

## Wetton – Summary of Regulation 4 Consultation Responses

### **Wetton Parish Council –**

- Recognise that there are arguments for closing this green lane to any recreational motorised vehicle – or at least to 4x4's. But also concerned that – the more that access to green lanes is restricted – the more that undoubted problems become concentrated on the remaining locations.
- Restriction should be for the purpose of minimising impact on ground conditions, and the associated environmental damage.
- A traffic regulation order should be made which closes this green lane to all recreational motorised vehicles other than during those months of the year where least damage would be likely to be done to the ground.
- Do not feel able to be specific as to the months in which this green lane would be closed to all recreational motorised vehicles, do not think this should be confined to winter months – but should be sufficient to allow time for the ground to recover and to allow for spring growth. A closed period from the start of October to the end of May is one such possibility.

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

- The route in Wetton Parish is 1,420 metres long. It runs along the north-western and western edges of Wetton Hill, from Manor House to a point on the minor road through the Manifold Valley a short way below Wettonmill. Its legal status is a Non-Classified Highway. It links directly to Non Classified Highway cul-de-sac route to Top of Ecton northwards, the southern end links to Manifold Way NCH which is subject to an all vehicle TRO. It follows a shallow dip between Wetton Hill and the slope below the Sugar Loaf on the other side.
- The whole route lies within Access land (being the largest area in the White Peak), and the Hamps and Manifold Valleys SSSI. Continued use by vehicles can be expected to deepen and extend the existing rutting and damage to the track surface as well as encourage spread to the adjacent strip, causing further damage to the grassland in the SSSI.
- The Green Lanes Sub-group first surveyed the route and met in November 2014. The Sub-group expressed their concern about the state of the route, and that opportunity exists to take action before the route further deteriorates, but that action needs to be taken urgently. It concluded then that:
  - The National Park Authority should approach the National Trust and Peak Park Conservation Volunteers (PPCV), with a view to carrying out minor repair works on rutted sections, infilling with appropriate stone materials. (We heard on the site visit that a meeting had taken place between Peak District NPA and National Trust staff, but no work had been carried out).
  - Escalate the monitoring of this route to ensure it does not deteriorate further and that if deterioration continues, actions should be escalated. (We heard on site that monitoring of usage had continued, but was low overall in the case of both 4WD's and Motor Cycles. Nevertheless, the effects on the ground were clear with an increased amount and depth of ruts since the visit in 2014, and some members have mentioned it is worse still in winter).
- Key findings and conclusions were:
  - The damage and rutting has deteriorated significantly since our 2014 visit with deeper and more extensive ruts - we suggested this could be demonstrated by photos taken then and since. There is a metalled surface at either end, but the substantial length of the route is grass and unrestricted vehicular use is not considered sustainable.
  - It was noted that Voluntary Constraint had been tried but had not been effective given low usage numbers and that this would not be appropriate in future given low numbers and that not all users respect these initiatives. A TRO would not affect recreational vehicle activity significantly in the wider Peak.
  - There is no likelihood of Staffordshire County Council as Highway Authority doing a review of status so use by vehicles is likely to continue to be a problem.

- We considered that the solution to the current issues needed to be considered in relation to the wider National Park issues to safeguard the landscape, the SSSI and the tranquility of the Access land - the largest area in the White Peak area.
- One member thought a downwards one-way TRO restriction might be the answer but colleagues thought this would not be sufficient.
- Recommendation: We share the National Park Authority's concern about the impacts recreational motor vehicles are having on this route in a tranquil area enjoyed for walking, horse riding and cycling. Our agreed approach was to recommend a TRO for all vehicles with the exception of land management and farm usage, and use by emergency services or by any local authority or statutory undertakers in pursuance of their statutory powers and duties.
- This response now follows the 14th July findings and recommendation above and subsequent consultation with all Peak District LAF members on a Draft response, and 8 of 19 current members who responded supported the recommendation.
- A minority response from Richard Entwistle and Clare Griffin is attached.
  - Referring to the 2nd and 3rd paragraph would like to use the following Staffordshire CC's official description of the lane; The route in question falls within the remit of Staffordshire County Council. An extract of their description is NSG Class 0.5-100K: Back of Ecton, Maintenance Responsibility SCC (Highways) Maintenance Category No maintenance; Class Description Green Lane
  - The route is in a fairly narrow steep sided valley, where the sides are mainly covered in soft vegetation, not bare rock. The noise footprint of any motorised vehicle is contained within this small area, with any noise being dampened by the natural soft vegetation. These natural characteristics of the route mean that vehicular noise cannot be considered as harmful to the quality of the area.
  - No other RoW shares the valley, the only intercepting RoW is Wetton 20, a bridleway coming from Wetton Mill and Farm. The land contours are such that this bridleway comes through a valley or pass of its own, which effectively shields most of the bridleway from any noise on the Wetton route under consideration. Close by is Wetton 40, a footpath, but this joins the tarmac road in front on Manor Farm (D1133), so is not on the route in question (G1133).
  - The Wetton route is without width limiting walls, hedges, or fences, so there is plenty of space for users to pass by without constraint.
  - The Wetton route is generally straight, with easy curves; there are no sharp bends around which travellers can suddenly appear.
  - The Wetton route is gated at both ends, so there is no risk of vehicles inadvertently carrying excessive speed from a sealed surface road onto the Green Road.
  - Referring to JT's paragraph 3 I propose these comments. A road or byway can go through or over a SSSI, but it is not a part of the SSSI itself, and wear and tear to the road isn't damaging the SSSI. Concern about the continued use by vehicles deepening and extending the rutting is exaggerated. There's no evidence of any off-piste driving on the Wetton NCH, which is noted in PDNPA's report and any increase in the depth of existing ruts can be attributed mainly to water run-off. In fact comparing the 2014 and 2017 photographs a notable difference is the vegetation growing in the ruts.
  - Referring to JT's bullet points. 1st point - One rut in particular has become deeper since the 2014 visit, but passes close to a ponding area where the adjacent stream goes underground and is easily avoided by users.
  - 2nd point - Voluntary Restraint did reduce vehicles usage, but volumes are so low as to make any attempt at statistical analysis meaningless. Actual levels of vehicular use are recorded by PDNPA as follows:-  
Apr/May 2014: Average 0.05 cars per day, average 0.01 motor cycles per day;  
Aug/Nov 2015: Average 0.3 cars per day, average 0.8 motor cycles per day;  
Jan/Mar 2016: Average 0.05 cars per day, average 0.7 motor cycles per day VR in place.  
Mar/Apr 2016: Average 0.02 cars per day, average 0.3 motor cycles per day VR in place  
Oct/Mar 2017: Average 0.05 cars per day, average 1.17 motor cycles per day.
  - 4th point - Staffordshire CC's description of the lane says there is not a problem of safeguarding the landscape, the SSSI or the tranquillity

- 5th point - PDNPA members are unlikely to be deflected from their intention to apply TRO and any suggestion that involves management or is seasonal or temporal will fall on deaf ears. Over the years GLASS has advised using this lane downhill (southwards). Nevertheless, for the sake of applying a permanent TRO to minimise any potential damage by vehicles this could be
- one-way restriction, downhill (southwards) or closed to motorised or horse drawn vehicles between 1st October and 30th April annually.
- 6th point - Recommendation - see point 5 above. Also obtain an expert's assessment about following up the 2014 proposal to effect repairs to the route using volunteer labour.

**Open Spaces Society** - support the proposed traffic regulation order.

**Ramblers' Association** – support the proposed traffic regulation order.

**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.

- Wetton is a delightful grassy unclassified unsurfaced lane joining Leek Road in the south with the tarmacked cul-de-sac at Manor House. This narrow dry limestone valley lies within the Natural zone, is tranquil, has an exuberance of wild flowers in the grassland and offers a link with many other walks that circumnavigate Wetton Hill, including the Manifold Way. It is a key route within and for exploring the Hamps and Manifold Valleys SSSI and Peak District Dales SAC, designated for its ecology and geology. This area of the SSSI is in favourable condition at present.
- The route is a priority route within the PDNPA's Priority Routes Action Plan (2017-18); the impacts of use by the predominant traffic (motorcycles) are well-worn earth ruts evident particularly in the middle section of the lane and even during dry weather use (site visit 27th June 2017). In order to address the issues on the lane voluntary restraint by motor vehicle users (MVUs) has been tried through the winter months between January and April 2016 but during this period the condition of the route deteriorated. As damage is evident throughout the year the PDNPA should make a pre-emptive permanent TRO banning all MVUs to prevent any further damage as it did on Derby Lane, another grass lane. The damage that can be seen on Minninglow Lane/Gallowlow Lane provides convincing evidence of the deterioration that can quickly occur if MVUs continue to use a vulnerable green lane.
- 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.
- A major concern on Wetton is the potential for damage to the route and surrounding species-rich grassland. A permanent TRO would prevent further and future damage to Wetton (thus meeting grounds (b) and (f)), and facilitate the use of the route by horses, pedestrians and invalid carriages which would be hindered if the surface was to deteriorate (ground (c)). Allowing limited use of the route by MVUs would, given the topography and the grass surface of Wetton, continue to inflict damage.

- Wetton demonstrates several of the eight special qualities that underpin the National Park's designation including 'beautiful views created by contrasting landscapes and dramatic geology; internationally important and locally distinctive habitats and species; undeveloped places of tranquillity and dark night skies within reach of millions; landscapes that tell a story of people and industry since prehistoric times; an inspiring space for escape, adventure, exploring and quiet reflection'. The presence of recreational motorised vehicles within the valley are detrimental to all these special qualities. A permanent restriction should remove vehicles that are unsuitable given the character of the route (ground (d)), which would deliver enhancement to the natural beauty of the National Park and afford better public enjoyment of the amenity of the area (ground (h)).
- Given its compliance with six of the eight grounds for serving a permanent TRO banning all MVUs on Wetton throughout the year, believe the Authority should progress this option as a preventative measure.

### **Peak and Derbyshire Vehicles User Group**

- The route is a non-classified highway, which from a cursory examination of the ground at a number of points along its length appears to be a stone surfaced or bed rock route, which has become covered by earth to a depth of about 9 to 12 inches or so, through low levels of usage and the effects of weather and terrain.
- Your Conservation Report states that "most of the route has a soft surface that is muddy in many places and has been rutted by the passage of vehicles" but this is because, lying along the bottom of a steep sided grassy valley, the route is typical of one situated within this kind of topology where earth and soil have been washed down over decades to become overgrown with grass coupled with the obvious fact that the line of the route provides natural drainage for the valley.
- From the Authority's own assessment of the route and its inclusion in the list of priority routes, the stated objectives are to: Promote responsible use; Encourage voluntary action; Improve amenity and safety for route users; Improve condition of route; Maintain character of the route; Protect the environment of the area; Prevent deviation from the route.
- Agree that responsible use is essential and the minimal observed levels of deviation onto surrounding land suggests this is currently the case. Furthermore, in the Sustainability Analysis, it was shown that there have been few or no complaints by other users or the land owner about recreational vehicle users.
- Your aim to encourage voluntary action and to improve amenity and safety is commendable. Agree that restraint by all users is desirable during the winter period to protect the route at its most vulnerable, when all users except walkers should avoid the route. Given its 'soft surface' the route is likely to suffer from any form of usage beyond light footfall, and therefore, it is appropriate to restrict horse drawn carriages, horse riding and cycling during the same period. Limited use by the 'heavier' users would go a long way to meeting your objectives of improving the condition of the route and maintaining its character.
- The route passes through a SSSI but being a public highway, by definition, the line of the route lies outside the SSSI. Although the line of route is now lost under the action of soil accretion, there is no evidence of damage to the SSSI from any substantial deviation.
- The land owner for this route is the National Trust and the organisation locally is not noted for its care of SSSIs adjacent to rights of way. By way of example, a bridleway between Hayfield and the top of Jacob's Ladder into Edale runs through the Dark Peak SSSI but that did not stop the National Trust venturing off that route.
- Fortunately, the Wetton route has escaped this mistreatment both from the land owner and from recreational vehicle users. However, your Conservation Report states that "Continued use by vehicles can be expected to deepen and extend the existing rutting and damage to the track surface as well as encourage spread to the adjacent strip, causing further damage to the grassland in the SSSI".
- In fact, there is no recorded 'damage' to the grassland in the SSSI other than your observation in that the rutting "has encouraged walkers, cyclists and motor cyclists to pass this section to the side thus widening the effective width of the track by about 1 m on each

side. A short way to the south is a 30m section passing over bedrock that is exposed, showing 4 rock steps and a deep hole in one rut."

- Happily, your recent Conservation Report states that "No vehicle or motor cycle tracks were visible away from the line of the route, except at the northern end where a side-track curls round the N side of Wetton Hill. Vehicle tracks here may have been made by farm vehicles."
- The fact is that the route has no defined width and hence, without removing the top soil to expose the original stony surface of the route, it is impossible to state whether any widening has occurred. The 'bedrock' referred to appears to be the original surface of the highway from the time before vehicle users were attracted to the other local roads after they became surfaced with tarmac from about the mid-1950s.
- It is suggested in the Sustainability Analysis that "a small amount of traffic could have a major impact upon the route" but this only conjecture and your own evidence shows that this has not been found to be the case. Over two periods totalling 20 weeks, your logging data indicates the recorded usage levels as being less than two 4x4s per week and around 4 motorcycles per week during the summer and autumn periods without any form of restriction.
- The submission to this consultation from the Green Lane Association (GLASS) makes detailed reference to the Special Qualities of the Peak District and explains how continued use by the occasional recreation vehicle would have little or no impact on these qualities. Wish to endorse those comments and ask that the conclusions drawn by GLASS be read together with this submission.
- Recognise that the action of weather and time has changed the visual appearance of this route to one which now is barely indistinguishable from the surrounding grass covered valley sides. As a result, it would be in the interests of the ambience of the locality for there to be user restrictions during periods of prolonged inclement weather.
- However, it is not necessary to implement a Traffic Regulation Order, with the incumbent administrative overhead and cost. Instead, recommend periods of voluntary restraint to be implemented in conjunction with the Peak Park Authority to protect the route when weather conditions may leave the current surface vulnerable to user damage. These periods could be brought into play at any time of year and their existence notified to the user community of each recreational activity through social media and the Authority's own website.
- Your logging data over a 10 weeks during a previous period of voluntary restraint indicates a clear observance of the restriction by vehicle users and commend to you this method of route protection to be employed on a long term basis.

**Trail Riders Fellowship** - a national organisation which operates to conserve green roads and the heritage of trail motorcycling. Membership of c.4700 members comprises approximately a quarter of all trail motorcyclists in England and Wales. Consider the number of trail motorcyclists to be approximately 18k – 20k, an estimate which is based on DVLA data as to the numbers of trail type motorcycles in common use that are taxed. Organisation and membership have a strong conservation ethos. Regularly undertake projects to conserve and enhance green roads for the benefit of all sustainable users. Our work in educating riders has achieved considerable success in encouraging least impact riding and consideration for other road users.

- Value the green roads in Peak District National Park (PDNP) as a public asset with many benefits which includes a unique motorcycling heritage of international importance. Trail motorcycling was established in PDNP prior to WW1 and comprises an element of the heritage benefit. TRF considers the cultural heritage of trail motorcycling to be a Special Quality of PDNP.
- The character of the PDNP's green roads have long comprised physical features associated with responsible trail motorcycling. Those physical features maintain PDNP green roads character and are thus essential to maintain their long established Natural Beauty as carriageways.
- Responsible motorcycle activity has been shown to have a beneficial effect on Wildlife. The maintenance of light rutting, that is sometimes associated with motorcycle use, is consistent with rutting associated with historic horse drawn vehicle use of carriageways. The presence of rutting provides a localised environment which contributes to biodiversity. Motorcycle traffic

is also an important vector of seeds. For example, *Chirocephalus Diaphanous* and *Cicendia Filiformis* benefit from the disturbance ecology associated with responsible trail motorcycling.

- Access to green roads is also an asset which can be used to address irresponsible motorcycling. By regulating the access and confining its availability to reputable organisations such as TRF and ACU, riders are required to engage with their peers to enjoy TRF/ACU supervised access which is subject to conditions.
- Regulation 4 proposals - The consultation letter does not set out a TRO proposal. Are left to speculate as to what the Authority is proposing and why it is being proposed. Note that the TRO process has been commenced in consequence of the Authority approving a Green Lane Action Plan. TRF was not consulted with regard to the action plans and is disappointed that the Authority has departed from its policy commitments.
- The consultation letter provides links to documents on the Authorities' website. The route action plan presents alleged issues and identifies route objectives. Assume that these comprise the Authorities reasoning for the consultation and directs a response to the headings:
- Issues - People: user conflict – recreational value for all users - with respect to responsible motorcycle use by TRF members, not aware of any meaningful conflict associated with such use on this route. Acknowledge that a relatively small proportion of persons (not necessarily actual users of this road or area) dislike the fact that motorcycles have long exercised their entitlement to use this road. However, that ideological conflict does not of itself present a real-world detriment to others ability to enjoy their entitlement to use the road or benefit from amenities.
- Accept that irresponsible motorcycle use would be detrimental to other users. The reported level of motorcycle use presents a very low likelihood of other users encountering motorcyclists on the road. Recently reviewed on-board video footage taken from one of members trail motorcycling of 114 miles of PDNP green road. 214 other users were encountered of which some 57 (26.6%) were cordial encounters and 157 (73.4%) were neutral. No encounters were disapproving or confrontational. Whilst this is a small sample, it does demonstrate that a proportion of other users derive some benefit of encountering responsible motorcyclists. Urge the PDNPA to exercise caution with respect to the anti-public access industries' exaggerated assertions in respect of user conflict.
- The Route: Route condition – rutted - TRF members amenity is suffering detriment as a result of four wheeled vehicle rutting to this road. The rutting is considered to be the product of four wheeled vehicle use in wet conditions. This may be a result of private (agricultural/access) use, or recreational 4x4. The presence of deep four wheeled vehicle ruts has the effect of exacerbating the relatively low impact of motorcycle use. This is because the motorcyclist becomes confined to the area between four wheeled vehicle ruts or has to deviate to avoid them. This exacerbation of motorcycle impact can result in a third rut between four wheeled vehicle ruts – caused by the motorcyclist being confined to taking one line, which concentrates impact. Deviation ruts are caused by similar confinement of the line available to motorcyclists – the rider will tend to endeavour to limit deviation and stay close to the defined way. By minimising deviation, use is concentrated on the established line of least diversion. The more skilled and competent trail motorcyclist will impart less impact on the road than a novice rider. Knowledge as to correct set-up for the bike will also have a significant bearing on impact. Motorcycle impact in the wetter months can be reduced by measures to provide peer supervision of novice riders. Bike set up includes tyre choice and pressures, suspension settings, power settings and gearing. Modern machines offer much more adjustability than older models, and therefore have greater scope to reduce impact.
- The Area: SSSI and Natural Zone - note that Natural England rate the SSSI condition as "favourable" (the best possible rating) with "no identified threat" in respect of the parcels of land through which the road passes. Natural England assessment and survey of the SSSI records no concerns with respect to condition of the road or vehicle impacts.
- Sustainability Analysis (2013) - consider that the model used for sustainability analysis is fundamentally flawed and prone to fettering the discretion of decision makers by way of exaggeration/fabrication of negative impacts within the context of policy that infers a duty to impose TRO's. The sustainability score is based on a framework of five headings where the

scores are 1 – 3 with 1 being the lowest possible. The lowest possible overall score is therefore 5. The overall scores are not presented to committee with the full context of the framework. The sustainability score for the road is 7/15. In the absence of a framework to explain the score, the inference is one of the road being unsustainable. This contrasts with the findings that only 2 headings secured a positive score for a degree of sustainability concern.

- The first score is for “conservation”, on the basis that the road crosses an SSSI. This of itself is not a “sustainability” issue in the sense that it is inherently negative to MPV use of the road being unsustainable. The impact of a class of traffic is not amplified by its travelling on a road that is within a SSSI. The mass of a 4x4/tractor is not proportional to the number of layers of protective land designations. Given that the SSSI is considered to be in “favourable” condition with “no identified threat”, the “conservation” score of 2 does little to advance the case for regulating MPV.
- The second score is for “Character”, which is posed with the leading question of “is the character of the road being damaged by vehicular use”. The approach used is one that operates to fetter the exercise to produce a result that is prone to being negative in respect of MPV, whilst failing to comprehend duties to have regard to National Park Purposes. The “Character” of a green road may well be dependent on physical evidence of the passing of vehicles. Indeed, this is what one would expect to find on a carriageway – just as one would expect to find hoofprints on a bridlepath or footprints on a footpath. The score is 2 and a note recorded that the highway may be affected. The score does little to aid in answering questions of sustainability and completely fails to address the question of whether the presence of physical evidence of vehicle passage is beneficial to maintaining the roads historic “Character” as a carriageway. Indeed, it may be the case that an unintelligent TRO which prohibits responsible motorcycle use would have a detrimental effect on the character of the road, together with National Park Purposes.
- Priority Route - have concerns as to the mechanisms by which this road became a Priority Route and is presented as such. Notwithstanding those concerns, this is a road which would benefit, and would have benefitted, from timely intervention to improve its management. Disappointed that this road is belatedly being dealt with as a priority in circumstances where the Authority could have readily secured TRF support for intelligent intervention some years ago.
- Voluntary Restraint - note that a Voluntary Restraint is recorded as being imposed from December 2015 to May 2016. TRF was not consulted with respect to this VR and is unaware of whether it was extended to include an unnecessary restraint of motorcycle traffic - the issue at hand is essentially a matter of road surface impact arising from four wheeled vehicle traffic.
- Objectives - contend that PDNPA’s objectives can be readily met in the presence of responsible motorcycle use. Aware that GLASS have offered a solution to address the issues of 4x4 use, and is supportive of the GLASS approach in respect of 4x4.
- The consultation proposal, such as it is, is confined to the possibility of a TRO affecting recreational MPV. With respect, this demonstrates a narrow approach that excludes consideration of the possibility that non-recreational MPV may be responsible for detriment associated with four wheeled vehicular use of the road. The route objectives may not be achieved in the absence of the Authority having regard to such relevant matters.
- Improving management of the road - concerned by evidence that the current management of the road is exacerbating burdens associated with MPV use whilst failing to realise the benefits which advance National Park Purposes.
- The flawed sustainability analysis is symptomatic of an approach that first sees all MPV use as a problem requiring prohibition as a solution and then works backwards from there to provide a process to deliver the desired outcome.
- This approach has needlessly exacerbated avoidable conflict between users, whilst also failing to promote all parties understanding and enjoyment of the special qualities of green roads and the especially rich cultural heritage of motorcycling on the same.
- The main, tangible, issue at hand is one of ruts cause by four wheeled vehicle use. This issue could have been readily dealt with some years ago by accepting offers of GLASS

assistance to repair the road. Note that GLASS support seasonal/wet weather restriction of 4x4. The Authority is being gifted with support for a solution to achieve its stated objective.

- With respect to maintaining responsible motorcycle use, this will continue to facilitate the advancement of National Park Purposes, maintenance of Cultural Heritage, and scope for pulling riders under the TRF/ACU umbrella.
- TRF is not persuaded that the case has been made to restrict motorcycle use of this road. TRF accepts that irresponsible motorcycle use would be detrimental to the road. However, there is little recorded motorcycle use overall. Should the Authority desire to address irresponsible use, TRF suggest that a motorcycle prohibition be made which provides an exemption for use which is subject of prior written permission by the Authority, TRF, or ACU. In the event that any of those three parties consider the road conditions have become too fragile to sustain responsible motorcycle use, they can liaise with each other to agree a withholding of authorisations. The Authority would ultimately retain the option of being able to impose a temporary TRO on top of any existing Order. Those that contravene a supported TRO can be subjected to ACU/TRF sanctions in respect of access to TRF/ACU events and/or revocation of ACU/TRF membership.
- The option of pushing motorcycle access under the umbrella of regulation by TRF/ACU would have the benefit of a network effect of encouraging more riders to join TRF/ACU and so be exposed to improved education and self-regulation.
- TRF considers that a process which confines considerations to “recreational MPV” is inherently deficient. A TRO that did not provide for barriers to control 4x4 access would also be flawed. The consultation should consider all forms of vehicle, including horse drawn vehicles. Taking account of all relevant considerations would allow for a decision on whether to use barriers to enforce a prospective TRO. Barriers can be used which are in keeping with the countryside. For example, the appearance of metal barriers can be improved with wooden cladding.
- A width based TRO would work well when combined with an exemption that allowed for horse drawn vehicles to use the road with prior written permission of the Authority. Barriers could then be used which are secured by combination locks. The codes can be issued to those with access privileges.
- There is opportunity to secure some repairs to the road before Autumn, utilising practical and financial support from GLASS and TRF, whilst this TRO process is underway. Should the Authority be successful in advancing National Park Purposes by effecting such repairs in conjunction with TRF/GLASS, would be supportive of the use of a temporary TRO to prohibit use by all vehicles to allow the repairs to settle and vegetation to establish. The temporary TRO should be lifted in late Spring 2018.

**Peak and Northern Footpaths Society** – support the proposed traffic regulation order.

**Peak Horsepower** – a Bridleway Group affiliated to the British Horse Society with over 300 individual members and all bridleway groups and riding clubs in the Peak District are affiliated to us (Dark Peak Bridleway Group, Hope Valley Riding Club, Hallam Riding Club, Ashover Riders, MADBAG, SPEED and the recently formed Tameside Riders). We work for safe riding routes in the Peak District National Park.

- All motor vehicle traffic (other than for farm and emergency vehicle access) should be permanently prohibited from using the Wetton route 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 does not have a TRO.
- Believe that a number of the legal grounds on which PDNPA can make a TRO apply to Wetton:
- **TRO on safety grounds** 'for avoiding danger to persons or other traffic using the road or any other road, or for preventing the likelihood of such danger arising'. - There is already danger to horses caused by three sections of deep motor vehicle ruts on the route. Ruts put riders and their horses at risk as horses can easily trip and fall in them, particularly if they are frightened by trail bikes and try to whip round. Most horses are frightened by the sound of



revving trail bike engines. Increased and regular use of Wetton by recreational motor vehicles will produce parallel sets of deep ruts right across the width of the route, as has happened elsewhere on riding routes in the National Park. 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. The grounds for making a TRO to prevent the likelihood of danger therefore apply.

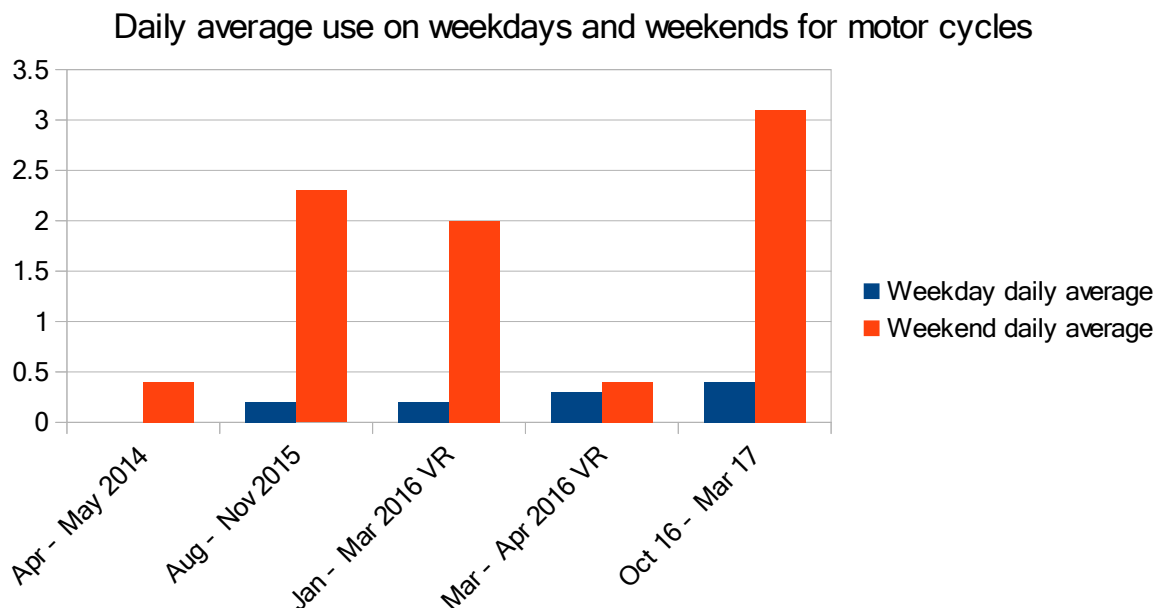
- TRO on grounds of 'preventing damage to the road' - For its whole length, the surface of this route used to be undamaged grassland prior to motor vehicle use. It is abundantly clear from what has happened to similar routes in the National Park that should there be any growth in recreational motor vehicles use of Wetton, the grass surface of the route will be even further damaged. We are referring here to the damage to Beeston Tor, Minninglow and 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 proceed with a TRO on Wetton on the grounds of 'preventing damage to the road' in order to protect the grass surface from further 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** - This applies to Wetton. Until mpv use started, the route was pristine, no ruts, grassy all the way. The soft surface makes it inherently unsuitable for mpvs. The character of the Wetton valley 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 the Wetton route will be destroyed if motor vehicles are free to use it. Urge PDNPA to cite 'preventing use by vehicular traffic of a 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. - This also applies. 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 (<http://www.derbyshire.gov.uk/leisure/countryside/access/improvements/default.asp?VD=RO> WIP ). 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. Wetton is one of the few non-classified highways in the Peak Park which until recently still had 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 we believe there is a strong case for a TRO on Wetton on the grounds that it is particularly suitable for persons on horseback.
- For preserving or improving the amenities of the area - Have explained why Wetton 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 is frequently 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 or removed. 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 is one of the most 'special' places, a tranquil and beautiful valley. Its flora, fauna and geological and physiographical features need to be protected and preserved. 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. Therefore support the making of a TRO on Wetton on the grounds of conserving and enhancing the

natural beauty of the area. The whole route is within the Hamps and Manifold Valley SSSI, a designation which gives the whole area a degree of special importance. 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 of green lanes by recreational motor vehicles. The route and the quiet grassy limestone valley it goes through are part of the fabric of the National Park and its landscape heritage. It is part of PDNPA's statutory duty to protect it. Evidence from other routes with a similar character which are or have been used by recreational motor vehicles is that the natural beauty of the area which the route passes through will be increasingly compromised if motor vehicles are allowed to continue to use it. PDNPA should use 'conserving the natural beauty of the area' as one of the grounds for TRO on the route .

**Peak District Green Lanes Alliance** – Recommend that PDNPA impose a full permanent Traffic Regulation Order (TRO) on the whole route known as Wetton banning all recreational motor vehicle users from the route at all times. Exemptions for the emergency services, land management and invalid carriages should be included in the TRO. Do not believe that alternative approaches should be adopted.

- Have given reasons in our submission why believe a pre-emptive TRO is needed. Wetton is a particularly fine example of a genuinely green lane in a beautiful limestone dale. It is tranquil and an asset to all non vehicle users. However the surface is being damaged by vehicle use and its condition has deteriorated over recent years. A pre-emptive TRO is needed to allow it to return and remain in its former pristine condition. Although PDNPA needs to consider the management of each route individually, believe that the problems and potential problems on Wetton are very similar to those on Derby Lane, Monyash where PDNPA decided that a pre-emptive TRO was needed and justified.
- Status of the route - The route is currently shown as an ORPA on OS Maps and is on Staffordshire County Council's List of Streets.
- Hamps and Manifold Valleys SSSI - The route track is within the Hamps and Manifold Valley SSSI. The citation can be seen at <https://necmsi.esdm.co.uk/PDFsForWeb/Citation/1002911.pdf> The SSSI has both geological and biological interest. The units in the vicinity of the Wetton route are 004, 012, 015 and 016 which are a mixture of earth heritage (limestone scenery) and calcareous grassland. All were in a favourable condition when they were assessed by Natural England in 2008-2012. See <https://designatedsites.naturalengland.org.uk/SiteUnitList.aspx?SiteCode=S1002911&SiteName=hamps%20and%20manifold%20valleys&countyCode=&responsiblePerson=&unitId=&SeaArea=&IFCAArea=>. SSSI sites have been identified as areas of national importance. PDNPA needs to ensure that this "favourable condition" continues and needs to protect this route from deterioration. Have noticed a deterioration in the surface condition of the track since started monitoring it in November 2011 when it was pristine with no signs of vehicle use. The rutting and widening of the track in the vulnerable middle section (particularly noticed at a visit in January 2013) if allowed to continue could be detrimental to the quality of the calcareous grassland. Each winter the ruts get deeper.
- The route is also part of the Natural Zone and is on National Trust land.
- Special qualities of the National Park - PDNPA has identified the special qualities of the National Park. These may be modified following a separate ongoing consultation, but the relevant current ones appear to be:
  - Natural beauty, natural heritage, landscape character and landscapes - The dry, limestone valley (although the OS map shows a stream down the valley, the writer has never seen a stream there) is a fine example of the many Peak District limestone valleys in the White Peak which no longer contain running water. The valley gives continually unfolding views of the valley bottom and the enclosing hillsides when travelling along it. The character changes from grassland in a relatively open valley to woodland in an enclosed valley when travelling from Manor House towards the Manifold Way. The inclusion in the Natural Zone and classification as a SSSI reflects the importance of this "seemingly untouched landscape."

- Importance of wildlife and the area's unique biodiversity - The area surrounding the route is part of the SSSI because of the flora associated with calcareous limestone. PDNPA's conservation report of 2015 (Appendix 1 in its Route Summary Report) indicates that a section of the track has been widened, by about a metre on each side, by non-motorised users and motor cyclists avoiding the wet ruts in that section. Share PDNPA's concern that continued use by motor vehicles is likely to lead to further widening and consequent damage to the protected grassland flora.
- Thousands of years of human influence which can be traced through the landscape - Nowhere in the Peak District National Park is free from human influence, even though the landscape may appear entirely natural. Around the route itself, sheep grazing will have cleared much of the shrub from the hill sides and will have influenced the plants that grow in the area. The Back of Ecton area (which the lane leads to at the Manor House end) is now a quiet backwater of the National Park. The Ecton area was once part of an active copper mining area. The Wetton route joins the Manifold Way which was the Leek and Manifold Light Railway line built in the early part of the twentieth century to carry milk from the farms and transport passengers to the small villages and beauty spots in the Manifold Valley. Much of the old railway line in the Manifold Valley is now itself protected by a TRO and is a traffic free route for walkers, cyclists and horse riders for much of its length. Therefore the route and its adjoining connections gives an opportunity to explore and experience part of the history of the area.
- Opportunities to experience tranquillity and quiet enjoyment - The track is far from busy main roads and traffic noise. The valley is not one where you might expect to hear and see recreational motor vehicles. The route therefore provides opportunities for quiet enjoyment and the appreciation of natural beauty.
- Opportunities for outdoor recreation and adventure - The route is used by walkers, cyclists and horse riders as well as recreational motor vehicle users. At the Manor House end it links to two footpaths going to Wetton village and towards Alstonefield parish. The quiet minor road going north from Manor House is suitable for horse riders and cyclists and there are a number of footpaths going off that road for walkers to use. At the southern end, the route joins the Manifold Way which southwards provides traffic free progress down the valley alongside the River Hamps to the A523 (in Waterhouses Parish) Northwards, the Manifold Way follows a minor "yellow road" for a couple of miles before becoming traffic free to Hulme End. A bridleway goes off the route in a westerly direction to join a minor road. So the Wetton track provides an important link for walkers, cyclists and horse riders. A small amount of unofficial free parking at the southern end which can be accessed by motorists from Wetton village or Butterton, means that the route can be used by those with limited walking ability as it is relatively flat and stiles can be avoided. If protected by a TRO it could be promoted as a traffic free route as part of PDNPA's "Miles without Stiles" initiative.
- Opportunities to improve physical and emotional well-being - Overall the other special qualities considered above also contribute to improving physical and emotional well-being.
- Use of the route - Besides use by walkers, cyclists, horse riders, and recreational motor vehicle users, there is also probably some farm use. How the route links into the network of other rights of way, the Manifold Way and minor roads has already been described when considering the special qualities of the National Park.
- PDNPA logging data shows that the majority of vehicle use is by motor cycles (except during 2014 when motor cyclists were in the minority during the logging period.) In the most recent logging period (October 2016 to March 2017) 96% of the vehicle use was by motor cycles. As might be expected, the majority of vehicle use is at weekends.



- Note: VR is short for voluntary restraint which started on 1 January 2016 and lasted until the end of April 2016. Have analysed the PDNPA logging data. Use of the route by motor cycles is increasing. It is difficult to draw conclusions about large vehicle use (4 x4s) as the numbers involved are low and are unable to distinguish between land management and recreational vehicle use. However, it is likely that all the motor cycle use is associated with recreational use.
- Are concerned that the damage seen every year since January 2013 on this grassy, unsurfaced route is associated with a relatively low level of vehicle use – mainly motor cycles. The fact that use by motor vehicles is low but the degree of damage is already high indicates the extreme vulnerability of the surface. If motor cycle use continues then damage will increase on the vulnerable, middle, grassy section. The worst case scenario would be that the route deteriorates as badly as Minninglow Lane and Moscar Cross Road have done. (Both these PDNPA Priority Routes have similar soft, grassy surfaces making them vulnerable to damage.) Believe that a case can be made for a pre-emptive TRO to protect the route from further damage and to preserve the natural beauty.
- 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” - The noise made by revving motorcycle engines frightens some horses. Vehicle ruts create a trip hazard for horses in the summer particularly when the ruts are hard and maybe concealed by long grass. In winter they can lead to tendon injuries.
  - Road Traffic Regulation Act 1984 Section 1 (b) - for preventing damage to the road or to any building on or near the road - We have seen rutting and water logging on the vulnerable, middle, grassy section of the route every winter from January 2013 onwards. 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 on this and other similar routes. There are few “green lanes” within the National Park which are still wholly or largely unsurfaced and where the lane is grass-covered. In this case the surface was grassy throughout in November 2011 when we started monitoring its condition. Believe that it is important to protect these grassed routes before they become damaged.

Similar examples we have personally seen damaged by recreational motor vehicle use are: Minninglow Lane / Gallowlow Lane which remains damaged all the year and is impassable to many users in the winter because of the water filled ruts; 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 Beeston Tor Farm southwards towards Throwley Cottage in Waterhouses parish; and Moscar Cross Road in the winter months every year. On Minninglow Lane and Moscar Cross Road, in places the ruts extend across the whole available width of the route making it difficult for non vehicle users to use the route. Believe that the problems on these routes are sufficient to justify pre-emptive TROs on the grounds of preventing damage on the road.

Although damage is most visible during the winter months, unless the route is repaired during the summer, the ruts remain and can be just as dangerous to walkers, cyclists and horse riders as they are during the winter. (see photograph 8 Appendix 1)

- 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 part of the route known as Wetton is unsuitable for use by vehicular traffic.

Increased use is likely to change the character of the route especially over the middle section.

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 - have already described how Wetton is part of a network of routes around Wetton Hill area, the Back of Ecton and the Manifold Way suitable for use by walkers and horse riders.

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 Wetton.) A grassy route is particularly valuable as it allows horses to be ridden beyond a walk or trot. Horses need to exercise at all paces.

- 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.

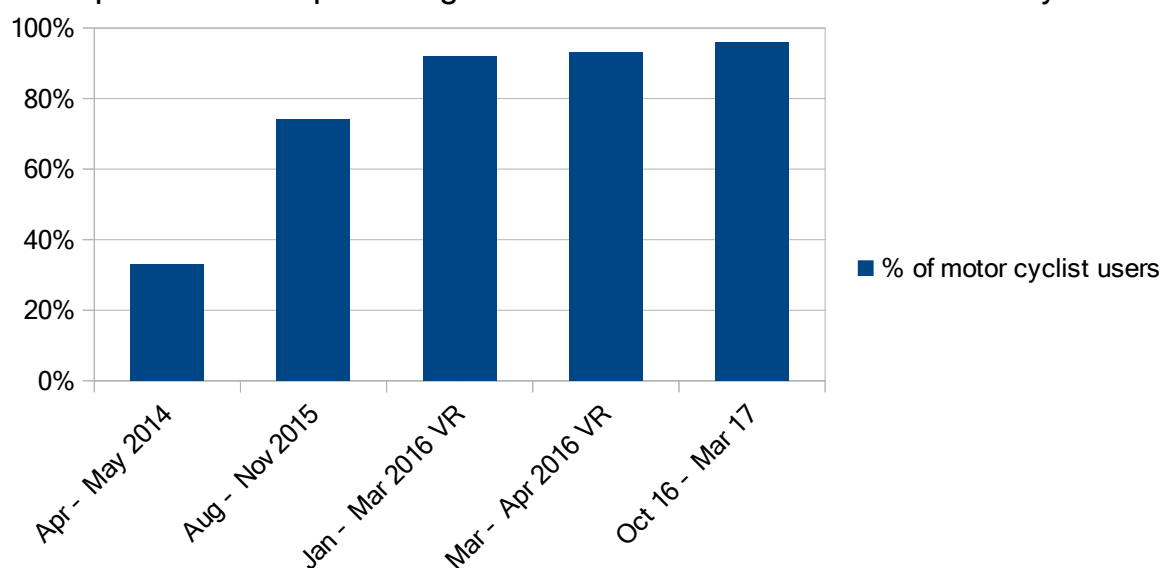
The qualities listed in the DEFRA guidance are so similar to the Special Qualities of the National Park described that we would refer the reader to that section rather than re-iterating the information given again.

- Other Options Other than a Full TRO - have considered other possible options for managing recreational motor vehicle use on Wetton and have briefly given reasons why believe they would be inadequate.
- Partial Traffic Regulation Orders by class of user or width
  - 4x4s, being heavier cause more damage on soft ground and thus encourage other users to deviate from the established track leading to braiding of the surface.
  - Motorcycles however 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 be similar. 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.

- The Trail Riders Fellowship (TRF) often argues that any damage to the surface of a route is caused by 4 x 4 users and/or land management rather than motor cyclists. So TRO's should not ban motor cyclists from a route. However, the graph below shows that the majority of vehicle use at Wetton is associated with motor cycles. Because of the way PDNPA publishes its data, it is impossible to distinguish between land management use by 4 x 4s and recreational motor vehicle use by 4 x 4s. A solution that banned only recreational 4 x 4s from the route would not prevent non vehicle users' enjoyment of the route being affected by encountering recreational motor vehicles. It would not protect the route from damage as only a small number of 4 x 4s would be banned and the majority of the recreational vehicle use would continue.

Graph to show the percentage of motor vehicle users that are motor cyclists



- 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 as climate change leads to wetter summers. 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 and other users. We do not believe a TRO applying at weekends only would be sufficient because there is some recreational motor vehicle use during the week.
- 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.
- 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.”

- Our experience of voluntary restraint on The Roych, Minninglow Lane and Wetton itself in the winter of 2015/2016 (all in the Peak District National Park) shows the following defects with Voluntary restraint:
  - It is instigated by recreational motor vehicle users. This winter (2016/2017) the TRF declined to take part in the voluntary restraint on Minninglow Lane making it potentially less effective as all publicity is generated by motor vehicle user groups and not PDNPA.
  - There is no certainty that recreational motor vehicle users would offer voluntary restraint in the future as their understanding is that it is meant to deal with immediate surface conditions – not be a pre-emptive measure to prevent future damage.
  - Voluntary restraint does not consider amenity issues or whether the route remains suitable for use by non vehicular users.
  - There have never been any published criteria for judging the success of voluntary restraint in the PDNP. If the criteria for success is that other users can continue to use the route all the year round, then it has been a failure on Minninglow Lane for the past two winters. If the criteria for success is a reduction in vehicle use, then the logging carried out by PDNPA is insufficient to determine whether this is the case as there is no comparable data for the same season in previous years with no voluntary restraint to act as baseline data; logging is not continuous during the period of voluntary restraint or even for the whole of the period of voluntary restraint so it is impossible to evaluate it properly.
  - Past experience on both Wetton and Minninglow Lane suggests that the voluntary restraint starts too late. Our members walked Wetton in December 2015 before the voluntary restraint had started and damage and water logging in the ruts was apparent then. Past seasonal voluntary restraints have started in mid December or on 1 January when winter damage has already occurred. To be effective it should start on 1 October. However, even if the voluntary restraint started earlier, do not believe it is the best solution for Wetton for the other reasons outlined in this section.
  - The logging data available for Wetton in 2015/2016 showed that for the first 10 weeks of voluntary restraint, it had little impact on the average number of motor cyclists using the route each day at weekends compared with logging for August to November 2015. Vehicle use only fell towards the end of the period of voluntary restraint.
  - There was a deterioration in the condition of the Wetton route during the period of voluntary restraint.
- Therefore we would not advocate a voluntary agreement on Wetton as its success has not been demonstrated on routes in the PDNP where it has been tried in the past.
- A Permit System - A permit system would cause additional administration for PDNPA. 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 - It is likely that the only vehicle users (other than the farmer and the National Trust landowner) are recreational motor vehicle users. Because of the relative isolation of Back of Ecton and Top of Ecton and the fact that there is only one tarmac road to Manor House one needs to consider an alternative route from SK 101587 to SK098557. This would be provided by the minor road going down the Manifold Valley. It would provide a different experience for the driver as the alternative route is a valley route along a narrow tarmac road rather than a narrow tarmac road gaining 100 metres of height before descending to Manor House and then down the route known as Wetton to SK098557. Both options have attractive scenery, but the alternative route offers no off tarmac driving experience. 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** – a national membership organisation and a company limited by guarantee, dedicated to protecting and preserving our national heritage of ancient green roads. Represents over 1500 individual members in England and Wales, as well as around 4700 members of affiliated clubs. Owns Trailwise, a national catalogue of green roads, and all members sign up to comply with a drivers' code of conduct. Promote sensible driving in the countryside on legal routes, and are opposed to illegal 'off-roading' in any form.

- Understand that the Authority has concerns about the impacts that recreational motorised vehicles may have on the special qualities of the National Park designated because of its natural beauty and the opportunities afforded for open-air recreation by the public as a whole. In relation to this particular route, we understand that the Authority believes there are issues relating to the nature and condition of the route and its environmental sensitivity.
- In response to the numbered questions 2-5 in your letter dated 12th June 2017, wish to offer the following commentary and response:-
- Questions (2) and (5) - Do we think the use of this route by recreational motor vehicles should be restricted in any way? Any evidence to support this view.
- In order to answer these questions, need to review the available evidence and consider how any concerns or problems may arise, and how they can be mitigated or eliminated by such a restriction. Action of this kind to limit users' rights must be evidence-based, not founded on prejudice or orchestrated campaigns against a particular set of users:
- The evidence in your Route Summary Report dated May 2017 clearly indicates:- there have been "few or no" complaints about vehicular use conflicting with other users; the route showed little or no physical damage as at 2013; the route crosses or abuts a SSSI, but is not itself a SSSI; a small amount of traffic could have a major impact on the route (assume this implies that excessive MPV use in wet conditions could cause rutting and visual wheel tracks which may be considered unsightly and affect the character and amenity of the route); the free passage of non-motorised users is not being affected, or only affected in a minor way.
- Your own 'Conservation Report' dated February and May 2015 indicates: the track itself and a strip on each side (the only parts used by traffic) comprise "semi-improved grassland"; it is away from the track on the slopes of Wetton Hill and opposite that items of ecological interest are found; the slopes (away from the track) contain high quality grassland and a number of botanical species; the whole route lies within a SSSI [though note that the highway is not a SSSI itself]; no vehicle tracks were visible away from the line of the route, except where farm vehicles would have been expected; the route was soft and muddy in places [the inspections were presumably in wet periods] and has been rutted by the passage of vehicles; walkers, cyclists and motor cycles have deviated up to 1 metre from the track itself onto the side strips to avoid the rutted sections; in one section the bedrock is exposed and a deep hole formed in one rut; the route is not a separate heritage asset in its own right, but there are features adjoining the route.
- The LAF report recommended that minor repairs should be done to prevent deterioration, by filling in of ruts with stone using volunteer labour. This has not been carried out, despite GLASS and PDVUG regularly offering to provide volunteers for such work.
- The LAF report also said under 'long term management options': "Seems some way off justifying TRO approach at this stage, but depends on further information, consultation, usage details and logging".
- GLASS have visited the site in July 2017, and the track was dry along its whole length. Rutting was still present as described in the 2015 report, with no apparent degradation. Photographs are attached of the rutted sections. There is no evidence of 'off-piste' use by vehicles.
- Actual levels of vehicular use are recorded by PDNPA as follows:-  
Apr/May 2014: Average 0.05 cars per day, average 0.01 motor cycles per day;  
Aug/Nov 2015: Average 0.3 cars per day, average 0.8 motor cycles per day;  
Jan/Mar 2016: Average 0.05 cars per day, average 0.7 motor cycles per day VR in place  
Mar/Apr 2016: Average 0.02 cars per day, average 0.3 motor cycles per day VR in place  
Oct/Mar 2017: Average 0.05 cars per day, average 1.17 motor cycles per day.



- Clearly therefore, the actual use in a week (unrestricted) is typically less than one 4x4 and between one and eight motor cycles per week. In practice therefore walkers or other non-vehicle users will hardly ever see or hear a motor vehicle of any variety on the route.
- As there is clearly no impact on the SSSI, and the route is clearly sustainable for the expected level of traffic (at least in dry weather), and no complaints or conflict are recorded, there is little evidential justification for any form of legal usage restriction.
- Other aspects of the 'special qualities' of the Peak District National Park have also been considered, such as wildness, tranquillity, and natural beauty, as well as amenity of all users. For indicators of likely impacts on these note:
  - i). The route is in a steep sided 'green' valley, where the sides are mainly covered in soft vegetation, not bare rock. The noise footprint of any motorised vehicle is contained within this small area, with noise being dampened by the soft vegetation and scrub. These characteristics of the route mean that vehicular noise cannot be considered as harmful to the tranquillity or wildness of the area, bearing in mind that farm vehicles are also expected.
  - ii) No other RoW shares the valley, the only intercepting RoW is Wetton 20, a bridleway coming from Wetton Mill and Farm. The land contours are such that this bridleway comes through a valley or pass of its own, which effectively shields most of the bridleway from any noise or visual impact from MPVs using the Wetton route under consideration. Close by is Wetton 40, a footpath, but this joins the tarmac road in front on Manor Farm (D1133), so is not on the route in question (G1133).
  - iii) The Wetton route is without width limiting walls, hedges, or fences, so there is plenty of space for users to pass by without constraint or danger.
  - iv) The Wetton route is generally straight, with easy curves; there are no sharp bends around which vehicles can suddenly appear in an unsafe way.
  - v) The Wetton route is gated at both ends, so there is no risk of vehicles inadvertently carrying excessive speed from a sealed surface road onto the Green Road.
  - vi) The recently launched "South Peak Loop" for horses (and now also used by mountain bikers) bypasses this Wetton route, and uses a completely different route e.g. alongside the Manifold on the UCR/NCH between Wettonmill and Hulme End, so few (if any) equestrians are likely to use the Wetton route. Indeed our members tell us they have never seen horses on this route, so little or no disturbance of horses and riders is likely to occur in practice.
  - vii) Land Rover type vehicles, quad bikes and trail bikes are used by many farmers and land owners in this and other similar areas, so 'sensible' use of such vehicles can hardly be detrimental to 'wildness' or any other special qualities. GLASS and TRF members and affiliated clubs have codes of conduct which require low speeds and courtesy to other users, avoidance of use in bad weather, and shutting of gates etc.
- The Authority's Route Action Plan states their objectives to be: Promote responsible use; Encourage voluntary action; Improve amenity and safety for route users. Therefore propose:
- The evidence on this route does not justify a full Traffic Regulation Order (TRO) to exclude MPVs, as that would be disproportionate and illogical. GLASS and our associates would very strongly challenge any such TRO if proposed by PDNPA.
- From the facts discussed above (most of which are from PDNPA documents), only the physical and visual condition of the route is of any significant concern to other users and the LAF, and maintenance is largely the domain of the Highway Authority.
- It may be arguable therefore, that the rutting of the track (that occurs in wet weather due to the lack of natural drainage) may be perceived to detract from the natural beauty of the area and could, if it deteriorates further, adversely affect the amenity and enjoyment of other users.
- GLASS would – in view of the specific circumstances of this case - be prepared to support a proportionate seasonal TRO along the lines of that set out below.
- Questions (3) and (4) - If believe that use should be restricted by a traffic regulation order: the type of use, the extent in terms of length width and direction, the duration or period of any restriction, any alternative means of management if not a TRO.
- Over the last 20 years there has been a steady trend away from 'all motors' permanent prohibition of driving orders on green roads, towards limited and problem-specific orders,

which aim not to restrict lawful traffic more than is essential. Examples of these are in Kent (various), Northamptonshire (various) and Cumbria (e.g. Rusland Pool).

- In this case, a proportionate order might include provision for a seasonal restriction, prohibiting all, or heavier, vehicles in winter months (on the basis that these are wettest). This could be enforced by locking the gates at each end of the route (gates already exist) and appropriate statutory signs. If no exception is made for motor cycles, this restriction should also apply to horses and horse drawn vehicles. A 'horse gap' or gate could be added if horses and/or motorcycles are to be excepted, and local residents or farmers could be given a key for access.
- Would suggest a period of restriction from 1st October to 30th April annually, as practised in other areas of the country.
- As a further option, would support a "wet weather restriction" as recently agreed for a green road in Kent, similar to the following: Closed to motor vehicles and horse drawn vehicles between 1st October and 30th April annually, and at additional times in the event of heavy rainfall, in response to a Meteorological Office 'amber weather warning' for rain, but for no longer than 5 working days after expiry of any particular amber warning.
- In each case the gate at each end of the route could be locked/unlocked at the appropriate times by PDNPA's area ranger or ROW officer. Would be pleased to make arrangements with the Authority for a Representative of GLASS to implement the wet weather closures in the event that PDNPA resource isn't available.
- Other innovative and proportionate TROs are used in (for example) Kent, Isle of Man, and the Lake District, which involve permit schemes. Would be prepared to discuss such a scheme with the Authority in the event that you consider this appropriate. Would be happy to discuss providing a suitable resource for managing permits on a 'members only' basis if that would be of assistance.
- Attached case study has come to light which highlights the useful role that vehicle disturbance plays in encouraging biodiversity, and the need to prevent overgrowth.
- Please treat this as an appendix to GLASS's response, which itself recommends a continuation of vehicle use (i.e. normal sporadic use by 4x4s and motorcycles as monitored in previous years) but only at dry times of the year.
- Pleased to note that TRF's recent response also supports GLASS's proposals. Would suggest that a solution which suits all MPV user groups and can therefore be supported by LARA, GLASS and TRF at a national level would be a win-win situation for the achievement of the Authority's stated objectives.