

## **CHAPEL GATE**

### **Statement of Reason for Proposed Traffic Regulation Order**

The proposal is to make a traffic regulation order that will have the effect of prohibiting use by mechanically propelled vehicles at any time along the route known as Chapel Gate.

Chapel Gate runs from Sheffield Road, Chapel-en-le-Frith (SK 093825) to Edale Road near Barber Booth, Edale (SK 113842) a distance of approximately 2.7km. It is recorded on the Derbyshire County Council Definitive Map as Byway Open to All Traffic (BOAT) 144 Parish of Chapel-en-le- Frith, and BOAT 16 Parish of Edale.

The proposed order would be for the purposes of:

- preserving or improving the amenities of the area through which the road runs
- conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.

The proposal conforms to the Authority's Strategy for the Management of Recreational Motorised Vehicles in their Use of Unsealed Highways and Off-road and the Procedure for Making Traffic Regulation Orders.

The proposal follows consideration of consultation responses under Regulation 4 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007. These responses identified various management options and were reported to the March 2013 Audit Resources and Performance Committee [www.peakdistrict.gov.uk/committees](http://www.peakdistrict.gov.uk/committees).

Management problems associated with this route include user conflict, the nature and condition of the route, the environmental sensitivity of the route and impact from deviation onto adjacent land. Actions have included logging vehicle use and repairs to the route and adjacent moorland. Detailed route management information is available at [www.peakdistrict.gov.uk/priorityroutes](http://www.peakdistrict.gov.uk/priorityroutes).

The route is in a National Park designated for its exceptional natural beauty and in an area of Natural Zone where it is particularly important to conserve that natural beauty. The landscape, habitat and wildlife in this area are of international importance. There are habitat and wildlife species of national importance. These and other undesignated assets all make a significant contribution to the character of the Natural Zone. Much of the route has panoramic views and there is an impression of wildness and remoteness created by the open character of the moorland.

The historic nature of the route and its setting in the landscape as well as the variety of natural and cultural heritage features adds to the experience of using the route. The route also gives the opportunity for quiet enjoyment and to experience tranquillity, one of the special qualities that people value most about the Peak District National Park. Tranquillity and the freedom from intrusion is encompassed by the Natural Zone designation. Within this area there are no major sources of noise generation.

Appendix 1 sets out the conservation interests of the site. Appendix 2 sets out the factors which contribute to natural beauty and the opportunities for open-air recreation. Appendices 3 and 4 identify the effects of recreational vehicular use on the special qualities of the area.

The presence of mechanically propelled vehicles using the route, the anticipation of their presence, evidence of their passing, and the works required to manage that use have an

impact on the natural beauty in this area and can detract from the experience and enjoyment by other users. The reference in section 5 of the National Parks and Access to the Countryside Act 1949 to the purpose of understanding and enjoyment of the special qualities of National Parks suggests a focus on quiet outdoor countryside recreation associated with the wide open spaces, wildness and tranquility to be found within the National Park. (Defra 2007)

Whilst it is recognised that motorised vehicle users, in undertaking their chosen form of recreation, also appreciate the special qualities of the area, their continued use of this area is adversely affecting those special qualities to a more significant extent than other users.

The exposed nature of the route is such that mechanically propelled vehicles are visually and aurally intrusive over a wide area and there are difficulties in passing and avoiding other users. Vehicle use on this route has led to impacts on the special qualities of the area and the route surface, and has the potential for conflict with non-motorised users. Government guidance suggests that 'a level of recreational vehicular use that may be acceptable in other areas will be inappropriate in National Parks and incompatible with their purposes.' (Defra 2007).

A range of restrictions has been considered. A width or weight restriction would reduce the overall numbers and impacts from mechanically propelled vehicle users (MPVs) yet 2-wheeled use is still significant and intrusive in the landscape, with the potential for conflict with other users. A one-way restriction may remove the potential for conflict between 4-wheeled vehicles but conflict could still occur between MPV and non-MPV users. A weekend/peak time restriction could also reduce the overall level of use and potential for conflict although there could be an element of displacement to other days of the week. A seasonal restriction could help in reducing the impact to times when ground conditions are anticipated to be more suitable but would not prevent impacts occasioned by periods of high rainfall. A Traffic Regulation Order (TRO) with combined elements (including a permit system or adverse weather temporary closure) may not provide sufficient certainty over availability of use and there is no guarantee that use by 2-wheeled vehicles could be confined to weekdays June to September.

In view of the sensitivity of the area, it is not considered that the impacts could be adequately managed by a more selective TRO (or other measure such as a scheme of voluntary restraint). The level of confidence in a less restrictive option achieving the outcome of protecting the natural beauty and amenity of the area is therefore not sufficient to be able to justify this course of action.

On balance, it is considered that continued use by mechanically propelled vehicles on this route would have an adverse impact on the significant ecological, archaeological and landscape interests, the natural beauty, amenity and recreational value of the area, and the special characteristics of the route.

In balancing the duty in s122(1) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the factors set out in S122(2) of the Road Traffic Regulation Act (RTRA) 1984, the Authority believes the need to preserve the amenity and conserve the natural beauty of the route and the area through which it runs outweighs the needs of mechanically propelled vehicular users of the route notwithstanding that such a restriction will affect the expeditious and convenient use of the route by mechanically propelled vehicles. For vehicles seeking to use the affected route as a through-road, there is an alternative route on metalled roads in the area.

Exceptions to the prohibition are proposed for:

- a) use by emergency services or by any local authority or water company in pursuance of their statutory powers and duties
- b) use to enable work to be carried out in, on, under or adjacent to the road
- c) use for the purposes of agriculture or land management on any land or premises adjacent to that road
- d) use as a recognised invalid carriage as defined in the Use of Invalid Carriages on Highways Regulations 1988
- e) use upon the direction of or with the permission of a Police Constable in uniform
- f) use with the prior written permission of the Authority

This statement accompanies the proposed order, notice of proposals and map showing the extent of the proposed restrictions. These may be viewed at [www.peakdistrict.gov.uk/consultations](http://www.peakdistrict.gov.uk/consultations) and at Aldern House, Baslow Road, Bakewell, Derbyshire, DE45 1AE from 8.45am to 5pm Monday to Friday (closed Bank and Public Holidays and closed at 3pm on Christmas Eve).

If any person wishes to make any representations relating to the proposed order, they must do so by 28 June 2013 via the consultation webpage referred to above or by writing to Rights of Way at the above address.

Appendix 1 – Conservation Interest

Appendix 2 – Natural Beauty and Recreation

Appendix 3 – Impacts of Mechanically Propelled Vehicles

Appendix 4 – Special Qualities

Ref: Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984, Defra, 2007

## Appendix 1 – Chapel Gate - Conservation Interest

### **Ecological Interest**

Approximately 1500m, half of the route, passes through the South Pennine Moors Special Area of Conservation (SAC), Peak District Moors Special Protection Area (SPA) and the Dark Peak Site of Special Scientific Interest (SSSI). A further 250m falls within Section 3 Moorland/Natural Zone.

The South Pennine Moors SAC was designated for the presence of three internationally important habitats listed in Annex 1 of the European Habitats Directive 1992, two of which - European dry heaths and blanket bogs – occur along the course of the route.

The Peak District Moors SPA was designated for its internationally important populations of three bird species, including Golden Plover which are recorded within 200m of the route.

The Dark Peak SSSI was designated for its complex of nationally important upland vegetation types and its nationally important moorland breeding bird assemblage including Curlew (amber list species of conservation concern, UK and local Biodiversity Action Plan species (BAP)) and skylark (red list, UK and local BAP) are recorded in the area within 200m of the route.

The Natural Zone designation comprises habitats falling within the Section 3 map defined by the Wildlife and Countryside Amendment Act 1985 as areas whose natural beauty it is particularly important to conserve.

The Dark Peak Nature Improvement Area is essentially an Ecological Restoration Zone.

### **Archaeological Interest**

The route runs through a range of Historic Landscape Character areas - Ancient Enclosure, Irregular Fields; Post-1650 Enclosure, regular; Piecemeal/Award; Enclosure of unknown date; Open Wastes and Common; Enclosed Moorland - and is considered to be of medieval origin.

Two further archaeological features which occur in the vicinity of the route are: a Grade II listed Cast-iron milepost and a modification to the Sparrowpit Gate turnpike road. These features are identified on the Derbyshire Historic Environment Record (HER) as heritage assets of local and regional importance whose conservation contributes to the overall cultural heritage of the NP.

### **Landscape Interest**

The route lies within the Natural Zone within the National Park and the Dark Peak Landscape Character Area.

The National Park is designated for its internationally and nationally important landscape.

The Natural Zone designation comprises areas whose natural beauty it is particularly important to conserve. Within the National Park it comprises the wilderness areas in which the influence of man and of development is less marked.

The overall strategy for the Dark Peak LCA is to protect the remoteness, wildness, open character and tranquility of the Dark Peak landscapes, and manage these landscapes to mitigate the impacts of climate change. The route is within the Open Moors and Moorland Slopes and Cloughs Landscape Character Types within the Dark Peak LCA.

## Appendix 2 – Chapel Gate – Natural Beauty and Recreation

The following identifies how the special characteristics of the area meets the tests for designation as a National Park and the evaluation of opportunities for open-air recreation.

### Natural beauty

**Landscape quality** i.e. condition, that is the intactness of the landscape, the condition of its features, its state of repair, and the absence of incongruous elements:

- Landscape elements and features in good condition; some erosion to rights of way
- Landscape unspoilt with no notable incongruous features

**Scenic quality** i.e. appeal to the visual senses, for example due to important views, visual interest and variety, contrasting landscape patterns, and dramatic topography or scale:

- Panoramic and far reaching views along the route
- Contrast between farmland and open country
- Contrast between dark and white peak (acid moorland and limestone landscapes)
- Moorland plateau
- Visually striking Vale of Edale

**Relative wildness** i.e. the presence of wild (or relatively wild) character in the landscape due to remoteness, and appearance of returning to nature:

- No nearby settlements or houses
- Unenclosed moorland
- Sense of remoteness and wildness

**Intrusiveness/tranquillity** i.e. freedom from undue disturbance. Presence in the landscape of factors such as openness, and perceived naturalness:

- Within extensive area of open country
- Within extensive area of Natural Zone/section 3 moorland
- 'B' road at Rushup Edge and carparking at each end of the route are detractors from tranquillity

**Natural heritage features** i.e. habitats, wildlife and features of geological or geomorphological interest that may contribute strongly to the naturalness of a landscape:

- European dry heaths and blanket bogs
- Internationally important populations of Golden Plover
- Curlew and skylark nesting grounds
- Acid grassland and wet flush communities
- Moorland plateau and vale
- Landslips

**Cultural heritage features** i.e. archaeological, historical and architectural characteristics or features that may contribute to the perceived beauty of the landscape:

- Route is of possible medieval origin
- Hollow-way
- Listed milepost and turnpike road modification

**Associations** i.e. connections with particular people, artists, writers, or events in history that may contribute to perceptions of beauty in a landscape or facilitate understanding and enjoyment:

- Start of Pennine way at Edale
- Role in history of National Parks and access and first Ranger base at Edale
- Kinder plateau

## Recreation

**Access to high quality landscapes, memorable places and special experiences** i.e. opportunities to enjoy scenic quality, relative wildness, and peacefulness etc:

- Outstanding views of Vale of Edale and Kinder Scout
- Dramatic and inspiring sense of place
- Good footpath and bridleway links and access to extensive areas of open countryside

**Presence of a wide range of natural or cultural heritage features**, landmarks and designations that cumulatively enrich the landscape experience:

- Historic track
- Edale skyline
- Diverse range of opportunities

**Range of outdoor recreational experiences which enable people to enjoy the special qualities of the area** and do not detract from the enjoyment of the area by others i.e. quiet outdoor recreation:

- Easily accessible from rail link at Edale and Rushup Edge
- Scope for a variety of walks
- Opportunities for nature study
- A means of access for activities in the area
- Link to Pennine Way
- Edale Skyline fell race
- Part of Kinder Loop long distance route

**Scope for management of recreation** to enhance recreational opportunities or protect the conservation interest of the Park:

- Repairs to the route in sympathy with the area
- Restrictions to recreational motorised vehicle users

Appendix 3 – Chapel Gate – Impacts of Mechanically Propelled Vehicles

Ecological Impacts	Possible Mitigation
<p><b>Loss of vegetation adjacent to the route</b>                      The route passes through designated habitats. In places the route has widened over time resulting in a net loss of vegetation.</p>	<ul style="list-style-type: none"> <li>• The route is a hollow-way and narrow in places with limited opportunities for widening it. Widening would further reduce the amount of vegetation and would result in further impact on the ecology of the area.</li> <li>• Fencing, bunds and boulders could prevent some deviation but would impact on landscape and open character.</li> <li>• Liaison with Natural England and PDNPA Ecologist over vulnerability, sensitivity and capacity issues.</li> <li>• Voluntary code of conduct ('keep to defined track') unsuccessful in preventing damage.</li> </ul>
<p><b>Development of parallel tracks to avoid vehicles/poor sections of surfacing</b>                      The route passes through designated areas which are vulnerable to motor vehicles deviating from the route. In places two routes have developed and deviation by all users has taken place to avoid areas subject to waterlogging.</p>	<ul style="list-style-type: none"> <li>• The route set at a lower level than the surrounding land and is narrow in places with limited opportunities for widening it. Widening would further reduce the amount of vegetation and would result in further impact on the ecology of the area.</li> <li>• Additional fencing, bunds and boulders could prevent some deviation but would impact on landscape and open character.</li> <li>• Maintain the route where surfacing poor. Works undertaken in 2012 by Highways Authority and further works planned to the drainage. Consider appropriateness of surfacing with respect to designations and character of the area. Liaison with Highway Authority, Natural England and PDNPA Ecologist.</li> <li>• Works could take place to improve the section of route which is submerged for a prolonged period. These would need to be completed with due regard for the adjacent habitats because of the potential for further disturbance.</li> <li>• Liaison with Natural England and PDNPA Ecologist over vulnerability, sensitivity and capacity issues.</li> </ul>

Ecological Impacts	Possible Mitigation
<p><b>Development of parallel tracks to avoid vehicles/poor sections of surfacing (cont)</b></p>	<ul style="list-style-type: none"> <li>• Voluntary code of conduct ('keep to defined track') unsuccessful in preventing damage.</li> </ul>
<p><b>Damage to the surfacing of the route and gates</b>  The surfacing of the route has been damaged by use by vehicles. Sections of the route are down to bedrock which is being displaced. The sections on peat or shales are subject to deformation in wet ground conditions.</p>	<ul style="list-style-type: none"> <li>• Maintain the route. Works undertaken in 2012 by Highway Authority and further works planned to the drainage. Consider appropriateness of surfacing with respect to designations and character of the area. Liaison with Highway Authority, Natural England and PDNPA Ecologist.</li> <li>• Voluntary code of conduct ('do not use roads which may be seriously damaged by wheel pressure, do not travel on green roads where they risk being damaged beyond a point of natural recovery') unsuccessful in preventing damage.</li> </ul>
<p><b>Noise and disturbance impact on wildlife</b>  Disturbance to nesting birds where susceptible to disturbance.</p>	<ul style="list-style-type: none"> <li>• Level and timing of use being monitored. Liaison with Natural England and PDNPA Ecologist over vulnerability, sensitivity and capacity issues.</li> <li>• Voluntary code of conduct (effective silencing, ride quietly) unsuccessful in preventing disturbance.</li> </ul>
Archaeological Impacts	Possible Mitigation
<p><b>Impact on the setting and therefore the significance of nationally designated and currently undesignated heritage assets</b>  Intrusiveness of vehicles has an impact on the setting of features. Evidence of passage or works to deal with that have an impact on the character of the area and hence the setting of features.</p>	<ul style="list-style-type: none"> <li>• Level and timing of use being monitored. Liaise with English Heritage over vulnerability, sensitivity and capacity issues.</li> <li>• Fencing, bunds and boulders could prevent some deviation but would impact on landscape and open character.</li> </ul>

Landscape and Visual Impacts	Possible Mitigation
<p><b>Visual impact of vehicle movement in the landscape over a wide area</b>  The impact from the passage of vehicles during the day or night is affected by the large visual envelope of the route, the popularity of the route for all users and the special characteristics of the area. There are periods of reduced transience where vehicles find difficulties in passing or as a result of the volume of vehicles.</p>	<ul style="list-style-type: none"> <li>• Level and timing of use being monitored.</li> </ul>
<p><b>Wheel ruts</b>  Evidence of the passage of vehicles is seen by wheel ruts on and adjacent to the route.</p>	<ul style="list-style-type: none"> <li>• Maintain the route where surfacing poor. Works undertaken in 2012 by Highways Authority and further works to the drainage planned. Consider appropriateness of surfacing with respect to designations and character of the area. Liaison with Highway Authority, Natural England and PDNPA Ecologist.</li> <li>• Existing voluntary code of conduct ('do not use roads which may be seriously damaged by wheel pressure, do not travel on green roads where they risk being damaged beyond a point of natural recovery') unsuccessful in preventing disturbance</li> </ul>
Social Impacts	Possible Mitigation
<p><b>Deterrence of use by non-MPV users from presence or anticipation of vehicles</b>  Disturbance from vehicles</p>	<ul style="list-style-type: none"> <li>• Signage indicating the range of classes of users</li> <li>• Voluntary code of conduct (limit to group sizes and 25 mph for motor bikes) unsuccessful in preventing disturbance</li> </ul>
<p><b>Noise impact on people</b>  Disturbance from vehicles on an elevated route with limited noise attenuation.</p>	<ul style="list-style-type: none"> <li>• Voluntary code of conduct (effective silencing, ride quietly) not always applied</li> </ul>

Social Impacts	Possible Mitigation
<p><b>Damage to the surfacing of the route and gates</b></p> <p>The surfacing of the route has been damaged by use by vehicles despite repairs on some sections. Damage to gates causes accessibility issues for all users and impacts on stock control.</p>	<ul style="list-style-type: none"><li>• Maintain the route. Consider appropriateness of surfacing with respect to designations and character of the area. Liaison with Highway Authority, Natural England and PDNPA Ecologist.</li><li>• Voluntary code of conduct ('do not use roads which may be seriously damaged by wheel pressure, do not travel on green roads where they risk being damaged beyond a point of natural recovery') unsuccessful in preventing damage.</li></ul>

Appendix 4 – Chapel Gate – Special Qualities

<u>Quality</u>	<u>Value</u>	<u>Impact by Mechanically Propelled Vehicles</u>
The natural beauty, natural heritage, landscape character and diversity of landscapes	Range of protected habitats and species; wild unsettled landscape with exposed views over moorland plateau and lower ground	Ecological – damage and disturbance and risk of disturbance Archeological – impact on setting of features Visual - presence and evidence of use
Clean earth, air and water	Range of protected areas; away from sources of pollution	Pollution
A sense of wildness and remoteness	Extensive tract of moorland and open country; can be affected by popularity of the area	Visual – presence and evidence of use Noise - transient but over a wide area
The importance of wildlife and the area’s unique biodiversity	Range of protected habitats and species; accessible areas for the study of nature	Damage and disturbance and risk of disturbance
Thousands of years of human influence which can be traced through the landscape	Range of historic features apparent in the landscape	Impact on features and their setting
Significant geological features	Geomorphological features in the area	None/negligible
Opportunities to experience tranquility and quiet enjoyment	Freedom to explore away from sources of noise; can be affected by popularity of the area and train line	Noise - transient but over a wide area. Conflict with other users
Opportunities to experience dark skies	No significant light sources in an extensive tract of land; some sky-glow	Night driving
Opportunities for outdoor recreation and adventure	Recreational pursuits of quality, diversity and challenge	Conflict with other users

<u>Quality</u>	<u>Value</u>	<u>Impact by Mechanically Propelled Vehicles</u>
Opportunities to improve physical and emotional well being	Variety of modes of access and recreation	Conflict with other users
The easy accessibility for visitors from surrounding urban areas	Proximity to Hope valley train line and Chapel en le Frith	Deterrence of other users
The cultural heritage of history, archaeology, customs, traditions, legends, arts and literary associations	An important area for access to the landscape that contain these elements	Impact on features and their setting
Environmentally friendly methods of farming and working the land	Area of upland farming	Damage to gates and disturbance to stock.
The special value attached to the National Park by surrounding urban communities	Nearby communities and links to Manchester and Sheffield.	Deterrence of other users
The flow of landscape character across and beyond the National Park boundary providing a continuity of landscape and valued setting for the National Park	National Park boundary visible	
Sense of place	Iconic area; boundary of open country	Visual – presence and evidence of use Noise - transient but over a wide area