

# Public Document Pack

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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1432

Date: 27 October 2016



## NOTICE OF MEETING

Meeting: **Audit Resources & Performance Committee**Date: **Friday 4 November 2016**Time: **10.00 am**Venue: **The Board Room, Aldern House, Baslow Road, Bakewell**SARAH FOWLER  
CHIEF EXECUTIVE

## AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting 16 September 2016** (*Pages 1 - 6*)
3. **Urgent Business**
4. **Public Participation**  
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
5. **Members Declarations of Interest**  
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
6. **Proposed Traffic Regulation Order At Derby Lane (A76227/SAS)** (*Pages 7 - 104*) 60 mins  
Appendix 1  
Appendix 2  
Appendix 3  
Appendix 4

Appendix 5

Appendix 6

Appendix 7

Appendix 8

Appendix 9

Appendix 10

Appendix 11

Appendix 12

7. **South West Peak Landscape Partnership – Acceptance Of HLF Stage Two Delivery Funding (A55711/KSJ)** *(Pages 105 - 124)* 30 mins  
Appendix 1

Appendix 2

Appendix 3

8. **2016/17 Quarter 2 Corporate Performance And Risk Management Report (A91941/RMM)** *(Pages 125 - 154)* 20 mins  
Appendix 1

Appendix 2

Appendix 3

9. **Annual Report Of The Due Diligence Panel (RC/AGM)** *(Pages 155 - 158)* 15 mins

**10. Items for approval with no discussion**

The Chair has identified the following item as an item for no discussion unless there is an advance request from an individual Member for a discussion to take place:

1. External Audit (KPMG): 2015/16 Annual Audit Letter (A1362/ RMM )  
*(Pages 159 - 166)*

Annex 1

### **Duration of Meeting**

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

## **ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)**

### **Agendas and reports**

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website <http://democracy.peakdistrict.gov.uk>

### **Background Papers**

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact the Democratic and Legal Support Team on 01629 816200, ext 362/382. E-mail address: [democraticandlegalsupport@peakdistrict.gov.uk](mailto:democraticandlegalsupport@peakdistrict.gov.uk)

### **Public Participation and Other Representations from third parties**

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Strategy and Development to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website <http://www.peakdistrict.gov.uk/looking-after/about-us/have-your-say> or on request from the Democratic and Legal Support Team 01629 816362, email address: [democraticandlegalsupport@peakdistrict.gov.uk](mailto:democraticandlegalsupport@peakdistrict.gov.uk), fax number: 01629 816310.

### **Written Representations**

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

### **Recording of Meetings**

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites such as publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. The recordings will usually be retained only until the minutes of this meeting have been confirmed.

### **General Information for Members of the Public Attending Meetings**

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at [www.travelineeastmidlands.co.uk](http://www.travelineeastmidlands.co.uk).

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

### **To: Members of Audit Resources & Performance Committee:**

Chair: Cllr A McCloy  
Vice Chair: Cllr F J Walton

Mrs P Anderson  
Cllr A R Favell  
Mr Z Hamid  
Cllr Mrs G Heath

Mrs F Beatty  
Cllr D Greenhalgh  
Cllr C Furness  
Cllr N Gibson

Ms S Leckie  
Cllr C McLaren  
Mrs E Sayer  
Cllr D Williams

Cllr S Marshall-Clarke  
Cllr Mrs L C Roberts  
Cllr Mrs N Turner

**Other invited Members:** (May speak but not vote)

Mr P Ancell

Cllr D Chapman

Constituent Authorities  
Secretary of State for the Environment  
Natural England

**Peak District National Park Authority**

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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



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## **MINUTES**

Meeting: **Audit Resources & Performance Committee**

Date: Friday 16 September 2016 at 10.00 am

Venue: The Board Room, Aldern House, Baslow Road, Bakewell

Chair: Cllr A McCloy

Present: Mrs P Anderson, Mrs F Beatty, Cllr A R Favell, Mr Z Hamid,  
Cllr C Furness, Cllr Mrs G Heath, Ms S Leckie, Cllr C McLaren,  
Mrs E Sayer, Cllr Mrs N Turner and Cllr F J Walton

Cllr Mrs L C Roberts, Cllr D Chapman and Mr P Ancell attended to  
observe and speak but not vote.

Apologies for absence: Cllr D Greenhalgh, Cllr N Gibson and Cllr S Marshall-Clarke.

### **43/16 MINUTES OF PREVIOUS MEETING OF 22 JULY 2016**

The minutes of the last meeting of the Audit Resources and Performance Committee held on 22 July 2016 were approved as a correct record.

### **44/16 PUBLIC PARTICIPATION**

Three members of the public were present to make representations to the Committee. It was noted that one member of the public had wished to make representations to the Committee but was unable to attend. It was confirmed that her statement would be read out in her absence.

### **45/16 MEMBERS DECLARATIONS OF INTEREST**

Item 6

Cllr A McCloy, personal, as a member of the Ramblers' Association, they had submitted representations on this item.

### **46/16 PROPOSED TRAFFIC REGULATION ORDER AT WASHGATE (A76226/SAS)**

It was noted that some Members of the Committee had visited the site on 15 September 2016 and the Access and Rights of Way Officer tabled notes of the visit.

Photographs, a route plan, a designations plan and a plan showing public rights of way in Staffordshire were displayed at the meeting.

Appendix 13 was amended to show that the Alliance Trial commenced in 1911.

The Officer read out one response to the consultation that had been received before the end of the consultation but after the report had been published.

The following spoke under the public participation at meetings scheme:

- Mr C Woods, Peak District Green Lanes Alliance, Peak Horsepower and Peak and Northern Footpaths Society, supporter.
- Mr S Wardle, Supporter.
- Mrs A Robinson, Friends of the Peak District and CPRE South Yorkshire, Supporter.
- Mrs E Andrews, as she was unable to attend the meeting the Officer read out her prepared statement.

On behalf of the Authority the Chair thanked the speakers and all those who had submitted well considered and constructive representations.

During the discussion Members considered the following issues:

- Whether there should be exemptions for established motorcycle events and terms of any exemption that may be applied to an event
- The legal status of the route. The Legal Officer confirmed the contents of paragraph 25 of the Committee report.
- Maintenance of the route. As a member of Staffordshire County Council Cllr Mrs G Heath updated the Committee on action she had already taken regarding this issue and confirmed that she would continue to pursue it.
- Alternative ways of making sure that the route was maintained including partnerships, volunteering and alternative funding streams.

As the Committee were minded to consider a permanent traffic regulation order with exemptions for named organised events the meeting was adjourned from 11.10am to 11.25am to allow officers to draft a recommendation on the possible wording of an appropriate motion.

Following the adjournment a motion to consult on a modification to the proposed order was moved, seconded, put to the vote and carried.

#### **RESOLVED:**

**That, as Members were minded to consider a modification of the order publicised to include an exemption for the Bemrose Trial, Reliance Cup Trial, Dave Rowland Trial and Northern Experts, an opportunity for further comments be made in accordance with Regulation 12 of the 2007 Regulations and representations arising from this, and the previous consultation, be reported thereafter to this committee.**

Cllr A R Favell left the meeting at 11.10am during consideration of this item.

#### **47/16 2016/17 QUARTER 1 CORPORATE PERFORMANCE AND RISK MANAGEMENT REPORT (A91941/WA)**

Members considered the report on 2016/17 Quarter 1 Corporate Performance and Risk Management. The report was introduced by Wendy Amis, Senior Performance Officer.

As this would be the last meeting before she left the Authority, the Chair thanked her for her work in supporting the Committee and wished her well for the future.

In appendix 3 the summary table relating to Freedom of information and Environment Information Regulation Enquiries was amended to replace the word “received” with “dealt with”.

In response to issues raised by Members it was agreed that information on the transport design guidance would be included in the forthcoming planning training for Members and that Members would receive a further briefing on progress regarding the emerging organisational design.

The recommendation as set out in the report was moved, seconded put to the vote and carried.

**RESOLVED:**

- 1. To approve the reporting format used in this report for future reporting.**
- 2. To note the Quarter 1 Corporate Performance Return, given in Appendix 1, and agreed actions to address issues identified.**
- 3. To note the corporate risk register summary given in Appendix 2 and accept the status of risks, including the addition of 2 new risks.**
- 4. To note the status of complaints and Freedom of Information Requests, given in Appendix 3.**

Cllr C McLaren left the meeting at 11.55am following consideration of this item.

The meeting was adjourned from 11.55am to 12 noon.

**48/16 EXTERNAL AUDIT 2015/16 ANNUAL REPORT (A1362/ RMM)**

John Cornett from KPMG, external auditors, was present at the meeting to introduce the report. He highlighted the headlines, significant risks, key issues and recommendations in the external auditor’s annual report. He noted the good working relationship with the Authority and thanked the Chief Finance Officer and his team for their assistance during the audit.

The recommendations as set out in the report were moved, seconded, put to the vote and carried.

**RESOLVED:**

- 1. To note the External Auditor’s report at Annex A.**
- 2. To note the letter of management representation at Annex B to be signed by the Chair of Audit Resources and Performance Committee and the Chief Finance officer.**

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**49/16 STATEMENT OF ACCOUNTS 2015-16 (A.137/21/PN)**

The Chief Finance Officer introduced the report which requested approval of the audited Statement of Accounts for 2015-16.

The recommendation set out in the report was moved, seconded put to the vote and carried.

**RESOLVED:**

**To approve the audited Statement of Accounts for 2015-16 as attached at Appendix 1 and note the amendments made to the draft accounts itemised in Appendix 2.**

**50/16 2015/16 ANNUAL GOVERNANCE STATEMENT (JS)**

The Head of Law introduced a report summarising the results of a review of performance against the Authority's Code of Corporate Governance and seeking approval of the audited Annual Governance Statement for 2015/16.

It was noted that since the draft statement had been published in May an additional area for action had been identified relating to the outcome of the European Union referendum.

It was also noted that following the publication of a new framework document by CIPFA and Solace a revised Code of Corporate Governance would be developed for use next year.

The recommendation for approval of the Statement was moved, seconded, put to the vote and carried.

**RESOLVED:**

**To approve the audited Annual Governance Statement for 2015/16 for sign off by the Chief Executive Officer and the Chair of Audit, Resources & Performance Committee.**

**51/16 TRAILS STRUCTURES CAPITAL EXPENDITURE (PM3511/ES)**

Members considered a report setting out details of capital expenditure required to fund a backlog of repairs and restoration of bridges, tunnels and viaducts on the Monsal, Tissington and High Peak Trails. The report sought Committee approval to release £600,000, financed from the Capital Fund, to complete high priority work.

The recommendation was moved, seconded, to the vote and carried.

**RESOLVED:**

**To approve £600,000 capital expenditure, as described in Capital Strategy approved by the Authority on 4 December 2015.**

**52/16 LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2016 (RC/A.157)**

Members considered a report providing details of the Local Government Ombudsman (LGO) Annual Review of complaints for the period 1 April 2015 to 31 March 2016.



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Appendix 1 showed that the LGO took decisions on 4 complaints of these 2 were closed after initial enquiries, 1 was referred back for a local solution and 1 was upheld.

**RESOLVED:**

**To note the Local Government Ombudsman annual review letter as set out in Appendix 1 of the report.**

**53/16 RISK MANAGEMENT POLICY (A91941/WA)**

**RESOLVED:**

**To approve the updated Risk Management Policy in Appendix 1, and the supporting documentation in Appendix 2.**

The meeting ended at 12.35 pm

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## **6. PROPOSED TRAFFIC REGULATION ORDER AT DERBY LANE (A76227/SAS)**

### **Purpose of the report**

1. This report presents the outcome of the publication of proposals under Regulation 5 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 for a permanent traffic regulation order (TRO) on Derby Lane.
2. Having regard to the representations made pursuant to Regulations 4 and 7 of the 2007 Regulations, available evidence and the information in this report, it is proposed that the Authority considers a TRO on this route in the form and manner agreed at this meeting.

### **Recommendations**

3. **1. That Members decide the appropriate option having regard to the option analysis in the report and make a resolution from those set out in the report at paragraph 44.**

### **Policies and legal obligations**

4.
  - National Park Management Plan – Partnership for Progress 2012-17 –W14
  - Strategy for the Management of Recreational Motorised Vehicles in their Use of Unsealed Highways and Off-road, and Procedure for Making Traffic Regulation Orders (TROs).
  - Sections 5(1) and 11A of the National Parks and Access to the Countryside Act (NPACA) 1949
  - Section 122 of the Road Traffic Regulation Act 1984.

### **Background**

5. On 20 March 2015, Audit Resources and Performance (ARP) Committee approved actions in the key areas of work required to deliver the revised Strategy on managing recreational motorised vehicles (Minute 17/15). The Green Lanes Action Plan focused on the priority routes where the need for improved management had been identified. At Derby Lane, this included a proposed consultation on vehicle regulation.
6. In November 2015, statutory consultees were consulted under Regulation 4 of the 2007 Regulations. An ARP Members' site visit took place on 3 March 2016 (Appendix 1) prior to the ARP Committee meeting on 4 March 2016 at which it was resolved to proceed to publish notice of proposals for a TRO to prohibit use at all times by mechanically propelled vehicles on Derby Lane (Minute 17/16). The Regulation 4 representations are dealt with in the report (with appendices) to the ARP Committee meeting on 4 March 2016 and copies of these representations are at Appendix 2 to this report.

### **The Route**

7. Derby Lane runs south easterly from Summerhill Farm, Monyash to meet Long Rake Road at the access to Cales Farm. It is approximately 2.1 km long. The relevant Highway Authority is Derbyshire County Council (DCC). A map showing the route is provided in Appendix 3.
8. The route runs along the limestone plateau above Lathkill Dale and has far reaching views. Access to Summerhill Farm is via a classified section of road, thereafter the route is unsealed and in the latter sections is undefined on the ground. The stone walled track widens out before opening out into fields. The route is trackless for much of its length. The route is not passed by any roads throughout its length. Other than Summerhill Farm

the route does not pass any properties along its length. The route is used for agricultural access to neighbouring fields and at the southern end meets with the access road to Cales Farm.

9. The route passes through a Site of Special Scientific Interest (SSSI) and an area of Natural Zone abuts the route at Cales Dale. The route passes through historic landscapes including medieval. It is considered to be the surviving section of the old road between Derby and Manchester and is marked by a post medieval guidepost. A high priority lead mining site and long barrow is located immediately adjacent to the route. The route lies within the White Peak Landscape Character Area.
10. Derby Lane is an important recreational asset for all users and provides a route from Monyash to Long Rake Road and the Arbor Low Scheduled Monument. The route is used for agricultural purposes and access for caving and provides an alternative to Lathkill Dale and the Limestone Way.
11. The legal status of the route is being considered by way of an inquiry into a definitive map modification order made by Derbyshire County Council. If confirmed, the modification order will mean that there is a Byway Open to all Traffic (BOAT) along Derby Lane.. A BOAT is a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used. A decision is expected shortly. At present officers are satisfied that Derby Lane is a route over which a traffic regulation order may be made under section 22BB(1) of the Road Traffic Regulation Act 1984 (RTRA 1984).
12. At the end of 2013, the landowner placed boulders (subsequently enhanced by Armco barriers) part way along the route preventing it being used as a through route by 4-wheeled vehicles. Vehicle logging and evidence on the ground shows that use by 2-wheeled mechanically propelled vehicles (MPVs) continues on both parts of the route and that 4-wheeled use, including agricultural use, is taking place on the Monyash side of the barrier.
13. Issues identified in the preparation of route management reports relate to disturbance and user conflict, the nature and condition of the route, and its environmental sensitivity. Detailed route management information is available at [www.peakdistrict.gov.uk/priorityroutes](http://www.peakdistrict.gov.uk/priorityroutes).

### **The Proposed Traffic Regulation Order**

14. In March 2016, ARP resolved that a TRO should be considered on the following grounds of the Road Traffic Regulation Act 1984 (Appendix 4):
  - s1(1)(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)(f) – for preserving or improving the amenities of the area through which the road runs
  - s 22(2) – 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
15. In the draft order (Appendix 5) the Authority proposed a permanent restriction on all mechanically propelled vehicles at all times save for the following exceptions:
  - Use by emergency services or by any local authority or statutory undertaker in pursuance of their statutory powers and duties
  - Use to enable work to be carried out in, on, under or adjacent to the road
  - Use for the purposes of agriculture or land management on any land or premises

- adjacent to that road
- Recognised invalid carriage
- Use upon the direction of or with the permission of a Police Constable in uniform
- Use with the prior written permission of the Authority.

16. The statement of reasons (Appendix 6) identified the factors which contribute to natural beauty and the benefits afforded to people from that seen and experienced and the opportunities offered for recreation. Vehicle use and the effects of vehicular use on the special qualities of the area are also identified.

### **Section 122 of the Road Traffic Regulation Act 1984**

17. In March 2016, Members considered the duty under section 122 of the RTRA 1984 (Appendix 7) to secure twin objectives, namely the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The duty takes effect 'so far as practicable' having regard to the matters specified in s122(2).
18. In considering the factors set out in relation to s122(2):
- Access to premises – any proposed restriction would only be for mechanically propelled vehicles using the route as a through-road or for recreational use. Vehicular access to land adjacent to the route for agricultural or land management purposes and for residential access would be unaffected.
  - Amenities of locality – the removal of MPVs from the route is likely to improve the amenities of the locality. To access this route it is necessary to use metalled roads. These offer an alternative for recreational vehicle users, albeit not of the same character as an unmetalled track. An unclassified UCR (as the route presently is) or a BOAT (as the route is proposed) are not part of the road transport network. Heavy commercial vehicles do not use this route.
  - Air quality –recreational motorised vehicle use has a negligible impact.
  - Public Service Vehicles – as this is an unsealed route it is not used by such vehicles.
  - Disabled access – Recognised invalid carriages will not be affected by the TRO. There are few parking and limited turning opportunities along the route. Any TRO would not prevent the use by wheel chairs and trampers and would enhance the safety and enjoyment of such access, subject to the physical limitations of the route, in accordance with the exemption set out in paragraph 14 above. Access by other means by disabled users could also be obtained on application to the Authority.
  - Natural beauty/amenity – the restriction of MPVs would have a beneficial impact on the natural beauty of the area and amenity of other users.

### **Consultation**

19. The consultation on the proposed TRO under Regulations 5-7 of the 2007 Regulations ran from 28 April 2016 to 10 June 2016. This followed the consultation under Regulation 4 referred to in paragraph 6 above. Statutory consultees and landowners were notified and it was advertised in the Derbyshire Times, on the Authority's website and on the route.
20. The consultation documents included: a draft order (Appendix 5), a statement of reasons and appendices covering use, interests and impacts (Appendix 6), a notice of proposal (Appendix 8) and a map.
21. The organisations listed in Appendix 9 (the statutory consultees) were consulted at the first and second stage of the process, as required by the Regulations. Historic England were included at the second stage of the process as a discretionary consultee. There

were 5 consultees – the Ramblers Association, Natural England, Peak and Derbyshire Vehicles User Group, the Green Lanes Association, Association of Peak Trail Riders - that responded to the first consultation but not this second specific consultation. The responses were split between those supporting a permanent order to prohibit MPVs on the route at all times as per the proposal, those believing a less restrictive option would be sufficient and those that considered restrictions were unnecessary at this time with voluntary restraint being identified as an alternative. Those objecting to the proposal comprised:

- Trail Riders Fellowship
- Green Lanes Association

Those in support of the proposal for a permanent order to prohibit MPVs on the route at all times included:

- Monyash Parish Council
- British Horse Society
- Peak and Northern Footpaths Society
- Peak Horsepower
- Peak District Green Lanes Alliance
- Historic England

One consultee - Derbyshire CC – stated that they did not object to the proposal. The Peak District Local Access Forum did not reach a consensus and proposed alternatives to the proposal.

22. A summary of the representations received within the above consultation period from the statutory consultees is set out in Appendix 10. Consultee responses at the Regulation 4 stage are dealt with in the report and appendices at Appendix 2. In addition to the statutory consultees, there were objections to the proposal from 83 individuals and organisations, support for the proposal from 55 individuals and organisations and 1 other neither objecting nor supporting.
23. Objections – Other than the statutory consultees, 2 organisations objected to the proposal. Their representations are set out in Appendix 10. There were also 81 individual representations and 5 objections with no grounds provided. The representations are summarised in Appendix 11.
24. The objections to the proposed order are summarised in Appendix 11 with comments provided relating to consideration of these objections. The main issues raised by objectors are:
  - It is premature to consider removal of rights before clarification of the legal status and before trialling other methods
  - The impacts of motorised vehicle use have not been ascertained because of the obstruction by barriers
  - The route can accommodate motorcycle use
  - The condition of the route is as a result of agricultural use
  - There will be an impact on local businesses
  - The proposal is discriminatory
25. Many of those objecting acknowledged that motor vehicular use of Derby Lane needed to be managed in some way but considered that there were alternative management options to that proposed, including with the involvement of vehicle users. Motorcycle users pointed to the fact that their disturbance is less than four-wheeled vehicles due to weight/width issues. The most commonly mentioned alternatives included:
  - A restriction on all mechanically propelled vehicles at all times on the trackless section between the barrier and Long Rake Road
  - A width/weight restriction relating to four-wheeled motorised vehicles
  - A restriction on 4-wheeled vehicles at all times with a seasonal restriction on 2-wheeled vehicles

- A restriction on all mechanically propelled vehicles at all times with exemptions for motorcycle events
  - An exemption or permit system for cavers
26. A number of the consultation responses referred to the status of the route and that action should be deferred until such time as the legal status had been determined, the barriers removed and the impacts from use ascertained. Voluntary restraint was also offered as an alternative.
27. The importance of access for disabled users was also raised by many respondents. An exemption for invalid carriages and access on application is provided within the draft order (Appendix 5) and the NPA will investigate other means to ensure reasonable access for registered disabled users.
28. Support - Other than the statutory consultees, 1 organisation supported the proposal. Their representations are set out in Appendix 10. There were also 54 individual representations. The comments are summarised in Appendix 11.
29. The reasons for supporting the proposal are summarised in Appendix 11. The main issues raised by supporters of the proposal are:
- The use by motorised vehicles is unsuitable and unsustainable
  - It is important to prevent deterioration of the route and to protect the natural beauty of the landscape
  - The route forms an important means of access to the wider area
  - Motor vehicle use impacts on the agricultural use of the land

### Partial TRO Options

30. In deciding to pursue a consultation on a permanent restriction on Derby Lane, Members had regard to the extent to which it is necessary to restrict mechanically propelled vehicles. S122 of the RTRA does not require the Authority to proceed in stages starting with a least restrictive option. However, if a less restrictive option might achieve the desired outcome then it is a factor for consideration. Paragraph 24 highlights the principal alternatives which have been identified from the representations received. These are considered below:

#### 31. Restriction on part of the route

<u>Pros</u>	<u>Cons</u>
Reduces conflict and impacts on the more sensitive sections Limited parking is available at the start of the restriction	Some user and land management conflict remains Some visual, physical and auditory impacts remain

#### Width/weight restriction

<u>Pros</u>	<u>Cons</u>
Removes impacts and conflict from 4x4s Reduction in overall numbers of vehicles Lessens conflict with other user types and deviations Weight-bearing impacts removed	2-wheeled use impacts remain Some user conflict remains Some visual, physical and auditory impacts remain

#### Seasonal restriction

<u>Pros</u>	<u>Cons</u>
Reduction in damage to the route and	Impacts from unanticipated periods of

surroundings Lessens conflict with other user types and deviations	heavy rainfall Displacement to unrestricted times User conflict over busy summer period Some visual, physical and auditory impacts remain
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**Restriction with exemption or permit system for cavers/motorcycle events**

<u>Pros</u> Manage type of use Manage conduct of users Flexibility	<u>Cons</u> Some user conflict remains Some visual, physical and auditory impacts remain Administration Practicalities of enforcement
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**Summary**

32. The route is in a National Park designated for its exceptional natural beauty and is adjacent to an area of Natural Zone with features of national significance and where it is particularly important to conserve that natural beauty.
33. Derby Lane is a historic route which is used as a means of access to the wider area. It is an important route for all recreational users and is used by mechanically propelled vehicle users for caving access and as a through route for short journeys and to pass through the area on part of a longer journey.
34. The route for much of its length is grassy and trackless and is susceptible to damage as shown by the passage of vehicles which has resulted in rutting over an increasingly wider area. As a result of the physical restrictions in place, motorised vehicle use over the last 2 years has been predominantly 2-wheeled only and for agricultural and caving access along part of the route.
35. It is considered that unrestricted motorised vehicle use on this route has an adverse impact on the ecological/geological, archaeological and landscape interests, the natural beauty, amenity and recreational value of the area and the special characteristics of the route. It is therefore considered that some form of order is required to manage mechanically propelled vehicle use on this route. The extent of that restriction revolves around whether it may reduce to an acceptable level the impacts on the interests and amenity of the route and area and other users and conserve the natural beauty of the area in accordance with the Authority's obligations in respect of its statutory purposes.
36. The proposed order imposes a permanent restriction on all mechanically propelled vehicles (MPVs) at all times (subject to specified exceptions) and seeks to address impacts on the landscape, ecology/geology and cultural heritage of the area and the nature of the route through reducing the use by MPVs. This would meet the desired outcome of conservation and enhancement in accordance with National Park purposes and the preservation of the amenity of the route and area and of other users. Any partial TRO or other scheme of restraint should also address these matters and requires consideration of the type, the timing and the level of use.
37. In their consideration of the extent to which the desired outcome could be met by means other than the proposed order, Members may consider a partial TRO containing, for example, the following elements: a prohibition on 4-wheeled motorised vehicles at all times and for 2-wheeled motorised vehicles to be permitted at such times when impacts on the interest of the area, ground conditions and other users may be lessened. It is



important that the level of confidence in a less restrictive option to identify and manage impacts is such to allow the protection of interests to an acceptable+ level. In relation to any specific written requests received to allow access along part of the route for caving, these could be dealt with under the exceptions within the order.

38. In relation to enforcement of any TRO, this would be undertaken in consultation with the Highway Authority and the police having regard to signage, the selection or retention of barriers and the character of the route. Routine monitoring should identify if there are any problems.

### Option Analysis

39. The following main courses of action are available:
- To proceed to make a permanent order to prohibit MPVs at all times as proposed
  - To make an order incorporating one or more measures for management of the route as suggested in paragraph 31 above (a partial TRO)
  - To hold a public inquiry and appoint an inspector
  - To delay the making of the order
  - To resolve not to make a TRO

40. **Permanent TRO (permanent prohibition of all MPVs at all times)**

<u>For</u> Impacts on natural beauty and amenity reduced Increased use and enjoyment of the route	<u>Against</u> Enjoyment of recreational motorised vehicle users removed Enforcement issues including selection and replacement of barriers Displacement issues Legal challenge
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### Partial TRO (partial restriction)

<u>For</u> Impacts on natural beauty and amenity reduced Increased use and enjoyment of the route at times when no vehicle users present Vehicle user groups part of the solution	<u>Against</u> Some impacts on natural beauty and amenity remain Enforceability/non-compliance/selection of barriers Displacement issues Management of level of use Delay if re-consultation/notification required Potential for legal challenge from disaffected parties
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### Public Inquiry

<u>For</u> Independent analysis of options having regard to evidence	<u>Against</u> Cost and time Order delayed Impacts on natural beauty and amenity remain during the inquiry process
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### Deferment

<u>For</u> Potential for clarification of legal use and/or trialling, monitoring and surveys to determine action	<u>Against</u> Impacts on natural beauty and amenity remain
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### Abandonment

<u>For</u> Potential for clarification of legal use and repairs by the Highway Authority and further monitoring and surveys to determine action	<u>Against</u> Impacts on natural beauty and amenity remain
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41. In further consideration of the options:
- Partial TRO - if an order is made in substantially different terms to the proposed order, the 2007 Regulations require the Authority to take such steps as appear to it to be appropriate for informing people likely to be affected by the modification. This includes providing the opportunity to make written representations and to consider those representations before making the order. A re-consultation period of 21 days would be adopted. A partial TRO could be perceived to be a substantive change from the published proposed order and consequently require further consultation.
  - Public inquiry – The cost of a public inquiry would be borne by the Authority and the Inspector would provide a report and recommendations which the Authority would not be bound to follow but would have to provide good reasons for not doing so.
  - Deferment – an order cannot be made more than 2 years after the proposal has been publicised in accordance with Regulation 5. This period expires in March 2018.

### Proposal

42. In their consideration of the most appropriate course of action, it is necessary for Members to have regard to the following:
- the representations received in accordance with Regulations 4 and 7 (Appendices 2, 10 & 11)
  - whether it is expedient to make a traffic regulation order on this route on the grounds specified in the draft order (Appendix 5)
  - alternative courses of action as set out in the option analysis
  - the statutory purposes of the National Park, in accordance with ss 5 and 11A of the NPACA 1949
  - the balancing exercise set out in s122 of the RTRA (Appendix 7)
43. In relation to s122, if some form of restriction is to be adopted Members will need to be satisfied that the preservation and enjoyment of the amenity and conservation of the natural beauty of the area justifies cutting down the unrestricted vehicular use of the route notwithstanding that such a restriction will affect the expeditious and convenient use of the route by mechanically propelled vehicles.
44. Depending on which of the options Members wish to adopt for this route, the following possible resolutions are relevant:

#### **(i) Permanent TRO (permanent prohibition of all mpvs at all times)**

**Resolution:** the Authority proceeds to make a Permanent Traffic Regulation Order under Section 22 BB(2)(a) Road Traffic Regulation Act 1984 that will have the effect of prohibiting use by mechanically propelled vehicles at all times on Derby Lane (subject to specified exceptions).

#### **(ii) Partial TRO (partial restriction)**

**Resolution:** (i) the Authority proceeds to make a Permanent Traffic Regulation

**Order under Section 22 BB(2)(a) Road Traffic Regulation Act 1984 that will have the effect of prohibiting use by mechanically propelled vehicles on Derby Lane in the manner identified by Members (ii) that if a substantive change is made to the TRO as previously proposed, an opportunity for further comments to be made is given in accordance with Regulation 12 of the 2007 Regulations and representations arising from this consultation reported thereafter to this Committee.**

**(iii) Public Inquiry**

**Resolution: the Authority appoints an inspector to hold a public inquiry and publishes notice of the public inquiry in accordance with Regulation 9 of the 2007 Regulations.**

**(iv) Deferment**

**Resolution: the Authority defers a decision on making a TRO on Derby Lane, such deferment being subject to review .**

**(v) Abandonment**

**Resolution: the Authority abandons pursuing a TRO on Derby Lane at this present time.**

45. If the order is made as proposed, subject to any minor modifications as may be required (to be finalised by officers), a notice of proposals, order and map will be prepared and publicised. A decision notice giving reasons for not acceding to the grounds for objecting will also be provided within 14 days of making the order. To this end, Members are asked to consider the comments on representations at Appendix 11, which will form the basis of reasons for not accepting objections.
46. If Members decide to make an order in substantially different terms to those in the proposed order, affected persons will be notified of this and an opportunity of 21 days will be provided for further comments to be made and considered.

**Are there any corporate implications members should be concerned about?**

47. **Financial:**  
Resources have been allocated to this area of work until March 2017. In May 2016, Members supported an investment proposal framework which included adding £26k to the baseline budget to deliver the green lanes action plan.  
Supplementary costs relate to:
- advertising and site works for any order that is made
  - public inquiry, where the decision is taken to hold one
  - defending potential High Court challenges, including Counsel's fees and an award of costs if unsuccessful.
48. **Risk Management:**  
There is an element of reputational risk to the Authority for deployment of a TRO or for not using this power. This issue is likely to be of considerable public interest. The Authority must be confident that the grounds for action are clear, objective and defensible.
49. **Sustainability:**  
This report addresses sustainability issues in the context of both the National Park Management Plan and the Authority's statutory purposes, duty and legal powers.
50. **Equality**  
The requirements of the Equality Act 2010 and in particular the public sector equality

duty have been met in the consideration of proposals on this route and the ongoing requirements to have regard to the duty. The protected characteristics of most relevance to the proposed TRO are those of age and disability. By restricting use of the route by mechanically propelled vehicles (but not recognised invalid carriages) a TRO would help to promote equality in the opportunity to enjoy the natural beauty and amenity of the area through which the route passes by the young, the elderly and the disabled.

51. **Background papers:**  
None

52. **Appendices**  
The following documents are appended to this report:
1. Site Inspection notes
  2. Regulation 4 responses – statutory consultees
  3. Map of the route
  4. Grounds for making a TRO
  5. Draft order
  6. Statement of reasons
  7. S122
  8. Notice of proposal
  9. List of consultees
  10. Regulation 7 responses - organisations
  11. Representations and comment
  12. TRO checklist

53. **Report Author, Job Title and Publication Date**  
Sue Smith, Rights of Way Officer, 27 October 2016

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### Derby Lane Site Visit – 3 March 2016

#### Purpose

A site visit took place on 3 March 2016 to enable the Members of the Audit, Resources and Performance Committee to be better informed of the relevant issues and facts about the proposal.

#### Attendance

Members of the Audit, Resources and Performance Committee attended the site visit. The Highway Authority was not present.

#### Procedure

Members did not make a decision or recommendation on the proposal during the site visit.

#### The Site Visit

Members walked the full length of the route and travelled a possible alternative route for vehicles using the metalled road network.

The Authority Officers explained the proposal and summarised the background. This included the reasons for the proposal, the management history of the site, the process for the determination of the legal status, and discussion of management options.

Officers answered questions from Members which included:

- The change in character along the route and its setting
- The level and type of use of the route including for agricultural and cave access
- The location and placement of boulders by the landowner
- The location of designated areas and potential for impacts
- Other rights of way on or near to the route
- The effect of current levels of 2-wheeled use on the grassland sections
- The signage

Officers were asked to provide further information on the number of motorised vehicle users:

During 2015: 4-wheeled – Nil; 2-wheeled – average of 1 per day

2015/16: 4-wheeled – average of 0.01 per day; 2-wheeled – average of 1 per day

Officers were also asked to confirm whether the Derbyshire Dales National Nature Reserve abutted the route:

The NNR does not abut the route and extend as far up Cales Dale as the SSSI and Natural Zone.

Members did not ask Officers to undertake further work prior to the consideration of the item at the formal Committee meeting.

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## Derby Lane – Summary of Regulation 4 Consultation Responses

### **Derbyshire Constabulary -**

- Assuming the route summary report (2013) is still current –Derby Lane is a non –classified highway (cul –de sac) being part of the Lathkill Dale SSSI. Page 1 of the report scores the route 6/15 as part of the sustainability analysis. The 2 key factors here in relation to consideration of a TRO relate to complaints about vehicle use –score 1 –few or no complaints and the other is the character of the route being damaged by vehicular usage – score 1 –little or no effect.
- Accepting that the route should be protected, any measures have to be proportionate to the issues evidenced –there is evidence that parts are used by motor cycles and I've copied in both the Section Inspector and Safer Neighbourhood Team Sergeant so that the extent of any complaints/use can be assessed. The situation is that the same rural conditions which will limit any effective enforcement of this route also will limit the ability to monitor vehicle usage. The survey (2007) didn't indicate particular issues so the need to effectively monitor subsequent changes will be key to the consideration for any action.
- Based upon this information there is no clear evidence justifying the need to restrict vehicles along this section.
- I would question the justification for a TRO as stated above and the ability to achieve compliance on such a rural route will be difficult. The route is a cul de sac and the topography naturally limits the type of vehicle which can use it safely, however, a Prohibition of Driving (with exempted uses) would not introduce self –compliance without the support of physical measures and introducing such measures is impractical given the need for access by agricultural machinery, plus preventing use by motor cycles is virtually impossible- measures including gates may be circumnavigated by determined trail riders.
- Signs alone will not convey the message so there will be obvious enforcement implications for police where priority local policing commitments will result in little or no enforcement by police, so there can be no reliance on police resources to support a legal restriction of this nature.
- The survey report refers to the damage being done to the route, but any use not by drivers/riders connected with farms/other properties etc will be by the determined few who are not deterred by the condition of the route and the issues are, if there is now a need to protect the route, how can it be effectively protected?
- Any signing is unlikely to have any deterrent effect on regular 'leisure' users and without the fear of being caught detrimental any impact on the route will continue.
- The only effective solution if considered justified, is to erect a physical barrier on relevant sections to enable access only by 'essential users' –effectively this stops up the route/part of it whether on a temporary or permanent basis to allow the route section to recover. This has obviously implications but could be barrier controlled.
- This is a better option than any reliance on the ability to process non -exempted drivers/riders by introducing a signed only, TRO. Cost is always a prohibitive factor, but again, such action must be considered justified.
- The clear enforcement implications mean that on the evidence provided cannot support any legal restriction unless effective supportive means are associated with it and the reality is that signing only such a location will do little to address the situation.

**Monyash Parish Council** – The use of recreational vehicles should be restricted. The restriction should be done by a traffic regulation order. The use should be restricted to only landowners or users with the landowner's permission. Not able to comment on the other matters.

### **Peak District Local Access Forum –**

- Members of the LAF have previously surveyed and considered the Derby Lane route. The Vehicles Sub-group (predecessor of the Green Lanes Sub Group), surveyed it and met in

August 2010. Members unanimously recommended that no action be taken with this route unless illegal activity returns. Summarised issues as:

- 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 (or at least appeared to be in the absence of clarity).
- The Green Lanes Sub-group surveyed the route and met in August 2012 and February 2013. The group recommended that the line of the route be discussed with the farmer and Highway Authority and that the use and condition be monitored. Noted that the route is unmarked on OS Maps at its southern end and not signed on site causing confusion and occasional trespass. Also asked for clarification of its status which understand Derbyshire County Council after a report and evidence to its Committee consulted about it being modified by Order to a BOAT (Byway Open to All Traffic).
- DCC have advised that there have been several objections and the case is being referred to the Secretary of State for determination. The matter of determining of what rights are conferred by status of the way is clearly a critical first stage. LAF does not have any particular role in that since it will be determined in due course by due legal process. Some members think it is not appropriate to consider a TRO until this has been resolved. If the BOAT status is confirmed, there are boulders currently obstructing part of the route which we assume Derbyshire CC would require to be removed by the owners/tenant.
- A section of sealed surface gives way to open grassy fields. This inevitably raises questions of sustainability if vehicle usage is other than very light, drivers are careful, and use of heavy vehicles is limited, certainly in periods of bad weather. When visited, did not conclude a balance of what was sustainable had been lost at that time. There were some pinch points where the ground was steeper, and at some gates, but concluded that whilst the situation needs to be monitored there was not at that time sufficient cause for concern to recommend any restriction of what was deemed to be a legal right.
- In the event that it is determined there are vehicular rights upon the way, landscape and sustainability issues will become paramount, and the LAF will clearly have a role. The same would of course be the case if a clear landscape problem arose before determination of status. Most colleagues do not seem to be suggesting/ are not suggesting there is a problem at this time. That may be consequent upon the blocking of the way, which may be illegal.
- It would seem sensible at this stage to explore the scope for voluntary restraint on the part of MPV users in the event that a legal right of passage is established for them.
- In response to the questions; do not think at present the use of the route by recreational motor vehicles should be restricted by a Traffic Regulation Order, but as have previously advised monitoring and review should continue and now ask that voluntary restraint is discussed with users whilst the BOAT issue is being considered further..
- That as there is not a wear and tear problem at present and continued monitoring therefore seems appropriate. In relation to this particular route, there are do not appear to be major issues relating to disturbance and user conflict, the nature and condition of the route and its environmental sensitivity. Clearly if the BOAT status is confirmed and boulders removed, the situation may change as unrestricted vehicular use could cause damage to vegetation and conflict between users may be a problem. Consider that as it is not a significantly surfaced route and the current surface could be vulnerable.

#### **British Horse Society -**

- At present there is some evidence of use and damage by motorised vehicles: some sections of the walled length of the route are badly rutted, resulting in flooded areas. These rutted areas are expanding beyond the normal width of the farm track to the walled edges of the lane. The route is likely to become a BOAT when its status is finally determined next year. If this status is confirmed then use by recreational motor vehicles is certain to increase and when that happens the route's unsealed surfaces will be very vulnerable to further damage. This further damage will affect not only the walled sections but also the parts of the route which cross grass pasture towards the southeast.



- Surface damage to byways by recreational motorised vehicles is a serious problem for horse riders in the Peak District. Deep ruts in soft ground are hazardous for horses even at walking pace and they ruin the enjoyment of riders and the exercising of horses by making the byway wholly unsafe for trotting or cantering. At present, riders on Derby Lane have to take care to negotiate the existing rutted sections of walled lane but if the BOAT order is confirmed then it is likely that they will have to contend with deeper and more extensive ruts here as well as new ruts on the grassland sections of the route. Damage by vehicles to unsealed byway surfaces such as Derby Lane affects horses' safe going and wellbeing, and thereby adversely impacts on the capacity of the area to offer opportunities for public enjoyment and recreation.
- The use of the route by recreational motorised vehicles (especially groups of trail motorcycles) also has detrimental impacts on the safety of other users (riders, cyclists and walkers) and their experience of tranquillity and quiet enjoyment in the national park. The setting of Derby Lane is characterised by an open landscape of limestone grassland, typical of the White Peak, and motorcycle activity and noise is inevitably intrusive and disturbing in this context.
- Defra guidance says that Traffic Regulation Orders can be made to prevent problems happening, not just stop damage once it has occurred (source: DEFRA, "Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984").
- To conclude I submit that:
  - The use of this route by recreational motor vehicles should be restricted because of the need to protect Derby Lane from further damage, to resolve user conflict affecting safety and to preserve the amenity and environmental value of the area.
  - A TRO with the normal exemptions for land management and emergency vehicles is the only effective way of restricting use by recreational motor vehicles.
  - The restriction should apply to the full length of the unsealed section of the route and in both directions. A one-way system would encourage faster speeds by motorcyclists and thereby exacerbate safety hazards.
  - The restrictions should apply throughout the year. There is no evidence that a seasonal restriction would be sufficient to protect the track surface as wet conditions can occur in any season. In any case, issues of safety and amenity are not seasonal in nature.

**Ramblers' Association** – a TRO should be in place the whole length of Derby Lane from Summerhill Farm Grid Ref SK153656 to the junction with Long Rake Grid Ref SK167640 so as to retain the current surface and nature of the Lane. Certain that if it was opened to traffic it would soon deteriorate in such a way that very few users of the country side would find it passable.

**Natural England** - The track that you are concerned with is within the Peak District National Park and closely sited the Lathkill Dale SSSI. Would therefore welcome the restriction of recreational motorised vehicles in this environmentally sensitive area.

**Friends of the Peak District** - a permanent Traffic Regulation Order (TRO) restricting all recreational motor vehicle use on the lane is the most expedient method of protecting the environment and public amenity, and as a preventative measure to future damage.

- Derby Lane leaves the cul de sac at Summerhill Farm (off Rakes Road in Monyash) and follows a south easterly direction to join the minor road Long Rake (between Parsley Hay and Conksbury). It provides a good walking and horse riding route, with fine views across traditional White Peak landscapes, to visit Arbor Low (signposted along the way). The northern half of the route is a broad well-surfaced stony track with wide verges enclosed by stone walls and lined by substantial copses of mature trees. It appears well used by farm vehicles and stock.
- The southern section is a broad grassy lane with wide verges lying initially between stone walls, and then crossing green fields with no definitive route on the ground. At the gate into the fields road barriers have been erected, we understand, by the farmer to prevent repeated

destruction of the stone walls. The gate opening has been restricted by the placement of boulders. For a short distance either side of the gate the route passes through part of the Lathkill Dale SSSI, designated for its underground caves. On the southern section between walls, around the gate into the field, and at the climb out of the final dip near the tumulus there was evidence of motorcycle use which had churned the surface into ruts (visit 7<sup>th</sup> December 2015).

- DEFRA Guidance for National Park Authorities making TROs accompanies the 2007 regulations<sup>1</sup>. It identifies the eight grounds for making a TRO on a route, these include:
  - a) avoiding danger or the likelihood of danger;
  - b) preventing damage to a road;
  - c) facilitating the passage on the road (including pedestrian),
  - d) preventing use which is unsuitable having regard to the existing character of the road;
  - e) preserving the character of the road where it is specially suitable for use by persons on
  - f) horseback or on foot;
  - g) preserving or improving amenities of the area;
  - h) for air quality (section 87 of the Environment Act 1995),
  - i) conserving and enhancing the natural beauty of the area or of affording better opportunities
  - j) for public to enjoy the amenity of the area.
- Examining these grounds, a permanent TRO on all recreational vehicles would deliver grounds b, c, d, e, f and h.
- The major concern on Derby Lane is the potential for damage caused to the route and surrounding area where it ceases to be a robustly surfaced stone track. The gate into the fields prevents 4x4 vehicles using the route – only motorbikes can pass through (confirmed by vehicle logging). There was evidence of use by the latter with rutting and pooling of water on the southern half of the lane with a softer surface. As the lane is poorly defined between the gate and Long Rake all users take a wide path across the fields, creating ruts in the top soil which are detrimental to the local environment and landscape.
- A permanent TRO would prevent further and future damage to Derby Lane (thus meeting grounds (b) and (f)), and facilitate the use of the route by horses and pedestrians who would be hindered if the surface was to deteriorate (ground (c)). Allowing limited use of the route would, given the topography and the soft surface of the southern section of Derby Lane, continue the damage.
- Derby Lane is bounded on all sides by traditional White Peak and historic landscapes. It has an elevated location and offers extensive views over the plateau to the east and south. The area's quiet tranquil character is adversely affected by vehicles on it. A permanent restriction would remove vehicles that are unsuitable given the character of the route (ground (d)).
- A permanent TRO would deliver enhancement to the natural beauty of the National Park and afford better public enjoyment of the amenity of the area (ground (h)). A permanent TRO would also allow removal of the road barriers which provide a visual intrusion and harm the special qualities of the Park in this area. Given its compliance with six of the eight grounds for serving a permanent TRO on Derby Lane, believe the Authority should progress this option as a preventative measure.

**Peak and Derbyshire Vehicles User Group** - wish formally to object in principle to the proposal for a TRO of any kind on Derby Lane.

- This route has, for decades, been a non-classified highway and has recently been re-classified by DCC as a BOAT. The route has been illegally blocked with large boulders at the halfway point for over 2 years by Chatsworth Estates, to which DCC has turned a blind eye.
- It is a route of two halves. The western half is a well formed, wide track but subject to heavy agricultural use 7 days a week. The eastern half is less well defined, running through grazing pasture. The tenant farmer has complained about 'damage', particular in periods of wet weather, but he is quite happy to dump large loads of manure and semi-slurry in the field towards the eastern end of the lane, which spreads under the influence of inclement weather, thereby creating his own morass. Additionally, the vehicles and trailers employed by the

farmer to position the manure break up the surface of the pasture, and hence it is disingenuous to blame the occasional recreational user for all the damage at this point. Users are forced, under these circumstances, to deviate, as the law allows, to avoid the worst of what becomes a rather large obstruction. When the weather is dry, the line of the route through the pasture is quite capable of supporting the typical low levels of light recreational traffic.

- Derby Lane is a classic case of a route, which would benefit from the sort of voluntary restraint (VR), which the Authority has accepted for Minninglow Lane. Vehicle users have demonstrated their willingness to offer VR as a management tool and hence, feel this should be adopted for Derby Lane in line with the Authority's declared desire to find alternatives to expensive and draconian TROs.

**Peak and Northern Footpaths Society** – strongly supports the making of a permanent TRO to at all times prevent the use of the whole width of the route in both directions by all motorised vehicles, except for access to property. Strongly endorse PDGLA response.

### **Peak Horsepower**

- All motor vehicle traffic (other than for farm and emergency vehicle access) should be permanently prohibited from using Derby Lane at all times. Do not believe that there are any alternative, effective or enforceable means of preventing either the inevitable surface damage or the danger to horse riders which will arise with the increase in motor vehicle traffic which will occur if the route becomes a Byway Open to All Traffic, as seems likely.
- Believe that a number of the legal grounds on which PDNPA can make a TRO apply to Derby Lane
- TRO on safety grounds: - There are unsighted bends on the section of the route between Monyash and the boulders part way along which are preventing 4x4 use of part of the lane. The brow of a hill on this section is also unsighted. Motor bike riders currently use the route but have no means of knowing what is around the unsighted bends or over the brow of the hill, and due to their engine noise and use of helmets they cannot hear any warnings which horse riders may try to give. For these reasons there is a risk of collision on this part of the route between horses and fast moving motorised trail bikes.
- The top of this same section of the route is on soft ground and has deep vehicle ruts (see the photograph attached). Ruts put riders and their horses at risk as horses can easily trip and fall in them, particularly if they are frightened and try to whip round. Most horses are frightened by the sound of revving trail bike engines, particularly when the horse cannot see where the frightening noise is coming from. At present this section is wide enough for riders to avoid the ruts but we know from other routes on soft ground that regular use of Derby Lane by recreational motor vehicles will produce on this section of the route parallel sets of deep ruts right across the width of the route. This will present a risk to riders and eventually make the route impassable for horses.
- For the above reasons there is clear likelihood of danger to horse riders from motor vehicle use of the walled section of the route. The grounds for making a TRO pro prevent the likelihood of danger therefore apply.
- TRO on grounds of 'preventing damage to the road' - For nearly all its length, the surface of Derby Lane beyond the boulders is undamaged grassland. It is abundantly clear from what has happened to similar routes in the National Park that should there be any growth in recreational motor vehicles use of Derby Lane, the grass surface of this part of the route will be destroyed. Refer here to the damage to Minninglow, the Wetton route, Beeston Tor, Moscar Cross Road and the route which is now a footpath which links Jacob's Ladder in Stoney Middleton to Riley lane in Eyam. The surface of all these routes has been severely damaged by recreational vehicles.
- Strongly advise PDNPA to put a TRO on Derby Lane on the grounds of 'preventing damage to the road' in order to protect the grass surface from motor vehicle damage.

- 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 character of the road - The character of Derby Lane beyond the landowner's boulders is open, undamaged, limestone grassland. Use of the route by 4x4s and motor bikes is wholly unsuitable for such a route. As mentioned, the evidence from what has happened to similar routes is clear: the character of this part of Derby Lane will be destroyed if motor vehicles are free to use it. Urge PDNPA to cite 'preventing use by vehicular traffic of kind which is unsuitable for the character of the road' as one of the grounds for a TRO on the route.
- For preserving the character of the road where it is specially suitable for the use of persons on horseback or on foot - Derbyshire County Council's Rights of Way Improvement Plan confirms that Derbyshire has a much smaller network of bridleways than other parts of the country. Only 10% of the rights of way network in Derbyshire are bridleways compared with 17% nationally
- As a result of the shortage of bridleways, local riders everywhere in Derbyshire, including in the Peak Park, rely heavily for safe off-road riding on the category of ways which DCC calls Non-classified Highways (NCHs). Derby Lane, is one of the few remaining NCHs in the Peak Park which still has a decent surface for horses. It is therefore particularly valuable to riders, whose horses need to exercise and work at all paces. Only a good grassy surface allows a horse to be ridden beyond walk or trot. Nowadays, even most bridleways in the Peak District do not have such a surface. For this reason believe there is a strong case for a TRO on Derby Lane on the grounds that it is particularly suitable for persons on horseback.
- For preserving or improving the amenities of the area - Derby Lane is a valuable amenity for horse riders. Know from what has happened to very many other riding routes in the National Park that if the route becomes a BOAT used by recreational motor vehicles, rider access will be seriously compromised and the amenity afforded by the route, not just to riders but to residents, walkers and cyclists as well, will be degraded. Believe PDNPA should include 'preserving the amenities of the area' among the grounds it cites for a TRO.
- For the purposes of conserving or enhancing the natural beauty of the area, or affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area. This includes conserving its flora, fauna and geological and physiographical features - Overriding concern is safety and access for horse riders and these concerns form the basis of our response to this consultation, but also value highly the privilege of being able to live and ride amidst the beauties of the National Park. Support the making of a TRO on Derby Lane on the grounds of conserving and enhancing the natural beauty of the area.
- Derby Lane is part of an SSSI, a designation which gives the whole of the SSI area a degree of special importance. If the lane becomes a BOAT, which seems likely following the DCC determination and BOAT Order, only a TRO will be able to conserve the natural beauty and tranquillity of this part of the National Park and prevent the noise, intrusion, disturbance and damage which comes with use by recreational motor vehicles.
- The field patterns, enclosures, walls, flora and verges of Derby Lane are all part of the fabric of the National Park and its heritage. It is part of PDNPA's statutory duty to protect these features. Evidence from other routes used by recreational motor vehicles is that all these features on and alongside routes used by recreational motor vehicles become severely damaged. PDNPA should use 'conserving the natural beauty of the area' as one of the grounds for TRO on the lane .

#### **Peak District Green Lanes Alliance -**

- Believe that the PDNPA should introduce a Traffic Regulation Order (TRO) banning all classes of motor vehicles on Derby Lane from travelling in both directions for all days of the year (with the normal exemptions for emergency vehicles, agricultural vehicles etc.) The reasons that PDNPA should adopt this approach are given in our response. Have also detailed why other approaches would be unsuitable.

- Have given reasons why a pre-emptive TRO is desirable on a route that currently appears to be little affected by recreational motor vehicle use in our response. Believe that PDNPA should consider protecting routes before extensive damage, loss of amenity and user conflicts arise, rather than waiting for these and welcome the fact that PDNPA is considering such an approach.
- Use of the route - The route is used by walkers, cyclists, horse riders and recreational motor vehicle users. Barriers and boulders have been erected by the landowner at SK160646 which may prevent use of the route by 4x4s and quad bikes between that point and the minor road, Long Rake, at SK 167640. (Have been told that when the gate here was locked motor bikes damaged the walls to get through. The farmer has now strengthened these walls with metal barriers.) Note that PDNPA's vehicle logger data for February – May 2015 indicates that only motor cycles used the logged section.
- There is farm vehicle use of the route but appears to be mainly north of the barrier at SK 160646.
- Some cavers use the route and park on the surfaced section between Summerhill Farm and SK 160646 to access caves in the area.
- Status of the route - Derbyshire County Council (DCC) has carried out a DMMO determination on the length of route shown on the map accompanying the PDNPA Regulation 4 letter. They determined that the route should be a BOAT. It has not yet been added to the Definitive Map and Statement because objections have been received. However, the order should be referred to the Planning Inspectorate which will determine its status and line in 2016.
- SSSI – Lathkill Dale. The section between SK160646 and SK 162644 is within the Lathkill Dale SSSI. The designation of the Lathkill Dale SSSI mentions Carboniferous Limestone, wildlife habitats and geological interest.
- Condition of the route - The walled section from Summerhill Farm to SK 160646 is mostly surfaced but not sealed, wide and for the most part with reasonable sight lines although there are some blind spots on this section.
- The southern reaches of this section can be muddy with ruts associated with both farm vehicle use and recreational vehicle use. A farmer with premises on the lane reports that the damage on the route which leads to rutting and flooding never used to happen and is caused by recreational motor vehicle use. Walkers complain about the flooding to the farmer.
- A small length, just north of SK 160646 (which is included in the SSSI) is grassy and has extensive parallel ruts. The third edition of Dodd and Dodd "Peakland Roads and Trackways", (publication date 2000) page 65 contains a picture of this area before it became rutted.
- South east of SK160646 the route is unsealed and unsurfaced over pasture land until it joins the minor road known as Long Rake. In May 2015 there were one or two small patches of ruts. We saw tracks of motor cycles circling in a small area in May. There were more extensive signs of ruts in this grassy section in December 2015. This reflects the wetter and softer condition of the ground in December. However, the overall impression of this section is of a grassy route in generally good condition, probably due to the boulders referred to earlier.
- However PDNPA's conservation report (Appendix 1 of the Route Summary) describes (supported by a photo) ruts over a wide strip of land, up to 20 metres from the field wall in January 2013. The improvement of the surface since suggests that the positioning of the boulders has reduced recreational motor vehicle use and subsequent damage.
- Believe that if use increased again, especially if confirmed as a through BOAT route, this grassy section of Derby Lane would be vulnerable and could experience the type of damage described in Section 6.
- Reasons why we believe regulation of recreational motor vehicle use by a Traffic Regulation Order can be justified.
- Road Traffic Regulation Act 1984 Section 1 (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" - We have been told of conflicts experienced by one user between motor cycles and

walkers where motor bikes have come over the brow of the hill too fast and have skidded towards pedestrians as they braked.

- Farm animals being moved along Derby Lane have been spooked by motor cycles, when the latter have not slowed down.
- Horses are also frightened by revving motor cycle engines. They are also at risk at the blind spots mentioned in Section 4.
- Road Traffic Regulation Act 1984 Section 1 (b) for preventing damage to the road or to any building on or near the road - The DEFRA publication "Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984", page 4 states "Traffic Regulation Orders can be made to prevent problems happening, not just stop damage once it has occurred. A National Park Authority would need to demonstrate a reasonable risk that the situation it was intended to prevent would arise."
- Believe that an argument to support a pre-emptive TRO could and should be made by PDNPA in this case (and in other cases.)
- There are few "green lanes" which are unsealed and unsurfaced with a grass surface within the National Park. In most cases, the grassed lane only forms part of the route. Believe that it is important to protect these grassed routes before they become damaged.
- Have seen the ruts and damage caused to surface of a number of grassed lanes by recreational motor vehicle use. Examples are Minninglow Lane / Gallowlow Lane; Morton's field (the part of Riley Lane, Eyam which crosses a field – this section is now a footpath following a public inquiry but the damage was caused when it was classified as an ORPA); the ORPA from Manor House to the Manifold valley in Wetton and called Wetton by PDNPA in its list of priority routes; the ORPA from Beeston Tor Farm southwards towards Throwley Cottage in Waterhouses parish; and Moscar Cross Road in the winter of 2013.
- On Minninglow Lane and Moscar Cross Road in 2013, during the winter ruts extend across the whole available width of the route making it difficult for non vehicle users to use the route.
- The presence of ruts mean that users may divert onto adjacent farmland. However in some cases there is evidence that recreational motor vehicle users are or were driving on farmland when there is no apparent need (on Minninglow Lane, Brushfield and Sough Lane, Taddington for example.) We are aware of two instances where farmers have fenced off a route which was previously across open farmland to prevent such incursions: the eastern end of Minninglow Lane and Morton's Field. This fencing changes the character of the lane, reduces the area of cultivatable or grazing land and is expensive for farmers.
- Fencing has two additional consequences. It means that ruts are more likely to extend across the whole width of the "enclosed route" which makes the route more difficult for walkers, cyclists and horse riders to use.
- Secondly it increases the potential conflict between recreational motor vehicle users and non vehicle users as the latter have less space to get out of the way when they meet vehicles, particularly 4x4s and quad bikes which are wider. This problem is particularly acute for horse riders.
- Believe that this evidence from other routes; the ruts observed on Derby Lane in January 2013 and the seasonal deterioration observed in 2015 gives PDNPA clear grounds for a pre-emptive TRO to protect Derby Lane before serious damage occurs to the grassed section of the route.
- Road Traffic Regulation Act 1984 Section 1 (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 - the previous section sets out other reasons why it could be argued that part of Derby Lane is unsuitable for use by vehicular traffic.
- Derby Lane is an old established route. [http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash\\_tcm44-260999.pdf](http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash_tcm44-260999.pdf) summarises the historical evidence and the maps on which the route is shown in historic times. Parts of it were a public carriage road in the Monyash Enclosure Award of 1771. The evidence submitted to DCC by

local people when DCC carried out its DMMO determination is that there has been little use of the route by recreational motor vehicle users until recent times.

- Increased use is likely to change the character of the route especially over the grassed section (see the preceding section for the consequences of recreational vehicle use on other grassed routes).
- Historic routes are part of the Peak District landscape and should wherever possible be preserved in their current condition (if good or reasonable) rather than allowed to deteriorate.
- Road Traffic Regulation Act 1984 Section 1 (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 - Derby Lane is used by the High Peak Hunt several times a year. Local horse riders use it. The Peak District has a smaller network of bridleways than many other parts of the country (10% of the rights of way network compared to 17% nationally.) Therefore, local riders are dependent on ORPAs and BOATs (i.e. routes like Derby Lane.) The grassed section is particularly valuable as it allows horses to be ridden beyond a walk or trot. Horses need to exercise at all paces.
- For walkers, the lane crosses Monyash FP 18 which links with footpaths into Lathkill Dale. It can be used to make a number of circular walks centred on Monyash village.
- A walk using Derby Lane can be found at <http://www.peakdistrictonline.co.uk/hidden-lanes-from-monyash-walk-i3786.html>
- Derby Lane also provides a route which has been signed by PDNPA (mostly avoiding tarmac roads) from Monyash village to Arbor Low (an historic henge).
- Road Traffic Regulation Act 1984 Section 1 (f) for preserving or improving the amenities of the area through which the road runs and Section 22 (2) 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. - Because the reasons for supporting a TRO on these grounds are so similar we have dealt with these sections of legislation together in order to avoid excessive repetition.
- “Amenity and natural beauty” is a statutory term derived from Section 5(2) of the National Parks and Access to the Countryside Act 1949 (as amended and as informed by Sections 59 and 99 of the Natural Environment and Rural Communities Act 2006). These terms are discussed in detail in the DEFRA guidance “Public Rights of Way: Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984” pages 5, 6 and 7. We have used this information to guide our response in this section.
- Cultural Heritage Features - One of the special qualities of the Peak District National Park is the “Thousands of years of human influence which can be traced through the landscape.”
- The history of the route has been already mentioned
- Walled fields associated with enclosure of agricultural lands are typical of the White Peak. The field pattern for much of the route is likely to reflect medieval and eighteenth century enclosure in Monyash.
- Landscape Quality and Scenic quality - The route crosses the limestone part of the Peak District giving views into Cales Dale and more distant views of the White Peak. The landscape is typical of the farmed areas of the White Peak.
- “Walking Peakland Trackways” by Mike Cresswell describes the walled section of Derby Lane as “wide, running along the broad ridge, exciting and atmospheric, and with a view back to the right running down Lathkill Dale.”
- Tranquillity - “Opportunities to experience tranquillity and quiet enjoyment” are one of the special qualities of the National Park.
- Derby Lane is far from any major road routes and provides a quiet walk, cycle or ride in a landscape which is typical for the White Peak. However, this tranquillity can be destroyed by parties of motor cycles.
- Value of the route to non vehicle users as an amenity and for recreation - The value to horse riders and walkers has been detailed.
- Conflicts between farming activities and recreational motor vehicle use - Appreciate that these conflicts are not in themselves grounds for a TRO, other than disruption to the



movement of animals mentioned. However farmers are an essential part of the Peak District economy and also prevent the landscape returning to scrub (which is likely to happen if farming activities ceased in the White Peak.) The landscape associated with the White Peak is not natural but influenced by human activities – particularly farming. The majority of people would like this farmed landscape to be preserved as it contributes to the scenic quality and the sense of history and continuity in the landscape.

- The Deputy Land Agent for the Chatsworth Estate contacted DCC during the DMMO consultation on Derby Lane. “He stated that there is no evidence of the track ‘on the ground’ where it allegedly enters the final three fields before reaching Long Rake and that the lack of a metalled surface along this section means that it would be particularly liable to be damaged by recreational vehicles. The subsequent damage to the field caused by vehicles would, he said, inevitably lead to the Trustees’ farming tenant receiving financial penalties from the Rural Payments Agency.” [Source: [http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash\\_tcm44-260999.pdf](http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash_tcm44-260999.pdf)]
- This report also refers to stock escaping into Monyash village because gates were left open.
- Whilst not involving this particular route, the farmer on the route from Lathkill Dale to Meadow Grange Farm wrote to DCC as part of the DMMO determination on that route “He stated that recreational vehicle use of the claimed BOAT has caused a nuisance on the farm; in particular he referred to rutting caused to the unsurfaced ‘meadow’ section of the route which often makes it difficult and potentially dangerous to use a tractor. He also mentioned the disturbance to stock that vehicular use of that particular field can cause and to the fact that gates across the route are often left open.” [ Source: [http://www.derbyshire.gov.uk/images/2015-04-13%20BOAT%20Over%20Haddon\\_tcm44-262856.pdf](http://www.derbyshire.gov.uk/images/2015-04-13%20BOAT%20Over%20Haddon_tcm44-262856.pdf) ]
- Similar damage to meadow and pasture land and stock escaping because gates have been left open have occurred on Brushfield.
- These examples (and farmers feeling obliged to provide fencing) provide evidence for why farmers can be concerned about the use of recreational motor vehicles on their land and would like pre-emptive action to prevent problems before they occur.
- Believe that all the reasons given above support a pre-emptive TRO under the Road Traffic Regulation Act 1984
- Other Options Other than a Full TRO - have considered other possible options for managing recreational motor vehicle use on Derby Lane and have briefly given our reasons why they would be inadequate.
- Voluntary Restraint - Voluntary agreements suffer from the defect that many vehicle users are not members of recognised organisations; even members of these organisations may not abide by them; and the organisations themselves have no effective sanction over their members. There are no sanctions against users who deliberately ignore voluntary restraint. DEFRA recognises this in “Making the Best of Byways” December 2005 page 26 “Discussions with authorities when drafting this guide indicate that voluntary restraint is widely seen as ineffective in managing mechanically propelled vehicle use of byways.” However DEFRA goes on to conclude “Voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable but not where the prohibition of mechanically propelled vehicles is agreed to be necessary.”
- Experience of voluntary restraint on The Roych and Minninglow Lane (both in the Peak District National Park) suggests that the lack of sanctions results in a significant minority of recreational motor vehicle users ignoring the restraint. Have observed this behaviour mirrored in other areas of the country – both in National Parks and outside. Therefore would not advocate a voluntary agreement on Derby Lane.
- Partial Traffic Regulation Orders- By Class of user or width - 4x4s, being wider, make it harder for other users to pass them and cause more damage on soft ground. Motorcycles generally drive much faster than 4x4s, and often in larger groups. Excessive revving of their engines can cause wheel spin and on unconsolidated surfaces can throw-off large quantities



of earth, so the erosive effect may not be much less. The noise of motorcycles is more intrusive. Tranquillity is an important character of a National Park. Horses are frightened by the noise of motorcycles but not by the noise of 4x4s. Motorcycles are thus more likely to cause danger to horse riders.

- Seasonal Restriction - Generally seasonal restrictions are in the winter when other use is lower anyway. Seasonal TROs have been used by Highway Authorities in other parts of the country to protect unsealed and unsurfaced routes on heavy clay soils which are vulnerable to damage during wet weather. Increasingly, these HAs are having to extend these TROs to cover other periods at their discretion. Moreover seasonal restrictions do nothing to counter danger, loss of amenity etc. to other users when they are not operative.
- Time Restriction - Banning night time use, would not deal with the loss of amenity to other users during the day time when recreational use is greatest. Nor would it necessarily eliminate surface damage and the problems it causes to farmers. Do not believe a TRO applying at weekends only would be sufficient.
- One way system - Horse riders say that that one way systems increase the danger to them because vehicles, particularly motorcycles, may travel faster on a one way system. This additional speed is particularly dangerous where there are unsighted bends and brows of hills.
- A Permit System - A permit system would cause additional administration for PDNPA and could involve adding additional gates to the route (which would need permission from the Highway Authorities). Evidence received from contacts in the Lake District where the Lake District National Park use a permit system on one route, suggests that more vehicles use the route than have been authorised and that the code for the combination lock is passed between vehicle users. Therefore do not believe that a permit system would be effective.
- Alternative Routes for a Recreational Motor Vehicle Users if a Full TRO were imposed - An alternative route from Monyash village to the end of Derby Lane on Long Rake for vehicles is by minor roads known as The Rake and Long Rake. This alternative is longer but still allows users to see typical White Peak landscapes.
- The loss of amenity to recreational motor vehicle users if a TRO were imposed is outweighed by the gain in safety, amenity and opportunities for outdoor recreation for other users; and by the preservation of this historic route.

#### **Green Lanes Association -**

- Draw your attention to the straplines at the foot of your letter: "Working together for the Peak District National Park", and "Where beauty, vitality and discovery meet at the heart of the nation".
- This consultation is an opportunity for the Authority to genuinely "work together" with all legal users of Derby Lane, which is the old road to Derby, now designated by Derbyshire County Council as a Byway open to all Traffic.
- The old guide stoop on Derby Lane (now sadly abused by the landowner who uses it as a gatepost) denotes this unclassified county road as an important route. This road has (for longer than anyone can remember) been a route where beauty, vitality and discovery can meet, whether it be by persons on foot, by horse, carriage, or what used to be called the "horseless carriage" (what we now less romantically have to call an "MPV").
- Regrettably the landowner or farmer have illegally blocked the road with unsightly boulders such that neither horse-drawn carriages or horseless carriages can use the route, and it appears that your Authority has sided with the landowner (and various strident pressure groups) to close the lane to vehicles by any means.
- If you apply a permanent TRO many peoples' chance to experience discovery of the beauty and vitality of the Monyash countryside and scenery along Derby Lane will be lost to all except the most able bodied, as most disabled persons cannot afford (or even use) expensive "off-road" wheelchairs. This applies to my own father and mother (both disabled blue badge holders) - the only way they have of "discovering" the countryside is being driven in an MPV.

- A TRO against MPVs will not remove the damaging effects of the farmer's tractor and heavy agricultural machinery, which cause far more wear and tear on the lane than the occasional private MPV.
- Suggest that the Authority takes account of-
  - Their obligation to work together in a genuine manner with motoring user groups to find a solution to whatever their perceived problem may be;
  - Establish and publish the number of actual complaints received by the police or highway authority over the past 30 years about use of this lane by MPVs
  - The options for voluntary restraint by users (as on Minninglow Lane, where we were praised in writing by PDNPA for the effectiveness of VR in recent years)
  - The options for a seasonal TRO during wet weather or winter months, using the model recently proposed by LARA.
- Only when such limited options have been discussed in detail with users and tried (in accordance with the government's guide "Making the Best of Byways") should any more onerous removal of user rights be considered. The cost to the Authority of applying a legal TRO is considerable, particularly where it will be opposed by user groups, and GLASS's suggested options (a) to (c) above would be a far more cost effective method of route management in the first instance.

**Association of Peak Trail Riders** - do not believe a full traffic restriction order (TRO) is required on this right of way. Would however welcome an alternative method of management.

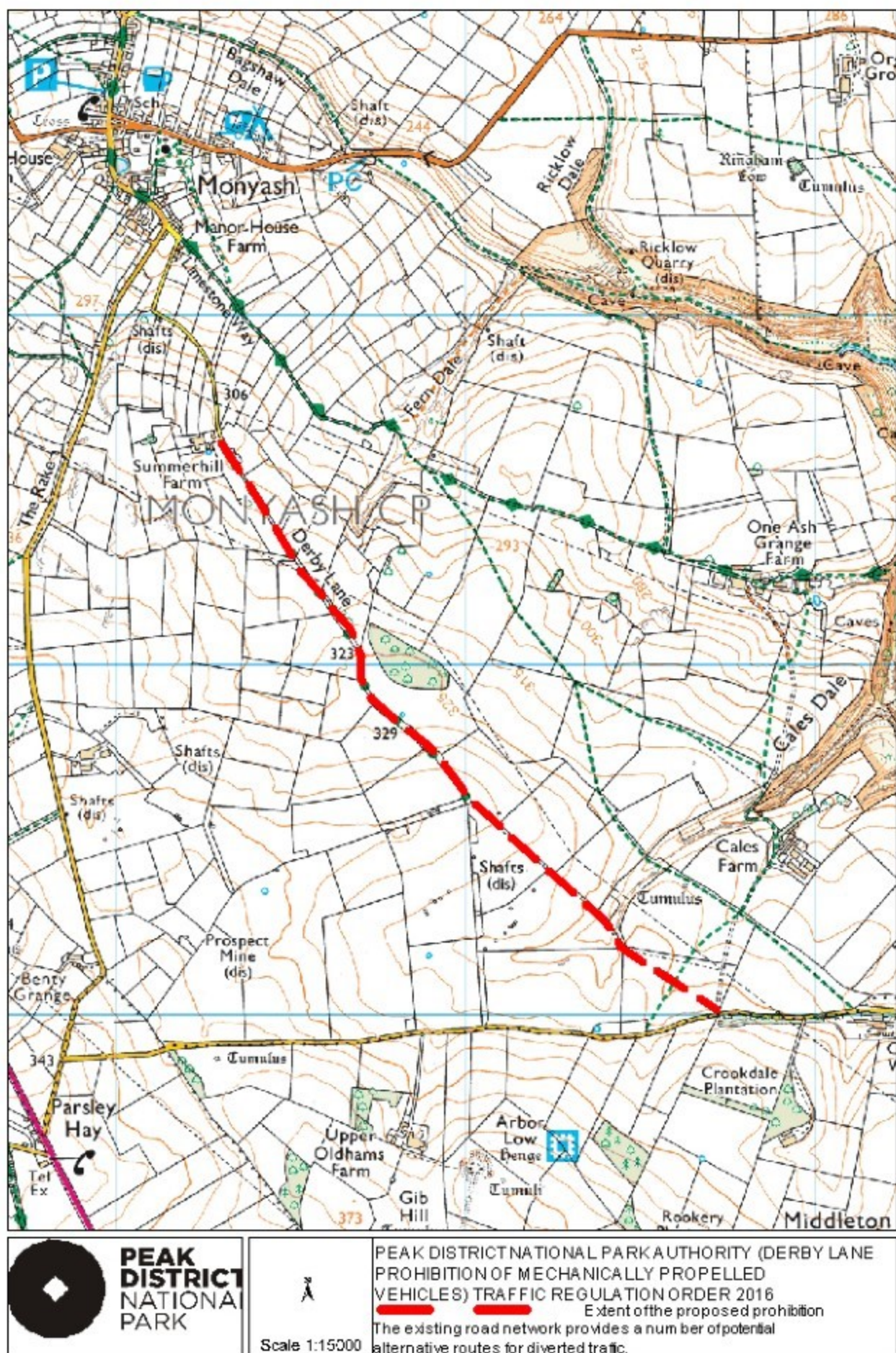
- Historic Vehicle use - are aware that this lane has been used for many years by recreational and farm motor vehicles. Our own investigation has alone revealed personal testimony evidence stretching back as far as the 1960s. With this in mind the expectation that evidence to support Derby lane has been used by vehicles for much longer leads us to include this lane as part of our historic heritage for motor vehicle use. In addition a substantial amount of motor historic vehicle user evidence is available upon request.
- Surface - Approaching Derby lane from Monyash . Mostly we know this lane to be a lime stone surface. We are aware this lane is used by large farm vehicles such as a tractors since the compacted tracks are wider than that of a motorcycle or a standard sized 4x4 type of vehicle. We have also witnessed this kind of vehicle present. A motorcycle would typically weigh around 105 to 130 kg. We would not expect any significant damage or compact to occur from a motorcycle during normal passage on this kind of surface. The final part of the lane runs into a field area.
- The surface of the field area is mud and grass. A recent visit to this area on Tuesday the 15th of December 2015 showed evidence of agricultural vehicle tracks from what we would believe to be a large wheeled tractor. On this particular day the weather conditions were wet and significant rainfall prior to that day made it unreasonable for us to proceed over this area by vehicle. We did however find evidence of agricultural vehicle tracks at this point. This was filmed and documented by the BBC news camera team who visited the site with us on this day. Whilst we would not envisage these tracks to be permanent, we recognise that a large amount of vehicle use on this area in certain weather conditions would be detrimental to this particular surface at this point of the route. We note that the majority of disturbance to the surface is mostly at gated sections of the route and that below this grass surface is a limestone base which has proved over the years to have help prevent very deep ruts from forming any deeper than approximately 100mm to 150mm. We would also like to add to this point that we would doubt any significant surface damage of this kind would occur in dry conditions.
- Impact on Wildlife - The lane has mostly dry stone walls either side with a low wild grown grass verge. We would not expect nesting birds or any special or rare species of animal or insect to nest or make home this environment in any significant numbers. We base this conclusion due to the low level of sustainable resources available to such creatures by the natural, and man made features of this lane.
- Conflict of use - We are not aware of any major issues of user conflict or disturbance to local residents in the immediate area. We would suggest signage showing the status and

permitted vehicles helps to make rights of way clear to all users and therefore can remove the basis for potential conflict.

- Local Business - Local businesses within this area that would be affected by a TRO of any kind would be the local Café known as the Old Smithy and the Bulls Head pub which both serve meals and drinks. We have spoken to both owners and they acknowledge the significance and contribution motorcycle trail riders give to their businesses and we have made them aware that any closure would most likely lead to the loss of this particular group of tourists to Monyash.
- Other local businesses that may be affected include any associated businesses in the Monyash or Bakewell area such as Melbourn and Easthope guest house and The Lathkill Hotel.
- Do not think this lane needs, or warrants a full traffic restriction order for the reasons we have set out. Would however welcome an alternative to this action by way of either voluntary or enforced agreement to restrict width and therefore the weight of a vehicle to reduce impact to the grass surface area. This would be our preferred method of management since any restriction would not affect farm vehicle access or the surface damage caused by such vehicles but would at least reduce impact from heavy recreational vehicles whilst allowing access for lighter vehicles such as motorcycles with a low surface impact.
- Should it be determined that some kind of TRO is required would prefer to explore a seasonal restriction instead. Take the view that this option may at least help limit the damage to local trade and may reasonably satisfy the needs of all groups and parties concerned.
- Eager to avoid the removal of yet another lane within the legal unsurfaced rights of way infrastructure for vehicles. Remain concerned at the reduction of available lanes which continues to adversely affect our local association of businesses within our area due to the reduction of trail riding tourists. Believe this reduction to be a direct consequence of the lack of available routes for recreational use for this group of users.
- The Association of Peak Trail Riders now has direct and immediate contact with the majority of local trail riders and trail guides. We are more than willing and would encourage any information to be given to us by PDNPA in order relay any request to avoid a particular lane in wet conditions. Would expect this approach to management of such lanes to have a positive response as would naturally expect most responsible trail riders to refrain from riding this, or any other sensitive lane in wet or snow conditions. Would therefore suggest that anyone using the lane inappropriately would be most likely be doing so with no regard for the countryside code of conduct or possibly even riding illegally or using an unlicensed vehicle. Therefore would conclude that any legal status or restriction would have little or no effect on these persons.

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### Grounds for making a Traffic Regulation Order

Under the Road Traffic Regulation Act 1984 (RTRA) as amended by the Natural Environment and Rural Communities Act 2006, a National Park Authority is able to make a TRO for any relevant road or part of a road where it appears to the Authority making the order 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) RTRA 1984)
- (b) for preventing damage to the road or to any building on or near the road (s1(1)(b) RTRA 1984)
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians) (s1(1)(c) RTRA 1984)
- (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) RTRA 1984)
- (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) RTRA 1984)
- (f) for preserving or improving the amenities of the area through which the road runs (s1(1)(f) RTRA 1984)
- (g) for any of the purposes specified in paragraphs (a) to (c) of sub-section (1) of section 87 of the Environment Act 1995 (air quality) (s1(1)(g) RTRA 1984)
- (h) 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. This includes conserving its flora, fauna and geological and physiographical features (s22(2) RTRA 1984).

A “relevant road” is any road which is within the National Park which is shown on a definitive map and statement as a byway open to all traffic (BOAT), a restricted byway, a bridleway or a footpath, or a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material.

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**DRAFT ORDER**

**PEAK DISTRICT NATIONAL PARK AUTHORITY  
(DERBY LANE PROHIBITION OF MECHANICALLY PROPELLED VEHICLES)  
TRAFFIC REGULATION ORDER 2016**

**ROAD TRAFFIC REGULATION ACT 1984 (as amended)**

The Peak District National Park Authority ("the Authority") in exercise of its powers under section 22BB(2)(a) of the Road Traffic Regulation Act 1984 ("the Act") and all other enabling powers and after consultation with the Highway Authority for the road specified below hereby makes the following Order:

1. In this Order "road" means any length of highway or any other road to which the public has access and includes footpaths, bridleways, restricted byways, byways open to all traffic, carriageways whose surface, or most of whose surface, does not consist of concrete, tarmacadam or coated roadstone and bridges over which a road passes.
2. Save as provided in article 4 of this Order no person shall cause or permit any mechanically propelled vehicle to proceed along the road specified in article 3 of this Order or any part thereof at any time after the date on which this Order comes into force.

**3. DERBY LANE**

The road known as Derby Lane being an unclassified road which commences from Summerhill Farm, Monyash, in the County of Derbyshire (grid reference SK 154 656), proceeds in a south easterly direction for a distance of 2000 metres or thereabouts and ends where it meets the Long Rake Road (grid reference SK 167 640).

4. Nothing in article 2 of this Order shall render it unlawful to cause or permit any mechanically propelled vehicle to proceed along the road specified in article 3 of this Order if the vehicle is being used:
  - a) by emergency services or by any local authority or statutory undertaker in pursuance of their statutory powers and duties
  - b) to enable work to be carried out in, on, under or adjacent to the road
  - c) for the purposes of agriculture or land management on any land or premises adjacent to that road
  - d) as a recognised invalid carriage as defined in the Use of Invalid Carriages on Highways Regulations 1988
  - e) upon the direction of or with the permission of a Police Constable in uniform
  - f) with the prior written permission of the Authority

5. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any Order or regulations made or having effect as if made under the Act or by or under any other enactment.

6. This Order comes into force on [ ] and may be cited as the Peak District National Park Authority (Derby Lane Prohibition of Mechanically Propelled Vehicles) Traffic Regulation Order 2016.

THE COMMON SEAL OF THE  
PEAK DISTRICT NATIONAL PARK  
AUTHORITY was hereby affixed  
On the..... day of.....2016

.....  
Authorised signatory

**DERBY LANE**  
**Statement of Reason for Proposed Traffic Regulation Order**  
**April 2016**

	<b>Background</b>
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 Derby Lane.
2.	The proposed order would be for the purposes of: <ul style="list-style-type: none"> <li>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</li> <li>preserving or improving the amenities of the area through which the road runs</li> <li>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.</li> </ul>
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 March 2016 Audit Resources Performance Committee <a href="http://www.peakdistrict.gov.uk/committees">www.peakdistrict.gov.uk/committees</a> .
	<b>The Route and Area</b>
5.	The route known as Derby Lane is an unclassified road which commences from Summerhill Farm, Monyash, in the County of Derbyshire (grid reference SK 154 656), proceeds in a south easterly direction for a distance of 2000 metres or thereabouts and ends where it meets the Long Rake Road (grid reference SK 167 640).
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. The landscape, ecological and geological interest in this area is of national importance and there are nearby cultural heritage features of national and local importance. The designated and undesignated assets all make a significant contribution to the character of the area.
7.	The route leads from Summerhill Farm passing along the limestone plateau above Lathkill Dale. There are extensive views from the route and it can be seen from Arbor Low prehistoric monument, approximately 700 metres away. For much of the route there is no surfaced track.
8.	The historic nature of the route and its setting in the landscape in addition to 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.

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.
	<b>Impacts</b>
10.	Management problems associated with this route include disturbance, user conflict, the nature and condition of the route and the environmental sensitivity of the route and area. Actions have included waymarking the route and logging vehicle use.
11.	In 2013 the agricultural tenant placed boulders part way along the route preventing it being used as a through route by 4-wheeled vehicles. The process of legal clarification of the status has not yet been concluded by Derbyshire County Council as the Highway Authority. Detailed route management information is available at <a href="http://www.peakdistrict.gov.uk/priorityroutes">www.peakdistrict.gov.uk/priorityroutes</a> .
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 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 is defining a route across the grassy trackless sections and is impacting on the special qualities of the area. Confirmation of the status of the route as a Byway Open to All Traffic would result in an increase by vehicle use over that presently taking place. 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.
	<b>Alternatives</b>
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 seasonal restriction could help in reducing the impact to times when ground conditions are anticipated to be more suitable but would not prevent impacts occasioned by periods of high rainfall and the grassy sections are more susceptible to damage.

18.	In view of the nature of the route and the sensitivity of the area, it is not considered that the impacts could be identified and adequately managed by a more selective TRO or other measures such as a scheme of voluntary restraint to a level which is acceptable. Such measures would also need to provide confidence in protecting interests of acknowledged importance which may not occur through recovery periods or measures to make the route more sustainable. A less restrictive option is therefore unlikely to achieve the outcome of sufficiently protecting the character of the route, and the natural beauty and amenity of the route and area.
	<b>Public Interest</b>
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, there are alternative routes on metalled roads in the area.
20.	Exceptions to the prohibition are proposed for: <ul style="list-style-type: none"> <li>a) use by emergency services or by any local authority or statutory undertakers in pursuance of their statutory powers and duties</li> <li>b) use to enable work to be carried out in, on, under or adjacent to the road</li> <li>c) use for the purposes of agriculture or land management on any land or premises adjacent to that road</li> <li>d) use by a recognised invalid carriage</li> <li>e) use upon the direction of or with the permission of a Police Constable in uniform</li> <li>f) use with the prior written permission of the Authority</li> </ul>
21.	On balance, it is considered that continued use and any increase in use by mechanically propelled vehicles on this route would have an adverse impact on the ecological/geological, archaeological and landscape interests, the natural beauty, amenity and recreational value of the area, and the special characteristics of the route.
	<b>Consultation Comments</b>
22.	This statement accompanies the proposed order, notice of proposals and map showing the extent of the proposed restrictions. These may be viewed at <a href="http://www.peakdistrict.gov.uk/consultations">www.peakdistrict.gov.uk/consultations</a> 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 10 June 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 – Derby Lane – Vehicle Use

### **Status**

The route is an unsurfaced Unclassified Road (UCR). An order for BOAT status was made by Derbyshire County Council in April 2015. An objection has been received and the matter will be determined by the Planning Inspectorate in due course.

### **Highway Authority Records**

- 1) Definitive Map and Statement (DMS) - 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 as a publically maintainable highway.

### **Private Use**

Sections of the route are used for access to premises and land.

### **Vehicle Logging Data**

2007: 4-wheeled – average of 0.8 per day  
2-wheeled – average of 5.9 per day  
2015: 4-wheeled – Nil  
2-wheeled – average of 3.6 per day

### **Access**

Boulders are in place which limit the width of vehicles using the route as a through-route.

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## Appendix 2 – Derby Lane – Conservation Interest

### **Ecological/Geological Interest**

The route runs through a part of Lathkill Dale SSSI (approximately 480 m in total) and lies adjacent to another part of the SSSI at Cales Dale. This latter section also forms Section 3 Limestone Dale/Natural Zone

The SSSI was designated for its limestone woodland, grassland, lichens and invertebrates and for the limestone geology and caves. The underground interest above which the route passes contains features of cave passage morphology, sediment sequences and cave formations.

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.

### **Archaeological Interest**

The route passes through a range of Historic Landscape Character areas including medieval, land enclosed in mid 19 century and common land.

The lane comprises a section of the old road from Derby to Manchester and has a record of a post medieval guidestone.

Adjacent to the route is a long barrow and a high priority lead mining site.

Part of the significance of the nationally designated Arbor Low prehistoric monument is the landscape to the north which forms part of its territory and the setting for the monument.

### **Landscape Interest**

The route lies within the White Peak Landscape Character Area (LCA) and abuts an area of 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 White Peak LCA is to protect and manage the distinctive and valued historic character of the settled, agricultural landscapes, whilst seeking opportunities to enhance the wild character and diversity of remoter areas. The route is within the Limestone and Limestone Plateau Pastures Landscape Character Types within the White Peak LCA.



### Appendix 3 – Derby Lane – Natural Beauty and Recreation

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

#### Natural beauty

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

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

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

- Panoramic and far reaching views along the route
- Contrast between farmland and limestone dale

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

- Sense of remoteness away from village and mineral processing at either end of the route
- Farm buildings only settlements

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

- Adjacent to Natural Zone/section 3 limestone dale
- Mineral processing

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

- Features of cave passage morphology, sediment sequences and cave formations
- Limestone dale karst and grassland

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

- Medieval strip field enclosures
- Post medieval guidestone on former road from Derby to Manchester
- Arbor Low prehistoric monument
- Nearby long barrow
- Nearby high priority lead mining site

**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:

- 'An Old Way from Derby to Manchester' (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
- Village access
- Good footpath links and access to area of open countryside and the Limestone Way

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

- Access to delicate and scientifically important cave sediments and formations
- Historic track
- Lead mining landscape
- 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 and B&B accommodation
- Scope for a variety of walks
- A means of access for activities in the area including caving

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

- Retention of grassland and other repairs to the route in sympathy with the area
- Restrictions to recreational motorised vehicle users

#### Appendix 4 – Derby Lane – Impacts of Mechanically Propelled Vehicles

Ecological/Geological Impacts	Possible Mitigation
<p><b>Loss of vegetation adjacent to the route</b> Part of the route runs through grassland and is undefined on the ground. Vehicle use, agricultural and recreational, spreads over a wide area and follows two alternative routes resulting in a net loss of vegetation.</p>	<ul style="list-style-type: none"> <li>• Surfacing of the route to accommodate motorised vehicle use would change the character of the route and further reduce the amount of vegetation and could also result in further impact on the ecology and geology of the area.</li> <li>• Waymarking to delineate the legal line of the route once resolved.</li> <li>• Liaison with PDNPA Ecologist and Natural England over vulnerability, sensitivity and capacity issues.</li> </ul>
<p><b>Damage to the drainage and surfacing of the route</b> The use over time by vehicles damages the grass surface of the route and affects drainage and surface run-off.</p>	<ul style="list-style-type: none"> <li>• Limit the use of the route to maintain its trackless nature. Consider appropriateness of surfacing with respect to designations and character of the area.</li> <li>• Surfacing of the route to accommodate motorised vehicle use would change the character of the route and result in changes to run-off which could also further impact on the ecology and geology of the area.</li> <li>• Liaison with Highway Authority, PDNPA Ecologist and Natural England over maintenance and impacts.</li> <li>• Voluntary code of conduct (do not use roads which may be seriously damaged by wheel pressure, do not travel on green roads where they risk being damaged beyond a point of natural recovery, do not use roads that are too narrow for your vehicle.) has been unsuccessful in preventing damage.</li> </ul>
<p><b>Noise and disturbance impact on wildlife</b> Disturbance to nesting birds where susceptible.</p>	<ul style="list-style-type: none"> <li>• Liaison with Natural England and PDNPA Ecologist over vulnerability, sensitivity and capacity issues.</li> <li>• Voluntary code of conduct (effective silencing, ride quietly) has been unsuccessful in preventing disturbance.</li> </ul>

Ecological/Geological Impacts	Possible Mitigation
<b>Effect on cave sediments and features</b> Potential for run-off and pollution affecting the designated underground interest.	<ul style="list-style-type: none"> <li>Liaison with Natural England and PDNPA Ecologist over vulnerability, sensitivity and capacity issues.</li> </ul>
Archaeological Impacts	Possible Mitigation
<b>Impact on heritage assets and their settings and therefore the significance of nationally designated and currently undesignated heritage assets</b> Intrusiveness of vehicles has an impact on the setting of features. Evidence of passage, 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.	<ul style="list-style-type: none"> <li>Level and timing of use being monitored. Liaise with PDNPA's Cultural Heritage Team and Historic England over vulnerability, sensitivity and capacity issues.</li> </ul>
Landscape and Visual Impacts	Possible Mitigation
<b>Visual impact of vehicle movement in the landscape over a wide area</b> The impact from the passage of vehicles during the day or night is affected by the open nature of the landscape and the level of use of the route.	<ul style="list-style-type: none"> <li>Level and timing of use being monitored.</li> </ul>
<b>Wheel ruts and damage to character of the route</b> Evidence of the passage of vehicles is seen by the development of wheel ruts and on and adjacent to the route.	<ul style="list-style-type: none"> <li>Maintain the route. Consider appropriateness of repairs with respect to designations and character of the area. Liaison with Highway Authority and PDNPA Ecologist.</li> <li>Existing voluntary code of conduct (do not use roads which may be seriously damaged by wheel pressure, do not travel on green roads where they risk being damaged beyond a point of natural recovery) has been unsuccessful in preventing disturbance.</li> </ul>

Social Impacts	Possible Mitigation
<b>Deterrence of use by non-MPV users from presence or anticipation of vehicles</b> Disturbance from vehicles	<ul style="list-style-type: none"> <li>• Signage indicating the range of classes of users</li> <li>• Voluntary code of conduct (limit to group sizes and maximum speed limits) can be unsuccessful in preventing disturbance</li> </ul>
<b>Noise impact on people</b> Disturbance from vehicles on users of the route and nearby properties.	<ul style="list-style-type: none"> <li>• Voluntary code of conduct (travel at a quiet and unobtrusive pace in small groups) not always applied</li> </ul>

### Appendix 5 – Derby Lane – 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 features; pastoral landscape with extensive views, limestone dale and karst	Ecological/geological – 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, mineral processing at Long Rake is screened by a tree belt	Visual – presence and evidence of use Noise – transient but 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; 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 the settings of features
Trees, woodlands, hedgerows, stone walls, field barns and other landscape features	Range of landscape features	
Opportunities to experience tranquility and quiet enjoyment	Freedom to explore away from sources of noise at either end of the route	Noise - transient but over a wide area. Conflict with other users
Opportunities to experience dark skies	No significant light sources away from the village, farms and mineral processing activity	Night driving
Opportunities for outdoor recreation and	Recreational pursuits of quality and challenge	Conflict with other users

adventure		
<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	The route runs through Entry Level Stewardship	Impact on agricultural access and land management.
The special value attached to the National Park by surrounding urban communities	Nearby communities and links to the town of Matlock.	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 from the limestone plateau	
Sense of place	Far reaching views from the limestone plateau	Visual – presence and evidence of use Noise - transient but over a wide area

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S 122 of the Road Traffic Regulation Act 1984

(1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland the road].

(2) The matters referred to in subsection (1) above as being specified in this subsection are

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);]
- (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) any other matters appearing to . . . the local authority . . . to be relevant.

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**PEAK DISTRICT NATIONAL PARK AUTHORITY  
(DERBY LANE PROHIBITION OF MECHANICALLY PROPELLED VEHICLES)  
TRAFFIC REGULATION ORDER 2016**

**ROAD TRAFFIC REGULATION ACT 1984 (as amended)**

1. **NOTICE** is hereby given that the Peak District National Park Authority ("the Authority") in exercise of its powers under s.22BB (2)(a) of the Road Traffic Regulation Act 1984 ("the Act") for the purposes of:

- i) 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 (s.1(1)(d))
- ii) preserving or improving the amenities of the area through which the road runs (s.1(1)(f))
- iii) 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 (s.22(2))

is proposing to make a Traffic Regulation Order the effect of which will be to prohibit access at any time by mechanically propelled vehicles to the road more particularly described in paragraph 2.

**2. DERBY LANE**

The road known as Derby Lane being an unclassified road which commences from Summerhill Farm, Monyash, in the County of Derbyshire (grid reference SK 154 656), proceeds in a south easterly direction for a distance of 2000 metres or thereabouts and ends where it meets the Long Rake Road (grid reference SK 167 640).

3. Exemptions will be provided in the Order in relation to:

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

4. A copy of this Notice together with a copy of the proposed Order, statement explaining the reasons for the Order and a map showing the extent of the restrictions may be viewed at [www.peakdistrict.gov.uk/consultations](http://www.peakdistrict.gov.uk/consultations) and at the Authority's Office 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).

5. If any person wishes to make any objections or other comments relating to the proposed Order they must do so in writing via [www.peakdistrict.gov.uk/consultations](http://www.peakdistrict.gov.uk/consultations), or to The Rights of Way Team at the Authority's address in paragraph 4, stating their reasons, by no later than 5pm on 10 June 2016.

Dated: 20 April 2016

Andrea G. McCaskie, Head of Law  
Peak District National Park Authority  
Aldern House, Baslow Road  
Bakewell, Derbyshire DE45 1AE

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## Washgate - List of Organisations and Bodies Consulted – November 2015 & May 2016

<b>Person</b>		<b>Cases in which consultation is required</b>	<b>Reg 4 Response</b>	<b>Reg 7 Response</b>
1	The highway authority for the area in which the road is situated. • Derbyshire County Council	In all cases	No reply	Received
2	The appropriate Crown authority	Where the proposed order relates to or appears to the National Park authority to be likely to affect traffic on a Crown road.	Not consulted	Not consulted
3	The fire and rescue authority for the area in which the road is situated. • Derbyshire Fire & Rescue	Where it appears to the National Park authority that the order is likely to affect the passage on any road of fire fighting vehicles.	No reply	No reply
4	The NHS trust or NHS foundation trust providing an emergency ambulance service for the area in which the road is situated. • Derby & Derbyshire NHS	Where it appears to the National Park authority that the order is likely to affect the passage on any road of ambulances.	No reply	No reply
5	The chief officer of police for the area in which the road is situated. • Derbyshire Constabulary	In all cases	Received	Received
6	The parish or town council for the area in which the road is situated. • Monyash Parish Council	In all cases	Received	Received
7	Any local access forum for the area in which the road is situated. • Peak District Local Access Forum	In all cases	Received	Received
8	Auto Cycle Union	In all cases	No reply	No reply
9	British Driving Society	In all cases	No reply	No reply
10	British Horse Society	In all cases	Received	Received
11	Byways and Bridleways Trust	In all cases	No reply	No reply
12	Open Spaces Society	In all cases	No reply	No reply
13	Ramblers' Association	In all cases	Received	No reply
14	Cycling UK	In all cases	No reply	No reply
15	Land Access and Recreation Association	In all cases	No reply	No reply
16	Natural England	Where the order relates to a road which is within or partly within an SSSI.	Received	No reply
17	Campaign to Protect Rural England (Friends of the Peak District)	In all cases	Received	Received
18	National Farmers Union	In all cases	No reply	No reply
19	Country Land and Business Association	In all cases	No reply	No reply
20	Council (Campaign) for National Parks	In all cases	No reply	No reply

	<b>Person</b>	<b>Cases in which consultation is required</b>	<b>Reg 4 Response</b>	<b>Reg 7 Response</b>
21	<p>Such other body representing persons that the National Park authority considers are likely to be affected by any provision in the order</p> <ul style="list-style-type: none"> <li>• Peak and Derbyshire Vehicles User Group</li> <li>• Peak Rights of Way Initiative</li> <li>• Trail Riders Fellowship</li> <li>• Peak and Northern Footpaths Society</li> <li>• Peak Horsepower</li> <li>• Peak District Green Lanes Alliance</li> <li>• Green Lane Association</li> <li>• Disabled Off Road Association</li> <li>• Association of Peak Trail Riders</li> <li>• Historic England</li> </ul>	In all cases which the National Park authority considers appropriate	<p>Received</p> <p>No reply</p> <p>No reply</p> <p>Received</p> <p>Received</p> <p>Received</p> <p>Received</p> <p>Received</p> <p>No reply</p> <p>Received</p> <p>-</p>	<p>No reply</p> <p>No reply</p> <p>Received</p> <p>Received</p> <p>Received</p> <p>Received</p> <p>Received</p> <p>No reply</p> <p>No reply</p> <p>No reply</p> <p>Received</p>

Consultations addressed to a local representative for the area where notified to the NPA for this purpose.

## Derby Lane – Summary of Regulation 7 Consultation Responses – Organisations

### Statutory Consultees

**Derbyshire County Council** – providing comment in remit as a Traffic and Safety Officer of the Highway Authority, Derbyshire County Council. Assume that colleagues in Maintenance and Rights of Way will provide separate comment from each of their points of view. No objection in principle to a TRO prohibiting vehicular access to Derby Lane. In terms of signing a restriction such as this, signs to diagram 619 of the Traffic Signs Regulations and General Directions 2016 would be required to give rise to the restriction. It would also be advisable to have signs in advance of the start of the restriction at the Monyash end of the restriction to advise motorists and to deter them from driving to the start point of the restriction where turning manoeuvres will then have to be carried out. Would be happy to advise on the use of highway signage should the TRO progress to be made.

**Derbyshire Constabulary** - There has been consultation with the local policing section following your earlier e-mail this year. To some extent the nature of the route has a deterrent element, but continuing use and deterioration have necessitated further consideration by PDNPA, following the initial consultation. Compliance will not be achieved by signs alone, but appreciate the difficulties in installing necessary physical supporting measures given the need for legitimate access by wider vehicles and the costs involved. Practically it's very difficult to address the likely enforcement implications in this situation and compliance on other routes where similar restrictions are in place will be a key factor in determining the need for supporting measures either at the outset or following monitoring. It's difficult to support such a restriction without effective measures supporting it and can only emphasise that there should be no reliance on any routine policing presence to support this restriction and other operational demands mean such enforcement cannot be a policing priority.

**Monyash Parish Council** - the previous representation regarding the proposal to make Derby Lane subject to a TRO has not changed. The use of recreational vehicles should be restricted, restriction should be done by TRO, use should be restricted to only landowners or users with landowner's permission.

**Peak District Local Access Forum** – a Green Lanes Sub Group meeting on 28th April included a visit to and walk along Derby Lane, following a report to the March meeting of the Audit Resources and Performance Committee where letter of 20 December, 2015 was referred to. The Forum is a statutory body of volunteer members, appointed jointly by the Peak District National Park Authority and Derbyshire County Council (DCC) under the provisions of the Countryside and Rights of Way Act ,2000. It covers the National Park area and the countryside of north-west Derbyshire around Buxton, New Mills and Glossop. Role is to advise both the authorities on the improvement of public access and opportunities for the purpose of open-air recreation and enjoyment of the area. Believe that present a balanced view based on members knowledge of the area and surveys of routes. Also had from DCC a copy of the BOAT Order and plan. Noted from DCC's report on routes to the meeting, that there had been one objection to the BOAT Order. Gather that the Planning Inspectorate (PINS) will deal with this by written representations. In addition to the above clarification of the BOAT issue, received observations from Richard Entwistle and Sue Weatherley for consideration. Sub Group members present noted the following points:

- The route is about 2.1 km long from Summerhill Farm (Monyash) to meet the Long Rake road at the access to Cales Farm.
- Condition varies according to season and weather conditions. Yesterday, the route was much better than on previous visits. Yesterday in late April, the route benefitted from a fairly dry spell.
- It appeared that the positioning of boulders (done by the owner in 2013) part way along the route which effectively excludes 4 WD's. That could change if the BOAT is confirmed and DCC requires the rocks to be removed.
- Richard Pett reported about 40/50 motor bikes using the route monthly - 3 motor cyclists rode through while we were there.
- Committee paper notes say 2-wheeled usage in 2015 and 2016 to date was 1 per day.

- There was evidence of impact of agricultural vehicles and trail bikes (not severe, but motor cyclists ride over a wide area – see width description in the BOAT Order).
- The width issue is significant and is not problematic for trail bikes, albeit a bit more concentrated in some sections.
- The farmer/owner should be consulted about speed of use by bikes.
- In the field at the south western end of the route the right of way is not used by motor bikes or horse riders as a better way used by agricultural vehicles for management is followed.
- We felt if the boulders were removed, the route was most likely to be used by 4WD's and would not be sustainable. A permanent TRO would be related to the need to preserve the character of the route, conserve natural beauty and enjoyment amenity.
- However, a seasonal (winter) restriction by Seasonal TRO, which would cover the legal width, would be sufficient for motor bikes subject to definition of the Season and monitoring.
- Any TRO should be monitored and kept under review re usage and effects.
- The responses received varied and there did not seem to be is a consensus on recommended action. After consultation with Chair, agreed to put down the options which have been suggested and ask for members views before a final reply is sent. Agree that the surface is much better than in recent years and think this is because of the restriction created by the boulders at the gate. If the route is used as at present, ie only 2 wheeled vehicles taking their own line across the field with the dip in it and then following the line of the farm vehicles in the field next to the road, think the route should be sustainable in dry weather; if use is concentrated on the "true line" of the route things may be different. The majority of members do not feel the route is suitable for 4x4's, but some see restricting the use of 4 wheel drive vehicles as being a huge loss of amenity, others feel the possibility of damage to an SSSI should be a significant factor in the decision to be made. There is a lovely picture in "Peakland Roads and Trackways" that shows it in a totally unspoilt state, full of wildflowers. A horse riding colleague does not there being a conflict of use between vehicle and equestrian use as the route is little used by horses. This is because it ends up on a road which is narrow and twisting and heavily used by large quarry lorries.
- Subject to PDLAF members views in response to draft , options below were responded to: Option 1 (6 in favour), Option 2 (8 in favour), leaving 8 not responding with 2 being Peak District NPA & Derbyshire CC members who normally abstain anyway on these issues. 1. Given the BOAT Order, monitor and review before taking further action (6 in favour), or 2. Impose a Traffic Regulation Order (TRO) on 4 WD's at all times and a Seasonal (winter - 1st November - 31 March suggested) TRO restriction on use by motor cycles. Again monitoring is essential to see how effective this is and whether the route is sustainable.(8 in favour).
- There is some concern about the idea of a pre-emptive TRO in case damage occurs. Have been monitoring use of Green Lanes by vehicles for years now and have built up some experience. This leads the majority to conclude that o actually know that unrestricted use of routes that go over fields with no surface or specific used line do deteriorate and once this has happened the damage is permanent. This has happened on Minninglow Lane and is happening on the track at Wetton to name just two. Also know that once damage has happened there is very little that can be done in practical terms to ameliorate this without changing the nature of the route.
- Sustainability is the key word. Spend a lot of time looking at specific routes and see the results of unsustainable use. Trying to work out what level of use is sustainable before damage occurs is difficult, albeit an aspiration. The suggestion of a seasonal TRO with appropriate monitoring might be the best can do to try and achieve this on Derby Lane.
- On the other hand, the views of some of those members who are not supportive of a permanent TRO are set out in Annex A and should be considered. If the status is amended to a BOAT, some members feel it does seem extremely harsh to default straight to a TRO prior to monitoring. Clearly if the BOAT status is confirmed and boulders removed, the situation may change as unrestricted vehicular use could cause damage to vegetation and conflict between users may be a problem. Consider that as it is not a significantly surfaced route and the current surface could be vulnerable.
- It would be helpful to look at the approach by the authority to its Strategy for Managing Recreational Motor Vehicles approved in February, 2012 (attached) in such cases please - perhaps through the Sub Group initially.



**British Horse Society (Derbyshire)** – wish previous comments to stand and do not have anything to add to them.

**Friends of the Peak District** – welcome the consultation on making a permanent Traffic Regulation Order (TRO) restricting all recreational motor vehicle use on Derby Lane. Have no further evidence to add to letter of 19 December 2015 in response to the consultation under Regulation 4 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007. Fully support the making of a permanent TRO as described in the notice of the proposal, as this is the most expedient method of protecting the environment and public amenity, and as a preventative measure to future damage, of the lane.

**Peak and Northern Footpaths Society** – strongly supports the making of a TRO as described in the consultation documents. Agree with all the reasons for making the TRO described in the documents and are very pleased that the PDNPA is taking this step.

**Peak Horse Power** – a Bridleways Group affiliated to the British Horse Society. Have over 300 individual members and many bridleway groups and riding clubs in and adjacent to the Peak District are affiliated to us (Dark Peak Bridleways Group, Hope Valley Riding Club, Chapel and District Riding Club, MADBAG, SPEED and the recently formed and Barlow-based Access4riders. The total number of riders now represent is approaching 1,000. Took part in the Regulation 4 consultation on the proposed TRO for Derby Lane. Position remains the same, ie Peak Horsepower believes that all motor vehicle traffic (other than for farm and emergency vehicle access) should be permanently prohibited from using Derby Lane at all times. Do not believe that there are any alternative, effective or enforceable means of preventing either the inevitable surface damage or the danger to horse riders which will arise with the increase in motor vehicle traffic which will occur if the route becomes a Byway Open to All Traffic.

- Preventing damage to the road - have noted and welcome PDNPA's willingness to use 'to prevent damage to the road' as one of the grounds for a TRO on Derby Lane. The section of the route beyond the boulders currently preventing use of the lane by 4x4s is grassland. There is clear evidence from the damage which has been done to the routes at Minninglow, Beeston Tor, Wetton and Moscar Cross of what will happen to this section of Derby Lane if there is any significant level of motor vehicle use. Derby Lane is one of the dwindling number of long grassy tracks in the National Park where riders can exercise their horses beyond walk or trot. Riders have already lost the use of many routes in the national park because of surface damage from motor bikes and 4x4s. Do not want to lose use of Derby Lane as well.
- Preserving amenity and natural beauty - value highly the beauty and amenity afforded to riders by the National Park and fully support a full TRO on Derby Lane 'for preserving or improving the amenities of the area' and 'for the purposes of conserving or enhancing the natural beauty of the area'.
- Unsuitable for the character of the road - There is overwhelming evidence in the National Park already that use of a route by motor vehicles is unsuitable wherever the surface is grass, turf or moorland. Would therefore like to see Peak District National Park Authority use 'unsuitable for the character of the road' as a further grounds for a TRO on Derby Lane.
- Avoiding danger - would also like to see 'avoiding danger to persons or other traffic using the road or any other road, or for preventing the likelihood of such danger arising' used as grounds for the TRO. Believe that this applies to the walled section of the route prior to the boulders. This section is already badly rutted and damaged and is a hazard for horses. The same section also has a blind summit which is dangerous as it means motor bike riders, who often drive too fast for safety, do not know what lies ahead of them.

**Peak District Green Lanes Alliance** – supports the proposed TRO. Have no additions to make to our earlier submission about Derby Lane.

**Trail Riders Fellowship** – object to the proposed TRO, to the extent that it restricts motorcycle access, on the following grounds:

- Motorcycle access to Derby Lane is a traditional and established pastime that forms part of the heritage of the Peak District area. The activity of motorcycling on green roads brings amenity benefits to all users, including pedestrians, equestrians and cyclists that gladly share Derby Lane with TRF members. The TRO as proposed will reduce amenity for all users by confining motorcycle access to the illegal and irresponsible user.
- The heritage of Derby Lane includes physical evidence of the passing of a wide variety of vehicular traffic, including motorcycles which have been in common use in the Peak District for over a century. Seeking to eliminate that physical evidence also seeks to eliminate the heritage of the road. Retaining an element of legal motorcycle access will have the effect of preserving the amenity, natural beauty and heritage of the road.
- Derby Lane is a road and not a nature reserve. Derby Lane exists primarily to accommodate traffic. The amenity of the road is primarily as an artificial line of communication that is constructed and intended to accommodate the passage of a wide variety of traffic, including motorised vehicles. TRO powers are not available to convert roads into nature reserves. The appropriate power to achieve this would be a stopping up order. Pedestrians, horses, agricultural traffic and bicycles and motorcycles “damage” the grassy surface of the road. This is ordinary and sustainable wear and tear that is intrinsic to the character of the road. The grassy road surface is meant to accommodate traffic. The proposal does not comprehend the purpose of the road or the roads’ surface.
- The reasoning of “quiet enjoyment” relied upon does not mean silent enjoyment. Neither does it mean a degree of quietness unknown to the road in living memory. Motorcyclists have been avid users of green roads in the Peak District for over a century. Motorcycling did not arrive on Derby Lane after the Peak District became a National Park. The TRO report evidences a decrease in motorcycle traffic, which is at a very low level of 3.6 per day. Motorcycles were in greater common use in the years before the Peak District National Park came into being. The likelihood of encountering a motorcycle on Derby Lane is now much reduced since the 1940’s and 1950’s. “Quiet enjoyment” entails enjoying an amenity as you acquire it. The Derby Lane acquired by the National Park in 1949 was most likely to be less quiet than it is now. Modern motorcycles have better silencing than older models. Four wheeled traffic is excluded from the road both motorised and non-motorised, both types are noisy. Noisy pedestrian, equestrian and cycle traffic is encouraged away from the road onto promoted trails, to the effect that it concentrates their impact on those promoted trails and thus saves the remainder of the countryside. Responsible motorcycle use is “quiet enjoyment”, having been an established component of road traffic in the park pre-dating WW1. The reasoning based on “quiet enjoyment” departs from the sensible and adopts an extremist interpretation that is based on silent enjoyment.
- The reasoning misinterprets government guidance: “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).” The guidance does not say that recreational vehicle use is inappropriate and incompatible with the National Park purposes. The guidance refers to levels of use in the context that some levels of use will be inappropriate and incompatible with National Park purposes. The guidance does not require or encourage a total ban on all levels of motorcycle use. Neither does it preclude the fact that motorcycle use on green roads is a traditional fabric of the countryside, especially in the Peak District. It is clear that the guidance allows for the adoption of sensible and proportionate management based on the principles of conservation, as opposed to constraining the Authority to adopt an extremist approach based on principles of preservation that would result in the road losing its rich heritage of motorcycling and all the associated benefits that contribute to National Park purposes
- Inadequate exploration of the effects of displacement of traffic and of disruption to the strategic cohesion of the green road network. The proposed TRO forms part of a package of TRO’s being put forward by PDNPA. To date the Authority has opted for the most draconian restriction for all TRO’s imposed thus far. It appears that the Authority intends to pursue this approach and in doing so will introduce a package of TRO’s that will have a negative effect on national park purposes that is far greater than the sum of the individual orders. By failing to consider the effect of the package of TRO’s, or indeed conduct a consultation on the strategic package of TRO’s, the Authority is failing to adequately consider the impact on National Park purposes and duties to secure access to green roads.

- Inadequate exploration of alternatives. The preliminary consultation process was inadequate to the extent that TRF were not provided with sufficient information to make an informed response. Regrettably, now arrive at this stage with the Authority very much having railroaded itself into making a nonsensical TRO. TRF requests that the Authority carefully consider an alternative to the extreme approach of a total ban on motorcycles. TRF proposes that an exemption is made to allow motorcycle traffic on the road when it is as part of an event, organised by TRF, under the provisions of regulation 5 of the motor vehicles (competitions and trials) regulations 1969. This would introduce a significant and robust regulation of motorcycle traffic on the road, whilst also conserving the traditional amenity of the road. The volume of motorcycle use would be regulated as would the use of the road in sensitive hours. The pressure groups that seek to deny access assert that they do not wish to attack organised motoring events. TRF seeks an exemption for organised events only.

**Green Lane Association** - draw your attention to the strapline at the foot of your official letters: "Working together for the Peak District National Park". This consultation is an opportunity for the Authority to genuinely "work together" with vehicular users of Derby Lane, which is the old road from Monyash to Derby, now determined by Derbyshire County Council as a Byway open to all Traffic.

- The old 1709 guide stoop on Derby Lane (repositioned by the farmer or landowner, who now uses it as a makeshift gatepost) denoted this road as an important public carriageway. This road has (for longer than anyone can remember) been a route used by persons on foot, by horse, carriage, and what used to be called the "horseless carriage" (what we now have to call an "MPV"). In modern terms, this is a typical byway open to all traffic. This then, is the character of the route – it was a road used for commerce and agriculture, as well as for general traffic such as mail coaches and people going to and from work. It was never intended purely for ramblers.
- Regrettably the current landowner or farmer has illegally blocked the road with unsightly boulders such that not even horse-drawn carriages can use the route, and it appears that DCC have colluded with this. Now your Authority has sided with the landowner (and various anti-motorist pressure groups) to close the route to vehicles by use of your power to TRO.
- If you apply a permanent full time TRO, many peoples' chance to experience the beauty and vitality of the Monyash countryside and scenery along Derby Lane will be lost to all except the most able bodied, as most disabled persons cannot afford (or even use) expensive "off-road" wheelchairs. The only way most disabled users have of "discovering" the countryside is being driven in an MPV.
- A full TRO against MPVs will not remove the damaging effects of the farmer's tractor and heavy agricultural machinery, which cause far more wear and tear than the occasional private MPV.
- We would like to suggest that the Authority considers the following: a) In view of the recent BOAT order, delay a full TRO decision and review the sustainability of the route after a period of summer use; b) Work together in a genuine manner with motoring user groups to find a solution to any remaining issues; c) Consider a seasonal TRO if necessary during the winter months, using the model recently proposed by LARA. Only when such options have been tried (in accordance with the government's guide "Making the Best of Byways") should a permanent removal of user rights be considered.

**Historic England** - supportive of regulatory moves to protect the natural beauty and amenity of the White Peak in particular as historic landscape setting to the various scheduled monuments in vicinity including Arbor Low henge, Cales Dale medieval settlement.

#### Other Organisations

**Derbyshire Caving Association** - objection is to the closure of that section of Derby Lane between Summerhill Farm and the entrance to Water Icicle Close Caverns, as this section is used by visiting cavers on a regular basis. As well as its use for purposes of recreation, the cave system is of considerable scientific interest and is still being explored and researched. The Association hopes due consideration will be given to the counter proposals it has set out in its Objection document.

These proposals are intended as a viable resolution of the conflict of interests where Derby Lane is concerned.

- Current use of Derby Lane - At present the lane is used by (1) farm vehicles to access adjacent fields, (2) cavers' vehicles travelling from Monyash to access Water Icicle Close Caverns (entrance shaft located at SK1610 6460), and (3) vehicles using it as a byway linking Monyash with the Long Rake road and vice versa. From Summerhill Farm the lane is separated from fields on both sides by drystone walls as far as SK1600 6460, where it appears to stop at a wall crossing the lane at right angles. This point is where cavers normally park their vehicles whilst visiting Water Icicle Close Caverns. Beyond this point the lane's course SE is not clearly defined either on the ground or on OS maps.
- State of Derby Lane - For a distance of a kilometre or so SE from Summerhill Farm the lane remains relatively narrow and tolerably surfaced between drystone walls. After that the walls widen out and the precise course of the lane becomes problematic. The uneven nature of the ground, combined with the absence of a clearly defined and properly maintained surface, has led to the creation of a series of deep ruts across the width of the lane as far as SK 16006460. Here a farm gate in the wall opening into the next field SE has been partially blocked by several large boulders, and crash barriers have been erected on the south side presumably to protect the wall from being rammed.
- Importance of Water Icicle Close Caverns & Access to Them - This cave system is known to pre-date the present deeply incised valley of the nearby River Lathkill. As such it attracts regular visits from cave scientists as well as from groups of cave explorers, some of whom are in the process of extending buried / blocked sections known to exist of the ancient cave network. The equipment needed for this work is best offloaded from vehicles driven to the point where Derby Lane lies closest to the cave entrance, viz. SK1600 6460. This is also the most sensible rendezvous point for rescue vehicles should there be a callout to the cave.
- A Counter Proposal for Derby Lane - 1. That the lane remain open to vehicular traffic as far as SK 1600 6460 but be closed between this point and the Long Rake road. Such a step would cut off use of the lane by through traffic as well as enable cavers to continue to park their vehicles in close proximity to Water Icicle Close Caverns instead of parking them outside Summerhill Farm and thereby obstructing farm traffic. 2. That the lane be suitably surfaced and its course more clearly defined as far as SK 1600 6460. This would allow damaged sections to recover and would render the lane's use less attractive to any drivers keen to adopt the lane's wider section as an obstacle course for offroaders.

**Manchester 17 Motorcycle Club** - Formally object to your proposed closure of Derby Lane, Monyash, by imposing a Traffic Regulation Order to cover all recreational motorised vehicles. The route is ridden regularly by motorcyclists enjoying a tranquil ride in the countryside. The vehicle tracking details show very little daily use and even as a general annual figure it is insufficient to warrant the implications of your report which are grossly inflated, misleading; biased and displaying a total contempt to the minority motorised user group. Know from experience that the minor wear or compression from a lightweight motorcycle to the grassland on the day of use recovers very quickly, indeed quicker than that from the much heavier and aggressive agricultural equipment that uses the route. It should be noted that 4X4 and carriage use has been illegally restricted since the autumn of 2013. The wider tracks visible now must only be as a result of farming activities plus the natural footprints caused by heavy livestock that has been kept and grazed on the fields located between the two operational farm gates. Summary of Grounds for Objection:

- Statement Of Reason; Sect. 6; - A) you state that there are habitats of national importance but just as in your Washgate submission you do not state; what they are; exactly where they are nor why they are important; B) the northern route section is hidden from wide angle views as it passes between the tree lined and stone wall enclosures, looking at the limited views north from the southern section one can not trace where motorcycles have traversed the field edges; (C) what can be seen is the area around the drinking trough where beasts have trodden in the wet ground. The only wheel tracks visible are from agricultural vehicles since recreational 4X4 vehicles have illegally been blocked from using the route since autumn 2013; D) your report goes on to state that there are interests of natural importance but do not state your perception as to how our limited activities have any direct detrimental effect; E) the adjacent footpaths are

far more clearly visible where they diagonally cross the final field whereas motorcyclists stay parallel and close to the east west stone wall

- Sect. 7 - the 'panoramic' views of the route are greatly over stated as the route runs adjacent to a field boundary wall. Have visited Arbor Low to look towards Derby Lane and the route taken by motorcycles is barely perceptible as minor indentations only if you study rather than view the route, unlike the barren soil typical of the many footpaths in the adjacent areas throughout the PDNP
- Sect. 8 – A) part of the natural and cultural heritage is the fact that the route has its very history and nature from industrial use as part of the saltway, well documented in such reference books as Dodd & Dodd. The directional stoop stone was erected and declares the route to be a highway under an Act of Parliament; B) the Peak District has a vast array of peaceful and tranquil experiences and so a few occasional motorcycles using Derby Lane such is not going to destroy that
- Sect. 9 - Refers to Appendices to which will refer later.
- Sect. 10 – A) you state disturbance but do not clarify who or what is disturbed and by what method. I actually by chance met the resident farmer on the day that he was fitting his new large gate and he told me that he had no objection to motorcyclists using the route. He stated that his problems came from a few irresponsible 4X4 users causing damage to the wet ground in a dip adjacent to the lower field gate in the winter of 2012; B) you make a bland over stated and unsupported statement of user conflict but know of no such conflict over the past 43 years of my personal use. Indeed have had many pleasant chats with other users, being able to pass on local knowledge of the history of the route and how it links to other locations. Have searched published Parish Records and can find no reports of concern over disputes nor any reports of misbehaviour being reported to the Police; C) you make reference to way marking but you have only two small way marker discs on show, if signage were improved then users would know what to expect in the way of sharing; d) the historical stoop stone has been removed from its correct location, it now serves as a partially hidden gate post, incorrectly aligned and inappropriately positioned. You make no reference to the historical deformation that has taken place in moving the stone. The route currently indicated by the stone is incorrect and barred by a fastened gate plus non legal sign indicating no public access. If you were truly concerned about historical content then you would be taking steps to enforce the user to reinstate the stone to its correct location and alignment. Refer you to the book Guide Stoops Of Derbyshire, written by Howard Smith, published by the Horizon Press, ISBN 978-1-84306-426-8
- Sect. 11 – A) in 2013 boulders were illegally placed blocking the gateway by the tenant farmer upon instructions from the Chatsworth Estate. The stones were moved very slightly but only after intervention by DCC, the Highway Authority, following complaints raised by PDVUG. Perhaps it is time that the PDNPA took a stronger role in protecting the rights of folk to use routes rather than trying to remove such rights, especially as a constant attack upon one minority group; B) your statement is incorrect and positively misleading because you know that the legal clarification of status has been concluded by Highway Authority as it has designated the route as having BOAT status; C) your own two paltry way marker disk signs state that the route is a "Public Road"; D) your ARP meeting knew of the status sought by DCC and blatantly agreed to organise "a pre-emptive strike" to introduce a TRO. Listen to your own audio recording and you shall hear this total and blatant abuse of Powers displaying contempt and prejudged outcome to a minority user group.
- Sect. 12 – A) the maintenance required for motorcycle use is minimal when bearing in mind the financial costs incurred to repairing other footpaths and bridleways, as an example please look to the works undertaken to footpaths in the parish of Edale as just one example; B) the suggested anticipation of the meeting with vehicles is exaggerated beyond comprehension, take a physical look at the width of the fields and tracks; C) improved signage would emphasise that the route has vehicular access; d) The recreational motorcyclists use a relatively narrow band of track and in close proximity to the side of which are designated footpaths, which are never violated by motorcyclists; E) fail to understand how a legal route, used by a very limited volume of motor cycles (your vehicle logging system refers) detracts from the focus of using the route by other users; F) any noise pollution is more likely to come from industrial and agricultural vehicles

travelling along Long Rake and not from the minuscule number of motorcyclists using the route, again in accordance to your own logging figures

- Sect. 13 – A) your statement regarding adversely affecting use is again total negatively inspired discriminatory propaganda; B) ‘beauty’ is in the eye of the beholder and you have recorded that motorised users do value the beauty of the Peak District, if we did not then we would not wish to continue to use such few routes
- Sect. 14 – A) by what measure can the use of 3.5 motorcycles per day be considered visually and aurally intrusive; b) The route taken by motorcyclists is not impacting on the special qualities of the area in any way, bear in mind that only part of the route crosses two fields which are used for stock and that the route taken in the third field is following the route of the agricultural vehicles along the northern field edge. The footpath crosses the final field diagonally and that can be seen more clearly without studying the area for markings; C) your statement that confirmation of the status of the route as a BOAT will increase vehicle use is nothing but hysterical propaganda. The confirmation will have no effect on the possible increased use. Far more importantly is the PDNPA’s indecent removal of legal vehicular rights which will increase traffic on other routes because there PDNPA removes routes without considering the knock on effect of the matrix; D) your reference to Government guidance is taken out of context and used in a discriminatory manner
- Sect. 15 - Refers to Appendices to which I will refer later.
- Alternatives - Sect. 16 – A) the width restriction is totally appropriate in comparison to the overall width of the lane; B) if the PDNPA is so concerned about numbers then limit the route to motorcycle use for a two year period to monitor use and then review the situation with PDVUG; TRF and LARA; C) the overall number of motorcycles is minuscule, your own logging statistics refers, 4X4 vehicles are currently illegally barred from connecting and using the lower section; D) there has never been nor currently exists any conflict other than in the mindset of a relatively small number distractors of your own Council Members. I have already referred you to the Parish Council Minutes and Police records
- Sect. 17 – A) the route has been used by motorcyclists over the past winter periods and there is no discernible wear; B) however take a look at the wear caused by the cattle accessing the area adjacent to the water trough where the ground is naturally wet, plus look to where the slurry that runs down the hill from the waste product pile deposited by the farmer in the southern field; C) motorcyclists would gladly assist the farmer/PDNPA and/or DCC to install drainage along those wet areas; D) to great positive effect over the past winter months recreational motorists introduced their own unilaterally imposed Voluntary Restraint on two other distinct areas of the Peak Park whilst the ground was particularly wet; E) recreational motorists would be prepared to consider such again in the future plus to include Derby Lane and to monitor the situation as part of a constructive process towards a consensus solution to the PDNPA’s perceived problems
- Sect. 18 – A) the PDNPA has never tried nor encouraged other measures of control on this individual route; B) again the PDNPA has shown that it prejudices the outcome of alternative maintenance methods
- Public Interest - Sec. 19 – A) the nominal volume of users on this highway is so small that there is no need for further restrictions other perhaps than vehicle width or weight during winter months or times of extreme unseasonal wet weather; B) upon what specifics are the values placed upon the route by motorcyclist any less than those other users? C) you say that there are alternative routes for vehicles but the whole point is to value the characteristics of this specific route, the other user groups have far more choice with alternative routes; D) if one were to study the local OS maps there are a multitude of alternative routes for other user groups in the immediate vicinity of the route; E) if motorcycle riders wished to use the alternative routes then they would ride alternative vehicles but they exercise their right to choose lightweight motorcycles designed and maintained for use on such routes as this; F) the volume of motorcyclists using the route, either daily or annually, is as previously stated minuscule in comparison to the number of other recreational users in the Peak District at any given time frame yet their use is neither discouraged nor prevented; G) the possible wear to the ground caused by one daily vehicular inspection by the farmer far negates any minor use by a few motorcyclists; H) the statement regarding the use of alternative routes on metalled roads is

ludicrous and does not even warrant our contempt, enough to say that alternative selected footpaths are available for all who do not wish to share this route

- Sec. 20 – A) an exemption to become sub section ‘g’ should be recorded that the route could have a weight; width; and/or number of wheels restriction; B) there is a multitude of options open to be tested and monitored
- Sect. 21 - there is no balance of consideration otherwise given to recreational motorists using a legal highway and therefore to have their rights so severely restricted yet again this is nothing short of wanton discrimination
- Appendix 1 – Status - Derbyshire CC has decided the route as a BOAT, an objection has been received but there has been at least one serious challenge to that objection
- Highway Authority Records – A) the legal status should be confirmed by the simple fact that DCC has investigated the status and applied for BOAT; B) the legal status is clear from historical evidence such as Tithe records; C) the legal status is clear from presumptive use, for the writer this has been since 1973; D) the legal status is clear if you were to more closely study the various historical references such as Dodd & Dodd plus other published reference books and maps; E) the Peak National Park way marker disks confirm status as a “Public Road”
- Vehicle Logging Data - your figures show that only a very small number of motorcycles use the route and that the numbers have declined
- Access – A) you fail to mention that the boulders that are in place are in fact an illegal obstruction by the land owner; B) you fail to mention that the land owner has refused to obey the Highway Authority to remove those obstructions; C) you fail to mention that the historical stoop stone has illegally been moved and realigned
- Vehicle logging – A) the recorded nominal vehicle use is minimal especial in reflection to the footfall; B) please clarify why the intervening years are not stated; C) please clarify your proposed monitoring for current and future use
- Appendix 2 - Conservation Interest - Ecological Interest – A) a SSI cannot be applied to the ‘right of way’ such as the physical impact on the ground; B) the route only abuts it does not cross any SSI, which must be to the side of the route; C) a route should be measured between the enclosing walls and physical barriers; D) the use of vehicles, recreational or otherwise, along the route will not interfere with the underground features, especially by a few lightweight motorcycles compared to heavy agricultural equipment or passage of heavy beasts
- Archaeological Interest – A) the historical archaeological guide stoop stone has been illegally moved from its original location and alignment, a point that you fail to mention nor make any attempts to rectify; B) there is no impact in any way to the mining site by use by lightweight motorcycles
- Landscape Interest – A) the area has clearly been defined by the industrial, trading, commercial use of the route and the farming influence of mankind; B) the strategy must have due regard to historical use and diversity whilst managing recreation, this must include historical motor vehicle use; C) use of the route has no detrimental impact upon any of the points that you have raised
- Appendix 3 - Natural Beauty and Recreation - Natural beauty - the route and its features does not detract from the beauty of the environment but actually are the intrinsic to that beauty
- Scenic quality - this is not compromised by the route nor by its use
- Relative wildness - remains totally intact
- Intrusiveness/tranquillity – A) motorcycles and their riders are not viewed as a threat by wildlife, totally unlike the disturbance caused by ramblers; B) the recorded figures of use shows that very few motorcyclists use the route
- Natural heritage features - there is no adverse impact to these factors by the limited use by motorcyclists
- Cultural heritage features - there is no adverse impact to these factors by the limited use by motorcyclists
- Association - there is no adverse impact to these factors by the limited use by motorcyclists
- Recreation - there is no adverse impact to these factors by the limited use by motorcyclists
- Presence - there is no adverse impact to these factors by the limited use by motorcyclists
- Range of outdoor recreational experiences - there is no adverse impact to these factors by the limited use by motorcyclists

- Scope for management of recreation to enhance recreational opportunities or protect conservation – A) fail to understand why there needs to be any restrictions to recreational motorcyclists on this route; B) fail to understand why you have not suggested alternative strategies to land management, despite numerous options having repeatedly been put forward to you by PDVUG; TRF and LARA
- Appendix 4 - Impacts of Mechanically Propelled Vehicles - Ecological Impacts - Loss of vegetation – A) the route has not had its character changed by the use of motor vehicles, unlike the constant widening and repair work undertaken to many footpaths; B) although it is clear that agricultural vehicles have been driven over a wider area it is just as would be expected for a working farm; C) improved signage and marking would assist to ensure that folk stay to a single acknowledged route, motorcyclists do stay close to the field wall and out of respect to the farmer they do not cross the end field diagonally as is the case with walkers following their footpath; D) by all means conduct liaison with other specialists but include PDVUG; LARA and the TRF to help formulate any consensus modification to use
- Damage to the drainage – A) yet another totally inaccurate leading statement, the wet areas are; adjacent to the water trough where the ground is trampled by cattle and at the base of the final southern field gate largely due to the natural contour of the land; B) to our knowledge neither the Highway Authority nor the PDNPA has undertaken any maintenance to the route in the past 40 years; C) the limited use by a few motorcycles over the past winter has left no discernible impact upon designation nor caused any negative change of character; D) recreational motorists have repeatedly offered various Voluntary Restraint options on this and all of the other lanes but the PDNPA take no lead direction nor encouragement
- Noise and disturbance – A) as in the above section this is a totally inaccurate leading statement, as a member of both the RSPB and WWT can state that motorcyclists have not caused any disturbance to nesting birds; B) unlike ramblers and mountain bikers motorcyclists have far less impact upon bird behaviour as motorcyclists are not seen as a threat; C) all recreational motorcycles are road legal in respect of efficient silencing; MOT; insurance; driver licensing; etc, if non appropriate or illegal vehicles use the route then such should be the concern of the Police and would receive our fullest support; D) ramblers cause far greater disturbance to birds; E) dog walkers allowing their pets to run free off lead to toilet in the area along the route could cause serious potential health hazards to children, livestock and the environment
- Ecological/Geological impacts - another spurious claim as the underground interests are concentrated far below the surface and well away from the route taken by recreational motorists
- Archaeological Impacts – A) the only negative impact on historical signage has been the illegal movement of the stoop stone, which the PDNPA has clearly ignored for many years; B) are we to see the PDNPA instruct landowners to replace stoop stones to their correct locations and alignment; C) the illegal and inappropriate methods used for blocking the route have been totally ignored by the PDNPA
- Impact on heritage asset - totally incomprehensible, there has been no adverse impact
- Landscape and Visual Impacts - Visual impact of vehicle movements – A) vehicles have every right to use the area whether it be day time or night time; B) motorcyclists very rarely ride such routes at night, although late evening might be a possibility; C) far greater light pollution would be likely from head torches worn by ramblers or mountain bikers
- Wheel ruts and damage to character – A) wheel ruts would be typical for heavier farm vehicles and not motorcycles; B) motorcycles do not create wheel ruts, especially when travelling on bedrock; C) there are no wheel ruts nor to the best of our knowledge have there ever been any on the specific route other than those occasioned by agricultural vehicles; D) there is no current damage since recreational 4X4 vehicles have not used the route (refer to your own logging figures)
- Social impacts - Deterrence of use by non-MPV users – A) concur that appropriate signage is required and have repeatedly requested such on all of the routes under question; B) concur that your current signage is inadequate for the location; C) Manchester 17, PDVUG; LARA and the TRF, have on numerous occasions offered to part and match fund costing of appropriate signage of routes in the Peak District National Park but you have repeatedly rejected such; D) have offered to voluntarily assist with or to erect signage but that has been repeatedly rejected too; E) refute that voluntary codes have not worked, the TRF; ACU; LARA and Manchester 17



MCC codes of conduct are upheld; F) your vehicle logging records show a daily visit of numbers far less than the normal code figures that we suggest even as a single group

- Noise impact on people – A) concur that appropriate noise silencing is required and have already explained our approach to such; B) if there should be inappropriate noise levels then that should be a matter for the Police and not the PDNPA nor the Highway Authorities; C) will gladly continue to support such action by the Police against inappropriate use by such motorists
- Appendix 5 - Special qualities - Natural beauty – A) the location has been produced and induced by agricultural and industrial processes; B) drainage and erosion are natural processes managed by intervention for society's own purposes; C) evidence of use is far more clearly seen on the adjacent footpaths of the immediate area; D) evidence of usage by ramblers using the adjacent routes are far more intrusive to the eye than a few motorcycle tyre tracks hidden between vegetation and the boundary walls; E) the maintenance of footpaths and bridleways incur far more expense than the unsurfaced routes, jointly used by recreational motorists; ramblers; mountain bikers and horse riders
- Sense of wilderness - the presence and evidence of use by a greater number of other users, e.g. ramblers, in bright clothing; chatting; playing of music; bicycles; even agricultural vehicles and their processes are far more intrusive to the location than that induced by an average of less than four motorcycles per day
- Clean earth, air and water – A) the natural pollution resulting from animal waste is far greater than a few motorcycles passing by; B) the exhaust pollution by most motorcycles in a day's use will be less than that produced by the volume of ramblers who have been driving into the Peak District
- Importance of wildlife – A) motorcyclists cause less damage to the environment and are less of a threat to wildlife than any of the other human leisure activities; B) to the best of our knowledge there are no protected habitats; C) far more likely disturbance from ramblers
- Thousands of years of human influence – A) recreational motorised users will have no negative effect upon such ideals; B) time for the PDNPA to have historic features reinstated as mentioned previously
- Trees, woodlands, hedgerows etc - there is no damage sustained to the features unlike the patchwork scars of footpaths
- Opportunities to experience tranquility – A) noise is a fact of all human endeavours; B) noise which spoils tranquility to one person could be as simple as the 'chattering' of walkers; C) agricultural vehicles working the land cause far greater noise pollution than 3.5 motorcycles passing per day; D) heavy vehicles passing along Long Rake will cause greater noise pollution; E) the volume of ramblers who travel by car to the area is far greater than the few motorcycles being recorded
- Opportunities to experience dark skies – A) have already made an answer to this erroneous claim regarding motorcycle use at night; B) does this mean that neither ramblers; mountain bikers nor horse riders will be able to use head torches; nor lights required for safety or by law after dark?; C) will Duke of Edinburgh participants not be allowed lighting? D) will there be a ban on camping lights through the Peak Park? E) will there be a curfew imposed upon farmers to stop their evening working?
- Opportunities for outdoor recreation and adventure – A) you propose to remove those recreational rights from a single minority group who wish to fulfil the values of this category; B) there is no recorded conflict of users; C) there is no deterrence to other users; D) where you state "Matlock" we presume that you mean Monyash; E) the views are not 'far reaching' as 75% of the route is hidden by tree lined high sided walls; F) the route is hardly noticeable in the scale of the adjacent countryside; G) are not aware of any noise pollution testing having taken place but would be pleased to assist such an investigation in the future should the PDNPA wish to undertake such research
- Conclusion - find your report flawed; prejudiced; full of leading and loaded statements; lacking in true objectives and a willingness as you should to work with all user groups to find consensus solutions to perceived and or real situations.

**Ramblers Association Huddersfield Group** - support the order

**West Yorkshire Lane Riders** - The countryside is for all users, not just for a few exclusive groups like ramblers. Kinder Scout proved pivotal for the Ramblers association to allow them right to roam. Why should other users now object to people who just happen to like a different kind of activity? Our group promotes the responsible use of using green lanes, which are in fact roads. Are very aware of all users, be that walkers, cyclists, horse riders, etc and act in a very courteous manner when we see them. There is absolutely no reason why this lane shouldn't remain open. The "old argument" about damage is wearing thin. The majority of damage to lanes is due to natural erosion and weathering, so please don't bring that to the table. In summary, we fully object to the proposed TRO

### Derby Lane – Summary of Regulation 7 Representations and Comment

These representations are a summary of the objections to and support for the proposal received. Most respondents made several comments as part of their representation. Individual items of correspondence may be viewed at the National Park offices.

#### **Objections**

<u>Representation</u>	<u>Comment</u>
<p><b>Amenity</b></p> <ul style="list-style-type: none"> <li>• The Peak District should be for everyone to enjoy no matter what</li> <li>• Would just like to be able to ride our bikes we have less and less to use and we spend money while we are in the peak district please leave as is and be fair to all who visit the area.</li> <li>• Am a responsible motorcyclist who enjoys the fantastic scenery and trails in the area.</li> <li>• Too many lanes are getting closed nowadays.</li> <li>• A vital BOAT that is part of a network that link together so riders can enjoy the peak district in another form apart from walking hard to get areas.</li> <li>• Do not get pleasure from walking, I'm a motorcycle rider, and over the last 7 years have enjoyed my hobby best I can.</li> <li>• Propelled vehicles should be allowed to ride here they cause little foot print and bring endless enjoyment to a widespread community. It is getting difficult to trial ride legally as it is without closing more.</li> <li>• Am a responsible person who enjoys green laning in Derbyshire. I work in the area but live in South Yorkshire, I travel to Derbyshire to go green laning once a month and on average spend £35-£40 each visit.</li> <li>• It's a place we can all enjoy.</li> <li>• There are millions of miles of footpaths and bridle ways for walkers, horse riders and cyclists to use but a very limited amount for motorcyclists.</li> <li>• We do no harm as motorcyclists visiting the area appreciating its beauty.</li> <li>• Because too many "green lanes" are being lost, we need to fight to keep what remains</li> <li>• Love the countryside like the rest of us but sometime I enjoy it in other ways be it walking camping cycling or motorcycle</li> <li>• Unnecessary closure of an interesting byway</li> </ul>	<p>Derby Lane 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 historic nature of the route and its setting in the landscape as well as the variety of natural and cultural heritage features and the physical characteristics of this route means that it is valued by many different users yet there is evidence of conflict and damage occurring on this area of 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>

- Love riding offroad
- Love all types of outdoor pursuits in my leisure time, but the chance to explore off the beaten track on my motorcycle is becoming a dwindling prospect. There are many many routes which are available to be used solely by horse or on foot that I cannot use my vehicle on and I completely respect that. I only ask that respect is given back that I may have the freedom to enjoy the area in a way that I enjoy in an area I love and for the very few (and constancy decreasing) routes that I do have access to, to be able to preserve my hobby.
- Am a responsible rider and i enjoy to use the green roads of the UK , many weekends are spent traveling roads and this closure would incur on my freedom of movement
- As a caver who has used Water Icicle (which is near to the end of the lane) I would want to see access maintained for legitimate caving activities; including digging in particular which can occasionally need the transport of significant amounts of equipment. I would encourage the park authority to work with the Derbyshire Caving Association to see if there is a way of maintaining such access whilst also meeting the objective of reducing traffic on the lane.
- Access to this, and other similar routes is vital for the pastime known as 'greenlaning' . This is a legal pastime enjoyed by a minority or responsible, law abiding people. We actively enjoy, and contribute to local economies, through our use of rural tracks and lanes with motorised vehicles, travelling slowly, and responsibly to both minimise disruption to other law abiding users, and to minimise our impact to the environment. By removing access to this route, our already depleted access is further reduced.
- Can honestly see no actual benefits to exclude propelled motors using this 2km route. The peaks are there to be enjoyed by all and I can't do this on my motorcycle anymore if this goes in favour.
- It brings leisurely enjoyment to many with motorised vehicles and gives countryside access to the disabled
- Have used this route for more than 20 years on both motorcycles and in 4x4s. It is a significant unsurfed road, which forms part of what is becoming a limited green road network that entices my family and I to holiday in the Peak District each year.
- Having a family member with a disability, driving a MPV is the only way as a family we can enjoy the countryside in the same way as other able bodied persons.
- The road has recently been proven to be a BOAT with vehicular rights, although it is currently illegally blocked preventing its use as a through route it can and is still used as

All recreational users are important to the local economy.

The route will still be available for non-motorised use and the proposed TRO will not prevent those with limited mobility using tramper style vehicles. Reasonable access can also be provided for disabled users.

Consideration of the use of part of this route by cavers will be balanced with the impacts on wider amenity and conservation concerns to assess whether these wider concerns can be adequately addressed to achieve the desired outcome.

The proposed TRO relates to mechanically propelled vehicles and not carriage drivers.

<p>a there and back journey and is a great spot to enjoy a picnic.</p> <ul style="list-style-type: none"> <li>• Am a horse rider and carriage driver. I use the gentle network of lanes near Hartington and Newhaven. I was looking forward to using Derby Lane and was very excited to hear that it was declared a BOAT but I am aghast that a permanent TRO is being contemplated.</li> <li>• It isn't possible for us to use a wheelchair or drive an invalid carriage on these lanes because DCC and the Authority allow them to deteriorate without maintenance, so users need to have a motor vehicle to use them safely.</li> <li>• This saddens me greatly, as someone who grew up in the countryside down south, I have been excited about seeing the famous Peak District via my hobby of green laning. However, having moved to Derbyshire five years ago I have been somewhat disappointed to find most of these impressive by-ways that allowed me to enjoy the countryside have been removed by TROs.</li> <li>• Myself and the far wider speleological community, both Derbyshire and also nationally and internationally, regularly use Derby Lane to access Water Icicle Close Cavern cave (referred to as WICC from here on) located at grid reference SK161645. This access has been used since at least 1950 and before by speleological groups and is the only access route to and from WICC, by removing vehicle access by motorised vehicles to the parking area used would have a seriously detrimental effect to the access of this cave system. WICC is regularly visited several times a week and throughout every year by many parties including Cave digging teams, scientific research groups, cave tourist groups, adventure businesses, individual guided outdoors customers, Scout/Guide groups and many other people from many other groups. Combined, these people bring valuable revenue into the Park and more specifically the Monyash area which could be lost if access to Derby Lane is removed</li> <li>• Proposal to prevent mechanically propelled vehicles from using Derby Lane will have a negative impact on a number of speleological-related user groups, who wish to visit Water Icicle Close Cavern. The primary concern being ease of access. Water Icicle Close Cavern (WICC) is located at SK161645 and is entered via a 30 metre (approx) mine shaft. It is a scientifically important cave-cum-mine system offering a valuable insight into past climatic events and ancient hydrology. It also provides a visual record of recent mining activity (from the 19th century). It gives visitors great opportunity to explore approximately 1km of natural passages, varying from walking-sized passages, crawling, climbing, and squeezes, as well as vertical pitches where ropes are used to</li> </ul>	
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descend and ascend. The system offers an abundance of sights including varying types of passage formations (e.g. phreatic, bedding planes), speleothems (e.g. stalactites), anthodites and fossils (e.g. corals, crinoids). The network is estimated to be in the region of 2 to 4 millions years old; one of the oldest within the Peak District. The prospect for new sections of cave to be discovered remain high. As a result, this a well known and popular cave, ideal for suitably-trained and equipped cavers - beginners or experienced. WICC is visited by a number of caving-related user groups; these include: Experienced cavers participating in a "sport trip" - i.e. exploring the current known system for sport/fun. This provides great exercise, and is a rewarding activity. "Beginners" under instruction, learning caving techniques including SRT (Single Rope Technique) - WICC is ideal. People involved in "digging" - i.e. those wishing to clear blockages to discover new sections of cave. A physically demanding and rewarding activity. There are several on-going projects involving a number of individuals. People interested in cave photography - various sections and formations are regarded as being very photogenic. People interested in mining history. People interested in geology and speleogenesis. People involved in scientific research including past climatic events and dating. Rescue practice by Derbyshire Cave Rescue Organisation or other groups. These may include caving clubs, university caving clubs, outward-bound groups, private instruction, Scouts, etc. In good/dry conditions, visitors can park 100m away from the entrance at SK160646. Under poor/wet conditions, when the lane become difficult to negotiate, visitors can park approximately 500m away at SK156650. Both these sites are ideal for parking, as they can accommodate the usual number of vehicles, and do not obstruct farm traffic. I estimate that a visiting party may include 2 to 5 vehicles, and on occasion may include more than one visiting party. At SK157648 the lane widens and becomes underdefined. At SK160646 the lane appears to (visually) conclude, providing access to a field. The proposal to close Derby Lane would result in visitors parking in the vicinity of Summerhill Farm and/or on Derby Lane prior to this point. This will almost certainly cause difficulty for agricultural vehicles due to the limited width of the lane. The only other parking option would be in Monyash itself. The walk from Summer-hill farm will increase to approximately 1,340m, nearly three times the current distance. From Monyash, it will be 2km. Given the terrain and aspect, caving attire and associated equipment, the walk-in time will increase to approximately 30 minutes. I believe that cavers wishing to visit WICC for recreation will be largely dissuaded by the prospect of much longer walk (there and back again), and lack of suitable parking. With a longer walk-in, exploration time will be significantly reduced, and visitors will be likely

<p>to go elsewhere instead (in search of easier access). The proposal will be detrimental to current and future exploration projects within WICC. I am personally involved in one such project, and this additional walk-in will significantly reduce our active time on the "dig face" (and hamper progress). Furthermore, it will become difficult to transport heavy items such as scaffolding to the cave - usually we are able to park at the top of Derby Lane (within 100m) to unload which is ideal. Considering both these factors, I feel it highly likely that any evening "digging" (after working hours) in WICC would be abandoned - a great shame given the volume of man-hours, dedication, and individuals so far involved. WICC has also been the site of recent scientific study, and this would also make access more difficult for the scientific studies that are being carried out. Some recent work has been carried out by Professor John Gunn of Birmingham University.</p>	
<p><b>Impact on the Environment</b></p> <ul style="list-style-type: none"> <li>• The view that vehicles travelling this lane distract from the visual appeal of this part of the countryside is minimal compared with the permanent monstrosity that is the motorway barriers erected either side of a gateway. Also I have observed on the lane the digging of large holes into the ground into which has been driven large steel posts which have then been concreted in surely this is far worse for the environment than merely passing by in one's vehicle.</li> <li>• Bearing in mind that the farmer and the land owner use the route with their tractors and other vehicles, there can be no question of other motor vehicles affecting natural beauty any more than they do</li> <li>• Vehicles emit co2 but an enduro motorcycle will emit less greenhouse gases than a horse, as ruminants have to be constantly fed and constantly emit gases, their food has to be grown (horses just can't eat grass and are often stabled), processed transported etc. they produce huge amount of emissions. Whereas a motorcycle only burns fuel when in use which in most cases is only once or twice a month. Walkers also have to drive a car to go and walk, they drop litter leave gates open trespass and let their dogs foul which carry diseases, so it is fair to say that all human activity has an environmental impact. Management is needed to minimise impact whilst allowing responsible use of our countryside by all.</li> <li>• The footpath is at some distance away, and then combines with the Limestone way. The distance should be enough to reduce the (by the report info) light vehicle traffic noise.</li> <li>• If it wasn't for vehicular access and usage of these routes, they would be severely</li> </ul>	<p>National Parks were designated on grounds of their scenic value and recreational opportunities.</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. 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</p>

<p>overgrown and inaccessible to everyone, especially horse riders and ramblers.</p>	<p>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 recognises 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.</p>
<p><b>Damage</b></p> <ul style="list-style-type: none"> <li>• The main factor of damage is erosion, erosion by water i.e rainfall and insufficient drainage i.e washouts being installed to prevent the lanes becoming streams.</li> <li>• Find a lot of walkers cause more damage than vehicles by leaving empty packets and walking off route to avoid a puddle.</li> <li>• As more and more lanes are closed in Derbyshire peak district to vehicles the amount of money will be less thus the lanes will fall into further disrepair, and you only need one successful case brought against the council for failing to provide adequate lanes and roads this will open the floodgates to countless claims against the peak district national park and councils.</li> <li>• Damage to these routes are mainly caused by 4 wheel drives and farmers using farmers machinery.</li> <li>• Most of damage we get blamed for is weather erosion you only have to look at some</li> </ul>	<p>The order is not being made on the grounds of preventing damage to the route but instead relating to amenity and conservation of the route and area. The NPA is not the Highway Authority with its attendant responsibilities for maintenance.</p> <p>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. Vehicle use contributes to the route deterioration and the state of disrepair can detract from the amenity of the route and</p>



<p>Tarmac roads have been damaged due to recent bad weather</p> <ul style="list-style-type: none"> <li>• The environmental card is often used and as an environmental scientist I disagree with their arguments. Most path erosion is caused by water, the paths turn into streams and without drainage and proper management quickly erode the surface.</li> <li>• The unrestricted byways are legal roads, greenlaners pay road tax to go towards maintaining roads. Also the TRF does voluntary work to maintain their rights of way which they are passionate about.</li> <li>• As a motorcyclist that uses the lane and others in the area I can understand wanting to ban large motor vehicles like 4x4 from using the lanes as some of the surface cannot take repeated wear from such heavy vehicles, especially when the surfaces are wet. This then spoils the lanes for everyone else who wish to enjoy them. Motorcycles on the other hand cause very low impact to the lanes. I have seen worse from horses and high traffic pedestrian routes.</li> <li>• The bulk of the trail is enclosed by drystone walls, and remainder is roughly level (from the map) so drainage observations appear flawed. If vehicles are leaving the main trail have suitable markers been placed?</li> <li>• I appreciate that vehicle movement can damage the underlying substrate, but the overall damage is usually on a par with that of the well used footpaths which are not then closed for months for repair.</li> <li>• Based upon the fact that this route has remained illegally blocked by large boulders for a period of time, there can be no evidence that any damage has been caused by vehicles using the route.</li> <li>• This field section is well drained and the topsoil is not much more than 6 inches in depth so rutting should not be an issue.</li> <li>• Regarding ruts it should be recognised that when this road was part of the main road to Derby it would of been travelled by horse and cart and motorised vehicles with solid and much narrower wheels than current vehicles have.</li> <li>• Comments regarding the damage to Derby Lane I first visited Water Icicle Close Cavern approximately 10 years ago, and have been a very regular visitor over the last 5 years, and have witnessed some of the damage that has happened on Derby Lane. Firstly, I would argue that almost all the damage is the result of 4X4 vehicles and off-road/motocross bikes, particularly when the ground is soft. On several occasions, I have seen these types of vehicle, often 5 or 6 at a time, using the lane during very poor conditions, resulting in rutting, and significant redistribution of material. During this time,</li> </ul>	<p>area.</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>Evidence is available to show that environmental damage is occurring as a result of motor vehicle recreation, both directly and indirectly. 4-wheeled use has been physically restricted from a section of this route since 2009.</p>
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<p>the upper section of Derby Lane (where it widens), has migrated to the right! Secondly, I would argue that cavers vehicles have a very low impact upon the lane. Visitors to WICC are more likely to use “regular” vehicles, such as family car, that are not designed for deeply rutted and/or muddy/wet sections - so these areas are always avoided (hence parking at SK156650). Conversely, they provide an interesting obstacle for motocross bikes and 4x4, and are often sought after. Cavers vehicles are much quieter, and will result in little noise pollution. Since the placement of large boulders at SK160646, I have not seen any more 4x4 vehicles use the lane. The damage from this point onwards towards Long Rake is also quite clear - and has never been used by visitors of WICC, again indicating that 4x4 and motocross bikes have caused the damage. The damage seen on Derby Lane has also occurred on similar lanes across the peak district, and it is widely accepted that the destruction is the result of 4x4 vehicles and off-road bikes. The damage also coincides with the rise in popularity of these types of vehicle for recreational use. It now appears that cavers may lose a long-standing access to Derby Lane due to the activities of other recreational groups. Furthermore, this damage will now make it difficult for members of Derbyshire Cave Rescue to attend WICC in “regular” vehicles, which many will use due to the voluntary nature of the service. Comments on PDNPA Appendix One - Vehicles Use The figures for 2015 “4 wheeled” access records “Nil”. Does this refer purely to 4x4 vehicles? If not, and it includes “regular” vehicles, then this number is not correct, and I question how was the data was logged.</p> <ul style="list-style-type: none"> <li>• One of the issues in the past has risen from the fact that a section of the lane is not enclosed and Not waymarked leaving travelers to guess at the direction of the lane as it crosses fields.</li> </ul>	
<p><b>Discrimination</b></p> <ul style="list-style-type: none"> <li>• Reasons for the closure are both spurious and concocted and are part of a hidden agenda by Derbyshire county council and the peak national park to ban recreational 4x4 vehicles and trail bikes from the area by closing all the unsurfaced rights of way (boats or ucrs) one by one. The route has already been illegally closed to 4 wheeled vehicles by the placing of large blocks at the entrance.</li> <li>• The use of recreational vehicles and trail bikes on these vehicular rights of way is a valid and enjoyable hobby for many. It is being unfairly restricted by this and similar closures. There are already many alternative routes in the area for walkers, horse rides and cyclists. These dual use routes are few and far between and should be protected not closed.</li> </ul>	<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</p>

- The greatest impact is on those who cannot walk, cycle or ride a horse, due to disability and need to rely of motorised transport to access the countryside. They have the same rights as the rest of us to enjoy travelling though the countryside. A right you are not considering with this closure.
- It is part of a campaign in this area to ban recreational 4x4 vehicles and trail bikes from the area. Most of the unsurfaced rights of way are being closed one by one. The route has already been illegally closed to 4 wheeled vehicles by the placing of large blocks at the entrance. The authorities are quick to react to other law breakers, but support those making life difficult for recreational vehicle users
- Notices have been served to clear and maintain the lane but they are ignored by the organisations that are charged with the care of this access route. It's quite simply discrimination against a section of users and you seem quite happy to go along with it
- The PDNPA is singing the tune of the wealthy land owners by removing the historic rights of vehicular passage.
- My understanding is that this lane has also blocked my boulders which should have been removed. This is discrimination against one group of user. It would seem that you just what to close all this lanes to vehicle use.
- My son is disabled and unable to walk. His only access to the countryside is through vehicular transportation. By imposing TROs and lane closures you are denying him this access. This is a selfish and mean spirited course of action being imposed by nasty, cruel people. It is discriminating against those unable to walk which I thought was against the law and may even be against Human Rights legislation.
- The peak park is for everyone and not just ramblers, you are excluding motor vehicles and other propelled forms of transport from this lane to pedestrianise it for a few ramblers.
- We have the rights to use these lanes just like horses and walkers.
- After the main objector to keeping lanes open was found to be working and leading the decisions made on closures, you are therefore corrupt and not serving the communities fairly.
- Another unlawful closure of a road used for many years
- As a responsible user of a green lane style motorcycle I do not see why I should not have access to the peak district on set routes to enjoy the countryside in a way that I have been doing for several years. the proposal is another example of my rights being erroded and my liberties being taken away.

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.

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. Where there is a need to preserve the amenity and conserve the natural beauty of the route this may outweigh 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.

The route will still be available for non-motorised use and the proposed TRO will not prevent those with limited mobility using tramper style vehicles. Reasonable access can also be provided for disabled users.

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 users of this route.

The Authority operates a democratic process via the consultation and the consideration at committee. Decisions are made in an open and transparent way and Members consider all relevant arguments and evidence put before them before making a final decision.

- These roads and these are roads should be open for all, not just the few, why would you want to discriminate against a group? If we were an ethnic group you would not dare to discriminate so why us?
- The proportion of footpaths and bridleways compared to byways open to motorized traffic is unreasonably unfair. There is no reason why people who have other hobbies than hiking or riding a horse have to be restricted even more. If anything, more lanes should be open to propelled vehicles, and not closed as per this proposal.
- You have closed Chapel Gate, Stanage, The Roych. You simply do not want us in the Peaks. If you were to close public footpaths there would be outrage and it would not happen.
- We are getting a very rough deal getting blamed for lots of damage etc
- Since when did the rights of one group override the rights of another?
- I use a electric wheelchair this is restricting my access
- Rights of way should be rights of way for all. It is not right that people campaign to keep rights of way open for their own activites (walking horse riding etc) and yet close it for others who also pay taxes and have a right to leisure time without confrontation or being harrassed.
- We live on a small over populated island so unfortunately conflict of interest does occur, this needs to be addressed through management not through harassing greelaners or taking away their legal rights of way.
- It is important not to confuse legal responsible greenlaners with people who are not responsible and ride illegally on non road worthy bikes.
- It is wrong for people to constantly harass greenlaners and to close legal ancient rights of way. Just as it is wrong for me to harass people walking on footpaths on my property.
- By keep closing all the byways your taking away people social life, the country side is for everyone to enjoy, by doing this I feel that you are discriminating motorcyclist, who are complying with the law, the few who don't care and ride illegal are affecting people like myself and other member of the TRF who do everything right.
- You need to make more places of us to ride, so we can also enjoy the country side as well, not reduce place for us to ride.
- It is also extremely wrong to exclude this group of people from the area. The park is for everyone. There is no proof that motorcycles are more harmful than walkers or horse riders. As you have already closed a substantial amount of lanes for no other reason than on say so of the ramblers association. This has caused more traffic on the

The register of members interests are recorded at [www.peakdistrict.gov.uk/register-of-members-interests](http://www.peakdistrict.gov.uk/register-of-members-interests). Members may have personal interests which may not be prejudicial to the decisions taken.

remaining lanes which may cause more wear. Which is probably what you want because then you can justify the closure of even more lanes.

- I ride regular in the Peak District and do not think it is fair that we only have use of 1-2% of trails in the peaks as it is.
- The UCR should retain vehicular rights even the County Council wanted to make it a BOAT. The Highway Authority have been negligent in not removing the obstructions placed illegally on the route. One wonders if the response would have been different had the landowner been other than Chatsworth Estate.
- This is an historic highway that has been blocked in an attempt to restrict certain minorities from using it, there is no reason the Authority can't live up to their obligations and keep this lane open for future generations to enjoy. Buckling to the whim of a few people will exclude the rest of the UK from using this route, this seems massively unfair and is the lazy way to maintain the road network. I trust that the aim of the Peak District is to enhance the area and attract more people into the area and hope issues like this are viewed in the right way to support the area
- The few Byways we have left should be shared by all users, motorised users have access to less than 2% of the national ROW network, more closures will mean increased pressure on the few remaining byways, isn't it about time the crusade to ban minority groups was ended and a fair management scheme implemented as it has been in the Lake District National Park?
- Permanently close the byway would be the easiest option, due to the issues trying to police it and the actions of the local farmer. This does not make it right, if this lane gets closed then all it will mean is other farmers will take matters into their own hands and block other lanes and before you know it there will be an altercation.
- The historic use of this ancient road was as a public carriageway, which was for vehicular traffic of the day, it was certainly not built for recreational walking or riding. The evidence for this has been published by Derbyshire CC in their case for Byway status. For local residents and the Authority to suggest that such use of vehicles is not suitable for the character of the route is to twist history too far towards political correctness. The objects of the National Park include an obligation to provide access for all users. The definition of a Public Byway or BOAT is that it is a vehicular route used mainly by pedestrians, and this is entirely in character for the area and the lane itself.
- I am a blue badge holder and so is my husband. We are unable to walk for any distance and feel that the Authority is systematically depriving us of green lanes which we can

<p>visit with our son in his Land Rover.</p> <ul style="list-style-type: none"> <li>• I feel that the Authority makes much of "improving the amenities" for members of the public, whilst reducing the amenities to me and thousands of other users who enjoy driving on our historic byways in the countryside.</li> <li>• The Authority is trying to pre-emptively close a route which the land owner and local residents have illegally blocked and want to keep for themselves, and there is no valid reason in terms of amenity or character</li> <li>• This prevention technique prevents law abiding countryside enthusiasts' access to these areas which have been used in this way for decades. The systematic constriction of people enjoying this hobby means that the few green lanes left see more use and wear, this further compounds the problem. The not-in-my-back-yard protesters who don't care about the countryside as a whole but don't want it near their home because they see the countryside as a chocolate box picture of serenity, don't understand that people live their whole lives here, work here and deserve to practice their pastimes here, not just retire here.</li> <li>• I understand some people are not sensible when using these lanes, but please do not tar us all with the same brush and take away our chance to enjoy the area in a way that I love.</li> <li>• The countryside is for all users, not just for a few exclusive groups like ramblers. Kinder Scout proved pivotal for the Ramblers association to allow them right to roam. Why should other users now object to people who just happen to like a different kind of activity?</li> <li>• Restricting this road to foot traffic only would ignore those other members of the community who wish to enjoy this road. This is against the ethos of the PDNP who are charged with providing access for all.</li> <li>• Derby Lane is a public road and should be given a level of care that would allow all types of usage by all members of the public, not just a narrow sector.</li> </ul>	
<p><b>Displacement</b></p> <ul style="list-style-type: none"> <li>• Legal users are getting disgruntled with the corrupt process that invariably leads to a TRO, you might find the legal users either take their money elsewhere out of the local economy or just ride/drive where ever they want.</li> <li>• Closing lanes without organising alternative places. I.e. off road centres or motocross tracks is only going to lead to illegal use which will be blamed on people who use the</li> </ul>	<p>The Authority recognises that the closure to vehicles is likely to place additional pressure on other routes. However the matter required a specific response within the context of the work on other routes. Monitoring to determine the amount of displacement</p>

<p>lanes legally</p> <ul style="list-style-type: none"> <li>• All you are doing is putting more traffic through fewer and fewer lanes, creating the issues you point out. Green lanes should be open and managed NOT closed.</li> <li>• Closing these routes only leads to increasing illegal use of unauthorized places.</li> <li>• Closing the rights of access via motorcycles may encourage others to go against the councils law and use their own routes so by leaving this particular route open at least it is a better form of control.</li> </ul>	<p>onto other routes will be undertaken.</p> <p>It is accepted that a TRO will affect legitimate recreational motor vehicle users. Monitoring will be undertaken and any illegal use would be addressed with the Highway Authority with regards to the appropriate selection of barriers and the police in relation to enforcement.</p>
<p><b>User conflict</b></p> <ul style="list-style-type: none"> <li>• I ensure that all gates are always closed and stop the engine when approaching horses and dog walkers.</li> <li>• Have spoken to countless walkers and the like on my travels up the green lanes and I have asked them if they object to vehicles the majority are ok with people green laning, they object more when the paths are being used, so you need to reduce the lanes closing and protect the lanes this is heritage that is disappearing.</li> <li>• We ride with respect don't drop rubbish and spend money in Derbyshire</li> <li>• This is a route I use from time to time and I am not aware of any problem</li> <li>• Have upmost respect to fellow people who also use these lanes.</li> <li>• Mechanical traffic does not prevent or restrict any other user</li> <li>• If walkers want to keep away from the unrestricted byways they can use the remaining 98% that are closed to vehicles.</li> <li>• I am a member of the TRF that promotes responsible and legal use of Byways. Better signs are needed to help us to ride legally and closed byways needs to be reopened up so that the remaining lanes are not so heavily used.</li> <li>• Derby Lane has recently been added to the Definitive Map as a Byway Open To All Traffic which proves that there was sufficient evidence to support use by mechanically propelled vehicles. Having used the route over the last 10 years by motorcycle without conflict with other users or causing damage to the lane, I see no justification to prevent future use by vehicles.</li> <li>• There are many other rights of way around Monyash which are footpaths or Bridleways and which pedestrians can use without risk of meeting vehicles, so there is no lack of facilities for walking, riding or keeping fit even if users don't want to walk on a road.</li> <li>• Strangely, the reasons quoted by the Authority for this TRO are very different to those</li> </ul>	<p>Derby Lane is an important recreational asset for all users. All users need to act responsibly in order to reduce the potential for conflict</p> <p>Mechanically propelled vehicles are visually and aurally intrusive and there are difficulties in passing and avoiding other 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.' (Ref: Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984, Defra, 2007).</p> <p>The Authority does not accept that it is reasonable to expect non-motorised users to go elsewhere to avoid conflict. There are also alternatives for motorised vehicle 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 sealed metalled roads in the area.</p>

<p>quoted by the few people I have spoken to who agree with it. The local residents quote safety of their children as a reason for the TRO, and say they don't like "speeding motor bikes" that apparently use the route. The Authority however is using unrelated "criteria" purely to find subjective reasons why they might close the route. I am sure that the local residents would not allow their children to play on any of the other roads in the area, so why allow them to play on a BOAT? There are other tracks and footpaths which they can use in safety.</p>	
<p><b>Economic Impact</b></p> <ul style="list-style-type: none"> <li>• Once again recreational activities are taken away from people who keep local business financially stable, and keeping small business's employing local people. It is a well known fact by local restaurant owners that walkers/ramblers don't contribute anything to the local economy and trail riders are keeping local food outlets in rural areas ie Monyash open. Does the Pdna want a guilty conscience when all these rural businesses have closed, leaving even more local people unemployed. The way things are going this will certainly happen.</li> <li>• Think of all the loss of revenue from visitors.</li> <li>• You are stopping a valuable income stream to the locals by continually closing lanes. Local shops cafes etc will lose in the long term. Ramblers bring their own snacks and contribute little to the local economy. This is short sighted in my view.</li> <li>• It would only cause a reduction to leisure and tourism to the area.</li> <li>• Reducing the boats is leaving the off road users less and less each year and the way it's going there won't be much left meaning we will no longer be spending the tens of thousands each month at local businesses in your area.</li> <li>• This also has an effect on the local community, as when I travel around the country green laning, I stay in bed and breakfast, by not being able to come to the peak district to ride I won't be spending any of my money in your local community</li> <li>• the continual closing of lanes is having a detrimental effect on the area's economy due to the loss of revenue from the excluded parties.</li> <li>• These roads have been in regular use for decades and responsible use will keep them accessible for years to come, closure will result fewer people visiting rural areas that are in financial decline.</li> <li>• This year the UK is hosting Euro-Speleo, a world-wide published caving convention which attracts people from all over the world, the cost to the local economy should</li> </ul>	<p>All recreational users are important to the local economy. Closing routes to motor vehicles can have beneficial as well as negative effects on the local economy.</p>



<p>access restrictions like this become implemented are much larger than you might be aware of; hundreds of people using hotels, cafe's, shopping, purchasing goods etc. all in the local area during an event like this presents a substantial amount of revenue to the which would be seriously affected by moves like this. Myself and the digging team I am part of visit the Bulls Head pub every week after our underground activities, this is one of several active digging groups that regularly visit WICC and should access be removed this would cease as we would be forced to seek to explore caves in other areas. There are regular daytime and evening guided trips into WICC and the universally agreed meeting point is the The Old Smithy Cafe Bistro Tearoom next to the Bulls Head pub, again this revenue would be lost if access was removed as people would choose to visit caves elsewhere. The local caving clubs could suffer income loss as visitors would be less likely to stay at the club huts/facilities is access to caves (in terms of getting a vehicle to within an acceptable distance to the cave) in the area is removed.</p> <ul style="list-style-type: none"> <li>• Believe this would result in a loss of revenue for the local economy: Many visitors will rendezvous at The Old Smithy Cafe in Monyash, before or after their trip. Many visitors will visit The Bulls Head after their visit. Many visitors stay in nearby accommodation, including nearby caving-club accommodation (which relies on visitors for funding).</li> <li>• I spend around £1000 year in peaks an I ride with 20 other riders. So that will be a loss of £20.000 for all ready struggling business.</li> </ul>	
<p><b>Alternatives</b></p> <ul style="list-style-type: none"> <li>• Failure to consider access for motorcycles being powered by electric motors. The Authority has not taken into account the use of electric motorcycles, or electric mopeds or the benefits they bring to national park purposes. Request that an exemption is made from the order for motorcycles being powered by means of an electric motor.</li> <li>• If you want to close roads why not look to close some of the small tarmac surfaced lanes in the area. The minor road past Haddon grove farm or the Rake could be closed with little effect on local traffic flow but would allow similar access to the area for non motorised traffic and allow the removal of hundreds of tonnes of poisons tar from the area plus reduce speeding traffic at up to 60 mph.</li> <li>• Know your budget is stretched thin, you've been offered volunteer groups many times, the ramblers and equestrian societies rarely if ever do this. But the offers of help are ignored.</li> </ul>	<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 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. 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</p>

- Listen to the whole user base, clear the illegal blockages along the route and also help your local tourism industry all year round.
- The documents outline possible mitigation to the issues, which none have been tried and instead the PDNPA is jumping straight to issue a TRO as per usual.
- Police presence to cut out illegal use would be better.
- I have spoken to numerous walkers and very rarely do they spend more than £5-£10 in the area. so I feel that you are being negative and controlling our heritage when you could promote it more and even hold competitions. the money could be used to ensure the lanes are kept open.
- If you ask for help to manage the situation from people that use the lane, you will get it. Nobody wants to see the lane closed, it just needs managing responsibly. No logical Land Rover or dirtbike owner would ever object to that and most would offer help and support.
- It is unnecessary for the closure to be permanent
- If you do not like the vehicle tracks then you close the road temporarily during the wettest periods of the year to allow the ground to recover and then open it again. This should be for no longer than three months.
- The council only considers a restrictive TRO or a voluntary restraint as the only options besides closure. The Lake District National Park implements a successful permit scheme for very sensitive byways, this alternative should be investigated prior to closing this byway for all time at the expense of a minority group.
- Maintenance volunteers and funding is provided by motorised user groups to maintain the byways in LDNP and many other areas with similar inclusive management plans. If the PDNP were not so short sighted the same funding and volunteer network could be a positive aid in an inclusive management plan. The council should be forced to consider all options, clearly they have not considered successful permit schemes used in other National Parks.
- There is no reason why with a small amount of money (which could be donations from user groups/bodies) that this and others in the area could not remain for the enjoyment of all.
- Alternative methods of vehicular management have not been tried on this route and I would expect any democratic process to at least try alternatives before banning a user group from enjoying this part of the countryside.
- A potential compromise could be temporary winter closures.

relevant considerations doesn't negate this.

Where a least restrictive option achieves the desired outcome then this may be considered to be the recommended approach.

Priority routes remain priority routes even where a restriction may be in place. The monitoring, management and review of measures adopted will continue to take place.

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 used in a responsible manner.

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.

The Authority is not aware of any evidence of any users using electric motorcycles within the Peak District National Park on unmetalled roads.

<ul style="list-style-type: none"> <li>• If use of the green lane is going against good practice set out by groups such as GLASS and GLA then communication needs to be made to the tiny minority to use the lanes in an appropriate, considerate way. Not force them further into a world where they are targeted, seen to be insubordinate and essentially criminalised</li> <li>• I fail to understand the logic behind this proposal as Derby Lane currently ends at SK161645 due to very large crash barriers that are in place to prevent 4X4 vehicles etc. progressing, these barriers have been in place to some years now and are absolutely effective.</li> <li>• Alternative Proposal Leave the lane open from Summerhill farm to SK160646, where the lane appears to naturally conclude. "Close" the lane at SK160646 by removing the existing gate, and constructing a stone built wall, with a stile for pedestrian access. This again will re-enforce that the lane ends at this point, and deter motocross bikes from using the lane. Resurface the sections of lane in poor condition, and make it more clearly defined at the upper reaches. This will help make it less attractive to 4x4/motocross vehicles looking for recreational use. This will also improve access for cave rescue, as well as recreational visits, and scientific undertakings. With a more clearly defined track in the upper section, the grassed area could be sporadically planted with trees to prevent vehicles from driving over it but leave parking available for people visiting WICC. Retain access for people wishing to visit WICC.</li> <li>• This road has been woefully neglected, with no signs indicating its course, its surface unprotected and a blockage left unquestioned. A better solution would be not closure to motor traffic, but providing a suitable surface so that all users can benefit from a safe and secure route. This approach has been successfully applied in other parts of the country with the advantage of increased tourism.</li> </ul>	
<p><b>Information</b></p> <ul style="list-style-type: none"> <li>• Report does not highlight the effect of recreational vehicles over farm traffic.</li> <li>• Does light vehicle traffic (moving through an area) make more noise than a group outing who may also be wandering off the path? Please can the authority provide proof to the documented observations, rather than (in some cases) supposition.</li> <li>• The reasons given by the Authority to close this lane are subjective and not based on any objective evidence.</li> </ul>	<p>The statement of reasons and the route management reports set out the different components of natural beauty and impacts and are there to provide relevant factual information; they do not seek to make a judgment on the final decision to be made.</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</p>

	<p>whether this outcome would be met by a restriction.</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> <p>Members of vehicle user groups are on the Peak District Local Access Forum and together with the Green Lanes Forum contributed to the code of conduct at <a href="http://www.peakdistrict.gov.uk/greenlanecode">www.peakdistrict.gov.uk/greenlanecode</a>.</p>
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## Support

<u>Representation</u>	<u>Comment</u>
<p><b>Importance of the Route and Area</b></p> <ul style="list-style-type: none"> <li>• Use the park regularly, as keen walkers and horseriders. Can see and feel the devastation that transport such as this causes. ruining recreational and a beautiful area for the many in order satisfy a need of the few is to the detriment of many and of course a worsening environment.</li> <li>• This is a beautiful route offering the chance for walkers to enjoy the peace and serenity of a beautiful area in a national park. Sharing the track with motorised vehicles spoils this quiet enjoyment as well as posing safety risks for other users, who have to share a track in close proximity with motorised users.</li> <li>• This is a wonderful proposal aimed at enhancing safe access to some beautiful countryside for walkers and riders.</li> <li>• Horse riders have increasingly less options for riding off road and protecting green lanes from motorised vehicles is a good step in the right direction to preserving what little routes we have.</li> <li>• It is imperative that we keep these little green havens as they are for the use of those that love them and the plants and animals that live in them.</li> <li>• Derbyshire is a stunning county for everyone to enjoy. It would be such a shame is we allow motor vehicles to ruin it, as there do seem to be more about nowadays. People come to the countryside at weekends to get away from the hustle and bustle of towns, and to meet up with a noisy vehicle on a country lane when walking out to hear the birds etc, would spoil the very thing you have come out to enjoy.</li> <li>• The majority of lanes in this area are surfaced and carry heavy traffic and there is no need for vehicles to be allowed on this quiet route.</li> <li>• We no longer enjoy walks up the lane and my children now stay in our fields which run alongside it. They have a right to wander the country lanes around where they live but they cannot.</li> <li>• Derby Lane is used by our family, and several other families in the area. Our field, which is accessed from Derby Lane, is a regular spot for the local school to use as field trip days and sporting activities. The school children have the right to walk up this lane without fear</li> </ul>	<p>National Park designation offers opportunities for understanding and enjoyment of the special qualities of the area for all users. National Park designation does not preclude use of such routes by recreational motor vehicles as a matter of principle. The natural beauty of this area and its amenity value is recognised.</p> <p>There is no duty on NPA's to promote quiet enjoyment. The NPA will however promote activities in keeping with the special qualities of the Peak District. The NPA will also have regard to whether there is a conflict between recreational use and the conservation of the area in order to meet its statutory purposes.</p>

<p>of being struck by a motorbike.</p> <ul style="list-style-type: none"> <li>• This quiet unspoilt area below Arbor Low a special place for reflection needs to be protected from the noise and surface damage which would be caused by motorcycles and vehicles.</li> <li>• Safeguarding a historic route which is a wonderful way to appreciate some of the peace and quiet which is more and more missing from our modern lives.</li> <li>• Having stayed in Monyash I applaud the National Park's proposed prohibition on motor vehicles using Derby lane. This inappropriate and often unsustainable use of our green lanes by scramble bikes and 4x4s has over recent years become a major problem discouraging the lawful use by other people as the noise and disturbance can be most unpleasant for those wishing to enjoy the peace and quiet of the countryside, especially in a national park.</li> <li>• Beautiful old ways like this need to be respected and not trashed.</li> <li>• This is so obviously the right thing to do for this area. It will preserve the peace and tranquility that the vast majority of visitors to the peak park desire when they come here. It will also protect the natural beauty of the area. The sight, sounds and damage vehicles cause off road is so incongruous with beauty of the Peak Park that there can be no doubt that the proposal should be carried out and the action replicated wherever such vandalism is being wreaked.</li> <li>• I have walked this ORPA route several times over the last ten years, using it as way to Arbor Low. It is a delightful track and continued use by vehicles other than for access damages the surface of the lane. In addition, off-road vehicles are a threat to life and limb, and the peace and quiet is disturbed.</li> <li>• A couple of years ago, at the point where the ORPA comes to an end on my 2004 OS Explorer OL24 GR 160 646, there is a gate and if I remember, large welcome boulders, stopping further vehicle access. To the side ie NE there is a gap to a field. At the time I noted that the wooden five bar gate had been badly damaged, indeed shattered and was lying on its side. I hazarded a guess that this was deliberate and may possibly have been done by off-road vehicles searching for a way to circumnavigate the blocked gate and boulders.</li> <li>• The northern part of this route, from Summerhill Farm to SK 1601 6460, should be a quiet green lane used only by walkers, horse riders, cyclists, carriage drivers and for access by farmers to their fields and by cavers. The Green Lanes Association and the Association of Peak Trail Riders claim in their responses to your regulation 4 consultation that Derby</li> </ul>	
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<p>Lane has a long history of motor vehicle use and that recreational motor vehicle users should therefore be allowed to continue to drive it. However local people recall Derby Lane as a quiet cul-de-sac, along which animals could be driven to and from pasture without disturbance, and where village children could learn to ride their bicycles without danger. These recollections are supported by a photo of c1960 which shows a “No through road” sign at the Monyash end of Derby Lane. This sign indicates that Derby Lane was not a through route for motor vehicles in the 1960s. Nor is it shown as a through other route with public access on Ordnance Survey mapping, so only those drivers who knew it was on DCC’s list of streets would have used it until 2007, when it was designated as a priority route by DCC and PDNPA. Think that it was designated as a priority route because of the damage which recreational motor vehicles were starting to cause to the northern part and to the fields over which the southern part runs.</p> <ul style="list-style-type: none"> <li>• Have walked all the way along Derby Lane between 2-5 times per year for the last 6 years and can say from personal experience that this route will benefit from having a TRO. It is a route of historical significance and that very special character can be sensed as you walk along it, it is a really unique lane amongst green lanes in Derbyshire and it should be protected.</li> <li>• Retain the natural beautiful, the tranquil environment of the lane for the walkers and horse riding activities within the Peak District Park</li> <li>• This is a lovely lane which at present is being ruined by motor vehicles.</li> <li>• I am a resident of Sheffield and greatly value the Peak district as a walker and a lover of the natural world. I am sometimes dismayed to find my walk in the country ruined by motor vehicles of different sorts - one vehicle's noise can shatter the peace and quiet for many other people.</li> <li>• Preserve the route for people to walk and livestock to graze, and all things to be just as nature and traditional agriculture intended</li> </ul>	
<p><b>Route Condition</b></p> <ul style="list-style-type: none"> <li>• The unsealed track was never designed to take heavy motorised vehicles and suffers damage as a result and I am pleased that PDNPA is proposing action to protect it.</li> <li>• The lane will be less rutted making access to these groups safer.</li> <li>• There is evidence that the increase in weekend traffic is having an adverse effect not only on the road surface but the tracks further up the lane. We can no longer walk towards the end of the lane because trenches have been carved up by the motorbike wheels and that</li> </ul>	<p>The legislation dealing with the clarification of status and vehicle use does not have regard to suitability for such use. Where use is considered inappropriate or excessive, powers to make TROs are available to Highway Authorities and also to NPAs for unsurfaced routes.</p>

<p>means the fields are increasingly water-logged.</p> <ul style="list-style-type: none"> <li>• Green lanes such as Derby Lane are vulnerable to damage by vehicular use.</li> <li>• It is subject to a BOAT claim and has started to be used by motor vehicles. Use at by motor vehicles on most of the route is at present currently light, partly because 4x4s do not have access to the whole route and partly because the route is not yet widely known in the offroading community. Assuming Derby Lane becomes a BOAT, use by motor vehicles will increase rapidly and the surface will be quickly get badly damaged. It will end up in the same terrible state as the routes at Minninglow and Wetton - two other routes which have soft grassy surfaces and which the Peak Park should be taking urgent action to protect from further damage by 4x4rs and motor bikes. Am very pleased to see that one of the grounds which PDNA intends to use for a TRO on Derby Lane is to 'prevent damage to the road' and that action is being taken before damage occurs, rather than waiting for damage to be done by. Congratulations on this approach. Please use it elsewhere.</li> <li>• Derby Lane seems relatively undamaged at this point and it would be fantastic if the landscape could be protected from the inevitable damage from 4x4s and trail bikes.</li> <li>• It is to the Peak Park's credit that they are imposing this TRO before irreversible damage is done to this beautiful area.</li> <li>• Badly rutted ground and the environmental damage which is done can make walking difficult and also unpleasant,</li> <li>• The effect they have on the ground is terrible and long lasting making it difficult for other users such as walkers and cyclists to enjoy using the lane.</li> <li>• Derby Lane near Monyash is a 2km long grassy byway of considerable rustic charm, but terribly vulnerable to the depradations of unthinking recreational off-roaders which could reduce the lane to a waste of mud and ruts - the sad fate which has befallen too many green lanes throughout the land. Fortunately there is a saviour at hand</li> <li>• Support PDNPA's proposed pre-emptive TRO to protect this vulnerable route.</li> <li>• Similar Orders relating to most of The Ridgeway Long Distance Path have resulted with a dramatic improvement to the many sections of the path that are now prohibited to motorised vehicles. Hope the Order is approved and that a dramatic improvement, similar to that seen in The Ridgeway Path, is achieved.</li> <li>• Particularly concerned that the recent determination of the status of Derby Lane as a Byway Open to All Traffic will result in the removal of the current barriers, protecting the unfenced section of the lane from use by 4x4 vehicles. This will increase the vulnerability</li> </ul>	<p>The order is not being made on the grounds of preventing damage to the route but instead relating to amenity and conservation of the route and area.</p> <p>The NPA is not making the TRO to obviate the duty by the Highway Authority to maintain the route.</p>
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<p>of the unsurfaced section and I believe will result in rapid degradation of the surface. By implementing a Traffic Regulation Order now, PDNPA will prevent the type of damage the Highway Authority has had to repair at considerable expense on other routes in the National Park.</p> <ul style="list-style-type: none"> <li>• The route is one of the few lanes in the Peak District that is still in reasonable condition and I believe vehicle use end to end (ie. as a through-route) would cause significant damage to both the route and the amenity value for other users. This includes the physical difficulty of other users using the route at the same time as vehicles, or having to avoid massive ruts/mud and puddles. It also includes the negative impact of pollution and the destruction of verge habitat and wildlife.</li> <li>• Restrict all off road vehicles from the lane to retain this unique ancient and natural structure of the lanes surface from further denuded and severe erosion caused by off road vehicles.</li> <li>• With current restrictions on money, my question is, who will be responsible for the up keep of the lane when it's damaged beyond accessibility, will Derbyshire County Council, Peak Park or Parish Council put it right. The answer is no, they do not have the finance to repair the Lane and certainly the Green Lane group won't and they are the ones who will have destroyed it. Likewise as the track widens through the surface being damage, the walls and grass verges boarding the lane would be undermined causing wall damage, which would be expensive to repair causing severe hardship to the land owners.</li> <li>• Over the years the condition of Derby Lane, particularly past Summerhill Farm, has deteriorated, largely due to the use by motorcycles and 4x4s. This has had a negative impact for users on foot, bicycle or horse, with large areas of mud and ruts which never used to exist. Historically the route would have been used by nothing more damaging than horse drawn vehicles.</li> <li>• This proposal to protect Derby Lane before the damage has occurred is a most welcome initiative</li> </ul>	
<p><b>Effect on Farming</b></p> <ul style="list-style-type: none"> <li>• The lane runs through my fields. I strongly object to motorised vehicles using the lane. My reasons are: These vehicles drive all over the field and do not stay on track. They often come during wet weather and seem to enjoy getting bogged down, and making as much mud and mess as possible. They then proceed to tow and drag each other out causing even more damage. When spoken to about staying on track, and the mess they are</li> </ul>	<p>Minimising impact is a key concern. Some impacts may only be temporary but when taken cumulatively are of more significance.</p>

causing they use abuse and become aggressive. Gates are often left open and our farm animals stray down into Monyash village. We care about the countryside and try to look after it, why should these people be allowed to come and make this sort of mess? It may be enjoyment for them, but when they return to their homes we are left with the damage. These lanes were never intended to be used for this sport and I would like to see the lane closed for that purpose.

- Own the barn and fields on the northern side of the lane and conduct my main business activities in this area. I have noticed an increase in the usage of Derby Lane by the off road motorbikes within the last 12 months or so, to the detriment of my business. I've been at the barn on a number of occasions, when the sudden and excessive noise from these off road machines have disturbed my cattle, and in more than one incident, spooked the cattle within the pens to a degree that they have tried to jump the pens. Farming is going through a tough time and expensive vet bills to attend injured animals, or even having them put down would and could put me out of business. At worse, I could have been in the pens and been seriously injured. This is pleasure sport for the off road bikers not a business. My business is my livelihood, they are seriously disrupting my business activities, they have no concern over farm hygiene (TB & foot and mouth along with cross farm contamination regulations), they are damaging the lanes surface and verges and at times I'm having to move equipment standing in the lane to let them past so they don't do any damage to the verges and undermine the walls. I have also noticed the noise is putting additional pressure on the eco balance of the wildlife of the countryside surrounding the lane.
- The need to apply a TRO is now more pressing than ever following the decision of Derbyshire County Council (DCC) to award Derby Lane BOAT Status with effect from 2nd March 2015. This will inevitably lead to a request to remove the boulders had placed adjacent to the gate, entering onto the holding from Derby Lane, to allow vehicular access to commence. Support the Park's proposal to enforce a TRO now in order to prevent increased levels of damage being caused and greater costs being incurred further down the line. According to the records on file it was generally accepted by DCC that the status of this right of way was agreed in the 1960's to be that of a bridleway, however for whatever reason this never made its way onto the definitive maps. There is no evidence of the alleged lane as it enters onto the property and where the purported highway passes over the land there is no defined route as it passes through three grassland fields. The fact there is no surfaced track supports the previous agreement with DCC that the only sensible status of the route is that of a bridleway. Any greater intensity of use would

<p>require reinforcement of the surface to prevent the inevitable damage caused by motorised vehicles. The potential damage/rutting which could be caused by use of the alleged highway would inevitably lead to the farming tenant receiving financial penalties from the Rural Payments Agency. The farming tenant has already suffered incidences of the gateway between his holding and Derby Lane being left open by unpermitted users of trial bikers and 4x4 users allowing stock to escape in the direction of Monyash village. The inevitable increase in use that will occur following announcement of BOAT status can only serve to increase the frequency of such occurrences. The Peak District vehicular access sub-forum have also provided their views upon the status of this track and its current condition, which accords with our views upon its use not being sustainable. See Appendix 3 of the route summary report. As part of investigations to provide evidence to the BOAT determination sought confirmation from three previous tenants of the farm and the current tenant, who has farmed in the locality since the mid 1980's, as to their recollection of the use of the track during the periods of their tenure (in one case of their father's tenure). All of these parties testament supported the position that the status of the Lane is only that of a bridleway, or at least that part of it which crosses the Trustees' ownership.</p>	
<p><b>Conflict &amp; Impacts</b></p> <ul style="list-style-type: none"> <li>• Some of the bikers have been standing up in the stirrups whilst throttle the machine at speed. I have seen them on the public tarmac part of the Derby Lane and village people have also seen them close to the Square and the school in Rakes End Road doing the same thing, which is putting the general public at risk.</li> <li>• Motorised vehicles clearly have no place on such a track through such a peaceful area. The damage and disturbance would have a detrimental effect on the path and deter others from coming to the area.</li> <li>• Support PDNPA's efforts to protect this route from the damage which it is likely to incur over time and to protect the local environment against damage to the landscape character, important geological and archaeological features, biodiversity and scenic and auditory amenity.</li> <li>• Need to protect these routes from motorised vehicles to prevent an accident. Horse riders and pedestrians do not expect to encounter cars on a Green Lane so the risks of an accident are higher.</li> <li>• Motorised traffic does not need to use this strip of green for access but they will destroy it.</li> </ul>	<p>National Park designation does not preclude use of such routes by recreational motor vehicles as a matter of principle.</p> <p>Not all vehicle users are irresponsible, however, the type and level of use and nature of the route and the in parts limited opportunities to avoid vehicles can exacerbate conflict and safety concerns leading to deterrence of use by non-vehicle users.</p> <p>Where issues of safety exist, these will normally be dealt with by the Highway Authority acting in co-operation with the police, with the National Park Authority providing any support we reasonably can. However fears for safety may be a contributory factor impacting on the amenity of users. Where the NPA</p>

<p>keep our countryside, keep our countryside sports,</p> <ul style="list-style-type: none"> <li>• This is a beautiful lane, and allowing motorised vehicles along it would ruin the natural landscape of this lane, apart from the obvious dangers if motor vehicles met with cyclists, walkers and especially horses.</li> <li>• The majority of lanes in this area are surfaced and carry heavy traffic and there is no need for vehicles to be allowed on this quiet route.</li> <li>• Since the BOAT was granted there has been a very obvious increase in recreational traffic. This has mainly been in the form of motorbikes or "scramblers" although have seen some off road vehicles use the Lane.</li> <li>• Am not against the National Park being enjoyed by all. We are keen walkers, I cycle hundreds of miles around the Park each year and it is good for the local economy for people to feel that this is a welcoming and friendly area. But my initial reservations upon learning of the BOAT application have, in my opinion, proved to be well-founded. I was prepared to observe the motorbike users for six months in order to form a fair opinion. Traffic is worst on Saturdays and Sunday's. Groups of up to 12 have been counted. Speeds vary between what could be considered slow and cautious and fast - in excess of 40 miles per hour. On several occasions I witnessed a rider accelerating and pulling a wheelie down the lane. Unfortunately, the majority of bikers have in my view failed to exercise the necessary care when riding up and down this lane. Some, not all, drive too fast with blatant disregard for who else might be using it. I am scared that one day an accident will occur. Therefore, my first concern is one of safety. Prior to the order being granted, I was happy to walk up the lane with my children, aged six and two, without the fear of being confronted by several fast moving motorbikes. I was happy for them to stop and look in the hedges for wildlife and flowers and I was happy for them to be distracted by the cows and the lambs. I was happy for them to walk ahead and enjoy the countryside. But I can no longer do that. Whilst it is impossible to eradicate all risk on a country lane (the tractors use the road very responsibly) the unpredictability and speed of the scrambler bikes means we no longer walk up the lane. You only need to view videos posted online by motorbike users themselves to appreciate the speed and sometimes erratic driving exhibited by the riders.</li> <li>• Whilst recreational activities like scramblers have a right and a place to be in the National Park, not all Lanes are suited to it.</li> <li>• Vehicle users who wish to travel between the points connected by either end of Derby Lane can do so by way of existing metalled highways. Most if not all of the drivers of</li> </ul>	<p>are considering making a TRO on amenity grounds, safety reasons may be an additional consideration in support of this ground.</p> <p>Minimising impact is a key concern. Some impacts may only be temporary but when taken cumulatively are of more significance.</p>
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mainly two wheeled vehicles recorded as using Derby Lane are doing so not because they have legitimate destinations served by this lane, but simply to use it as a 'free' venue for dirt track/trail biking. They have no regard for the detrimental effects on other National Park users/the environment/wildlife/ historic landscape as detailed in the submission.

- Those who just want the thrill & challenge of driving across open ground have no place in the countryside. They spoil it for everyone else.
- There is a wider issue of environmental damage caused by vehicles in the quiet countryside of the Peak Park.
- As a walker with children I've experienced dangerous encounters with bikes coming at speed round blind bends; since 2010 I've seen the increasing deterioration of the track from Brushfield to the Monsal Trail to the point where the rocks are so exposed horses are no longer safe to ride along it according to a group of local riders I spoke to; the local shepherd has had pregnant ewes scared to miscarriage by speeding bikes as well as gates left open so that livestock escape. We have 4x4s passing our hamlet well after 11pm regularly and on a busy day we will see lines of up to 8-10 4x4s queuing to get through through our farm yard area. Would like to support the proposal to permanently exclude vehicles from Derby Lane to protect that area from the damage and distress caused by many of the drivers of vehicles on green lanes throughout the Peaks.
- Used to walk regularly in the Peak District but over recent years I have found other places to walk because the intrusion of off-road motor vehicles was making it almost impossible to enjoy a peaceful day out. It is not just the damage that off-road vehicles do that I find offensive but also their aggression and noise. Every activity causes some measure of damage but off-road vehicles can do in one wet season what it would take others to do in 20 years. There is no place for off-road vehicles in our National Parks. The people who undertook the Kinder Trespass did not do so to clear the way for vehicles.
- Apart from the diminution of the lane's amenity for walking or mountain biking, the ruination of this lane becomes a blot on the landscape. Too many of the tracks in the Peak District have been trashed in this way, and apart from any scenic consequences it also has commercial ones as walkers and cyclists are increasingly turning their backs on the area because of this - and these are the people who tend to use the local cafes rather than the 4WD brigade
- Support the proposed traffic regulation order so that the natural beauty of this walking route can be preserved for future generations. The intrusion of vehicles along this route would be severely detrimental to that natural beauty.

- There is no place for off-road motor vehicles in the Peak District National Park. The beauty and peace of the Park should be protected for walkers, cyclists and horse riders to enjoy in peace and without the awful damage the vehicles make to the ancient rights of way.
- I am a horse rider who rides regularly in the North York Moors National Park and I have experienced the damage and often obstructions caused to these vulnerable ancient highways which, in many cases makes them hazardous and difficult to use by other legal Users e.g. walkers and horses.
- This proposal to protect Derby Lane before the damage has occurred is a most welcome initiative.
- In 2009 we began to realise the enormous damage being caused to green lanes in the National Park by motor bike riders and drivers of 4x4 vehicles, who consider it a sport to drive along those green lanes. Realising the need for evidence we commissioned an experimental TRO which proved the effect of those vehicles, in that natural places and plants recovered after the experimental period. The lanes are used by walkers and horse riders, when motor vehicles of any type present a danger to such users, and in fact accidents have occurred, including injury, especially with horse riders. Significant damage is being caused by the use of these vehicles to ancient Roman roads, SSSI sites, native species etc. When the concept of the National Parks was implemented am sure those responsible never envisaged that the mass of people who wanted to walk these lovely and peaceful lanes, would be compromised by fast moving vehicles, in the name of sport
- There is also the noise and other pollution from these vehicles as well as their safety in proximity to motor vehicles.
- The noise from motorbikes in particular can be particularly annoying in what is a peaceful village.
- A couple of years ago, at the point where the ORPA comes to an end on my 2004 OS Explorer OL24 GR 160 646, there is a gate and if I remember, large welcome boulders, stopping further vehicle access. To the side ie NE there is a gap to a field. At the time I noted that the wooden five bar gate had been badly damaged, indeed shattered and was lying on its side. I hazarded a guess that this was deliberate and may possibly have been done by off-road vehicles searching for a way to circumnavigate the blocked gate and boulders.
- Similar Orders relating to most of The Ridgeway Long Distance Path have resulted with a dramatic improvement to the many sections of the path that are now prohibited to

motorised vehicles. I hope the Order is approved and that a dramatic improvement, similar to that seen in The Ridgeway Path, is achieved.

- Due to their speed, can result in safety issues for other users of the path such as walkers. In my experience these vehicles can also cause excessive noise which spoils the tranquility of the area.
- The presence of vehicles reduces my enjoyment of the lane by destroying the peace and quiet of this part of the countryside. Even the anticipation of vehicles raises my anxiety level.
- It is very questionable that trail riders actually enjoy the Peak District scenery when they have to concentrate on negotiating the uneven and grassy terrain such as that found on Derby Lane. Their recreational activity is one that affects the enjoyment of other types of users of the countryside for walking, cycling and equestrian users.
- Use of green lanes with unsealed surfaces should be reserved for posterity for walkers, cyclists, and horse-riders to be able to use without the concern of meeting motorised traffic. In addition, green lanes with their unsealed surfaces are more often than not susceptible to damage by motorised vehicles to the extent where the enjoyment of other users are severely affected.
- Stop this off road recreational pursuit that cause excessive noise and pollution to a quiet area, endangering farm animals and disturbing wild animals and causing resident's untold distress with their noise, pollution and attitude, riding their bikes at speed stood up in the stirrups and up on one wheel not only on the lane but also through the village on their way to the lane usually at speed to create noise.
- I have also grave doubt about the off Road Vehicles insurance cover, both on and off road usage, until an accident occurs with a walker/ horse riders the person/ or persons involved may not be covered by their insurance company on this byway. I also believe that none members of an organized club may not be tax for on road usage.
- Monyash has almost become a playground for this recreational sport, with other tracks being used to the North of the village, disturbing the village life with the noise they generate, revving up their bike's/ vehicles with little concern to the amount of noise they produce, or the general safety of the normal road users, and clearly from what I have said previously they ride their bike through a built up area passing school facilities which is in constant use by children without concern for their safety. Furthermore most people live in the villages of Derbyshire for the quietness and tranquility of the Derbyshire Dales that it provides, all we want is some quality time in our own village and gardens.

<p>•</p> <p><b>Alternatives</b></p> <ul style="list-style-type: none"> <li>• Road users will not be inconvenienced as the road network is extensive enough for their needs.</li> <li>• Motorcyclists and 4x4 drivers do not need to use Derby Lane to enjoy the lovely scenery. If that is their real intention, they can do so just as well from the road Long Rake.</li> <li>• those in support of recreational motorised use of green lanes should consider having dedicated and challenging sites of their own, in locations around the country if none are in existence.</li> <li>• This sport should be confined to a purpose arena like the one off M5, North of Worcester/ disused quarry or gravel pit. Not on a byway or public roads.</li> </ul> <p>•</p>	<p>Any sites proposed for motor vehicle use would require planning permission.</p>
<p><b>Others</b></p> <ul style="list-style-type: none"> <li>• Why wait until something is ruined? The right time for this TRO is now.</li> <li>• Would also like to add my praise of the Peak District National Park Authority for taking this stance against needless selfish vandalism and for unspoiled green rural countryside - very well done PDNP, you fully deserve the praise of all country lovers for this decisive action.</li> <li>• The National Parks and other Highway Authorities should work together to make the procedures to do traffic regulation orders easier and to learn from each other</li> <li>• Preference should be given for the promotion of healthy recreation along green lanes in the National Park, not unhealthy recreation as practised by drivers or riders of mechanically propelled vehicles.</li> <li>• The imposition of a traffic regulation order prohibiting the recreational use of motorised vehicles would properly concur with the Peak District National Park Authority's 'Landscape Strategy and European Landscape Convention Action Plan' published in 2009, which has an approved policy that will not be reviewed before 2019, that is to:- Manage the Network of Tracks and Footpaths to Maximise Opportunities to Enjoy the Landscape - The network of tracks and footpaths should be managed to maximise opportunities for healthy recreation and to enjoy the landscape. This can be achieved easily by landscape management measures such as surfacing, and by controlling inappropriate use to retain the character, cultural heritage and biodiversity interests. This definitely precludes recreational motorists from using such tracks.</li> <li>• If succeed in objection to DCC's DMMO, the result would be to make the southern section</li> </ul>	<p>The NPA has proposed this action at this time on Derby Lane after careful consideration of the evidence available and alternative options. This has included preparing route information in consultation with the Peak District Local Access Forum - an advisory body to the NPA and its constituent Highway Authorities.</p> <p>Determination of status of a route is based on fact not suitability and is undertaken by the Surveying (Highway) Authority.</p>



<p>a bridleway or a restricted byway, leaving the northern section as a BOAT. The whole route would still be vulnerable to recreational motor vehicle use, albeit illegal on the southern section the proposed TRO, will protect the whole route from motor vehicle use which is unsuitable on a quiet country lane and over grassland, preserve the amenities of the route for non-motorised users and enhance the natural beauty of the area</p> <ul style="list-style-type: none"><li>• Photograph evidence is documented in the well known Francis Fifth photographic collections of bygone years, which shows a road sign that clearly indicates a restriction had been placed on the tarmac lane part of the Byway in the early 1960. Although this sign outside of Manor House indicates the restrictions probably is for vehicle access only to Summerhill Farm, this restriction may not have been formally removed.</li><li>• The Peak Park authority have spent many months closing down similar routes within the Park, because of the destruction to the infrastructure and the subsequent damage to the surface of similar old roads and bridle paths. The granting of this a byway will go against the Peak Park Authorities philosophy on such routes throughout the Peak Park area, therefore I believe vehicle restrictions should be enforced.</li></ul>	
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TRO Procedure Checklist – Derby Lane

<b>Issue</b>	<b>Relevant Paragraph in the report</b>
The desired outcome of any Order	14, 32-37 Appendix 6
Can this objective be achieved in any other viable way?	30, 31, 40-46
The amenity or conservation value of the route in respect of our statutory purposes and the special qualities of the National Park.	8-10, 13, 32-35 Appendix 6
The enforcement implications of any proposed Order.	38, 40
What are the private access needs and how can they be protected?	18 Appendix 5
The expeditious, convenient and safe movement of vehicular and other traffic including pedestrians.	17, 18, 42, 43 Appendix 7
Can appropriate public rights be maintained?	17, 18, 42, 43
What conservation or heritage issues are there?	9, 13, 32, 35 Appendix 6
Will the character of the route be affected by continued use?	35 Appendix 6
Will the character of the route be adversely affected by the TRO and associated furniture?	38 Appendix 6
Are there concerns as to the displacement or knock-on effects of the closure of a route?	40
Are the necessary resources available?	47

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**7. SOUTH WEST PEAK LANDSCAPE PARTNERSHIP – ACCEPTANCE OF HLF STAGE TWO DELIVERY FUNDING (A55711/KSJ)**

**Purpose of the report**

1. The purpose of this report is to seek approval from Audit, Resources & Performance Committee to accept, in anticipation of, round two funding of £2,409,300 for the delivery phase of 'South West Peak: a Landscape at a Crossroads' (the Scheme) from the Heritage Lottery Fund (HLF).

The HLF West Midlands Regional Committee will meet on 22nd November 2016 to assess the round two bid (submitted to HLF on 21st July 2016). Approval is sought from Committee now to ensure that all procedures have been followed and are in place in the event that we receive approval from HLF.

Please note that all details of the Scheme, projects, staff and costs in this report are dependent upon approval from HLF.

**Key issues**

- The bid is a partnership approach led by the Peak District National Park Authority (as accountable body), with five other delivery partners (Staffordshire Wildlife Trust, Cheshire Wildlife Trust, RSPB, the Farming Life Centre, Support Staffordshire) who, with the Authority, will be responsible for the delivery of projects within the Scheme. In addition there are eight supporting partners who perform an advisory role (Natural England, Environment Agency, Historic England, Nature Peak District, Staffordshire County Council, Cheshire East Council, United Utilities, Severn Trent Water).
- If successful in the round two bid, the Authority, on behalf of the South West Peak Landscape Partnership, will appoint a Scheme Manager for the delivery phase who will oversee delivery of 18 projects shared between partners. The delivery phase is expected to run from January 2017 until December 2021.
- The Scheme will require strong partnership liaison, working closely with farmers and landowners, resident communities and visitors to engage people in conservation projects for natural and cultural heritage; land management; access improvements; education and skills training; enjoyment and awareness raising.
- A stage one development grant from the HLF Landscape Partnerships Grants Programme has already been accepted and delivered. During this development phase, the PDNPA team and external partners conducted further engagement work via visitor and resident surveys; three community roadshows; interviews with farmers; and workshops with partners and stakeholders. Alongside this, each of the 18 projects has been further developed by specific project working groups.
- The Scheme comprises 18 projects (see Appendix 1) which will be delivered across 354km<sup>2</sup> of the South West Peak. The South West Peak is a vulnerable landscape, still supporting habitats and species of international importance, whilst being managed by farmers whose livelihoods are at risk from the small scale nature of the holdings, typical in the area, and future changes to support payments. To conserve the natural and cultural heritage of this intimate mosaic landscape, at a landscape scale, will require a concerted and collaborative approach which has not been seen here before.

- The total Scheme cost is £4,116,710 of which £2,409,300 (59%) has been requested of HLF. Anticipated non-cash contributions (volunteer and in-kind) amount to £678,707, leaving a cash match requirement of £1,028,703, which is a shared responsibility across delivery partners. Of this a financial contribution of £104,979 has been committed by the Authority (see Finance section below). Corporate overhead charges for government funded bodies are no longer eligible for HLF funding and do not feature in the budget, these costs are additional and to be borne by the Authority.
- Eight new staff positions to be hosted by the Authority will be created. These are: Scheme Manager (full-time), Programme Support Officer (part-time), Communication & Interpretation Officer (part-time), Volunteer & Vocational Training Officer (full-time), Youth Engagement Officer (part-time), Farm Link Workers (part-time), Grasslands Officer (part-time) and Cultural Heritage Officer (full-time).
- The Scheme will help to deliver several of the aims outlined in the PDNP Management Plan (2012-2017) and the corporate strategy (2016 – 2019).

## Recommendations

2.
  1. **That the Committee approves the proposal from the South West Peak Landscape Partnership to accept, on confirmation of approval from HLF, stage two funding for the delivery phase from the Heritage Lottery Fund Landscape Partnership Grants Programme and;**
  2. **That acceptance of the grant up to £2,409,300 and entry into a grant agreement with HLF is delegated to the Director of Conservation & Planning in consultation with Heads of Law and Finance.**
  3. **That entry into arrangements with partners is delegated to the Director of Conservation & Planning and Heads of Law and Finance in consultation with the Landscape Partnership Development Officer.**
  4. **That the recruitment of a fixed term Scheme Manager, Programme Support Officer, Communication & Interpretation Officer, Volunteer & Vocational Training Officer, Youth Engagement Officer, Farm Link Workers, Grasslands Officer and Cultural Heritage Officer is delegated to the Director of Conservation & Planning in consultation with the Head of Human Resources.**
  5. **That the Authority may, subject to compliance with procurement standing orders, enter into contracts for the delivery of the Scheme.**

## How does this contribute to our policies and legal obligations?

3. This scheme will deliver against the following NPMP (2012 – 2017) outcomes: DL1, DL2, DL3, WI2, WI3, WI4, TV1, TV2, ES1 and ES3; and the following corporate outcomes: Shift 1.2, Shift 2.2, 2.3, 2.4, Shift 3.1, 3.2, 3.3 and Shift 4.4.
4. The Scheme will also contribute towards objectives in the landscape strategy for the South West Peak to: manage and enhance clough woodlands; enhance the diversity of agricultural grasslands; manage the network of tracks and footpaths to maximise opportunities to enjoy the landscape; manage intrusive features on farmland and farmsteads; and create clough woods.

## Background

5. Following approval from the Authority's Resource Management Team on 6th January 2014 to submit a round one bid and appoint a Development Officer (RMT minute no 2/14); a successful bid was made to the Landscape Partnership Grants Programme of HLF for a Landscape Partnership Scheme. The purpose of the Scheme is to work together in the South West Peak to shape a better future for our communities, landscape, wildlife and heritage where trust and understanding thrive. The Authority's Audit Resources and Performance Committee gave approval to accept stage one funding from HLF on 7th November 2014. Permission to proceed with the development phase of the project was given by HLF on 26th November 2014.
6. Resource Management Team on 14th June 2016 gave approval for:
  - submission of the HLF round 2 bid;
  - funding a total of £224,000 of business costs (corporate overhead) an additional £54,000 on top of the estimated £170,000 which they approved on 9 February 2016;
  - continuing to seek additional matched funding and only if necessary underwrite the projects from the match funding reserve up to £210,000, financed by the £50,000/year baseline external funding capacity allocation agreed by the Authority;
  - the submission of bids to the Big Lottery and Esmée Fairbairn for the match funding gap [note that other funders are also being pursued].
7. A Partnership Agreement has been produced by our legal team and agreed with partners, this comprises a Delivery Agreement with those five partners leading on projects delivery, plus a Board Agreement for both delivery and supporting partners. The Delivery Agreement sets out the obligations of PDNPA as the Accountable Body and the Delivery Partners (which includes the Authority) in delivering the various projects which form part of the SWPLP Scheme. The Board Agreement sets out the remit of the Scheme Board which consists of the Accountable Body, Delivery Partners and Supporting Partners (see Appendix 2 for a summary of the principle terms of the Partnership Agreement).

## Proposals

8. The proposal is for the Authority to accept the grant (if offered) of £2.4m from the HLF for 'South West Peak: a Landscape at a Crossroads' as a key delivery vehicle for our corporate directional shift 1 – the place and the park, on a landscape scale; and a contributing delivery vehicle for other corporate directional shifts.
9. It is a requirement of standing orders part 7.C-2 that approval is given to receive grants over £200,000. Therefore, if approval is not provided, this grant cannot be spent. Likewise, approval is needed to spend funds received that are over £150,000.
10. The following actions are proposed:
  1. Continue with additional funding applications and approaches to businesses/corporate sponsors in collaboration with partners with the aim of covering all the costs of running the Scheme which sit outside the HLF grant.
  2. Set up the governance mechanism.
  3. Set up the supporting infrastructure.
  4. Confirm and complete contractual arrangements with the HLF.
  5. Recruit the team and start up.

**Are there any corporate implications members should be concerned about?**

11. **Financial:**

The Scheme will be funded through HLF grant, other external funding grants, contributions from partners and a financial input from the Authority (not including corporate overheads) as outlined below. Please see Appendix 3 cash flow for the delivery phase.

<b>Funding Source</b>	<b>Funds for delivery (secured)#</b>	<b>Funds for delivery (provisional or underwritten)</b>	<b>Funds for delivery (unsecured)</b>
PDNPA*	<b>£104,979</b>	£210,000	£21,787
Environment Agency	<b>£150,000</b>		
Staffordshire Wildlife Trust	<b>£9,500</b>	£34,529	
RSPB		£18,529	
Cheshire Wildlife Trust	<b>£55,000</b>		
Historic England	<b>£10,000</b>		
United Utilities	<b>£8,000</b>	£500	
Natural England	<b>£24,173</b>	£60,692	
Farming Life Centre			£2,040
Grant recipient contributions		£210,000	
Other contributions expected~		£109,474	
<b>HLF</b>	<b>£2,409,300</b>		
Volunteer and in-kind contributions	<b>£352,257</b>		£326,450
<b>Totals</b>	<b>£3,123,209</b>	<b>£643,724</b>	<b>£350,277</b>

\* Plus additional £224,000 of corporate overheads

# Total secured partner contribution = £361,652

~ Other expected contributions include: participant contributions, farmers contributions towards apprentices, proceeds from book sales

12. HLF funding will be drawn down quarterly in arrears on the submission of quarterly reports and claims for the spending over that period.
13. The secured £104,979 of PDNPA contributory funding comprises:
- a legacy of £36,000 left to the National Park which the chief finance officer has confirmed can be allocated to the Barns and Buildings conservation project (BB);
  - £53,000 from the Warslow Estate budget towards the Barns & Buildings, Glorious Grasslands (GG) and Bigger, Better and More Connected (BBMC) projects;
  - £15,479 remaining in the Authority's apprentice budget.
14. The Authority's Resource Management Team noted on 14th June 2016 that the Landscape Partnership Development Officer and colleagues should continue to seek additional match funding and that they would, only if necessary, underwrite the projects from the match funding reserve up to the value of £210,000 (financed by the £50,000/year baseline external funding capacity allocation agreed by the Authority).
15. Under current HLF rules, corporate overheads for statutory organisations cannot be included as part of their grant. On 9th February Resource Management Team considered a request to cover the estimated business costs of £170,000, which was subsequently approved by Authority on 27th May. Once all the Authority-led project plans and budgets had been completed, additional staffing requirements were



apparent, increasing the business costs by a maximum of £54,000 over five years, therefore Resource Management Team agreed on 14th June to cover all the associated business costs (corporate overheads) estimated at £224,000 over the five years.

16. **Risk Management:**

Scheme risks and mitigation have been identified and included in the round two bid to HLF as below.

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigation</b>	<b>Lead</b>
	<b>H/M/L</b>	<b>H/M/L</b>		
Not securing sufficient cash match	M	H	Partners agree to share responsibility, expertise and resources for bidding. Key partners will underwrite shortfall.	Partnership
Farmers not fully engaging or providing access	M	H	Coordinate contact especially via Farm Link Workers; use trusted advisors where in place; develop working relationships early and work hard to maintain them.	Relevant project leads
Changes to support payments – Basic Payment and Countryside Stewardship Schemes, low coverage, low uptake	H	L	No heavy reliance on agri-environment schemes for match funding; SWP is target area for Countryside Stewardship. PDNPA continuing to influence the design of any new national support schemes following the 'Brexit' decision.	NE, PDNPA
Partners fail to deliver agreed projects/outputs/outcomes	L	L	Strong partnership exists; partnership agreement in place with clear roles and responsibilities. Board to ensure overview and support to all delivery partners. If partner drops out, look to others to substitute.	Board, PDNPA
Changes in membership of the partnership	M	M	Recognise potential for drawing in additional partners & risk of losing existing ones. Governance documents allow for adaptation to change whilst ensuring partners take responsibility for their commitments. Strong leadership provided by lead organisation.	PDNPA, Board

Difficulty recruiting the right staff	M	H	Start recruitment quickly; variety of partners offer attractive employers; longer projects more likely to attract staff; flexible recruitment terms e.g. secondments, redundancy payment.	Board, delivery partners
Changes in key staff during delivery	L	M	Phasing of staffing contracts according to roles. Partnership to work with staff to build & maintain a strong partnership able to develop sustainable funding streams when Scheme ends.	Delivery partners
Difficulty retaining staff for the duration	L	L	Consider 'completion' bonus.	Delivery partners
Poor quality of delivery by e.g. contractors	L	M	Clear, quality brief/ contract; quality control by project manager.	Scheme manager
Major disease outbreak	L	H	Follow PDNPA protocol; work with HLF if extension required.	Board, HLF
Lack of community engagement	L	M	Variety of partners well placed with existing contacts; dedicated Community Engagement Officer.	Scheme manager
Insufficient volunteers	L	M	Dedicated Community Engagement Officer; tap into existing volunteer workforce from variety of partners.	Scheme manager
Extreme weather events	M	M	Site risk assessments; back up plans for capital work/events; use resilient materials and methods for works e.g. slowing the flow.	Scheme manager, project staff
Brexit has negative effect on sources of funding	L	M	Most funding to be secured before impact of Brexit takes effect. Government commitment to Basic Payment Scheme to 2020. Countryside Stewardship funding to be honoured provided it meets strategic objectives and value for money tests, but limited reliance for this funding.	Board

Project specific risks as detailed in each project plan	M	M	Adaptive project management, forward planning and good communication are key	Project leads
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17. **Sustainability:**

All thirteen partners (plus the National Park Authority) have signed a Partnership Agreement, in anticipation of the approval of the bid, for the delivery phase and have agreed representatives to sit on the Board, demonstrating their commitment.

Legacy is a key requirement of all HLF grant applications; with landscape partnership grants a legacy period of 10 years is required, each project lead has considered this in their project plan and a detailed legacy plan will be produced well before the end of the delivery phase.

Many of the proposed projects include training for partners' staff and local communities, thereby building long-term sustainability through engaging, educating and training people.

18. **Human Resources:**

The recruitment of new staff to deliver this scheme will require support from the HR team; the team has been involved in writing job descriptions and person specifications and are aware of their anticipated involvement.

19. **Property:**

The new staff team will require office accommodation to be identified and allocated at Aldern House and/or other suitable field base. The property support team are aware of the requirement.

20. **ICT:**

The new staff team will require ICT equipment to be purchased and supported at Aldern House and/or other suitable field base. The costs of purchase have been included in the Scheme budget.

21. **Communications:**

An engagement strategy has been produced for the Scheme, including a communications plan, this will remain a live document to be updated and managed by the new Communication & Interpretation Officer and overseen by the Scheme Manager. A temporary website is in place which will be replaced by a new partnership site using the National Parks server and infrastructure, thereby providing a sustainable platform. A Facebook page and Twitter account are also in place. These plus other forms of social media will be maintained by the partnership's Communication & Interpretation Officer.

22. **Background papers** (not previously published)

Second round funding application to the Heritage Lottery Fund  
Display materials

**Appendices**

- 1) Summary of the Scheme

- 2) Summary of the Partnership Agreement
- 3) Financial summary/cash flow for the delivery phase

**Report Author, Job Title and Publication Date**

Karen Shelley-Jones, South West Peak Landscape Partnership Development Officer,  
27 October 2016

## **SOUTH WEST PEAK LANDSCAPE PARTNERSHIP SCHEME SUMMARY**

### **1. Mission Statement**

By working together in the South West Peak, we will shape a better future for our communities, landscape, wildlife and heritage where trust and understanding thrive.

### **2. Vision**

The South West Peak is a life-support system because it collects our water, takes in our carbon, defines our communities, retains our heritage, provides an escape, promotes health & wellbeing, inspires generations and supports livelihoods.

Our partnership supports a South West Peak that is a healthier and better functioning landscape for people and wildlife, a nationally and internationally recognised place where everyone can make a true connection with their environment and a living landscape where opportunities exist for present and future generations.

### **3. Partnership Outcomes**

#### **Relationships**

- Improved understanding and relationship between different communities (farmers, conservationists, residents, visitors, partners)

#### **Land management**

- Habitats are more diverse and more resilient
- Populations of key species are supported and more resilient
- A move towards economically and environmentally sustainable land management or 'high nature value farming'
- The landscape is managed for multiple benefits

#### **People**

- People have a stronger sense of place, they are engaging with the landscape, have better experiences, and have gained respect and understanding
- People have gained skills and knowledge about the landscape
- People value the landscape and understand the benefits it provides
- People who are currently disconnected from the landscape are supported to build a relationship

#### **Landscape character**

- Historic and built elements of the landscape are recorded, understood, valued and restored
- The distinctive mosaic of natural heritage is maintained and enhanced

### **4. Statement of Intent**

The South West Peak is a landscape at a crossroads. This is where north meets south, and the uplands and lowlands sit side by side. The resulting climate is a key influencer of the distinctive character of the landscape we experience today, including its land use and field pattern, industry, settlement pattern and local vernacular, recreational opportunities, geodiversity and biodiversity. This is a landscape characterised by dramatic rocky outcrops overlooking an intimate mosaic of moorland, grassland, wetland and woodland, divided by dry stone walls or hedgerows.

At a crossroads a traveller often needs to take stock and make decisions: where are we heading, how will we get there, which is the best direction to take? The decisions we make today are important determinants of the future shape, condition and direction of this natural, cultural and economic landscape.

The Landscape Partnership focuses on understanding, strengthening and enhancing the connections between the natural environment, the historic settlement patterns and land-based industries, the present day use and enjoyment of the landscape, and the future resilience to change of this special part of the Peak District.

In particular the Landscape Partnership will help people to:

- Understand and implement an ecosystem approach to caring for the landscape.
- Understand the historic and cultural value of the landscape and how it has been shaped over time.
- Conserve, manage and enhance the built and natural features that characterise the area.
- Deliver a sustainable land management approach capable of supporting current land uses whilst protecting the existing network of habitats and enhancing landscape character.
- Take action to protect the local environment, increase biodiversity and enhance, restore and create a network of diverse habitats which will help to ensure future resilience to change.
- Build skills in traditional building and land management; access and interpretation; wildlife surveying and monitoring; habitat restoration; and community planning.
- Engage in learning, training and gaining skills to understand, interpret and care for their local landscape, traditions and heritage.
- Explore and deliver innovative ways of supporting local businesses which depend upon and benefit the natural and cultural environment.
- Follow an approach that protects and manages the distinctive dispersed settlement, field patterns and other intrinsic characteristics which combine to contribute to a distinctive sense of place.
- Address the decline of key priority species such as farmland waders.
- Get involved in telling and sharing stories about the area – its past, present and future; and supporting residents to become ‘curators’ of their landscape.
- Engage on a deeper, more meaningful level in and around the South West Peak to strengthen connection and involvement with heritage assets and historic culture.
- Promote opportunities for cooperation and volunteering to develop approaches and action so that the benefits of partnership working can be sustained long term.

## **5. Component Projects (and delivery partner)**

### **Future Farmscapes (PDNPA)**

Improving engagement between farmers and other organisations working in the area, to build the concept of high nature value farming and identify opportunities for sustainability. A small team of Farm Link Workers will be pivotal to liaison between the partnership and the farming community.

### **Future Custodians (PDNPA)**

Providing farming and countryside worker apprenticeships for 12 young people with integrated work and training programmes with mentors drawn from across the range of organisations in the partnership.

**Uplands Academy (Farming Life Centre)**

Providing a tailored package of 30 hours of business training to 20 individuals - the next generation of farmers and land managers in the South West Peak.

**Peak Land Lives (Farming Life Centre)**

A research and oral history project, which will tell the story of the agricultural heritage of the South West Peak from 1945 to the present, through a full colour book with supporting audio and visual material.

**Barns & Buildings (PDNPA)**

Identifying, recording and, where possible, repairing, conserving or consolidating traditional field barns by engaging with landowners, local communities, craftspeople and visitors.

**Small Heritage Adoption (PDNPA)**

Small heritage such as bell pits, lime kilns, stone crosses and waymarkers are at risk of loss and degradation through non-intervention and neglect. This project aims to promote the value of these features as part of the cultural heritage of the landscape.

**Roaches Gateway (Staffordshire Wildlife Trust)**

Repairing and improving footpaths using traditional techniques including stone pitching. Historic dry stone wall boundaries will be restored through a combination of contractors and volunteer work. The project will also deliver creative and engaging onsite and off-site interpretation.

**Mosaic (PDNPA)**

New volunteers will be recruited and trained as Community Champions to build a bridge between people traditionally disconnected from the natural environment.

**Better Outside (PDNPA)**

Capital works to rights of way will be followed by the development and delivery of a program of activity, designed to improve health and initiate behaviour change amongst target groups.

**Communities Engage (Support Staffordshire)**

Community engagement officer and community grant fund to enable communities to celebrate their heritage, research it, establish events and make improvements to their local cultural and natural heritage.

**Beyond the Classroom (PDNPA)**

Allowing young geographers and scientists to experience field studies in a unique and special landscape. Their research will be valued and used by the partnership and their skills and knowledge of heritage will have been developed through hands-on experiential learning opportunities.

**Wild Child (Staffordshire Wildlife Trust)**

Wild play activities for families and young children to inspire a lifelong appreciation for their natural heritage and to build up the confidence to incorporate outdoor play and learning into their daily lives.

**Working for Waders (RSPB)**

To understand the drivers of breeding wader population dynamics in the South West Peak and to identify and deliver intervention measures to help achieve sustainable populations.

**Glorious Grasslands (PDNPA)**

Involving communities and providing support to landowners to increase species-rich and unimproved grasslands, which can provide multiple benefits for soil health, flood water management, species diversity, pollinators and human wellbeing.

**Slowing the Flow (Cheshire Wildlife Trust)**

Addressing multiple issues affecting upland catchments by using an approach of 'buffering' and 'roughening' land surrounding feeder streams of the rivers that begin their course in the South West Peak.

**Crayfish in Crisis (Staffordshire Wildlife Trust)**

Developing conservation action plans for this globally endangered species in different catchments of the project area.

**Bigger, Better, More Connected (PDNPA)**

An over-arching interpretation project that aims to develop hard-hitting, impact making messages that inspire people to do more and care more about the landscape.

**Virtual Visitor Centre (PDNPA)**

A partnership website which will provide details about the Landscape Partnership and host a 'virtual visitor centre' as an online interpretive resource.



[www.southwestpeak.co.uk](http://www.southwestpeak.co.uk)



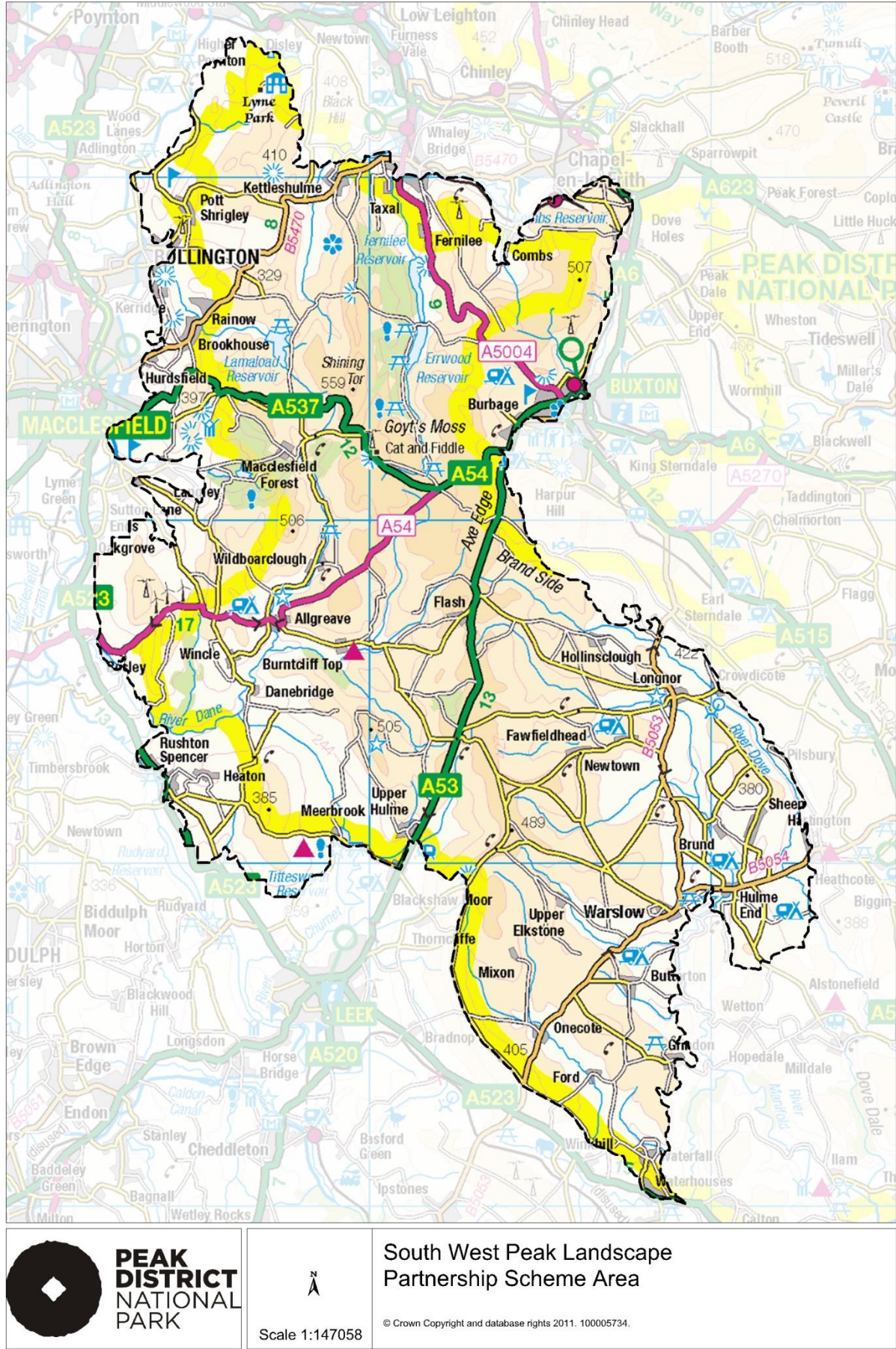
<https://www.facebook.com/swpeak/>



<https://twitter.com/SouthWestPeak>



6. Map of the scheme area



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## **SUMMARY OF TERMS OF SOUTH WEST PEAK LANDSCAPE PARTNERSHIP AGREEMENT**

### **1. Principle Terms of Delivery Agreement**

#### **1.1. Parties**

Accountable Body: PDNPA

Delivery Partners: RSPB, Staffordshire Wildlife Trust, Cheshire Wildlife Trust, Support Staffordshire, The Farming Life Centre new partners may be added with agreement)

**1.2. Term of Agreement:** from the HLF Permission to Start Date to the Expiry of the Grant.

#### **1.3. Obligations of PDNPA as Accountable Body**

- To deliver the Scheme as directed and agreed by the Board.
- Financial management of the Scheme:
  - including drawdown of funds from HLF and payment of these funds to the Delivery Partners (within 14 days of cleared funds from HLF)
- PDNPA is only responsible for administering HLF funds.
- To ensure that Delivery Partners deliver their Projects within the Scheme and the HLF terms of grant.
- Maintain records as required by HLF.
- Any other duties required by the Board (with PDNPA's agreement).
- Reporting to HLF and quarterly to the Board.

#### **1.4. Obligations on Delivery Partners**

All Delivery Partners:

- accept that the Accountable Body will manage the Scheme but that each Delivery Partner is obliged to deliver their Project in accordance with the Delivery Agreement, HLF terms of grant and any match funder requirements.
- will co-operate with the Accountable Body and take reasonable and practicable steps to assist the Accountable Body in meeting the HLF's obligations in the Grant Agreement.
- must comply with HLF terms of grant.
- must ensure its claims comply with HLF financial requirements (including claims for expenditure).
- will be responsible for their own staffing.
- are responsible for ensuring that they have and comply with child protection and safeguarding policies.
- must comply with the reporting schedule that will be prepared by the Accountable Body and agreed by the Board.
- work to achieve the actions set out in the Landscape Conservation Action Plan.
- Must implement their own Projects in accordance with their Project Plan attached to the Delivery Agreement. Project Plans may be amended from time to time by the Board (where this increases the scope or cost, with that Partner's agreement).
- Match Funding:
  - Delivery Partners are responsible for procuring and managing their own match funding as set out in their Project Plan and notifying the Accountable Body of any issues/non-payment.
  - Within each Project Plan is a requirement to underwrite any match funding and obtain alternative match-funding.

#### **1.5. Termination of Agreement**

By Accountable Body:

- If a Delivery Partner is in material breach or insolvent (with the approval of the Board and HLF).

- By the Board (with HLF agreement) if it unanimously agrees that the Accountable Body is in material breach or insolvent.
- Conditions of termination are set by HLF and the Board.

### **1.6. Board Agreement**

The Delivery Agreement notes that the Scheme is overseen and monitored by a Board (please see below). All decisions of the Board are subject to the overriding obligation that the Scheme is delivered in accordance with the HLF terms of grant.

### **1.7. Indemnity, liability and insurance**

Each Partner is liable for any claims arising from their wrongful acts or omissions (this does not extend to consequential loss). Each Delivery Partner will indemnify PDNPA for any HLF repayments arising from their actions. Each Partner must maintain the appropriate insurance.

### **1.8. Confidentiality and Freedom of Information and Data Protection**

The usual provisions apply.

Formal data processing or data sharing agreements will be required in any circumstances where personal data are to be shared between bodies or parties as part of the delivery of this programme.

### **1.9. Intellectual Property Rights (IPR)**

All IPR resulting from the Scheme vests in HLF and the Delivery Partners with licences to Supporting Partners for use for non-commercial purposes.

### **1.10. Communications**

PDNPA will prepare a communications strategy within 12 weeks of the Permission to Start Date which will be agreed and complied with by all Partners.

## **2. Principal Terms of Board Agreement**

### **2.1. Parties**

Accountable Body: PDNPA

Delivery Partners: As above

Supporting Partners: Environment Agency, Historic England, Natural England, Nature Peak District, Severn Trent Water, United Utilities Water Ltd, Staffordshire County Council, Cheshire East Council (new partners may be added with agreement)

### **2.2. General Obligations of the Board**

- To manage monitor and oversee the delivery of the Scheme
- Represent views of stakeholders
- Set the strategy and direction of the Scheme
- Act as ambassadors for the Scheme

### **2.3. Board Decisions**

The Board agreement sets out the practicalities of Board meetings including quorum. Please note that, although there are more Supporting Partners than Delivery Partners, decisions are not binding unless the majority of the Delivery Partners agree. The Accountable Body has a casting vote.

### **2.4. Role of Accountable Body**

The Board agrees that the management of the Scheme (including financial management) remains the ultimate responsibility of the Accountable Body but the Accountable Body shall have regard to the views of the Board.

### **2.5. Termination of Agreement**

Of a Delivery Partner by the Board if a Delivery Partner is terminated or suspended from the Delivery Agreement;  
Of a Supporting Partner with the agreement of the Board;  
Immediately if the Delivery Agreement is terminated.

- 2.6.** Provisions for Dispute Resolution, Confidentiality and FOI are the same as the Delivery Agreement. There are no indemnity provisions as the Board is advisory in terms of individual Project Delivery.

**D Shaw 20 July 2016**

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## Appendix 3.1

**South West Peak - a Landscape at a Crossroads - Overall scheme budget and annual cashflow by project**

	Total Cost	Year 1	Year 2	Year 3	Year 4	Year 5
<b>PDNPA-led projects</b>						
Core delivery	£314,994	£60,289	£58,440	£66,751	£59,244	£70,270
Barns & Buildings	£404,970	£1,500	£102,382	£106,438	£107,158	£87,492
Better Outside	£112,100	£0	£60,650	£51,450	£0	£0
Beyond the Classroom	£77,676	£0	£20,908	£25,114	£27,522	£4,132
Bigger, Better, More Connected	£115,620	£16,904	£46,088	£22,260	£15,035	£15,333
Future Custodians	£473,143	£20,736	£151,291	£123,080	£122,003	£56,033
Future Farmscapes	£240,466	£37,803	£51,778	£51,534	£52,045	£47,306
Glorious Grasslands	£358,332	£46,968	£85,217	£86,826	£79,008	£60,313
Mosaic	£32,400	£0	£5,000	£14,200	£13,200	£0
Small Heritage Adoption	£73,000	£0	£19,300	£20,400	£18,450	£14,850
Virtual Visitor Centre	£30,000	£18,000	£12,000	£0	£0	£0
<b>PDNPA sub-total</b>	<b>£2,232,701</b>	<b>£202,200</b>	<b>£613,054</b>	<b>£568,053</b>	<b>£493,665</b>	<b>£355,729</b>
<b>Partner-led projects</b>						
Crayfish in Crisis	£61,017	£19,152	£13,935	£13,597	£8,912	£5,421
Engaging Communities	£794,302	£142,084	£250,309	£251,267	£145,730	£4,912
Peak Land Lives	£63,925	£19,608	£31,430	£7,287	£5,600	£0
Roaches Gateway	£156,000	£31,800	£50,400	£45,200	£28,600	£0
Slowing the Flow	£385,390	£85,561	£75,007	£74,202	£76,783	£73,837
Uplands Academy	£19,782	£13,627	£5,895	£260	£0	£0
Wild Child	£115,500	£23,120	£23,150	£23,150	£23,160	£22,920
Working for Waders	£288,093	£41,377	£69,545	£72,494	£65,603	£39,074
<b>Partner sub-total</b>	<b>£1,884,009</b>	<b>£376,329</b>	<b>£519,671</b>	<b>£487,457</b>	<b>£354,388</b>	<b>£146,164</b>
<b>TOTAL</b>	<b>£4,116,710</b>	<b>£578,529</b>	<b>£1,132,725</b>	<b>£1,055,510</b>	<b>£848,053</b>	<b>£501,893</b>

## Appendix 3.2

## South West Peak - a Landscape at a Crossroads - Cost breakdown by project

	Lead partner	Total cost	HLF grant request	Secured match	Provisional match	Underwritten amount	Unsecured cash match	In-kind	Volunteers	Source of cash match secured in bold, provisional in blue
Core delivery team	PDNPA	£314,994	£314,994	£0	£0			£0	£0	HLF
Barns & Buildings	PDNPA	£404,970	£240,000	£61,000	£40,000	£18,970		£0	£45,000	£25k WME budget, £36k legacy, £40k farmer contributions/AE schemes
Better Outside	PDNPA	£112,100	£57,519	£8,500	£0	£20,694	£20,287	£2,100	£3,000	£500 PDNPA, £8,000 UU
Beyond the Classroom	PDNPA	£77,676	£43,576	£0	£14,200			£4,600	£15,300	£14,200 Contribution from schools & Alpkit
Bigger, Better More Connected	PDNPA	£115,620	£82,620	£4,000	£0		£1,500	£20,000	£7,500	£3k WME budget, £1k SWT
Crayfish in Crisis	SWT	£61,017	£44,545	£0	£0	£11,000		£3,472	£2,000	
Engaging Communities	SS	£794,302	£482,602	£0	£150,000			£75,000	£86,700	Community match
Future Custodians	PDNPA	£473,143	£267,015	£15,479	£76,764	£61,285		£52,600	£0	£15,479 PDNPA, £76,764 farmer contribution to salaries
Future Farmscapes	PDNPA	£240,466	£146,550	£0	£15,000	£78,916		£0	£0	£15k farmer contribution to grants
Glorious Grasslands	PDNPA	£358,332	£196,582	£40,173	£60,692	£25,135		£11,000	£24,750	£25k WME budget, £15,173 HLS, £60,692 AE Schemes
Mosaic	PDNPA	£32,400	£20,400	£0	£0			£4,800	£7,200	HLF
Peak Land Lives	FLC	£63,925	£39,835	£0	£16,800		£2,040	£0	£5,250	£16,800 proceeds from book sales
Roaches Gateway	SWT	£156,000	£72,500	£17,500				£21,000	£45,000	£17,500 SWT reserves & HLS
Slowing the Flow	CWT	£385,390	£140,000	£205,000				£20,390	£20,000	£55k CWT, £150k EA
Small Heritage Adoption	PDNPA	£73,000	£33,000	£10,000	£5,000	£5,000			£20,000	£10k Historic England, £5k farmer contributions
Uplands Academy	FLC	£19,782	£7,062	£0	£1,710			£160	£10,850	Contribution from attendees
Virtual Visitor Centre	PDNPA	£30,000	£30,000	£0	£0				£0	HLF
Wild Child	SWT	£115,500	£70,500	£0		£15,000		£20,000	£10,000	
Working for Waders	RSPB	£288,093	£120,000	£0		£27,058		£126,035	£15,000	
Totals		£4,116,710	£2,409,300	£361,652	£380,166	£263,058	£23,827	£361,157	£317,550	



8. **2016/17 QUARTER 2 CORPORATE PERFORMANCE AND RISK MANAGEMENT REPORT ( A91941/RMM)**

1. **Purpose of the report**

This report provides Members with monitoring information at the end of Quarter 2 (July - September 2016) for review of performance against the first year of our Corporate Strategy (comprising 4 directional shifts and 4 cornerstones); monitoring of the corporate risk register; monitoring of Freedom of Information/Environmental Information Regulations requests and monitoring of complaints.

2. **Key Issues**

- The format of the report is in line with the new format agreed by Members at the last Audit Resources and Performance meeting
- **Corporate Performance** at the end of Quarter 2:
  - None of our priority actions have significant performance issues, 20 actions require more planned work and 8 actions are on target; in discussing Quarter 2 performance, managers recognise that 'business as usual' is progressing well whereas development actions are proving more challenging and taking longer than anticipated
  - Work continues to develop indicators- again those in development areas are taking longer than anticipated to finalise but all are expected to be in place by the end of quarter 3. Of those reported in this quarter 9 are on target (green), 1 is amber reporting out half yearly on two aspects of the indicator (number of people experiencing the benefits of the PDNPA from target audiences) and 1 is below target (red) as a 'year to date' figure although the target was met in quarter 2 (complaints handled in accordance with agreed deadlines).
- **Corporate Risk** status at the end of Quarter 2:
  - 2 risks are to be removed from the register as they are no longer a risk:
    - a. Outstanding debt from final Moorlife claim is not met
    - b. Failure to submit a quality, funded bid for the South West Peak project
  - 2 other risks have moved in their risk rating:
    - a. Failure to design the organisation so it has the skills and capability to deliver
    - b. Adverse exchange rate movements for Moorlife 2020 European funding
  - 1 risk remains as high risk:
    - a. Failure to inspire people to give to a National Park Authority
- Only 1 complaint was received in Quarter 2; unusually 3 complaints were received under the Anti- Fraud and Corruption policy; 14 Freedom of Information requests and 8 Environmental Information Regulations requests were dealt with.

**Recommendations**

- 3.
1. **That the Quarter 2 Corporate Performance Return, given in Appendix 1, is reviewed and any actions to address issues agreed.**
  2. **That the corporate risk register summary given in Appendix 2 be reviewed and status of risks accepted.**

**3. That the status of complaints and Freedom of Information/ Environmental Information Regulations requests, given in Appendix 3, be noted.**

**How does this contribute to our policies and legal obligations?**

4. Performance and risk management contributes to Cornerstone 3 Our Organisation: developing our organisation so we have a planned and sustained approach to performance at all levels. Monitoring the corporate indicators and corporate priority actions for 2016/17 is part of our approach to ensuring we are progressing against our Performance and Business Plan and if needed, mitigating action can be taken to maintain and improve performance or to reprioritise work in consultation with staff and Members.

**Background**

5. The visual representation for performance data remains on a traffic light system, using:
- green indicating the action or indicator is on target,
  - amber indicating that some remedial work required to get on target, and
  - red indicating a wider variance from being on target and that there may be some significant issues to be addressed.
6. In addition, a commentary is provided for each Directional Shift and Cornerstone, including any issues and action being taken to address the issues.
7. The Authority's risk management policy and supporting documentation was approved by Authority on 25 March 2011 (minute 21/11), and is reviewed annually as part of the Authority's review of the Code of Corporate Governance. In line with these arrangements, Appendix 2 shows the status of the Corporate Risks and an update for red risks and risks that have changed in risk rating.
8. Appendix 3 shows the status of the complaints received in this quarter and the report on Freedom of Information and Environmental Information Regulations requests. All remain at a low level compared with the same time last year.
9. Information is given so that Members of Audit, Resources and Performance Committee, in accordance with the scrutiny and performance management brief of the Committee, can review the performance of the Authority and the risks being managed corporately.

**Proposals**

10. Members are asked to review and agree the Quarter 2 Corporate Performance Return as detailed in Appendix 1.
11. Members are further asked to review the corporate risk register status at Appendix 2 and agree the proposed changes to the Corporate Risk Register including:
- a) Removal of risk 5: 'Outstanding debt from final Moorlife claim is not met' - as the claim has now been paid
  - b) Removal of risk 2: 'Failure to submit a quality, funded bid for the South West Peak project' – as a bid has now been submitted
  - c) Managing down (now medium likelihood) of risk 9 'Failure to design the organisation so it has the skills and capability to deliver' – as a new structure has now been agreed and implementation has started
  - d) Repositioning to medium impact of risk 3 'Adverse exchange rate movements for Moorlife 2020 European funding' - as this risk still needs to be monitored

12. That the status of complaints, Freedom of Information (FOI), and Environmental Information Regulations (EIR) enquiries in Appendix 3 be noted.

**Are there any corporate implications members should be concerned about?**

13. This report gives Members an overview of the achievement of targets in the past quarter and includes ICT, financial, risk management and sustainability considerations where appropriate. There are no additional implications in, for example, Health and Safety.
14. **Background papers** (not previously published) – None

**Appendices**

1. Appendix 1:Quarter 2 2016-17 Corporate Performance Return
2. Appendix 2: Quarter 2 Corporate Risk Register status
3. Appendix 3: Quarter 2 Complaints, Freedom of Information (FOI), and Environmental Information Regulations (EIR) enquiries

**Report Author, Job Title and Publication Date**

Ruth Marchington/Emily Fox/Sarah Newton, Corporate Strategy and Development, 27 October 2016

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**Directional Shift 1: The Place and the Park, on a Landscape Scale**

Our Focus:	2016-17 priority actions	Progress (RAG)
1. The Dark Peak	We will define, and have support for, our strategic direction for Stanage North Lees within the wider landscape.	GREEN
2. The SW Peak	We will have secured HLF funding and match funding to start the SW Peak Landscape Partnership Scheme delivery phase plus HLF agreement to a phased approach to future match funding requirements.	AMBER
3. The White Peak	We will know what the opportunities are for the NPA to develop an integrated management project in the public sector across the White Peak.	AMBER
4. The Whole Park	We will be offering an integrated conservation service to land managers.	AMBER

Corporate Indicator	Target 2016-17	Status
<b>1. Stage of development of Landscape scale partnership programmes</b>  a) Moors for the Future b) South West Peak Partnership c) White Peak Delivery Partnership d) Sheffield Moors Partnership	<b>Stage of development</b>  a) Mature Partnership b) Strategic Plan c) Vision d) Vision	a) achieved b) achieved c) on target d) on target

**Overview:**

The questions raised following the EU referendum result about the funding of MOORLIFE 2020 EU LIFE scheme and of the national agri-environment schemes remain unresolved, although the Government has committed to fund existing, committed schemes. The National Park Authority continues to influence for future support payments to deliver public goods in the uplands and protected landscapes at national stakeholder events and through National Parks England. South West Peak Stage 2 development submitted on target in July 2016; decision expected November 2016.

**Progress against priority actions/indicator targets:**

- The South West Peak HLF funded Landscape Partnership Development Phase 2 is on target. The bid was submitted in July. The Programme Board has been meeting to monitor and review progress on individual projects. Work has continued to find additional match-funding to fill the remaining gaps. A decision is expected from HLF in November.
- Recruitment of staff for the MoorLIFE 2020 EU LIFE project has continued; working up implementation of schemes with partners.
- Birds of Prey Initiative, draft position statement and protocol produced for consideration at October meeting with all partners.
- The Moor Business application was submitted, to further develop the Business Plan for the Moors for the Future programme.

- The area of moorland treated with restoration actions to date this year is 1008 hectares, which includes further bare peat revegetation, bracken control and sward diversification for dwarf shrubs, as well as completion of the 2.9km footpath across Brown Knoll.
- The Clough Woodland officer has facilitated the completion of 279 hectares of new native woodland in the Upper Derwent, and developed a Natural Flood Management Scheme with Kirklees Council for the Wessenden Valley.
- During challenging staff cover for the Moors for the Future communications team, for which recruitment is now nearly complete, we hosted visits by the EA chair, chief executive and 3 Directors, the Minister for Biodiversity and National Parks (Rory Stewart) and the Chair of Natural England. We circulated two press releases on flooding and water quality, which resulted in coverage on 35 occasions, including BBC and Guardian websites. We have had news media coverage on 108 occasions.
- The Community Science Project has facilitated the delivery of 398 volunteer days, including surveying of 211 targeted monitoring transects.
- The Historic Landscape Characterisation publication for Historic England is underway for completion in 2016/17; work continued the Farmstead Characterisation project;
- Countryside Stewardship scheme mid-tier support - 9 farmers and landowners were fully supported with their applications (462 ha); support was provided to 18 farmers and landowners for them to make their own applications and further one to one support for 24 farmers was provided by National Park Advisors acting as sub-contractors under a national advice framework.
- Partners continue to deliver the actions in the Sheffield Moors Partnership Masterplan;
- Responses are awaited on the Sheffield Wildlife Trust HLF bid for "Sheffield Lakeland" Landscape partnership and on a Plantlife led HLF bid for Magnificent Meadows project in Derbyshire.
- The National Grid scheme for funding to underground a key section of high voltage electricity line and remove pylons at Dunford Bridge is progressing to the detailed scheme stage;
- Decision awaited on the Hope Valley Capacity Improvement Scheme – initial objection withdrawn following progress on the justification for the scheme and its details;
- Officers continue to be involved in discussions with Highways England and the Department for Transport on Trans-Pennine road proposals, including a possible tunnel. The Authority has been invited onto the Project Steering Group following a request by officers, to ensure proper consideration of National Park interests.

### **Issues arising and action to address:**

- a) Continued uncertainty over future funding for MOORLIFE 2020 following EU referendum; Government has said that it will meet commitments.
- b) Continued uncertainty over the availability and participation in the new national agri-environment scheme, Countryside Stewardship; first round of applications were significantly fewer nationally than anticipated. We are proactively approaching agreement expiries to encourage their continued engagement with conservation. Support to farmers and land managers has continued during this difficult transitional period.
- c) There is ongoing debate about the sustainability some aspects of grouse moor management including burning on deep peat, birds of prey and moorland tracks. Discussions continue with key stakeholders on moorland issues and a draft guide on planning requirements for moorland tracks was produced by the Authority and circulated to stakeholders.
- d) Targets for key Bird of Prey populations agreed by the Bird of Prey Initiative have not been met and further incidents of persecution may have taken place. A revised action plan and protocol produced with a more robust approach to Birds of Prey.

**Risk implications:**      None.

## Directional Shift 2: Connect people to the place, the park

Our Focus:	2016-17 priority actions	Progress (RAG)
1. Build support for the Park through a range of approaches to enable people to give time, money or valued intellectual support	We will have specified systems, skills and resources required to build a compelling platform to attract support.	AMBER
2. Improve access to the National Park for less represented audiences, in particular young people under 25	We will have identified the best channels through which to engage young people.	GREEN
3. Improve access to the National Park for less represented audiences, in particular people with health inequality	We will have identified the best channels through which to engage people living with health inequality and identified funding sources.	AMBER
4. Improve our volunteering opportunities and processes to nurture and build National Park volunteer supporters	We will have specified the systems, skills and resources required to develop and manage volunteer opportunities.	AMBER

Corporate Indicator	Target 2016-17	Status at Q2
<b>2. Number of people experiencing the benefits of the Peak District National Park from our target audiences of:</b> <b>a) young people under 25</b> <b>b) people living with health inequality (particularly mental wellbeing)</b> <b>c) volunteers (expressed as volunteer days)</b> <b>d) supporters (donors)</b>	a) 5% increase over 2015-16 15,476 at half year point b) Baseline c) 5% increase over 2015-16 4569 days at half year point d) baseline	15,456 Baseline to follow 4569 (-8%) tbd

### Overview:

Progress continues to be made in all areas in particular greater integration of recording of the number and type of opportunities we provide across the authority for young people. The new posts agreed in the Commercial Development and Outreach Directorate will support further development work including recruitment and retention of volunteers and identifying commissioning targets for work on supporting people with mental health challenges.

### Progress against priority actions/indicator targets:

- Longdendale Environmental Centre was fully open again while Sheffield Escape pilot programme has moved into the delivery phase and seen work with school groups start.
- 'Peeling Back the Layers', a community project that explores archaeological features at Under Whitle Farm, Sheen, has worked with volunteers including 3 local secondary schools and 10 local primary schools.
- Two young asylum seeker groups visited Stanage-North Lees as pilots for how we develop Outreach projects connected to climbing at the campsite with this target group. Links have also been made with the Sheffield Young Archaeologists Club.

- Climate change activity learning programmes for A-Level students has been developed; balancing the environmental impact of the activity against the value of the students' experience.
- There has been an increase in the delivery of residential Duke of Edinburgh Gold courses by the Conservation Volunteers team. Positive feedback from participants on ability to book online.
- Moors for the Future Partnership's Community Science team facilitated delivery of volunteer opportunities ranging from targeted monitoring for Sphagnum moss, bumblebees and buds, berries and leaves, alongside new environmental monitoring surveying of five sites and independently surveying 211 targeted-monitoring transects.
- We supported a disabled ramblers' walk along the historic Long Causeway, newly accessible to people in motorised wheelchairs following the making of a TRO and surface repairs in 2014. This included liaising with landowners to identify specialist parking areas.
- Experience Community, a not-for-profit community interest company that provides films and information about walks and other leisure activities for disabled people, held a mountain-trike ramble at Langsett.
- September meeting of the Local Access Forum was broadcast live from Aldern House for the first time and included proposals for developing and managing mountain-biking.

### **Issues arising and action to address:**

Structures, skills and systems to create integrated plan are now planned to be in place by the end of Q3. The new structure within the organisational redesign programme has been agreed and posts will start to be filled in quarter 3.

### **Risk implications:**

There continues to be a risk that appropriate resources and skills will not be in place both in strategy and performance and commercial development and outreach in time to achieve the priority action on identifying the best channels through which to engage people living with health inequality and funding sources – there continues to be pressure on quarter 4 to catch up following the restructuring work.

Data collection through the Service User Survey is still not in place but progress is being made and this will start to be collected in Q3, providing less than half a year of data.



**Directional shift 3: Visitor experiences that inspire and move**

Our Focus:	2016-17 priority actions	Progress (RAG)
1. Look after the whole Park as a public asset in a way that encourages access and responsible behaviour	We will have identified key audiences and the behaviours that sustain the special qualities of the National Park, and developed a campaign to promote understanding of their value.	AMBER
2. Provide a quality experience for anybody who visits our property or uses our visitor services that people are willing to pay for	We will have identified experiences our customers demand and mapped the ability of our portfolio to deliver them.	AMBER
3. Provide quality new experiences that will generate new income to fund the place	We will have identified the experiences our customers demand and mapped our ability to deliver them.	AMBER

Corporate Indicator	Target 2015-16	Status at Q2
<b>3. Brand awareness and understanding among potential supporters</b> a) % who know about the PDNP b) % who understand PDNP potential benefits/ services c) % who feel positive towards the PDNP d) % who are willing to support the PDNP	a) Baseline b) Baseline c) Baseline d) Baseline	Potential supporters – survey to be developed in 17/18  Avail in Q3/4 Avail in Q3/4
<b>4. Customer satisfaction with the PDNP experience</b>	➤ 90%	Survey to be developed

**Overview:**

Work continues on maintenance of key visitor experiences, with £600K capital funding allocated to restore/repair structures on our trails. Planning permission has been received for additional camping pods at North Lees campsite, which coupled with the online booking system, should enhance the experience. The agreed reorganisation design for the Commercial and Outreach Directorate will help progress this shift.

**Progress against priority actions/indicator targets:**

- Ranger guided walks for April-September had 800 participants, generating income of £5,268.
- The pilot events notification system has had 27 events notified to it from which we have received donations of £4,569.
- Rangers have been trailing pop-up events at Millers Dale and Parsley Hay aimed at families.
- Washroom facilities at Dovedale continue to achieve predicted levels of income and have served over 82,000 visitors since they were refurbished in March 2016.
- Recommendations for better management of our car parks have been approved by RMT and planned to take effect in Q1 2017/18.
- A near-term plan for Millers Dale Station is being developed (see shift 4).
- A tender exercise has been completed for provision of the abseiling facility at Bridge 75. There was very little interest, but the results have provided useful insight into the market and will help in developing our future approach to management of this facility.

- The trails team has built a new horse tie-up area at Parsley Hay. This has been requested by a number of riders and received a very positive response.
- Members considered the consultation responses to the proposal for a permanent Traffic Regulation Order to prohibit mechanically-propelled vehicles on the Washgate route and resolved to consult on an amendment to allow its historic established motorcycle trials to continue.
- Officers have contributed to the proposed planning guidance on tracks on moorlands to control inappropriate design, use and impact in these sensitive areas.
- Officers have been working with contractors and user groups to produce specifications for repairing and maintaining two bridleways at Cutthroat Bridge and the Strines in the Derwent, while improvements to the surfacing of footpaths at Stanage and the completion of a contract to cut back undergrowth on footpaths in the Derbyshire Dales area have been undertaken by the Countryside Maintenance Team. We also provided technical support for local groups looking to improve the condition of the concession footpath at Water-cum-Jolly.
- Planning permission received for 3 new camping pods at North Lees campsite including 1 with disabled access. The aim is for these to be installed before the winter.
- Online booking for camping pods introduced in July providing cost-efficiencies (c 1% paid in commission) and simpler system for our customers.
- A second successful open weekend was held at North Lees Hall to coincide with the National Heritage Open Days in September attracting c750 people.

### **Issues arising and action to address:**

- Delivering programme of structures repairs will put pressure on staff resources – particularly in a period of change. Consultation with Conservation Officers and English Heritage is taking place to try and get consents in place as early as possible.
- Introduction of new arrangements for car park management will have staff resource implications in Q3 and Q4 and will involve an element of public consultation. Communications plan will be in place before consultation starts.

### **Risk implications:**

No apparent risk implications

## Directional shift 4: Grow income and supporters

Our Focus:	2016-17 priority actions	Progress (RAG)
1. Increase our income from giving	We will have specified the systems, skills and resources required to build a compelling platform to attract support.	AMBER
2. Achieve our commercial programme income targets	We will deliver the income targets.	AMBER
3. Develop / establish sponsorship relationships	We will have decided the balance between the level of local and national efforts to secure commercial sponsorship.	GREEN
4. Secure external funding for major programme and partnership delivery	We will have identified the funding opportunities for Millers Dale and put in place a funding strategy for the South West Peak Landscape project.	AMBER

Corporate Indicator	Baseline	Target 2016-17	Status
<b>5. Amount and proportion of income by source</b>			
a) Commercial	£2162,294 (17.8%)	£2,289,000 (17.9%)	£1,303,445 (16.0%)
b) Donations	£40,255 (0.3%)	£60,000 (0.5%)	£37,565 (0.5%)
c) External funding*	£3,584,952 (29.5%)	£4,000,000 (31.2%)	£2,962,742 (36.3%)
d) Defra grant*	£6,364,744 (53.4%)	£6,474,218 (50.5%)	£3,859,255 (47.3%)
e) Total income	£12,152,345 (100%)	£12,823,218 (100%)	£8,163,007 (100%)
		Overall increase of 5%	

\*Some distortions will appear on a quarterly basis for the proportions of Defra Grant and external funding due to the accounting process.

### Overview:

Overall commercial income as percentage of our total income is just below year-end target. Pressure on visitor services volumes is still evident, albeit offset to some extent by improved margins. Cycle hire continues to show improvements (planned advertising investment for the service should increase our reach to the target audience) and our current voluntary income run rate means we are already at the target level as a percentage of total income. The next six months will see more progress on the development of our long-term fundraising vehicle and platforms. Our digital reach continues to be strong and we're entering exciting times with the Visitor Centre refurbishments having appointed an award-winning agency to develop the creative interpretation element. This will also be another step forward in our brand being rolled out in the National Park in a significant and inspiring way.

### Progress against priority actions/indicator targets:

- Digital Reach - Our main Twitter channel @PeakDistrict reached over 4.4m people and gained 1,959 new followers during this period (current total of 25,641 followers). The top three tweets were: North Lees Hall Open Heritage Weekend (474,070 total reach); Dark Skies in the Peak District (258,741 total reach); BBC Breakfast live in the Peak District (88,487 total reach). Our main Facebook channel reached 581,926 people and gained 487 new followers (current total of 4,275 followers). To keep up with the ever evolving social media trends, we have now set up our own Instagram account, which will be reported in quarter 3.

- Cycle Hire income was above profile and +2% vs. LY driven by a focused effort on bike servicing and sales of ex-hire bikes. On-line bike rental booking system is now live for Ashbourne, enabling us to secure bookings and payments before the day of hire; Derwent and Parsley Hay to follow. Cycle hire business is on target to meet full-cost recovery.
- North Lees Campsite: tent camping income slightly reduced compared to last year but still positive compared to 2014/15. Income from the camping pods will significantly exceed the target for this financial year and is expected to increase next year following the installation of a further three pods this autumn. Overall campsite income is +£12k vs. LY.
- Millers Dale: short-term plan to create a small visitor information centre and café is in progress with draft drawings and specifications produced. Potential to relocate rangers and CMT from Millers Dale to Ashford Depot is being investigated. Expressions of interest from potential partners in a larger scale are anticipated in Q3.
- Visitor Services retail income was -3.8% vs. LY; margin was -2.3% vs. LY reflecting new product ranges, pricing and supplier deals. Footfall dropped but an improvement on Q1. Planning permission was granted, with conditions, for the remodelling of Castleton VC and separately for window replacements and new signage at Bakewell VC.
- Fundraising:
  - Secured sponsorship of £5k from Yorkshire Water for accessibility training to identify and assess routes suitable for 'Miles without Stiles' plus production of specialist maps and a guidebook.
  - Bid for £19k from the Pennine National Trail Partnership has been successful. This contributes 70% towards resurfacing and widening a section of the High Peak Trail with the remaining 30% matched from the Trails budget. Work will start in Q3.
  - Following support given to Peak Horse Power to develop a new ride along the trails, bridleways and minor roads of the southern Peak District, a sponsored horse ride raised funds for the Access Fund.

### **Issues arising and action to address:**

- Income from recreational facilities is ahead of target but a number of thefts from pay and display machines on our car parks will have an effect on this in Q3. Cash losses have been relatively small but repairs to machines are expected to cost in c£5k. Loss of cash is being minimised by increasing collection frequencies. Similar machines have been targeted on other landowners' properties and the police are investigating.
- During Q3 at Castleton and Bakewell VCs, building and refurbishment works will commence and plans finalised for signage, interpretation, retail shop fit design and café proposal (Castleton only).

### **Risk implications:**

No apparent risk implications

**Cornerstone 1: Our assets**

Our Focus:	2016-17 priority actions	Progress (RAG)
1. Reduce the size of our property portfolio and retain what we need	We will be on target for our programme of disposals.	GREEN
2. Ensure that the Trails, Stanage, North Lees and Warslow Estate are well-managed assets able to support the delivery of our directional shifts	We will have a clear plan for the standards needed for our assets for maintenance, environmental performance and visitor experience.	AMBER
3. Get the basics right on the visitor infrastructure we own and operate, from both a local and visitor perspective	We will have a clear plan for the standards needed for our visitor infrastructure for maintenance, environmental performance and visitor experience.	AMBER
4. Increase the value of our brand and its reach	We will have a compelling brand to underpin the outreach and income plans.	AMBER

Corporate Indicator	Target 2015-16	Status at Q2
Percentage of assets that meet the standards set for: Maintenance Environmental performance	Baseline tbc	Clear definition of indicator now agreed

**Overview:**

Progress is being made in all key areas; the proposed Head of Visitor Experience and Head of Marketing and Fundraising posts have now been agreed and are key leads in this area working with the Corporate Property Officer and Property Support team as we move forward; resource issues in property support team have been addressed with a new member of staff starting in quarter 3.

**Progress against priority actions/indicator targets:**

- Development of the Edale site to improve Moors for the Future accommodation/facilities in the centre/campsite is on track with phases 1 and 2 to be completed by mid-October. Contracts for phase 3 are in the process of being let.
- Action on the project to improve the visitor experience at Castleton is behind schedule due to changes to the specification of work in response to conditions of planning to redirect the café vent and our commitment to providing access improvements. The closure date for tenders is 19 October with work starting later in the year and completion and reopening of the centre in Summer/Autumn 2017 depending on whether a single contract is let and everything progressing to plan with no unforeseen complications in the construction phase.
- Work across the three directorates continues to ensure North Lees Hall is fully compliant for letting. This includes a roof repair, work on the chimneys and fire/smoke alarms (which requires planning advice) and what furniture needs to remain. All Directorates are treating this as a priority. Planning approval has been given for additional camping pods at North Lees campsite which will enable better access to the campsite for less able people. The new pods will be in place before the end of quarter 3.

A significant programme of works is underway to enhance the visitor experience through work to two of the main paths up to Stanage Edge and work on the main track between Hollin Bank and North Lees hall.

- The building works programme on the Warslow Moors Estate is now progressing with extra resources through a consultancy contract. Two residential properties are currently vacant and awaiting re-letting once some building improvement work has been carried out – this will be progressed with the arrival of the new Building Surveyor at the end of October. The Royal Engineers are carrying out an options appraisal and costings exercise on a derelict house and barn (Hayeshead). This is a training exercise for them and is being delivered at no charge to the Authority. Their report will form the basis for a business case for funds from the Capital Strategy in due course.
- Work is ongoing in major thinning operations at Bank Wood (Hassop) and Shawfield Wood (Warslow) which is yielding significant income. Further major thinning is planned at The Hills and Millmoorhead (Warslow) over the winter.
- The disposal programme is progressing well. In particular, 21 woods have already been disposed of or sold subject to contract. A further 2 woods have just received offers on them and another 6 woods will be marketed in early November. Work on the disposal of more Minor Properties is also ongoing with active negotiations taking place on Caskin Low and Lea Farm. A planning application for Brosterfield caravan site has been submitted;
- £600k has been allocated from the capital programme and agreed by members to address a backlog of repairs on the Trails structures;
- An investment case is being developed to ensure we have baseline data in place and can develop an implementation plan for the maintenance and environmental management standards we aspire to across the Authority's property portfolio;
- The new 19 pay and display car park signs have been installed. New entrance and welcome signs for these car parks have been designed and will be installed in Q3. Work continues on reception, interpretation panels, vehicles and with the newly appointed creative agency for visitor centre refurbishments to ensure they all reflect our brand.

**Issues arising and action to address:**

Progress on individual projects are reported above.

**Risk implications:** None

## Cornerstone 2: Our services

Our Focus:	2016-17 priority actions	Progress (RAG)
4. Deliver our services in a customer focused way	We will have an extended paid-for advice service for conservation.	AMBER
5. Ensure clear policies are in place through facilitated and effective engagement and communication	We will have partners indicating their commitment to Special Qualities.	AMBER
6. Ensure appropriate regulatory action	We will be communicating the clear value of our performance on enforcement.	GREEN

Corporate Indicator	Target 2016-17	Status
7. Proportion of planning appeals allowed	<30%	50%
8. Proportion of planning applications determined in a timely way a) 13 weeks – major b) 8 weeks – minor c) 8 weeks – other d) 13 weeks – county matters	a) >70% b) >70% c) >80% d) >70%	100% 90% 96% 71%
9a Number of enforcement cases resolved	30 per quarter	35
9b % of enforcement enquiries (excluding minerals and waste) investigated (and reach a conclusion on whether there is a breach of planning control) within 30 working days	80%	83%
10 Customer satisfaction with Planning Service: a) Applicants/ agents b) Parish councils c) Residents d) Pre-application advice	a) >75% b) >70% c) Baseline d) >75%	Not reported Q2
11a Number of complaints received	<20	2
11b % complaints dealt with in accordance with agreed deadlines	90%	67% year to date (100% in Q2)
11c Satisfaction with first and second lines of enquiry (planning)	baseline	To be set up

### Overview:

Work on Development Management policies has progressed, following the agreement of the draft policies by Authority last October, and further work with a member group following this. The Authority's influencing role has included ongoing dialogue with Constituent Authorities, particularly on housing and wind turbine issues, and input to the national debates on the Housing and Planning Bill and fracking.

### Progress against priority actions/indicator targets:

- Performance on planning application determination has been maintained during the last quarter. To date, 85% of the 275 Planning Applications decided were within the statutory period. Performance on major applications was 100% (two out of two) in Q1, exceeding the Government target of 40%;
- Of the 170 Planning Enquiries completed year to date, 79% were completed within 15 working days;
- 35 enforcement cases were resolved in the quarter, above the target of 30 for the quarter;
- Planning appeals: Of 10 appeals determined in the quarter 5 were dismissed and 5 allowed, missing the target of less than 30% being allowed. Of those allowed, 2 had been officer recommendations of approval. The potential policy implications of each case are assessed by the Director and none have been identified in the allowed appeals;
- The number of formal complaints relating to the Planning Service remains low, with no complaints progressing to stage 2 or the Ombudsman in the quarter;
- Feedback on the performance of the Planning Service is now being collected from applicants and agents on an on-going basis following the determination of applications. The feedback is generally positive, with those cases where an issue is raised being followed up. This is proving to be more productive than carrying out formal surveys on an annual or bi-annual basis. Parish Councils are also being surveyed on an on-going basis;
- Parishes Day took place on 24 September, focussing on the theme of community engagement and was well attended. Feedback on the event itself was very positive. The opportunity was taken to seek feedback on the performance of the Planning Service over the last year. This showed a positive improvement.
- The focus on Community Planning has continued, with further work on the Leekfrith NP and Bakewell NP;
- Work on Development Management policies has progressed further, with draft policies being finalised. A workshop for Parish Councils took place in September, prior to formal consultation later this year;
- On-going work with the constituent authorities on Local Plan housing allocations, specifically SMDC;
- Topic papers have been produced for updating the National Park Management Plan. These have been shared with appropriate interest groups, such as the Parishes at Parishes day and with the Land Managers Forum and Local Access Forum;

### **Issues arising and action to address:**

- a. Officers continue to work with Parishes, either through the PPP forum or through individual parishes to understand their concerns and address them through attending meetings, answering questions and offering training.
- b. Officers have worked closely with SMDC officers to support an approach which protects the setting of National Park close to Leek whilst assisting SMDC meet its housing targets
- c. The number of new enforcement enquiries continues to rise leading to a build-up in outstanding cases, despite the target for dealing with cases being met. The Action Plan agreed and adopted, in 2015-16, placing a greater focus on prioritising cases and then dealing with higher priority cases more quickly, is helping to give address this.
- d. Work on streamlining and review of our framework of policies and strategies to be led by the new Head of Strategy and Performance will not begin until quarter 4 due to priority being given to the NPMP update and putting in place a new team structure and resources.

Risks associated with this objective: None



**Cornerstone 3: Our organisation**

Our Focus:	2016-17 priority actions	Progress (RAG)
Develop and maintain appropriate standards of corporate governance	We will be ready to implement the new governance framework requirements as a public body (CIPFA SOLACE* framework).	GREEN
Implement our medium term financial plan	We will have identified and agreed the areas we are going to invest in.	GREEN
Develop key business processes underpinning the Corporate Strategy	We will have an organisation-wide understanding that information is an asset to be valued, used and shared.	AMBER

Corporate Indicator	Target 2015-16	Status
<b>12. Audit conclusions showing satisfactory governance arrangements in place</b>	Achieve	Achieved

**Overview:**

Good progress is being made in both achieving the focus for 2016/17 and the indicator.

**Progress against priority actions/indicator targets:**

- The external auditor has given: a) an unqualified opinion on the 2015/16 final Statement of Accounts with positive feedback in his report; and b) an unqualified Value for Money opinion following an audit of the Annual Governance Statement, concluding that the Authority has made proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people. This means the corporate indicator can be reported as achieved.
- Contracts are agreed for the change to providing our ICT 'infrastructure as a service' and testing will start the third week of October;
- Work for achieving greater connectivity to support services at our Edale site has been commissioned and should be in place by the middle of November although we are dependent on third party suppliers;
- Thinking on our three investment areas (commercial and outreach plan, ensuring our assets are at a standard to support the corporate strategy and developing and enhancing the way we work with communities) has been progressed for sharing with members on 21 October;
- Discussions have been held on our future telephony requirements prior to the development of a full business case;

**Issues arising and action to address:**

Although work has progressed and a lead for this work identified following staff changes not all Corporate Indicators have been developed sufficiently to start gathering data. The revised target is to have all indicators developed and defined by the end of quarter 3.

**Risk implications:** None

## Cornerstone 4: Our people

Our Focus:	2016-17 priority actions	Progress (RAG)
1. Ensure the Authority shape is fit for the future	We will have a structure in place that fits our organisational design principles and supports our ability to deliver the Corporate Strategy.	GREEN
2. Retain, develop and recruit the right people in the right place at the right time, with the right resources	We will have gathered the appropriate information to produce a workforce plan in 2017-18.	AMBER
3. Embed, in the way we work, our organisational values of people matter, performance matters, communities matter and every day matters	We will use the staff survey feedback to monitor how the leadership team is describing and living the way we want to work.	AMBER

Corporate Indicator	Target 2016 – 17	Status at Q2
13. Employee engagement (to be defined)	Baseline	Indicator to be developed
14. Implement recommendations of the 2016-17 Investors in People assessment	Agree prioritised 3 year action plan	Not reported in Q2
15. Sickness levels: a) % total time lost due to sickness (expressed as hours) b) hours per fte c) average number of times absent per employee d) value of total time lost (expressed as pay cost)	a) Tbc b) Tbc c) Tbc d) tbc	a) 1.54% b) 7.9 c) 18.44% d) £21,152
16. Staff turnover	tbc	2%

### Overview:

Although the work programme in HR is being dominated by the redesign of the organisation progress is being made in other key areas too as highlighted below.

### Progress against priority actions/indicator targets:

- The new Head of Service and team manager structure to support achievement of the corporate strategy has been agreed and will be implemented over quarter 3.
- Proposals following consultation and negotiation with UNSION and staff committee on changes to the Managing Change Policy on the redeployment period and pay protection will be considered by the Authority on 7 October.
- Resources are now in place so that work on gathering information to produce a workforce plan can be progressed in quarter three following some initial discussions and advice from the Local Government Association.
- As part of delivering the programme of the 'way we work around here' workshops 33 managers attended health & safety events and 34 attended the recruitment events; the programme will continue in quarter 4 focussing on staff time, attendance, and performance management after the current peak of work on implementing the new organisation design proposals.

- We continue to support staff through resilience coaching support – demand is high and a fourth day is to be offered; we are on track to pilot a ‘Resilient Leaders’ pilot in early February.
- A contract for Leadership Development to support the new leadership team has been progressed for finalising early in quarter three.
- The Job Evaluation (JE) process is being reviewed and local conventions are being assessed to ascertain fit for the new organisational structure. A shorter JE Questionnaire is being piloted with the aim of making the process less burdensome.
- We are preparing for the impact of the national Living Wage on the Local Government Pay Spine by 2020 and the removal of bands A-D working with the Local Government Association to assess current pay bands prior to making recommendations on the way forward.
- An action plan to address the recommendations in the Investors in People report is being developed for consultation by mid-October.

**Issues arising and action to address:**

The programme of line manager competency workshops titled the ‘way we work around here’ have stalled due to the reorganisation work but will be progressed in quarter 4.

**Risk implications:** None

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## Appendix 2 - Q2 Corporate Risk Register 2016/17

IMPACT	High	<p>4. Insufficient capacity to deliver Moorlife 2020</p> <p>13. Impact of EU exit vote</p> <p>5. Debt from final Moorlife claim not met (REMOVE)</p> <p>9. Fail to design organisation with skills and capability to</p>	<p>1. No common understanding of aims for White Peak</p> <p>8. Fail to develop integrated strategic commercial plan</p> <p>10. Not support staff through change</p> <p>2. Not submitting SWP bid</p>	7. Fail to inspire people to give to a NPA
	Medium	<p>11. Fail to increase ownership and understanding of our policies among stakeholders</p> <p>3. Adverse exchange rate Moorlife 2020 funding</p>	14. Fail to deliver against performance and business plan	6. Reduced area of land in agri-environment schemes
	Low			
		Low	Medium	High
LIKELIHOOD				

## Appendix 2

### Q2 Corporate Risk Register 2016/17

Impact	High	<b>AMBER</b> (closely monitor)	<b>AMBER</b> (manage and monitor)	<b>RED</b> (significant focus and attention)
	Med	<b>GREEN</b> (accept but monitor)	<b>AMBER</b> (management effort worthwhile)	<b>AMBER</b> (manage and monitor)
	Low	<b>GREEN</b> (accept)	<b>GREEN</b> (accept/ review periodically)	<b>GREEN</b> (accept but monitor)
		Low	Med	High
		Likelihood		

#### Corporate Risk Register: list of risks

1. Failure to create a common understanding of what we want to achieve in the White Peak
2. Failure to submit a quality, funded bid for the South West Peak project (REMOVE from register)
3. Adverse exchange rate movements for Moorlife 2020 European funding
4. Insufficient capacity to deliver Moorlife 2020 programme
5. Outstanding debt from final Moorlife claim is not met (REMOVE from register)
6. Area of NP land safeguarded in agri-environment schemes reduces because of new Rural Development Programme for England (RDPE) implications
7. Failure to inspire people to give to a National Park Authority
8. Failure to develop an integrated strategic commercial plan
9. Failure to design the organisation so it has the skills and capability to deliver
10. Failure to support staff going through a time of change
11. Failure to engage in a way that increases ownership and understanding of our policies amongst communities and decision makers
13. Failure to effectively manage the impact of changes resulting from the EU exit vote in terms of:
  - a. Euro funding for Moorlife 2020
  - b. UK government funding
  - c. Policy and legislation changes
  - d. Partnership funding position
14. Failure to deliver against our Performance and Business Plan in a time of structural change

## Appendix 2

### Q2 Corporate Risk Register 2016/17

Impact	High	<b>AMBER</b> (closely monitor)	<b>AMBER</b> (manage and monitor)	<b>RED</b> (significant focus and attention)
	Med	<b>GREEN</b> (accept but monitor)	<b>AMBER</b> (management effort worthwhile)	<b>AMBER</b> (manage and monitor)
	Low	<b>GREEN</b> (accept)	<b>GREEN</b> (accept/ review periodically)	<b>GREEN</b> (accept but monitor)
		Low	Med	High
		Likelihood		

Corp. Strat. Ref.	Risk Description	Existing controls	Risk rating before mitigation L x I	Mitigating action	Risk rating with mitigating action L x I ( Green, Amber or Red)						Timeframe of mitigating actions	Lead officer	How monitor/ indicator	Quarterly update
						Start	Q1	Q2	Q3	Q4				
S1 The Place and the Park on a Land-scape scale	2. Failure to submit a quality, funded bid for South West Peak project	Program me Board monitor-ing progress	H x H  RED	a. Funding strategy being developed.  b. Internal project team established.	Impact	High	High	No longer a risk			a. End June 2016  b. End May 2016	JRS (Direct or of Conser vation and Planni ng)	RMT	Bid was submitted on 22 <sup>nd</sup> July.  NO LONGER A RISK, REMOVE FROM REGISTER
					Likelihood	High	Medium							
					Rating	RED	AMBER							

## Appendix 2

## Q2 Corporate Risk Register 2016/17

Impact	High	<b>AMBER</b> (closely monitor)	<b>AMBER</b> (manage and monitor)	<b>RED</b> (significant focus and attention)
	Med	<b>GREEN</b> (accept but monitor)	<b>AMBER</b> (management effort worthwhile)	<b>AMBER</b> (manage and monitor)
	Low	<b>GREEN</b> (accept)	<b>GREEN</b> (accept/ review periodically)	<b>GREEN</b> (accept but monitor)
		Low	Med	High
Likelihood				

Corp. Strat. Ref.	Risk Description	Existing controls	Risk rating before mitigation L x I	Mitigating action	Risk rating with mitigating action L x I ( Green, Amber or Red)						Timeframe of mitigating actions	Lead officer	How monitor/ indicator	Quarterly update
						Start	Q1	Q2	Q3	Q4				
S1 The Place and the Park on a Landscape scale	3. Adverse exchange rate movements for Moorlife 2020 European funding	None	H x H  RED	a. Hedging arrangement to be put in place if we can.  b. Cap on sterling budget with appropriate output adjustments agreed.	Impact	High	Low	Medium			a. Continuous assessment	PN (Chief Finance Officer )	Chief Finance Officer  Budget monitoring Group  ARP	This risk has been reassessed since Q1, and the impact amended accordingly.  Request for detailed budget made to budget manager. Full sterling cap confirmed to budget manager as necessary. Received 30% up-front funding. Hedging arrangement under consideration. If current sterling weakness continues, the risk remains static
					Likelihood	Medium	Low	Low			b. End Q2 detailed budget breakdown			
					Rating	AMBER	GREEN	GREEN						



## Appendix 2

### Q2 Corporate Risk Register 2016/17

Impact	High	<b>AMBER</b> (closely monitor)	<b>AMBER</b> (manage and monitor)	<b>RED</b> (significant focus and attention)
	Med	<b>GREEN</b> (accept but monitor)	<b>AMBER</b> (management effort worthwhile)	<b>AMBER</b> (manage and monitor)
	Low	<b>GREEN</b> (accept)	<b>GREEN</b> (accept/ review periodically)	<b>GREEN</b> (accept but monitor)
		Low	Med	High
Likelihood				

Corp. Strat. Ref.	Risk Description	Existing controls	Risk rating before mitigation L x I	Mitigating action	Risk rating with mitigating action L x I ( Green, Amber or Red)						Timeframe of mitigating actions	Lead officer	How monitor/ indicator	Quarterly update
						Start	Q1	Q2	Q3	Q4				
S1 The Place and the Park on a Land-scape scale	5. Outstanding debt from final Moorlife claim is not met	Contract in place	L x H  AMBER: closely monitor	a. Immediate attention being given to answering questions from European office.	Impact	High	High	To be removed from register			a. End Jun '16	JRS (Direct or of Conser vation and Planni ng)	CFO and Director Conservat ion and Planning	The debt has been paid.  NO LONGER A RISK, REMOVE FROM REGISTER
					Likelihood	Low	Low							
					Rating	AMBER	AMBER							

## Appendix 2

### Q2 Corporate Risk Register 2016/17

Impact	High	<b>AMBER</b> (closely monitor)	<b>AMBER</b> (manage and monitor)	<b>RED</b> (significant focus and attention)
	Med	<b>GREEN</b> (accept but monitor)	<b>AMBER</b> (management effort worthwhile)	<b>AMBER</b> (manage and monitor)
	Low	<b>GREEN</b> (accept)	<b>GREEN</b> (accept/ review periodically)	<b>GREEN</b> (accept but monitor)
		Low	Med	High
Likelihood				

Corp. Strat. Ref.	Risk Description	Existing controls	Risk rating before mitigation L x I	Mitigating action	Risk rating with mitigating action L x I ( Green, Amber or Red)						Timeframe of mitigating actions	Lead officer	How monitor/ indicator	Quarterly update
						Start	Q1	Q2	Q3	Q4				
S2 Connect ing people to the place	7. Failure to inspire people to give to a National Park Authority	Approac h to giving approve d by the Authorit y.	H x H  RED	a. Organisation design to provide appropriate capabilities underway	Impact	High	High	High			a. Dec '16	SM (Direct or of Comm ercial Develo pment and Outrea ch)	RMT	New structure with key roles agreed, but risk remains until posts are filled.
					Likelihood	High	High	High						
					Rating	RED	RED	RED						

## Appendix 2

### Q2 Corporate Risk Register 2016/17

Impact	High	<b>AMBER</b> (closely monitor)	<b>AMBER</b> (manage and monitor)	<b>RED</b> (significant focus and attention)
	Med	<b>GREEN</b> (accept but monitor)	<b>AMBER</b> (management effort worthwhile)	<b>AMBER</b> (manage and monitor)
	Low	<b>GREEN</b> (accept)	<b>GREEN</b> (accept/ review periodically)	<b>GREEN</b> (accept but monitor)
		Low	Med	High
Likelihood				

Corp. Strat. Ref.	Risk Description	Existing controls	Risk rating before mitigation L x I	Mitigating action	Risk rating with mitigating action L x I ( Green, Amber or Red)						Timeframe of mitigating actions	Lead officer	How monitor/ indicator	Quarterly update
						Start	Q1	Q2	Q3	Q4				
C1 Our people	9. Failure to design the organisation so it has the skills and capability to deliver		M x H  AMBER: manage and monitor	a. Design principles drafted for consultation.	Impact	High	High	High			a. End July 2016	RMM (Direct or of Corporate Strategy and Development)	SLT Staff Committee/ UNISON/ MT discussion	a. Proposals for a new Head of Service and team manager structure at third and fourth tier along with a new team structure for the strategy and performance team have been agreed by resource management team  b. Implementation of the new structure will take place in quarter 3
				b. Part of investment discussions.	Likelihood	Medium	Medium	Low			b. End October 2016			
				c. Timetable outlined.	Rating	AMBER	AMBER	AMBER			c. End July 2016			

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**Quarter 2 Report on Complaints and Freedom of Information and Environmental Information Regulations Enquiries**

<b>Summary of Complaints in YTD</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>YTD</b>	<b>2016/17 Target</b>
Number of Complaints Received in Quarter:	2	1	-	-	3	<20
Percentage of complaints dealt with in accordance with agreed deadline of 20 working days	50%	100%			67%	90%
Number of Complaints in Quarter regarding an Authority Member:		0	-	-		
Number of complaints under Anti- Fraud and Corruption Policy		3				

<b>Complaint Ref, Date Made and Stage</b>	<b>Service and Reason for Complaint</b>	<b>Date Response Sent</b>	<b>Outcome</b>	<b>Any Change in Processes/Practices as a Result of Complaint Investigation</b>
C.419 25/08/16 Stage Two	<p>Planning</p> <p>Complainant agreed correspondence sent on 24/06/16 which had already been responded to should be treated as a Stage One complaint which alleged the following breaches and requested a Stage Two response:</p> <ol style="list-style-type: none"> <li>1. A material change of use from a holiday caravan site to a permanent residential park home site.</li> <li>2. Breach of condition attached to planning permission relating to colour of caravans and landscaping</li> <li>3. Unauthorised engineering works to change levels and construct steps to the caravan.</li> <li>4. Unauthorised construction of dwarf walls beneath the park homes.</li> <li>5. Unauthorised alterations to the access from the Highway.</li> <li>6. Requested that the Authority impose an Article 4 Direction to bring the site under planning control.</li> </ol>	<p>22/09/16</p> <p>Within 20 working day deadline</p>	<p>Complaint not justified.</p> <p>The Authority cannot control the development in question via an Article 4 Direction. The use of the site as a permanent residential park is not a material change of use requiring planning permission because of a decision made in 1982. The service of an Article 4 direction would not control the occupancy of the units as it could only be used to control physical works on this site that are classed as development.</p> <p>The Monitoring and Enforcement team will meet with the site owner to discuss his approach to the site and to set out the concerns of the community.</p>	None required.

Complaint Ref, Date Made and Stage	Service and Reason for Complaint	Date Response Sent	Outcome	Any Change in Processes/Practices as a Result of Complaint Investigation
C.420 14/09/16 Stage One	Planning  Complaint alleging a fraudulent document was posted on the Authority's website with regard to a planning application.	<b>Complaint under Anti-Fraud and Corruption Policy</b> - Awaiting response from internal auditors		
C.421 22/09/16	Planning  Complaint alleging a fraudulent document was posted on the Authority's website with regard to a planning application.	<b>Complaint under Anti-Fraud and Corruption Policy</b> - Awaiting response from internal auditors		
C.422 22/09/16	Planning  Complaint alleging a fraudulent document was posted on the Authority's website with regard to a planning application.	<b>Complaint under Anti-Fraud and Corruption Policy</b> - Awaiting response from internal auditors		

### Quarter 2 Report on Freedom of Information (FOI) and Environment Information Regulation Enquiries (EIR)

Quarter	No. of FOI Enquiries dealt with	No. of EIR Enquiries dealt with	No. of Enquiries dealt within time (20 days)	No. of late Enquiry responses	No. of Enquiries still being processed	No. of referrals to the Information Commissioner
Q1	9	15	23	1	3	0
Q2	14	8	20	2	2	0
<b>Cumulative</b>	<b>23</b>	<b>23</b>	<b>43</b>	<b>3</b>	<b>5</b>	<b>0</b>

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**9. ANNUAL REPORT OF THE DUE DILIGENCE PANEL (RC/AGM)**

**1. Purpose of the report**

To inform Members of the items considered by the Due Diligence Panel over the past 12 months.

**Key issues**

- This is the first annual report of the Due Diligence Panel.

**Recommendations**

2. **1. That the items considered by the Due Diligence Panel over the last 12 months, as set out in paragraph 11 of the report, be noted.**

**How does this contribute to our policies and legal obligations?**

3. This work contributes to achieving the following corporate objectives for 2016/19:
- Directional Shift Grow Income – Diversifying and growing our funding, building on our valued government grant
  - 1. Increase our income from giving
  - 2. Achieve our commercial programme income targets
  - 3. Develop/establish sponsorship relationships
  - 5. Secure external funding for major programme and partnership delivery.
  - Cornerstone Our Organisation - Developing our organisation so we have a planned and sustained approach to performance at all levels
  - 1. Develop and maintain appropriate standards of corporate governance
  - 2. Implement our medium term financial plan
  - 3. Develop key business processes underpinning the Corporate Strategy.

**Background**

4. The Due Diligence Panel was set up as part of the Authority's Policy on Working with Businesses, Organisations, Individuals and Groups of Individuals on Sponsorship, Philanthropy and Legacies agreed at the Authority meeting on 3 October 2014.
5. Since then the role and decision making of the Panel has been updated twice and checklists for officers to use for prospective proposals produced. The role and decision making outcomes of the Panel are:
1. To confirm whether it is appropriate to develop a relationship which has a financial value of £5000 or more (actual or in kind) with the proposed interested party (or parties)
  2. To confirm sufficient material has been provided to make a judgement or to refer back to the proposer if more information is needed
  3. To advise if mitigation action is required in light of risks identified by the proposer or the Panel in order for development of the relationship to proceed
6. In accordance with the agreed Policy all decisions made below the £5000 threshold are:
- a) Recorded through the finance system where a financial transaction is made - with a report being made every six months by the Head of Finance to the Due Diligence Panel for review
  - b) Reported to Democratic and Legal Support Team for recording on a register where the transaction is an in-kind transaction with a report being

made every six months by the Democratic and Legal Support Team to the Due Diligence Panel for review.

7. The Panel first met in November 2015 and has since set quarterly meetings but can be convened as necessary in between those meetings. The Panel has now met five times.
8. The current Members of the Panel are:
  - Monitoring Officer as Chair – with Deputy Monitoring Officer as deputy
  - Director of Commercial Development and Outreach – with an appropriate deputy to attend if any conflict of interest arises
  - Chief Finance Officer
  - One Member appointed at annual Authority meeting – Mr Zahid Hamid with Cllr Caroline Howe appointed as deputy Member.
9. When the Panel was first appointed Ruth Marchington, Director of Corporate Strategy and Development, was the Chair and Mrs Emma Sayer was the appointed Member. Both were instrumental in establishing the Panel's processes.
10. Nationally within the last 12 months the 15 National Park Authorities have set up the National Parks Partnerships Limited Liability Partnership (LLP) to create successful partnerships between the UK National Parks and business and this is now fully operational. The Authority's Director of Commercial Development and Outreach attended its launch workshop. The Partnership's way of operating is through a named group of commercially-focused officers within each National Park Authority who can co-ordinate any data/insight requests and co-ordinate any potential activation of agreed sponsorships. The Partnership's Development Director, Naomi Conway, provides a monthly update on contacts made and potential for conversion to the Director of Commercial Development & Outreach, who has also conducted direct discussions with her and the Partnership board member, Tim Barclay, on the particular benefits of partnering with the Peak District National Park Authority.

### **Proposals**

11. The Committee is asked to note the following items that have been considered and decided on by the Due Diligence Panel in the past 12 months:
  - Agreed a trial for 'Product sales donation' with Outdoor Division, JD Sports Fashion Plc, an outdoor clothing company, for an agreed range of products that have an experiential link to the PDNPA and support the Authority's statutory purposes (eg walking boots).
  - Agreed a trial on donations at the till added to transaction/purchase with Outdoor Division, JD Sports Fashion Plc.
  - Agreed to support proposals with Outdoor Division, JD Sports Fashion Plc for uniform testing of two brands and sponsorship through supply of uniform clothing items for all relevant staff and volunteers and extension of previously agreed donation contribution linked to product sales in store on 'tested ranger endorsed products'.
  - Agreed to support the development of a relationship with Tarmac Trading Ltd to deliver conservation works on the ground via 50,000 volunteer hours for Tarmac employees and to engage in wider, harder to reach sectors, to accept £20,000 funding annually for a period of 5 years from Tarmac towards one half time, fixed term Conservation Volunteers post and the 'badging up' of one vehicle and one uniform.



- Agreed due diligence procedures for considering future legacies given to the Authority.

12. Since the Due Diligence Panel decisions regarding the proposals with Outdoor Division, JD Sports Fashion Plc, the potential partnership has been transferred to the National Parks Partnerships LLP. Conversations had already been started by the Partnership with Outdoor Division, JD Sports Fashion Plc and it was agreed that the greater audience reach and national brand positioning provided by a pan-Park approach was likely to be more attractive to the company.

**Are there any corporate implications members should be concerned about?**

13. **Financial:** Any financial risks of individual proposals are considered as part of the Due Diligence process.
14. **Risk Management:** Any risks related to individual proposals are considered as part of the Due Diligence process and addressed accordingly.
15. **Sustainability:** Any sustainability issues of individual proposals are considered as part of the Due Diligence process and addressed accordingly.
16. **Background papers** (not previously published) – None

**Appendices** - None

**Report Author, Job Title and Publication Date**

Andrea McCaskie, Monitoring Officer and  
Ruth Crowder, Democratic and Legal Support Team Leader, 27 October 2016

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**10.1 EXTERNAL AUDIT (KPMG): 2015/16 ANNUAL AUDIT LETTER (A1362/RMM)**

**Purpose of the report**

1. This report asks Members to consider the External Auditor's 2015/16 Annual Audit Letter.

**Key issues**

2. Key issues include:
- The Annual Audit Letter provides a summary of the results of the external audit for 2015/16 (Appendix 1 of Annex 1 gives a description of the reports issued over the year)

**Recommendations**

3. **1. That the 2015/16 Annual Audit Letter be considered and acknowledged**

**How does this contribute to our policies and legal obligations?**

4. The work of the external auditors is a key part of our governance arrangements and helps us to monitor and improve performance to ensure the Authority has a solid foundation supporting achievement of our four cornerstones and four directional shifts as detailed in our Corporate Strategy. Achieving an unqualified opinion on the financial statements and satisfying the Auditor that the Authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources are corporate performance indicators.

**Background**

5. The duties and powers of auditors are set out in the Local Audit and Accountability Act 2014, the Local Government Act 1999, the Statement of Responsibilities of Auditors and Audited Bodies and the Code of Audit Practice. Considering the Auditor's annual letter is part of the Audit Resources and Performance Committee work programme.

**Proposals**

6. The full Letter for consideration is given at Annex 1. The key messages are given at page 3 of the Annex and include:
- a) The External Auditor issued an unqualified conclusion on the Authority's arrangements to secure value for money.
  - b) The External Auditor issued an unqualified opinion on the financial statements. This means that they believe the financial statements give a true and fair view of the financial position of the Authority and its expenditure and income for the year.
  - c) The Statement of Accounts was prepared in a timely manner with high quality supporting work papers. There were no uncorrected audit adjustments at the end of the audit process.
  - d) The External Auditor has reviewed the Annual Governance Statement and concluded that there are no matters to report and that it was consistent with their understanding.

**Are there any corporate implications members should be concerned about?**

7. **Financial:** The fees of £13,259 for external audit are funded from the existing Finance

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Services budget.

8. **Risk Management:**  
The scrutiny and advice provided by external audit is part of our governance framework.  
The Auditor's work is based on an assessment of audit risk.
9. **Sustainability:**  
There are no issues to highlight
10. **Background papers** (not previously published) – None

**Appendices-**

Annex 1: External Audit: 2015/16 Annual Audit Letter

**Report Author, Job Title and Publication Date**

Ruth Marchington, Director of Corporate Strategy and Development, 27 October 2016



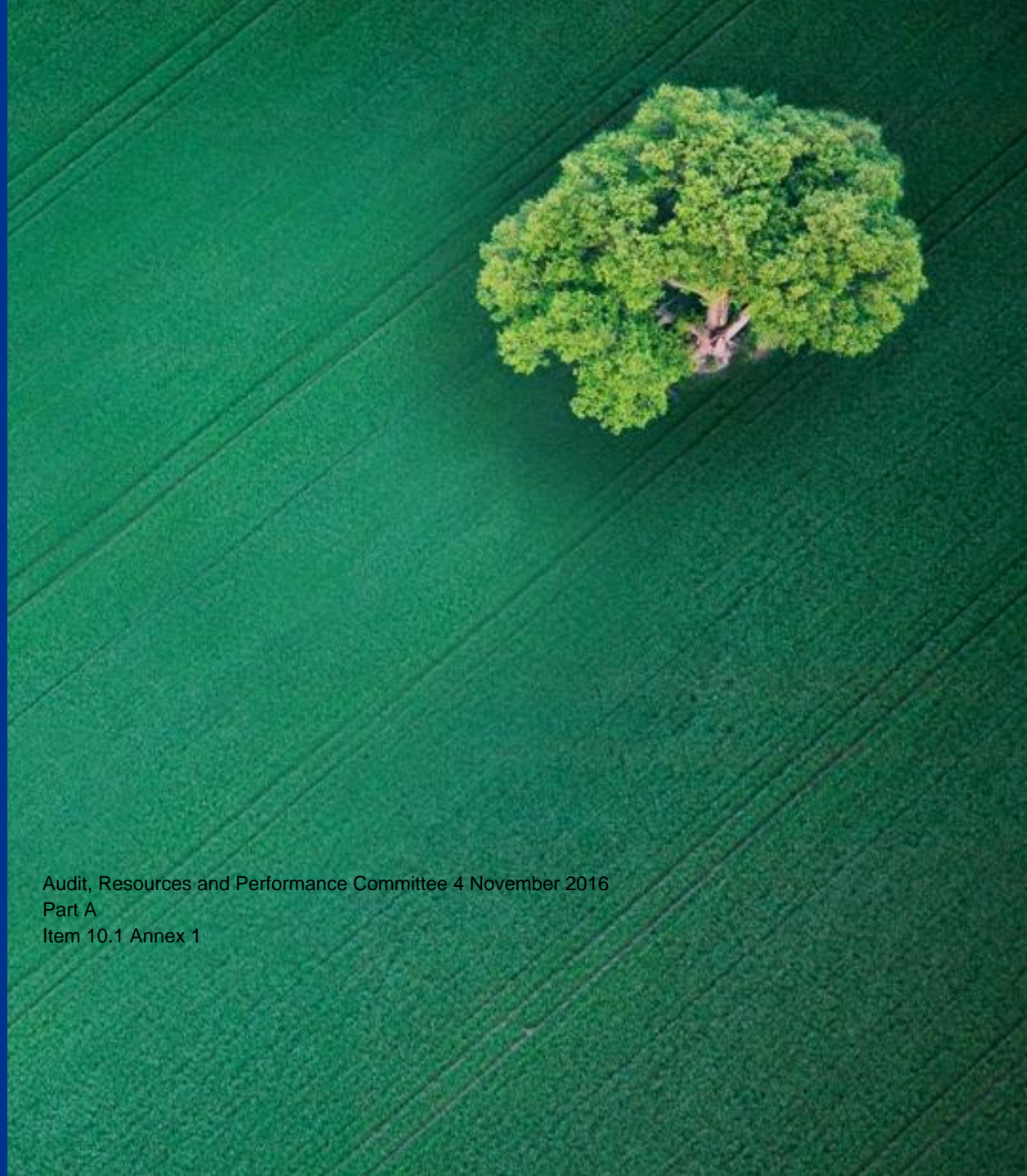
# Annual Audit Letter 2015/16

**Peak District National Park Authority**

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September 2016

Audit, Resources and Performance Committee 4 November 2016  
Part A  
Item 10.1 Annex 1



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This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. Public Sector Audit Appointments issued a document entitled Statement of Responsibilities of Auditors and Audited Bodies summarising where the responsibilities of auditors begin and end and what is expected from audited bodies. We draw your attention to this document which is available on Public Sector Audit Appointment's website ([www.psaa.co.uk](http://www.psaa.co.uk)).

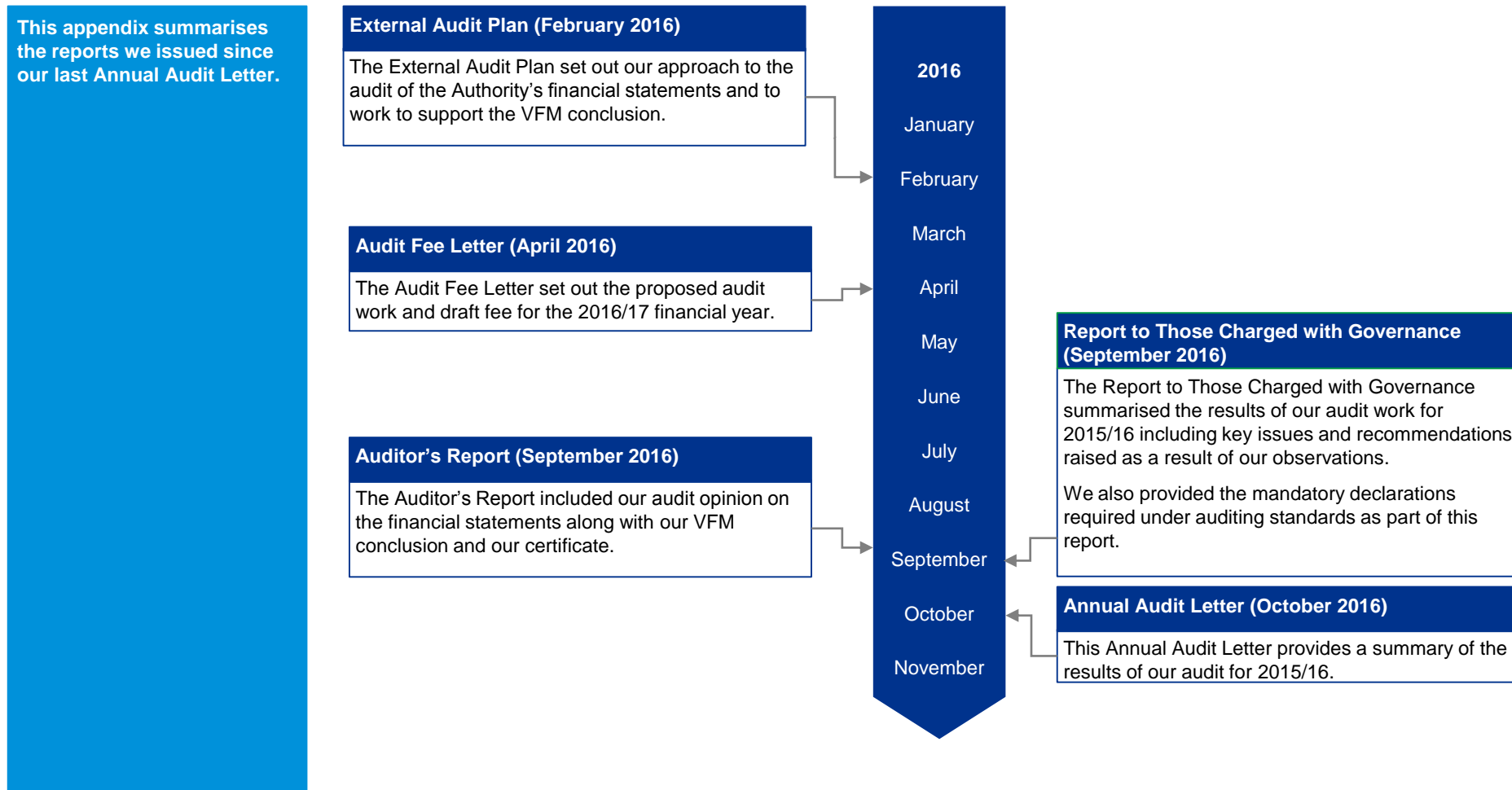
External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact John Cornett, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Andrew Sayers ([andrew.sayers@kpmg.co.uk](mailto:andrew.sayers@kpmg.co.uk)). After this, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing [generalenquiries@psaa.co.uk](mailto:generalenquiries@psaa.co.uk), by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3HZ.

This Annual Audit Letter summarises the outcome from our audit work at Peak District National Park Authority in relation to their 2016/16 audit year.

Although it is addressed to Members of the Authority, it is also intended to communicate these key messages to key external stakeholders, including members of the public, and will be placed on the Authority's website.

<b>VFM conclusion</b>	We issued an unqualified conclusion on the Authority's arrangements to secure value for money (VFM conclusion) for 2015/16 on 28 September 2016. This means we are satisfied that during the year that Authority had proper arrangements for informed decision making, sustainable resource deployment and working with partners and third parties. To arrive at our conclusion we looked at the Authority's arrangements to make informed decision making, sustainable resource deployment and working with partners and third parties.
<b>Audit opinion</b>	We issued an unqualified opinion on the Authority's financial statements on 28 September 2016. This means that we believe the financial statements give a true and fair view of the financial position of the Authority and of its expenditure and income for the year.
<b>Financial statements audit</b>	The Statement of Accounts 1516 was prepared in a timely manner with high quality supporting work papers. There were no uncorrected audit adjustments at the end of the audit process.
<b>Annual Governance Statement</b>	We reviewed your Annual Governance Statement and concluded that it was consistent with our understanding.
<b>Whole of Government Accounts</b>	The Authority prepares a consolidation pack to support the production of Whole of Government Accounts by HM Treasury. We are not required to review your pack in detail as the Authority falls below the threshold where an audit is required. As required by the guidance we have confirmed this with the National Audit Office.
<b>Certificate</b>	We issued our certificate on 28 September 2016. The certificate confirms that we have concluded the audit for 2015/16 in accordance with the requirements of the Local Audit & Accountability Act 2014 and the Code of Audit Practice.
<b>Audit fee</b>	Our fee for 2015/16 was £13,259, excluding VAT in line with the previous year. Further detail is contained in Appendix 2.





# Appendix 2: Audit fees

This appendix provides information on our final fees for the 2015/16 audit.

To ensure transparency about the extent of our fee relationship with the Authority we have summarised below the outturn against the 2015/16 planned audit fee.

### External audit

Our final fee for the 2015/16 audit of the Authority was £13,259, which is in line with the planned fee.

### Other services

We did not charge any additional fees for other services.



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