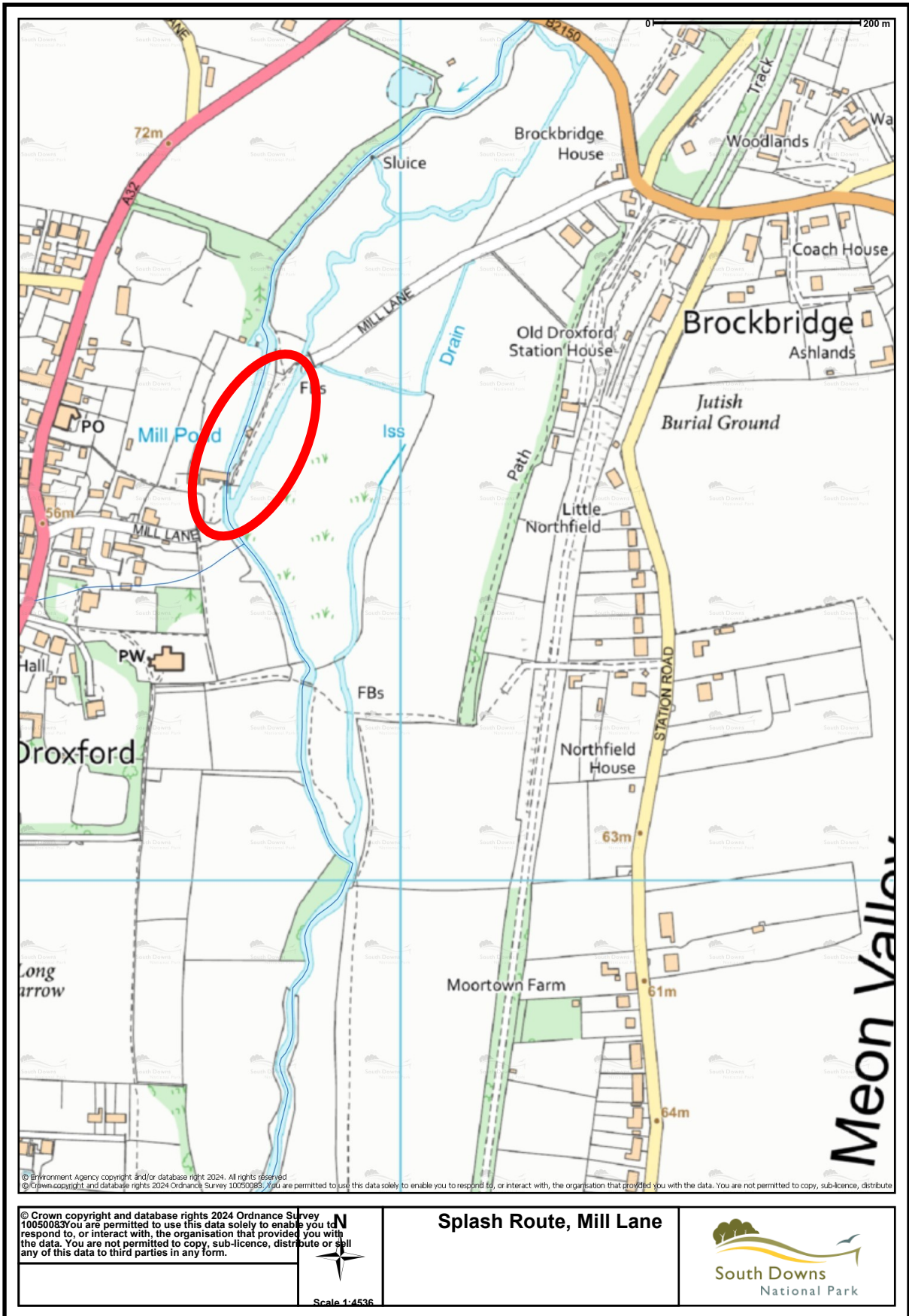


APPENDIX I

Location of the Splash Route, Mill Lane, Droxford





Created by Elaina Whittaker-Slark on 04 October 2024

APPENDIX 2

Background on Byways Open to All Traffic (BOATs)

1. Mill Lane is not a BOAT but it may be helpful to know the background to offer some context for this discussion. Although BOATs make up only a very small part of the rights of way and access network, it is acknowledged that some communities are disproportionately affected by the legal use of motorised vehicles on these public rights of way, particularly with regard to those BOATs that are located in countryside areas that are otherwise remote from the road network.
2. Some routes are regularly used by 4x4 groups and trail-bike riders and although motorised vehicle users may be local, others travel into the area from longer distances. Most, if not all, BOATs in the National Park are not constructed to the same standard as the “regular” sealed road network, and so some of the more popular and well used routes can become damaged through motorised use. Such damage often makes use by non-vehicular users difficult, and in some cases the route can become impassable to all users. Along with physical damage, noise can be very distressing for local residents.
3. In January 2022 a Members’ workshop on the management of BOATs was held. In October 2022, a paper came to a full Authority meeting updating members of the position and proposing options for members to consider around the management of BOATs in house. After due consideration it was agreed that BOATs should remain in the management of HCC.

APPENDIX 3

Background on Traffic Regulation Orders (TROs)

1. Associated with all the above, there are often calls for the use of motor vehicles to be restricted or prohibited on BOATs, largely because BOATs are a part of the rights of way network which is often perceived by the public as being a network for the use of walkers, cyclists and horse riders. However, as it stands, drivers of road-legal motorised vehicles are legitimate users of BOATs, and Defra recommends that before public rights to use BOATs are removed or restricted all other options should be first explored (See [Defra Guidance Making the best of byways \(2005\) in background documents](#)). This aligns with the “least restrictive access” principle that operates on most publicly accessible land.
2. Traffic Regulation Orders (TROs) can be used to prohibit, restrict or regulate certain users, types of vehicle or activities on the public highway network. Within the rights of way network they are most commonly used to manage certain types of use on a route. For example, four wheeled motor vehicles could be restricted in their use of a particular BOAT. However, TROs can also be used to restrict or regulate any type of user on any class of right of way; they are not intended to be solely used on BOATs or to only restrict use by motor vehicles.
3. TROs can be Permanent, Temporary or Experimental. They may also be time limited, for example they may operate seasonally.
4. Because TROs effectively remove a public right, they are tightly legislated and often highly scrutinised by user groups.
5. The grounds and procedure for making a TRO are laid out in the [Road Traffic Regulation Act 1984 \(legislation.gov.uk\)](#). Section 1 of the Act sets out the 7 grounds for making an order (in England and Wales, outside Greater London); these are:-
 - 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, or
 - for preventing damage to the road or to any building on or near the road, or
 - for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
 - for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
 - for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
 - for preserving or improving the amenities of the area through which the road runs, or
 - for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
6. In National Parks and other special areas of the countryside, section 22 of the Road Traffic Regulation Act 1984 provides additional grounds for making a TRO; these are for the purpose of:
 - conserving or enhancing the natural beauty of the area (where conserving the natural beauty of an area shall be construed as including a reference to conserving its flora, fauna and geological and physiographical features); or
 - affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.

APPENDIX 4

Hampshire County Council's Current Approach to the Management of BOATS

1. Within the HCC part of the SDNPA, the management of BOATs and other rights of way is the responsibility of HCC Countryside Service. Enforcement of illegal activities relating to BOATs (as with all highways and including contravention of TROs) is the responsibility of the police.
2. Based on the published [Defra Guidance Making the best of byways \(2005\)](#), HCC is taking a robust and consistent approach in managing this responsibility.
3. HCC's website *Problems on Rights of Way* is publicly accessible and sets out procedures for viewing, tracking and reporting problems and explains in detail how reports are prioritised.
4. When considering making a TRO, HCC undertakes an evidence based assessment. Any individual proposed TRO is assessed on its own merit.
5. The SDNPA does not have any delegated rights of way management responsibilities from any of the four Local Highway Authorities (although this does not affect its power under the section 22BB of the Traffic Regulation Act 1984 to make TROs) and does not receive any funding or other resources specifically for rights of way management.

APPENDIX 5

BOAT Network in the South Downs National Park

1. There are currently 85.4km of BOATs within the National Park, just under half of which already have some form of restriction in place. Table I below provides details of BOATs within the National Park with regard to each Local Highway Authority.
2. This is a more significant reality for HCC than other counties:

Authority Area	No. of BOATs/ total length (km)	% of National Park Rights of Way network (by length)	No. of BOATs with Traffic Regulation Orders for twelve months of the year	No. of BOATs with Traffic Regulation Orders that are seasonal (2021)
Brighton & Hove	4 / 1.9km	0.03%	2	0
East Sussex	32 / 15.3km	0.46%	0	24
Hampshire	88 / 64.4km	1.95%	23	11
West Sussex	6 (4) / 3.8km (2.3km)*	0.12%	0	0
South Downs Total	130 / 85.4km	2.56%	25	35

* 2 BOATs in West Sussex (UPB/2761 & SHS/2761) run over (i.e. co-exist with) metalled publicly maintained ordinary highways.