

Management of Byways Open to All Traffic (BOAT) Update

28/11/2023

Jonathan Woods – Strategic Manager

The Rights of Way Network

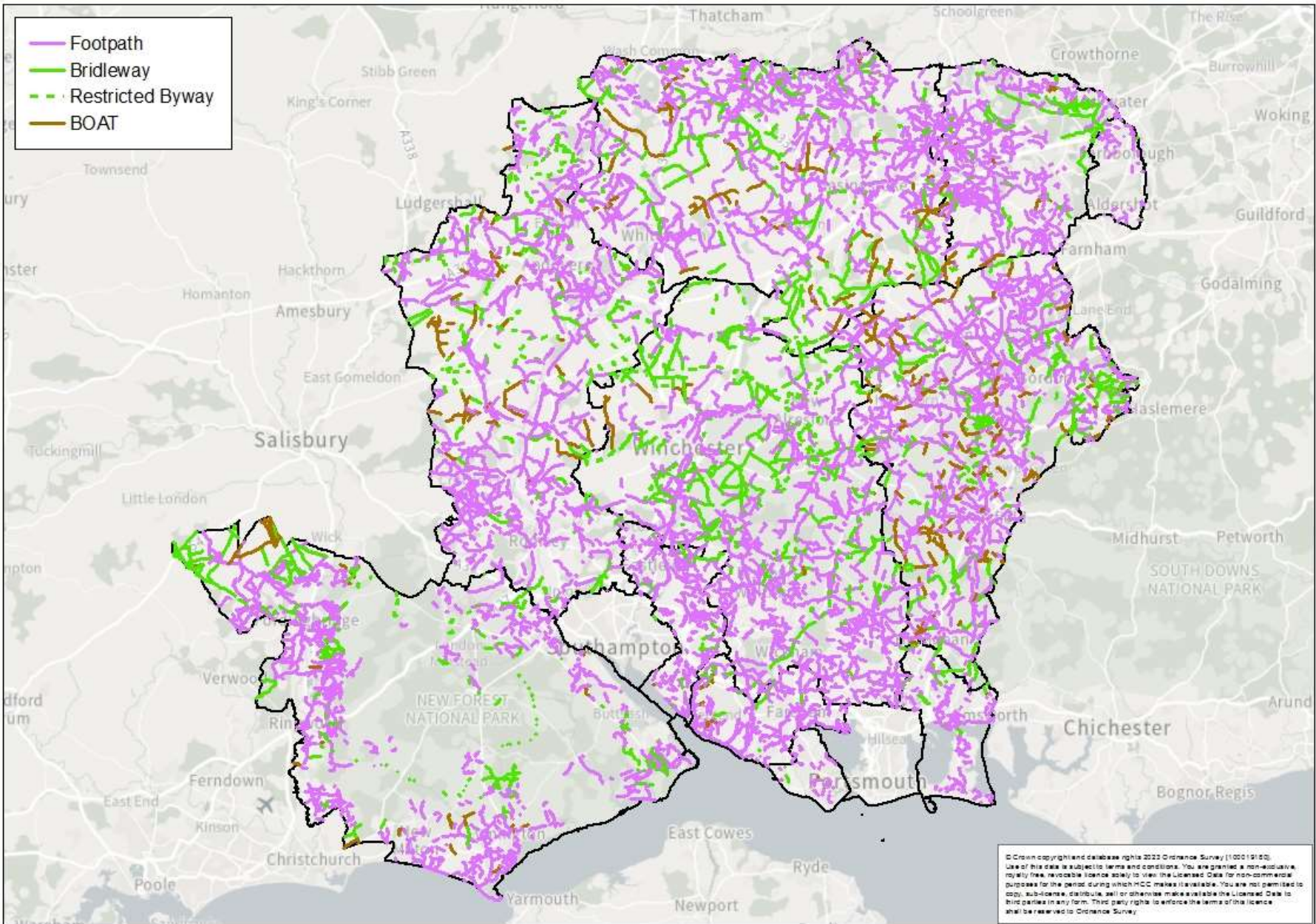
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 Hampshire County Council has statutory responsibility as the Highway Authority for the management and maintenance of 2,883 miles (4,639km) of Public Rights of Way (PROW). The network is made up of the following categories:

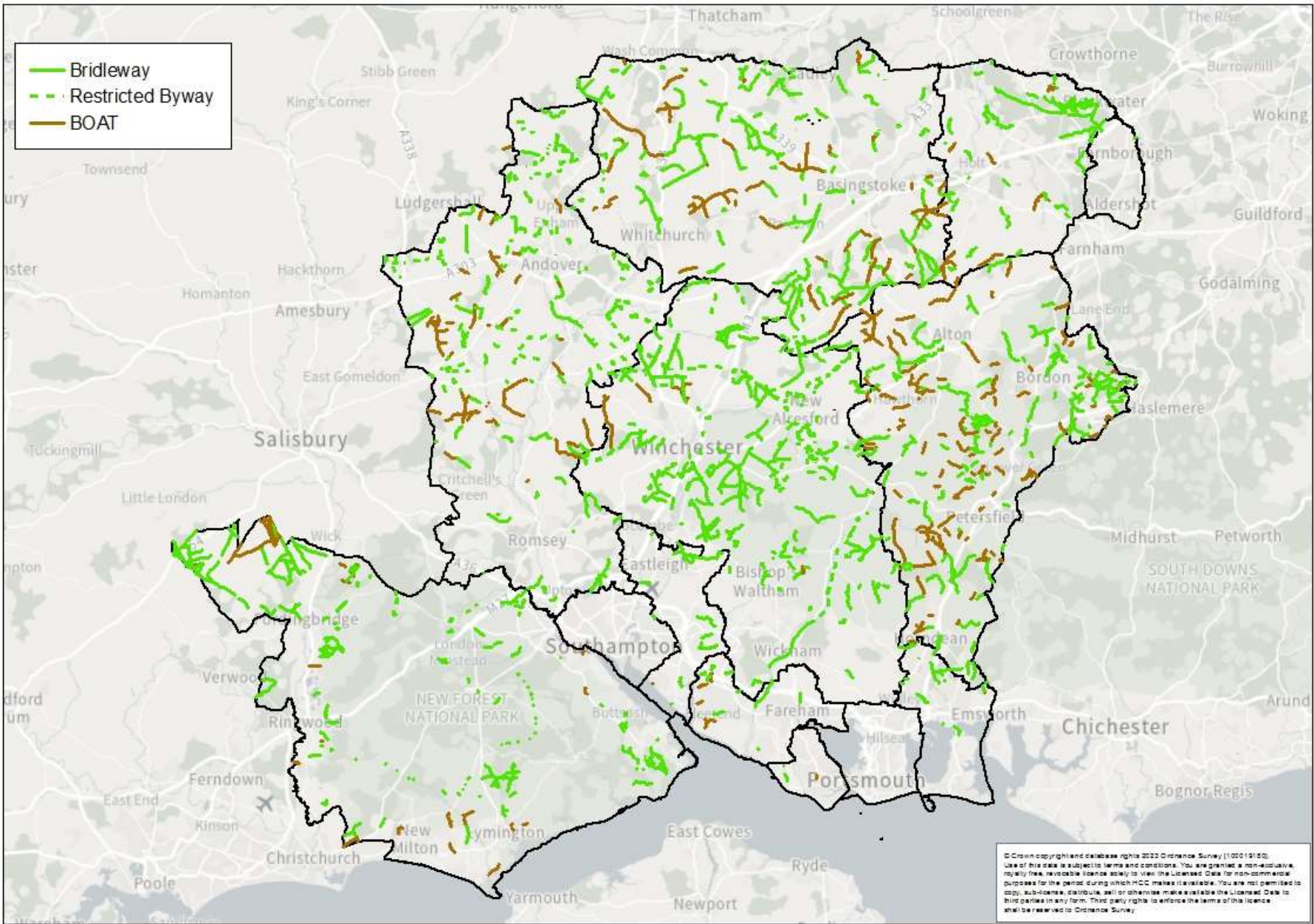
Code	Category	Legitimate users	Miles	No. Routes	%
Foot	Footpaths	Walkers only	2,070	5,883	72%
BW	Bridleways	Horse Riders, Cyclists & Walkers	476	970	17%
RB	Restricted Byways	Carriage Drivers, Horse Riders, Cyclists and Walkers	157	261	5%
BOAT	Byway Open to All Traffic	Motorised Vehicles, Carriage Drivers, Horse Riders, Cyclists and Walkers	180	352	6%
			2,883	7,466	100%

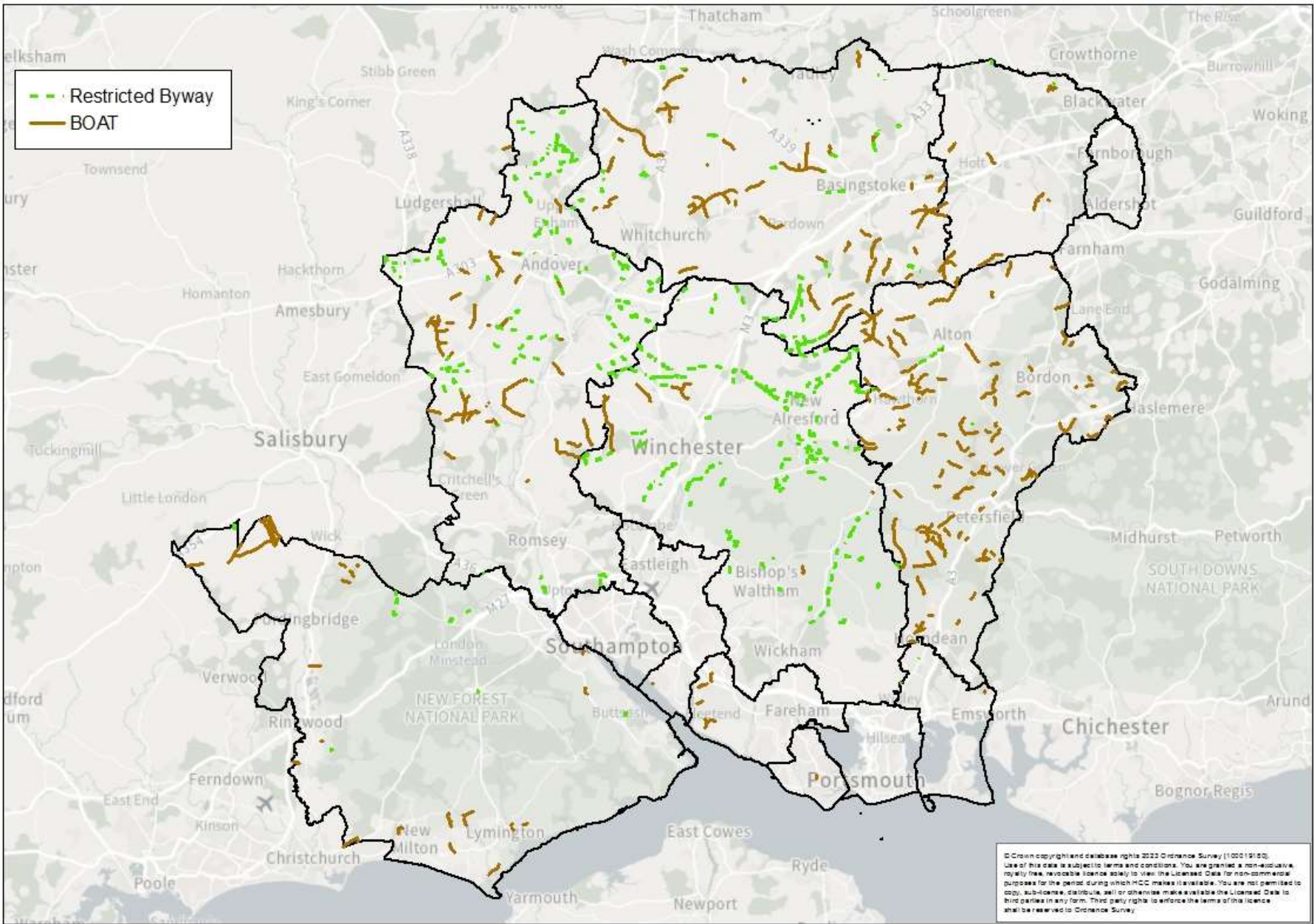
The Rights of Way Network

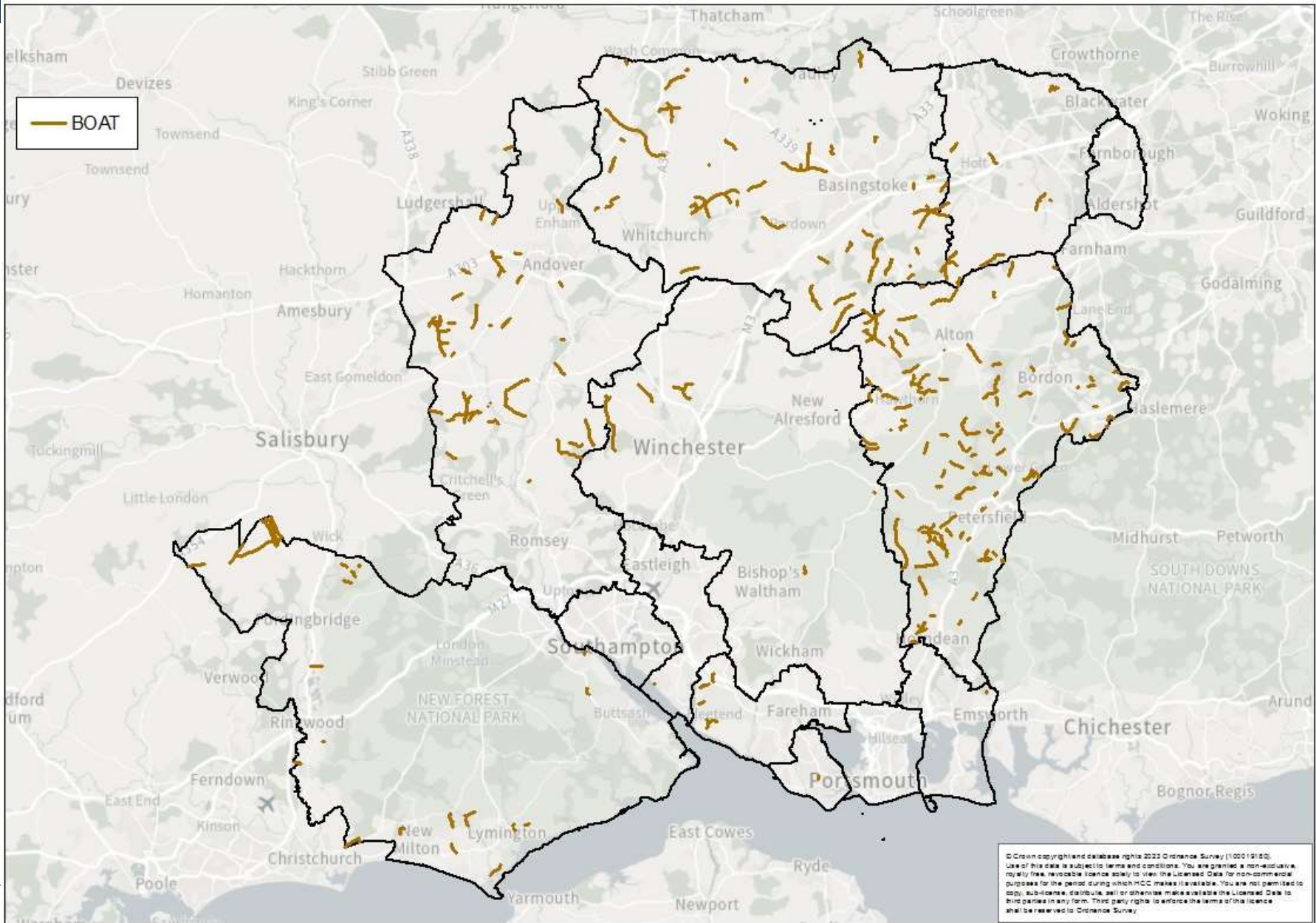
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Legal definition of a BOAT

The legal definition of a BOAT is defined by Section 66(1) of the Wildlife and Countryside Act 1981 which defines a byway open to all traffic (“BOAT”) as: “a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used”.

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HCC Statutory Duty

The statutory role that the County Council has, requires asserting and protecting the public’s legal rights to use and enjoy the public rights of way network, including motorised vehicles which are taxed, tested and insured on the byway network

Restrictions to use

BOP (Byways Operational procedure) - Officers assess the byway and score it, it will then sit with 3 categories

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- **Green** (No action required)
 - **Amber** (Moderate damage identified. Minor maintenance as required. Monitor for defined period)
 - **Red** (Significant Damage. Major maintenance required. Voluntary Restraint or Temporary Closure needed. Monitor for defined period)



Restrictions to use

BOP (Byways Operational procedure) – once classified we currently have 3 stages of intervention. With the ideal that we can maintain access for all legal users

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STAGE 1 Voluntary Restraint --Byways that are open, but are at risk of continued deterioration, we will request voluntary restraint. This will be circulated to user groups and be available on the web.

STAGE 2 Winter Closures – Byways that are deteriorating despite voluntary restraint requests – to have a winter closure applied from 1st October to 1st May with an additional ability to close throughout the rest of the year, on the basis of met office weather warning. This will be circulated to user groups and be available on the web.

STAGE 3 TRO – Byways that continue to deteriorate despite Winter Closures, in line with existing policy.



Seasonal Closures

- The use of our BOP identifies byways that are at risk of damage during the winter months.
- Winter closures are implemented from October for a 6 month period.
- Routes will be considered on a case-by-case basis if they can be reopened earlier than expected (due to favourable weather conditions) or closures be extended if conditions don't allow.
- **As a trial this winter, we are monitoring Amber routes and may close if they start to deteriorate.**
- **Due to extreme weather events outside our current winter closures, we are proposing the introduction of summer closures to prevent damage.**



Current delivery

The County Council is halfway through a 3-year (2022/23/24) capital investment programme which has focused on the resolution of health and safety issues concerning bridges and on maintaining Byways.

The programme has seen capital investment on 4 Byways, with a further 5 to be delivered next financial year. The completion of BOP Audits by staff on all 352 byways and the installation of 20 gates part of the seasonal closure programme.

Hampshire County Council has been working positively with the South Downs National Park Authority (SDNPA) and with affected communities and user groups. Work with the SDNPA has resulted in a refreshed commitment to collaborate and support the County Council on Byways.

The SDNPA has also provided £30,000 (23/24) of new funding to support the development and installation of interpretation that will highlight the value of the National Park, explain our byway closures and direct via QR codes to more information which is being developed on the council's web pages.



Review of current working procedures

The review will articulate the direction of travel that the Council has for the future sustainable management of Byways Open to All Traffic. It will provide a clear statement of intent to reinforce our associated policies and establish a commitment to manage the lanes in a **sustainable** way, whilst proactively addressing areas for improvement of maintenance and areas of conflict.

- Establish our approach to manage the network in a more sustainable way, seeking to ensure that lanes are maintained to cope with the level of use required and where management and or the reduction / restriction of use may be appropriate.
- Investigate options for the establishment of a speed restriction
- Outline a commitment to maintaining rural character and environment.
- Explore issues and mitigation to minimise conflict (improved communication channels) between users of the network for leisure, farming and land management purposes and the community that live in the area.
- Improve methods of communications users and communities.



Development of a Delivery Programme

- The service is moving from reactive management to proactive, which is likely to mean more work on drainage and vegetation to encourage light and air circulation.
- We are seeking to develop an annually maintenance programme on a number of routes across the county
- Ensure that lanes receive regular maintenance e.g. minor ditching and drainage.
- And look at triggers for moving through the stages of the BOP e.g. when restrictions are applied.
- This Financial Year, the service has installed a number of gates to ensure that closures are effective. Has applied for Community Infrastructure Levy funding to support the management of byways and will be starting the process of installing interpretive panels on byways with funding allocated by the South Downs National Park.

Executive Member Recommendation

That the Executive Member for Countryside and Regulatory Services notes the work undertaken to maintain the BOAT network as part of a current 3-year funded programme 2022-2025 including the successful introduction of a more dynamic and effective approach to seasonal closures (set out in paragraphs 15 – 21 of the report) extending the use of measures such as gates and signage.

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and

That the Executive Member for Countryside and Regulatory Services approves the trial review of the Byways Operational Procedure (BOP) as set out in paragraphs 22 - 27 of the report, and the development of a work programme for 2025-2030 that will seek to reduce costs and develop a sustainable management model to be approved at a future Decision Day.

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