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Peak District  
Green Lanes Alliance

## Saving our green lanes from off-road vehicles

### November 2019 Newsletter

#### Wetton Hills – PDNPA have made their TRO

PDNPA have now completed their long awaited Traffic Regulation Order (TRO) on the route known as Wetton Hills which runs from Manor House Farm, Back of Ecton at SK 105566 to the Leek Road / Manifold Trail at SK 098557 in Staffordshire. It came into effect on 8 November 2019. This means that recreational motor vehicles are unable to use the route.

If you see any use by off-roaders, consider your own safety. Get pictures of the vehicles, particularly the number plates if it is safe to do so. Get registration numbers if possible. Ring the Police on the non-emergency 101 phone number. Don't expect blue flashing lights.

Bad weather has stopped us getting pictures of the completed Staffordshire County Council repairs.

#### Callow Bank - another lane saved

Callow Bank (Parish of Hathersage, SK 247818 to SK 254819) is now a bridleway. A public inquiry into the public rights of way on it was held at the beginning of October. The bridleway decision came within a matter of weeks. Such a quick decision is unusual. It usually takes the best part of three months to get a decision after a public inquiry. The reason for the quick turnaround is that, compared with most inquiries, this one was very straightforward.



*Callow Bank in May 2019*

The historic evidence pointed to the track being a public bridleway with private vehicular rights. Until the 2000s there had been scarcely any use by motor bikes and none at all by 4x4s. Around 2007 the route was discovered by 4x4 drivers. They started to use it in large numbers and trashed it. The landowners got fed up and in

2011 they blocked the route to 4x4s and wide motor bikes by locking a gate. The gate has remained locked ever since.



*Callow Bank in April 2011 before the gate was locked*



*The farmer told us in April 2011 that coping stones had been taken from the wall to fill in muddy ruts.*

There was no byway open to all traffic (BOAT) claim on the route. This meant that the date when the public rights of way on the track were called into question and for looking back to see if motor vehicles had established a right of way through 20 years' use was not a BOAT claim (the usual situation in Derbyshire). It was the date when the gate was locked (i.e. 2011).

The locking of the gate and the impact of the 2006 Natural Environment and Rural Communities (NERC) Act meant an easy win for bridleway. Locking the gate put a stop to any chance of a public right of way for motor vehicles based on landowner consent; the NERC Act meant that use of the track by motor vehicles could not count towards creating a right of way through 20 years' use. This is because the Act prevents motor vehicle use claims extending beyond 2006.

Had there been a BOAT claim on the route, it could have been a different story. Most of the cases we deal with at public inquiry are not like Callow Bank. They concern routes with BOAT claims on them which were made by the motor biker lobby in 2003-5 in a deliberate attempt to escape the effects of the NERC Act. In these cases we have to deal with potentially valid 20-year use claims, if the route does not have historic public vehicular rights.

PDGLA worked with the Callow Bank landowners and occupiers to gather and present the key evidence about motor vehicle use for the inquiry. We are very grateful to them for locking the gate and providing other evidence.

### **Minninglow Lane closed for repairs**

Minninglow Lane/ Gallow Lane in the parish of Ballidon is partially closed until 23 December 2019 for repairs. See [https://apps.derbyshire.gov.uk/applications-documents/rights\\_of\\_way/TempClosures/TC3041.pdf](https://apps.derbyshire.gov.uk/applications-documents/rights_of_way/TempClosures/TC3041.pdf) for a map of the portion closed and the alternative route for pedestrians.

The grassy section of the lane has been heavily rutted and in wet weather difficult for cyclists, walkers and horse riders to use for a number of years. We are glad that it is being repaired by Derbyshire County Council. We hope the repairs will retain the character of the lane. PDGLA believe that this is a lane that deserves a TRO to protect it from future damage.

### **Threat to Derbyshire Record Office staff and opening hours**

Derbyshire County Council's Cabinet proposed a financial plan for the five years 2019/20 to 2023/24 at their meeting on 11 September 2019. This plan covers the savings which are necessary for the County Council to meet its commitments within the reduced funding expected from council tax, business rates and central government grants. The savings required from current County Council expenditure are £63 million over the five year period. The financial plan proposes that £60,000 (0.1%) of these savings will come from a review of opening hours and staffing levels at Derbyshire Record Office.

The County Council is now consulting on reducing the opening hours at the Record Office from 4 days per week plus one Saturday per month to 3 days per week plus one Saturday per month. The Record Office's staff and opening hours have already been cut, because of reductions in the County Council's budget. These cuts were in 2017, when the opening hours were reduced from 5 weekdays to the current 4 weekdays and to fewer Saturday hours per month, and resulted in a reduction of up to £125,000 in the Record Office's budget of about £525,000. The further cut of £60,000 now proposed seems very unfair.

The further reduction in opening hours will make PDGLA's work, in researching the historic public right of way status of green lanes which the off-rovers claim they have a right to use, more difficult. This work has helped in saving over one-third of the Derbyshire lanes claimed by off-rovers since 2007 by showing that these lanes do not have historic rights for vehicles but are only footpaths or bridleways, where use by the public with motor vehicles is illegal. The cut in expert archive staff at the Record Office will also hinder PDGLA's work, because these staff are the people who make accessible the historic records by cataloguing them and who can advise on what the records show.

If you wish to comment on the further reduction in opening hours and budget of the Record Office, please respond using the County Council's consultation questionnaire at <https://www.snapsurveys.com/wh/s.asp?k=157286544718>, by 22 December.