

Peak District Local Access Forum

Date: 6 December 2012

Item: 7

Title: TRO Consultations and Green Lanes Update

Author: Sue Smith

Purpose of the Report

The report sets out details of consultations on Traffic Regulation Orders (TROs) and an update on progress with managing recreational motor vehicles in the National Park.

Traffic Regulation Order Consultations

The public consultations to prohibit mechanically propelled vehicles at Long Causeway and the section of the Roych track concurrent with the Pennine Bridleway expired on 2 November 2012. Approximately 4500 responses have been received. No dates have yet been identified for when the items will be reported to Committee.

The LAF provided a response to the consultations following a meeting of the Sub-group on 18 October 2012. The letter is attached in Appendix A.

The LAF also provided a response to the first stage consultations on two more priority routes at Brushfield-Upperdale and Chertpit & Leys Lane following a meeting of the Sub-group on 27 September 2012. The letter is attached in Appendix B. This was considered along with all other material considerations at the November meeting of the Audit Resources and Performance (ARP) Committee meeting.

For both the Brushfield-Upperdale and Chertpit & Leys Lane routes, TRO options will be pursued. Work will begin on preparing statements and drafting the orders in accord with that agreed and which includes the development of a permit system at Brushfield-Upperdale. Public consultations are proposed to take place in 2013.

Green Lanes Forum

A meeting of the Green Lanes Forum was held on 29 November 2012. The group discussed a green lanes codes of conduct, the use of volunteers for condition surveys and the development of a permit system at Brushfield-Upperdale. Update reports were also given.

Recommendations

- 1. That the report is noted.**

Appendix A

Rights of Way Team
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
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DE45 1AE

2 November 2012

Dear Mike

Proposed TRO's at Long Causeway and the Roych– Consultation Response

Thank you for the emails of 20 September from Sue Smith seeking views about the proposed Traffic Regulation Orders at Long Causeway and the Roych.

The Green Lanes sub group, appointed by the Peak Local Access Forum (LAF), met on 18 October 2012 to consider its recommendations on these two routes. The sub group membership includes people representing a wide range of interests with first hand knowledge of the routes, their durability and their sustainability. In reaching its recommendations the sub group seeks to balance the disparate needs of all legal users framed by consideration of wider environmental, cultural and landscape issues consistent with the twin statutory purposes of a National Park.

The recommendations on both routes were unanimous.

Long Causeway

Members of the group reviewed their Consultation response of 25 June 2012. We consider it remains a fair summary of our current position and that the points made in it remain both valid and pertinent. We therefore append it as an annex to form part of this submission.

We reiterated that we were fully aware of both the importance and popularity of this route for MPV user, and that its status confers a legal right to such use. Without wishing to contest either of these points, members drew attention to a number of concerns which had both been brought to their attention and had been evidenced by their own personal observations. These were:

- that the revetment section appeared to be in danger of collapse: this is an historic structure of intrinsic merit in its own right, but also an integral feature of the landscape as we know it. Continued use by heavy vehicles is self evidently not sustainable. Protection and repair of the revetment is an imperative and must over-ride all other considerations. Without this structure there would, quite simply, be no route;
- that despite some welcome remedial work to the surface of the route and to drainage much more needs to be done before further use by heavy vehicles is sustainable;
- use by MPVs, exacerbated by the forces of nature, has rendered the route inaccessible to horse riders whose legal rights are equal to those of MPV user. Members remarked that they were amazed that horse riders had been as long suffering as they had and were clear their rights must be respected;
- surface degradation had similarly made the route unpleasant for walkers;
- there had been repeated cases of digression from the route onto adjoining moorland, albeit by a minority of irresponsible drivers. This has caused damage to a fragile habitat protected by SSSI status and other designations;
- the state of the route and the impact of departure from it caused negative impact to an iconic landscape, marring general enjoyment of it.

Members therefore strongly supported extension of the TRO already imposed by Derbyshire County Council until such time as Long Causeway can be made safe for all users. We regarded this as the least restrictive option, **but also urged that it be strengthened**, in line with our 25 June recommendations, namely;

- there should be a mandatory one way system from Sheffield into the Peak for permitted motor propelled vehicles;
- there should be a speed restriction on such vehicles of 10 mph; and
- such vehicles should travel quietly and in groups no greater than four at a time.

Additionally, we questioned whether the current restriction should not be defined in terms of weight rather than width, and stressed the absolute necessity of barriers at both ends of the route which were sufficiently robust to prevent illegal access.

A helpful briefing was given by Officers following their welcome discussion with DCC highways engineers. This served to endorse the views we had expressed in our letter of 25 June and confirm at a purely technical level the absolute necessity for the action we recommend above. It follows that ongoing monitoring by professional engineers should direct whether this least restrictive option is adequate, or whether it needs to be extended.

Members noted however that the proposal for a permanent TRO put forward by the Peak District National Park Authority (PDNPA) was on grounds distinct from the action by DCC which relates to their statutory duty as the relevant highway authority to maintain the route in a manner appropriate to the nature of the way; namely it was for:

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

We felt it entirely right that PDNPA should raise these concerns which are clearly real enough in terms of damage that has been caused to the SSSI and even fundamental to the generally perceived purpose of National Parks as places of quiet enjoyment. Balancing this with our remit in respect of safeguarding access for all categories of user was problematic, and there was hesitancy in embracing the draconian step of rescinding a right in statute law.

Whilst no vote was taken on the issue, it is a fair reflection of views expressed that there should be a debate at national level with regard to all MPV use in all National Parks. Historically the routes used by them were never constructed to withstand current usage. This leads to a fundamental general problem of sustainability and adverse impact on landscape, conservation and general enjoyment. If some level of such use was deemed or made to be sustainable (through proper attention to structure, surfacing, drainage and repair), or controlled in such a way as to become sustainable, and issues of unacceptable rogue behaviour addressed with the co-operation of representative user groups, it might be open to question whether an all embracing restriction was justifiable.

The key here may be in the phrase 'controlled in such a way as to become sustainable'. Some agreed level of control to facilitate use at a sustainable level may provide a way forward. However, for the time being, given that the current restrictions are likely, on the basis of our understanding of the technical repair issues, to extend for some time, we concluded that whilst it is certainly timely to hear arguments for and against the permanent TRO on Long Causeway proposed by PDNPA **we recommend a decision be deferred** until there is clear advice on what use, if any, could for technical reasons be sustainable on the route and whether there might not be an alternative option worked out with the active participation of representative user groups.

The Roych

Members of the Peak LAF have visited the Roych on many occasions over the last three or four years, at all times of year, and so have a very detailed knowledge of its place in the landscape, the serious deterioration in its state of repair, collateral environmental damage, ongoing maintenance needs, patterns of usage and the effect of the voluntary one way system we recommended.

We were assisted in our discussions by a written submission from a group member who was unable to be present.

Three major considerations asserted themselves:

- The Roych forms part of a national bridleway. This accords it a special status. As things stand it is no more than a national disgrace. It is in a very significantly worse state of repair than any other section of the national bridleway in the area, and is so bad that it effectively prohibits use of the bridleway as a continuous route for the purpose for which it was designated;
- huge sums of public money have already been invested in repairs to the surface of the way. Not only is this investment being visibly washed away, but very marked deterioration on sections of the Roych which gave no cause for concern a couple of years ago has now additionally been noted. It was the clear view of members that the public funds already invested must be protected before they are completely wasted;
- as a consequence of the state of the surface there is severe collateral damage to land adjoining the route and this is of such a nature that it demands full and immediate protection.

When the Peak LAF first took a close interest in this route we felt that a step by step approach was appropriate, not wishing to propose a TRO unless this was something of a last resort. We were initially heartened that the voluntary measures we suggested were being well, if not wholly, observed by MPV user and do believe they have had a definitely beneficial effect. However even the current one way use is visibly unsustainable, and collateral damage to a protected landscape very significantly worse. **Members therefore had no hesitation in supporting fully the timely, if not overdue, proposal for a permanent TRO on the Roych.**

Yet we did add a rider to this lest the terminology confuses. We do not envisage a permanent TRO should imply a permanent restriction of vehicular rights, but rather that when Derbyshire County Council have met their statutory duty in respect of surfacing, repair and drainage, and the environmental damage has had time to recover, here should be a gradual, but hopefully progressive, easing of the TRO to allow, first use by lighter vehicles or use at certain times of the week or year, then assessment of sustainability under such limited use, followed by further relaxation of restriction to an extent the route can withstand and at a level that is not in conflict with its important status as a national bridleway.

We hope you will find the LAF advice and suggestions helpful, appropriate and practical to pursue in the National Park interest and in line with your revised Strategy.

Yours sincerely,

Edwina Edwards
Chair of the PDLAF

Appendix 1

Mike Rhodes
Access and Rights of Way Manager
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By email to

25th June, 2012

long.causeway@peakdistrict.gov.uk and roych.consultation@peakdistrict.gov.uk.

Dear Mike

Possible TRO's at Long Causeway and The Roych – Consultation response

Thank you for the emails of 25th May from Sue Smith seeking views about possible Traffic Regulation Orders at Long Causeway and The Roych.

As you know these were considered by the Peak District Local Access Forum (LAF) at its meeting on 14th June where it was agreed to delegate full authority to respond to the meeting of its Vehicles Sub Group that afternoon. I sent you an initial draft response on 20 June and you kindly agreed I could let you have a final version after consulting Sub Group colleagues which I have now done and there is agreement that this letter is a fair representation of their carefully considered views.

Caroline Hanson also attended our Sub Committee as a Forum members and observer and contributed her thoughts regarding Long Causeway. We also took in to our afternoon meeting the paper Sue Smith tabled about the consultation process in the morning and points from other LAF Members raised below:

- An issue of vehicles (particularly trail bikes) moving off the official route and onto National Trust land from the Roych route with consequent co-lateral damage and disturbance to stock and wildlife, and asked that this be prevented and restoration work done.
- One member agreed a one way (downhill) route may work at The Roych and that consideration should be given to blocking of access to nearby land if the route is churned up, as deviating from the route is not acceptable. The member thought that the main problem with these routes in not their physical sustainability, but the conflicts between user groups, most of which occur at weekends, so suggested weekend TROs on both routes while retaining vehicular access during the week.
- Another member indicated that Sheffield LAF came out unanimously in favour of a permanent TRO being enforced on Long Causeway. We noted that they are not an official consultee at this stage in the process, and that the route is fully within the area of our LAF. This member also said that Long Causeway is part of the Sheffield Country Walk – 54 mile promoted walk, this section is undoubtedly the worst section and most walkers avoid that section as so bad.
- Two members were very keen to see any TRO's proposed going through the relevant steps meticulously to minimize scope for legal challenge.

Our comments in this response are offered in accordance with our role under the Countryside and Rights of Way Act 2000 to advise the appointing authorities (Peak District NPA and Derbyshire CC), on the improvement of public access for the purpose of open-air recreation and enjoyment. As you know, the LAF represents a wide range of interests and has a diverse, informed and experienced membership enabling us to offer balanced and independent advice. We have provided Annexes as background material relevant to our deliberations and proposals:

- Annex 1 – Background Notes and action plan material
- Annex 2 – Extracts from Defra Guidance on TRO's

The recommendations of the LAF Vehicles Sub-Group have been incorporated into the route information documents and used to advise actions which previously agreed by the LAF and adopted by the Authority in March 2012.

TRO's have been identified for these two routes as a possible management option. We have looked at both routes as part of the work we have been doing to advise on 24 priority routes where there are conflicts with conservation and other route users as a result of vehicular use. We have supported the Authority's agreed policy and procedures regarding future management of such routes – 16 of which (including these two) have action plans with proposals for their future management.

Our views on the two routes in relation to the questions you pose are borne of observation over several years and are:

Long Causeway

On this route which is an important feature in the landscape, there are issues about the structure which go beyond the surface. Our recommendation below was also made in the light of some members feeling there was continuing self evident damage to an historic structure having first monitored the effect of a less restrictive voluntary arrangement. This had clearly been beneficial, but not in our view adequate to prevent progressive deterioration. Long Causeway is also part of the Sheffield Country Walk – a 54 mile promoted walk. One LAF member stated the condition of this section is undoubtedly the worst one and most walkers avoid it because it is so bad.

One member thought repairs should be done and monitored first and that a TRO would not seem necessary until Derbyshire CC have carried out an inspection on the revetment and carried out the work. However, the rest of the Sub Group strongly felt that use of this route by recreational motor vehicles, whilst lawful, should be subject to a permanent Traffic Regulation Order in respect of 4WD motor vehicles. Additionally, a One Way restriction downhill is proposed (as the voluntary arrangement is not working effectively and signage was not agreed by Sheffield CC as one of the Highway Authorities). Going downhill is less damaging for the track and less noisy. Speed of motor bikes is also an issue and consideration should be given to a 20mph speed limit, although we recognise there may be enforcement issues.

Action by the National Park Authority is appropriate for reasons of natural beauty and cultural heritage and to address recreational user conflicts. It would also be easier (and perhaps quicker), to implement as it can cover the entire route, unlike the Highway Authorities who would need to co-ordinate such consultation and action.

The concern for safeguarding the historic interest is covered by the term 'natural beauty' as defined in the Defra guidance. This can be reviewed over the course of time and repairs may cause that to be reconsidered as a permanent TRO.

We also urge that appropriate works are costed and fully funded by the Highway Authorities (Derbyshire CC and Sheffield CC), to carry out repairs. There is a major issue that use by heavy vehicles and water/nature have combined to damage the surface and revetment. In that case, there is a need for Derbyshire CC to check the "tell tales" for any evidence of movement. Overall, coherence from the two authorities on cross border is imperative, Sheffield, Derbyshire and the National Park Authority need to work together.

The current usage and problems mean the route is considered to be unsustainable and the TRO action sought above is therefore essential to address problems which those involved in the Stanage Forum believe started in 2005.

Alternative means of management are not considered to be workable in our view, albeit a permanent TRO could take many months and a temporary one could perhaps be implemented quicker. There is also an ongoing need for the Authority to work with recreational motoring user groups to address issues of behaviour

Evidence and information supporting of our views is referred to above and in Annex 1 attached.

The Roych

We feel the present vehicular use of the route is not sustainable given major conflict between users on this section of the Pennine Bridleway National Trail and it is the worst section of that route (being in very poor repair) from that point of view. The expectation of users is that it should be better, should be repaired to a higher standard and managed effectively to avoid present conflicts between users.

The Sub Group unanimously agreed that use of this route by recreational motor vehicles, whilst lawful, should be subject to a permanent Traffic Regulation Order in respect of all motor vehicles on the culs-de-sac section, and in respect of all motor vehicles at weekends on the rest of the route. A One Way restriction should be made from east to west as the voluntary restraint is not working effectively. It seems to work with 4 WD's, but less so with motorcycles at present.

The problems of vehicles leaving the highway, and causing damage and disturbance to National Trust land managed by tenant farmers, should be addressed by the Derbyshire C.C. as Highway Authority working with the National Park Authority and National Trust as a matter of urgency. There is also a need to implement further repairs to the route, although we are very mindful of the considerable expenditure already made by Derbyshire C.C. and doubts have been expressed by some Sub Group members about the public expenditure involved and the lack of sustainability of this recreation route. A permanent TRO could be subject to review in the light of making repairs and reviewing their sustainability.

Alternative means of management are not considered to be workable in our view, but one member would have preferred action to restrict 4x4s at all times.

Evidence and information supporting our views is referred to above and in Annex 1 attached.

In both cases, it is suggested that consideration is given to installing appropriate barriers/deterrents at or near the points of the proposed restrictions to help make them more effective. The Defra Regulations indicate this would need to be done with agreement of the relevant Highway Authorities and we feel this is worth pursuing.

You indicate that the consultation responses on these routes will be reported to the Audit Resources and Performance Committee (ARP) on 20 July 2012 which will be preceded by Members inspections on 19 July. We gather the report will consider evidence and grounds for making TRO's and alternative management options. We hope you will find the LAF advice and suggestions helpful, appropriate and practical to pursue in the National Park interest and in line with your revised Strategy.

I am copying Edwina Edwards in as Chair of the Local Access Forum, Jim Dixon, Richard Campen and Sean Prendergast at the NPA; Richard Taylor, Peter White and Gill Millward at Derbyshire County Council and Mick Hanson at Sheffield City Council. I am asking Sue Smith to circulate it to all LAF members. Please let me know the outcome of your deliberations on these two routes after the Committee meeting on 20 July and I will then report back to the Sub Group on 1st August.

Yours sincerely,

John

John Thompson
Vice Chair and
Chair of the LAF Vehicles Sub Group
john@thom86015.wanadoo.co.

Long Causeway - Bamford/Sheffield

LAF Vehicles Sub Group - Management Plan original recommendations were to implement the Stange Byways "Code of Respect", including:

- One – way system from Redmires to Dennis Knoll
- Maintenance (including drainage)
- Fencing to prevent/deter illegal trespass
- Signage

Subsequent LAF Views in the Action Plan

Issues

- Poor condition of route surface in middle section and potential instability of revetment wall
- Busy route with a wide variety of different users
- The route passes through an area of high recreational importance, is designated for its ecological interest, has historic value, and is prominent in the landscape
- Management/legal issues caused by the route crossing the county boundary Sheffield/Derbyshire

Objectives

- Improve safety for route users
- Improve condition of route
- Protect the environment of the locality
- Prevent deviation from the route
- Encourage voluntary action
- Encourage responsible use

History

2005 – Stange Code of Conduct developed by Stange Forum to encourage responsible use

2007 – classified as a 'may be unsustainable' route by PDNPA Ranger service using approved sustainability analysis criteria; resurveyed and agreed by PDNPA Rights of Way Officer.

2008 – approved as a priority route by PDNPA (March); voluntary one-way restriction promoted as per Stange Code of Conduct (May); emergency repairs carried out (June); ecological survey undertaken (September); PDLAF Vehicle Subgroup site survey and meeting to agree recommendations (November)

2009 – formal meeting between DCC and PDNPA Officers to agree management plan (June); consultation with local parish councils (November); volunteer working party from vehicle user groups (November); publication of management plan and adoption by PDLAF (December)

2010 - special meeting of the PDLAF to discuss actions for the management plans (January); PDLAF Vehicles Sub-group progress meeting (August)

2011 – restoration work to fence off, landscape and re-vegetate off-road damage by Sheffield CC, NE, PDNPA and MFF (January); resurfacing and repairs by DCC (February); consultation with user groups on route condition (December)

Agreed Actions

1. Vehicle logging – bi-annually
2. Monitoring condition of the route and revetment wall – quarterly/annually
3. Volunteer work party to repair collapsed culvert and improve drainage – March 2012
4. Potential temporary closure for repairs to surfacing – Spring/Summer 2012
5. Proposed consultation on vehicle regulation – Summer/Autumn 2012

LAF – Special Meeting on 1st March, 2012

Long Causeway – The NPA has £15k from DCC to spend on minor repairs but Peak Horse Power have raised issues about the ridability of the route and this may affect these works. A volunteer working party of vehicle users is proposed to deal with drainage issues. Members expressed the views that the route is in a parlous state and not ridable by horses. There is a need to make reference to the SSSI

and that this area is now part of the new Dark Peak Nature Improvement Area which incorporates access and recreational matters. There is a perception that it is a place for quiet enjoyment free from man-made intrusions. However, it is also an important route for vehicles. The management plans published in 2009 contained estimates for the works. These were significant. The voluntary one-way system lapsed because of a lack of support from Sheffield CC. There is a need to ensure judicious use of public funds. If current use is unsustainable then there is a duty to consider restraint measures.

Audit, Resources and Performance Committee – 23 March, 2012 (extract re Long Causeway)

Route and Objectives

People

- Promote responsible use
- Encourage voluntary action
- Improve amenity and safety for route users

The Route

- Improve condition of route
- Maintain character of the route
- Clarify legal status and/or line of the route

The Area

- Protect the environment of the area
- Minimise illegal use onto adjacent land
- Prevent deviation from the route

Current Situation – March 2012

- Surfacing works by DCC and Sheffield CC.
- Off-road damage repaired.
- Further surfacing works required.

Proposed PDNPA Action

- 1) Inform Parish Council of route action plan
- 2) Vehicle logging
- 3) Monitor condition of the route
- 4) Volunteer work party to repair collapsed culvert and improve drainage
- 5) Potential temporary closure for repairs to surfacing
- 6) Proposed consultation on vehicle regulation

The Roych - Chapel en le Frith

Peak District Local Access Forum Comments

Recreational Importance

Considerable; the route is not only part of a well-used vehicle route but also the Pennine Bridleway.

Levels of Vehicular Use

A high level of use not only by motorbikes, but also larger vehicles. The Vehicles Sub-group surveyed the route and met in August 2010. The group invited Karen Turnbull (Pennine Bridleway Maintenance Officer), to present her viewpoint prior to the group discussing their own observations. The group asked Karen what her proposed solutions were. She indicated that she would like to see a permanent vehicle TRO, but realised the problems associated with this. A seasonal TRO would be very useful to ensure that erosion issues could be alleviated through resting the trail in bad weather, or conversely in summer months when use by other groups was at its peak. A one way E-W restriction would potentially help to lessen damage to the route from Roych Clough eastwards, where presently damage was bad as some vehicles struggled with the steep slope and 'bad step'. The group unanimously recommended that:

- In light of maintenance issues and the need to protect what work was on site an immediate one way system be introduced – by voluntary restraint – for vehicles and be installed E-W. The one way system should operate with vehicles driving uphill for safety of all users.

- This one-way system should be implemented as soon as reasonably practical, working with users to promote wide-spread publicity for and understanding of the request.
- That if voluntary one-way systems did not work, that the formal use of restrictions be investigated and consulted upon subject to further discussion by the subgroup.
- The chair of the LAF should write to Natural England to confirm the sub-groups proposals and ask that consideration be given to providing the £15K necessary to effect essential repairs in light of management issues being implemented.
- Repairs are considered an urgent priority by the subgroup.
- That the LAF be updated quarterly for the foreseeable future to advise of any progress and the success or otherwise of proposals.

Individual Comments

- High Levels of Use – logged use (from National Trails Counters) had indicated that round 600 vehicles per month were using the route at times.
- Conflict – as a national trail, users were encouraged and equestrian use was considerable, with some users riding the trail as a holiday.
- Trespass – vehicle users were leaving sections of the route – in particular a section approaching Roych Clough from the east where a deep step currently existed.
- Sustainability Issues – the trail had been implemented and works carried out 8 years ago, and use was presently causing issues. There is still around £15K's worth of works required on the approach to Roych Clough from the east, to make the route safe for all users.
- There was no guarantee that present funding levels, or even staff, would be available. Karen highlighted that she regularly cleared drainage ditches on the route and such work was required to prevent the route from deteriorating, she was concerned that should the work cease the trail would deteriorate.
- Damage to furniture and land.
- Available widths were a concern, particularly on the steeper sections

Summary of Issues

- Sections of the route are narrow, with no potential room to leave the lane
- There is some rutting of the surface
- The route is a cul-de-sac route.

Points raised included:

- Would trespass stop if repairs were carried out?
- Concern and surprise was mentioned at the amount of vehicle use seen on site at weekends.
- Clearly significant funding had been spent on the route with the express intention of accommodating all legitimate users.
- The status quo was unacceptable and doing nothing was not an option.
- Actions should be subject to escalation if necessary, and a clear plan of action if options that are tried fail.

LAF – Special Meeting on 1st March 2012

The Roych – Members reported back from their recent re-inspection. The one-way system appears to be working but has not alleviated the situation. The current use is unsustainable and there is deviation from the route. There is a duty to protect the significant investment in the route and to halt the rapid deterioration. Although this route is a national trail, horse riders can't use a section of it. Emphasis must be given to the use of the route. The least restrictive option has been monitored. Removing motor vehicles may not prevent all damage but will reduce the cumulative impact. The route needs to be repaired and restraint considered. Any reluctance in committing further monies to the maintenance of the route may be overcome by demonstrating that further damage on that scale will not occur.

Audit, Resources and Performance Committee – 23 March, 2012 (extract)

Route and Objectives

People

- Promote responsible use
- Encourage voluntary action
- Improve amenity and safety for route users

The Route

- Improve condition of route
- Maintain character of the route

- Clarify legal status and/or line of the route

The Area

- Protect the environment of the area
- Minimise illegal use onto adjacent land
- Prevent deviation from the route

Current Situation – March, 2012

- Surfacing works required.

Proposed PDNPA Actions

- 1) Inform Parish Council of route action plan and route summary report
- 2) Vehicle Logging
- 3) Liaison with Natural England/DCC re repairs and ongoing maintenance
- 4) Potential temporary closure for repairs to surfacing
- 5) Proposed consultation on vehicle regulation

Public Rights of Way - Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984

The grounds on which a National Park Authority may make a TRO are identical to those currently available to the local highway authority (although a National Park Authority TRO may only be applied to a route shown on the DMS or a carriageway with a predominantly unsealed surface). However, two of the grounds, set out below, are particularly relevant given the statutory purposes of National Park authorities.

- *s1 (1) (f) RTRA84 enables a TRO to be made when it is expedient for preserving or improving the amenities of the area through which the road runs.*
- *s22(2) RTRA84 enables a TRO to be made for the purpose of 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.*

Types of routes

National Park Authorities will be able to make TROs within a National Park on or ways which are shown on a definitive map and statement (as Public Footpaths, Public Bridleways, Restricted Byways or Byways Open to All Traffic) or other carriageways whose surface, or most of whose surface does not consist of concrete, tarmacadam or coated roadstone.

Types of order

TROs are already widely used by local highway authorities to regulate many aspects of use of the highway network from one-way systems and speed limits to weight limits and width restrictions. TROs can be made without limit on their duration (hereafter referred to as “permanent”) or for temporary periods and can be made on an experimental basis to see whether a proposed measure is effective before making a permanent order. The types of effects that are likely to be sought by National Park Authorities are shown below. This is not an exhaustive list.

Grounds for making an order

A National Park Authority will be able to make a TRO for any relevant road or part of road where it appears expedient to make it:

- a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, (s1(1)(a) RTRA84);
- b. for preventing damage to the road or to any building on or near the road, (s1(1)(b) RTRA84);
- c. for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), (s1(1)(c) RTRA84);
- d. for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which is unsuitable having regard to the existing character of the road or adjoining property, (s1(1)(d) RTRA84);
- e. (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, (s1(1)(e) RTRA84);
- f. for preserving or improving the amenities of the area through which the road runs, (s1(1)(f) RTRA84);
- g. for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality) (s1(1)(g) RTRA84);
- h. the purpose of 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. (s22 (2) RTRA84). This includes conserving its flora, fauna and geological and physiographical features (s22 (5) RTRA84).

The scope of a TRO is set out in sections 2(1), 2(2), 2(3) and 4(1) of the RTRA84, but includes powers covering:

- restrictions on the type of user – this could be generally or of a particular class. For example, it could restrict all mechanically propelled vehicles or MPVs with more than two wheels or vehicles of a width greater than 1.5m, etc;
- extent of road affected – the TRO may apply to the whole of a road, or to a specified length, or to a part of the width of a road;
- the period during which the TRO is effective – it may apply at all times or at specified hours of the day, days of the week or periods of the year.

TROs can regulate the passage of mechanically propelled vehicles, horse drawn carriages, cyclists and pedestrians. They cannot prevent pedestrian access to premises or access for vehicles to premises for more than eight out of twenty four hours. Although there are no grounds for a TRO to restrict recreational use to apply to persons accessing their property, visitors to the property and business and trade professionals.

Restrictions that may be implemented by a TRO

- | | |
|-----------------------------|--|
| ⓪All vehicles | ⓪All mechanically propelled vehicles |
| ⓪Width limit | ⓪All mechanically propelled vehicles except motorbikes |
| ⓪Weight limit | ⓪Horse riders |
| ⓪Height limit | ⓪Carriage drivers |
| ⓪Length limit | ⓪Pedal cyclists |
| ⓪Seasonal restrictions | |
| ⓪Days of the week / weekend | |
| ⓪Hours of the day | |

Appendix B

Rights of Way Team
Peak District National Park Authority
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19 October 2012

Dear Mike

Possible TRO's at Brushfield-Upperdale and Chertpit and Leys Lane– Consultation response

Thank you for the emails of 5 September from Sue Smith seeking views about possible Traffic Regulation Orders at Brushfield-Upperdale and Chertpit and Leys Lane.

As you know these were considered by the Peak District Local Access Forum (LAF) at its meeting on 27 September where it was agreed to delegate full authority to respond to the meeting of its Green Lanes Sub Group that afternoon. At a further meeting of the Sub-group on 18 October 2012 this final response was agreed to be a fair representation of their carefully considered views.

Our comments in this response are offered in accordance with our role under the Countryside and Rights of Way Act 2000 to advise the appointing authorities (Peak District NPA and Derbyshire CC), on the improvement of public access for the purpose of open-air recreation and enjoyment. As you know, the LAF represents a wide range of interests and has a diverse, informed and experienced membership enabling us to offer balanced and independent advice. We have provided Annexes as background material relevant to our deliberations and proposals:

- Annex 1 – Background Notes and action plan material
- Annex 2 – Extracts from Defra Guidance on TRO's

The recommendations of the LAF Green Lanes Sub-Group have been incorporated into the route information documents and used to advise actions which were previously agreed by the LAF and adopted by the Authority in March 2012.

TRO's have been identified for these two routes as a possible management option. We have looked at both routes as part of the work we have been doing to advise on 24 priority routes where there are conflicts with conservation and other route users as a result of vehicular use. We have supported the Authority's agreed policy and procedures regarding future management of such routes – 16 of which (including these two) have action plans with proposals for their future management.

Our views on the two routes in relation to the questions you pose are borne of observation over several years and are:

Chertpit Lane

Three members of the group had particular involvement with this route: Adge is a local resident and has used it with outdoor activity groups, Henry attended the Public Inquiry on status and Richard had held discussions with the local community.

The group did not reach consensus on what to recommend for the Leys Lane section. **On the Chertpit Lane section there was consensus that vehicular access from Scratte**

to the small parking area at the junction with Leys Lane was not problematic, albeit that section would become a cul-de-sac route should there be no vehicular through route.

The major area of concern within the group was the 'pinch' section at the northern end of Leys Lane. Hedge trimming and other work between the ponds and the farm at the Little Longstone end had effectively allayed concerns about vehicular access on that section, and halted the westerly migration of the route away from its actual line onto adjoining farm land. Suitability of road planings as a material for infill of ruts and resurfacing was questioned on environmental grounds. Potential of surface work to enhance speed was another concern.

Members pointed out that though the pinch section is narrow, it has reasonable visibility, and also that logging evidence was of such limited 4x4 use that restrictive measures could hardly be deemed reasonable or necessary.

Alternative views were that those points notwithstanding the extreme narrowness of the pinch section effectively prohibited joint use by both MPV and other legal user. Because of the high banks no diversion from the route to allow vehicles or vehicles and other legal user to pass was possible. Some members felt that on such a section perception of risk was a very real impediment for the non MPV user. Indeed, there was evidence of equestrians having to avoid use of the route, and of adventure activity groups being directed away from it after risk assessments had been conducted. Whilst the logging data was relevant, risk assessment (or personal judgement) had to embrace perception, probability and potential consequence for pedestrians and equestrians using the route and meeting MPVs or convoys of MPVs.

Members considered whether any option less restrictive than a permanent TRO on Leys Lane might be appropriate, and noted that attempts to designate an alternative route had not come to fruition. In the voting two members opted for a peak time ban only and one for a motorbike ban only, but the group concluded on a majority vote of 6 to 3, with the Chair abstaining, that **recommendation for a permanent TRO on Leys Lane** represented the only practical option, given the unalterable character of the route and real impact upon majority user

Brushfield to Upper Dale

The group had real difficulty in knowing what to recommend for this route: three distinct sections each presented different issues.

On the relatively level section between Brushfield Lower Farm and the track to Brushfield Hough we felt there was now no problem. Indeed it is evident that the position here is much better than it was with once significant damage to farmland caused by divergence from the line of the route recovering.

The middle section is the most problematic. Here the route descends steeply as it curves round an area of SSSI calcareous grassland. There are two difficulties. The first is degradation of protected grassland by vehicular use, occasioned in part at least it would seem, by – second – degradation of the track itself through the combined effects of heavy vehicle usage and consequent natural erosion.

At the time of a site visit some months ago the sub group was not clear whether the vehicular use was occasioned mainly by agricultural or recreational vehicular use. Logging evidence was potentially significant in that it indicated peak vehicular transgression here in May and June. That could be consistent with agricultural use: it would be unjust to hold MPV user to account for damage they were not known to have caused. The group asked officers to bring back to it clarification on this point, or at least explanation of other cause for the logging data.

The question of repair of this surface and drainage on the adjoining steep section was elusive of ready solution. We understand any surfacing and drainage solution which might be

acceptable in environmental terms not likely to be even reasonably sustainable – and therefore a waste of public money – given current levels of use by all MPVs.

On the narrow lower section of the route, where it climbs up from Upper Dale, members of the group were aware of significant surface and collateral degradation since the time of their earlier visit.

One member felt strongly that since this would only get worse with continued usage, to the detriment of non vehicular user, the landscape and the public purse, the only sensible option at this time was for a permanent TRO on MPV use at least until an acceptable engineering solution have been delivered. Another view was that the surface as it was presented a much cherished extreme challenge for mountain bikers. This was a significant draw for aficionados. The same, of course, might well apply to MPV user.

Coincidentally and helpfully it transpired that officers had very recently received a request from Derbyshire County Council to prioritise where remedial action not already scheduled was needed on unsealed surface routes.

In the voting the Chair again abstained, and two members proposed there should be an immediate temporary restriction on all vehicles until repairs had been carried out, whilst the majority of seven **members of the sub group recommended DCC give urgent attention to advising upon an appropriate solution for surfacing and associated issues on this route, and whether use of volunteer working was an option. A clear timescale against which there might be reasonable expectation such works could be carried out was requisite. Further, officers should clarify the position regarding agricultural usage on the central section.**

At the same time the state of the route should be kept under pretty constant review. If identified problems of unsustainable usage continued at a completely unacceptable rate and funds for remedial action were not available there would be no option but to move swiftly to a recommendation for permanent restriction.

You indicate that the consultation responses on these routes will be reported to the Audit Resources and Performance Committee (ARP) on 9 November 2012 which will be preceded by Members inspections. We gather the report will consider evidence and grounds for making TRO's and alternative management options. We hope you will find the LAF advice and suggestions helpful, appropriate and practical to pursue in the National Park interest and in line with your revised Strategy.

Yours sincerely,

Edwina Edwards
Chair of the PDLAF

1) Brushfield-Upperdale

LAF Vehicles Sub Group – Route Summary Report

Original recommendations were that:

- They required further information about agricultural access and how this impacted upon the lane
- That it be noted that some form of restriction 'may reluctantly' be considered in the future if required.

Subsequent LAF Views in the Action Plan

Issues

- Disturbance to residents – proximity of houses
- User conflict – relatively high levels of vehicular use, recreational value associated with link to Monsal Trail
- Route nature – steep section
- Route condition – section has loose surface
- SSSI, SAC and Natural Zone
- Impact on adjacent land – deviation from route onto adjacent SSSI and farmland

Objectives

- Reduce impact of use on local community
- Promote responsible use
- Encourage voluntary action
- Improve amenity and safety for route users
- Improve condition of route
- Maintain character of the route
- Clarify legal status and/or line of the route
- Protect the environment of the area
- Minimise illegal use onto adjacent land
- Prevent deviation from the route

History

2007 – classified as a 'may be unsustainable' route by PDNPA Ranger service using approved sustainability analysis criteria; resurveyed and agreed by PDNPA Rights of Way Officer.

2008 – approved as a priority route by PDNPA members (March)

2010 – PDLAF Vehicle Subgroup site surveys and meeting to agree recommendations (August); consultation with local parish councils (November); ecological survey undertaken (November).

Agreed Actions

1. Inform Parish Council of route action plan and route summary report - Spring 2012
2. Vehicle logging - bi-annually
3. Monitor condition of route - quarterly
4. Repairs to surfacing and to prevent illegal use of adjacent land with potential for volunteer work party - Spring/Summer 2012
5. Monitor illegal use of adjacent land - quarterly and in response to complaints
6. Proposed consultation on vehicle regulation - Autumn 2012

LAF – Special Meeting on 1st March, 2012

Surfacing is an issue. Displacement is taking place on the steep section by all users including agricultural. Investigate agricultural use.

2) Chertpit and Leys Lane

LAF Vehicles Sub Group – Route Summary Report

Original recommendations were that:

- The route should be signed
- The subgroup should be kept informed of works on the site and how they are working

- Any developments to be discussed by the subgroup at a future date as required.

Subsequent LAF Views in the Action Plan

Issues

- Disturbance to residents – proximity of village
- User conflict – relatively high levels of vehicular use, recreational value for all users, speed
- Route nature – narrow, limited visibility
- Route condition – loose surface, overhanging vegetation
- Verges are key ecological area

Objectives

- Reduce impact of use on local community
- Promote responsible use
- Encourage voluntary action
- Improve amenity and safety for route users
- Improve condition of route
- Maintain character of the route
- Protect the environment of the area

History

2007 – classified as a ‘may be unsustainable’ route by PDNPA Ranger service using approved sustainability analysis criteria; resurveyed and agreed by PDNPA Rights of Way Officer.

2008 – approved as a priority route by PDNPA members (March)

2010 – PDLAF Vehicle Subgroup site surveys and meeting to agree recommendations (August); consultation with local parish councils (November); ecological survey undertaken (November).

2011 – advisory signage erected, repairs to surfacing, and removal of overhanging vegetation

2012 – Rocking the BOAT provide evidence in support of a TRO (February)

Agreed Actions

1. Inform Parish Council of route action plan and route summary report - Spring 2012
2. Vehicle logging - bi-annually
3. Monitor condition of route and verges - quarterly
4. Proposed consultation on vehicle regulation - Summer 2012

LAF – Special Meeting on 1st March, 2012

A traffic order request has been submitted by Rocking the BOAT. Members considered that it was difficult to improve safety at the pinch point. They also felt that the route is becoming unsuitable for horseriders. Deterioration has taken place since the designation as a Byway Open to All Traffic. Use has doubled as a result of its profile being raised yet may subside when it is realised that the route is not challenging enough for vehicle users. The route is a convenient walking route from Great Longstone.

Public Rights of Way - Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984

The grounds on which a National Park Authority may make a TRO are identical to those currently available to the local highway authority (although a National Park Authority TRO may only be applied to a route shown on the DMS or a carriageway with a predominantly unsealed surface). However, two of the grounds, set out below, are particularly relevant given the statutory purposes of National Park authorities.

- *s1 (1) (f) RTRA84 enables a TRO to be made when it is expedient for preserving or improving the amenities of the area through which the road runs.*
- *s22(2) RTRA84 enables a TRO to be made for the purpose of 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.*

Types of routes

National Park Authorities will be able to make TROs within a National Park on or ways which are shown on a definitive map and statement (as Public Footpaths, Public Bridleways, Restricted Byways or Byways Open to All Traffic) or other carriageways whose surface, or most of whose surface does not consist of concrete, tarmacadam or coated roadstone.

Types of order

TROs are already widely used by local highway authorities to regulate many aspects of use of the highway network from one-way systems and speed limits to weight limits and width restrictions. TROs can be made without limit on their duration (hereafter referred to as “permanent”) or for temporary periods and can be made on an experimental basis to see whether a proposed measure is effective before making a permanent order. The types of effects that are likely to be sought by National Park Authorities are shown below. This is not an exhaustive list.

Grounds for making an order

A National Park Authority will be able to make a TRO for any relevant road or part of road where it appears expedient to make it:

- a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, (s1(1)(a) RTRA84);
- b. for preventing damage to the road or to any building on or near the road, (s1(1)(b) RTRA84);
- c. for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), (s1(1)(c) RTRA84);
- d. for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which is unsuitable having regard to the existing character of the road or adjoining property, (s1(1)(d) RTRA84);
- e. (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, (s1(1)(e) RTRA84);
- f. for preserving or improving the amenities of the area through which the road runs, (s1(1)(f) RTRA84);
- g. for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality) (s1(1)(g) RTRA84);
- h. the purpose of 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. (s22 (2) RTRA84). This includes conserving its flora, fauna and geological and physiographical features (s22 (5) RTRA84).

The scope of a TRO is set out in sections 2(1), 2(2), 2(3) and 4(1) of the RTRA84, but includes powers covering:

- restrictions on the type of user – this could be generally or of a particular class. For example, it could restrict all mechanically propelled vehicles or MPVs with more than two wheels or vehicles of a width greater than 1.5m, etc;
- extent of road affected – the TRO may apply to the whole of a road, or to a specified length, or to a part of the width of a road;
- the period during which the TRO is effective – it may apply at all times or at specified hours of the day, days of the week or periods of the year.

TROs can regulate the passage of mechanically propelled vehicles, horse drawn carriages, cyclists and pedestrians. They cannot prevent pedestrian access to premises or access for vehicles to premises for more than eight out of twenty four hours. Although there are no grounds for a TRO to restrict recreational use to apply to persons accessing their property, visitors to the property and business and trade professionals.

Restrictions that may be implemented by a TRO

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| ⓈAll vehicles | ⓈAll mechanically propelled vehicles |
| ⓈWidth limit | ⓈAll mechanically propelled vehicles except motorbikes |
| ⓈWeight limit | ⓈHorse riders |
| ⓈHeight limit | ⓈCarriage drivers |
| ⓈLength limit | ⓈPedal cyclists |
| ⓈSeasonal restrictions | |
| ⓈDays of the week / weekend | |
| ⓈHours of the day | |