

**Peak District National Park Authority (The Roych Prohibition of Mechanically
Propelled Vehicles) Traffic Regulation Order 2013**

**Regulation 14 Decision Notice
National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007**

September 2013

The Authority has made a traffic regulation order that will have the effect of prohibiting use by mechanically propelled vehicles at any time along the route known as the Roych. The Roych runs from Rushup Edge, Derbyshire (grid reference SK 093825) to the Hayfield Parish boundary at South Head (Grid reference SK063847) a distance of approximately 3.5 km long. The route is an unclassified road.

Mechanically propelled vehicles on this route 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. It was therefore considered expedient to make a permanent order prohibiting all mechanically propelled vehicles at all times to meet the Authority's statutory purposes and in the overall public interest.

The Authority considered that it was expedient to make the order for the purposes of:

- 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
- preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot
- 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.

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 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 are alternative routes on metalled roads in the area.

Representations objecting to the making of the order were received under Regulation 4 and 7 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007. The Authority considered these at the meeting of the Audit Resource and Performance Committee on 19 July 2013 www.peakdistrict.gov.uk/committees. In accordance with Regulation 14, the Authority summarises below the objections raised and gives its reasons for not acceding to them.

This Regulation 14 decision notice accompanies the order, notice of making and map showing the extent of the proposed restrictions. These may be viewed at www.peakdistrict.gov.uk/vehicles 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).

Objection	Response
<p><u>Amenity</u></p> <p>Objections raised included the importance offered by the Roych to enjoy and explore the countryside by a chosen recreational activity and that there was a lack of alternative routes in comparison to those available for other users. Comments were made on the value placed on it both in terms of its historic use and as a network link and that restrictions will also have an impact on the amenity of other non-mpv users such as carriage users. The activity was also referred to as being good for tourism and the local economy.</p>	<p>The Roych is an important recreational asset for all users.</p> <p>The Authority is conscious of the limited number of routes available for recreational motor vehicles in the National Park. The physical characteristics of this route means that it is valued by many different users yet there is clear evidence of damage on this area of significant conservation and amenity interest.</p> <p>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 by this mode of transport is adversely affecting those special qualities to a more significant extent than other users.</p> <p>In cases where there is a conflict between the NPA's two statutory purposes, greater weight shall be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage.</p> <p>In relation to the impact of the TRO on carriageway users, appropriate barriers suitable for route users will be sought in consultation with the Highway Authority and the police. This will be supplemented by routine monitoring.</p> <p>All recreational users are important to the local economy.</p>
<p><u>Natural Beauty</u></p> <p>Objections considered that the natural beauty, landscape, natural and cultural heritage and habitats were largely unaffected by vehicles as compared with walkers and that vehicles conserve the historic use of the route. Comments referred to the fact that the route passes through mainly farmland and that this is not a quiet, natural, unspoilt place. Noise from vehicles is transient and tranquillity is a subjective term. The ecological benefit of the closure would be minimal and there were other sensitive areas where no action was being taken.</p>	<p>National Parks were designated on grounds of their scenic value and recreational opportunities. The route is 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 cultural heritage, habitat, and wildlife features 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.</p> <p>The route is not only a means to access special qualities but also a valued part of those special qualities. 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.</p>

<p><u>Natural Beauty cont</u></p>	<p>The monitoring at the nearby Chapel Gate route showed that the background noise level is low in this part of the National Park and the main source of noise generation in the locality is from Rushop Road. Noise from motorbikes in particular can carry over large distances.</p> <p>Evidence is available to show that environmental damage is occurring as a result of motor vehicle recreation, both directly and indirectly. The impacts on the natural beauty of the National Park, and on its special qualities, are not just confined to the linear routes, but also affect the wider environment. 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)</p> <p>Natural beauty should not be confused with wilderness. The definition of natural beauty recognizes that England has a landscape that is formed through the interaction of man-made and natural processes. It includes the wildlife and cultural heritage of an area as well as its natural features.</p> <p>Tranquillity is more than simply noise; it includes the landscape setting, natural sounds and visual intrusion. In the area of Natural Zone that the route runs through, recreational motor vehicles have a significant impact.</p>
<p><u>Damage</u></p> <p>Objections identified that most of the route is in a good condition and this has remained unchanged. The braided section has provided an alternative to negotiating damaged parts of the route. The quality of maintenance is not considered to be sufficient for a multi-user trail and more damage is being caused by agricultural vehicles and horse riders, water run-off and climatic conditions. The route should be repaired before considering a TRO.</p>	<p>The order is not being made on the grounds of preventing damage but instead relating to amenity and conservation. The NPA is not making the TRO to obviate the duty by the Highway Authority to maintain the route.</p> <p>Maintenance is a separate matter to the reasons for making the order although the state of disrepair of the route is a factor for the NPA to take into account when considering the impact on natural beauty and amenity. The natural beauty and amenity of the area and of other users is affected by motorised vehicle use on this route. This vehicle use is contributing to the route deterioration and the state of disrepair is detracting from the amenity of the route and area. The NPA is not the Highway Authority with its attendant responsibilities for maintenance.</p> <p>In the event of damage to a highway and which may or may not be caused by a lack of maintenance, TROs will be made if it is necessary to protect the natural beauty or amenities of the area</p>

<p><u>Damage to the route cont</u></p>	<p>Since 2007 when the sustainability analysis was undertaken the route condition has degraded in places. To make the route impervious to the level of use that has been evidenced, major resurfacing would be required which could have a negative impact on the character and environment of the route and area.</p> <p>Braided sections of the route were provided for non-vehicle users. Both 4-wheeled and 2-wheeled vehicles are leaving the route and damaging adjacent ground.</p>
<p><u>Discrimination</u></p> <p>Objections considered that the enjoyment of other users was being unfairly promoted at the expense of vehicle users who were a minority group with only a small percentage of the rights of way network. Access should be provided for all and all recreation users have an impact. Disabled users rely on these routes to access the countryside</p>	<p>The National Park is for everyone and use of recreational motor vehicles on routes with proven rights is a legitimate activity. The Authority does not have a policy of banning use of these green lanes as a matter of principle, and there are opportunities for recreational motor vehicle users to enjoy the area on other routes by their chosen mode of transport.</p> <p>The Authority will promote opportunities for everyone to understand and enjoy the National Parks' special qualities in a responsible way but where there is a conflict with the conservation of these special qualities then action will be taken including the use of TROs where appropriate.</p> <p>It is the Authority's view that recreational motor vehicle use needs to be managed on some 'green lanes', and that this may include restrictions on use using the powers granted to NPAs. This is assessed on a case by case basis. In this case, the need to preserve the amenity and conserve the natural beauty of the route 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.</p> <p>The route will still be available for non-motorised use and the proposed TRO will not prevent those with limited mobility using horse-drawn carriages or tramper style vehicles. Reasonable access can also be provided for registered disabled users.</p> <p>There are also users with other kinds of disability such as hearing or visual impairment, or learning difficulties that might be affected by motorised users on the route. The damage and associated loss of amenity also affects other use on this section of the National Trail.</p>
<p><u>Displacement</u></p> <p>Objections considered that a closure would lead to pressure being placed on other legal routes with a possible encouragement of illegal use.</p>	<p>The Authority recognises that the closure to vehicles is likely to place additional pressure on other routes. However the matter has become urgent and required a specific response within the context of the work on other routes. Monitoring to determine the amount of displacement onto other routes will be undertaken.</p>

<p><u>Displacement cont</u></p>	<p>It is accepted that a TRO will affect legitimate recreational motor vehicle users. If illegal use occurs, this would be addressed with the Highway Authority with regards to the appropriate selection of barriers and the police in relation to enforcement.</p>
<p><u>User Conflict</u> Objections identified that the majority of users are reasonable and responsible and that vehicle use is not high. Conflict was only at certain times and could be reduced by making it clear that the route has vehicular rights. Comments referred to the potential to avoid routes with vehicular access and that horses share tarmac sections of the Pennine Bridleway with traffic.</p>	<p>The Roych is an essential part of the Pennine Bridleway National Trail. The Roych is an important recreational asset for all users. All users need to act responsibly in order to reduce the potential for conflict</p> <p>The 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. This is contrary to the aims for a National Trail which should be easily passable for as many people as is practical, safe, maintained sympathetically to its surroundings, and appropriate for its use. 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.' (Ref: Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984, Defra, 2007). The NPA's powers to make TROs only extend to unsurfaced routes.</p> <p>The Authority does not accept that it is reasonable to expect non-MPV users on the Pennine Bridleway to go elsewhere to avoid conflict. There are also alternatives for MPV users where they do not come into conflict with others to the same extent and, for those seeking to use the affected route as a through-road, there are alternative routes on metalled roads in the area.</p> <p>The Highway Authority has a statutory duty to signpost and waymark public rights of way. The NPA supports them in this duty and, where appropriate, seeks to also provide advisory signs. Advisory signage with details of the various route users and a voluntary one-way system has been provided on this route but conflict has remained.</p>
<p><u>Alternatives</u> Suggested alternatives included partial restrictions, charging for permits, other management measures, repairs and maintenance, education, and use of volunteers. Working in partnership and a willingness for vehicle users to be part of the solution was emphasised. Provision of signage, suitable barriers, footways by carriageways and trialling for electric bikes were also raised.</p>	<p>The management of recreational motorised vehicles within the National Park is a high priority work area for the Authority. Members of vehicle user groups are on the Peak District Local Access Forum and on the Green Lanes Forum and inform and advise the NPA.</p> <p>Members are aware that a variety of measures can be used to resolve issues around recreational vehicular use. Measures including a voluntary one-way system and advisory signage have been used at this route. The consultations undertaken offer the opportunity to suggest alternatives and for them to be considered by Members. All consultation responses have been given due regard. The decision to pursue a different course of action after having regard to all relevant considerations doesn't negate this.</p>

<p><u>Alternatives cont</u></p>	<p>Condition monitoring has shown that the route has deteriorated. 4-wheeled vehicles have an impact on the route surface and adjacent land by virtue of their width and weight. At certain times on certain sections of the route there may be less impact by motorcycles on the route surface although other impacts remain.</p> <p>In view of the nature of the route, the sensitivity of the area and the 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 would therefore not achieve the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes. This route will remain a priority and the monitoring, management and review of measures adopted will continue to take place.</p> <p>The NPA is not the Highway Authority and does not have responsibility for maintenance. The NPA adopts a range of measures in reducing the impact of motorised use. This includes the use of volunteers where the works are of a nature suitable for volunteering.</p> <p>There is no evidence of any users using electric motorcycles within the Peak District National Park on unmetalled roads.</p> <p>Fees for use cannot be made as this would constitute a toll on a public highway.</p>
<p><u>Information</u></p> <p>Comments were made relating to suitability and lack of the supporting evidence, grounds for making a TRO and the requirement to meet s122 of the RTRA, the reliance placed on guidance and the legality of the proposal. A ban should be a last resort and regard should be given to the proposed amended status of the route. Details of maintenance and the level and times of use by non-vehicle users was also raised as a means to justify the impact.</p>	<p>The statement of reasons and the route management reports are there to provide relevant factual information; they do not seek to make a judgement on the final decision to be made.</p> <p>Government guidance is as the name implies guidance only. The NPA is fully aware that it is not legislation. The appendices to the statement of reason set out the different components of natural beauty and the whole is greater than the sum of its parts.</p> <p>The legislation allows for TROs to be made on grounds of natural beauty and amenity and the NPA is the appropriate authority to make the decision on whether this outcome would be met by a restriction. The decision to quash the experimental order on Chapel Gate related to the description of the experiment in the statement of reasons. No experiment is proposed at the Roych.</p> <p>TROs will be considered where appropriate having regard to all relevant considerations at the time including comments provided in response to the consultation undertaken and by undertaking the balancing exercise provided by s122 of the RTRA 1984. If a TRO is made on a route it does not change the status of the route.</p>

<u>Information cont</u>	Natural England undertook comprehensive works in 2004 to bring the route to a national trail standard and maintenance is undertaken by Derbyshire County Council as the Highway Authority. The nearest pedestrian counter indicates a pedestrian use of 18,500pa.
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