

Washgate - Summary of Regulation 4 & 7 Representations and Comment

Representations received under Regulation 4 and 7 of the 2007 Regulations have been reported to earlier committee meetings and are available at www.peakdistrict.gov.uk/meetings. Individual items of correspondence may be viewed at the National Park offices

Objections to the Proposed TRO	Response
<p><u>Amenity</u> Objections raised included the importance offered by Washgate to enjoy and explore the countryside by a chosen recreational activity and that there was a lack of alternative routes in comparison to those available for other users. Comments were made on the value placed on it both in terms of its historic use and as a network link. Restrictions would impact on the amenity of a group of users, including those reliant on motorised transport for access. The activity was also referred to as being beneficial for tourism and the local economy.</p>	<p>Washgate 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 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> <p>The route will still be available for non-motorised use and the proposed TRO will not prevent those with limited mobility using invalid carriages such as trampers. Reasonable access by other means will also be provided for disabled users in accordance with the Authority's ongoing duty.</p> <p>All recreational users are important to the local economy.</p>
<p><u>Historic Motor Cycle Trails</u> Objectors were concerned over the potential loss of long-established motorcycle trials and considered that they formed an important part of the heritage of the area. These events were said to be well-managed, of short duration, and had a minimal impact.</p>	<p>The Authority recognises the heritage value of long-established motor vehicle events.</p> <p>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>Consideration of the use of this route by historical motor cycle trails will be balanced with their impacts on wider amenity and conservation concerns to assess whether these wider concerns can be adequately addressed to achieve the desired outcome.</p>
<p><u>Natural Beauty</u> Objections considered that the natural beauty, landscape, natural</p>	<p>National Parks were designated on grounds of their scenic value and recreational opportunities.</p>

<p>and cultural heritage and habitats were largely unaffected by vehicles and that vehicles contribute to and conserve the historic use of the route. Comments referred to the fact that the route passes through mainly farmland and that this is not a quiet, natural, unspoilt place and has few panoramic views. The ecological benefit of the closure would be minimal.</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 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 tranquillity 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><u>Damage</u></p> <p>The restriction on 4-wheeled vehicles was noted and objectors considered that motorcycle use would have little impact on the condition of the route. Objections identified that the pitched section of the route is in a good condition and this has remained unchanged. Damage was seen as being caused by 4x4s and water run-off.</p>	<p>The order is not being made on the grounds of preventing damage to the route but instead relating to amenity and conservation. The NPA is not making the TRO to obviate the duty by the Highway Authority to maintain the route. The NPA is not the Highway Authority with its attendant responsibilities for maintenance.</p> <p>Maintenance and condition of the route is a separate matter to the reasons for making the order although the state of disrepair of the route is a factor for the NPA to take into account when considering the impact on natural beauty and amenity. The natural beauty and amenity of the area and of other users is affected by motorised vehicle use on this route. Vehicle use contributes to the route deterioration and the state of disrepair can detract from the amenity of the route and 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>
<p><u>Discrimination</u> Objections considered that the enjoyment of other users was being unfairly promoted at the expense of vehicle users who were a minority group with only a small percentage of the rights of way network. Access should be provided for all and even though all recreation users have an impact. only vehicle users were being discriminated against Disabled users rely on these routes to access the countryside and regard should be given to human rights and the Equality Act. Concerns were also expressed about prejudice in the decision-making process.</p>	<p>The National Park is for everyone and use of recreational motor vehicles on routes with proven rights is a legitimate activity. The Authority does not have a policy of banning use of these green lanes as a matter of principle, and there are opportunities for recreational motor vehicle users to enjoy the area on other routes by their chosen mode of transport.</p> <p>The Authority will promote opportunities for everyone to understand and enjoy the National Parks' special qualities in a responsible way but where there is a conflict with the conservation of these special qualities then action will be taken including the use of TROs where appropriate.</p> <p>It is the Authority's view that recreational motor vehicle use needs to be managed on some 'green lanes', and that this may include restrictions on use using the powers granted to NPAs. This is assessed on a case by case basis. 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.</p> <p>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 by other means can also be provided for disabled users in accordance with the Authority's ongoing duty.</p> <p>There are also users with other kinds of disability such as hearing or visual impairment, or learning difficulties that might be affected by motorised users on the route.</p> <p>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.</p> <p>TROs are considered on a case by case basis. The Authority's strategic context and actions for the year ahead are available at www.peakdistrict.gov.uk/vehicles.</p> <p>The register of members interests are recorded at www.peakdistrict.gov.uk/register-of-members-interests. Members may have personal interests which may not be prejudicial to the decisions taken.</p>

<p><u>Displacement</u></p> <p>Objections considered that a closure as well as disrupting the network of vehicle routes would lead to pressure being placed on other legal routes with possible encouragement of illegal use.</p>	<p>The Authority recognises that the closure to vehicles is likely to place additional pressure on other routes. However the matter required a specific response within the context of the work on other routes. Monitoring to determine the amount of displacement onto other routes will be undertaken.</p> <p>Illegal use will be monitored and addressed with the Highway Authority with regards to the appropriate selection of barriers and the police in relation to enforcement.</p>
<p><u>User Conflict</u></p> <p>Objections identified that the majority of users are reasonable and responsible. Respondents were not aware of any conflict but considered that better signage would assist. It was noted that the area has a number of alternative routes for non-motorists who seek to avoid vehicles.</p>	<p>Washgate 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><u>Economic Impact</u></p> <p>The closure of this lane and others was said to have a detrimental effect on tourism and the local economy due to a loss of revenue from vehicle users.</p>	<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>The route will still be available for non-motorised use.</p>
<p><u>Alternatives</u></p> <p>Objectors considered that a permanent ban was unnecessary and that alternatives should be considered. These included a restriction on 4x4s, permit systems and organised events, repairs and maintenance, education, and use of volunteers. Working in partnership and the willingness for vehicle users to be part of the solution was emphasised. Provision of signage, footways by carriageways, alternative routes and electric bikes were also raised.</p>	<p>The management of recreational motorised vehicles within the National Park is a high priority work area for the Authority. Members of vehicle user groups are on the Peak District Local Access Forum and inform and advise the NPA.</p> <p>NPA 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 relevant considerations doesn't negate this.</p> <p>Where a least restrictive option achieves the desired outcome then this may be a factor for consideration.</p>

	<p>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.</p> <p>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 same applies to electric motorcycles although there is scant evidence at present of these being used within the Peak District National Park on unmetalled roads.</p> <p>The NPA is not the Highway Authority and does not have responsibility for maintenance. The NPA adopts a range of measures in reducing the impact of motorised use. This includes the use of volunteers where the works are of a nature suitable for volunteering. The NPA recognises that working in partnership with all those involved is conducive to effective management in the long-term for the route network as a whole.</p>
<p><u>Information</u></p> <p>Comments were made relating to suitability of the supporting evidence, the consultation process, grounds for making a TRO and the legality of the proposal.</p>	<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 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 www.peakdistrict.gov.uk/greenlanecode.</p>

Support for the Proposed TRO	Response
<p><u>Importance of the Route and Area</u></p> <p>Supporters of a restriction considered that the historic lane, stone-pitched surface and old packhorse bridge should be protected from further damage. Noise and damage by motor</p>	<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>

vehicles was considered to spoil the beautiful peaceful, timeless nature of the area for other users. The quiet, secluded beauty of the area is felt to be beneficial for people's health and well-being	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.
<u>Route Condition</u> The historic track is considered unsuitable for modern mechanically propelled vehicles with motorcycles damaging the track, loosening stones and disturbing vegetation causing water erosion. This damage makes it difficult and unpleasant to use for walkers, pedal-bikes and horses.	The monitoring of condition over the years shows that there has been a discernible deterioration of sections of the route. 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.
<u>Conflict & Impacts</u> Horse-riders and walkers stated that they were deterred from using the lane because of the danger of meeting vehicles on the steep and narrow sections and the damage caused by vehicles. The noise and traffic are disruptive and disturbing to the countryside and wildlife. It was felt that the noisy few spoil the enjoyment of the majority who enjoy the peace and quiet. Concern was raised about the damage to flora and fauna particularly where the route crosses the river.	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. 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 are considering making a TRO on amenity grounds, safety reasons may be an additional consideration in support of this ground. Minimising impact is a key concern. Some impacts may only be temporary but when taken cumulatively are of more significance.
<u>Alternatives</u> The view was expressed that that any historic trials should contribute to the cost of repair and there be a limit on numbers. Voluntary restrictions were not seen to work. Alternative tracks and obstacles should be provided.	Partial TROs are considered in the report. Any sites proposed for motor vehicle use would require planning permission.
<u>Others</u> The packhorse routes were never intended for four-wheel drivers and motorcyclists and vehicle users should make provision for their sport away from green lanes and byways.	The NPA has proposed this action at this time on the Washgate route 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. It is for Staffordshire County Council as the Highway Authority to decide how to discharge its duties to repair. The NPA is not making the TRO to obviate the duty by the Highway Authority

	<p>to maintain that route.</p> <p>Determination of status of a route is based on fact not suitability and is undertaken by the Surveying (Highway) Authority.</p>
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