

Peak District Local Access Forum

Date: 23 June 2016

Item: 6

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.

Action Plans

Actions plans were reported to Audit Resources and Performance Committee (ARP) on 20 May 2016 (www.peakdistrict.gov.uk/committees). The approved action plans for 2016/17 on priority routes, illegal use and communications are available on the website at www.peakdistrict.gov.uk/vehicles.

As part of this work, route action plans and route summary reports have been updated and can be viewed at www.peakdistrict.gov.uk/priorityroutes. During 2016/17, the LAF will commence their assessment of the priority routes in Kirklees and Sheffield.

Progress updates will be provided to the Green Lanes Sub-group and reported to the full Forum meetings. Derbyshire County Council provides updates to the Forum on determining legal status and consults the Forum on proposed works.

Traffic Regulation Order Update

The Local Access Forum provided a response to the Regulation 5 notification under the National Parks Traffic Regulation Order (Procedures) (England) Regulations 2007 on Washgate, near Hollinsclough following discussion of the item at the open meeting of the Forum on 10 March 2016. The letter is attached in Appendix 1.

In June, the Green Lanes Sub-Group provided a response to the Regulation 5 notification on Derby Lane, Monyash. The letter is attached in Appendix 2 and follows from a site inspection by the Sub-group.

The responses on both proposals to prohibit mechanically propelled vehicles will be reported to the ARP committee later on this year.

Meeting with Vehicle User Groups

Officers held a further meeting with representatives from vehicle users (LARA and PDVUG) in May to discuss the issues surrounding motorised vehicle use including a review of voluntary restraint.

Recommendations

- 1. That the report and the Forum's responses to the proposals for the prohibition of mechanically propelled vehicles at Washgate and Derby Lane are noted.**

Appendix 1



Peak District Local Access Forum (LAF)
C/o Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire DE45 1AE

Sue Smith
Rights of Way Officer
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Your ref: A76226/SAS

17 March 2016

Dear Sue

Washgate – Notification under Regulation 5 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007

Thank you for your letter of 2016 and the notice of proposal and map which were attached to that.

The Peak District Local Access 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.

Following on from the Local Access Forum meeting at Longshaw on Thursday 10th March, I write to confirm that we support the proposed permanent Traffic Regulation Order in respect of Washgate to restrict use by mechanically propelled vehicles at any time. This is in line with the letter and representations from Edwina Edwards as Chair of our LAF on 14th July, 2015 which is still relevant..

As you know a meeting is being arranged with Staffordshire County Council to talk about resources, Rights of Way and Green Lanes issues. Washgate is a good example of where co-ordination with them and Derbyshire County Council is important.

I trust this is sufficient as a response at this stage.

Yours sincerely
John

John Thompson
Vice Chair Peak District Local Access Forum

Copies: Edwina Edwards (Chair) and Mike Rhodes (Secretary) all PDLAF members

Appendix 2



Peak District Local Access Forum
c/o Peak District National Park Authority
Aldern House
Bakewell
Baslow Road
Derbyshire DE45 1AE

Your Ref:: A76227/SAS

2nd June ,2016

Sue Smith
Rights of Way Officer
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

by email

Dear Sue,

Derby Lane - Consultation under Regulation 5 of the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007

Following on from our last LAF meeting we had a Green Lanes Sub Group meeting on 28th April which included a visit to and walk along Derby Lane, following a report to the March meeting of the Audit Resources and Performance Committee where our letter of 20 December, 2015 was referred to.

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.

This coincided with the issue of the formal consultation by the Authority about the proposal to make a permanent Traffic Regulation Order on Derby Lane. We also had from Gill Millward a copy of the BOAT Order and plan which she kindly circulated after our visit. We noted from Gill's report on routes to the meeting, that there had been one objection to the BOAT Order. We gather that the Planning Inspectorate (PINS) will deal with this by written representations.

In addition to the above clarification of the BOAT issue, we received observations from Richard Entwistle and Sue Weatherley for consideration. We agreed to share our observations when we returned to Aldern House with all PDLAF colleagues before I drafted this reply in time to consult further ahead of the deadline of 10th June before the next LAF on 23 June.

Sub Group members present noted the following points and I circulated all LAF members on 29 April for comments by 20 May:

- The route is about 2.1 km long from Summerhill Farm (Monyash) to meet the Long Rake road at the access to Cales Farm.
- Condition varies according to season and weather conditions. Yesterday, the route was much better than on previous visits. Yesterday in late April, the route benefitted from a fairly dry spell.
- It appeared that the positioning of boulders (done by the owner in 2013) part way along the route which effectively excludes 4 WD's. That could change if the BOAT is confirmed and DCC requires the rocks to be removed.
- Richard Pett reported about 40/50 motor bikes using the route monthly - 3 motor cyclists rode through while we were there.
- Committee paper notes say 2-wheeled usage in 2015 and 2016 to date was 1 per day.
- There was evidence of impact of agricultural vehicles and trail bikes (not severe, but motor cyclists ride over a wide area – see width description in the BOAT Order).
- The width issue is significant and is not problematic for trail bikes, albeit a bit more concentrated in some sections.
- The farmer/owner should be consulted about speed of use by bikes.
- In the field at the south western end of the route the right of way is not used by motor bikes or horse riders as a better way used by agricultural vehicles for management is followed.
- We felt if the boulders were removed, the route was most likely to be used by 4WD's and would not be sustainable. A permanent TRO would be related to the need to preserve the character of the route, conserve natural beauty and enjoyment amenity.
- However, a seasonal (winter) restriction by Seasonal TRO, which would cover the legal width, would be sufficient for motor bikes subject to definition of the Season and monitoring.
- Any TRO should be monitored and kept under review re usage and effects.

The responses I received varied and there did not seem to be a consensus on recommended action. After consultation with Edwina as Chair, I agreed to put down the options which have been suggested and ask for members views before a final reply is sent for 10 June.

We agree that the surface is much better than in recent years and think this is because of the restriction created by the boulders at the gate. If the route is used as at present, ie only 2 wheeled vehicles taking their own line across the field with the dip in it and then following the line of the farm vehicles in the field next to the road, we think the route should be sustainable in dry weather; if use is concentrated on the "true line" of the route things may be different. The majority of members do not feel the route is suitable for 4x4's, but some see restricting the use of 4 wheel drive vehicles as being a huge loss of amenity, others feel the possibility of damage to an SSSI should be a significant factor in the decision to be made. There is a lovely picture in "Peakland Roads and Trackways" that shows it in a totally unspoilt state, full of wildflowers. A horse riding colleague does not see there being a conflict of use between vehicle and equestrian use as the route is little used by horses. This is because it ends up on a road which is narrow and twisting and heavily used by large quarry lorries.

Subject to PDLAF members views in response to draft , options below were responded to: Option 1 (6 in favour), Option 2 (8 in favour), leaving 8 not responding with 2 being Peak District NPA & Derbyshire CC members who normally abstain anyway on these issues.

1. Given the BOAT Order, monitor and review before taking further action (6 in favour), or
2. Impose a Traffic Regulation Order (TRO) on 4 WD's at all times and a Seasonal (winter - 1st November - 31 March suggested) TRO restriction on use by motor cycles. Again monitoring is essential to see how effective this is and whether the route is sustainable. (8 in favour).

There is some concern about the idea of a pre-emptive TRO in case damage occurs. We have been monitoring use of Green Lanes by vehicles for years now and we have built up some experience. This leads the majority of us to conclude that we do actually know that unrestricted use of routes

that go over fields with no surface or specific used line do deteriorate and once this has happened the damage is permanent. This has happened on Minninglow Lane and is happening on the track at Wetton to name just two. We also know that once damage has happened there is very little that can be done in practical terms to ameliorate this without changing the nature of the route.

Sustainability is the key word. We spend a lot of time looking at specific routes and we see the results of unsustainable use. Trying to work out what level of use is sustainable before damage occurs is difficult, albeit an aspiration. The suggestion of a seasonal TRO with appropriate monitoring might be the best we can do to try and achieve this on Derby Lane.

On the other hand, the views of some of those members who are not supportive of a permanent TRO are set out in Annex A and should be considered please. If the status is amended to a BOAT, some members feel it does seem extremely harsh to default straight to a TRO prior to monitoring. 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.

It would be helpful to look at the approach by the authority to its Strategy for Managing Recreational Motor Vehicles approved in February, 2012 (attached) in such cases please - perhaps through the Sub Group initially. We hope these views are helpful and will be taken into account. We look forward to being kept informed and consulted please.

Yours sincerely
John

John Thompson
Chair, Green Lanes Sub Group
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.

Views Expressed Against a Permanent Traffic Regulation Order

Annex A

One Member observes: Regardless of whether PDNPA or the LAF's views on the likely sustainability under vehicle use of Derby Lane differ from those of Derbyshire County Council (DCC) when they recommended BOAT status last year, to proceed to a vehicular TRO now would be a public relations disaster with the 'vehicle green lane using' community, one with wider ramifications than the effect on a single route.

As I'm sure you're aware, a great many, perhaps most, 4x4 drivers and motorcyclists who use unsurfaced ROWs now believe that PDNPA 'has it in for them' and would like to see them excluded from routes in the national park, or at least confined to tarmac.

I agree with LAF colleagues that it would be very easy for vehicle use to damage Derby Lane in wet weather. However, to draw an analogy, the authority is not taking steps to ban pedestrian access to the moors above Ladybower, even when some users seem to lack the basic common sense needed to refrain from using a barbecue during dry weather.

My concern is that, should a TRO be imposed on Derby Lane so soon after DCC recommended it be categorised as a BOAT, this would send a strong signal to recreational drivers that they, alone among all user groups, are unwelcome in the national park. I don't believe that that is a message PDNPA wants to send, as it would be at odds with the national parks ethos of inclusiveness. I

strongly favour a more flexible option (such as a wet-weather ban). This would send a more positive message and perhaps ameliorate matters with driving/motorbike riding groups, while hopefully achieving the same result in terms of protecting the route.

A Second Member Observes: As a user of this route with a 4x4 vehicle before it was illegally obstructed by the large stones I find myself at odds with some of the points raised by the Green Lanes Sub-group, as recorded in your notes, below. .

- Before the boulders were placed in the gateway there was insignificant rutting at that gate and of the other two gateways one had manure dumped in the road so there was some rutting and the other had shallow ruts consistent with the passage of livestock and farm machinery. Neither of the latter two issues is going to be improved by applying a prohibition of motor vehicles TRO.
- As evidenced from usage statistics before the illegal obstruction was placed, removing of the boulders is unlikely to cause a surge of usage by 4x4 vehicles. Motorcycle use is not likely to change from its current one per day average.
- The "natural beauty" argument conflicts with the route's historic use as an important cart road, as evidenced by the old stone guide stoop now acting as a gate post. The inclusion of the route on the definitive map as a BOAT means it retains its proper character as a vehicular highway, consistent with the man-made "natural beauty". .
- Closure of this route by a TRO would mean a significant loss of amenity to the MPV users.
- Imposing a TRO on Derby Lane so soon after DCC have recommended it be classified as a BOAT will send a strong signal to the MPV users that they alone amongst all the users of the National Park are unwelcome in the National Park.
- Closing this route, in addition to those already closed by PDNPA TROs, will increase the adverse effect that these closures are having on local businesses that currently benefit from visiting motorists.
- The route should be opened up as a BOAT and monitored over a year to see what, if any, problem arises. Then measures can be considered to ameliorate any damage.
- The concept of a pre-emptive TRO in case damage occurs, proposed at a recent PDNPA meeting can only be seen as prejudice against the MPV community. Worryingly, it opens the way for PDNPA to TRO any or all unsealed routes in the Park.
- Closing this and other vehicular routes in the Park sends a strong message that is at odds with the Park's ethos of inclusiveness.

A Third Member does not know the routes directly. Their thoughts are really more generic to the ongoing debate, and have already been made by others. But given there is a bit of a split in opinion it may be worth reiterating them! Views from that member are:

- 1) As was discussed at the last full LAF meeting, there is the risk of slowly but consistently reducing the number of routes available to recreational vehicles – and so increasing the use of these few and so creating a perpetuating cycle of closures. There are various pressure groups, who seem to have influence, whose stated aim is the removal of recreational vehicles from the national park, and the current pattern seems to support heading in that direction.
- 2) The more vehicle users are pushed to the margins, the more illegal use will proliferate. Money and resources will be needed to install protection and police the restrictions – money that could be spent on engaging and increasing support to that community.
- 3) A great deal of money is invested in access to the Peak Park – is there any provision being made to attempt to replace or compensate for any routes lost to the motorised vehicle users? There always seems to be a list of reasons why any particular site can't be used, very little done to find sites which can.
- 4) The fact that historic rights were exercised in a different manner and for different reasons is fundamentally irrelevant to confirming these rights in the present. If not, a great deal of the

Lost Ways we walkers seek to reinstate and protect before 2026 would have much bigger question marks. There are already those who detest the registering of such routes (and the difficult process for diverting extant routes) for walkers because the routes were historically used by labourers travelling to work, not 'hordes of ramblers tramping for fun'. Some of the organisations (but certainly not all the people) involved in footpath protection engage in a certain amount of double-think when it comes to the 4x4 community – and it's disappointing from a community who had to fight (and still do) so hard for their own rights.

- 5) Damage by 4x4s/trail bikes seems to lead to an automatic presumption in favour of restriction. BMC have just held a successful campaign to raise funds to fix the route up to Ringing Roger (and others across the country), due in large part to the effect of thousands of feet. What would the uproar be if instead the National Park had sought to close that route? There are ways of temporarily closing paths, and by-and-large walkers support them, because they are usually last resort measures. I'm not sure I can say there is a feeling the banning of motorised vehicles from routes is a last resort measure – it feels part of a move towards the exclusion on the grounds of being an unwelcome stakeholder.
- 6) Reiterating 3 & 4 above – the whole process seems to be in danger of setting a damaging precedent. That rights of access are more tenuous and open to change. Considering the many changes to the country over the past 5-6 years, is this a precedent we want to set? DEFRA is already looking for ways to make diverting paths as easy as possible (the 'Protecting Our Rights of Way' event in Westminster a few weeks ago would have been more properly titled 'New Methods Of Removing Unwelcome Paths' given the speakers and content). When the government decides to start saying that walking/horse riding/running routes are causing damage and harm to farmers/business holders/landowners and the community says 'once a highway always a highway' what to stop the government using this example of how untrue that can be? Again – at the recent Westminster Briefing DEFRA stated that they wanted to see debate around Rights of Way move beyond a dogmatic approach to 'once a highway...'