

WASHGATE
Statement of Reason for Proposed Traffic Regulation Order
March 2016

	Background
1.	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 Washgate.
2.	The proposed order would be for the purposes of: <ul style="list-style-type: none"> • 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.
3.	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.
4.	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 September 2015 Audit Resources and Performance Committee www.peakdistrict.gov.uk/committees .
	The Route and Area
5.	The road known as Washgate being an unclassified road which (1) in the County of Derbyshire, commences from Booth Farm (grid reference SK 057 680), proceeds in a south westerly direction for a distance of 1000 metres or thereabouts to meet the county boundary at the River Dove and bridge (grid reference SK 053 674) and (2) in the County of Staffordshire, from the county boundary at the River Dove and bridge, proceeds for a distance of 500 metres or thereabouts ending at Tenterhill (grid reference SK 049 673).
6.	The route is in a National Park designated for its exceptional natural beauty and adjacent to an area of Natural Zone where it is particularly important to conserve that natural beauty. There are habitats of national importance and high quality biodiversity habitats adjacent to the route. The verges are also of biodiversity value and as a wildlife corridor linking habitats and species. The River Dove supports three internationally recognised species. The designated and undesignated assets all make a significant contribution to the character of the area.
7.	The route leads from Booth Farm passing Leycote Farm and open country and leading to a convergence of rights of way at the River Dove. Much of the route has panoramic views and there is an impression of remoteness and timelessness.
8.	The historic nature of the route and the listed status of the bridge and their setting in the landscape in addition to the variety of natural and cultural heritage features and species 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.

9.	Appendix 1 sets out the use of the route. Appendix 2 sets out the conservation interests of the site. Appendix 3 sets out the factors which contribute to natural beauty and the opportunities for open-air recreation.
	Impacts
10.	Management problems associated with this route include disturbance, user conflict, the nature and condition of the route, the environmental sensitivity of the verges and the river and cross-boundary management. Actions have included advisory signage, logging vehicle use, repairs to the route, a consultation by Derbyshire County Council on a potential traffic regulation order and signage and barriers to reduce use above 1.3 metres in width.
11.	Derbyshire County Council resurfaced the eastern part of the route in 2009 and since 2011 there have been volunteer working parties restoring the historic stone pitching. In 2009 Derbyshire County Council placed boulders and signage beyond Leycotes Lane at Grid Reference 054 676 and at the western end of the route and which have prevented access by 4-wheeled vehicles to this section. Detailed route management information is available at www.peakdistrict.gov.uk/priorityroutes .
12.	The presence of mechanically propelled vehicles using the route, effect and evidence of their passing, and the works required to manage that use have an impact on the natural beauty in this area. This impact and the anticipation of the presence of motorised users 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). The use of the route by mechanically propelled vehicles detracts from this focus.
13.	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 the route by this mode of transport is adversely affecting those special qualities to a more significant extent than other users.
14.	The nature of the route and its location away from major roads is such that mechanically propelled vehicles are visually and aurally intrusive. Vehicle use on this route has led to impacts on the special qualities of the area and the route surface. The route and bridge are narrow and because of difficulties in passing and avoiding users there is 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).
15.	Appendices 4 and 5 identify the effects of recreational vehicular use on the special qualities of the area.
	Alternatives
16.	A width restriction reduces the overall numbers and impacts from mechanically propelled vehicle users (MPVs) but 2-wheeled use is still significant in its extent and intrusive with the potential for conflict with other users.

17.	A restriction on all MPVs with an exemption for motorcycle trials on specified days limits the overall numbers and the type of vehicles but impacts would remain and would be concentrated during those times.
18.	In view of the nature of the route and area and use by non-MPV users, it is not considered that the impacts could be adequately managed by a more selective TRO or other measures such as a scheme of voluntary restraint. A less restrictive option is therefore unlikely to achieve the outcome of sufficiently protecting the natural beauty and amenity of the route and area.
	Public Interest
19.	In balancing the duty in section 122(1) of the Road Traffic Regulation Act 1984 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 1984 Act, 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, notwithstanding that there are no legal rights to use the route as a through-route, there are alternative routes on metalled roads in the area.
20.	Exceptions to the prohibition are proposed for: <ul style="list-style-type: none"> a) use by emergency services or by any local authority or statutory undertakers 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 by a recognised invalid carriage 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
21.	On balance, it is considered that continued use by mechanically propelled vehicles on this route would have an adverse impact on the ecological, archaeological and landscape interests, the natural beauty, amenity and recreational value of the area, and the special characteristics of the route.
	Consultation Comments
22.	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 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).
23.	If any person wishes to make any representations relating to the proposed order, they must do so by 5pm on 22 April 2016 via the consultation webpage referred to above or by writing to Rights of Way at the above address.

24.	The following documents are appended: Appendix 1 – Vehicle Use Appendix 2 – Conservation Interest Appendix 3 – Natural Beauty and Recreation Appendix 4 – Impacts of Mechanically Propelled Vehicles Appendix 5 – Special Qualities
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Ref: Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB
Road Traffic Regulation Act 1984, Defra, 2007

Appendix 1 – Washgate – Vehicle Use

Status

The route to either side of the River Dove (the County Boundary) is an unsurfaced Unclassified Road (UCR). The legal status for the majority of the route is undetermined. A section of the route in Staffordshire (approximately 60m) is a public footpath.

Highway Authority Records

- 1) Definitive Map and Statement (DMS) - A short section of the route is shown in Staffordshire County Council's DMS as a public footpath. The route is not recorded in Derbyshire County Council's DMS.
- 2) List of Streets (LoS) – the route appears on Derbyshire County Council's LoS and Staffordshire County Council's LoS as a publically maintainable highway.

Claims

No claims for recording motorised vehicle rights have been submitted to Derbyshire County Council or Staffordshire County Council.

Private Use

Sections of the route are used by landowners and tenants at Leycotes, Tenterhill and Gollin Gate Farm for access to their premises and land.

Vehicle Logging Data

2007: 4-wheeled – average of 0.8 per day
2-wheeled – average of 5.9 per day
4-wheeled – average of 0.6 per day
2-wheeled – average of 2.7 per day
2010: 4-wheeled – Nil
2-wheeled – average of 3.5 per day
2-wheeled – average of 2.4 per day
2012: 4-wheeled – Nil
2-wheeled – average of 5.7 per day
2014: 4-wheeled – Nil
2-wheeled – average of 2.3 per day
2015: 4-wheeled – Nil
2-wheeled – average of 3.6 per day

Events

The route forms a stage for the Bemrose and Reliance motorcycle trials. These are annual events but the stages can vary. They last took place in March 2015 and May 2015. Permission from landowners is obtained.

Access

It is an offence under s34 of the Road Traffic Act 1988 to drive a vehicle without lawful authority on the section of the route that is a public footpath.

Boulders are in place which limit the width of vehicles.

Appendix 2 - Washgate – Conservation Interest

Ecological interest

A short section of the route abuts onto the southern block of Colshaw Pastures Site of Special Scientific Interest (SSSI) and Section 3 Semi-natural Woodland/Natural Zone.

The Colshaw Pastures SSSI was designated for its species-rich unimproved grassland and flushed areas.

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 lane is bordered by a wide range of acid and neutral grassland, heathland, wet flush, scrub and broad-leaved woodland communities, the majority of which are high quality biodiversity habitats. The woodland community comprising bird cherry, eared willow, grey willow, hybrid willows and alder is uncommon in the Peak District. The species rich acid and neutral grasslands are considered to be the highest category in the Peak District. A significant proportion of the adjacent land is managed in Higher Level Stewardship Scheme agreements in recognition of its high environmental quality and the opportunities for positive conservation management.

Locally the verges of the lane support exceptionally high quality grasslands and heathland of importance for biodiversity but also to the visitor experience. Over 80 species have been recorded along the route including Sheep's bit, a Derbyshire Red Data Book plant owing to its rarity and declining population. Managed by only very light and erratic grazing the verges support habitat types and structures that are subtly different to the adjacent farmland and woodland. They therefore add to the complex mosaic of habitats in the area which anecdotally support a very diverse bird and invertebrate fauna. In addition whilst the verges are of value in their own right they also act as a wildlife corridor linking adjacent habitats and sites.

The River Dove, downstream at Wolfscote Dale, is within the Peak District Dales Special Area of Conservation and supports 3 species associated with the river: Bullhead, Brook Lamprey and White-clawed Crayfish.

Archaeological Interest

The route runs through a range of Historic Landscape Character areas - Post-1650 Enclosure; regular:Piecemeal/Award; Enclosure of unknown date irregular fields - and is considered to be post-medieval origin.

The packhorse bridge is grade II listed and is identified on the Derbyshire Historic Environment Record (HER) as a heritage asset of local and regional importance whose conservation contributes to the overall cultural heritage of the NP. Also registered on the Derbyshire HER is the location of a former sheepwash and yard area known as Washgates.

Landscape Interest

Washgate lies within the National Park and the South-west Peak Landscape Character Area and adjacent to the Natural Zone.

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 South-west Peak LCA is to protect and manage the distinctive historic character of the landscapes through sustainable landscape management, and seek opportunities to value the diverse landscapes of the South west Peak whilst managing recreation opportunities, woodlands, wildness and the diversity of remoter areas.

Appendix 3 – Washgate – 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:

- Far reaching views contrasting with a sense of seclusion towards the bottom of the clough
- Scattered trees along the watercourse
- Contrast between farmland and open country
- Sunken walled lane

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

- Areas of heathland
- Sense of remoteness, particularly at the bottom of the clough

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

- Adjacent to open country
- Adjacent to Natural Zone/section 3 semi-natural woodland

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

- Acid and neutral grasslands and wet flush communities
- Semi-natural woodlands
- Diversity of verge species
- Internationally important species associated with the river

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 post-medieval origin
- Packhorse route running from Flash or Leek to Buxton or Chelmorton
- Packhorse bridge is listed and the route is paved
- Nearby former sheepwash area

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:

- A 'perfect packhorse bridge' (Peakland Roads & Trackways, Dodd & Dodd)

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
- Convergence of footpath links and access to area 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, bridge and sheepwash
- 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 surrounding settlements
- Scope for a variety of walks
- Opportunities for nature study

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

- Repairs to the route in sympathy with former condition and the area
- Removal of obtrusive signage at the listed bridge
- Restrictions to recreational motorised vehicle users

Appendix 4 – Washgate – Impacts of Mechanically Propelled Vehicles

Ecological Impacts	Possible Mitigation
<p>Loss of vegetation adjacent to the route Species rich verges border the route and provide a wildlife corridor. In places the route has widened resulting in a net loss of vegetation.</p>	<ul style="list-style-type: none"> • The route is narrow and sunken in places with limited opportunities for widening it. Widening would further reduce the amount of vegetation and would result in further impact on the road side verges and the ecology of the area. • The width of the bridge is self-limiting for larger vehicles to use the route as a through-route and which, in the alternative, ford the River Dove or turn around at this point. • Boulders and signage limit the width of vehicles using sections of the route. Signage at the listed bridge specifies the width limit. • Voluntary code of conduct (do not use roads that are too narrow for your vehicle) unsuccessful in preventing damage. • Liaison with PDNPA Ecologist over vulnerability, sensitivity and capacity issues.
<p>Damage to the drainage and surfacing of the route and boundary walls The drainage and historic stone pitching of the route has been damaged by use over time by vehicles. Surface run-off has increased which is exacerbated by vehicle use and flows into the River Dove which downstream supports internationally designated species. The passage of vehicles has damaged boundary walls.</p>	<ul style="list-style-type: none"> • Maintain the route. Consider appropriateness of surfacing with respect to designations and character of the area. Liaison with Highway Authorities and PDNPA Ecologist. • Replacement of the historic stone pitching is being carried out by volunteers in the Derbyshire section of the route. • 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, do not use roads that are too narrow for your vehicle.) unsuccessful in preventing damage.

Ecological Impacts	Possible Mitigation
<p>Damage to watercourse The use of the river as a ford or turning point results in disturbance and sediment loss affecting its water quality and potentially the internationally designated species downstream. Damage has resulted to the river banks, which has led to substantial soil and vegetation loss and a re-routing of the side-stream, requiring engineering works to repair.</p>	<ul style="list-style-type: none"> • Liaison with PDNPA Ecologist over vulnerability, sensitivity and capacity issues. • Boulder placed on the Derbyshire side of the route to limit wider vehicles using the river as a ford.
<p>Noise and disturbance impact on wildlife Disturbance to nesting birds where susceptible. Sediment and pollution impact on water quality and the species associated with the river from run-off and disturbance.</p>	<ul style="list-style-type: none"> • Level and timing of use being monitored. Liaison with Natural England and PDNPA Ecologist over vulnerability, sensitivity and capacity issues. • Voluntary code of conduct (effective silencing, ride quietly) unsuccessful in preventing disturbance.
Archaeological Impacts	Possible Mitigation
<p>Impact on the heritage asset and its setting and therefore the significance of nationally designated and currently undesignated heritage assets Vehicle use has damaged the listed bridge and the historic stone-pitching. Intrusiveness of vehicles has an impact on the setting of features. Evidence of passage, and works and signage to deal with that, have an impact on the heritage asset and the character of the route and area and the setting of features.</p>	<ul style="list-style-type: none"> • Level and timing of use being monitored. Liaise with PDNPA's Cultural Heritage Team over vulnerability, sensitivity and capacity issues. • Signage limits width to prevent damage but in itself impacts on the setting of the feature.
Landscape and Visual Impacts	Possible Mitigation
<p>Visual impact of vehicle movement in the landscape over a wide area The impact from the passage of vehicles during the day or night is affected by the visual envelope of the route, the popularity of the route and the special characteristics of the area.</p>	<ul style="list-style-type: none"> • Level and timing of use being monitored. • Stone pitching being replaced by volunteers .

Landscape and Visual Impacts	Possible Mitigation
<p>Wheel ruts and damage to character of the route Evidence of the passage of vehicles is seen by the development of wheel ruts and on and adjacent to the route and the disturbance to historic stone pitching.</p>	<ul style="list-style-type: none"> • Maintain the route. Consider appropriateness of surfacing with respect to designations and character of the area. Liaison with Highway Authorities and PDNPA Ecologist. • 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
<p>Signage Evidence of works to manage vehicles is present in the landscape and impacts on the landscape and character.</p>	<ul style="list-style-type: none"> • Assess the need to protect cultural heritage and natural features with the need to conserve other elements of the natural beauty of the area. • 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
Social Impacts	Possible Mitigation
<p>Deterrence of use by non-MPV users from presence or anticipation of vehicles Disturbance from vehicles on enclosed steep narrow lane</p>	<ul style="list-style-type: none"> • Signage indicating the range of classes of users • Voluntary code of conduct (limit to group sizes and maximum speed limits) unsuccessful in preventing disturbance
<p>Noise impact on people Disturbance from vehicles on users of the route and nearby properties.</p>	<ul style="list-style-type: none"> • Voluntary code of conduct (travel at a quiet and unobtrusive pace in small groups) not always applied

Appendix 5 – Washgate – 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	Protected habitats and species; pastoral landscape with extensive views, secluded clough	Ecological – damage and disturbance and risk of disturbance Archeological – impact on setting of features Visual - presence and evidence of use
A sense of wildness and remoteness	Away from major settlements and roads	Visual – presence and evidence of use Noise – transient but concentrated in the clough or over a wide area
Clean earth, air and water	Protected areas, agricultural grazing, away from sources of pollution	Pollution
The importance of wildlife and the area’s unique biodiversity	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
Trees, woodlands, hedgerows, stone walls, field barns and other landscape features	Range of landscape features	Damage to boundary walls
Opportunities to experience tranquility and quiet enjoyment	Freedom to explore away from sources of noise	Noise - transient but concentrated in the clough or over a wide area. Conflict with other users
Opportunities to experience dark skies	No significant light sources away from the farms	Night driving
Opportunities for outdoor recreation and adventure	Recreational pursuits of quality 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 access and recreation	Conflict with 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 farming includes Higher Level Stewardship agreements	Damage to boundary walls and impact on agricultural access.
The special value attached to the National Park by surrounding urban communities	Nearby communities and links to the towns of Buxton and Leek.	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	Far reaching views	
Sense of place	Timelessness of the landscape	Visual – presence and evidence of use Noise - transient but concentrated in the clough or over a wide area