

Peak District Local Access Forum

Date: 27 September 2012

Item: 5

Title: TRO Consultations and Green Lanes Update

Author: Sue Smith

Purpose of the Report

The report sets out the terms of reference of the Local Access Forum Sub-group, details of consultations on Traffic Regulation Orders (TROs) and an update on progress with managing recreational motor vehicles in the National Park.

LAF Green Lanes Sub-Group Terms of Reference

Since 2008, a Forum Sub-group has been advising the National Park Authority and Derbyshire County Council on the management of recreational motorised vehicles on green lanes in the National Park. The work has generally focused on recommendations on actions on priority routes. Latterly the Sub-group's remit has widened as is reflected in the terms of reference attached in Appendix 1.

There are two main points to note:

- The proposed name change from the Vehicles Sub-group to Green Lanes Sub-group; and
- The proposal that, in view of the timescales for formal meetings of the Forum, the sub-group have delegated authority to respond on behalf of the Forum to allow consultations to be dealt with in an expeditious manner.

Traffic Regulation Order Consultations

Earlier this year, the Local Access Forum provided comments on the possibility of some form of restriction on two priority routes. The letter is attached in Appendix 2. The LAF's comments were considered along with all other material considerations at the July meeting of the Audit Resources and Performance (ARP) Committee meeting.

The LAF has now been consulted under Regulation 5 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 in relation to proposals to make traffic regulation orders which would have the effect of permanently restricting mechanically propelled vehicles at Long Causeway and that section of the Roych track which is concurrent with the Pennine Bridleway.

The consultation documents comprise a notice of proposal, a draft order, a statement of reasons and a map. The consultation is a 6 week public consultation expiring on 2 November 2012. Details are available at www.peakdistrict.gov.uk/consultations

A meeting of the Green Lanes sub-group has been arranged for 18 October 2012 to consider a response on behalf of the LAF.

The LAF has also been consulted under Regulation 4 of the 2007 regulations in relation to two more priority routes at Brushfield-Upperdale and Chertpit and Leys Lane. This first stage of consultation with statutory consultees asks whether use should be or should not be restricted and either the nature, extent and duration of any restriction or any alternative means of management.

A meeting of the Green Lanes Sub-group has been arranged after this meeting to consider a response on behalf of the Forum.

Action Plans

A report on progress with 2012/13 actions on the management of green lanes, controlling illegal use and communications is being presented to the Authority's ARP Committee meeting on 28 September 2012 and can be viewed at (www.peakdistrict.gov.uk/committees). Details of the actions are attached in Appendix 3.

There will be a further report to ARP Committee in 6 months time evaluating progress and setting actions for 2013/14.

Green Lanes Forum

A meeting of the Green Lanes Forum was held on 28 June 2012. The group discussed key messages for communications. Information was also provided on the process for TRO consultations and updates given on illegal use and repairs. A further meeting will be held before the end of the year.

Recommendations

- 1. That the report is noted.**
- 2. That the terms of reference are agreed.**
- 3. That the Sub-group on behalf of the Forum provides responses on:**
 - (i) the consultations on the proposed traffic regulation orders at Long Causeway and the Roych**
 - (ii) the consultations on the possibility of traffic regulation orders as proposed management options for Brushfield-Upperdale and Chertpit and Leys Lane.**

Peak District Local Access Forum Green Lanes Sub-Group

Terms of Reference

Context

The Peak District Local Access Forum is a statutory body, appointed jointly by the Peak District National Park Authority and Derbyshire County Council, as the advisory body on access and recreation matters in the Peak District. From time to time the Forum may establish Sub-groups to consider and report back on (or act on if delegated) matters referred to them by the Forum.

Purpose

The Green Lanes Sub-group (formerly known as the Recreational Vehicles sub-group) provides the Local Access Forum, the PDNPA, DCC and other relevant Highways Authorities with specific and detailed advice on matters relating to the management of green lanes in the Peak District. This includes;

- Advising on strategy, policy and procedures for the management of recreational motor vehicles and green lanes
- Recommendations for actions on priority routes
- Responding to consultations on Traffic Regulation Orders with delegated authority to respond on behalf the LAF
- Monitoring and review of actions
- Any other matters where there are implications and/or opportunities for public access on green lanes

Membership of the group

Chair: Local Access Forum Chair or Vice Chair

Up to 8 Forum members including the Chair/Vice Chair representing a balance of:

- Landowners/managers
- Vehicle users and other recreation user groups
- Conservation
- Local interest

PDNPA Rights of Way Officers and other PDNPA and DCC officers as required

Membership may change over time according to need and focus of actions.

Frequency of meetings

As and when required, to deal with matters referred by the Forum.

Notes from the meetings will be presented to the next full LAF meeting

Appendix 2



Peak District Local Access Forum
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25th June, 2012

Dear Mike

Possible TRO's at Long Causeway and The Roych – Consultation response

Thank you for the emails of 25th May from Sue Smith seeking views about possible Traffic Regulation Orders at Long Causeway and The Roych.

As you know these were considered by the Peak District Local Access Forum (LAF) at its meeting on 14th June where it was agreed to delegate full authority to respond to the meeting of its Vehicles Sub Group that afternoon. I sent you an initial draft response on 20 June and you kindly agreed I could let you have a final version after consulting Sub Group colleagues which I have now done and there is agreement that this letter is a fair representation of their carefully considered views.

Caroline Hanson also attended our Sub Committee as a Forum members and observer and contributed her thoughts regarding Long Causeway. We also took in to our afternoon meeting the paper Sue Smith tabled about the consultation process in the morning and points from other LAF Members raised below:

- An issue of vehicles (particularly trail bikes) moving off the official route and onto National Trust land from the Roych route with consequent co-lateral damage and disturbance to stock and wildlife, and asked that this be prevented and restoration work done.
- One member agreed a one way (downhill) route may work at The Roych and that consideration should be given to blocking of access to nearby land if the route is churned up, as deviating from the route is not acceptable. The member thought that the main problem with these routes is not their physical sustainability, but the conflicts between user groups, most of which occur at weekends, so suggested weekend TROs on both routes while retaining vehicular access during the week.

- Another member indicated that Sheffield LAF came out unanimously in favour of a permanent TRO being enforced on Long Causeway. We noted that they are not an official consultee at this stage in the process, and that the route is fully within the area of our LAF. This member also said that Long Causeway is part of the Sheffield Country Walk – 54 mile promoted walk, this section is undoubtedly the worst section and most walkers avoid that section as so bad.
- Two members were very keen to see any TRO's proposed going through the relevant steps meticulously to minimize scope for legal challenge.

Our comments in this response are offered in accordance with our role under the Countryside and Rights of Way Act 2000 to advise the appointing authorities (Peak District NPA and Derbyshire CC), on the improvement of public access for the purpose of open-air recreation and enjoyment. As you know, the LAF represents a wide range of interests and has a diverse, informed and experienced membership enabling us to offer balanced and independent advice. We have provided Annexes as background material relevant to our deliberations and proposals:

- Annex 1 – Background Notes and action plan material
- Annex 2 – Extracts from Defra Guidance on TRO's

The recommendations of the LAF Vehicles Sub-Group have been incorporated into the route information documents and used to advise actions which previously agreed by the LAF and adopted by the Authority in March 2012.

TRO's have been identified for these two routes as a possible management option. We have looked at both routes as part of the work we have been doing to advise on 24 priority routes where there are conflicts with conservation and other route users as a result of vehicular use. We have supported the Authority's agreed policy and procedures regarding future management of such routes – 16 of which (including these two) have action plans with proposals for their future management.

Our views on the two routes in relation to the questions you pose are borne of observation over several years and are:

Long Causeway

On this route which is an important feature in the landscape, there are issues about the structure which go beyond the surface. Our recommendation below was also made in the light of some members feeling there was continuing self evident damage to an historic structure having first monitored the effect of a less restrictive voluntary arrangement. This had clearly been beneficial, but not in our view adequate to prevent progressive deterioration. Long Causeway is also part of the Sheffield Country Walk – a 54 mile promoted walk. One LAF member stated the condition of this section is undoubtedly the worst one and most walkers avoid it because it is so bad.

One member thought repairs should be done and monitored first and that a TRO would not seem necessary until Derbyshire CC have carried out an inspection on the revetment and carried out the work. However, the rest of the Sub Group strongly felt that use of this route by recreational motor vehicles, whilst lawful, should be subject to a permanent Traffic Regulation Order in respect of 4WD motor vehicles. Additionally, a One Way restriction downhill is proposed (as the voluntary arrangement is not working effectively and signage was not agreed by Sheffield CC as one of the Highway Authorities). Going downhill is less damaging for the track and less noisy. Speed of motor bikes is also an issue and consideration should be given to a 20mph speed limit, although we recognise there may be enforcement issues.

Action by the National Park Authority is appropriate for reasons of natural beauty and cultural heritage and to address recreational user conflicts. It would also be easier (and perhaps quicker), to implement as it can cover the entire route, unlike the Highway Authorities who would need to co-ordinate such consultation and action.

The concern for safeguarding the historic interest is covered by the term 'natural beauty' as defined in the Defra guidance. This can be reviewed over the course of time and repairs may cause that to be reconsidered as a permanent TRO.

We also urge that appropriate works are costed and fully funded by the Highway Authorities (Derbyshire CC and Sheffield CC), to carry out repairs. There is a major issue that use by heavy vehicles and water/nature have combined to damage the surface and revetment. In that case, there is a need for Derbyshire CC to check the "tell tales" for any evidence of movement. Overall, coherence from the two authorities on cross border is imperative, Sheffield, Derbyshire and the National Park Authority need to work together.

The current usage and problems mean the route is considered to be unsustainable and the TRO action sought above is therefore essential to address problems which those involved in the Stange Forum believe started in 2005.

Alternative means of management are not considered to be workable in our view, albeit a permanent TRO could take many months and a temporary one could perhaps be implemented quicker. There is also an ongoing need for the Authority to work with recreational motoring user groups to address issues of behaviour

Evidence and information supporting of our views is referred to above and in Annex 1 attached.

The Roych

We feel the present vehicular use of the route is not sustainable given major conflict between users on this section of the Pennine Bridleway National Trail and it is the worst section of that route (being in very poor repair) from that point of view. The expectation of users is that it should be better, should be repaired to a higher standard and managed effectively to avoid present conflicts between users.

The Sub Group unanimously agreed that use of this route by recreational motor vehicles, whilst lawful, should be subject to a permanent Traffic Regulation Order in respect of all motor vehicles on the culs-de-sac section, and in respect of all motor vehicles at weekends on the rest of the route. A One Way restriction should be made from east to west as the voluntary restraint is not working effectively. It seems to work with 4 WD's, but less so with motorcycles at present.

The problems of vehicles leaving the highway, and causing damage and disturbance to National Trust land managed by tenant farmers, should be addressed by the Derbyshire C.C. as Highway Authority working with the National Park Authority and National Trust as a matter of urgency. There is also a need to implement further repairs to the route, although we are very mindful of the considerable expenditure already made by Derbyshire C.C. and doubts have been expressed by some Sub Group members about the public expenditure involved and the lack of sustainability of this recreation route. A permanent TRO could be subject to review in the light of making repairs and reviewing their sustainability.

Alternative means of management are not considered to be workable in our view, but one member would have preferred action to restrict 4x4s at all times.

Evidence and information supporting our views is referred to above and in Annex 1 attached.

In both cases, it is suggested that consideration is given to installing appropriate barriers/deterrents at or near the points of the proposed restrictions to help make them more effective. The Defra Regulations indicate this would need to be done with agreement of the relevant Highway Authorities and we feel this is worth pursuing.

You indicate that the consultation responses on these routes will be reported to the Audit Resources and Performance Committee (ARP) on 20 July 2012 which will be preceded by Members inspections on 19 July. We gather the report will consider evidence and grounds for making TRO's and alternative management options. We hope you will find the LAF advice and suggestions helpful, appropriate and practical to pursue in the National Park interest and in line with your revised Strategy.

I am copying Edwina Edwards in as Chair of the Local Access Forum, Jim Dixon, Richard Campen and Sean Prendergast at the NPA; Richard Taylor, Peter White and Gill Millward at Derbyshire County Council and Mick Hanson at Sheffield City Council. I am asking Sue Smith to circulate it to all LAF members. Please let me know the outcome of your deliberations on these two routes after the Committee meeting on 20 July and I will then report back to the Sub Group on 1st August.

Yours sincerely,

John

John Thompson
Vice Chair and
Chair of the LAF Vehicles Sub Group
john@thom86015.wanadoo.co.

Appendix 3

Green Lanes Actions	Completed	Ongoing/Outstanding
<p>Legal Proceedings</p> <ul style="list-style-type: none"> Traffic Regulation Order consultations by DCC or PDNPA Traffic Regulation Orders made by DCC or PDNPA Experimental Traffic Order progress 	<p>Long Causeway consultee consultation– PDNPA May 2012 Roych consultee consultation– PDNPA May 2012 Long Causeway order – DCC July 2012 Brushfield-Upperdale consultee consultation – PDNPA Sept 2012 Chertpit consultee consultation– PDNPA Sept 2012</p>	<p>Chapel Gate ETO monitoring – PDNPA 2012 Long Causeway public consultation– PDNPA Sept 2012 Roych public consultation– PDNPA Sept 2012 Bamford Clough consultee consultation – PDNPA 2012/13 Bradley Lane – DCC 2012/13 Brough Lane consultee consultation – PDNPA 2012/13 Washgates – DCC 2012/13</p>
<p>Repairs</p> <ul style="list-style-type: none"> by PDNPA by DCC by volunteer working parties. 	<p>Long Causeway – Volunteers Mar 2012 Bradley Lane – DCC Apr 2012 Washgates – Volunteers May 2012 Moorlands Lane – PDNPA Sept 2012</p>	<p>Bamford – DCC 2013/14 Brough Lane – DCC 2012/13 Brushfield-Upperdale – PDNPA 2012/13 Chapel Gate – DCC 2012/13 Chertpit Lane – DCC 2012/13 Long Causeway – DCC 2012/13 Minninglow – PDNPA 2012 Roych Clough – DCC 2012/13</p>
<p>Monitoring</p> <ul style="list-style-type: none"> vehicle loggers site inspections reports/complaints 	<p>Network and routes identified and programmes in place/being implemented.</p>	<p>N.B. List is not included to avoid distortion of investigations.</p>
<p>Management Plans</p> <ul style="list-style-type: none"> route summary reports route actions plans 	<p>Brushfield-Upperdale – Sept 2012 Chertpit Lane – Sept 2012 Long Causeway (x2) – May 2012 Roych – May 2012</p>	<p>Clough Wood – 2012/13 Derby Lane – 2012/13 Hay Dale – 2012/13 Hurstclough Lane – 2012/13 Minninglow Lane – 2012/13 Nether Bretton – 2012/13 Riley Lane – 2012/13 Sough Lane – 2012/13</p>

<u>Green Lanes Actions</u>	Completed	Ongoing/Outstanding
Signage <ul style="list-style-type: none"> • Advisory (PDNPA) • Legal (DCC) 		Bamford Clough – PDNPA 2012 Bradley Lane – DCC/ PDNPA 2012/13 School Lane – DCC/ PDNPA 2012 Washgates – DCC/ PDNPA 2012/13
Restraint <ul style="list-style-type: none"> • Initiated by vehicle users • Initiated by PDNPA 		Minninglow – PDNPA 2012
Legal status <ul style="list-style-type: none"> • consultation • clarified/resolved 	Long Causeway – June 2012	Bamford Clough Black Harry Lane Moorlands Lane

<u>Illegal Use Actions</u>	Completed	Ongoing/Outstanding
Monitoring <ul style="list-style-type: none"> • vehicle loggers • incident reports 	Network and routes identified and programmes in place/being implemented.	N.B. List is not included to avoid distortion of investigations.
Signage <ul style="list-style-type: none"> • Replacement • Legal (DCC) 	None required to be replaced in this period	
Police Operations <ul style="list-style-type: none"> • Advisory days • Enforcement days • Cautions & notices 	Network and routes identified and programmes in place/being implemented.	N.B. List is not included to avoid distortion of investigations.
Repairs <ul style="list-style-type: none"> • by PDNPA • by DCC • by volunteer working parties. 		Wigley Lane – DCC 2013/14

<u>Communications Actions</u>	Completed	Ongoing/Outstanding
Highway Authorities	Liaison on repairs, signage, barriers & legal status Input to DCC's green lanes policy Input to DCC's RoWIP – June & Sept 2012	
Police	Liaison on illegal use matters	
Local Access Forum & Green Lanes Forum	Site inspections – May 2012 Meetings – June, July & Aug 2012 Reports – June & July 2012	
Members/Staff	Press Release – May & July 2012 Ezine article – June 2012 Website revised – July 2012 Reports to Committee – July 2012 Monitoring of indicators – July 2012 Newsletter – Sept 2012 Corporate Resources Tours – Sept 2012	
User Groups & Residents	Liaison on Management Plans Press release – May & July 2012 Volunteer working parties – May 2012 Website revised – July 2012 PHP newsletter – July 2012 Reports to Committee – July 2012 Newsletter – Sept 2012	