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PUBLIC

To: Members of Cabinet Member meeting - Highways, Transport and Infrastructure

Tuesday, 11 June 2019

Dear Councillor,

Please attend a meeting of the **Cabinet Member meeting - Highways, Transport and Infrastructure** to be held at **11.00 am** on **Wednesday, 19 June 2019** in Committee Room 3, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in cursive script that reads 'Janie Berry'.

JANIE BERRY
Director of Legal Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence

To receive apologies for absence (if any)

2. Declarations of Interest

To receive declarations of interest (if any)

- 2 (a) To receive Petitions (Pages 1 - 2)

3. Minutes (Pages 3 - 6)

To confirm the non-exempt minutes of the meeting of the Cabinet Member – Highways, Transport and Infrastructure held on 9 May 2019.

To consider the non-exempt reports of the Executive Director for Economy, Transport and Environment on:

- 4 (a) Petition - Holbrook - Request for 20mph Speed Limit (Pages 7 - 14)
- 4 (b) Petition - Nethermoor Lane, Killamarsh - Concerns Regarding Highway Safety (Pages 15 - 18)
- 4 (c) Proposed Extension of the Food Bag Project in High Peak (Pages 19 - 22)
- 4 (d) Proposed Traffic Regulation Order - Stoney Middleton Byway Open to All Traffic No. 15 (Known as Jacob's Ladder) (Pages 23 - 42)

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER MEETING – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

19 JUNE 2019

Report of the Director of Legal and Democratic Services

REPORT ON PETITIONS TO BE RECEIVED

1. Purpose of the Report To receive petitions forwarded to the County Council relating to matters contained within the portfolio of the Cabinet Member for Highways, Transport and Infrastructure.

2. Information and Analysis In compliance with the Council's Petition Scheme, the following petitions are presented for receipt, investigation and formal response by the Executive Director – Economy, Transport and Environment:-

<u>LOCATION/SUBJECT</u>	<u>SIGNATURES</u>	<u>LOCAL MEMBER</u>
Request for Footpath between Apperknowle Village and The Travellers and Hard Standing at the Bus Stop on High Street, Apperknowle	394	Councillor A Dale
Request for Traffic Calming and Safety Measures on Main Road between Marsh Lane and Eckington School	264	Councillors D Charles and B Ridgway

3. Considerations (to be specified individually where appropriate)
In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, social values, property and transport considerations.

4. Key Decision No

5. Call-in Is it required that call-in be waived in respect of the decisions proposed in the report? No

6. Background Papers

Petition held on file 124.0 in Democratic Services.

7. OFFICER'S RECOMMENDATION

(1) that the petitions listed above be received and noted; and

(2) that the Executive Director – Economy, Transport and Environment be asked to investigate and consider the matters raised.

Janie Berry
Director of Legal and Democratic Services

MINUTES of a meeting of the **CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE** held at County Hall, Matlock on 9 May 2019

PRESENT

Cabinet Member - Councillor S A Spencer

Also in attendance - Councillor T Ainsworth and G Hickton.

25/19 PETITION RESOLVED (1) to receive the under-mentioned petition:-

Location/Subject	Signatures	Local Member
Morton – Lack of Public Transport	49	Councillor K Gillott

(2) that the Strategic Director – Economy, Transport and Environment investigates and considers the matters raised in the petition.

26/19 MINUTES RESOLVED that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 18 April 2019 be confirmed as a correct record and signed by the Cabinet Member.

27/19 PETITION REQUESTING TO CHANGE THE SPEED LIMIT FROM 40MPH TO 30MPH – A6187 HOPE ROAD Following receipt of a petition requesting a lower speed limit of 30mph on the A6187 Hope Road, from Sickleholme towards Hope, Derbyshire, investigations have been undertaken.

The request for a 30mph speed limit was considered by following guidance set out by the Department for Transport (DfT), the Derby and Derbyshire Road Safety Partnership's Speed Management Protocol alongside local community concerns raised within the petition.

Traffic counts and speed readings have been taken at various locations along the A6178 corridor and this has indicated that the current speed limits, with the exception of those east of the rail bridge in Hathersage, were appropriate for the highway environment, with the mean speeds being within the accepted tolerance for setting of local speed limit guidance. The readings at Castleton Road, Hathersage showed excessively high approach speeds into the village and this would be brought to the attention of the Police.

The Police's collision database showed that, during the latest three year period from 1 February 2016 to 31 January 2019, two collisions have been recorded

throughout the 40mph section of the A6187 that involved personal injury. Neither of these have been classified as being speed-related. Damage only collisions and “near misses” occurred at times on the network, however these rarely form part of the collision investigation process due to the lack of reliable data available. The County Council has implemented traffic engineering measures along the length of this route, including double white line systems, warning signing and anti-skid surfacing.

From a Police perspective, rather than a need for high levels of enforcement and prosecution, proposed speed limits should only be implemented where they would require minimal enforcement attention. Initial discussions indicate that the Police would not support a reduction of the speed limit from 40mph to 30mph along this particular stretch of road.

The officers view was that it would be counterproductive if a 30mph limit was introduced on Hope Road at the present time. It would not be commensurate with the national guidance on setting 30mph speed limits and would present the Police with an unreasonable enforcement task. However, enhancing the entry signs and carriageway markings leading into the 40mph zone could help to raise awareness of the change in speed limit which would help compliance in general. It was therefore proposed to carry out this work in the current financial year.

The Cabinet Member allowed Karen O'Connor, Lead Petitioner to address the meeting. Ms O'Connor stated that almost every property had signed the petition and provided further information, with reasons for requesting a 30mph speed limit, that had been forwarded to officers and the Cabinet Member. Reference was made to the accidents that have occurred on this stretch of road, the lack of safe crossing places and the risk to older residents. The criteria for a 30mph speed limit was discussed and this section of the road currently fell short of the Department for Transport guidance.

RESOLVED that (1) the situation continues to be monitored at the A6187 Hope Road, Hope Valley and any future action be taken where appropriate in accordance with current national guidance;

(2) the speed limit signing at the change in speed limit near The Rising Sun Public House be reviewed with a view to creating a “gateway” feature;

(3) officers consider options that might be acceptable in respect of road crossings for the community; and

(4) the lead petitioner and local Member be informed accordingly.

28/19 AWARD OF GRANTS TO EXTERNAL RECIPIENT

RESOLVED to approve the award of grants of £1,600 to Transpeak Walks; £1,000 to Edale Station Friends and £240 to Edale Station Friends.

29/19 CONFIRMATION OF THE DEDICATION OF A LOCAL NATURE RESERVE AT ASTON BRICKYARD PLANTATION, ASTON ON TRENT

On 28 February 2019 the Cabinet Member approved the dedication of Aston Brickyard Plantation as a Local Nature Reserve (LNR). Consultation with Natural England and local user groups has been undertaken and no objections have been received. The dedication of the LNR was now confirmed and it was proposed to inform Natural England and South Derbyshire District Council.

RESOLVED (1) to note the confirmation of the dedication of the Local Nature Reserve at Aston Brickyard, Aston on Trent; and

(2) that Natural England and South Derbyshire District Council be informed accordingly.

30/19 EXCLUSION OF THE PUBLIC **RESOLVED** that the public, including the press, be excluded from the meeting during consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING

1. To consider the exempt Minutes of the meeting held on 18 April 2019.

31/19 EXEMPT MINUTES **RESOLVED** that the exempt Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 18 April 2019 be confirmed as a correct record and signed by the Cabinet Member.

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Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

19 June 2019

Report of the Executive Director – Economy, Transport and Environment

PETITION: HOLBROOK – REQUEST FOR 20MPH SPEED LIMIT

(1) **Purpose of Report** To consider a petition received requesting the County Council introduce a 20mph speed limit throughout the village of Holbrook in Derbyshire.

(2) **Information and Analysis** At the meeting on 19 September 2018, the Cabinet Member acknowledged receipt of a petition requesting the County Council consider changing the speed limit throughout the entire village of Holbrook and part of Bargate to 20mph (Minute No. 81/18 refers). The statement detailed in the petition reads as follows:

“On behalf of the residents of the Parish of Holbrook, Derbyshire, we would like to request the Derbyshire County Council to consider changing the speed limit throughout the entire village of Holbrook (and part of Bargate), including Makeney Road and Belper Road, to 20mph.”

Background

The petition has been developed with a view to the residents of Holbrook all being contacted for their opinions/support on a request to implement a 20mph limit for the village.

In November 2015, the County Council implemented a 20mph speed limit trial site at Padfield, Glossop, with the intention of allowing the County Council to undertake a period of monitoring to assess the effectiveness of such a scheme. In May 2016, a report was considered by Cabinet regarding a scrutiny review of how 20mph speed limits are used in Derbyshire (Minute No.131/16 refers). Roads with 20mph limits are where the speed limit has been reduced to 20mph but there are no physical measures to reduce vehicle speeds within the areas. Drivers are alerted to the speed limit with boundary signs and repeater signs.

Following on from this report, a consultation exercise was carried out with all the County’s Elected Members. This resulted in a further two trial sites being

identified as 20mph limit pilot projects, at the meeting on 6 December 2016 (Minute No. 133/16 refers). Sites were selected in Brassington and Ilkeston, with an additional decision taken to include a further site in Fritchley.

Following on from the decisions taken in May and December 2016, a further report was presented to the Cabinet Member on 31 January 2019, entitled, 20mph Speed Limits in Derbyshire, a copy of the report is provided in Appendix 1.

This report was prepared on the analysis obtained from the trial site at Padfield, Glossop and the publication by the Department for Transport (DfT) on 22 November 2018 of its update on National Guidance for 20mph speed limits following further extensive trials from around the Country.

The analysis from the DfT case studies have shown a reduction in the average speed of under 1mph, coupled with no evidence to suggest that the reduction in speed limit has seen a reduction in the number of collisions or casualties.

Officer Comment

In terms of injury related collisions within the village of Holbrook, there have been five personal injury collisions within the last three years (1 December 2015 to 30 November 2018). This is the standard period of assessment. Four of the five collisions occurred along the length of Port Way/Town Street and none were of attributable factors that were related to vehicle speeds. The fifth reported collision occurred on Makeney Road and involved a vehicle rolling off a private driveway.

Apart from the speed and casualty reduction, much is made of the purported wider benefits of a 20mph speed limit. There is a perception that such speed limits improve people's perception of where they live, and lend themselves towards encouraging a greater uptake in walking and cycling, something which is made reference to in the petition submission. However, these perceptions are not evidenced by the qualitative surveys carried out by the County Council in Padfield and the DfT's study also provides little evidence to suggest this is the case either.

Given that the most important aspects of any road safety engineering measures are speed and casualty reduction, there is little to suggest from the County Council's trial site, collision history and the DfT's extensive research that the use of 20mph speed limits would be of significant benefit here.

It should be noted that, where there is a collision history and a reduction in speeds, it is necessary to reduce collisions and casualties, 20mph limits, supported by engineering measures if necessary, still have a role to play. However, this will only apply where casualty reduction is the main purpose of

the scheme. The Derby and Derbyshire Road Safety Partnership's Speed Management Protocol – Engineering Technical Annex gives guidance on where this may be appropriate.

Local Member Comment

Councillor Kevin Buttery has provided the following comments:

"I can understand residents' requests to address speeding via the introduction of a blanket 20mph zone within Holbrook, which fortunately has had very few casualty collisions recorded in the last 5 years.

Many residents' concerns tend to be as a result of drivers driving too fast for the road conditions as against exceeding the actual speed limit. However, there are always those who will ignore the speed limits, hence the 100,000 drivers nationally that were prosecuted last year.

Everyone has their own view, with supporting statistics, about the effectiveness of 20mph speed limits. Only recently, the Automobile Association criticised Councils, with the headlines "Council's waste £11m of taxpayer's money on ineffective 20mph speed limits". Pointing out motorists are not going any slower and in some area fatalities increased.

I note that the long-term trials in Derbyshire mirrored the national picture, showing only a 1mph reduction in speed.

It is quite obvious that there is not one specific solution to improve road safety. It is therefore important that any resources are directed against specific problems that can provide positive outcomes, as part of an overall strategy to reduce casualty rates.

It is pleasing that so many residents have signed the petition, which means those drivers amongst them will reduce their speed, as they drive around the village. Hopefully, some will also form a Community Speed Watch to re-inforce the need to drive slowly and safely in the built-up areas."

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** Derbyshire County Council, as the local traffic authority, has the power under Section 84 of the Road Traffic Regulation Act 1984, to set local speed limits having regard to the guidance issued by the DfT.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file in the Economy, Transport and Environment Department. Officer contact details – Richard Handbury, extension 38569.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The Cabinet Member rejects the proposal for the introduction of a 20mph speed limit in the village of Holbrook.

8.2 The Local Member and Lead Petitioner be informed of the decision accordingly.

Mike Ashworth
Executive Director – Economy, Transport and Environment

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER - HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

31 January 2019

Report of the Strategic Director – Economy, Transport and Environment

20MPH SPEED LIMITS IN DERBYSHIRE

(1) **Purpose of Report** To review the carrying out of 20mph speed limit trial sites in Derbyshire and to establish criteria for their future introduction.

(2) **Information and Analysis**

Background

Under the previous administration, a report was considered by Cabinet on 3 May 2016 regarding a review of how 20mph speed limits are used in Derbyshire (Minute No. 131/16 refers).

Roads with 20mph limits are where the speed limit has been reduced to 20mph but there are no physical measures to reduce vehicle speeds within the areas. Drivers are alerted to the speed limit with boundary signs and repeater signs.

The 20mph zones use traffic calming measures such as road humps or build outs to reduce vehicle speeds, making the area largely self-enforcing.

Following on from the report, a consultation exercise was carried out with all the County's Local Members. This resulted in two trial sites being identified as 20mph limit pilot projects, at a meeting of the Cabinet Member - Highways, Transport and Infrastructure on 6 December 2016 (Minute No. 133/16 refers). These sites were in Brassington and Ilkeston. A decision to also include an extra site at Fritchley was made at this meeting.

Preliminary data collection only has been carried out at these sites, but no physical works or speed limit signs have yet been installed. Extensive data from an existing trial site in Padfield that has been fully implemented has also been collected and analysed.

The purpose of these trial sites was to provide information and guidance for more rural environments relevant to Derbyshire as much of the current national advice and guidance is centred on dense urban environments.

Officer Comment

The data collected at the Padfield trial site tallies with the existing national guidance which suggests a reduction in speed of around 1mph can be expected as a result of the implementation of a signed only 20mph speed limit. In terms of casualty reduction, no personal injury collisions were recorded in the five years prior to the scheme being introduced in Padfield. Since the scheme was implemented in November 2015, three injury related collisions have been recorded within the 20mph speed limited area, all categorised as “slight” in severity. There is no evidence that speed was a factor in any of these collisions.

The County Council has been awaiting updated national guidance following further extensive trials around the country, which was due in 2017. The Department for Transport (DfT) has now published its findings on 22 November 2018.

DfT’s case studies show a reduction to the average speed of under 1mph and no evidence to suggest that there has been any reductions in collisions and casualties. It should be noted that all the sites monitored during the study are urban areas where existing average speeds were typically below 24mph.

Apart from speed and casualty reduction, much is made of the purported wider benefits of a 20mph speed limit. The main non-tangible benefits that are mentioned by supporters are that 20mph limits improve peoples’ perception of where they live and have wider health benefits, such as encouraging walking and cycling. This is not evidenced by the qualitative survey carried out by the County Council in Padfield. The DfT’s study also provides little evidence to suggest that this is the case either. Given that the most important aspects of any road safety engineering measures are speed and casualty reduction, there is little to suggest from the County Council’s trial site and the DfT’s extensive research that the use of 20mph speed limits would be of significant benefit.

Therefore, in terms of “value for money”, it would be difficult to make a case in support of using a signed only 20mph speed limit. For example, the physical works involved in the Padfield scheme cost around £5,000 to implement (although, the overall cost of the scheme in terms of staff costs was much higher). This cost would usually be offset against the savings to society achieved by reducing the number and severity of accidents to calculate a cost/benefit ratio.

In the case of Padfield, it is not possible to do this calculation because collisions have increased, although they do not appear to be as a result of the trial.

In terms of injury related collisions at the suggested trial sites, there have been none recorded within the existing 30mph zone in Brassington and none in Fritchley over the latest three year period for which data is held (1 August 2015 to 31 July 2018). Therefore, from a casualty reduction point of view, there would be no return on any investment made at these sites. There have been eight slight injury collisions recorded within the area that has been identified in Ilkeston, and further investigations are currently underway to determine the cause and possible measures to reduce this number.

The Police are of the opinion that they would only support the introduction of lower speed limits where it can be demonstrated that such a change would be largely self-enforcing. Where a reduction to 20mph is concerned, this could well necessitate the introduction of physical traffic calming measures to achieve this, and the significant costs associated with installing and maintaining the infrastructure.

Bearing in mind the outcome of the DfT's case studies and experience in Padfield, it is recommended that no further work is carried out with the trials at Brassington and Fritchley as there is no collision history and no benefit to be gained. Further investigations at Ilkeston should continue to understand what measures, if any, might address the collision record.

It should be noted that, where there is a collision history and a reduction in speeds, it is necessary to reduce collisions and casualties, 20mph limits, supported by engineering measures if necessary, still have a role to play. However, this will only apply where casualty reduction is the main purpose of the scheme. The Derby and Derbyshire Road Safety Partnership's Speed Management Protocol – Engineering Technical Annex gives guidance on where this may be appropriate.

(3) **Financial Considerations** The trial sites were added to the approved Local Transport Plan 2016-17 Capital Programme of works with a budget of £40,000 to cover the three schemes.

(4) **Legal Considerations** Derbyshire County Council, as local traffic authority, has power under Section 84 of the Road Traffic Regulation Act 1984, to set local speed limits having regard to the guidance issues by the DfT.

Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file in the Economy, Transport and Environment Department. Officer contact details – James Biddlestone, extension 36892.

(8) **OFFICER'S RECOMMENDATIONS** That:

- 8.1 The Cabinet Member approves that the trial sites for 20mph limit schemes at Brassington, Ilkeston and Fritchley, as identified at the meeting on 6 December 2016, should not be pursued any further at present.
- 8.2 The Local Members and relevant Parish/Town Councils be notified accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

19 June 2019

Report of the Executive Director – Economy, Transport and Environment

**PETITION – NETHERMOOR LANE, KILLAMARSH CONCERNS
REGARDING HIGHWAY SAFETY**

(1) **Purpose of Report** To inform the Cabinet Member of investigations undertaken following the receipt of a petition concerning safety at a double bend located towards the end of the cul-de-sac on Nethermoor Lane in Killamarsh.

(2) **Information and Analysis**

Background

At the meeting on 18 April 2019, the Cabinet Member acknowledged receipt of a petition, containing 45 signatures requesting that both visibility and road safety improvements are carried out at the double bend on Nethermoor Lane (Minute No. 16/19 refers). A plan detailing the site as attached as an appendix.

Officer Comment

Nethermoor Lane is a residential cul-de-sac situated off the B6058 Sheffield Road in Killamarsh. The housing has been constructed in different phases over the years, which has led to Nethermoor Lane being extended in length with the resulting carriageway width varying from 11 metres close to its junction with Sheffield Road, down to approximately 5 metres at the double bend where the safety concerns have been expressed. This narrow section of road at the end of the cul-de-sac serves approximately 12 dwellings and the geometric design of the road is similar to that of a private driveway. The design standards used for the road have deliberately incorporated a double bend which naturally keep speeds down with road users having to carefully negotiate the layout.

The petitioners, however, feel that the geometric design of the road causes an issue as an area of planting within the boundary of a private dwelling reduces the forward visibility when travelling around the double bend. It is, of course, acknowledged that all the planting on either side of the road should stay within

the confines of each property boundary and that it does not encroach onto the adopted highway. For the sake of completeness, the Council's collision database demonstrates an excellent safety history on Nethermoor Lane, therefore, it cannot be recommended that safety measures be introduced at the site.

Local Members Comment

Councillor Diane Charles and Councillor Brian Ridgeway were consulted and had no comments to make.

(3) **Financial Considerations** There are no financial considerations associated with this report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

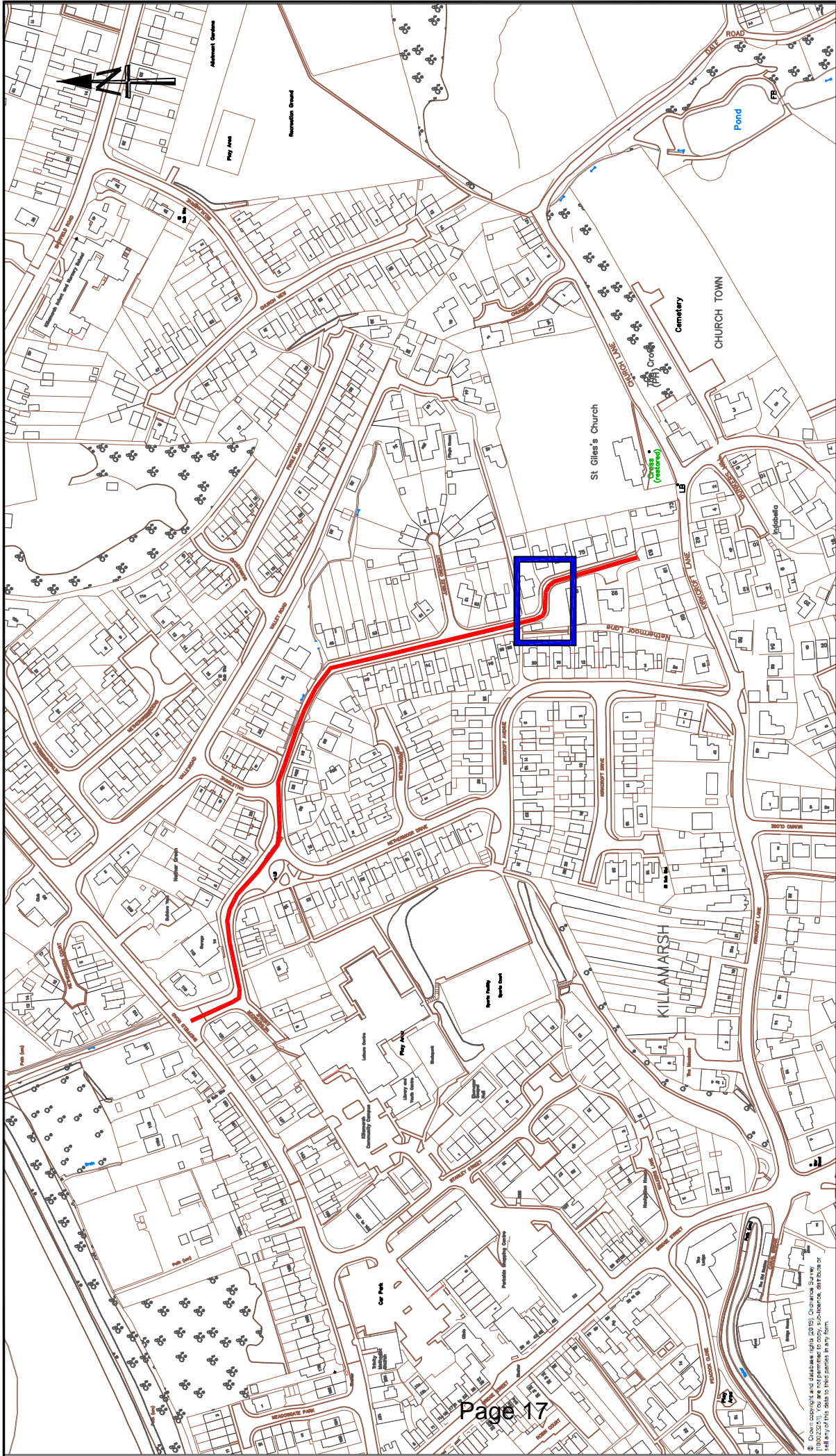
(6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Steve Dungworth, extension 38619.




(7) **OFFICER'S RECOMMENDATIONS** That:

7.1 Derbyshire County Council's Maintenance Team inspects the private planting to ensure there is no encroachment onto the adopted highway.

7.2 The Local Members and lead petitioner be informed accordingly.

Mike Ashworth
Executive Director – Economy, Transport and Environment



 DERBYSHIRE County Council MIKE ASHWORTH Strategic Director Economy, Transport and Environment	KEY:  	EXTENTS OF NETHERMOOR LANE LOCATION OF THE DOUBLE BEND ON NETHERMOOR LANE	PROJECT TITLE NETHERMOOR LANE, KILLAMARSH DRAWING TITLE APPENDIX	DRAWN PHIL BRAISBY Date 11/03/19	CHECKED STEVE DUNGWORTH Date 11/03/19	APPROVED STEVE DUNGWORTH Date 11/03/19	SCALE NTS

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Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

19 June 2019

Report of the Executive Director – Economy, Transport and Environment

PROPOSED EXTENSION OF THE FOOD BAG PROJECT IN HIGH PEAK

(1) **Purpose of Report** To seek Cabinet Member approval for continuation of the compostable food bag project to households in Glossop and Buxton to divert food waste and reduce disposal costs.

(2) **Information and Analysis** On 25 July 2018, the Cabinet Member approved the expansion of this project across the Glossop and Buxton areas to issue compostable food bags that will encourage more householders to divert food waste for composting through their garden waste bins for the period of October 2018 to September 2019 (Minute No.76/18 refers). The project originally commenced in September 2017 in the Glossop area.

Householders in the High Peak have been able to place food waste in their garden waste bins since 2009, but participation levels have been very low. National research has identified that the public often do not participate for a variety of reasons including:

- too smelly/messy
- do not have the time
- do not see the point.

Food waste consists of:

- avoidable food waste that could have been eaten; and
- unavoidable food waste, such as fruit and vegetable peelings, banana skins, apple cores, cauliflower leaves, tea bags, egg shells, etc.

National research confirms that the typical household generates approximately 2kg of food waste per week or 100kg per year, more than the body weight of the average man. Until a household actually separates this waste, most do not realise how much food waste is thrown away.

Food waste is by far the single biggest waste stream in household waste bins. According to the waste compositional analysis of residual waste in 2017, Derbyshire householders are placing over 57,000 tonnes of food waste in their general waste bins each year that the County Council has to dispose of. This has a significant impact on the environment and the financial cost to the Derbyshire Council Tax payer is over £7.5m per year.

By providing compostable bags and promoting the service in the Glossop and Buxton areas, the public have responded and composted more food waste. Prior to introduction of the project, householders were composting 0.16kg of food waste per household per week. In the early stages of this project, Glossop households composted 0.48kg per household per week and in the last six months have been composting 0.53kg. Surveys have found that Buxton households are sometimes only composting 0.15kg per household per week, although the average across the Buxton area is 0.44kg.

The project incurs additional costs to supply compostable bags to households and to promote the scheme. These costs can be absorbed by the landfill savings resulting from the project provided that households continue to divert more than 0.40kg per household per week. Additional promotion and marketing activity is taking place in the Buxton area in the spring and summer of 2019 to encourage greater public participation. This will be reviewed later in the summer to identify whether the Buxton households can successfully achieve a higher level of food waste diversion.

The food waste collected is composted at the County Council's in-vessel composting plant at Waterswallows, Buxton. This facility is managed by Suez on the County Council's behalf. Suez has been monitoring the quality of the food waste being presented as it is critical that all food and garden waste feedstock is quality controlled to enable a compostable product to be produced. Suez has recently confirmed it is satisfied with the inputs from the project and will continue to spread the resulting compost on agricultural land in the Buxton area replenishing farmland with nutrients and organic matter that reduces reliance on artificially produced fertilisers.

Approval is being sought for the continuation of the compostable food bag for householders in the Glossop and Buxton areas to enable food waste to continue to be composted and diverted from landfill and to reduce waste disposal costs.

The following table outlines the costs of continuing this project in the Glossop and Buxton areas from September 2019 to March 2020, based on the diversion levels achieved to date, i.e. Glossop 0.53kg per household per year and Buxton 0.44kg per household per year. At these diversion rates the Buxton area delivers some modest savings to the County Council.

Items of Expenditure	Six Month Extension of the Glossop Trial (£)	Six Month Trial in the Buxton Area (£)	Total (£)
Bags 52 for 7,000 properties and additional stock for the public offices	3,779	3,779	3,558
Stickers for bin	0	0	0
Distribution of stickers	0	0	0
Leaflets	260	260	520
Distribution of bags and leaflets	2,215	2,215	4,429
Marketing costs	1,030	1,030	2060
Total Implementation costs	7,284	7,284	14,567
Estimated disposal savings to the County Council	10,961	8,325	19,286
Estimated net saving to the County Council	3,677	1,041	4,718

High Peak Borough Council is very committed to this project as it enhances its garden and food waste collection service. It has successfully implemented two phases of this project and they manage the day to day issues of bag supplies, social media marketing, public enquiries, etc. It is very keen to see the project expand across the whole Borough. There are four other collection authorities in the County that operate a similar service to High Peak where householders participate, albeit on a very limited basis, placing food waste in their garden waste bin. These authorities are following this project with interest as it may be a service enhancement that they wish to adopt.

Government is currently consulting on its recently published Resource and Waste Strategy. This document proposes that all councils provide weekly collection of food waste from all households. Government has indicated it will meet the net costs of weekly food waste collections should the proposal be taken forward. Any expansion of this project would be subject to High Peak Borough Council's view on this proposal. The evidence of food waste collections provided by this project will inform future consultations and policy.

The effects of the additional social media marketing in Buxton will not be known until late summer 2019. It is therefore proposed that a further report is presented to the Cabinet Member in autumn 2019 in regards to future developments to the project that could commence in spring 2020.

(3) **Financial Considerations** The proposed six month expansion and continuation in the High Peak area will incur implementation costs of £14,567, which can be met by the disposal savings of £19,286 that the County Council gains providing net disposal savings to the Council of up to £4,718.

(4) **Legal Considerations** The County Council has a duty to dispose of residual waste presented by households.

(5) **Environmental and Health Considerations** The County Council is committed to increasing sustainable waste management solutions across the whole County.

Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Key Decision** No.

(7) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer Contract details – Neil Haslam, extension 39787.

(9) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member approves:

9.1 The continuation of the compostable food bag project in the Glossop and Buxton areas until March 2020, whereby the County Council funds the costs outlined in the report from disposal savings.

9.2 That a further report is submitted to the Cabinet Member in autumn 2019 to update on progress with food diversion in the Buxton area with proposals for the project for 2020 onwards.

Mike Ashworth
Executive Director – Economy, Transport and Environment

Agenda Item No.4(d)

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE

19 June 2019

Report of the Executive Director – Economy, Transport and Environment

PROPOSED TRAFFIC REGULATION ORDER – STONEY MIDDLETON
BYWAY OPEN TO ALL TRAFFIC NO. 15 KNOWN AS JACOB'S LADDER

(1) **Purpose of Report** To consider the objections and other responses received following consultation and publication of a notice of a proposal by the County Council to make a Traffic Regulation Order (TRO) to prohibit the use of this byway open to all traffic (BOAT) by mechanically propelled vehicles (MPVs), and to recommend that the Cabinet member authorises such a TRO to be made.

(2) **Information and Analysis****The Route**

Stoney Middleton BOAT No.15, known as Jacob's Ladder, is a 540m long route, rising steeply with an average gradient of over 15% or 1 in 7 from The Nook to New Road, Stoney Middleton. It is shown as a length of non-classified highway maintainable at the public expense on the Council's List of Streets, kept under Section 36 of the Highways Act 1980.

It was added to the definitive map and statement as a BOAT in November 2012, following a public inquiry into a definitive map modification order made by the Council, convened on behalf of the Secretary of State for the Environment, Food and Rural Affairs. The confirmed modification order indicates that the width of the highway varies between 3m and 3.5m. It is partly enclosed between stone walls and is, in places, a hollow way with steep banks on either side. The width of the usable road up to the banks, verges and walls forming the margins to the highway boundary varies between 1.88m at its narrowest and 3.05m, and includes a particularly steep section, as recently surveyed by the Council.

The BOAT and the length of minor road from its southern end up to the parish church which passes by the restored "Roman Baths" and former Spa area. (known as The Nook) provide a public pedestrian equestrian and vehicular link between the main village settlement of Stoney Middleton and the B class road at the northern end of the BOAT (known as New Road). This route is used by walkers, horse riders and cyclists, as well as 4 wheel drive vehicle users and motor cyclists. A short section of the BOAT at the village end provides the only

access to an adjoining cemetery. From the junction of the BOAT with New Road there are pedestrian and equestrian/cycling links to the wider rights of way network and countryside around Eyam which features several historic sites of cultural significance including the Riley Graves and Mompesson's Well, Eyam village.

The Council's Principal Engineer for Traffic and Safety has recently reported that the route has a very steep ascent from the Nook Stoney Middleton and that along the route there are numerous places where forward visibility is restricted due to both the route's horizontal and vertical alignments, which coupled with the fact it is tree lined, further compromises the inter-visibility between users of the route. He has also indicated that in places on the route safety concerns are raised where vehicular users encounter other users in the opposite direction including pedestrians, cyclists and horse riders.

Consultation Process

On 12 July 2016, the Cabinet Member – Highways, Transport and Infrastructure considered a report from the Strategic Director - Economy, Transport and Environment on a request for a TRO on the route to prohibit motor traffic. The Cabinet Member resolved to approve a 12 week public consultation to understand public opinion on the proposal, and that a report be submitted to him at a future date to recommend a way forward.

On 26 October 2017, the Cabinet Member received a report from the Strategic Director on the outcome of that consultation, with a recommendation that a TRO be made. At that meeting the Cabinet Member also allowed a representative of the Green Lane Association (opposing the proposal) and a representative of the Peak District Green Lane Alliance (supporting the proposal) each to address the meeting. After considering the report and the representations, the Cabinet Member resolved that the Strategic Director – Economy, Transport and Environment undertake the necessary steps required by the Local Authorities' (Traffic Procedure) (England and Wales) Regulations 1996 to make a TRO to prohibit MPVs from using the whole BOAT length of Jacob's Ladder, and that a further report be submitted to the Cabinet Member in the event that objections to the proposed TRO were received.

Following that meeting, a consultation of the statutory consultees was carried out alongside publication of the notice of the proposal to make a TRO between 17 May 2018 and 14 June 2018, and the proposed TRO was first formally advertised on 17 May 2018. An online questionnaire facility was provided as an optional means of response on the Council's website, which included a space for general comments (see background papers).

Due to the discovery of a defect in the response facility provided on the Council's website (in failing to provide for capturing of contact details), a new notice of the proposal was published on 6 September 2018 and a repeat of the consultation was carried out between 6 September 2018 and 5 October 2018 (together

referred to as 'the Consultation'). The responses to the Consultation are headlined below.

Consultation Responses

Overview of Consultation Responses

Over 1,000 responses to the Consultation were received. Some 831 respondents completed an online questionnaire, and there were over 300 responses by letter or email.

Of the completed online questionnaire responses:

- 26% were from those who answered as Derbyshire residents;
- 88% were in objection to the proposal;
- 74% answered as being primarily vehicle users contrasting with 16% as walkers, 3% as cyclists, 2% as horse-riders and 5% as 'other';
- 66% felt the scheme could be improved; and
- 12% considered themselves to be disabled.

All the responses are available within the background papers. The unstructured nature of the 'off-line' responses clouds the reliability of any attempt at similar numerical analysis of the origins of all these responses, therefore no such analysis is presented in this report.

Those responding in support of the proposed TRO include representatives of several walking groups in addition to residents of Stoney Middleton and other local residents. The general themes in the responses are that the use of this route by MPVs is perceived as spoiling the tranquillity of the area and deterring other potential users, owing to conflict between different modes of use due to topography and narrowness of the route.

Those responding in objection to the proposed TRO include representatives of several motorised vehicle user organisations, in addition to some local residents and visitors. The general themes in these responses are that such a TRO would undermine the lawful exercise of the right to use the route by any form of transport, and would damage the local economy, and amount to discrimination against persons with a disability who use vehicles as a means to enjoy the countryside.

Consultation Responses Generally in Favour of the proposal

Peak District Local Access Forum (LAF)

The Local Access Forum is a statutory body which exists to advise the Peak District National Park Authority and the County Council on the improvement of public access for the purpose of open-air recreation and for the enjoyment of the

area. The LAF has a Green Lanes Sub-Group which visited the site in June 2018 and the key points from its response are as follows.

- The LAF is aware of concerns from the Parish Council and horse riding interests, as well as Friends of the Peak District and Green Lanes Alliance, cyclists and walkers about the effect of recreational motor vehicles (4x4s and motorcycles) on other users wishing to use this particular BOAT.
- The majority of members feel that motor vehicle usage on BOATs of this kind, is alien to the character of the way, to principles of quiet enjoyment and (due to surface condition, poor drainage, high banks, narrowness, restricted visibility in places and an absence of passing places) is basically unsafe where pedestrians, horse riders and cyclists also have legal rights to use the way.
- There are very few bridleways in this locality and Jacob's Ladder is part of a valued off-road route for riders between Stoney Middleton and Eyam/Stoke, and a circuit for walkers. It offers a safe and pleasant alternative to the very busy main road, but many horse riders, cyclists and walkers seem to have been put off using Jacob's Ladder because of the dangers presented by recreational motor vehicles.
- The majority of LAF members give their support to a full TRO on Jacob's Ladder so that hazards presented by MPVs are reduced and access to the National Park's amenity in this area can be restored to cyclists, horse riders and pedestrians.
- At its meeting on 14 June 2018, 10 members supported the proposed TRO and 4 abstained. One Member requested that his minority response to press for only appropriate repairs, maintenance and monitoring at this stage be noted.

Peak Horsepower Bridleways Group (PHP)

PHP are a group dedicated to promoting better access for horse riding in the Peak District National Park. PHP say that riders are unable to use the route due to danger from recreational motor vehicles. They say that the route was previously popular and well-used, with usage declining when recreational motor vehicle use commenced. They quote from statements made by witnesses to the public inquiry into the BOAT order who mentioned fear of meeting motorcycles and 4 x 4s and a deterioration of the surface of the route. They refer to a safety survey of the lane carried out by a Health and Safety Practitioner in 2012 (appended to the Stoney Middleton Parish Council statement of case), which concludes that there is a risk of vehicle impact with other vehicles, pedestrians and horses due to the lack of crossing points and blind corners on the route as well as the lack of escape routes due to the banks which form part of the route.

Nottinghamshire Footpaths Society

This Society expresses support for the Proposal since it will restrict the damage, noise and disruption caused by vehicles.

Yorkshire Dales Green Lanes Alliance (YDGLA)

YDGLA agreed with the proposal, citing evidence submitted to the County Council by the Stoney Middleton Parish Council and responses to the 2016 consultation.

Friends of the Peak District

Wrote in support of the TRO, citing the steep and narrow character of the route, conflict with users and the impact on local amenity and the evidence submitted to the public inquiry into the status of the route.

Natural England

Natural England have not provided any informative commentary, but have confirmed that they have no objection to the proposed TRO.

Peak District National Park

The Peak District National Park Authority have not commented in detail, but have expressed support for making the proposed TRO on the grounds stated.

In addition, 35 individual representations have been received in support by letter or email. The key themes from the responses in favour are summarised in the table below, together with some officer observations:-

	Theme	Officer Observations
1	Concern about being knocked down.	Public safety is a material concern for the imposition of a TRO. There is no record of any actual collision having taken place on the route. The narrowness and steepness of banks on parts of the route does support this concern however.
2	Would make it safer for horse riders, cyclists and walkers. Horse riders are deterred by motor vehicles.	A TRO may facilitate the passage along this route by other classes of user if MPVs are seen as a deterrent. It is, therefore, quite reasonable to take the view that the normal traffic of the area, walkers, cyclists and horse-riders, should have priority over the route.
3	National Parks are places for quiet enjoyment.	On balance, it is considered that the continued use of the route by MPVs will have a negative impact on the wider goals of the Peak District National Park.
4	Protect the beauty and tranquillity of the area.	On balance, it is considered that the continued use of the route by MPVs will have a negative impact on the wider goals of the Peak District National Park.
5	Route being damaged by motor vehicles.	There is some evidence that MPVs are causing damage to the verges on narrow sections of the route. There is also some evidence of erosion by water.
6	Support for the quiet enjoyment of the area.	The proposal would assist enjoyment of this area, particularly by walkers and horse riders and cyclists.

7	Unsuitable for motor vehicles.	This BOAT has particular physical limitations which are not shared by other BOATs.
8	Route steep, narrow and unsuitable for horses and walkers to share with motor vehicles.	This BOAT has particular physical limitations which are not shared by other BOATs.
9	Erosion is caused to the route by MPVs	Although the route has suffered from episodes of water runoff, MPV use can contribute to surface degradation.
10	The route was never originally constructed for motorised vehicles.	Whilst this statement is, broadly true, the route has for many years been used by MPVs.
11	Poor sight lines, motor bikes driving fast – danger to users.	This is reflected in the observations of the Principal Engineer.
12	Local observations focussed on amenity and safety concerns, including noise from motorcycles, use and night time vehicle use, disturbance, damage, danger, lack of maintenance, no need to use the road.	These themes have been apparent from the earlier representations including the 2016 informal consultation and were reflected in the Statement of Reasons for the proposal.

Consultation Responses Generally Opposing the TRO

The following responses generally opposed the implementation of a TRO to prohibit the use of the BOAT by MPVs.

Trail Riders Fellowship (TRF)

The TRF continues to object to the proposal to prohibit the use of the route by motorcycle traffic. The key points from its response are as follows:

- it is not in any way suitable and appropriate for facilitating the expeditious, convenient and safe movement of motorcycle traffic on Jacob's Ladder and the road network in the area;
- it is detrimental to national park purposes;
- it has an adverse effect on access opportunities for persons with physical disabilities.

The TRF argue that motorcycling is an important component of the cultural heritage of the national park, which the Council is obliged to conserve pursuant to Section 5(1)(a) of the National Parks and Access to the Countryside Act 1949, and that such a prohibition would prevent enjoyment by removing such opportunities as are referred to in Section 5(1)(b) of the 1949 Act.

The TRF also suggests that the County Council has an 'absolute duty' to maintain Jacob's Ladder, and that although its recent addition to the definitive map and statement as a BOAT amounts to a downgrading of the route, it does not relieve the County Council of its duty to maintain the road surface.

Green Lane Association (GLASS)

GLASS objects to the proposal to prohibit the use of the route by motorised vehicles. The key points from its response are arguments that the proposed imposition of a TRO tilts the balance too far in favour of 'other users', is illogical, and is not in accordance with TRO regulations and associated legislation. The GLASS submission suggests alternative proposals for the management of the route, to include a scheme for maintenance, possibly a TRO to manage conflict at busy times of the week and introducing a one-way restriction to prevent MPVs meeting in opposite directions. They also suggest that the County Council could consider a permit scheme for the route.

With regard to the County Council's grounds for proposing the making of a TRO, GLASS suggest that the route is not too narrow for recreational motor vehicles if properly maintained. They suggest there is a contradiction arising from a prohibition of only motorised vehicles, in that a horse drawn carriage would still be able to be taken along the route. They dispute the safety concerns, referring to a lack of records of any injuries being sustained by users of the route. GLASS assert that the character of the route is not adversely affected by the use of motorised vehicles and may, indeed, be dependent upon the use of such vehicles. They suggest that the route is not specially suitable for use by persons on horseback or on foot as it is uneven and steep, with tree roots causing a slipping hazard and the route being slippery when wet. They suggest that other nearby rights of way are more suitable for pedestrians and horses. They also suggest that the amenity of the area is unaffected by the presence of occasional vehicles on the route.

Association of Peak Trail Riders (APTR)

The submission by the APTR refers to the impact of the proposal on tourism and, in particular, business revenues.

Manchester 17 MCC Ltd

Manchester 17 MCC Ltd is affiliated to the Auto-Cycle Union and is dedicated to the organising and running of motorcycle events in the Cheshire, Staffordshire, North Derbyshire, Peak District and Shropshire area of England.

The submission suggests alternative options to making such a prohibitive TRO, including voluntary restraint or a seasonal TRO for all vehicles at certain times of the day or year. The submission also suggests that consideration should be given to a permit access system, as used in other Highway Authorities and National Parks, within the framework of such a TRO.

In addition, about 266 individual representations have been received in objection by letter or email. The key themes from the responses in objection are summarised in the table below, together with some officer observations:-

	Themes	Officer Observations
1	Closure of 'green lanes' is a threat to the sport.	The aim of the TRO is to put in place restrictions in line with the legislative framework where this activity has a serious and identifiable impact on the use and management of the route.
2	Failure to explore all methods of control to allow safe and responsible use.	The feasibility of other options is addressed in this report. However voluntary restraint methods are considered to be insufficient in this case.
3	Historical vehicular right of way.	TROs can be applied to preserve the character of such routes.
4	Water damage has caused deterioration, not vehicles.	Water damage is known to be part of the cause of the decline of the surface of the route.
5	Proposal biased and targeting one group, of niche users on this route – motorcyclists.	The grounds for the proposal are considered to provide justification for MPV prohibition. The prohibition is aimed at MPV modes of use on a single particular route.
6	Byway wide enough to be sustainable, if kept well maintained.	The route is too narrow in certain sections for MPVs to pass either each other or pedestrians, cyclists and horse riders.
7	People who are disabled will face discrimination.	Refer to the equalities section of the report below.
8	The Peak District is a wide expanse – ample room for all to participate in their chosen hobby.	The National Park purposes are not generally in conflict with motorist use The grounds for the proposal are considered to provide justification for MPV prohibition. The prohibition is aimed at particular types of use on this particular route.
9	Local economy damaged if lane closed.	There is no evidence that this is the case.
10	Restriction will put pressure on other routes.	The Peak District National Park Authority has implemented several MPV prohibitive TROs on other green lanes. There is no evidence that any significant problems have arisen on other routes through any 'displacement'.
11	If this route is too narrow, then the argument to close the route could be applied to other (main) roads in Derbyshire.	The BOAT is unsuited to general motor use. The analogy does not hold up under scrutiny.
12	Erosion of rights will cause illegal use.	The experience of the Peak District National Park Authority is that there is some continued MPV use over routes where similar TROs have been implemented, but overall, the volume of use has dropped considerably. The proposal is supported by Derbyshire Police.
13	Enough paths and walk ways for others, why	The grounds for the proposal are considered to provide justification for MPV prohibition. The prohibition would

	stop one group of people using it?	apply to this mode of use on this particular route only. Each request of this nature is considered according to its specific circumstances.
14	Getting harder to ride legal routes due to their closure.	Each TRO of this kind does reduce total mileage of green lanes routes that are available to MPV users as well as others.
15	Motor bikes do not take up any more room than a horse or cyclist.	Motor bike use impacts in terms of safety and other users are dissimilar in various respects.

Relevant guidance and policies

Making the Best of Byways, DEFRA December 2005

This publication is a practical guide for the management of motor vehicles on byways for local authorities and other interested parties. In this document, it states that *“voluntary restraint can be a useful tool for management of By ways where reductions in numbers of mechanical propelled traffic is desirable, but not where the prohibition of mechanical propelled vehicles is agreed to be necessary.”*

Regulating the use of motor vehicles on public rights of way and off Road, DEFRA December 2005

This document provides some further guidance and examples of good practice of the use of TROs and other management options in relation to motor vehicles on BOATS.

Derbyshire County Council Management of Green Lanes 2012-2017

This document continues to represent the principles by which the Council seeks to manage Green Lanes and their use by motorised vehicles. It explains how the Council's duty to maintain highways is generally applied to BOATS and features 8 Policy statements including the following:

Policy Statement 1

The Council aims to protect opportunities for recreational driving where conflict with other types of use is kept to a minimum and where this activity does not have an unacceptable detrimental impact on the environment or communities.

Policy Statement 2

- 2a) In recognition of the necessity to improve some routes the County Council will invest over the next 5 years to improve off-road vehicular routes.
- 2b) The County Council will encourage and support voluntary management schemes to assist with the management of off-road vehicular routes.
- 2c) The County Council will commit to a yearly inspection of routes where improvements have been made.

Policy Statement 4

- 4a) Derbyshire County Council will support voluntary restraint wherever it considers this to be appropriate and workable temporary solution.

- 4b) Voluntary restraint will not over-ride or preclude any form of management the Council may wish to implement.

Policy Statement 5

TROs shall be considered where:

- 5a) No other reasonable solution exists to resolve conflict between types of use.
- 5b) There is a clear danger to vehicle users.
- 5c) The safety of other users is compromised through continued use by vehicles.
- 5b) Any other relevant legal criterion is satisfied.

Officer Analysis

This report enables the Cabinet Member to review the expediency of making a TRO as proposed, taking account of the submissions received in response to the Consultation, which are summarised above, and having regard to the alternative options so far as they might provide realistic alternatives.

The TRO proposal and the subsequent Consultation has emerged from the previous consideration of the traffic issues concerning the route and Cabinet Member approval at the meetings of 12 July 2016, when the initial consultation was authorised, and on 26 October 2017, when publication of the proposal was authorised.

The Council's Statement of Reasons, published with the proposal, indicated that the Council proposed to make a TRO to prohibit MPVs on the grounds set out in sub-sections 1(a), (c), (d), (e) and (f) of the 1984 Act as recommended in the report to the Cabinet Member for the meeting 26 October 2017 except that the approved proposal covered the whole length of the BOAT instead of for a designated portion (where the road is most noticeably narrow) as had been recommended (Minute No. 110/17 refers). There is a lack of spaces for MPVs to turn around within the BOAT.

With regard to the duty under Section 122 (detailed in Legal Considerations), whilst the prohibition would represent a reduction in the available highway network facility which MPVs are entitled to use, the BOAT status of the section of road proposed for prohibition and its steep and narrow topography mean that there is barely any reduction in any utility for MPV use other than for "green laning" recreation using motorcycles and 4x4 vehicles with some off road capability. Only one of the respondents (an objector) has referred to what might be regarded as everyday routine use, as part of a route to and from work by motorcycle.

The analysis in this report is also guided by the National Park's purposes of (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the area of the Peak District National Park, and (b) promoting opportunities for the understanding and enjoyment of the special qualities of the area by the public, as described in the National Parks and Access to the Countryside Act 1949 and the duty of the County Council under the Act to have regard to those purposes in

exercising or performing its functions in relation to, or so as to affect land in the National Park.

The loss of enjoyment of use of the road to MPV users is a factor that needs to be taken into account. The use of unsealed minor highways by motorists for recreational purposes (known as Green Laning) has grown in popularity since the 1950's. There are a number of bodies, including the TRF and GLASS which promote responsible use of such routes by codes of conduct which their members should follow. Green Laning is a widespread activity in the Peak District National Park and as these bodies have observed, there are relatively few unsealed routes in Derbyshire which carry vehicular public rights. However, with regard to other types of traffic, it is considered that the route, would under such a prohibition, become significantly more commodious for pedestrians and horse riders to enjoy for their quiet recreation.

There are essentially four types of option to which the Cabinet Member should have due regard before reaching a decision:

1. making of a TRO as notified and consulted on [as per the provisional recommendation];
2. taking the proposal no further; seeking to rely on any other means available for addressing the conflict between modes of use on the BOAT;
3. pursuing a modified/different TRO proposal (e.g. a prohibition of use with MPVs excepting vehicles of less than a certain width – which might accommodate motorcycles); and
4. convening a public inquiry on the proposed TRO, to arrive at an Inspector's recommendation to the Council

Having regard to option 2, sealed surface improvement works have been utilised on other green lanes, but this is not seen by officers as offering an effective solution per se to the problems identified above in respect of this BOAT, and can be seen as detracting from the rural character of route. A sealed surface would also tend to cause increased run off into adjacent lower lying land and watercourses, which could be exacerbated by climate change. This type of scheme would also detract significantly from the traditional rural character of the route which is particularly valued by residents and users.

Voluntary restraint measures through co-operation from responsible recognised user organisations may provide options to help mitigate impacts, e.g. through undertaking to limit numbers and times of day and week for any organised convoys by their members. However, a sizeable proportion of MPV users would not be subject to such restraint measures, and consideration of these options in this context suggests that it would leave most of the disturbance problems highlighted by local respondents essentially unresolved. No voluntary restraint in this case is therefore considered to offer an effective solution to the ongoing problems.

Having regard to option 3, a more general exemption, whether seasonal, or for certain times of day or week, or based on maximum width, would only mitigate elements of the substantial impacts on enjoyment of the route the other users are experiencing and on the local amenities which are apparent. This would not sufficiently resolve the issues of conflict, and harm to the character of the road. Such a TRO would be less effective as a means to restore confidence in those horse riders who have been discouraged from using the route by their experiences or perceptions of conflict with MPVs travelling over the route. Safety would remain a serious concern with regard to any general MPV traffic that might remain unprohibited. The proposed exemption for MPV usage at the Council's discretion by prior arrangement provides a mechanism for allowing MPV usage on appropriate terms, despite the general prohibition where occasional requests are made which provide any persuasive reasons for authorising the specific MPV access being sought.

Having regard to option 4, the Council has the discretion to cause a public Inquiry to be held on the proposal before a specialist inspector. This option would have some merit in enabling both supporters and objectors to the proposal to present their arguments and evidence and provide the Council with an external recommendation. However, this would involve a delay of several months and a significant cost to the public purse. In this case, the key issues and arguments for and against a TRO as proposed have been apparent for some time and the formal consultation has tended to underline these rather than raising entirely new considerations. On balance, this option is considered not to be appropriate in this case.

Whilst the Council's policy statements support due consideration of all reasonable options, each case has to be assessed according to its own particular circumstances. In this case, each of the factors listed as (a) to (d) under Policy Statement 5 continue to provide a strong steer in favour of making a TRO as has been proposed.

The salient points in respect of each of the statutory grounds for the proposal, taking into account the significant themes under the Consultation responses, are as follows:

- 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**
 - Jacob's Ladder is narrow over much of its length to the point that larger vehicles cannot pass when travelling in opposite directions and, in some sections, it is so narrow that other users may be forced off the route or onto steep banking to avoid oncoming traffic. This has been highlighted by several respondents.
 - There is some anecdotal evidence (from more recent personal statements received as well as under the personal statements within the Stoney Middleton PC 2012 submission) of "near misses" between equestrians or pedestrians and MPVs (4x4) and motorcycles on the route. Whilst that 2012 submission

also referred to someone having been 'knocked down' on the route, no evidence has been found to substantiate this and there is no record of any collisions or any personal injuries having been sustained on the route.

- Several respondents including the TRF and GLASS suggest that traffic safety concerns reflect a lack of objective evidence or exaggeration or misunderstanding of the actual risks and hazards. Nevertheless the observations of the Principal Engineer have reinforced the significance of the unsuitability of the topography of the road for general MPV use including motorcycles in terms of safety. The Engineer's assessment supports the finding that there is some likelihood of danger relating to MPV modes of use that would be substantially reduced through prohibition.

c) Facilitating the passage on the road or any other road of any class of traffic (including pedestrians)

- It is the view of a number of consultees, and the Parish Council, that use by MPVs restricts the use and enjoyment of Jacob's Ladder by other users owing to a likelihood of conflict between the different modes of use. The setting of Jacob's Ladder offers access to visitors and residents to enjoy quiet recreation, however, the nature and type of recreation will have a material effect on any person's enjoyment of the countryside. This is a vehicular highway and therefore legally available to users of MPVs. It is part of the road network, but, in practice, used primarily for recreational purposes. Officers take a view that the non MPV public traffic, which includes pedestrians, cyclists and horse riders, should take precedence where there is conflict with motorised users on a route that is especially narrow in parts for a BOAT, having regard to the National Park location.
- The condition of the route has a history over the past thirty years of damage by erosion as a result of surface water run-off which may have been exacerbated by MPV use. Derbyshire County Council's duty to maintain the route is commensurate with the status of the highway, in this case a BOAT. Officers do not accept that there is an 'absolute' duty to maintain this route to 'carriageway standard'. There is no single standard applicable to all carriageways, and the County Council may consider the use of a route in determining the level of maintenance needed. It is accepted that some works of maintenance are required on this route, but once undertaken this would not provide a route with a useable width of 3m to 3.5m as the banking and tree lined nature of the route is part of the fabric of the lane.

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

- It remains clear that the narrowness of Jacob's Ladder means that there is no opportunity for larger MPVs to pass each other over a substantial length and little opportunity for other pedestrians to step aside. Even motorcycles will occupy a significant proportion of the width of the route on narrower sections and, therefore, the use of both motorcycles and wider vehicles is unsuited to the narrowness of the route, be they ascending or descending.

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

- As referred to above, the general character of this route is a tranquil rural track. It passes from the village and ascends a wooded hillside, passing the local cemetery. It is the view of officers that this route provides an opportunity for safe recreation for persons on horseback and on foot, both in itself and as part of the wider Public Rights of Way Network in the local countryside.
- Given the narrowness of the route it would be beneficial to persons on horseback or on foot to preserve the character of the route by preventing the use of the route by MPVs.

f) For preserving or improving the amenities of the area through which the road runs

- The amenities of the area, in this context, may best be defined as a combination of the benefits derived from open air recreation, tranquillity and the landscape. If these are affected by the use of MPVs then the Council may conclude that there are grounds to implement a TRO in order to preserve and indeed work towards improving the amenity of this area. The area of the National Park in which the BOAT lies is of exceptional quality for recreational amenity and appreciation of cultural heritage. The amenities close to the route include the adjacent cemetery, where relatives of the deceased take time to tend graves and sit in quiet contemplation. Respondents to the TRO suggest that this tranquillity is interrupted by MPVs (particularly motorcycle use) along the route.
- Whilst construction and use regulations and vehicle testing generally prescribe maximum noise levels according to type of MPV, respondents highlight that when motorcycles make progress along the route the engine noise is often disruptive especially when groups of motorcycles are encountered impacting on the amenity.
- 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 the route by this mode of transport is adversely affecting those special qualities to a more significant extent than other users.

Officer Conclusions

It is concluded that, having regard to the proposal and the other possible options available, making a TRO as has been proposed, with limited types of exemption in accordance with the published notice of the proposal, is the most expedient course of action to recommend. The basis for reaching this conclusion is broadly in accordance with the published Statement of Reasons, and takes into account all of the relevant Consultation responses, which are described above.

Local Member Comment

Councillor Atkin, as local member, has been consulted and supports the proposal.

(3) **Financial Considerations** The expenses associated with the making of a TRO and associated signage would be met from the Public Rights of Way Revenue Budget. The extra costs associated with referring the proposal to public inquiry would be substantial, since this would require payment for the services of an Inspector from the Secretary of State's panel, in addition to representation of the County Council case for the proposal, with at least one professional witness. The number of days required can vary for such an inquiry and therefore the cost is uncertain. An allowance of £20,000 is considered to be appropriate.

(4) **Legal Considerations** The Road Traffic Regulation Act 1984 provides, at Section 1 (1) that:

The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a "traffic regulation order") in respect of the road where it appears to the authority making the order that it is 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, or*
- (b) for preventing damage to the road or to any building on or near the road, or*
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or*
- (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, or*
- (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, or*
- (f) for preserving or improving the amenities of the area through which the road runs or*
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).*

Section 2 of the 1984 Act states what a TRO may provide for and this includes prohibiting the use of a road by vehicular traffic or by vehicular traffic of any class specified in the order.

"Road" for the purposes of the 1984 Act includes a BOAT. BOAT – byway open to all traffic (as defined in the Wildlife and Countryside Act 1981) means "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".

Section 122 (1) of the 1984 Act, states that it shall be the duty of every local authority exercising the functions in that Act (so far as practicable having regard to matters listed in Section 122(2)) (and subject to the provisions of Part II of the Road Traffic Act 1991) 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.

Derbyshire County Council is the traffic authority for Derbyshire, including the areas of the County in the Peak District National Park.

The matters listed in Section 122(2) are: the desirability of securing and maintaining reasonable access to premises, 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 area through which the roads run, the national air quality strategy prepared under Section 80 of the Environment Act 1995, 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 any other matters appearing to the Local Authority to be relevant.

The courts have found that the duty set out in Section 122(1) of the 1984 Act is not absolute. Cranston, J. in *Trail Riders Fellowship and Ors v Powys County Council* [2013] EWHC 3144 (Admin) found that “the duty imposed by Section 122 of the 1984 Act is a qualified duty. Against the duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) is to be balanced the factors in Section 122(2), such as the effect on the amenities of the area and, in the context of making a TRO, the purposes for this identified in Section 1(1). As a matter of law the duty of securing the expeditious, convenient and safe movement of vehicle and other traffic (including pedestrians) is not given a primacy...”. Cranston, J. acknowledged the obvious tensions that arise between the reasons for making a TRO with the duty under Section 122(1), confirming that it is a matter for the decision-maker to balance that duty against other factors.

The National Park considerations also affect the exercise of traffic regulation functions relating to areas of the Peak District National Park, Section 11A (2) of the National Parks and Access to the Countryside Act 1949 provides that:

“In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park”

The County Council is such a ‘relevant authority’.

The purposes set out in Section 5 of the 1949 Act are (a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park

areas, and (b) promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 set out the steps to be followed by a traffic authority ('the Authority') before making a TRO. Regulation 9 enables the Authority, first to cause an inquiry to be held into the proposed order before an inspector appointed by it from the Secretary of State's panel instead of proceeding directly to make a proposed TRO. Regulation 14 enables the Authority to make a TRO with modifications from the previously proposed order, in consequence of any objections or otherwise. Where substantial changes are proposed to be made, the Authority must notify those likely to be affected by the modifications and give them an opportunity to make representations which the Authority shall consider.

Where a TRO is made it is required to be advertised and appropriate signs erected. No TRO can be made more than two years after the date of publication of the notice of proposals, and no part of a TRO can come into force before a notice of its making is published.

(5) **Equality and Diversity Considerations** Representations have been received to the effect that the proposed TRO would disadvantage those drivers with disabilities who would only be able to use this route using a MPV. This is a particular theme of the representations from the TRF and GLASS, but some individual respondents have also indicated in their comments that they or a family member cannot experience the route except by MPV.

The public sector equality duty came into force on 5 April 2011. As a consequence, public bodies have to consider the effects on all individuals sharing protected characteristics when carrying out their decisions and in their day to day work.

The prohibition of all MPVs, including any specifically adapted for users with disabilities to use routes of this type, is not considered, in this instance, to constitute any particular disadvantage or discrimination against the group of users having the relevant disabilities in common. The representations have not generated any evidence which suggests that the route is of any disproportionate importance to such users in particular due to disability. The closure of the route to all MPVs is not considered to be disproportionately disadvantageous for any members of the public through having any disability. The proposal includes exemption for use with an invalid carriage (under the definitions in the Use of Invalid Carriages on Highways Regulations 1988) It would therefore preserve the opportunity for people at least 14 years old with physical disabilities to use the route with a qualifying vehicle. Since these vehicles are markedly different in appearance to other MPVs this exemption does not appear to raise any particular enforcement challenges. Since none of them are designed to be capable of exceeding 8 mph on the level under their own power, their use does not provoke the same safety concerns.

Further exemption could, in principle, allow for continuing more general entitlement to use the BOAT by Blue Badge holders in MPVs. This would involve relatively few journeys, so might not be significantly deleterious to the amenity of the area or the character of the area or other users' enjoyment of the route. Such exemption would also be tolerating some continued use by vehicular traffic which is associated with unresolved safety concerns. Therefore there does not appear to be any persuasive case for such a further exemption.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, human resources, environmental, health, property, social value and transport considerations.

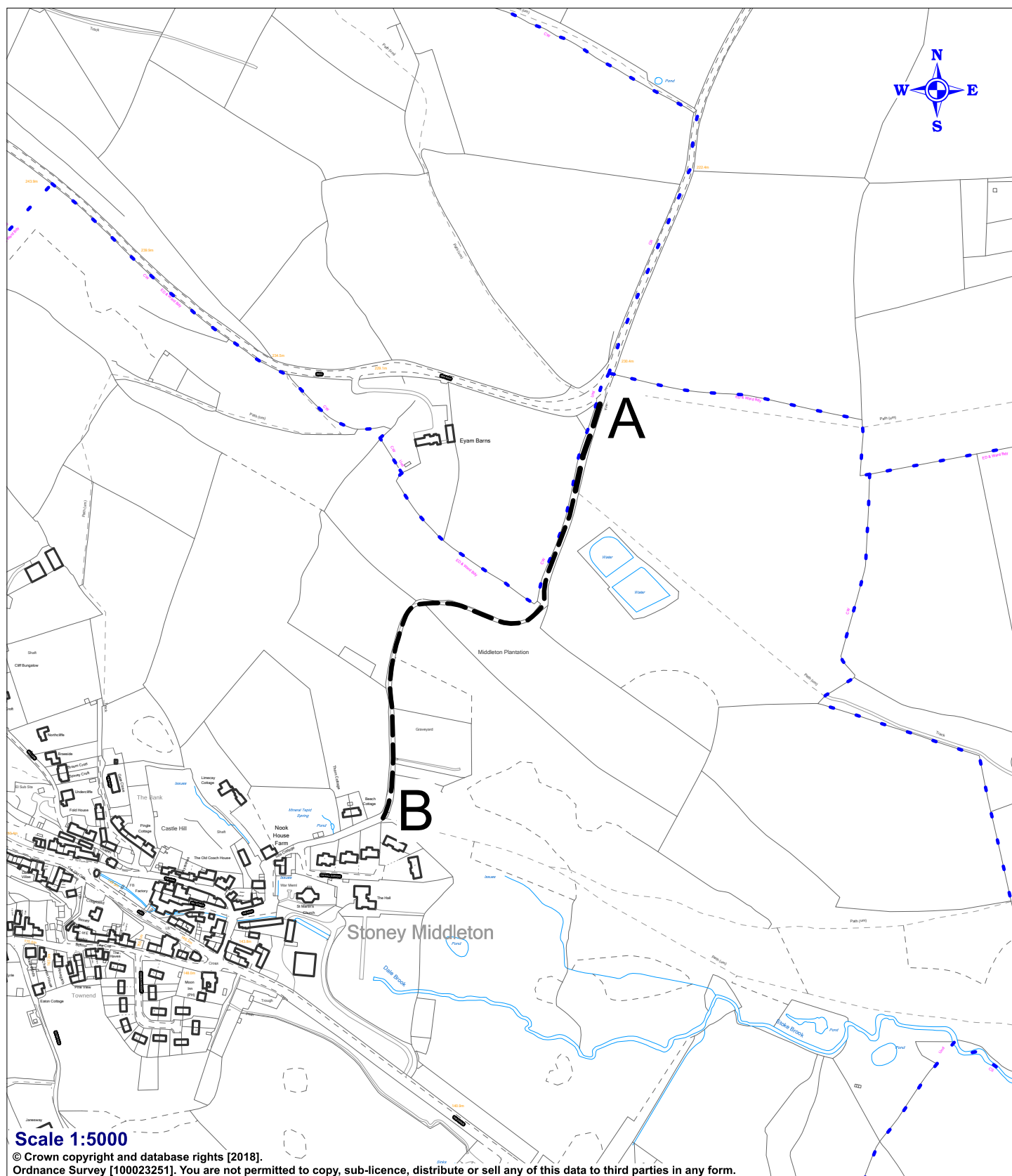
(6) **Key Decision** No.

(7) **Call-in** Is it required that call in be waived in respect of the decisions proposed in the report? No.

(8) **Background Papers** Held on file in the Economy, Transport and Environment Department, including: the previous reports on this proposal by Strategic Director – Economy, Transport and Environment to the Cabinet Member, Stoney Middleton Parish Council submission of case for TRO, traffic surveys of November 2014 to April 2015, responses to consultation, traffic and road safety assessment, Surveyor's plans and measurements. Officer contact details – Richard Taylor, extension 38120.

(9) **OFFICER'S RECOMMENDATION** That the Cabinet Member authorises the making of a Traffic Regulation Order under Section 1 of the Road Traffic Regulation Act 1984 to prohibit the use of the road which is recorded as Stoney Middleton Byway Open to All Traffic No. 15 known as Jacob's Ladder, with mechanically propelled vehicles, subject to the exemptions proposed in the formal Notice of the proposal of the Traffic Regulation Order published on 6 September 2018, on the grounds set out in that notice.

Mike Ashworth
Executive Director – Economy, Transport and Environment



Ref: TE/PJW/WD93-15/TRO

Produced by Public Rights of Way on 3 September 2018



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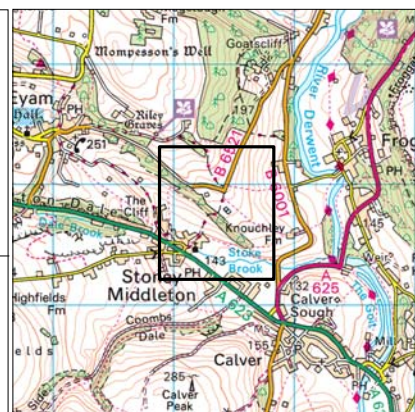
THE DERBYSHIRE COUNTY COUNCIL
(STONEY MIDDLETON BYWAY
OPEN TO ALL TRAFFIC No. 15
(JACOBS LADDER)
PROHIBITION OF
MECHANICALLY PROPELLED VEHICLES)
TRAFFIC REGULATION ORDER 2018
ROAD TRAFFIC REGULATION ACT 1984 (as amended)

Extent of Prohibition of Mechanically Propelled Vehicles

A - Grid Ref: SK 2344 7594

B - Grid Ref: SK 2323 7555

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