

**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)

1. NOTICE is hereby given that the Derbyshire County Council ("the Authority") in exercise of its powers under Section 1 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and any other enabling powers for the purposes of:

- i) Avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising
- ii) Facilitating the passage on the road or any other road of any class of traffic (including pedestrians)
- iii) 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
- iv) Preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot
- v) Preserving or improving the amenities of the area through which the road runs

is proposing to make a Traffic Regulation Order the effect of which will be to prohibit access at any time by mechanically propelled vehicles to the road more particularly described in paragraph 2.

2. STONEY MIDDLETON BYWAY OPEN TO ALL TRAFFIC NO. 15

The right of way known as Stoney Middleton Byway Open to All Traffic No. 15 being a public right of way in the County of Derbyshire, commences at The Nook, Stoney Middleton (Grid Reference SK 2323 7555), proceeds in a generally north north easterly direction to its junction with New Road (Grid Reference SK 2344 7594) for a distance of 542 metres or thereabouts.

3. Exemptions are provided in the Order in relation to:

- a) use by emergency services or by any local authority or statutory undertakers in pursuance of their statutory powers and duties
- b) use to enable work to be carried out in, on under or adjacent to the right of way
- c) use for the purposes of agriculture or land management on any land or premises adjacent to the right of way
- d) use as a recognised invalid carriage as defined in the Use of Invalid Carriages on Highways Regulations 1988

- e) use upon the direction of or with the permission of a Police Constable in uniform
- f) use with the prior written permission of the Authority on such terms as may be required by the Authority
- g) access to the graveyard situated eastern side of the Byway, north of the junction with The Nook.

4. The Order will come into operation on the date that the Council publishes a notice stating that the Order has been made.

5. A copy of the proposed Order, plans showing the area of highway affected by the Order and a statement of the Council's reasons for proposing to make the Order may be viewed at www.derbyshire.gov.uk/consultations and are available for inspection free of charge at County Hall at Smedley Street, Matlock, Derbyshire DE4 3AG from 9am to 5pm Monday to Friday (closed Bank and Public Holidays) and Eyam Post Office 9am – 5:30pm Monday to Friday, 9am – 12:30 Saturday (closed Bank and Public Holidays). Stoney Middleton Parish Council Noticeboard on the High Street at the junction of the A623.

6. Any objections and representations relating to the proposed Order must be made in writing and sent to Mike Ashworth, Strategic Director – Economy, Transport and Environment, County Hall, Matlock DE4 3AG or eteprow@derbyshire.gov.uk quoting reference WD93-15/TRO or made via the Council's website www.derbyshire.gov.uk/consultations before 5 October 2018. All objections must state the grounds on which they are made.

7. This notice replaces the previous notice of a proposed Order dated 17 May 2018. Any person who sent a response to that notice and who still wishes to make objections or representations should ensure that a new response is made either to the addresses or via the website as set out in paragraph 6 above before 5 October 2018.

Dated: 6 September 2018

Janie Berry
Director of Legal Services

DATED XX XX 2018

THE DERBYSHIRE COUNTY COUNCIL

**ROAD TRAFFIC REGULATION ACT 1984 (AS
AMENDED)**

THE DERBYSHIRE COUNTY COUNCIL

**(STONEY MIDDLETON BYWAY OPEN TO ALL
TRAFFIC No. 15)
(JACOBS LADDER)**

**(PROHIBITION OF MECHANICALLY PROPELLED
VEHICLES)**

ORDER 2018

JANIE BERRY

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THE DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
THE DERBYSHIRE COUNTY COUNCIL
(STONEY MIDDLETON BYWAY OPEN TO ALL
TRAFFIC No 15)
(PROHIBITION OF MOTOR VEHICLES)
ORDER 2018

The Derbyshire County Council in exercise of their powers under Sections 1(1), 2(1), 2(2) and 92 of the Road Traffic Regulation Act 1984 (as amended) ("The Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1 CITATION

1. This Order shall come into operation on the day of Two Thousand and Eighteen and may be cited as "The Derbyshire County Council (Stoney Middleton Byway Open To All Traffic No 15) (Prohibition of Motor Vehicles) Order 2018".

2. INTERPRETATION

In this Order:-

- 2.1 "Motor Vehicle" has the same meaning as in Section 136 of the Act.
- 2.2 "Exempt Vehicle" means a vehicle which is exempt from the prohibition or restriction.

3. PROHIBITION OF MOTOR VEHICLES

3.1 Save as provided in Article 4 of this Order, no Motor Vehicle shall, except upon the direction or with the permission of a Police Constable in uniform proceed in any of the lengths of road specified in the Schedule to this Order.

4. EXEMPTIONS

4.1 Nothing in Article 3.1 of this Order shall apply so as to prevent owners or occupiers of property or land and their visitors from driving motor vehicles over the length of road specified in the Schedule to this Order in order for them to gain access to their premises adjoining the said length of road.

4.2 Nothing in Article 3.1 above shall apply to the vehicles or classes of vehicles set out in 4.3 below which shall be exempt.

4.3 The following vehicles and classes of vehicle shall be exempt:-

a) any vehicle which is (if it cannot be conveniently used for such purposes in any other length of road) to be used in connection with any of the following operations, namely:-

- (i) Building, industrial or demolition operations;
- (ii) The removal of any obstruction to traffic;
- (iii) The maintenance, improvement or reconstruction of the said lengths of road; or
- (iv) The laying, erection, alteration or repair in, or on land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (v) The service of a Local Authority or the Environment Agency and Statutory Undertakers in pursuance of statutory powers or duties; or

b) A vehicle to be used for fire brigade, ambulance, mountain rescue or police purposes.

c) Gaining access to the graveyard situated at Grid Reference SK2328 7562 from The Nook in a northerly direction.

5 EFFECT OF ORDER

The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

SCHEDULE

Prohibition of Motor Vehicles

Stoney Middleton Byway Open To All Traffic No. 15

From a point

As shown for illustration purposes only on the attached plan.

THE COMMON SEAL of the Derbyshire)
County Council was hereunto affixed the)
day of Two)
Thousand and Eighteen in the presence of:-)

Director of Legal Services