

The Essex County Council (Byway 13, Black Notley) (Seasonal Prohibition Of Driving) Order 20**

STATEMENT OF REASONS

This seasonal Traffic Regulation Order was introduced in November 1996 due to deterioration of the surface of the byways, serving to protect the surface during the winter months, when wet and cold weather makes the unbound surface more vulnerable. The Traffic Regulation Order was supported by partial physical blocking of the byway entrances.

Repair and improvement works were carried out in the 2000s, bringing the byway into a very good state of repair and they have remained so since, however the Traffic Regulation Order was never revoked.

The Essex Highways Byways Group was established in 2017, enabling all key stakeholders to come together to agree a strategy for Byway Management in the County. One of the priorities of the group is to review and identify the most vulnerable byways in the county where season prohibition through Traffic Regulation Orders (of whatever class of user) are reasonable, proportionate and in accordance with the unique characteristics of any given byway. Similarly, the group is critically reviewing all existing Traffic Regulation Orders in order to determine whether they remain valid given the stated reasons for their original justification.

In the case of byways 9 and 10 in Black Notley it is deemed that since the improvement works some 10 years ago the byway surface is such that it can withstand use all year round by all legitimate classes of user and thus that the existing Traffic Regulation Order, being considered redundant, is serving to unlawfully restrict what would otherwise be legitimate use.

If the revocation were successful then the byways' condition would be monitored by the Byways Working Group and should the surface not prove as resilient as currently estimated, then a further Traffic Regulation Order could justifiably be implemented to seasonally prohibit use by vehicles and hence protect the surface.