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Peak District
Green Lanes Alliance

Newsletter November 2013

Deregulation Bill

A bit of background first. We have increasingly come to the view that the problems caused by off-roading cannot be dealt with adequately through existing procedures. We believe there are two issues that need addressing. The first is with the Traffic Regulation Order procedure (which seems to be bogging PDNPA down and making DCC reluctant to embrace this approach.) The second problem is of a more fundamental nature. We believe that some routes are intrinsically unsuitable for recreational motor vehicles and that vehicle rights established in the horse and cart days or twenty years of use by recreational motor vehicles are not a good way to decide whether a route should be used by recreational vehicles in 2013. So we believe that there needs to be a major change in the law.

Pressure on parliamentary time means that there is great competition among government departments for primary legislation. We've been advised that the Government is unlikely to introduce a bill to bring about major changes in rights of way law. However, it is customary to "piggyback" on related legislation to try and get changes in the law. This is what we are seeking to do through the Draft Deregulation Bill.

As the name suggests, the Bill is about removing red tape. However it does contain some clauses relating to rights of way law. These have been produced by a body called the Stakeholder Working Group. This body contains members from the Ramblers Association, landowners and off-roading groups. With such disparate interests, the Group's recommendations are unsurprisingly rather anodyne. However they do attempt to simplify the procedures for determining rights of way on routes and make it more incumbent on claimants to produce convincing documentation.

The procedure for draft Bills is for a Scrutiny Committee, drawn from both Houses, to examine the Bill and make (non-binding) recommendations to Government. Typically, such a Committee calls for written submissions and may invite selected parties to give oral evidence. So some of us spent much of the summer working on a submission explaining why we believed a fundamental change in rights of way law was needed and how it would be deregulatory and save time and money. We were helped by GLEAM (the Green Lanes Environmental Action Movement), the Green Lanes Protection Group (GLPG) and our sister group, the Yorkshire Dales Green Lanes Alliance.

Our submission to the Committee and other submissions (on rights of way law and on other matters) can be seen at <http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-deregulation-bill/written-evidence/?type=Written> Rather than attempt to paraphrase a long carefully argued document, please read the original. Unfortunately some of our photographs showing vehicles on routes were removed, probably because of caution in showing anything where a person or vehicle could be identified on a government website.. So here are a two of the removed pictures.



Picture of a group of a dozen 4x4s on Chapel Gate August 2013. Although this was part of a demonstration against PDNPA's use of TROs to protect the Park, similar and larger groups have been observed previously on other green lanes.



Part of a group of 7 or 8 trail bikes on Abney RB5 April 2011. The bikes have used the RB across open moorland to connect two BOATs. The sound of their circuit could be heard over a large area.

Much to our disappointment we were not initially invited to give oral evidence to the committee but another plaintiff (called the Alternative Stakeholder Working Group) was. The latter are concerned that the rights of way recommendations did not address the problems some land owners have with footpaths etc. crossing their land). However, when the "big storm" affected the London area, the ASWG couldn't attend their session and the Committee re-scheduled their attendance. In order to fill the new session, our Chair was asked to attend along with LARA (an off-roading organisation). We spent a lot of time preparing answers to all the tricky questions we thought might be asked. Unfortunately the Alternative Stakeholder Working Group could not present their arguments in a clear and concise way and most of the Committee's time was spent trying to understand their position. As a result only one question was directed at our Chair. However the preparation was not wasted as it formed the basis of a further written submission. You can watch the session on <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=14113PI> Note that the sound only starts playing after the session has started

We continue to believe that the best solution to the problem of off-roading would be a change in the law.

Derbyshire expenditure on “green lanes”

DCC plan to spend £140,000 on repairs to “green lanes” in 2013/2014. The DCC cabinet debated the “Management of Green Lanes Approval of Action Plan Expenditure for 2013-1014” at their meeting on 12 November 2014. Given we are already in November, we suspect that some of this expenditure has already been incurred. The report can be seen at http://www.derbyshire.gov.uk/images/2013-11-12%20Management%20Green%20Lanes_tcm44-234176.pdf

The routes involved are:



Chaple Gate. Photo: August 2013

Chapel Gate, Edale: Phases 4 - Surfacing and drainage on the badly eroded SW end of route: £40,000



Chapel en le Frith BOAT 182 - The central section which we believe has been repaired. Photo: November 2013



Chapel en le Frith BOAT 182. This will need repair if we have a wet winter and if it is extensively used for off roading. Photo: November 2013

Chapel in le Frith BOAT 182: This route is on the east side of Eccles Pike and is just outside the National Park. Surface and drainage: £25,000. We believe the central section which was said to have been muddy in the past has been repaired but it is likely that repairs will be needed some time in the future near where the path joins Chapel en le Frith Bridleway 181.



Brough Lane. Repairs carried out some years ago near where the route joins Abney Restricted Byway 5 and Duper Lane. This area used to be a mud bath. Photo: November 2012



Bamford Clough. Some of the concrete which is hazardous to all users when wet that DCC plan to remove. Photo: January 2012

Brough Lane, Brough: Phase 2 - Continue with surface and drainage: £20,000

Bamford Clough, Bamford: Phase 1 - Removal of concrete and repairs to cross drains £15,000. This route is currently closed to all users.



Mill Lane Photo: May 2013



Hurst Clough Lane. Photo: August 2013

Eyam BOAT 32 (Mill Lane): Work carried out last year was damaged by heavy rains: £10,000

Hurst Clough Lane, Bamford: Phase 1 - Improve drainage in preparation for resurfacing in 2014/5 £30,000

And in reserve:



Minninglow Lane. Photo: February 2013



Beeley Bar Road. Photo: September 2013

Minninglow Lane/Gallowlow Lane, Ballidon: For more pictures of this route see the May 2013 Newsletter at <http://pdgla.org.uk/newsletter-archive/>

Beeley Bar Road, Beeley (also known as Beeley Hill Top): For more pictures see the October 2013 newsletter at <http://pdgla.org.uk/newsletter-archive/>

We are pleased that DCC has managed to find money for these repairs as we know that the local authorities are under pressure to reduce expenditure. Unfortunately they believe that spending money on repairs is preferable to Traffic Regulation Orders. Council leaders do not believe that the public generally are concerned with the damage to “green lanes”.

Keep complaining!

The DCC Cabinet Member responsible for Highways and Rights of Way has told us that she is unaware of complaints from local communities about off roading on green lanes. So as well as letting the county councillor who represents the area where the problem is know, please let her know as well. She is Cllr Joan Dixon. Her email address is dixon@derbyshire.gov.uk Telephone (01909) 723314. Mobile 07748 920070. Address: School House, Whaley, Langwith, Mansfield NG20 9HU