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Peak District
Green Lanes Alliance

February 2015 Newsletter

New legislation on off-roading is now on the political agenda

What has been happening: the Deregulation Bill

Over the last 18 months organisations opposed to the use of green lanes by recreational motor vehicles have been using the opportunity of the Deregulation Bill to put pressure on the government to take action to protect green lanes from the damaging effects of off-roading. We gave written and oral evidence to the Joint Committee on the Draft Deregulation Bill and at every appropriate stage of the Bill to date sympathetic MPs and Lords have tabled an amendment seeking to restrict off-roading. This resulted in four debates in Parliament.

The Deregulation Bill aims to reduce the costs and burdens of current legislation. The amendment we have been tabling called on the government to identify and report on the costs and burdens arising from recreational motor vehicle use of unsealed highways and to bring forward legislation to deal with them.

As a result of this pressure, the government has

- a) acknowledged that there is a problem;
- b) has accepted that something must be done about it;
- c) has agreed to set up a new stakeholder working group (referred to as a motor vehicles working group in some government statements) to advise on possible solutions; and
- d) has said there will be full public consultation once the working group has reported.

The motor vehicles working group or New Stakeholder Working Group

GLPG (Green Lanes Protection Group) has also been lobbying the government about the composition of the new stakeholder working group, the timescale for its work and the fact that it is unlikely to be able to reach a consensus solution. The government has now agreed that:

- The group will be set up on completion of the passage of the Deregulation Bill
- Will have a limited life of 18 months
- Will be free to produce majority and minority recommendations if necessary

- Will include representation from the National Parks, Areas of Outstanding Natural Beauty and the National Trails.

The government has also said that the working group will:

- Have an independent Chair
- A secretariat organised by DEFRA and Natural England
- Will contain a balance of interests across all sectors
- Will include representatives of different types of user of rights of way
- Will set its own terms of reference
- Will be expected to ‘look at all the issues in the round and include assessments of any economic and social benefits of the current recreational use of unsealed roads as well as an assessment of the costs and burdens’.

GLPG expects to be on the stakeholder working group but this is not yet confirmed.

Key quotes from Parliamentary reports and debates on off-roading during the progress of the Deregulation Bill

Report of the Joint Committee on the Draft Deregulation Bill.

Paragraph 147 *BOATS and UCRs*

‘The additional provision which elicited by far the greatest number of responses [to the call for evidence on the draft Bill] was that Byways Open to All Traffic (BOATs) and unsealed Unclassified County Roads (UCRs) should be re-classified as Restricted Byways and closed to vehicular traffic. Over one third of responses to our Call for Evidence urged support for this reform’.

Paragraph 154: government urged to take action

‘Given the level of public interest in rights of way...we draw to the attention of the Government the wider rights of way concerns raised in the course of this inquiry and urge them to take action to meet them’.

<http://www.publications.parliament.uk/pa/jt201314/jtselect/jtdraftdereg/101/101.pdf>

Government Response to the Report of the Joint Committee on the Draft Deregulation Bill

Paragraph 80: government recognises pressure for new legislation

‘There is clearly considerable debate on the need for further reform to the legislation governing the use of motorised vehicles on public rights of way and minor unsealed roads, especially in National Parks. We have sympathy with the concerns of those who have put forward proposals to protect routes that are vulnerable to damage by motorised vehicles’.

Paragraph 81: government says there will need to be full public consultation before any new legislation is formulated

‘Defra considers that any change to the current government framework for managing motorised vehicles should be the subject of a full public consultation. We believe that this issue needs to be fully debated and a separate package of policy measures formulated for implementation, through legislation if necessary, when a suitable opportunity arises’.

<http://www.parliament.uk/documents/joint-committees/draft-deregulation-bill/36777%20Cm%208808%20embargoed%20to%20midday%2030%20Jan.pdf>

**House of Commons Committee, Hansard 25 March 2014, column 613
Tom Brake MP for the government says the government will set up a working group**

‘The proposal is that DEFRA will work with Natural England to organise the founding of a group with an independent chair and a secretariat, and invite stakeholders with the relevant experience and expertise to join the group. The group will contain a balance of interests and cross all sectors, and will be expected to come up with its own terms of reference’.

<http://www.publications.parliament.uk/pa/cm201314/cmpublic/deregulation/140325/pm/140325s01.htm>

House of Lords, Hansard, 28 Oct 2014: Column 438

Lord de Mauley for the government accepts that consensus within the working group may not be possible and agrees an 18 month life for the group:

‘Clearly, consensus would be the preferred outcome but of course we recognise that ultimately this may not prove possible’.

‘The original stakeholder working group took 18 months to reach its conclusions and there is no reason why we should not set a similar time frame for another’.

<http://www.publications.parliament.uk/pa/ld201415/ldhansrd/text/141028-gc0002.htm>

House of Lords, Hansard, 5 February 2015, Column 599

Lord de Mauley sets out on behalf of the government more details of the motor vehicles working group, including representation from the National Parks, Areas of Outstanding Natural Beauty and the National Trails

‘The Government plan to set up such a motor vehicle working group, with an independent chairman, as soon as possible after the Deregulation Bill has completed its passage. My department will work with Natural England to organise a secretariat, and it will invite stakeholders with the relevant experience and expertise to join the group. We propose to invite interested organisations to put forward their suggestions for suitable members. In response to my noble friend Lord Bradshaw’s specific question, I say that a key principle is that the group should contain a balance of interests across all sectors. We plan to have members who can represent the interests of national parks, areas of outstanding natural beauty, national trails as well as all the different types of users of rights of way.’

'Within such a group, recognised professionals can explore all the viable possibilities and their likely consequences. Resolutions arrived at in this way, based on agreement and mutual interest, are likely to result in less conflict and reduce the need for enforcement. Solutions will work best if based on compromise, and I have been assured by those representing the anti-vehicle groups that it is not their intention to change the legislation in relation to allowing motor vehicle trials and competitions...

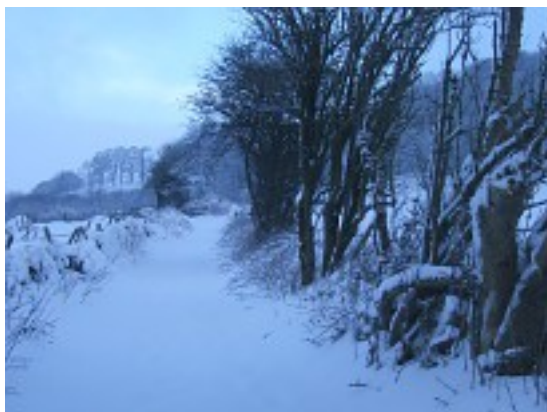
'My noble friend Lord Skelmersdale raised a point about access for disabled people to the countryside. This is a complex issue with many different aspects, which is why it needs to be considered carefully by a working group and fully consulted on.

'My noble friend Lord Bradshaw asked about timing. I have said that the stakeholder working group will start its work upon completion of the passage of the Bill. We will set a target time for the group to report. The original stakeholder working group took 18 months to report and I believe that a similar time frame is realistic for this group to work to. I can confirm that a public consultation will follow the report.

'While the group needs to have a clear remit, it will be invited to come up with its own terms of reference. I expect that it will look at all the issues in the round and include assessments of any economic and social benefits of the current recreational use of unsealed roads as well as an assessment of the costs and burdens.'

Information provided by GLPG in February 2015

Good news on Leys Lane – TRO now in place



Leys Lane – February 2015

The long awaited Traffic Regulation Order (TRO) on Leys Lane, Little Longstone came into effect on 12 February 2015. Residents of both Little Longstone and Great Longstone, led by Rocking the BOAT, have been campaigning for a TRO on the route ever since it was made a BOAT at a public inquiry in 2010. The lane is not an iconic Peak District route but is important to local walkers and horse riders. Because the route has a very narrow section (minimum width 2

metres), is sunken in places and has some blind corners, users are concerned about meeting both trail bikes and 4 x4s on the route. PDNPA decided to make a full TRO on the section of Leys Lane from the corner at Dale Farm to where it joins Chertpit Lane at the picnic site.

This means that people will still be able to access Dale Farm and the caravan site; and that Chertpit Lane will be a cul de sac BOAT.

We are pleased that PDNPA has acknowledged the impact that recreational motor vehicle use can have on local communities and hope that they will use

their TRO making powers to protect other routes that are important to local communities.

Many thanks to all who campaigned for a TRO on the route and took part in the public consultation.

The bad news is that in spite of the TRO being in place last weekend, recreational motor vehicle traffic was heavier on the lane than it has been in the last 6 months. The traffic included road motor cycles which generally have not used the lane in the past. The signs are very clear. We hope that having made a protest, users will respect the TRO.

PDNPA – Green Lanes Newsletter

In our January 2015 Newsletter we referred to the PDNPA newsletter dealing with off roading matters. This has now been renamed the Green Lanes Newsletter. Anyone can receive a copy by email; just email rightsofway@peakdistrict.gov.uk and ask to be included on the circulation list.