

Peak District National Park Authority

Tel: 01629 816200

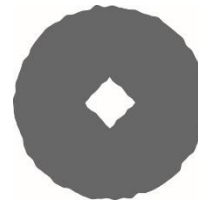
Fax: 01629 816310

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

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



**PEAK
DISTRICT
NATIONAL
PARK**

Peak District National Park Authority (Wetton Hills Prohibition of Mechanically Propelled Vehicles) Traffic Regulation Order 2019

Regulation 14 Decision Notice

National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007

7 November 2019

The Authority has made a traffic regulation order dated 31 October 2019 that will have the effect of prohibiting use by mechanically propelled vehicles at any time along the route known as Wetton Hills which commences from the Leek Road in the Manifold Valley, in the County of Staffordshire (grid reference SK 098 557), proceeds in a northerly direction for a distance of 400 metres or thereabouts and then north-easterly for 1000 metres, and ends where it meets the tarmacadamed road from Back of Ecton at Manor House Farm, in the County of Staffordshire (grid reference SK 105 566).

Mechanically propelled vehicles on this route have an adverse impact on the 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 expedient to make a permanent order prohibiting all mechanically propelled vehicles at all times to meet the Authority's statutory purposes and in the overall public interest.

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

- preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property
- preserving or improving the amenities of the area through which the road runs
- conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.

In balancing the duty in s122(1) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the factors set out in S122(2) of the Road Traffic Regulation Act (RTRA) 1984, the Authority believes the need to preserve the amenity and conserve the natural beauty and character of the route outweighs the needs of mechanically propelled vehicular users of the route notwithstanding that such a restriction will affect the expeditious and convenient use of the route by mechanically propelled vehicles. For vehicles seeking to use the affected route as a through-road, there are alternative routes on metalled roads in the area.

Representations objecting to the making of the order were received under Regulation 4 and 7 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 ("the Regulations"). The Authority considered these at meetings of the Audit Resource and Performance Committee on 15 September 2017 and 7 September 2018 and confirmed its decision at a meeting of the Audit Resource and Performance Committee on 4 October 2019 (democracy.peakdistrict.gov.uk). In accordance with Regulation 14 of the 2007 Regulations, the Authority summarises below the objections raised and gives its reasons for not acceding to them.

This Regulation 14 decision notice accompanies the order made on 31 October 2019, the notice of making and the map showing the extent of the prohibition. These may be viewed at www.peakdistrict.gov.uk/tros and at Aldern House, Baslow Road, Bakewell, Derbyshire, DE45 1AE from 8.45am to 5pm Monday to Friday (closed Bank and Public Holidays and closed at 3pm on Christmas Eve).

Objection	Response
<p><u>Amenity</u></p> <p>Objections raised included the importance offered by the route at Wetton Hills to enjoy and explore the countryside by a chosen recreational activity, particularly as there was a lack of alternatives in the area. Comments were made on the route's value in terms of its historic use and as part of a network with a regular, longstanding and a low level of use being identified. It was considered that restrictions would impact on the amenity of motorised vehicle users, including those reliant on motorised transport for access such as those with limited mobility and for hot air ballooning. The activity was also referred to as being beneficial for tourism and the local economy.</p>	<p>The route at Wetton Hills is an important recreational asset for all users and is important as a means to access other recreational opportunities in the area. The Authority is conscious of the limited number of routes of this type in the National Park.</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 impact, 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, the continued use of this area by this mode of transport is adversely affecting those special qualities to a greater 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 tramper-style vehicles, subject to physical limitations of the route. Reasonable access by other means will also be provided for disabled users in accordance with the Authority's ongoing duty.</p> <p>Any vehicular access required for hot air ballooning would be so infrequent that it would not be a reason in itself for not proceeding with a course of action considered to be necessary to protect the special qualities of an area.</p> <p>All recreational users are important to the local economy.</p>
<p><u>Impact on the environment</u></p> <p>Objections considered that the natural beauty, landscape, and cultural heritage of the area were largely unaffected by vehicles because of the low level of use on the route compared with the impacts from farming and visitors in the wider area. Furthermore, impacts to the SSSI had not occurred and the noise arising from one vehicle a day would be marginal. In contrast, moderate usage by vehicles was considered beneficial to flora and fauna. Some of the statements were also viewed</p>	<p>National Parks were designated on grounds of their scenic value and recreational opportunities. The route is in an area of Natural Zone where it is particularly important to conserve that natural beauty. The route passes through habitat and features of national and international importance and there are nearby cultural heritage features of national, regional and local importance. These and other undesignated assets all make a significant contribution to the character of the Natural Zone.</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</p>

<p><u>Impact on the environment (cont.)</u> as subjective or unjustified. Trail-riding by motorcycles was considered to be an important component of the cultural heritage of the National Park.</p>	<p>opportunity for quiet enjoyment and to experience tranquillity, one of the special qualities that people value most about the Peak District National Park. Tranquillity and the freedom from intrusion is encompassed by the Natural Zone designation. There is an impression of seclusion created by the valley and absence of development.</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 route and its character, 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. Section 5 of the National Parks and Access to the Countryside Act 1949, covering 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). Noise from motorbikes in particular can carry over large distances.</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. Tranquillity is more than simply noise; it includes the landscape setting, natural sounds and visual intrusion.</p> <p>Some impacts may only be temporary but when taken cumulatively are of more significance.</p> <p>Trail-riding is not a feature of the physical fabric of the National Park, nor does it contribute towards the natural beauty or wildlife of the Park or this particular route. Trail-riding is more appropriately seen as one of the opportunities for the understanding and enjoyment of the special qualities of the National Park, to which lesser weight is given in the event of conflict with the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Park.</p> <p>The figures provided from the vehicle logging by the Authority have been averaged over the periods undertaken and are used to identify patterns of use and trends.</p>
<p><u>Damage</u> Objectors identified that a lack of maintenance affected the condition of the route, although some considered that the condition had changed little over the years. The route was considered to be sustainable in dry conditions and for use by motorcycles with the rutting</p>	<p>The order is not being made on the grounds of preventing damage to the route or to avoid maintenance but instead for reasons relating to amenity and conservation of the route and area.</p> <p>Maintenance and condition of the route is a separate matter to the reasons for making the order although the state of disrepair and the sustainability of the route can be a factor</p>

<p><u>Damage (cont)</u> caused by 4-wheeled vehicles in wet conditions exacerbating the relatively low impact of motorcycle use. It was also stated that TROs should not be used to avoid maintenance.</p>	<p>for the NPA to take into account when considering the impact on natural beauty, amenity of the area and other users, and character of the route.</p> <p>Evidence is available to show that environmental damage is occurring as a result of motor vehicle recreation, both directly and indirectly. Four-wheeled vehicles have an impact on the condition of the route and adjacent land by virtue of their width and weight. At certain times there may be less impact on the condition of the route and adjoining land by motorcycles used in a responsible manner, although other impacts remain. Agricultural use may also contribute to some deterioration.</p> <p>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>A TRO is an appropriate course of action where it is necessary to protect the character of the route, natural beauty or amenities of the area from the impacts of motorised vehicles.</p> <p>The NPA is not the Highway Authority with its attendant responsibilities for maintenance. In September 2019, works by Staffordshire County Council, as the Highway Authority, to regrade and infill the vehicle ruts were carried out on this route.</p>
<p><u>Discrimination</u> Objections considered that the enjoyment of other users was being elevated above that of vehicle users. Access should be available for all and even though all recreation users have an impact only vehicle users were being discriminated against. Discrimination was also shown by the disproportionate level of restriction and the formulaic reasoning not specific to the route. Disabled users rely on these routes to access the countryside. Concerns were also expressed about the assessment of routes and 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 National Park 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 route by route basis. In this case, there is a need to preserve the character and amenity and conserve the natural beauty which outweighs the needs of mechanically propelled vehicular users of the route notwithstanding that such a restriction will affect the expeditious and convenient use of the route by mechanically propelled vehicles.</p>

<p><u>Discrimination (cont.)</u></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 subject to the physical limitations of the route. Reasonable access by other means will also be provided for disabled users in accordance with the Authority's ongoing duty.</p> <p>There are also users with other characteristics such as hearing or visual impairment or learning difficulties who might be affected by motorised users on the route. Damage and associated loss of amenity also affects these users of this route.</p> <p>The statement of reasons is there to provide relevant factual information; it does not seek to make a judgment on the final decision to be made.</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. 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 would lead to pressure being placed on other routes and areas leading to increased environmental concerns and conflict between users on these routes. An increase in illegal use may occur.</p>	<p>The Authority recognises that the closure to vehicles is likely to place additional pressure on other routes. However at this route, the matter had become urgent and required a specific response within the context of the work on other routes. Monitoring to determine the amount of displacement onto other routes will be continued.</p> <p>It is accepted that a TRO will affect legitimate recreational motorised vehicle use. Illegal use will be monitored and addressed with the Highway Authority with regards to appropriate selection of signage and barriers and the police in relation to enforcement.</p>
<p><u>User Conflict</u></p> <p>Objections identified that there was little conflict or potential for conflict with other users because of good visibility, space to pass, low vehicle use and conduct of vehicle users with gates preventing inadvertent speed. It was noted that alternatives were available for non-motorists seeking to avoid vehicles.</p>	<p>The route at Wetton Hills is an important recreational asset for all users. All users need to act responsibly and courteously in order to reduce the potential for conflict.</p> <p>Mechanically propelled vehicles are visually and aurally intrusive over a wide area and there can be 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</p>

<p><u>User Conflict (cont.)</u></p>	<p>are also alternatives for mechanically propelled 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 is an alternative route on metalled roads in the area.</p>
<p><u>Economic Impact</u> The closure of this route 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 and mechanically propelled vehicles may continue via the normal road network to access local businesses.</p>
<p><u>Alternatives</u> Objectors considered that a permanent full ban was unnecessary and that alternatives should be considered. These included a seasonal or wet weather TRO, width restriction on 4x4s, a permit system, a one-way restriction, and voluntary restraint and maintenance. It was recommended that this could be determined by a public inquiry. An exemption for electrically powered motorcycles and mopeds was also sought. It was also considered appropriate to restrict carriages, cycles and horses during winter. Working in partnership and the willingness for vehicle users to be part of the solution was emphasised. Provision of signage, education, limits on group size and tyre types, and a route warden scheme were also raised.</p>	<p>The management of recreational motorised vehicles within the National Park has been 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>National Park 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. A number of alternatives have been considered. The decision to pursue a different course of action after having regard to all relevant considerations doesn't negate this.</p> <p>Where a less restrictive option achieves the desired outcome then it is a factor for consideration. In view of the nature of the route and the area, it is not considered that the impacts could be adequately managed by a more selective TRO or other measures such as a scheme of voluntary restraint and a less restrictive option would not achieve the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes.</p> <p>Four-wheeled vehicles have an impact on the condition of the route and adjacent land by virtue of their width and weight. At certain times there may be less impact on the condition of the route and adjoining land by motorcycles used in a responsible manner, although physical, visual and auditory impacts and the potential for user conflict remain. Electrically powered MPVs are likely to be much quieter than petrol/diesel MPVs, although the physical and visual impacts and potential for user conflict are likely to be the same.</p> <p>There is scant evidence at present of electrically powered motorcycles and mopeds being used on unmetalled roads within the Peak District National Park. Where any applications from individuals might be received at some future point, the Authority could consider on a case by case basis having regard to impacts arising from frequency, levels</p>

<p><u>Alternatives (cont.)</u></p>	<p>and nature of use including the speed of vehicles and ground conditions.</p> <p>Government guidance (Defra, 2005) states that ‘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. (Ref: Making the Best of Byways: A practical guide for local authorities managing and maintaining byways which carry motor vehicles, Defra, 2005).</p> <p>The NPA is not the Highway Authority and does not have responsibility for maintenance. The NPA adopts a range of measures to reduce the impact of motorised use, including 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>It is recognised that there is a cost (both direct and indirect) of making TROs, but it is considered necessary to take this action in the overall public interest and to meet the obligations of the National Park Authority in respect of its statutory purposes.</p> <p>The route will remain a priority and the monitoring, management and review of measures adopted will continue to take place.</p> <p>A public inquiry was one of the options available to National Park Members. A public inquiry would not be required purely for reputational reasons and there were no unusual circumstances of the case that would call for one.</p>
<p><u>Information</u> Comments were made relating to suitability of the supporting evidence, assessment of compliance with the code of conduct, and to have regard to National Park purposes.</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 consultations undertaken offer the opportunity for information to be provided and additional matters to be raised and for them to be considered by Members.</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.</p>

<u>Information (cont.)</u>	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.
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