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Peak District  
Green Lanes Alliance

## November 2015 Newsletter

### Good news – Planning Inspector decides Brushfield a bridleway



*Part of the stony ascent from the River Wye: April 2015*

Brushfield is currently shown on the OS maps as an ORPA (other route with public access). This means there are some rights of way for the public, but the actual rights have not been established. The route itself climbs uphill steeply from the Wye valley at Upperdale to the tiny hamlet of Brushfield (north of the A6 in the Taddington area.)

Derbyshire County Council (DCC) carried out a DMMO determination following an application made in 2004

to make the route a BOAT (byway open to all traffic). (The application date of 2004 makes it look that DCC are very slow in processing these applications. However they are one of the few local authorities actively processing DMMO applications in England and they have a large backlog to get through.) They determined that the majority of the route should be a bridleway with a small section a footpath. This decision was based on historical evidence (the Little Longstone Inclosure Award of 1824) as recreational motor vehicle users had submitted few user evidence forms.

However DCC received a lot of user evidence forms and objections from recreational motor vehicle users after they had published the bridleway/footpath order (publishing the order is the first stage in making it official.) They had to refer the matter to the Planning Inspectorate because of the objections but took a neutral stance in the resulting public inquiry noting that had they received the user evidence forms when they were carrying out their original determination (i.e. at the proper time), they might have reached a different decision.

The public inquiry was held in September 2015 when the Inspector considered both the historical evidence and user evidence. Her decision has just been published and is that the whole of the route should be a bridleway. We will give you a link to the decision when it is placed on the gov.uk website.

Because she has changed part of the original DCC decision, there is the possibility that there could be an appeal. The off-roaders will have 4 weeks from the advertisement of the change in which to decide whether to appeal with new evidence or by raising points of law. We'll let you know if there is an appeal. If there is an appeal it could result in a further public inquiry. Off-roaders would then continue to use the route until the matter has finally been decided.

Until DCC has advertised the decision and the 4 weeks for any appeal has passed (if there is no appeal) it is still not demonstratively illegal for recreational motor vehicle users to be on Brushfield.

PDGLA and Peak Horsepower Bridleway Group did the work for the September public inquiry. Many thanks to those who did the historical research; co-ordinated the collection of statements from local people and non-motorised users; represented us; took notes at the inquiry; and gave evidence to and at the inquiry. A big team effort and arguably as much work for unpaid volunteers as imposing a traffic regulation order by salaried Highway/National Park Authority staff.

### **Time heals – The Roych and Taylor Lane**

“Time heals” is an overused cliché; but there is good evidence that the condition of many routes improves when they are no longer used by recreational motor vehicle users.

The Roych is an ORPA running to the west of the Kinder massif in the Dark Peak. PDNPA put a full TRO on the route in September 2013. The only vehicles using the route now should be farm vehicles and other land management vehicles, emergency services and invalid carriages. DCC carried out work to improve the drainage and make the area around the notorious “steps” more user friendly before the TRO came into force. Grass is now beginning to grow again on the route.



*Photographs showing grass regenerating on The Roych: September 2015*

Taylor Lane on Longstone Edge is a bridleway. It was used in the past by recreational motor vehicle users who had submitted a DMMO application for it to be made a BOAT. For a complicated set of legal reasons relating to an Appeal Court judgement known affectionately as “the Winchester case”, DCC has closed

the file on the application because the applicants had not provided the evidence which they claimed supported their case. This judgement firmly established that it was illegal for off-roaders to carry on using the bridleway.



*Taylor Lane: February 2011*



*Working party in March 2011 showing the amount of limestone needed to fill the ruts.*



*Taylor Lane: November 2015*

Using volunteers, PDNPA filled most of the ruts with limestone chippings in 2011. Grass has now grown over most of the infilled ruts giving a grassy surface that it is a pleasure to walk, horse ride or cycle over. The limestone is still visible in places and you can see where the ruts were by changes in ground level but the surface is so much better now for all users. Many thanks to all those who shifted limestone on Taylor Lane and for PDNPA for organising the working parties.

Grass is good because it helps to consolidate the surface and reduces the damage due to run off water. It also can improve the appearance of the route. Combined with simple repairs, as on Taylor Lane, a smoother, grassy surface rather than ruts improves the route for non vehicle users. However, grass is often prevented from growing when the route is regularly used by recreational motor vehicles.

One of the costs to local authorities of recreational motor vehicle use of ORPAs and BOATs is the cost of repairs to damage from such use. (Yes, we accept that non-vehicle users can cause damage and if the volume of use is heavy, this use may lead to expensive repairs as well. However damage per head is greater with vehicle use.) If damage by recreational vehicles could be stopped before expensive repairs are needed, cash strapped local authorities would save money.

## Successful Police Operation Blackbrook Day in Great Longstone and Eyam

Operation Blackbrook is the Derbyshire Police name for the time which they devote to dealing with illegal use of bridleways, footpaths and restricted byways and illegal use of routes subject to Traffic Regulation Orders (TROs). To quote the Police press release

“The targeted initiative sees officers heading out onto rural routes to prevent motorists and riders from illegally using restricted tracks and damaging the area ....”



*Riley Lane (a BOAT) as it passes through Pretty Wood. It is legal for recreational motor vehicles to use the lane but not to stray into the adjacent woodland: February 2014*

On 25 October 2015, the Police targeted Leys Lane, Great Longstone and Long Causeway, Outseats (both subject to TROs) and the Pretty Wood area of Eyam (where there is illegal use of a footpath and restricted byway as well as illegal riding in Pretty Wood itself.) Two 4x4s were caught on Leys Lane and a further three motor cyclists were reported for “construction and use offences” (these offences are concerned with the condition of the vehicle or something that has been done to it to make it unsafe.)

You can read the full Police press release at

<http://www.derbyshire.police.uk/My-Local-Police/BDivision/BSouthSection/TideswellLittonBaslowandBeeley/News/2015/06-Nov-Operation-Blackbrook-sees-motorists-stopped-for-traffic-offences-in-Great-Longstone-and-Eyam.aspx>

We are pleased that the Police are still devoting resources to Operation Blackbrook.

### More Police involvement with illegal use

Two 4 x4 vehicles were seen using Black Harry Lane, Stony Middleton (previously an ORPA but now a bridleway following a successful public inquiry where PDGLA and Peak Horsepower supported the DCC DMMO determination of bridleway) and Deep Rake (a restricted byway on Longstone Edge). The drivers made the mistake of using these routes during a stewarded ride organised by Peak Horsepower for its members. Stewards noted the vehicle registration numbers and reported them to the Police who are taking the matter seriously.

Please always report recreational motor vehicle use of footpaths, bridleways, restricted byways and routes with TROs on them to the Police on the non emergency number, 101. If you have registration numbers tell the police during the phone call. Similarly tell the Police if you have any photographs.

Such information can lead to Police action against the drivers (if the number plates are legal) and it can help the Police decide which areas to target on future Operation Blackbrook days.

**PDNPA to continue funding Sue Smith until April 2015**

As you are aware PDNPA are under pressure to cut costs drastically. Sue Smith has been working part time for the Rights of Way team of PDNPA for a number of years now on a series of temporary “short term contracts.” We are delighted that PDNPA has decided to keep her post until April 2017 (it was due to cease in April 2016) and is exploring financial options to see if the post can be made permanent.