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Peak District  
Green Lanes Alliance

## Saving our green lanes from off-road vehicles

### January 2017 Newsletter

#### Good News - Brushfield a Bridleway again

We are delighted to announce that the Planning Inspector has decided for a second time that Brushfield is a bridleway. Currently Brushfield is shown as an ORPA (other route with public access) on OS maps going from the Upperdale area by the River Wye (SK177721) to Brushfield hamlet (SK159715). It is a popular route with all users.

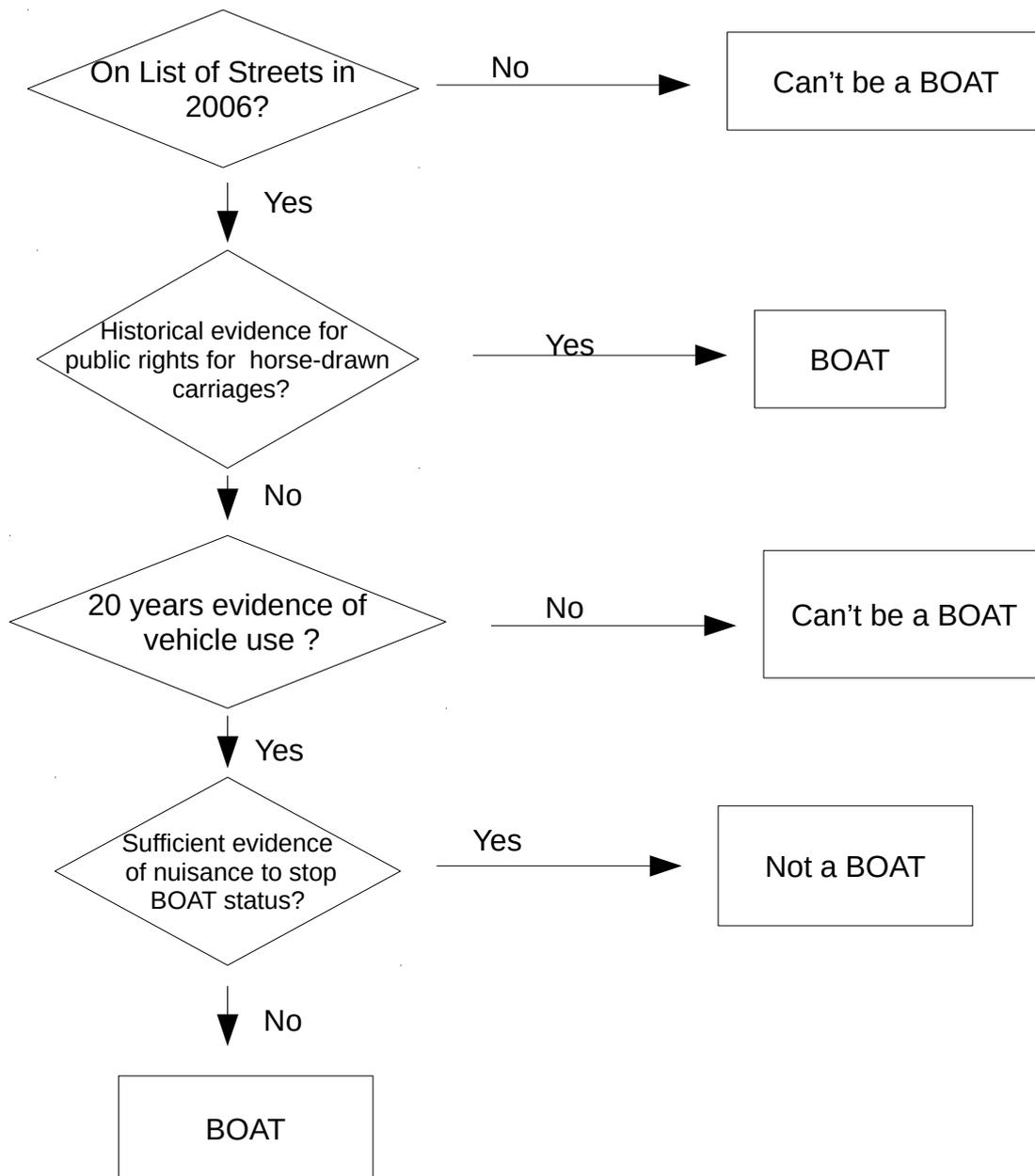
The process for evaluating the evidence for making a route a BOAT via a definitive map modification order (DMMO) is difficult to describe in words. So we've done a "Noddy" flowchart of the questions to be asked when considering a DMMO for possible BOAT status. The flowchart on the next page. It concentrates on whether a "green lane" on Derbyshire's List of Streets is a BOAT or not. (Anything on the list of streets is maintainable at public expense.) "Green lanes" on the List of Streets are usually shown as ORPAs on OS maps.



*The steep uphill section from Upperdale has deteriorated in the past few years and is now unpleasant for walkers in both directions. January 2017*



*The Edinburgh Trials put tonnes of limestone chippings in this area on Putwell Hill in 2013. These have now been worn and washed away exposing bed rock again. January 2017*



Derbyshire County Council decided in 2014 on the basis of their historical research and the historical and user evidence that was submitted to them during the public consultation period by interested parties, that the route was a bridleway with a section of footpath. They made an Order to this effect.

Anyone can object to a DMMO. They only have to say they object. The off-roaders objected and called on their members via the internet to submit more user evidence forms to support 20 years of vehicle use prior to 2004. (The date the original application for a DMMO was submitted.) Once an objection is made, the case is referred to the Planning Inspectorate. Meanwhile PDGLA found further historical evidence which pointed to bridleway status for the whole route.

Recreational motor vehicle users wanted the route to be a BOAT (byway open to all traffic) so that they could continue to use it.

After the first public inquiry in 2015, the Inspector decided the whole route should be a bridleway. We were naturally delighted with the decision. Because the Inspector had substantially modified the original Order, it was possible for the off-roaders to object which they did with new historical and user evidence.

A second public inquiry was held in October 2016. Again the Inspector decided on the basis of both the historical and the user evidence that the whole route was a bridleway. As she had rejected the off-roader user evidence as insufficient to lead to BOAT status, she did not need to consider the nuisance evidence that we presented to both inquiries. Her decision can be seen at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/580608/fps\\_u1050\\_7\\_86\\_m\\_od.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/580608/fps_u1050_7_86_m_od.pdf)

A big thank you to all who contributed to this successful outcome; our members, Peak Horse Power members, ramblers, local residents, farmers and members of the public. Two of our members presented our case and spent many hours researching the historical evidence; collecting our user evidence for nuisance; collecting our evidence to challenge twenty years use by recreational motor users; and analysing the historical evidence and user evidence collected by off-roaders so that they could effectively counter it at the public inquiries. Also a big thank you for those members of the public who were prepared to give evidence in person at the inquiries.



*Off-piste activity on the hummocks of the old lead workings on Putwell Hill continues to be a problem with deep ruts with plenty of fresh tracks visible on them. Hopefully this will become a thing of the past soon. January 2017*



*"Doughnuts" beside the track at Putwell Hill. The ruts caused by this illegal activity gives the farmer problems when using his tractor. January 2017*

As of 23 January 2017, DCC had not published the outcome of the inquiry in local newspapers. Once they have done this, there will be a six week period when an appeal to the High Court can be made against the decision. So it is possible for the off-roaders to appeal to the High Court. But this is a very expensive process and appeals can only be made on technical legal grounds. The last time the off-roaders appealed in Derbyshire they lost.

DCC are ordering signs which will show the new status of the route. Once the signs go up, please report any use of Brushfield by recreational motor vehicle users to the Police using the non-emergency 101 phone number. The Police will not devote resources to trying to catch illegal users unless they know there is a problem. But don't expect blue flashing lights.

The route is also due for repairs during this financial year by DCC. Unfortunately the condition of the route has deteriorated since the initial DCC decision as off-roaders could and did continue to use it while the public inquiry process was taking place.

### **Minninglow /Gallowlow Lane – voluntary restraint Too little, too late and not always being observed.**

A section of the ORPA called Minninglow Lane and Gallowlow Lane (between the High Peak Trail at SK 205572 and some old farm buildings at about SK 217565) is one of the few genuine grassy, green lanes in the Peak District. Unfortunately it gets wet in places in the winter and is deeply rutted all the year around. It is therefore no surprise that it becomes difficult and unpleasant for non vehicle users every winter.

On 2 December 2016 PDVUG (Peak and Derbyshire Vehicle Users Group) announced voluntary restraint on their Facebook page saying that signs would be erected shortly. This voluntary restraint was instigated by organisations representing recreational motor vehicle users. They asked fellow off-roaders not to use the route because it might be water logged. But there are no penalties for those who continue to use the route as the restraint is only voluntary. (See our January 2016 Newsletter at <http://pdgla.org.uk/wp/wp-content/uploads/2016/01/PDGLA-January-2016-Newsletter.pdf> for more information about voluntary restraint.)

PDGLA members visited the route on 18 December 2016. There were no signs about voluntary restraint displayed at the eastern end of the route where it joined a minor road (SK 222565) or where the route crossed the High Peak Trail. (There were signs at these locations during last winter's voluntary restraint.) There were plenty of fresh vehicle tracks and parts of the route were waterlogged. So in mid December 2016 it was unclear to vehicle users whether the voluntary restraint had actually begun.

Our members met a cyclist trying to travel the lane from east to west who gave up because he found the route impassable. We believe that if one group of users finds the conditions intolerable and can no longer use the route, any voluntary restraint has been introduced far too late. And the voluntary restraint is not to protect the route for all users but an effort by off-roaders to avoid a traffic regulation order. The notice used uses the words "Failure to comply could result in full time closure".



*After the voluntary restraint was announced but before any signs were put up. We believe that if voluntary restraint is to be effective, action must be taken long before the route reaches this state. December 2016*



*The ruts on the left hand side are deep and some vehicles are having to use the grass verge on the right. Soon there will be "wall to wall" ruts as there are in some parts of the lane already. December 2016*

A month later there were signs at both the western and eastern end of the lane. However, unless you were looking for them it would be very easy for a vehicle user to miss them. And judging by the number of fresh vehicle tracks, many vehicle users had either missed the signs or decided to ignore them. The condition of the route had not improved but it was difficult to show this in photographs because of the mist.



*Voluntary restraint notice. January 2017*



*It would be easy for a vehicle to miss seeing the single notice at the eastern end. The notice at the western end at SK 198576 was even less obvious. January 2017*

It's not clear from the notices when the voluntary restraint started in January 2017. It will continue until 1 May 2017.

We do not believe the voluntary restraint last winter was a success (See June 2016 Newsletter at <http://pdgla.org.uk/wp/wp-content/uploads/2016/07/PDGLA-2016-06-June-Newsletter.pdf> .)

However, voluntary restraint is better than nothing if it succeeds in reducing vehicle use. But this year's should have started earlier – say October 2016 rather than January 2017 - and it should have been better publicised to increase awareness and compliance with it. One of the weaknesses of any voluntary restraint is that recreational motor vehicles users can choose to ignore it. So the responsible off-riders who do avoid routes that are water logged so that they are not damaged further are penalised and the irresponsible rewarded by riding in challenging and muddy conditions.

We don't believe a reduction in vehicle numbers during the winter is sufficient to keep this route open for other users. (And a reduction of vehicle numbers is the best that voluntary restraint can achieve. It is unlikely to result in a cessation of vehicle use.) We believe that both Derbyshire County Council and PDNPA should be asking whether it is fair to non vehicle users to allow a route to deteriorate to such an extent that some are unable to use it during the winter. And although ruts look most dramatic during the winter when they are water filled, they are just as ankle wrenching and dangerous to horse riders and cyclists when they are hidden by luxuriant grass during the Summer.



*Minninglow Lane in January 2017*