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Peak District
Green Lanes Alliance

March 2015 Newsletter

Report on ARP Committee meeting on 20 March 2015 to discuss PDNPA Action Plan on Green Lanes and Off-roading for 2015/2016

PDNPA has published its Action Plan for 2015/2016. It can be seen at <http://democracy.peakdistrict.gov.uk/ieListDocuments.aspx?CId=133&MId=72&Ver=4> and then following the links to the paper and the nine appendices.

Sue Smith (one of PDNPA's Rights of Way team) is to be congratulated on this year's report which is more comprehensive than those of previous years.

We were disappointed that the actions proposed were not more ambitious but Sue Smith's contract only lasts until December 2015 and Andrew McCloy (the chair of the ARP committee) warned that resources devoted to "green lanes" may have to be reduced in the future as PDNPA faces further budget cuts.



Left photo: The repairs done by volunteers on Washgate, Hartington Upper Quarter: January 2015

Photo above: Derby Lane, Monyash: November 2014

PDNPA plans to go out to consultation on 2 Traffic Regulation Orders (TROs) during the year. The first is on Washgate, a delightful route straddling the Derbyshire/Staffordshire border. Volunteers have done excellent work in restoring the historic “cobbled surface” which had been largely destroyed by off-roaders. The route crosses the River Dove over a picturesque stone packhorse bridge. The narrowness of the route means there are potential conflicts between vehicle users and others. If asked what routes PDNPA should place TROs on, Washgate would have been at the top of our list.

The second route proposed for a TRO was a surprise; Derby Lane, Monyash. However, officers explained that the route crosses a SSSI site and this part of the route is grassy and unsurfaced and so vulnerable to damage if usage were to increase. We're pleased that PDNPA is conscious of its duty to protect the environment and is considering the use of pre-emptive TROs to protect routes and SSSI sites before damage occurs.



Swan Rake: October 2014



Limer Rake: October 2014

We are concerned that PDNPA is planning to take no action other than vehicle logging on the two Hollinsclough Rakes (Swan Rake and Limer Rake). The serious damage to the surface has meant a loss in amenity to many users who can no longer use the routes. A farmer is inconvenienced as he can no longer use his quad bike to access a woodland area to maintain it. There has been damage to walls caused by vehicles winching up the route. PDNPA genuinely hopes that Staffordshire County Council (SCC) will do some repairs to this route. However, SCC is one of the poorest authorities in the country and has not repaired the route in the past in spite of repeated requests by local people.



Hurstclough Lane: August 2013

Peak Horse Power and two local residents spoke about the problems on Hurstclough Lane, Bamford and Outseats. The route is important to horse riders because it gives access from the Bamford area to Long Causeway. PDNPA is to review this route again in the Autumn when it might be clearer what type of repairs DCC are proposing and when those repairs might be carried out.

PDNPA propose voluntary restraint on two routes: School Lane, Great Hucklow and Minninglow Lane, Ballidon. Residents of Great Hucklow are concerned because the village primary school is on School Lane and in the past a group of school children was scattered by off roaders coming down the lane too fast. The most vulnerable part of Minninglow Lane is one of the few unsurfaced grassy lanes in the National Park. When visited earlier in March, parts of the route were probably impassable to horse riders and cyclists and were not easy for walkers to manage because of fence-to-fence mud and ruts.



Photo above: School Lane March 2012



Photo left: Minninglow Lane March 2015

PDNPA has tried voluntary restraint in the past not only on Minninglow Lane (during the winter of 2010/2011), but also on The Roych (a one way system before the TRO came into operation) and on Long Causeway. We don't believe the results of any of these earlier experiments showed that voluntary restraint was effective. Moreover, the report did not mention how the effectiveness of the new experiment would be evaluated. However Andrew McCloy (chair of the ARP Committee) assured PDNPA Members that this omission would be corrected. With the limited resources available, we suspect voluntary restraint is the only way to get any action on these two routes during 2015/2016.

PDNPA is also going to review the priority criteria which are used for assessing routes. These can be seen by looking at any one of the Route Summaries on <http://www.peakdistrict.gov.uk/looking-after/vehicles/priorityroutes> Members

requested that the new criteria include historic heritage, user conflict and effect on local communities.

The Local Access Forum will review the three priority routes in Cheshire Routes this year. They reviewed the Staffordshire priority routes last year, but the Route Summaries are not yet on the internet to see what their conclusions were.

Members who are councillors on Derbyshire County Council (DCC) and Staffordshire County Council were asked to lobby their respective councils to take a more active role in dealing with the problems caused by off-roading. They were also asked to convey to DCC, the concerns about the unsympathetic use of tarmac planings that DCC has used for repairs on some routes. As well as being visually intrusive, these planings can be hazardous to cyclists since the loose stones often make braking dangerous. Routes surfaced with sharp stones are dangerous for horse riders.

Our overall feeling is that the proposed action should result in some positive improvements to two routes and maybe marginal improvement on two others. Given that PDNPA has 29 routes on its priority list it still faces a monumental problem.

Illegal activity in the Goyt Valley

Officers from the Buxton Rural Safer Neighbourhood Team will be teaming up with Natural England and the Forestry Commission to tackle off-road vehicles after setting the issue as their latest policing priority. The problem is illegal activity on common land, moorland, restricted byways and land that is not part of a road.

To find more about this initiative see

<http://www.buxtonadvertiser.co.uk/news/local/buxton-police-tackle-off-roaders-1-7155767>

There is an account of off-piste driving on a reservoir bank in the Goyt Valley in the PDNPA's Green Lanes newsletter of January 2015. See

http://www.peakdistrict.gov.uk/__data/assets/pdf_file/0010/542674/News1501-Greenlanes.pdf

Vehicle users are still ignoring the TRO on Leys Lane, Little Longstone



Members of Rocking the BOAT (the local action group who campaigned for a TRO on Leys Lane) are still monitoring recreational motor vehicle use on the lane. In spite of the TRO, off-roaders are still using that part of the lane subject to the TRO. A member of RockingtheBOAT saw two parties involving 10 trail bikes overall going up Leys Lane. She managed to dissuade a party of 7 trail bikes from going down Leys Lane. Two of the parties involved were larger than the users' voluntary code of practice recommended maximum size of 6 trail bikes. And all this illegal use was in the space

of half an hour. She also reported that the “no entry for vehicles” traffic sign had been removed from its post near the picnic site.

We don't think that those recreational motor vehicle users who ignore or remove road signs and flout TROs will take any notice of voluntary restraint – but perhaps we'll be pleasantly surprised.

Countryfile 12 April

BBC Countryfile is doing an item on off-roading in Derbyshire and the effect that it has on farmers on 12 April. They will be filming at Brushfield.

TRF v Dorset County Council Case

This important case has been in progress for some time. As ever, the legal issues are complex and this is very much a “Noddy guide” rather than an authoritative legal summary.

The case hinged on map scales. The legislation specifying what has to be submitted when making an application to add a public right of way (e.g. a BOAT) to the definitive map or to change the status of an existing public right of way says that the paperwork must include a map showing the route applied for at a scale of at least 1:25 000. A TRF (Trail Riders Fellowship) member in Dorset enlarged maps prepared by the Ordnance Survey (OS) at a scale of 1:50 000 to a scale of 1:25 000 electronically as part of his applications to upgrade 5 public footpath/bridleways to BOATs. Dorset County Council (DCC) rejected the applications because the maps were not originally prepared at the right scale. The TRF then challenged DCC's rejection in the High Court. The TRF lost in the High Court, won in the Appeal Court, and the case then went to the Supreme Court.

The OS provided evidence to the courts to say that there was a difference in the detail shown on an enlarged 1:50 000 map and a 1:25 000 map.

The Supreme Court considered two issues. The first was whether DCC was right in its interpretation of the legislation about the scale of the map showing the route applied for. Unfortunately three of the five judges decided that the enlarged maps were acceptable; DCC must therefore decide whether the public motor vehicle rights claimed by the applicant exist.

More importantly, the case also involved consideration of a previous judgment, known colloquially as the Winchester case. This case was again about the documentation to be submitted with an application to modify the definitive map. Among other things, it hinged on whether the applicant should provide copies of all the evidence he or she cites in support of the application or could just list the documents. The legislation requires copies of the documents to be provided. To cut a long story short, in this case the judges decided that copies of the documents had to be submitted for the application to meet an exemption for applications made before the relevant date (20 January 2005 in England and 19 May 2005 in Wales) from the extinguishment of motor vehicle rights by the NERC act.

The judgment in the Winchester case meant that a large number of applications for bridleways, footpaths and restricted byways to be upgraded to BOAT status were found not to meet the exemption by Highway Authorities in England and Wales. Applications for over 60 routes were found not to meet the exemption in Derbyshire alone.

The TRF had wanted to challenge the Winchester case for some time. But three of the five Supreme Court judges rejected the TRF's challenge to the Winchester case, finding that it had been correctly decided. The findings of the Supreme Court effectively put further challenge of Winchester as a legal authority out of reach. This is good news for us in Derbyshire as it means that routes such as the Roman Road in Hope Woodlands and Taylor Lane on Longstone Edge (for which BOAT upgrade applications had been made) will remain legally out of bounds to recreational motor vehicle users.



Hope Bridleway 1 (also known as the Roman Road): April 2014



Taylor Lane. The white is where limestone chippings were placed in the ruts to repair damage caused by off roading. April 2014