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Peak District
Green Lanes Alliance

December 2015 Newsletter

PDNPA Regulation 4 Consultation on Derby Lane

PDNPA's Action Plan for 2015/2016 included a consultation on a possible Traffic Regulation Order (TRO) on Derby Lane, Monyash, Derbyshire.

The first stage of the consultation involves consulting statutory bodies (including highway authorities, parish councils and organisations representing recreational users and others). PDGLA is one of these consultees. The consultees' views are reported to the Authority's Audit Resources and Performance Committee along with a report prepared by PDNPA officers. This will be at the March 2016 meeting. At this stage of the consultation process, members of the public are not asked for their views (so please don't send them to PDNPA).

If the Members decide to proceed further with investigating a TRO, there is a second consultation where members of the public can write and express their views.



May 2015: Motor bike tracks visible but in dry weather they are currently causing little damage on Derby Lane.



December 2015: The vulnerability of the route is now shown when the ground is wetter.

Derby Lane is one of PDNPA's priority routes. Part of the lane is over grassed fields. Grass surfaces are very vulnerable to vehicle damage especially during the winter months when the ground is wet.

Like most of the routes shown as either an Other Route with Public Access (ORPA) or BOAT on current OS Maps, it is an old, historic route. It crosses typical countryside as found in White Peak farming areas with wide views across the National Park.

PDNPA can only make a TRO if they can demonstrate that making the TRO on a particular route satisfies one or more legal requirements. Moreover, the DEFRA publication "Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984", page 4 states:-

"Traffic Regulation Orders can be made to prevent problems happening, not just stop damage once it has occurred. A National Park Authority would need to demonstrate a reasonable risk that the situation it was intended to prevent would arise."

We believe that an argument to support a pre-emptive TRO could and should be made by PDNPA in this case. This would be the first time such a pre-emptive TRO has been proposed by PDNPA and we feel this would set an encouraging precedent. We hope that PDNPA will consider TROs on grassed routes which are already badly damaged and pre-emptive TROs on other vulnerable routes which are showing worrying signs of damage in their Action Plan for 2016-2017.

Planning Inspector Report available for Brushfield

We told you in the November 2015 Newsletter that the Planning Inspector had decided that Brushfield should be a bridleway.

The interim decision is now available on line. It can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484097/fps_u1050_7_86_interim_decision.pdf.

A decision by a Planning Inspector which confirms the original order can only be appealed against via the High Court. In the case of Brushfield, the Inspector has made an interim decision because she has modified the footpath part of the order to bridleway, which will make the route a through bridleway. Because the Inspector has overturned part of the DCC decision, there may be an appeal against her modification, which she will have to consider before making a final decision.