

Peak District Local Access Forum

Date: 10 March 2016

Item: 4

Title: Green Lanes Update

Author: Sue Smith

Purpose of the Report

The report provides an update on progress with managing recreational motor vehicles in the National Park.

Traffic Regulation Order Update

The LAF provided a response to the Regulation 4 consultation under the National Parks Traffic Regulation Order (Procedures) (England) Regulations 2007 on Derby Lane following discussion of the item at the Forum meeting on 3 December 2015. The letter is attached in Appendix 1.

On the 4 March 2016, National Park Authority members resolved to proceed to publicise its proposal to make a permanent Traffic Regulation Order (TRO) to prohibit mechanically propelled vehicles at all times at Derby Lane. The LAF will be notified under Regulation 5 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 in due course.

Action Plans

Actions plans will be reported to Audit Resources and Performance Committee (ARP) on 20 May 2016 (www.peakdistrict.gov.uk/committees). These will identify actions for 2016/17 on priority routes, illegal use and communications. An update on actions during 2015/16 will also be provided.

One-off Green Lanes Forum

The National Park Authority has received a letter from Rory Stewart, Parliamentary Under Secretary of State for Environment and Rural Affairs, proposing that a one-off forum be established for all motor vehicle stakeholders to share their experiences and discuss ways of working together in the future. It also suggests that perhaps stakeholders would consider setting up a more permanent forum themselves depending on the success of the one-off Forum.

This is in place of the commitment by the Coalition Government to look at the issues of motor vehicle use of unsealed use and make recommendations in a report as the view expressed is that locally brokered solutions bespoke to the local area are far more effective in the long-term.

The Authority has indicated that it will be participating.

Voluntary restraint

Voluntary restraint has been offered by vehicle users on 2 routes: at Minninglow and Wetton. An update on this will be reported as part of the action planning in May 2016.

Recommendations

- 1. That the report is noted.**



Peak District Local Access Forum
(LAF)
C/o Peak District National Park
Authority
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Your Ref:: A76227/SAS

Sue Smith
Rights of Way Officer
Peak District National Park Authority
Aldern House
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Derbyshire
DE45 1AE
20 December, 2015

Dear Sue,

Derby Lane - Consultation under Regulation 4 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007

Thank you for your letter and route plan of 26th November indicating that the National Park Authority is seeking views on the possibility of it making some form of traffic regulation order to restrict use of the above route by recreational mechanically propelled vehicles.

This was considered by the Peak District Local Access Forum (LAF), on 3rd December, 2015. I drafted a response which was circulated for comments from LAF members on 5th December. This revised response follows on from comments received which are contained for information in my email to you. Some colleagues had circulated them to other LAF members.

As you know, the Forum is a statutory body of volunteer members, appointed jointly by the Peak District National Park Authority (PDNPA) and Derbyshire County Council (DCC) under the provisions of the Countryside and Rights of Way Act, 2000. It covers the National Park area and the countryside of north-west Derbyshire around Buxton, New Mills and Glossop. Our role is to advise both the authorities on the improvement of public access and opportunities for the purpose of open-air recreation and enjoyment of the area. We believe we present a balanced view based on members knowledge of the area and survey's of routes.

Members of the LAF have previously surveyed and considered the Derby Lane route. The Vehicles Sub-group (predecessor of the Green Lanes Sub Group), surveyed it and met in August 2010. Members unanimously recommended that no action be taken with this route unless illegal activity returns. We summarised issues as being that:

- 1). Sections of the route are narrow, with no potential room to leave the lane
- 2). There is some rutting of the surface
- 3). The route is a cul-de-sac route (or at least appeared to be in the absence of clarity).

The Green Lanes Sub-group surveyed the route and met in August 2012 and February 2013. The group recommended that the line of the route be discussed with the farmer and Highway Authority and that the use and condition be monitored. We noted that the route is unmarked on OS Maps at its southern end and not signed on site causing confusion and occasional trespass. We also asked for clarification of its status which we understand Derbyshire County Council after a report and evidence to its Committee consulted about it being modified by Order to a BOAT (Byway Open to All Traffic).

Gill Millward has advised that there have been several objections and the case is being referred to the Secretary of State for determination. The matter of determining of what rights are conferred by status of the way is clearly a critical first stage. LAF does not have any particular role in that since it will be determined in due course by due legal process. Some members think it is not appropriate to consider a TRO until this has been resolved. If the BOAT status is confirmed, there are boulders currently obstructing part of the route which we assume Derbyshire CC would require to be removed by the owners/tenant.

A section of sealed surface gives way to open grassy fields. This inevitably raises questions of sustainability if vehicle usage is other than very light, drivers are careful, and use of heavy vehicles is limited, certainly in periods of bad weather. When we visited, my recollection is that we did not conclude a balance of what was sustainable had been lost at that time. There were some pinch points where the ground was steeper, and at some gates, but we concluded that whilst the situation needs to be monitored there was not at that time sufficient cause for concern to recommend any restriction of what was deemed to be a legal right.

In the event that it is determined there are vehicular rights upon the way, landscape and sustainability issues will become paramount, and the LAF will clearly have a role. The same would of course be the case if a clear landscape problem arose before determination of status. Most colleagues do not seem to be suggesting are not suggesting there is a problem at this time. That maybe consequent upon the blocking of the way, which may be illegal.

It would seem sensible at this stage to explore the scope for voluntary restraint on the part of MPV users in the event that a legal right of passage is established for them.

In response to the questions you ask; we do not think at present the use of the route by recreational motor vehicles should be restricted by a Traffic Regulation Order, but as we have previously advised we think monitoring and review should continue and now ask that voluntary restraint is discussed with users whilst the BOAT issue is being considered further..

We think that as there is not a wear and tear problem at present and continued monitoring therefore seems appropriate. In relation to this particular route, there are do not appear to be major issues relating to disturbance and user conflict, the nature and condition of the route and its environmental sensitivity. Clearly if the BOAT status is confirmed and boulders removed, the situation may change as unrestricted vehicular use could cause damage to vegetation and conflict between users may be a problem. We consider that as it is not a significantly surfaced route and the current surface could be vulnerable.

We hope these views are helpful and will be taken into account and note that following this consultation round, the Authority's Audit, Review and Performance Committee will consider any action at a meeting on 4th March, 2016. We look forward to being kept informed and consulted please.

Yours sincerely

John

John Thompson
Vice Chair
Peak District Local Access Forum

copy to: Peak District Local Access Forum: Edwina Edwards (Chair), Mike Rhodes (Secretary), Gill Millward (Derbyshire County Council), and all Peak District Forum members.