

DATED

6 DECEMBER

2001

THE DERBYSHIRE COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

(MOSS ROAD, TOTLEY MOOR, HOLMESFIELD – BRIDLEWAY 60)

(PROHIBITION OF DRIVING) ORDER 2001

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THE DERBYSHIRE COUNTY COUNCIL  
ROAD TRAFFIC REGULATION ACT 1984

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(PROHIBITION OF DRIVING) ORDER 2001

THE DERBYSHIRE COUNTY COUNCIL in exercise of its powers under Section 1(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police, hereby make the following Order:-

1 No person shall cause any vehicle to proceed in the length of road specified in the Schedule to this Order.

2 This Order shall come into operation on the Seventeenth day of December 2001 and may be cited as the Derbyshire County Council (Moss Road, Totley Moor, Holmesfield – Bridleway 60) (Prohibition of Driving) Order 2001.

SCHEDULE

PROHIBITION OF DRIVING

Length of Bridleway at Moss Road, Totley Moor, Holmesfield  
– Bridleway 60

From its Junction with Owler Bar Road in a generally Easterly direction to the County boundary, including any alternative routes established along or adjacent to the general line of the road.

THE COMMON SEAL of the )  
Derbyshire County Council )  
was hereunto affixed the )  
Sixth day of December Two )  
thousand and One in the )  
presence of:- )

  
County Secretary

2001/723

The Director of Environmental Services detailed the implications for the work of the County Council.

Overall, the Act introduced some welcome development, from the "right to roam" and changes in rights of way legislation to stronger protection for wildlife sites and species. There would be workload and resource implications for local authorities, which would need to be addressed if the full benefits of the act were to be realised.

At this juncture members took the opportunity to thank officers of the County and District Councils in Derbyshire for aiding the National Farmers Union by way of footpath and park closures during the current foot and mouth epidemic. The public of Derbyshire were also thanked for co-operating with the County Council footpath closures. Re-opening of any paths would be subject to consultation with the National Farmers Union and Ministry of Agriculture.

**RESOLVED** that (1) the provisions of the Countryside and Rights of Way Act 2000, and its implications for the County Council be noted; and

(2) the Director of Environmental Services continue to identify the resource implications and prepare a report on these as soon as possible.

**18/01 MOSS ROAD, TOTLEY MOOR, HOLMESFIELD – PROPOSED PROHIBITION OF DRIVING** The Joint Advisory Committee with the Peak District National Park Authority recommended that officer produce firm proposals for action on Moss Road, Totley. The County Council was subsequently requested to process a Traffic Regulation Order prohibiting the driving of vehicles along Moss Road.

The County Council consulted recreational vehicle user groups and formally advertised the proposal in December 1999 and January 2000. A total of 59 responses were received as a result.

Most of the vehicle users objecting to this proposal appeared to make the assumption that Moss Road carried public vehicular rights. However, the Highways and Transport Committee on 27 September 1994 resolved that on the basis of all available relevant evidence Moss Road was correctly recorded as a bridleway.

The imposition of a permanent traffic regulation order on a route in no way raised a presumption that vehicular rights existed. It was purely a management tool aimed at dealing with existing problems and was without prejudice to the level of rights in existence. Given the scale of damage on this route and the fact that it passed through a fragile moorland habitat (designated as a Site for Special Scientific Interest), the only adequate way of

ensuring that the route and adjacent land did not suffer further damage, as a result of inappropriate vehicle use, was still considered to be an Order to prohibit all motor vehicles from using Moss Road as proposed.

**RESOLVED** (1) to note the contents of the report;

(2) to authorise the County Secretary to make the appropriate order in accordance with the proposal referred to in the report; and

(3) to authorise the erection of suitable barriers, signs and associated items to prevent the use of Moss Road in contravention of the Order.

**19/01**                    **THE COUNTRYSIDE SERVICE FUNDING OFFICERS REPORT**        The Director of Environmental Services reported on the Countryside Capital Programme and the external funding generated by the Countryside Service towards its work.

Derbyshire Environmental Trust had confirmed a grant of £16,000 for the Grin Low Interpretation Plan. The Meden Valley Greenways Project and the Chesterfield Walking for Health Project have been entered for Single Regeneration Budget 5 funding. The Greenways Project has been declined, however the Walking for Health Project has been offered a grant over three years. A bid has been made to the East Midlands Development Agency for grant aid from the Rural Development Programme for the Bolsover Woodland Enterprises project.

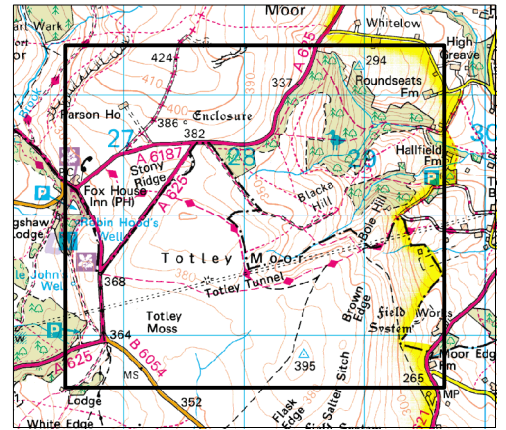
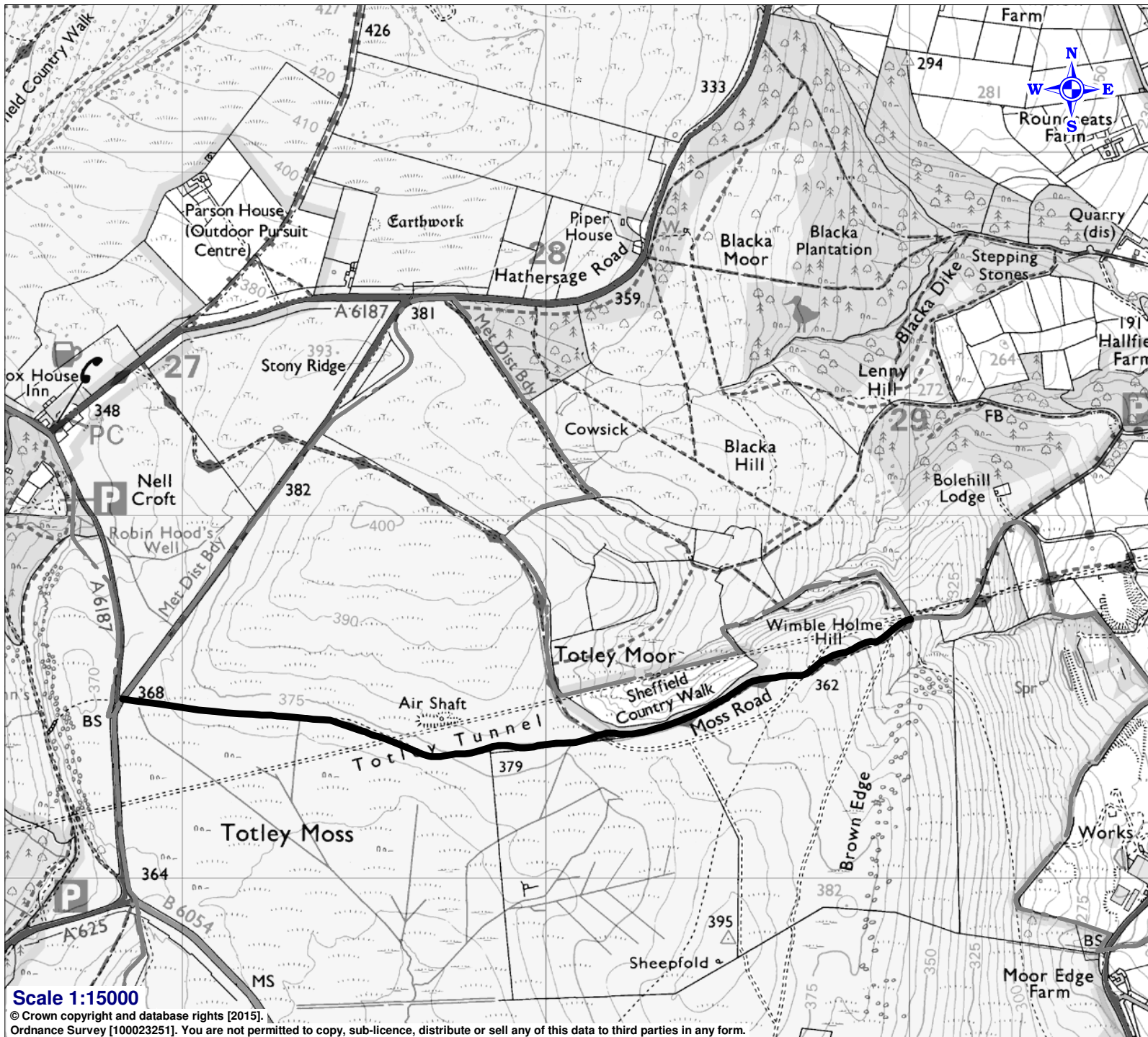
**RESOLVED** to note the report.

**20/01**                    **MANAGEMENT REPORT FOR THE COUNTRYSIDE SERVICE – OCTOBER 2000 TO NOVEMBER 2000**        The Director of Environmental Services reported on activities undertaken by the Countryside Service over the period October – November 2000.

**RESOLVED** to note the report.

**21/01**                    **SECTION 74 NEW ROADS AND STREET WORKS ACT (NRSWA) 1991**        Section 74 of NRSWA covered the charging of utilities for the occupation of the highway where works have been unreasonably prolonged.

Although NRSWA has been in operation since 1993 to regulate the works of utility companies within the highway, Parliament has only just approved Regulations to implement Section 74 from 1 April 2001. Highway Authorities have to give utilities and the Department of the Environment Transport and the Regions one month's notice of their intention to implement the provisions of this Section.



**MOSS ROAD, TOTLEY MOOR,  
HOLMESFIELD, BRIDLEWAY 90**

**KEY**

Public Bridleway



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