

## Derby Lane – Summary of Regulation 4 Consultation Responses

### **Derbyshire Constabulary -**

- Assuming the route summary report (2013) is still current –Derby Lane is a non –classified highway (cul –de sac) being part of the Lathkill Dale SSSI. Page 1 of the report scores the route 6/15 as part of the sustainability analysis. The 2 key factors here in relation to consideration of a TRO relate to complaints about vehicle use –score 1 –few or no complaints and the other is the character of the route being damaged by vehicular usage – score 1 –little or no effect.
- Accepting that the route should be protected, any measures have to be proportionate to the issues evidenced –there is evidence that parts are used by motor cycles and I’ve copied in both the Section Inspector and Safer Neighbourhood Team Sergeant so that the extent of any complaints/use can be assessed. The situation is that the same rural conditions which will limit any effective enforcement of this route also will limit the ability to monitor vehicle usage. The survey (2007) didn’t indicate particular issues so the need to effectively monitor subsequent changes will be key to the consideration for any action.
- Based upon this information there is no clear evidence justifying the need to restrict vehicles along this section.
- I would question the justification for a TRO as stated above and the ability to achieve compliance on such a rural route will be difficult. The route is a cul de sac and the topography naturally limits the type of vehicle which can use it safely, however, a Prohibition of Driving (with exempted uses) would not introduce self –compliance without the support of physical measures and introducing such measures is impractical given the need for access by agricultural machinery, plus preventing use by motor cycles is virtually impossible- measures including gates may be circumnavigated by determined trail riders.
- Signs alone will not convey the message so there will be obvious enforcement implications for police where priority local policing commitments will result in little or no enforcement by police, so there can be no reliance on police resources to support a legal restriction of this nature.
- The survey report refers to the damage being done to the route, but any use not by drivers/riders connected with farms/other properties etc will be by the determined few who are not deterred by the condition of the route and the issues are, if there is now a need to protect the route, how can it be effectively protected?
- Any signing is unlikely to have any deterrent effect on regular ‘leisure’ users and without the fear of being caught detrimental any impact on the route will continue.
- The only effective solution if considered justified, is to erect a physical barrier on relevant sections to enable access only by ‘essential users’ –effectively this stops up the route/part of it whether on a temporary or permanent basis to allow the route section to recover. This has obviously implications but could be barrier controlled.
- This is a better option than any reliance on the ability to process non -exempted drivers/riders by introducing a signed only, TRO. Cost is always a prohibitive factor, but again, such action must be considered justified.
- The clear enforcement implications mean that on the evidence provided cannot support any legal restriction unless effective supportive means are associated with it and the reality is that signing only such a location will do little to address the situation.

**Monyash Parish Council** – The use of recreational vehicles should be restricted. The restriction should be done by a traffic regulation order. The use should be restricted to only landowners or users with the landowner's permission. Not able to comment on the other matters.

### **Peak District Local Access Forum –**

- 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. Summarised issues as:

- Sections of the route are narrow, with no potential room to leave the lane
- There is some rutting of the surface
- 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. Noted that the route is unmarked on OS Maps at its southern end and not signed on site causing confusion and occasional trespass. Also asked for clarification of its status which 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).
- DCC have 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 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.
- 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.
- 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; 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..
- 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. Consider that as it is not a significantly surfaced route and the current surface could be vulnerable.

#### **British Horse Society -**

- At present there is some evidence of use and damage by motorised vehicles: some sections of the walled length of the route are badly rutted, resulting in flooded areas. These rutted areas are expanding beyond the normal width of the farm track to the walled edges of the lane. The route is likely to become a BOAT when its status is finally determined next year. If this status is confirmed then use by recreational motor vehicles is certain to increase and when that happens the route's unsealed surfaces will be very vulnerable to further damage. This further damage will affect not only the walled sections but also the parts of the route which cross grass pasture towards the southeast.
- Surface damage to byways by recreational motorised vehicles is a serious problem for horse riders in the Peak District. Deep ruts in soft ground are hazardous for horses even at walking pace and they ruin the enjoyment of riders and the exercising of horses by making the byway

wholly unsafe for trotting or cantering. At present, riders on Derby Lane have to take care to negotiate the existing rutted sections of walled lane but if the BOAT order is confirmed then it is likely that they will have to contend with deeper and more extensive ruts here as well as new ruts on the grassland sections of the route. Damage by vehicles to unsealed byway surfaces such as Derby Lane affects horses' safe going and wellbeing, and thereby adversely impacts on the capacity of the area to offer opportunities for public enjoyment and recreation.

- The use of the route by recreational motorised vehicles (especially groups of trail motorcycles) also has detrimental impacts on the safety of other users (riders, cyclists and walkers) and their experience of tranquillity and quiet enjoyment in the national park. The setting of Derby Lane is characterised by an open landscape of limestone grassland, typical of the White Peak, and motorcycle activity and noise is inevitably intrusive and disturbing in this context.
- Defra guidance says that Traffic Regulation Orders can be made to prevent problems happening, not just stop damage once it has occurred (source: DEFRA, "Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984").
- To conclude I submit that:
  - The use of this route by recreational motor vehicles should be restricted because of the need to protect Derby Lane from further damage, to resolve user conflict affecting safety and to preserve the amenity and environmental value of the area.
  - A TRO with the normal exemptions for land management and emergency vehicles is the only effective way of restricting use by recreational motor vehicles.
  - The restriction should apply to the full length of the unsealed section of the route and in both directions. A one-way system would encourage faster speeds by motorcyclists and thereby exacerbate safety hazards.
  - The restrictions should apply throughout the year. There is no evidence that a seasonal restriction would be sufficient to protect the track surface as wet conditions can occur in any season. In any case, issues of safety and amenity are not seasonal in nature.

**Ramblers' Association** – a TRO should be in place the whole length of Derby Lane from Summerhill Farm Grid Ref SK153656 to the junction with Long Rake Grid Ref SK167640 so as to retain the current surface and nature of the Lane. Certain that if it was opened to traffic it would soon deteriorate in such a way that very few users of the country side would find it passable.

**Natural England** - The track that you are concerned with is within the Peak District National Park and closely sited the Lathkill Dale SSSI. Would therefore welcome the restriction of recreational motorised vehicles in this environmentally sensitive area.

**Friends of the Peak District** - a permanent Traffic Regulation Order (TRO) restricting all recreational motor vehicle use on the lane is the most expedient method of protecting the environment and public amenity, and as a preventative measure to future damage.

- Derby Lane leaves the cul de sac at Summerhill Farm (off Rakes Road in Monyash) and follows a south easterly direction to join the minor road Long Rake (between Parsley Hay and Conksbury). It provides a good walking and horse riding route, with fine views across traditional White Peak landscapes, to visit Arbor Low (signposted along the way). The northern half of the route is a broad well-surfaced stony track with wide verges enclosed by stone walls and lined by substantial copses of mature trees. It appears well used by farm vehicles and stock.
- The southern section is a broad grassy lane with wide verges lying initially between stone walls, and then crossing green fields with no definitive route on the ground. At the gate into the fields road barriers have been erected, we understand, by the farmer to prevent repeated destruction of the stone walls. The gate opening has been restricted by the placement of boulders. For a short distance either side of the gate the route passes through part of the Lathkill Dale SSSI, designated for its underground caves. On the southern section between

walls, around the gate into the field, and at the climb out of the final dip near the tumulus there was evidence of motorcycle use which had churned the surface into ruts (visit 7<sup>th</sup> December 2015).

- DEFRA Guidance for National Park Authorities making TROs accompanies the 2007 regulations<sup>1</sup>. It identifies the eight grounds for making a TRO on a route, these include:
  - a) avoiding danger or the likelihood of danger;
  - b) preventing damage to a road;
  - c) facilitating the passage on the road (including pedestrian),
  - d) preventing use which is unsuitable having regard to the existing character of the road;
  - e) preserving the character of the road where it is specially suitable for use by persons on
  - f) horseback or on foot;
  - g) preserving or improving amenities of the area;
  - h) for air quality (section 87 of the Environment Act 1995),
  - i) conserving and enhancing the natural beauty of the area or of affording better opportunities
  - j) for public to enjoy the amenity of the area.
- Examining these grounds, a permanent TRO on all recreational vehicles would deliver grounds b, c, d, e, f and h.
- The major concern on Derby Lane is the potential for damage caused to the route and surrounding area where it ceases to be a robustly surfaced stone track. The gate into the fields prevents 4x4 vehicles using the route – only motorbikes can pass through (confirmed by vehicle logging). There was evidence of use by the latter with rutting and pooling of water on the southern half of the lane with a softer surface. As the lane is poorly defined between the gate and Long Rake all users take a wide path across the fields, creating ruts in the top soil which are detrimental to the local environment and landscape.
- A permanent TRO would prevent further and future damage to Derby Lane (thus meeting grounds (b) and (f)), and facilitate the use of the route by horses and pedestrians who would be hindered if the surface was to deteriorate (ground (c)). Allowing limited use of the route would, given the topography and the soft surface of the southern section of Derby Lane, continue the damage.
- Derby Lane is bounded on all sides by traditional White Peak and historic landscapes. It has an elevated location and offers extensive views over the plateau to the east and south. The area's quiet tranquil character is adversely affected by vehicles on it. A permanent restriction would remove vehicles that are unsuitable given the character of the route (ground (d)).
- A permanent TRO would deliver enhancement to the natural beauty of the National Park and afford better public enjoyment of the amenity of the area (ground (h)). A permanent TRO would also allow removal of the road barriers which provide a visual intrusion and harm the special qualities of the Park in this area. Given its compliance with six of the eight grounds for serving a permanent TRO on Derby Lane, believe the Authority should progress this option as a preventative measure.

**Peak and Northern Footpaths Society** – strongly supports the making of a permanent TRO to at all times prevent the use of the whole width of the route in both directions by all motorised vehicles, except for access to property. Strongly endorse PDGLA response.

#### **Peak Horsepower**

- All motor vehicle traffic (other than for farm and emergency vehicle access) should be permanently prohibited from using Derby Lane at all times. Do not believe that there are any alternative, effective or enforceable means of preventing either the inevitable surface damage or the danger to horse riders which will arise with the increase in motor vehicle traffic which will occur if the route becomes a Byway Open to All Traffic, as seems likely.
- Believe that a number of the legal grounds on which PDNPA can make a TRO apply to Derby Lane
- TRO on safety grounds: - There are unsighted bends on the section of the route between Monyash and the boulders part way along which are preventing 4x4 use of part of the lane.

The brow of a hill on this section is also unsighted. Motor bike riders currently use the route but have no means of knowing what is around the unsighted bends or over the brow of the hill, and due to their engine noise and use of helmets they cannot hear any warnings which horse riders may try to give. For these reasons there is a risk of collision on this part of the route between horses and fast moving motorised trail bikes.

- The top of this same section of the route is on soft ground and has deep vehicle ruts (see the photograph attached). Ruts put riders and their horses at risk as horses can easily trip and fall in them, particularly if they are frightened and try to whip round. Most horses are frightened by the sound of revving trail bike engines, particularly when the horse cannot see where the frightening noise is coming from. At present this section is wide enough for riders to avoid the ruts but we know from other routes on soft ground that regular use of Derby Lane by recreational motor vehicles will produce on this section of the route parallel sets of deep ruts right across the width of the route. This will present a risk to riders and eventually make the route impassable for horses.
- For the above reasons there is clear likelihood of danger to horse riders from motor vehicle use of the walled section of the route. The grounds for making a TRO pro prevent the likelihood of danger therefore apply.
- TRO on grounds of 'preventing damage to the road' - For nearly all its length, the surface of Derby Lane beyond the boulders is undamaged grassland. It is abundantly clear from what has happened to similar routes in the National Park that should there be any growth in recreational motor vehicles use of Derby Lane, the grass surface of this part of the route will be destroyed. Refer here to the damage to Minninglow, the Wetton route, Beeston Tor, Moscar Cross Road and the route which is now a footpath which links Jacob's Ladder in Stoney Middleton to Riley lane in Eyam. The surface of all these routes has been severely damaged by recreational vehicles.
- Strongly advise PDNPA to put a TRO on Derby Lane on the grounds of 'preventing damage to the road' in order to protect the grass surface from motor vehicle damage.
- 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 character of the road - The character of Derby Lane beyond the landowner's boulders is open, undamaged, limestone grassland. Use of the route by 4x4s and motor bikes is wholly unsuitable for such a route. As mentioned, the evidence from what has happened to similar routes is clear: the character of this part of Derby Lane will be destroyed if motor vehicles are free to use it. Urge PDNPA to cite 'preventing use by vehicular traffic of kind which is unsuitable for the character of the road' as one of the grounds for a TRO on the route.
- For preserving the character of the road where it is specially suitable for the use of persons on horseback or on foot - Derbyshire County Council's Rights of Way Improvement Plan confirms that Derbyshire has a much smaller network of bridleways than other parts of the country. Only 10% of the rights of way network in Derbyshire are bridleways compared with 17% nationally
- As a result of the shortage of bridleways, local riders everywhere in Derbyshire, including in the Peak Park, rely heavily for safe off-road riding on the category of ways which DCC calls Non-classified Highways (NCHs). Derby Lane, is one of the few remaining NCHs in the Peak Park which still has a decent surface for horses. It is therefore particularly valuable to riders, whose horses need to exercise and work at all paces. Only a good grassy surface allows a horse to be ridden beyond walk or trot. Nowadays, even most bridleways in the Peak District do not have such a surface. For this reason believe there is a strong case for a TRO on Derby Lane on the grounds that it is particularly suitable for persons on horseback.
- For preserving or improving the amenities of the area - Derby Lane is a valuable amenity for horse riders. Know from what has happened to very many other riding routes in the National Park that if the route becomes a BOAT used by recreational motor vehicles, rider access will be seriously compromised and the amenity afforded by the route, not just to riders but to residents, walkers and cyclists as well, will be degraded. Believe PDNPA should include 'preserving the amenities of the area' among the grounds it cites for a TRO.

- For the purposes of conserving or enhancing the natural beauty of the area, or affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area. This includes conserving its flora, fauna and geological and physiographical features - Overriding concern is safety and access for horse riders and these concerns form the basis of our response to this consultation, but also value highly the privilege of being able to live and ride amidst the beauties of the National Park. Support the making of a TRO on Derby Lane on the grounds of conserving and enhancing the natural beauty of the area.
- Derby Lane is part of an SSSI, a designation which gives the whole of the SSI area a degree of special importance. If the lane becomes a BOAT, which seems likely following the DCC determination and BOAT Order, only a TRO will be able to conserve the natural beauty and tranquillity of this part of the National Park and prevent the noise, intrusion, disturbance and damage which comes with use by recreational motor vehicles.
- The field patterns, enclosures, walls, flora and verges of Derby Lane are all part of the fabric of the National Park and its heritage. It is part of PDNPA's statutory duty to protect these features. Evidence from other routes used by recreational motor vehicles is that all these features on and alongside routes used by recreational motor vehicles become severely damaged. PDNPA should use 'conserving the natural beauty of the area' as one of the grounds for TRO on the lane .

#### **Peak District Green Lanes Alliance -**

- Believe that the PDNPA should introduce a Traffic Regulation Order (TRO) banning all classes of motor vehicles on Derby Lane from travelling in both directions for all days of the year (with the normal exemptions for emergency vehicles, agricultural vehicles etc.) The reasons that PDNPA should adopt this approach are given in our response. Have also detailed why other approaches would be unsuitable.
- Have given reasons why a pre-emptive TRO is desirable on a route that currently appears to be little affected by recreational motor vehicle use in our response. Believe that PDNPA should consider protecting routes before extensive damage, loss of amenity and user conflicts arise, rather than waiting for these and welcome the fact that PDNPA is considering such an approach.
- Use of the route - The route is used by walkers, cyclists, horse riders and recreational motor vehicle users. Barriers and boulders have been erected by the landowner at SK160646 which may prevent use of the route by 4x4s and quad bikes between that point and the minor road, Long Rake, at SK 167640. (Have been told that when the gate here was locked motor bikes damaged the walls to get through. The farmer has now strengthened these walls with metal barriers.) Note that PDNPA's vehicle logger data for February – May 2015 indicates that only motor cycles used the logged section.
- There is farm vehicle use of the route but appears to be mainly north of the barrier at SK 160646.
- Some cavers use the route and park on the surfaced section between Summerhill Farm and SK 160646 to access caves in the area.
- Status of the route - Derbyshire County Council (DCC) has carried out a DMMO determination on the length of route shown on the map accompanying the PDNPA Regulation 4 letter. They determined that the route should be a BOAT. It has not yet been added to the Definitive Map and Statement because objections have been received. However, the order should be referred to the Planning Inspectorate which will determine its status and line in 2016.
- SSSI – Lathkill Dale. The section between SK160646 and SK 162644 is within the Lathkill Dale SSSI. The designation of the Lathkill Dale SSSI mentions Carboniferous Limestone, wildlife habitats and geological interest.
- Condition of the route - The walled section from Summerhill Farm to SK 160646 is mostly surfaced but not sealed, wide and for the most part with reasonable sight lines although there are some blind spots on this section.

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- The southern reaches of this section can be muddy with ruts associated with both farm vehicle use and recreational vehicle use. A farmer with premises on the lane reports that the damage on the route which leads to rutting and flooding never used to happen and is caused by recreational motor vehicle use. Walkers complain about the flooding to the farmer.
  - A small length, just north of SK 160646 (which is included in the SSSI) is grassy and has extensive parallel ruts. The third edition of Dodd and Dodd "Peakland Roads and Trackways", (publication date 2000) page 65 contains a picture of this area before it became rutted.
  - South east of SK160646 the route is unsealed and unsurfaced over pasture land until it joins the minor road known as Long Rake. In May 2015 there were one or two small patches of ruts. We saw tracks of motor cycles circling in a small area in May. There were more extensive signs of ruts in this grassy section in December 2015. This reflects the wetter and softer condition of the ground in December. However, the overall impression of this section is of a grassy route in generally good condition, probably due to the boulders referred to earlier.
  - However PDNPA's conservation report (Appendix 1 of the Route Summary) describes (supported by a photo) ruts over a wide strip of land, up to 20 metres from the field wall in January 2013. The improvement of the surface since suggests that the positioning of the boulders has reduced recreational motor vehicle use and subsequent damage.
  - Believe that if use increased again, especially if confirmed as a through BOAT route, this grassy section of Derby Lane would be vulnerable and could experience the type of damage described in Section 6.
  - Reasons why we believe regulation of recreational motor vehicle use by a Traffic Regulation Order can be justified.
  - Road Traffic Regulation Act 1984 Section 1 (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" - We have been told of conflicts experienced by one user between motor cycles and walkers where motor bikes have come over the brow of the hill too fast and have skidded towards pedestrians as they braked.
  - Farm animals being moved along Derby Lane have been spooked by motor cycles, when the latter have not slowed down.
  - Horses are also frightened by revving motor cycle engines. They are also at risk at the blind spots mentioned in Section 4.
  - Road Traffic Regulation Act 1984 Section 1 (b) for preventing damage to the road or to any building on or near the road - The DEFRA publication "Guidance for National Park Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984", page 4 states "Traffic Regulation Orders can be made to prevent problems happening, not just stop damage once it has occurred. A National Park Authority would need to demonstrate a reasonable risk that the situation it was intended to prevent would arise."
  - Believe that an argument to support a pre-emptive TRO could and should be made by PDNPA in this case (and in other cases.)
  - There are few "green lanes" which are unsealed and unsurfaced with a grass surface within the National Park. In most cases, the grassed lane only forms part of the route. Believe that it is important to protect these grassed routes before they become damaged.
  - Have seen the ruts and damage caused to surface of a number of grassed lanes by recreational motor vehicle use. Examples are Minninglow Lane / Gallowlow Lane; Morton's field (the part of Riley Lane, Eyam which crosses a field – this section is now a footpath following a public inquiry but the damage was caused when it was classified as an ORPA); the ORPA from Manor House to the Manifold valley in Wetton and called Wetton by PDNPA in its list of priority routes; the ORPA from Beeston Tor Farm southwards towards Throwley Cottage in Waterhouses parish; and Moscar Cross Road in the winter of 2013.
  - On Minninglow Lane and Moscar Cross Road in 2013, during the winter ruts extend across the whole available width of the route making it difficult for non vehicle users to use the route.
  - The presence of ruts mean that users may divert onto adjacent farmland. However in some cases there is evidence that recreational motor vehicle users are or were driving on farmland when there is no apparent need (on Minninglow Lane, Brushfield and Sough Lane,

Taddington for example.) We are aware of two instances where farmers have fenced off a route which was previously across open farmland to prevent such incursions: the eastern end of Minninglow Lane and Morton's Field. This fencing changes the character of the lane, reduces the area of cultivatable or grazing land and is expensive for farmers.

- Fencing has two additional consequences. It means that ruts are more likely to extend across the whole width of the “enclosed route” which makes the route more difficult for walkers, cyclists and horse riders to use.
- Secondly it increases the potential conflict between recreational motor vehicle users and non vehicle users as the latter have less space to get out of the way when they meet vehicles, particularly 4x4s and quad bikes which are wider. This problem is particularly acute for horse riders.
- Believe that this evidence from other routes; the ruts observed on Derby Lane in January 2013 and the seasonal deterioration observed in 2015 gives PDNPA clear grounds for a pre-emptive TRO to protect Derby Lane before serious damage occurs to the grassed section of the route.
- Road Traffic Regulation Act 1984 Section 1 (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 - the previous section sets out other reasons why it could be argued that part of Derby Lane is unsuitable for use by vehicular traffic.
- Derby Lane is an old established route. [http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash\\_tcm44-260999.pdf](http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash_tcm44-260999.pdf) summarises the historical evidence and the maps on which the route is shown in historic times. Parts of it were a public carriage road in the Monyash Enclosure Award of 1771. The evidence submitted to DCC by local people when DCC carried out its DMMO determination is that there has been little use of the route by recreational motor vehicle users until recent times.
- Increased use is likely to change the character of the route especially over the grassed section (see the preceding section for the consequences of recreational vehicle use on other grassed routes).
- Historic routes are part of the Peak District landscape and should wherever possible be preserved in their current condition (if good or reasonable) rather than allowed to deteriorate.
- Road Traffic Regulation Act 1984 Section 1 (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 - Derby Lane is used by the High Peak Hunt several times a year. Local horse riders use it. The Peak District has a smaller network of bridleways than many other parts of the country (10% of the rights of way network compared to 17% nationally.) Therefore, local riders are dependent on ORPAs and BOATs (i.e. routes like Derby Lane.) The grassed section is particularly valuable as it allows horses to be ridden beyond a walk or trot. Horses need to exercise at all paces.
- For walkers, the lane crosses Monyash FP 18 which links with footpaths into Lathkill Dale. It can be used to make a number of circular walks centred on Monyash village.
- A walk using Derby Lane can be found at <http://www.peakdistrictonline.co.uk/hidden-lanes-from-monyash-walk-i3786.html>
- Derby Lane also provides a route which has been signed by PDNPA (mostly avoiding tarmac roads) from Monyash village to Arbor Low (an historic henge).
- Road Traffic Regulation Act 1984 Section 1 (f) for preserving or improving the amenities of the area through which the road runs and Section 22 (2) 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. - Because the reasons for supporting a TRO on these grounds are so similar we have dealt with these sections of legislation together in order to avoid excessive repetition.
- “Amenity and natural beauty” is a statutory term derived from Section 5(2) of the National Parks and Access to the Countryside Act 1949 (as amended and as informed by Sections 59 and 99 of the Natural Environment and Rural Communities Act 2006). These terms are discussed in detail in the DEFRA guidance “Public Rights of Way: Guidance for National Park



- Authorities making Traffic Regulation Orders under section 22BB Road Traffic Regulation Act 1984” pages 5, 6 and 7. We have used this information to guide our response in this section.
- Cultural Heritage Features - One of the special qualities of the Peak District National Park is the “Thousands of years of human influence which can be traced through the landscape.”
  - The history of the route has been already mentioned
  - Walled fields associated with enclosure of agricultural lands are typical of the White Peak. The field pattern for much of the route is likely to reflect medieval and eighteenth century enclosure in Monyash.
  - Landscape Quality and Scenic quality - The route crosses the limestone part of the Peak District giving views into Cales Dale and more distant views of the White Peak. The landscape is typical of the farmed areas of the White Peak.
  - “Walking Peakland Trackways” by Mike Cresswell describes the walled section of Derby Lane as “wide, running along the broad ridge, exciting and atmospheric, and with a view back to the right running down Lathkill Dale.”
  - Tranquillity - “Opportunities to experience tranquillity and quiet enjoyment” are one of the special qualities of the National Park.
  - Derby Lane is far from any major road routes and provides a quiet walk, cycle or ride in a landscape which is typical for the White Peak. However, this tranquillity can be destroyed by parties of motor cycles.
  - Value of the route to non vehicle users as an amenity and for recreation - The value to horse riders and walkers has been detailed.
  - Conflicts between farming activities and recreational motor vehicle use - Appreciate that these conflicts are not in themselves grounds for a TRO, other than disruption to the movement of animals mentioned. However farmers are an essential part of the Peak District economy and also prevent the landscape returning to scrub (which is likely to happen if farming activities ceased in the White Peak.) The landscape associated with the White Peak is not natural but influenced by human activities – particularly farming. The majority of people would like this farmed landscape to be preserved as it contributes to the scenic quality and the sense of history and continuity in the landscape.
  - The Deputy Land Agent for the Chatsworth Estate contacted DCC during the DMMO consultation on Derby Lane. “He stated that there is no evidence of the track ‘on the ground’ where it allegedly enters the final three fields before reaching Long Rake and that the lack of a metalled surface along this section means that it would be particularly liable to be damaged by recreational vehicles. The subsequent damage to the field caused by vehicles would, he said, inevitably lead to the Trustees’ farming tenant receiving financial penalties from the Rural Payments Agency.” [Source: [http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash\\_tcm44-260999.pdf](http://www.derbyshire.gov.uk/images/2015-03-02%20BOAT%20Derby%20Lane%20Monyash_tcm44-260999.pdf)]
  - This report also refers to stock escaping into Monyash village because gates were left open.
  - Whilst not involving this particular route, the farmer on the route from Lathkill Dale to Meadow Grange Farm wrote to DCC as part of the DMMO determination on that route “He stated that recreational vehicle use of the claimed BOAT has caused a nuisance on the farm; in particular he referred to rutting caused to the unsurfaced ‘meadow’ section of the route which often makes it difficult and potentially dangerous to use a tractor. He also mentioned the disturbance to stock that vehicular use of that particular field can cause and to the fact that gates across the route are often left open.” [ Source: [http://www.derbyshire.gov.uk/images/2015-04-13%20BOAT%20Over%20Haddon\\_tcm44-262856.pdf](http://www.derbyshire.gov.uk/images/2015-04-13%20BOAT%20Over%20Haddon_tcm44-262856.pdf) ]
  - Similar damage to meadow and pasture land and stock escaping because gates have been left open have occurred on Brushfield.
  - These examples (and farmers feeling obliged to provide fencing) provide evidence for why farmers can be concerned about the use of recreational motor vehicles on their land and would like pre-emptive action to prevent problems before they occur.
  - Believe that all the reasons given above support a pre-emptive TRO under the Road Traffic Regulation Act 1984

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- Other Options Other than a Full TRO - have considered other possible options for managing recreational motor vehicle use on Derby Lane and have briefly given our reasons why they would be inadequate.
  - Voluntary Restraint - Voluntary agreements suffer from the defect that many vehicle users are not members of recognised organisations; even members of these organisations may not abide by them; and the organisations themselves have no effective sanction over their members. There are no sanctions against users who deliberately ignore voluntary restraint. DEFRA recognises this in “Making the Best of Byways” December 2005 page 26 “Discussions with authorities when drafting this guide indicate that voluntary restraint is widely seen as ineffective in managing mechanically propelled vehicle use of byways.” However DEFRA goes on to conclude “Voluntary restraint can be a useful tool for management of byways where reductions in mechanically propelled vehicle traffic is desirable but not where the prohibition of mechanically propelled vehicles is agreed to be necessary.”
  - Experience of voluntary restraint on The Roych and Minninglow Lane (both in the Peak District National Park) suggests that the lack of sanctions results in a significant minority of recreational motor vehicle users ignoring the restraint. Have observed this behaviour mirrored in other areas of the country – both in National Parks and outside. Therefore would not advocate a voluntary agreement on Derby Lane.
  - Partial Traffic Regulation Orders- By Class of user or width - 4x4s, being wider, make it harder for other users to pass them and cause more damage on soft ground. Motorcycles generally drive much faster than 4x4s, and often in larger groups. Excessive revving of their engines can cause wheel spin and on unconsolidated surfaces can throw-off large quantities of earth, so the erosive effect may not be much less. The noise of motorcycles is more intrusive. Tranquillity is an important character of a National Park. Horses are frightened by the noise of motorcycles but not by the noise of 4x4s. Motorcycles are thus more likely to cause danger to horse riders.
  - Seasonal Restriction - Generally seasonal restrictions are in the winter when other use is lower anyway. Seasonal TROs have been used by Highway Authorities in other parts of the country to protect unsealed and unsurfaced routes on heavy clay soils which are vulnerable to damage during wet weather. Increasingly, these HAs are having to extend these TROs to cover other periods at their discretion. Moreover seasonal restrictions do nothing to counter danger, loss of amenity etc. to other users when they are not operative.
  - Time Restriction - Banning night time use, would not deal with the loss of amenity to other users during the day time when recreational use is greatest. Nor would it necessarily eliminate surface damage and the problems it causes to farmers. Do not believe a TRO applying at weekends only would be sufficient.
  - One way system - Horse riders say that that one way systems increase the danger to them because vehicles, particularly motorcycles, may travel faster on a one way system. This additional speed is particularly dangerous where there are unsighted bends and brows of hills.
  - A Permit System - A permit system would cause additional administration for PDNPA and could involve adding additional gates to the route (which would need permission from the Highway Authorities). Evidence received from contacts in the Lake District where the Lake District National Park use a permit system on one route, suggests that more vehicles use the route than have been authorised and that the code for the combination lock is passed between vehicle users. Therefore do not believe that a permit system would be effective.
  - Alternative Routes for a Recreational Motor Vehicle Users if a Full TRO were imposed - An alternative route from Monyash village to the end of Derby Lane on Long Rake for vehicles is by minor roads known as The Rake and Long Rake. This alternative is longer but still allows users to see typical White Peak landscapes.
  - The loss of amenity to recreational motor vehicle users if a TRO were imposed is outweighed by the gain in safety, amenity and opportunities for outdoor recreation for other users; and by the preservation of this historic route.

### **Green Lanes Association -**

- Draw your attention to the straplines at the foot of your letter: “Working together for the Peak District National Park”, and “Where beauty, vitality and discovery meet at the heart of the nation”.
- This consultation is an opportunity for the Authority to genuinely “work together” with all legal users of Derby Lane, which is the old road to Derby, now designated by Derbyshire County Council as a Byway open to all Traffic.
- The old guide stoop on Derby Lane (now sadly abused by the landowner who uses it as a gatepost) denotes this unclassified county road as an important route. This road has (for longer than anyone can remember) been a route where beauty, vitality and discovery can meet, whether it be by persons on foot, by horse, carriage, or what used to be called the “horseless carriage” (what we now less romantically have to call an “MPV”).
- Regrettably the landowner or farmer have illegally blocked the road with unsightly boulders such that neither horse-drawn carriages or horseless carriages can use the route, and it appears that your Authority has sided with the landowner (and various strident pressure groups) to close the lane to vehicles by any means.
- If you apply a permanent TRO many peoples’ chance to experience discovery of the beauty and vitality of the Monyash countryside and scenery along Derby Lane will be lost to all except the most able bodied, as most disabled persons cannot afford (or even use) expensive “off-road” wheelchairs. This applies to my own father and mother (both disabled blue badge holders) - the only way they have of “discovering” the countryside is being driven in an MPV.
- A TRO against MPVs will not remove the damaging effects of the farmer’s tractor and heavy agricultural machinery, which cause far more wear and tear on the lane than the occasional private MPV.
- Suggest that the Authority takes account of-
  - Their obligation to work together in a genuine manner with motoring user groups to find a solution to whatever their perceived problem may be;
  - Establish and publish the number of actual complaints received by the police or highway authority over the past 30 years about use of this lane by MPVs
  - The options for voluntary restraint by users (as on Minninglow Lane, where we were praised in writing by PDNPA for the effectiveness of VR in recent years)
  - The options for a seasonal TRO during wet weather or winter months, using the model recently proposed by LARA.
- Only when such limited options have been discussed in detail with users and tried (in accordance with the government’s guide “Making the Best of Byways”) should any more onerous removal of user rights be considered. The cost to the Authority of applying a legal TRO is considerable, particularly where it will be opposed by user groups, and GLASS’s suggested options (a) to (c) above would be a far more cost effective method of route management in the first instance.

**Association of Peak Trail Riders** - do not believe a full traffic restriction order (TRO) is required on this right of way. Would however welcome an alternative method of management.

- Historic Vehicle use - are aware that this lane has been used for many years by recreational and farm motor vehicles. Our own investigation has alone revealed personal testimony evidence stretching back as far as the 1960s. With this in mind the expectation that evidence to support Derby lane has been used by vehicles for much longer leads us to include this lane as part of our historic heritage for motor vehicle use. In addition a substantial amount of motor historic vehicle user evidence is available upon request.
- Surface - Approaching Derby lane from Monyash . Mostly we know this lane to be a lime stone surface. We are aware this lane is used by large farm vehicles such as a tractors since the compacted tracks are wider than that of a motorcycle or a standard sized 4x4 type of vehicle. We have also witnessed this kind of vehicle present. A motorcycle would typically weigh around 105 to 130 kg. We would not expect any significant damage or compact to

occur from a motorcycle during normal passage on this kind of surface. The final part of the lane runs into a field area.

- The surface of the field area is mud and grass. A recent visit to this area on Tuesday the 15th of December 2015 showed evidence of agricultural vehicle tracks from what we would believe to be a large wheeled tractor. On this particular day the weather conditions were wet and significant rainfall prior to that day made it unreasonable for us to proceed over this area by vehicle. We did however find evidence of agricultural vehicle tracks at this point. This was filmed and documented by the BBC news camera team who visited the site with us on this day. Whilst we would not envisage these tracks to be permanent, we recognise that a large amount of vehicle use on this area in certain weather conditions would be detrimental to this particular surface at this point of the route. We note that the majority of disturbance to the surface is mostly at gated sections of the route and that below this grass surface is a limestone base which has proved over the years to have help prevent very deep ruts from forming any deeper than approximately 100mm to 150mm. We would also like to add to this point that we would doubt any significant surface damage of this kind would occur in dry conditions.
- Impact on Wildlife - The lane has mostly dry stone walls either side with a low wild grown grass verge. We would not expect nesting birds or any special or rare species of animal or insect to nest or make home this environment in any significant numbers. We base this conclusion due to the low level of sustainable resources available to such creatures by the natural, and man made features of this lane.
- Conflict of use - We are not aware of any major issues of user conflict or disturbance to local residents in the immediate area. We would suggest signage showing the status and permitted vehicles helps to make rights of way clear to all users and therefore can remove the basis for potential conflict.
- Local Business - Local businesses within this area that would be affected by a TRO of any kind would be the local Café known as the Old Smithy and the Bulls Head pub which both serve meals and drinks. We have spoken to both owners and they acknowledge the significance and contribution motorcycle trail riders give to their businesses and we have made them aware that any closure would most likely lead to the loss of this particular group of tourists to Monyash.
- Other local businesses that may be affected include any associated businesses in the Monyash or Bakewell area such as Melbourn and Easthope guest house and The Lathkill Hotel.
- Do not think this lane needs, or warrants a full traffic restriction order for the reasons we have set out. Would however welcome an alternative to this action by way of either voluntary or enforced agreement to restrict width and therefore the weight of a vehicle to reduce impact to the grass surface area. This would be our preferred method of management since any restriction would not affect farm vehicle access or the surface damage caused by such vehicles but would at least reduce impact from heavy recreational vehicles whilst allowing access for lighter vehicles such as motorcycles with a low surface impact.
- Should it be determined that some kind of TRO is required would prefer to explore a seasonal restriction instead. Take the view that this option may at least help limit the damage to local trade and may reasonably satisfy the needs of all groups and parties concerned.
- Eager to avoid the removal of yet another lane within the legal unsurfaced rights of way infrastructure for vehicles. Remain concerned at the reduction of available lanes which continues to adversely affect our local association of businesses within our area due to the reduction of trail riding tourists. Believe this reduction to be a direct consequence of the lack of available routes for recreational use for this group of users.
- The Association of Peak Trail Riders now has direct and immediate contact with the majority of local trail riders and trail guides. We are more than willing and would encourage any information to be given to us by PDNPA in order relay any request to avoid a particular lane in wet conditions. Would expect this approach to management of such lanes to have a positive response as would naturally expect most responsible trail riders to refrain from riding this, or any other sensitive lane in wet or snow conditions. Would therefore suggest that

anyone using the lane inappropriately would be most likely be doing so with no regard for the countryside code of conduct or possibly even riding illegally or using an unlicensed vehicle. Therefore would conclude that any legal status or restriction would have little or no effect on these persons.