

CHAPEL GATE

Statement of Reason for Proposed Experimental Traffic Order

The Peak District National Park Authority in exercise of its powers under section 22BB(2)(b) of the Road Traffic Regulation Act 1984 and The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 is proposing to make an experimental traffic order for the purposes of preserving amenity and conserving the natural beauty of the area through which the route passes.

The proposal is to make an experimental traffic order that will have the effect of prohibiting use by recreational mechanically propelled vehicles (motor vehicles) at any time along the route known as Chapel Gate for a period of 18 months.

Chapel Gate is a Byway Open to All Traffic (BOAT) which commences on Sheffield Road, Chapel-en-le-Frith (Rushup Edge road) at Grid Reference SK 093825 and ascends towards Rushup Edge in a generally NE direction before descending to the Edale Road near Barber Booth, Edale at Grid Reference SK113843.

It is recorded on the Definitive Map as BOAT16 Parish of Edale and BOAT 144 Chapel en le Frith.

Background to the proposal

The order would be for the purposes of preserving the amenity and conserving the natural beauty of the area through which the route passes.

This proposal follows the publication of the Route Management Plan in December 2009¹. The plan contains details of a sustainability analysis of the unsurfaced highway network in the National Park part of Derbyshire. The analysis looks at issues such as damage on and adjacent to the route, effects on its character and use, and level of complaints received. Results for Chapel Gate show a maximum score of 15/15, indicating the scale of management problems on this route.

Following publication of the plan, various management options were investigated. The decision to make this proposal is after the careful consideration of all options by both the Highway Authority (Derbyshire County Council) and the National Park Authority within the constraints of existing resources.

The proposal conforms to the National Park Authority's 'Traffic Regulation Orders – Policy and Procedure' which considers the grounds for the use of Traffic Orders and states that '*where conservation or heritage issues are affected, the National Park Authority may consider the making of a TRO as one of the management tools available to address those issues*'

This proposal follows the receipt of advice from the Peak District Local Access Forum (18 September 2010)². The Forum has stressed that its advice to seek a temporary closure of the route for vehicles is only after the initial solution of repairs to the route has become inoperable, but it remained imperative to respond to the landscape, conservation and general amenity issues.

The Amenity of the Area

The feeling of wildness, remoteness, and associated tranquility would be preserved by the order as the presence of recreational motor vehicles, or anticipation of their presence, and/or evidence of their passing detract significantly from these qualities. Noise from motor vehicles using the route is likely to affect a large area due to the open character of the landscape, and the vehicles would be visible over long distances. The route is away from roads and habitation and other signs of modern human influence, it is in an area of high landscape value, and there are no major noise sources in the vicinity.

Natural Beauty

The natural beauty of the area through which the route runs would be conserved by this order; the landscape, natural and cultural heritage features are outstanding, and include habitat of national importance.

Landscape Character Assessment

Chapel Gate lies within the Dark Peak landscape character area – a sparsely settled area of gritstone uplands...an extensive upland plateau with steep gritstone slopes...that drop away to lower lying slopes and deep valleys. The open moors and moorland slopes and cloughs have limited transport features some are relict trade and commerce routes over the moors...but are relatively rare when compared with some that cross the gritstone uplands further south.

Assessment of Ecological Impacts

See Appendix

Section 122 of the Road Traffic Regulation Act (RTRA) 1984

In coming to this proposal the Authority has considered its duty under section 122 of the Road Traffic Regulation Act (RTRA) 1984.

The duty under RTRA 122 (1) is 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 RTRA 122 (2).

In balancing the duty in s122(1) and the factors set out in S122(2) the Authority recognises that Chapel Gate passes through an area where users can experience feelings of wildness, remoteness and associated tranquillity. There are no man-made detractors that take away this feeling in the vicinity of the route. If recreational motor vehicles are present in this setting they are likely to diminish the experiences of these qualities for non-motorised users. Research by Defra (2005) 'Report of a research project on motor vehicles on byways open to all traffic' shows the presence of a recreational motor vehicle impacts more on amenity than an agricultural vehicle. There is also an impact on these experiences when vehicles are not present but there are obvious signs of motor vehicles passing eg vehicle ruts are present.

The Authority believes preservation of the amenity and conservation of the natural beauty of the route outweighs recreational motor vehicular use of the route at any time of year notwithstanding that such a restriction will effect the expeditious and convenient use by mechanically propelled vehicles of the route, other than any vehicle which:

- a) is used by emergency services or by any local authority or water authority in pursuance of their statutory powers and duties.
- b) is used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of that road or any part thereof or the laying, erection, alteration or repair in that road or in any land accessible only from that road or any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any telegraphic line or telecommunications apparatus as defined in the Telecommunications Act 1984.
- c) is used for the purposes of agriculture or land management on any land or premises adjacent to that BOAT
- d) is a recognised invalid carriage as defined in section 136 of the Act
- e) is used upon the direction of or with the permission of a Police Constable in uniform
- f) is used with the prior written permission of the Authority

On balance the Authority proposes to make a full-time 18 month Experimental Traffic Order for preserving and improving the amenities of the area through which the byway runs ((S1(1)(f) RTRA 84)) and for the purpose of conserving the natural beauty of the area ((S22(2) RTRA 84)).

In coming to this proposal the Authority considered the longer-term management of the route. It is considered necessary to introduce these proposals on an experimental basis so that the effect of the order on the condition of the route can be assessed and to ascertain whether this prohibition on mechanically propelled vehicles should become permanent.

The Authority will work with the Highway Authority (Derbyshire County Council) to ensure the route is maintained and any future use is sustainable. Use and condition of the route will be monitored, as will the effects on other routes nearby.

At the end of the 18 month period, the Authority, in consultation with the Highway Authority, will decide whether to make a Traffic Regulation Order, extend this experimental order, reduce it or discontinue it, based on the evidence of the monitoring.

¹ Chapel Gate - Route Management Plan – December 2009

² Chapel Gate Track – Proposal for a Temporary Traffic Regulation Order and investigation of the scope for and creation of an adjacent Public Bridleway
Peak District Local Access Forum – 18th September 2010

APPENDIX

Assessment of Ecological Impacts

Site: CHAPEL GATE

Date of Survey: 05 November 2010

Site designations

Rather more than half the route passes through the South Pennine Moors Special Area of Conservation and the Dark Peak SSSI. A further short stretch is designated Section 3 Moorland.

The Dark Peak Moors SSSI was designated for its complex of upland vegetation types and the regionally and internationally important bird assemblage.

The South Pennine Moors SAC was designated for the presence of three European Appendix I habitats, two of which occur along the course of the route, supplemented by a further two App. I habitats.

Description and ecological interest

The route is approximately 3km in length and runs from the A625 road, crosses the western end of Rushup Edge and continues along the northern side of the edge down to the minor road to Edale. It passes through areas of acid grassland, grass-heath transition communities, upland heath and wet flushes, all of which are of high ecological value. The sections at the beginning and end of the route run through semi-improved pasture.

Vehicles leaving the highway

The eastern end of the route from the minor road to Edale westwards is partially enclosed between intact drystone walls, thus limiting the options for off-highway use. The western end from the A625 is in a sunken dip with a drystone wall on the southern side but open on the northern side. At the open country boundary, access is possible to the footpath along Rushup Edge; some motorcycle tracks are visible there but there is no sign of heavy use. The upper section across Rushup Edge is open on both sides offering access to the wider moorland. But it allows diversions around rutted and wet stretches and is susceptible to uncontrolled widening.

Impacts

A. From the gate on A625 to the boundary of open country at SK09928292 (0.7 km)

This section runs uphill between two steep banks. The surface has been degraded and is loose, stony and worn down to the bedrock in places. At one point there is a series of low 'steps' where thin rock strata have been exposed. These make passage by cycles and motor cycles more difficult and encourage use of alternatives. Water flows down the line of the track, adding to erosion of the track bed. A foot route has developed on top of the bank on the south side, and shows as a narrow, bare strip. There are signs that bikes and motor bikes are also now using this foot way to avoid the uneven and broken parts of the track itself. Such use can be expected to increase as the surface deteriorates further under continued vehicle use and the effects of water erosion.

B. From the boundary of open country to the public footpath at SK09908345 (0.6 km)

This section runs through unfenced moorland over the western end of Rushup Edge. Most of the track runs on a fairly firm, sandy surface containing some wet patches and puddles. Parallel to the track on the eastern side are two deep wheel ruts cut into the peat where a vehicle or vehicles sought an alternative route. At the highest point, there is an extensive waterlogged section with deep puddles and pools on the main track. These have been bypassed on each side by people on foot, cycle and motor cycle with the result that the boggy trampled section has extended

outwards and reaches a width of 12m. Further widening of the degraded area can be expected with continued use.

C. From the PF to the lower gate at SK10698405 (0.95 km)

This section runs diagonally down the northern side of Rushup Edge. An informal footpath has developed along the north (downslope) bank. Damage to this section is very severe, especially over the lower 0.7 km, due to the combined effects of vehicle use and water erosion, resulting in extensive degradation to the track surface, increasing damage to the footpath and disruption to the natural hydrology.

The track here was previously surfaced with metalling/hard core to a depth of approximately 30 cm. This hard surface has been almost completely destroyed, with only a few fragments remaining along the edge or as isolated patches standing proud of the current surface.

The track beneath is broken and rutted and in places has been eroded away to a depth of 1-1.25 m below the level of the original surface. The bed becomes increasingly loose and rocky and worn down to the bedrock in places. At one point there is a vertical step about 0.5m high with two smaller steps a short way above that now prevent or greatly impede passage by bikes, motor bikes and 4WD vehicles. Land drains are exposed and one has been undermined and broken.

The extremely rough surface results in motor cycles using the footpath along the top of the bank for about 0.7 km of this section (two parties of 3 and 2 motorcyclists were seen doing this on the day of the survey). The footpath has thus been widened and deepened, the area of bare ground has expanded and is further open to erosion.

Rutting and deepening of the main track has channelled water down the line of the route greatly increasing erosion. During the survey on 5 November 2010 the track resembled a stream bed more than a road. Diversion of water away from the natural drainage line downslope interferes with the natural hydrology of the hill. Several of the shallow channels (marked as 'collects' on the OS maps) that run below the route, were almost dry on the day of the survey, while the track was flowing with ankle-deep water. At the bottom of this section where the gradient levels out, water flows across the track and into the adjoining small field (OS number 6914). As it drops into the field, it has cut a narrow gash up to 2m deep and farther down the water empties into the field rendering a large area waterlogged.

D. From the gate to the minor road to Edale (0.75 km)

This section is level or has a slight slope. It is used by farm vehicles and is bounded by a wall on the northern side. The surface contains pools of water, the longest about 40m in length. Some scoring of the track from vehicle tyres is visible but the surface is not heavily eroded except in a 200m stretch at the eastern end where fragments of the metalled surface remain visible but the rest has been eroded away and the track is deeply rutted and stony.

E. Changes in condition.

The route has clearly deteriorated between the surveys in August 2008 and November 2010, notably: extension of the trampled boggy patch in section B; increased rutting and erosion along the northern side of Rushup Edge; use by motor bikes of, and damage to, the footpath in this section; damage to field 6914.

F. Conclusions

Continued 4WD and motorcycle use can only increase destruction of the surface and erosion, and consolidate the diversion of water from its natural direction of flow. Increased use of the footpath by motorbikes will quickly lead to further rutting, widening of bare areas and soil erosion and possibly the collapse of sections of bank. Such effects will be far more severe if 4WD vehicles also attempt to navigate the bank and footpath line to bypass the most damaged sections. Walkers and horse riders are likely to avoid the uneven and muddy path, creating parallel new routes.

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