

**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

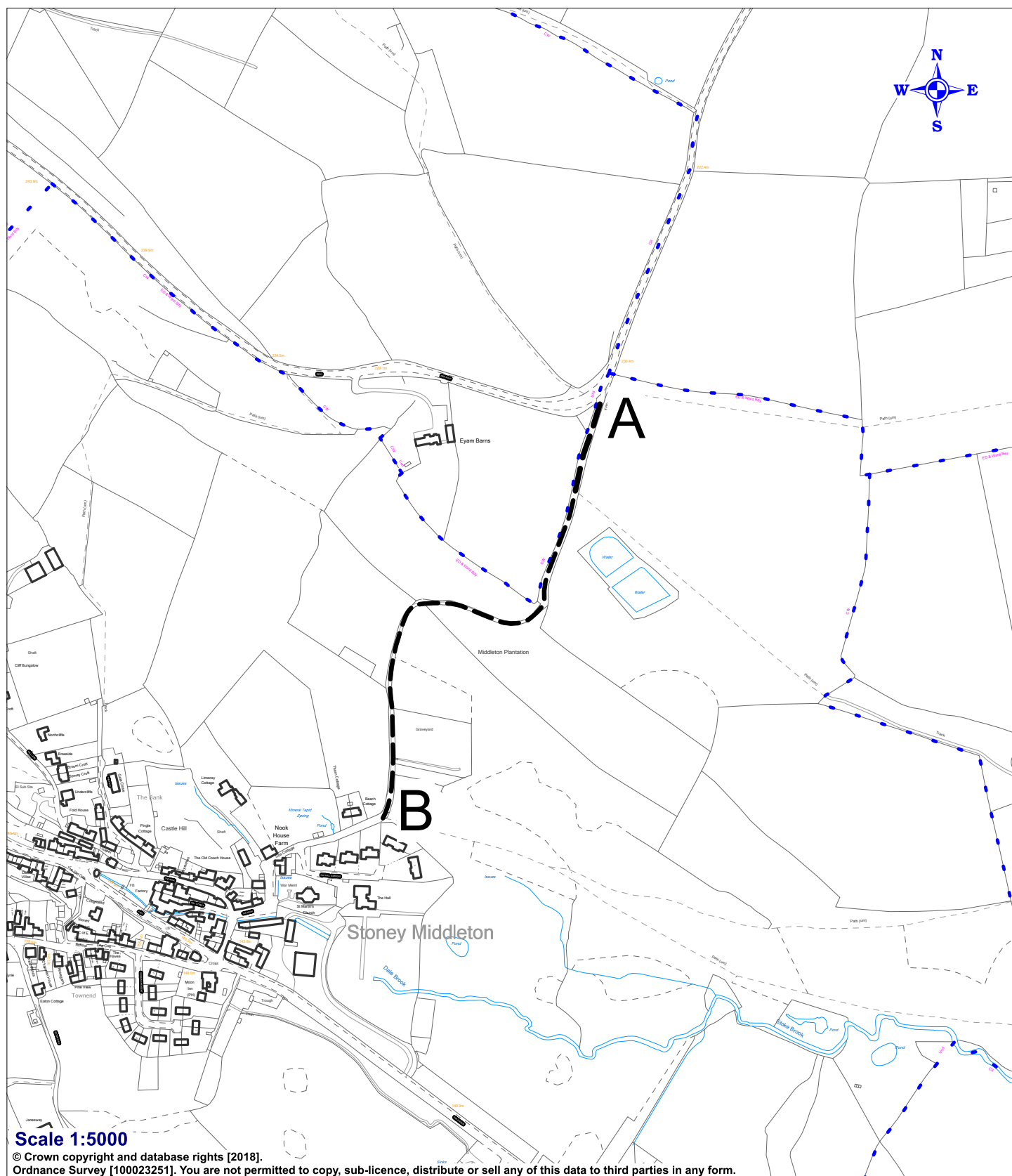
Stoney Middleton Byway Open To All Traffic No. 15

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



Ref: TE/PJW/WD93-15/TRO

Produced by Public Rights of Way on 3 September 2018



Mike Ashworth

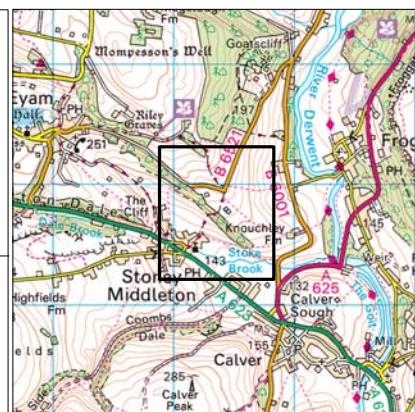
Strategic Director
Economy, Transport & Environment
Derbyshire County Council
Shand House
Dale Road South
Matlock
DE4 3RY

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



DERBYSHIRE COUNTY COUNCIL

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

STATEMENT OF REASONS

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

**(PROHIBITION OF MECHANICALLY PROPELLED
VEHICLES)**

ORDER 2018

Derbyshire County Council is proposing to introduce the above Order:

Stoney Middleton Byway Open to All Traffic No. 15 (Jacobs Ladder) runs from New Road just outside Eyam Village (SK 2344 7594) with The Nook, Stoney Middleton (SK 2323 7555) for a distance of approximately 542 metres. The route lies within the Peak District National Park. It is narrow and primarily used for the purposes of walking, cycling and occasional equestrian use although its status does allow use by mechanically propelled vehicles. The route has a legal width of 3 – 3.5m and in places erosion has created a hollow way with steep banks on either side and exposed tree roots. Concerns about the safety of users who may come into contact with mechanically propelled vehicles on the route have been raised with the County Council.

The proposed order would be made for the purposes set out in section 1 (1) (a), (c), (d), (e) and (f) of the Road Traffic Regulation Act 1984 and would be in accordance with Policy 5 of the County Council's Green Lanes Policy.

Jacobs 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 to avoid oncoming traffic.

Concerns have been expressed that use of the route by motorised vehicles restricts the use and enjoyment of Jacobs Ladder by other users owing to the likelihood of conflict with such vehicles. The route offers a unique opportunity to visitors and residents to enjoy quiet recreation, however, the nature and type of recreation will have a material effect on the person's enjoyment of the countryside. Whilst Jacobs Ladder is part of the road network, in practice it can only be used by a type of vehicle adapted to use a route of this nature and is therefore restricted to a small number of vehicle

users. It is considered that the normal traffic of the area, which will include pedestrians, cyclists and horse riders should receive priority where there is the possibility of conflict with motorised users on a route that is in parts narrow.

The route runs in part between stone walls and this narrowness precludes normal motorised vehicular use of this carriageway as there is no opportunity for larger motorised vehicles to pass each other and equally no escape for other users. It is therefore unsuitable for larger motorised vehicles. Motor cycles will also occupy a significant width of the route on the narrower sections and such use is considered to be incompatible with the route's narrowness.

The general character of this route is a tranquil rural track. It passes from the village of Stoney Middleton and ascends a wooded hillside passing the local cemetery. It is considered that this route provides an opportunity for safe recreation for persons on horseback, or foot. Given the narrowness of the route, it would be beneficial for these user groups to preserve the character of the route by preventing the use of the route by motorised vehicles.

The amenity of the area in this context, is considered to be a combination of the benefits derived from open air recreation, tranquillity, and the landscape. It is considered that if these are being affected by use of motorised vehicles, then the implementation of the proposed order would preserve and work towards improving the amenity of the route.

As Jacobs Ladder lies within the Peak District National Park, the Council is required to have due regard for the activities of the National Park as required by sections 5 and 11A of the National Parks and Access to Countryside Act 1949.

The route links two surfaces and publicly accessible carriageways. The construction and condition of Jacobs Ladder restricts use to certain types of motorised vehicles that are capable of negotiating rough terrain and is of little value to drivers of normal road vehicles. It does not provide connectivity to the local carriageway network for normal road vehicles.

In terms of the economic and social well-being of local communities within the National Park, evidence suggests that the local community is opposed to continued motorised use.

The County Council therefore considers that the use of this route by mechanically propelled vehicles is incompatible with the aims and objectives of the Peak District National Park at this location.

The County Council has therefore concluded that a Traffic Regulation Order should be introduced to prevent the use of the route by mechanically propelled vehicles at all times. The Order will take effect over the entire length of the route depicted on the accompanying plan Ref: TE/PJW/WD93-15/TRO owing to the lack of turning spaces.

It is proposed to maintain access for cyclists, pedestrians, horse riders and use by horse-drawn vehicles through the restricted area. Access will be maintained for emergency vehicles and any party requiring lawful access to premises.

Following consultations with the Cabinet Member for Highways, Transport and Infrastructure, it was agreed to undertake the necessary steps to make the Order subject to consideration of any objections which may be received following the public advertisement of the proposals.

The proposals are more particularly delineated in the draft Order which accompanies this Statement.

Mike Ashworth, Strategic Director – Economy, Transport and Environment, Derbyshire County Council, County Hall, Matlock DE4 3AG.

