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Peak District  
Green Lanes Alliance

## NEWSLETTER –June 2012

### PDNPA consulting on Long Causeway and The Roych



*Long Causeway – steps made by Vehicles (May 2012)*



*The Roych – 3 parallel tracks to avoid difficult steps (June 2011)*

The Peak District National Park Authority (PDNPA) is consulting on Long Causeway (near Hathersage); and The Roych (part of the Pennine Bridleway near Chapel-en-le-Frith) and Beet Lane (which gives access to The Roych). They are seeking views from certain organisations on whether to use Traffic Regulation Orders (TROs) either to limit offroading or to stop it altogether. PDGLA has been consulted and will be arguing for TROs permanently banning all types of motor vehicle on all these routes.

Long Causeway and The Roych are among the most iconic and significant “green lanes” in the Peak District. Both have been severely damaged; are in quiet upland locations where offroading is totally unsuitable in a national park; and their use by motor vehicles is putting other people in danger. Horse riders have not been able to use Long Causeway for over a decade and the Roych is so dangerous that it is putting riders off from using this section of the Pennine Bridleway, the only long-distance bridleway in the country.

Public consultations will follow once PDNPA has decided exactly what it intends to do. We will email you with information about the public consultations when they are launched and we will be asking you to take part. Meanwhile you can find out more at

<http://www.peakdistrict.gov.uk/looking-after/vehicles/troconsultations>

If you don't know Long Causeway or The Roych, why not visit them and see the problems for yourself? There is currently a voluntary one way system for vehicles on The Roych, but not all vehicles observe it. If you go the Roych and see vehicles ignoring the one way system, please make a note so that when you take part in the public consultation you can say from your own experience that the one way system is being ignored.

Map refs: Long Causeway is SK228841 to SK257852. The Roych is SK076835 to SK076836

### *Long Causeway repairs*



DCC recently had to close Long Causeway to 4x4s and trail bikes to carry out emergency repairs when a culvert collapsed during heavy rains in earlier this year. The trail bikes and 4x4s are now back. But we noticed that more heavy rain has damaged other parts of the route which look like they too could soon collapse.

*Photo: DCC repairs to damaged culvert. May 2012*

### *Bradley Lane, Pilsley*



*Photo: June 2012*

DCC have completed the repairs to Bradley Lane, Pilsley, which we reported in the last issue of the newsletter. Local people tell us that the repairs have made the lane even more dangerous as trail bikes are now able to come even faster downhill around the blind bends.

Bradley Lane has always been especially important for horse riders. For many of them it is the only way to get to the bridleways and lanes in and around Chatsworth without using busy, dangerous main roads. Bradley Lane is on the Peak Horsepower (PHP) bridleway group list of the dozen most dangerous lanes in the Peak District. Riders say that they no longer dare to use it. PHP is campaigning hard to get Derbyshire County Council (DCC) to ban all types of vehicle on safety grounds, especially trail bikes as these can terrify horses. DCC keeps saying that there are no grounds for excluding trail bikes, only 4x4s.

Meanwhile, there is no proven right of way for vehicles on Bradley Lane. The offroaders have claimed it as a Byway Open to all Traffic (BOAT) and they have been using and damaging it for over a decade. There will be a public inquiry later this year to establish whether their BOAT claim is well-founded in law.

### **PDGLA helping local communities respond to BOAT claims**



*Damaged walls at Monksdale Lane, Tideswell – April 2011 (these have now been repaired)*



*Callow Bank, near Hathersage March 2011*

When Derbyshire County Council (DCC) writes to a parish to say that one of their local lanes has been claimed as a Byway Open to all Traffic (BOAT) and asks for information about the lane, parish councils and local residents usually have no idea what to do or how to respond effectively to the DCC letter.

The problem is that common sense, safety and the environment are completely irrelevant when it comes to BOAT claims. These are understandably the things that matter to people, but villages can waste a lot of valuable time by focusing on them rather than on the things that are relevant in highway law and could help them defeat the BOAT claim.

There only two things that matter legally when it comes to BOATs:

- whether there is a historic public right of way for vehicles on the lane created through use in the past by horses and carts
- when the historic evidence establishes no legal right for vehicles to use the route or is inconclusive, when exactly did 4x4s and trail bikes start to use the lane and whether in using it they caused a public nuisance.

These are the things communities should focus on.

### **Historic evidence**

**Researching and interpreting historical documents** is a specialist activity. Parish councils and local residents are not usually in a position to do this research. Some PDGLA members can and they may be able to help local communities with this aspect of BOAT claims.

### **Use by 4x4s and trail bikes in recent times**

If the historical evidence is inconclusive, then evidence from local people becomes extremely important. The offroaders will have to prove that they have used the lane consistently for a specific 20 year period, usually from the early 80s to the early 2000s – something which may be challenged with evidence from local people. (The start of the 20 year period varies a bit from lane to lane as it depends on the date when the BOAT claim was made.) Local people can also provide helpful evidence about the use of the route by walkers, cyclists and horse riders so that if there is no evidence for BOAT status, the route can become a public bridleway.

It is crucial that parish councils and local people gather evidence about use of the lane in the 20 year period, plus evidence about any public nuisance caused by 4x4s and trail bikes, and send it to the Highway Authority (DCC in Derbyshire) by the closing date given in the letter asking for information about the lane.

PDGLA can advise parishes and community groups on how to do to all this. Please contact us at [pdgla@hotmail.co.uk](mailto:pdgla@hotmail.co.uk) We will send you written advice and we can speak at local meetings.

We are currently advising on BOAT claims on a number of routes around Tideswell and Wheston. We are also working with Hathersage parish council on a lane called Callow Bank, which we hope will be made a public bridleway.

### **Problems with the DCC standard letter to parishes**

We have written to the head of legal services at DCC about the content and timescales in the standard letter they send to parishes asking for

information about lanes claimed as BOATs. Among other things, the letter fails to tell parishes about the crucial 20 year period for gathering evidence about use of the lane. And it gives parishes only five weeks in which to respond. As parish councils meet only monthly, the timescale could be as short as one week for some parishes and zero or minus zero for local residents who may have relevant evidence.

### *DEFRA Consultation on Public Rights of Way*

The Department for Environment, Food and Rural Affairs (DEFRA) has launched a public consultation on proposed changes to the processes for recording, diverting and extinguishing public rights of way. A copy of the consultation is at:

[www.defra.gov.uk/consult/2012/05/14/improve-rights-of-way/](http://www.defra.gov.uk/consult/2012/05/14/improve-rights-of-way/)

The consultation runs until 6 August 2012. PDGLA will be responding.

The ideas put forward by DEFRA are limited to changes in the process for adding rights of way to the Definitive Map and for diverting them. Few of the ideas apply to BOATs following the passage of the Natural Environment and Rural Communities Act 2006 (NERC Act). PDGLA's response asks DEFRA not to weaken NERC Act 2006; we can be sure that off roaders will argue for this. Planning Inspectorate public inquiries come under fire as PDGLA feels these are not reflecting the needs of local communities and users.

We are calling on DEFRA to decide the status of "green lanes" where it is not currently known who has rights to use them by legislation rather than by the Highway Authority researching each in turn.

We believe that a right to appeal against a Highway Authority refusing to impose a Traffic Regulation Order is needed.

### *Review of National Trails by Natural England*

Natural England is consulting on the future management of the National Trails. We will be responding saying that all parts of the national trails should be closed to motor vehicles. There are two national trails in the Peak District: the Pennine Way and the Pennine Bridleway. You can see from the picture of the Roych (part of the Pennine Bridleway) on page 1 of this newsletter the kind of damage that can be done to a national trail if it is allowed to be used by motor vehicles.

The consultation closes on 5 July at midnight. The Natural England document is at

[www.naturalengland.org.uk/ourwork/enjoying/places/nationaltrails/review2012.aspx](http://www.naturalengland.org.uk/ourwork/enjoying/places/nationaltrails/review2012.aspx)