

Peak District Local Access Forum

Date: 9 March 2017

Item: 11

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

In February, the Authority made a traffic regulation order permanently prohibiting all mechanically propelled vehicles from Derby Lane, Monyash. Details of the order and the Regulation 14 decision notice giving the reasons for not acceding to objections made can be seen at www.peakdistrict.gov.uk/tros. A detailed response was also provided to the Local Access Forum and which is attached in Appendix 1. An exemption for cavers to use part of the route is in operation and is proposed to be administered by the Derbyshire Caving Association on behalf of cavers.

On 3 March 2017, National Park Authority members resolved to make a traffic regulation order which would permanently prohibit mechanically propelled vehicles at Washgate, near Hollinsclough save for the Bemrose Trail and Reliance Cup events on such terms as required by the Authority. When the order is made, notice will be served on consultees, landowners, and all those who have made representations.

Action Plans

Actions plans will be reported to Audit Resources and Performance Committee (ARP) on 19 May 2016 (www.peakdistrict.gov.uk/committees). These will identify actions for 2017/18 on priority routes, illegal use and communications. An update on actions during 2016/17 will also be provided.

As part of this work, route action plans and route summary reports will be updated and can be viewed at www.peakdistrict.gov.uk/priorityroutes. This will include the priority routes in Kirklees and Sheffield. Members of the LAF's Green Lanes Sub-group have now completed their assessment of all the Authority's priority routes and are to be congratulated on their comprehensive approach to this.

Resources have now been allocated by the Authority for the continuation of the work on green lanes and proposals for managing these as a valued resource will be taken forward in the action planning and forthcoming work.

Voluntary restraint

Voluntary restraint has been offered by vehicle users at Minninglow. An update on this and for other potential routes, will be reported as part of the action planning in May 2017.

One-off Green Lanes Forum

The next meeting of the motor vehicle stakeholders working group (MSWG), convened by Defra and Natural England, is to be held in April 2017. The Access and Rights of Way Officer will be attending.

Recommendation

- 1. That the report is noted.**

Appendix 1

Peak District National Park Authority

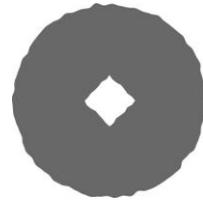
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**PEAK
DISTRICT
NATIONAL
PARK**

Edwina Edwards
Peak District Local Access Forum

Your ref:

Our ref: SAS/A76227

Date: 14 February 2017

Dear Edwina

The National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 – Notice of Making a Traffic Regulation Order – Derby Lane

I am writing to give notice that a traffic regulation order (TRO) has been made under section 22BB(2)(a) of the Road Traffic Regulation Act (RTRA) 1984 to prohibit use by mechanically propelled vehicles at any time along the route known as Derby Lane.

The order will come into force on 16 February 2017. A copy of the notice of making of the order is attached to this letter for information together with the Regulation 14 decision notice giving the reasons for not acceding to objections made. In addition a detailed response to your objections is set out in the document attached to this letter.

The notice, order, decision notice and a map showing the extent of the restriction can be found at www.peakdistrict.gov.uk/tros.

Please note that there are no rights of appeal to the making of the TRO, although an application may be made to the High Court within 6 weeks of the date of the order if it is considered that the order has not been validly made.

Thank you for taking the time to comment.

Yours sincerely

Sue Smith
Rights of Way Officer

Objection	Reason for not acceding to the objection
<p>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.</p>	<p>The determination of the legal status of the route is a matter for the Highway Authority and will not necessarily address the impacts which the TRO aims to address.</p> <p>Part of the route is presently considered to be a Byway Open to all Traffic which is a highway over which the public have a right of way for vehicular and all other kinds of traffic but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.</p> <p>Evidence is available to show that environmental damage is occurring as a result of motor vehicle recreation, both directly and indirectly. 4-wheeled use has been physically restricted from using the route as a through-route since 2013 but vehicular impacts are continuing.</p> <p>Derby Lane is not sufficiently robust to withstand the impacts of mechanically propelled vehicles which affect the character of the lane. Furthermore, the natural beauty and amenity of the area and of other users is affected by motorised vehicle use on this route. This vehicle use is contributing to the route deterioration and where there is disrepair this detracts from the amenity of the route and area.</p> <p>The removal of the boulders which act as a width restriction is a matter for the Highway Authority and who will consider the legitimate use of the route.</p>
<p>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 visited, 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 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.</p>	<p>The order is not being made on the grounds of preventing damage to the route but instead for reasons relating to amenity and conservation.</p> <p>The natural beauty and amenity of the area and of other users is affected by motorised vehicle use on this route. This vehicle use is contributing to the route deterioration and where there is disrepair this detracts from the amenity of the route and area.</p> <p>The resolution of legal status by the Highway Authority is ongoing.</p>

<p>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 may be consequent upon the blocking of the way, which may be illegal.</p>	<p>The resolution of legal status by the Highway Authority is ongoing. The removal of the boulders which act as a width restriction is a matter for the Highway Authority and who will consider the legitimate use of the route.</p> <p>In this case, the need to preserve the character and amenity and conserve the natural beauty outweighs the needs of mechanically propelled vehicular users of the route notwithstanding that such a restriction will affect the expeditious and convenient use of the route by mechanically propelled vehicles.</p>
<p>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.</p>	<p>NPA Members are aware that a variety of measures can be used to resolve issues around recreational vehicular use. The consultations undertaken offer the opportunity to suggest alternatives and for them to be considered by Members.</p> <p>In view of the nature of the route and area and the use by non-MPV users, it is not considered that the impacts could be adequately managed by a more selective TRO or other measures such as a scheme of voluntary restraint. The order is not being made on the grounds of preventing damage to the route although the state of disrepair of the route, its sustainability and prospective extent of repair can be factors for the NPA to take into account when considering the impact on the character of the route, the natural beauty and amenity of the area and other users. A less restrictive option would not achieve the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes.</p> <p>Reductions in use by voluntary restraint can have beneficial effects in some cases, but may not be sufficient on all routes.</p>
<p>In response to the questions; do not think at present the use of the route by recreational motor vehicles should be restricted by a Traffic Regulation Order, but as have previously advised monitoring and review should continue and now ask that voluntary restraint is discussed with users whilst the BOAT issue is being considered further.</p>	<p>It is the Authority's view that recreational motor vehicle use needs to be managed on some 'green lanes', and that this may include restrictions on use using the powers granted to NPAs.</p> <p>The determination of the legal status of the route is a matter for the Highway Authority and will not necessarily address the impacts which the TRO aims to address.</p>

	<p>TROs will be considered where appropriate having regard to all relevant considerations at the time including comments provided in response to the consultation undertaken and by undertaking the balancing exercise provided by s122 of the RTRA 1984.</p> <p>In this case, the need to preserve the character and amenity and conserve the natural beauty outweighs the needs of mechanically propelled vehicular users of the route.</p> <p>A less restrictive option would not achieve the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes.</p>
<p>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 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. Consider that as it is not a significantly surfaced route and the current surface could be vulnerable.</p>	<p>The order is not being made on the grounds of preventing damage to the route but instead for reasons relating to amenity and conservation.</p> <p>Maintenance and condition of the route is a separate matter to the reasons for making the order although the state of disrepair of the route, its sustainability and prospective extent of repair can be factors for the NPA to take into account when considering the impact on the character of the route, the natural beauty and amenity of the area and other users.</p> <p>The route is not only a means to access special qualities but also a valued part of those special qualities. The physical and historic nature of the track and its setting in the landscape along with natural and cultural heritage features means that it is valued by many different users. The route also gives the opportunity for quiet enjoyment and to experience tranquillity, one of the special qualities that people value most about the Peak District National Park.</p> <p>The consultation responses received establish that impacts on this route, area and other users are occurring. The continued use of this area by motorised vehicle users adversely affects this area of conservation and amenity interest to a greater extent than other users.</p>

	<p>Derby Lane is not sufficiently robust to withstand the impacts of mechanically propelled vehicles which affect the character of the lane.</p>
<p>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, 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 think there is 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.</p>	<p>Evidence is available to show that environmental damage is occurring as a result of motor vehicle recreation, both directly and indirectly. 4-wheeled use has been physically restricted from using the route as a through-route since 2013 but vehicular impacts are continuing.</p> <p>4-wheeled vehicles have an impact on the route and adjacent land by virtue of their width and weight. At certain times on certain sections of the route there may be less impact by motorcycles on the route surface although other impacts remain.</p> <p>Derby Lane is not sufficiently robust to withstand the impacts of mechanically propelled vehicles which affect the character of the lane.</p>
<p>Given the BOAT Order, monitor and review before taking further action (6 in favour)</p>	<p>The determination of the legal status of the route is a matter for the Highway Authority and deals with separate issues to the grounds for making the TRO.</p> <p>NPA Members are aware that a variety of measures can be used to resolve issues around recreational vehicular use. The consultations undertaken offer the opportunity to suggest alternatives and for them to be considered by Members. All consultation responses have been given due regard. In this case deferral would not have achieved the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes.</p> <p>The monitoring, management and review of measures adopted will continue to take place.</p>
<p>Impose a Traffic Regulation Order (TRO) on</p>	<p>NPA Members are aware that a variety of</p>

<p>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)</p>	<p>measures can be used to resolve issues around recreational vehicular use. The consultations undertaken offer the opportunity to suggest alternatives and for them to be considered by Members. All consultation responses have been given due regard. A number of alternatives have been considered.</p> <p>In view of the nature of the route and area and the use by non-MPV users, it is not considered that the impacts could be adequately managed by a more selective TRO. A less restrictive option would not achieve the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes.</p> <p>Reductions in use can have beneficial effects in some cases, but may not be sufficient on all routes.</p>
<p>There is some concern about the idea of a pre-emptive TRO in case damage occurs. Have been monitoring use of Green Lanes by vehicles for years now and have built up some experience. This leads the majority to conclude that 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. 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</p>	<p>Agree. Derby Lane is not sufficiently robust to withstand the impacts of mechanically propelled vehicles which affect the character of the lane.</p>
<p>Sustainability is the key word. Spend a lot of time looking at specific routes and 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 can do to try and achieve this on Derby Lane.</p>	<p>NPA Members are aware that a variety of measures can be used to resolve issues around recreational vehicular use. The consultations undertaken offer the opportunity to suggest alternatives and for them to be considered by Members. All consultation responses have been given due regard. A number of alternatives have been considered.</p> <p>In view of the nature of the route and area and the use by non-MPV users, it is not considered that the impacts could be adequately managed by a more selective TRO. A less restrictive option would not</p>

	<p>achieve the outcome of protecting the natural beauty and amenity of the area in accordance with the Authority's obligations in respect of its statutory purposes.</p> <p>Reductions in use can have beneficial effects in some cases, but may not be sufficient on all routes.</p>
<p>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. Consider that as it is not a significantly surfaced route and the current surface could be vulnerable.</p>	<p>Derby Lane is not sufficiently robust to withstand the impacts of mechanically propelled vehicles which affect the character of the lane. However the order is not being made on the grounds of preventing damage to the route but instead for reasons relating to amenity and conservation.</p> <p>It is the Authority's view that recreational motor vehicle use needs to be managed on some 'green lanes'. Route reports are at www.peakdistrict.gov.uk/priorityroutes. Monitoring will be continued.</p>
<p>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.</p>	<p>The Authority's strategic context and actions for the year ahead are available at www.peakdistrict.gov.uk/vehicles.</p> <p>The management of recreational motorised vehicles within the National Park is a high priority work area for the Authority. Members of vehicle user groups are on the Peak District Local Access Forum informing and advising the NPA.</p>