

Brough Lane

Route Management Plan



Brough Lane - Route Management Plan



Brough Lane

Introduction

In March 2006, a Derbyshire County Council Improvement and Scrutiny Committee examined the issue of the use of unsurfaced highways. The key recommendation of the Committee was that each Non-classified Highway in Derbyshire would be surveyed to define whether it is sustainable or unsustainable.

National Park staff acted on behalf of Derbyshire County Council to conduct a baseline survey of routes within the National Park. A full condition survey of all 180 'other routes with public access' has been completed and prioritised.

At its meeting on 7th March 2008, the National Park Authority requested that the routes showing highest priority from the survey should be subject to management plans, in order to determine the most appropriate courses of action.

This plan is therefore intended to inform the Highway Authority (Derbyshire County Council) and the National Park Authority to enable the development and review of measures to improve the management of the route.

1 Description

Commences at the end of Duper Lane (Abney) and proceeds west and then north towards Brough, becoming tarmaced west of Elmore Hill Farm.

Legal Status:	Non-classified Highway
County:	Derbyshire
Parish:	Abney and Abney Grange, Brough and Shatton and part Bradwell
Grid Reference:	SK 190802 to SK 184820
Length:	2500 metres

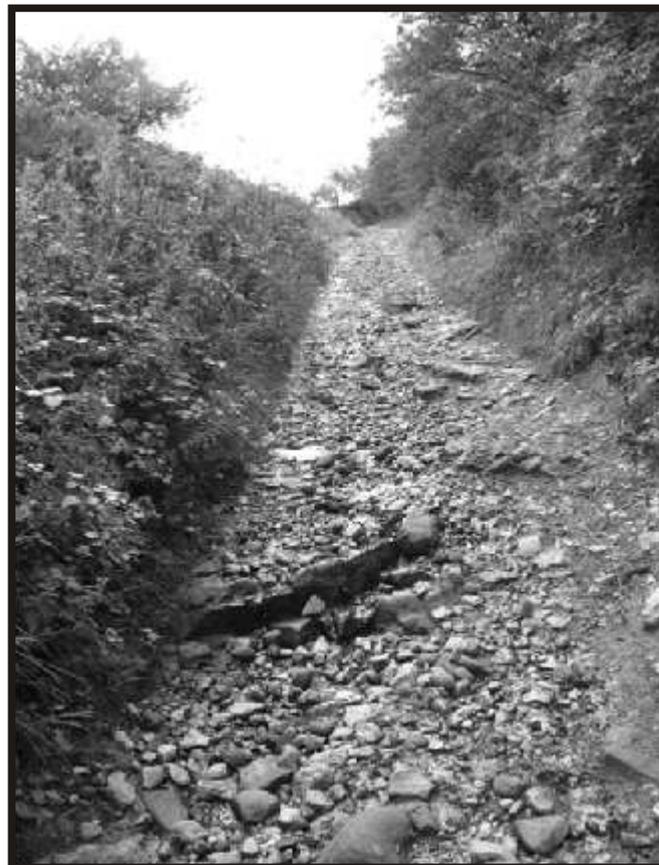
Nearest Other Byways / Non-classified Highways / Claimed Byways

Duper Lane connects with east end, believed to be used a part of circuit including Abney RB 5 (no known vehicular rights) and Shatton Lane.

Short NCH to north (Brough to Townfield Lane).



Brough Lane





Brough Lane

 Route with proven or possible motor vehicle rights which may be unsustainable

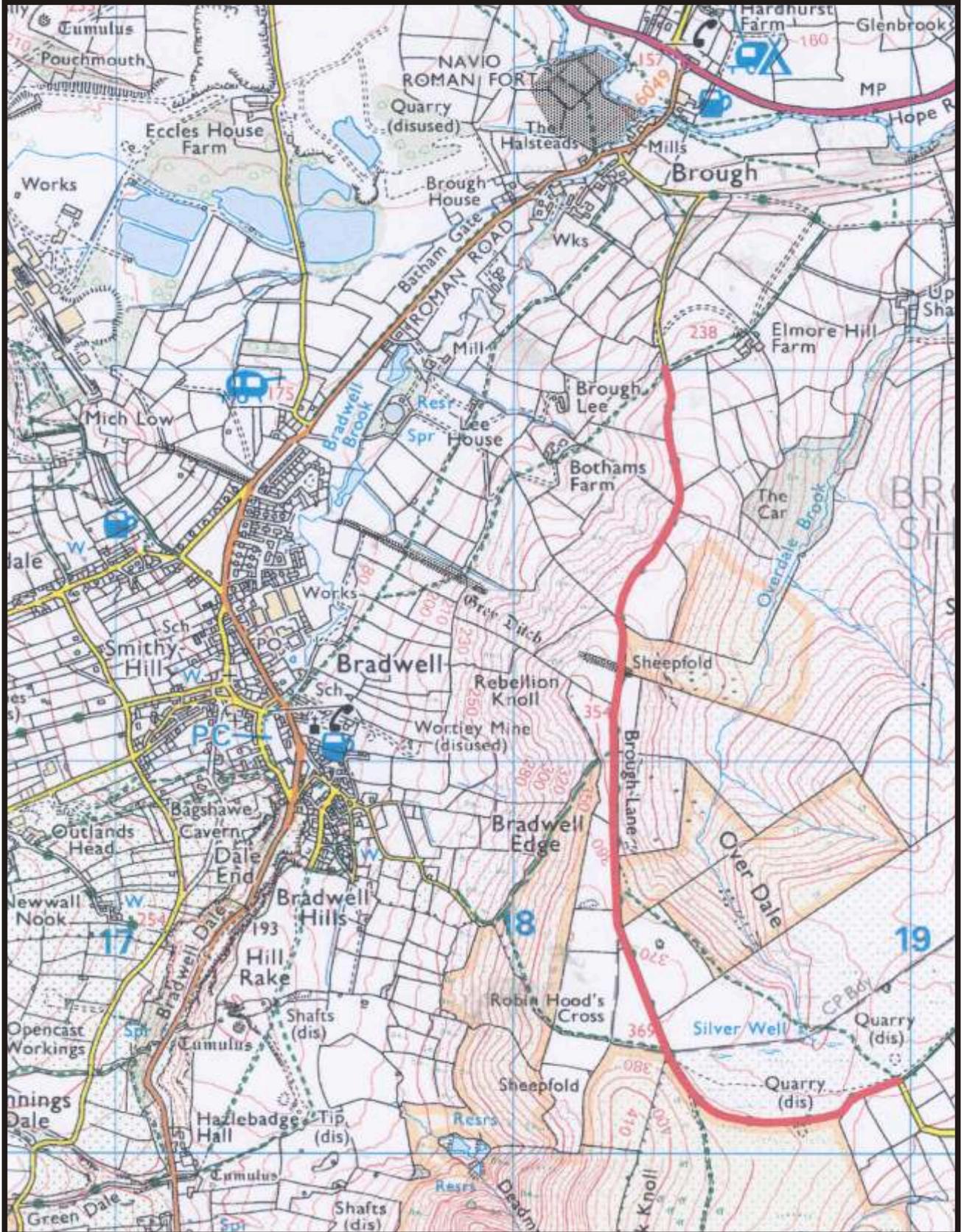
DESIGNATIONS

-  Site designated as one or more of
 - Site of Scientific Interest
 - Special Area of Conservation
 - Section 3 & Natural Zone
-  Scheduled Ancient Monument

Representation on this map of a route is no evidence of a right of way.

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2 Report

2.1 Sustainability Analysis

The ability of a route to sustain use is largely dependent on the existing route surface, the topography and the drainage of the route. The surface can vary from mineral soils or grass to a stone-surfaced track. On most routes some engineering works have been carried out to alter the natural surface and drainage.

Each Non-classified Highway in Derbyshire has been surveyed to define whether it is sustainable or unsustainable.

The methodology was considered and approved by Derbyshire County Council Improvement and Scrutiny Committee in March 2006, the Peak District Local Access Forum in December 2005 and the National Park Authority as part of its 'Strategy to Manage Recreational Vehicular Use of Unsurfaced Highways and Address Off-road Use' in October 2007.

National Park staff, acting on behalf of Derbyshire County Council, conducted a baseline survey in the National Park. A full condition survey of all 180 'other routes with public access' has been completed and prioritised.

The survey was intended to provide a quick review of all routes to place each into one of three broad categories:-

- Sustainable
- Unclear
- Maybe unsustainable

Method:

1. Does the route show serious signs of physical damage resulting from usage?
Yes/uncertain/No
2. Is the route subject to any protective designation (for heritage or wildlife)?
Yes/uncertain/No
3. Have there been any complaints about vehicular use conflicting with other uses?
Many/Some/None
4. Is the character of the route being damaged by vehicular use?
Yes, a lot/Yes, a bit/No
5. Is the free passage of non motorised users being prejudiced?
Yes, a lot/Yes, a bit/No

Each positive response registers 'may be unsustainable' each negative response registers 'sustainable' and other responses register 'unclear'.

One or more 'Maybe unsustainable' responses will put the route in the 'Maybe unsustainable' category at this stage. No 'Maybe unsustainable' responses but one or more 'Unclear' responses will put the route in the 'Unclear' category at this stage.

All 'Sustainable' responses will put the route in the 'Sustainable' category at this stage.

All routes recorded as 'maybe unsustainable' will be the subject of a management plan.

Results:

The above methodology has been refined in order to clarify the questions/answers, and allocated scores to enable a statistical comparison.

1. Does the route show serious signs of physical damage resulting from usage?

Is it difficult for user groups to use this route? (for users groups we have defined walking, cycling, horse-riding, carriage driving, and vehicles).

3 points – 4 or more user groups would find the route hard to use,

2 points – 2-3 user groups would find the route hard to use

1 point 1 or no user groups would find the route hard to use.

Score = 2

Comments:

The steep descent towards Brough has some broken surface material, and riders and carriage drivers would find use difficult.

2. Is the route subject to any protective designation (for heritage or wildlife)?

We have defined protective designation as Scheduled Ancient Monument, Site of Special Scientific Interest, Special Area of Conservation or Section 3 and Natural Zone.

3 points a route crosses or abuts a protected area and vehicle users are (for whatever reason) leaving the highway,

2 points – the route crosses or abuts a protected area,

1 point – no areas of protection abut or cross the highway

Score = 2

Comments:

Crosses a designated area, parking takes place adjacent to the highway.

3. Have there been any complaints about vehicular use conflicting with other uses?

3 points - Yes many complaints from a variety of sources,

2 points - Yes from localized sources or individuals,

1 point – few or no complaints

Score = 3

Comments:

The route is subject to frequent complaints and calls for closure, particularly after a proposed TRO was suggested.

4. Is the character of the route being damaged by vehicular use?

3 points – the highway and adjacent land are affected,

2 points – the highway is affected,

1 point – little or no affect (including 1 or 2 minor areas of damage on the highway)

Score = 2

Comments:

The highway surface is damaged on the sloped section.

5. Is the free passage of non-motorised users being prejudiced?

Are there issues regarding the width, visibility, slope and speed of use by vehicles?

3 points yes (3 or 4 issues),

2 points yes (1 or 2 issues),

1 point – minor/no issues

Score = 3

Comments:

Sections of the route are steep and narrow, with poor visibility, speed may be an issue on some upper sections.

Total Score 12 / 15

2.2 Engineering Report

- *Width (including latest road safety and engineering advice used for roads)*
Wherever possible a minimum width of 3m to be achieved. Otherwise a practical width to be constructed to suit site conditions
- *Incline (as above)*
- Existing contours will dictate the gradients. There is little scope for improving these as the ground along the route is sited and contained between stone wall boundaries.
- *Drainage Issues*
- Water shed can be directed to either side of the track by the installation of 'buffer type' upstands across the track at intervals as desired. These will also slow down the flow of water.
- *California Bearing Ratio :-* DCC highways laboratory to investigate. (If necessary)
- *Repair Specification*
- 1.Preparation:- site clearance / vegetation cut-back etc.
- Loose stone to be 'brushed off' surface for possible re-use in make up of levels where required.
- It would be practical to provide 'passing bays' along the route as required in suitable places.
- 2. Surface construction:- a) Stone / sub-base to areas as required b) Re-cycled materials / topping to areas as required.
- 3. Buffers across the track at an angle (built with selected stone) should be constructed at desired intervals down the track to intercept and slow the flow of water during wet periods.
- 4. Access / exit entrances would need to be addressed.
- *Cost to repair* £115k + (Tarmac surfacing – if approved £185k)
- *Estimated annual maintenance cost.* £10k (This would depend on which type of surface is constructed)
- *Additional comments by engineer* The above details are dependant on what classification is given to the route. Savings could be made in 1st cost if tarmac was used as finished surface.

Historical Maintenance

There is no record of any maintenance of this route.

2.3 Conservation Report

2.3.1 Ecological Report

Site Designations

The route does not pass through, or abut onto, any SSSI, SPA, or SAC. Just over half the route passes through, or alongside, Section 3 Moorland plus a very short section of Section 3 Semi-natural Woodland.

The route abuts onto three Key Ecological Areas - PP:AG75, PP:AG76 (species-rich grassland) and Derbyshire Wildlife Trust's Overdale Nature Reserve.

Description and ecological interest

The route begins at the end of Duper Lane (leading up from Abney), crosses the northern end of Abney Moor then runs northwards down Bradwell Edge to Brough.

Abney Moor has typical moorland and wet flush vegetation communities of high ecological value to the east, but heavy bracken infestation to the west. The lane verges have a mix of grassland, heathland, bracken and scrub communities. The lowest section has a dense cover on bramble, hawthorn, elder, wild rose and tall grasses and herbs. The highest value vegetation communities consist of neutral grassland (quaking grass, bird's-foot trefoil, knapweed, fairy flax, cat's ear and self-heal); acid grassland (locally frequent tormentil, heath bedstraw, violets, eyebright, harebell and wavy hair grass) and dwarf shrubs (bilberry, heather and crowberry). All these patches qualify as Category A under the standard PDNPA guidelines, but species rich patches are small and have become rather isolated; species-poor coarse grassland and bracken dominate over long stretches of the lane.

Badger activity (latrines, snuffle-holes, diggings) is evident at three points along the northern half of the route.

Vehicles leaving the highway

At the start of the route there is open access onto Abney Moor and an old track leads to a former quarry. Farther north, there is theoretical access onto the moor through breaches in the wall. Tyre tracks of a small 4WD, probably a quad bike, show where one of these has been exploited to drive onto the moor, but it is unclear whether this is the result of recreational or farm use. The nearby marshy areas around Silver Well along the head of Over Dale brook are species-rich and of high ecological that would be easily damaged by off-road use.

Except for this Abney Moor section, the lane is confined on both sides by intact drystone walls and at present there are no opportunities for off-highway driving. In a few places, tyre marks show damage to the verge vegetation, but only one of these involves an area of high ecological value.

Impacts

The lane surface on Abney Moor is uneven and stony but is not obviously damaged, though there is one very wet and muddy stretch which has been widened by vehicles trying to avoid the centre. The steeper sloping section down to the end of the route at the junction with the Elmore Hall Farm track has a rough and uneven surface with loose stones and wheel channels forming in the bed. Rain water drains down these and increased vehicle use and erosion are likely to result in further damage to the lane surface along this stretch.

2.3.2 Landscape Character Assessment

Brough Lane lies within the Derwent Valley character area, characterised by its 'lower lying landscapes associated with the valley of the river Derwent and its tributaries.' One of the key landforms are the wooded slopes and valleys, with 'narrow winding, often sunken lanes' linking settlements.

2.3.3 Cultural Heritage Report

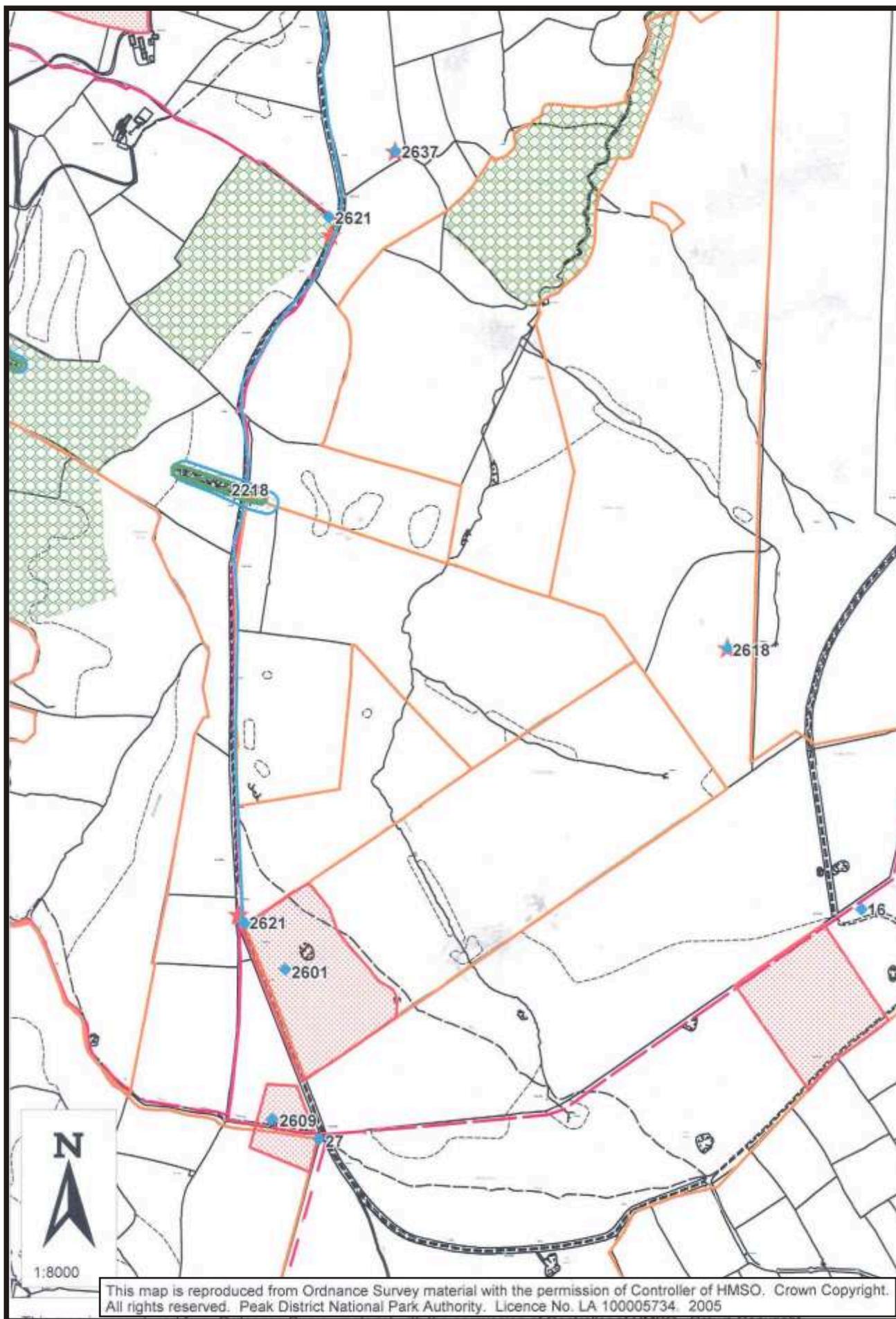
Please see annotated map (next page) for detailed information on cultural heritage features on or close to the route.

This route is recorded as a Historic Environment Record (HER) in its own right (no: D2621). The information suggests that the route has prehistoric origins, but it is more likely that it is of medieval date. The lane is also straddled by a Scheduled Monument, which is a section of the Grey Ditch (no: D2218), which is thought to be a post-Roman boundary bank, thrown up as a result of strife between Anglian settlers.

Historic landscape character information: The highlighted section of the route largely runs through land which is characterised as Post-1650 Encl - Parliamentary Enclosure Award. This land was Brough & Shatton Common, as marked on the Brough & Shatton Tithe Map of 1844, prior to Parliamentary Enclosure. Allotted and enclosed as shown on the Brough & Shatton Enclosure Map of 1850.

The southern section of the route, as it curves eastwards is characterised as Open Wastes and Common. Marked as Abney Common on the Abney & Abney Grange Tithe map of 1849.

Map illustrating Cultural Heritage Features on or close to the route



2.4 Evidence of levels of use

High, with consistent motorbike use at a high level on Sundays in particular, other vehicles are also showing high use, with a noted difference between vehicles using the upper reaches of the track than those using it as a through route.

Southern end Friday 9 March 07 - Sunday 29 July 07 (143 days)

Daily totals	Cars only	Motorcycles only
Mondays	49	31
Tuesdays	70	20
Wednesdays	57	40
Thursdays	24	43
Fridays	8	40
Saturdays	74	193
Sundays	197	283
Mon-Fri total	208	174
Sat-Sunday total	271	476
Overall total	479	650
Average per day	3.35	4.55

Northern End Thursday 18 Oct 07 - Friday 14 Dec 07 (58 days)

Daily totals	Cars only	Motorcycles only
Mondays	3	19
Tuesdays	1	7
Wednesdays	2	19
Thursdays	3	32
Fridays	6	19
Saturdays	68	110
Sundays	50	176
Mon-Fri total	15	96
Sat-Sunday total	118	286
Overall total	133	382
Average per day	2.29	6.59

Northern End Friday 14 Dec 07 - Friday 15 Feb 08 (64 days)

Daily totals	Cars only	Motorcycles only
Mondays	5	12
Tuesdays	3	7
Wednesdays	11	27
Thursdays	3	13
Fridays	19	37
Saturdays	26	115
Sundays	79	231
Mon-Fri total	41	96
Sat-Sunday total	105	346
Overall total	146	442
Average per day	2.28	6.9

Southern End Friday 14 Dec 07 – Friday 15 Feb 08 (64 days)

Daily totals	Cars only	Motorcycles only
Mondays	18	15
Tuesdays	24	8
Wednesdays	18	19
Thursdays	16	12
Fridays	24	45
Saturdays	47	99
Sundays	128	199
Mon-Fri total	100	99
Sat-Sunday total	175	298
Overall total	275	397
Average per day	4.30	6.2

Observations relating to the Implementing of Actions

Ownership and agricultural access

We believe that private access is required by three or possibly four landowners for agricultural purposes. Derbyshire Wildlife Trust may also require access.

Access would be required when stock is in the upper fields.

Access to the hang-gliding site uses the upper part of Brough Lane, although we believe formal rights have not been secured by them.

Comments from other parties

Observations of the local community

Bradwell Parish Council

A site meeting took place on November 9th Peak Park, DCC, local farmers, Ramblers Association and a local off-roader.

The whole circuit was traversed from Brough to Shatton, including the illegal section. Everyone agreed that something had to be done urgently to stop the deterioration. DCC promised that new signs would be installed (within a month) at both ends of the restricted section, to replace those removed by off-roaders, and that a no-access sign would be fixed in Shatton village. Peak Park also said the restrictions would be flagged up on the proposed new website.

‘Bradwell PC is happy to listen to the views of external user-groups and in fact three PC councillors, met the Chair and Secretary of Derbyshire Soaring Club in Bradwell recently, at their request, to discuss the future of the Bradwell Edge launch site.

‘We are hopeful that the proposed officer actions will quickly resolve the Shatton Lane issue, but still believe that a TRO is essential for at least part of Brough Lane.’

Observations from Derbyshire Soaring Club

Whilst we appreciate that there are some objections to the parking of vehicles along the verge of Brough Lane, we have several concerns about using a TRO to resolve the current issues:

1. At a meeting of the PDNPA's Planning Committee 8th May 2007 a matter entitled 'ENFORCEMENT ITEM – USE OF LAND FOR HANG-GLIDING, BRADWELL EDGE, BRADWELL (P584, 1827 8055/AJC)' was discussed. The minutes of that meeting record that a proposed TRO be used as a test case in relation to this enforcement item.
Attempting to resolve a planning enforcement item by use of a TRO in this way may be a misuse of the powers given to the PDNPA for this purpose. A TRO would inevitably impact upon other land users who have no connection with this planning matter. For these reasons, the use of a TRO in this way by the PDNPA could be unlawful and could expose the Authority to legal challenge in the High Court by way of Judicial Review.
2. Bradwell Edge is a flying site of national importance and the only suitable ridge for hang gliding and paragliding within the Peak District National Park, in the prevailing westerly wind direction. Preventing access would deprive free fliers (and specifically those free flyers acting lawfully within the terms of any planning restriction) of their right of access to continue this beautiful, tranquil sport.
3. There is NO other equivalent site within the Peak National Park, and if a TRO were to prevent vehicle access to the launch point, then pilots would park within the villages of Abney and Bradwell instead and walk up. This would transfer the parking issue from lanes with few pedestrians and no inhabitants to residential areas where there are many more pedestrians, children, animals etc and where roads are narrow and safe parking is limited. The net effect of this change would be to create conflict with residents of these areas. That conflict will inevitably be greater than any conflict that may be perceived to exist now, not least because it will affect far more people.

Bradwell Edge is not an official flying site of the Derbyshire Soaring Club and because of that the Club has virtually no control over the site and the way pilots access it. However, it is a fact that a number of our members and visiting pilots use the site when there are light westerly winds and when the flying conditions are good.

Although we think that we have very little impact on the lane or the local people, we feel that we should try to alleviate the problems regarding Brough Lane. To that end, we are willing to coordinate the efforts of any pilots who volunteer to help.

We genuinely wish to limit any inconvenience that we may cause the Abney residents by doing the following things:

We will try to minimise the inconvenience caused by accessing Brough Lane via Duper Lane by encouraging car sharing wherever possible. This would also mean there would be fewer cars parking on the verges on Brough Lane. If the steep section of Brough lane could be repaired, then a one way system could be used.

We have also offered to provide funding and labour in order to undertake repairs, to Highway Authorities standards, to Brough Lane, therefore minimising the cost to Derbyshire County Council.

If the parking on the verges issue cannot be resolved then it may be possible, with a little work on the lane, to park further along where there are no parking problems.

Observations from motor vehicle user group

'Beginning at Brough, a UCR known as Brough Lane is tarmaced until the turn for Elmore Hill Farm, after which the surface changes to loose stone to a point just below Rebellion Knoll. On this stretch, the width between the walls varies from around 7 metres to 4 metres, but in several places the lane is reduced in width to about 1.4 metres due to overgrowing bushes. This has occurred because of low levels of vehicle use. Frequent vehicle use would keep the bushes back. The surface is scarred by a water erosion channel, but is still passable with ease by any 4x4 or agricultural vehicle, except for the issue of having to push through the overgrowing bushes.'

From Rebellion Knoll to Bradwell Edge, the surface widens and changes to more consolidated and compacted stone, with a few puddles. The paragliders use part of this section after driving up Duper Lane from Abney.

The recommendation was then moved, seconded and carried.

RESOLVED:

1. That no further enforcement action (including prosecution) be taken at this time.
2. That the enforcement notice remain in place and the position be reviewed in the future if there is clear evidence that the problems associated with vehicular access to the site have become significantly worse.
3. That the Authority be asked to treat this issue as a “test case” for review of the scope to serve a Traffic Regulation Order following the Authority’s consideration of criteria for prioritising the use of TRO’s and the inception of this legislation in October 2007.

There is no mention of the condition of Brough Lane and Shatton Lane, but some unspecific concerns are expressed implicitly about Duper Lane.

If there is any issue at all with Duper Lane, it is that it is too narrow for agricultural vehicles, which damage the grass verges every time such a vehicle traverses the lane. Ironically, the fact remains that private cars and recreational vehicles sit comfortably within the hard surface, but this detail seems to have been missed. We are also aware that a number of people in Abney and Bradwell object to the pilots using local roads to access Bradwell Edge by vehicle.

This situation raises a number of points.

a) The concerns about the condition of Brough Lane and Shatton Lane are unfounded and confused, and are being masqueraded as a smokescreen for the real agenda. An attempt to resolve a planning enforcement by use of a TRO in this fashion might be considered a misuse of the powers granted to the PDNPA.

b) The matter of the hang glider pilots is somewhat convoluted and we do not wish to be drawn into that issue, but in passing we cannot help observing that, perversely, it is ‘an activity entirely in keeping with the character and philosophy of the National Park’ (to borrow a much used phrase) and an activity that is actively encouraged by the National Trust on Mam Tor. However, we are concerned that the PDNPA is contemplating the use of TROs to address the issue of the hang glider pilots flying from Bradwell Edge, which is totally unrelated to the condition of Brough Lane and Shatton Lane and something we will challenge robustly.

c) If the condition of the lanes is of genuine concern, then we would remind you of the TRO strategy debated and accepted by Members on 5 Oct, which in Paragraph 6 states:

The Highway Authority has a number of statutory duties in connection with these unsurfaced highways, notably maintenance and enforcement.
The National Park Authority will not consider making a TRO solely as a result of such duties not having been carried out.

The surface of Brough Lane has not been maintained by the Highway Authority, therefore the PDNPA, clearly, should NOT be considering a TRO in this circumstance. It is worth noting that the eroded section of Brough Lane is not used by the hang glider pilots. They travel to Bradwell Edge via Duper Lane, which is tarmaced and well able to take this insignificant level of traffic.

d) Some of the people of Abney and Bradwell appear to be adopting an egocentric and unreasonable position, in that they want to turn a public environment (the village and its roads) into a private space for themselves. Whatever their motivation, such emotion and attitude is irrelevant when considering the public right to travel legally on the B6049 and thence along unclassified roads to Abney and up to Bradwell Edge. We can only surmise that the logical extension of this state of affairs is that the residents of any village in the National Park would be supported by DCC and PDNPA if they objected, purely on grounds of self interest, to any group of non-resident individuals using local public amenities and facilities. This attitude contrasts sharply with the rhetoric of the National Park website, which states:

“ . . you will find a warm and genuine welcome wherever you go. Every taste is catered for and many exciting activities are available . . ”

- but perhaps not for hang gliding or recreational driving?

e) Parking by the hang glider pilots at top of Brough Lane would appear to be entirely legal within the relevant traffic laws and is no less 'unsightly' than the parking which occurs in many other parts of the National Park.

4) You go on to say that: I hope that you will now recommend to your members that they observe the restrictions and stop making the illegal 'circuit'. Hopefully, this will encourage the farmers to repair the top end of Shatton Lane.

Shatton Lane is mentioned for the first time, and it is clear that the farmers have not offered to repair it. We suppose they are not interested in Shatton Lane because it is not connected with the hang gliding issue.

The members of my group are well aware of the Restricted Byway (the earlier omission was entirely mine and was pointed out to me by many members). The points raised in your email relate primarily to Brough Lane which is a UCR and links with Duper Lane without any need to traverse the Restricted Byway. The surface of Brough Lane, as I have described, could be repaired with minimal cost and effort and does not need a TRO – the overgrowing bushes are testament to its low level of use.

However, Shatton Lane, which is the lane represented in your earlier photograph, is a different proposition and most importantly, it is a totally different highway to Brough Lane, and recorded as such on the List of Streets. That is indeed now a dead end and of no interest to recreational vehicle users, so a TRO on Shatton Lane would be completely unnecessary. Perhaps the farmers could be encouraged to repair the top of Shatton Lane for their own use, rather than their being deflected to undertake unnecessary work on Brough Lane. Significantly, their lack of interest clearly demonstrates that they are capable of driving their vehicles on this lane in its current condition, and this reinforces our belief that their interest in Brough Lane, which has a far better surface, has nothing whatever to do with its condition.

In summary, and to achieve a little clarity in this situation, there is the question of a repair to Shatton Lane in its cul-de-sac form; notably however, there is no commitment from the farmers to undertake this, even for their own benefit, presumably because it has no bearing on the activities on Bradwell Edge. Then we have the issue of Brough Lane as it links to Duper Lane. This is an entirely legitimate **and sustainable** through route, with minor water erosion having occurred uphill beyond Elmore Hill Farm together with a short stretch of overgrowing bushes. A TRO here is completely unjustifiable under any form of objective consideration and also under the terms of the PDNPA Policy on TROs. The Planning Committee minutes confirm that the real reason for proposing a TRO is to deny the hang glider pilots access to Bradwell Edge, in an effort, perhaps, to meet the agendas of a few local, influential people.

We are sure that the National Park does not wish to commit money and resources to defend an action that attempts to remove the fundamental rights of users to enjoy access to well established highways for spurious and unrelated reasons, and we likewise would wish to avoid unnecessary cost, inconvenience and antagonism, but please be assured that we will employ our considerable resources to challenge unfair and unreasonable proposals or the failure of public bodies to follow local or national policies, which leads to discrimination against a particular group of users. We reiterate that we wish to work in true partnership with PDNPA, DCC, other users and local communities in such a way that legal rights for all concerned are not impinged or removed.'

2.5 Local Access Forum Subgroup Members comments

Members of the Peak District Local Access Forum were invited to visit the site and make comments based on a methodology and proforma. They were requested to discuss the routes with other Members and try to reach a general recommendation, however, if they were unable to agree, members were invited to provide their individual observations.

Their comments are summarised as follows:

Safety Issues

1. Boulders etc would be a problem to horse-riders. Width OK.
2. There are pinch points due to overgrown shrubbery where motorists and walkers can meet, but I have not experienced or heard of any conflict. The width of 4-5 metres is restricted in places by trees and shrubs.
3. Saw 4 cyclists, 6 walkers, 2 horse-riders plus 25 cars parked at hang-gliding area (none blocking the road and all having apparently arrived via Duper Lane). Little evidence of 4 Wheel traffic at Brough end but they would cause severe passing problems with other users; even present combinations of users must have a hazardous time on the steep section with the loose stone. No obvious signage, some informal farmer's notices at Brough end. A post at Duper Lane has no sign on it.
4. The use of the track by parapentes and hang gliders accessing the take-off point on Bradwell Edge ... is believed to have caused some controversy... but does not in my opinion have any adverse effect on anyone else's legitimate rights.

Cause(s) of damage

1. MVs have caused the steep-slope section to be boulder-strewn, uneven and very unpleasant to walk on.
2. Inevitable wear due to usage, but no damage. There is however significant scouring by rain on the steeper part of the road – aggravated by the shrubbery-reduced width constraining vehicles to use the same lines.
3. Rainwater is probably the main cause of current damage, sweeping away hardcore that has been spread in the last 3 months. It is difficult to separate recreational from agricultural damage but light current recreational use means damage is small but it was certainly larger in the past.
4. Recreational damage is significant especially in steep sections and in wet pockets.

Solutions

1. Resurfacing and maintenance, with temporary TRO until work carried out.
2. a. Cut back the trees and other vegetation to enable the road's width to be used.
b. Build up and widen the water-scoured sections.
3. Regular filling of potholes at the Brough end would allow motor traffic but increased car traffic might be a safety hazard in the steeper narrower sections and by enabling a through route, increase traffic on Brough Lane overall. Currently the Abney end is used responsibly and it is suggested that cars are only allowed up to the gate by the gliding field but to allow continued horse, bike and pedestrian use over the whole route.

4. Repairs between Duper Lane and Robin Hood's Cross (fill pot-holes). Temporary TRO north of there pending full repair.

Long-term management options

1. Future use could see a one-way permit system downhill.
2. a. Routine maintenance of the road surface
b. Routine trimming of shrubs and trees.
3. Small scale annual filing of potholes should be conducted on the Abney end up to the hang-gliding park while the rest of the lane could be maintained by local farmers as has been suggested previously. Improved signposting needed at both ends of the track.
4. One-way downhill for all but agricultural use.

Local Access Forum sub-group recommendations

The sub-group met at Losehill Hall on 28th November 2008 to discuss their observations.

Their agreed recommendations for Brough Lane were:

- Introduce a temporary TRO on the steep section until repairs are carried out.
- Introduce a voluntary one-way system from Abney to Brough.
- Hold talks with the gliding club on parking issues.
- Clarify ownership of the verge.

3 Action Plan

Summary of Issues

- Electronic monitoring shows that this is a busy route, and monitoring further shows that in particular the upper reaches of the road get very busy when people park on or adjacent to the highway.
- Parking of vehicles can cause problems for the landowner and other users.
- There are maintenance and drainage issues, particularly on the steeper northern slope of the lane. This section too is narrow in places.
- Electronic monitoring over the past 3 years has shown that the route formed part of a high route which was very heavily used between Shatton Lane and Brough Lane via a short section of path now downgraded to Restricted Byway (5 Abney). Such high use will not in future come from Shatton Lane.
- Action has been taken to stop illegal use of Abney Restricted Byway 5 and, through signage, police operations and the cooperation of user groups (and in particular the Peak and Derbyshire Vehicle User Group (PDVUG)). Use has dropped by around 90% on Abney 5 and whilst any illegal use is unacceptable and will continue to be part of our operations, we believe this shows a good understanding of the issues and there is a clear widespread respect for the status of the lane.

Pre-management Plan Actions

- Vehicle user has been logged
- An action plan to prevent illegal use of Restricted Byway 5 at Abney has been agreed and implemented (see Shatton Lane).
- DCC have written to the Chair of Derbyshire Soaring Club confirming that the status of the verge. North of Robin Hood's Cross the verge is part of the Highway, with no private ownership. South of the gateway, the lane and verge are registered under private ownership. This does not affect the verge's status as part of the highway, but there is no right to park there. Unless parking interferes with access to property or poses a hazard to other users however, it is usually tolerated.

4 Recommendations

4.1 Conservation Recommendations

General

- The timing of works may be important in some cases, notably on moorland sites where the bird breeding season will be sensitive
- The extent of surfacing, and ensuring machinery avoids sensitive areas. In general there is a presumption that the extent of surfacing should be the minimum required to ensure sustainable use
- Type of materials- generally limestone material will not be appropriate in shale-grit areas, for example
- Storage of any materials obviously needs to avoid sensitive areas
- Associated drainage- need to avoid adverse impact on hydrology of areas of interest
- Repair/revegetation of any existing areas of damage.

Route specific

Brough Lane

The main ecological consideration is avoiding expansion of off-route use, both along the verges and also avoiding encouraging vehicular access onto Abney Moor. Provision of a more sustainable surface would be an acceptable solution but should avoid further land take and incursion onto verges. Any upgrading of the surface at the southern end, across Abney Moor, may have policy implications as that part of the route lies within the Natural Zone. It might be appropriate to consult Derbyshire Wildlife Trust on proposals given part of the route is adjacent to their Overdale nature reserve.

4.2 Local community recommendations

'Regarding Brough Lane, it seems that the only possible solution is a TRO with a locked gate and stiles at the Brough end to restrict access to all except farm vehicles (farmers would have keys), walkers, horses and mountain bikes.

There would be no repair or maintenance costs for Highways and the gate/stile costs could be negotiated with farmers.'

'If gates or barriers are positioned in Abney (opposite the Village Hall) with signs either side similar to Derwent closed route, the locals would monitor. There is no mileage in erecting at the top of Duper Lane as it is private land with essentially no turning round area once the network is TRO'd. All the villagers of Brough could monitor the gate entrances and signs at the bottom of the hill near the houses. The same is possible in Shatton.

I would suggest gates at the three points which are basically left open with a bridled gate next to them. Signs either side to show who is entitled to go through (as seen on your other signs). Anybody who ignores the signs is easily reported and simply by a telephone call the infringer can be put in a compromise position especially if the gates are locked at each end (obviously 4wd or cars which is a start). I am more than sure this can work as the villagers are near the entrances. So as a test case it will have to work. Obviously if continuous infringement by individuals these could then allow Police to prosecute and earn up to £1000 per time.(at the moment over £100000 a week) . You have 100s of village supporters so your working together is in place for a number 1 on the 23 list.'

4.3 Vehicle user-group recommendations

The cost of establishing a TRO as suggested with locked gates, special stiles, etc, would far exceed the cost of a few tons of hardcore provided by the Highway Authority. The responsible, recreational vehicle users would then be delighted to assist in the laying of the hardcore and hence affect the repair of the lane. We only need a few of the users to undertake a repair, which could be done probably over a weekend (preferably before the winter sets in) to a standard that would allow easy, sustained passage for all.

4.4 British Hang Gliding and Paragliding Association Recommendations

The BHPA (offers to help) to find a mutually acceptable solution to this problem. Meeting local groups, facilitating management actions and working towards a long-term resolution of any flying related conflict that may have arisen at Bradwell would fall within the remit of either the BHPA nationally or of the regional club and the BHPA members living locally to the site.

5 Management Proposals

1. Repairs to large pot-hole at top of lane.

Action: Derbyshire County Council Highways

Priority: Immediate

Timescale: 2009/10

2. Carry out repairs to the steep section of the lane to make it safe for all users.

This will include drainage and stone surfacing.

Action: Derbyshire County Council Highways

Priority: Medium

Timescale: 2010/11

3. Address verge parking issues, particularly in relation to the issue of hang-gliding/para gliding.

Action: Peak District NPA

Priority: High

Timescale: Upon completion of phase 1 repairs

4. Promote a voluntary one-way system for motors from Abney to Brough.

Action: Peak District NPA

Priority: Medium

Timescale: Upon completion of phase 2 repairs

