

REQUEST FOR A TRAFFIC REGULATION ORDER

Head of Service:	Amardip Healy, Chief Legal Officer
Wards affected:	College Ward; Town Ward; Woodcote Ward;
Appendices (attached):	1: TGMB letter dated 11 May 2020 2: TGMB letter dated 23 March 2021 3: Map of Car Parks on the Downs 4: Downs Public Warning Poster

Summary

To approve a request to Surrey County for a Traffic Regulation Order for part of Old London Road.

Recommendation (s)

The Conservators are asked to:

- (1) Confirm whether they wish to request a Traffic Regulation Order for a timed closure of part of old London Road which leads to the Top Car Park;**
- (2) If they wish to request a Traffic Regulation Order for either Option 1 or Option 2 as set out at paragraph 2.21 of this report;**
- (3) If agreed, to request the Clerk to the Conservators to write to Surrey County Council to consider the Conservators request for a Traffic Regulation Order at the next available meeting of the Epsom & Ewell Local Committee.**

1 Reason for Recommendation

- 1.1 To seek a Traffic Regulation Order to protect the health and safety of all users of the Downs.

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2 Background

Old London Road

- 2.1 On the 16 March 2020, the Government introduced new and updated industry guidance on limiting the spread of Covid-19, following a change in approach to a 'delay' phase. By 18 March 2020, the advice changed and schools were directed to close from 23 March 2020 until further notice. By 20 March further guidance was issued requiring the immediate closure of entertainment, hospitality and indoor leisure premises across the country to take place from the end of trading hours.
- 2.2 On 20 March 2020 Council Officers reported an unprecedented number of people using the parks and open spaces across the Borough and on the Downs. There was clear evidence that large numbers of the public were not observing the social distancing rules along with the advice to stay at home and not to gather in groups.
- 2.3 By 23 March 2020 Council Officers became seriously concerned about the level of activity on the Downs and the impact of this on public safety in terms of spreading the virus, the pressures this was placing on keeping the public away from the horses in training during the mornings and also on impact on the health and safety of staff officers including the Downskeepers who work on the Downs. This was all at a time when the primary focus of the Council was on supporting the Borough's most vulnerable residents as part of its civil contingency duties. The Council placed a number of posters on Downs setting out the guidance on social distancing.
- 2.4 Following concerns raised by Surrey Police, all the car parks managed by the Council on the Downs were also closed. The nature and level of use of that part of Old London which crosses the Racecourse to the Top Car Park, compromised the safety of all users. The closure of the Top Car Park requires the gate at old London Road to remain closed, since there was no other way of securing closure of the car park and or preventing verge parking along the length of this part of Old London Road. As a result Surrey County Council agreed to the temporary closure of that part of Old London Road.
- 2.5 Despite the car parks on the Downs being closed, there was a significant increase in visitors. This generating more litter and more fly-tipping which the Downskeepers and volunteer groups removed. The Downskeepers tried to keep the public away from the gallops in the morning, dealing with angry car drivers wanting to visit the Downs, along with trying to manage the many cases careless parking on the busy roads.
- 2.6 Many visitors, particularly those new to the Downs fail to appreciate the extent of racehorse training which takes place.

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- 2.7 By a letter dated the 11 May 2020, Epsom Downs Training Management Board, wrote to the Conservators (Appendix 1):

“I am writing to you to bring to your attention to a discussion Concerning the impact of the COVID 19 restrictions have had on the Epsom Downs Training Grounds. Prior to lockdown measures, the training grounds saw a sudden and large increase in people accessing the Downs for exercise during the hours of training 6.30am -12.00pm....there were more visitors roaming the Downs who were unaware they were crossing a gallop which could result in a serious accident....The TGMB feels that keeping these car parks temporarily shut would greatly assist in ensuring the safety of all concerned during the hours of training until the public health situation returns to normal.”

- 2.8 As a result at their meeting on the 22 May 2020, the Conservators agreed to the Top Car Park remaining closed in May 2020 (Appendix 2). The Conservators spoke about the safety of the public and other Downs users, with particular reference to the Racehorse Trainers. They highlighted the importance of the Downs as a Racehorse training environment, and need to prioritise use for racehorse training between the hours of 06.15- noon.

- 2.9 During the Autumn of 2020, further complaints around the safety were raised. Some examples include the following:

“There are very large numbers of public walking with small children, dogs on extendable leads, cycling etc across, alongside and even on the gallops. Just today there were so many people at the top of the sand gallops that I had to call another trainer to warn them of the potential danger. “

“One example was 2 people walking down the horse shoot, towards the end of the gallops with toddlers, they said they hadn't been on the downs before and it was evident that they did not understand the potential dangers, nor where racehorses would be.”

“There have been numerous occasions where we have had to stop and ask people to get off of the mile gallop as they were walking on it with babies, dogs or using it for their run. Sadly we have even been subjected to argumentative and rude behaviour when we asked them to leave the gallops.”

- 2.10 As a result, despite the call on resources to deliver the Covid19 support effort to those in need in the Borough, resources were drawn away to manage the increasing serious health and safety situation on the Downs.

- 2.11 Posters setting out the risks to and from the different users were heavily promoted both on social media and with signage on the Downs (Appendix 4). The Council also diverted its Covid High Street Task Force, to support safe use of the Downs by the public.

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- 2.12 Unfortunately, despite all the attempts to educate the public as to the multiplicity of users of the Downs, and their conflicts, there were regular tensions between different categories of users. In March 2021, the Training Grounds Management Board wrote to the Conservators to raise their concerns about the opening hours of the Car Parks (Appendix 2). The letter states
- “During the past year, there has been a considerable increase in public use of the Downs, which is significantly increasing the risks in the training of racehorses and to users of the Downs during the morning hours. These risks have been quantified by an independent, third party Health & Safety expert as 'High' for both the training community and Downs users. This situation clearly needs to be addressed and promptly.”*
- 2.13 There have been a number discussions with the County over the use of temporary powers around active travel. During the pandemic the Government introduced the Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 (2020 No 536). The regulations amended temporarily legislation related into Traffic Orders which are required to make and enforce changes to a road’s use or its design. It had been hoped Surrey County Council might have been able to use these powers to address the issues at Old London Road. However, this did not prove possible, and the Regulatory provision expired at the end of April 2021.
- 2.14 Unfortunately as a result of the Country Elections in May 2021, the County advised they were not able to bring a report to their March 2021 Local Committee meeting to bring forward a TRO.

Traffic Regulation Order being requested

- 2.15 Under normal operations, with the exception of the Top Car Park, the other car parks on the Downs are kept unlocked and are available for public use all year round with the exception of race days. Access to the Top Car Park is prevented by a gate on the Old London Road which, under usual circumstances, is locked at 5pm in the winter and 9pm in the summer. For the last 20 years this part of Old London Road has closed at night. This measure was introduced to address the high levels of night time anti-social behaviour in the Top Car Park.
- 2.16 It is important to reiterate that the lands upon which the car parks are located is not owned either by the Council or by the Conservators. The land is privately owned. As such the normal rules which govern Council owned car parks, do not apply.
- 2.17 To manage safely the range of uses on the Downs, it is proposed that Old London Road closes during racehorse training times and also overnight. This would help to address the issues the racehorse training industry have raised and also manage the night time anti-social behaviour.

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2.18 The Racehorse Training Times are Monday to Saturday 6am to 12 –noon, and on Sundays from 8am to 9.30.

2.19 The two options for closing times are:

2.19.1 Option 1: All year fixed hours:

The night time closures would mean the car park would be closed from Sunday to Friday overnight each day from 5pm until noon of the next day and on a Saturday from 5pm until 9.30 on a Sunday morning.

Or

2.19.2 Option 2: Summer and winter hours:

the summer hours (1st April to 30 September each year) : road closure from Sunday to Friday overnight each day from 7pm until noon of the next day and on a Saturday from 7pm until 9.30 on a Sunday morning; and

the winter hours (1st October to 31 March each year): road closure from Sunday to Friday overnight each day from 5pm until noon of the next day and on a Saturday from 5pm until 9.30 on a Sunday morning.

2.20 The benefits of fixed hours all year round makes public notice of opening times much easier to manage.

2.21 The Conservators are asked to select either Option 1 or Option 2 as a recommendation to take forward to Surrey County Council for a Traffic Regulation Order.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 None

3.2 Crime & Disorder

3.2.1 The nature of the location of the Top Car Park and its unrestricted access make is vulnerable to night time anti-social behaviour. The closure of the London Road at night would help to manage this risk.

3.3 Safeguarding

3.3.1 None

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3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 None for the purposes of this report.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 Traffic Regulation Orders (TROs) provide a process which can restrict or prohibit the use of the highway network, in line with The Road Traffic Regulation Act 1984. They can help better manage the highway network for all road users, including pedestrians.

5.2 A Traffic Regulation Order can only be proposed for the reasons set out in the legislation and a scheme can only be proposed if the regulations allow it. Common examples of schemes that require a TRO include:

- Speed limits
- On-street parking restrictions
- Weight limits
- One-way streets and banned turns
- Prohibition of Driving

5.3 The TRO process is managed by the Highway Authority, Surrey County Council. The County have asked for the Conservators to make a recommendation for hours they would wish to see, which is in turn related to the racehorse training times and night time closures.

5.4 **Monitoring Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: N/A

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** none.

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6.4 **Sustainability Policy & Community Safety Implications:** none.

6.5 **Partnerships:** N/A

7 **Background papers**

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Opening and Closure of Car Parks on the Downs, 22 May 2020

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=170&Mid=1005&Ver=4>

Other papers:

- None