
Washgate – Summary of Regulation 12 Consultation Responses – Organisations

Statutory Consultees

Derbyshire Police – The amendment will provide an exemption to the riders of motorcycles taking part in well-established events which have traditionally used this route. There is an obvious need for the PDNPA to balance allowing this specific use with the need to protect the surface, which is the intention of the TRO of course. Appreciate such events bring people into the area to both take part and spectate so this will bring continued tourism benefits, but a dependency must be provided within the promotion for such events to ensure that it's made clear to others the reason why motor cyclists are exempted at that particular time because despite the associated signing, there's a risk motorcyclists could generally misconstrue the situation undermining the restriction. Mindful of the above comments, there are no police objections to this amendment.

Staffordshire Police - do not have any issues with this proposal.

Hartington Upper Quarter Parish Council – have a number of concerns about the proposed modification to the order. Accept that the Bemrose and Reliance Cup Trials are historic trials that have used Washgate Lane regularly for many years and while have concerns about the environmental impact and the impact on other user groups feel that an exemption for these two trials with the conditions set out in the draft terms is reasonable and would support this. However, think that the maximum number of 180 entrants for each trial is very high and will increase environmental impacts and problems for other users. Would prefer a maximum of 150 entrants for the Bemrose Trial and 120 entrants for the Reliance Cup Trial. These numbers seem more in line with those given in appendix I. Also wonder if it would be better to use the provision already provided in article 4 of the order which allows PDNPA to give written permission for use of the lane. Are concerned that once a specific exemption for named trials is included in the order PDNPA may not be able to enforce the conditions it wishes. See no justification for an exemption for the Northern Experts Trial. To the best of our knowledge this trial has not used Washgate Lane for at least 25 years. The Dave Rowland Trial has not used the lane for at least 10 years and in any case cannot be classed as a historic trial as it only started in 1979. Both the Dave Rowland and Northern Experts Trials have taken place regularly without using Washgate Lane and so the order has no impact on the organisers ability to run the trials. If all 4 trials were given an exemption it would mean a doubling of present use by trials motorcycles on the lane. This would be detrimental to walkers, cyclists and horse-riders who cannot safely use the lane while the trials are taking place and it could be potentially damaging to the ecology and environment of the lane and surrounding area. The Parish Council have serious reservations about the Dave Rowland or Northern Experts Trials being allowed to use Washgate Lane and would not support an exemption for either of these trials.

Hollinsclough Parish Council – The matter was discussed at a meeting last Tuesday 6.12.16. Despite the historic nature of the four trials/events specified in your correspondence and the significant safeguards that would be included if one or more of them were to be allowed use of Washgate, the parish council felt that it could not support such an exemption. Felt that had given very lengthy and careful deliberation to the materials sent to it before agreeing to the proposed TRO in the first instance and did not feel that the potential use of the route by trials/events even with the safeguards in place would fit in with the original case for a TRO. Indeed it felt that given special dispensation such 4 trials would make sure that they did use the route. Although not relevant to the correspondence of 3.11.16 continued to be of a mind that there should be an exemption for local people to use the route for reasons submitted earlier in the year which in contrast would likely to consist of individual users using the route for more purposeful/justifiable reasons to do with efficient day-to-day living.

Peak District Local Access Forum – This response follows consultation with all Peak District LAF members, and is subject to report at our meeting on 8th December. The LAF previously supported

the making of a permanent full-time TRO on motorised vehicles following a unanimous decision by the Green Lanes Sub Group - Edwina Edward's letter of 14th July, 2015 as Chair of the LAF refers.

- The LAF has a long history of involvement with this route, and has sought to find ways to improve its management by advising both the Highway Authority and the National Park Authority on ways to do so. Consider it is reasonable in principle to make exceptions, perhaps on a concessionary basis, to allow restricted and controlled/supervised use by some motorcycle trial events which have operated previously and are regarded as "historic" as set out in the consultation on the basis of the Draft Terms set out in Appendix 3 of your documents. However, LAF members who have responded feel this needs to be with effective management essential in any option adopted to ensure sustainability through controlling the number of events, the numbers participating, good conduct through written notification in advance and submission of a permit from the national governing body. Additionally, there needs to be thorough monitoring and review. It would also seem reasonable to require a photographic record of surface condition to be done by the Club(s) before and after such events, with agreement that any damage will be made good by the Club(s) at their cost to the satisfaction of the National Park Authority.
- Option 1 - favoured by 3 members. In this case, it is considered reasonable to make exceptions to allow the use by up to 4 motor cycle trial events set out in the consultation on the basis of the Draft Terms set out in Appendix 3 of your documents and the points referred to above.
- Option 2 - favoured by 7 members. In this case, we consider that it is reasonable in principle, to allow use of some motor cycle trial events, of those set out in the consultation, on the basis of the Draft Terms set out in Appendix 3 of your documents and the points referred to above, but on a more restricted basis, perhaps 2 per year, than in Option 1. In Option 2, caution is advised as the idea of allowing use by motorbikes on only 4 days may seem initially to be a very reasonable compromise, but there are concerns about the sustainability of this level of use. Wonder in the light of this if perhaps a reasonable compromise would be two events per year rather than four. Rather than select two and reject two, perhaps each event could take place every two years. This is put forward as a suggestion for your consideration, but some members are still uneasy about this level of use. Two members think in supporting a limit on numbers that 50 sounds a lot and feel that their idea of an historic event, like say the London to Brighton car rally, is that it's something that happens once a year only. In principle they it is right to allow the historic, and supervised event, but only on a concessionary basis. More thoughts related to Option 2 are in the Annex to this letter.
- In conclusion, a consensus has not proved possible, but Option 1 gained 3 votes, the more stringent option 2 got 7 votes, 10 members did not respond and 2 members of sponsoring authorities abstained as is normal in such cases.

Ramblers Association Derbyshire Dales Group – Although at first sight this modification order seems a good compromise, have concerns that the total number of mechanically propelled vehicles using the route in the course of a year could be more than are currently using it. Feel that this may be the case as the number of vehicles currently using it in the "allowed" events are less than the numbers suggested in the Regulation order and when the order comes into being then the number of users in the specific events will increase as they will become more of a pull than now. Feel that, to ensure this does not happen, the following should apply. Reduce the numbers of vehicles in the "allowed events" to 125 riders – when examining the numbers entered in the previous 7 years this figure has only been exceeded on 4 occasions and in 2015 (the last full year of figures available) a total of 394 riders took part in the trials.

Friends of the Peak District – support a full TRO on Washgate but object to the addition of the proposed exemption for named trials. The motorcycle trials should be managed using clause 4(f) of the previous draft version of the order published on 11 March 2016 – 'Exemptions will be provided in the Order in relation to ... use with the prior written permission of the Authority.'

- Support in principle the continuance of longstanding well run motor cycle trials that test skill and endurance. However, we believe that the PDNPA should adopt a holistic approach to such trials which would ensure long term sustainability. The PDNPA should develop a policy for managing all motor vehicle trials within the Park that covers all interests rather than setting conditions which apply only to one route and may not be enforceable.

- The Order - On 11 March 2016 the Authority published a proposed traffic regulation order which would prohibit any mechanically propelled vehicle from proceeding along the road known as Washgate, subject to the exemptions in article 4 of the Order. When the Order was considered by the Authority's Audit, Resources and Performance Committee in September 2016, it was resolved to consult on a modification of the Order to include an additional exemption for four named motorcycle events at a frequency for each event of no more than once annually on the route known as Washgate. These event are listed as Bemrose, Reliance, Dave Rowland and the Northern Experts Trial.
- Agree that the impacts from unrestricted motorcycle use of Washgate remain and that a permanent TRO banning all mechanically propelled vehicles is required on the route. Our arguments for this have been well rehearsed through responses to previous Regulation 4 and 5 consultations. However, regular established events on this route provide an opportunity to manage impacts of motor cycle use and increase competitors' understanding of the importance of National Parks. For example, having witnessed the professional management of the Northern Experts Trial in Wildboarclough on 12 November 2016, the minimal impacts that it created and the obvious enjoyment of all involved we believe that this event should continue. However support for such events should be managed not through exemption on relevant TROs but through written permissions before each event is proposed to be held.
- Believe that the PDNPA needs to identify the criteria against which it would judge the sustainability of motor vehicle trials generally. Derbyshire County Council (DCC) has a policy guiding their approval of such organised motor events which states among other things that the use of lanes for such trials will only be allowed provided they are sustainable (Motor Cycle Trials on Roads and Public Rights of Way, 2009). It provides a useful starting point for the PDNPA to develop its own policy or one jointly with DCC. Such a policy should be based on input from all interests including landowners, occupiers, planners, ecologists, archaeologists, parish councils, motor cyclists and event organisers. The policy would be used when organisers consult it under regulation 10(3) of SI 1969 No. 414 The Motor Vehicles (Competitions and Trials) Regulation. In this way it would not be necessary to change the TRO, with all its incumbent procedures, were any new circumstances or conditions to emerge. In addition, the importance of respecting the special qualities and environment of the National Park should be reflected in the Code of Practice for such trials (see below).
- Also objecting to the amended draft order on the grounds that it is most unclear how the control the PDNPA is intending to assert would work. Parliament has delegated responsibility for the authorisation of motorcycle trials to the MSA/Auto Cycle Union Ltd¹. For a trial on a highway in a
- National Park, the organisers or the MSA/ACU Ltd have only to consult the NPA as the planning authority; they are not legally obliged to take account of what the NPA (or anyone else) might say. It would appear that only with a total ban on all recreational mechanically propelled vehicles would the NPA retain control of use of Washgate by the trials.
- Code of Practice - The current Code of Practice for Off Road Motor Cycle Competitive Events (Aug 2012) refers to the 'need for mutual respect for the needs of the environment by all parties and also respect and toleration for properly organised and authorised motorcycle sport in general.' Land subject to Environmental Stewardship (both Entry Level Stewardship and Higher level Stewardship), Glastir and 'Cross Compliance' issues, and Forestry Commission land are singled out for specific attention but National Parks are not mentioned. National Park purposes need to be reflected in this Code in order to raise the profile of the Parks' special qualities and ensure they are not harmed. The PDNPA should instigate a dialogue with the ACU Ltd to that effect.
- Conclusion - support a full TRO on Washgate but without any exemptions under regulation 12. The motorcycle trials should be managed using clause 4(f) of the previous version of the order.

Trail Riders Fellowship – object to the proposed modified TRO, to the extent that it restricts motorcycle access regulated by the TRF, on the following grounds:

- Over-restriction - The modification does not provide adequate exemption from the prohibition to allow for the Trail Riders Fellowship to conduct organised low-impact motorcycle rides on Washgate Lane. Motorcycle trailrides, regularly organised by clubs, are a long established part of the traditional fabric of the countryside and in particular, the Peak District.

- Responsible, TRF organised and self – regulated, low-impact motorcycle trailrides are a form of quiet enjoyment that operates in harmony with all of the national park purposes. Failure to provide for the accommodation of such activity in the proposed modification will result in an order that is detrimental to national park purposes.
- Detriment to natural beauty - Responsible motorcycle trailriding on Washgate Lane is an essential component of its natural beauty. Motorcycle tyre prints are to the road as hoof prints are to bridlepaths and footprints are to footpaths.
- By seeking to eradicate evidence of the passing of vehicular traffic, especially the traditional vehicular traffic of motorcycles, the Authority is seeking to eradicate the character of the road.
- The Authority is effectively proposing to change the character of the carriageway into the character of a path. Doing so would be detrimental to the road's natural beauty as a carriageway. The natural beauty of a carriageway is not enhanced by removing the elements of natural beauty that are intrinsic to its status as a vehicular road.
- Seeking to remove trail motorcycling from the road in order to preserve and enhance its natural beauty is akin to seeking to remove the narrow boats and evidence of their passing from the Grand Union Canal in order to preserve and enhance its natural beauty. The narrow boats are to the canal as motorcycles are to the road. The physical features associated with narrow boat activity are to the canal as motorcycle tyre prints are to the road. Washgate is associated with motorcycle trailriding as the Grand Union Canal is associated with narrow boats.
- Detriment to wildlife - The Authorities' reports and Statement of Reasons for the proposed modification identify that the river downstream of Washgate Lane supports internationally designated species. Evidence is before the Authority that the road has been used by motorcycles for over a century. It is logical to conclude that motorcycle activity has not resulted in the watercourse being incapable of supporting those internationally designated species. Indeed, it is possible that motorcycle activity may be having a positive effect on the environment and watercourse that is either essential or conducive to the well-being of those species.
- There is a significant possibility that eradicating the natural beauty of Washgate Lane as a carriageway would result in an increase in dogwalkers, and especially dogwalkers contravening rule 56 of the Highway Code. The presence and anticipated presence of motorcycles has a beneficial effect of encouraging responsible dogwalking on roads. An increase in irresponsible dogwalking activity has significant potential to arise from the wholesale prohibition of motorcycle trailriding. The effects of this would be increased illegal dog fouling and off-leash dogs disturbing wildlife. Dog faeces would present a threat to the environment and watercourse. Off-leash dogs also present a significant threat to equestrians, cyclists and pedestrians. Retaining the beneficial presence of responsible motorcycle trailriding would continue to temper the mischief of irresponsible dogwalking.
- The environment of the road is a product of the established tradition of motorcycle trailriding. Passing motorcycles keep the road surface free of vegetation and maintain transition zones and the biodiversity of the verges. Motorcycles are a vector for seeds and the air currents associated with their passing provide beneficial disturbance to the verges. Motorcycles are a unique form of traffic for the road environment as they cover many more miles in a day than other forms of traffic, including 4x4.
- The modified order as proposed would have the effect of banning motorcycle traffic for 361 days per year. That would result in a drastic change in the composition of traffic using the road. Infrequent use by 4 motorcycle trials per year would not be sufficient to mitigate the loss of environmental benefits associated with responsible, low-impact trail motorcycling. There is significant potential for wildlife to suffer as a result. The character and natural beauty of the road would deteriorate from carriageway to path. Established flora and fauna would not be preserved or enhanced by such a drastic change. The extremist approach of seeking to eradicate the traditional character and traffic of the road will be detrimental to the established and delicate environment, which is thriving in the presence of responsible low-impact motorcycle trailriding.
- The proposed modified order forms part of the Authorities plan to manage green roads within PDNP. The Authorities consistent approach to date is to steadily impose TRO's that prohibit low-impact trail motorcycling and which also have the aim of degrading the carriageway character and environment to that of a path.

- The Authorities' approach is to impose a major road plan, that will have a substantial environmental impact on the carriageways listed on its "Green Lanes Action Plan".
- Beyond the carriageways on the Authorities' list, the green roads in the remainder of the network will also be substantially affected. There are issues of displacement of vehicular traffic. There is also an environmental consideration in that the low-impact motorcycle traffic currently utilising and established environment consisting of a network of green roads, will be progressively denied access. That will result in the loss of traffic which is both unique and essential as a vector of seeds.
- The Authority has failed to set out and consult on its overall network plan. In choosing a piecemeal approach to imposing unjustified TRO's, the Authority has not performed, and cannot properly satisfy, the duty to have regard to biodiversity when exercising its functions.
- Seeking to eradicate the character and natural beauty of carriageways, which are comprised in an established network environment dependent on low-impact motorcycle traffics' unique activity of travelling and acting as a vector throughout the network on a regular basis, has significant potential for adverse consequences to the bio-diversity of the network.
- In the continued absence of the Authority setting out how it intends to maintain a substantial degree of regular opportunity for low-impact motorcycle trailriding access on the network, the Authorities approach constitutes a major road plan of substantially denying traditional traffic and degrading carriageway character to path.
- That major road plan will have a significant and adverse impact on the unique network environment of PDNP green roads.
- A statutory environmental impact assessment is warranted on the Authorities network plan in the event that the proposed modified order is imposed without making adequate provision to retain a substantial degree of regular low – impact and responsible motorcycle trail riding access.
- Confusing 4x4 with responsible motorcycle trailriding - The Authority is failing to adequately differentiate responsible motorcycle trailriding from "vehicle use" and in particular, 4x4 vehicle use. Referring to "vehicles" and "recreational motor vehicles" is a constant in the Authorities process. Motorcycles are an entirely different class of traffic to 4x4. The origins, use, impacts, benefits, issues and management options are also entirely different. The confusion of the two has the result of the negative impacts of 4x4 being attributed to traditional, responsible and low-impact motorcycle trailriding. For example, damage to the bridge is attributed to "vehicle use". Notwithstanding that this is an unsubstantiated claim, the effect is to inflict collateral damage on responsible motorcyclists.
- Confusing irresponsible motorcycling with responsible motorcycle trailriding - The Authorities process fails to identify and adequately reinforce that responsible motorcycle trailriding is separate from irresponsible motorcycling. Likewise, it fails to identify that a modification can be made to allow for responsible and regulated motorcycle trailriding whilst excluding the irresponsible motorcyclist.
- Institutional Bias - Public institutions are all susceptible to a culture of bias. Positive steps are required to address this and ensure that the public receive fair service. Acknowledge that the Authority has more recently made much needed efforts to address its culture of treating TRF members unfairly and welcome the progress made since prominent Authority members approached TRO processes as a "battle" that "must be won".
- Institutional bias is still apparent within the Authority and this is reinforced by its strategy of isolating a section of motorised vehicle users and generally referring to them as "recreational motorists" to the exclusion of the private and utility motorist.
- The effect of this has been to invite the perception of responsible low-impact motorcycle trailriders as part of the same problem as 4x4 traffic, or as irresponsible motorcyclists. Indeed, the current process would seem to entertain the absurdity that responsible motorcycle trailriding cannot be in keeping with national park purposes in circumstances where significant amounts of motorcycle trials activity can be.
- The Authority as an institution has allowed a culture to develop whereby all motoring is first seen as a problem and an alien intrusion into the National Park. The result is a process that is problem driven instead of benefit focussed. The Authorities process consequently resolves merely to draw up lists of negatives aimed at motoring activity in general, to the exclusion of any

possibility that the National Park's special qualities would be adversely affected by banning motorcycle trailriding.

- A much greater degree of granularity is required in considering the distinct classes of road user. "Recreational motorist" is not a statutory class of road user and it is not one big problem. Conserving and enhancing the aspects of motorcycle trailriding that constitute special qualities of the National Park is a complex and demanding task that is threatened by the institutional practice of generalising the activity as "recreational motoring".
- Inadequate consultation - The consultation papers made available do not include a draft order. Consultees are left speculating as to the important and specific detail for what they are being consulted upon. Responses would be much more meaningful and informed if a draft order were made available as part of the process. The general nature of the modification set out in the Statement of Reasons may not translate into the order as a consultee would expect. TRF members take part in motorcycle trials and the TRF wishes to protect its members' interest in that respect. The general thrust of the information provided infers that there is inadequate protection for the trials in the proposed order. There is too much scope for the Authority to prohibit the trials. The safeguards appear inadequate – such as they are set out, it being difficult to know for sure in absence of the draft order.
- The report to committee acknowledged that the Authority considered the road to be a carriageway despite the TRF's request for clarification on that point being rejected during the preliminary consultation. The "make it up as you go along" approach is not delivering a fair process. The result is this proposed modified TRO that is not fit for purpose, and especially the purposes for which National Parks are designated.
- Misleading claims as to damage - The proposed modified order is founded on a false assumption in the Authorities process that motorcycle traffic is responsible for excessive damage to the road surface and verges. No evidence has been made available as to the historic condition of the road, prior to motorcycle use becoming established in the Peak District and Washgate Lane. Evidence is before the Authority that motorcycle traffic was established on Washgate Lane prior to WW1.
- Historical pictures of motorcycling on Washgate show its surface much as it is now.
- The Authority states that the purpose of the proposed modified order is for the statutory reasons set out in its TRO process: preserving or improving the amenities of the area through which the road runs and 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
- The background information and reasoning within the TRO process seeks to import the purpose of preventing damage to the road surface and dovetail it into the purpose of "conserving or enhancing the natural beauty.". Adopting this approach does not promote a fair process to facilitate a proper consideration of the issue of damage to the road surface. A specific statutory reason pertaining to road surface damage is available. The proper and fair approach is to either use that clearer option, or disregard road surface damage as a component of the TRO process.
- By indirectly importing the issue under the generalised, subjective, and nebulous reason of "natural beauty" the process becomes opaque, making it difficult for the public and decision maker to be as clear as is possible to identify that the Authority is making this order for purposes which include preventing damage to the road surface.
- The TRO process does not adequately examine the issue of road surface damage in the context of classes of traffic that contribute towards this. The process is especially flawed in that it over-generalises in respect of motorised traffic and fails to distinguish between motorcycles and 4x4.
- The process also fails to take into account the fact that the road has sustained motorcycle traffic for over a century. This warrants comparison with road wear and sustainability associated with non-motorised use. Evidence is available which demonstrates that engineered stoned roads in London typically had a lifespan of c.15 years during the period 1845-63. The motorcycle was not invented until the mid - 1860's.
- The road surface of Washgate has adequately accommodated the ordinary traffic of the neighbourhood, which includes motorcycles, for over a century, with little to no maintenance. If maintenance requirements have increased in recent years it is not logical to attribute this to long

established motorcycle traffic. Assuming that excessive damage has occurred and has arisen in consequence of traffic, the logical starting point would be to ask if a new class of traffic had started using the road and whether its arrival on the road had coincided with increased rates of damage.

- Decision based on consideration of “legal challenge” - The proposed modified TRO is founded on a TRO process that took into consideration the prospects of a legal challenge. This is not a relevant consideration. The Authority should not compromise its process by having regard to such matters.
- Legal challenge is only a relevant consideration where the Authority are not confident that they are acting properly, indeed, the inclusion of the issue of legal challenge suggests the Authority are not confident they are acting properly. TRF is concerned that public confidence in the Authority will also be diminished by perceiving the Authority as being unduly worried by legal challenge, and more importantly, the Authority being worried about being defeated by a legal challenge.
- TRF does not consider that it is proper of the Authority to consider legal challenge as a factor in its decision, and especially the prospect of legal challenge from those opposed to motorcycling.
- The TRF’s reasoning is that TRO’s can only be challenged pursuant to a statutory option provided in schedule 9 of the Road Traffic Regulation Act 1984. That option only allows for the Order to be quashed, or for a provision of the Order to be quashed, in circumstances where the claimant can satisfy the court that the Order is ultra vires or the process has put them at a substantial disadvantage (minor technical flaws not being sufficient of themselves).
- It is challenging to envisage circumstances in which those opposed to motor vehicle access would seek to quash an order that placed any degree of restriction on motor vehicle access. The prospect of those opposed to motor vehicle access arguing before a court that they have been put at a substantial disadvantage by a process resulting in an Order that restricts motor vehicle access is remote to the point of being irrelevant.
- Alternative Proposal - request that the proposed modified order is not made as generally set out in the consultation. Propose that the Authority reconsider its decisions with a view to making a modified order that allows for both the motorcycle trials and the holding of regular motorcycle trailrides which are organised and self-regulated by TRF.
- The TRF organised trail rides can be restricted by the order to provide days of the week/month that are “motorcycle – free”. Users that claim to be adversely affected by motorcycles can then use those days in the knowledge that motorcycles cannot legally use the road at that time. All parties get a little bit of what they want, all aspects of special qualities are enhanced to a significant degree.
- The mechanism for achieving this can be an exemption provided by the Order schedule that allows motorcycle use which is authorised by TRF and conducted in connection with an event organised by TRF pursuant to regulation 5(b) of the Motor Vehicles (competition and trials) Regulations 1969.
- It is possible for such an exemption to provide for maximum group size and limit the numbers of motorcyclists using the road in a day/week/month.
- The benefits are that the irresponsible and unsustainable user is excluded, whilst the traditional and proper countryside pursuit of low-impact motorcycle trailriding is facilitated by a reputable organisation, whose directors are bound to promote sustainable and responsible trailriding as a matter of company law. TRF directors could not reconcile their issuing approval for unsustainable and/or inappropriate use of Washgate with their legal duties owed to the company.
- The use of such an order would not limit the power of PDNPA or the Highways Authority to use temporary, permanent or experimental TRO’s in the future.
- TRF recognises that proper consideration of its alternative suggestion and points raised in this objection cannot be undertaken in a short space of time. Accordingly, the TRF would not challenge the Authorities’ use of a Temporary TRO as an interim measure, providing that the Temporary TRO did not restrict motorcycle trials and afforded reasonable opportunities for TRF members to enjoy regular, weekly, TRF organised trailrides on the road.

Peak and Northern Footpaths Society – opposed to this modification to the TRO. The original TRO would enable you to have much more control over use by Trials, including frequency, numbers of participants, route used (essential for the protection of the ford and the River Dove), repair of damage etc. The potential numbers of vehicles using the route if use by the named Trials were allowed would be 720/year (assuming that each Trial uses the route 1/year) concentrated at weekends and Bank Holidays when use by walkers is at its greatest. This has the potential to cause extensive damage to the vulnerable areas of the route, including the bridge and the boundary features, as well as greatly reducing the enjoyment of the use of the route for walkers by the need to avoid the vehicles (they would not give way to walkers) and the noise created. Please do not make this change to the TRO.

Peak Horse Power –

- The full impact of the proposed modification remains unknown. Recognise that the trials named in the Order have been in existence for some years but there is no information in the Statement of Reasons about whether or not they have in fact ever used Washgate. Know that at least one of the trials uses the route but do not know whether or how often the other three named trials may have used it. Peak Park appears not to know either. Without this information it is impossible for consultees to know whether an exemption for up to four trials would lead to an increase or decrease in the use of the route by trials or how often the route would be used in the future by motor cycle trials. For this reason alone cannot support the proposed modification to the Order.
- Also point out that if some or even most of the trials named in the Statement of Reasons have never in fact used Washgate in the past, exempting them from the TRO will simply encourage them to use Washgate in future. This would be a perverse outcome and, we assume, an outcome contrary to PDNPA's wishes. The proposed exemption could lead to 720 motor vehicles a year using the route. Up to 180 vehicles are permitted by the Motor Vehicles (Trials and Competition) Regulations 1969 to take part in any trial. An exemption from the TRO for up to four trials, albeit it only with the consent of the Authority, creates the possibility of 720 motor cycles using the route every year. Cannot support a proposal which gives PDNPA the latitude to permit motor vehicle use on this scale as it is incompatible with the purposes of the TRO.
- The trials may be historic but the vehicles are not. Although the trials which are the subject of the consultation are commonly referred to as 'historic vehicle trials', they are historic only in the sense that they have been running for a number of years. The vehicles taking part are not low-powered vintage vehicles. They are powerful modern vehicles of the type which has already done untold damage to the route with the effect of excluding horse riders from most of it. Can see no reason to continue to permit this type of damage or the noise and intrusion into the natural beauty of the area which vehicles of this type create.
- Statutory duty: cultural heritage - the statutory duty of the national parks is to conserve and enhance natural beauty, wildlife and cultural heritage; and to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. Understand that the request for exemption for motor cycle trials is based on the concept of the trials as part of cultural heritage. We think that this is a spurious proposition. The history of the four named trials in terms of any cultural heritage is recent. It goes back only decades whereas the local cultural heritage represented by the creation of the cobbled pack horse route, the dry stone walls and the bridge over the Dove, all of which have been damaged by modern motor vehicle, goes back hundreds of years. Two different interpretations of the notion of cultural inheritance are at issue here. PDNPA must decide which is valid and which is more important.
- Threat to native crayfish in the river Dove - there are white clawed crayfish downstream of the Washgate ford <http://publications.naturalengland.org.uk/publication/5673057362378752>. This native species is under threat from a fungal disease spread by signal crayfish and other non-native North American species. The disease is deadly to the white clawed crayfish. According to Natural England and the Wildlife Trusts: 'crayfish plague can readily be transferred between sites on wet boots, shoes, vehicle tyres and animal fur: see http://www.hiwwt.org.uk/sites/default/files/files/Living%20Landscapes/Itchen/Crayfish%20and%20River%20Users%20Booklet_Web%20Version2.pdf. Have seen photographs of motor cycle trial participants using not just the Washgate ford but driving along the river. Believe that any permitted use of the Washgate route by any type of motor vehicle risks behaviour of this kind

taking place, regardless of any conditions which PDNPA might impose on motor cycle trials, and that a full TRO with no exemptions is therefore necessary to protect the crayfish.

- Flora - a detailed study of the flora of Washgate was carried out by Staffordshire Wildlife Trust botanists in November 2013, May 2014 and August 2015. Understand that a copy of this report was included with the Peak District Green Lanes Alliance response to one of the previous Washgate TRO consultations. The study found the following growing alongside the route: Staffordshire - flowering plants 101, ferns 7, horsetails 1, rushes 6, sedges 2, grasses 17. Derbyshire - flowering plants 87, ferns 7, horsetails 1, rushes 5, sedges 4, grasses 18. Species of particular note on the route are: Monk's Rhubarb (*Rumex pseudoalpinus*) and Mountain Currant (*Ribes alpinum*) classed as rare, and Cowberry (*Vaccinium vitis-idaea*), Eared Willow (*Salix aurita*), Heath Milkwort (*Polygala serpyllifolia*), Lousewort (*Pedicularis sylvatica*), Slender St. John's-wort (*Hypericum pulchrum*), Hairy Wood-rush (*Luzula pilosa*), Heath Wood-rush (*Luzula multiflora*) and Green-ribbed sedge (*Carex binervis*) classed as uncommon. Urge PDNPA to consider the impact on the flora of the route of any continuing use by motor vehicles.
- The 'steps' and hazards to riders - the steps which have formed on the Washgate route through motor vehicle use may be an attraction for organized vehicle trials but they remain a hazard for horse riders. Uphill, horses have to jump or scrabble their way up the steps. The steps cannot be ridden at all downhill without risk to horse and rider. Should PDNPA decide to permit trials to continue ask that no permission should be given for any trial until the steps have been filled in. Other parts of the route also require repair to make the whole route safe for horses and riders, a point made in our response to the previous two Washgate TRO consultations. Any continued use of the route by motor cycle trials will cause further damage to the surface thus increasing trip hazards for horses and continuing to exclude most riders from the route. This is a further reason why we cannot support any exemptions for motor vehicle trials.
- PDNPA resources - In a climate of dwindling PDNPA resources and the already large proportion of the workload of the rights of way team which is caused by motor vehicle use of the National Park's unsurfaced highways, think that the resources which would be required in setting, monitoring and enforcing the conditions under which trials might take place cannot be justified. There should be no permanent exemptions. Should PDNPA decide to exempt one or more of the motor cycle trials, this should not be a permanent exemption. All exemptions should be reviewed annually. All exemptions should be withdrawn if use of the route by any trial has led to vehicles entering the river or if any trial has damaged a) the river banks, b) the bridge, c) the surface of the route or c) the banks, walls, trees or other flora of the route. All exemptions should be withdrawn if any trial is known to have caused a danger or nuisance to other users.

Peak District Green Lanes Alliance – has considered the environmental impacts of the trials and has balanced them against the “cultural heritage” of the trials. Believe that the environmental impacts are such that PDNPA should not allow any of the trials to use Washgate via an additional exemption to the Draft Order. Summary of reasons for rejecting the proposed amendment to the Draft Order

- Is it legally possible for PDNPA to impose additional conditions on trials? - Responsibility for authorising motor vehicle trials is delegated by Government to the RAC (who use MSA authorisation) and the Auto Cycle Union. Do not know whether it is legally possible for PDNPA to impose and enforce additional conditions on motorcycle trials when they are named as specific exemptions. The supposed conditions listed by PDNPA contain little which is not included in legislation and the ACU's Standing Regulations for motor vehicle trials.
- Exemption conditions could significantly increase use of Washgate by trials - We have not found any evidence that the Dave Rowland and Northern Experts Trials have used Washgate within the last 15 years. Including them in the exemption could, if they chose to relocate to the Washgate area, result in an increase in both the number of days motorcycle trials use Washgate and the number of vehicles involved. Both increases would be detrimental to the environment and other users.
- The Draft Conditions allow for any trial named in the Exemption to have up to 180 participants. Potentially the number of vehicles in the Trials could be 720 if all four trials were named in the proposed exemption and all had the maximum number of entrants. Have used PDNPA logging date from October 2015 to January 2016 (a period with no trials) for the comparisons below: 720

motorcycles is equivalent to 81 days of “normal” weekend use by motorcycles. The number of entrants in the Bemrose and Reliance Cup Trials in 2016 was 242. This is equivalent to 27 weekend days of “normal” motor cycle use. Even use by the Bemrose and Reliance Cup Trials at current numbers would be allowing a significant volume of use by motorcycles.

- The average number of participants for the last five years for the Bemrose and Reliance Cup Trials (the two trials that have used Washgate regularly) were 112 and 113 respectively. The Draft Conditions would allow the number of participants in each trial to increase by potentially 60%. Believe such an increase would be unacceptable and detrimental to the environment. Do not think it is reasonable to assume that the number of entrants will remain unchanged. It is likely that the number could increase if motorcyclists believed that participating in a trial would give them the opportunity to ride Washgate.
- Adverse Impacts on the River Environment - understand that the two trials currently using Washgate carry out an observed section in the River Dove. Concerned that this use of the river will have an impact on the erosion of the river banks where motorcycles enter and leave the river; disturb vegetation on the banks and in the river; and may be detrimental to the re-colonisation of the River Dove by native White Clawed Crayfish downstream. White Clawed Crayfish are on the list of UKBAP species for which PDNPA is taking action. (See <http://www.peakdistrict.gov.uk/looking-after/biodiversity/action-for-wildlife/action-for-species>).

The 2014 survey referred to in the Appendix also found bullheads in the River Dove (a type of fish) downstream of Washgate. Although not on the UKBAP list, they are important to the National Park. Believe that the use of the River Dove for a section would only need the agreement of the riparian landowner(s) and that PDNPA might be unable to impose conditions to protect the River Dove from this observed section because it is on private land. The only way open to PDNPA to protect the River Dove in the vicinity of Washgate could be to not allow any trials to use the route.

- Adverse Impacts on the Surface of the Route – The whole of the Staffordshire side of the route is in a very poor state of repair. There are deep wheel ruts in the soft ground in the initial section from Tenterhill, and muddy patches extend across the whole width of the track in places. The steeply descending track to the river is eroded down to bedrock, with steps and loose boulders. Only fragments of the historic setts remain. Both sections are unpleasant to use. The second is also dangerous, especially for horse riders. Once a TRO is introduced their condition could be improved considerably and relatively easily, by filling in the ruts; draining the upper section; and by removing loose stone from the bedrock. This good work would be undone however if trials were allowed to continue.
- Future flexibility - Using a specific exemption for named trials does not allow for flexibility if circumstances change in the future.
- Balance of “cultural heritage” and environmental impact - Recreational motor vehicle users believe that trials are part of their “cultural heritage”. Accept that the four named trials have been running in the Peak District (but only two of them with recent evidence of use of Washgate) for many years. The term “historic motor vehicle trial” means that the trial has been running for many years, not necessarily that vintage vehicles are used. In addition the types of manoeuvre performed on the observed sections are more extreme than those seen in normal recreational use. In impact therefore an historic trial can look and sound like “extreme off-roading”. We are not, in principle, against trials, provided it can be demonstrated that the environmental impact is small and adequately managed. We have concluded that, on balance, the adverse environmental impacts outweigh the “cultural heritage” arguments on Washgate.
- Other comments forming part of our consultation response - Although not part of this consultation, have considered whether would support the continued use of Washgate by motorcycle trials if PDNPA decided to manage it by granting written permission under clause 4 (f) of the previous Draft Order. Think this might give PDNPA more control over the conditions imposed but still do not support this because of the environmental impact on the route and River Dove as detailed above.
- Would like to record our continued support for the proposed Traffic Regulation Order on Washgate which was detailed in the earlier Regulation 7 consultation and whose Draft Order was presented to the ARP committee in September 2016. Reasons for this support are given in responses to the Regulation 4 consultation and the earlier Regulation 7 consultation.

- Recommend a modification of the Draft Order referred to above to allow residential access to Leycote via Booth Farm (but not via Tenterhill). Access via Booth Farm only will allow all types of vehicles to reach Leycote but will protect the banks of the River Dove from damage caused by vehicles trying to access Leycote via Tenterhill and crossing the River Dove at the "ford".
- Information on motorcycle trials history of use of Washgate - Have been told that the Bemrose and Reliance Cup Trials have each used Washgate once every year for many years. An earlier document (<https://democracy.peakdistrict.gov.uk/documents/s12998/Appendix%2013.pdf>) said that the Dave Rowland Trial last used Washgate 15 years ago and implied that the Northern Experts Trial used it in 2016. The latter trial was held on 12 November 2016 and did not use Washgate. A local resident cannot remember the Northern Experts Trial using Washgate in the last 30 years. Any motor vehicle trial held on a highway or highways within a National Park is required to consult the NPA as the planning authority before the trial. Whilst we would not expect PDNPA's document retention policy to keep documents for 30 years, we would expect PDNPA to be able to say which of the trials have consulted and used Washgate in recent years.
- Activities of the Bemrose and Reliance Cup Trials on or near Washgate - The Bemrose and Reliance Cup Trials use Washgate both for competitors travelling from Booth Farm to Tenterhill and for observed sections. The Bemrose Trial has one observed section and the Reliance Cup two in the Washgate area. One of the Reliance Cup's observed sections involves the River Dove. Suspect that their second observed section on Washgate involves the steps on the Staffordshire side. A photograph from Trials Guru dated 21 March 2016 at <https://trialsguru.wordpress.com/2016/03/21/derbyshire-under-threat/> (which showed the Reliance Cup Trial in 2013) was of a motor cycle driving in a direction downstream of the ford i.e. not crossing the river directly at the ford. We believe this to be a photograph of the observed section involving the River Dove. We suspect that the Bemrose Trial also uses the River Dove in a similar way for its observed section. It is likely that any activity by motorcycles in the river will cause some damage to the banks and disturb vegetation and wild life on the banks and in the river.
- Crayfish and the River Dove - A survey of the River Dove between Hollinsclough and Beresford Dale for White Clawed Crayfish a protected, native species threatened by introduced Signal Crayfish was carried out in 2014 and reported by Natural England in 2015. There were signs of recolonisation by the native crayfish after plagues killed them in 2005 and 2008. The confluence of the River Dove and Swallow Brook (about 2 km downstream from Washgate bridge) was reported to have high potential suitability for these crayfish. Believe best practice to protect crayfish is to avoid damage to the river banks; not disturb the river bed; avoid stirring up silt, prevent transfer of eggs from foreign crayfish and avoid contamination from the fungal spores that are fatal to White Clawed Crayfish. Do not have the expertise to assess whether this use of the River Dove by the motorcycle trials is acceptable in terms of its environmental impact on any White Clawed Crayfish downstream. But would expect PDNPA to include information on such an assessment in its report to Members. PDNPA can only regulate activities on private land through its planning policies. If the continued use of the River Dove by the trials has an unacceptable impact on the river ecology, PDNPA should not allow any trials to use Washgate (in order to protect the environment). Think it unlikely that PDNPA would be able to negotiate with the trials organisers a condition that there is no entry into the river and entrants use the packhorse bridge to cross the river. Do not believe that such a condition would be enforceable if PDNPA used the proposed exemption.
- Number of entrants to the motorcycle trials - The proposed draft conditions specifies a maximum of 180 entrants for any trial. This figure comes from the Motor Vehicles (Competition and Trials) Regulations 1969. In 2011 the Bemrose Trial had 182 entries (2 greater than legal maximum). See <http://www.trialscentral.com/news-archive/mike-rapley-trials-columns/12248-bemrose-loses-its-blossom> for the problems experienced that year.

Association of Peak Trail Riders - object to the proposed Traffic Regulation Order on the route known as Washgate. The following objections are put forward using our long experience as motorcycle trail riders in the area. Cannot comment on other mechanically propelled vehicles and their suitability for this route. The reasons for this objection are as follows:

- There is no evidence that the presence of a small number of motorcycle trail bikes briefly present and in transit along the route have a detrimental effect on the scenic quality, relative wildness, natural or cultural heritage of the route. In fact as motorcycles have been using all unclassified roads in the area for over 100 years they are part of the cultural heritage of the area.
- There is no evidence that the presence of motorcycle trail bikes impede on the opportunity to enjoy tranquillity and quiet enjoyment by other users on the route as they are required by law to be properly silenced in accordance with construction and use regulations. As the route is technically challenging it requires great finesse in terms of throttle control and balance and is impossible to traverse above about 5mph. In any case the number of motorcycles using the route a few and far between (5.7 per day in 2015) and as the route is only short any effect is very transitory.
- Particularly since the width restriction of 1.5 metres was introduced can see no evidence of walls being damaged, historic stone pitching or drainage suffering for motorcycle use. Motorcycle trail bikes have little to no impact as they have to be lightweight to control. Any damage to pitching or drainage is due to heavy water downpours that regularly affect the route, along with frost damage and poorly maintained drainage. The adjacent walls are in poor repair to such an extent that they are falling down. Sheep, deer and heavy weather over time are all helping to push over these walls.
- The route is very adequately wide all along and therefore does not need widening. Therefore there is no threat to the 'species rich verges' that 'provide a wildlife corridor'. If the route had been widened in places as claimed then why are those species still there today? During the summer months the verges are heavily and lushly vegetated, the 'wildlife corridor' firmly intact and unaffected.
- 'Conflict with other users'. Not aware of any conflict with other users as sited in 'Appendix 5-Washgate-Special Qualities'. Please provide independent evidence or police reports. It would also be useful to have the dates on which these incidences occurred.
- 'Opportunities to experience dark skies'. Due to the technically challenging terrain along the Washgate route and the width restriction in place effectively limiting it to trail bikes it would be impossible to traverse it on one during the night. Motorcycle trail bikes are notorious for their poor headlights and it is our educated opinion that night riding does not take place for those reasons. Attempting it would result in serious injury.
- In closing the beautiful and iconic route to motorcycles the PDNPA is once again damaging local trail riding businesses and associated support businesses such as B&Bs cafés pubs etc. This TRO will further damaged motorcycle tourism coming to the area and continue to destroy the already very limited access available.
- To conclude 1200 individual members and 55 local businesses lodge our formal objection to this action. Believe many of the reasons put forward to support the closure are subjective and unproven. Challenge the PDNPA to provide independent evidence to support their claims. Clear that the PDNPA is not showing balance and fairness in this regard.

Reasons for the objection to the modification to the proposed TRO on Washgate

- By allowing motorcycle trials events to take place on Washgate lane annually, the Peak District National Park Authority is accepting that motorcycles are acceptable on the route, have no physical, environmental impact on the route and no conflict is caused with other users by motorcycles. Therefore no TRO banning any motorcycle makes sense.
- Restricting legal use to annual 'trials events' clearly discriminates against trail riders. Why?
- Please provide detailed reasons why trials bikes are acceptable but trail bikes are unacceptable. Tell us what differentiates the two categories of motorcycle?

Manchester 17 MCC - fully support the proposal and accept the conditions to exempt the named four motorcycle trials events. Like to record our appreciation of your willingness to seek a compromise solution rather than to simply impose a total ban of all motorised activities. Naturally road riding trail riders are still concerned that they will not be able to continue to access Washgate for their recreational use of the area.

- Do accept that in the locality there have been a few motorised users that we would rather not acknowledge as being motorcyclists in the broadest of terms, they are typical of and reflect the sad state of some people in society, but motorcyclists have always played our positive part in the wider community. Appreciate the qualities of the countryside, respect the local farming, residential and commercial communities and want to be accepted and play our part as good neighbours.
- Please also give an exemption to permit the continued use of the route by solo motorcyclists. As previously stated in original submission my Members obey all of the regulations applicable to such use and endeavour at all times to act in a courteous manner having due cognisance to the environment and fellow alternative user groups.
- Please also bear in mind that my Members are always willing to assist with voluntary repairs and maintenance of the route plus involvement in raising funds as might be appropriate to offset financial matters related to this and similar routes.
- Do hope that we can find a way in the near future to come closer together to secure a continued open and more productive working relationship with both the PDNPA and the other user groups within our collective Peak District National Park.

Other Organisations

Northern British Bike Pre-1965 trials Championship – as one of the co-ordinators of the Reliance Cup Trial the amount of work we undertake to staging this classic event, your help and intervention has saved us a tremendous amount of effort in finding an alternative route, for this we are incredibly grateful. A large proportion of the land that we use is owned by Lord Derby and have supplied them with a Risk Assessment outlining the responsibilities that we undertake as co-ordinators, with this in mind confirm that for our event the section at Washgate will be manned by two Marshals and also have on hand a travelling Marshal whose main responsibility is to follow the last competitor around the course. Working alongside the Marshals at Washgate the travelling Marshal will ensure that all section markings, flags and directional arrows have been removed and that the area is left in a clean and safe condition. Our events are very much a pop up formula and our competitors will only be in the area for 90 minutes or so, therefore would hope that the small disturbance would not have a detrimental or lasting effect to other users. The date we have on our calendar for the Reliance Cup Trial for 2017 is Sunday 4th June and the entry is limited to 120 riders.

West Yorkshire Lane Riders - wish to object to the proposed TRO of Washgate. Co-run a responsible motorcycle trail riding group and have been using the lane for many years now. Washgate is a vital link for the seamless route we use. The countryside is for all users, be that walkers, cyclists, horse riders and of course trail bike riders. Have had enough closures over the years (including the NERC act) and it's hard enough to find legal lanes now without another closure. Why should a lane be closed to just one user group? Trail riders bring thousands of pounds into the local economy via biking days/weekends. Know of a number of businesses that have been hit due to the reduction of users over the last couple of years. As a group, we're going to the Isle of Man for a long weekend soon and I estimate that between us, will spend £15,000. This sort of money could be spent in the Peak District and just think how many businesses could be affected if this valuable revenue stream is lost. I know all the arguments the anti's make. Damage to land, noise pollution etc. Let me address these. If a motorbike is older than 3 years, then it HAS to have an MOT. All bikes that go through an MOT have to conform to noise levels. Quite simply, all legal trail bikes have passed these noise controls. As for damage, I've seen more damage by horses and ramblers. The significant majority of the damage to trails is by weathering. Erosion has an ugly side to our landscape and we simply cannot place the blame of this at trail bikes. Farm vehicles (tractors) do more damage to the land than anything else. Naturally, there are 4 x 4 vehicles that are classed as "off-roaders". As far as I'm concerned, I'd like to take this out of the equation regarding trail bikes, as a motorbike is totally different to a 4 wheeled vehicle. There are many responsible groups and riders out there. Closing lanes could have an adverse effect on the countryside, as people just might decide to ride these lanes anyway. Do not agree with this at all, but all people want to do is ride

legally. It's far easier to "police" legal riders than those that decide to take the law into their own hands. It's enough of an issue as it is, without some being forced down this route. So, would request that there is no TRO for Washgate and that we may continue to use this legal lane for many years to come. Please note that West Yorkshire Lane Riders have just raised £14,561 for Yorkshire Air Ambulance - this is just some of the things a responsible group can do.

Yorkshire Classic Motor Cycle Club – wish to object to the proposal to ban motorcycling on Washgate on the following grounds:

- Unnecessary Restrictions.- A lesser restriction would still achieve the aims put forward in the statement of reasons. An overly restrictive option will needlessly deprive motorcyclists visiting the National Park of the full available benefits of recreational motorcycling
- Unfair - Washgate has been used by motorcyclists for over a century so the proposal is still unfair and unacceptable to motorcyclists, who are equally entitled to responsible use of Washgate along with horses, cyclists and walkers. The vast majority of damage to Washgate was caused by four wheel drive vehicles struggling to maintain grip on the uneven and steep sections of the route. Allowing four motor cycle trials per year is not sufficient to properly maintain a motorcycle heritage on Washgate. The PDNPA are not securing a successful or reasonable compromise.
- Does not satisfy National Park objectives - Believe that the majority of the public are not anti-motorcycling. It is rare in our experience to come across other users of Washgate or similar byways taking exception to our presence. Treat walkers and horse riders with great respect and receive equal respect in return from the majority. There is significant scope to meet National Park purposes by letting the public know about the traditional pastime of motorcycling on Washgate and other green roads. Motorcycles and motorcycling are very popular. The proposal would diminish the heritage of the park.
- As a motorcycling trials orientated club, appreciate the Committee being minded to allow the four trials per year to use Washgate as that would be much preferred to total closure. However as our members also enjoy non competitive recreational riding, feel our first objective must be to prevent the total closure of Washgate and any other Byways.

Yorkshire Dales Green Lanes Alliance - would like to comment on the proposed additional exemption from its knowledge of how a similar exemption has worked in two of the ten TROs made by Yorkshire Dales National Park Authority in 2008.

- In the case of the TRO on Carlton-Middleham High Moor route, Carlton Town Parish Council wanted recreational motor vehicles restricted but that the annual Gerald Simpson Memorial Trial run by Richmond Motor Club should be allowed to continue. When Yorkshire Dales NPA reviewed its TROs in 2013, the Wensleydale branch of CPRE commented that the exemption for this motorcycle trial "can be tolerated as it does little damage to the track surface, but it does serve to highlight the tranquillity that exists and is very much appreciated at all other times".
- Yorkshire Dales NPA made a similar exemption for the Allan Jefferies Trial organised by Bradford and District Motor Club to use Mastiles Lane to access motorcycle trial areas on an annual basis. However it appears from the annual green lanes management reports produced by the NPA that this trial has not used Mastiles Lane since the TRO was made in 2008, but has used other green lanes. This may be because land accessed from Mastiles Lane is no longer available for motorcycle trials due to planning restrictions.
- Most use of land in the Yorkshire Dales NPA by these two motorcycle trials appears to be of private land; green lanes are used only to travel between such land or to access such land. The green lanes which are used therefore change dependent on the availability of private land. The 'cultural heritage' and the benefits for local communities are attributable to the trial itself, not to its use of any particular green lane. In the case of Washgate, its cultural heritage as a pack horse route (the bridge and the stone pitching) is older than its heritage use by motorcycle trials. It is not clear to us how much of the motor vehicle damage to the stone pitching is attributable to the trials and how much to motorcycle use on other days of the year.
- Think that the exemption 4f in the original draft TRO, allowing mechanically propelled vehicle use of Washgate with the prior written permission of the Authority, would give your Authority sufficient flexibility to allow motorcycle trials on Washgate, in liaison with the Auto Cycle Union

(the body authorising and governing motorcycle trials), whilst taking into account your assessment of the potential for damage to the environment of Washgate, your overall policies affecting motor vehicle trials, and the possibility that trials routes may change to omit Washgate in the future if land availability changes. Because you already have exemption 4f in the draft TRO (unlike Yorkshire Dales NPA), we think it is unnecessary to include a further exemption for named trials.