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Peak District
Green Lanes Alliance

October 2015 Newsletter

This month we have two articles, written from different perspectives, about how routes in Wingerworth (which is outside the Peak District National Park) became bridleways following a Definitive Map Modification Order (DMMO) application asking for the status of one of the routes to be changed to Byway Open to All Traffic (BOAT). BOAT status means that recreational motor vehicle users can legally use the route.

We thought you would be interested because they give an insight into

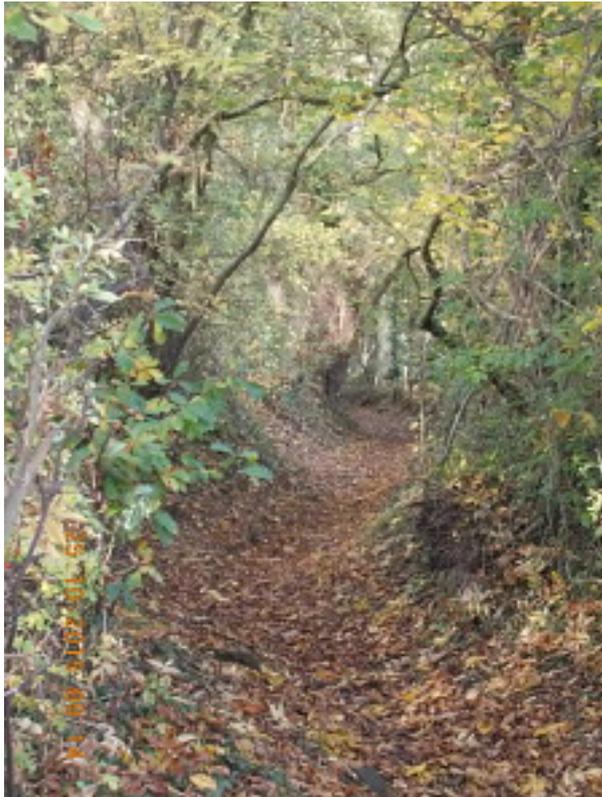
- the type of historical evidence that is considered when Derbyshire County Council process DMMO applications;
- how the local community can play a role in providing historical evidence;
- and how the local community was involved in collecting user evidence forms to support bridleway status and counter the evidence provided by recreational motor vehicle users on how long they have used the route. (User evidence forms need to provide evidence for 20 years use before the application date (in this case use from 1984 until 2004)).

Researching historical evidence and collecting user evidence is time consuming. If the historical research shows unequivocally that there are public vehicle rights (for example the route was a Public Carriage Road in an Enclosure Award), it is a waste of time doing any further work to oppose a DMMO application for BOAT status.

Martins Lane and Stocksmoor Lane, Wingerworth become Bridleways

Martins Lane and Stocksmoor Lane are two “green lanes” in Wingerworth, south of Chesterfield. They are shown on Ordnance Survey maps as other routes with public access (ORPAs) and are on Derbyshire County Council’s list of publicly maintainable highways; these depictions mean that they have public rights of some sort, but it is not known exactly what.

This article describes the process by which Derbyshire County Council (DCC) determined that the public rights are bridleway, not motor vehicular. (Off-roader groups incorrectly assert that all ORPAs have motor vehicular rights.)



The Trail Riders Fellowship (TRF) had made an application in 2004 for the Martins Lane ORPA to be added to the definitive map of public rights of way as a byway open to all traffic, i.e. legally open to recreational motor vehicles. DCC started its investigation of this application in September 2014 by writing to user groups, the parish council, landowners and occupiers, to ask for any evidence they had about how the route had been used by the public in the past. In addition to this consultation, DCC undertook its own historical research.

Martins Lane and Stocksmoor Lane meet at right angles, at a cross-roads, from which the east-west line of Martins Lane is continued by a public footpath, and the north-

south line of Stocksmoor Lane is continued by another public footpath. These connections mean that DCC found evidence in its research about the public rights over Stocksmoor Lane, in addition to Martins Lane. DCC found that public rights over Stocksmoor Lane and its continuation southwards had been stopped up by the magistrates in 1805, following the construction of a new road which made it unnecessary. The plan in the magistrates' order showed Martins Lane existed in 1805, but the order did not say anything about its status. The records compiled for the valuation of land under the Finance Act 1910 show that Martins Lane and Stocksmoor Lane were not regarded as public vehicular highways by the Inland Revenue valuer but were either public footpaths or bridleways.

Despite Stocksmoor Lane having been stopped up in 1805, it was recorded (as was Martins Lane) as a publicly maintainable highway, when highway maintenance responsibility was handed over from Chesterfield Rural District Council in 1929/30 to DCC. The handover records rarely describe status, but in this case, Stocksmoor Lane was referred to as "BR" i.e. bridle road. Just over 20 years later, in 1951, Wingerworth Parish Council claimed both routes as public bridleways on the basis of over 20 years' use in its claims for routes to be added to the first definitive map. However DCC appears to have had a policy (as did other county councils) of ignoring claims from parishes for routes which were already recorded on the 1929/30 handover records, presumably because it knew it was already responsible for them.

The evidence about the 1951 bridleway claims was already known to local people when the consultation started, from their study of Wingerworth Parish Council records. This meant that there was a reasonable chance that the earlier historic evidence would also support bridleway status. So the only way the TRF

could succeed in getting BOAT status would be by providing evidence that the route(s) had been used by recreational motor vehicle users for 20 years before the application in 2004.

Victory in Wingerworth - Community in Action



Wingerworth is a large parish south west of Chesterfield, part suburban and part rural, not far outside the National Park eastern boundary. Its population is over 7,000 and growing fast. It is what estate agents call a “desirable location”, popular with older people, young families because of good primary schools, and developers eager to cash in. It is a generally quiet, well ordered place. There is a network of footpaths through attractive countryside which

are kept in good condition thanks to volunteers and very well used as a result. It is also a popular place to keep and ride horses. A lot of us enjoy the peace and beauty of the countryside - it is part of what makes it a good place to live.

There are two “green lanes” in the parish; Martins Lane and Stocksmoor Lane, which connect with each other and with footpaths. Turn the clock back just over one year and they were designated “unclassified highways”, which meant that no-one could say who had or didn't have a legal right to use them. Not what you expect of the law. However they had been used and enjoyed by walkers and horse riders for as long as people can remember, and more lately by cyclists and runners too. And all these groups got on well together.

From around 2000 though, some unwelcome visitors started to appear, noisy and inconsiderate motorcyclists. Some were youngsters on untaxed bikes. Many were young(ish) adults using the lanes to force their way into adjoining woods for illegal scrambling. Police and landowner action eventually succeeded in seeing most of them off, and in the last few years all was well again in sleepy Wingerworth

... that is until last September when we suddenly learned that Derbyshire County Council (DCC) was dealing with a claim for Byway Open to All Traffic (BOAT) status on Martins Lane which would give vehicles the legal right to use it. The news was received with horror; visions of convoys of 4x4s and noisy speeding motorcycles on our beloved quiet lane. What to do? Call a public meeting? Fortunately as a member of PDGLA, I knew what the procedure was and what we in Wingerworth could and could not do to oppose the claim. So with the support of the Parish Council I took charge of organising the opposition.

The first consideration is all the historical evidence from old maps and records. If this shows that the route used to be a public carriage road (a public right to take a horse and cart along it), then our current archaic law says that there is deemed to be a continuing right for all vehicles. It fails to make any distinction between a horse and a 4 ton 4x4 - or a 44 ton HGV come to that.

This is not something local residents were competent to look into, but PDGLA's super sleuth Diana Mallinson could and did. She advised that she could find no evidence for Martins Lane being a public carriage road. So we were confident we were on safe ground there.

The second consideration is evidence of use. If vehicle users could show that they had been using Martins Lane without landowners' objection for a continuous period of 20 years and not causing nuisance, they could still win their claim on the grounds of "presumed dedication". The claim had actually been submitted by the Trail Riders Fellowship in 2004, along with hundreds of others across the County, and it had taken 10 years to rise to the top of DCC's pile. That meant that vehicle users would have to demonstrate 20 years use up to 2004, (from 1984). We believed they couldn't do that, but had to be prepared with our own evidence in case their memories proved faulty.

The community swung into action. Through a network of key contacts, we set about gathering evidence from walkers, dog walkers, horse riders, nearby residents and landowners. By good fortune, we were just in time to include an appeal in the next issue of our local magazine "Wings". As a result, 56 people submitted standard evidence forms to DCC with details of their use of the lane and what use they had seen by others.

Most said they had never seen a vehicle on Martins Lane. Those who had, dated their first appearance from the late 1990s to 2000. Some described the nuisance caused such as breaking down stone walls. In addition four people submitted detailed evidence, including a former local County Councillor, a former DCC Area Highways Manager and a former DCC Highways Inspector responsible for the route.

We had to wait to find out how many evidence forms had been submitted in support of the claim. Almost unbelievably, the answer was just one! It was clear that the TRF had submitted a speculative claim which they could not possibly sustain. They had irresponsibly wasted a lot of time invested by a lot of people and at considerable public expense. So it ended up almost disappointingly as a walkover. DCC decided that Martins Lane should become a public bridleway, which was exactly the result we wanted, and there was no appeal. So peace was restored to sleepy Wingerworth again.

Although the effort turned out to be unnecessary, it has provided some interesting insights. The first is that many people feel quite passionate about protecting their local paths. Some people walked Martins Lane every day unless they were ill, and a few twice a day. They love it, it is part of their life, part of them, relaxation and good for the soul. They would be distraught if they couldn't continue to do so in peace and quiet.

Second, the vehicle users have no friends. The local community united against them. They are intruders and despoilers. Most people in Wingerworth get on with their lives quietly and the way so many came together was quite inspiring. As for Stockmoor Lane, well we got this as a bridleway too as a bonus. The TRF had

also submitted a BOAT claim for this lane in 2004, but they made a pig's ear of it (technical term) including grid references of an entirely different path and it was deemed invalid. But DCC decided to determine its status at the same time as Martins Lane (as it involved historical research on the same documents) and all the evidence came to the same conclusion. So now Wingerworth has no BOATs, and our rights of way network is a motor traffic free zone. Great!

David Selkirk

Problems in Gloucestershire

Other parts of the country (other than the Peak District and Derbyshire) have problems with irresponsible recreational motor vehicle users. Recently the BBC website had an article about the problems farmers in Gloucestershire are facing. The article reported the death of livestock and criminal damage to gates and fences. You can see the article at <http://www.bbc.com/news/uk-england-gloucestershire-34614029>