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Peak District  
Green Lanes Alliance

## Saving our green lanes from off-road vehicles

### July 2016 Newsletter

#### Western end of Longstone Edge to be protected from off-roaders

Longstone Edge (between Great Longstone, Calver, Stoney Middleton and Wardlow) is criss-crossed by ancient ways and tracks, plus some metalled but untarmaced roads built by the quarrying and mining companies which extract fluorspar and other minerals. Mires Road, which runs northwest from Black Harry Lane to a minor tarmac road near Wardlow, is one of the ancient ways, thought to have been part of a highway between Chesterfield and Tideswell. The 1824 inclosure award for Great Longstone specified that Mires Road has rights for the public to drive along it in vehicles. The Trail Riders Fellowship (TRF) made an application for it to be recorded as a byway open to all traffic (BOAT), i.e. legally open to motor vehicles, in 2003.

At its eastern end, however, Mires Road meets various bridleways (including Black Harry Lane which was also the subject of a BOAT application by the TRF but which was found to be a bridleway following a public inquiry – see our December 2014 newsletter) and private quarry roads. The Black Harry Lane result meant that Mires Road has been a cul-de-sac for recreational motor vehicle users since the beginning of 2015. However we know that some of them have used it to continue to drive illegally on Black Harry Lane.



*The part of Mires Road that all agree should be classified as a BOAT.  
December 2015*

Most of the historic line of Mires Road, as shown on the map which forms part of the 1824 inclosure award, was diverted in 1976 to allow a tailings lagoon to be constructed in Blakedon Hollow for the mining work being carried out by Laporte Industries Ltd (now British Fluorspar). The company constructed a haul road for its lorries along the line of Mires Road, as diverted around the lagoon, to provide access to its other roads and sites on Longstone Edge. A stub of the old line of Mires Road was left between the south eastern side of the lagoon and the bridleway running south from Black Harry Lane; a track connecting this stub with the haul road came into existence

sometime after January 1975. The haul road is the route which is now used by most or all members of the public and carries the public vehicular rights specified in the inclosure award. However, only the western part of the haul road was recorded on Derbyshire County Council's list of streets as a publicly maintainable highway; for some unknown reason, the eastern part was not, but instead the post-1975 track and the stub of the old line of Mires Road were recorded on the list of streets.



*Part of the disputed section of Mires Road. The surfaced route in the immediate foreground is Taylor Lane (a bridleway). The grassy track behind the gate in the middle distance is the stub of the original historic route of Mires Road (see the previous paragraph). The “white track” climbing up the hill is the haul road used by all the public and for quarry operations.*

The importance of whether a route is recorded on the list of streets is that, when the Natural Environment and Rural Communities (NERC) Act broke the link between historic public vehicular (horse-drawn cart) rights and modern motor vehicle rights in 2006, it unfortunately exempted routes on the list of streets, for the reason that they were likely to be part of the ‘ordinary road’ network. This means that because the western part of Mires Road has historic public vehicular rights and is on the list of streets, it becomes a BOAT. The eastern part, with the same historic rights, becomes a restricted byway (RB) i.e. not legal for the public in/on motor vehicles, because it is not on the list of streets.

There were eleven objections to the BOAT/RB order for Mires Road made by Derbyshire County Council, so the order was referred to an Inspector for decision. Her order decision, following written representations by the supporters and objectors, has just been issued (available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/537894/fps\\_u1050\\_7\\_96\\_interim.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537894/fps_u1050_7_96_interim.pdf)). She is proposing two modifications to the County

Council's order, one to the width at one point of the route and one which moves the junction between the BOAT and RB sections a few metres to the southeast. These modifications have to be advertised, which might lead to new objections from the off-roaders to the RB section. However, the TRF, the Green Lane Association and the Peak & Derbyshire Vehicle User Group all made varied and detailed objections to the RB section during the written representations process, so we hope that there are no possible further evidence and arguments that they can put forward when the modifications are advertised.

When the BOAT/RB order as modified is confirmed, it will be illegal for off-roaders to use the eastern RB section of Mires Road. We hope that this will prevent any further illegal use of the bridleways such as Black Harry Lane which link to the RB section. Although the western section of Mires Road will have public motor vehicle rights, it will be a relatively short (just over 1 kilometre) cul-de-sac, which we hope will not be attractive to off-roaders. Together with the decision that Black Harry Lane is a bridleway, the Mires Road decision means that there will be no through routes for off-roaders on the western part of Longstone Edge.

### **Off-piste Activity in the Peak District – yet more bad news about damage**

We gave you examples of off-piste damage in our April 2016 newsletter. Unfortunately driving off-piste is a problem throughout the National Park and not just on those routes described in last month's newsletter.

Some recreational motor vehicle users are using BOATs (byways open to all traffic) and ORPAs (other routes with public access) to reach spaces to illegally "play on". This causes damage to land used for farming; trespass and damage to woodlands; driving on routes where there are no vehicle rights of way; and driving on open spaces.

There is a cost to land owners and farmers for fencing or placing boulders to deter this off-piste activity and in the loss of usable agricultural land. Boulders which are less obtrusive than fences are sometimes removed. For example on Ramsden Road, Holmfirth, Kirklees there is a small previously unfenced area by the side of the route. Boulders were used to try and stop this area being used as a "playground" by some off-roaders. A boulder has been winched out of place to give continued access to the already badly damaged area.





*An unfenced area beside Ramsden Road, Kirklees stripped of most vegetation by off-roaders “playing” on it. Note the boulders put to prevent this access. April 2016*



*The boulder removed to allow continued access to the area shown on the left. It was too heavy to be moved without lifting equipment. April 2016*

For many non vehicle users, unfenced open countryside is part of the attraction of a route. Fencing can destroy the character of the route and create problems if all users are confined to a narrow route. (This confinement can increase the damage to the surface of the route as users are more concentrated in one area. There are potential conflicts between recreational vehicle users and other users. Horse riders are particularly vulnerable if routes are confined)

Brushfield is a further example of some off-roaders “playing” on a scheduled monument (Putwell Hill Mine). They find the humps and hollows of the old mine irresistible to drive over although they are clearly not part of the well defined track. This has been a problem for many years and no one has found a satisfactory solution yet. Signs that PDNPA put up beside the mine have all disappeared. There are also problems with off-piste driving on an open field near Putwell Hill and on a rock outcrop near Brushfield hamlet. Driving on farm land can create difficulties for farmers.



*Driving on the humps and hollows of Putwell Hill Mine. The clearly defined route can be seen in the top left hand corner. April 2016*



*Driving in circles on an open field at Putwell Hill. April 2016*

Humps and hollows off Sough Lane (a BOAT in Taddington) have led to some off-roaders again leaving the well defined route.



*Off-roaders have created a scar on the hill side by cutting off a corner and driving over the humps and hollows of the hill. Sough Lane itself follows the wall which runs nearly horizontally across the photograph. April 2016*



*Some off-roaders have driven up a small hillock beside Sough Lane. April 2016*



*A gully created by trail bikes in Pretty Wood. The wood runs along side part of Riley Lane, Eyam. April 2016*

Riley Lane, Eyam is a cul-de-sac ORPA and BOAT, Some drivers are using it to access Pretty Wood and “play” in the wood. Others are using the route to drive illegally along the connecting restricted byway and footpath.

The BOATs and ORPAs around Holmfirth, Kirklees are a hotspot for off-piste activity. This is unfortunate because the routes are close to urban areas just outside the National Park. They are heavily used at weekends by walkers (dog walkers, families with children and serious hikers) and cyclists (families with young children exploring the countryside to mountain bikers). There are extensive views of the surrounding moorlands as well as Kiln Bent Road passing alongside the scenic reservoirs. The



off-piste damage in the area is detracting from the amenity of these routes and the value of these routes to the communities of the Holmfirth area.



*Off-piste damage between Old Gate and Rake Head Road, Kirklees. April 2016*



*An open field below Yateholme Reservoir dam, Kirklees and off Kiln Bent Road "trashed" by irresponsible recreational motor vehicle users. April 2016*

The impact of vehicle use on the surface of a route can be seen on a concessionary footpath leading off Ramsden Road, Holmfirth, Kirklees onto open access (for walkers only) moorland. There are no vehicle rights on this footpath. A locked gate restricts how far recreational motor vehicles can drive along this concessionary path. The difference between the condition of the surface on both sides of the gate shows the detrimental effect of this illegal vehicle use.



*One side of a locked gate: Part of a concessionary footpath illegally used by off-roaders. April 2016*



*The other side of the locked gate (with a small side gate for walkers): The concessionary footpath used only by walkers. April 2016*

Unfortunately this illegal off-piste activity is not a specific ground for a Traffic Regulation Order (TRO) under current legislation. We think it would be possible for Highway Authorities and the National Park Authority to use the grounds of "preserving or improving the amenities of the area through which the road runs" and "conserving or enhancing the natural beauty of the area" (RTRA 1984 sections 1, 22

and 22A) to impose TROs on routes which provide access to areas affected by off-piste activity. But they seem reluctant to do this, arguing that illegal off-piste activity is a Police matter and not for them to deal with. Often the areas involved are remote from houses so the illegal activity may not even be reported when it takes place. It would be unrealistic to expect the Police to be patrolling these areas more frequently. We believe that it should be possible to use illegal off-piste activity as a ground for a TRO to protect these vulnerable areas of the countryside. However, the Government is opposed to new legislation on rights of way.