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Peak District  
Green Lanes Alliance

**Saving our green lanes from off-road vehicles**

## **April 2018 Newsletter**

**Back Lane, Darley Dale likely to become a BOAT**



*Wheel damaged and discarded when an off-roader tried to use the lane?  
May 2016*

Back Lane is part of an historic route from the crossing of the River Derwent at Darley Bridge to Chesterfield. There is a guide stoop (now used as a field gate post) indicating the road to “*Chasterfield*” on it. It used to be a quiet green lane, used by local walkers, cyclists, horse riders and by carriage drivers from the nearby Red House Carriage Museum. The lane climbs steeply from Sydnop Hill to the top of the hills to the east of the Derwent. Despite the lane’s steepness, the surface was robust and well-drained, so that local farmers could use ordinary cars to get to their fields adjoining the lane.

But 4x4 and motorbike use since the 1990s has damaged the surface and the drainage so that the southernmost part of Back Lane is now inaccessible to horses and very difficult for mountain bikers and walkers. Fields are no longer accessible, even by landowners using their 4x4s, because of the erosion. Derbyshire County Council and local residents have tried to resolve the erosion and drainage issues but the problems now affect the whole route.

Derbyshire County Council (DCC) made an order in 2016 adding Back Lane to the definitive map as part bridleway (the southern section) and part byway open to all traffic (the northern section). This was based on its assessment of the historical evidence, primarily the award of Back Lane as a private carriage road for the use of Darley residents in 1769. DCC also considered evidence of use submitted by 4x4 drivers and motorbikers and evidence of the problems caused by such use from local residents. PDVUG (Peak and Derbyshire Vehicle Users Group) and the Derbyshire branch of GLASS (a national organisation of 4x4 green lane users) objected to the bridleway part of the order. PDGLA and Peak Horsepower (PHP) objected to the byway open to all traffic (BOAT) part of the order, as did local residents.

These objections meant that a public inquiry was held in January 2018 for an Inspector to hear evidence from all sides. Her decision was issued at the end of March. Unfortunately it modifies DCC's order to BOAT status for the southern section, and it confirms BOAT for the Northern section. This means that the whole lane will become legally open to the public with motor vehicles, if the modified order is confirmed. The decision is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/694122/row\\_3177165\\_interim\\_od.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/694122/row_3177165_interim_od.pdf).

The Inspector based her decision on the historical evidence. This meant she did not need to assess the user evidence presented by PDVUG and GLASS or the evidence of the public nuisance such use had caused presented by PDGLA and PHP. However, in her decision, she *"noted the many testimonies I heard of people who live closest to the Order route and the impact the increased use of Back Lane by motor vehicles has had, both on them personally and in terms of the enjoyment of the route by other lawful users"*. She went on to write that *"clarification of the legal status of the road should provide a firm basis from which to initiate debate over appropriate future usage and/or management measures."*

We think that her call for debate over appropriate future usage of Back Lane will not result in any relief for local residents and non-motorised users unless DCC puts a Traffic Regulation Order on the route. This is because GLASS and PDVUG are giving contradictory advice on their websites about what appropriate use is. PDVUG is asking 4x4 users to avoid the southern section because *"you are likely to get stuck and do more damage to the lane"* which *"is against the GLASS Drivers' code and causes problems for other users"*. But the GLASS representative for South Yorkshire responded to this request by describing the *"challenges"* of this section and concluding *"I love it!"*.

Meanwhile, both sections of the lane are in desperate need of repair.

## Off-piste drivers cautioned by South Yorkshire Police

One of our members recently spotted, photographed and reported to the South Yorkshire Police two 4x4s being driven illegally over a Site of Special Scientific Interest on the edge of Sheffield. The Police gave the two drivers formal warnings under Section 59 of the Police Reform Act 2002. If either driver is caught again on an off-road route where motor vehicles are illegal, or if they are driving *anywhere* off-road and causing annoyance, alarm or distress, the Police can seize their vehicle and levy a charge to get it back. Drivers who do not pay the charge get their vehicle crushed. This provision in the Police Reform Act is a useful tool in combatting both illegal and irresponsible off-roading. We have yet to see its use by the Derbyshire Police.

Surprise, surprise – the official sign on the route making it clear that motor vehicle use is illegal disappeared within days of the Police visiting the offenders.

## DCC funds repairs but doesn't do them

Not one of the many green lanes in the National Park which have been badly damaged by motor vehicles was repaired by Derbyshire County Council (DCC) in the last financial year. This is despite DCC having an annual green lanes repair programme and despite its having already allocated repair funds.

There are four routes where funds have been allocated but no work has taken place. All four tracks are legal for horse riders and walkers to use but the motor vehicle damage to them is so bad that they are impassable or dangerous on a horse and many walkers find them difficult to use.



*Chapel Gate in January 2014 before the closure by the Temporary Traffic Regulation Order. The photo shows part of the area DCC proposed to repair.*



*Brushfield in January 2017. When wet the bare limestone is treacherously slippery for all users.*

- Chapel Gate (Hope Valley) has now been legally closed by DCC to all users, even walkers, since December 2014 by a series of Temporary Traffic Regulation Orders. (TTROs) The current one expires at the end of June 2018

and we are concerned that DCC may extend this TTRO yet again because they have failed to carry out already funded repairs.

- Funds were allocated to repair the Upperdale to Brushfield route, in 2015/16. The route is now a bridleway but was previously an ORPA (other route with public access) and was then regularly used by recreational motor vehicles. But the surface is now dangerous for horse riders and walkers. No repairs have been done.
- Hurstclough Lane, a byway open to all traffic in Bamford, has been waiting for repair since funds were allocated to it in 2013/14. It has been unusable by horse riders since at least 2011, the year local riders first started to press for repair.
- Beet Lane, an ORPA (other route with public access) is the link between Chapel-en-le Frith and the Pennine Bridleway. It is also unusable by horse riders and cyclists. Repair funds were allocated for 2015/16.

### **House of Lords calls for reform of the TRO process**

The House of Lords Select Committee reviewing the effectiveness of the 2006 Natural Environment and Rural Communities Act has now reported on green lanes. PDGLA and other organisations opposed to off-roading submitted written evidence to the committee (see our October 2017 newsletter).

The Committee has not gone as far as we wanted but it has made some useful recommendations to government on Traffic Regulation Orders (TROs). It has

- accepted that the exemptions from the extinguishment of motor vehicle rights contained in the NERC Act 2006 may result in damage from motorised vehicles to green lanes.
- said that TROs need to be used more widely and more flexibly to address some of the evident ongoing problems on green lanes
- agreed that the process of drawing up Traffic Regulation Orders can be slow and resource-consuming, and creates the risk of legal action
- believes some of the requirements associated with making a TRO are onerous, unnecessary and, in some cases, outdated, and that the case for reform is clear
- recommended that the Government should take steps to simplify the process for making TROs with a view to reducing costs and securing better value and greater flexibility and applicability in the use of TROs.

PDGLA believes that none of the Select Committee's recommendations can be achieved without changes to the current TRO legislation, without changes to the associated Statutory Instruments and without statutory guidance on the making of TROs.

## Off-roading in the Lake District



*Oxen Fell - one of the routes mentioned in the article - in 2014*

The Lake District is a World Heritage site. When it was made one, the committee considering the application praised the area's beauty, farming and the inspiration it had provided to artists and writers. The committee suggested the impact of tourism be monitored and requested improvements in conservation efforts. Residents in the Lake District are concerned about the impact of recreational motor vehicle use on some of the routes and the impact of this off-roading on the World Heritage Status. You can read about this on the BBC website at

<http://www.bbc.co.uk/news/uk-england-cumbria-43767068> If you want to sign the petition mentioned in the BBC article, it can be found at <https://www.change.org/p/to-the-ceo-of-the-lake-district-national-park-authority-save-a-beautiful-part-of-the-lake-district-from-destruction-by-off-road-motor-vehicles>