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Peak District
Green Lanes Alliance

December 2014 Newsletter

Good news - Black Harry Lane is a Bridleway

Black Harry Lane, a route on Longstone Edge, is currently shown on OS Maps as an ORPA (Other Route with Public Access). It has been regularly used by 4x4s and trail bikes for over 20 years. For those interested in the name, Black Harry was a local highway man who held up packhorse trains.



*The start of the Lane with Black Harry Gate on the left of the photograph.
May 2013*



Photograph: May 2013

DCC is processing “BOAT claims” submitted by recreational motor vehicle users for ORPAs to be upgraded to BOATs. When they processed the claim for Black Harry Lane they decided it should be a bridleway for two reasons.

Firstly the historical evidence (such as the Stoney Middleton Enclosure Award, Longstone Enclosure Award and the Ordnance Survey Name Book) described the route as a bridleway.

Secondly in the late 1980s/early 90s the landowner tried to stop motor vehicles using the route: a trench was dug across the bottom of the lane to stop motor bikes and boulders were placed to stop 4x4s. The existence of the boulders was recorded in the Parish Council minutes and there were witnesses who could confirm that they saw off-roaders winching one of the boulders out of place. This evidence was vital because, if there is no evidence of historic public right of way for vehicles, and if there is evidence of attempts by the landowner to stop use by modern motor vehicles, the BOAT claim will fail.

The off-roaders sent in 56 objections against the DCC decision and a public inquiry was held by an Inspector in October 2014.

We are delighted that the Inspector, after hearing the evidence of this public inquiry, decided that the route is a bridleway. Because the Inspector confirmed the original decision by DCC, the recreational motor vehicle users can not object and ask for a second public inquiry. The Inspector's decision can be read at http://www.planningportal.gov.uk/uploads/pins/row/documents/fps_u1050_7_79_od_map.pdf

Many thanks to all who collected historic evidence, visited potential witnesses and took witness statements, gave evidence at the public inquiry or helped in any way. Your efforts are much appreciated.

Once DCC has put up the bridleway signs, if you see any use of Black Harry Lane by recreational motor vehicle users, please phone the police on the non-emergency number of 101.

Four years on - things to celebrate

PDGLA was set up four years ago this month. . A very great deal has been achieved in that short time by painstaking research, effective lobbying, persistence and determination. This is a roundup of successes so far.

The first thing we (with other organisations) achieved was to persuade the Peak District National Park Authority (PDNPA) to re-write its policy on off-roading and to start using Traffic Regulation Orders (TROs) where necessary. PDNPA has now put TROs in place permanently banning recreational motor vehicles from Long Causeway, The Roych, Chapel Gate and Leys Lane. In the process PDNPA withstood aggressive, and in some cases offensive and highly personal, campaigning from offroading organisations. We supported each TRO, provided evidence and encouraged large numbers of people opposed to offroading in the National Park to take part in the TRO consultations. We congratulate PDNPA for its efforts and for standing its ground.



Chapel Gate. Now protected by a TRO. January 2014



Long Causeway. Non vehicle users can now enjoy this landscape free from recreational vehicles. August 2014

We have researched (and are still researching) the historic public rights of way on green lanes claimed as BOATs in the Peak District. Wherever this research shows there that there is a good chance that there are no historic vehicle rights, we work with local people and other non-motorised users to see if a BOAT claim based on modern motor vehicle use can be opposed. We fight BOAT claims where we feel there is a realistic chance of winning at a public inquiry. There are usually two or three such inquiries each year.

So far we have taken part in four public inquiries between them covering five lanes. We lost on Jacob's Ladder in Stoney Middleton and Mill Lane in Stoney Middleton and Eyam, both of which are now BOATs. But we won on Bradley Lane (Pilsley and Hassop), twice*, and on Black Harry Lane (Stoney Middleton and Great Longstone). We also succeeded, with DCC, in making Pretty Wood in Eyam legally a dead end for 4x4s and motor bikes. We also took part in an inquiry by written representations for Green Lane, Bonsall and Ible. That route is now a bridleway. And we helped to secure Blackberry Lane, Grindlow and Foolow, as a Restricted Byway.



Bradley Lane: We're currently waiting for the result of the High Court case. Photograph August 2013



Green Lane, Bonsall and Ible. Now a Bridleway. Photograph August 2011

Working nationally with other organisations (such as GLEAM, GLPG and the Yorkshire Dales Green Lanes Alliance) we have got offroading back onto the political agenda. The government is now committed to full public consultation on the use of green lanes and a change in the law has become a real prospect.

The Derbyshire Police, who when we first got going, were not taking any effective action against illegal offroading, are committed to enforcing the PDNPA TROs and they say they will prosecute offenders.

We have raised the profile of offroading and the problems and damage it is causing and we have taken part in three BBC programmes.

Derbyshire County Council remains a problem. They are at present deciding on what public rights of way exist on ORPAs (only two highway authorities are bothering to do this, despite it being a statutory duty). This gives us the chance

of opposing and defeating some BOAT claims. They are also repairing some of the lanes most damaged by 4x4s and motor bikes. But they still flatly refuse to use their own TRO powers to stop motor vehicles using any green lane in the Peak District, even where this is clear evidence of the need for one. We will keep up the pressure. They say they are afraid of legal action by the offroaders.



Soles Hollow route, Waterhouses. One of the routes that Staffordshire County Council removed from the Definitive Map. Photograph: February 2014

We are now engaging with Staffordshire County Council as well. This highway authority wrongly believed that all unclassified highways which are unsealed (ie no tarmac) have motor vehicle rights. It had also taken some footpaths and bridleways off its map of rights of way (the Definitive Map) with the effect of opening them to offroading.

*Despite winning Bradley Lane as a bridleway at two public inquiries, the final outcome is still not resolved. At the time of writing we are waiting to hear the result of a High Court challenge by the offroaders to the Inspector's decision.

Off- piste activity on Houndkirk Road



Deliberate driving on the verge when the main route is perfectly passable.

Houndkirk Road was our Route of the Month in May 2014 and we highlighted in that newsletter the damage caused to the fragile moorlands by irresponsible recreational motor vehicle drivers who leave the track. It's not as if the track is so damaged that it's impassable and they have to leave it.

The off-roaders regularly claim that they love the countryside and are using their vehicles to explore it responsibly. This is true of some but there is a minority who do not care what damage they cause as long as they can find some mud and challenging driving. This group does not care whether what they are doing is legal or not. They do not care that others find the damage detracts from their enjoyment of the countryside.

The off-piste damage on Houndkirk Road continues. Here are some recent pictures taken by one of our members.



The track is to the left of the photograph.



You and Yours – Radio 4 programme

Friends of the Peak District (who are one of the organisations on the committee of PDGLA) took part in a recent Radio 4 programme where the impact of off-roading in the Peak District National Park was discussed. Here is the link to the You and Yours episode <http://www.bbc.co.uk/programmes/b04th9fl>. You can jump to the fifth item, entitled "Green Lanes".

New Chief Executive appointed for the PDNPA

Sarah Howler, a senior official at the Environment Agency, is to be the new Chief Executive. She will take up her appointment at the end of January 2015. You can read the press release announcing her appointment and giving details of her career to date at <http://www.peakdistrict.gov.uk/learning-about/news/current-news/new-chief-executive-announced-for-peak-district-national-park>

Other areas have problems with off-roading – The Yorkshire Wolds

We are beginning to collect information on problems caused by recreational motor vehicle use in other parts of the country. Here are some photographs taken in November 2014 of routes in the Yorkshire Wolds showing the effect of off-roading on vulnerable grass tracks.

