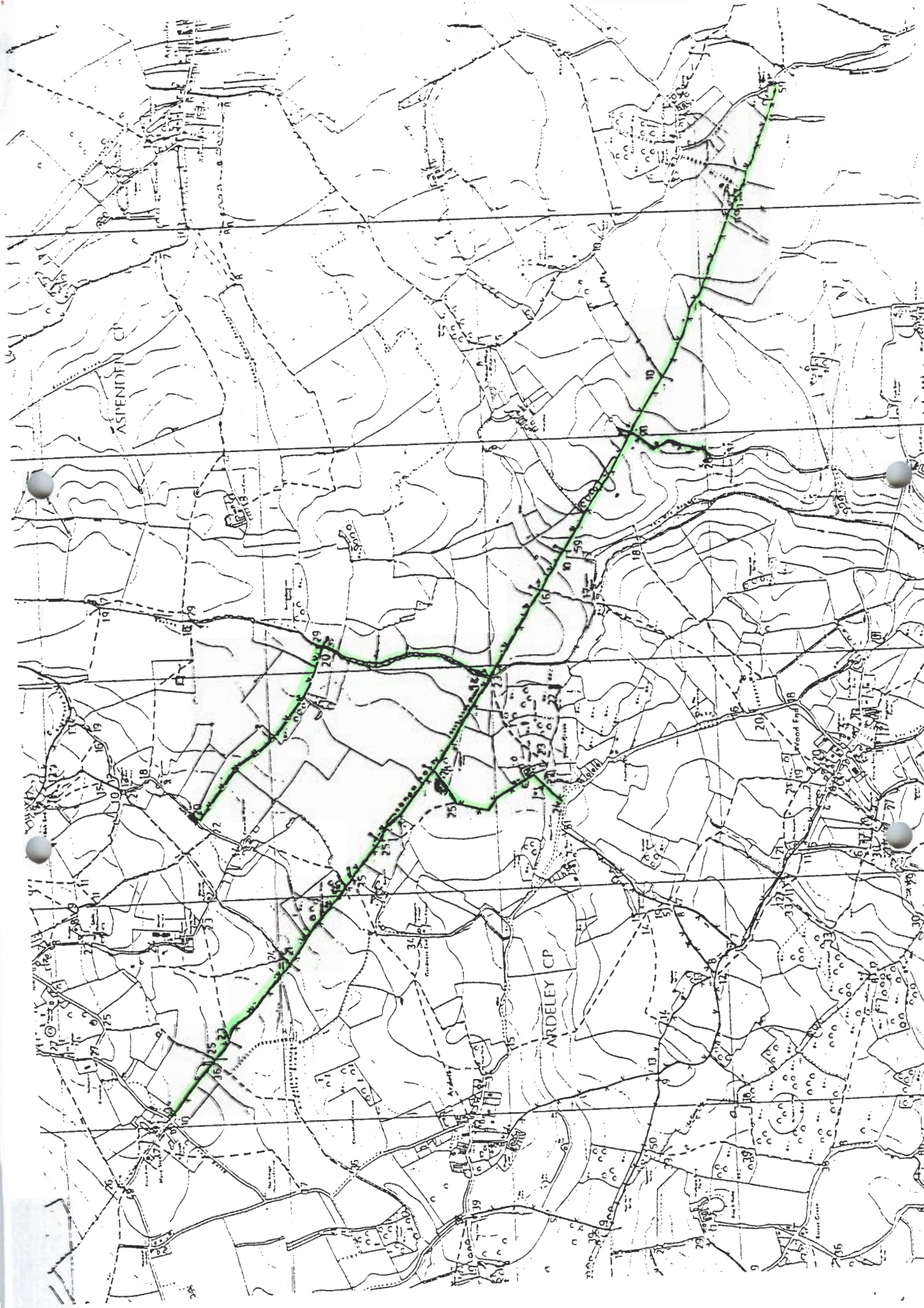
The Common Seal of the)
Hertfordshire County Council)
was hereunto affixed in the)
presence of:-)



Director of Law & Administration

075





HERTFORDSHIRE COUNTY COUNCIL

**ROAD TRAFFIC REGULATION ACT 1984
ORDER UNDER SECTION 14 (1)**

Date of Order : 14 July 1995

Order No. 4745

**THE HERTFORDSHIRE (TEMPORARY CLOSING OF FOOTPATHS,
BRIDLEWAYS, BY WAYS OPEN TO ALL TRAFFIC AND ROAD USED AS A
PUBLIC PATH IN ARDELEY, COTTERED, GREAT MUNDEN AND
WESTMILL) ORDER 1995**

WHEREAS by Section 14, sub-section (1) of the Road Traffic Regulation Act 1984, subject to the provisions of the section if a Highway Authority are satisfied that pedestrian and vehicular traffic on any highway should by reason of any works being executed or proposed to be executed on or near the highway be restricted or prohibited they may by Order restrict or prohibit the use of the highway or any part thereof by vehicles or by vehicles of any particular class or description and persons on foot, to such an extent and subject to such conditions or exceptions they may consider necessary.

AND WHEREAS the Hertfordshire County Council are the Highway Authority for the footpaths, bridleways, by ways and road used as a public path hereinafter mentioned which are situated in the East Hertfordshire District Council Area within the County of Hertfordshire.

AND WHEREAS work in connection with repairing these rights of ways is necessary.

AND WHEREAS the Council are satisfied that all vehicular and pedestrian traffic on the highways hereinafter described should by reason of the said work being required and being in progress on the said highways be prohibited and that suitable alternative routes for traffic and pedestrians are available.

In this Order

“BOAT” Byway open to all Traffic has the same meaning as in Section 66 of the Wildlife and Countryside Act 1981.

“RUPP” Road used as a Public Path has the same meaning as in Section 27(6) of the National Parks and Access to the Countryside Act 1949.

“pedal cycle” means a cycle powered only by foot or hand.

NOW the Council do hereby Order as follows:-

1. All traffic including pedestrians, persons in wheel chairs and persons riding or propelling non motorised pedal cycle are prohibited from using the following rights of ways :-
 - (i) that length of Footpath 36 Ardeley from its junction with BOAT 10 Ardeley south westwards for an approximate distance of 100metres,

- (ii) that length of Footpath 35 Ardeley from its junction with BOAT 10 Ardeley westwards for an approximate distance of 100metres,
- (iii) that length of Footpath 25 Ardeley from its junction with BOAT 10 Ardeley southwards for an approximate distance of 100 metres
- (iv) that length of Footpath 23 Ardeley from its junction with BOAT10 Ardeley westwards for an approximate distance of 100metres,
- (v) that length of Footpath 16 Ardeley from its junction with BOAT 10 Ardeley southwards for an approximate distance of 100 metres,
- (vi) that length of BOAT 10 Ardeley (Back Lane) / BOAT 34 Cottered / BOAT 59 Great Munden from BOAT 10's junction with Blind Lane south astwards to BOAT 59's junction with Cherry Green Lane at Furtherfield Spring,
- (vii) that length of BOAT 24 Ardeley from its junction with BOAT 10 Ardeley southwards to its junction with the un named road C14 at Moor Green,
- (viii) that length of Footpath 25 Cottered from its junction with BOAT 34 Cottered northwards for an approximate distance of 100 metres,
- (ix) that length of Footpath 23 Cottered from its junction with BOAT 34 Cottered eastwards for an approximate distance of 100 metres,
- (x) that length of Footpath 21 Cottered from its junction with BOAT 34 Cottered eastwards for an approximate distance of 100 metres,
- (xi) that length of Footpath 14 Cottered from its junction with BOAT 34 Cottered north eastwards for an approximate distance of 100 metres,
- (xii) that length of The Spur,Cottered from its junction with BOAT 34 Cottered northwards to its junction with RUPP 20 Cottered,
- (xiii) that length of RUPP 20 Cottered from its junction with The Spur westwards to its junction with Spring Lane,
- (xiv) that length of BOAT 28 Great Munden from its junction with BOAT 59 Great Munden southwards to its junction with Orange End,
- (xv) that length of Bridleway 10 Westmill from its junction with BOAT 59 Great Munden north eastwards for an approximate distance of 100metres.

2. Persons and their vehicles associated or involved with undertaking highway remedial works to the rights of ways detailed above,are exempt from the provisions of this Order whilst the remedial works are in progress.
- 3 This Order shall come into operation from 15 July 1995 or from the date of the works necessitating the closure commences, for a period of up to six months.

IN WITNESS whereof the Common Seal of the Hertfordshire County Council was hereunto affixed this 14 day of July 1995.

The Common Seal of the)
Hertfordshire County Council)
was hereunto affixed in the presence of:-)



WJ Crow
Director of Law and Administration
145

TRAFFIC REGULATION ORDERS

The next stage; Implementation of Orders

On the 9 May 1995 Environment Committee resolved to put Permanent Traffic Regulation Orders on Stains Street and Clothall 12 and to review the situation on the Great Munden group in 6 months time. I am writing to advise you of what needs to be done to bring the orders into effect. There are a number of points to consider as outlined below.

1. Objections to Orders.

The order will be published by the 2 June and notices placed on site at either ends of the routes. There is then a 6 week period during which any member of the public may object to the order on procedural ground by making an application to the High Court. This means that barriers can not be erected and material will not be ordered before the end of objection period. ie. 15 July. An application to the High Court will effectively stop all planned work on site although it may be possible to carry out some practical works on the routes but this will depend on nature of objection to High Court. The objectors may apply for an injunction. It is estimated that it may take 6 - 18 months but maybe 2 years to process the court case. Should objections be received it may not be possible to carry the money over to the next financial year.

2. Temporary Traffic Regulation Order

We will need to place Temporary Traffic Regulation Order on part or all of route to allow contractors to carry out work. Orders need to be published so that they take effect on the 15 July 1995. Consultation will start in mid June. The order is necessary because the contractors will be using large machinery on the route which could present a danger to the public and to give them the maximum flexibility to take advantage of the dry weather before the autumn rains start. We have lost lot of good weather time in having to delay because of possible objections.

3. Location of Barriers

In order for the TRO to be effective it will be necessary to erect barriers to exclude unauthorised traffic. These barriers will be erected so that they do not interfere with local residence, as set out in the committee report. All landowners affected will be contacted prior to erection and advised of design and location in case there are any unforeseen problems.

4. Information Boards.

Information Boards will be provided at each end of the routes giving heritage, recreational, ROW and TRO information.

5. Great Mundens Routes.

Committee recommended that the position of these routes should be reviewed in 6 months time following consultation with the local community. Even though the TRO was not confirmed useful works can still be carried out on site which are unlikely to be damaged by vehicular use. Action will be taken to improve these route by; carrying out structural drainage works; piping of deep section of Gt Munden 46 RUPP, and investigating gate problems on Gt. Munden 13, which may need enforcement action. The local community particularly the "Munden Mounties" are liaising with Peter Garrett through Parish Path Partnership to collect evidence of damage and abuse during the 6 month period.