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Peak District
Green Lanes Alliance

Saving our green lanes from off-roading vehicles

September 2016 Newsletter

Washgate Decision

PDNPA have deferred making a decision on the proposed TRO on Washgate and are going out to public consultation in order to consider an exemption for some named historic motorcycle trials, which Authority Members felt were part of the cultural heritage of the Peak District. The resolution the Members finally agreed on did not commit them to granting such an exemption or to how many trials they would grant an exemption for.



Motor cycle driving in a rut and making the condition of the route worse. March 2016

Members were united in agreeing that a permanent Traffic Regulation Order was needed to protect the route. They recognised its beauty and tranquillity. They commented on the deterioration in the condition of the route between their two site visits in September 2015 and 2016. The currently proposed permanent TRO would ban recreational motor vehicle use from Washgate between Booth Farm and Tenterhill but allow access for agricultural and land management use, residential access to Leycote (this would involve a minor modification to the published Order) and use by specified vehicles for the disabled.

The proposed order already included an exemption permitting use “with the prior written permission of the Authority” - Section 4 (f). (See <https://democracy.peakdistrict.gov.uk/documents/s12976/Appendix%205.pdf> for the complete order.) However this was not brought out and the discussion concentrated on granting specific exemptions for named trials. Four trials which claimed some historic use of Washgate had been identified by officers but Members were uncertain whether and how to choose between them and whether they could impose conditions (eg limit numbers) and recover costs if repairs were needed subsequently. We do not believe that Members were considering a generic exemption for any trial that might decide to use Washgate in the future.

Members said they needed more information about the motor cycle trials and the type of conditions that could be imposed if an exemption were to be granted for them

before making a final decision. Because such an exemption would be a major modification of the published Order, PDNPA believe they are required to go out to further public consultation.

We are extremely disappointed that Officers did not anticipate Members requiring more information about the trials. PDGLA raised the issue of the motor cycle trials in their Regulation 4 consultation response in June 2015. (This was the consultation for statutory consultees.) A large number of respondents raised the same issue in their Regulation 7 consultation responses which ended on 22 April 2016. (This is the consultation for the public.) So there has been plenty of time for Officers to gather further information. The additional consultation and preparation of a report will result in further delays in protecting this scenic route.



The delay for the further consultation will mean that damage to the river banks in areas where there are no possible vehicle rights will continue. March 2016



Damage on the Derbyshire bank. The photograph shows that motor cycles are riding illegally both on the bank and in the river. March 2016

Members were hoping that the further public consultation would reveal more information. We are sceptical of this and think it essential for officers to actively collect the necessary information. However, the public also needs more information if they are to make an informed response about whether there should be an exemption for none, one or more than one of the trials.

Here is what we have found about the trials from searching on the internet.

A motorcycle trial is an event on specialist, lightweight motorcycles which emphasises control rather than speed (although some events do have time penalties). Riding is done standing up since the machines do not normally have seats. An event consists of a number of observed sections, testing different skills. Riders are penalised according to the number of times any part of their body or machine (other than the tyres) touches the ground.

An historic trial is merely one which has been running for many years and does not necessarily involve vintage machines. In impact therefore an historic trial can look and sound like “normal off-roading” with participants using modern machines and equipment.

See <http://www.trialmaguk.com/the-bemrose-2016/> for pictures of the 2016 Bemrose Trials. (We don't know where the pictures were taken and some are on farmland with the landowner's permission.)

and these are photographs of the vintage machines used in the 2016 Reliance Trial <https://get.google.com/albumarchive/116960818037897050952/album/AF1QipPcb2vj8vVGJfe9c7IQxIMDHkQdBLXWXjM0JQid?source=pwa> (Again some of the pictures will be taken on private land.)

The pictures suggest that crossing streams and driving along rough ground including steps are important elements of trials.

Although modern trials tyres are less aggressive than those for other types of competition (eg Enduro events) they are still quite “knobbly” compared to conventional road tyres.

There is no limit on engine power other than that imposed by the desire for light weight. Noise is limited to 100 decibels which is loud by anyone's standards.

The observed sections are either cross country or on unsurfaced lanes. Connections between observed sections may again involve unsurfaced lanes or the normal, tarmac road network. If the trial includes riding on footpaths or bridleways, prior approval by the Highway Authority must be obtained.

Two motorcycle trials claim regular use Washgate.

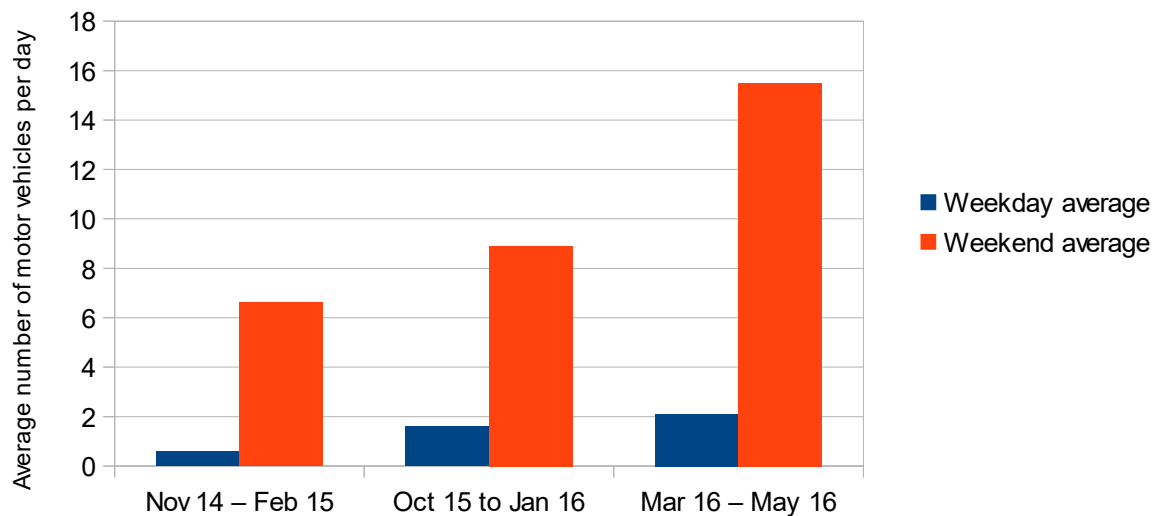
- The Bemrose Trial (a one day annual event in March) had 137 entrants using the Washgate section of the route in 2016 (with 141 starters); 93 in 2015 (with 122 starters); and 119 in 2014 (with 126 starters). However in 2011 it had 190 entrants. It has one observed section on Washgate and also uses the lane for travelling between Booth Farm and Tenterhill.
- The Reliance Cup Trial (a one day annual event in June) had 103 starters in 2016; 100 in 2015; and 115 in 2014. It has one observed section in the stream at Washgate and another on the climb from the river towards Tenterhill. (We suspect that the latter section involves the damaged, rocky steps.) It also uses Washgate for travelling between Booth Farm and Tenterhill.

The Dave Rowland Trial (a one day event in July) last used the route 15 years ago according to the PDNPA report. They average about 71 finishers per year over the last 3 years.

The Northern Experts Trial (a one day event held in November for the past 4 years) claims to use the route occasionally but no information is available on when they last used it. A local resident cannot recall this trial using Washgate previously. They were in the Wildboardclough area in 2014 and 2015. PDNPA Appendix 13 refers to them **having used** the route in 2016 but in fact their 2016 event is scheduled for 12 November and details of the route are only available on-line to registered ACU members. We strongly hope officers and/or Members attend this event to gain first hand experience.

The effect of trial numbers may be gauged by comparing it to recent logging data:-

Graph to Show Recent PDNPA Logging Data



Note: The logging period Mar 16 to May 16 (where weekend usage was very high) does not include motor cycles participating in the Bemrose Trial which took place earlier in March 2016

If PDNPA allowed the Bemrose Trial and Reliance Cup Trial to use the route annually that would involve 244 motor cycles using the route (2016 figures) concentrated on 2 days. This is equivalent to 27 weekend days of use using the Oct 15 to Jan 16 data.

If PDNPA allowed all four trials to use the route every year, they could be allowing something like 400 motor cyclists to use the route with all the use concentrated on four days. This is equivalent to 45 days of weekend use using the Oct 15 to Jan 16 data (about 43% of a year's weekend use).

We used the Oct 15 to Jan 16, as the most recent logged data is very high compared to previous logging periods and may reflect increased use by off-roaders in anticipation of a TRO. We think trial usage for both the options above is not insignificant when compared with “other” motor cycle use.



Photograph: The “ford” beside the packhorse bridge at the River Dove. The majority of motor cyclists cross the river here which leads to erosion of the river banks and the possibility of pollution of the river. January 2015



*The historic packhorse bridge.
January 2015*

We have been told that competitors in both of the annual trials cross the river using the ford rather than using the historic bridge (as do most other motor cyclists). In addition, one trial may go up the river from the bridge. We are concerned about potential use of the river and ford crossing by motor cycle trials in terms of pollution and damage to the river bank. But equally there may be a problem if large numbers of motor cycles start using the bridge.

We don't have enough information about the trials to make an informed decision about their impact on Washgate. Here are some questions that we have thought of:

1. What exactly do the observed stages of the trials on Washgate involve and what part does the river play in them. Does one trial actually go up the river from the ford?
2. What would be the effect of the trials on the structure of the packhorse bridge if the trials were not allowed to use the ford and the competitors used the packhorse bridge instead?
3. Can PDNPA legally impose conditions on the trial organisers if they allow the trials by a specified exemption in the Order? We think it may be impossible for PDNPA to impose its own conditions within a TRO using named exemptions, when the trials are already regulated by motor sports governing bodies by delegation from central government. For a trial on a highway in a National Park, the organisers or the governing bodies (Motor Sports Association/Auto Cycle Union) have only to consult the National Park Authority (NPA) as the planning authority; they are not legally obliged to take account of what the NPA might say.
4. If it were possible for PDNPA to agree conditions with the organisers, what redress would PDNPA have if the trials did not observe any conditions?
5. Would the trials organisers be prepared to accept conditions such as a limitation in numbers or limitations on the use of the ford or river?



*Setts needing specialist knowledge to
repair. March 2016*

6. If the route is damaged, can the organisers be charged for repairs? We think it unlikely that the organisers would have the expertise to repair the setts laid by volunteers on the Derbyshire side themselves. Since PDNPA is not the Highway Authority, they could not impose any financial penalties for

repairs. And it may not be easy for Derbyshire County Council and Staffordshire County Council to recoup the costs in practice.

7. How do organisers manage potential conflicts with other users as it is unlikely that the majority of walkers, cyclists and horse riders would be aware of the presence of the trials beforehand?
8. How long would each trial be using the Washgate route and at what time of day? Although entrants start at one minute intervals in the Bemrose Trials, how spread out are they by the time they reach Washgate? 120 competitors would occupy Washgate for 2 hours even with no spreading out.
9. What is the current maximum number of entrants that the organisers plan for?

PDGLA is not opposed to historic motor trials in principle if there are adequate safeguards in place and environmentally sensitive areas are avoided. Unless PDNPA publish more information, we do not think we can make an informed decision in response to the consultation. There is no certainty that the consultation will deliver the answers to these and similar questions. **We think that sufficient information for Members to make an informed decision will only be obtained by Officers talking to the organisers and asking pertinent questions.**

The Bemrose and Reliance Cup Trials, long established events, claim to have used Washgate regularly for many years. We do not think, on the information available, it can be argued that the Dave Rowland Trial and Northern Experts Trial have established sufficient regular use of the route to be allowed to continue to use it, if an exemption were granted for the first two trials. **We are adamant that PDNPA should not allow any new trials to use the route.**

We think that if a specific exemption were granted for the trials as part of the TRO, PDNPA would not be able to impose any conditions that are legally binding. If they subsequently decided that the continuation of the trials was undesirable, they would then need to consult on a new TRO.

If Members decide that one or more trials should be allowed to continue on the route, we believe it is essential to use Section 4 (f) of the original Proposed Order to deal with them. This clause allows vehicles to use the route “with the prior written permission of the Authority”. If PDNPA decided not to allow future use of the route for one or more trials they could simply withhold written permission. There would be no need to amend the Traffic Regulation Order.

If PDNPA decided to use Section 4 (f), they should consider imposing additional conditions over and above those imposed by the MSA/ACU. For example, the number of entries to the trials might increase if they were the only legal way of recreational motor vehicle users riding Washgate. Would PDNPA want such an increase in numbers?

On the information we have available now, if PDNPA was minded to allow one of more trials to use Washgate, the use of Section 4 (f) is the only option that PDGLA would support as it gives PDNPA most control and flexibility.

Other routes on PDNPA's Priority List are used by the four trials mentioned earlier. These routes are Swan and Limer Rakes at Hollinsclough, Cumberland Lane, Three

Shires Head (Cheshire) and Three Shires Head (Staffordshire). We suspect that PDNPA has not considered the consequences of setting a precedent for these other areas if they decide to allow one or more trials to continue to use Washgate. It seems to us that PDNPA need to think about a park-wide policy on vehicle trials generally.

PDNPA will contact all those who took part in the earlier Regulation 7 consultation by email to alert them to this additional consultation. We will also alert all our members who are on email, of the start date for this additional consultation. The consultation period is relatively short, 21 days, so it is important to reply promptly.

If you want to read the information presented to members (1 paper with 13 appendices and 117 pages) it can be found at <https://democracy.peakdistrict.gov.uk/ieListDocuments.aspx?CId=133&MId=1431&Ver=4>

Please take part in the further consultation.



The view from Washgate looking into Staffordshire. August 2015