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Peak District
Green Lanes Alliance

Saving our green lanes from off-road vehicles

December 2016 Newsletter

Two green lanes protected by mistakes in the List of Streets

Mires Road, Great Longstone

In our July 2016 newsletter we explained how a link to a network of green lanes at the western end of Longstone Edge was likely to be closed to recreational motor vehicles by an Inspector's decision on its public rights of way status. This link is called Mires Road and has had historic public vehicular rights since the inclosure award of 1824 or earlier. As we reported in July, the Inspector's interim decision was that the western part of Mires Road is a byway open to all traffic (BOAT) i.e. legally available to the public with motor vehicles, but that the eastern part is a restricted byway (RB), which the public do not have the right to use with motor vehicles, but only with horse-drawn vehicles (reflecting its history), horses, pedal cycles or on foot. The eastern part is the section which links to Black Harry Lane and Taylor Lane, two bridleways which used to be heavily used by off-roaders.



Part of Mires Road that will be a dead end BOAT. November 2015

The Inspector made minor changes to the BOAT/RB order made by Derbyshire County Council (DCC), to the width of the route and to the location of the junction between the BOAT and RB sections. Fortunately no off-roaders used the advertisement of these changes to object to the order, so the Inspector has now confirmed the order and DCC should be putting up signs to indicate the status and where it alters from BOAT to RB.

Whether historic public vehicular rights lead to motor vehicle rights (the western section of Mires Road) or not (the eastern section) depended on whether the green lane is shown on DCC's List of Streets as a publicly maintainable highway or not. For some unknown reason, when Mires Road was diverted in 1976 to allow a tailings

lagoon to be constructed, the List of Streets was not corrected to include the eastern section of the diverted route but continued to show the pre-diversion route. It is this error on the List of Streets that has made Mires Lane a dead end BOAT.

Derby Lane, Monyash



Sketch map showing Derby Lane. The PDNPA TRO extends from Summerhill Farm to the road called Long Rake.

A similar mistake on DCC's list of streets has now led to a similar decision by an Inspector on the status of Derby Lane, Monyash. (This decision process has been going on, by written representations, at the same time as the Peak District National Park Authority traffic regulation order process for Derby Lane reported in last month's newsletter.) DCC had made a BOAT order for the whole of Derby Lane, again on the basis of historic public vehicular rights which were specified for part of the route in the 18th century inclosure award. A PDGLA member objected because she felt there was evidence that the other, southern, part of the route was historically only a bridleway, and was

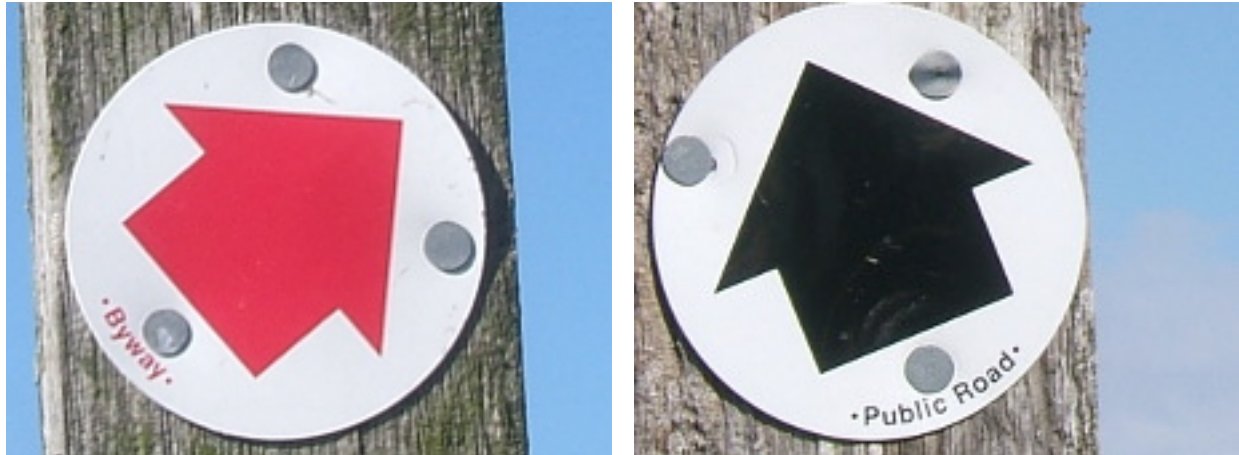
not used by the public with horse-drawn vehicles. The Inspector disagreed with her and agreed with DCC that the whole route has public vehicular rights. But because the List of Streets shows part of the route on a different alignment to the historic route (on the other side of a field boundary), he found this part of the route to be restricted byway, not BOAT. (The RB section is shown in green on the sketch map.) This mistake in the list of streets is possibly due to this part of the route not appearing on some of the Ordnance Survey maps used by DCC as the base maps for marking its publicly maintainable highways. The Inspector's decision is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/567983/fps_u1050_7_100_interim_od.pdf . As with Mires Road in July, this change to DCC's order has to be advertised in case there are objections or representations, so the part RB part BOAT status of Derby Lane is not yet confirmed. However we hope that off-roaders will not bother to object to the change, as Derby Lane will be a cul-de-sac for them in any case because of the proposed PDNPA traffic regulation order.

Misleading Signs on Public Rights of Way

We reported bogus notices, printed to look like official DCC notices, in our April 2015 newsletter. Those notices were misleading because they claimed that motorcycles and quad bikes were able to use the routes concerned, when in fact it is a criminal offence because they are public footpaths, bridleways or restricted byways. We assumed these notices were put up by off-roaders unhappy with the loss of access to these routes following public inquiries or the reclassification of roads used as public paths to restricted byways in 2006.

The off-roaders now appear to be using a more subtle form of misleading signage. We have recently found waymarks (red or black arrows with the words “Byway” or “Public Road” respectively on a white plastic disc) attached to DCC and Peak and Northern Footpath Society signposts at the ends of routes which are shown on the Ordnance Survey map as other routes with public access (ORPAs).



These waymarks indicate or imply that recreational motor vehicles have the right to use these ORPAs. But they are misleading because, until these ORPAs have been added to the definitive map of public rights of way, it is not known what public rights they do have - whether footpath, bridleway or vehicular. For instance, we found a red arrow indicating motor vehicle rights at one end of Monksdale Lane. This is one of PDNPA's priority routes and an ORPA for which DCC has determined its legal status as a bridleway. (Following objections from off-roaders, this determination will be decided at a public inquiry in January 2017.)

It is an offence under section 132 of the Highways Act 1980 to fix unauthorised waymarks or other signs on a highway. DCC, PDNPA and the Peak and Northern Footpath Society have not authorised these waymarks and are arranging to remove them (although the DCC department responsible for signposting public rights of way doesn't regard removal as an urgent task but one that can wait until its staff get around to it). If you find any of these waymarks on green lanes in the Peak District or elsewhere in Derbyshire, please let us know where they are (preferably with a photo of the waymark and what it is attached to and a grid reference). If they are on ORPAs or other routes where they are misleading, we will ask the authorities to remove them.

National Forum on motor vehicle use of green lanes

Defra and Natural England have set up a self-managing national forum to examine and try to come up with some recommendations on the use of green lanes by motor vehicles. It had its first meeting in November.

The Conservative government has declined to support the forum with a secretariat or an independent chair and Natural England (NE) has told the forum that Defra will not be producing any new guidance on the use of green lanes. (Apparently the government has decided all government departments are to stop producing guidance documents.) Defra and NE are, however, holding out as a carrot the

possibility of ministerial letters to highway authorities and National Parks about the management of green lanes, but only if the forum can come up with some proposals for which there is consensus among forum members.

PDGLA is a member of the forum. There are five members from the 4x4 and motor bike lobby. Other members are the Green Lanes Environmental Action Movement, the Green Lanes Protection Group, the Ramblers, British Horse Society, PDNPA, The North York Moors National Park Authority, the Country Landowners Association, Cycling UK and Disabled Ramblers. There are also representatives from the Areas of Outstanding Natural Beauty, the National Trails, the Association of Directors of Environment, Economy, Planning and Transport (representing the highway authorities) and the Institute of Public Rights of Way and Access Management. The group has been told it must be self supporting and that it should try to reach consensus recommendations. We are sceptical about whether or not it can lead to any meaningful progress, but we will work with the group in a spirit of co-operation. The group will be working on: use of traffic regulation orders; maintenance of green lanes; illegal use by motor vehicles of footpaths, bridleways and restricted byways; and the legal status of unsealed, unclassified county roads (UUCRs). (Most use of green lanes in the Peak District is on UUCRs).

The forum is a much watered down version of the stakeholder working group on green lanes promised by the Coalition government in response to the lobbying efforts we and other organisations put into the Deregulation Bill. The Coalition planned a stakeholder group with teeth which would advise government and ultimately lead to full national consultation with the possibility of new legislation on green lanes. It was also to have an independent chair, a secretariat provided by Natural England, a limited life of 18 months and would use majority voting if the group was unable to reach a consensus on the way forward for use of green lanes by motor vehicles.