

Peak District Local Access Forum

Date: 5 December 2013

Item: 7

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 5 notification under the National Parks Traffic Regulation Order (Procedures) (England) Regulations 2007 on Leys Lane following discussion of the item at the Forum meeting on 19 September 2013. The letter is attached in Appendix 1.

In September, National Park Authority members resolved to make a permanent TRO prohibiting all mpvs at all times at Long Causeway. However the Authority is not able to make orders whilst orders are in force by Derbyshire County Council. The NPA will therefore be making its orders on this route and at the Roych when the works undertaken by DCC have been confirmed as being complete.

Green Lanes Forum

A meeting of the Green Lanes Forum was held on 28 November 2013. This was the last currently scheduled meeting. Members of the Forum discussed its future and agreed that there was value in it continuing. The NPA is now considering how best this can be taken forward.

Highway Authorities Partnerships

A Memorandum of Understanding is being developed with Derbyshire County Council to agree arrangements for consultations and notifications and to have regard to respective duties. It is hoped to extend this to other Highway Authorities in the National Park.

Accessibility Matters

The NPA are planning to write to disabled user groups to discuss arrangements for access. This will include routes which are under consideration for TROs. It is the intention that there will be continued involvement with these groups to contribute to and inform equality issues on access and rights of way in the National Park. LAF representation is sought on this proposed group.

Recommendations:

- 1. That the LAF seeks nominations for representation on the proposed accessibility group.**
- 2. That the report is noted.**

Appendix 1



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

Sue Smith
Rights of Way Team
Peak District National Park Authority
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24 September, 2013

Dear Sue

Possible TRO at Leys Lane, Little Longstone – Consultation Response

At the Local Access Forum meeting on 19 September, you invited comments on Leys Lane in relation to the proposed Traffic Regulation Order. We were advised that the Audit, Performance and Performance Committee had previously resolved in November, 2012 to publicise its proposal to make a permanent Traffic Regulation Order to prohibit mechanically propelled vehicles on the Leys Lane section of the route. No prohibition is proposed on the Chertpit Lane section of the route to the west. A site plan is attached.

This was put to the meeting which unanimously agreed to maintain its former views set out in Edwina Edwards (LAF Chair) letter to Mike Rhodes of 19 October, 2012. As that letter also dealt with views on Brushfield - Upperdale, I have reproduced the Leys Lane and Chertpit wording below as I thought that would be easier for future reference

As you know Chertpit and Leys Lane were considered by the Peak District Local Access Forum (LAF) at its meeting on 27 September, 2012 where it was agreed to delegate full authority to respond to the meeting of its Green Lanes Sub Group that afternoon. At a further meeting of the Sub-Group on 18 October 2012, this final response was agreed to be a fair representation of their carefully considered views.

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 Green Lanes Sub-Group have been incorporated into the route information documents and used to advise actions which were previously agreed by the LAF and adopted by the Authority in March 2012.

A TRO has been identified as a possible management option. We looked at the Chertpit and Leys Lane route 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 borne of observation over several years are:

On Chertpit and Leys Lane, three members of the group had particular involvement with this route: Adge Last is a local resident and has used it with outdoor activity groups, Henry Folkard attended the Public Inquiry on status and Richard Entwistle had held discussions with the local community.

The group did not reach consensus on what to recommend for the Leys Lane section. **On the Chertpit Lane section there was consensus that vehicular access from Scratte to the small parking area at the junction with Leys Lane was not problematic**, albeit that section would become a cul-de-sac route should there be no vehicular through route.

The major area of concern within the group was the 'pinch' section at the northern end of Leys Lane. Hedge trimming and other work between the ponds and the farm at the Little Longstone end had effectively allayed concerns about vehicular access on that section, and halted the westerly migration of the route away from its actual line onto adjoining farm land. Suitability of road planings as a material for infill of ruts and resurfacing was questioned on environmental grounds. Potential of surface work to enhance speed was another concern.

Members pointed out that though the pinch section is narrow, it has reasonable visibility, and also that logging evidence was of such limited 4x4 use that restrictive measures could hardly be deemed reasonable or necessary.

Alternative views were that those points notwithstanding the extreme narrowness of the pinch section effectively prohibited joint use by both MPV and other legal user. Because of the high banks no diversion from the route to allow vehicles or vehicles and other legal user to pass was possible. Some members felt that on such a section perception of risk was a very real impediment for the non MPV user. Indeed, there was evidence of equestrians having to avoid use of the route, and of adventure activity groups being directed away from it after risk assessments had been conducted. Whilst the logging data was relevant, risk assessment (or personal judgement) had to embrace perception, probability and

potential consequence for pedestrians and equestrians using the route and meeting MPVs or convoys of MPVs.

Members previously considered whether any option less restrictive than a permanent TRO on Leys Lane might be appropriate, and noted that attempts to designate an alternative route had not come to fruition. In the voting two members opted for a peak time ban only and one for a motorbike ban only, but **the group concluded on a majority vote of 6 to 3, with the Chair abstaining, that recommendation for a permanent TRO on Leys Lane represented the only practical option**, given the unalterable character of the route and real impact upon majority user.

I hope this information is sufficient at this stage.

Yours sincerely,

John

John Thompson

Vice Chair of the PDLAF

Copies to Edwina Edwards (chair), Mike Rhodes (Secretary) and all Peak District LAF members, Richard Pett (Rights of Way Team, Peak District NPA)

Richard Taylor, Peter White and Gill Millward (Derbyshire County Council)

Background Notes and Action Plan material relevant to our response

Annex 1

Chertpit and Leys Lane

LAF Vehicles Sub Group – Route Summary Report

Original recommendations were that:

- The route should be signed
- The subgroup should be kept informed of works on the site and how they are working
- Any developments to be discussed by the subgroup at a future date as required.

Subsequent LAF Views in the Action Plan

Issues

- Disturbance to residents – proximity of village
- User conflict – relatively high levels of vehicular use, recreational value for all users, speed
- Route nature – narrow, limited visibility
- Route condition – loose surface, overhanging vegetation
- Verges are key ecological area

Objectives

- Reduce impact of use on local community
- Promote responsible use
- Encourage voluntary action
- Improve amenity and safety for route users
- Improve condition of route
- Maintain character of the route
- Protect the environment of the area

History

2007 – classified as a 'may be unsustainable' route by PDNPA Ranger service using approved sustainability analysis criteria; resurveyed and agreed by PDNPA Rights of Way Officer.

2008 –approved as a priority route by PDNPA members (March)

2010 – PDLAF Vehicle Subgroup site surveys and meeting to agree recommendations (August); consultation with local parish councils (November); ecological survey undertaken (November).

2011 – advisory signage erected, repairs to surfacing, and removal of overhanging vegetation

2012 – Rocking the BOAT provide evidence in support of a TRO (February)

Agreed Actions

1. Inform Parish Council of route action plan and route summary report - Spring 2012
2. Vehicle logging - bi-annually
3. Monitor condition of route and verges - quarterly
4. Proposed consultation on vehicle regulation - Summer 2012

LAF – Special Meeting on 1st March, 2012

A traffic order request has been submitted by Rocking the BOAT. Members considered that it was difficult to improve safety at the pinch point. They also felt that the route is becoming unsuitable for horseriders. Deterioration has taken place since the designation as a Byway Open to All Traffic. Use has doubled as a result of its profile being raised yet may subside when it is realised that the route is not challenging enough for vehicle users. The route is a convenient walking route from Great Longstone.

Grounds for making a TRO (extract from Defra guidance)

Annex 2

Public Rights of Way - Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984

The grounds on which a National Park Authority may make a TRO are identical to those currently available to the local highway authority (although a National Park Authority TRO may only be applied to a route shown on the DMS or a carriageway with a predominantly unsealed surface). However, two of the grounds, set out below, are particularly relevant given the statutory purposes of National Park authorities.

- *s1 (1) (f) RTRA84 enables a TRO to be made when it is expedient for preserving or improving the amenities of the area through which the road runs.*
- *s22(2) RTRA84 enables a TRO to be made for the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area.*

Types of routes

National Park Authorities will be able to make TROs within a National Park on or ways which are shown on a definitive map and statement (as Public Footpaths, Public Bridleways, Restricted Byways or Byways Open to All Traffic) or other carriageways whose surface, or most of whose surface does not consist of concrete, tarmacadam or coated roadstone.

Types of order

TROs are already widely used by local highway authorities to regulate many aspects of use of the highway network from one-way systems and speed limits to weight limits and width restrictions. TROs can be made without limit on their duration (hereafter referred to as “permanent”) or for temporary periods and can be made on an experimental basis to see whether a proposed measure is effective before making a permanent order. The types of effects that are likely to be sought by National Park Authorities are shown below. This is not an exhaustive list.

Grounds for making an order

A National Park Authority will be able to make a TRO for any relevant road or part of road where it appears expedient to make it:

- a. for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, (s1(1)(a) RTRA84);
- b. for preventing damage to the road or to any building on or near the road, (s1(1)(b) RTRA84);
- c. for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), (s1(1)(c) RTRA84);
- d. for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which is unsuitable having regard to the existing character of the road or adjoining property, (s1(1)(d) RTRA84);
- e. (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, (s1(1)(e) RTRA84);
- f. for preserving or improving the amenities of the area through which the road runs, (s1(1)(f) RTRA84);
- g. for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality) (s1(1)(g) RTRA84);
- h. the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area. (s22 (2) RTRA84). This includes conserving its flora, fauna and geological and physiological features (s22 (5) RTRA84).

The scope of a TRO is set out in sections 2(1), 2(2), 2(3) and 4(1) of the RTRA84, but includes powers covering:

- restrictions on the type of user – this could be generally or of a particular class. For example, it could restrict all mechanically propelled vehicles or MPVs with more than two wheels or vehicles of a width greater than 1.5m, etc;
- extent of road affected – the TRO may apply to the whole of a road, or to a specified length, or to a part of the width of a road;
- the period during which the TRO is effective – it may apply at all times or at specified hours of the day, days of the week or periods of the year.

TROs can regulate the passage of mechanically propelled vehicles, horse drawn carriages, cyclists and pedestrians. They cannot prevent pedestrian access to premises or access for vehicles to premises for more than eight out of twenty four hours. Although there are no grounds for a TRO to restrict recreational use to apply to persons accessing their property, visitors to the property and business and trade professionals.

Restrictions that may be implemented by a TRO

- | | |
|-----------------------------|--|
| ☉All vehicles | ☉All mechanically propelled vehicles |
| ☉Width limit | ☉All mechanically propelled vehicles except motorbikes |
| ☉Weight limit | ☉Horse riders |
| ☉Height limit | ☉Carriage drivers |
| ☉Length limit | ☉Pedal cyclists |
| ☉Seasonal restrictions | |
| ☉Days of the week / weekend | |
| ☉Hours of the day | |