

PDGLA
PO Box 7976
Great Longstone,
Bakewell,
Derbyshire, DE45 9AY
Web: www.pdgla.org.uk
Email: pdgla@hotmail.co.uk



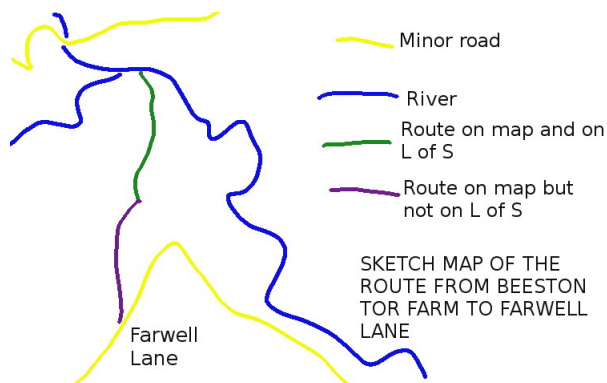
Peak District
Green Lanes Alliance

Newsletter March 2014

Route of the month

Beeston Tor Farm towards Farwell Lane, Waterhouses, Staffordshire

We have chosen this route as route of the month because it is another example of a vulnerable, “green lane” which has started to deteriorate rapidly. We are concerned that PDNPA and Highway Authorities are only reacting when routes have deteriorated badly. No authority since 2007 has reacted to protect a route before deterioration has occurred.



The actual line and status of this route is confusing. The route is in the parish of Waterhouses and is between the rivers Manifold and Hamps. The OS map shows an ORPA (other route with public access) as a through route from near Beeston Tor Farm, on the River Manifold (GR SK106540) to

Farwell Lane (GR SK105519). However, the on-line List of Streets only shows it as a route that Staffordshire County Council maintains as far as the wood where the southern FP to Throwley Hall goes off at GR SK106530. (See below for the technical explanation of the importance of the List of Streets.)

The route most users have followed in the past from SK106530 is to the east of the ORPA, following the western edge of the wood and then going over Mere Hill itself (rather than round it). That route joins Farwell Lane to the east of the route shown on the map.

In December 2011, the section of the route from near Beeston Tor Farm to just above the barn was being used by farm vehicles. The dry valley part of the route (above the barn) was in very good condition. Now that part of the route is a mess. The farmer has had to rescue 4x4s stuck in the mud. He says use has increased since Christmas - including Dutch visitors!



Before - Part of the route in December 2011



After - The same section of the route in February 2014

Members who walked and photographed the route in 2011 followed the wrong route above SK106530 to Farwell Lane (as the off roaders were doing until recently) and at that time there were few signs of use by any vehicles. Some of the current ruts on this part of the route are due to farm vehicles feeding the livestock but the majority of the deterioration is due to recreational motor vehicle use. We have deliberately not included any pictures of the part of the route which is shown on the OS map but is not on the List of Streets because Staffordshire County Council and Peak Park Rangers do not believe that any users have legal access to that part of the route.



The dry valley in February 2014



The path is on the left. The remaining tracks are trail bikes riding off the path. February 2014



February 2014



February 2014

It is worth pointing out that this route is not on PDNPA's Priority List.

We believe that PDNPA and Highway Authorities should act to protect genuine “green lanes” before they deteriorate to an extent where amenity is lost to non-vehicle users through environmental degradation or difficulty of passage. DEFRA guidance does not stop these authorities taking action pre-emptively. There is a precedent for this when Derbyshire County Council put a TRO (Traffic Regulation Order) on Hartington Town Quarter BOAT 34 in 2007 at the request of Natural England and the Environment Agency (see June 2013 newsletter at <http://pdgla.org.uk/newsletter-archive/>).

Note on the legal significance of the List of Streets:

Highway Authorities have to keep a List of Streets. This list contains all routes the Highway Authority is responsible for maintaining. As you might expect, the majority of routes on it are “tarmac roads”. Some Authorities regularly include footpaths, bridleways and restricted byways on the List of Streets if they are maintained at public expense. As far as we know, none of those in the Peak District routinely do so. The majority of BOATs (which recreational motor vehicle users can legally use - unless there is a TRO forbidding it) will be on the List of Streets. Most ORPAs (Other Routes with Public Access) (also known as UCRs [unclassified county roads] or NCHs [non classified highways]) are on the List of Streets. Many off-roaders believe that simply being on the List of Streets means there are vehicle rights on the route. The correct legal position, is that there are at least pedestrian rights on these ORPAs but all other rights can only be determined by investigation of the historical evidence and user evidence on a lane by lane basis.

Because of the complexity of the way clauses are worded in the Natural Environment and Rural Communities Act 2006, and the fact that the off-roaders have not applied previously for our route of the month to become a BOAT, it is unlikely that the section of the route not on the List of Streets could have vehicle rights for motor vehicle users.

“We don't cause any damage”

Those of you who watched the recent BBC East Midlands “Inside Out” programme on off-roading in the National Park may have heard two of the interviewees representing off-roaders saying that they don't cause any damage. We believe that statement is untrue. This month's “Route of the Month” and last month's route in Wetton (<http://pdgla.org.uk/newsletter-archive/>) are examples of routes where vehicles have caused significant damage in a comparatively short space of time.

Here are two further examples (we could have given you many more):

At Limer Rake, Hollinsclough, Staffordshire, local people can remember when this was a real green lane and it was possible to canter a horse up it on a summer's evening. Now it is impossible to ride a horse up the lane at any speed. The damage here is caused by recreational use exacerbated by drainage problems.

Minninglow Lane, Ballidon, Derbyshire is a route where a “green lane” is heavily rutted by recreational motor vehicle use and is now impassable all year for many cyclists.



Limer Rake in February 2013



Minninglow Lane in January 2014

All users (from wild animals to walkers to tractors) will cause some damage to a route. The amount will depend on factors such as the pressure exerted, frequency of use, the surface and the drainage. We believe that recreational motor vehicle damage has now reached unacceptable levels and the use of off-road vehicles on unsurfaced routes in a National Park is incompatible with the aims of a National Park. It is naïve to claim that recreational vehicles cause no damage! To be fair, another off-roader on the programme had the grace to say “We know it causes a lot of damage but we try to stick to the right path.”

PDNPA Green Lanes Action plan for 2014/2015

This year's action plan proposed:

1. Monitoring the implementation of the 3 TROs already decided on
 1. The TRO on the Roych is already in place.
 2. DCC has removed the temporary TRO on Chapel Gate so PDNPA will be able to implement their TRO now.
 3. PDNPA are talking to DCC about the timetable for repairs on Long Causeway. Legally, PDNPA can not implement their proposed TRO until DCC removes their temporary TRO.
2. Making a decision on Leys Lane, Little Longstone. PDNPA has already carried out the public consultation on this route.
3. Expediting LAF (Local Access Forum) surveys of Charity Lane, Cumberland Lane, Houndkirk Road, Jumble Lane, Kiln Bent Road, Leycotes Link, Limer Rake, Moscar Cross Road, Ramsden Lane, Swan Rake, the two routes at Three Shires Head, and Wetton.
4. Monitoring progress in 12 months time.

The full action plan can be seen at <http://www.peakdistrict.gov.uk/about-us/committees/audit-committee/agenda-21-march-2014>

We were encouraged that during the debate on the Plan on 21 March 2014, Members appeared to be more aware of the problems than we have seen previously. This was due to actual experience from visits they had made to affected routes. We are grateful that members are taking the time to do this. Seeing photographs is useful but there is no substitute for experiencing the damage on the ground oneself.



Leycotes Extension (Staffordshire part of Washgate) in February 2013



Houndkirk Road showing widening of the route in November 2013

PDNPA also said that they were revising their estimate of the number of BOATs and ORPAs in the Peak District. Previously they said there were 300 routes that off-roaders might be able to use. This has been revised to 260 such routes. The situation is fluid, as Highway Authorities continue to determine the status of routes, but from our own work we think 260 is still an over estimate. The motor cycle group the Trail Riders Fellowship has recently had a lot of comments about the issue on their website. Many seem to be misinterpreting PDNPA as saying there are 300 routes of the significance of Chapel Gate or the Roych but no-one has ever claimed that.

Update on Amending the Deregulation Bill

It is difficult to describe the progress here succinctly since we are in the realms of parliamentary procedure and protocol. There are issues like achieving cross-party representation; having some agreement from the Whips; the significance of raising in the Commons before the Lords; whether to push for a vote etc etc. The situation seems to change daily and we are very much in the hands of our supporters in Parliament. We will let you know the outcome when we have something definite to tell you.

Thank you to all our supporters who have made a contribution to our campaign to fund publicity about amending the Bill. Further donations are always welcome. If sending a donation by cheque, please send it to our PO Box and write "campaign fund" on the back of the cheque. Alternatively, you can donate by BACS – details in the accompanying email.

Status of PDGLA

There is some misunderstanding of the Peak District Green Lanes Alliance's status. PDGLA is not a charity and relies totally upon members subscriptions and donations. Committee members often subsidise PDGLA and generally do not claim any expenses.