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Peak District
Green Lanes Alliance

Saving our green lanes from off-road vehicles

May 2016 Newsletter

PDNPA starts the TRO Consultation for Derby Lane, Monyash

Problems on “green lanes” arise from a number of reasons: poor surface; safety issues; narrow width; damage to historic features; damage to vegetation; speeding vehicles; other users being deterred from using the lane because of vehicles; noise etc.

Derby Lane, Monyash, Derbyshire is unusual in having relatively few visible signs of damage or conflict. However, like all unsealed and unsurfaced grassy routes it will be very vulnerable to damage if there was heavier use. (We have seen the effect of recreational vehicle use on an ORPA in Wetton, Staffordshire where a route that was pristine in November 2011 is now deeply rutted.)



Derby Lane crosses typical, peaceful White Peak countryside spoilt only by the roar of trail bikes. March 2016



Tracks left by motor bikes. The use is currently relatively low but is expected to increase if the route is made a BOAT. March 2016

We are pleased that PDNPA has decided to protect a vulnerable route before significant damage occurs. We hope they will pre-emptively protect similar routes in future. 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.”*

PDNPA has published its reasons for wanting to make a Traffic Regulation Order (TRO). These can be seen at <http://consult.peakdistrict.gov.uk/details.cfm?TROID=9>

In the legal language of the Road Traffic Regulation Act 1984 (“the Act”), the TRO is for the purposes of:

- i) preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property (s.1(1)(d))
- ii) preserving or improving the amenities of the area through which the road runs (s.1(1)(f))
- iii) conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area (s.22(2))

The TRO would have the effect of stopping recreational motor vehicle users driving on Derby Lane. Farmers and the disabled using invalid carriages (a term that sounds old fashioned but has a definite legal meaning) could still use it.

The appendices prepared by PDNPA expand the reasons for the proposed TRO. These include

- part of the route running through the Lathkil Dale SSSI and all of the route lying within the White Peak Landscape Area which has a distinctive and valued historic character of a settled, agricultural landscape;
- the archaeological and historical interest including its close proximity to Arbor Low and being part of the territory associated with that monument;
- outstanding views; and
- access from Monyash village to a network of paths (including the Limestone Way) for non vehicle users;

The appendices also list the detrimental effects of recreational motor vehicle use on the route and why PDNPA believes voluntary measures would not protect it.

The consultation closes at **5 pm on the 10 June 2016.**

You can respond on-line by following the link at the bottom of the page at the email address given above. Alternatively you can respond by post by writing to Rights of Way, Aldern House, Baslow Road, Bakewell DE45 1AE. If you decide to write, please ensure you include as part of your representation:- your full name and address; whether you are representing your personal views or the views of an organisation; and whether your comments are in favour of the proposal, objecting to the proposal or are general comments. If your comments object to the proposal, please set out the grounds on which your objection is made.

Please take the time to respond to this important public consultation

Determining the status of routes

Some PDGLA members are involved in investigating the historical evidence relating to usage of routes and helping local people collect user evidence on route use. This information is used when Derbyshire County Council is determining the status of a route following a DMMO application for BOAT status. If a route can be shown to be a footpath, bridleway or restricted byway, it is illegal for recreational motor vehicle users to continue to use a route.

The alternative of campaigning for a Traffic Regulation Order (TRO) on a route, may take years and may not be successful. For the last five or six years, the only authority prepared to place TROs on “green lanes” within the National Park is the Peak District National Park Authority. And they have limited resources for this time-consuming process. The Highway Authorities have similar powers to PDNPA (including the use of conservation and amenity grounds for routes within the National Park) and their failure to use them is indefensible.

Peak Pasture route saved

The Byway Open to All Traffic (BOAT) claim over Peak Pasture, Calver, Derbyshire (which would have allowed recreational motor vehicle users to continue using the route) has been rejected. The route is now a bridleway. Peak Pasture is a beautiful upland track which links the B6001 near Calver with Longstone Edge. It has magnificent views across to the edges above Curbar. Recreational motor vehicle use, though still not heavy, has increased in recent years. The steep uphill section, has already been worn down to bedrock in places, would be vulnerable to further damage (as has occurred on the Brushfield route.)



PDGLA researched the rights of way history of the route and submitted evidence to DCC that Peak Pasture did not have historic public vehicle rights. Peak Horsepower gathered evidence of use on horseback going back to at least the 1960s. DCC agreed that Peak Pasture is a bridleway. It also concluded that most of the evidence put forward by off-roaders claiming to have used Peak Pasture could not be relied on because they had made

mistakes on their claims.

As there were no objections to the DCC decision, there will be no public inquiry and the Bridleway Order has been confirmed. It is now too late for a legal challenge via the High Court. Congratulations to the colleagues who worked on this BOAT claim.

Other Longstone Edge routes

We are expecting a public inquiry, possibly next year, into two other routes in the Longstone Edge area as there have been objections to DCC's decisions. It decided that the route between Rowland and Longstone Edge should be a

BOAT. It also decided that Bramley Lane, which links the Rowland route with the B6001 road between Hassop and Calver, is a dead end BOAT continued by a longish section of Restricted Byway. We are reasonably optimistic that, one way or another, the outcome of the inquiry into these two routes will put an end to all through-routes for motor vehicles between Great Longstone, Rowland, Calver and the Hassop road. We will keep you posted.



Mires Road: November 2015

Mires Road, on the western end of Longstone Edge, is being decided by written representations this year. (Written representations is an alternative to a public inquiry. All parties make all their points in writing to the Inspector.) Mires Road is already a cul de sac route for off-roaders but some drivers are using it to access Black Harry Lane (even though it is now a bridleway.) If the eastern end of Mires Road is confirmed as a Restricted Byway, the off-roaders will have no

excuse for even reaching this end of Black Harry Lane.

Rowfields Lane, Kniveton

Rowfields Lane is a cul-de-sac lane which provides access to farms and dwellings and to four public footpaths, in Kniveton and the neighbouring parish of Fenny Bentley, north of Ashbourne. Rowfields Lane and the public footpaths are outside the National Park. It is shown as an other route with public access (ORPA) on Ordnance Survey maps, because it has been recorded since at least 1929 as an unclassified road, maintainable by the highway authority. However, as the legend on Ordnance Survey maps explains, it is not known what level of rights (footpath, bridleway or vehicular) the public has on an ORPA.



Derbyshire County Council (DCC, the highway authority for Kniveton and Fenny Bentley) is researching the status of its ORPAs and then adding them to the definitive map of public rights of way, as public footpath, bridleway or byway open to all traffic (BOAT), depending on the level of public rights it finds. (Due to a loophole in the Natural Environment and Rural Communities Act 2006, legislation which was intended to have the effect

that public vehicular rights lead to restricted byway status in keeping with historic horse-and-cart use, unclassified roads maintainable by the highway authority become BOATs, not restricted byways, if they are found to have public vehicular rights.)

Most of the ORPAs researched by DCC are the subjects of applications for BOAT status made by the Trail Riders Fellowship (e.g. the Longstone Edge routes described above.) But some, like Rowfields Lane, are not. DCC is seeking to get these routes on the definitive map as rights of way because they often form useful or essential connections in the public rights of way network.

In 2007, DCC had received an application to add Rowfields Lane to the definitive map as a bridleway, and to upgrade one of the connecting footpaths to bridleway. This application was ultimately unsuccessful, but the research DCC had done in investigating it, led DCC to make an order adding Rowfields Lane to the definitive map as a footpath, in 2014. The order was objected to on the grounds that Rowfields Lane and one of its footpath continuations had public vehicular rights; so DCC had to refer the order to the Planning Inspectorate for decision.

The Inspector making the decision agreed with DCC (and with a PDGLA member who had provided some historical evidence) that Rowfields Lane is a historic public footpath over the private road serving the farms and dwellings, and rejected the objectors' arguments that it should be a BOAT. She made some changes to the original order, correcting the termination point and length of the public footpath, and how its width is described. We have now heard that there have been no objections to these changes, so the footpath order should be confirmed.

In addition to resolving the status of one of Derbyshire's ORPAs and providing a link to existing public footpaths, this case is important in providing two more examples (Rowfields Lane and another route near Ashbourne) of ORPAs which have historic private vehicular and lesser (footpath or bridleway) public rights, to add to those already discovered by DCC's and PDGLA's research. Off-roaders drive on ORPAs because they believe all ORPAs are roads with public vehicular rights; this research proves them wrong, and protects some ORPAs by adding them to the definitive map as bridleways or footpaths.

Update on Brushfield, Derbyshire



The condition of the steep uphill section continues to deteriorate. April 2016

Two off-roader organisations - the Green Lanes Association and the Trail Riders Fellowship - have objected to the Inspector's decision that the Brushfield route is a bridleway throughout its length (see our November 2015 newsletter). This means that the Inspector will hold a second public inquiry, which we hope will take place before the end of 2016. The exact scope of the inquiry has not yet been announced. The objectors have put forward new user evidence and new arguments about the historic evidence

discussed at the first inquiry in September 2015. This tactic of producing new user evidence when previous examples have been discounted or ruled to be insufficient in quantity is a common one with off-roaders.

PDGLA and Peak Horsepower will prepare arguments to try to rebut the new evidence and arguments, dependent on the scope of the inquiry. The objections from off-roaders are a disappointment to local people (and to us) who were hoping that the Inspector would have been able to confirm her decision, following the first inquiry, that the route is a bridleway throughout. One representation in support of the Inspector's decision said, for example, that it had "*been met with huge relief by the local community*".