

**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.	<p>Exceptions to the prohibition are proposed for:</p> <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.

## 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
<p><b>Effect on cave sediments and features</b> Potential for run-off and pollution affecting the designated underground interest.</p>	<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
<p><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.</p>	<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
<p><b>Visual impact of vehicle movement in the landscape over a wide area</b> The impact from the passage of vehicles during the day or night is affected by the open nature of the landscape and the level of use of the route.</p>	<ul style="list-style-type: none"> <li>• Level and timing of use being monitored.</li> </ul>
<p><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.</p>	<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